


JUNE

24	25 6:45 pm - Public Hearing Ag District 7:00 pm - Special Council Meeting	26	27	28	29	30
Greg Vacation Week ▶ ▶ ▶ ▶						

July 2018							August ▶
◀ June	Sun	Mon	Tue	Wed	Thu	Fri	Sat
1 Canada Day	2 6:15 pm Technology Committee 7:00 pm City Council	3	4 CITY OFFICES CLOSED 	5	6	7	
8	9 6:15 pm Electric Comm. and BOPA 7:00 pm Water & Sewer Committee 7:30 pm Municipal Properties Committee	10	11	12	13 9:00 am – Healthcare Cost Committee	14	
15	16 6:00 pm Tree Comm. 6:00 pm Parks & Rec Committee 7:00 pm City Council Rox at OMCA Annual	17 4:30 pm Planning Comm. Clerk's Conference	18 at Dublin, OH	19 (15 th – 19 th)	20	21	
22	23 6:30 pm Finance & Budget Committee 7:30 pm Safety & Human Resources Committee	24 4:30 pm Civil Service Commission	25 6:30 pm Parks & Rec Board Mtg.	26	27	28	
29	30 5 th Monday No Scheduled Meetings	31					

Memorandum

:

To: Mayor and Members of City Council
cc: City Manager, Finance Director, City Law Director
From: Roxanne
Regarding: General Information
Date: June 22, 2018

CALENDAR

6:45 PM – SPECIAL COUNCIL MEETING/PUBLIC HEARING

Brad & Laura Hibbard-Application for Placement of Farmland in an Agricultural District

7:00 PM – CITY COUNCIL MEETING

C. APPROVAL of MINUTES:

June 4, 2018 Council Meeting Minutes
June 4, 2018 Public Hearing/NORA
June 4, 2018 Public Hearing/2019 Tax Budget
June 18, 2018 Public Hearing/NORA

E. REPORTS from COUNCIL COMMITTEES

G. INTRODUCTION of NEW ORDINANCES and RESOLUTIONS

1. **Resolution No. 035-18**, a Resolution Authorizing the Expenditure of Funds over Twenty-five Thousand Dollars (\$25,000.00) and Authorizing Entering into a Professional Service Contract with Aerotek, Inc. for the Purpose of Providing Supplemental Services to the City of Napoleon, Ohio Engineering Department; and Declaring an Emergency. (*Suspension Requested*)
2. **Ordinance No. 036-18**, an Ordinance Authorizing the Expenditure of Funds over Twenty-five Thousand Dollars (\$25,000.00) related to the River Bridge and Waterline Extension Project; and Authorizing the City Manager to Enter into a Contract with the Board of Commissioners of Henry County, Ohio; and Declaring an Emergency.

H. SECOND READINGS of ORDINANCES and RESOLUTIONS

1. **Ordinance No. 029-18**, an Ordinance Amending Section 505.14 of the Codified Code to Prohibit Dangerous and Vicious Dogs from being on Sidewalks Used by the General Public; Repealing Certain Sections of Ordinance No. 051-09.
2. **Resolution No. 031-18**, a Resolution Adopting the 2019 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. **Resolution No. 033-18**, a Resolution Authorizing the City Manager to Execute all Documents Necessary to Apply and Accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) Funds for Projects deemed necessary by the City Engineer in the Year 2019.
4. **Ordinance No. 034-18**, an Ordinance to Approve Current April, 2018 Replacement Pages to the Napoleon Codified Ordinances.

I. THIRD READING of ORDINANCES and RESOLUTIONS

1. **Resolution No. 032-18**, a Resolution Authorizing the Establishment of the Napoleon Open Refreshment Area (NORA), making Certain Findings and Determinations and Enacting Regulations with Respect thereto; and Declaring an Emergency.
 - a. a copy of the application is also included.

J. GOOD of the CITY (Discussion/Action):

1. **Discussion/Action:** Approval of Specifications for the Perry Street Bridge Waterline Hanger Support Replacement and Spot Repair.
2. **Discussion/Action:** Application for Agricultural District located in the City of Napoleon applied for by Brad and Laura Hibbard.
3. **Discussion/Action:** Funding Options for Income Tax Refund (Tabled).
4. **Discussion/Action:** on Economic Development.

INFORMATIONAL ITEMS

1. Meetings Canceled:
 - a. Finance and Budget Committee
 - b. Safety and Human Resources Committee
 - c. Civil Service Commission
 - d. Parks and Rec Board
2. Master Plan Update Survey
3. Press Release from Chief O'Brien/*Celebrate Safety this July 4th*
4. OML Member Alert/June 21, 2018

Records Retention - CM-11 - 2 Years

City of Napoleon, Ohio

CITY COUNCIL

SPECIAL MEETING AGENDA


Monday, June 25, 2018 at 6:45 pm

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

A. Public Hearing

1. Application for Placement of Farmland in an Agricultural District by Brad and Laura Hibbard.

B. Adjournment.



Gregory J. Heath
Finance Director/Clerk of Council

NOTICE OF PUBLIC HEARING

Please take notice:

A Public Hearing will be held by the City Council of the City of Napoleon, Ohio in the Council Chambers of the City Building located at 255 West Riverview Avenue on Monday, June 25, 2018 at 6:45 pm to consider the following item:

An application for placement of farmland in an agricultural district (ORC Section 929.02) has been filed by Brad and Laura Hibbard for 27.95 acres in Parcel #27-050014-0000 and 11.07 acres in Parcel #27-059662-0020.

All persons desiring to speak regarding the subject of this notice may appear at the hearing and be heard thereon.

Joseph D. Bialorucki
President
City Council
City of Napoleon, Ohio

If you have questions or concerns regarding this notice, you may contact Mr. Greg Heath, Finance Director/Clerk of Council, City of Napoleon at (419) 599-1235.



City of *NAPOLÉON*, Ohio

255 West Riverview Avenue • P.O. Box 151

Napoleon, Ohio 43545-0151

Phone: (419) 592-4010 • Fax: (419) 599-8393

Web Page: www.napoleonohio.com

Mayor
Jason Maassel

Members of Council
Joseph D. Bialorucki, President
Daniel L. Baer, President Pro-Tem
Travis Sheaffer
Jeff Comadoll
Jeff R. Mires
Lori Siclair
Ken Haase

City Manager
Joel Mazur

Finance Director
Gregory J. Heath

Law Director
Billy D. Harmon

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

June 5, 2018

Brad & Laura Hibbard
2950 Enterprise Avenue
Napoleon, Ohio 43545

Dear Mr. & Mrs. Hibbard:

Please note that the City Council of the City of Napoleon, Ohio, has scheduled a Special Meeting on Monday, June 25, 2018 at 6:45 pm. The purpose of the meeting is to hold a Public Hearing regarding your *Application for Placement of Farmland in an Agricultural District*. A copy of the Public Notice, Meeting Agenda, and Application are enclosed for your review.

If you have any questions or concerns regarding this matter, you may contact me at 419-599-1235.

Sincerely,

Gregory J. Heath
Finance Director/Clerk of Council

GJH:rd
Enclosures
cc: Mayor and City Council

NOTICE OF PUBLIC HEARING

Please take notice:

A Public Hearing will be held by the City Council of the City of Napoleon, Ohio in the Council Chambers of the City Building located at 255 West Riverview Avenue on Monday, June 25, 2018 at 6:45 pm to consider the following item:

An application for placement of farmland in an agricultural district (ORC Section 929.02) has been filed by Brad and Laura Hibbard for 27.95 acres in Parcel #27-050014-0000 and 11.07 acres in Parcel #27-059662-0020.

All persons desiring to speak regarding the subject of this notice may appear at the hearing and be heard thereon.

Joseph D. Bialorucki
President
City Council
City of Napoleon, Ohio

If you have questions or concerns regarding this notice, you may contact Mr. Greg Heath, Finance Director/Clerk of Council, City of Napoleon at (419) 599-1235.

City of Napoleon, Ohio

CITY COUNCIL

SPECIAL MEETING AGENDA

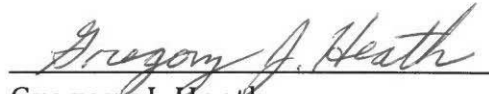
Monday, June 25, 2018 at 6:45 pm

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

A. Public Hearing

1. Application for Placement of Farmland in an Agricultural District by Brad and Laura Hibbard.

B. Adjournment.



Gregory J. Heath
Finance Director/Clerk of Council

**APPLICATION FOR PLACEMENT OF
FARMLAND IN AN AGRICULTURAL DISTRICT
(O.R.C. Section 929.02)**

(See page 4 for General Information regarding this Application)

New Application ☒
Renewal Application ☐

INSTRUCTIONS FOR COMPLETING APPLICATION

Print or type all entries.

- List description of land as shown on the most recent tax statement or statements. Show total number of acres.
- Describe location of property by roads, etc., and taxing district where located.
- State whether any portion of land lies within a municipal corporation.
Note: See "Where to File" on page 4 to be sure that a copy of this Application is also filed with the Clerk of the municipal legislative body as well as the County Auditor.
- A renewal application must be submitted after the first Monday in January and prior to the first Monday in March of the year in which the agricultural district terminates for the land to be continued in this program.
- If the acreage totals 10 acres or more, do not complete Part D.
- If the acreage totals less than 10 acres, complete either D (1) or (2).
- Do not complete page 3. This space to be completed by the County Auditor and/or Clerk of the municipal legislative body.

A. **Owner's Name:**
Brad & Laura Hibbard

Owner's Address:
2950 Enterprise Ave
Napoleon, Oh 43545

Description of Land as Shown on Property Tax Statement:
parcels 27-059662-0020 AND 27-050014-0000
re-plat Mahnke orchards LOT A + LOT B

Location of Property:
Street or Road- 2950 Enterprise Ave, Napoleon, Ohio
County- Henry

TAX DISTRICT(S)	PARCEL NUMBER(S)	# of Acres
Napoleon CORP &	27-050014-0000	27.95
Liberty Township	27-059662-0020	11.07
Total Number of Acres		39.02

B. Does any of the land lie within a municipal corporation limit or subject to pending annexation?
Yes ☒ No ☐

If YES, REMEMBER a copy of this application must be submitted to the Clerk of the municipal legislative body.

C. Is the land presently being taxed at its current agricultural use valuation under Section 5713.31 of the Ohio Revised Code? Yes X No

If NO, complete the following showing how the land was used the past three years:

	<u>ACRES</u>		
	LAST YEAR	TWO YEARS AGO	THREE YEARS AGO
Cropland			
Permanent Pasture used for animal husbandry			
Woodland devoted to commercial timber and nursery stock			
Land Retirement or Conservation Program pursuant to an agreement with a federal agency			
Building areas devoted to agricultural production			
Roads, building areas, and all other areas not used for agricultural production			
Total Acres			

D. Does the land for which the application is being made total 10 acres or more devoted exclusively to agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government?
Yes X No

If NO, complete the following:

1. Attach evidence of the gross income for each of the past 3 years, if the average yearly income from agricultural production was at least twenty-five hundred (\$2,500.00) dollars or more, or
2. If the owner anticipates that the land will produce an annual gross income of twenty-five hundred (\$2,500.00) dollars or more, evidence must be attached showing the anticipated gross income.

Authorization and Declaration

By signing this application I authorize the county auditor or his duly appointed agent to inspect the property described above to verify the accuracy of this application. I declare this application (including accompanying exhibits) has been examined by me and to the best of my knowledge and belief is a true, accurate and correct application. I understand that land removed from this program before the 5-year enrollment period is subject to penalty, in accordance with Section 929.02(D) of the Ohio Revised Code.


Signature of Owner

Date: 5/29/18

DO NOT COMPLETE FOR OFFICIAL USE ONLY

CAUV Application No. 1797

Action of County Auditor

Application Approved ✓ Rejected _____ *

Date Application Filed with County Auditor 5/29/18

Date Filed (if required) with Clerk of Municipal Corporation _____

County Auditor's Signature Kevin Garringer * Date 5/29/18

Date Decision Mailed to Applicant _____ Certified Mail No. _____

Action of Legislative Body of Municipal Corporation

Application Approved _____ Approved with Modifications _____ * Rejected _____ *

Date Application Filed with Clerk _____

Date of Public Hearing _____

Date of Legislative Action _____

Clerk's Signature _____ Date _____

Date Decision Mailed to Applicant _____ Certified Mail No. _____

* IF MODIFIED OR REJECTED, ATTACH SPECIFIC REASONS FOR MODIFICATION OR REJECTION

INFORMATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT

A. WHO MAY FILE?

Any owner of land used for agricultural production may file an application to have the land placed in an agricultural district.

B. WHERE TO FILE

The completed application must be filed with the auditor of the county where the land is located. The applicant will be notified of action taken by the county auditor within 30 days of the filing of the application if the land is not within a municipal corporation or an annexation petition has not been filed. If the land for which an application has been made lies within a municipal corporation limit or if an annexation petition that includes the land has been filed with the Board of County Commissioners under Section 709.02 of the Ohio Revised Code, a copy of the application must also be filed with the Clerk of the legislative body of the municipal corporation. The legislative body is required to conduct a public hearing on the application within 30 days after the application has been filed with the Clerk. Within 30 days of the hearing, the legislative body may approve the application, modify and approve the application as modified, or reject the application.

C. WHEN TO FILE AND RENEWAL

The original application may be filed at any time for placement of land in an agricultural district for a five-year period. If at the end of five years, the owner decides to keep some or all of his or her land in a district, he or she shall submit a renewal application and must meet the same land requirements and use the same application process as the original application. The renewal application may be filed at any time after the first Monday in January and prior to the first Monday in March of the year during which an agricultural district terminates, for a period of time ending on the first Monday in April of the fifth year following the renewal application.

D. WHAT IS "LAND USED FOR AGRICULTURAL PRODUCTION?"

In accordance with Section 929.01(A) of the Revised Code, land is devoted to "agricultural production" when it is used for commercial aquaculture, apiculture, animal husbandry, poultry husbandry; the production for a commercial purpose of field crops, tobacco, fruits, vegetables, timber, nursery stock, ornamental shrubs, ornamental trees; flowers or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth.

"Agricultural production" includes conservation practices provided that the tracts, lots, or parcels of the land or portions thereof that are used for conservation practices comprise not more than twenty-five percent of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed.

"Conservation practices" are practices used to abate soil erosion as required in the management of the farming operation, and include, but are not limited to, the installation, construction, development, planting, or use of grass waterways, terraces, diversions, filter strips, field borders, windbreaks, riparian buffers, wetlands, ponds, and cover crops for that purpose.

E. WHAT DOES "TRACTS, LOTS, OR PARCELS OF LAND" MEAN?

Tracts, lots, or parcels mean distinct portions of pieces of land (not necessarily contiguous) where the title is held by one owner, as listed on the tax list and duplicate of the county, is in agricultural production and conforms with the requirements of either D1, D2, or D3 below.

F. ARE THERE ANY OTHER REQUIREMENTS?

1. The land for which the application is made must have been used exclusively for agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with a federal agency for the three consecutive calendar years prior to the year in which application is made. Evidence must be shown on the application. If the land contains timber which is not being grown for commercial purposes the land on which the timber is growing must be contiguous to or part of a parcel under common ownership that is otherwise devoted exclusively to agricultural use.
2. If the total amount of land for which application is made is less than 10 acres, there is an additional requirement that the applicant submit evidence with his application that the activities conducted on the land have produced an average yearly gross income of at least twenty-five hundred dollars over the three years immediately preceding the year in which application is made or that the land will produce an anticipated annual gross income of that amount.
3. Evidence of annual gross income may be satisfied by attaching to the application form a short statement stating the number of animals by species and anticipated market value, number of acres of crops to be grown, their expected yield and price per bushel or similar specific information.

G. IS THERE A PENALTY FOR EARLY WITHDRAWAL?

Land removed from this program before the 5-year enrollment period is subject to penalty, per Section 929.02(D) of the Ohio Revised Code. See County Auditor's Office for details on how the amount of the withdrawal penalty is determined.

H. APPEAL OF APPLICATION

The applicant may appeal the denial of the application to the court of common pleas of the county in which the application was filed within thirty days of the receipt of the notice denying the application. When the land lies within a municipality the applicant may also appeal a decision to modify or reject an application to the court of common pleas of the county in which the application was filed within thirty days of the receipt of the notice of modification or rejection. In addition, the applicant may withdraw an application modified by a legislative body if he or she disapproves of the modifications.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Brad & Laura Hibbard
2950 Enterprise Avenue
Napoleon, OH 43545



9590 9403 0590 5183 8210 03

2. Article Number (Transfer from service label)

7017 1000 0000 9171 5131

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Nelson Hibbard

☒ Agent
☐ Addressee

B. Received by (Printed Name)

Nelson Hibbard

C. Date of Delivery

6-7-18

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

- | | |
|--|---|
| <input checked="" type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |

City of Napoleon, Ohio

CITY COUNCIL

SPECIAL MEETING AGENDA

Monday, June 25, 2018 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. Approval of Minutes *(in the absence of any objections or corrections, the minutes shall stand approved)*

1. June 4, 2018 Council Meeting Minutes.
2. June 4, 2018 Public Hearing/NORA
3. June 4, 2018 Public Hearing/2019 Tax Budget
4. June 18, 2018 Public Hearing/NORA.

D. Citizen Communication

E. Reports from Council Committees

1. **Electric Committee** met on June 11, 2018 and
 - a. accepted the BOPA recommendation to approve the June 2018 PSCAF as a three month averaged factor \$0.01495, JV2 \$0.033772 and JV5 \$0.033772; and
 - b. tabled discussion on the Efficiency Smart Program.
2. **Water, Sewer, Refuse, Recycling and Litter Committee** met on June 11, 2018 and
 - a. was updated on the status of the Long Term Control Plan,
 - b. heard about the Integrated Plan for the Wastewater Treatment Plant, and
 - c. received updated information on the Refuse and Recycling Programs.
3. **Municipal Properties, Building, Land Use and Economic Committee** met on June 11, 2018 and
 - a. was given an update on the construction project schedule for the remainder of 2018 and projects being considered in 2019,
 - b. was informed that the Master Plan Surveys are out and there is a link on the City website anyone can access to complete the survey.
4. **Parks and Rec Committee** meeting for June 18, 2018 was canceled due to lack of agenda items;
5. **Finance and Budget Committee** did not meet tonight due to the lack of agenda items.
6. **Safety and Human Resources Committee** did not meet tonight due to the lack of agenda items.

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

1. **Records Commission** met on June 12, 2018; and
 - a. approved the schedule numbers and retention periods for the Police Department Records Retention Schedule as requested by Chief Mack.
2. **Board of Zoning Appeals** meeting for June 12, 2018 was canceled due to a lack of agenda items.
3. **Planning Commission** meeting for June 12, 2018 was canceled due to a lack of agenda items.
4. **Tree Commission** did not meet on June 18, 2018 due to a lack of agenda items.

G. Introduction of New Ordinances and Resolutions

1. **Resolution No. 035-18**, a Resolution Authorizing the Expenditure of Funds Over Twenty-Five Thousand Dollars (\$25,000.00) and Authorizing Entering into a Professional Service Contract with Aerotek, Inc. for the Purpose of Providing Supplemental Services to the City of Napoleon, Ohio Engineering Department; and Declaring an Emergency. *(Suspension Requested)*
2. **Ordinance No. 036-18**, an Ordinance Authorizing the Expenditure of Funds Over Twenty-Five Thousand Dollars (\$25,000.00) related to the River Bridge and Waterline Extension Project; and Authorizing the City Manager to Enter into a Contract with the Board of Commissioners of Henry County, Ohio; and Declaring an Emergency.

H. Second Readings of Ordinances and Resolutions

1. **Ordinance No. 029-18**, an Ordinance Amending Section 505.14 of the Codified Code to Prohibit Dangerous and Vicious Dogs from Being on Sidewalks used by the General Public; Repealing Certain Sections of Ordinance No. 051-09.
2. **Resolution No. 031-18**, a Resolution Adopting the 2019 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. **Resolution No. 033-18**, a Resolution Authorizing the City Manager to Execute all Documents Necessary to Apply and Accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvements Program (LTIP) Funds for Projects deemed necessary by the City Engineer in the Year 2019.
4. **Ordinance No. 034-18**, an Ordinance to Approve Current April, 2018 Replacement Pages to the Napoleon Codified Ordinances.

I. Third Readings of Ordinances and Resolutions

1. **Resolution No. 032-18**, a Resolution Authorizing the Establishment of the Napoleon Open Refreshment Area (NORA), Making Certain Findings and Determinations and Enacting Regulations with Respect thereto; and Declaring an Emergency.

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

1. **Discussion/Action**-Approval of Specifications for the Perry Street Bridge Waterline Hanger Support Replacement and Spot Repair.
2. **Discussion/Action**-Application for Agricultural District located in the City of Napoleon applied for by Brad and Laura Hibbard.
3. **Discussion/Action**-Funding Options for Income Tax Refund. (Tabled)
4. **Discussion/Action**-on Economic Development.

K. Executive Session. *(Economic Development)*

L. 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.)*

M. Adjournment.



Gregory J. Heath
Finance Director/Clerk of Council

City of Napoleon, Ohio

CITY COUNCIL

MEETING MINUTES

Monday, June 04, 2018 at 7:00 pm

PRESENT

Councilmembers

Mayor

City Manager

Law Director

Finance Director

Recorder/Records Clerk

City Staff

Others

ABSENT

Call to Order

Approval of Minutes

Citizen Communication

Joseph D. Bialorucki-Council President, Dan Baer-Council President Pro-Tem, Travis Sheaffer, Jeff Comadoll, Jeff Mires, Lori Siclair, Ken Haase

Jason P. Maassel

Joel L. Mazur

Billy D. Harmon

Gregory J. Heath

Roxanne Dietrich

David J. Mack, Chief of Police

Clayton O'Brien, Fire Chief

Dave Pike, WWTP Superintendent

Chad E. Lulfs, Director of Public Works

Lanie Lambert, Human Resources Director

News media; Mike Adams-Petro Truckstop

Council President Bialorucki called the meeting to order at 7:06 pm with the Lord's Prayer followed by the Pledge of Allegiance.

Hearing no objections or corrections, the minutes from the May 21, 2018 Council Meeting stand approved as presented.

Mike Adams from Petro asked if there were any updates on Industrial Drive? Mazur to Lulfs are we on schedule? Lulfs-we are on schedule, I spoke to the contractor and requested a quote to use a faster setting concrete on the ramps. Adams-how much faster would that be?

Lulfs-maybe four or five days, the prep work involves the same amount of time what would be shortened is the 7-day window that you cannot get on concrete after it is poured. We are limited on the amount we could use of the fast set concrete, when it sets on large pours there could be issue with cracking, the ramps are smaller and this would get them open as quickly as possible.

Adams-so nothing has changed at all except maybe a quicker setting concrete on the ramps?

Mazur said there is an additional cost if the lanes were to stay open, Lulfs- to build a temporary lane would cost \$200,000-\$250,000, there is the issue being too close to the slope and trucks being able to make the turn.

Adams-there is no possibility of working seven days?

Lulfs-forcing to work on Sundays can get touchy with the unions, I can ask the question, I know they are looking at six days a week.

Maassel confirmed, six – ten hour days when they get to that part. Lulfs said yea when they get to the north end of the project.

Committee Reports

City Website will be updated later in the year when the other major projects are done. Sheaffer suggested working with a firm that does some professional graphic design to have a professional look integrated.

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

Motion to Award

Passed

Yea-7

Nay-

Heath stated contact with the individual company has not been made, we wanted direction from Council first. This refund is a budgetary issue, there will have to be allocations from the funds you desire and paid back.

Option 1 is to take 62% (\$385,578) out of the General Fund and 38% (\$236,323) out of the CIP Fund.

Option 2 has the same allocations but the payback would be over a 2-year period.

Option 3 shows 100% coming out of the CIP Fund or the percentages can be as much out of the General Fund and Capital Fund as you want.

Heath said the way the rec fund ordinance was passed those funds cannot be used for income tax refunds. The question tonight is, how to pay back this refund, the fund balances will be impacted, there will be reductions in the carry forward balances. We assume this will be the normal payment and are not accepting anymore advance payments from this company.

Bialorucki asked what is the thought process for Option 3.

Mazur explained, the recommendation to go with the CIP fund is because the General Fund is mostly where the Police, Fire and some Operation services are funded from, it is best to have a healthy General Fund reserve than the CIP Fund, this was completely unexpected; I don't want to see us in a situation where we would have to react to make adjustment to our services.

Sheaffer asked what about Option 4 with 100% from the CIP fund spread over two years, the savings on projects would be easier to come up \$300,000 rather than \$600,000.

Mazur said the Industrial Drive project was budgeted for \$3.8 million, the contract came in at \$3.2 million plus any change orders. Maassel asked wasn't that overage already designed to go someplace else? Mazur replied to Miscellaneous Street.

Sheaffer added there is only so much money in a year, the ramifications to the General Fund are so much more. Maassel asked why would you not do like it is budgeted 62%-38% if they accept payment over two years.

U:\~ My Files\~ RECORDS CLERK\2018\COUNCIL\06 04 2018\Council Meeting\06 04 2018 DRAFT_MtgMinutes_CityCouncil.docx
Records Retention: FIN-33 Permanent

Heath mentioned the refund is for a 3-year period, they have yet to file for 2017 there is over \$300,000 sitting out there and the interest has not even been addressed yet. Sheaffer asked won't it be hard pressed for us to pay interest when the error is not due to us. Harmon replied, it is the law, it's in there.

Motion: Baer Second: Sheaffer
to table Funding Options for Income Tax Refund.

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

Mazur requested the Law Director be directed to draft legislation to allow the City to enter into a contract with the County for Mannik & Smith to design the new water line extension for the new river bridge. Harmon noted two pieces of legislation will be needed, one to authorize the City Manager to sign the contract and the second to appropriate funds.

Motion: Comadoll Second: Haase
to direct the Law Director draft the appropriate legislation.

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

Mazur reported after multiple advertisements for the Staff Engineer position and not receiving an application, we contacted Aerotek, they are a company that does staffing for professional positions. Heath noted the budgetary adjustment has been done. Lulfs said we would contract with an employee to work out of our office on a daily basis, after six months we have the option to hire directly if we would choose to. I do not want to have two contracted employees, I would like to advertise again and hope to get an engineer with experience.

Motion: Sheaffer Second: Comadoll
to direct the Law Director to prepare the appropriate legislation.

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

Refer to Water/Sewer Committee and BOPA Long Term Control Plan Update

President Bialorucki referred discussion on the "Long Term Control Plan (LTCP) Update to the Water, Sewer, Refuse, Recycling and Litter Committee and to the Board of Public Affairs.

Refer to Water/Sewer Committee and BOPA Integrated Planning Update

President Bialorucki referred discussion on the "Integrated Planning Update to the Water, Sewer, Refuse, Recycling and Litter Committee and to the Board of Public Affairs.

Refer to Water/Sewer Committee and BOPA Refuse and Recycling Updates

President Bialorucki referred Refuse and Recycling Updates to the Water, Sewer, Refuse, Recycling and Litter Committee and to the Board of Public Affairs.

Public Hearing Set for June 25, 2018 at 6:55 pm Agricultural District

President Bialorucki set a Public Hearing for Monday, June 25, 2018 at 6:45 pm for an Application for Placement of Farmland in an Agricultural District filed by Brad and Laura Hibbard.

Harmon stated for the record the Hibbards are to be notified of the public hearing by certified mail no later than ten days prior to the hearing and the Notice of Public Hearing needs to be put out to the newspaper as well seven days prior to the hearing.

Finance and Budget Committee Meeting for June 25, 2018 Moved up to 6:15 pm

Council President Bialorucki moved up the meeting time for the Finance and Budget Committee on June 25, 2018 to 6:15 pm.

Motion to Cancel June 18, 2018 City Council Meeting and Reschedule a Special Council Meeting on June 25, 2018 at 7:00 pm

Motion: Baer Second: Comadoll
to cancel the June 18, 2018 City Council meeting and set a Special City Council meeting for Monday, June 25, 2018 at 7:00 pm.

**Passed
Yea-7
Nay-0**

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

Mazur asked about the DORA Public Hearing that was set for June 18, 2018 at 6:45 pm. Harmon stated a public hearing was not required for the DORA, it is not a requirement of the application, the legislation will just be pushed back one week it will still be on the agenda if anyone has comments.

AROUND the TABLE**Heath**

Nothing.

Siclair

I think the Pocket Park looks very nice, the efforts were great and appreciate all the help and input given.

Comadoll

When will the Code Enforcement Officer be back on duty in full force? Mazur said he will be back on Monday. Comadoll asked please have him come see me.

Baer

The Memorial Day Parade was extremely hot but, was very well done.

It is summer time and we just talked about this two weeks ago, NCTV is not here somehow they have to come up with someone. Sheaffer asked if we renewed their contract. Mazur replied he just did, there was a budgeted item. Baer stated I understand not a lot watch but those that do should have the opportunity. Sheaffer said he still wants to know what percentage of households can get NCTV. Mazur's response was we are still trying to figure out how to get that. Sheaffer said you could ask Spectrum.

Baer canceled the Safety and Human Resources Committee meeting for June 25th.

Bialorucki

I have lived in Napoleon for almost twenty years and last weekend was the first time I rented out Oberhaus Park, that place is amazing, it is very well maintained, the grass, just everything out there is excellent for the price you pay for that, it is a steal, it is excellent.

Maassel

I would like to echo what Dan said about the Memorial Day Parade, it was hot but a good event.

I see the Dura Patch machine is out that is good

There is a lot going on around town, the River City Rodders will be in town on Wednesday, the 424 Sales are on Thursday, Friday and Saturday, the Civic Center has an event on Saturday night, the Strawberry Fest will be at the Fairgrounds on Sunday and Kidzfest is on Thursday.

Senator McColley asked if I planned on doing anything for Clark Hogan, the former owner of Hawks Pizza, he owned it for 30 years plus and was a big member of the community for a long time, did not know if Council wanted to do something, I don't feel a key is not appropriate. Sheaffer suggested a proclamation.

To Jen Lazenby - let Brian know our thoughts are with him and his family.

Sheaffer

Kudos out to Tony and his crew on the fantastic condition of the golf course it plays very well this year, not for me, that is more me than the course.

Mires

Nothing tonight.

Haase

Nothing tonight.

Harmon

I would request an Executive Session for Pending Litigation.

Mazur

The pool is open and going well.

The docks are in but not at Oberhaus Park.

The airboat was out this weekend, it was required at night and everyone is safe. I would request an Executive Session for Personnel related to compensation.

A Press Release will be coming out, on the City's website is a link on the home page to the Master Plan Survey, we will be reaching out to the newspaper and radio station asking people to take the survey for guidance on the Master Plan.

Mazur asked that Master Plan Update be assigned to the Municipal Properties Committee.

President Bialorucki assigned *Master Plan Update* to the Municipal Properties, Building, Land Use and Economic Development Committee.

Motion: Haase Second: Mires
to go into Executive Session for Pending Litigation.

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

Motion: Siclair Second: Comadoll
to go into Executive Session for Personnel-Compensation of.

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

Council went into Executive Session at 8:30 pm.

Motion: Comadoll Second: Haase
to come out of Executive Session for Pending Litigation.

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

President Bialorucki reported no action was taken.

Motion: Comadoll Second: Sheaffer
to come out of Executive Session for Personnel-compensation of.

Roll call vote on the above motion:
Yea-Sheaaffer, Mires, Haase, Siclair, Comadoll, Baer, Bialorucki
Nay-

Council came out of Executive Sessions at 9:06 pm.

The bills and financial reports were approved as presented with no objections.

Motion: Sheaffer
to adjourn the City Council meeting.

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

The City Council meeting was adjourned at 9:07 pm.

Joseph D. Bialorucki, Council President

Jason P. Maassel, Mayor

Gregory J. Heath, Finance Director/Clerk

CITY COUNCIL

SPECIAL MEETING MINUTES

PUBLIC HEARING – NAPOLEON OUTDOOR REFRESHMENT AREA (NORA)

Monday, June 4, 2018 at 6:45 pm

PRESENT

Council Members

Mayor

City Manager

Law Director

Finance Director

Recorder/Records Clerk

City Staff

Others

Joseph Bialorucki-Council President, Dan Baer-President Pro-Tem, Travis Sheaffer, Jeff Comadoll, Jeff Mires, Lori Sicclair, Ken Haase

Jason P. Maassel

Joel L. Mazur

Billy D. Harmon

Gregory J. Heath

Roxanne Dietrich

Dave Mack-Chief of Police

Sam Helms, Jeff Ratliff-Napoleon Elks Lodge; Doug Herman-Eddie J's; Newsmedia

ABSENT

Call To Order

Council President Bialorucki called the Public Hearing to order at 6:46 pm.

Napoleon Outdoor Refreshment Area (NORA)

Mazur reported this public hearing is for the Napoleon Outdoor Refreshment Area (NORA). A few minor revisions have been made to the NORA application they are: (1) at the Dept. of Liquor Control's advice, Section 2.4 was added listing a range of addresses for each street, because parcels split and addresses change and if they are not specifically listed, it is not included and becomes an issue for the Dept. of Liquor Control. (2) a section was added defining holidays and another was added for special events. (3) the question came up at the last meeting about private property owners, do they have the right to restrict consumption of alcoholic beverages on their property. We added the section: *private property owners reserve the right to prohibit the consumption of alcohol on their property. Adequate signage shall be placed and clearly displayed at owner's expense in order for this rule to be enforced.* (4) There was also a question about the official cup and sponsors and the following language was added: *The design of the Official Cup shall not show children consuming alcohol, Santa Claus or any other Holiday figure using alcohol, and shall not use sayings or slogans that encourage the consumption of large quantities of alcohol. The design of the Official Cup may have logos for sponsors. However, the Official Cup shall not have logos from liquor, wine or beer companies or establishments. If an alcoholic beverage is poured into an Official Cup, then the patron must leave the establishment and may not stay inside of the establishment to consume the beverage.* (5) before it cited Napoleon Municipal Code that was changed to *Federal, State or Local Code Rule or Regulation*. Bialorucki asked what about people walking into shops with a cup if that establishment does not sell alcohol? Mazur replied he will double check, believe that was described as sip and shop do not think that was allowed.

Maassel asked if Thanksgiving Eve could be added to the list of holidays. What is the reason for no beer company logo on the cups? Mazur answered the Department of Public Safety said no.

Council President Bialorucki asked if anyone in the audience wished to give public comment.

Sam Helms-Napoleon Elks Lodge-is there any kind of costs involved that the business owners will have to pick up? What about the application to the state? Mazur responded, the application, if approved by Council, will be submitted to the state, the state will review the application and once approved, will send out notification to all the permit holders notifying them they are now in a NORA. Helms-there are no other costs for the license? Mazur-not that I'm aware of.

Maassel asked if we know what the cups look like? Mazur replied, we do not, right now it is set up the business owners are responsible for submitting the design, how they want to handle, by association or individuals, is up to them; but, they do need to have an official cup to be recognized by law enforcement. Bialorucki confirmed it is up to the business owners to get together and decide. Mazur said yes.

Doug Herman Eddie J's Grille- I received a couple of quotes for cups, one from Three Cord and another from Avinas, we would like to stay local if we can, hope to have something soon so we are ready to go if this does pass, we do not want to order cups until it has passed. If you know of any other sources, let us know.

Adjourn Public Hearing

Council President Bialorucki moved to adjourn the public hearing at 7:04 pm.

Passed

Roll call vote on above motion:

Yea-7

Yea-Sheafer, Mires, Haase, Siclair, Comadoll, Baer, Bialorucki

Nay-0

Nay-

Date Approved:

June 25, 2018

Joseph D. Bialorucki, Council President

Jason Maassel, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

CITY COUNCIL
Special Meeting Minutes
Public Hearing – 2019 Tax Budget

Monday, June 4, 2018 at 6:55 P.M.

PRESENT

Council Members

Mayor

City Manager

Law Director

Finance Director

Recorder

City Staff

Others

ABSENT

Joseph D. Bialorucki-Council President, Dan Baer-President Pro-Tem, Travis Sheaffer, Jeff Comadoll, Jeff Mires, Lori Sicclair, Ken Haase

Jason P. Maassel

Joel L. Mazur

Billy D. Harmon

Gregory J. Heath

Roxanne Dietrich

Dave Mack-Chief of Police

Newsmedia

Call To Order

Council President Bialorucki called the Public Hearing to order at 7:04 pm.

2019 Tax Budget

Heath stated the tax budget is an annual requirement that requires a public hearing and legislation, it primarily involves the inside 10 millage the City is allocated, the City's Tax Evaluation is currently \$151,096,730. 2 mills are allocated under the General Fund at \$302,193, the Police District Fund has .6 mills allocated for \$90,658 and under the Fire District Fund .3 mills are allocated for \$45,329, making a total of \$438,180. This has to be passed on or before July 15, 2018 and submitted to the County Auditor on or before July 20, 2018.

Public Comment

Council President Bialorucki asked if anyone in the audience wished to give public comment.

There was no response.

Adjourn Public Hearing

Council President Bialorucki moved to adjourn the public hearing at 7:06 pm.

Passed

Yea-7

Nay-0

Roll call vote on above motion:

Yea-Sheaffer, Mires, Haase, Sicclair, Comadoll, Baer, Bialorucki

Nay-

Date Approved:

June 25, 2018

Joseph D. Bialorucki, Council President

Jason P. Maassel, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

PUBLIC HEARING – NAPOLEON OUTDOOR REFRESHMENT AREA (NORA)

Monday, June 18, 2018 at 6:45 pm

PRESENT

Council Member
City Manager
Finance Director/Clerk
City Staff

Jeff Mires
Joel L. Mazur (via telephone)
Gregory J. Heath
Dave Mack-Chief of Police
Clayton O'Brien, Acting City Manager/Fire Chief
Napoleon Elks Lodge (Dan Bischoff, Chad Oberhaus, Sam Helms); Lumberyard Winery (Monica Carnahan, Brent Bischoff, Becky Bischoff)

Others

ABSENT

Councilmembers

Joseph D. Bialorucki, Dan Baer, Travis Sheaffer, Jeff Comadoll, Lori Siclair, Ken Haase

Mayor

Jason P. Maassel

Law Director

Billy D. Harmon

Call to Order

Acting City Manager O'Brien called the Public Hearing to order at 6:45 pm.

Napoleon Outdoor Refreshment Area (NORA)

Acting City Manager O'Brien asked if there were any comments and/or questions regarding the Napoleon Outdoor Refreshment Area (NORA).

Mazur reported since the last hearing on June 4, 2018, it has been suggested to add Veteran's Day, the day before Thanksgiving and St. Patrick's Day to the list of holidays. Mazur will present these suggestions to City Council at their meeting on June 25, 2018. Dan Bischoff said last week we talked about changing the time to make it the same time every day. Mazur informed him Council will be taking third read on the Resolution at their next meeting and he will bring that up to them at that time, if Council agrees to the change then it can be done. Acting City Manager O'Brien noted there was representation here from the Elks and Lumberyard Winery. Mazur thanked the businesses for participating in the public comment process, all statements are on record and the public will know NORA is supported by the business community, we appreciate you being active participants. The third and final read will be next week and assuming everyone is still on board, when the Resolution passes, we will submit the application in its final form together with the supporting documents to the State Liquor Department and to the Department of Public Safety, who has been helpful in providing information. I have not heard if the meeting on the 21st at the Lumberyard Winery has been confirmed with the Department of Public Safety. Dan Bischoff asked if Mazur could let them know as soon as possible so they can rearrange staff.

Acting City Manager O'Brien asked if there were any further comments or questions, there being none the Public Hearing was adjourned.

Adjourn Public Hearing

The Public Hearing was adjourned at 6:50 pm.

Date Approved:

June 25, 2018

Joseph D. Bialorucki, Council President

Jason Maassel, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

DRAFT

RESOLUTION NO. 035-18

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) AND AUTHORIZING ENTERING INTO A PROFESSIONAL SERVICE CONTRACT WITH AEROTEK, INC. FOR THE PURPOSE OF PROVIDING SUPPLEMENTAL SERVICES TO THE CITY OF NAPOLEON, OHIO ENGINEERING DEPARTMENT; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon, Ohio Engineering Department is currently operating with multiple unfilled positions of Staff Engineer; and;

WHEREAS, the City of Napoleon, Ohio has attempted to fill said positions using the current City advertising process for approximately nine (9) months without success; and,

WHEREAS, the City of Napoleon, Ohio now desires to enter into a contract with Aerotek, Inc. to obtain supplemental services for the purpose of filling one of these necessary positions of Staff Engineer in the City of Napoleon, Ohio Engineering Department which currently remains unfilled; and,

WHEREAS, the compensation of Aerotek, Inc. set forth in the agreement is determined to be fair and reasonable to the City and the Company; and,

WHEREAS, this matter is being brought before Council due to the cost of this matter exceeding the twenty-five thousand dollar (\$25,000.00) bidding threshold; and,

WHEREAS, Aerotek, Inc. desires, and is capable and licensed, to provide the required supplemental services to the City of Napoleon, Ohio; **Now Therefore**,

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

Section 1. That, the expenditure of funds in excess of twenty-five thousand dollars (\$25,000.00) is hereby authorized for professional supplemental services offered by Aerotek, Inc. for the purpose of filling one of the positions of Staff Engineer in the City of Napoleon, Ohio Engineering Department.

Section 2. That, the City Manager is authorized to execute a service contract with Aerotek, Inc. as substantially in the form as currently on file in the office of the City Finance Director which is between the City and Aerotek, Inc.

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 allow for timely execution of the agreement, required for the preservation of public peace, health or safety; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the hiring process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

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. 035-18 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



SERVICES AGREEMENT

THIS SERVICES AGREEMENT ("Agreement") is made this 4th day of June, 2018, by and between AEROTEK, INC., a Maryland corporation, ("AEROTEK"), and City of Napoleon ("Client").

BACKGROUND

AEROTEK is engaged in the supplemental staffing services business providing contract personnel to customers with staffing needs. Client desires to engage AEROTEK to provide supplemental staffing services and AEROTEK desires to be engaged by Client, all on the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the promises and mutual promises contained herein, the parties agree as follows:

1. TERM: This Agreement shall commence on the date this Agreement is executed by all parties, and continue for an initial term of one (1) year, and shall continue thereafter on a month-to-month basis not to exceed five (5) years, unless earlier terminated as provided herein. This Agreement may be terminated by either party upon thirty (30) days prior written notice.

2. CONTRACT EMPLOYEES

2.1. CONTRACT EMPLOYEES DEFINED: As used throughout this Agreement, the term "Contract Employee" means an AEROTEK employee temporarily placed with the Client pursuant to this Agreement.

2.2. SERVICES: AEROTEK shall provide to Client one or more Contract Employees as requested by Client from time to time. Such Contract Employees shall provide services under Client's management and supervision at a facility or in an environment controlled by Client. Attached hereto as Exhibit A, is a list of the names of the Contract Employee(s) to be placed initially with Client, standard and overtime hourly billing rates for each Contract Employee, and the starting date for each Contract Employee. Unless otherwise agreed by the parties, this Agreement shall apply to additional Contract Employees provided by AEROTEK as requested by Client hereunder from time to time. Should Client request additional services subsequent to the execution of this Agreement, and such services are not listed on Exhibit A attached hereto, or should either Client or AEROTEK request changes to hourly billing rates or other terms for any Contract Employee working under the terms of this Agreement, any such additions or changes will be mutually agreed to in writing by both parties. Such agreed upon terms shall become a part of this Agreement, as amended.

2.3. DUTIES: It shall be the Client's responsibility to provide technical direction to the Contract Employees assigned to Client pursuant to this Agreement. Client agrees to provide site specific training to Contract Employees. The Contract Employees shall perform only the duties and functions of the specific jobs set forth opposite the Contract Employee's name on Exhibit A or on the job description attached to this Agreement. In no event shall any Contract Employee be assigned or permitted to perform any other duties or functions other than those specified in Exhibit A for Client without the express written consent of AEROTEK. Should Client assign the Contract Employee to perform the duties or functions of a position not listed in Exhibit A or within the job description attached hereto, AEROTEK may, in its sole and absolute discretion, deem this Agreement breached by Client and take whatever action it deems necessary or appropriate. In this event, Client shall be liable to AEROTEK, and indemnify AEROTEK for all claims, damages, losses or expenses relating to such breach, as well as all hours worked by the Contract Employees.

2.4. CASH HANDLING: Client agrees that it will not permit any Contract Employee to (i) handle cash, negotiable instruments or other valuables without AEROTEK's written consent (and then only under Client's direct supervision), or (ii) transport or convey money, securities or negotiable instruments for Client (including, but not limited to, delivering bank deposits to a bank or other institution).

2.5. MOTOR VEHICLES: Contract Employee(s) are not authorized to operate a motor vehicle without AEROTEK's prior written permission. Client shall not request or require Contract Employee(s) to perform tasks which require driving a motor vehicle without AEROTEK expressed written permission.

2.6. INTERNATIONAL TRAVEL: Contract Employee(s) are not authorized to travel internationally without AEROTEK's prior written permission. Client shall not request or require Contract Employee(s) to perform tasks which require international travel without AEROTEK's prior written permission.

3. INDEPENDENT CONTRACTOR STATUS: With respect to the services provided by AEROTEK, AEROTEK shall be an independent contractor. AEROTEK shall provide any salary or other benefits to such Contract Employees; will make all appropriate tax, social security, Medicare and other withholding deductions and payments; will provide worker's compensation insurance coverage for its Contract Employees; and will make all appropriate unemployment tax payments.

