

GENERAL INFORMATION

August 05, 2019

CALENDAR

CITY COUNCIL MEETING AGENDA ~ Monday, August 05, 2019 @7:00 pm

APPROVAL OF MINUTES

July 13, 2019 Special Council Meeting Minutes

July 15, 2019 Regular Council Meeting Minutes.

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 050-19**, an Ordinance Approving Current May 2019 Replacement Pages to the City of Napoleon Codified Ordinances.
2. **Ordinance No. 051-19**, an Ordinance Approving an ODOT Resurfacing Project from the Corporation Line of Holgate to the Maumee River Bridge in Napoleon, Ohio; and Declaring an Emergency. (Suspension Requested)

SECOND READINGS OF ORDINANCES AND RESOLUTIONS.

1. **Resolution No. 047-19**, a Resolution Authorizing the Finance Director to Transfer Certain Fund Balances (Transfer No. 3) from Respective Funds to other Funds per Section 5705.14 ORC on an as needed basis in Fiscal Year 2019, listed in Exhibit "A"; and Declaring an Emergency. (Suspension Requested)
2. **Ordinance No. 048-19**, an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 4) for the Year 2019; and Declaring an Emergency. (Suspension Requested)
3. **Resolution No. 049-19**, a Resolution Authorizing the City Manager to Enter into a Contract with Jones & Henry Engineers, Ltd. for Professional Design Services for the Project known as the Wastewater Treatment Plant Phase 1 Improvements Project, which was not included in the 2019 Master Bid Resolution, and Authorizing the Expenditure of Funds in Excess of \$25,000.00 for said project; and Declaring an Emergency. (Suspension Requested)

THIRD READINGS OF ORDINANCES AND RESOLUTIONS.

1. **Resolution No. 043-19**, a Resolution Authorizing the Approval and Execution of the Napoleon Area City School District Campus Improvement Agreement.

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

1. **Discussion/Action:** Golf Carts on City Streets.
2. **Discussion/Action:** Feral Cats in the City.
 - An information packet with possible options is enclosed.
3. **Discussion/Action:** to Direct the Law Director to Draft Legislation for ODOT to Perform Annual Bridge Inspections for the City of Napoleon.
 - The enclosed Memorandum from Chad explains the need for this legislation.
4. **Discussion/Action:** to Direct the Law Director to Draft Legislation to Allow the City to Apply for Issue II Funds for 2020.
5. **Discussion/Action:** to Direct the Law Director to Draft Legislation to Appropriate Funds for Pool Design.
6. **Discussion/Action:** to Direct the Law Director to Draft Legislation to Appropriate Funds to the Ohio Water and Sewer Rotary Commission.
 - Enclosed is a Memorandum from Joel regarding this request.

7. **Discussion/Action:** 2020 Annual Resurfacing Project (Refer to Committee).
8. **Discussion/Action:** Accept Donation to K9 Unit.

INFORMATIONAL ITEMS

1. Canceled – Technology and Communications Committee Meeting
2. Ohio Municipal League (OML) Legislative Bulletin/August 2, 2019
3. AMP Update Newsletter/July 26, 2019

August 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5 7:00 pm City Council	6	7	8	9	10
11	12 6:15 pm Electric Comm. 6:15 pm BOPA 7:00 pm Water/Sewer Comm 7:30 pm Muni Prop Comm.	13 4:30 pm BZA	14	15	16 8:00 am Healthcare Cost Committee	17
18	19 6:00 pm Parks & Rec Comm 6:00 pm Tree Commission 7:00 pm City Council	20	21	22	23	24
25	26 9:00 am Special Tree Commission 6:30 pm Finance & Budget 7:30 pm Safety & Human Resources Committee	27 4:30 pm Civil Service 5:00 pm Special Planning Commission Meeting	28 10:30 am Ethics Training 6:30 pm Parks & Rec Bd.	29	30	31

CITY COUNCIL

MEETING AGENDA

Monday, August 05, 2019 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. July 13, 2019 Special Council Meeting Minutes.
2. July 15, 2019 Regular Council Meeting Minutes.

D. Citizen Communication

E. Swearing in of New City Finance Director

F. Reports from Council Committees

1. **Finance and Budget Committee** did not meet on July 22, 2019 due to lack of agenda items.
2. **Safety and Human Resources Committee** met on July 22, 2019 discussed and referred to the full body of Council:
 - a. Golf Carts on City Streets
 - b. Feral Cats
3. **Technology and Communications Committee** did not meet earlier tonight due to lack of agenda items.

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

1. **Civil Service Commission** did not meet on July 23, 2019 due to lack of agenda items.
2. **Park and Rec Board** did not meet on July 31, 2019 due to lack of agenda items.

H. Introduction of New Ordinances and Resolutions

1. **Ordinance No. 050-19**, an Ordinance Approving Current May 2019 Replacement Pages to the City of Napoleon Codified Ordinances.
2. **Ordinance No. 051-19**, an Ordinance Approving an ODOT Resurfacing Project from the Corporation Line of Holgate to the Maumee River Bridge in Napoleon, Ohio; and Declaring an Emergency. (Suspension Requested)

I. Second Readings of Ordinances and Resolutions

1. **Resolution No. 047-19**, a Resolution Authorizing the Finance Director to Transfer Certain Fund Balances (Transfer No. 3) from Respective Funds to other Funds per Section 5705.14 ORC on an as needed basis in Fiscal Year 2019, listed in Exhibit "A"; and Declaring an Emergency. (Suspension Requested)
2. **Ordinance No. 048-19**, an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 4) for the Year 2019; and Declaring an Emergency. (Suspension Requested)
3. **Resolution No. 049-19**, a Resolution Authorizing the City Manager to Enter into a Contract with Jones & Henry Engineers, Ltd. for Professional Design Services for the Project known as the Wastewater Treatment Plant Phase 1 Improvements Project, which was not included in the 2019 Master Bid Resolution, and Authorizing the Expenditure of Funds in Excess of \$25,000.00 for said project; and Declaring an Emergency. (Suspension Requested)

J. Third Readings of Ordinances and Resolutions.

1. **Resolution No. 043-19**, a Resolution Authorizing the Approval and Execution of the Napoleon Area City School District Campus Improvement Agreement.

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

1. **Discussion/Action:** Golf Carts on City Streets.
2. **Discussion/Action:** Feral Cats in the City.
3. **Discussion/Action:** to Direct the Law Director to Draft Legislation for ODOT to Perform Annual Bridge Inspections for the City of Napoleon.
4. **Discussion/Action:** to Direct the Law Director to Draft Legislation to Allow the City to Apply for Issue II Funds for 2020.
5. **Discussion/Action:** to Direct the Law Director to Draft Legislation to Appropriate Funds for Pool Design.
6. **Discussion/Action:** to Direct the Law Director to Draft Legislation to Appropriate Funds to the Ohio Water and Sewer Rotary Commission.
7. **Discussion/Action:** 2020 Annual Resurfacing Project. (Refer to Committee)
8. **Discussion/Action:** Accept Donation to K9 Program.

L. Executive Session. (*as needed*)

M. 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.*)

N. Adjournment.



Roxanne Dietrich
Interim Clerk of Council

A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL

1. Technology & Communication Committee (1st Monday)

(Next Regular Meeting: Monday, August 5, 2019 @6:15 pm)

2. Electric Committee (2nd Monday)

(Next Regular Meeting: Monday, August 12, 2019 @6:15 pm)

- a. Review of Power Supply Cost Adjustment Factor for August 2019
- b. Electric Department Report.

3. Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)

(Next Regular Meeting: Monday, August 12, 2019 @7:00 pm)

- a. Henry County Water Sewer District/Aggregation Malinta Meters.

4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)

(Next Regular Meeting: Monday, August 12, 2019 @7:30 pm)

5. Parks & Recreation Committee (3rd Monday)

(Next Regular Meeting: Monday, August 19, 2019 @6:00 pm)

6. Finance & Budget Committee (4th Monday)

(Next Regular Meeting: Monday, August 26, 2019 @6:30 pm)

7. Safety & Human Resources Committee (4th Monday)

(Next Regular Meeting: Monday, August 26, 2019 @7:30 pm)

8. Personnel Committee (as needed)

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

1. Board of Public Affairs (2nd Monday)

(Next Regular Meeting: Monday, August 12, 2019 @6:15 pm)

- a. Review of Power Supply Cost Adjustment Factor for August 2019
- b. Electric Department Report

2. Board of Zoning Appeals (2nd Tuesday)

(Next Regular Meeting: Tuesday, August 13, 2019 @4:30 pm)

3. Planning Commission (2nd Tuesday)

(Special Meeting: Tuesday, August 27, 2019 @5:00 pm)

4. Tree Commission (3rd Monday)

(Next Regular Meeting: Monday, August 19, 2019 at 6:00 pm)

5. Civil Service Commission (4th Tuesday)

(Next Regular Meeting: Tuesday, August 27, 2019 @4:30 pm)

6. Parks & Recreation Board (Last Wednesday)

(Next Regular Meeting: Wednesday, August 28, 2019 @6:30 pm)

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

(Next Regular Meeting: Tuesday, November 12, 2019 @10:30 am)

8. Records Commission (2nd Tuesday in June & December)

(Next Regular Meeting: Tuesday, December 10, 2019 @4:00 pm)

9. Housing Council (First Monday of April at 6:30 pm)

10. Health Care Cost Committee

(Next Meeting: Friday, August 16, 2019 at 8:00 am)

11. Preservation Commission (as needed)

12. Napoleon Infrastructure/Economic Development Fund Review Committee [NIEDF] (as needed)

13. Tax Incentive Review Council (as needed)

14. Volunteer Firefighters' Dependents Fund Board (as needed)

15. Volunteer Peace Officers' Dependents Fund Board (as needed)

16. Lodge Tax Advisory & Control Board (as needed)

17. Board of Building Appeals (as needed)

18. ADA Compliance Board (as needed)

City of Napoleon, Ohio
City Council
in Joint Session with the
Henry County Commissioners
SPECIAL MEETING MINUTES
Saturday, July 13, 2019 at 7:30 am

PRESENT

Councilmembers

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

Mayor

Jason P. Maassel

City Manager

Joel L. Mazur

City Law Director

Billy D. Harmon

Others

News Media

Henry County Commissioners: Glenn Miller, Tom VonDeylen, Bob Hastedt

Henry County Commissioners Clerk: Kristi Schultheis

Water and Sewer District Board Members: Amy Behrman, Tim Phillips

ABSENT

Call to Order

Council President Bialorucki called the Special City Council meeting to order at 7:30 am.

**Status Update on the
Maumee River Bridge**

Maassel stated he talked to Tim Schumm and was basically told as long as the Judge rules in the county's favor the project should continue as planned.

Schumm-we expect the decision next week and once that happens ODOT is ready to put the project out to bid so will probably be bid later this summer.

Mazur asked in terms of funding if the City moves forward with the waterline going across the bridge does that have to be paid up front?

Schumm replied yes, ODOT is expecting all funds to be paid up front.

Mazur- what is the timing?

Schumm-after they bid the project out they will want paid before the award, the estimate of what the project will cost is what they will want.

Mazur-So from today if things line up we are looking at two months. If the line is put on the bridge, there is a 600' piece of line that needs to go into the county side that we will need to be able to connect into, it's the dead-end north of Campbell's on St. Rt. 110.

We are waiting for the district to answer if that is a possibility if there is an approval for that or not, don't know if you are aware of that or not. There have been several e-mails over the past several months that we have not got an answer on just wanted to bring this to everyone's attention since timing of it is critical and we just need to get an answer. VonDeylen said we did get our prosecutor on it two days ago so she was going to start to push the process, she did not get back with us yesterday. Miller said the district attorney will be here on Wednesday. Mazur confirmed Wednesday will be the next Water and Sewer District meeting here at 4:00 pm.

**Status on Potential Merger
between the Henry County
Water Sewer District and
Northwestern Water Sewer
District**

Maassel thanked the Commissioners for having Council, we appreciate the time on a Saturday morning. From our prospective it seems like the May 29th meeting was when the emergency meeting was held when the merger conversation started. We are trying to help, if we can we'd like a chance to bid on the project to help. You are going headlong with Northwestern Water and Sewer District and we are hearing *it's our only option* and it is not. Seems like this is moving really fast and we would like a similar chance like they had to give you a bid on the project that way you know it is the best

one, we'd like a chance to bid on it we'd like a chance to look at the numbers and give you a cost that way you know and if they are the best, they are the best and we move on and if not, then you have a way of having another option, a way of making sure they are giving you the best deal. We feel like we have not been given a chance to help and we are wondering if we can get that chance, we have not been given a chance to look at the project.

Mazur commented I'd call it a proposal it seems like this is being ushered along with some expediency, it has the appearance there have been some discussions and Amy Behrman said at the last meeting this has been discussed for several months we don't know where these discussions have been had for the last several months or where we were to be part of the conversation, it's only been six weeks since we found out from the Northwest Signal but apparently these conversations have been had for several months and even submitting a proposal puts us at a competitive disadvantage.

Northwestern has already had a chance to review everything for several months where this is very new to us.

Sheaffer-and they are already installing meters inside the proposed service area.

Miller-do you know that as a fact Travis, that is not true.

Sheaffer-there was a picture taken by a business that witnessed that.

Miller-that was a county meter, they are working with our only full time employee he is the operator of the district he is responsible for all appurtenances that's what they are doing they are assisting him.

Mazur-are they under contract?

Miller-yes, the contract is renewable until one entity or the other gives a 30-day notice to end it.

Bialorucki-I have concerns, as my role as Council President of Napoleon I personally think about the whole community and Henry County. The more I look into this and being at the last couple of board meetings and asking questions if rates will change if they will go up and the answer I'm getting is, not immediate future but will know after that. If I called Spectrum to utilize their service and asked what will your rates be and they say we don't know but sign this contract and accept our service and will tell you later how much you will pay, I definitely would not sign the contract. Another thing I try to do is look at reviews, I went to the Northwestern District reviews last night and found they are terrible there are a lot of different comments about price gauging and customer service, no help for people, that their water rates have doubled and there's no explanation and they are stuck, I would hate to see this happen to Henry County and other places this district is running their water. I spoke to a councilman from a city that is using this district and he did say he would speak to other of his councilmembers, they are very unhappy with how things are run there and will put information together for me and will meet with anyone wanting to listen to the challenges they have had after signing a contract.

Miller-think you misunderstood what was being said as far about water rates, what is Napoleon going to do that affects the water district's water rate other than costs?

Water is one of the largest expenses to the district and that is tied to Napoleon and how Napoleon structures their rates. If you can tell me no there is not going to be any rate increases, there should be no increases in water rates but it appears the way the City is going, there is always three years of rate increases planned, we get to year three and we plan another three years of rate increases so that is probably a given the cost of Napoleon water will increase.

Sheaffer-we have offered to cut off the 25% surcharge.

Miller-well the surcharge really does not have a lot to do with it, it's when the base rate increases the rate increases it's going to move with the 25% if you drop it the rate is still

going to increase the base rate has nothing to do with the 25% surcharge it still increases.

Sheaffer-it does not double.

Miller-this is reviews so, do you believe all of Amazon reviews, I sure don't.

Mazur-can I comment on the rate increase issue. I do not know of any utility that cannot guarantee no rate increases I don't know of a single one in the United States of America but I can tell you that Montpelier and other communities charge rate increases. Montpelier has an automatic 5% rate increase every year that is their policy. What Napoleon does is a cost of service study it is not a rate increase for the sake of a rate increase, it is a study done by a professional firm to look at our rates to see what our cost to make water is and increase our rates accordingly.

Miller-I do not agree with the statement because there are going to be increases.

Maassel-we have been talking with the satellites and the conversation has always been rates, rates, rates and now it appears, and again we do not know all the information, we just know what we read it appears that there is no known number after the merger is complete.

Miller-exactly what has been said and Jen has reported a number of times it is from my understanding it is going to stay the same there is no reason for it to go up.

Maassel-if there is no reason for it to go up then why are you merging?

Miller-the fact is the water district is not solvent you have 400 customers that are carrying an extremely heavy debt load so that puts the water district not in a good position in the long term. Apparently that is why there have been rate discussions because water seems to be the largest expense but when you are only servicing a little over 400 customers you know what it takes for the City to take care of their just water utility.

Maassel-when Northwestern Water Sewer District comes in how will they solve that issue that is so much better that Napoleon does not even get a chance at giving our proposal for solving the same issue?

Miller-that is not ready to be

VonDeylen-they are going to assume the debt.

Maassel-so other customers are going to pay a higher rate so they can have our 400 customers.

Miller-shouldn't have to they are going to bear it, possibly increase the rate, as far as a business move it's not a really good business move for Northwestern nor would it be for the City.

Maassel-we would like a chance to evaluate that.

Sheaffer-think it would be a good opportunity for the City because you keep that money inside of Henry County, Northwestern has a history of taking and once they go into these areas they gobble up systems so I foresee first thing they are going to run a line to McClure and start servicing that water and now McClure's money goes out of Henry County, and once Malinta's contract is up, they already have a line there, they take and do a contract to assume that and now you have Malinta's money going out of Henry County plus you are talking a loss of service to Napoleon, a third of the population is now having to pay higher rates because that money is going out of the county. We hear about the Water Sewer District not being solvent, how much of that is related to these test wells that were dug that were trying to take business out of the county as well.

Miller-it comes back to nobody is satisfied with the rates in Napoleon that is what is being related to me this is not the time and place to discuss water rates it is what it is, at this point I cannot speak for the board they can't make a decision you can ask their opinion ask them if they are interested in seeking another option.

Maassel-okay are you interested in seeking another option?

Behrman-that would have to be a board decision, I would want to discuss with them before answer that question.

Maassel-when you discuss with the board would you be in favor or against a second opinion?

Behrman-depends on what that second opinion entails what you are offering.

Maassel-if you give us the same numbers and same information that you have provided to Northwestern Water Service District and the same chance to perform those functions and see if you want to do business with them or with us.

Sheaffer-we just want the opportunity to be able to submit a proposal.

Phillips-my situation is I have dealt with Napoleon Water Sewer District for a long time I'm not happy with all the things that have come down the road dealing with Napoleon. You have had more than one opportunity to chime in and be involved with it over the different administration coming up over the years. At this point and time, you knew about this back Nick has been talking with whoever the City Manager was nobody has ever offered, sat down or said anything one way or another, I personally

Sheaffer-not true

Phillips-as president of the board I have no problem listening, I feel that this should have happened long ago if you were even thinking about it or if you had any concerns about it because we even went together on the new water plant situation that went down the pike which we were looking at working together and a project that would do what you are asking to keep the county and keep everything going and we all know how that went, why all went down on that aspect, so excuse us if I am really optimistic about what this is coming up to be, I am not. Like Amy said, it is up to the full board to decide if they even want to pursue anything with Napoleon one way or another I'm not saying it wouldn't happen I'm not saying it can't but that takes a full board update on that at this point we were in the situation and we found out over eight months ago the seriousness of where we were at, we are moving forward for the benefit of the customers that we are responsible for and to keep things running smoothly and to keep their cost factor in line this is the way we are looking at and working with to get through the situation we need to get through. I apologize for anything I may have said I appreciate you allowing us to come in this morning but those are my feelings and the other things that have happened along the way I understand some of you were not here when some of this happened some hard feelings have moved right up the ladder with us I'm being honest with you how I feel on what has happened. I understand, we want everything to stay in the county too we'd like to we had one avenue and we have tried several avenues to progress for our customers to try find the best and cheapest way to work things through. I'm still just a little concerned now that it might be happening another sheriff comes walking into town now everybody is getting things in a row saying now we can do, I'm sorry I've given you what you want to know at this point it's up to a five-man board to decide how this will proceed.

Sheaffer-he's been talking to Nick since he got here about this whole regional water district so it sounds like it's been more of communication from Nick to you guys and we've seen that on numerous occasions.

Phillips-I'm not arguing that point but if you were aware even through Nick and nothing ever happened.

Travis-we didn't know about this until we read it in the paper in May that was the first opportunity we knew it and there have been meetings going on for several months according to what was reported I want to know where the meeting notices were at, were these back door deals that violate sunshine laws? We as a city did not know until we read it in the paper.

Phillips-we are not here to argue.

Sheaffer-that is where we are at.

Phillips-most everything had a history we all don't want to go there today on that, I'm just saying how I felt and we can see how the board wants to proceed from here we can't give you a yes or no about it, I'm just basically expressing my feelings about this and it's not all the feelings of the board.

Sheaffer-I can attest from being around forever that with Joel being here and with our Law Director that the whole climate of Napoleon has changed we are a very pro-business community you can see by the improvements that we have done uptown, you can see by the businesses added in Industrial Park the proposed businesses that are coming to it and I think from previous City Managers that you would see this is a very different situation Council is relatively new the whole attitude is different and so some of the those things that you may have experienced 10-15 years ago even 5 years ago are not the case anymore we are very willing to work with and provide the best the possible thing. Now the latest proposal we got it was basically less than what our residential customers would pay it was less than what the cost of water was and we cannot subsidize that but we want to be able to provide you a fair number. I think discussions have been we may be willing to assume that debt and we may be willing to take and provide the same rates as our inside customers have so that you are not seeing anything different than what our own people see and we our responsible to them directly the atmosphere is different and we'd at least like that chance to be able to show you that.

Phillips-here's what we are giving you by giving you the chance by you giving us a chance, if we can't match what they do they can say this is the best even Napoleon can't do it if you don't and you go this way and say no, we aren't even interested and a year later you regret it I don't know what you are going to tell the people you represent.

Mazur-these take time too. Mr. Phillips thanks for being here, Ms. Behrman thanks for being here really appreciate your candor, it goes a long way. There is a history I stated at your last meeting everyone here is familiar with, it doesn't mean the history is all bad. When issue of TTHM's first came up there was a lot of EPA talk what to do about it, Napoleon responded we went through the process of installing the MIEX plant that did not solve the problem but it was an attempt it was something that everyone took a risk on we all paid for it Napoleon residents paid for it too, when the rates go up they don't affect just the outside customers they affect everybody. Then Napoleon built a new plant, rehabbed it in a way that would drastically reduce the TTHM issue which it has it's proven now and at the expense of all the rate payers not just the satellite communities so again Napoleon responded and then since I've been here at least the attempted talk was to have a Henry County Regional Water District by definition it went back to rates and again Napoleon responded 0% surcharge. So, it's not like we are not listening Napoleon has responded every single time that there has been a controversy, issue or some kind of any kind of issue that has been raised that communication has been out there at least since I've been here so the history is not all bad if you look at it from that prospective, Napoleon has responded every time. That's what I want to convey to everybody here that it is more than just well we didn't want to work with Napoleon the question I have for the Commissioners, why wasn't Napoleon a part of the conversation when the merger discussions happened?

Phillips-guess maybe didn't know you were interested.

VonDeylen-that's my two cents as well, Northwestern has a history of taking on small large sewer districts and villages in poor financial situations, Napoleon has not been in that history. I actually don't remember how that conversation went did you guys come to see us did you say what you were thinking what you suggested or did you suggest

and we agreed I know there was an agreement I don't know exactly remember the conversation.

Mazur-still does not make sense Rex and Nick both knew in the original conversations that we had talked about a regional district.

Miller-it was the board and commissioners that met without Rex and Nick.

Mazur-and why again was Napoleon not asked?

Miller-because they were not in the history of taking over small

Amy-and the setup of Northwestern is a 6119

Phillips-would you have to change to 6119

Mazur-if a merger happened then we would have to merge into a district.

Miller-or you become a county water district.

VonDeylen-years ago when the consortium started we wanted to do exactly what you are doing and a different City Manager came in and said why are we doing this and Council agreed 100%. We were trying to find when the decision was made, when the one previous to you suggested we get out of this that Council backed her 100%, they backed her to get out of this. Know there are different people now and that can change.

Maassel-can you see if interested?

Behrman-also when we started buying water from Malinta there was an agreement that those meters would be aggregated with Henry County that was approved by Council and was not signed and you guys rescinded it thereby we are having to honor our agreement with Malinta that we aggregate those meters and again the district customers are taking on extra cost we have to honor the contract because the agreement was rescinded by Napoleon.

Sheaffer-can we readdress that?

Mazur-definitely.

Behrman-there are multiple reasons why we would not automatically go to Napoleon they are going to help us now because things that have happened in the past has been the opposite of that so I guess what indication would the district have had to say are they willing to help us out.

Mazur-that's fair but for starters we do have a contract.

Behrman-and the contract has to be honored we understand that.

Mazur-do you want assign that to Water/Sewer Committee at next month meeting?

Comadoll- sure can.

Sheaffer-if time is an issue can call a special meeting rather than waiting until second week of August

Miller-or just make retroactive, there is a payment due Tuesday.

Sheaffer-I don't have problem with changing that I don't think when this came up before, with the previous City Manager we are finding that a lot of things were not communicated to us by that previous City Manager there was not as much transparency as there is today. We are here to help you guys too I am willing to take step it benefits all of us it benefits the county whatever we need to do I'm in favor of.

VonDeylen-it's never done until the paperwork is signed nothing has been signed yet with Northwestern I don't know if can have joint agreements to discuss attempt to merge does not necessarily mean it is cast in stone will happen. Was an attempt with consortium to build new and that did not happen and even that had signed paperwork.

Sheaffer-that was a whole unfortunate situation the realtor that sold property to the City should have had some sanctions done for non-disclosure on the wetlands.

VonDeylen-that could have been resolved the County did pay, at Bisher's request we did pay for the initial study for wetlands delineation, you guys paid a lot of money for those studies, did that get paid into rates?

Mazur-yes there is an outstanding amount from all the Jones & Henry studies.

VonDeylen-we incurred costs the district is different than us we incurred some costs that we were never paid back for.

Sheaffer-we've even had discussion if given proposal there might be possibility having regional board for this so not just City of Napoleon making decisions not like under situation with City of Napoleon allowed to do this that it is just our decision.

Mazur-was stated in letter to satellite communities Malinta, Liberty and Florida, the district did not get letter there was a reason, I was not comfortable sending a letter and advising Council to approve of the same as what other communities are offered due to fact they get a significant reduced capacity monthly charge based on size of the line, that was communicated to Nick at some point.

Miller-over years looking at best thing for the county discussion don't want to beat Water Treatment Plant Consortium to death too much but, personally as a resident of Napoleon and former member of Council felt that for the City and the whole county that was the best thing that could happen and to see it die the death it did was extremely and still is aggravating. As for the Commissioners there was nothing in it for the Commissioners we were trying to do the best thing for the County and to pull everyone to the table and talk governance of a new Water Treatment Plant every entity involved would have a seat at the table everyone would have one vote looking at it as a customer this felt a pretty good idea ideally I agree if we can keep it together keep everything in the County together some way to come with some kind of governance and come up with some way of some kind of governance no matter how big the entity is, it's the perception Napoleon being the big bully I understand Travis things have changed when Joel came in. Jason, you and Joel went out and visited some of the extremely upset industries that were talking about leaving and you got that taken care of and that is greatly appreciated. But it will be a board decision. We can't hurt anything by taking a look that is my opinion but that is up to the board.