4. TIME RECORDS AND INVOICES: AEROTEK Time and Expense shall be the official time record for purposes of payment herein. AEROTEK shall submit weekly invoices to Client for services rendered by Contract Employee(s) for the number of hours worked by Contract Employee(s) the previous week. Overtime rates for Contract Employee(s) who work in excess of forty (40) hours per week, or as otherwise required by law, will be billed at the rates listed on Exhibit A, in addition to all applicable sales and other tax, or as otherwise agreed by both parties. For weeks that have one (1) National or client observed holiday, overtime rates shall be billed for hours worked in excess of thirty-two (32) hours per week. The number of hours billed by AEROTEK shall be supported by a time card or other time record approved by a representative of the Client. Client is solely responsible for ensuring that information submitted to AEROTEK regarding hours worked by Contract Employee(s) is timely and accurate. Client agrees to pay for any and all hours of Sick Leave, as applicable, that has accrued and is paid to Contract Employee while on assignment at Client. In the event Client or Client's Representative fails to timely or accurately affirm the hours worked by Contract Employees or provide adequate systems or reporting to account for all hours, Client shall be liable to AEROTEK, and indemnify AEROTEK for all claims, damages, losses or expenses relating to such breach, as well as all hours worked by the Contract Employees. Invoices submitted by AEROTEK to Client are presumed to be accurate and fully payable on the terms contained therein unless disputed by Client within five (5) business days of Client's receipt of the invoice.

5. PAYMENT DEFAULT: Payment in full for invoices via check or EFT shall be due within fifteen (15) days from invoice date, at AEROTEK, 3689 Collection Ctr. Dr., Chicago, Illinois 60693. Invoices that are more than seven (7) days past due are subject to a late charge of one percent (1%) per month on the amount of the past due balance. Late charges shall be calculated using the U.S. Method, therefore interest will not be compounded on the past due balance. If the Client's account is past due or Client has exceeded AEROTEK's established credit limit, AEROTEK shall notify Client verbally or in writing of such occurrence. Upon such notice, AEROTEK may, without additional notice, immediately cease providing any and all further Contract Employee services without any liability to Client for interruption or stoppage of pending work. In addition, the parties agree that in the ordinary course of business AEROTEK may, in its sole discretion, apply payments made by

Client to any outstanding Client invoice, notwithstanding any direction by Client regarding application of the payment. In the event that there are subsidiaries and/or affiliates of Client that are subject to the terms of this Agreement, and those subsidiaries and/or affiliates become delinquent or are unable to pay AEROTEK according to the terms contained herein, Client shall be liable to AEROTEK for payment of any and all outstanding invoices owed by the subsidiaries and/or affiliates.

6. EXPENSES: Client shall reimburse AEROTEK for all ordinary, necessary, and reasonable travel expenses incurred by Contract Employee(s) while performing services on behalf of Client that require Contract Employee to travel away from Client's primary job site. Client agrees to accept legible copies of receipts (or electronic copies, if billed electronically) as the supporting documentation needed to pay the expense amount on the invoice.

7. COLLECTION: If the Client's account, after default, is referred to an attorney or collection agency for collection, Client shall pay all of AEROTEK's expenses incurred in such collection efforts including, but not limited to, collection agency fees, court costs and reasonable attorneys' fees. Notwithstanding the terms of Section 15.3 of this Agreement AEROTEK may institute proceedings to seek a default judgment in any court of competent jurisdiction in the United States.

8. BANKRUPTCY: Client agrees that in the event Client files bankruptcy, (i) to the extent AEROTEK pays the salary and other direct labor costs of the Contract Employees it provides to Client and such amounts incurred within 180 days prior to bankruptcy are not paid by Client to AEROTEK prior to bankruptcy, and/or (ii) AEROTEK is the assignee of claims held by such Contract Employees against Client for such amounts incurred within 180 days prior to bankruptcy and such amounts are not paid by Client to AEROTEK prior to bankruptcy, then AEROTEK has a claim against Client in bankruptcy for the amount of such salary and other direct labor costs which is entitled to a priority under 11 U.S.C. § 507(a)(4).

9. PURCHASE ORDERS: Payment of AEROTEK invoices shall not be dependent upon a Client generated purchase order. If a purchase order is required pursuant to this Section, Client shall deliver to AEROTEK a written purchase order [2/48days/hours] before the first Contract Employee start date identified on Exhibit A. As stated in Section 15.21 herein, this Agreement and Exhibit A constitute the entire agreement between the parties. If there is any inconsistency or conflicting terms between this Agreement and a client purchase order, this Agreement shall prevail. If a purchase order is required pursuant to this paragraph, failure by Client to deliver said purchase order shall not release Client of its obligations contained in this Agreement.

10. EXPORT CONTROL: Client agrees that it will adhere to all applicable export controls including but not limited to the International Traffic and Arms Regulations (ITAR), the Export Administration Regulations (EAR), and all regulations and orders administered by the Office of Foreign Asset Control of the U.S. Department of Treasury. Client further assumes responsibility for Contract Employees' actions with regard to any transfer of export controlled articles to include technical data, and defense services while acting within the scope of work under this contract, to include the procurement of any licenses required under the ITAR or EAR. Client is responsible for promptly identifying in writing for AEROTEK positions that require access to export controlled data or require AEROTEK provided personnel to participate in the export of controlled information and technologies to foreign persons. Upon notification of applicable export controls, AEROTEK will certify that employees placed in those positions are U.S. persons.

11. RESTRICTIVE COVENANT

11.1. RESTRICTIVE COVENANT - CONVERSION: AEROTEK is not an employment agency. Its services are provided at great expense to AEROTEK. In consideration thereof, during the term of this Agreement and for the twelve (12) month period immediately following the period for which a Contract Employee last performed services for the Client under this Agreement, Client shall not, directly or indirectly, for itself, or on behalf of any other person, firm, corporation or other entity, whether as principal, agent, employee, stockholder, partner, member, officer, director, sole proprietor, or otherwise, solicit, participate in or promote the solicitation of such Contract Employee to leave the employ of AEROTEK, or hire or engage such Contract Employee. If any Contract Employee provided by AEROTEK to Client is engaged by Client to perform services, either directly or indirectly, within twelve (12) months of that Contract Employee's last day of work at Client through AEROTEK, the Client will pay AEROTEK, as liquidated damages, an amount equal to 25% of the Contract Employee's first year salary, including bonuses, with Client.

11.2. RESTRICTIVE COVENANT - RIGHT TO HIRE: Notwithstanding, the above Section 11.1, if Contract Employee has completed the minimum assignment duration at Client for AEROTEK, pursuant to Exhibit A, there will be no fee for directly hiring the Contract Employee.

11.3. ACCOUNT STATUS: If Client exercises its right to hire a Contract Employee at a time when Client is in breach of Section 5 of this Agreement or Client's account is otherwise not current or in good standing, Client agrees to pay the fee of 30% of the Contract Employee's first year salary, including bonuses with Client, even though the Contract Employee has completed the assignment duration outlined in the attached Exhibit A.

12. SUBMITTALS

12.1. RIGHT TO HIRE: Resumes submitted to Client are confidential and for Client use only. Client agrees that AEROTEK is the exclusive representative of all candidates for which resumes are submitted to Client by AEROTEK in response to Client requests. Accordingly, Client agrees that if any candidate submitted to Client by AEROTEK is engaged to perform services, either directly or indirectly, by Client within twelve (12) months of receipt of the resume, Client agrees to pay to AEROTEK as liquidated damages an amount equal to 25% of the employee's first year annual salary, including bonuses.

12.2. CONTRACT EMPLOYEE PERFORMANCE: Within the initial employment guarantee period as detailed in the attached Exhibit A from any Contract Employee(s) starting date, Client shall review the Contract Employee's performance and decide whether to continue the engagement of such Contract Employee. If Client is dissatisfied with the performance of the Contract Employee, and Client wishes AEROTEK to terminate its engagement of such Contract Employee, Client must notify AEROTEK within the initial period, specifying the reasons for its dissatisfaction, and Client shall not be required to pay for the hours worked by that Contract Employee during the initial period, provided its reasons for termination are not unlawful and are bona fide in AEROTEK's reasonable judgment. If Client becomes dissatisfied with the performance of a Contract Employee after the initial period, Client may request that AEROTEK terminate the engagement of that Contract Employee upon written notice to AEROTEK, but Client shall pay for all hours worked by the terminated Contract Employee from the first hour of work up to and including the date of termination.

12.3. LIMITATION OF LIABILITY: AEROTEK does not warrant or guarantee that the Contract Employee(s) placed pursuant to this Agreement will produce any particular result or any solution to Client's particular needs, or perform services in any particular manner. Accordingly, Client acknowledges and agrees that

AEROTEK is not responsible for any aspects of the Contract Employees work or the Client's project, including, without limitation, any deadlines or work product. Because AEROTEK is providing supplemental staffing services only, and Client is directing and supervising the Contract Employees who render these services, AEROTEK shall not be liable (i) for any claims, costs, expenses, damages, obligations or losses arising from or in connection with the acts or omission of any Contract Employee, including, but not limited to, work on engineering or design concepts or calculations or related drawings, software programs, designs or documentation, or (ii) for any indirect, special or consequential damages (including, but not limited to, loss of profits, interest, earnings or use) whether arising in contract, tort or otherwise. Client shall indemnify AEROTEK and hold it harmless against and from any such claims made or brought by third parties, including any and all costs incurred in connection with such claims.

13. CLIENT PROPERTY

13.1. WORK PRODUCT: All work product of every kind performed by any Contract Employee on behalf of Client shall be the sole and exclusive property of Client.

13.2. DAMAGES: AEROTEK does not provide insurance coverage for any real or personal property of Client, including but not limited to machinery, equipment, computers, tools, vehicles or other real or personal property which is owned or leased by client. Accordingly, Client agrees that in the event it supplies, provides or otherwise allows Contract Employees to use or have access to any property of Client, (including but not limited to cell phones, laptop computers, tools, etc.), Client shall be solely responsible for any damage, theft, repair or loss associated with this property, and Client shall indemnify, hold harmless and defend AEROTEK against and from such claims made or brought for any damaged, stolen, or lost property of Client.

13.3. CONFIDENTIALITY: AEROTEK recognizes that while performing its duties under this Agreement, AEROTEK and its Contract Employees may be granted access to certain proprietary and confidential information regarding Client's business, customers, and employees. AEROTEK agrees to keep such information confidential and the obligations of this paragraph will survive the termination of this Agreement. This paragraph does not apply to information that was previously known or information that is available in the public domain.

14. NOTICES

14.1. MANNER: Any notice or other communication ("Notice") required or permitted under this Agreement shall be in writing and either delivered personally or sent by facsimile, overnight delivery, express mail, or certified or registered mail, postage prepaid, return receipt requested.

14.2. ADDRESSEE: A Notice shall be addressed, in the case of AEROTEK, to Assistant Controller--Mid-Atlantic Region at: 7301 Parkway Dr. Hanover, MD 21076 or, in the case of Client, to Chad Lulfs, at P.O. Box 151 255 W. Riverview Ave. Napoleon, OH 43545. If sent by facsimile, a Notice shall be sent to AEROTEK at (410) 579-3106 or to Client at (419) 599-8393.

14.3. DELIVERY: A Notice delivered personally shall be deemed given only if acknowledged in writing by the person to whom it is given. A Notice sent by facsimile shall be deemed given when transmitted; provided that the sender obtains written confirmation that the transmission was sent. A Notice sent by overnight delivery or express mail shall be deemed given twenty-four (24) hours after having been sent. A Notice that is sent by certified mail or registered mail shall be deemed given forty-eight (48) hours after it is mailed. If any time period in this Agreement commences upon the delivery of Notice to any one or more parties, the time period shall commence only when all of the required Notices have been deemed given.

14.4. CHANGES: Either party may designate, by Notice to the other, substitute addressees, addresses or facsimile numbers for Notices, and thereafter, Notices are to be directed to those substitute addresses, or facsimile numbers.

15. MISCELLANEOUS:

15.1. WAIVER: Failure to insist upon strict compliance with any of the terms, covenants or conditions of this Agreement shall not be deemed a waiver of that term, covenant or condition or of any other term, covenant or condition of this Agreement. Any waiver or relinquishment of any right or power hereunder at any one or more times shall not be deemed a waiver or relinquishment of that right or power at any other time.

15.2. REMEDIES CUMULATIVE: The remedies set forth in this Agreement are cumulative and are in addition to any other remedies allowed at law or in equity. Resort to one form of remedy shall not constitute a waiver of alternate remedies.

15.3. DRUG & BACKGROUND SCREENING: If Client requires AEROTEK to perform certain drug and/or background screenings on its candidate(s) and/or Contract Employee(s), the Exhibit B Addendum should be completed and signed by both Client and Aerotek. These screenings will be performed at Client's sole expense unless otherwise agreed to in writing by both parties.

15.4. ASSIGNMENT: No party shall transfer or assign any or all of its rights or interests under this Agreement or delegate any of its obligations without the prior written consent of the other party; provided, however, that AEROTEK may transfer or assign its rights or interests, or delegate its obligations, under this Agreement to any parent, subsidiary or affiliate without the prior written consent of Client.

15.5. COMPLIANCE: Client agrees that it will comply with applicable federal, state, and local laws in connection with the services provided by AEROTEK hereunder, including but not limited to the following:

15.6. EQUAL OPPORTUNITY: AEROTEK is an equal opportunity employer and refers Contract Employees regardless of race, sex, color, religion, creed, ancestry, national origin, disability, age, marital status or other protected class status pursuant to applicable law. Client agrees and warrants that it will not reject Contract Employees, or otherwise deem Contract Employees unacceptable, or take any other action for any reason prohibited by federal, state or local laws including, but not limited to, laws pertaining to employment discrimination or employee safety. Client will indemnify and defend AEROTEK with respect to any and all claims that Client took action in violation of federal, state, and/or local laws, including costs of suit, settlement and attorneys' fees.

15.7. GOVERNMENT CONTRACTING - NOTIFICATION AND

WAGE DETERMINATION: Client acknowledges and agrees that Client is responsible for (i) prior notification to AEROTEK of any and all projects that support a contract with the United States, State or Local Government, and (ii) the accuracy of any applicable prevailing wage determinations and flow down provisions. Should Client fail to notify AEROTEK of an applicable prevailing wage or provide accurate wage determinations, AEROTEK reserves the right to bill Client the difference in the rate for all hours worked plus any statutory or regulatory costs associated with such rate difference. Further, AEROTEK will charge a ten percent (10%) fee, as liquidated damages for Client's failure to notify AEROTEK that a prevailing wage applies, which will be calculated based on the total difference in the rate for all hours worked.

15.8. AVIATION REGULATIONS: Client represents that none of the services to be performed by any Contract Employee will be



FAA-regulated as a "SAFETY-SENSITIVE FUNCTION". Client agrees to be solely responsible for making such determination(s), and Client agrees to indemnify AEROTEK and hold AEROTEK harmless for any claims, costs or damages which may result from the Client's breach of its obligations contained herein.

15.9. HEALTH AND SAFETY: Client shall provide a safe, clean work environment that complies with all applicable local, state and federal laws. Client agrees to train, certify, evaluate and orient all Contract Employees in all applicable safety (IIPP), hazardous communication (SDS information, etc.) ergonomic and operational instructions in the same manner as Client employees and as required by policy or by law, including but not limited to, all federal OSHA and equivalent state agency requirements, guidelines and standards. Client agrees to document Contract Employee site specific training, which documents the date and type of training conducted. The Client further agrees to promptly provide verification of site specific training upon Aerotek's request. Further, Client agrees to notify AEROTEK if any health and safety medical testing or medical surveillance will be required for Contract Employee. Client agrees to notify AEROTEK of any changes in occupational exposures that would require medical testing or medical surveillance. To the extent a Contract Employee is obligated to meet site-specific training requirements in order for Client to comply with applicable site-specific legal requirements, the Client shall provide the Contract Employee with all necessary training before placing the Contract Employee into the work environment and before allowing the Contract Employee to commence the specific assignment. Client shall provide and require all AEROTEK Contract Employees to wear all appropriate safety equipment. Client will notify AEROTEK immediately in the event of an accident or medical treatment of any Contract Employee, and will provide a completed supervisor's report of injury. AEROTEK may perform, if feasible, an inspection of the workplace to conduct its own hazard assessment or to ensure implementation of the Client's safety and health obligations. Client agrees to provide the necessary and accurate information to complete this assessment. In the event of an accident or other incident involving a Contract Employee, AEROTEK shall have the right to conduct an onsite investigation. Client shall cooperate with AEROTEK in the conduct of its investigation. Client will be responsible for all OSHA recordkeeping responsibilities required by law in the performance and execution of the terms of this agreement. Client shall indemnify AEROTEK and hold it harmless against and from any claims made or brought as a result of Client's breach of its obligations contained in this paragraph.

15.10. DATA SECURITY: Client acknowledges and agrees that, in the course of its business relationship with AEROTEK, Client may receive or have access to Sensitive Personal Information of AEROTEK or its Contract Employees, including, without limitation, names, signatures, addresses, telephone numbers, e-mail addresses, government-issued identification numbers, and other personal identifiers. Client agrees to keep and maintain all Sensitive Personal Information in strict confidence, using such degree of care as is appropriate to avoid unauthorized access, use or disclosure. In addition, Client agrees that it shall use and disclose Sensitive Personal Information solely and exclusively for the purposes for which the Sensitive Personal Information, or access to it, is provided pursuant to the terms and conditions of this Agreement and not disclose such information to any person or entity without express written consent from AEROTEK.

15.11. DATA SECURITY INCIDENT. In the event a Data Security Incident occurs involving a Contract Employee assigned to Client under this Agreement, Client agrees to report the Data Security Incident to AEROTEK via the following link: <https://infosec.allegisgroup.com>. A Data Security Incident shall be defined to include any matter in which Client equipment is lost or stolen, any sensitive, proprietary or Client confidential information contained on the equipment is improperly transmitted

or disclosed or other Data Security Incidents or issues that arise and are caused by Contract Employee(s).

15.12. OTHER REQUIREMENTS: Client acknowledges and agrees that it shall be responsible for notifying AEROTEK of any other industry-specific law or regulation applicable to the services provided by AEROTEK prior to any AEROTEK employee providing any services.

15.13. ANNUAL INFLATION ADJUSTMENT: Within the first sixty (60) days of every calendar year, AEROTEK reserves the right to adjust established bill rates with Client by up to 3% to cover specific direct cost increases. This bill rate adjustment will include any statutory, employee benefit, or Contract Employee compensation increases. AEROTEK will submit a revised Exhibit A reflecting the bill rate adjustment at the effective date of change to the Client for documentation purposes. If direct cost increases are greater than 3% then AEROTEK will secure a revised Exhibit A with Client documenting the new agreed upon rates. Any rate adjustment will be applicable on a go forward basis only.

15.14. GOVERNING LAW: The laws of the State of Ohio shall govern the validity and construction of this Agreement and any dispute arising out of or relating to this Agreement, without regard to the principles of conflict of laws.

15.15. SEVERABILITY: A ruling by any court that one or more of the provisions contained in this Agreement is invalid, illegal or unenforceable in any respect shall not affect any other provision of this Agreement so long as the economic or legal substance of the transactions contemplated hereby is not affected in any manner materially adverse to any party. Thereafter, this Agreement shall be construed as if the invalid, illegal, or unenforceable provision had been amended as originally contemplated by this Agreement to the greatest extent possible.

15.16. COUNTERPARTS: This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original. In that event, in providing this Agreement it shall not be necessary to produce or account for the counterpart signed by the party against whom the proof is being presented.

15.17. HEADINGS: The section and subsection headings have been included for convenience only, are not part of this Agreement and shall not be taken as an interpretation of any provision of this Agreement.

15.18. BINDING EFFECT: This Agreement shall be binding upon and shall inure to the benefit of the parties and their respective heirs, legatees, personal representatives and other legal representatives, successors and permitted assigns. Except as otherwise specifically provided, this Agreement is not intended and shall not be construed to confer upon or to give any person other than the parties any rights or remedies.

15.19. AMENDMENTS AND MODIFICATIONS: Except for modifications to Exhibit A pursuant to Section 2 herein, this Agreement may be amended, waived, changed, modified or discharged only by an agreement in writing signed by all of the parties.

15.20. ENTIRE AGREEMENT: This Agreement and Exhibit A hereto constitutes the entire agreement between the parties, and there are no representations, warranties, covenants or obligations except as set forth in this Agreement. This Agreement supersedes all prior and contemporaneous agreements, understandings, negotiations and discussions, written or oral, of the parties, relating to any transaction contemplated by this Agreement.



AEROTEK, INC.

By: John Kaczmarek

Name: [Signature]

Title: Account Manager

Date: 6/12/18

Client: City of Napoleon

By: _____

Name: _____

Title: _____

Date: _____



EXHIBIT A

Pursuant to the terms and conditions of the Services Agreement ("Agreement") dated 6/4/18 by and between AEROTEK, Inc. ("AEROTEK") and City of Napoleon ("Client"), Client agrees to reimburse AEROTEK in full at the following approved rates:

Contract Employee Information

Division	EE			
Client Job Title/Contractor Name	Zach Berry / Civil Engineer			
Aerotek Job Title	Civil Engineer			
Temp to Hire Duration (Section 11.1)	6 Months			
Guarantee Period (Section 12.2)	8 business hours			

Standard Billing Rates

Straight Time Billing Rate	\$45.66			
Overtime Billing Rate	1.35 X straight time bill rate			
Double Time Billing Rate				

Additional Billing Rates

AGREED AND ACCEPTED:

Client : City of Napoleon

By: _____
(Signature)

(Name/Title)

(Date)

AEROTEK, INC.

By: _____
(Signature)

John Kaczmarek / Account Manager
(Name/Title)

6/4/18
(Date)



SERVICES AGREEMENT

THIS SERVICES AGREEMENT ("Agreement") is made this 4th day of June, 2018, by and between AEROTEK, INC., a Maryland corporation, ("AEROTEK"), and City of Napoleon ("Client").

BACKGROUND

AEROTEK is engaged in the supplemental staffing services business providing contract personnel to customers with staffing needs. Client desires to engage AEROTEK to provide supplemental staffing services and AEROTEK desires to be engaged by Client, all on the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the promises and mutual promises contained herein, the parties agree as follows:

1. TERM: This Agreement shall commence on the date this Agreement is executed by all parties, and continue for an initial term of one (1) year, and shall continue thereafter on a month-to-month basis not to exceed five (5) years, unless earlier terminated as provided herein. This Agreement may be terminated by either party upon thirty (30) days prior written notice.

2. CONTRACT EMPLOYEES

2.1. CONTRACT EMPLOYEES DEFINED: As used throughout this Agreement, the term "Contract Employee" means an AEROTEK employee temporarily placed with the Client pursuant to this Agreement.

2.2. SERVICES: AEROTEK shall provide to Client one or more Contract Employees as requested by Client from time to time. Such Contract Employees shall provide services under Client's management and supervision at a facility or in an environment controlled by Client. Attached hereto as Exhibit A, is a list of the names of the Contract Employee(s) to be placed initially with Client, standard and overtime hourly billing rates for each Contract Employee, and the starting date for each Contract Employee. Unless otherwise agreed by the parties, this Agreement shall apply to additional Contract Employees provided by AEROTEK as requested by Client hereunder from time to time. Should Client request additional services subsequent to the execution of this Agreement, and such services are not listed on Exhibit A attached hereto, or should either Client or AEROTEK request changes to hourly billing rates or other terms for any Contract Employee working under the terms of this Agreement, any such additions or changes will be mutually agreed to in writing by both parties. Such agreed upon terms shall become a part of this Agreement, as amended.

2.3. DUTIES: It shall be the Client's responsibility to provide technical direction to the Contract Employees assigned to Client pursuant to this Agreement. Client agrees to provide site specific training to Contract Employees. The Contract Employees shall perform only the duties and functions of the specific jobs set forth opposite the Contract Employee's name on Exhibit A or on the job description attached to this Agreement. In no event shall any Contract Employee be assigned or permitted to perform any other duties or functions other than those specified in Exhibit A for Client without the express written consent of AEROTEK. Should Client assign the Contract Employee to perform the duties or functions of a position not listed in Exhibit A or within the job description attached hereto, AEROTEK may, in its sole and absolute discretion, deem this Agreement breached by Client and take whatever action it deems necessary or appropriate. In this event, Client shall be liable to AEROTEK, and indemnify AEROTEK for all claims, damages, losses or expenses relating to such breach, as well as all hours worked by the Contract Employees.

2.4. CASH HANDLING: Client agrees that it will not permit any Contract Employee to (i) handle cash, negotiable instruments or other valuables without AEROTEK's written consent (and then only under Client's direct supervision), or (ii) transport or convey money, securities or negotiable instruments for Client (including, but not limited to, delivering bank deposits to a bank or other institution).

2.5. MOTOR VEHICLES: Contract Employee(s) are not authorized to operate a motor vehicle without AEROTEK's prior written permission. Client shall not request or require Contract Employee(s) to perform tasks which require driving a motor vehicle without AEROTEK expressed written permission.

2.6. INTERNATIONAL TRAVEL: Contract Employee(s) are not authorized to travel internationally without AEROTEK's prior written permission. Client shall not request or require Contract Employee(s) to perform tasks which require international travel without AEROTEK's prior written permission.

3. INDEPENDENT CONTRACTOR STATUS: With respect to the services provided by AEROTEK, AEROTEK shall be an independent contractor. AEROTEK shall provide any salary or other benefits to such Contract Employees; will make all appropriate tax, social security, Medicare and other withholding deductions and payments; will provide worker's compensation insurance coverage for its Contract Employees; and will make all appropriate unemployment tax payments.

4. TIME RECORDS AND INVOICES:

AEROTEK Time and Expense shall be the official time record for purposes of payment herein. AEROTEK shall submit weekly invoices to Client for services rendered by Contract Employee(s) for the number of hours worked by Contract Employee(s) the previous week. Overtime rates for Contract Employee(s) who work in excess of forty (40) hours per week, or as otherwise required by law, will be billed at the rates listed on Exhibit A, in addition to all applicable sales and other tax, or as otherwise agreed by both parties. For weeks that have one (1) National or client observed holiday, overtime rates shall be billed for hours worked in excess of thirty-two (32) hours per week. The number of hours billed by AEROTEK shall be supported by a time card or other time record approved by a representative of the Client. Client is solely responsible for ensuring that information submitted to AEROTEK regarding hours worked by Contract Employee(s) is timely and accurate. Client agrees to pay for any and all hours of Sick Leave, as applicable, that has accrued and is paid to Contract Employee while on assignment at Client. In the event Client or Client's Representative fails to timely or accurately affirm the hours worked by Contract Employees or provide adequate systems or reporting to account for all hours, Client shall be liable to AEROTEK, and indemnify AEROTEK for all claims, damages, losses or expenses relating to such breach, as well as all hours worked by the Contract Employees. Invoices submitted by AEROTEK to Client are presumed to be accurate and fully payable on the terms contained therein unless disputed by Client within five (5) business days of Client's receipt of the invoice.

5. PAYMENT DEFAULT: Payment in full for invoices via check or EFT shall be due within fifteen (15) days from invoice date, at AEROTEK, 3689 Collection Ctr. Dr., Chicago, Illinois 60693. Invoices that are more than seven (7) days past due are subject to a late charge of one percent (1%) per month on the amount of the past due balance. Late charges shall be calculated using the U.S. Method, therefore interest will not be compounded on the past due balance. If the Client's account is past due or Client has exceeded AEROTEK's established credit limit, AEROTEK shall notify Client verbally or in writing of such occurrence. Upon such notice, AEROTEK may, without additional notice, immediately cease providing any and all further Contract Employee services without any liability to Client for interruption or stoppage of pending work. In addition, the parties agree that in the ordinary course of business AEROTEK may, in its sole discretion, apply payments made by

Client to any outstanding Client invoice, notwithstanding any direction by Client regarding application of the payment. In the event that there are subsidiaries and/or affiliates of Client that are subject to the terms of this Agreement, and those subsidiaries and/or affiliates become delinquent or are unable to pay AEROTEK according to the terms contained herein, Client shall be liable to AEROTEK for payment of any and all outstanding invoices owed by the subsidiaries and/or affiliates.

6. EXPENSES: Client shall reimburse AEROTEK for all ordinary, necessary, and reasonable travel expenses incurred by Contract Employee(s) while performing services on behalf of Client that require Contract Employee to travel away from Client's primary job site. Client agrees to accept legible copies of receipts (or electronic copies, if billed electronically) as the supporting documentation needed to pay the expense amount on the invoice.

7. COLLECTION: If the Client's account, after default, is referred to an attorney or collection agency for collection, Client shall pay all of AEROTEK's expenses incurred in such collection efforts including, but not limited to, collection agency fees, court costs and reasonable attorneys' fees. Notwithstanding the terms of Section 15.3 of this Agreement AEROTEK may institute proceedings to seek a default judgment in any court of competent jurisdiction in the United States.

8. BANKRUPTCY: Client agrees that in the event Client files bankruptcy, (i) to the extent AEROTEK pays the salary and other direct labor costs of the Contract Employees it provides to Client and such amounts incurred within 180 days prior to bankruptcy are not paid by Client to AEROTEK prior to bankruptcy, and/or (ii) AEROTEK is the assignee of claims held by such Contract Employees against Client for such amounts incurred within 180 days prior to bankruptcy and such amounts are not paid by Client to AEROTEK prior to bankruptcy, then AEROTEK has a claim against Client in bankruptcy for the amount of such salary and other direct labor costs which is entitled to a priority under 11 U.S.C. § 507(a)(4).

9. PURCHASE ORDERS: Payment of AEROTEK invoices shall not be dependent upon a Client generated purchase order. If a purchase order is required pursuant to this Section, Client shall deliver to AEROTEK a written purchase order [2/48days/hours] before the first Contract Employee start date identified on Exhibit A. As stated in Section 15.21 herein, this Agreement and Exhibit A constitute the entire agreement between the parties. If there is any inconsistency or conflicting terms between this Agreement and a client purchase order, this Agreement shall prevail. If a purchase order is required pursuant to this paragraph, failure by Client to deliver said purchase order shall not release Client of its obligations contained in this Agreement.

10. EXPORT CONTROL: Client agrees that it will adhere to all applicable export controls including but not limited to the International Traffic and Arms Regulations (ITAR), the Export Administration Regulations (EAR), and all regulations and orders administered by the Office of Foreign Asset Control of the U.S. Department of Treasury. Client further assumes responsibility for Contract Employees' actions with regard to any transfer of export controlled articles to include technical data, and defense services while acting within the scope of work under this contract, to include the procurement of any licenses required under the ITAR or EAR. Client is responsible for promptly identifying in writing for AEROTEK positions that require access to export controlled data or require AEROTEK provided personnel to participate in the export of controlled information and technologies to foreign persons. Upon notification of applicable export controls, AEROTEK will certify that employees placed in those positions are U.S. persons.

11. RESTRICTIVE COVENANT

11.1. RESTRICTIVE COVENANT - CONVERSION: AEROTEK is not an employment agency. Its services are provided at great expense to AEROTEK. In consideration thereof, during the term of this Agreement and for the twelve (12) month period immediately following the period for which a Contract Employee last performed services for the Client under this Agreement, Client shall not, directly or indirectly, for itself, or on behalf of any other person, firm, corporation or other entity, whether as principal, agent, employee, stockholder, partner, member, officer, director, sole proprietor, or otherwise, solicit, participate in or promote the solicitation of such Contract Employee to leave the employ of AEROTEK, or hire or engage such Contract Employee. If any Contract Employee provided by AEROTEK to Client is engaged by Client to perform services, either directly or indirectly, within twelve (12) months of that Contract Employee's last day of work at Client through AEROTEK, the Client will pay AEROTEK, as liquidated damages, an amount equal to 25% of the Contract Employee's first year salary, including bonuses, with Client.

11.2. RESTRICTIVE COVENANT - RIGHT TO HIRE: Notwithstanding, the above Section 11.1, if Contract Employee has completed the minimum assignment duration at Client for AEROTEK, pursuant to Exhibit A, there will be no fee for directly hiring the Contract Employee.

11.3. ACCOUNT STATUS: If Client exercises its right to hire a Contract Employee at a time when Client is in breach of Section 5 of this Agreement or Client's account is otherwise not current or in good standing, Client agrees to pay the fee of 30% of the Contract Employee's first year salary, including bonuses with Client, even though the Contract Employee has completed the assignment duration outlined in the attached Exhibit A.

12. SUBMITTALS

12.1. RIGHT TO HIRE: Resumes submitted to Client are confidential and for Client use only. Client agrees that AEROTEK is the exclusive representative of all candidates for which resumes are submitted to Client by AEROTEK in response to Client requests. Accordingly, Client agrees that if any candidate submitted to Client by AEROTEK is engaged to perform services, either directly or indirectly, by Client within twelve (12) months of receipt of the resume, Client agrees to pay to AEROTEK as liquidated damages an amount equal to 25% of the employee's first year annual salary, including bonuses.

12.2. CONTRACT EMPLOYEE PERFORMANCE: Within the initial employment guarantee period as detailed in the attached Exhibit A from any Contract Employee(s) starting date, Client shall review the Contract Employee's performance and decide whether to continue the engagement of such Contract Employee. If Client is dissatisfied with the performance of the Contract Employee, and Client wishes AEROTEK to terminate its engagement of such Contract Employee, Client must notify AEROTEK within the initial period, specifying the reasons for its dissatisfaction, and Client shall not be required to pay for the hours worked by that Contract Employee during the initial period, provided its reasons for termination are not unlawful and are bona fide in AEROTEK's reasonable judgment. If Client becomes dissatisfied with the performance of a Contract Employee after the initial period, Client may request that AEROTEK terminate the engagement of that Contract Employee upon written notice to AEROTEK, but Client shall pay for all hours worked by the terminated Contract Employee from the first hour of work up to and including the date of termination.

12.3. LIMITATION OF LIABILITY: AEROTEK does not warrant or guarantee that the Contract Employee(s) placed pursuant to this Agreement will produce any particular result or any solution to Client's particular needs, or perform services in any particular manner. Accordingly, Client acknowledges and agrees that

AEROTEK is not responsible for any aspects of the Contract Employees work or the Client's project, including, without limitation, any deadlines or work product. Because AEROTEK is providing supplemental staffing services only, and Client is directing and supervising the Contract Employees who render these services, AEROTEK shall not be liable (i) for any claims, costs, expenses, damages, obligations or losses arising from or in connection with the acts or omission of any Contract Employee, including, but not limited to, work on engineering or design concepts or calculations or related drawings, software programs, designs or documentation, or (ii) for any indirect, special or consequential damages (including, but not limited to, loss of profits, interest, earnings or use) whether arising in contract, tort or otherwise. Client shall indemnify AEROTEK and hold it harmless against and from any such claims made or brought by third parties, including any and all costs incurred in connection with such claims.

13. CLIENT PROPERTY

13.1. WORK PRODUCT: All work product of every kind performed by any Contract Employee on behalf of Client shall be the sole and exclusive property of Client.

13.2. DAMAGES: AEROTEK does not provide insurance coverage for any real or personal property of Client, including but not limited to machinery, equipment, computers, tools, vehicles or other real or personal property which is owned or leased by client. Accordingly, Client agrees that in the event it supplies, provides or otherwise allows Contract Employees to use or have access to any property of Client, (including but not limited to cell phones, laptop computers, tools, etc.), Client shall be solely responsible for any damage, theft, repair or loss associated with this property, and Client shall indemnify, hold harmless and defend AEROTEK against and from such claims made or brought for any damaged, stolen, or lost property of Client.

13.3. CONFIDENTIALITY: AEROTEK recognizes that while performing its duties under this Agreement, AEROTEK and its Contract Employees may be granted access to certain proprietary and confidential information regarding Client's business, customers, and employees. AEROTEK agrees to keep such information confidential and the obligations of this paragraph will survive the termination of this Agreement. This paragraph does not apply to information that was previously known or information that is available in the public domain.

14. NOTICES

14.1. MANNER: Any notice or other communication ("Notice") required or permitted under this Agreement shall be in writing and either delivered personally or sent by facsimile, overnight delivery, express mail, or certified or registered mail, postage prepaid, return receipt requested.

14.2. ADDRESSEE: A Notice shall be addressed, in the case of AEROTEK, to Assistant Controller--Mid-Atlantic Region at: 7301 Parkway Dr. Hanover, MD 21076 or, in the case of Client, to Chad Lulfs, at P.O. Box 151 255 W. Riverview Ave. Napoleon, OH 43545. If sent by facsimile, a Notice shall be sent to AEROTEK at (410) 579-3106 or to Client at (419) 599-8393.

14.3. DELIVERY: A Notice delivered personally shall be deemed given only if acknowledged in writing by the person to whom it is given. A Notice sent by facsimile shall be deemed given when transmitted; provided that the sender obtains written confirmation that the transmission was sent. A Notice sent by overnight delivery or express mail shall be deemed given twenty-four (24) hours after having been sent. A Notice that is sent by certified mail or registered mail shall be deemed given forty-eight (48) hours after it is mailed. If any time period in this Agreement commences upon the delivery of Notice to any one or more parties, the time period shall commence only when all of the required Notices have been deemed given.

14.4. CHANGES: Either party may designate, by Notice to the other, substitute addressees, addresses or facsimile numbers for Notices, and thereafter, Notices are to be directed to those substitute addresses, or facsimile numbers.

15. MISCELLANEOUS:

15.1. WAIVER: Failure to insist upon strict compliance with any of the terms, covenants or conditions of this Agreement shall not be deemed a waiver of that term, covenant or condition or of any other term, covenant or condition of this Agreement. Any waiver or relinquishment of any right or power hereunder at any one or more times shall not be deemed a waiver or relinquishment of that right or power at any other time.

15.2. REMEDIES CUMULATIVE: The remedies set forth in this Agreement are cumulative and are in addition to any other remedies allowed at law or in equity. Resort to one form of remedy shall not constitute a waiver of alternate remedies.

15.3. DRUG & BACKGROUND SCREENING: If Client requires AEROTEK to perform certain drug and/or background screenings on its candidate(s) and/or Contract Employee(s), the Exhibit B Addendum should be completed and signed by both Client and Aerotek. These screenings will be performed at Client's sole expense unless otherwise agreed to in writing by both parties.

15.4. ASSIGNMENT: No party shall transfer or assign any or all of its rights or interests under this Agreement or delegate any of its obligations without the prior written consent of the other party; provided, however, that AEROTEK may transfer or assign its rights or interests, or delegate its obligations, under this Agreement to any parent, subsidiary or affiliate without the prior written consent of Client.

15.5. COMPLIANCE: Client agrees that it will comply with applicable federal, state, and local laws in connection with the services provided by AEROTEK hereunder, including but not limited to the following:

15.6. EQUAL OPPORTUNITY: AEROTEK is an equal opportunity employer and refers Contract Employees regardless of race, sex, color, religion, creed, ancestry, national origin, disability, age, marital status or other protected class status pursuant to applicable law. Client agrees and warrants that it will not reject Contract Employees, or otherwise deem Contract Employees unacceptable, or take any other action for any reason prohibited by federal, state or local laws including, but not limited to, laws pertaining to employment discrimination or employee safety. Client will indemnify and defend AEROTEK with respect to any and all claims that Client took action in violation of federal, state, and/or local laws, including costs of suit, settlement and attorneys' fees.

15.7. GOVERNMENT CONTRACTING - NOTIFICATION AND

WAGE DETERMINATION: Client acknowledges and agrees that Client is responsible for (i) prior notification to AEROTEK of any and all projects that support a contract with the United States, State or Local Government, and (ii) the accuracy of any applicable prevailing wage determinations and flow down provisions. Should Client fail to notify AEROTEK of an applicable prevailing wage or provide accurate wage determinations, AEROTEK reserves the right to bill Client the difference in the rate for all hours worked plus any statutory or regulatory costs associated with such rate difference. Further, AEROTEK will charge a ten percent (10%) fee, as liquidated damages for Client's failure to notify AEROTEK that a prevailing wage applies, which will be calculated based on the total difference in the rate for all hours worked.

15.8. AVIATION REGULATIONS: Client represents that none of the services to be performed by any Contract Employee will be



FAA-regulated as a "SAFETY-SENSITIVE FUNCTION". Client agrees to be solely responsible for making such determination(s), and Client agrees to indemnify AEROTEK and hold AEROTEK harmless for any claims, costs or damages which may result from the Client's breach of its obligations contained herein.

15.9. HEALTH AND SAFETY: Client shall provide a safe, clean work environment that complies with all applicable local, state and federal laws. Client agrees to train, certify, evaluate and orient all Contract Employees in all applicable safety (IIPP), hazardous communication (SDS information, etc.) ergonomic and operational instructions in the same manner as Client employees and as required by policy or by law, including but not limited to, all federal OSHA and equivalent state agency requirements, guidelines and standards. Client agrees to document Contract Employee site specific training, which documents the date and type of training conducted. The Client further agrees to promptly provide verification of site specific training upon Aerotek's request. Further, Client agrees to notify AEROTEK if any health and safety medical testing or medical surveillance will be required for Contract Employee. Client agrees to notify AEROTEK of any changes in occupational exposures that would require medical testing or medical surveillance. To the extent a Contract Employee is obligated to meet site-specific training requirements in order for Client to comply with applicable site-specific legal requirements, the Client shall provide the Contract Employee with all necessary training before placing the Contract Employee into the work environment and before allowing the Contract Employee to commence the specific assignment. Client shall provide and require all AEROTEK Contract Employees to wear all appropriate safety equipment. Client will notify AEROTEK immediately in the event of an accident or medical treatment of any Contract Employee, and will provide a completed supervisor's report of injury. AEROTEK may perform, if feasible, an inspection of the workplace to conduct its own hazard assessment or to ensure implementation of the Client's safety and health obligations. Client agrees to provide the necessary and accurate information to complete this assessment. In the event of an accident or other incident involving a Contract Employee, AEROTEK shall have the right to conduct an onsite investigation. Client shall cooperate with AEROTEK in the conduct of its investigation. Client will be responsible for all OSHA recordkeeping responsibilities required by law in the performance and execution of the terms of this agreement. Client shall indemnify AEROTEK and hold it harmless against and from any claims made or brought as a result of Client's breach of its obligations contained in this paragraph.

15.10. DATA SECURITY: Client acknowledges and agrees that, in the course of its business relationship with AEROTEK, Client may receive or have access to Sensitive Personal Information of AEROTEK or its Contract Employees, including, without limitation, names, signatures, addresses, telephone numbers, e-mail addresses, government-issued identification numbers, and other personal identifiers. Client agrees to keep and maintain all Sensitive Personal Information in strict confidence, using such degree of care as is appropriate to avoid unauthorized access, use or disclosure. In addition, Client agrees that it shall use and disclose Sensitive Personal Information solely and exclusively for the purposes for which the Sensitive Personal Information, or access to it, is provided pursuant to the terms and conditions of this Agreement and not disclose such information to any person or entity without express written consent from AEROTEK.

15.11. DATA SECURITY INCIDENT. In the event a Data Security Incident occurs involving a Contract Employee assigned to Client under this Agreement, Client agrees to report the Data Security Incident to AEROTEK via the following link: <https://infosec.allegisgroup.com>. A Data Security Incident shall be defined to include any matter in which Client equipment is lost or stolen, any sensitive, proprietary or Client confidential information contained on the equipment is improperly transmitted

or disclosed or other Data Security Incidents or issues that arise and are caused by Contract Employee(s).

15.12. OTHER REQUIREMENTS: Client acknowledges and agrees that it shall be responsible for notifying AEROTEK of any other industry-specific law or regulation applicable to the services provided by AEROTEK prior to any AEROTEK employee providing any services.

15.13. ANNUAL INFLATION ADJUSTMENT: Within the first sixty (60) days of every calendar year, AEROTEK reserves the right to adjust established bill rates with Client by up to 3% to cover specific direct cost increases. This bill rate adjustment will include any statutory, employee benefit, or Contract Employee compensation increases. AEROTEK will submit a revised Exhibit A reflecting the bill rate adjustment at the effective date of change to the Client for documentation purposes. If direct cost increases are greater than 3% then AEROTEK will secure a revised Exhibit A with Client documenting the new agreed upon rates. Any rate adjustment will be applicable on a go forward basis only.

15.14. GOVERNING LAW: The laws of the State of Ohio shall govern the validity and construction of this Agreement and any dispute arising out of or relating to this Agreement, without regard to the principles of conflict of laws.

15.15. SEVERABILITY: A ruling by any court that one or more of the provisions contained in this Agreement is invalid, illegal or unenforceable in any respect shall not affect any other provision of this Agreement so long as the economic or legal substance of the transactions contemplated hereby is not affected in any manner materially adverse to any party. Thereafter, this Agreement shall be construed as if the invalid, illegal, or unenforceable provision had been amended as originally contemplated by this Agreement to the greatest extent possible.

15.16. COUNTERPARTS: This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original. In that event, in providing this Agreement it shall not be necessary to produce or account for the counterpart signed by the party against whom the proof is being presented.

15.17. HEADINGS: The section and subsection headings have been included for convenience only, are not part of this Agreement and shall not be taken as an interpretation of any provision of this Agreement.

15.18. BINDING EFFECT: This Agreement shall be binding upon and shall inure to the benefit of the parties and their respective heirs, legatees, personal representatives and other legal representatives, successors and permitted assigns. Except as otherwise specifically provided, this Agreement is not intended and shall not be construed to confer upon or to give any person other than the parties any rights or remedies.

15.19. AMENDMENTS AND MODIFICATIONS: Except for modifications to Exhibit A pursuant to Section 2 herein, this Agreement may be amended, waived, changed, modified or discharged only by an agreement in writing signed by all of the parties.

15.20. ENTIRE AGREEMENT: This Agreement and Exhibit A hereto constitutes the entire agreement between the parties, and there are no representations, warranties, covenants or obligations except as set forth in this Agreement. This Agreement supersedes all prior and contemporaneous agreements, understandings, negotiations and discussions, written or oral, of the parties, relating to any transaction contemplated by this Agreement.



AEROTEK, INC.

By: John Kaczmarek

Name: [Signature]

Title: Account Manager

Date: 6/12/18

Client: City of Napoleon

By: _____

Name: _____

Title: _____

Date: _____



EXHIBIT A

Pursuant to the terms and conditions of the Services Agreement ("Agreement") dated 6/4/18 by and between AEROTEK, Inc. ("AEROTEK") and City of Napoleon ("Client"), Client agrees to reimburse AEROTEK in full at the following approved rates:

Contract Employee Information

Division	EE			
Client Job Title/Contractor Name	Zach Berry / Civil Engineer			
Aerotek Job Title	Civil Engineer			
Temp to Hire Duration (Section 11.1)	6 Months			
Guarantee Period (Section 12.2)	8 business hours			

Standard Billing Rates

Straight Time Billing Rate	\$45.66			
Overtime Billing Rate	1.35 X straight time bill rate			
Double Time Billing Rate				

Additional Billing Rates

AGREED AND ACCEPTED:

Client : City of Napoleon

By: _____
(Signature)

(Name/Title)

(Date)

AEROTEK, INC.

By: _____
(Signature)

John Kaczmarek / Account Manager
(Name/Title)

6/4/18
(Date)

ORDINANCE NO. 036-18

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) RELATED TO THE RIVER BRIDGE AND WATERLINE EXTENSION PROJECT; AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE BOARD OF COMMISSIONERS OF HENRY COUNTY, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon has previously unanimously passed Resolution No. 042-17, on June 19, 2017 in support of a second river bridge in and for the City of Napoleon, Ohio connecting the City's two industrial areas, and allowing for traffic from the south industrial area to reach the new U.S. Route 24 and rail facilities; and,

WHEREAS, the Commissioners of Henry County, Ohio entered an agreement, Agreement for the Maumee River Crossing, Henry County, Ohio, with Mannik & Smith Group, Inc. which includes authorizing the Mannik & Smith Group, Inc. to perform bridge and roadway plan revisions for a new waterline extension for the New River Bridge in the amount of thirty-seven thousand five hundred seventy-two dollars (\$37,572.00); and,

WHEREAS, the City owns the waterline that it wants the bridge to carry; and,

WHEREAS, the City now desires for the City Manager, as authorized in Sections 133.01(d) (13) and Chapter 105 of the Codified Ordinances of the City of Napoleon, Ohio, on behalf of the City of Napoleon, Ohio to enter into a contract with the Commissioners of Henry County, Ohio regarding reimbursement to Henry County, Ohio for payment rendered to Mannik & Smith Group, Inc.; **Now Therefore**,

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

Section 1. That, the City of Napoleon authorizes the expenditure of funds in excess of twenty-five thousand dollars (\$25,000.00) for reimbursement to Henry County, Ohio for payment rendered to the Mannik & Smith Group, Inc. for performance of bridge and roadway plan revisions for a new water line extension for the new river bridge in the amount of thirty-seven thousand five hundred seventy-two dollars (\$37,572.00) within thirty (30) days of the date of Henry County, Ohio's payment to the Mannik & Smith Group, Inc. for said revisions.

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

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

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City

and its inhabitants; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the emergency clause is necessary to authorize the contract with the Commissioners of Henry County, Ohio to compensate Henry County, Ohio in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

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 -18 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

ORDINANCE NO. 029-18

AN ORDINANCE AMENDING SECTION 505.14 OF THE CODIFIED CODE TO PROHIBIT DANGEROUS AND VICIOUS DOGS FROM BEING ON SIDEWALKS USED BY THE GENERAL PUBLIC; REPEALING CERTAIN SECTIONS OF ORDINANCE NO. 051-09

WHEREAS, City Council recently reviewed the City's Codified Ordinances in an effort to keep up to date with current regulations; and,

WHEREAS, on February 21, 2012, Ohio House Bill 14 took effect removing pit bulls from the State's definition of vicious dogs; **Now Therefore**,

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

Section 1. That, Section 505.14 of the Napoleon Codified Code shall be amended and enacted as follows:

505.14 DANGEROUS AND VICIOUS DOGS.

(a) As used in this section:

(1) A. "Dangerous dog" means a dog that, without provocation, and subject to subsection (a)(1)B. hereof, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that dog is off the premises of its owner, keeper or harbinger and not under the reasonable control of its owner, keeper, harbinger or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top.

B. "Dangerous dog" does not include a police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

(2) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(3) "Police dog" means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties.

(4) A. "Vicious dog" means a dog that, without provocation and subject to subsection (a)(4)B. hereof, meets any of the following:

1. Has killed or caused serious injury to any persons;
2. Has caused injury, other than killing or serious injury to any person, or has killed another dog;
- ~~3. — Belongs to a breed that is commonly known as a pit bull dog. The ownership, keeping or harboring of such a dog shall be prima facie evidence of the ownership, keeping or harboring of a vicious dog.~~

B. "Vicious dog" does not include either of the following:

1. A police dog that has killed or caused serious injury to any person or that has caused injury, other than killing or serious injury, to any person

while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;

2. A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper or harbinger of the dog.

~~C. "Pit bull" as used herein includes, but is not limited to, any American Pit Bull Terrier, any Bull Terrier, any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier, Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier, Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier.~~

(5) "Without provocation" means that a dog was not teased, tormented or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

(b) Except when a dangerous or vicious dog is lawfully engaged in hunting or training for the purpose of hunting and is accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper or harbinger of a dangerous or vicious dog shall fail to do either of the following:

(1) While that dog is on the premises of the owner, keeper or harbinger, securely confine it at all times in a building, in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top, except that a dangerous dog may, in the alternative, be tied with a leash or tether so that the dog is adequately restrained;

(2) While that dog is off the premises of the owner, keeper or harbinger, keep it on a chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following:

A. Keep that dog in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top;

B. Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie or affix the leash or tether to the ground or stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to that dog so as to prevent it from causing injury to any person;

C. Muzzle that dog.

(c) No owner, keeper or harbinger of a vicious dog shall fail to obtain liability insurance with an insurer authorized to write liability insurance in this State providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than one hundred thousand dollars (\$100,000) because of damage or bodily injury to or death of a person caused by the vicious dog. The failure to furnish a copy of the liability insurance policy to a Dog Warden or a law enforcement officer that has authority to enforce Section 505.14 within ten (10) days of request by such Dog Warden or law enforcement officer shall be prima facie evidence that the insurance does not exist.

(d) No owner, keeper, or harbinger of a dangerous or vicious dog shall NEGLIGENTLY permit said animal, when within the city, in a public park, public parking lot, or upon any public sidewalk, or upon other public property that is owned,

leased, or controlled by the local, state, or federal government, or upon any private sidewalk or parking lot that is placed for use by the general public, unless the dog is muzzled and on a chain-link leash or tether that is not more than six (6) feet in length, except that such dangerous or vicious dog may be transported in a motor vehicle when meeting the minimum requirements of Section 505.14(b)(2).

(e) If a violation of subsection (b) hereof involves a dangerous dog, whoever violates that subsection is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that he owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to subsection (c) hereof. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the Dog Warden or the Humane Society.

(f) If a violation of subsection (b) hereof involves a vicious dog, whoever violates that subsection is guilty of one of the following:

(1) A misdemeanor of the first degree on a first offense. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the Dog Warden or the Humane Society.

(2) In the event the vicious dog kills or causes serious injury to a person while violating subsection (b), then the charge should be filed pursuant to Section 955.22 of the Ohio Revised Code as a felony.

(g) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree.

(h) Whoever violates subsection (d) hereof is guilty of a misdemeanor of the fourth degree.

(i) ~~Except when an offense involves a pit bull,~~ Whenever an alleged violation of Section 505.14 comes to the attention of the official with authority to enforce Section 505.14, as it relates to a dangerous or vicious dog as herein defined, not being properly insured, restrained or confined, he or she shall promptly investigate prior to the filing of a criminal charge. Should the official, after such investigation, believe that a violation does exist, or believe that the dog is dangerous or vicious, he or she shall promptly notify the owner, keeper, or harborer in the manner prescribed in this section to appear before the City Manager or the City Manager's designee at a date, time and place certain to determine the question as to whether or not the dog is dangerous or vicious as defined in Section 505.14 of the Codified Ordinances.

(1) The investigator shall cause a written report concerning the dangerous or vicious dog to be filed with the City Manager along with any photographs and evidence thereof stating his or her findings.

(2) Notice shall be deemed to be properly served if a copy thereof is:

A. Delivered to the owner, keeper or harborer of the dog by either personal or residential service or by certified mail; or,

B. If the certified letter is returned showing that the letter was not delivered, when a copy thereof is posted in a conspicuous place at the residence of the owner, keeper, or harborer of the dog.

C. Notice of the hearing shall be in substantially the following form:

NOTICE OF HEARING

You are hereby notified that you as an owner, keeper or harbinger of an alleged dangerous or vicious dog, as defined in Section 505.14 of the Codified Ordinances of the City are ordered to appear on _____ at ____ M. at the location of _____. Failure to appear may result in favor of the official alleging the dog is dangerous or vicious.

Dated this _____ day of _____.

/s/ _____
(TITLE OF SIGNER)

A copy of the foregoing notice was served on _____ on the _____ day of _____, _____.

(MANNER OF SERVICE)

/s/ _____
(PERSON SERVING)

D. At the time and place specified in the notice, the City Manager or his or her designee shall hear the matter. The formal rules of evidence shall not apply; however, the hearing shall be recorded. The owner, keeper or harbinger of the dog in question shall have the right to appear in person or by counsel. At the conclusion of the hearing, the City Manager or his or her designee shall make a determination whether or not, by preponderance of the evidence, the dog in question is dangerous or vicious as defined in Section 505.14 of the Codified Ordinances. Service of the decision is deemed completed when the decision is either delivered in person or by regular U.S. mail, proof of mailing required, to the owner, keeper or harbinger or representative of the dog in question, or by posting the order in a conspicuous place on, in or about the residence of the owner, keeper or harbinger. The decision shall be deemed final subject to an appeal filed within ten (10) days from service of the decision to the owner, keeper or harbinger of the dog in question or his or her representative. Appeals shall be taken to the Common Pleas Court of Henry County, Ohio.

Section 2. That, Section 505.14 of the Codified Code as existed prior to the enactment of this Ordinance is repealed.

Section 3. 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 4. 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 5. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

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. 029-18 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

RESOLUTION NO. 031-18

A RESOLUTION ADOPTING THE 2019 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 4, 2018, concerning this 2019 Tax Budget.

WHEREAS, the 2019 Tax Budget must be adopted on or before July 15, 2018;
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 2019 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 2019 Tax Budget.

Section 2. That, the Finance Director is hereby directed to file the 2019 Tax Budget with the County Auditor on or before July 20, 2018.

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, 2018 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: _____

Joseph D. Bialorucki, 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. 031-18 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

RESOLUTION NO. 033-18

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO
EXECUTE ALL DOCUMENTS NECESSARY TO APPLY AND
ACCEPT OHIO PUBLIC WORKS COMMISSION STATE
CAPITAL IMPROVEMENT PROGRAM (SCIP) AND LOCAL
TRANSPORTATION IMPROVEMENT PROGRAM (LTIP) FUNDS
FOR PROJECTS DEEMED NECESSARY BY THE CITY
ENGINEER IN THE YEAR 2019**

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

Section 1. That, the City Manager is directed to execute all documents necessary to apply for and accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) funds for the year for projects deemed necessary by the City Engineer in the Year 2019, including but not limited to execution of Grant Agreement(s).

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

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

Section 4. That, this Resolution shall be in full force and effect at the earliest time permitted by law.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

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. 033-18 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

ORDINANCE NO. 034-18

AN ORDINANCE TO APPROVE CURRENT APRIL, 2018 REPLACEMENT PAGES TO THE NAPOLEON CODIFIED ORDINANCES

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

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

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council; 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 April 2018 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.

Administrative Code

Fire and Rescue Fees
Municipal Income Tax
Rules and Procedures of Civil Service
Personnel Code

Traffic Code

OVI; Willful Misconduct; Speed
Safety and Equipment
Traffic Schedules

Business Regulation Code

Medical Marijuana

Streets, Utilities and Public Services Code

Water and Sewer Service
Electric Rates
Recreation Facilities

Planning and Zoning Code

General Regulations

Building Code

Adoption

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: _____

Joseph D. Bialorucki, 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. 034-18 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
APRIL 2018 REPLACEMENT PAGES
FOR THE
CODIFIED ORDINANCES
OF NAPOLEON

All new replacement pages bear the footnote "April 2018 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

Cover and Certification Page	Cover and Certification Page
13, 14	13, 14
19, 20	19, 20
23, 24	23, 24
27 through 30	27 through 30
35, 36	35, 36
40C, 40D	40C, 40D

PART ONE - ADMINISTRATIVE CODE

44A through 44D	44A through 44D
93, 94	93, 94
102A through 102D	102A through 102D
102CCC through 102FFF	102CCC through 102FFF
102QQQ, 102RRR	102QQQ through 102KKKK
121 through 130	121 through 130
187 through 190	187 through 190

PART THREE - TRAFFIC CODE

63, 64	63, 64
73, 74	73, 74
115 through 120	115 through 120A
177 through 184	177 through 184

PART SEVEN - BUSINESS REGULATION CODE

Table of Contents Page	Table of Contents Page
None	25

Discard Old Pages

Insert New Pages

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

29 through 34

47, 48

73 through 79

29 through 34

47, 48

73 through 80

PART ELEVEN - PLANNING AND ZONING CODE

47, 48

65

47, 48

65, 66

PART THIRTEEN - BUILDING CODE

Table of Contents Page
through 7

Table of Contents Page
through 4

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

Complete to April 16, 2018

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 April 16, 2018.

/s/ Jason Maassel
Mayor

/s/ Gregory J. Heath
Council Clerk

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

Copyright, 1996, by
The Walter H. Drane Company

BUILDING CODE (see also BUILDING CODE, OHIO)			
administration	1325.01		
BUILDING DEMOLITION			
penalty	1325.99		
permit required	1325.03		
BUILDING OFFICIAL			
Ohio Building Code enforcement	1301.03		
BUILDING PERMIT			
fees	1325.04		
penalty	1325.99		
BUMPERS	337.29		
BURNS (see WOUNDS AND BURNS)			
BUS (see also COMMERCIAL AND HEAVY VEHICLE)			
defined	301.05		
school bus			
defined	301.35		
discharging children	331.38		
driving regulations	331.38		
stopping for	331.38		
stops, parking in	351.10		
BUSINESS DISTRICT (see also COMMERCIAL DISTRICTS)			
defined	301.06		
speed	333.03		
CANOPIES (see SIGNS)			
CARNIVAL (see OUTDOOR PUBLIC ENTERTAINMENT)			
CAR SEAT, CHILDREN'S	337.26		
CAT (see ANIMALS)			
CATTLE (see ANIMALS)			
CELL PHONE			
texting while driving prohibited	333.11		
use prohibited while driving	335.032		
CEMETERIES			
burial lots; charges	951.04		
Fund			
established	951.01		
investment	951.03		
sources	951.02		
grave openings	951.05		
hours	951.07		
indigent burial	951.08		
penalty	951.99		
Sexton	951.09		
vaults	951.06		
CENTRAL CITY PARKING DISTRICT			
established	351.18		
CERTIFICATE OF TITLE			
motor vehicle	335.08		
off-highway motorcycle, all purpose vehicle	375.08		
CERTIFICATE OF ZONING	1105.02(e)		
CHARTER			
amendments	Chtr. 10.01, 11.01		
applicable laws	Chtr. 10.04		
boards and commissions	Chtr. Art. V		
effective date	Chtr. 11.01		
employees, continuance of	Chtr. 11.04		
existing laws, effect on	Chtr. 11.02		
interpretation	Chtr. 10.03		
invalidity, partial	Chtr. 10.02		
officials, continuance of	Chtr. 11.03		
Review Commission (see CHARTER REVIEW COMMISSION)			
CHARTER REVIEW COMMISSION			
amendments	167.04		
Charter provision	Chtr. 5.07		

CHARTER REVIEW**COMMISSION (Cont.)**

established	167.01
meetings; hearings	167.03
powers and duties	167.02
rules	167.03

CHILDREN (see JUVENILE; MINOR)**CHILD RESTRAINT SYSTEM 337.26****CITY**

boundaries	Chtr. 1.01
incorporation	Chtr. Art. I
name	Chtr. 1.01
powers	Chtr. 1.02, 1.03

CITY MANAGER (see MANAGER, CITY)**CIVIL SERVICE**

general provisions	155.01
--------------------	--------

CIVIL SERVICE COMMISSION

Charter provision	Chtr. 5.01
-------------------	------------

CIVIL SERVICE RULES

administration	195.02
amendments	195.16
applications for positions	195.05
appointments	
exceptional, emergency	195.08
permanent	195.07
temporary	195.08
classification of employment	195.03
compliance	195.19
definitions	195.01
dismissal from employment	195.13
eligible list	195.06
examinations	195.04
hearings	195.14
invalidity	195.17
layoffs; re-employment	195.11
political activity prohibited	195.12
promotions	195.09

CIVIL SERVICE RULES (Cont.)

reductions, suspensions	195.13
reinstatements	195.10
report, annual	195.18
typographical or clerical errors corrected	195.20
waivers	195.15

CODIFIED ORDINANCES

citation	101.01
conflicting provisions	101.06
definitions, general	101.02
designation	101.01
headings	101.01
legislative intent	101.07
penalty, general	101.99
repeal, effect of	101.04
revivor	101.04
rules of construction	101.03
section references	101.05
severability	101.08

COMMERCIAL AND HEAVY VEHICLE

air cleaner required	337.25
brakes	337.18
chains, spikes or lugs	339.10
explosives, transporting	339.06
height, maximum	339.03
length, maximum	339.03
lights (see VEHICLE LIGHTS)	
load limits on bridges	339.12
loads (see VEHICLE LOADS)	
local streets, use	339.02
mud flaps	339.05
mud, tracking	339.08
parking	
oversize vehicle	351.15
trucks; trailers	351.15
permit, special	339.01, 339.02
road service vehicle	301.321, 333.031
route information on request	339.04
slower vehicles to use right lane	331.01

DRIVING (Cont.)

racing motor	331.36
reckless	
failure to control	333.08
willful, wanton disregard	333.02
right of way	
funeral procession	331.24
intersections	331.16
public safety vehicle	331.21, 331.211
turning left	331.17
right side of street	331.01
rotary traffic island, around	331.30
safety zone, through	331.29
shortcutting	331.41
sidewalk, street lawn, curb; on	331.37
signals for turning or	
stopping	331.14, 331.15
snow emergency	355.03
speed (see SPEED)	
squealing tires	331.36
starting vehicle	331.13
stopping vehicle	333.04
stop signs	
emergency or public safety	
vehicle	331.20
operation at	331.14, 331.19
street racing	333.07
street under repair	331.26
suspended license	335.074
texting prohibited	333.11
traffic signal indications	313.03
turning	
center turning lane	331.45
driveway, alley or building	331.11
intersection, at	331.10
J turns	301.53
left, right of way	331.17
right of red	313.03(c)(2)
signals	331.14, 331.15
U turns	331.12
unsafe vehicle	337.01
water covered street, on	331.48
willful, wanton disregard	333.02
wrongful entrustment	
of a motor vehicle	335.05
yellow line	331.07
yield signs, operation at	331.18

DRUG ABUSE

attempt	501.09(e)
driving under influence	333.01
medical marijuana	747.01 et seq.
walking on street under influence	371.09

DRUNK DRIVING

333.01

DUI

333.01

DWELLING (see also BUILDING)

definitions	1101.01
districts (see RESIDENTIAL DISTRICTS)	
temporary	1127.13

EASEMENTS

zoning regulations	1127.11
--------------------	---------

ELECTIONS

initiative	Chtr. 9.01
Mayor	Chtr. 3.05
recall	Chtr. 9.03
referendum	Chtr. 9.02

ELECTRIC DEPARTMENT

scrap wire sale	107.06
-----------------	--------

ELECTRICITY

rates (see ELECTRIC RATES)

ELECTRIC PERSONAL ASSISTIVE

MOBILITY DEVICE (see also WHEELCHAIR)

regulations	371.12
-------------	--------

ELECTRIC RATES

authority to establish	939.01
Energy Reduction Program	939.03
net metering	939.05
schedule	939.02

ELECTRONIC WIRELESS

COMMUNICATION DEVICE

texting while driving prohibited	333.11
use prohibited while driving	335.032

EMERGENCY

contracts, municipal	105.03
----------------------	--------

EMERGENCY(Cont.)

fire; additional firemen	143.04
noise control exception	531.07
nuisance abatement	503.09
police; additional	
patrolmen	145.03
purchases, municipal	105.01
right of way;	
construction	919.03
snow; snowmobile	375.04
structures	1127.13
traffic direction	303.02

**EMERGENCY VEHICLE (see also
PUBLIC SAFETY VEHICLE)**

approaching when	
stationary	333.031
defined	301.11
exemptions	303.041
following, parking near	331.27
siren, whistle, bell	337.19
speed exceptions	333.06
stop sign or signal, effect	331.20

EMPLOYEES, MUNICIPAL

civil service rules (see CIVIL SERVICE RULES)	
continuance	
under Charter	Chtr. 11.04
Personnel Code (see PERSONNEL CODE)	

ENGINEER, CITY

duties	139.01
--------	--------

ENGINEERING DEPARTMENT

established	139.01
rules; penalty; appeals	139.03

EXCAVATIONS

abandoned, protection	521.03
barriers; lights	905.05

EXCAVATIONS (Cont.)

exceptions	905.06
parking near prohibited	351.03
penalty	905.99
permit; application;	
deposit	905.02, 905.03
refilling; restoration	905.04
restricted	905.01

EXPLOSIVES

defined	301.12
transporting	339.06

**FAIR (see OUTDOOR PUBLIC
ENTERTAINMENT)****FAIR HOUSING PRACTICES**

Board established	515.04
definitions	515.02
legal action	515.07
penalty	515.99
policy	515.01
procedures; enforcement	515.05
territorial limits	515.06
unlawful practices	515.03

FALSE ALARMS

acceptance	511.03
definitions	511.01
hearings; appeals	511.04
penalty	511.99
prohibited	511.02

FALSE INFORMATION

traffic violation	303.11
-------------------	--------

FALSIFICATION

driver's license	
application	335.04(e)
license plate registration	335.09(f)
police officer, false	
information to	303.10

FLOOD PLAIN DISTRICTS

- conditional uses 1137.01(c), 1141.03(b)
- established 1137.01(a)
- performance standards 1137.01(b)

FMLA LEAVE 197.19(h)**FOWL** (see ANIMALS)

- coloring; sale or display 505.12
- running at large 505.01

FREEWAY (see STREETS)**FUNDS**

- boards and commissions 156.01
- Cemetery Fund 951.01 et seq.
- income tax
 - contributions 193.11, 193.21
 - lodging tax, from 191.20
- Sewer Revenue Fund 935.04

FUNERAL PROCESSION

- driving in 331.24

GARBAGE AND RUBBISH (see also SOLID WASTE)

- bags; ties 925.07
- burning 925.05
- commercial or licensed
 - collections 925.10
- containers, placement of 925.08
- definitions 925.01
- disposal required 925.03
- dumping 925.05
- hazardous or infectious waste 925.23
- liquid waste 1127.19
- penalty 925.99
- private haulers 925.11
- public utility, as 925.02
- public utility payments 925.16
- rates and charges
 - generally 925.12
 - requests 925.19
 - special service 925.17
 - tires; whiteware 925.18
- recycling center license 723.02
- refuse, miscellaneous 925.09

GARBAGE AND RUBBISH (Cont.)

- residential 925.06
- rules and regulations 925.14
- Sanitation Department service 925.04
- schedules 925.12
- tags, purchase of 925.16
- unauthorized removal 925.15
- yard waste management 925.20 et seq.

GOLF COURSE, MUNICIPAL

- approval needed for play 955.13
- fees
 - greens; carts 955.12
 - privilege 955.09
- penalty 955.99
- persons permitted on 955.11

GRASS (see WEEDS AND GRASS)**GUN** (see WEAPONS)**HANDICAPPED PERSONS**

- blind pedestrian 371.02
- mobility device 371.12
- parking locations 351.04
- ramps added to dwellings 1127.03(b)
- wheelchair, motorized
 - defined 301.52
 - operation of 371.11

HEALTH BOARD

- established 161.01

HEIGHT REGULATIONS

- exceptions 1127.03(d)
- fences, screening, walls 1127.08
- regulations Ch,1147

HIGHWAY (see STREETS)**HITCHHIKING** 371.06**HIT-SKIP** (see ACCIDENT)**HORN** 337.19**HORSES** (see ANIMALS)**HOTEL**

- tax (see LODGING TAX)

HOUSING (see FAIR HOUSING PRACTICES)**HUNTING**

Canada Geese	505.15
prohibited	505.11

IDENTITY THEFT PREVENTION POLICY 137.13**IMPOUNDING**

private tow-away zones	303.082
vehicle	
private residential or	
agricultural property	303.081
release; records; charge	303.081
traffic violation	303.08

IMPOUNDMENT

motor vehicle; storage fee	145.06
----------------------------	--------

IMPROVEMENTS

construction; repair	913.01 et seq.
subdivisions (see SUBDIVISION REGULATIONS)	

INCOME TAX EFFECTIVE JANUARY 1, 2016

amended returns	194.312
annual return	194.09, 194.304
assessment	194.17, 194.310
audit	194.11
authority to levy	194.01
Board of Tax Review	194.18
collection at source	194.05
confidentiality	194.14, 194.303
consolidated returns	194.306
credit	194.08, 194.314
definitions	194.03, 194.301
effective date	194.02
electronic filing	194.305
estimated tax; declaration of	194.07, 194.306
failure to pay	194.307
fees and charges	194.10
fraud	194.15
income subject to tax	
individuals	194.04
net profit	194.06, 194.30
penalty and interest	194.10, 194.309
refunds	194.311
rounding	194.12
rules	194.20

INCOME TAX EFFECTIVE**JANUARY 1, 2016 (Cont.)**

statute of limitations	194.19
tax situs	194.302
Tax Administrator	194.13, 194.16
violations; penalty	194.315, 194.99

INCOME TAX (THRU 12-31-15)

applicability	193.13
collection at source	193.17
confidential information,	
divulging	193.09
credit for tax paid to other	
municipality	193.05
declaration of estimated	193.19
definitions	193.01
effective date; fiscal year	193.04
effective period	193.16
exemptions	193.14
Finance Director	
duties	193.07
investigative powers	193.09
funds, allocation of	193.11
imposition	193.02
interest	193.98
losses	193.03
peddlers and solicitors	735.02(d)
penalty	
civil	193.98
divulging confidential	
information	193.09
general	193.99
prohibition, criminal	193.99
Recreation Fund	193.21
refunds	193.15
return and payment	193.18
Review Board	193.12
rules and regulations	193.06
statute of limitations	193.20
Taxation Department	193.08
withholding by employer	193.17

INDECENCY (see OBSCENITY; SEXUAL OFFENSES)**INDUSTRIAL DISTRICTS (see also ZONING DISTRICTS)**

established	1135.01
I-1 Enclosed Industrial	1135.02

MANAGER, CITY (Cont.)

powers and duties	133.01, 133.04
powers; duties	Chtr. 4.06
qualifications	133.02
residency requirements	133.02
Service Director, as	133.04
Traffic Code authority	305.01
utility service agreements	133.03

MANHOLE COVER

tampering with	313.08
----------------	--------

MANUFACTURED HOME

conditional use regulations	1141.03(b)
occupying moving	331.35

MARIHUANA (see DRUG ABUSE)**MARQUEE (see SIGNS)****MAYOR (see also PUBLIC SERVANT)**

compensation	Chtr. 3.03, 131.03
office location	Chtr. 3.03, 131.03
powers; duties	Chtr. 3.04, 131.04
prohibited activities	131.04
qualifications	Chtr. 3.02, 131.02
term	Chtr. 3.01, 131.01
vacancy; election	Chtr. 3.05, 131.05

MECHANICAL AMUSEMENT DEVICE
(see AMUSEMENT DEVICES
AND ARCADES)**MEDICAL MARIJUANA** 747.01 et seq.**MEETINGS (see also specific subject
involved)**

open	Chtr. 8.01
public (see MEETINGS, PUBLIC)	

MEETINGS, PUBLIC

definitions	103.01
discussion of public business	103.05
executive sessions	103.07
general provisions	103.06

MEETINGS, PUBLIC (Cont.)

regular; organizational; notice	103.02
special news media notice	103.04 103.03

MENACING (see THREATS)**MINI-BIKE (see ALL PURPOSE
VEHICLE)****MINOR (see also JUVENILE)**

curfew (see CURFEW)	
electric personal assistive mobility device use	371.12(b), (c)

MISDEMEANOR (see OFFENSE)**MISSILES** 549.09**MOBILE HOME**

occupying moving	331.35
------------------	--------

MOPED (see MOTORIZED BICYCLE)**MOTELS AND HOTELS**

tax (see LODGING TAX)	
-----------------------	--

MOTORCYCLE (see also BICYCLE)

brakes	337.18
defined	301.19
handle bars	373.02
headlight required	337.03
helmets; safety glasses	373.02
license to operate	335.01(a)
muffler	337.20
off-highway (see MOTORCYCLE, OFF-HIGHWAY)	
rear-view mirror	337.21
riding abreast	373.04
seat, use	373.02
vehicle, attaching to	373.03

MOTORCYCLE, OFF-HIGHWAY

accident reports	375.07
certificate of title	375.08
definitions	375.01
equipment	375.02
licensing requirements, operator	375.05
operation	
permitted	375.04
prohibited	375.03
Traffic Code application	375.03
vehicle registration	375.06

MOTORIZED BICYCLE

definition	301.04(b)
driver's license	373.10
equipment	373.10
lights	337.02

MOTOR VEHICLE

all purpose (see ALL PURPOSE VEHICLE)	
bike path, prohibited on	331.37
boats, launching or retrieving	331.44
certificate of title	335.08
criminal forfeiture of	335.05(c)
definitions	301.20, 301.51
driving (see DRIVING)	
entering or leaving moving vehicle	371.06
equipment (see VEHICLE EQUIPMENT)	
immobilization order	335.05(c)
impounding	
private residential or agricultural property	303.081
release; records; charges	303.081
storage fee	145.06
traffic violation	303.08
junk (see JUNK MOTOR VEHICLE)	
key removal	303.03, 351.07
license plates (see LICENSE PLATES)	
littering from	331.42
operation (see DRIVING)	

MOTOR VEHICLE (Cont.)

parking (see PARKING)	
registration within thirty days	
of residency	335.111
riding on outside	371.06
slow moving (see COMMERCIAL AND HEAVY VEHICLE)	
snowmobile (see SNOWMOBILE)	
unsafe	337.01
weight limits for City-owned	
parking lots	351.19
wrongful entrustment of	335.05

MUFFLER (see VEHICLE EQUIPMENT)**NATIONAL PROPERTY**

MAINTENANCE CODE (see BOCA NATIONAL PROPERTY MAINTENANCE CODE)

NOISE

peddlers and solicitors	735.09
zoning regulations	1127.15, 1127.16

NOISE CONTROL

exceptions	531.03
loud or unnecessary noises	531.01, 531.02
penalty	531.99
remedy; injunction	531.04

NONCONFORMANCE (see USE REGULATIONS)**NUISANCE**

air pollution	1127.18
odors	1127.17

NUISANCE ABATEMENT

appeals	503.11
collection of cost	503.16
damages	503.12
decency, offending	503.04

NUISANCE ABATEMENT (Cont.)

definitions	503.02
emergencies	503.09
enforcement; court	
proceedings	503.18
fees	503.22
filling or draining land;	
City's power	503.21
general provisions	503.01, 503.15
habitation unclean	503.06
health, affecting	503.03
injunctions; violation; contempt	503.15
juveniles, material harmful to	503.24
motor vehicles, abandoned	
or junk	503.13
notices	503.08
obscene activities	503.23
orders	503.10, 503.17
other methods	503.14
peace and safety, affecting	503.05
penalty	503.99
privy vaults, cesspools,	
septic tanks	503.19, 503.20
procedure	503.07, 503.08
prohibited nuisances	503.06
rehabilitation	503.16
vacating premises	503.17

OBSCENITY

materials harmful to	
juveniles (see JUVENILE)	
nuisance abatement	503.23

OBSTRUCTIONS

intersection; crosswalk	331.33
right of way; penalty	901.03, 901.99
stopping vehicle	333.04
street; generally	311.01
watercourse	521.05

OFFENSE (see also specific subject involved)

attempt	501.09
---------	--------

OFFENSE (Cont.)

classification	501.02
common law, abrogated	501.03
complicity in commission	501.10
construction, rules of	501.04
fraud (see FRAUD)	
jurisdiction	501.05
liability	501.07
motor vehicle or traffic	
offense, predicate	301.251
organizational (see ORGANIZATIONS)	
penalty	501.99
prior conviction	501.04(c)
prosecution limitation	501.06
sexual (see SEXUAL OFFENSES)	
theft (see THEFT)	
violent, defined	501.01

OFFENSES AGAINST PERSONS (see specific subject involved)**OFFENSES AGAINST PROPERTY (see specific subject involved)****OFFICIALS, MUNICIPAL (see PUBLIC SERVANT)****OHIO FIRE CODE (see FIRE CODE, OHIO)****ONE-FAMILY DWELLING CODE (see RESIDENTIAL BUILDING CODE OF OHIO FOR ONE-, TWO- AND THREE-FAMILY DWELLINGS)****ONE-WAY STREET 331.30****OPEN BURNING (see also FIRE) definitions 1511.01**

OPEN BURNING (Cont.)

garbage and rubbish	925.05
penalty	1511.99
permission; notice	1511.04
relation to other	
prohibitions	1511.02
restricted areas, in	1511.03

OPEN MEETINGS Chtr. 8.01**OPERATOR'S LICENSE** (see DRIVER'S LICENSE)**ORDINANCES AND RESOLUTIONS**

Charter provision	Chtr.2.15
initiative	Chtr. 9.01
referendum	Chtr. 9.02

ORGANIZATIONS

liability	501.11
penalty	501.99(b)
personal accountability	501.12

OUTDOOR PUBLIC ENTERTAINMENT

conflict	739.08
definitions	739.01
enforcement	739.07
exemption	739.09
hours	739.03(h)
insurance	739.03(i)
intoxicants prohibited	739.02(b)
penalty	739.99
performance bond	739.03(e)
permit	
appeal	739.05
denial, revocation	739.04
fee	739.03(k)
issuance, validation	739.03
required	739.02(a)
suspension	739.04
prohibitions	739.02
refund of deposit moneys	739.06

OVI

driving under suspension	335.071
prohibitions	333.01

PARADES AND ASSEMBLAGES

appeals	312.08
definitions	312.01
event interference prohibited	312.05
interpretation	312.02
outdoor meeting, demonstration or	
rally on public property	312.03
parks, closing	312.09
penalty	312.99
permit	
fee	312.04
revocation	312.07
streets and alleys, closing	312.09

PARKING

advertising displayed on	
vehicle	351.06
alleys and narrow	
streets, in	351.11
angle	351.05
bicycle	373.09
brake, setting	351.07
bus stop, in	351.10
Central City Parking District	351.18
double	351.03
emergency, safety	
vehicle, near	331.27
handicapped	351.04
immobilized, disabled vehicle	351.20
impounding vehicle	303.08
key removal	303.03, 351.07
liability for violation	351.02
loading zone	351.09
locations for handicapped	
persons	351.04
lot (see PARKING LOT)	
night, at	351.14
off-street (see PARKING AND LOADING, OFF-STREET)	

PUBLIC SERVANT			RECREATION (see PARKS AND RECREATION)	
recall from office		Chtr. 7.03		
PUBLIC WORKS			RECYCLING CENTER	
DEPARTMENT		142.01	conditional use regulations	1141.03(b)
PURCHASES, MUNICIPAL (see CONTRACTS AND PURCHASES)			license; fee	723.02
			screening from public view	723.03
RAILROAD			REFERENDUM	
definitions		301.28 et seq.	Charter provision	Chtr. 9.02
grade crossing			RESIDENTIAL BUILDING	
driving across		331.39	CODE	1301.01
obstructing		331.33	RESIDENTIAL DISTRICTS (see also ZONING DISTRICTS)	
parking prohibited near		351.03	defined	301.31
pedestrian on		371.10	established	1131.01
stopping at		331.40	planned developments	
RECALL			Planned Apartment	
Charter provision		Chtr. 9.03	Development	1143.03
RECKLESS DRIVING (see DRIVING)			Planned Cluster	
RECORDS AND REPORTS			Development	1143.05
accident, snowmobile or all			Planned Residential	
purpose vehicle		375.07	Development	1143.06
civil service		195.18	prohibitions	1131.01(e)
Commission (see RECORDS COMMISSION)			R-1 Suburban	1131.03
Council journal		Chtr. 2.09	R-2 Low-Density	1131.04
employees		197.03	R-3 Moderate-Density	1131.05
fireworks exhibition permit		1519.02	R-4 High-Density	1131.06
lodging tax		191.14	speed	333.03
public		Chtr. 8.02	through streets	313.02(b)
RECORDS COMMISSION			use requirements	Ch, 1147 Table 1
appointments		173.07	RIGHT OF WAY	
compensation		173.06	boat launching or retrieving	331.44
established		173.01	construction in (see CONSTRUCTION IN PUBLIC RIGHTS OF WAY)	
officers		173.03	obstructions prohibited;	
powers and duties		173.02	penalty	901.03, 901.99
records exemption		173.09	public; parking prohibited	351.20
records retention policy		173.08	RIGHT TURN ON RED	313.03(c)(2)
records review;			ROAD SERVICE VEHICLE	
disposal		173.04, 173.05	approaching	333.031
			defined	301.321

RUBBISH (see GARBAGE AND RUBBISH)**SAFETY ZONE**

driving through 331.29
parking prohibited 351.03

SALES

peddlers (see SOLICITING AND PEDDLING)
scrap wire by Electric Department 107.06
vehicle, certificate of title required 335.08

SANITATION DEPARTMENT

waste collection 925.04

SCHOOL BUS (see BUS)**SCHOOLS**

definitions 501.01(n) et seq.

SEAT BELT

probationary license requirements 335.031
use required 337.27

SEMITRAILER (see COMMERCIAL AND HEAVY VEHICLE)**SERVICE DIRECTOR**

City Manager as 133.04

SEWERS (see also WATER AND SEWER SERVICE)

liquid waste disposal 1127.19

SHORTCUTTING 331.41**SHRUBS (see TREES AND SHRUBS)****SIDEWALKS**

construction; repair 913.01 et seq.

SIDEWALKS (Cont.)

defined 301.37
driving over 331.37
electric personal assistive mobility device on 371.12
maintenance 901.01
parking on prohibited 351.03
pedestrian right of way 371.07
required use by pedestrian 371.05
roller skating on 373.12
skateboard, on 373.12
snow removal 901.01
vehicle to stop at 331.23

SIGN CODE

Administrator 1335.23
appeals 1335.32
changeable copy 1335.11
compliance required 1335.05(a)
conflict 1335.34
construction specifications 1335.22
contractor license required 1335.12
definitions 1335.04
effective date 1335.36
inspection upon completion 1335.28
insurance 1335.13
lighting 1335.10
maintenance 1335.09
nonconforming, legal determination 1335.19
loss of status 1335.20
maintenance and repair 1335.21
penalty 1335.99
permit applications 1335.24
conditions 1335.27
exemptions 1335.08
fees 1335.25
issuance and denial 1335.26
refunds 1335.27
required 1335.05(b), 1335.07

<u>Ord. No</u>	<u>Date</u>	<u>C.O. Section</u>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
022-08	3-12-08	143.01	50-09	6-1-09	Repeals 1301.02, 1301.03, 1301.99
040-08	5-19-08	955.15			
045-08	6-2-08	339.12	51-09	6-1-09	505.14
052-08	8-4-08	931.08	56-09	7-20-09	195.06
070-08	10-6-08	Repeals 505.01 to 505.08, 505.10, 505.12, 505.13, 509.01 to 509.07, 509.99, 513.01 to 513.13, 513.99, 517.01 to 517.15, 517.99, 521.01, 521.02, 521.08, 521.09, 521.10, 525.01 to 525.17, 525.99, 529.01 to 529.08, 529.99, 533.01 to 533.13, 533.99, 537.01 to 537.18, 537.99, 541.01 to 541.10, 541.99, 545.01 to 545.21, 545.99, 549.01 to 549.07, 549.10, 549.11, 553.01 to 553.05, 553.99	80-09	12-7-09	193.21
			82-09	12-7-09	931.07
			89-09	11-30-09	193.11
			Res.		
			92-09	12-21-09	137.13
			001-10	2-1-10	Repeals 191.22
			002-10	1-18-10	TRAF. SCH. XI
			005-10	2-1-10	931.09(c)
			019-10	5-3-10	931.09
			020-10	4-5-10	951.08
			039-10	6-7-10	195.01, 195.02, 195.04, 195.06 to 195.09, 195.12, 195.14, 195.99
			040-10	6-21-10	305.01
			041-10	6-21-10	331.46, 331.47
			044-10	6-21-10	503.02, 503.03, 503.06, 503.08, 503.10, 503.11
			052-10	7-19-10	503.07, 503.08
			060-10	9-7-10	101.99
			074-10	12-20-10	1101.01, 1105.01, 1105.02, 1105.04 to 1105.15, 1121.01 to 1121.05, 1125.01 to 1125.05, 1127.01, 1127.03, 1127.06, 1127.08, 1127.09, 1127.11 to 1127.21, 1129.01 to 1129.08, 1131.01, 1131.03 to 1131.06, 1133.01 to 1133.07, 1135.01 to 1135.03, 1137.01, 1138.09, 1139.02 to 1139.04, 1139.07, 1139.09 to 1139.12, 1141.01 to 1141.04, 1143.01 to 1143.06, 1145.01, Ch. 1147, 1147.99
071-08	10-6-08	501.06			
072-08	10-6-08	503.06, 503.23, 503.24			
073-08	10-6-08	505.11, 505.15			
074-08	10-6-08	521.07			
075-08	10-6-08	511.99			
076-08	10-6-08	711.01			
077-08	10-6-08	955.07			
088-08	12-8-08	925.07, 925.13, 925.17, 925.18			
090-08	12-8-08	955.02, 955.09, 955.10			
091-08	1-5-09	193.01, 193.03, 193.04, 193.18			
093-08	12-15-08	197.08, 197.14 to 197.16, 197.18			
103-08	1-19-09	193.02			
007-09	2-16-09	1325.03, 1325.04			
027-09	4-6-09	TRAF. SCH. III	086-10	12-6-10	193.11
31-09	5-18-09	181.01	099-10	12-20-10	931.07
32-09	5-21-09	1138.01 to 1138.11	012-11	3-7-11	143.01
			017-11	3-21-11	165.01

COMPARATIVE SECTION TABLE

40D

<u>Ord. No</u>	<u>Date</u>	<u>C.O. Section</u>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
032-11	6-20-11	TRAF. SCH. II	065-14	11-17-14	939.02
033-11	6-20-11	Repeals 1525.01	002-15	1-19-15	197.16, 197.18
035-11	7-18-11	197.03	004-15	1-19-15	955.09
038-11	8-1-11	105.02	015-15	3-16-15	939.02
043-11	8-15-11	TRAF. SCH. V, XI, XIII	021-15	4-6-15	955.19
054-11	9-6-11	107.06	044-15	8-3-15	955.09
80-11	12-19-11	931.07	045-15	8-3-15	955.20
Res.			053-15	11-16-15	194.01 to 194.20, 194.97, 194.98, 194.99
088-11	11-21-11	193.11	057-15	11-16-15	193.11, 194.013
99-11	12-19-11	133.07, 139.01, 139.02, 142.01	060-15	12-21-15	955.21
12-12	2-6-12	1335.08, 1335.32	013-16	5-16-16	137.06
15-12	3-5-12	197.01, 197.03, 197.11	026-16	9-6-16	1121.03
16-12	3-5-12	195.01, 195.08, 195.14	036-16	9-19-16	194.051, 194.091
48-12	7-2-12	931.10	037-16	11-7-16	TRAF. SCH. II
56-12	9-17-12	939.05	050-16	11-21-16	193.11, 194.013
60-12	9-17-12	931.08	051-16	12-21-16	931.07
67-12	11-19-12	925.13	010-17	6-5-17	197.18
70-12	12-3-12	121.03	030-17	5-1-17	1145.01
Res.			036-17	6-5-17	1101.01
73-12	11-19-12	193.11	038-17	9-18-17	Repeal Ch. 711
002-13	2-4-13	955.09, 955.10, 955.16, 955.19	057-17	9-18-17	1501.01
015-13	3-18-13	955.09	058-17	10-16-17	143.06
042-13	10-21-13	1101.01, 1145.01	059-17	11-6-17	747.01, 747.02, 747.99, 1127.22
045-13	10-7-13	137.14	067-17	11-20-17	193.11, 194.013
059-13	11-18-13	197.18	070-17	11-6-17	1301.01
067-13	12-16-13	931.07	074-17	12-4-17	143.06
Res.			088-17	12-18-17	931.07
068-13	12-16-13	193.11	003-18	3-5-18	955.09
010-14	4-21-14	931.07	005-18	2-19-18	194.30 to 194.315
027-14	5-19-14	931.13	006-18	4-2-18	194.134
028-14	5-19-14	931.09	009-18	4-16-18	TRAF. SCH. II
042-14	8-4-14	197.01 to 197.19	011-18	4-16-18	197.15
			017-18	4-2-18	195.04

(c) Except as otherwise provided in subsection (a) hereof, the City Manager, Fire Chief, or other authorized officer of the regular Fire/Rescue Department may call another governmental entity to provide additional fire protection, together with appropriate equipment and apparatus, as may be necessary to protect persons and property of the Municipality. The City may, but is not required to, reimburse the political subdivision which furnished the aid for any expenses incurred by them as a result of rendering the aid. Nothing in this section shall be construed as superseding or modifying in any way any provision of a contract entered into pursuant to law. Officers provided are to be provided under the authority of Ohio R.C. 9.60 or other applicable law or contract.
(Ord. 81-01. Passed 7-2-01.)