Sheaffer-we are not saying for a decision today to switch to Napoleon we are asking for an opportunity to present a proposal and if it doesn't make sense to go with Napoleon, we are just asking for an opportunity.

Bialorucki-for the board, there is a lot of debt out there what is the policy now if someone does not pay on time how does that work before the water is turned off.

Behrman-there are late fees and I'd have to review.

Bialorucki-one of my concerns about Northwestern is their policy to automatically turn people off.

Phillips-no change from district policy, case-by-case basis.

Behrman-my understanding is Northwestern does offer assistance from organizations to those who can't pay not fair for customers paying to have those customers who aren't.

Mazur-easier when have electric system too we do offer turning people to organizations to help make payments, we do allow people to get on payment plans if have gotten behind on their bills, at end of the day if not paying we turn them off.

Mires-as far as proposal, not fair to water users to just vote no against City of Napoleon and not give a chance, that is not fair to water users.

Motion to Adjourn

Motion: Comadoll
to adjourn the Special City Council meeting.

Second:

Passed

Yea-7

Nay-0

Roll call vote on the above motion:

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

Nay-

Adjournment

Approved:

August 5, 2019

the Special City Council meeting was adjourned at 8:23 am.

Joseph D. Bialorucki, Council President

Jason P. Maassel, Mayor

DRAFT

City of Napoleon, Ohio
City Council
MEETING MINUTES

Monday, July 15, 2019 at 7:00 pm

PRESENT	
Councilmembers	Daniel L. Baer-Council President Pro-Tem, Travis Sheaffer, Jeff Comadoll, Ken Haase
Mayor	Jason P. Maassel
City Manager	Joel L. Mazur
City Law Director	Billy D. Harmon
Acting Finance Director	Christine Peddicord
City Staff	David J. Mack-Chief of Police
Recording Secretary	Roxanne Dietrich
Others	News Media
ABSENT	
Councilmembers	Joseph D. Bialorucki-Council President, Jeff Mires, Lori Siclair
Call to Order	Council President Pro-Tem Baer called the meeting to order at 7:00 pm with the Lord's Prayer followed by the Pledge of Allegiance.
Approval of Minutes	Hearing no objections or corrections, the minutes from the July 01, 2019 Regular Council Meeting stand approved as presented.
Citizen Communication	None.
Committee Reports	<p>Sheaffer, Chairman of the Electric Committee, reported they met on July 8, 2019 and accepted the BOPA recommendation to approve the July 2019 Power Supply Cost Adjustment Factor.</p> <p>Chairman Comadoll reported the Water, Sewer, Refuse, Recycling and Litter Committee also met on July 8, 2019 with discussion on two items; one was a presentation on what it would cost for an additional refuse bag and it is going to be too expensive for us and the other was details on the 2019 spring cleanup.</p> <p>The Municipal Properties, Building, Land Use and Economic Committee met on July 8, 2019 too and discussed American Road Improvements Project and received information on Tax Increment Financing (TIF); and, was given a description of the ODOT Safety Project Award for the St. Rt. 108 and US-24 North Ramp Intersection.</p> <p>Due to a lack of agenda items, the Parks and Recreation Committee did not meet earlier this evening.</p>
Introduction of Resolution No. 047-19 Transfer No. 3	Council President Pro-Tem Baer read by title Resolution No. 047-19 , a Resolution Authorizing the Finance Director to Transfer Certain Fund Balances (Transfer No. 3) from Respective Funds to other Funds per Section 5705.14 ORC on an as needed basis in Fiscal Year 2019, listed in Exhibit "A"; and Declaring an Emergency.

Motion: Comadoll Second: Sheaffer
to approve First Read of Resolution No. 047-19.

Peddicord said this was presented at the Finance and Budget Committee and we are asking for legislation, there is no change. Mazur added, suspension is requested, however since we do not have five members of council here this will have to wait. Harmon clarified, the legislation can be passed under emergency if we had five current councilmembers here, tonight it can be passed under suspension but then the emergency clause is removed and it will be thirty days until the legislation takes effect. You can take first read tonight with no suspension and bring it back at the next meeting and ask for suspension.

Roll call vote to approve First Read of Resolution No. 047-19:
Yea-Haase, Comadoll, Baer, Sheaffer
Nay-

Council President Pro-Tem Baer read by title **Ordinance No. 048-19**, an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 4) for the Year 2019; and Declaring an Emergency.

Motion: Comadoll
to approve First Read of No. 048-19.

Mazur stated this is the companion legislation for budget adjustments for first read tonight.

Roll call vote to approve First Read of Ordinance No. 048-19:
Yea-Haase, Comadoll, Baer, Sheaffer
Nay-

Council President Pro-Tem Baer read by title **Resolution No. 049-19**, a Resolution Authorizing the City Manager to Enter into a Contract with Jones & Henry Engineers, Ltd. for Professional Design Services for the Project known as the Wastewater Treatment Plant Phase 1 Improvements Project, which was not included in the 2019 Master Bid Resolution, and Authorizing the Expenditure of Funds in Excess of \$25,000.00 for said project; and Declaring an Emergency.

Motion: Comadoll
to approve First Read of No. 049-19.

Mazur reported Council approved this contract earlier this year, we have talked about this off and on for the last year and a half, not being able to pass under suspension and emergency we will not be able to enter into a contract which will delay the design, we can live with that, it was not built overnight, we can wait three weeks to start design, requesting first read.

Roll call vote to approve First Read of Resolution No. 049-19:
Yea-Haase, Comadoll, Baer, Sheaffer
Nay-

Council President Pro-Tem Baer read by title **Resolution No. 043-19**, a Resolution Authorizing the Approval and Execution of the Napoleon Area City School District Campus Improvement Agreement.

Motion: Comadoll
to approve second read of Resolution No. 043-19.

Second: Haase

Mazur had nothing new to report.

Roll call vote to approve Second Read of Resolution No. 043-19:
Yea-Haase, Comadoll, Baer, Sheaffer
Nay-

Motion: Sheaffer Second: Comadoll
to approve the Power Supply Cost Adjustment Factor for July 2019: PSCA 3-month averaged factor \$0.02203; JV2 \$0.024091.

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

Motion: Comadoll Second: Haase
to direct the Law Director to Draft Legislation to Approve the Current May 2019
Replacement Pages to the Napoleon Codified Ordinances.

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

Mazur reported ODOT will be resurfacing St. Rt. 108 from Holgate to the river bridge in Napoleon and ODOT needs legislation to do work in the city limits.

Motion: Comadoll Second: Sheaffer
to direct the Law Director to Draft Legislation approving ODOT working in the
City Limits for the South Perry Street Resurfacing Project.

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

K9 Donations	Chief Mack reported a city employee had 31 party and donated the proceeds back to the K9 unit.
Motion to Accept Donations to K9 Program	Motion: Comadoll Second: Sheaffer to accept the donations to the K9 program.
Passed	Roll call vote on the above motion:
Yea-4	Yea-Haase, Comadoll, Baer, Sheaffer
Nay-0	Nay-
OTHER MATTERS	
Mazur	Passed out information on peak shaving and explained what it means to our transmission and capacity rates. Transmission rates are calculated on the highest load hour of the year, we will be running peak shaving all week, it is very important that we follow this and make attempts to peak shave. We have hit all of our 5 CP's after our peak shaving units were shut down, the following hour was one of our highest hours, it is significant and really does have an impact on our rates.
Harmon	No items.
Haase	No items.
Sheaffer	No items.
Maassel	For employees and everyone working outside hydrate, hydrate and hydrate.
Baer	I would like someone to check with Chad on one item, there's been a sinkhole at Lafayette and Capri that has been covered up with a barrel for a year, the walkers in the neighborhood have approached me about this. Mazur said this will be on the schedule soon.
Comadoll	This afternoon a gentlemen complained about the railroad tracks on Oakwood, they are very bumpy for motorcycles. He said two years ago we patched with the spray patcher if we could hit that again he would be happy. He wanted all of Oakwood done. Mazur noted the idea was brought up in a previous meeting instead of doing Scott Street we do Oakwood Avenue we did submit a grant it is lengthy and costly project. There are short term patching things we can do to help but do have to be careful since is railroad right-of-way have to communicate with them and hopefully communicate well enough they will do on their own but has not been the case in last couple of years I've been here.
Peddicord	No items.
Approve Payment of Bills & Financial Reports	The bills and financial reports were approved as presented with no objections.

Motion to Adjourn

Motion: Sheaffer
to adjourn the City Council meeting.

Second: Comadoll

Passed

Yea-4

Nay-0

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

Adjournment

the City Council meeting was adjourned at 7:17 pm.

Approved:

August 5, 2019

Joseph D. Bialorucki, Council President

Jason P. Maassel, Mayor

Roxanne Dietrich, Recording Secretary

ORDINANCE NO. 050-19

AN ORDINANCE APPROVING CURRENT MAY 2019 REPLACEMENT PAGES TO THE CITY OF NAPOLEON CODIFIED ORDINANCES

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

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

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

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

Section 1. That, the Ordinances of the City of Napoleon, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the May 2019 Replacement Pages to the Codified Ordinances are hereby approved and adopted; such having been certified as correct by the interim Clerk of Council and the Mayor.

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

Traffic Code

Bicycle, Motorized Bicycle, Moped, Electric Bicycle
Motor Vehicle
Predicate Motor Vehicle Offense
Shared-Use Path
Vehicle
Freeway Use Restricted
Driver's Duties Upon Approaching Ambiguous Traffic Signal
Overtaking, Passing to Left; Driver's Duties
Signals Before Changing Course, Turning, or Stopping
Hand and Arm Signals
Driving Upon Sidewalks, Street Lawns or Curbs
Code Application to Bicycles
Riding Upon Seats
Attaching Bicycle to Vehicle
Riding Bicycles and Motorcycles Abreast
Signal Device on Bicycle
Lights and Reflector on Bicycle
Riding Bicycle on Right Side of Roadway
Reckless Operation
Parking of Bicycle

Paths Exclusively for Bicycles
Electric Bicycles

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:

Roxanne Dietrich, interim Clerk of Council

I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 050-19 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.

Roxanne Dietrich, interim Clerk of Council

EDITOR'S NOTE: Material highlighted in yellow indicates it is new or changed material. If there is no highlighted material on a page then material has been moved forward or back to accommodate new text. Also, please note that punctuation and underlining do not appear properly in highlighted material. A yellow block indicates material has been deleted.)

CODIFIED ORDINANCES OF THE CITY OF NAPOLEON OHIO

Complete to May 20, 2019

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 May 20, 2019.

/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

ANIMALS

- dangerous or vicious dogs 505.14
- freeway, on 303.06
- hunting
 - Canada Geese 505.15
 - prohibited 505.11
- restraining dogs in cruel manner 505.16
- street, on 303.05

ANNEXATION

- zoning of annexed land 1125.05

ANTENNAS

- satellite; microwave 1127.20

APPEALS (see also specific subject involved)

- Building Appeals Board 177.03
- court procedure 187.01
- lodging tax 191.17
- nuisance abatement 503.11
- zoning 175.04

ARSON

- laws, posting 1501.06

ASSEMBLY (see also PARADES AND ASSEMBLAGES)

- street, on; permit 312.04, 312.07

ASSURED CLEAR

- DISTANCE** 331.09, 333.03

ATM DEVICE

- City expenses paid with 137.12

ATTEMPT

- 501.09

AWNINGS (see SIGNS)**BARRICADES AND WARNING LIGHTS**

- excavations 905.05
- required 521.03

B-B GUNS

549.08

BEER (see INTOXICANTS; INTOXICATION)**BETTING** (see GAMBLING)**BICYCLE** (see also MOTORCYCLE)

- bell, signal device 373.05
- brakes 373.06
- defined 301.04
- electric bicycles 373.13
- freeway, on 303.06
- handle bars 373.02
- license (see BICYCLE LICENSING)
- lights 373.06
- motorized 301.04(b), 373.10
- parking 373.09
- reckless operation 373.02(d), 373.08
- reflector 373.06
- riding abreast 373.04
- right side of street 373.07
- seat, use 373.02
- sidewalks, riding on 373.11
- Traffic Code, application 373.01
- traffic rules, obedience 373.07
- vehicle, attaching to 373.03

BICYCLE LICENSING

- application 374.02
- fee 373.04
- inspection 374.03
- penalty 374.99
- police officer, shown to 374.08
- removal 374.09
- required 374.01
- tags, registration
 - alteration 374.07
 - display 374.06
 - issuance 374.05

BICYCLE PATH

- shared-use 301.361
- vehicles, snowmobile
 - prohibited on 331.37

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
-----------------	--------

ELECTRIC BICYCLES

373.13

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
----------------------	--------