143.05 AUXILIARY FIRE/RESCUE.

(a) There is created in and for the regular Fire/Rescue Department a Fire/Rescue Auxiliary, not to be construed as a volunteer fire department.

(b) The City Manager and the Fire Chief shall have the power to determine the qualifications, duties and powers of the members of the auxiliary force, as well as the number of its members, so long as the number is within the level(s) established in Section 143.01.

(c) Remuneration shall be one dollar (\$1.00) per year per person, unless otherwise provided by Council. (Ord. 81-01. Passed 7-2-01.)

143.06 FEE SCHEDULE.

The City of Napoleon hereby adopts and establishes a schedule of fees for services rendered by Napoleon Fire and Rescue as follows:

Service	Type	Description	Cost per Hour or Incident
Education	Public Education	CPR/includes AED	\$45.00/person
Education	Public Education	CPR	\$9.00/high school student
Education	Public Education	Fire Extinguisher	Free
Education	Public Education	Use of Fire Safety Trailer (out of County)	\$150.00
Education	Training Facility	Use of building - no burn	\$50.00/hour
Education	Training Facility	Use of building and Bullex Fire Simulator	\$55.00/hour

Service	Type	Description	Cost per Hour or Incident
Education	Training Facility	Use of building - live burn	\$60.00/hour
Education	Training Facility	Lead Instructor	\$50.00
Education	Training Facility	Assistant Instructor	\$35.00
Education	Training Facility	Safety Officer (required for ALL use of building)	\$50.00/hour
Education	Training Facility	Vehicle Fire (up to 2 cars)	\$50.00/hour
Education	Training Facility	Vehicle Extrication (up to 2 cars)	\$50.00/hour
Education	Training Facility	Fire Engine	\$125.00/hour
Education	Training Facility	Ladder Truck	\$150.00/hour
Public Relations	Stand by	Football Game	\$100.00/game
Inspection	Fire Prevention	Initial Fire Inspection	Free
Inspection	Fire Prevention	Re-Inspection	Free
Inspection	Fire Prevention	Third Inspection	\$50.00
Inspection	Fire Prevention	All subsequent re-inspections	Increase by \$50.00/inspection
False Alarm	Incident Response	Third False Alarm (Commercial)	\$250.00
False Alarm	Incident Response	Fourth False Alarm (Commercial)	\$500.00
False Alarm	Incident Response	Fifth False Alarm (Commercial)	\$750.00
False Alarm	Incident Response	Third False Alarm (Residential)	\$100.00
False Alarm	Incident Response	Fourth False Alarm (Residential)	\$200.00

Service	Type	Description	Cost per Hour or Incident
False Alarm	Incident Response	Fifth False Alarm (Residential)	\$300.00
Hazardous Materials	Incident Response	Hazardous Materials spills greater than 25 gallons	Itemized
Hazardous Materials	Incident Response	Engine/Pumper	\$125.00/hour
Hazardous Materials	Incident Response	Ladder Truck	\$150.00/hour
Hazardous Materials	Incident Response	Tender	\$50.00/hour
Hazardous Materials	Incident Response	EMS Transport Vehicle (does not include transport fee)	\$100.00
Hazardous Materials	Incident Response	Hazardous Materials (trailer and pick up)	\$150.00/incident
Hazardous Materials	Incident Response	Support Vehicle (secondary unit needed by IC)	\$10.00/hour or actual cost
Hazardous Materials	Incident Response	Decontamination	\$200.00/incident
Hazardous Materials	Incident Response	Incident Commander	\$35.00/hour (each)
Hazardous Materials	Incident Response	Operations Officer	\$25.00/hour (each)
Hazardous Materials	Incident Response	Support Staff	\$15.00/hour (each)
Hazardous Materials	Incident Response	Fire and EMS Personnel (on scene and standby)	Actual hourly rate (each)
Hazardous Materials	Incident Response	Other Personnel and Government Employees	Actual hourly rate (each)
Hazardous Materials	Incident Response	Station fee (if utilized as part of the operation)	\$200.00 first hour; \$25.00 after \$500.00 maximum

Service	Type	Description	Cost per Hour or Incident
Hazardous Materials	Incident Response	Supplies	Charged at replacement cost
Hazardous Materials	Incident Response	Administrative fees	15% of total billing

(Ord. 074-17. Passed 12-4-17.)

(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, 2018, the funds collected under the provisions of this chapter shall be deposited in the "General Fund equivalent" of the City for municipal income taxes and shall be disbursed in the following order:

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

(b) Effective January 1, 2019 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 fifty percent (50%) of the net available tax receipts received annually may be used to defray operating expenses of the City.
- (3) At least fifty percent (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. 067-17. Passed 11-20-17.)

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;

CHAPTER 194
Municipal Income Tax Effective January 1, 2016

194.01	Authority to levy tax; purposes of tax; rate.		
194.011	Authority to levy tax.	194.084	Credit for tax beyond statute for obtaining refund.
194.012	Purposes of tax; rate.	194.09	Annual return.
194.013	Allocation of funds.	194.091	Return and payment of tax.
194.014	Statement of procedural history; state mandated changes to municipal income tax.	194.092	Return and payment of tax; individuals serving in combat zone.
194.02	Effective date; fiscal year.	194.093	Use of Ohio Business Gateway; types of filings authorized.
194.03	Definitions.	194.094	Extension of time to file.
194.04	Income subject to tax for individuals.	194.095	Amended returns.
194.041	Determining municipal taxable income for individuals; losses.	194.096	Refunds.
194.042	Domicile.	194.10	Penalty, interest, fees and charges.
194.043	Exemption for member or employee of general assembly and certain judges.	194.11	Audit.
194.05	Collection at source.	194.12	Rounding.
194.051	Collection at source; withholding from qualifying wages.	194.13	Authority and powers of the Tax Administrator.
194.052	Collection at source; occasional entrant.	194.131	Authority of Tax Administrator; administrative powers of the Tax Administrator.
194.053	Collection at source; casino and VLT.	194.132	Authority of Tax Administrator; compromise of claim and payment over time.
194.06	Income subject to net profit tax.	194.133	Authority of Tax Administrator; right to examine.
194.061	Determining municipal taxable income for taxpayers who are not individuals; losses.	194.134	Authority of Tax Administrator; requiring identifying information.
194.062	Net profit; income subject to net profit tax; alternative apportionment.	194.14	Confidentiality.
194.063	Consolidated federal income tax return.	194.15	Fraud.
194.064	Tax credit for businesses that foster new jobs in Ohio.	194.16	Opinion of the Tax Administrator.
194.065	Tax credits to foster job retention.	194.17	Assessment; appeal based on presumption of delivery.
194.07	Declaration of estimated tax.	194.18	Local Board of Tax Review; appeal to Local Board of Tax Review.
194.08	Credit for tax paid.	194.19	Actions to recover; statute of limitations.
194.081	Credit for tax paid - City of Napoleon.	194.20	Adoption of rules.
194.082	Refundable credit for qualifying loss.	194.201	Duties of the Finance Director.
194.083	Credit for person working in joint economic development district or zone.	194.202	Department of Taxation.

194.203	Investigative powers of the Finance Director - penalty for divulging confidential information.	194.305	Electronic filing.
194.204	Tax for Recreation Fund.	194.306	Consolidated returns.
194.205	Additional definitions.	194.307	Failure to pay tax.
194.30	Filing net profit taxes; election to be subject to provisions of chapter.	194.308	Declaration of estimated taxes.
194.301	Definitions.	194.309	Additional penalties.
194.302	Applicability; taxable situs; apportionment.	194.310	Assessments against taxpayer.
194.303	Information provided to tax administrators; confidentiality.	194.311	Refund applications.
194.304	Filing of annual return; remittance; disposition of funds.	194.312	Amended returns.
		194.313	Examination of records and other documents and persons.
		194.314	Credits.
		194.315	Reckless violations; penalties.
		194.97	Collection after termination of chapter.
		194.98	Savings clause.
		194.99	Violations; penalty.

CROSS REFERENCES

Municipal income taxes - see Ohio R.C. Ch. 718

194.01 AUTHORITY TO LEVY TAX; PURPOSES OF TAX; RATE .

194.011 AUTHORITY TO LEVY TAX .

(A) The tax on income and the withholding tax established by this Chapter 194 are authorized by Article XVIII, Section 3 of the Ohio Constitution. The tax on income and the withholding tax established by this Chapter 194 are deemed to be levied in accordance with, and to be consistent with, the provisions and limitations of Ohio Revised Code 718 (ORC 718). This Chapter is deemed to incorporate the provisions of ORC 718.

(B) The tax is an annual tax levied on the income of every person residing in or earning or receiving income in the municipal corporation, and shall be measured by municipal taxable income. The Municipality shall tax income at a uniform rate. The tax is levied on Municipal Taxable Income, as defined herein. (Ord. 053-15. Passed 11-16-15.)

194.012 PURPOSES OF TAX; RATE.

(A) To provide funds for the purposes of: (1) General municipal operations, (2) Acquisition and maintenance of both personal and real property for the use or benefit of the City, (3) Extension, enlargement, maintenance and improvement of municipal services and facilities, (4) Capital improvements in and of the City, and (5) For the promotion of economic development in and for the City, there is hereby levied a tax at the rate of one percent (1%) upon all the following through June 30, 2009. Effective July 1, 2009, on and after said date, there is hereby levied a tax at the rate of one and three-tenths percent (1.3%) upon all of the following:

- (1) All salaries, wages, and other compensation and net profits earned or received by resident individuals;
- (2) All salaries, wages, and other compensation and net profits earned or received by non-resident individuals for, or derived from, or as a result of, work done, services rendered and business conducted in the City;
- (3) All net profits attributable to the City earned by all resident and nonresident unincorporated businesses, professions and other activities for, or derived from, work done, rentals or services performed, and business or other activities conducted in the City;

- (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, 2018, the funds collected under the provisions of this Chapter shall be deposited in the "General Fund equivalent" of the City for municipal income taxes and shall be disbursed in the following order:

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

(B) Effective January 1, 2019 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 fifty percent (50%) of the net available tax receipts received annually may be used to defray operating expenses of the City.
- (3) At least fifty percent (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. 067-17. Passed 11-20-17.)

- (E) Exercise the authority provided by law relative to consenting to the compromise and settlement of tax claims;
- (F) Exercise the authority provided by law relative to the use of alternative apportionment methods by taxpayers in accordance with Section 194.062 of this Chapter;
- (G) Make all tax findings, determinations, computations, assessments and orders the Tax Administrator is by law authorized and required to make and, pursuant to time limitations provided by law, on the Tax Administrator's own motion, review, redetermine, or correct any tax findings, determinations, computations, assessments or orders the Tax Administrator has made, but the Tax Administrator shall not review, redetermine, or correct any tax finding, determination, computation, assessment or order which the Tax Administrator has made for which an appeal has been filed with the Local Board of Tax Review or other appropriate tribunal, unless such appeal or application is withdrawn by the appellant or applicant, is dismissed, or is otherwise final;
- (H) Destroy any or all returns or other tax documents in the manner authorized by law;
- (I) Enter into an agreement with a taxpayer to simplify the withholding obligations described in Section 194.051 of this Chapter.
(Ord. 053-15. Passed 11-16-15.)

194.132 AUTHORITY OF TAX ADMINISTRATOR; COMPROMISE OF CLAIM AND PAYMENT OVER TIME.

(A) As used in this section, "claim" means a claim for an amount payable to the Municipality that arises pursuant to the municipal income tax imposed in accordance with this chapter.

(B) The Tax Administrator may do either of the following if such action is in the best interests of the Municipality:

- (1) Compromise a claim;
- (2) Extend for a reasonable period the time for payment of a claim by agreeing to accept monthly or other periodic payments, upon such terms and conditions as the Tax Administrator may require.

(C) The Tax Administrator's rejection of a compromise or payment-over-time agreement proposed by a person with respect to a claim shall not be appealable.

(D) A compromise or payment-over-time agreement with respect to a claim shall be binding upon and shall inure to the benefit of only the parties to the compromise or agreement, and shall not extinguish or otherwise affect the liability of any other person.

- (E)
 - (1) A compromise or payment-over-time agreement with respect to a claim shall be void if the taxpayer defaults under the compromise or agreement or if the compromise or agreement was obtained by fraud or by misrepresentation of a material fact. Any amount that was due before the compromise or agreement and that is unpaid shall remain due, and any penalties or interest that would have accrued in the absence of the compromise or agreement shall continue to accrue and be due.
 - (2) The Tax Administrator shall have sole discretion to determine whether or not penalty, interest, charges or applicable fees will be assessed through the duration of any compromise or payment-over-time agreement.

(F) The Tax Administrator may require that the taxpayer provide detailed financial documentation and information, in order to determine whether or not a payment-over-time agreement will be authorized. The taxpayer's failure to provide the necessary and required information by the Tax Administrator shall preclude consideration of a payment-over-time agreement.

(Ord. 053-15. Passed 11-16-15.)

194.133 AUTHORITY OF TAX ADMINISTRATOR; RIGHT TO EXAMINE.

(A) The Tax Administrator, or any authorized agent or employee thereof may examine the books, papers, records, and federal and state income tax returns of any employer, taxpayer, or other person that is subject to, or that the Tax Administrator believes is subject to, the provisions of this Chapter for the purpose of verifying the accuracy of any return made or, if no return was filed, to ascertain the tax due under this Chapter. Upon written request by the Tax Administrator or a duly authorized agent or employee thereof, every employer, taxpayer, or other person subject to this section is required to furnish the opportunity for the Tax Administrator, authorized agent, or employee to investigate and examine such books, papers, records, and federal and state income tax returns at a reasonable time and place designated in the request.

(B) The records and other documents of any taxpayer, employer, or other person that is subject to, or that a Tax Administrator believes is subject to, the provisions of this Chapter shall be open to the Tax Administrator's inspection during business hours and shall be preserved for a period of six years following the end of the taxable year to which the records or documents relate, unless the Tax Administrator, in writing, consents to their destruction within that period, or by order requires that they be kept longer. The Tax Administrator of a municipal corporation may require any person, by notice served on that person, to keep such records as the Tax Administrator determines necessary to show whether or not that person is liable, and the extent of such liability, for the income tax levied by the Municipality or for the withholding of such tax.

(C) The Tax Administrator may examine under oath any person that the Tax Administrator reasonably believes has knowledge concerning any income that was or would have been returned for taxation or any transaction tending to affect such income. The Tax Administrator may, for this purpose, compel any such person to attend a hearing or examination and to produce any books, papers, records, and federal and state income tax returns in such person's possession or control. The person may be assisted or represented by an attorney, accountant, bookkeeper, or other tax practitioner at any such hearing or examination. This division does not authorize the practice of law by a person who is not an attorney.

(D) No person issued written notice by the Tax Administrator compelling attendance at a hearing or examination or the production of books, papers, records, or federal and state income tax returns under this section shall fail to comply.

(Ord. 053-15. Passed 11-16-15.)

194.134 AUTHORITY OF TAX ADMINISTRATOR; REQUIRING IDENTIFYING INFORMATION.

(A) The Tax Administrator may require any person filing a tax document with the Tax Administrator to provide identifying information, which may include the person's social security number, federal employer identification number, or other identification number requested by the Tax Administrator. A person required by the Tax Administrator to provide identifying information that has experienced any change with respect to that information shall notify the Tax Administrator of the change before, or upon, filing the next tax document requiring the identifying information. A taxpayer registration update form is required of all residents eighteen years and older, and all businesses.

- (B) (1) If the Tax Administrator makes a request for identifying information and the Tax Administrator does not receive valid identifying information within thirty days of making the request, nothing in this chapter prohibits the Tax Administrator from imposing a penalty upon the person to whom the request was directed pursuant to section 194.10 of this Chapter, in addition to any applicable penalty described in section 194.99 of this Chapter.
- (2) If a person required by the Tax Administrator to provide identifying information does not notify the Tax Administrator of a change with respect to that information as required under division (A) of this section within thirty days after filing the next tax document requiring such identifying information, nothing in this chapter prohibits the Tax Administrator from imposing a penalty pursuant to section 194.10 of this Chapter.
- (3) The penalties provided for under divisions (B)(1) and (2) of this section may be billed and imposed in the same manner as the tax or fee with respect to which the identifying information is sought and are in addition to any applicable criminal penalties described in section 194.99 of this Chapter for a violation of 194.15 of this Chapter, and any other penalties that may be imposed by the Tax Administrator by law. (Source: ORC 718.26)

(C) Information Submission by Landlords. On or before May 1 of each year, all property owners who rent to tenants of residential, commercial, or industrial premises, shall file with the Tax Administrator, a report showing the name, address, and phone number, of each tenant who occupies residential, commercial, or industrial premises within the City of Napoleon. The list shall also include all name(s), address(es), and phone number(s), of any tenant who has vacated the property in the preceding twelve (12) month period. The list should also include, when the information is available to the landlord, the date in which the tenant vacated the property, along with the tenant's forwarding address. If a landlord is not in possession of a former tenant's forwarding address or other current contact information, the landlord will not be penalized pursuant to any provision in this Section 194.20. Any information referred to in this Section may be requested at any time under audit by the Tax Administrator. Such report shall be in writing, and shall be delivered to the Tax Administrator by one of the following methods:

- (1) Regular U.S. mail delivery to the City Income Tax Department
- (2) Delivered by electronic mail (E-mail) directly to the City Income Tax Department
- (3) Facsimile transmission directly to the City Income Tax Department
- (4) Hand delivery to the City Income Tax Department.

Forms and instruction for reporting shall be made available on the City's website. For purposes of this Section (B) C, "tenant" means:

- (1) If there is a written lease or rental agreement, the person(s) who signed the written lease or rental agreement with the owner or their agent.
- (2) If there is an oral lease or rental agreement, the person(s) who entered into the oral lease or rental agreement with the owner or their agent.

Failure to comply with this Section (B) C will result in:

- (1) Notification (sent by regular U.S. mail delivery) to landlord and requiring compliance within 30 days.
- (2) Subpoena (sent by certified mail) for the property owner or agent to appear before the Tax Administrator with required documentation (with hearing scheduled within 14 days of date mailed).

- (3) Prohibition. No person shall knowingly fail, refuse, or neglect to file any return or report required under this Chapter or under rules and regulations made under authority thereof; or file or knowingly cause to be filed any incomplete, false or fraudulent return, report or statement; or knowingly fail, refuse, or neglect to withhold or remit any City tax; or knowingly fail, refuse, or neglect to pay any City tax, penalty or interest; or aid or abet another in the filing of any incomplete, false or fraudulent return, report or statement.
- (4) Penalty. Any person who violates this Section (B) is guilty of a misdemeanor of the 1st degree, and in addition to other penalties provided by law, shall be fined not more than \$1,000.00 or imprisoned not more than six (6) months, or both. (Ord. 006-18. Passed 4-2-18.)

194.14 CONFIDENTIALITY.

(A) Any information gained as a result of returns, investigations, hearings, or verifications required or authorized by ORC 718 or by the charter or ordinance of the Municipality is confidential, and no person shall access or disclose such information except in accordance with a proper judicial order or in connection with the performance of that person's official duties or the official business of the Municipality as authorized by ORC 718 or the charter or ordinance authorizing the levy. The Tax Administrator of the Municipality or a designee thereof may furnish copies of returns filed or otherwise received under this chapter and other related tax information to the Internal Revenue Service, the State Tax Commissioner, and Tax Administrators of other municipal corporations.

(B) This section does not prohibit the Municipality from publishing or disclosing statistics in a form that does not disclose information with respect to particular taxpayers.

(C) The Finance Director, or his duly authorized agent or employee in the Department of Taxation, is authorized to examine the books, papers and records of any employer, taxpayer or person subject to the provisions of this chapter, or of any employer, taxpayer or person he reasonably believes to be subject to the provisions of this chapter, for the purpose of verifying the accuracy of any return made, or, if no return was made, to ascertain the City tax due. Every employer, supposed employer, taxpayer and supposed taxpayer shall furnish the Finance Director, or his duly authorized agent or employee in the Department of Taxation, within thirty (30) days following a written request by the Finance Director, or his duly authorized agent or employee in the Department of Taxation, the means, facilities and opportunity for making such examination and investigation as hereby authorized.

(D) 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.

(E) 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

194.30 FILING NET PROFIT TAXES; ELECTION TO BE SUBJECT TO PROVISIONS OF CHAPTER.

(A) A taxpayer may elect to be subject to sections 194.30 to 194.315 of the Codified Ordinances in lieu of the provisions set forth in the remainder of this chapter. Notwithstanding any other provision of this chapter, upon the taxpayer's election, both of the following shall apply:

- (1) The state tax commissioner shall serve as the sole administrator of the municipal net profit tax for which the taxpayer as defined in 194.301(C) of the Codified Ordinances is liable for the term of the election;
- (2) The commissioner shall administer the tax pursuant to sections 718.80 to 718.95 of the Revised Code, sections 194.30 to 194.315 of the Codified Ordinances, and any applicable provision of Chapter 5703. of the Revised Code.

(B) (1) A taxpayer shall make the initial election on or before the first day of the third month after the beginning of the taxpayer's taxable year by notifying the tax commissioner and the City of Napoleon, on a form prescribed by the tax commissioner.

- (2) (a) The election, once made by the taxpayer, applies to the taxable year in which the election is made and to each subsequent taxable year until the taxpayer notifies the tax commissioner and the City of Napoleon of its termination of the election.
- (b) A notification of termination shall be made, on a form prescribed by the tax commissioner, on or before the first day of the third month of any taxable year.
- (c) Upon a timely and valid termination of the election, the taxpayer is no longer subject to sections 194.30 to 194.315 of the Codified Ordinances, and is instead subject to the provisions set forth in the remainder of this chapter.

(C) The tax commissioner shall enforce and administer sections 194.30 to 194.315 of the Codified Ordinances. In addition to any other powers conferred upon the tax commissioner by law, the tax commissioner may:

- (1) Prescribe all forms necessary to administer those sections;
- (2) Adopt such rules as the tax commissioner finds necessary to carry out those sections;
- (3) Appoint and employ such personnel as are necessary to carry out the duties imposed upon the tax commissioner by those sections.

(D) The tax commissioner shall not be considered a tax administrator, as that term is defined in section 718.01 of the Revised Code and Section 194.03 of the City of Napoleon Codified Ordinances. (Ord. 005-18. Passed 2-19-18.)

194.301 DEFINITIONS.

If a term used in sections 194.30 to 194.315 of the Codified Ordinances that is not otherwise defined in this chapter is used in a comparable context in both the laws of the United States relating to federal income tax and in Title LVII of the Revised Code and the use is not consistent, then the use of the term in the laws of the United States relating to federal income tax shall have control over the use of the term in Title LVII of the Revised Code, unless the term is defined in Chapter 5703. of the Revised Code, in which case the definition in that chapter shall control. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States related to federal income taxes. If a term is defined in both this section and section 194.03 of the Codified Ordinances, the definition in this section shall control for all uses of that term in sections 194.30 to 194.315 of the Codified Ordinances.

As used in sections 194.30 to 194.315 of the Codified Ordinances only:

- (A) "Municipal taxable income" means income apportioned or situated to the municipal corporation under section 194.302 of the Codified Ordinances, as applicable, reduced by any pre-2017 net operating loss carryforward available to the person for the municipal corporation.
- (B) "Adjusted federal taxable income," for a person required to file as a C corporation, or for a person that has elected to be taxed as a C corporation as described in division (D)(5) of section 718.01 of the Revised Code and section 194.03 of the Codified Ordinances, means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:
- (1) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.
 - (2) Add an amount equal to five per cent of intangible income deducted under division (B)(1) of this section, but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in section 1221 of the Internal Revenue Code.
 - (3) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code.
 - (4)
 - (a) Except as provided in division (B)(4)(b) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code.
 - (b) Division (B)(4)(a) of this section does not apply to the extent the income or gain is income or gain described in section 1245 or 1250 of the Internal Revenue Code.
 - (5) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income.
 - (6) In the case of a real estate investment trust or regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income.
 - (7) Deduct, to the extent not otherwise deducted or excluded in computing federal taxable income, any income derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Revised Code.
 - (8) Deduct exempt income to the extent not otherwise deducted or excluded in computing adjusted federal taxable income.
 - (9) Deduct any net profit of a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that net profit in the group's federal taxable income in accordance with division (B)(1) of section 194.306 of the Codified Ordinances.
 - (10) Add any loss incurred by a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that loss in the group's federal taxable income in accordance with division (B)(1) of section 194.306 of the Codified Ordinances.

If the taxpayer is not a C corporation, is not a disregarded entity that has made the election described in division (47)(B) of section 194.03 of the Codified Ordinances, and is not a publicly traded partnership that has made the election described in division (23)(D) of section 194.03 of the Codified Ordinances, the taxpayer shall compute adjusted federal taxable income under this section as if the taxpayer were a C corporation, except guaranteed payments and other similar amounts paid or accrued to a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deductible expense unless such payments are in consideration for the use of capital and treated as payment of interest under section 469 of the Internal Revenue Code or United States treasury regulations. Amounts paid or accrued to a qualified self-employed retirement plan with respect to a partner, former partner, shareholder, former shareholder, member, or former member of the taxpayer, amounts paid or accrued to or for health insurance for a partner, former partner, shareholder, former shareholder, member, or former member, and amounts paid or accrued to or for life insurance for a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deduction.

Nothing in division (B) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

- (C) "Taxpayer" has the same meaning as in section 194.03 of the Codified Ordinances, except that "taxpayer" does not include natural persons or entities subject to the tax imposed under Chapter 5745. of the Revised Code. "Taxpayer" may include receivers, assignees, or trustees in bankruptcy when such persons are required to assume the role of a taxpayer.
- (D) "Tax return" or "return" means the notifications and reports required to be filed pursuant to sections 194.30 to 194.315 of the Codified Ordinances for the purpose of reporting municipal income taxes, and includes declarations of estimated tax.
- (E) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the calculation of the taxpayer's adjusted federal taxable income is based pursuant to this chapter. If a taxpayer's taxable year is changed for federal income tax purposes, the taxable year for purposes of sections 194.30 to 194.315 of the Codified Ordinances is changed accordingly but may consist of an aggregation of more than one taxable year for federal income tax purposes. The tax commissioner may prescribe by rule an appropriate period as the taxable year for a taxpayer that has had a change of its taxable year for federal income tax purposes, for a taxpayer that has two or more short taxable years for federal income tax purposes as the result of a change of ownership, or for a new taxpayer that would otherwise have no taxable year.
- (F) "Assessment" means a notice of underpayment or nonpayment of a tax issued pursuant to section 194.310 of the Codified Ordinances.
(Ord. 005-18. Passed 2-19-18.)

194.302 APPLICABILITY; TAXABLE SITUS; APPORTIONMENT.

This section applies to any taxpayer that is engaged in a business or profession in the City of Napoleon and that has made the election under section 194.30 of the Codified Ordinances.

- (A) Except as otherwise provided in division (B) of this section, net profit from a business or profession conducted both within and without the boundaries of the City of Napoleon shall be considered as having a taxable situs in the City of Napoleon for purposes of municipal income taxation in the same proportion as the average ratio of the following:

- (1) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the City of Napoleon during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated. As used in the preceding paragraph, tangible personal or 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;
 - (2) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the City of Napoleon to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under section 194.052 of the Codified Ordinances;
 - (3) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the City of Napoleon to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed.
- (B)
 - (1) If the apportionment factors described in division (A) of this section do not fairly represent the extent of a taxpayer's business activity in the City of Napoleon, the taxpayer may request, or the tax commissioner may require, that the taxpayer use, with respect to all or any portion of the income of the taxpayer, an alternative apportionment method involving one or more of the following:
 - (a) Separate accounting;
 - (b) The exclusion of one or more of the factors;
 - (c) The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the municipal corporation;
 - (d) A modification of one or more of the factors.
 - (2) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the tax commissioner denies the request in an assessment issued within the period prescribed by division (A) of section 194.310 of the Codified Ordinances.
 - (3) The tax commissioner may require a taxpayer to use an alternative apportionment method as described in division (B)(1) of this section only by issuing an assessment to the taxpayer within the period prescribed by division (A) of section 194.310 of the Codified Ordinances.
- (C) As used in division (A)(2) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:
 - (1) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:
 - (a) The employer;
 - (b) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;

- (c) A vendor, customer, client, or patient of a person described in division (C)(1)(b) of this section, or a related member of such a vendor, customer, client, or patient.
 - (2) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;
 - (3) Any other location, if the tax commissioner determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (C)(1) or (2) of this section solely in order to avoid or reduce the employer's municipal income tax liability. If the tax commissioner makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the tax commissioner's determination was unreasonable.
- (D) For the purposes of division (A)(3) of this section, receipts from sales and rentals made and services performed shall be situated to the City of Napoleon as follows:
- (1) Gross receipts from the sale of tangible personal property shall be situated to the City of Napoleon only if, regardless of where title passes, the property meets either of the following criteria:
 - (a) The property is shipped to or delivered within the City of Napoleon from a stock of goods located within the City of Napoleon.
 - (b) The property is delivered within the City of Napoleon from a location outside the City of Napoleon, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the City of Napoleon and the sales result from such solicitation or promotion.
 - (2) Gross receipts from the sale of services shall be situated to the City of Napoleon to the extent that such services are performed in the City of Napoleon.
 - (3) To the extent included in income, gross receipts from the sale of real property located in the City of Napoleon shall be situated to the City of Napoleon.
 - (4) To the extent included in income, gross receipts from rents and royalties from real property located in the City of Napoleon shall be situated to the City of Napoleon.
 - (5) Gross receipts from rents and royalties from tangible personal property shall be situated to the City of Napoleon based upon the extent to which the tangible personal property is used in the City of Napoleon.
- (E) Commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be situated to the City of Napoleon in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to the City of Napoleon based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the City of Napoleon to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.

- (F) If, in computing a taxpayer's adjusted federal taxable income, the taxpayer deducted any amount with respect to a stock option granted to an employee, and if the employee is not required to include in the employee's income any such amount or a portion thereof because it is exempted from taxation under divisions (11)(L) and (34)(A) of section 194.03 of the Codified Ordinances by the City or substantially similar provision of the codified ordinances of another municipal corporation, the taxpayer shall add the amount that is exempt from taxation to the taxpayer's net profit that was apportioned to the City of Napoleon. In no case shall a taxpayer be required to add to its net profit that was apportioned to the City of Napoleon any amount other than the amount upon which the employee would be required to pay tax were the amount related to the stock option not exempted from taxation.
- This division applies solely for the purpose of making an adjustment to the amount of a taxpayer's net profit that was apportioned to the City of Napoleon under this section.
- (G) When calculating the ratios described in division (A) of this section for the purposes of that division or division (B) of this section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.
- (Ord. 005-18. Passed 2-19-18.)

**194.303 INFORMATION PROVIDED TO TAX ADMINISTRATORS;
CONFIDENTIALITY.**

(A) Any information gained as a result of returns, investigations, hearings, or verifications required or authorized by sections 194.30 to 194.315 of the Codified Ordinances is confidential, and no person shall disclose such information, except for official purposes, in accordance with a proper judicial order, or as provided in section 4123.271 or 5703.21 of the Revised Code. The tax commissioner may furnish the internal revenue service with copies of returns filed. This section does not prohibit the publication of statistics in a form which does not disclose information with respect to particular taxpayers.

(B) In May and November of each year, the tax commissioner shall provide the City of Napoleon tax administrator with the following information for every taxpayer that filed tax returns with the commissioner under sections 194.30 to 194.315 of the Codified Ordinances and that had municipal taxable income apportionable to the City of Napoleon under this chapter for any prior year:

- (1) The taxpayer's name, address, and federal employer identification number;
- (2) The taxpayer's apportionment ratio for, and amount of municipal taxable income apportionable to, the City of Napoleon pursuant to section 194.302 of the Codified Ordinances;
- (3) The amount of any pre-2017 net operating loss carryforward utilized by the taxpayer;
- (4) Whether the taxpayer requested that any overpayment be carried forward to a future taxable year;
- (5) The amount of any credit claimed under section 718.94 of the Revised Code.

(C) Not later than thirty days after each distribution made to municipal corporations under section 718.83 of the Revised Code, the tax commissioner shall provide to the City of Napoleon a report stating the name and federal identification number of every taxpayer that made estimated payments that are attributable to the City of Napoleon and the amount of each such taxpayer's estimated payment.

(D) The information described under divisions (B) and (C) of this section shall be provided to the individual or individuals designated by the City of Napoleon tax administrator under section 718.83(D) of the Revised Code.

- (E) (1) The City of Napoleon expects that the tax commissioner will, pursuant to section 718.84(E) of the Revised Code, provide tax returns and other information it receives in the performance of its administration of the municipal net profits tax for taxpayers making the election provided in section 194.30 of the Codified Ordinances. The tax administrator shall review these returns and information, as well as the information received pursuant to divisions (B) and (C) of this section, and has discretion to refer any taxpayer for audit by the tax commissioner. Such referral shall be made on a form prescribed by the commissioner and shall include any information that forms the basis for the referral.
- (2) If the tax commissioner declines to audit a taxpayer referred by the tax administrator under this section, the City reserves its right to pursue any and all remedies, whether at law or in equity, to ensure that the correct tax liability has been calculated and paid by the taxpayer.
(Ord. 005-18. Passed 2-19-18.)

194.304 FILING OF ANNUAL RETURN; REMITTANCE; DISPOSITION OF FUNDS.

- (A) (1) For each taxable year, every taxpayer shall file an annual return. Such return, along with the amount of tax shown to be due on the return less the amount paid for the taxable year under section 194.308 of the Codified Ordinances, shall be submitted to the tax commissioner, on a form and in the manner prescribed by the commissioner, on or before the fifteenth day of the fourth month following the end of the taxpayer's taxable year.
- (2) If a taxpayer has multiple taxable years ending within one calendar year, the taxpayer shall aggregate the facts and figures necessary to compute the tax due under this chapter, in accordance with sections 194.301, 194.302, and, if applicable, 194.306 of the Codified Ordinances onto its annual return.
- (3) The remittance shall be made payable to the treasurer of state and in the form prescribed by the tax commissioner. If the amount payable with the tax return is ten dollars or less, no remittance is required.
- (B) (1) Each return required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's identification number. Each return shall be verified by a declaration under penalty of perjury.
- (2) (a) The tax commissioner may require a taxpayer to include, with each annual tax return, amended return, or request for refund filed with the commissioner under sections 194.30 to 194.315 of the Codified Ordinances, copies of any relevant documents or other information.
- (b) A taxpayer that files an annual tax return electronically through the Ohio business gateway or in another manner as prescribed by the tax commissioner shall either submit the documents required under this division electronically as prescribed at the time of filing or, if electronic submission is not available, mail the documents to the tax commissioner. The department of taxation shall publish a method of electronically submitting the documents required under this division on or before January 1, 2019.

- (3) After a taxpayer files a tax return, the tax commissioner may request, and the taxpayer shall provide, any information, statements, or documents required to determine and verify the taxpayer's municipal income tax.

- (D) (1) (a) Any taxpayer that has duly requested an automatic extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of a tax return with the commissioner under this section. The extended due date of the return shall be the fifteenth day of the tenth month after the last day of the taxable year to which the return relates.
- (b) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may request that the commissioner grant the taxpayer a six-month extension of the date for filing the taxpayer's municipal income tax return. If the commissioner receives the request on or before the date the municipal income tax return is due, the commissioner shall grant the taxpayer's extension request.
- (c) An extension of time to file under division (D)(1) of this section is not an extension of the time to pay any tax due unless the tax commissioner grants an extension of that date.
- (2) If the commissioner considers it necessary in order to ensure payment of a tax imposed in accordance with section 194.011 of the Codified Ordinances, the commissioner 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.

(E) Each return required 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 commissioner about matters pertaining to the return. The return or instructions accompanying the return shall indicate that by checking the box the taxpayer authorizes the commissioner 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 commissioner with information that is missing from the return, to contact the commissioner 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 commissioner and has shown to the preparer or other person.

(F) When income tax returns or other documents require the signature of a tax return preparer, the tax commissioner shall accept a facsimile or electronic version of such a signature in lieu of a manual signature. (Ord. 005-18. Passed 2-19-18.)

194.305 ELECTRONIC FILING.

(A) All taxpayers that have made the election allowed under section 194.30 of the Codified Ordinances shall file any tax return or extension for filing a tax return, and shall make payment of amounts shown to be due on such returns, electronically, either through the Ohio business gateway or in another manner as prescribed by the tax commissioner.

(B) A taxpayer may apply to the commissioner, on a form prescribed by the commissioner, to be excused from the requirement to file returns and make payments electronically. For good cause shown, the commissioner may excuse the applicant from the requirement and permit the applicant to file the returns or make the payments by nonelectronic means.

- (C) The tax commissioner may adopt rules establishing the following:
- (1) The format of documents to be used by taxpayers to file returns and make payments by electronic means;
 - (2) The information taxpayers must submit when filing tax returns by electronic means. (Ord. 005-18. Passed 2-19-18.)

194.306 CONSOLIDATED RETURNS.

- (A) As used in this section:

- (1) "Affiliated group of corporations" means an affiliated group as defined in section 1504 of the Internal Revenue Code, except that, if such a group includes at least one incumbent local exchange carrier that is primarily engaged in the business of providing local exchange telephone service in this state, the affiliated group shall not include any incumbent local exchange carrier that would otherwise be included in the group.
- (2) "Consolidated federal income tax return" means a consolidated return filed for federal income tax purposes pursuant to section 1501 of the Internal Revenue Code.
- (3) "Consolidated federal taxable income" means the consolidated taxable income of an affiliated group of corporations, as computed for the purposes of filing a consolidated federal income tax return, before consideration of net operating losses or special deductions. "Consolidated federal taxable income" does not include income or loss of an incumbent local exchange carrier that is excluded from the affiliated group under division (A)(1) of this section.
- (4) "Incumbent local exchange carrier" has the same meaning as in section 4927.01 of the Revised Code.
- (5) "Local exchange telephone service" has the same meaning as in section 5727.01 of the Revised Code.

- (B)
- (1) A taxpayer that is a member of an affiliated group of corporations may elect to file a consolidated tax return for a taxable year if at least one member of the affiliated group of corporations is subject to municipal income tax in that taxable year and if the affiliated group of corporations filed a consolidated federal income tax return with respect to that taxable year. The election is binding for a five-year period beginning with the first taxable year of the initial election unless a change in the reporting method is required under federal law. The election continues to be binding for each subsequent five-year period unless the taxpayer elects to discontinue filing consolidated tax returns under division (B)(2) of this section or a taxpayer receives permission from the tax commissioner. The tax commissioner shall approve such a request for good cause shown.
 - (2) An election to discontinue filing consolidated tax returns under this section must be made on or before the fifteenth day of the fourth month of the year following the last year of a five-year consolidated tax return election period in effect under division (B)(1) of this section. The election to discontinue filing a consolidated tax return is binding for a five-year period beginning with the first taxable year of the election.
 - (3) An election made under division (B)(1) or (2) of this section is binding on all members of the affiliated group of corporations subject to a municipal income tax.

- (4) When a taxpayer makes the election allowed under section 194.30 of the Codified Ordinances, a valid election made by the taxpayer under division (B)(1) or (2) of section 194.063 of the Codified Ordinances is binding upon the tax commissioner for the remainder of the five-year period.
- (5) When an election made under section 194.30 of the Codified Ordinances is terminated, a valid election made under this section is binding upon the tax administrator for the remainder of the five-year period.

(C) A taxpayer that is a member of an affiliated group of corporations that filed a consolidated federal income tax return for a taxable year shall file a consolidated tax return for that taxable year if the tax commissioner determines, by a preponderance of the evidence, that intercompany transactions have not been conducted at arm's length and that there has been a distortive shifting of income or expenses with regard to allocation of net profits to a municipal corporation. A taxpayer that is required to file a consolidated tax return for a taxable year shall file a consolidated tax return for all subsequent taxable years unless the taxpayer requests and receives written permission from the commissioner to file a separate return or a taxpayer has experienced a change in circumstances.

(D) A taxpayer shall prepare a consolidated tax return in the same manner as is required under the United States department of treasury regulations that prescribe procedures for the preparation of the consolidated federal income tax return required to be filed by the common parent of the affiliated group of which the taxpayer is a member.

- (E)
 - (1) Except as otherwise provided in divisions (E)(2), (3), and (4) of this section, corporations that file a consolidated tax return shall compute adjusted federal taxable income, as defined in section 194.301 of the Codified Ordinances, by substituting "consolidated federal taxable income" for "federal taxable income" wherever "federal taxable income" appears in that division and by substituting "an affiliated group of corporation's" for "a C corporation's" wherever "a C corporation's" appears in that division.
 - (2) No corporation filing a consolidated tax return shall make any adjustment otherwise required under division (B) of section 194.301 of the Codified Ordinances to the extent that the item of income or deduction otherwise subject to the adjustment has been eliminated or consolidated in the computation of consolidated federal taxable income.
 - (3) If the net profit or loss of a pass-through entity having at least eighty per cent of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, the corporation filing a consolidated tax return shall do one of the following with respect to that pass-through entity's net profit or loss for that taxable year:
 - (a) Exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in section 194.302 of the Codified Ordinances, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to a municipal corporation. If the entity's net profit or loss is so excluded, the entity shall be subject to taxation as a separate taxpayer on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group.

- (b) Include the pass-through entity's net profit or loss in the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in section 194.302 of the Codified Ordinances, include the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to a municipal corporation. If the entity's net profit or loss is so included, the entity shall not be subject to taxation as a separate taxpayer on the basis of the entity's net profits that are included in the consolidated federal taxable income of the affiliated group.
- (4) If the net profit or loss of a pass-through entity having less than eighty per cent of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, all of the following shall apply:
 - (a) The corporation filing the consolidated tax return shall exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purposes of making the computations required in section 194.302 of the Codified Ordinances, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to a municipal corporation;
 - (b) The pass-through entity shall be subject to municipal income taxation as a separate taxpayer in accordance with sections 194.30 to 194.315 of the Codified Ordinances on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group.

(F) Corporations filing a consolidated tax return shall make the computations required under section 194.302 of the Codified Ordinances by substituting "consolidated federal taxable income attributable to" for "net profit from" wherever "net profit from" appears in that section and by substituting "affiliated group of corporations" for "taxpayer" wherever "taxpayer" appears in that section.

(G) Each corporation filing a consolidated tax return is jointly and severally liable for any tax, interest, penalties, fines, charges, or other amounts applicable under section 194.30 to 194.315 of the Codified Ordinances or Chapter 5703. of the Revised Code to the corporation, an affiliated group of which the corporation is a member for any portion of the taxable year, or any one or more members of such an affiliated group.
(Ord. 005-18. Passed 2-19-18.)

194.307 FAILURE TO PAY TAX.

If a taxpayer that has made the election allowed under 194.30 of the Codified Ordinances fails to pay any tax as required under sections 194.30 to 194.315 of the Codified Ordinances, or any portion of that tax, on or before the date prescribed for its payment, interest shall be assessed, collected, and paid, in the same manner as the tax, upon such unpaid amount at the rate per annum prescribed by section 5703.47 of the Revised Code from the date prescribed for its payment until it is paid or until the date an assessment is issued under section 194.310 of the Codified Ordinances, whichever occurs first.
(Ord. 005-18. Passed 2-19-18.)

194.308 DECLARATION OF ESTIMATED TAXES.

(A) As used in this section:

- (1) "Combined tax liability" means the total amount of a taxpayer's income tax liabilities to all municipal corporations in this state for a taxable year.
- (2) "Estimated taxes" means the amount that the taxpayer reasonably estimates to be the taxpayer's combined tax liability for the current taxable year.

- (B)
- (1) Except as provided in division (B)(4) of this section, every taxpayer shall make a declaration of estimated taxes for the current taxable year, on the form prescribed by the tax commissioner, if the amount payable as estimated taxes is at least two hundred dollars.
 - (2) Except as provided in division (B)(4) of this section, a taxpayer having a taxable year of less than twelve months shall make a declaration under rules prescribed by the commissioner.
 - (3) The declaration of estimated taxes shall be filed on or before the fifteenth day of the fourth month after the beginning of the taxable year or on or before the fifteenth day of the fourth month after the taxpayer becomes subject to tax for the first time.
 - (4) The tax commissioner may waive the requirement for filing a declaration of estimated taxes for any class of taxpayers after finding that the waiver is reasonable and proper in view of administrative costs and other factors.

(C) Each taxpayer shall file the declaration of estimated taxes with, and remit estimated taxes to, the tax commissioner at the times and in the amounts prescribed in division (C)(1) of this section. Remitted taxes shall be made payable to the treasurer of state.

- (1) The required portion of the combined tax liability for the taxable year that shall be paid through estimated taxes shall be as follows:
 - (a) On or before the fifteenth day of the fourth month after the beginning of the taxable year, twenty-two and one-half per cent of the combined tax liability for the taxable year;
 - (b) On or before the fifteenth day of the sixth month after the beginning of the taxable year, forty-five per cent of the combined tax liability for the taxable year;
 - (c) On or before the fifteenth day of the ninth month after the beginning of the taxable year, sixty-seven and one-half per cent of the combined tax liability for the taxable year;
 - (d) On or before the fifteenth day of the twelfth month of the taxable year, ninety per cent of the combined tax liability for the taxable year.
- (2) If the taxpayer determines that its declaration of estimated taxes will not accurately reflect the taxpayer's tax liability for the taxable year, the taxpayer shall increase or decrease, as appropriate, its subsequent payments in equal installments to result in a more accurate payment of estimated taxes.
- (3)
 - (a) Each taxpayer shall report on the declaration of estimated taxes the portion of the remittance that the taxpayer estimates that it owes to each municipal corporation for the taxable year.
 - (b) Upon receiving a payment of estimated taxes under this section, the commissioner shall immediately forward the payment to the treasurer of state. The treasurer shall credit the payment in the same manner as in division (B) of section 718.85 of the Revised Code.

- (D) (1) In the case of any underpayment of estimated taxes, there shall be added to the taxes an amount determined at the rate per annum prescribed by section 5703.47 of the Revised Code upon the amount of underpayment for the period of underpayment, unless the underpayment is due to reasonable cause as described in division (E) of this section. The amount of the underpayment shall be determined as follows:
- (a) For the first payment of estimated taxes each year, twenty-two and one-half per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment;
 - (b) For the second payment of estimated taxes each year, forty-five per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment;
 - (c) For the third payment of estimated taxes each year, sixty-seven and one-half per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment;
 - (d) For the fourth payment of estimated taxes each year, ninety per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment.
- (2) The period of the underpayment shall run from the day the estimated payment was required to be made to the date on which the payment is made. For purposes of this section, a payment of estimated taxes on or before any payment date shall be considered a payment of any previous underpayment only to the extent the payment of estimated taxes exceeds the amount of the payment presently due.
- (3) All amounts collected under this section shall be considered as taxes collected under sections 194.30 to 194.315 of the Codified Ordinances and shall be credited and distributed to municipal corporations in accordance with section 718.83 of the Revised Code.
- (E) An underpayment of any portion of a combined tax liability shall be due to reasonable cause and the penalty imposed by this section shall not be added to the taxes for the taxable year if any of the following apply:
- (1) The amount of estimated taxes that were paid equals at least ninety per cent of the combined tax liability for the current taxable year, determined by annualizing the income received during the year up to the end of the month immediately preceding the month in which the payment is due.
 - (2) The amount of estimated taxes that were paid equals at least one hundred per cent of the tax liability shown on the return of the taxpayer for the preceding taxable year, provided that the immediately preceding taxable year reflected a period of twelve months and the taxpayer filed a municipal income tax return for that year.
- (Ord. 005-18. Passed 2-19-18.)

194.309 ADDITIONAL PENALTIES.

- (A) In addition to any other penalty imposed by sections 194.30 to 194.315 of the Codified Ordinances or Chapter 5703. of the Revised Code, the following penalties shall apply:
- (1) If a taxpayer required to file a tax return under sections 194.30 to 194.315 of the Codified Ordinances fails to make and file the return within the time prescribed, including any extensions of time granted by the tax commissioner, the commissioner may impose a penalty not exceeding

twenty-five dollars per month or fraction of a month, for each month or fraction of a month elapsing between the due date, including extensions of the due date, and the date on which the return is filed. The aggregate penalty, per instance, under this division shall not exceed one hundred fifty dollars.

- (2) If a person required to file a tax return electronically under sections 194.30 to 194.315 of the Codified Ordinances fails to do so, the commissioner may impose a penalty not to exceed the following:
 - (a) For each of the first two failures, five per cent of the amount required to be reported on the return;
 - (b) For the third and any subsequent failure, ten per cent of the amount required to be reported on the return.
- (3) If a taxpayer that has made the election allowed under section 194.30 of the Codified Ordinances fails to timely pay an amount of tax required to be paid under this chapter, the commissioner may impose a penalty equal to fifteen per cent of the amount not timely paid.
- (4) If a taxpayer files what purports to be a tax return required by sections 194.30 to 194.315 of the Codified Ordinances that does not contain information upon which the substantial correctness of the return may be judged or contains information that on its face indicates that the return is substantially incorrect, and the filing of the return in that manner is due to a position that is frivolous or a desire that is apparent from the return to delay or impede the administration of sections 194.30 to 194.315 of the Codified Ordinances, a penalty of up to five hundred dollars may be imposed.
- (5) If a taxpayer makes a fraudulent attempt to evade the reporting or payment of the tax required to be shown on any return required under sections 194.30 to 194.315 of the Codified Ordinances, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the tax required to be shown on the return.
- (6) If any person makes a false or fraudulent claim for a refund under section 194.311 of the Codified Ordinances, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the claim. Any penalty imposed under this division, any refund issued on the claim, and interest on any refund from the date of the refund, may be assessed under section 194.310 of the Codified Ordinances without regard to any time limitation for the assessment imposed by division (A) of that section.

(B) For purposes of this section, the tax required to be shown on a tax return shall be reduced by the amount of any part of the tax paid on or before the date, including any extensions of the date, prescribed for filing the return.

(C) Each penalty imposed under this section shall be in addition to any other penalty imposed under this section. All or part of any penalty imposed under this section may be abated by the tax commissioner. The commissioner may adopt rules governing the imposition and abatement of such penalties.

(D) All amounts collected under this section shall be considered as taxes collected under sections 194.30 to 194.315 of the Codified Ordinances and shall be credited and distributed to municipal corporations in the same proportion as the underlying tax liability is required to be distributed to such municipal corporations under section 718.83 of the Revised Code.
(Ord. 005-18. Passed 2-19-18.)

194.310 ASSESSMENTS AGAINST TAXPAYER.

(A) If any taxpayer required to file a return under section 194.30 to 194.315 of the Codified Ordinances fails to file the return within the time prescribed, files an incorrect return, or fails to remit the full amount of the tax due for the period covered by the return, the tax commissioner may make an assessment against the taxpayer for any deficiency for the period for which the return or tax is due, based upon any information in the commissioner's possession.

The tax commissioner shall not make or issue an assessment against a taxpayer more than three years after the later of the date the return subject to assessment was required to be filed or the date the return was filed. Such time limit may be extended if both the taxpayer and the commissioner consent in writing to the extension. Any such extension shall extend the three-year time limit in section 194.311 of the Codified Ordinances for the same period of time. There shall be no bar or limit to an assessment against a taxpayer that fails to file a return subject to assessment as required by sections 194.30 to 194.315 of the Codified Ordinances, or that files a fraudulent return. The commissioner shall give the taxpayer assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the taxpayer assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment signed by the authorized agent of the taxpayer assessed having knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the taxpayer to the treasurer of state. The petition shall indicate the taxpayer's objections, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the taxpayer has an office or place of business in this state, the county in which the taxpayer's statutory agent is located, or Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment against the taxpayer assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for municipal income taxes," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by issuing an assessment under this section.

(D) All money collected under this section shall be credited to the municipal income tax fund and distributed to the municipal corporation to which the money is owed based on the assessment issued under this section.

(E) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the taxpayer liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (C) of this section. Notice of the jeopardy assessment shall be served on the taxpayer assessed or the taxpayer's legal representative in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the taxpayer assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(F) Notwithstanding the fact that a petition for reassessment is pending, the taxpayer may pay all or a portion of the assessment that is the subject of the petition. The acceptance of a payment by the treasurer of state does not prejudice any claim for refund upon final determination of the petition.

If upon final determination of the petition an error in the assessment is corrected by the tax commissioner, upon petition so filed or pursuant to a decision of the board of tax appeals or any court to which the determination or decision has been appealed, so that the amount due from the taxpayer under the corrected assessment is less than the portion paid, there shall be issued to the taxpayer, its assigns, or legal representative a refund in the amount of the overpayment as provided by section 194.311 of the Codified Ordinances, with interest on that amount as provided by that section. (Ord. 005-18. Passed 2-19-18.)

194.311 REFUND APPLICATIONS.

(A) An application to refund to a taxpayer the amount of taxes paid on any illegal, erroneous, or excessive payment of tax under sections 194.30 to 194.315 of the Codified Ordinances, including assessments, shall be filed with the tax commissioner within three years after the date of the illegal, erroneous, or excessive payment of the tax, or within any additional period allowed by division (A) of section 194.310 of the Codified Ordinances. The application shall be filed in the form prescribed by the tax commissioner.

- (B) (1) On the filing of a refund application, the tax commissioner shall determine the amount of refund to which the applicant is entitled. The amount determined shall be based on the amount overpaid per return or assessment. If the amount is greater than ten dollars and not less than that claimed, the commissioner shall certify that amount to the director of budget and management and the treasurer of state for payment from the tax refund fund created in section 5703.052 of the Revised Code. If the amount is greater than ten dollars but less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code.
- (2) Upon issuance of a refund under this section, the commissioner shall notify each municipal corporation of the amount refunded to the taxpayer attributable to that municipal corporation, which shall be deducted from the municipal corporation's next distribution under section 718.83 of the Revised Code.

(C) Any portion of a refund determined under division (B) of this section that is not issued within ninety days after such determination shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the ninety-first day after such determination until the day the refund is paid or credited. On an illegal or erroneous assessment, interest shall be paid at that rate from the date of payment on the illegal or erroneous assessment until the day the refund is paid or credited.
(Ord. 005-18. Passed 2-19-18.)

194.312 AMENDED RETURNS.

(A) If any of the facts, figures, computations, or attachments required in an annual return filed by a taxpayer that has made the election allowed under section 194.30 of the Codified Ordinances and used to determine the tax due under sections 194.30 to 194.315 of the Codified Ordinances must be altered as the result of an adjustment to the taxpayer's federal income tax return, whether initiated by the taxpayer or the internal revenue service, and such alteration affects the taxpayer's tax liability under those sections, the taxpayer shall file an amended return with the tax commissioner in such form as the commissioner requires. The amended return shall be filed not later than sixty days after the adjustment is agreed upon or finally determined for federal income tax purposes or after any federal income tax deficiency or refund, or the abatement or credit resulting therefrom, has been assessed or paid, whichever occurs first. If a taxpayer intends to file an amended consolidated municipal income tax return, or to amend its type of return from a separate return to a consolidated return, based on the taxpayer's consolidated federal income tax return, the taxpayer shall notify the commissioner before filing the amended return.

(B) In the case of an underpayment, the amended return shall be accompanied by payment of any combined additional tax due together with any penalty and interest thereon. An amended return required by this section is a return subject to assessment under section 194.310 of the Codified Ordinances for the purpose of assessing any additional tax due under this section, together with any applicable penalty and interest. The amended return shall not reopen those facts, figures, computations, or attachments from a previously filed return no longer subject to assessment that are not affected, either directly or indirectly, by the adjustment to the taxpayer's federal tax return.

(C) In the case of an overpayment, an application for refund may be filed under this division within the sixty-day period prescribed for filing the amended return, even if that period extends beyond the period prescribed in section 194.311 of the Codified Ordinances, if the application otherwise conforms to the requirements of that section. An application filed under this division shall claim refund of overpayments resulting from alterations to only those facts, figures, computations, or attachments required in the taxpayer's annual return that are affected, either directly or indirectly, by the adjustment to the taxpayer's federal income tax return unless it is also filed within the time prescribed in section 194.311 of the Codified Ordinances. The application shall not reopen those facts, figures, computations, or attachments that are not affected, either directly or indirectly, by the adjustment to the taxpayer's federal income tax return.
(Ord. 005-18. Passed 2-19-18.)

194.313 EXAMINATION OF RECORDS AND OTHER DOCUMENTS AND PERSONS.

(A) The tax commissioner, or any authorized agent or employee thereof, may examine the books, papers, records, and federal and state income tax returns of any taxpayer or other person that is subject to sections 194.30 to 194.315 of the Codified Ordinances for the purpose of verifying the accuracy of any return made or, if no return was filed, to ascertain the tax due as

required under those sections. Upon written request by the commissioner or a duly authorized agent or employee thereof, every taxpayer or other person subject to this section is required to furnish the opportunity for the commissioner, authorized agent, or employee to investigate and examine such books, papers, records, and federal and state income tax returns at a reasonable time and place designated in the request.

(B) The records and other documents of any taxpayer or other person that is subject to sections 194.30 to 194.315 of the Codified Ordinances shall be open to the tax commissioner's inspection during business hours and shall be preserved for a period of six years following the end of the taxable year to which the records or documents relate, unless the commissioner, in writing, consents to their destruction within that period, or by order requires that they be kept longer. The commissioner may require any person, by notice served on that person, to keep such records as the commissioner determines necessary to show whether or not that person is liable, and the extent of such liability, for the income tax levied by a municipal corporation.

(C) The tax commissioner may examine under oath any person that the commissioner reasonably believes has knowledge concerning any income that was or would have been returned for taxation or any transaction tending to affect such income. The commissioner may, for this purpose, compel any such person to attend a hearing or examination and to produce any books, papers, records, and federal income tax returns in such person's possession or control. The person may be assisted or represented by an attorney, accountant, bookkeeper, or other tax practitioner at any such hearing or examination. This division does not authorize the practice of law by a person who is not an attorney.

(D) No person issued written notice by the tax commissioner compelling attendance at a hearing or examination or the production of books, papers, records, or federal income tax returns under this section shall fail to comply.
(Ord. 005-18. Passed 2-19-18.)

194.314 CREDITS.

(A) A credit, granted by resolution or ordinance of the City of Napoleon pursuant to section 194.081 or 194.082 of the Codified Ordinances, shall be available to a taxpayer that has made the election allowed under section 194.30 of the Codified Ordinances, against the municipal corporation's tax on income. A municipal corporation shall submit the following information to the tax commissioner on or before the later of January 31, 2018, or the thirty-first day of January of the first year in which the taxpayer is eligible to receive the credit:

- (1) A copy of the agreement entered into by the City of Napoleon and taxpayer under section 194.081 or 194.082 of the Codified Ordinances;
 - (2) A copy of the ordinance or resolution authorizing the agreement entered into between the City of Napoleon and the taxpayer.
- (B) (1) Each taxpayer that claims a credit shall submit, with the taxpayer's tax return, documentation issued by the City of Napoleon granting the credit that confirms the eligibility of the taxpayer for the credit, the amount of the credit for which the taxpayer is eligible, and the tax year to which the credit is to be applied.
- (2) Such documentation shall be provided in the form prescribed by the tax commissioner.

- (3) Nothing in this section shall be construed to authorize the tax commissioner to enter into an agreement with a taxpayer to grant a credit, to determine if a taxpayer meets the conditions of a tax credit agreement entered into by the City of Napoleon and taxpayer under section 194.081 or 194.082 of the Codified Ordinances, or to modify the terms or conditions of any such existing agreement.
(Ord. 005-18. Passed 2-19-18.)

194.315 RECKLESS VIOLATIONS; PENALTIES.

(A) Except as provided in division (B) of this section, whoever recklessly violates division (A) of section 194.304 of the Codified Ordinances shall be guilty of a misdemeanor of the first degree and shall be subject to a fine of not more than one thousand dollars or imprisonment for a term of up to six months, or both.

(B) Each instance of access or disclosure in violation of division (A) of section 194.304 of the Codified Ordinances constitutes a separate offense.

(C) These specific penalties shall not be construed to prevent the City from prosecuting any and all other offenses that may apply.
(Ord. 005-18. Passed 2-19-18.)

194.97 COLLECTION AFTER TERMINATION OF CHAPTER.

(A) This Chapter shall continue in full force and effect insofar as the levy of taxes is concerned until repealed, and insofar as the collection of taxes levied hereunder and actions and proceedings for collecting any tax so levied or enforcing any provisions of this Chapter are concerned, it shall continue in full force and effect until all of the taxes levied in the aforesaid period are fully paid and any and all suits and prosecutions for the collection of taxes or for the punishment of violations of this Chapter have been fully terminated, subject to the limitations contained in Section 194.19.

(B) Annual returns due for all or any part of the last effective year of this Chapter shall be due on the date provided in Section 194.091 as though the same were continuing.
(Ord. 053-15. Passed 11-16-15.)

194.98 SAVINGS CLAUSE.

If any sentence, clause, section or part of this Chapter, or any tax imposed against, or exemption from tax granted to, any taxpayer or forms of income specified herein is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, section or part of this chapter so found and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this chapter. It is hereby declared to be the intention of the legislative authority of the Municipality that this chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included in this Chapter.
(Ord. 053-15. Passed 11-16-15.)

194.99 VIOLATIONS; PENALTY.

(A) Except as provided in division (B) of this section, whoever violates Section 194.15 of this Chapter, division (A) of Section 194.14 of this Chapter, or Section 194.051 of this Chapter by failing to remit municipal income taxes deducted and withheld from an employee, shall be guilty of a misdemeanor of the first degree and shall be subject to a fine of not more than one thousand dollars or imprisonment for a term of up to six months, or both. In addition, the violation is punishable by dismissal from office or discharge from employment, or both.

(B) Any person who discloses information received from the Internal Revenue Service in violation of Internal Revenue Code Sec. 7213(a), 7213A, or 7431 shall be guilty of a felony of the fifth degree and shall be subject to a fine of not more than five thousand dollars plus the costs of prosecution, or imprisonment for a term not exceeding five years, or both. In addition, the violation is punishable by dismissal from office or discharge from employment, or both.

(C) Each instance of access or disclosure in violation of division (A) of Section 194.14 of this Chapter constitutes a separate offense.

(D) Whoever violates any provision of this Chapter for which violation no penalty is otherwise provided, is guilty of a misdemeanor of the first degree and shall be subject to a fine of not more than one thousand dollars or imprisonment for a term of up to six months, or both. In addition, the violation is punishable by dismissal from office or discharge from employment, or both. By way of an illustrative enumeration, violations of this Chapter shall include but not be limited to the following acts, conduct, and/or omissions:

- (1) Fail, neglect or refuse to make any return or declaration required by this Chapter; or
- (2) Knowingly make any incomplete return; or
- (3) Willfully fail, neglect, or refuse to pay the tax, penalties, and interest, or any combination thereof, imposed by this Chapter; or
- (4) Cause to not be remitted the city income tax withheld from qualifying wages of employees to the Municipality municipal corporation as required by Section 194.051; or
- (5) Neglect or refuse to withhold or remit municipal income tax from employees; or
- (6) Refuse to permit the Tax Administrator or any duly authorized agent or employee to examine his or her books, records, papers, federal and state income tax returns, or any documentation relating to the income or net profits of a taxpayer; or
- (7) Fail to appear before the Tax Administrator and to produce his or her books, records, papers, federal and state income tax returns, or any documentation relating to the income or net profits of a taxpayer upon order or subpoena of the Tax Administrator; or
- (8) Refuse to disclose to the Tax Administrator any information with respect to such person's income or net profits, or in the case of a person responsible for maintaining information relating to his or her employers' income or net profits, such person's employer's income or net profits; or
- (9) Fail to comply with the provisions of this chapter or any order or subpoena of the Tax Administrator; or
- (10) To avoid imposition or collection of municipal income tax, willfully give to an employer or prospective employer false information as to his or her true name, correct social security number and residence address, or willfully fail to promptly notify an employer or a prospective employer of any change in residence address and date thereof; or
- (11) Fail, as an employer, agent of an employer, or other payer, to maintain proper records of employees residence addresses, total qualifying wages paid and municipal tax withheld, or to knowingly give the Tax Administrator false information; or
- (12) Willfully fail, neglect, or refuse to make any payment of estimated municipal income tax for any taxable year or any part of any taxable year in accordance with this Chapter; or

- (13) Attempt to do anything whatsoever to avoid the payment of the whole or any part of the tax, penalties or interest imposed by this Chapter.
- (14) For purposes of this Section, any violation that does not specify a culpable mental state or intent, shall be one of strict liability and no culpable mental state or intent shall be required for a person to be guilty of that violation.
- (15) For purposes of this Section, the term "person" shall, in addition to the meaning prescribed in Section 194.03, include in the case of a corporation, association, pass-through entity or unincorporated business entity not having any resident owner or officer within the city, any employee or agent of such corporation, association, pass-through entity or unincorporated business entity who has control or supervision over or is charged with the responsibility of filing the municipal income tax returns and making the payments of the municipal income tax as required by this Chapter.
(Ord. 053-15. Passed 11-16-15.)

- 5) To discuss specialized details of security arrangements where disclosure might reveal information that could be used to commit, or avoid prosecution for a violation of the law.
- 6) To obtain general legal advice from the public body's attorney.

No decision-making (formal action including actual voting) is permitted in executive session. Further, intertwined non-expected matters are prohibited from discussion while in executive session. Minutes shall not be taken in executive session.

An executive session must always begin and end in open session. First there shall be a motion that states the purpose for the executive session, and the motion must be specific as to the matters to be discussed (i.e. to discuss the dismissal of a public employee), it is not sufficient to state "personnel". Second, after the motion, there must be a second and a roll call vote taken, with a majority of a quorum of the public body. The vote shall be recorded in the minutes. When the executive session has concluded, a motion and second should be received with a roll call vote taken to adjourn the executive session. It should be reported if any action or no action was taken. The adjournment and reporting of action or no action shall be recorded in the minutes.

Rule 2.26 **Joint Sessions Of Committees, Boards, Commissions**

Notwithstanding the provisions of Chapter 121 of the Ohio Revised Code, council members, committee members, board members or commission members may attend meetings of each other; however, if attended for the purpose of a prearranged discussion of the public business by a majority of its members, it should be published as a joint session and called and conducted as such. Both bodies should call their respective body to order and have minutes taken and prepared for each. Visiting members of bodies, other than that body scheduled for an official session, may attend; however, if a quorum of the visiting body should happen to formulate, then those visiting attendees shall be mere passive observers in a ministerial fact gathering capacity or informational session.

Rule 2.27 **Conflict In Rules Governing Meetings And Hearings**

If a conflict exists between a meeting rule and a hearing rule, the rule pertaining to the purpose of the gathering shall prevail.

Rule 2.28 **Expenditure Of Funds By Commission**

Subject to budgetary constraints and appropriation of funds, a commission member may expend funds, not to exceed two hundred dollars (\$200.00), for a proper public purpose, without prior approval of the commission or body of council.

Subject to budgetary constraints and appropriation of funds, the commission, as a whole, may expend funds, not to exceed twenty-five thousand dollars (\$25,000); each purchase or contract, subject to approval of the purchase order by the City Manager. Any amounts exceeding twenty-five thousand dollars (\$25,000) shall be subject to approval of the body of council.
(Ord. 78-03. Passed 9-2-03.)

Rule 2.29 **Travel Expenses**

Subject to budgetary constraints and appropriation of funds, travel policies and reimbursable expenses applicable to city employees pursuant to the city's policy manual and/or personnel code shall apply to commission members while on official city business.

Rule 2.30 **Official Roster**

The city manager shall cause to be prepared and maintained a current official roster showing the names, dates of appointment, titles, rate of pay, and other data as directed by the commission of all persons employed in the Classified Competitive Civil Service. (Ord. 039-10. Passed 6-7-10.)

195.03 RULE 3 POSITION CLASSIFICATION.

Rule 3.1 **Classification**

All positions in the city shall be classified unless otherwise excluded or exempted by charter or ordinance or resolution of council.

The director of each department or designee shall establish and may amend or have amended from time to time each such positions, designate the duties, responsibilities, qualifications, compensation and title thereof and promptly communicate the same, regarding any competitive classified position to the commission. Such title shall be designated in all communications to the commission pertaining to such position. The commission may establish educational requirements for examinations or appointments to positions under its jurisdiction.
(Ord. 112-01. Passed 10-1-01.)

195.04 RULE 4 EXAMINATIONS.

Rule 4.1 **Place Of Examination And Administration**

Commission examinations may be held at such places as the commission deems advisable and shall be administered under its direction. The commission may designate others to conduct examinations on their behalf, subject to its review and approval. Absent written legislation or motion properly approved by this Commission establishing a different procedure, the Commission shall use the National Testing Network to administer the examinations for original appointment for City of Napoleon, Ohio Police Officer and Firefighter/Paramedic positions.

Rule 4.2 **Notice Of Examination For Original Appointment**

Absent written legislation or motion properly approved by this Commission establishing a different procedure, notice of competitive examinations for original appointment shall be provided by the National Testing Network. Absent written legislation or motion properly approved by this Commission establishing a different procedure, notice shall be accomplished through the current procedure used by the National Testing Network, including several recruitment channels such as links to National Testing Network department websites, and online and local job advertising.

Rule 4.3 **Promotional Examination For Competitive Classified Positions**

Notice of competitive examinations for promotion shall be provided by the office of the finance director (or council clerk when one exists). The commission may authorize the clerk's providing of this notice to be completed by the city's human resource department when such department exists. Notice of competitive promotional examinations to be held shall be given by posting of bulletins in conspicuous places in the departments whose employees may be interested. Such notice shall be given not less than (30) days prior to the examination. Such notice shall contain the following information:

- 1) The title of the position for which the promotional examination is to be held.
- 2) The class or classes of employees who are eligible to make application for admission to the examination.
- 3) The salary range for the position.
- 4) The last day and hour on which applications will be received.
- 5) The minimum qualifications of education and experience required for all applicants, if any.
- 6) The place where application blanks may be secured and the place where they must be filed, and any other information that may be deemed necessary.

Rule 4.4 **Human Resource Department Assistance**

In addition to examination notice and publication assistance by the human resource department pursuant to Rule 4.3, the commission may authorize city's human resource department, when one exists, to accept applications, preliminarily evaluate the same for consideration by the Commission, and to distribute study guides.

Rule 4.5 **Examination Scope: Subjects And Weight Thereof****Rule 4.5.1** **Examination for Original Appointment**

Examinations for original appointment shall be practical in character and shall relate directly to those matters which will fairly test the relative capacity of the person examined to discharge the particular duties of the position for which appointment is sought. Absent written legislation or motion properly approved by this Commission establishing a different procedure, the Commission shall use the services of the National Testing Network for original appointment examinations for Police Officer and Firefighter/Paramedic.

Rule 4.5.2 **Promotional Examination**

Promotional examinations shall relate to those matters that test the relative capacity of the person examined to discharge the particular duties of the position for which promotion is sought.

Rule 4.5.3 **Method of Examination**

Examinations may include written examination, oral examination, performance examination, evaluation of experience, practical demonstrations of skills, and/or such other forms of examination as the Civil Service Commission deems appropriate. Structured interviews conducted by the appointing authority after an eligible list is certified shall not be construed as part of the testing process by the commission, but merely a process of selection by the appointing authority.

Rule 4.6 **Medical And/Or Psychological As A Requirement For Appointment To The Competitive Classified Service**

When a medical or psychological examination is required for appointment to the competitive service, such requirement shall be published in the examination announcement. Disclosure of any reports prepared by the examining practitioner is subject to Chapter 1347 of the Ohio Revised Code. Medical examinations shall be required for all competitive examinations (conducted in the police and fire departments), including examinations required by the Police and Fire Disability and Pension Fund. Such medical examinations shall be post-offer, pre-employment, except any examinations necessary to determine whether an applicant is fit to participate in the examination process. Psychological examinations may be conducted at the request of the appointing authority.

Rule 4.7 **Admitting Applicants To Examination**

No applicant shall be admitted to any assembled examination more than thirty (30) minutes after the advertised time for beginning such examination, or after any applicant competing in any such examination has completed his or her work and left the examination room, except by special permission of the person in charge, who, at his or her discretion, may admit the applicant conditionally, subject to the final approval or disapproval of such admission by the commission.

Rule 4.8 **No Extension Of Time To Be Given**

No applicant in any examination shall be given a longer time on any subject than prescribed by the commission. The commission may establish separate time limits for reasonable individual accommodation of otherwise qualified applicants with disabilities.

Rule 4.9 **Examination Fraud Prohibited**

No person or office shall:

- 1) Willfully or corruptly by himself or herself or in cooperation with one (1) or more persons defect, deceive, or obstruct any person in respect of his or her right of examination, appointment, or employment arising under these Rules and Procedures; or
- 2) Willfully or corruptly, falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of these Rules and Procedures, or aid in so doing; or
- 3) Willfully or corruptly make any false representations concerning the results of such examinations or concerning any person examined; or
- 4) Willfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered or certified, or to be appointed, employed or promoted; or
- 5) Willfully personate any other person, or permit or aid in any manner any other person to personate him or her, in connection with any examination, registration, or appointment, or application or request to be examined, registered or appointed; or
- 6) Furnish any false information about himself or herself, or any other person, in connection with any examination, registration, or appointment or application or request to be examined, registered or appointed; or
- 7) Make known or assist in making known to any applicant for examination, any question to be asked on such examination; or
- 8) Being an applicant, take an examination to assist any other applicant in any manner whatsoever; or
- 9) Personally solicit a favor from any member of the commission, appointing authority, or have any person in his or her behalf solicit a favor; or
- 10) Being an applicant in any examination, be found to be using any means of information, other than that provided in the examination itself, such as memoranda, pamphlets or books of any kind to assist him or her in answering the questions.

Any applicant found in violation of this rule, in addition to any other penalty found in rule or law, shall have his or her examination papers taken up and filed with a zero marking when the circumstances justify such action.

Rule 4.10 **Visitors At Examination**

No visitors shall be admitted to the examination room during any examination except by special permission of the examiner in charge. The examiner in charge may provide for assistance for applicants with disabilities who are otherwise qualified, provided, however, that such applicants notify the commission, in writing, no later than forty-eight (48) hours prior to the examination that such assistance will be required. Any such assistance shall be limited to reading the examination and/or marking the answers as directed by the applicants. Any outside assistants shall be approved and/or provided by the commission.

Rule 4.11 **Inspection Of Examination Papers**

Any competitor shall have the right at any time within the period of fifteen (15) days after receiving his or her notice of examination grade to review own papers and inform himself or herself as to the markings given him or her on each subject or question and to submit in writing for the commission's consideration, any objection or protest he or she may wish to make concerning the grades given him or her. No objection or protest concerning an examination, not submitted in writing, shall be considered unless it relates to the conduct of examiners, the securing of unlawful assistance by a competitor or such other circumstances in connection with an examination as would call for an investigation on the part of the commission, and which would require that the information submitted be given in confidence. An applicant who exercises the right to inspect his or her examination papers shall not be permitted to again take an examination for the same classification within a six (6) month period following the inspection, unless an alternate form of examination is given. Inspection shall not be permitted of standardized tests prepared by experts outside the city service, where such inspection would tend to reduce the validity of test results.

Rule 4.12 **Examinations Postponed**

Examinations, unless postponed, must be held upon dates fixed by the commission. Examinations may be postponed by order of the commission, which order shall designate the reason therefor. Reasonable efforts shall be made to inform applicant of cancellation or postponements. The type of notice is within the sole discretion of the commission.

Rule 4.13 **Educational Prerequisites - Educational Credit**

The Civil Service Commission may establish specific educational requirements as prerequisites for examination for positions under its jurisdiction, or for certification of persons for appointment to such positions. Educational credit, which may include education credit by way of certification, and/or by way of prior in service training within the department for which an eligible list is being created, shall not be a part of, but shall be a credit to be added to the person's base earned grade given in the regular examination in which the person receives a passing grade resulting from the competitive examination for original appointment to positions under the jurisdiction of the commission where the commission has elected to grant such credit. The commission may grant such credit in an amount and under conditions deemed appropriate by the commission when determining fitness and merit; provided, that such amount is established in advance of any affected examination; and provided, that no such credit shall be added to a person's examination grade unless the applicant achieves at least the minimum passing grade as established in Rule 4.17 on the examination without counting any additional credit; moreover, in order to be eligible to receive the credit, the applicant must submit proof of such education at the time of filing the application. Any additional credit given under this provision shall be in terms of a percent of the person's base earned grade given in the applicant's regular examination, unless otherwise method is authorized by the commission.

Rule 4.14 **Release Time For Examinations**

City employees shall be allowed necessary time off without loss of pay to compete in any civil service examination conducted by the commission for the classification in which the employee is serving as a provisional. The appointing authority may grant time off without loss of pay for up to two (2) additional examinations during any one (1) calendar year. If the employee wishes to take additional examinations, the appointing authority may require that the employee take vacation leave, compensatory time or leave without pay.

Rule 4.15 **Rating Of Applicants**

Exclusions and extra credits:

Rule 4.15.1 **Credit For Veteran's Service Credit In Examinations For Original Appointment.**

In the case of an original appointment, the commission may grant veteran's service credit, which shall also mean military service credit, to any applicant who has completed service in the uniformed services and who has (1) been honorably discharged from the uniformed services or (2) transferred to the reserve with evidence of satisfactory service; and, any member of the national guard or a reserve component of the armed forces of the United States who has completed more than one hundred eighty days (180) of active duty service pursuant to an executive order of the President of the United States or an act of the Congress of the United States. Credit for service in the armed forces of the United States shall not be a part of but shall be a credit to be added to the applicant's base earned grade resulting from the competitive examination for original appointment to positions under the commission's jurisdiction where the commission has elected to grant such credit. The commission may grant veteran's service credit in an amount

and under conditions deemed appropriate by the commission when determining fitness and merit; provided that such amount is established in advance of any affected examination; and provided that no such credit shall be added to an applicant's examination grade unless the applicant achieves at least the minimum passing grade as established in Rule 4.17 on the examination without counting any additional credit; moreover, in order to be eligible to receive the credit, the applicant must submit proof of honorable discharge or applicable military service (a certificate of service or honorable discharge or equivalent as determined by the commission) at the time of filing the application. Any additional credit given under this provision shall be in terms of a percent of the person's base earned grade given in the applicant's regular examination, unless another method is authorized by the commission.

Rule 4.15.2 Seniority Credit Prohibited

Except as otherwise provided in Rule 9.5.2(1) of these rules and procedures, in promotional examinations, no additional credit for seniority or efficiency in the civil service of the city, the state, or any other political subdivision of Ohio shall be added to the examination grade. This provision shall not be construed as limiting the commission's ability to use seniority as a tie breaker.

Rule 4.15.3 Political or Religious Questions Prohibited.

No questions in any examination shall relate to political or religious opinions or affiliations.

Rule 4.16 Examination Grading Methods

The total grade attainable in each examination, except for special credits as outlined above, shall be one hundred (100%) percent. In examinations composed of more than one (1) part the method of scoring shall be:

- 1) Each part of the examination shall be separately rated and the proficiency of each competitor determined on the basis of a scale of one hundred (100%) percent for maximum possible attainment.
- 2) Each part shall be assigned a weight which shall be based on the relative value of the part to that of the entire examination expressed in terms of tenth (1-10th) of the total.
- 3) The earned grade of each examinee in each part of the examination shall be multiplied by the weight assigned to the part and the sum of the total shall be the earned grade for the participant.
- 4) Notwithstanding the above, any physical agility portion of the examination for original appointment to the position of Police Officer shall be administered by the commission and shall be based on the Cooper Standards. In the event that an applicant fails the physical agility portion, no further consideration to the applicant for appointment shall be given. If the applicant has passed the physical certification process of the Ohio Peace Office Training Academy (OPOTA) within the previous year, but not more than one (1) year prior to the date of the original examination for Police Officer, the commission will accept that certification for the physical agility portion of the original examination for Police Officer.

The physical agility portion of the original examination for Firefighter/Paramedic will be administered by the National Testing Network using the standard of the Firefighter's Mile. The commission will accept the Firefighter Mile card for the physical agility portion of the original examination for Firefighter/Paramedic.

Upon completion of the grading process, each applicant shall be notified by regular U.S. mail, with proof of mailing required to his or her last address on file with the commission, as to his or her grade.

Rule 4.17 **Passing Grade**

The passing grade of any examination administered pursuant to these Rules and Procedures, exclusive of any additional credits that may offered, shall be a minimum of seventy (70%) percent.

Rule 4.18 **Changing Of Grades**

No grades given in any examination shall be changed after the posting of an eligible list, except after the consideration of reasons submitted in writing by the competitor objecting and report thereon by the commission's properly authorized examiners; provided that the commission may correct clerical errors of examiners or employees at any time before the cancellation of such lists.

Rule 4.19 **Repeating Examinations**

An applicant who has competed in a civil service examination may not repeat that examination or take an examination for the same classification within six (6) months from the date of original examination, unless an alternative form of examination is given, or unless other standards are specified in the examination announcement, provided that the commission may waive in writing this rule upon written request from an applicant stating substantial reasons for granting such waiver.

Rule 4.20 **Preservation Of Examination Papers**

Applications and final scores of all candidates for employment in the classified service shall be secured on file in the office of the finance director, or in the case when a specific council clerk exists, then such clerk, until such time as a new examination is given. (Ord. 017-18. Passed 4-16-18.)

195.05 RULE 5 APPLICATIONS.

Rule 5.1 **Residency Required**

Every applicant for examination at time of application must be a resident of the State of Ohio or signify in writing his or her intention to become and remain, upon appointment, a resident of the State of Ohio and his or her intention to meet all city residency requirements, unless such requirements are specifically waived in the examination announcement or otherwise waived in statute or rule.

Rule 5.2 **Citizenship Required**

Every applicant for examination in the police and fire division must be a U.S. Citizen at the time of application or must have legally declared their intention of becoming one.

Rule 5.3 **Age Requirement**

No application or examination will be accepted unless the applicant is within the age limits, if any, fixed by the commission in the examination announcement.

Rule 5.4 **Application Blanks Furnished**

Application blanks for examinations shall be furnished by the commission. On the application blank the applicant shall state his or her name, address, and other such information as may reasonably be required concerning his or her education, experience, health, physical and mental capacity. The commission may determine and provide for the submission of any other relevant information either on the application blank or supplemental sheet. No inquiry shall be made as to the religious or political affiliations, nor as to the racial or ethnic origin of the applicant.

Rule 5.5 **Character And Fitness Of Applicant**

Satisfactory information produced at any time to the commission, either before or after examination, that an applicant has committed acts which demonstrate character traits which would be detrimental to successful performance of the employment sought, or of his or her dismissal for good cause from any branch of public service, or of his or her conviction of a felony, or has a pattern of poor work habits and performance with previous employers, or has made a false statement of a material fact, or uses illegal drugs, or has attempted to commit deception or fraud on application or examination, shall be sufficient to exclude him or her from examination, or to remove his or her name from any eligible list, providing such person shall be notified as to the reason and shall be given an opportunity for a review by the commission. All documentation submitted by applicants or appointing authorities as to character and fitness shall be subject to investigation by the commission.

Rule 5.6 **Completion Of Application Blanks**

Application blanks must be filled out in ink or be typed and shall be completed and signed by the applicant, in his or her own handwriting, or other manner as approved in writing by the commission, notarized and filed with the commission within the time limit fixed by the commission for the particular examination.

Rule 5.7 **Applications**

Except for Rule 5.5 of these Rules, the completed application will be the sole criteria in determining an applicant's eligibility for any examination. Information showing that an applicant meets all of the minimum qualifications as stated on an examination announcement must appear on the application itself. No additional information will be accepted after the filing deadline.

E. Reinstated Employees

A reinstated employee shall be paid at a base pay within the approval range for the position to which he/she is reinstated. The appointing authority will establish the rate of pay.

F. Rates for Classes to be Established by Ordinance

The class plan rates of pay for each class of positions prescribed in the position classification plan for the City shall be changed by and rates of pay for new classes of positions shall be established by council in the form of ordinances, or amendments thereto which provide for such rates.

(h) Rest Periods

Hourly employees may schedule with department head up to two (2) fifteen (15) minute rest periods during each work day which is scheduled to last eight (8) hours or more. Each rest period shall be taken at the work site, and shall in no circumstances exceed fifteen (15) minutes in length from the time productive work ceases until it begins again. Rest periods shall not be scheduled or taken in the first one and one half (1-1/2) hours of the work day.

(i) Retirement Contribution Pick-Up

May be established by the City in separate legislation.

(j) Salaries and Wages

Executive and management officers and employees' salaries for the following executive and management officers and employees shall be established by ordinance or resolution:

- City Manager
- City Finance Director
- City Law Director

(k) Total Remuneration

The salary or hourly rate, plus reimbursement for expenses incurred by approved use of private automobile on City business, uniform allowance, official travel expense, and any special provisions outlined in this pay plan shall be the total remuneration for any employee. [Except as otherwise provided herein, no employee covered by this plan shall receive pay from the City in addition to that authorized under the schedules provided in the pay plan for services rendered by him/her, either in the discharge of his/her duties, or any additional duties which may be imposed upon him/her or which he/she may undertake or volunteer to perform.]

(l) **Shift Differential Pay - Non-Bargaining Hourly Employees in the Police Department**

Non-bargaining hourly employees in the Police Department working between the hours of 3:00 p.m. and 11:00 p.m. (2nd shift) shall receive shift premium pay at the rate of two and one quarter (2-1/4%) percent of their rate of pay for those hours worked. Those non-bargaining hourly employees in the Police Department working between the hours of 11:00 p.m. and 7:00 a.m. (3rd shift) shall receive shift premium pay at the rate of two percent (2%) of their rate of pay for those hours worked (whether that be regular time, overtime, or acting time pay for either shift). (Ord. 042-14. Passed 8-4-14.)

197.15 MAJOR PAID BENEFITS

(a) **Hospital and Medical Benefits**

(1) **Applicability**

This section (Major Paid Benefits) applies to all members or officers of the appointing authority and other full-time regular employees, both classified and unclassified; specifically exempt from this section are members of city council, the mayor, and, except as herein provided, the judge of the municipal court. Section 197.15(d) (Pensions) applies to members of council and the mayor. The judge of the municipal court shall receive City shared contributions towards benefits as contained in this Section 197.15 to the extent permitted by law. Unless specifically authorized for part-time, permanent part-time or temporary employees by this Code or other controlling law, such part-time, permanent part-time, or temporary employees are not eligible for major benefits, paid leave, or any other benefits described in this Code.

(2) **Scope of Health Benefits**

Subject to reasonable cost containment measures, the City provides group hospitalization, surgical, and extended medical benefits for each full-time regular employee in accordance with the benefit schedule provided in the City's plan as on file in the office of the City Finance Director marked "City of Napoleon Health Benefit Plan (#HBP-1)" and as may be amended from time to time by resolution of Council. The Health Benefit Plan shall include covered services, co-pays and premium contribution.

(3) **Preventative Care Wellness Program**

The City of Napoleon cares about the health and safety of employees. The goal of a Preventative Care Wellness program is to educate employees on how to use their benefits wisely and to promote participation in health and wellness programs. As determined by the Healthcare Cost Committee, employee premiums may be adjusted for employees that choose to participate or not. In addition, employee incentives may be provided to employees who choose to participate in the wellness program. Should funding be made available by the healthcare provider, all incentives must be pre-approved by said healthcare provider.

Examples of incentives may include Wellness Fairs, wellness magazine subscriptions, registration fees for walkathons (5k, etc.), athletic shoes, water bottles, fitness trackers, discounted diet programs, discounted gym memberships on-site chair massages, healthy eating cookbooks, etc. Wellness events and challenges may take place throughout the year to earn incentives. If an employee has an idea for a program or event they are encouraged to submit them to a member on the Healthcare Cost Committee or Human Resources. (Ord. 11-18. Passed 4-16-18.)

(b) **Life Insurance**

A death benefit, for non-bargaining employees, in the amount of thirty thousand dollars (\$30,000) shall be paid, under the terms of an insurance policy, to the designated beneficiary of a full-time regular employee of the City upon his/her death, providing such death occurs after the employee has completed thirty (30) days from the date of employment and the first of the month thereafter. Each employee shall furnish the City with a beneficiary designation. In the event the employee has failed to designate a beneficiary then the benefit shall be made to his/her estate, upon the application of the legal representative. The City will provide a certificate of insurance to each employee.

(c) **Leaves of Absence - Continuation of Premiums**

Upon the written request of an employee on leave of absence, the City will continue the employee's coverage under the group life and health insurance plans, and will pay its share of the premiums for such plans in accordance with the provisions of this section for a maximum of thirty (30) days, except as otherwise provided in Section 197.19(g) of this code and except as otherwise provided by law that supersedes this code. On the first day of the month following the commencement of the employee's leave of absence, the employee will then and thereafter be solely responsible for the payment of all subsequent such premiums.

(d) **Pension Funds**

Employees shall be provided coverage under the Public Employees Retirement - System or Police and Fireman's Disability and Pension Fund as appropriate.

(e) **Severance Pay**

Upon retirement, death, resignation, or termination, employees shall be paid for all, if any accumulated but unpaid vacation, holidays, regular pay and overtime pay, or compensatory time due and owed to them as of their last date of employment. In case of death, the above payments shall be made to the employee's estate or designated survivor(s).

(f) **Unemployment Compensation/Workers Compensation**

Employees shall be provided unemployment compensation coverage and workers compensation as required by law. (Ord. 042-14. Passed 8-4-14.)

197.16 PAID LEAVES OF ABSENCE

(a) **Applicability**

The provisions of this chapter shall apply only to employees who are full-time regular employees unless otherwise expressly applied to other than full-time regular employees. This chapter (Paid Leaves of Absence) shall also expressly apply to members or officers of the appointing authority and other full-time regular unclassified employees, excluding elected officials. Starting as of the first pay period for 2015, this would include Assistant Fire Chiefs. Nothing in this provision (a) shall be construed as prohibiting the limiting or restricting of applicability of a leave policy to "key employees" as may be provided in a specific policy.

(b) **Applications for Time Off and Scheduling of Time Off**

The following guidelines will be followed when applying for and authorizing time off. Vacation, holidays, personal holidays, and compensatory time are considered time off. Any and all combinations of the above may be used when applying for time off.