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	026-16	9-6-16	1121.03
033-11	6-20-11	Repeals 1525.01	036-16	9-19-16	194.051, 194.091
035-11	7-18-11	197.03	037-16	11-7-16	TRAF. SCH. II
038-11	8-1-11	105.02	050-16	11-21-16	193.11, 194.013
043-11	8-15-11	TRAF. SCH. V, XI, XIII	051-16	12-21-16	931.07
054-11	9-6-11	107.06	010-17	6-5-17	197.18
80-11	12-19-11	931.07	030-17	5-1-17	1145.01
Res.			036-17	6-5-17	1101.01
088-11	11-21-11	193.11	038-17	9-18-17	Repeal Ch. 711
99-11	12-19-11	133.07, 139.01, 139.02, 142.01	057-17	9-18-17	1501.01
12-12	2-6-12	1335.08, 1335.32	058-17	10-16-17	143.06
15-12	3-5-12	197.01, 197.03, 197.11	059-17	11-6-17	747.01, 747.02, 747.99, 1127.22
16-12	3-5-12	195.01, 195.08, 195.14	067-17	11-20-17	193.11, 194.013
48-12	7-2-12	931.10	070-17	11-6-17	1301.01
56-12	9-17-12	939.05	074-17	12-4-17	143.06
60-12	9-17-12	931.08	088-17	12-18-17	931.07
67-12	11-19-12	925.13	003-18	3-5-18	955.09
70-12	12-3-12	121.03	005-18	2-19-18	194.30 to 194.315
Res.			006-18	4-2-18	194.134
73-12	11-19-12	193.11	009-18	4-16-18	TRAF. SCH. II
002-13	2-4-13	955.09, 955.10, 955.16, 955.19	011-18	4-16-18	197.15
015-13	3-18-13	955.09	017-18	4-2-18	195.04
042-13	10-21-13	1101.01, 1145.01	021-18	5-21-18	931.10, 1105.02, 1325.01 to 1325.06, 1325.99
045-13	10-7-13	137.14	029-18	7-2-18	505.14
059-13	11-18-13	197.18	058-18	11-5-18	931.09
067-13	12-16-13	931.07	060-18	11-19-18	339.13
Res.			086-18	1-21-19	955.09
068-13	12-16-13	193.11	007-19	1-21-19	195.04, 195.07
010-14	4-21-14	931.07	030-19	5-20-19	TRAF. SCH. II and IX
027-14	5-19-14	931.13			
028-14	5-19-14	931.09			
042-14	8-4-14	197.01 to 197.19			
065-14	11-17-14	939.02			
002-15	1-19-15	197.16, 197.18			
004-15	1-19-15	955.09			
015-15	3-16-15	939.02			
021-15	4-6-15	955.19			
044-15	8-3-15	955.09			
045-15	8-3-15	955.20			
053-15	11-16-15	194.01 to 194.20, 194.97, 194.98, 194.99			
057-15	11-16-15	193.11, 194.013			
060-15	12-21-15	955.21			
013-16	5-16-16	137.06			

Table of Contents

195.07 RULE 7 PERMANENT APPOINTMENTS.

Rule 7.1	Requisitions
Rule 7.2	Requisition By Sex
Rule 7.3	Filling Original Positions Below The Rank Of Chief from a Certified Eligible List
Rule 7.4	Reserved
Rule 7.5	Objection By Appointing Authority
Rule 7.6	Reply By Eligible
Rule 7.7	Reserved
Rule 7.8	Reserved
Rule 7.9	Reserved
Rule 7.10	Reserved
Rule 7.11	Notice
Rule 7.12	Time Of Acceptance Or Rejection
Rule 7.13	Reserved
Rule 7.14	Reserved
Rule 7.15	Appropriateness Of Duties
Rule 7.16	Reserved
Rule 7.17	Probationary Period
Rule 7.17.1	Purpose
Rule 7.17.2	Probation Period
Rule 7.18	Poor Evaluation During Probationary Period
Rule 7.19	Restrictions For Appointment
Rule 7.20	Lateral Transfer.

195.08 RULE 8 EXCEPTIONAL, EMERGENCY AND TEMPORARY APPOINTMENTS

Rule 8.1	General Provisions For Rule 8
Rule 8.2	Acting Positions
Rule 8.3	Exceptional Appointments
Rule 8.4	Reserved
Rule 8.5	Reserved
Rule 8.6	Emergency Appointments
Rule 8.6.1	Documenting Appointments
Rule 8.6.2	Successive Appointments
Rule 8.6.3	Subsequent Appointments
Rule 8.6.4	Probationary Periods
Rule 8.6.5	Standing On Eligible List
Rule 8.6.6	License Or Certificate Requirements
Rule 8.7	Notice of Temporary Service
Rule 8.8	Reserved
Rule 8.9	Reserved
Rule 8.10	Reserved
Rule 8.11	Substitute (Interim) Employees

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. (Ord. 017-18. Passed 4-16-18.)

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 two (2) years 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. (Ord. 007-19. Passed 1-21-19.)

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 7.13 **Reserved****Rule 7.14** **Reserved****Rule 7.15** **Appropriateness Of Duties**

The assignment of duties is the responsibility of the appointing authority. It is the responsibility of the appointing authority to see that accurate descriptions of the duties performed by the Competitive Classified Positions are reported to the commission.

Rule 7.16 **Reserved****Rule 7.17** **Probationary Period****Rule 7.17.1 Purpose**

The probationary period shall be regarded as an integral part of the appointment process and shall be used for closely observing the employee's work, for securing the most effective adjustment of a new employee to a new job and for discharging any employee whose performance does not meet required work standards.

Rule 7.17.2 Probation period

Each employee in the classified civil service shall serve a probationary period in accordance with the city's personnel code (administrative code) or appropriate collective bargaining agreement.

Rule 7.18 **Poor Evaluation During Probationary Period**

If an employee receives a poor evaluation by the appointing authority at any time during his or her probationary period, this shall be considered adequate grounds for probationary dismissal. This dismissal shall be accomplished during the time period established.

Rule 7.19 **Restrictions For Appointment**

Any restrictions for appointment from an eligible list as to age, physical or other requirements shall be made prior to and stated in the bulletin announcing the examination and no eligible list shall be so restricted unless it had been announced in the examination bulletin.
(Ord. 039-10. Passed 6-7-10.)

Rule 7.20**Lateral Transfer**

The City of Napoleon wishes to broaden the pool of applicants for the City of Napoleon Police Department by allowing employees appointed as a full time Patrol Officer who possess certification from Basic Police School (OPOTA or equivalent), and whose last position held with the employee's last employer was a law enforcement position, to utilize full years of service in the law enforcement position with the employee's last employer for calculation of pay and vacation accrual only, while still protecting the seniority rights of current Napoleon Police Officers, including but not limited to seniority affecting layoff, recall, overtime assignment, acting time, vacation selection, shift preferences, etc. Employees appointed by the City of Napoleon as a full time Patrol Officer who possess certification from Basic Police School (OPOTA or equivalent) and whose last position held with the employee's last employer was a law enforcement position, shall be credited with two weeks (80 hours) of vacation on date of hire.

The City of Napoleon wishes to broaden the pool of applicants for the City of Napoleon Fire Department by allowing employees appointed as a full time Firefighter/Paramedic who possess certifications of Ohio Firefighter II and State of Ohio Paramedic, and whose last position held with the employee's last employer was a firefighter/paramedic position, to utilize full years of service in the fire department position with the employee's last employer for calculation of pay and vacation only, while still protecting the seniority rights of current Napoleon Firefighters/Paramedics, including but not limited to seniority affecting layoff, recall, overtime assignment, acting time, vacation selection, shift preferences, etc. Employees appointed by the City of Napoleon as a full time Firefighter/Paramedic who possess certifications of Ohio Firefighter II and State of Ohio Paramedic, and whose last position held with the employee's last employer was a firefighter/paramedic position shall be credited with forty-eight (48) hours of vacation on date of hire. (Ord. 007-19. Passed 1-21-19.)

195.08 RULE 8 EXCEPTIONAL, EMERGENCY AND TEMPORARY APPOINTMENTS.**Rule 8.1****General Provisions For Rule 8**

Except as otherwise provided in this Rule 8.2, Rule 8 shall apply only to the competitive classified civil service positions, but these rules do not limit appointing authorities' ability to make emergency or temporary appointments to other positions that are not in the competitive classified civil service.

Rule 8.2**Acting Positions**

Any employee in the classified service of the City that is temporarily appointed to an "acting" position in the unclassified service of the City shall not be considered removed from the classified civil service during the acting time; moreover, a temporary appointment to any "acting" position, classified or unclassified, shall not be considered a promotion and removal therefrom shall not be considered a demotion.

Rule 8.3 **Exceptional Appointments**

In case of a vacancy in a position in the classified service where peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character are required, and upon satisfactory evidence that for specified reasons competition in such special case is impracticable and that the position can best be filled by a selection of some designated person of high and recognized attainments in such qualities, the commission may suspend the provisions of the Civil Service Code unless otherwise prohibited by order of council; such order which may be formulated and approved by motion of council.

Rule 8.4 **Reserved****Rule 8.5** **Reserved****Rule 8.6** **Emergency Appointments**

An emergency appointment to a position to meet an emergency situation, is not subject to civil service law, and is limited to a maximum of thirty (30) calendar days. In the case of an emergency, an emergency appointment may be made.

Rule 8.6.1 Documenting Appointments

When reporting emergency appointments to the commission, the appointing authority must include supportive documentation or descriptive information establishing that an emergency exists.

Rule 8.6.2 Successive Appointments

Consecutive emergency appointments shall not be made to the same or similar classification.

Rule 8.6.3 Subsequent Appointments

Upon expiration of an emergency appointment, the position shall be filled, if at all, by a certified appointment if a list then exists.

Rule 8.6.4 Probationary Periods

Emergency service shall not be counted as a part of the probationary period.

Rule 8.6.5 Standing On Eligible List

The acceptance or refusal by an eligible individual of an emergency appointment shall not affect the individual's standing on the eligible list for permanent employment.

Rule 8.6.6 License Or Certificate Requirements

All emergency appointees must meet license or certificate requirements for the classification or position to which they are appointed.

CODIFIED ORDINANCES OF NAPOLEON

PART THREE - TRAFFIC CODE

TITLE ONE - Administration

Chap. 301. Definitions.

Chap. 303. Enforcement, Impounding and Penalty.

Chap. 305. Traffic Control.

CHAPTER 301

Definitions

301.01	Meaning of words and phrases.	301.26	Private road or driveway.
301.02	Agricultural tractor.	301.27	Public safety vehicle.
301.03	Alley.	301.28	Railroad.
301.031	Beacon; hybrid beacon.	301.29	Railroad sign or signal.
301.04	Bicycle; motorized bicycle; moped; electric bicycle.	301.30	Railroad train.
301.05	Bus.	301.31	Residence district.
301.06	Business district.	301.32	Right of way.
301.07	Commercial tractor.	301.321	Road service vehicle.
301.08	Controlled-access highway.	301.33	Roadway.
301.09	Crosswalk.	301.34	Safety zone.
301.10	Driver or operator.	301.35	School bus.
301.11	Emergency vehicle.	301.36	Semitrailer.
301.12	Explosives.	301.361	Shared-use path.
301.13	Expressway.	301.37	Sidewalk.
301.14	Flammable liquid.	301.38	State route.
301.15	Freeway.	301.39	Stop (when required).
301.16	Gross weight.	301.40	Stopping or standing.
301.161	Highway maintenance vehicle.	301.41	Stop intersection.
301.162	Highway traffic signal.	301.42	Street or highway; arterial street.
301.17	Intersection.	301.43	Through street or highway.
301.18	Laned street or highway.	301.44	Thruway.
301.181	Median.	301.45	Traffic.
301.19	Motorcycle.	301.46	Traffic control devices.
301.20	Motor vehicle.	301.47	Traffic control signal.
301.201	Operate.	301.48	Trailer.
301.21	Park or parking.	301.49	Truck.
301.22	Pedestrian.	301.50	Urban district.
301.23	Person.	301.51	U-turn; J-turn.
301.24	Pole trailer.	301.52	Vehicle.
301.25	Police officer.	301.53	Waste collection vehicle.
301.251	Predicate motor vehicle or traffic offense.	301.54	Wheelchair, motorized.

CROSS REFERENCES

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

301.01 MEANING OF WORDS AND PHRASES.

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

301.02 AGRICULTURAL TRACTOR.

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

301.03 ALLEY.

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

301.031 BEACON; HYBRID BEACON.

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

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

301.04 BICYCLE; MOTORIZED BICYCLE; MOPED; ELECTRIC BICYCLE.

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

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

"Motorized bicycle" or "moped" does not include an electric bicycle. (ORC 4511.01(H))

(c) "Electric bicycle" means a "class 1 electric bicycle", a "class 2 electric bicycle", or a "class 3 electric bicycle" as defined in this section. (ORC 4511.01(RRR))

(1) "Class 1 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour. (ORC 4511.01(SSS))

(2) "Class 2 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that may provide assistance regardless of whether the rider is pedaling and is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour. (ORC 4511.01(TTT))

(3) "Class 3 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour. (ORC 4511.01(UUU))

301.05 BUS.

"Bus" means every motor vehicle designed for carrying more than nine passengers and used for the transportation of persons other than in a ridesharing arrangement as defined in Ohio R.C. 4511.01, and every motor vehicle, automobile for hire or funeral car, other than a taxicab or motor vehicle used in a ridesharing arrangement, designed and used for the transportation of persons for compensation. (ORC 4511.01(L))

301.06 BUSINESS DISTRICT.

"Business district" means the territory fronting upon a street or highway, including the street or highway, between successive intersections where fifty percent or more of the frontage between such successive intersections is occupied by buildings in use for business, or where fifty percent or more of the frontage for a distance of 300 feet or more is occupied by buildings in use for business, and the character of such territory is indicated by official traffic control devices. (ORC 4511.01(NN))

301.07 COMMERCIAL TRACTOR.

"Commercial tractor" means every motor vehicle having motive power designed or used for drawing other vehicles and not so constructed as to carry any load thereon, or designed or used for drawing other vehicles while carrying a portion of such other vehicles, or the load thereon, or both. (ORC 4511.01(I))

301.08 CONTROLLED-ACCESS HIGHWAY.

"Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right or access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway. (ORC 4511.01(CC))

301.09 CROSSWALK.

"Crosswalk" means:

- (a) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;

- (b) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;
- (c) Notwithstanding subsections (a) and (b) hereof, there shall not be a crosswalk where authorized signs have been placed indicating no crossing.
(ORC 4511.01(LL))

301.10 DRIVER OR OPERATOR.

"Driver" or "operator" means every person who drives or is in actual physical control of a vehicle. (ORC 4511.01(Y))

301.11 EMERGENCY VEHICLE.

"Emergency vehicle" means emergency vehicles of municipal, township or county departments or public utility corporations when identified as such as required by law, the Ohio Director of Public Safety or local authorities, and motor vehicles when commandeered by a police officer. (ORC 4511.01(D))

301.12 EXPLOSIVES.

"Explosives" means any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by a detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb.

Manufactured articles shall not be held to be explosives when the individual units contain explosives in such limited quantities, of such nature or in such packing, that it is impossible to procure a simultaneous or a destructive explosion of such units, to the injury of life, limb or property by fire, by friction, by concussion, by percussion or by a detonator, such as fixed ammunition for small arms, firecrackers or safety fuse matches. (ORC 4511.01(T))

301.13 EXPRESSWAY.

"Expressway" means a divided arterial highway for through traffic with full or partial control of access with an excess of fifty percent of all crossroads separated in grade.
(ORC 4511.01(ZZ))

301.14 FLAMMABLE LIQUID.

"Flammable liquid" means any liquid that has a flash point of seventy degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed cup test device.
(ORC 4511.01(U))

301.15 FREEWAY.

"Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access.
(ORC 4511.01(Y))

301.16 GROSS WEIGHT.

"Gross weight" means the weight of a vehicle plus the weight of any load thereon.
(ORC 4511.01(V))

301.161 HIGHWAY MAINTENANCE VEHICLE.

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

301.162 HIGHWAY TRAFFIC SIGNAL.

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

301.17 INTERSECTION.

“Intersection” means:

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

301.18 LANED STREET OR HIGHWAY.

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

301.181 MEDIAN.

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

301.19 MOTORCYCLE.

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

301.20 MOTOR VEHICLE.

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

301.201 OPERATE.

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

301.21 PARK OR PARKING.

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

301.22 PEDESTRIAN.

"Pedestrian" means any natural person afoot. (ORC 4511.01(X))

301.23 PERSON.

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

301.24 POLE TRAILER.

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

301.25 POLICE OFFICER.

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

301.251 PREDICATE MOTOR VEHICLE OR TRAFFIC OFFENSE.

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

- (a) A violation of Ohio R.C. 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.522, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78 or 4511.84;
- (b) A violation of division (A)(2) of Ohio R.C. 4511.17, divisions (A) to (D) of Ohio R.C. 4511.51, or division (A) of Ohio R.C. 4511.74;
- (c) A violation of any provision of Ohio R.C. 4511.01 to 4511.76 for which no penalty otherwise is provided in the section that contains the provision violated;
- (d) A violation of Ohio R.C. 4511.214;
- (e) A violation of a municipal ordinance that is substantially similar to any section or provision set forth or described in subsection (a) to (d) of this section. (ORC 4511.01(III))

301.26 PRIVATE ROAD OR DRIVEWAY.

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

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

301.27 PUBLIC SAFETY VEHICLE.

"Public safety vehicle" means any of the following:

- (a) Ambulances, including private ambulance companies under contract to a municipal corporation, township or county and private ambulances and transport vehicles bearing license plates issued under Ohio R.C. 4503.49;
- (b) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the State or the Municipality;
- (c) Any motor vehicle when properly identified as required by the Ohio Director of Public Safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The Ohio Fire Marshal shall be designated by the Ohio Director of Public Safety as the certifying agency for all public safety vehicles described in this subsection (c);

- (d) Vehicles used by fire departments, including motor vehicles when used by volunteer fire fighters responding to emergency calls in the fire department service when identified as required by the Ohio Director of Public Safety.
Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a public safety vehicle, shall be considered a public safety vehicle when transporting an ill or injured person to a hospital regardless of whether such vehicle has already passed a hospital.
(ORC 4511.01(E))
- (e) Vehicles used by the Commercial Motor Vehicle Safety Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission as specified in Ohio R.C. 5503.34.

301.28 RAILROAD.

"Railroad" means a carrier of persons or property operating upon rails placed principally on a private right of way. (ORC 4511.01(P))

301.29 RAILROAD SIGN OR SIGNAL.

"Railroad sign or signal" means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. (ORC 4511.01(SS))

301.30 RAILROAD TRAIN.

"Railroad train" means a steam engine, or an electric or other motor, with or without cars coupled thereto, operated by a railroad. (ORC 4511.01(Q))

301.31 RESIDENCE DISTRICT.

"Residence district" means the territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of 300 feet or more, the frontage is improved with residences or residences and buildings in use for business.
(ORC 4511.01(OO))

301.32 RIGHT OF WAY.

"Right of way" means either of the following, as the context requires:

- (a) The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle or pedestrian approaching from a different direction into its or the individual's path;
- (b) A general term denoting land, property or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right of way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the State or local authority. (ORC 4511.01(UU))

301.321 ROAD SERVICE VEHICLE.

"Road service vehicle" means wreckers, utility repair vehicles, and state, county, and municipal service vehicles equipped with visual signals by means of flashing, rotating, or oscillating lights. (ORC 4511.01(JJJ))

301.33 ROADWAY.

"Roadway" means that portion of a street or highway improved, designed or ordinarily used for vehicular travel, except the berm or shoulder. If a street or highway includes two or more separate roadways, the term "roadway" means any such roadway separately but not all such roadways collectively. (ORC 4511.01(EE))

301.34 SAFETY ZONE.

"Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or marked or indicated by adequate signs as to be plainly visible at all times. (ORC 4511.01(MM))

301.35 SCHOOL BUS.

"School bus" means every bus designed for carrying more than nine passengers that is owned by a public, private or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function; provided "school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of the Municipality, or within such limits and the territorial limits of municipal corporations immediately contiguous to the Municipality, nor a common passenger carrier certified by the Public Utilities Commission unless such bus is devoted exclusively to the transportation of children to and from a school session or a school function, and "school bus" does not include a van or bus used by a licensed child day-care center or type A family day-care home to transport children from the child day-care center or type A family day-care home to a school if the van or bus does not have more than fifteen children in the van or bus at any time. "Child day-care center" and "type A family day-care home" have the same meanings as in Ohio R.C. 5104.01. (ORC 4511.01(F), (FFF))

301.36 SEMITRAILER.

"Semitrailer" means every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle. (ORC 4511.01(N))

301.361 SHARED-USE PATH.

"Shared-use path" means a bikeway outside the traveled way and physically separate from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use. (ORC 4511.01(PPP))

301.37 SIDEWALK.

"Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians. (ORC 4511.01(FF))

301.38 STATE ROUTE.

"State route" means every highway that is designated with an official State route number and so marked. (ORC 4511.01(JJ))

301.39 STOP (WHEN REQUIRED).

"Stop" when required means a complete cessation of movement.

301.40 STOPPING OR STANDING.

(a) "Stop or stopping" when prohibited means any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device.

(b) "Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise then temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

301.41 STOP INTERSECTION.

"Stop intersection" means any intersection at one or more entrances of which stop signs are erected. (ORC 4511.01(BBB))

301.42 STREET OR HIGHWAY; ARTERIAL STREET.

(a) "Street" or "highway" are synonymous and mean the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel. (ORC 4511.01(BB))

(b) "Arterial street" means any United States or State numbered route, controlled access highway or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways. (ORC 4511.01(CCC))

301.43 THROUGH STREET OR HIGHWAY.

"Through street or highway" means every street or highway as provided in Section 313.02. (ORC 4511.01(HH))

301.44 THRUWAY.

"Thruway" means a through street or highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited. (ORC 4511.01(AAA))

301.45 TRAFFIC.

"Traffic" means pedestrians, ridden or herded animals, vehicles and other devices, either singly or together, while using for purposes of travel any street or highway or private road open to public travel. (ORC 4511.01(TT))

301.46 TRAFFIC CONTROL DEVICE.

"Traffic control device" means a flagger, sign, signal, marking, or other device used to regulate, warn or guide traffic, placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or, in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction. (ORC 4511.01(QQ))

301.47 TRAFFIC CONTROL SIGNAL.

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

301.48 TRAILER.

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

301.49 TRUCK.

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

301.50 URBAN DISTRICT.

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

301.51 U-TURN; J-TURN.

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

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

301.52 VEHICLE.

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

301.53 WASTE COLLECTION VEHICLE.

"Waste collection vehicle" means a vehicle used in the collection of garbage, refuse, trash or recyclable materials. (ORC 4511.01(RRR))

301.54 WHEELCHAIR, MOTORIZED.

"Motorized wheelchair" means any self-propelled vehicle designed for, and used by, a handicapped person and that is incapable of a speed in excess of eight miles per hour.
(ORC 4511.01(EEE))

303.05 APPLICATION TO PERSONS RIDING, DRIVING ANIMALS UPON ROADWAY.

Every person riding, driving or leading an animal upon a roadway shall be subject to the provisions of this Traffic Code applicable to the driver of a vehicle, except those provisions of such sections which by their nature are inapplicable. (ORC 4511.05)

303.06 FREEWAY USE PROHIBITED BY PEDESTRIANS, BICYCLES AND ANIMALS.

(a) No person, unless otherwise directed by a police officer, shall:

- (1) As a pedestrian, occupy any space within the limits of the right-of-way of a freeway, except: in a rest area; on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for pedestrian use; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle; or to obtain assistance;
- (2) Occupy any space within the limits of the right of way of a freeway, with: an animal-drawn vehicle; a ridden or led animal; herded animals; a pushcart; a bicycle, except on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use; **an electric bicycle**; a bicycle with motor attached; a motor driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; farm machinery; except in the performance of public works or official duties.

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.
(ORC 4511.051)

303.07 APPLICATION TO DRIVERS OF GOVERNMENT VEHICLES.

The provisions of this Traffic Code applicable to the drivers of vehicles shall apply to the drivers of all vehicles owned or operated by the United States, any state or any political subdivision thereof, including this Municipality, except as may be otherwise provided by law and subject to such specific exceptions as are set forth with reference to authorized emergency and public safety vehicles.

303.08 IMPOUNDING OF VEHICLES; REDEMPTION.

(a) Police officers are authorized to provide for the removal of a vehicle under the following circumstances:

- (1) When any vehicle is left unattended upon any street, bridge or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations.

303.05 APPLICATION TO PERSONS RIDING, DRIVING ANIMALS UPON ROADWAY.

Every person riding, driving or leading an animal upon a roadway shall be subject to the provisions of this Traffic Code applicable to the driver of a vehicle, except those provisions of such sections which by their nature are inapplicable. (ORC 4511.05)

303.06 FREEWAY USE PROHIBITED BY PEDESTRIANS, BICYCLES AND ANIMALS.

(a) No person, unless otherwise directed by a police officer, shall:

- (1) As a pedestrian, occupy any space within the limits of the right-of-way of a freeway, except: in a rest area; on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for pedestrian use; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle; or to obtain assistance;
- (2) Occupy any space within the limits of the right of way of a freeway, with: an animal-drawn vehicle; a ridden or led animal; herded animals; a pushcart; a bicycle, except on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use; an electric bicycle; a bicycle with motor attached; a motor driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; farm machinery; except in the performance of public works or official duties.

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.051)

303.07 APPLICATION TO DRIVERS OF GOVERNMENT VEHICLES.

The provisions of this Traffic Code applicable to the drivers of vehicles shall apply to the drivers of all vehicles owned or operated by the United States, any state or any political subdivision thereof, including this Municipality, except as may be otherwise provided by law and subject to such specific exceptions as are set forth with reference to authorized emergency and public safety vehicles.

303.08 IMPOUNDING OF VEHICLES; REDEMPTION.

(a) Police officers are authorized to provide for the removal of a vehicle under the following circumstances:

- (1) When any vehicle is left unattended upon any street, bridge or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations.

- (2) Except as otherwise provided in this subsection, whoever violates subsection (a)(2) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates subsection (a)(2) of this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates subsection (a)(2) of this section is guilty of a misdemeanor of the third degree.
(ORC 4511.17)

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

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

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

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

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

(ORC 4511.132)

313.10 UNLAWFUL PURCHASE, POSSESSION OR SALE.

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

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

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

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

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

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

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

(ORC 4511.25)

331.02 PASSING TO RIGHT WHEN PROCEEDING IN OPPOSITE DIRECTIONS.

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

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

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

(ORC 4511.26)

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

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

- (1) The operator of a vehicle overtaking another vehicle proceeding in the same direction shall, except as provided in subsection (a)(3) hereof, signal to the vehicle to be overtaken, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. When a motor vehicle overtakes and passes a bicycle or electric bicycle, three feet or greater is considered a safe passing distance.
- (2) Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle at the latter's audible signal, and the operator shall not increase the speed of the operator's vehicle until completely passed by the overtaking vehicle.

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

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

(ORC 4511.37)

331.13 STARTING AND BACKING VEHICLES.

(a) No person shall start a vehicle which is stopped, standing or parked until such movement can be made with reasonable safety.

Before backing, operators of vehicles shall give ample warning, and while backing they shall exercise vigilance not to injure person or property on the street or highway.

No person shall back a motor vehicle on a freeway, except: in a rest area; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle.

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.38)

331.14 SIGNALS BEFORE CHANGING COURSE, TURNING OR STOPPING.

(a) No person shall turn a vehicle or move right or left upon a highway unless and until such person has exercised due care to ascertain that the movement can be made with reasonable safety nor without giving an appropriate signal in the manner hereinafter provided.

When required, a signal of intention to turn or move right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning, except that in the case of a person operating a bicycle or electric bicycle, the signal shall be made not less than one time but is not required to be continuous. A bicycle or electric bicycle operator is not required to make a signal if the bicycle or electric bicycle is in a designated turn lane, and a signal shall not be given when the operator's hands are needed for the safe operation of the bicycle or electric bicycle.