Number of Days Off	Minimum Notice
less than 5	7 days
5 plus	35 days

To reserve vacation time, employees must apply for their vacations by November 25th of the year prior to the year the vacations will be taken and priority for time off within the above categories will be determined by departmental seniority from an employee's most recent employment date. With regard to any vacation application received after November 25th, priority for time off within the above categories will be determined by departmental seniority from an employee's most recent employment date only when employees apply for vacation on the same calendar day. Advanced application for vacation may be made so long as the employee will have credited the requested hours at the time the employee's vacation is to commence; however, an employee may not, in advance, lock in vacation dates for multiple years.

Exceptions to minimum notice may be permitted subject to the approval of the appropriate supervisor.

Authorization of time off is subject to availability of personnel, and the recognized City objective of minimizing overtime paid.

(c) **Bereavement Leave**

(1) **General**

A full-time regular employee may be granted a leave of absence with pay to attend the funeral of a member of his/her immediate family. Such leave of absence will be granted between the day of death until and including the day of the funeral, not to exceed three (3) calendar days and shall not be charged against the employee's accumulated sick leave. Immediate family, for the purposes of this Section, shall be defined as the employee's grandparents, brother, sister, father, father-in-law, mother, mother-in-law, spouse, child, stepchild, grandchild, or legal guardian.

A full-time regular employee shall be granted a one (1) day leave of absence with pay to attend the funeral of his/her spouse's brother, sister and grandparents, or the employee's son-in-law, daughter-in-law, aunt and uncle.

In the event of the death of any other relative of an employee, the employee shall, upon request, be excused for one (1) day to attend the funeral, with such leave day being deducted from the employee's accumulated vacation, compensatory time, personal holiday, or sick leave balance at the employee's discretion. Alternatively, the employee may elect to take an unpaid leave day.

5. The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.
6. The person has a concentration of L.S.D. in the person's urine of at least twenty-five nanograms of L.S.D. per milliliter of the person's urine or a concentration of L.S.D. in the person's whole blood or blood serum or plasma of at least ten nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma.
7. The person has a concentration of marihuana in the person's urine of at least ten nanograms of marihuana per milliliter of the person's urine or has a concentration of marihuana in the person's whole blood or blood serum or plasma of at least two nanograms of marihuana per milliliter of the person's whole blood or blood serum or plasma.
8. Either of the following applies:
 - a. The person is under the influence of alcohol, a drug of abuse or a combination of them, and the person has a concentration of marihuana metabolite in the person's urine of at least fifteen nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least five nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.
 - b. The person has a concentration of marihuana metabolite in the person's urine of at least thirty-five nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

9. The person has a concentration of methamphetamine in the person's urine of at least five hundred nanograms of methamphetamine per milliliter of the person's urine or has a concentration of methamphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of methamphetamine per milliliter of the person's whole blood or blood serum or plasma.
 10. The person has a concentration of phencyclidine in the person's urine of at least twenty-five nanograms of phencyclidine per milliliter of the person's urine or has a concentration of phencyclidine in the person's whole blood or blood serum or plasma of at least ten nanograms of phencyclidine per milliliter of the person's whole blood or blood serum or plasma.
 11. The State Board of Pharmacy has adopted a rule pursuant to Ohio R.C. 4729.041 that specifies the amount of salvia divinorum and the amount of salvinorin A that constitute concentrations of salvia divinorum and salvinorin A in a person's urine, in a person's whole blood, or in a person's blood serum or plasma at or above which the person is impaired for purposes of operating any vehicle within this Municipality, the rule is in effect, and the person has a concentration of salvia divinorum or salvinorin A of at least that amount so specified by rule in the person's urine, in the person's whole blood, or in the person's blood serum or plasma.
- (2) No person who, within twenty years of the conduct described in subsection (a)(2)A. of this section, previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 4511.19(A) or (B), or any other equivalent offense shall do both of the following:
- A. Operate any vehicle within this Municipality while under the influence of alcohol, a drug of abuse or a combination of them;
 - B. Subsequent to being arrested for operating the vehicle as described in subsection (a)(2)A. of this section, being asked by a law enforcement officer to submit to a chemical test or tests under Ohio R.C. 4511.191, and being advised by the officer in accordance with Ohio R.C. 4511.192 of the consequences of the person's refusal or submission to the test or tests, refuse to submit to the test or tests.

(b) Operation After Under-Age Consumption. No person under twenty-one years of age shall operate any vehicle within this Municipality, if, at the time of the operation, any of the following apply:

- (1) The person has a concentration of at least two-hundredths of one per cent but less than eight-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.
- (2) The person has a concentration of at least three-hundredths of one per cent but less than ninety-six-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.
- (3) The person has a concentration of at least two-hundredths of one gram but less than eight-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.

As an alternative to a mandatory jail term of thirty consecutive days required by subsection (h)(1)C.1. of this section, the court, under this subsection, may sentence the offender to fifteen consecutive days in jail and not less than fifty-five consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the fifteen consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring or both types of monitoring shall not exceed one year. The fifteen consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to the mandatory jail term of sixty consecutive days required by subsection (h)(1)C.2. of this section, the court, under this subsection, may sentence the offender to thirty consecutive days in jail and not less than one hundred ten consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the thirty consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed one year. The thirty consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

- (4) If an offender's driver's or occupational driver's license or permit or nonresident operating privilege is suspended under subsection (h) of this section and if Ohio R.C. 4510.13 permits the court to grant limited driving privileges, the court may grant the limited driving privileges in accordance with that section. If division (A)(7) of that section requires that the court impose as a condition of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under Ohio R.C. 4503.231, except as provided in division (B) of that section, the court shall impose that condition as one of the conditions of the limited driving privileges granted to the offender, except as provided in division (B) of Ohio R.C. 4503.231.
- (5) If title to a motor vehicle that is subject to an order of criminal forfeiture under this section is assigned or transferred and division (B)(2) or (3) of Ohio R.C. 4503.234 applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national auto dealers association. The proceeds of any fine so imposed shall be distributed in accordance with division (C)(2) of that section.

- (6) In all cases in which an offender is sentenced under subsection (h) of this section, 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, the court, in addition to any other penalties provided by law, 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 vehicle before, during or after committing the offense for which the offender is sentenced under subsection (h) of this section.
- (7) A court may order an offender to reimburse a law enforcement agency for any costs incurred by the agency with respect to a chemical test or tests administered to the offender if all of the following apply:
 - A. The offender is convicted of or pleads guilty to a violation of subsection (a) of this section.
 - B. The test or tests were of the offender's whole blood, blood serum or plasma, or urine.
 - C. The test or tests indicated that the offender had a prohibited concentration of a controlled substance or a metabolite of a controlled substance in the offender's whole blood, blood serum or plasma, or urine at the time of the offense.
- (8) As used in subsection (h) of this section, "electronic monitoring", "mandatory prison term" and "mandatory term of local incarceration" have the same meanings as in Ohio R.C. 2929.01.

(i) Vehicle Operation After Underage Alcohol Consumption Penalty. Whoever violates subsection (b) of this section is guilty of operating a vehicle after underage alcohol consumption and shall be punished as follows:

- (1) Except as otherwise provided in subsection (i)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six 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)(6) of Ohio R.C. 4510.02. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13. The court may grant unlimited driving privileges with an ignition interlock device relative to the suspension and may reduce the period of suspension as authorized under Ohio R.C. 4510.022. If the court grants unlimited driving privileges under Ohio R.C. 4510.022, the court shall suspend any jail term imposed under subsection (i)(1) of this section as required under that section.
- (2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of subsection (a) or (b) of this section or other equivalent offenses, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four 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)(4) of Ohio R.C. 4510.02. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13.

(d) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of subsection (b) hereof has been or is being committed or for the sole purpose of issuing a ticket, citation or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.

(e) All fines collected for violations of subsection (b) hereof shall be forwarded to the Treasurer of State for deposit as provided in Ohio R.C. 4513.263.

- (f) (1) Subject to subsection (f)(2) of this section, the failure of a person to wear all of the available elements of a properly adjusted occupant restraining device in violation of subsection (b)(1) or (3) or the failure of a person to ensure that each minor who is a passenger of an automobile being operated by that person is wearing all of the available elements of a properly adjusted occupant restraining device, in violation of subsection (b)(2) of this section, shall not be considered or used by the trier of fact in a tort action as evidence of negligence or contributory negligence. But the trier of fact may determine based on evidence admitted consistent with the Ohio rules of evidence that the failure contributed to the harm alleged in the tort action and may diminish a recovery of compensatory damages that represents noneconomic loss, as defined in Ohio R.C. 2307.011 in a tort action that could have been recovered but for the plaintiff's failure to wear all of the available elements of a properly adjusted occupant restraining device. Evidence of that failure shall not be used as a basis for a criminal prosecution of the person other than a prosecution for a violation of this section; and shall not be admissible as evidence in a criminal action involving the person other than a prosecution for a violation of this section.
- (2) If, at the time of an accident involving a passenger car equipped with occupant restraining devices, any occupant of the passenger car who sustained injury or death was not wearing an available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted, then, consistent with the Rules of Evidence, the fact that the occupant was not wearing the available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted is admissible in evidence in relation to any claim for relief in a tort action to the extent that the claim for relief satisfies all of the following:
- A. It seeks to recover damages for injury or death to the occupant.
 - B. The defendant in question is the manufacturer, designer, distributor or seller of the passenger car.
 - C. The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy.
- (g) (1) Whoever violates subsection (b)(1) of this section shall be fined thirty dollars (\$30.00).
- (2) Whoever violates subsection (b)(3) of this section shall be fined twenty dollars (\$20.00).

- (3) Except as otherwise provided in this subsection, whoever violates subsection (b)(4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (b)(4) of this section, whoever violates subsection (b)(4) of this section is guilty of a misdemeanor of the third degree.
(ORC 4513.263)

337.28 USE OF SUNSCREENING, NONTRANSPARENT AND REFLECTORIZED MATERIALS.

(a) Requirements.

- (1) No person shall operate, on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is required to be registered in this State with any suncreening material, or other product or material which has the effect of making the windshield or windows nontransparent or would alter the windows' color, increase its reflectivity, or reduce its light transmittance, unless the product or material satisfies one of the following exceptions:
- A. Any manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) in effect at the time of the manufacture of the motor vehicle until such standard is subsequently repealed or reduced. In "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) "manufacturer" means any person engaged in the manufacturing or assembling of motor vehicles or motor vehicle equipment, including any person importing motor vehicles or motor vehicle equipment for resale. "Federal Motor Vehicle Safety Standard Number 205" (FMVSS), Code of Federal Regulations, Title 49, Part 571, can be obtained online at web site <http://www.gpo.gov>.
 - B. Any suncreening material or other product or material applied to the windshield when used in conjunction with the safety glazing materials of such window, has a light transmittance of not less than seventy per cent plus or minus three per cent and is not red or yellow in color.
 - C. Any suncreening material or other product or material applied to the side windows to the immediate right or left the driver, so long as such material, when used in conjunction with the safety glazing materials of such windows, has a light transmittance of not less than fifty per cent plus or minus three per cent and is not red or yellow in color.
 - D. Any suncreening material or other product or material applied to a window not otherwise listed in subsections (a)(1)A. to C. or E. of this section, except that outside left and right rear view mirrors are required if the suncreening material is applied to the rear window and the suncreening material, when used in conjunction with the safety glazing material of such window, has a light transmittance of less than fifty per cent plus or minus three per cent.
 - E. Any suncreening material or other product or material applied along the top of the windshield and that does not extend downward beyond the AS-1 line or five inches from the top of the windshield, whichever is closer to the top, is not regulated by this section.

- (2) No person shall install in any motor vehicle any glass or other material that fails to conform to the specifications of this section.
- (3) No used motor vehicle dealer or new motor vehicle dealer, as defined in Ohio R.C. 4517.01, shall sell any motor vehicle that fails to conform to the specifications of this section.
- (4) No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings or rear window.
- (5) No person shall operate on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is required to be registered in this State that is equipped with privacy drapes, louvers, curtains or blinds unless the drapes, louvers, curtains or blinds are open and secure during vehicle operation.
- (6) All motor vehicles, beginning with the 1990 model year, must be equipped with labels identifying sunscreening material. All sunscreening material must indicate the manufacturer's name and the percentage level of light transmission of the material permanently installed between the material and the surface to which the material is applied or affixed. Such label must be legible and must be placed in the lower left-hand corner of the vehicle window when viewed from the outside. (OAC 4501-41-03)

(b) Exemptions. The provisions of this section do not apply to:

- (1) A motor vehicle registered in this State in the name of a person, or the person's parent, legal guardian or spouse who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or an affidavit signed by an optometrist licensed to practice in this State under Ohio R.C. Chapter 4725 that states that the person has a physical condition that makes it necessary to equip such motor vehicle with sunscreening material which would be of a light transmittance and/or luminous reflectance in violation of this section. Such affidavit shall be in the possession of the person so afflicted or the driver at all times while in the motor vehicle;
- (2) The windows to the rear of the driver in chauffeured limousines as defined herein;
- (3) The windows to the rear of the driver in those vehicles designed and used to transport corpses which include hearses and other vehicles adapted for such use; and
- (4) The manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) in effect at the time of the manufacture of the motor vehicle as provided in subsection (a) hereof. "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205), Code of Federal Regulations, Title 49, Part 571, can be obtained online at web site <http://www.gpo.gov>. (OAC 4501-41-05)

(c) Definitions. As used in this section, certain terms are defined as follows:

- (1) "Motor vehicle" has the same meaning as specified in Section 301.20.
- (2) "Sunscreening material" means products or materials, including film, glazing and perforated sunscreening, which, when applied to the windshield or windows of a motor vehicle, reduce the effects of the sun with respect to light reflectance or transmittance.

- (3) "Transmittance" means the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the product or material, including glazing, to the amount of total light falling on the product or material and the glazing.
- (4) "Windshield" means the front exterior viewing device of a motor vehicle.
- (5) "Window" means any device designed for exterior viewing from a motor vehicle, except the windshield or any roof-mounted viewing device.
- (6) "Manufacturer" unless otherwise specified in this section, means any person who engages in the manufacturing or assembling of sunscreening products or materials or any person who fabricates, laminates or tempers a safety glazing material, incorporating, during the manufacturing process, the capacity to reflect or reduce the transmission of light.
- (7) "Chauffeured limousine" means a motor vehicle that is designed to carry nine or fewer passengers and is operated for hire on an hourly basis pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an arrangement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine at a fixed rate per hour or trip. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing.
(OAC 4501-41-02)

(d) Penalty. Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.241)

337.29 BUMPER HEIGHTS.

(a) Definitions.

- (1) "Passenger car" means any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle.
- (2) "Multipurpose passenger vehicle" means a motor vehicle with motive power, except a motorcycle, designed to carry ten persons or less, that is constructed either on a truck chassis or with special features for occasional off-road operation.
- (3) "Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property and having a gross vehicle weight rating of 10,000 pounds or less.
- (4) "Manufacturer" has the same meaning as in Ohio R.C. 4501.01.
- (5) "Gross vehicle weight rating" means the manufacturer's gross vehicle weight rating established for the vehicle.
- (6) "Body floor height" means the vertical distance between top of the frame rail and the bottom of the passenger compartment (cab) floor. In the event that the vehicle is a truck body, floor height will be measured by the vertical distance between the passenger compartment (cab) floor and the floor of the truck bed.
- (7) "Bumper height" means the vertical distance between the ground and the highest point of the bottom of the bumper, measured when the vehicle is laden on a level surface with the vehicle tires inflated to the manufacturer's recommended pressure.
- (8) "Frame" means the main longitudinal structural members of the chassis of the vehicle or, for vehicles with unitized body construction, the lowest main longitudinal structural members of the body of the vehicle.

- (9) "Wheel track distance" means the distance on the ground between the center of the tire tread on one side of the vehicle, and the center of the tire tread on the opposite side. (OAC 4501-43-02)

(b) Prohibitions; Application.

- (1) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State that does not conform to the requirements of this section.
- (2) No person shall modify any motor vehicle registered in this State in such a manner as to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body under normal operation, and no person shall disconnect any part of the original suspension system of the vehicle to defeat the safe operation of that system including the installation of inverted, altered or modified suspension system component parts which results in elevation of the height of the vehicle bumper or frame unit which is not in compliance with this section.
- (3) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State without a bumper on the front and rear of the vehicle if such vehicle was equipped with bumpers as standard equipment by the manufacturer.
- (4) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State if the difference in height between the body floor and the top of the frame exceeds four inches.
- (5) Nothing contained in this section shall be construed to prohibit either of the following:
 - A. The installation upon a passenger car, multipurpose passenger vehicle or truck registered in this State of heavy duty equipment, including shock absorbers and overload springs as long as such equipment does not cause the vehicle to be in violation of this section;
 - B. The operation on a street or highway of a passenger car, multipurpose passenger vehicle or truck registered in this State with normal wear to the suspension system if the normal wear does not adversely affect the control of the vehicle.
- (6) This section does not apply to any specially designed or modified passenger car, multipurpose passenger vehicle or truck when operated off a street or highway in races and similar events.
- (7) A specially designed or modified passenger car, multipurpose passenger vehicle or truck which does not conform to this section shall not be operated on a street or highway.
(OAC 4501-43-03)

(c) Specifications.

- (1) The horizontal bumper shall be at least 4.5 inches in vertical height, centered on the vehicle's centerline, and extend no less than the width of the respective wheel track distances. Bumpers shall be horizontal load bearing bumpers and attached to the vehicle frame to effectively transfer impact when engaged.

- (2) Maximum bumper heights shall be determined by the type of vehicle at time of manufacture. If other than a passenger vehicle, the maximum bumper height shall be determined by the gross vehicle weight rating (GVWR) at the time of manufacture. The height shall be measured in terms of the vertical distance between the ground and the bottom of the bumper. Maximum bumper heights are as follows:

	<u>Front (inches)</u>	<u>Rear (inches)</u>
Passenger Vehicles	22	22
All Other Vehicles:		
4,500 lbs. and under GVWR	24	26
4,501 lbs. to 7,500 lbs. GVWR	27	29
7,501 lbs. to 10,000 lbs. GVWR	28	31

- (3) If the body and/or truck bed height is altered the difference in height between the body floor and/or the truck bed floor to the top of the frame rail shall not exceed four inches.
- (4) For any vehicle with bumpers or attaching components which have been modified or altered from the original manufacturer's design in order to conform with the maximum bumper requirements of this section, the bumper height shall be measured from a level surface to the bottom of the vehicle frame rail at the most forward and rearward points of the frame rail. Frame rail height if bumper modified or altered:

	<u>Front (inches)</u>	<u>Rear (inches)</u>
Passenger Vehicles	22	22
All Other Vehicles:		
4,500 lbs. and under GVWR	24	26
4,501 lbs. to 7,500 lbs. GVWR	27	29
7,501 lbs. to 10,000 lbs. GVWR	28	31

- (5) The height restriction in this subsection (c) applies to the distance from the ground to the bottom of the frame rail under any one or more of the following conditions:
- A. A motor vehicle is not equipped with a front and rear bumper.
 - B. The bumper height relative to the frame rails has been altered.
 - C. A supplemental bumper has been installed or an addition to the original or replacement has been made.
- (OAC 4501-43-04)

- (d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.99)

337.30 DIRECTIONAL SIGNALS REQUIRED.

- (a) (1) No person shall operate any motor vehicle manufactured or assembled on or after January 1, 1954, unless the vehicle is equipped with electrical or mechanical directional signals.
- (2) No person shall operate any motorcycle or motor-driven cycle manufactured or assembled on or after January 1, 1968, unless the vehicle is equipped with electrical or mechanical directional signals.

(b) "Directional signals" means an electrical or mechanical signal device capable of clearly indicating an intention to turn either to the right or to the left and which shall be visible from both the front and rear.

(c) All mechanical signal devices shall be self-illuminating devices when in use at the times mentioned in Section 337.02.

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.261)

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):

Parking Space Summary				
Street	Between	Side	Restriction	Spaces
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	1-7
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	1
Main St., W.	Perry St./Scott St.	N	None	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)	2-6, 9

Street	Between	Side	Restriction	Spaces
Perry St.	Riverview Ave./Washington St.	E	Handicapped Parking only	1, 7-8
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, 7
Perry St.	Clinton St./Washington St.	W	30 Min. (2A - 5A) 2 Hour (5A - 6P)	2-6 8-11
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)	1-4
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)	6-7 9-10
Washington St., E.	Monroe St./Perry St.	S	30 Min.	5, 8
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	11-12
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. 009-18. Passed 4-16-18.)

(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.)

CODIFIED ORDINANCES OF NAPOLEON
PART SEVEN - BUSINESS REGULATION CODE

Chap. 711. Amusement Devices and Arcades. (Repealed)

Chap. 723. Junkyards.

Chap. 735. Soliciting and Peddling.

Chap. 739. Outdoor Public Entertainment.

Chap. 743. Video Service Provider Fee.

Chap. 747. Medical Marijuana.

CHAPTER 747
Medical Marijuana

747.01 Definitions.

747.99 Penalty.

747.02 Cultivation, processing, testing, packing, storage or retail dispensing of medical marijuana prohibited.

747.01 DEFINITIONS.

(a) "Marijuana" has the same meaning as marihuana as defined in section 3719.01 of the Ohio Revised Code.

(b) "Medical marijuana" means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

(c) "Medical marijuana-related business or home occupation" means a business or home occupation use, involving in whole or in part, the cultivation, processing, distribution, and/or wholesale or retail sale of medical marijuana on the premises. This definition shall specifically include, but is not limited to, dispensaries of medical marijuana; facilities for the cultivation, packing, transportation, processing, storage, and/or sale of medical marijuana; and bakeries or kitchens producing edible forms of medical marijuana or products containing the same.
(Ord. 059-17. Passed 11-6-17.)

747.02 CULTIVATION, PROCESSING, TESTING, PACKING, STORAGE, OR RETAIL DISPENSING OF MEDICAL MARIJUANA PROHIBITED.

(a) The cultivation, processing, testing, packing, storage, or retail dispensing of medical marijuana within the City of Napoleon is hereby prohibited.

(b) No medical marijuana-related business or home occupation may be established, operated, or maintained within the City of Napoleon, nor shall any provision of the Planning and Zoning Code be construed to permit the use of any property for that purpose. This prohibition shall apply to all zoning districts within the City.
(Ord. 059-17. Passed 11-6-17.)

747.99 PENALTY.

Whoever violates Section 747.02 is guilty of a misdemeanor of the first degree. Each day of violation shall constitute a separate offense.
(Ord. 059-17. Passed 11-6-17.)

CHAPTER 931 Water and Sewer Service

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

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 the direct sales as established in Subsection (b)(5)C hereof, the net rate per month per service shall be the sum of the commodity charge plus the capacity charge set forth in Subsection (b)(6) hereof. The commodity charge shall be computed as follows:
- A. Units of water used inside the Corporation:
 - Units: 1 up to 10 = \$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: \$8.43 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 the direct sales as established in Subsection (b)(5)C hereof, the net rate per month per service shall be the sum of the commodity charge plus the capacity charge set forth in Subsection (b)(6) hereof. The commodity charge shall be computed as follows:

- A. Units of water used inside the Corporation:
 Units: 1 up to 10 = \$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: \$8.43 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. 088-17. Passed 12-18-17.)

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>Size Tap</u>	<u>Meter Size</u>	<u>Tap and Service Line Charge</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

(b) Commercial Service (CS).

- (1) Availability for commercial service. Applicable and available to multiple dwelling units containing two (2) or more living quarters or dwelling units such as manufactured housing (mobile homes) or apartment complexes when master metered; also applicable and available to commercial, business, professional, industrial, agricultural, and other similar pursuits requiring electrical service.
- (2) Commercial rate schedule.

Customer Charge (Single Phase): \$12.00

Customer Charge (Three Phase): \$18.00

Distribution Charge

All kWh: \$0.0235

Power Supply Charge

All KWH: \$0.0885

- (3) Riders. Customers under this schedule shall be subject to the applicable Power Supply Cost Adjustment, and Transition Cost Riders.

(c) Commercial Service-Demand (CSD).

- (1) Availability for commercial service-demand. Applicable and available to multiple dwelling units containing two (2) or more living quarters or dwelling units such as manufactured housing (mobile homes) or apartment complexes when master metered; also available and applicable to commercial, business, professional, industrial, agricultural and other similar pursuits requiring electrical service.
- (2) Rates.

Customer Charge (Single Phase): \$12.00

Customer Charge (Three Phase): \$18.00

Distribution Charges

All kW: \$4.57

All kWh: \$0.0054

Power Supply Charge

All kWh: \$0.0885

- (3) Riders. Customers under this schedule shall be subject to the applicable Power Supply Cost Adjustment, and Transition Cost Riders.

- (4) Adjustment for primary metering. Where the transformer installation (regardless of ownership) is utilized solely to furnish service to a single customer, the utility may meter the service on the primary side of the transformers, and in such case, the measured values of the meter shall be reduced by five percent (5%), unless otherwise certified by testing at a lesser or greater percentage.
- (5) Substation credit. When the customer furnishes and maintains the complete substation equipment including any other apparatus necessary for the customer to take service at the voltage of the primary transmission or distribution line from which said customer is to receive service, the monthly bill shall be credited by an amount equal to \$0.15 multiplied by the billing demand.
- (6) Billing demand. Billing demand shall be the measured demand during the month.
- (d) Large Power Service (LPS).
- (1) Availability for large power service. Applicable and available for service to customers with contracted measured demands of 50 kW or greater and less than 1,500 kW having an average monthly usage of 300 or more kWh (less amount of kWh may qualify at request of customer and approval of City) per 1 kW of demand over a twelve month calendar year and used for nonresidential purposes.
- (2) Rates.
- | | |
|----------------------|----------|
| Customer Charge: | \$100.00 |
| Distribution Charges | |
| All kVa: | \$6.23 |
| All kWh: | \$0.0028 |
| Power Supply Charges | |
| All kVa: | \$11.60 |
| All kWh: | \$0.0476 |
- (3) Riders. Customers under this schedule shall be subject to the applicable Power supply Cost Adjustment, and Transition Cost Riders.
- (4) Adjustment for primary metering. Where the transformer installation (regardless of ownership) is utilized solely to furnish service to a single customer, the Utility may meter the service on the primary side of the transformers, and in such case, the measured values of the meter shall be reduced by five percent (5%), unless otherwise certified by testing at a lesser or greater percentage.

- (i) Daily greens fees shall be as follows:
- (1) Generally.
Weekdays:
9 holes \$10.00
18 holes \$14.00
Saturday, Sunday and nationally recognized holidays:
9 holes \$12.00
18 holes \$16.00
 - (2) Junior Greens Fees.
Weekdays:
9 holes \$5.00
18 holes \$10.00
Weekends and Nationally Recognized Holidays:
9 holes \$7.00
18 holes \$14.00
Prepaid Discount Card For Greens fees
9 holes, for ten rounds \$80.00
- (j) Fee for motorized cart use shall be as follows:
- (1) Motorized cart fee: The privilege of using a non-City motorized cart on the course is restricted to persons holding a valid annual golf privilege card. The cart shall be used only by the holder of such card or his or her immediate family, and guests accompanied by the holder or a member of the holder's immediate family. The annual privilege fee is \$260.00 if gas powered, with an additional \$20.00 being charged if the motorized cart is electrically powered.
 - (2) Motorized cart rental 9 holes
\$7.00 per person with a maximum of two carts per group.
 - (3) Motorized cart rental 18 holes
\$10.00 per person with a maximum of two carts per group.
 - (4) Prepaid discount motorized cart rental for 10 rounds of 9 holes
\$55.00 per person
- (k) Pull cart fee shall be as follows:
- (1) Pull fee: No charge for using one's own cart.
 - (2) Pull cart rental: \$1.50 (up to 18 holes)
- (l) Golf clubs rental: \$2.00 (up to 18 holes)
- (m) Greens privilege fee and cart use fee shall be for the golfing season from April 1 through October 31, both dates inclusive, subject to the extension of the season by Director of the Parks and Recreation Department. The City has the right to close the course at any time for special events, unplayable conditions, or for other cause deemed appropriate by the Parks and Recreation Department.
- (n) The daily greens fee and daily cart rental fees during "off peak times" of the annual golf season for promotional reasons shall be reduced in an amount of thirty percent (30%) of the herein established rates. What constitutes and is declared "off peak times" is in the sole discretion of the Parks and Recreation Director.
- (o) Discounts shall apply to senior citizens as follows: \$3.00 off regular greens fees and \$2.00 off per person motorized cart rentals, both during the times of 8:00 a.m. through 1:00 p.m. on days of weekdays only, excluding nationally recognized holidays.
- (p) Nothing in this section shall be construed as to limit City Council's authority to adjust daily, weekly, monthly, or annual rates.
(Ord. 004-15. Passed 1-19-15.)

- (q) Due to the devastating rain and weather that was experienced in the 2015 Golf Season:
- (1) Any member who has paid their dues as of August 3rd, 2015 will receive 50% off of a membership for the 2016 season, and Cart rental will be given at no charge for the remainder of the 2015 season.
 - (2) Any player purchasing a greens fee at full price shall receive a cart rental at no charge. Those not wishing to use a motorized cart will receive 50% off of a 9 hole or 18 hole greens fee. The 50% reduction has a cap of 18 holes per day. (Ord. 044-15. Passed 8-3-15.)
- (r) In order to provide an opportunity for area employers to offer healthy recreational activities for their employees, a Corporate Membership rate shall be created per the following:
- (1) The Corporate Membership will be available for eligible employees. Eligible employees' family members are not included in the Corporate Membership benefit.
 - (2) The Corporate Membership will be available for eligible employees of a company that has purchased a Corporate Membership; that Corporate Membership must be paid in full to the Napoleon Golf Course before the usage is permitted.
 - (3) The Corporate Membership will include unlimited greens fees for eligible employees.
 - (4) The Corporate Membership does not include cart rentals.
 - (5) The following table establishes the fees for a Corporate Membership to the employer, based on number of employees:

Number of Employees	Annual Fee
25 and under	\$1,000.00
26 - 49	\$2,000.00
50 - 99	\$3,000.00
100 - 199	\$4,500.00
200 and above	\$6,500.00

(Ord. 003-18. Passed 3-5-18.)

955.10 SHELTER HOUSE/COMMUNITY CENTER RATES.

- (a) Shelter house rentals shall be as follows:

Rental Times	Ritter (Weekday)	Ritter (Weekend)	Wayne (Weekday)	Wayne (Weekend)
9:00 a.m.12:00 p.m.	\$35.00	\$40.00	\$30.00	\$35.00
1:00 p.m.-5:00 p.m.	35.00	40.00	30.00	35.00
9:00 a.m.-5:00 p.m.	40.00	45.00	35.00	40.00
6:00 p.m. - 11:00 p.m.	40.00	45.00	35.00	40.00
1:00 p.m. -11:00 p.m.	45.00	50.00	40.00	45.00
9:00 a.m.-11:00 p.m.	50.00	55.00	45.00	50.00

Weekend rates will also apply on all City observed holidays; no proration of fees permitted.

Due at time of making reservation is a non-refundable \$5.00 application fee and a \$50.00 security deposit. The security deposit is refundable upon the facility being cleaned, not damaged and the timely return of all keys, except that in the event that a cancellation occurs less than 7 days prior to the reserved date; then the rental amount shall be forfeited to the City and deducted from the security deposit, not to exceed \$50.00. Any monies to be returned to the tenant will be paid within 30 days after the rental date.

(b) Rental of the Community Center at Oberhaus Park shall be as follows:

Rental Times	Weekday	Weekend
9:00 a.m. - 12:00 p.m.	\$50.00	\$60.00
1:00 p.m. - 5:00 p.m.	60.00	70.00
9:00 a.m. - 5:00 p.m.	80.00	90.00
6:00 p.m. - 11:00 p.m.	80.00	90.00
1:00 p.m. - 11:00 p.m.	90.00	100.00
9:00 a.m. - 11:00 p.m.	110.00	120.00

Weekend rates will also apply on all City observed holidays; no proration permitted.

Due at time of making reservation is a non-refundable \$5.00 application fee and a \$50.00 security deposit. Full amount of rental is due when picking up the key. The security deposit is refundable upon the facility being cleaned, not damaged and the timely return of all keys, except that in the event that a cancellation occurs less than 7 days prior to the reserved date, then the rental amount shall be forfeited to the City and deducted from the security deposit, not to exceed \$50.00. Any monies to be returned to the tenant will be paid within 30 days after the rental date.

(c) Notwithstanding any other provision of these Codified Ordinances, the use of the Community Center at Oberhaus Park by the Napoleon based Rotary Club and Lions Club shall be pursuant to the terms and conditions established by separate agreement between the clubs and the City. Priority in reservation may be given to the clubs by the Parks and Recreation Director absent any provision in the agreement.

(d) Except as provided herein, reservations shall only be made in the calendar year the facility is intended to be reserved. During the month of December in the preceding year, residents, as defined in this chapter, shall be permitted to reserve dates for the following year.

(e) Terms and conditions of any rental agreement shall be established by the City Manager and approved as to form and correctness by the Law Director.
(Ord. 002-13. Passed 2-4-13.)

955.11 PERSONS PERMITTED ON COURSE.

The municipal golf course is open to the public; however, the course shall only be entered for authorized recreational purposes. During the golf season when the course is open for play, no person is permitted on the municipal golf course unless registered and playing on a valid annual golf privilege card or upon the payment of the established greens fee. Caddies while working or authorized municipal employees while in the performance of their duties are exempt from this

provision. Playing of golf shall be only during the golf season unless otherwise permitted; further, if permitted at times when the club house is closed, registration is not required.
(Ord. 30-97. Passed 5-5-97.)

955.12 PERSONS EXEMPT FROM GREENS FEES.

(EDITOR'S NOTE: Former Section 955.12 was repealed by Ordinance 18-2003, passed March 3, 2002.)

955.13 PLAY UPON COURSE SUBJECT TO APPROVAL OF GREENSKEEPER.

Any play upon the course shall be subject to the approval of the greenskeeper who will determine playing conditions from the standpoint of damage to the greens and course.
(1978 Code 96.19)

955.14 RULES AND REGULATIONS.

The following rules and regulations shall be in effect:

- (a) "a.m." is to be considered until 9:30 a.m.
- (b) Military personnel on active duty, while on authorized leave, shall play without charge, upon presentation of a proper military identification card.
- (c) Annual golf privilege cards. Annual golf privilege cards are valid from March 15 to October 31 of each year. Payment of annual golf privilege fees exempt holders from daily greens fees throughout the golf season as well as providing holders with specific golf privileges related to some special golf dates and times as may be established. (Ord. 30-97. Passed 5-5-97.)

PARKS

955.15 CLOSING HOURS.

(a) Except as herein provided, the municipal parks shall be closed between the hours of 11:00 p.m. and sunrise.

(b) No person, without privilege to do so, shall knowingly enter or remain upon any municipal park at any time a municipal park is closed.

(c) It is an affirmative defense to a charge under division (b) of this section if the person involved is engaged in an activity properly authorized by the City Manager or other City official designated by the City Manager to authorize such activity.

(d) Notwithstanding any other provision of this Code, when declared by the City Manager to be in the interest of public peace, health, or safety, the City Manager may vary the hours established in this Section 955.15 by journalizing the same with the Parks and Recreation Department and having the varied hours posted at the park.
(Ord. 040-08. Passed 5-19-08.)

MUNICIPAL SWIMMING POOL

955.16 SWIMMING POOL ADMISSION.

(a) The annual swim admission card for the Municipal Swimming Pool shall be as follows:

- (1) Family annual swim admission card fee:
 - Resident: \$100.00
 - Nonresident: \$125.00

- (2) Adult individual annual swim admission card fee:
 - Resident: \$70.00
 - Non-resident: \$80.00
 - (3) Child individual annual swim admission card:
 - Resident: \$60.00
 - Non-resident: \$70.00
 - (4) Senior citizen annual swim admission card fee:
 - Resident: \$50.00
 - Non-resident: \$60.00
- (b) The daily swim admission fee for the Municipal Swimming Pool shall be as follows:
- (1) Daily admission fee for children:
\$2.50 each.
 - (2) Daily admission fee for adults:
\$3.00 each.
- (c) The Director of Parks, Recreation and Cemeteries is authorized to establish up to six special pool events per season on which a reduced daily recreation admission fee could be offered on a per person or per family basis.
- (d) Annual swim admission cards are seasonal and are valid in the summer season of each year during hours as determined by the Parks and Recreation Department.
- (e) Pool facility exclusive use rental under terms and conditions and times as authorized by the Parks and Recreation Director (subject to specific approval and terms as set by the Parks and Recreation Director; additionally, Parks and Recreation Director reserves the right to deny rental for any reason):
- (1) Saturday or Sunday evening from 6-9 p.m. \$150.00
 - (2) All day Friday, Saturday, and Sunday: \$500.00
- (f) Nothing in this section shall be construed as to limit City Council's authority to adjust daily, weekly, monthly or annual rates. (Ord. 002-13. Passed 2-4-13.)

955.17 DAILY RATES.

(EDITOR'S NOTE: See Section 955.16.)

955.18 OPENING AND CLOSING OF MUNICIPAL SWIMMING POOL.

(a) Except as provided in divisions (c) and (d) of this section or except in case of an accident, emergency or disaster, the Municipal Swimming Pool, hereinafter called the Swimming Pool, in the City shall be kept open at all times during regular hours in the summer season, normally being Memorial Day weekend through Labor Day, if the air temperature at the Swimming Pool is 73°F or higher, and the Swimming Pool Manager is directed to so keep the Swimming Pool open.

(b) In the event the air temperature at the Swimming Pool at any time during regular hours in the summer season is less than 73°F, the Swimming Pool Manager is authorized to close the Swimming Pool for the duration of that day.

(c) In the event the weather conditions at the Swimming Pool become dangerous or threatening at any time during regular hours in the summer season, the Swimming Pool Manager is authorized to close the Swimming Pool for the duration of that day as he/she determines prudent in the exercise of his/her best judgment.

(d) The City has the right to close the Swimming Pool at anytime during the season for special events or other cause deemed appropriate by the Parks and Recreation Department. (Ord. 30-97. Passed 5-5-97.)

955.19 RECREATION PROGRAM PARTICIPATION FEES.

(a) Rates (per participant):

Activity	(Rates)	
	Resident	Nonresident
Tee Ball	\$20	\$30
Youth Little League	\$20	\$30
Junior Little League	\$20	\$30
Henry Co. Bank Lge. Softball	\$20	\$30
Rookie League Softball	\$20	\$30
Minor League Softball	\$20	\$30

Major League Softball	\$20	\$30
Little Cats Basketball	\$20	\$30
Wild Kittens Basketball	\$20	\$30
Kiddy Cats Basketball	\$20	\$30
Flag Football	\$20	\$30

Activity	(Rates)	
	Resident	Nonresident
Intramural Basketball	\$20	\$30
Tennis Lessons/League	\$20	\$30
Soccer	\$20	\$30
Safety City	\$10	\$15
Outdoor Education Program (per activity)	\$5	\$5

(Ord. 021-15. Passed 4-6-15.)

(b) Reduced Recreation Program User Fee Policy: The City of Napoleon Parks and Recreation Department, as part of its continued goal of offering recreation programming to all of its residents, has made available the following reduced Recreation Program policy for those families that need financial assistance:

Eligibility: Reduced fees or "grants" are allowable for City operated youth recreation programs only.

- (1) Grants shall be considered based on an individual(s) participation in the Napoleon Area Schools District Free and Reduced Lunch Program.
 - A. Verification of enrollment in the program will be through the assistance of Napoleon Area Schools.
 - B. Authorization must be given by applicant for the Napoleon Area Schools to release free/reduced lunch program information to the City of Napoleon. Consideration for grants will not be given if authorization is not received.
 - C. Application for grants shall be submitted at the City of Napoleon offices at the time of program registration.
 - D. All requests for grants must be submitted on the appropriate application form.
 - E. Each application shall be considered individually. Completion of the application does not automatically ensure approval of fee reduction.
 - F. Applicants shall be notified of their status prior to the start of the program.
- (2) If application is approved, families (parents or guardians) who have been approved for the grant shall be required to pay 25% of the current Recreation Program rate if they are enrolled in the Free Lunch Program. Families shall be required to pay 50% of the current Recreation Program rate if they are enrolled in the Reduced Lunch Program. The appropriate fee must be paid to the City prior to the start of the program.
 - A. Failure to pay will disqualify the applicant for participation of the Reduced Program Fee Program. Participation in the Recreation Program is still allowed at the regular program rate.
 - B. Only two (2) Reduced Fee grants shall be awarded per person, per year.
 - C. If a grant recipient cancels his/her participation in the Recreation Program without a bona fide reason (injury, illness, etc.) the grant may not be transferred to another program or activity in that year. That individual will not be permitted to any subsequent application requests during that year. This shall be determined solely by the Parks and Recreation Director.
- (3) Recreation Program registration form must still be completed.
- (4) Online registration is not available for the Reduced Fee Program.
- (5) Additional costs not associated with the City's Recreation Program participation fee may still apply (supplies, equipment, etc.)
(Ord. 002-13. Passed 2-4-13.)

955.20 DOG PARK FEES.

The annual membership fee for the Dog Park is ten dollars (\$10.00) which includes the key fob, on the condition that the person submits a completed application and all pet vaccination documentation as required or listed in the park rules. The City reserves the right to terminate the membership, key fob access, and/or deny any person or animal access for any reason.
(Ord. 045-15. Passed 8-3-15.)

955.21 PRIVATE BOAT DOCK STORAGE FEE AT RITTER PARK.

The annual fee for the storage of private boat docks at the Ritter Park boat ramp area parking lot is \$50.00 per dock. Each stored dock must have a valid permit tag issued annually by the City of Napoleon. Any person utilizing this dock storage space at Ritter Park must abide by all other rules and regulations as issued by the City of Napoleon Parks and Recreation Department, and as may be amended from time to time.
(Ord. 060-15. Passed 12-21-15.)

955.99 PENALTY.

Whoever violates any provision of this chapter where no other penalty is provided is guilty of a minor misdemeanor. (A.O.)

Whoever violates Section 955.15(b) is deemed guilty of a misdemeanor of the 4th degree.
(Ord. 142-96. Passed 12-16-96.)

CHAPTER 1127 General Regulations

1127.01	Application of district regulations.	1127.13	Temporary emergency, construction, or repair dwellings.
1127.02	Building setback lines. (Repealed)	1127.14	Smoke.
1127.03	Exceptions.	1127.15	Noise.
1127.04	Access and frontage.	1127.16	Vibration.
1127.05	Residential accessory buildings. (Repealed)	1127.17	Odors.
1127.06	One principal building per lot.	1127.18	Air pollution.
1127.07	Conversions. (Repealed)	1127.19	Disposal of liquid wastes.
1127.08	Fence, screening and wall location, and height limitation.	1127.20	Satellite antennas, microwave antennas and equipment.
1127.09	Buildings relocated.	1127.21	Wireless telecommunication facilities.
1127.10	Residential lot usage. (Repealed)	1127.22	Cultivation, processing, testing, packing, storage or retail dispensing of medical marijuana prohibited in all districts.
1127.11	Easements.		
1127.12	The minimum lot size.		

CROSS REFERENCES

Interpretation of boundaries - see P. & Z. 1125.03
Zoning of annexed land - see P. & Z. 1125.05

1127.01 APPLICATION OF DISTRICT REGULATIONS.

The regulations set forth in this Planning and Zoning Code within each district shall be minimum regulations and shall apply uniformly to each type of structure or use of land, except as hereinafter provided.

- (a) **Regulations Apply.** No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, constructed, moved, or structurally altered, except in conformity with the regulations herein specified for the district in which it is located.
- (b) **Lot Areas and Yards May Not Be Encroached On.** No building shall be erected, reconstructed, or structurally altered in any manner which will encroach on or reduce the required yard setbacks, lot area per dwelling unit, ground floor area of dwellings, or lot coverage provisions established for the district in which such building or use is located.

- (c) **Yards Are Separate.** No part of a required yard, open space, or off-street parking or loading space used for the purpose of complying with this Planning and Zoning Code shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- (d) **No Reduction in Yards.** No yard or lot existing at the time of passage of this Planning and Zoning Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this code shall meet at least the minimum requirements established by this Planning and Zoning Code.
- (e) **Division of Zoning Lots.** No improved zoning lot shall hereafter be divided into two or more zoning lots and no portion of any improved zoning lot shall be sold, unless all improved zoning lots resulting from each such division or sale shall conform with all the applicable regulations of the zoning district in which the property is located and the provisions of Chapter 1105.
(Ord. 074-10. Passed 12-20-10.)

1127.02 BUILDING SETBACK LINES. (REPEALED)

(EDITOR'S NOTE: Former Section 1127.02 was repealed by Ordinance 074-10.)

1127.03 EXCEPTIONS.

(a) **Application.** Any yard or setback line so placed or oriented that none of the specific terms in this Planning and Zoning Code are applicable shall necessitate a determination by the Zoning Administrator of a suitable dimension as generally required for a similar situation in the same zone district. Further, in the event that no setback line is established in this Planning and Zoning Code where a use is nonconforming to the zone, the most restrictive setback for the zone where the nonconforming use is situated shall apply.

Minimum required yards or building setback distances shall be unobstructed and open to the sky, except for customary projections as provided in subsections (b) and (c) hereof.

(b) **Front Yard Encroachments.** No structure or part thereof shall project into a required front yard except:

- (1) An eave, cornice overhang, awning, or bay window not exceeding five feet; or
- (2) The ordinary projection of belt courses, sills, lintels, chimneys, and other similar ornamental and architectural features not exceeding 18 inches; or
- (3) Unenclosed, uncovered steps, entrance platforms, terraces, or landings not over 18 inches above grade which may project into the required yard a distance of not more than four feet; or
- (4) Ramps used for persons under disability to gain ingress and egress to the dwelling or attached structure. Such ramps shall be no greater in dimension than necessary to provide for safe ingress and egress as approved by the Zoning Administrator.