No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give a signal.

Any stop or turn signal required by this section shall be given either by means of the hand and arm, or by signal lights that clearly indicate to both approaching and following traffic intention to turn or move right or left, except that any motor vehicle in use on a highway shall be equipped with, and the required signal shall be given by, signal lights when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet, whether a single vehicle or a combination of vehicles.

The signal lights required by this section shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.
(ORC 4511.39)

331.15 HAND AND ARM SIGNALS.

(a) Except as provided in subsection (b) hereof, all signals required by this Traffic Code, when given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

- (1) Left turn: Hand and arm extended horizontally;
- (2) Right turn: Hand and arm extended upward;
- (3) Stop or decrease speed: Hand and arm extended downward.

(b) As an alternative to subsection (a)(2) hereof, a person operating a bicycle or electric bicycle may give a right turn signal by extending the right hand and arm horizontally and to the right side of the bicycle or electric bicycle.

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.
(ORC 4511.40)

331.16 RIGHT OF WAY AT INTERSECTIONS.

(a) When two vehicles approach or enter an intersection from different streets or highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

(b) The right of way rule declared in subsection (a) hereof, is modified at through highways and otherwise as stated in this Traffic Code and Ohio R.C. Chapter 4511.
(ORC 4511.41)

(c) Subject to compliance with any traffic control device, when two vehicles approach or enter a junction of two or more alleys from different directions at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

331.37 DRIVING UPON SIDEWALK OR BIKE PATH.

(a) No person shall drive any vehicle, other than a bicycle or an electric bicycle if the motor is not engaged, upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. (ORC 4511.711)

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

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

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

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

331.38 STOPPING FOR SCHOOL BUS; DISCHARGING CHILDREN.

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

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

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

(c) Where a highway has been divided into four or more traffic lanes, a driver of a vehicle need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and County boards of developmental disabilities, or children attending programs offered by head start agencies. The driver of any vehicle overtaking the school bus shall comply with subsection (a) hereof.

CHAPTER 373

Bicycles and Motorcycles

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

CROSS REFERENCES

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

373.01 CODE APPLICATION TO BICYCLES.

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

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

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

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

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

373.02 RIDING UPON SEATS; HANDLEBARS; HELMETS AND GLASSES.

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

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

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

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

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

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

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

- (h) (1) Except as provided in subsection (h)(2) of this section, no person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. Except as provided in subsection (i)(3) of this section, no person who is under the age of eighteen years, or who holds a motorcycle operator's endorsement or license bearing "novice" designation that is currently in effect as provided in Ohio R.C. 4507.13, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a United States Department of Transportation-approved protective helmet on the person's head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses or other protective eye device shall conform with rules adopted by the Ohio Director of Public Safety. The provisions of this subsection or a violation thereof shall not be used in the trial of any civil action.
- (2) Subsection (h)(1) of this section does not apply to a person operating an autocycle or cab-enclosed motorcycle when the occupant compartment top is in place enclosing the occupants.
- (i) (1) No person shall operate a motorcycle with a valid temporary permit and temporary instruction permit identification card issued by the Ohio Registrar of Motor Vehicles pursuant to Ohio R.C. 4507.05 unless the person, at the time of such operation, is wearing on the person's head a protective helmet that has been approved by the United States Department of Transportation that conforms with rules adopted by the Director.
- (2) No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the Registrar pursuant to Ohio R.C. 4507.05 in any of the following circumstances:
 - A. At any time when lighted lights are required by Section 337.02(a)(1);
 - B. While carrying a passenger;
 - C. On any limited access highway or heavily congested roadway.

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

(k) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.53)

373.03 ATTACHING BICYCLE OR SLED TO VEHICLE.

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

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

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.54)

373.04 RIDING BICYCLES AND MOTORCYCLES ABREAST.

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

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.55)

373.05 SIGNAL DEVICE ON BICYCLE.

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

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.56)

373.06 LIGHTS AND REFLECTOR ON BICYCLE; BRAKES.

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

- (1) A lamp mounted on the front of either the bicycle or electric bicycle or the operator that shall emit a white light visible from a distance of at least five hundred feet to the front; and three hundred feet to the sides. A generator-powered lamp that emits light only when the bicycle or electric bicycle is moving may be used to meet this requirement.

- (2) A red reflector on the rear that shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.
- (3) A lamp emitting either flashing or steady red light visible from a distance of five hundred feet to the rear shall be used in addition to the red reflector; If the red lamp performs as a reflector in that it is visible as specified in subsection (a)(2) of this section, the red lamp may serve as the reflector and a separate reflector is not required.

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

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

(d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.56)

373.07 RIDING BICYCLE ON RIGHT SIDE OF ROADWAY; OBEDIENCE TO TRAFFIC RULES; PASSING.

(a) Every person operating a bicycle or electric bicycle upon a roadway shall ride as near to the right side of the roadway as practicable obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) This section does not require a person operating a bicycle or electric bicycle to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked or moving vehicles, surface hazards, or if it otherwise is unsafe or impracticable to do so, including if the lane is too narrow for the bicycle or electric bicycle and an overtaking vehicle to travel safely side by side within the lane.

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.55(A))

373.08 RECKLESS OPERATION; CONTROL, COURSE AND SPEED.

- (a) No person shall operate a bicycle or electric bicycle:
- (1) Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb or property of any person while in the lawful use of the streets or sidewalks or any other public or private property;
 - (2) Without exercising reasonable and ordinary control over such bicycle or electric bicycle;
 - (3) In a weaving or zigzag course unless such irregular course is necessary for safe operation in compliance with law;
 - (4) Without both hands upon the handle grips except when necessary to give the required hand and arm signals, or as provided in Section 373.02(d);
 - (5) At a speed greater than is reasonable and prudent under the conditions then existing.

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

373.09 PARKING OF BICYCLE.

(a) No person shall park a bicycle or electric bicycle upon a sidewalk in such a manner so as to unduly interfere with pedestrian traffic or upon a roadway so as to unduly interfere with vehicular traffic.

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

373.10 MOTORIZED BICYCLE OPERATION, EQUIPMENT AND LICENSE.

(a) No person shall operate a motorized bicycle upon any street or highway or any public or private property used by the public for purposes of vehicular travel or parking, unless all of the following conditions are met:

- (1) The person is fourteen or fifteen years of age and holds a valid probationary motorized bicycle license issued after the person has passed the test provided for in Ohio R.C. 4511.521, or the person is sixteen years of age or older and holds either a valid commercial driver's license issued under Ohio R.C. Chapter 4506, or a driver's license issued under Ohio R.C. Chapter 4507, or a valid motorized bicycle license issued after the person has passed the test provided for in Ohio R.C. 4511.521, except that if a person is sixteen years of age, has a valid probationary motorized bicycle license and desires a motorized bicycle license, the person is not required to comply with the testing requirements provided for in Ohio R.C. 4511.521;
- (2) The motorized bicycle is equipped in accordance with rules adopted by the Ohio Director of Public Safety and is in proper working order;

- (3) The person, if under eighteen years of age, is wearing a protective helmet on the person's head with the chin strap properly fastened, and the motorized bicycle is equipped with a rear-view mirror;
- (4) The person operates the motorized bicycle when practicable within three feet of the right edge of the roadway obeying all traffic rules applicable to vehicles; and
- (5) The motorized bicycle displays on the rear of such bicycle the current license plate or validation sticker furnished by the Ohio Director of Public Safety under Ohio R.C. 4503.191.

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

(c) Each probationary motorized bicycle license or motorized bicycle license shall be laminated with a transparent plastic material.

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

373.11 RIDING BICYCLES ON SIDEWALKS PROHIBITED.

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

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

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

373.12 SKATEBOARDS; ROLLER SKATES.

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

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

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

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

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

373.13 ELECTRIC BICYCLES.

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

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, 11
Clinton St., E.	Perry St./Monroe St.	S	30 Min. (2A - 5A) 2 Hour (5A - 6P)	2-10 12-19
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)	2-13
Clinton St., E.	Monroe St./Perry St.	N	30 Min. (2A - 5A) 2 Hour (5A - 6P) Handicapped Parking Only	14
Clinton St., E.	Monroe St./Perry St.	N	30 Min. (2A - 5A) 2 Hour (5A - 6 P)	4 15-18
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)	1-8
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
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 2-4 all day
Perry St.	Clinton St./Shelby St.	E	30 Min. (2A - 5A) 2 Hour (5A - 6P) Handicapped Parking only	5 2a-5a 30 min.
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
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. 030-19. Passed 5-20-19.)

(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.)

SCHEDULE VIII. BUS STOP LOCATIONS.

The following area(s) are designated as bus stop locations:

Street	Location	Side
North Perry Street	The first two on-street parking spaces immediately north of the alley running east and west between and parallel to West Main Street and West Washington Street.	West

(1978 Code Traf. Sch. VIII)

SCHEDULE IX. ONE-WAY STREETS AND ALLEYS.

The streets and alleys as contained in Schedule IX herein are designated as one way streets and alleys within the City.

Street/Alley	From	To	Direction
Main St., W.	Perry St., N.	Scott St.	Westbound
Front St.	City Hall (parking lot)	Riverview Ave.	Westbound
Alley located between Main St., W. and Washington St., W.	Scott St.	Main St. parking lot	Eastbound
Alley located between Washington St., W. and Clinton St., W.	Scott St.	Webster St.	Westbound
Alley located between Washington St., E. and Clinton St., E.	276.5 feet East of the East Curb of Perry St., N.	Monroe St.	Eastbound

All other streets and/or
ramps within the City as
designated by the
Director of Transportation
in and for the State
of Ohio

(Ord. 030-19. Passed 5-20-19.)

- (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)
- (1) 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.)

- (s) In order to provide an opportunity for area organizations to offer golf outings, a golf outing rate shall be created per the following:

Number of Holes	Fee per Participant
9	\$15.00
18	\$25.00

(Ord. 086-18. Passed 1-21-19.)

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

PRELIMINARY LEGISLATION

Participatory

Ordinance # 051-19

PID No. 94319

County/Route/Section HEN-108-6.35

The following is an Ordinance enacted by the City of Napoleon, Henry County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

SECTION I - Project Description

WHEREAS, the LPA/STATE has identified the need for the described project:

2-lane resurfacing from the corporation line of Holgate to the Maumee River Bridge in Napoleon.

NOW THEREFORE, be it ordained by the City of Napoleon, Ohio

SECTION II - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

- 1) The LPA agrees to assume and contribute the entire cost and expense of the project less the amount of federal-aid funds set aside by the Director of Transportation for the financing of this project from funds allocated by the Federal Highway Administration, United States Department of Transportation.
- 2) The LPA will assume and bear one hundred percent (100%) of the total cost of any features requested by the LPA which are not necessary for the project as determined by the State and/or the Federal Highway Administration. In addition, the LPA will assume and bear one hundred percent (100%) of the total cost of construction items not eligible for urban paving funding.
- 3) The LPA consents to having the State acquire all necessary rights of way for the subject project in the name of the LPA.
- 4) The LPA agrees, upon completion of the project, to own and maintain all those portions of the project under its jurisdiction.
- 5) The State agrees to be the lead agency and to administer the construction phase of the project.

SECTION IV - Utilities and Right-of-Way Statement

The LPA agrees that all existing street and public way right-of-way within the jurisdiction of the LPA which is necessary for the described project shall be made available therefor. The LPA further agrees that any right-of-way acquired by said LPA on behalf of the described project shall be acquired and/or made available in accordance with current State and Federal regulations.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V - Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: 1) provide adequate maintenance for those portions of the Project under the jurisdiction of the LPA in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C., Section 116; 2) provide ample financial provisions, as necessary, for the maintenance of those portions of the Project under its jurisdiction; 3) maintain the right-of-way, keeping it free of obstructions; and 4) hold said right-of-way inviolate for public highway purposes.

SECTION VI - Authority to Sign

The City Manager of said City is hereby empowered on behalf of the City
(Contractual Officer)

to enter into contracts with the Director of Transportation necessary to complete the above described project.

Passed: _____,
(Date)

Attested: _____
(Mayor Signature)

(Contractual Officer Signature)

Attested: _____
(interim Clerk Signature)

(President of Council Signature)

This Ordinance is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

CERTIFICATE OF COPY
STATE OF OHIO

City of Napoleon, Henry, Ohio

I, Roxanne Dietrich as interim Clerk of Council for the City of Napoleon, Ohio, do hereby
certify that the foregoing is a true and correct copy of an Ordinance adopted by the legislative
Authority of the said City, on the _____ day of _____, _____, that the
publication of such Ordinance has been made and certified of record according to law; that no
proceedings looking to a referendum upon such Ordinance have been taken; and that such
Ordinance and certificate of publication thereof are of record in

_____, Page _____ .
(Ordinance Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official
seal, if applicable, this _____ day of _____, _____.

Roxanne Dietrich, interim Clerk of Council

(SEAL)
(If Applicable)

City of Napoleon, Ohio

The afore going is accepted as a basis for proceeding with the project herein described.

For the City of Napoleon Ohio

Attest: _____, Date _____
Contractual Officer

For the State of Ohio

Attest: _____, Date _____
Director, Ohio Department of Transportation

RESOLUTION NO. 047-19

**A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO
TRANSFER CERTAIN FUND BALANCES (TRANSFER NO. 3) FROM
RESPECTIVE FUNDS TO OTHER FUNDS PER SECTION 5705.14 ORC
ON AN AS NEEDED BASIS IN FISCAL YEAR 2019, LISTED IN EXHIBIT
"A"; AND DECLARING AN EMERGENCY**

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

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

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

Section 1. That, pursuant to Section 5705.14 of the ORC and this Resolution, the Finance Director is hereby authorized and directed to transfer monies, transfer number 3, among the various funds on an as needed basis in Fiscal Year 2019 as listed in Exhibit "A" attached hereto and made a part of this Resolution.

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

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

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

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Roxanne Dietrich, interim Clerk of Council

I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 047-19 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.

Roxanne Dietrich, interim Clerk of Council

2019 APPROPRIATION BUDGET - SUPPLEMENTAL BUDGET ADJUSTMENT BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY

Resolution No. 047-19, Passed 00/00/2019 FUND/DEPARTMENT-2ND QUARTER ADJUSTMENT	2019 SUPPLEMENTAL BUDGET ADJUSTMENT			2019 FUND TOTAL
	PERSONAL SERVICES	OTHER	TOTAL	
100 GENERAL FUND				
1500 Finance/Administrative	\$0	\$8,000.00	\$8,000.00	
Total - 100 General Fund	\$0	\$8,000.00	\$8,000.00	\$8,000.00
201 STATE HIGHWAY IMP FUND				
5100 Service/Streets Maint. And Prop.	\$0.00	\$11,070.00	\$11,070.00	\$11,070.00
204 COUNTY MV LIC. PERM. TAX FUND				
5100 Service/Streets Maint. And Prop.	\$0	-\$11,070.00	-\$11,070.00	-\$11,070.00
220 RECREATION FUND				
4400 Recreation/Parks & Programs	\$0.00	\$5,250.00	\$5,250.00	\$5,250.00
510 WATER REVENUE FUND				
6200 Water/Treatment Plant Operations	\$0.00	\$10,500.00	\$10,500.00	\$10,500.00
* GRAND TOTAL - ALL FUNDS	\$0.00	\$23,750.00	\$23,750.00	\$23,750.00

ORDINANCE NO. 048-19

**AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION
MEASURE (SUPPLEMENT NO. 4) FOR THE YEAR 2019; AND DECLARING
AN EMERGENCY**

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

Section 1. That, the annual appropriation measure passed in Ordinance No. 072-18 for the fiscal year ending December 31, 2019 shall be supplemented (Supplement No. 4) as provided in Exhibit "A" (one page), attached hereto and made a part hereof.

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

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

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

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Roxanne Dietrich, interim Clerk of Council

I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 048-19 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.

Roxanne Dietrich, interim Clerk of Council

2019 APPROPRIATION BUDGET - SUPPLEMENTAL BUDGET ADJUSTMENT BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY

ORDINANCE No. 048-19, Passed 00/00/2019 FUND/DEPARTMENT-2ND QUARTER ADJUSTMENT	2019 SUPPLEMENTAL BUDGET ADJUSTMENT			2019 FUND TOTAL
	PERSONAL SERVICES	OTHER	TOTAL	
100 GENERAL FUND				
1500 Finance/Administrative	\$0	\$8,000.00	\$8,000.00	
- 1500 Finance/Administrative - Legal Advertising - \$8,000.00:				
Accounts - 100.1500.53810 Legal Advertising		\$8,000.00		
Total - 100 General Fund	\$0	\$8,000.00	\$8,000.00	\$8,000.00
201 STATE HIGHWAY IMP FUND				
5100 Service/Streets Maint. And Prop.	\$0.00	\$11,070.00	\$11,070.00	\$11,070.00
- 5100 Service/Streets Maint. And Prop. - Additional Amount for Mowing Service \$11,070.00:				
Accounts - 201.5100.53300 Service Fees - Profess		\$11,070.00		
204 COUNTY MV LIC. PERM. TAX FUND				
5100 Service/Streets Maint. And Prop.	\$0	-\$11,070.00	-\$11,070.00	-\$11,070.00
- 5100 Service/Streets Maint. And Prop. - Funds to the 201 Fund for Mowing -\$11,070.00:				
Accounts - 204.5100.54260 Supplies-Ice & Snow		-\$11,070.00		
220 RECREATION FUND				
4400 Recreation/Parks & Programs	\$0.00	\$5,250	\$5,250.00	\$5,250.00
- 4400 recreation/Parks Program - Additional for Shelter House Refunds \$5,250.00:				
Accounts - 220.4400.59000 Shelter House Refund		\$5,250.00		
510 WATER REVENUE FUND				
6200 Water/Treatment Plant Operations	\$0.00	\$10,500	\$10,500.00	\$10,500.00
- 6200 Water/Treatment Plant Operation. - Additional amount needed for Utilities Natural Gas \$10,500.00:				
Accounts - 510.6200.53111 Utilities - Natural Gas		\$10,500.00		
* GRAND TOTAL - ALL FUNDS	\$0.00	\$23,750.00	\$23,750.00	\$23,750.00

ORDINANCE NO. 049-19

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JONES & HENRY ENGINEERS, LTD. FOR THE PURPOSE OF PROFESSIONAL DESIGN SERVICES FOR THE PROJECT KNOWN AS THE WASTEWATER TREATMENT PLANT PHASE I IMPROVEMENT PROJECT, WHICH WAS NOT INCLUDED IN THE 2019 APPROPRIATION BUDGET, ALSO AUTHORIZING SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 5) FOR THE YEAR 2019; AND DECLARING AN EMERGENCY

WHEREAS, the City desires to move forward with the design of its wastewater treatment plant improvements; and,

WHEREAS, the City sought statements of qualifications from engineering firms for the design of improvements to the City wastewater treatment plant; and,

WHEREAS, the City ranked the responding firms and determined that Jones & Henry Engineers, Ltd. as the most qualified firm; and,

WHEREAS, the City now desires to enter into a contract with Jones & Henry Engineers, Ltd. for professional design services for the City Wastewater Treatment Plant Phase I Improvements Project; and,

WHEREAS, this Project was not included in the annual 2019 Master Bid List Resolution, and that the cost of this project exceeds \$25,000.00; **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) for the purpose of professional design services for the Wastewater Treatment Plant Phase 1 Improvements Project is hereby authorized by this Council as a necessary public expenditure.

Section 2. That, having found Jones & Henry Engineers, Ltd. to be the most qualified firm, the City Manager is hereby authorized to enter into a contract with Jones & Henry Engineers, Ltd. for professional design services for the Wastewater Treatment Plant Phase 1 Improvements Project.

Section 3. That, the annual appropriation measure passed in Ordinance No. 072-18 and supplemented by Ordinance No.(s) 028-19, 039-19, and 048-19, for the fiscal year ending December 31, 2019 shall be supplemented (Supplement No. 5) as provided in Exhibit A (one (1) page), attached hereto and made a part hereof.

Section 4. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

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

Section 6. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants; 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 design process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Roxanne Dietrich, interim Clerk of Council

I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 049-19 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.

Roxanne Dietrich, interim Clerk of Council

RESOLUTION NO. 043-19

A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF THE NAPOLEON AREA CITY SCHOOL DISTRICT CAMPUS IMPROVEMENT AGREEMENT

WHEREAS, the City of Napoleon (the "City") is an Ohio municipal corporation duly organized and validly existing under the Constitution and the laws of the State of Ohio and its Charter; and,

WHEREAS, the Napoleon Area City School District Board of Education (the "District") is a political subdivision; and,

WHEREAS, the City and the District desire to work together to improve some road conditions at the school and to make improvements to the traffic and parking areas around the District's campus for the betterment of students, faculty, visitors and the general public. **Now Therefore**,

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

Section 1. That, based on the conditions of Clairmont Avenue, the City of Napoleon (City) and the Napoleon Area City School District Board of Education (District) desire to and have agreed to improve the conditions and appearance of this roadway.

Section 2. That, the City and District see the benefits of improving traffic patterns around the bus parking lot and student drop-off area, the baseball and softball field parking areas, and in improving pedestrian traffic conditions in and around the District's campus and have agreed to work together to resolve the aforementioned issues.

Section 3. That, the City Manager is hereby authorized and directed to enter into the Napoleon Area City School District Campus Improvement Agreement, upon the effective date as determined in the Agreement, and in the form as currently on file in the office of the City Finance Director

Section 4. 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 5. 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 6. 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:

Roxanne Dietrich, interim Clerk of Council

I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 043-19 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.

Roxanne Dietrich, interim Clerk of Council

**NAPOLEON AREA CITY SCHOOL DISTRICT
CAMPUS IMPROVEMENT AGREEMENT**

This NAPOLEON AREA CITY SCHOOL DISTRICT CAMPUS IMPROVEMENT AGREEMENT (this “*Agreement*”) is made and entered into on this _____ day of _____, 2019 (the “*Effective Date*”), by and between the CITY OF NAPOLEON (the “*City*”), an Ohio municipal corporation duly organized and validly existing under the Constitution and the laws of the State of Ohio (the “*State*”) and its Charter and THE NAPOLEON AREA CITY SCHOOL DISTRICT BOARD OF EDUCATION (the “*District*”) a political subdivision. The City and the District may hereinafter be referred to individually as a “*Party*”, or collectively as the “*Parties*.”

Recitals

WHEREAS, the Parties desire to work together to make improvements to the traffic and parking areas around the District’s campus for the betterment of students, faculty, visitors and general public; and

WHEREAS, based on the conditions of the Clairmont Avenue, the Parties desire to improve the conditions and appearance of the roadway; and

WHEREAS, the Parties see the benefits of improving traffic patterns around the bus parking lot and student drop-off area, the baseball and softball field parking areas and pedestrian traffic in and around the District campus; and

WHEREAS, pursuant to Ordinance No. _____ passed on _____, 2019 (the “*Ordinance*”), the City has determined to enter into this Agreement with the District; and

Whereas, pursuant to Resolution No. _____ passed on _____, 2019 (the “*Resolution*”), the District has determined to enter into this Agreement with the City.

End of Recitals

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the District covenant, agree and obligate themselves to the foregoing Background Information and as follows:

ARTICLE I GENERAL AGREEMENT AND TERM

Section 1. General Agreement Among Parties. For the reasons set forth in the Recitals hereto, which Recitals are incorporated herein by reference as a statement of the public purposes of this Agreement and the intended arrangements between the Parties, the Parties intend to and shall cooperate in the manner described herein to provide certain incentives to the District and facilitate the reconstruction of that portion of Clairmont Avenue owned by the District.

Section 2. Term of Agreement. This Agreement shall become effective as of the Effective Date and will continue until the Parties' respective obligations set forth herein have been fulfilled, unless earlier terminated in accordance with this Agreement.

Section 3. No Implied Obligations for Future Improvement. Except as otherwise expressly provided herein, the rights and obligations of the Parties under this Agreement pertain only to the provision of certain obligations described herein and facilitating the improvements. This Agreement creates no obligation by any Party to cooperate in the design, financing or construction of any development other than the project described herein.

Section 4. No Partnership or Joint Venture. This Agreement does not and may not be construed to create a partnership or joint venture between or among any of the Parties.

ARTICLE II REPRESENTATIONS OF THE PARTIES

Section 1. Representations by the District.

- (a) The District is an Ohio School District duly organized and validly existing under the laws of the State.
- (b) The District has the power and authority to enter into and perform this Agreement.
- (c) This Agreement has been duly authorized, executed and delivered by the District and constitutes the legal, valid and binding obligation of the District enforceable in accordance with its terms.
- (d) Neither the entry into nor the performance of and compliance with this Agreement has resulted or will result in any violation of, or a conflict with or a default under, any judgment, decree, order, contract or agreement by which the District is bound or any legal requirement applicable to the District.
- (e) There is no action, proceeding or investigation pending or, to the District's actual knowledge, threatened, which questions, directly or indirectly, the validity or enforceability of this

Agreement or any action taken or to be taken pursuant to this Agreement, or which might result in any material adverse change in the condition (financial or otherwise) or business of the District.

(f) No representation or warranty of the District in this Agreement contains any untrue statement of material fact or omits a statement of a material fact necessary in order to make such representation or warranty not misleading in light of the circumstances under which it is made.

Section 2. Representations by the City.

(a) The City is a municipal corporation duly organized and validly existing under the Constitution and the applicable laws of the State and its Charter.

(b) The City has the power and authority to enter into and perform this Agreement.

(c) This Agreement has been duly authorized, executed and delivered by the City and constitutes the legal, valid and binding obligation of the City enforceable in accordance with its terms.

(d) Neither the entry into nor the performance of and compliance with this Agreement has resulted or will result in any violation of, or a conflict with or a default under, any judgment, decree, order, contract or agreement by which the City is bound or any legal requirement applicable to the City.

(e) There is no action, proceeding or investigation pending or, to the City's actual knowledge, threatened, which questions, directly or indirectly, the validity or enforceability of this Agreement or any action taken or to be taken pursuant to this Agreement.

(f) No representation or warranty of the City in this Agreement contains any untrue statement of material fact or omits a statement of a material fact necessary in order to make such representation or warranty not misleading in light of the circumstances under which it is made.

(g) Ordinance No. _____ passed by City Council on _____, 2019, authorizing the execution and delivery of this Agreement, has been duly passed and is in full force and effect as of the Effective Date.

**ARTICLE III
RESPONSIBILITIES OF THE DISTRICT**

Section 1. Clairmont Avenue. The District agrees to repair and reconstruct the segment of Clairmont Avenue, which consists of the roadway, concrete curbing and other appurtenances, that the City has deemed is owned by the District and is located within the property boundaries of the property owned by the District to the standards that are acceptable to the City as outlined in the Engineering Department Rules & Regulations adopted by the Napoleon City Council on July 15, 1998 by Ordinance No. 30-98 and last amended on June 6, 2016 by Ordinance No. 020-16 at an estimated cost of \$275,000 of which costs are detailed in Exhibit A: Engineer's Estimate, by the end of calendar year 2020.