(j) The applicant for a Wireless Telecommunication Tower and/or Antenna Facility shall be responsible for all expenses incurred by the City for any technical and/or engineering services deemed necessary by the Zoning Administrator, the Planning Commission, or the Board of Zoning Appeals, to perform any reviews required by the Codified Ordinances which are not covered by the fees set forth in this section.

(k) **EXISTING STRUCTURES.** Subject to the provisions of this section, any Wireless Telecommunication Tower and/or Antenna Facility erected prior to the effective date of this Planning and Zoning Code is hereby declared to be a legal nonconforming structure.

(l) **EXEMPTION OF CERTAIN CITY PROPERTY.** Regardless of the provisions of this section, a Wireless Telecommunication Facility may be permitted on any property owned or controlled by the City and used for public services and shall be constructed, erected, maintained, extended and removed under such conditions, standards and regulations as required by the Council.

(m) **VARIANCE.** The Planning Commission has exclusive authority to any other board or commission to recommend the granting of a variance to any of the provisions of this Section 1127 as applied to any Wireless Telecommunication Facility application pending before the Planning Commission, except that, notwithstanding any other section of this Planning and Zoning Code, no variance shall be granted as it relates to siting of a wireless telecommunication tower. The Planning Commission shall make a determination on a proposed variance of any provisions of this section based on the criteria (1) through (8) of this subsection (m), inclusive. The Planning Commission's consideration of a variance under this subsection shall not be based upon the environmental effects of radio frequency emissions from the Facility so long as the applicant's proposed Facility will meet the Federal Communications Commission's (FCC) requirements for such emissions.

- (1) The Wireless Telecommunication Facility as proposed will be in keeping with the land use policies established by the City.
- (2) The Facility as proposed will be in harmony with the general and specific purposes for which the Planning and Zoning Code, including this chapter, were enacted and for which the regulations of the district in question were established.
- (3) The Facility as proposed will not create any public nuisance.
- (4) The Facility as proposed will not have a substantial or undue adverse impact upon adjacent property, the character of the neighborhood or area, or the public peace, health, safety and general welfare.
- (5) The Facility as proposed will be constructed, arranged and operated so as not to excessively interfere with the use and development of neighboring property in accordance with the applicable district regulations.
- (6) The Facility as proposed will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection.
- (7) The Facility as proposed will not result in unnecessary destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.
- (8) The Facility as proposed complies with all other standards imposed on it by this chapter.

(Ord. 074-10. Passed 12-20-10.)

**1127.22 CULTIVATION, PROCESSING, TESTING, PACKING, STORAGE, OR
RETAIL DISPENSING OF MEDICAL MARIJUANA PROHIBITED IN
ALL DISTRICTS.**

(a) The cultivation, processing, testing, packing, storage, or retail dispensing of medical marijuana shall be a prohibited use in all zoning districts within the City of Napoleon.

(b) Use of property in violation of this section shall constitute a nuisance.

(c) In addition to other penalties provided by law, the Director of Law shall be authorized to institute civil proceedings in a court of competent jurisdiction to enjoin violations of this Section; for monetary damages arising from violations of this Section; and to take all actions necessary to secure enforcement of any injunction and collect upon any damage award, judgment, or fine in contempt levied in relation to a violation of this Section.
(Ord. 059-17. Passed 11-6-17.)

CODIFIED ORDINANCES OF NAPOLEON

PART THIRTEEN - BUILDING CODE

TITLE ONE - Model Codes Adopted

- Chap. 1301. Residential Building Code of Ohio for One-, Two- and Three-Family Dwellings.
- Chap. 1311. BOCA National Property Maintenance Code.

TITLE THREE - Building Administration

- Chap. 1325. Administration and Enforcement.

TITLE FIVE - Additional Building Standards

- Chap. 1335. Sign Code.
- Chap. 1339. Flood Damage Prevention.
- Chap. 1343. Improvement Districts. (Repealed)

CODIFIED ORDINANCES OF NAPOLEON

PART THIRTEEN - BUILDING CODE

TITLE ONE - Model Codes Adopted

Chap. 1301. Residential Building Code of Ohio for One-,
Two- and Three-Family Dwellings.

Chap. 1311. BOCA National Property Maintenance Code.

CHAPTER 1301

Residential Building Code of Ohio for One-, Two- and Three-Family Dwellings

1301.01 Adoption.

CROSS REFERENCES

See sectional histories for similar State law

Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261

Power to enact further and additional regulations - see Ohio R.C. 3781.01

Authorization by Board of Building Standards - see Ohio R.C. 3781.12

Enforcement - see Ohio R.C. 3781.03, 3781.031, 3781.10(E), 3781.102, 3781.19

Final jurisdiction - see Ohio R.C. 3781.04

Application - see Ohio R.C. 3781.06, 3781.10(E), 3781.11(A)

Submission of plans - see Ohio R.C. 3791.04

Dead bolt locks in apartment buildings - see Ohio R.C. 3781.103

Smoke detection system for apartments and condominiums - see

Ohio R.C. 3781.104

Automatic sprinkler systems - see Ohio R.C. 3781.105, 3791.041 et seq.

Fire suppression systems - see Ohio R.C. 3781.108

Use of public buildings by handicapped persons - see Ohio R.C. 3781.111

Energy conservation - see Ohio R.C. 3781.181, 3781.182, 3781.21

Abandoned service stations - see Ohio R.C. 3791.11 et seq.

Safety standards for refuse containers - see Ohio R.C. 3791.21

1301.01 ADOPTION.

There is hereby amended and adopted by this Municipality, the most recent edition of the Residential Code of Ohio (RCO) as adopted by the Ohio Board of Building Standards, Department of Industrial Relations, and as published in Division 4101:8 of the Ohio Administrative Code (OAC). (Ord. 070-17. Passed 11-6-17.)

(EDITOR'S NOTE: The next printed page is page 9.)

RESOLUTION NO. 032-18

A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF THE NAPOLEON OUTDOOR REFRESHMENT AREA (NORA), MAKING CERTAIN FINDINGS AND DETERMINATIONS AND ENACTING REGULATIONS WITH RESPECT THERETO; AND DECLARING AN EMERGENCY

WHEREAS, effective April 30, 2017, enacted Ohio Revised Code Section 4301.82 now authorizes cities in Ohio with a population less than thirty-five thousand (35,000) to designate within their corporate limits outdoor refreshment areas for the purpose of complimenting the cultural and economic success of the designated area. Outdoor Refreshment Areas allow individuals, subject to local time and place regulations, to possess and consume alcoholic beverages in designated public places provided the beverage is purchased from qualified permitted premises within the area. The operative effect is to exempt such individuals from open container laws. Locally established time and place regulations are coordinated with scheduled cultural activities within the designated area; and,

WHEREAS, several of the businesses and establishments within the suggested area have petitioned the City for an establishment of an outdoor refreshment area to be known as the Napoleon Outdoor Refreshment Area (NORA). The petition reflects the nature and types of establishments that will be located within the outdoor refreshment area. The proposed area is consistent with existing zoning and the proposed hours of operation and rules will ensure the continued public health and safety within the area; and,

WHEREAS, Ohio Revised Code Section 4301.82(F)(1) requires the City to establish requirements that the City determines necessary to ensure public health and safety in the area; and,

WHEREAS, Ohio Revised Code Section 4301.82(F)(2) provides for notice of this proposed action to be published in a newspaper of general circulation once a week for two (2) consecutive weeks; and,

WHEREAS, the outdoor refreshment area application as submitted, to include the premises of the permit holders located at the street addresses on Exhibit A meets the requirements of Ohio Revised Code Section 4301.82(B)(1 – 5), it being further clarified that the boundary of the designated outdoor refreshment area includes the premises of the permit holders located at the street addresses listed on Exhibit A; and,

WHEREAS, approval of the outdoor refreshment area will serve to enhance the experiences of the patrons of the business establishments and the special events within the area. **Now Therefore,**

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

Section 1. That, pursuant to Ohio Revised Code 4301.82 there is hereby established and designated the Napoleon Outdoor Refreshment Area with the boundaries of the area, including the street addresses, as comprised and described in the application being attached hereto as Exhibit A and incorporated herein.

Section 2. That, it is hereby found and determined the Council of the City of Napoleon, Ohio for the purpose to insure the public health and safety within the area that the following are identified in Exhibit A and incorporated herein:

1. The number, spacing, and type of signage designating the area;
2. The hours of operation for the area;
3. The number of personnel needed to ensure public safety in the area;
4. The sanitation plan to maintain the appearance and public health of the area;
and,
5. The number of personnel needed to execute the sanitation plan.

Section 3. That, it is hereby further found and determined by this Council that all beer and intoxicating liquor served in the area shall be served solely in new, unused official NORA cups.

Section 4. That, it is hereby further found and determined by this Council that the business, artistic, cultural and entertainment establishments located within the area will be enhanced hereby.

Section 5. That, the area will encompass no fewer than four (4) qualified liquor permit holders, all of which are identified in Exhibit A, attached hereto and made a part hereof, by business name, address, liquor permit type and liquor permit number.

Section 6. Also included in Exhibit A and in accordance with Ohio Revised Code Section 4301.82(F)(1)(c) are the hours of operation for the outdoor refreshment area, which will apply to all activity within the area, only as may be limited by approval of special event permitting. Also, the uses of the land within the proposed outdoor refreshment area are in accord with the Master Zoning Plan of the City of Napoleon, Ohio; and that the hours and rules of the area set forth in Exhibit A and incorporated herein, will ensure public health and safety.

Section 7. That, the sanitation plan that will help maintain the appearance and public health of the area as described in Exhibit A, attached hereto and made a part hereof, is hereby approved as meeting the requirements of Ohio Revised Code Section 4301.82(F)(1)(e – f), including the manner in which the number of personnel needed to carry out the sanitation plan shall be determined.

Section 8. That, the Municipal Properties, Buildings, Land Use, and Economic Development Committee of Council shall meet with the office of the City Manager to in regularly scheduled meetings review, and adjust if necessary, the security requirements of the outdoor refreshment area, as established herein, to ensure public health and safety is maintained. The first such meeting shall take place not more than forty-five (45) days after the initial implementation of the outdoor refreshment area.

Section 9. That, the Clerk of Council is hereby instructed forthwith to provide notice, including forwarding a copy of this Resolution No. 032-18, as required by Ohio Revised Code Section 4301.82 of the establishment of this outdoor refreshment area to the Superintendent of the Ohio Department of Commerce Division of Liquor Control and to the investigative unit of the Ohio Department of Public Safety, all in accordance with Ohio Revised Code Sections 4301.82(c) and 4301.82(F)(3).

Section 10. 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 11. 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 12. 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 for the furtherance of economic development within the City of Napoleon, all of which affects the public peace, health or safety accessible to our citizens; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the outdoor refreshment area application process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

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. 032-18 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

Application to the Napoleon City Council
for the establishment of
Napoleon Outdoor Refreshment Area



The office of the City Manager respectfully submits the following application to the Napoleon City Council to approve and enact the Napoleon Outdoor Refreshment Area in accordance with ORC 4301.82

Submitted May 16, 2018

By: _____

Joel L. Mazur, City Manager

Contents:

- 1.0 Overview
- 2.0 Specific Boundaries of the NORA
- 3.0 Land Use and Zoning
- 4.0 The Hours of Operation for the NORA
- 5.0 Public Safety Plan
- 6.0 Sanitation and Public Health Plan
- 7.0 Letters of Participation
- 8.0 Rules of the NORA

1.0 Overview

The Office of the City Manager of the City of Napoleon is submitting this application to the Napoleon City Council to approve and enact the Napoleon Outdoor Refreshment Area (NORA), in accordance with Section 4301.82 of the Ohio Revised Code. This allows municipalities with a population under 35,000 residents to create a Designated Outdoor Refreshment Area that is no larger than 150 contiguous acres in size. Napoleon City Council approval would create a Designated Outdoor Refreshment Area within most of Napoleon's Downtown, meeting or exceeding all of the requirements of ORC 4301.82, for the cultural and economic betterment of the businesses, residents, and property owners within the NORA, as well as the whole of Napoleon by further establishing Napoleon's Downtown as a destination for entertainment, culture, and activity.

The application filing must be advertised once a week for two consecutive weeks in a newspaper of general circulation. Council may approve of the establishment of the Designated Outdoor Refreshment Area between 30 and 60 days after the application notice is first published.

The city has strong experience in providing adequate security, public health measures and leadership for large and small events held in Napoleon's Downtown and would use the experience to manage and enforce the rules and administration of the NORA; an example includes the Henry County Rib Fest and, in previous years, a fall festival. The Chamber and many neighborhood stakeholders are very confident that this experience and the commitment to the overall advancement of Napoleon's Downtown is the perfect foundation of skills to administer the NORA.

As outlined in this Application, the City Manager will be working with the Napoleon Downtown stakeholders, Napoleon City Council, Safety, Sanitation, and Transportation officials to ensure a safe, professional implementation of the NORA. Through regular communication with all affected city departments and downtown stakeholders, the City Manager will precisely tailor the NORA safety and sanitation needs as time and experience progress, as permitted in ORC 4301.82.

Thank you to the many business owners of Napoleon's Downtown Business District, the Napoleon Law Director, the Napoleon Police Department, the Napoleon Operations Department and Napoleon City Council for their support and involvement in developing this Application.

2.0 Specific Boundaries of the NORA, Including Street Addresses

2.1 See Exhibit A: Map of Boundaries

2.2 Boundary Description

The Point Of Beginning be the southwest corner of the west end of the W. Front St. right of way,

Commencing northwest to the northwest corner of the W. Front St. right of way,

Then northeast along the W. Front St. right of way to the intersection of the west right of way of Scott St.,

Then northwest along the Scott St. right of way to the intersection of the centerline of right of way for W. Main St.,

Then east along W. Main St. centerline to the intersection of Scott St. centerline of right of way,

Then northwest along Scott St. centerline to the intersection of the north right of way of W. Clinton St.,

Then northeast along the north right of way of W. Clinton St. to the west property line of 126 W. Clinton St.,

Then northwest along the west property line of 126 W. Clinton St. to the intersection of the centerline of Shelby Ave.,

Then northeast along the centerline of Shelby Ave. to the intersection of the centerline of Monroe St. right of way,

Then southeast along the centerline of Monroe St. right of way to the intersection of the centerline of E. Riverview Ave. right of way,

Then southwest along the centerline of E. Riverview Ave. right of way to the intersection of the centerline of N. Perry St. right of way,

Then southeast along the centerline of N. Perry St. right of way to the intersection of the centerline of W. Front St. right of way,

Then southwest along the centerline of W. Front St. right of way to the east property line of 207 W. Front St.,

Then along the east property line of 207 W. Front St. to the south property line of 207 W. Front St.,

Then southwest along the south property line of 207 W. Front St. and continuing along the south property lines of W. Front St. to the west property line of 235 W. Front St.,

Then northwest along the west property line of 235 W. Front St. to the intersection of the south right of way line of W. Front St.,

Then southwest along the south right of way line of W. Front St. to The Point Of Beginning.

2.3 Parcels Included Within the Boundary of the NORA

PARCEL	PROPERTY OWNER	PROPERTY ADDRESS		
410094213220	MUDDY RIVER PROPERTIES, LLC	113	E	CLINTON
410092190089	UNITED TELEPHONE CO	115	E	CLINTON
410094213880	DRY CREEK, LLC	116	E	CLINTON
410094213900	DRY CREEK, LLC	118	E	CLINTON
410094213940	HENRY CTY COMMISSIONERS	120	E	CLINTON
410094213920	NAPOLEON OHIO LODGE NO 929	126	E	CLINTON
410094213320	JULIE'S PORTRAIT CREATIONS	127	E	CLINTON
410094213680	JT BLDG MAINTENENCE	114	W	CLINTON
410090330220	FAMILY VIDEO MOVIE CLUB, INC	125	W	CLINTON
410094214440	GM CARNAHAN, LLC	118	W	FRONT
410094214420	SIEBENECK HOLDINGS, LLC	133	W	FRONT
411302540000	ALEXANDER, KATHERINE R	215	W	FRONT
411302480000	MEYERS, WILLIAM R	235	W	FRONT
411302560000	ALEXANDER, KATHERINE R	209 & 211	W	FRONT
410090340380	CITY OF NAPOLEON	112	W	MAIN
410090340340	CITY OF NAPOLEON	124	W	MAIN
410090610140	FUNKHOUSER MOTOR CO, LLC	125	W	MAIN
410090610060	LANKENAU, CHRISTINE M	103-105-107	W	MAIN
410094211960	PEPER, EDMUND G	555		MONROE
410094214460	KERN, KYLE	501	N	PERRY
410094214520	KERN, KYLE E	525	N	PERRY
410090610080	ROOD, SCOTT	535	N	PERRY
410090610040	NAPOLEON EAGLES, LTD, LLC	539	N	PERRY
410094210940	ZEEJER PROPERTIES, LLC	540	N	PERRY
410094212060	ZEEJER PROPERTIES, LLC	602	N	PERRY
410095580220	CITY OF NAPOLEON	603	N	PERRY
410094212080	KELLER PLASTERING, LTD	606	N	PERRY
410095580180	DONOVAN, JOHN	607	N	PERRY
410095580160	DONOVAN, JOHN	609	N	PERRY
410094212000	DRK INVESTMENTS NAPOLEON, LLC	610	N	PERRY

410090340480	NAPOLEON CHAMBER OF COM	611	N	PERRY
410095580140	NAPOLEON CHAMBER OF COM	611	N	PERRY
410094212020	HENRY CTY COMMISSIONERS	612	N	PERRY
410095580120	NAPOLEON DIVINE INSPIRATIONS	613	N	PERRY
410094212040	MANAHAN, THOMAS R	614	N	PERRY
410095580100	CASPER JAMES, LLC	615	N	PERRY
410095580060	ROESSING RENTALS DOWNTOWN, LLC	621	N	PERRY
410095580040	BLACKWOOD CONSTRUCTION SERVICES	625	N	PERRY
410095580020	BLACKWOOD CONSTRUCTION SERVICES	631	N	PERRY
410094212100	HENRY CTY COMMISSIONERS	660	N	PERRY
410095570020	PNC BANK NATIONAL ASSOC	701	N	PERRY
410095570040	PNC BANK NATIONAL ASSOC	701	N	PERRY
410095570060	LANKENAU PROPERTIES I, LTD	705	N	PERRY
410095570080	STATE BANK & TRUST CO	709	N	PERRY
410095570100	B & I TV CENTER	711	N	PERRY
410094213060	COLLINS, JACK	712	N	PERRY
410095570120	WEIDEMAN REAL ESTATE	713	N	PERRY
410094213040	716 PERRY ST, LLC	714	N	PERRY
410090330160	STATE BANK & TRUST CO	715	N	PERRY
410095570140	PNC BANK NATIONAL ASSOC	715	N	PERRY
410094213080	716 PERRY, LLC	716	N	PERRY
410095560120	TONJES, JAMES L	719	N	PERRY
410095560020	TONJES, JAMES L	719	N	PERRY
410094213100	BRIGHT NET PROPERTIES, LLC	720	N	PERRY
410095560100	HILVERS, LARRY D	721	N	PERRY
410094213140	TOGETHER WE CAN MAKE A	722	N	PERRY
410094213120	OBERHAUS, CATHY J	724	N	PERRY
410094213160	BICKFORD, DORIS	726	N	PERRY
410094213180	LANKENAU PROPERTIES I, LTD	730	N	PERRY
410094213200	GKK PROPERTIES, LLC	734	N	PERRY
410094213720	NATIONAL CITY BANK	801	N	PERRY
410094213760	HOWARD'S FRIENDLY SERVICE	808	N	PERRY
410094213740	KOESTER CORPORATION	809	N	PERRY
410094213780	SCHLADE, JEFFREY M	810	N	PERRY
410094213800	HOWARD'S FRIENDLY SERVICE	812	N	PERRY
410094213700	KOESTER CORPORATION	813	N	PERRY
410094213820	AGUILAR, JO A	814	N	PERRY
410094213840	TKO SOLUTIONS, LLC	816	N	PERRY
410094213860	TKO SOLUTIONS, LLC	818	N	PERRY
410095580200	CITY OF NAPOLEON	605 & 605 1/2	N	PERRY
410095580080	CASPER JAMES, LLC	617 & 619	N	PERRY

410095560080	TONJES, JAMES L	723-725	N	PERRY
410094211980	ACKERMAN, KERRY S	125		REISER
410090340320	LAUF, JEFFREY S	606		SCOTT
410090340300	LAUF, JEFFERY S	612		SCOTT
410094560020	MEYERS, MARY K	712		SCOTT
410094213600	EMANUEL LUTHERAN CHURCH	810		SCOTT
410090340260	FROST INSURANCE AGENCY, INC	620 & 624		SCOTT
410094213000	HENRY CTY COMMISSIONERS	108	E	WASHINGTON
410094212980	HENRY CTY COMMISSIONERS	110	E	WASHINGTON
410094540040	HENRY COUNTY BANK	112	E	WASHINGTON
410094540020	HENRY COUNTY BANK	122	E	WASHINGTON
410094212920	HOLGATE STATE BANK	122	E	WASHINGTON
410094212900	HOLGATE STATE BANK	126	E	WASHINGTON
410094213020	HENRY CTY COMMISSIONERS	102-104	E	WASHINGTON
410090440020	BEILHARZ, KENT	111	W	WASHINGTON
410090330180	DERROW PROPERTIES, INC	114	W	WASHINGTON
410090330200	STATE BANK & TRUST CO	114	W	WASHINGTON
410090340080	MEISTER, BRADLEY E	115	W	WASHINGTON
410090330100	DERROW PROPERTIES, INC	116	W	WASHINGTON
410090330140	DERROW PROPERTIES, INC	116	W	WASHINGTON
410090340100	ROESSING RENTALS DOWNTOWN, LLC	117	W	WASHINGTON
410090330080	BEHNFELDT, JOSHUA A	118	W	WASHINGTON
410090340120	MODEN, WILLIAM R JR	119	W	WASHINGTON
410090330060	DERROW PROPERTIES, INC	120	W	WASHINGTON
410090340140	RATLIFF, KORIN L	121	W	WASHINGTON
410090340160	MEEKSON, MARY F	123	W	WASHINGTON
410090340180	IVY LEAGUE FLORIST & DESIGN	125	W	WASHINGTON
410090340200	IVY LEAGUE FLORIST & DESIGN	127	W	WASHINGTON
410090340220	IVY LEAGUE FLORIST & DESIGN	129	W	WASHINGTON
410090340240	SCHUETTE, GREG L	135	W	WASHINGTON
410090440021	LIVING WATERS TABERNACLE	107 & 109	W	WASHINGTON
410094570020	RITTENHOUSE PROPERTIES, LTD	130 - 136	W	WASHINGTON

2.4 Addresses to be Included in the NORA

Street Name	Range	Even/Odd
Clinton Street	111-130	Even & Odd
Front Street	118 - 211	Even & Odd
Main	103-131	Even & Odd
Monroe	555	Even & Odd
Perry	501-525	Odd
Perry	535-818	Odd & Even

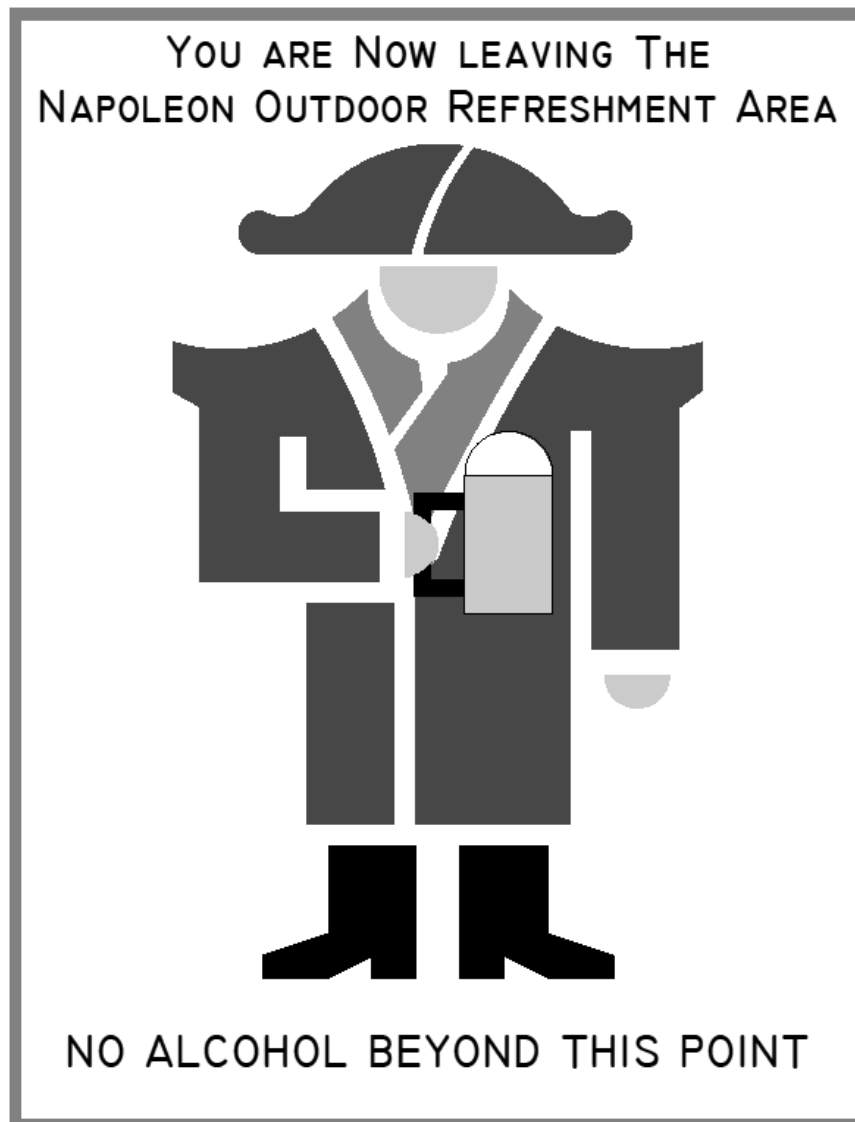
<u>Reiser</u>	<u>129 & 540</u>	<u>-</u>
<u>Scott Street</u>	<u>606 - 799</u>	<u>Even & Odd</u>
<u>Washington Street</u>	<u>102-137</u>	<u>Even & Odd</u>

2.45 Acreage

Said description of land contains approximately 27.~~105~~ acres (See Exhibit A: Map of Boundaries).

2.56 Signage

The City of Napoleon has determined that 8 signs produced by the City in a style consistent with the standard City of Napoleon signage, are necessary to adequately designate the NORA. The signs locations are depicted in Exhibit A: Map of Boundaries. The design of the signs is shown below:



3.0 Land Use and Zoning

3.1 **Land Use**

Generally, the land use of all parcels within the NORA consists of all commercial establishments, except for a few residential or mixed use structures. The majority are retail businesses, dining establishments or service oriented businesses. The establishment of the NORA is within the City of Napoleon's Master Plan. The NORA is within the City of Napoleon's Downtown Revitalization District. There are more than four

(4) liquor permit holders within the NORA. Below is a list of establishments within the NORA that hold liquor permits:

ESTABLISHMENT NAME	ADDRESS			PERMIT TYPE	PERMIT NUMBER
NAPOLEON OHIO ELKS LODGE NO 929	126	E	CLINTON	D4, D6	8984010929
LUMBERYARD WINERY	118	W	FRONT	A2, B2A, D6, S	3236676
FRATERNAL ORDER OF EAGLES #4428	539	N	PERRY	D1, D2, D3, D3A, D6	6303598
EDDIE J'S BAR & GRILL	617 & 619	N	PERRY	D5, D6	2445743
FLATROCK BREWERY	621	N	PERRY	A1C	27711260006
BRICK N' BREW PUB	631	N	PERRY	D5, D6	8200721
SPENGLER'S	713	N	PERRY	D2, D2X, D3	9470007
GRACIES TAQUERIA LLC	814	N	PERRY	D2, PENDING	3308090
FLATROCK PUB & LOUNGE	127	W	WASHINGTON	A1A	27711260001
FLATROCK BREWING COMPANY	125	W	WASHINGTON	A3A, PENDING	27711260001

3.2 Zoning

All of the land within the NORA is zoned as C-1 General Commercial. The definition is as follows:

1133.03 DENSITY AND DIMENSIONAL REGULATIONS FOR C-1 GENERAL COMMERCIAL DISTRICT.

The following applies to a C-1 General Commercial District:

- (a) Permissible Uses. Permissible uses shall be in accordance with Chapter 1145.
- (b) General Provisions. Except as provided, the conduct of permitted uses herein shall be within completely enclosed buildings. Outside storage is prohibited, except when determined by the Zoning Administrator that the storage is minimal and subordinate to the permitted use. In general, accessory uses which clearly demonstrate subordination to the permitted use are permitted.
- (c) Minimum Lot Size. The minimum lot size shall be in accordance with Chapter 1147.
- (d) Minimum Setback Lines. The minimum permissible setback lines shall be in accordance with Chapter 1147 and this section. Nonconforming rebuild(s) shall have setbacks as determined by the Planning Commission.

(e) Maximum Height of Buildings. The maximum permissible height of buildings shall be in accordance with Chapter 1147.

(f) Maximum Lot Coverage. The maximum lot coverage shall be in accordance with Chapter 1147.

(g) Off-Street Parking and Loading (see Chapter 1139).

(h) Signs (see Chapter 1335).

(Ord. 074-10. Passed 12-20-10.)

4.0 The Hours of Operation for the NORA

Monday through ~~Friday~~Friday, 5:00 p.m. to 1:00 a.m. (Last NORA sales)

Saturday and Sunday, 12:00 p.m. to 1:00 a.m. (Last NORA sales)

~~Saturday and Sunday 12:00 p.m. to 1:00 a.m. (Last NORA sales)~~

Special Events/Holidays falling on a weekday (M-F), 12:00 p.m. to 1:00 a.m. (Last NORA sales)

Holidays shall be defined as New Year's Day, St. Patrick's Day (March 17th), Memorial Day, the Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, the Wednesday before Thanksgiving and the day after Thanksgiving, Christmas Eve and Christmas Day.

Special events will be identified by the City 3 days prior to the event by way of a press release that will be sent to the local news media and posted on the City's website.

All NORA beverages MUST be finished and disposed of by ~~2:30~~1:30 a.m.

5.0 Public Safety Plan

Safety and Security Plan:

The City of Napoleon Police Department commits to the continued patrol and monitoring of Napoleon's Downtown and the NORA as often as possible during NORA Hours of Operation. This is not an open-ended commitment, and shall be tailored to be adequate and sufficient for public safety in an efficient, ongoing basis. There will be a minimum of 2 officers on shift at any given time. There will be a minimum of three officers on shift during the evenings on Thursdays, Fridays and Saturdays.

It is understood that on-duty officers' first responsibility is to respond to calls for service or reported crime, whether or not those calls are in the NORA. It is also understood that another security mechanism is Contracted Security, which is the use of auxiliary officers when available or through privately hired security detail, especially during the early implementation of the NORA and during larger scale special events.

This Security Plan will be reviewed continuously, and may be updated at any time, but only with the coordination and approval of the Office of the City Manager and City Council with direct assistance and recommendations of the City of Napoleon Police Department, to ensure public safety at all times is both sufficient and adequate.

If it is determined by City officials that additional security is needed for any reason, the City reserves the right to suspend the NORA and Rules of the NORA until any security issues are resolved.

The City of Napoleon will keep the speed limit to 25 MPH through the NORA, except on Riverview Ave., which will remain as at 35 MPH.

Security Plan Review:

The City Council Municipal Properties, Building, Land Use, and Economic Development Committee will meet with the Office of the City Manager in the regularly scheduled meetings no less than four (4) times during the first year of operation to review and adjust, if necessary, this Security Plan to ensure Public Safety is maintained. The first such meeting will take place no more than forty five (45) days after the initial implementation of the NORA. It is understood that the general composition of this Security Plan, with approval by Napoleon City Council, can be altered or improved at any time.

66.0 Sanitation and Public Health Plan

Trash Receptacles:

The City of Napoleon owns and maintains trash receptacles throughout the NORA and will continue to maintain the trash receptacles. Maintenance of the trash receptacles will be monitored by the Operations Department of the City of Napoleon. City owned and maintained trash receptacles will be reviewed during the regularly scheduled City Council Municipal Properties, Building, Land Use, and Economic Development Committee meetings in conjunction with the Security Plan Review described in Section 5.0 of this document.

The City reserves the right to modify the current maintenance schedule of trash receptacles as needed. One Refuse Crew will service the receptacles at a minimum of one time per week. The frequency may increase if volumes increase. This is anticipated during the summer and fall months. The Operations Department will respond to calls when receptacles need serviced during regular business hours.

The establishments that have liquor permits to serve alcohol on their premises shall maintain a trash receptacle of adequate size near the main entrance of the facility. The establishment may request a variance to this requirement in writing to the City Manager, who may modify this requirement with justification.

Street Sweeping:

The City of Napoleon Operations Department will continue its current schedule of street sweeping in the NORA.

7.0 Letters of Participation

See Exhibit B: Letters of Participation.

8.0 Rules of the NORA

Rules of Ohio Substitute House Bill 47:

ORC4301.62(C)(7)(a):

A person may have in the person's possession an opened container of beer, wine or intoxicating liquor at an outdoor location within an outdoor refreshment area (ORA) created under section 4301.82 of the Ohio Revised Code if the opened container of beer or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply:

- (i) The permit holder's premises is located within the outdoor refreshment area.
- (ii) The permit held by the permit holder has an outdoor refreshment area designation.

ORC 4301.62(C)(7)(b):

Outdoor Refreshment Area Participants may NOT:

- (i) Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere;
- (ii) Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle within an outdoor refreshment area.

ORC 4301.82(F)(1)(g):

ALL beer, wine, or intoxicating liquor must be contained in the Official Cup of the ORA. No other container will be permitted.

Additional Rules Specific to the NORA:

- Only One (1) Official Cup will be permitted at a time per NORA Participant
- All NORA beverages must be served in a new, unused Official Cup
- Used Official Cups must be disposed of before entering any establishment that serves alcohol in the NORA
- Private property owners reserve the right to prohibit the consumption of alcohol on their property. Adequate signage shall be placed and clearly displayed at owner's expense in order for this rule to be enforced.
- Assumption of Good Behavior by NORA Participants:

A Participant can expect to enjoy the NORA without restraint, questioning, or harassment by Contracted Security, the City or any NORA entity SO LONG AS the Participant correctly follows all of the Rules of the NORA, and maintains a decorum of Good Behavior, free of public drunkenness, property destruction, or any action that

disrupts the enjoyment of another Participant, or disrupts any establishment, property owner, resident, visitor, passerby, or patron within the NORA.

Rules Specific to the NORA Alcohol Establishment Owners/Operators:

The Alcohol Establishment Owners/Operators shall supply their own Official NORA Cups. Official NORA Cups will be able to hold no more than sixteen (16) fluid ounces, and will be composed of plastic.

The design of the Official Cup shall not show children consuming alcohol, Santa Claus or any other Holiday figure using alcohol, and shall not use sayings or slogans that encourage the consumption of large quantities of alcohol.

The design of the Official Cup may have logos for sponsors. However, the Official Cup shall not have logos from liquor, wine or beer companies or establishments.

If an alcoholic beverage is poured into an Official Cup, then the patron must leave the establishment and may not stay inside of the establishment to consume the beverage.

The Alcohol Establishment Owners/Operators may attach a fee or a To-Go Charge on every NORA beverage sold, accompanied by an Official NORA Cup.

The Alcohol Establishment Owners/Operators shall submit to the Office of the City Manager, a design that shall be printed on every Official NORA Cup prior to serving Participants or patrons. If the design of the Official NORA Cup is changed, the new design shall be submitted to the Office of the City Manager at a minimum of 30 days prior to the change of design. If a design is changed, only the Official NORA Cups with the new design will be recognized by Law Enforcement. This includes a change in logos for sponsors.

****Violation of any of these Rules of The Area shall be considered a minor misdemeanor and violators face warnings and/or fines up to \$150.00 in accordance with ORC 4301.62****

****The City of Napoleon reserves the right to enforce additional penalties that are in violation of the Napoleon Municipal any federal, state or local cCode, rule or regulation as needed****



City of Napoleon, Ohio

FINANCE DEPARTMENT

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545-0151

Telephone: (419) 599-1235 Fax: (419) 599-8393

www.napoleonohio.com

J2

Memorandum

To: Members of City Council
Members of Finance and Budget Committee
Joel L. Mazur, City Manager
Billy D. Harmon, City Law Director

From: Gregory J. Heath, Finance Director/Clerk of Council

Date: May 31, 2018 <-As Revised

Subject: Income Tax Refunds & Budgetary Review

The City recently received an Income Tax Refund request that exceeds the normal annual budget for refunds. This refund is substantial and will require budgetary adjustments in 2018 and possible special budgetary considerations during the 2019 budgetary review. This is a budgetary issue, not a cash issue. There is adequate cash to pay these refunds; however, this does impact the budget in certain funds.

The 170 Income Tax Fund is impacted in the form of inadequate appropriations to pay the refunds, and will need to be supplemented at some point in time. The following table lists the impact to the 100 General Fund and the 400 Capital Improvement (CIP) Fund, assuming these refunds are paid back as allocated:

<u>FY Filed</u>	<u>REFUNDS Due</u> <u>Per City Ord.</u>	<u>100 General Fund</u> <u>62% Allocation</u>	<u>400 CIP Fund</u> <u>38% Allocation</u>
2013 -> Refund Request Rejected due to Exceeding City Statute of Limitations.			
2014	\$171,762	\$106,492	\$ 65,270
2015	\$207,644	\$128,739	\$ 78,905
2016	\$242,495	\$150,347	\$ 92,148
Totals	\$621,901	\$385,578	\$236,323

Current Unappropriated Funds for the 100 General Fund and the 400 CIP Fund are:

<u>Fund</u> <u>Name</u>	<u>Unappropriated</u> <u>Balance 100 GF</u>	<u>Unappropriated</u> <u>Balance 400 CIP</u>
100 General Fund	\$933,951	
400 CIP Fund		\$126,844
Total Over/(Under Need)	\$548,000	(\$109,679)

(Income Tax Refunds – Continued Next Page)

(Income Tax Refunds – Continued)

It is noted, the amounts listed does not take into account the 2013 refund request of \$114,567 that exceeds the City Ordinance statute of limitations, and any potential refunds that might occur for 2017 once a final return is filed, up to a potential \$350,000. In addition, they do not reflect any potential interest that may be due pursuant to the City Ordinance.

City Potential Options:

Option 1 – Pay The Refunds as Filed in 2018:

This option is to accept the returns as filed and pay the Refunds back in 2018.

<u>FY Paid</u>	<u>FY Filed</u>	<u>REFUNDS Due</u> <u>Per City Ord.</u>	<u>100 General Fund</u> <u>62% Allocation</u>	<u>400 CIP Fund</u> <u>38% Allocation</u>	<u>Refnd.Paid</u> <u>in FY 2018</u>
2018	2014	\$171,762	\$106,492	\$ 65,270	\$171,762
2018	2015	\$207,644	\$128,739	\$ 78,905	\$207,644
2018	2016	\$242,495	\$150,347	\$ 92,148	\$242,495
Totals in 2018		\$621,901	\$385,578	\$236,323	\$621,901

Positives – Will pay back all refunds currently due except the final 2017 not yet filed.

Negatives – Will require a Budgetary Reallocation or a Cutback in the 400 CIP Fund of \$109,679.

- “ - Will lower Carryover Balances available for 2019 in both funds.
- “ - Taxpayer may take legal action on the 2013 Refund currently not listed.

Option 2 – Pay The Refunds as Filed over Two (2) Years 2018 and 2019:

This option is to accept the returns as filed and pay the Refunds back over two (2) year period in 2018 and 2019.

<u>FY Paid</u>	<u>FY Filed</u>	<u>REFUNDS Due</u> <u>Per City Ord.</u>	<u>100 General Fund</u> <u>62% Allocation</u>	<u>400 CIP Fund</u> <u>38% Allocation</u>	<u>Refund</u> <u>Paid in FY</u>
2018	2014	\$171,762	\$106,492	\$ 65,270)->	\$379,406
	2015	\$207,644	\$128,739	\$ 78,905)	
2019	2016	\$242,495	\$150,347	\$ 92,148 ->	\$242,495
Totals		\$621,901	\$385,578	\$236,323	\$621,901

Positives – Will pay back all refunds currently due except the final 2017 not yet filed.

- “ - Will be of a less impact to the 2018 Budget.

Negatives – Will require a Budgetary Reallocation or a Cutback in the 400 CIP Fund of \$17,331.

- “ - Will still lower Carryover Balances available for 2019 in both funds, but as a lesser rate.
- “ - Taxpayer may take legal action on the 2013 Refund currently not listed.

Option 3 – Pay The Refunds as Filed in 2018, however, using only 400 CIP Funds:

This option is to accept the returns as filed and pay the Refunds back in 2018 using only 400 CIP Funds.

<u>FY Paid</u>	<u>FY Filed</u>	<u>REFUNDS Due</u> <u>Per City Ord.</u>	<u>100 General Fund</u> <u>0% Allocation</u>	<u>400 CIP Fund</u> <u>100% Allocation</u>	<u>Refnd.Paid</u> <u>in FY 2018</u>
2018	2014	\$171,762	\$ -0-	\$171,762	\$171,762
2018	2015	\$207,644	\$ -0-	\$207,644	\$207,644
2018	2016	\$242,495	\$ -0-	\$242,495	\$242,495
Totals in 2018		\$621,901	\$ -0-	\$621,901	\$621,901

(Income Tax Refunds – Continued Next Page)

(Income Tax Refunds – Continued Next Page)

It is noted, this option is only showing the 400 CIP Fund at a 100%. However, it could be allocated in any manner as Council directs (Exp. 50% 100 GF and 50% 400 CIP Fund).

Positives – Will pay back all refunds currently due except the final 2017 not yet filed.

“ - Will not impact the 100 General Fund if left at 100% to 400 CIP Fund.

Negatives – Will require a Budgetary Reallocation or a Cutback in the 400 CIP Fund of \$621,901.

“ - Will lower Carryover Balance available for 2019 in the 400 CIP Fund.

“ - Taxpayer may take legal action on the 2013 Refund currently not listed.

It is noted there can be many variations on the Options listed. These are proposed options only for general discussion.

Any final option chosen will require budgetary and expenditure changes for the current and possibly next year. Any budgetary changes for 2018 would require legislative action.

In addition, if this is the “new normal” for income taxes, and it appears to be, then the Estimated Revenues for both current and future Income Taxes will need to be reduced by approximately \$200,000 a year. Future budgets would have to take this into account.

Let me know if you have any additional questions.



City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Telephone: (419) 599-1235 Fax: (419) 599-8393

www.napoleonohio.com

Memorandum

To: City Council, Mayor, City Law Director, City Manager, Department Supervisors, Newsmedia
From: Gregory J. Heath, Finance Director/Clerk of Council *GH*
Date: June 22, 2018
Subject: Finance and Budget Committee – Cancellation

Due to lack of agenda items, the **FINANCE AND BUDGET COMMITTEE** meeting scheduled for Monday, June 25, 2018 at 6:15 pm has been *canceled*.



City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Telephone: (419) 599-1235 Fax: (419) 599-8393

www.napoleonohio.com

Memorandum

To: City Council, Mayor, City Law Director, City Manager, Department Supervisors, Newsmedia
From: Gregory J. Heath, Finance Director/Clerk of *SA* Council
Date: June 22, 2018
Subject: Safety and Human Resources Committee – Cancellation

The regularly scheduled meeting of the **SAFETY AND HUMAN RESOURCES COMMITTEE** for Monday, June 25, 2018 at 7:30 pm has been *canceled* due to lack of agenda items.



City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Telephone: (419) 599-1235 Fax: (419) 599-8393

www.napoleonohio.com

Memorandum

To: Civil Service Commission
cc: City Council, Mayor, City Law Director, City Manager, Department Supervisors, Newsmedia
From: Gregory J. Heath, Finance Director/Clerk of Council *GJH*
Date: June 22, 2018
Subject: Civil Service Commission – Cancellation

Due to lack of agenda items, the **CIVIL SERVICE COMMISSION** meeting scheduled for Tuesday, June 26, 2018 at 4:30 pm has been *canceled*.



City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Telephone: (419) 599-1235 Fax: (419) 599-8393

www.napoleonohio.com

Memorandum

To: Parks and Recreation Board
cc: City Council, Mayor, City Law Director, City Manager, Department Supervisors, Newsmedia
From: Gregory J. Heath, Finance Director/Clerk of Council *GJH*
Date: June 22, 2018
Subject: Parks and Recreation Board – Cancellation

The regularly scheduled meeting of the **PARKS AND RECREATION BOARD** for Wednesday, June 27, 2018 at 6:30 pm has been *canceled* due to a lack of agenda items.

Community Inventory / Planning Issues Questionnaire

Completed By:

Date:

Contact Information (# and email address):

1. What one word would you use to describe Napoleon?
2. Regardless of current population trends, do you feel that your community is growing, stable or declining?

Community Priorities

1. Rate the following **Community** improvement areas in order of priority. Select your choice, from 1 (low priority) to 5 (high priority).

<u>Low</u>					<u>High</u>	
1	2	3	4	5		additional resources for community planning
1	2	3	4	5		alternative and renewable energy programs
1	2	3	4	5		community beautification efforts
1	2	3	4	5		downtown revitalization
1	2	3	4	5		environmental improvements and sustainable development initiatives
1	2	3	4	5		elimination of neighborhood / property blight and nuisances
1	2	3	4	5		expand riverfront opportunities
1	2	3	4	5		improve the visual attractiveness of the Scott Street commercial corridor
1	2	3	4	5		infrastructure development
1	2	3	4	5		park and recreational facilities and programs
1	2	3	4	5		pedestrian connectivity enhancements (trails, bike lanes, sidewalks, etc.)
1	2	3	4	5		revitalize existing residential areas
1	2	3	4	5		revitalize existing commercial areas (strip malls, etc.)
1	2	3	4	5		revitalize existing industrial areas
1	2	3	4	5		senior citizen facilities and programs
1	2	3	4	5		street and road improvements
1	2	3	4	5		updated land use planning and zoning tools
1	2	3	4	5		water and sewer upgrades and investments
1	2	3	4	5		visual enhancements (better building design, landscaping, signage, etc.).

Population and Housing

1. Are there specific housing issues that need addressed in your community (blighted, high vacancy, too many rentals, not enough housing diversity, senior housing, etc.)?

Land Use and Community Design

1. Are there any major land use conflicts or issues in the community?

Community Inventory / Planning Issues Questionnaire

2. Please identify the best section of your community and why it appeals to you?

3. Please identify the worst section of your community and what makes it unappealing?

4. Where are your community's growth areas and areas of revitalization?

5. Which land uses do you feel should be expanded in the community?

Residential

Single family	Yes	No	Unsure
Apartments	Yes	No	Unsure
Condominiums	Yes	No	Unsure
Senior Living	Yes	No	Unsure
Commercial	Yes	No	Unsure
Office	Yes	No	Unsure
Industrial	Yes	No	Unsure
Parks and Recreation	Yes	No	Unsure
Public Spaces	Yes	No	Unsure
Other: _____	Yes	No	Unsure

Economic Development and Downtown Issues

1. In which community do you feel your residents associate with the most in regards of shopping/commerce?

☐ Napoleon ☐ Fallen Timbers (Maumee) ☐ Fort Wayne ☐ Levis Commons (Perrysburg)
☐ Defiance ☐ Bowling Green ☐ Toledo ☐ Internet
☐ Other: _____

2. Do you know of any obstacles that may be keeping your community and/or downtown from thriving?

Community Inventory / Planning Issues Questionnaire

3. What additional businesses / activities would you like to see in your downtown?

Infrastructure

1. Is the infrastructure in your community suitable enough to meet the basic needs of residents and businesses? If no, please describe the areas that need improving.

Transportation and Pedestrian Connectivity

1. Are there any unsafe conditions or traffic concerns? If yes, please describe them.

2. What's the biggest transportation-related problem in your community?

3. Are there enough pedestrian linkages in your area (trails, sidewalks, bike lanes)?
☐ Yes ☐ No ☐ No Opinion

If no, list any areas where there needs to be expanded trails, bike lanes, sidewalks (use map if needed):

Environmental and Natural Resources

1. Do you have any natural resources or environmental assets in your community in need of protecting?
2. Are there specific environmental concerns in your community to address?
 - a. If so, where and why?

Community Inventory / Planning Issues Questionnaire

Quality of Life Issues

1. Are there any community services or facilities (parks, schools, etc.) that are lacking?
 - a. If so, in what area?
 - b. Any suggestions on how to improve them?

General Issues

1. This biggest priority in our community right now is:
2. How would you define your community's relationship with its contiguous political subdivisions (townships, villages, cities)?

☐ Excellent ☐ Good ☐ Fair ☐ Poor ☐ No Opinion
3. Are there any other issues that may impact your community, either good or bad, in the near future (within 5 years)?
4. Please tell us anything you feel will be important for us to know as we complete the plan (use back of this sheet if needed).

Please return this worksheet to Chad Lulfs, Napoleon's Public Works Director, or Glenn T. Grisdale, AICP, GISP, at Reville, 130 South Main Street, Suite 302, Bowling Green, Ohio 43402. Your responses will remain confidential.



FOR IMMEDIATE RELEASE

Contact: Chief O'Brien
Napoleon Fire Department- 419-592-0441



Napoleon Fire and Police Department's Urge Citizens to Celebrate Safely This July 4th

With Independence Day just around the corner, Napoleon Fire & Police Departments are urging citizens to practice safety when considering the use of fireworks in their celebrations. Ohio Law prohibits fireworks except for "novelty and trick" fireworks, such as party poppers and glow worms. Bottle rockets, M-80's and Sky Lanterns are all PROHIBITED!!

Sky lanterns have become increasingly popular as a way to celebrate. However, they pose a serious fire safety hazard and their use is prohibited by The City of Napoleon, National Fire Protection Association, and The State of Ohio.



- The lanterns are made of oiled rice paper with a bamboo frame, materials that can easily catch on fire.
- A candle or wax fuel cell is used with the device.
- The lit flame heats the inside of the lantern, causing it to rise into the air.
- Once lit and airborne, it can travel over a mile in distance.
- Wind can affect the sky lantern, blowing the sides, forcing the hot air out and sending the flaming lantern back to the ground.
- These lanterns have the potential to cause fires.
- A flaming lantern can drop onto a rooftop, field, trees or power lines before the flame is fully extinguished.
- A destructive fire can result when a flaming lantern reaches the ground during dry conditions.
- Sky lanterns should not be used under any circumstances.

Over the past several years Sky Lanterns have been responsible for many fires and significant damages across the United States. Sky Lanterns do not meet the definition of a firework, according to the State of Ohio Fire Marshal. These sky lanterns are considered flame effects. Thus, they require under the Ohio Fire Code and the Ohio Administrative Code, permits and exhibitor licenses to be issued, under the State Fire Marshal's Office. If a person does not comply with these requirements they are subject to citations which carry both civil and criminal penalties. Thus, if these are used in an unpermitted fashion, they could face penalties to include a 1st degree misdemeanor for violating the Ohio Fire Code. In Ohio, we also have criminal and civil penalties for negligent and intentional ignition and/or spreading of fires.

PLEASE HAVE A SAFE AND ENJOYABLE 4TH OF JULY!

Member Alert

From: "The Ohio Municipal League" <kscarrett@omloho.org>

06/21/18 03:56 PM

To: rdietrich@napoleonohio.com

**MEMBER ALERT****June 21, 2018****U.S. SUPREME COURT RULING ALLOWS STATE & LOCAL GOVERNMENTS TO COLLECT TAXES FROM OUT-OF-STATE VENDORS**

Today, the U.S. Supreme Court made a landmark decision in *South Dakota v. Wayfair*. The court has ruled in a 5-4 decision that states and local governments can require vendors with no physical presence in the state to collect sales tax. The decision means states and their political subdivisions can collect taxes due from internet retailers selling goods into states and communities across the country and updated the legal definition of "nexus." In the ruling, "economic and virtual contacts" are listed as "substantial nexus" - sufficient to allow the collection of state and local sales tax on remote sales.

This ruling is a long-awaited decision not only for state and local governments but for small businesses on municipal Main Streets across the country. Internet sales have risen astronomically since 1992 and states and local governments have been unable to collect most taxes on sales from out-of-state vendors. The estimated loss of revenue due to the inability to collect on these taxes to remote sales totals somewhere in the billions of dollars. State and local governments will now be able to receive the revenue from these commercial activities that are rightly afforded them. In addition, the small businesses with physical presence in those local jurisdictions will no longer bear the burden of being taxed while sales from remote retailers go untaxed.

The leading organizations that represent state and local governments - National League of Cities, The Council of State Governments, International City/County Management Association, National Association of Counties, National Conference of State Legislatures, National Governors Association and the U.S. Conference of Mayors released the following statement regarding the U.S. Supreme Court's ruling in *South Dakota v. Wayfair*, which overturned the outdated physical presence test:

"State and local organizations applaud the U.S. Supreme Court's decision recognizing that the 1992 *Quill* ruling put Main Street retailers at a competitive disadvantage to remote sellers and the efforts by states to simplify the sales tax collection process and giving those states remote sales tax collection authority. For 26 years Congress has failed to act and through the efforts of Justice Anthony Kennedy, the federal government has finally recognized the changing nature of commerce and state efforts to simplify the collection process."

HERE is a link to an article from the National League of Cities (NLC) magazine *CitiesSpeak* providing more detail on today's Wayfair ruling.

STAY CONNECTED:



The Ohio Municipal League, 175 S. Third Street, Suite 510, Columbus, OH 43215

[SafeUnsubscribe™ rdietrich@napoleonohio.com](#)

[Forward this email](#) | [Update Profile](#) | [About our service provider](#)

Sent by kscarrett@omloho.org in collaboration with



Try it free today



Bruce Metz receives national honor

By Marc Gerken, P.E. - president/CEO

Bruce Metz, village administrator for the Village of Jackson Center, was presented with the 2018 American Public Power Association's Larry Hobart Seven Hats Award. This award recognizes a manager of a small utility, serving fewer than 2,500 meters, who has a small staff and must assume multiple roles.

Metz has occupied his current position as village administrator for five years, but has served the village for nearly 40 years after joining as a member of the streets department. He is involved in all areas of the village and community - he has served in the streets department and the water and wastewater department, and frequently visits job sites to check on progress. He also actively participates in monthly safety meetings and quarterly electric-specific training activities.

Jackson Center has a population of 1,400 and is located in Northeastern Shelby County, in west-central Ohio. The village has a great deal of industry including Airstream, Plastipak Packaging, Laclede Equipment and EMI Corporation.

We are proud of Bruce's accomplishment. This national praise is well-deserved. Please join me in congratulating Bruce on this outstanding achievement.



Coleman Smoak (left), APPA chair-elect and general manager of Piedmont Municipal Power Agency and Wally Haase (right), APPA chair and general manager of Navajo Tribal Utility Authority present Bruce Metz (center) with the Larry Hobart Seven Hats Award

APPA names Jolene Thompson board vice-chair

By Marc Gerken, P.E.

Jolene Thompson, executive vice president of American Municipal Power, Inc. (AMP) and executive director of the Ohio Municipal Electric Association, was elected vice chair of the American Public Power Association (APPA) Board of Directors during the APPA's annual conference in New Orleans.

Thompson has been active with APPA for more than two decades. She currently serves as a member of the Board and its Executive Committee. She previously chaired the Dues Committee, Advisory Committee of State and Regional Associations, and Legislative and Resolutions Committee. She has been a member of the Nominations Committee three times, and is a past recipient of APPA's Harold Kramer-John Preston Personal Service Award.



APPA plays a critical role in representing public power nationally. As a strong supporter of the APPA, I am pleased that Jolene will have the opportunity to step up on the APPA Board. I have no doubt that APPA will benefit greatly from her leadership.

APPA National Conference provides opportunities for AMP engagement

By Jolene Thompson - executive vice president of member services and external affairs/OMEA executive director

The American Public Power Association (APPA) held its 2018 national conference over the past week. The annual event provides a forum for networking with peers from across the country, sharing ideas and learning about the challenges and opportunities facing the electric utility industry.

In addition to the awards ceremony (see article above), a resolution calling for oversight of supplemental transmission projects that was sponsored by AMP, OMEA, Blue Ridge Power Agency and the Delaware Municipal Electric Corp. was adopted during the Legislative and Resolutions Committee and at the business meeting.

Dave Carroll, general manager of Paducah Power System and AMP Board of Trustees member, was the speaker at a presentation on strategic planning. Other sessions provided attendees the chance to hear from rating agency representatives, a futurist who offered insights into past and future expected trends, and a variety of presenters covering such topics as cybersecurity, utility business models, new technologies, regulatory structures and politics.

A number of AMP members attending the conference also joined with other public power officials to participate in APPA's Day of Giving before the start of the conference.

Next year's conference will be held in Austin, TX, June 7-12.



Joel Mazur, city manager of Napoleon and AMP Board of Trustees member, volunteers during APPA's Day of Giving

First heat wave leads to peak shaving, new 1 and 5 CPs

By Mike Migliore - vice president of power supply planning

Loads in PJM on June 18 were at their highest level in more than 24 months, as hot and humid weather covered the RTO. PJM's peak of 148,451 MW was their largest load since July of 2016. FirstEnergy, Dayton and Duke also saw loads that were their highest in two years. AEP, APS, Delmarva, Penelec and PP&L's June 18 peaks failed to exceed the 1 Coincident Peaks (CPs) set back in January 2018. The system had a week to prepare for the hot weather, so Monday's day-ahead prices were only above \$100/MWh for 3 hours, with a maximum of \$138/MWh at 5 p.m. Real-time prices topped out at \$62/MWh.

The current 1 CPs for 2018 through June 20 are shown below. (EPT = Eastern Prevailing Time, also known as clock time)

ZONE	2018 Peak Load so far	Date	Hour Ending EPT	2017 Peak
FE	12,624	6/18/2018	15	12,051
AEP	22,759	1/3/2018	8	21,660
DAY	3,249	6/18/2018	14	3,204
DUKE	5,194	6/18/2018	16	5,036
DELMARV	3,856	1/5/2018	19	3,813
APS	9,342	1/5/2018	20	8,755
PENELEC	2,910	1/5/2018	18	2,890
PPL	7,681	1/5/2018	18	7,401
PJM	148,451	6/18/2018	17	145,331

At this time, another wave of hot and humid weather is forecasted for June 29. Since a community's load at the time of the 1 CPs and 5 CPs determine the amount of transmission and installed capacity costs the municipality will pay for the next year, communities have an opportunity to lower power costs by reducing load at the time of these annual peaks.

AMP has developed an online toolkit for members to get the word out to consumers that peak loads are forecasted and help them understand what they can do to help the community lower power costs. The Community Energy Savings Day [toolkit](#) can be found under the demand response section of the Focus Forward page on the [member extranet](#) (login required).

Monthly NERC update call on June 28

By Art Iler - director of reliability standards compliance

AMP, in coordination with Utility Services, Inc., will host its monthly North American Electric Reliability Corporation (NERC) update call and webinar for members on June 28 at 1:30 p.m. Topics to be discussed include:

- Recently approved NERC Compliance Guidance documents
- An update on the standards efficiency review process that is underway at NERC
- NERC's recently issued grid resilience report
- A recap of the APPA's National Conference
- NERC's Compliance Workshop, including a NERC 101 session, scheduled for Columbus in July.

The presentation will be followed by a question and answer session.

Please contact me with questions, and for the dial-in number and webinar instructions at ailer@amppartners.org or 614.540.0857.

APPA disaster planning and response webinar, June 26

By Michelle Palmer, P.E. - vice president of technical services

The American Public Power Association (APPA) is scheduled to hold the *Be Prepared: Disaster Planning and Response* webinar on June 26. The webinar will provide an overview of APPA's *Restoration Best Practices Guidebook*, as well as lessons learned and best practices in storm restoration and mutual aid.

The webinar is intended for public power executives, managers, emergency management and operations personnel, as well as those interested and responsible for mutual aid, restoration and safety within their utility.

APPA membership is provided with AMP membership, so the webinar is free to AMP member communities. If you are interested in registering, please visit the [webinar page](#) on the [APPA website](#). If you would like to participate in the webinar but are unable to attend, a recorded version will be made available. A copy of APPA's new *Restoration Best Practices Guidebook* will be distributed to attendees.

If you have questions about this webinar, please contact me at mpalmer@amppartners.org or 614.540.0924.

Energy markets update

By Jerry Willman - assistant vice president of energy marketing

The July 2018 natural gas contract increased \$0.011/MMBtu to close at \$2.975 yesterday. The EIA reported an injection of 91 Bcf for the week ending June 15, which was above market expectations of 86 Bcf. Gas in storage now stands at 2,004 Bcf. This is 20 percent under the five-year average of 2,503 Bcf. Gas in storage for this week one year ago was 2,761 Bcf.

On-peak power prices for 2018 at AD Hub closed yesterday at \$35.68/MWh, which was \$.16/MWh lower for the week.

On Peak (16 hour) prices into AEP/Dayton hub				
Week ending June 22				
MON	TUE	WED	THU	FRI
\$65.19	\$41.04	\$33.85	\$30.23	\$27.81
Week ending June 15				
MON	TUE	WED	THU	FRI
\$33.34	\$32.10	\$35.69	\$34.11	\$36.10
AEP/Dayton 2019 5x16 price as of June 21 — \$35.68				
AEP/Dayton 2019 5x16 price as of June 14 — \$35.84				

AFEC weekly update

By Jerry Willman

The AMP Fremont Energy Center was available for 2x1 operation for the week. The plant cycled offline overnight Saturday and Sunday due to economics. The plant was at full output during the peak hours early in the week with the onset of high temperatures and prices throughout the region. Duct firing operated for 86 hours this week. The plant generated at a 63 percent capacity factor (based on 675 MW rating).

AMP members encouraged to take APPA annual survey

By Michelle Palmer, P.E.

AMP strongly encourages its members to participate in the recently released American Public Power Association (APPA) annual salary survey. Similar to last year, 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.

Similar to last year, 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 our member footprint. All information that is provided will be held confidential.

Thank you in advance for your participation. For questions or additional information regarding the APPA surveys, please contact Paul Zummo, APPA, at pzummo@publicpower.org or 202.467.2969.

2018-2019 MEP program information

By Jodi Allalen - member events and programs coordinator

Information about the 2018-2019 Municipal Electric Partner (MEP) program is available on the [AMP website](#). The program runs annually from July 1 through June 30. Cost is \$450 per year and includes access to the AMP Member Directory, opportunities to have an exhibit at the annual conference in September and Technical Services Conference in the spring, along with other benefits. Please contact me at jallalen@amppartners.org or 614.540.0916 if you have any questions or need additional information.

Ohio legislative update

By Charles Willoughby - director of government affairs

The Ohio House of Representatives is scheduled to break for summer recess at the end of June, but with Ryan Smith (R-Bidwell) elected as the new Speaker of the House, they are expected to move through a significant number of bills before leaving.

Though not included in the list of bills that are expected to reach floor votes, it is worth noting that legislation seeking to establish a "predatory municipal corporation" definition and apply penalties on cities for providing critical utility services has resurfaced. Previously proposed as a budget amendment that applied only to Columbus' water and sewer services, House Bill (HB) 602 as introduced would penalize any municipality that charges residents a different rate for city water and sewer services than that charged for non-residents. After strong grassroots opposition efforts from OMEA members and others, Governor John R. Kasich ultimately line-item vetoed the budget provision in 2016. His position on the legislation is not expected to have changed. AMP will continue to monitor and oppose this legislation, and will update members as needed if HB 602 gets scheduled for another hearing or makes its way any further in the process this year.



Speaker of the House Ryan Smith (left) shakes hands with Rep. Andy Thompson (right)

Additionally, AMP is working with legislators to remove a provision from HB 249 that could give the PUCO jurisdiction over certain municipal electric utility operations. HB 249 requires the PUCO to issue rules that would regulate residential reselling or submetering of electricity, or ban the practice statewide. The issue stems from complaints against apartment and condominium owners who contract with a submetering company to operate the tenants' utility service and billing with little oversight or transparency. While generally supportive of the bill's intent, as introduced, HB 249 gives the PUCO authority to issue rules on submetering companies that operate within municipal electric and rural electric cooperatives' systems, which is in conflict with municipal home rule. We will continue to work with the bill sponsor and other committee members to remove the PUCO jurisdiction of municipal utilities under HB 249 and will keep members updated.

Field preparations begin for 2018 AMP Lineworkers Rodeo

By Bob Rumbaugh - manager of technical training



Thank you to the volunteers from Cleveland, Jackson Center, Orrville, Piqua, Tipp City and Westerville that helped with rodeo event construction this week in preparation for the fifth annual AMP Lineworkers Rodeo, to be held Aug. 24-25 at AMP headquarters.

The next construction dates are set for July 17 and Aug. 14. If you are available to assist, contact me at rrumbaugh@amppartners.org or 614.540.1111.

Register now for Webinars

An internet connection and a computer are all you need to educate your staff. Individual webinars are \$99 or sign up for a series at a discounted rate. Register today at www.PublicPower.org under Education & Events. Non-members can enter coupon code **AMP** to receive the member rate.

- Deep Dive into 5G Small Cell Wireless: The Truths, Myths and Implications for Public Power **July 10**
- Wireless Pole Attachments Series
Financial Pathways to the Utility of the Future **July 24**
- Accounting & Finance Series
Prepare for Change: Blueprinting Your Strategic Plan **July 26**
- Strategic Planning Series
New Regulatory and Legislative Developments Impacting Wireless Attachments Affecting Public Power Pole Owners **Aug. 7**



Classifieds

Members interested in posting classifieds in Update may send a job description with start and end advertisement dates to zhoffman@amppartners.org. There is no charge for this service.

City of Newton Falls seeking applicants for city manager

The City of Newton Falls is seeking applicants for the position of city manager. Salary \$70,000 to \$90,000, plus excellent benefits. Newton Falls residency is required; ICMA-CM designation is preferred. Newton Falls has a charter form of government with a five-member council and mayor. \$17.6 million budget, 38 full-time employees and 23 part-time employees. Municipal utilities include water treatment, water pollution control and electric distribution. A graduate degree in government/public administration/business-related field with a background in electric, water, water pollution control, administration, personnel management and economic development or municipal finance is preferred. Desire a credentialed City Manager who is a strong leader and motivator. Please send a letter of interest, resume, salary history, requirements and at least three work-related references to Kathleen King, city clerk, 19 N. Canal St., Newton Falls, OH 44444 or e-mail cityclerk@ci.newtonfalls.oh.us by July 31, 2018. EOE

City of Wadsworth seeks applicants for electrical substation and signal technician

The City of Wadsworth is seeking applicants for the position of electrical substation and signal technician. Responsibilities in this position include but are not limited to learning and assisting in new installations, modifications, trouble shooting and repairs of substation and distribution system electrical equipment up to 138 kV. This includes excavation, steel construction, capacitors and capacitor controls, rigging and installation of breakers, motorized or manual air break switches, substation switching equipment, the pulling and termination of power cables, reclosers, concrete work, voltage regulators, power transformers, buswork, metclad switchgear and cable ducts.

Successful candidates must have a high school diploma or equivalent, a valid motor vehicle operator's license in the state of Ohio and 18 months of work experience or a combination of work experience in maintenance electric technician, relay technician, traffic signal systems and inside electrical wiring disciplines. Candidates must also have an acceptable driving record and remain insurable under the city's vehicle insurance policy. Interested candidates must submit a detailed resume via U.S. mail, email, fax or in person. Direct resumes to Human Resources, City Hall, 120 Maple St., Wadsworth, OH 44281, email: jobs@wadsworthcity.org, fax: 330.335.2715. If submitting a resume via email, please note that documents will only be accepted in a Microsoft Word doc, docx or Adobe PDF format. Documents sent in other formats will not be considered.

Read more about this position and how to apply under the job opportunities section at www.wadsworthcity.com.

City of Lebanon seeks applicants for two positions

Apprentice Lineman

The City of Lebanon is seeking applicants for the position of apprentice lineman in the Lebanon Electric Department. Position requires that the successful candidate to have successfully completed the first phase of an accredited apprentice lineman training program, including pole climbing, and is actively participating in an accredited apprentice lineman training program. Position responsibilities include overhead and underground electric utility construction, operation and maintenance.

Successful candidate must have a high school diploma or equivalent, a valid Class A Commercial Drivers License, excellent customer service and communication skills, computer skills, be team orientated and have the physical ability to lift 50 lbs and carry 50 lbs for a distance of 30 yards. Hourly pay rate is \$17.68-\$30.06 DOQ. The city offers excellent benefits and retirement. Applications may be obtained at the Lebanon City Building, 50 S. Broadway, Lebanon, OH 45036 or downloaded off the website at www.lebanonohio.gov and returned to the Personnel Department. Applications accepted until position is filled. The city requires post-offer, pre-employment drug screen, physical and background check. EOE.

Lineman

The City of Lebanon is seeking applicants for the position of lineman in the Lebanon Electric Department. Position requires the successful candidate to be a documented journeyman electric lineman. Position responsibilities include overhead and underground electric utility construction, operation and maintenance.

Successful candidate must have a high school diploma or equivalent, a valid Class A Commercial Drivers License, excellent customer service and communication skills, computer skills, be team orientated and have the physical ability to lift 50 lbs and carry 50 lbs for a distance of 30 yards. Hourly pay rate is \$35.36. The city offers excellent benefits and retirement. Applications may be obtained at the Lebanon City Building, 50 S. Broadway, Lebanon, OH 45036 or downloaded off the website at www.lebanonohio.gov and returned to the Personnel Department. Applications accepted until position is filled. The city requires post-offer, pre-employment drug screen, physical and background check. EOE.

Village of Yellow Springs seeks applicants for electric/water distribution utility service worker

The Village of Yellow Springs is seeking applicants for the position of electric/water distribution utility service worker. This position involves repair and maintenance of a mostly overhead electric distribution utility and requires that applicants have experience with this type of work; journeyman lineman certification is a plus. This work unit also repairs and maintains water distribution lines; State of Ohio water distribution license is also a plus.

Full job description and applications are available online at www.yso.com or at the Village of Yellow Springs, 100 Dayton St., Yellow Springs, OH 45387. Application and resume should be submitted at the above address or via email to Ruthe Ann Lillich at rlillich@vil.yellowsprings.oh.us. The application deadline is Friday, July 6 at 4:00 p.m. to the attention of Ruthe Ann Lillich.

City of Bowling Green seeks applicants for administrative secretary

The City of Bowling Green is seeking applicants for the position of administrative secretary. This hourly, non-exempt position is responsible for providing overall administrative assistance and support within the Mayor/Municipal Administrator's Office. Oversees the day-to-day operations and activities of the office; interacts with staff, elected officials and general public; may deal with sensitive and confidential matters; prepares correspondence; establishes and maintains office calendar and filing system; and performs other related duties as assigned. Must have ability to proficiently use job-specific software, such as Word and Excel.

A job description will be provided to applicants. Interested persons must complete an application that is available online at www.bgohio.org or in the City of Bowling Green's Personnel Department, 304 N. Church Street, Bowling Green, OH 43402. The online application can be accessed at. Resumes may be included, but will not substitute for a completed application. Telephone: 419.354.6200; email: BGPpersonnel@bgohio.org. Office hours: M-F 8:00 a.m. to 4:30 p.m. The deadline for submitting an application is June 27, 2018, 4:30 p.m. AA/EEO

City of Westerville seeks applicants for utility billing supervisor

The City of Westerville is seeking an experienced professional to serve as utility billing supervisor for our nationally recognized community of more than 37,000 residents who are provided water, sewer, trash and electricity services through municipal accounts. The city, served primarily through AMI-metering, has a newly-expanded water plant and its electric division is the only municipally owned and operated suburban electrical provider in Central Ohio.

The successful candidate will supervise six FTE/s in utility billing, accounts receivable, customer service and metering. Primary work involves planning, directing and supervising all utility billing and collection activities, assuring billing accounts are accurately posted, payments are properly applied to customer accounts, delinquent accounts are processed in accordance with the city's policies and procedures, and customer inquiries receive timely and courteous responses. The utility billing supervisor provides input oversight of: the budgeting process; meter reading activities for non-AMI metered accounts; meter checks due to exception reports; compliance with related state and federal statutes; and other related financial and legislative requirements regarding public utilities.

Required: College degree in business or public administration, accounting or finance, and a minimum three years of direct supervisory experience is preferred. No resumes please. Apply at www.westerville.org. EOE/ADA

Village of Pemberville seeks electric distribution lineworker

The Village of Pemberville is seeking applicants for the position of electric distribution lineworker. The lineman will be responsible for delivering reliable electric service to customers by performing inspections, maintenance, operations and construction work on substations, transmission, distribution and streetlight systems within the village to the level that their training dictates. Having or obtaining a CDL is required, as is mechanical knowledge and knowing how to operate equipment including but not limited to: bucket truck, digger derrick, backhoe, wood chipper, chain saws and dump truck; with a willingness to follow all current and future safety practices and maintain equipment. Wage is negotiable. Applications are available on the [village website](#). Please submit a resume and application to the Village of Pemberville, 155 Main St., P.O. Box 109, Pemberville, OH 43450.

Opportunities available at AMP

AMP is seeking applicants for the following positions:

Energy settlement operations

Generation optimization specialist

Power supply planning engineer I or II

Intern - information systems

Senior director, business systems

Reporting systems business analyst

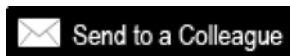
For complete job descriptions, please visit the [AMP careers page](#).

American Municipal Power, Inc.

STAY CONNECTED



www.ampppartners.org

[Cities & Villages Magazines](#)[OML Classified Ads](#)[Join Our Mailing List](#)

Legislative Bulletin

June 22, 2018

OML UPDATE AT-A-GLANCE

Here are the top three things you need to know from this past week:

- Following the U.S. Supreme Court ruling last week that Ohio is allowed to purge inactive voters from its voter rolls, Ohio Secretary of State Jon Husted has announced that no voters will be purged before the November 6th general election.
- The U.S. Supreme Court made a ruling in the *South Dakota v. Wayfair* case this week and ruled that state and local governments are allowed to apply sales and use tax to remote sales. To read more about this ruling, you can reference our bulletin blast from earlier this week [HERE](#).
- The House voted to seat former county commissioner Shane Wilkin as the representative for the 91st House District. Rep. Wilkin is replacing former Speaker of the House Cliff Rosenberger.

OHIO SUPREME COURT OVERTURNS RULING ON TRAFFIC CAMERA CASE

This week, the Ohio Supreme Court has overturned a ruling regarding a law allowing the state to deduct Local Government Funds from any municipalities that collect fines from tickets issued by traffic cameras.

In 2014, the legislature passed SB 342, which included provisions severely restricting municipal use of traffic cameras. The City of Toledo challenged these restrictions in the Lucas County Common Pleas Court. The court found those provisions to be unconstitutional and thus prevented the law from being enforced. The state appealed this decision, and during this appeal the legislature passed a new law, the biennial budget bill HB 64. In this new law were included provisions stating that any municipality who does not comply with the previous provisions will have their Local Government Funds deducted in the amount of the fees they collect via traffic cameras. The courts found the state in contempt of their previous ruling and blocked the implementation of this new law.

The Ohio Supreme Court decision was on the ruling that blocked the implementation of the provisions in HB 64 deducting LGF monies from non-compliant municipalities. Though the courts had ruled portions of SB 342 unconstitutional, it had failed to establish the relevant portions of HB 64 as unconstitutional as well. Now the city of Toledo must now challenge the constitutionality of the provisions in HB 64 going forward. The League will continue to monitor and report on this case as it moves through the legal process.

BILL CREATING FAIR PLAYING FIELD FOR LOCAL LODGING TAX GETS SECOND HEARING

This week, both opponents and proponents, including the League's Executive Director Kent Scarrett, came before the House Ways and Means Committee to testify on HB 571. The legislation, sponsored by Rep. Greenspan (R - Westlake), would specify that, for the purposes of the sales and use tax and local lodging taxes, the "price" on the basis of which a hotel intermediary must collect and remit the tax is the total amount paid by the customer for the hotel lodging, as advertised by the hotel intermediary.

Additional proponents of this bill include the Ohio Hotel and Lodging Association, the Ohio Association of Convention and Visitor Bureaus, the Ohio Township Association, the County Commissioner Association of Ohio. You can read Director Scarrett's testimony [HERE](#), in addition to a joint written statement of support from both the League and the Ohio Township Association [HERE](#).

The bill's supporters explained that the bill closes a loophole allowing Online Travel Agencies (OTA) to collect local lodging taxes but not remit them to the requisite local government entities. Because these companies are already collecting these taxes, the bill is simply mandating that OTAs remit the taxes they already currently collect within the price they currently charge for the rooms they sell. This means there will be no increase in price on the consumer level. The buyer will still pay the same rates for rooms booked on OTAs, and local governments have the potential to receive millions of dollars in local lodging tax that they are currently being denied.

The League will continue to monitor and report on the status of this bill as it moves through the legislative process. In the meantime, the League is asking our members to contact their state representative and express their support for this bill.

BILL ALLOCATES MORE MONEY FOR MUNICIPALITIES HOSTING MAJOR SPORTS EVENTS

This week, the House passed a bill that would remove the cap on the amount of grant monies the state can allocate to a municipality for hosting a major sporting event. HB 531, sponsored by Rep. Schuring (R - Canton) and Rep. Greenspan (R - Westlake), removes limitations on the amount of sports events grants that may be awarded in a fiscal year or for a specific grant, would modify eligibility requirements for such grants, and would fund the grant program from state sales tax receipts.

Almost ten years ago, the state started a grant program that allocates grants up to \$500,000 to local organizing committees, counties or municipalities who are hosting a major sporting event. In addition to removing the \$500,000 cap, the bill mandates that the grant program be funded via sales taxes in a fund administered by the Ohio

Department of Development Services.

A municipality hosting a major sporting event would be eligible for grant monies from this fund provided the event will generate over \$250,000 in economic growth. During prior committee hearings, proponents of the bill gave examples of just how much economic activity these kinds of events can create. The Greater Columbus Sports Commission claimed that since 2000, the events they've sponsored in Columbus and Cleveland have generated over \$570 million. A representative for the CEO of the Cincinnati Reds said the 2015 Major League Baseball All-Star Game created \$70 million in economic impact.

This bill will help empower municipalities to bid for the opportunity to hosts these kinds of events, knowing these grant funds will help offset the cost while generating revenue for the local community. The League is supportive of this bill, and we will continue to track and report on this legislation as it heads to the Senate to begin the hearing process.

FLOOR ACTION: BILLS OF MUNICIPAL INTEREST

Here are the bills of municipal interest that were passed by the House of Representatives this week:

- **HB361 - LOCAL PROPERTY TAX.** This bill, sponsored by Rep. Greenspan (R - Westlake), expands the timeframe for deciding local property tax complaints. This week, the House passed the bill out of the chamber 89-2. The League is supportive of this legislation.
 - **HB 342 - TAX LEVIES.** This bill, sponsored by Merrin (R - Monroe Township), changes ballot language on local tax issues. The bill was passed out of the House Chamber 59-31. The League is neutral on this legislation.
- **HB 522 - LIQUOR PERMITTING.** This bill, sponsored by Rep. Lanese (R - Grove City), allows those with F liquor permits to participate in outdoor refreshment areas. The House passed the bill out of the chamber 81-5. The League is supportive of this legislation.

HOUSE WORKS TO CLEAR BACKLOG OF BILLS

This week, with Rep. Ryan Smith (R - Bidwell) elected as the new Speaker of the House, representatives got to work voting on a lengthy backlog of bills that have been stalled on the House floor during the speaker's election process. Here is a list of all the bills that the House voted out of the chamber this week:

- **HB 139 (Perales-Keller).** Lifts exemptions from public disclosure on permanently retained records 100 years after their creation. 91-0.
- **SB 4 (Kunze, Oelslager).** Expands expungement opportunities for human trafficking victims. 79-12.
- **HB 58 (Brenner, Slaby).** Requires State Board of Education to adopt model curriculum on cursive handwriting. 87-4.
- **HB 296 (Gavarone).** Moves aggravated drug trafficking from fourth-degree to third-degree felony if done near drug treatment center. 84-0.
- **HB 231 (Ginter, Sprague).** Creates pilot program for dispensing controlled substances. 84-2.

- HB 365 (Hughes, Boggs). Reagan Tokes Act. 83-3.
- HB 383 (Carfagna). Requires notice to parents when a child care center is found to have created serious risks to children's health and safety. 82-2.
- HB 402 (Hill). Changes telephone company regulation. 58-30.
- HB 406 (Lanese). Adds certain mental health professionals involved in criminal justice matters to the list of those whose home addresses are exempt from disclosure under public records laws. 83-0.
- HB 454 (Patterson, Arndt). Addresses sold but unused township cemetery plots. 84-1.
- HB 477 (Koehler) Repeals outdated laws relevant to education. 88-0.
- HB 494 (Antani). Specifies franchisors are not to be regarded as the joint employer for franchisees' workers. 66-23
- HB 513 (Brenner-Ginter). Expands the homestead exemption for surviving spouses of fallen first responders. 92-0.
- HB 541 (Patterson, LaTourette), waiving license restrictions for short-term volunteer service by health professionals from other states. 88-0.
- HB 548 (McClain). Allows motorcycle operators to wear earplugs for hearing protection while riding. 89-0.
- HB 552 (LaTourette). Deals with chemical capture and euthanasia of animals. 82-3.
- SB 257 (Uecker, O'Brien). Updates hunting and fishing license laws. 89-0.
- SB 86 (Hackett). Omnibus highway and bridge designation; creates license plate and awareness day. 92-0.

COMMITTEE RECAP: BILLS OF MUNICIPAL INTEREST

Here are the bills of municipal interest that received hearings in committee this past week.

- HB 643 - WATER IMPROVEMENTS. This bill, sponsored by Rep. Arndt (R - Port Clinton) and Rep. Patterson (D - Jefferson), would allow equipment for the protection and preservation of Lake Erie to be purchased with proceeds from the Parks and Recreation Improvement Fund and to appropriate funds for projects enhancing water quality in the Western Lake Erie Basin. During its fourth hearing before the House Finance Committee, the bill was voted unanimously out of committee. This was after a substitute bill was adopted changing the source of funding for a phosphorus reduction program in the Department of Agriculture. The League is supportive of this legislation.
- HB 625 - AUXILIARY CONTAINERS. This bill, sponsored by Rep. Lang (R - West Chester Township) and Rep. Lipps (R - Franklin), would authorize a person to use an auxiliary container for any purpose, to prohibit a municipal corporation, charter county, or limited home rule township from imposing a tax or fee on auxiliary containers, and to clarify that the existing anti-littering law applies to auxiliary containers. During its second hearing before the House Economic Development, Commerce and Labor Committee, proponents of the bill, including the Ohio Council of Retail Merchants, the Ohio Chamber of Commerce and the Ohio Manufacturers' Association, voiced their support of the bill. It is important to note that to date, no municipality, county or township in Ohio have passed any such tax or fee on auxiliary containers. The League is opposed to this legislation.

- **SB 239 - REGIONAL GOVERNMENT COUNCILS.** This bill, sponsored Sen. Dolan (R - Chagrin Falls), would modify the law concerning regional councils of governments. During its second hearing before the House State and Local Government Committee, a representative from the state Auditor's office cited specific examples of malpractice as evidence for the bill's necessity. The Ohio News Media also supported the legislation, as did OML Executive Director Kent Scarrett, who submitted written proponent testimony. You can read that testimony [HERE](#).
- **HB 675 - TAX LEVY.** This bill, sponsored by Rep. Barnes (D - Cleveland), would expressly authorize municipal corporations to impose an unvoted property tax levy not exceeding one mill per dollar of taxable value for the purpose of funding a local Hope for a Smile Program. During its second hearing before the House State and Local Government Committee, proponents from dental associations praised the bill for seeking to help alleviate dental professional shortages in rural Ohio. The League is supportive of this legislation.
- **SB 17 - LOCAL GOVERNMENT FUNDING.** This bill, sponsored by Sen. Tavares (R - Columbus), would increase monthly allocations to the Local Government Fund from 1.66% to 3.68% of the total tax revenue credited to the General Revenue Fund each month. During its first hearing in the Senate Finance Committee, no testimony was given on this bill. The League is supportive of this legislation.
- **SB 213 - ECONOMIC PROGRAMS.** This bill, sponsored by Sen. Schiavoni (D - Boardman), would enhance economic and employment opportunities and improve local infrastructure in Ohio by providing additional assistance to workforce development and employment programs; establishing a revolving loan program for small businesses seeking to expand operations; extending job tax credits to smaller businesses; enabling expanded participation in public sector contracting by smaller companies; enhancing support for child care centers; funding additional local infrastructure and public transit; authorizing tax incentives for hiring military veterans, for donating money to local programs assisting distressed communities, or for improving distressed property; exempting the homes of disabled veterans from property taxation; terminating the income tax deduction and reduced tax rate for business income; and make an appropriation. During its first hearing before the Senate Finance Committee, the bill's sponsor explained the legislation's intention to promote economic development and job growth by investing in small businesses. The League is supportive of this legislation.
- **HB 281 - BROADBAND EXPANSION.** This bill, sponsored by Rep. Carfagna (R - Genoa Township), would establish the residential broadband expansion program within the Development Services Agency to award matching grants for last mile broadband expansion in municipal corporations and townships and make an appropriation. During its first hearing before the Senate Finance Committee, the bill's sponsor explained that the bill is designed to help provide broadband

service for Ohio residents who currently lack such service. The League is supportive of this legislation.

- **SB 252 - VISITORS BUREAUS.** This bill, sponsored by Sen. Peterson (R - Sabina), would authorize local elected officers that have levied a hotel lodging excise tax, or a designee of such officers to simultaneously hold the position of officer or member of the board of trustees of a convention and visitors' bureau without constituting incompatible offices. During its first hearing before the Senate Finance Committee, the bill's sponsor said county commissioners understand how best to aid a convention and visitors' bureau, making the bill a "good government" bill. The League is neutral on this legislation.
- **SB 268 - THEFT IN OFFICE.** This bill, sponsored by Sen. Wilson (R - Maineville), would expand the increased penalties for theft in office based on the amount of property or services stolen and to include as restitution certain audit costs of the entity that suffered the loss involved in the offense. During sponsor testimony, the bill's sponsor explained that in one year, 74 public officials stole a total of over \$2 million. However, the maximum penalty for theft in office is currently only a third-degree felony. The bill therefore provides more accountability for public officials. The League is supportive of this legislation.

OHIO MUNICIPAL LEAGUE HOLDS SMALL CELL INFRASTRUCTURE WEBINAR

This week the League held a successful webinar on the implementation of HB 478, the bill regarding the deployment of micro wireless facilities within the municipal right-of-way. On Thursday, the League and the Ohio Municipal Attorneys Association hosted a webinar titled "Small Cell Wireless Service & placement of Facilities in the Public Way." Hundreds of participants from over 37 municipalities received crucial information regarding the contents of the new law and the implications for municipalities. We want to thank speakers Gregory J. Dunn, Christopher Miller, and Lindsay Miller of Ice Miller LLP in Columbus for an excellent presentation and for answering many important questions from webinar participants. For those who were unable to attend, the recording and the power point slides from the presentation are available for purchase. If you are interested in purchasing this presentation, you can find the order form [HERE](#).

In addition to the webinar, the League was involved in a second educational opportunity regarding small cell infrastructure. On Monday, the City of Dublin hosted the Municipal Design Guidelines Workshop to help foster productive discussions surrounding best practices. Over the course of the entire day, including a working lunch sponsored by the League, participants heard from Christopher Miller and Lindsey Miller of Ice Miller LLP on the bill's content, examined the City of Dublin's design guidelines and directed pertinent questions to a panel of telecommunication industry representatives. We would like to thank the City of Dublin for hosting this important educational event.

BOWLING GREEN AND BOWLING GREEN STATE UNIVERSITY TO HOST TOWN AND GOWN SUMMIT

Next month, the City of Bowling Green and Bowling Green State University are hosting a Town & Gown Summit on July 18-20. The purpose of the summit is to allow city and university staff to discuss topics that are relevant to communities that host colleges and universities, identify common challenges, share best practices and collaborate on solutions. For those interested in attending, please click [HERE](#) for registration and more information.

COMMITTEE SCHEDULE FOR THE WEEK OF JUNE 24, 2018

Tuesday, June 26, 2018

SENATE LOCAL GOVERNMENT, PUBLIC SAFETY AND VETERANS AFFAIRS

Tue., Jun. 26, 2018, 9:45 AM, South Hearing Room

Sen. Uecker: 614-466-8082

HB125** TRAFFIC ORDINANCE JURISDICTIONS (CRAIG H, SEITZ B) To specify the jurisdiction of municipal and county courts over municipal traffic ordinances and to establish requirements governing fines, fees, or other charges for traffic violations and infractions imposed by a municipal corporation that does not have the authority to establish a mayor's court.

Fourth Hearing, Sponsor/All Testimony, POSSIBLE VOTE

SENATE WAYS AND MEANS

Tue., Jun. 26, 2018, 11:15 AM, North Hearing Room

Sen. Eklund: 614-644-7718

HB343** PROPERTY VALUE CONTEST-RESOLUTIONS (MERRIN D) To require local governments that contest property values to formally pass an authorizing resolution for each contest and to notify property owners.

Second Hearing, All Testimony

Wednesday, June 27, 2018

SENATE ENERGY AND NATURAL RESOURCES

Wed., Jun. 27, 2018, 9:00 AM, Senate Finance Hearing Room

Sen. Balderson: 614-466-8076

SB51** LAKE ERIE IMPROVEMENT DISTRICT (SKINDELL M, EKLUND J) To authorize the creation of a special improvement district to facilitate Lake Erie shoreline improvement.

Fourth Hearing, All Testimony, POSSIBLE VOTE

SENATE GOVERNMENT OVERSIGHT AND REFORM

Wed., Jun. 27, 2018, 9:45 AM, North Hearing Room

Sen. Coley: 614-466-8072

HB18** SPECIAL ELECTION REQUIREMENTS (PELANDA D, RETHERFORD W) To eliminate the requirement of holding a special election to fill a vacancy in a party nomination for the office of representative to Congress under certain circumstances.

Second Hearing, All Testimony, AMENDMENTS/POSSIBLE VOTE

HB34** OFFICIAL NOTICE DELIVERY (HAMBLEY S, RYAN S) To authorize certain state agencies, local governments, and other boards, commissions, and officers to deliver certain notices by ordinary mail and electronically instead of by certified mail.

Fourth Hearing, All Testimony, AMENDMENTS/POSSIBLE VOTE

HB312** LOCAL GOVERNMENT CREDIT CARDS (SCHURING K, GREENSPAN D) Regarding use of credit cards and debit cards by political subdivisions.