Section 2. Roadway Dedication. Upon successful completion to the satisfaction of the City, the District shall dedicate the section of Clairmont Avenue to the City. The dedication shall take place within 90 days of completion.

Section 3. Grant Funding for Pedestrian Improvements. The District agrees to be an active partner in seeking grant funds for pedestrian improvements on and around the District's campus. This includes in participating in events and performing tasks that would enhance any application for grant funds and would increase the score of a grant application which would improve the likelihood of having a grant awarded either Party. This includes participating in national and state recognized walk and bike to school days and updating the District's Pedestrian Transportation Plan. Additionally, the District agrees to pay for 50% of the consulting costs for any application that is applied for by the City.

Section 4. Engineering Study and Recommendations. The District shall undertake an Engineering Study to address the traffic flow of the area on Westmoreland Avenue between the intersection of Clairmont Avenue to the southernmost entrance to the elementary school to identify any improvements needed to improve safety and mitigate any potential traffic hazards around the District Transportation Lot and the unpaved portion of the turn lane at the North entrance to the elementary school. The District and City shall review the recommendations outlined by the Engineering Study as a part of this Agreement and determine which option(s) provide the best and most cost effective solution(s) to alleviate traffic hazards and improve safety.

Section 5. Softball and Baseball Field Parking. The District shall develop a Plan to address the parking at the Softball and Baseball fields to mitigate illegal parking taking place on Westmoreland Avenue during events. The District shall work with the City Police Department to implement the Plan.

ARTICLE IV RESPONSIBILITIES OF THE CITY

Section 1. Inspection Services. The City shall provide inspection services during the construction of the repair and reconstruction of the segment of Clairmont Avenue, which consists of the roadway, concrete curbing and other appurtenances, that the City has deemed is owned by the District and is located within the property boundaries of the property owned by the District to the standards that are acceptable to the City as outlined in the Engineering Department Rules & Regulations.

Section 2. Roadway Dedication. Upon successful completion to the satisfaction of the City, the City shall accept the dedication of the section of Clairmont Avenue to the City. The dedication shall take place within 90 days of completion.

Section 3. Grant Funding for Pedestrian Improvements. The City agrees to be an active partner in seeking grant funds for pedestrian transportation improvements on and around the District's campus. This includes participating in events and performing tasks that would enhance any application for grant funds and would increase the score of a grant application which would improve the likelihood of having a grant awarded either Party. Additionally, the City agrees

to pay for 50% of the consulting costs for any application that is applied for by the City or the District.

Section 4. Compensation. In consideration of the District completing the tasks listed in Article III of this Agreement, the City agrees to compensate the District in the amount of \$50,000 in calendar year 2020, \$50,000 in calendar year 2021 and \$50,000 in calendar year 2022. The payments for the calendar years 2020 and 2021 shall be made within 45 days of the City receiving an invoice from the District in each respective year. For the final payment in 2022, the District shall send an invoice to the City, which will then be reviewed by the City Council. The final payment shall be made within 45 days after the City Council reviews and confirms that the provisions of this Agreement have been met.

ARTICLE V MISCELLANEOUS PROVISIONS

Section 1. Assignment. This Agreement may not be assigned without the prior written consent of all non-assigning Parties.

Section 2. Binding Effect. The provisions of this Agreement shall be binding upon and inure to the benefit of the Parties and their respective successors and permitted assigns.

Section 3. Captions. The captions and headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Agreement.

Section 4. Day for Performance. Wherever herein there is a day or time period established for performance and such day or the expiration of such time period is a Saturday, Sunday or legal holiday, then such time for performance shall be automatically extended to the next business day.

Section 5. Entire Agreement. This Agreement constitutes the entire Agreement between the Parties on the subject matter hereof and supersedes all prior negotiations, agreements and understandings, both written and oral, between the Parties with respect to such subject matter. This Agreement may not be amended, waived or discharged except in an instrument in writing executed by the Parties.

Section 6. Events of Default. In the event of any default in or breach of this Agreement, or any of its terms or conditions, by any Party hereto, the non-defaulting Party shall provide written notice to the defaulting Party of such default or breach. The defaulting Party shall have thirty (30) days following receipt of such written notice to cure or remedy such default or breach.

Section 7. Executed Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed to constitute an original, but all of which together shall constitute but one and the same instrument. It shall not be necessary in proving this Agreement to produce or account for more than one of those counterparts.

Section 8. Extent of Covenants; No Personal Liability. All covenants, obligations and agreements of the Parties contained in this Agreement shall be effective to the extent authorized and permitted by applicable law. No such covenant, obligation or agreement shall be deemed to be a covenant, obligation or agreement of any present or future member, officer, agent or employee of the District or City other than in his or her official capacity, and neither the members of the legislative body of the District or City official executing this Agreement shall be liable personally under this Agreement or be subject to any personal liability or accountability by reason of the execution thereof or by reason of the covenants, obligations or agreements of the District or City contained in this Agreement.

Section 9. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio without regard to its principles of conflicts of laws. All claims, counterclaims, disputes and other matters in question between the District, its agents and employees, and the City, its employees and agents, arising out of or relating to this Agreement or its breach will be decided in a court of competent jurisdiction within Henry County, Ohio.

Section 10. Limitation on Liability. Notwithstanding any clause or provision of this Agreement to the contrary, in no event shall the Parties be liable to each other for punitive, special, consequential, or indirect damages of any type and regardless of whether such damages are claimed under contract, tort (including negligence and strict liability) or any other theory of law.

Section 11. Notices. Notice from one Party to another relating to this Agreement shall be deemed effective if made in writing and delivered to the recipient's address set forth below by any of the following means: (a) hand delivery, (b) registered or certified U.S. mail, postage prepaid, with return receipt requested, or (c) Federal Express, UPS, or like overnight courier service. Notice made in accordance with this Section shall be deemed delivered when delivered by hand, upon receipt or refusal of receipt if mailed by registered or certified U.S. mail, or the next business day after deposit with an overnight courier service if delivered for next day delivery. The Parties agree that electronic mail shall not constitute a permitted form of notice under this Section. All notices shall be addressed as follows:

If intended for the City, to:

City of Napoleon, Ohio
255 W. Riverview Avenue
Napoleon, Ohio 43545
Attention: City Manager

Formatted: Don't keep with next, Don't keep lines together

Formatted: Font: Bold

With a copy to:

City of Napoleon, Ohio
255 W. Riverview Avenue
Napoleon, Ohio 43545
Attention: Law Director

If intended for the District, to:

The Napoleon Area City School District
701 Briarheath Drive
Napoleon, Ohio 43545
Attention: Treasurer

The Parties, by notice given hereunder, may designate any further or different addresses to which subsequent notices; certificates, requests or other communications shall be sent.

Section 12. No Recordation of Agreement. Neither this Agreement nor any memorandum of this Agreement may be recorded in the real property records.

Formatted: Font: Bold

Section 13. No Waiver. The failure of any Party to insist at any time upon the strict observance or performance of any of the provisions of this Agreement or to exercise any right or remedy as provided in this Agreement shall not impair any such right or remedy or be construed as a waiver or relinquishment thereof. Every right and remedy given by this Agreement to the Parties hereto may be exercised from time to time and as often as may be deemed expedient by the parties hereto, as the case may be.

Section 14. Recitals. The Parties acknowledge and agree that the facts and circumstances as described in the Recitals hereto are an integral part of this Agreement and as such are incorporated herein by reference.

Section 15. Severability. If any provision of this Agreement, or any covenant, obligation or agreement contained herein is determined by a court to be invalid or unenforceable, that determination shall not affect any other provision, covenant, obligation or agreement, each of which shall be construed and enforced as if the invalid or unenforceable portion were not contained herein. That invalidity or unenforceability shall not affect any valid and enforceable application thereof, and each such provision, covenant, obligation or agreement shall be deemed to be effective, operative, made, entered into or taken in the manner and to the full extent permitted by law.

Section 16. Survival of Representations and Warranties. The warranties, representations, covenants and agreements set forth in this Agreement shall not be cancelled by performance under this Agreement, but shall survive the Closing and the delivery of the deed of conveyance hereunder.

Section 17. Third Party Beneficiaries. Nothing in this Agreement, express or implied, is intended to or shall confer upon any other person any right, benefit or remedy of any nature whatsoever under or by reason of this Agreement.

Section 18. Time of Essence. Time is of the essence of this Agreement in all respects.

(THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

DRAFT

IN WITNESS WHEREOF, the City, the CIC and the District have caused this Agreement to be executed in their respective names by their duly authorized representatives, all as of the date first written above.

CITY:

CITY OF NAPOLEON, OHIO
an Ohio municipal corporation

By: _____

Printed: Joel Mazur

Title: City Manager

DISTRICT:

NAPOLEON AREA CITY SCHOOL DISTRICT
a political subdivision

By: _____

Printed: Ty Otto

Title: Board President

BY: _____

Printed: Michael Bostelman

Title: Treasurer

Approved as to Form:

By: _____

Printed: Billy D. Harmon

Title: Law Director

Formatted: Space After: 0 pt

Formatted: Indent: Left: 3", First line: 0.5"

Formatted: No underline

FISCAL OFFICER'S CERTIFICATE

The undersigned, Director of Finance of the City under the foregoing Agreement, certifies hereby that the moneys required to meet the obligations of the City under the foregoing Agreement during Fiscal Year 2019 have been appropriated lawfully for that purpose, and are in the Treasury of the City or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Dated: _____, 2019

Kent Seemann
Director of Finance
City of Napoleon, Ohio

TREASURER'S CERTIFICATION

IT IS HEREBY CERTIFIED that the moneys required to meet the obligations of the Board of Education of the Napoleon Area City School district under the foregoing Agreement have been lawfully appropriated for such purposes and are in the treasury of the Napoleon Area City School District or are in the process of collection to an appropriate fund, free from any previous encumbrance.

Signature

Michael Bostelman

Printed Name

School District Board Treasurer
Title

EXHIBIT A

Engineer's Estimate

DRAFT

DRAFT



July 19, 2019

Possible options for the City of Napoleon

1. Pay to Spay –Humane Ohio staff would come to approved residences/locations, trap cats and kittens, bring them back to Humane Ohio for spay/neuter surgery, and return them to the trapping location, typically the day following surgery. There is a possibility for some cats or kittens, depending on age, sociability and foster space, to enter the Humane Ohio adoption program. The charges currently would be \$11.50/hour of employee time, \$0.58/mile driven for the project, and \$27 per cat trapped. Humane Ohio would provide all labor for this project and the City would notify residents of the plan, to keep their pet cats inside and to refrain from feeding community cats while the trapping is taking place.
2. Schedule some community “Spay Days” – Humane Ohio staff would arrange a few dates to meet at a particular approved location with numerous live traps. We would assist residents and volunteers in trapping as many cats as possible each day, transport the cats to Humane Ohio for spay/neuter surgery, and return them to the trapping location, typically the day following surgery. There is a possibility for some cats or kittens, depending on age, sociability and foster space, to enter the Humane Ohio adoption program. The charges currently would be \$11.50/hour of employee time, \$0.58/mile driven for the project, and \$27 per cat trapped. Humane Ohio would spearhead the effort with assistance provided by residents and Humane Ohio volunteers. The City would notify residents of the plan, ask for volunteers, and remind residents to keep their pet cats inside and to refrain from feeding community cats while the trapping is taking place.
3. Feral Cats 101 Training – Humane Ohio staff would come to an approved location to teach a community course about feral cats, management, trapping, etc. Community members would need to be notified/invited by the City and a location for the class provided. Humane Ohio would bring live traps to loan out to participants so they could trap on their own property – solely for the purpose of spay/neuter. Humane Ohio could provide transportation on a few set dates for the residents to bring the trapped cats to a pre-arranged location to be transported to Humane Ohio for spay/neuter surgery. They would need to then pick up the cats at the same location the following afternoon. Transportation for under 10 animals could be provided at a cost of \$50 per date, and over 10 animals for \$25 per date. The cost for spay/neuter, rabies vaccine and ear-tip would be \$27 per cat. The City would notify residents of the plan, ask for volunteers, and remind residents to keep their pet cats inside and to refrain from feeding community cats while the trapping is taking place. The City would also guarantee the traps and reimburse Humane Ohio at the rate of \$60 for each trap not returned. A record of who

checks out each non-returned trap would be provided to the City for possible collection attempts. The class would be provided by Humane Ohio for \$5 per participant (to cover materials cost).

Please feel free to a call with any questions at 419-266-5607, ext. 110, or email me at julie@humaneohio.org. Our hours are Monday through Friday, 7:30 am to 5:30 pm.

Thank you!

Sincerely,

Julie Lyle
Director



3131 Tremainsville Rd., Toledo, OH 43613 • Phone 419-266-5607 • Fax 888-414-1944 • humaneohio.org

Humane Ohio Pay to Spay Option

What is Pay to Spay?

- Humane Ohio has a Trap-Neuter-Return (TNR) Program. This is when a cat is trapped, spayed or neutered, and then returned/released to the location it was trapped.
- You pay an hourly wage of **\$11.50/hour** for the employee that is attempting to catch the cats.
*They will do this in an as efficient amount of time as possible. Unfortunately, we cannot determine how long that will take because there are too many variables which will determine how your free roaming cats might be trapped.
- You will also pay mileage of **\$0.58 per mile**.
- Your bill will also reflect the number of cats caught and surgical costs which is currently **\$27 per cat** with free ear tips and rabies vaccines for outdoor cats.
- You can also opt to have some vaccines or flea preventative/dewormer given at the time of the surgery.
*(FVRCP=\$15, Flea preventative/dewormer=\$15) *These costs will be in addition to all other costs described above.*
- You can put a cap on how much you will spend on a project.
*IE. You can tell Humane Ohio that you would like to spend no more than \$300 on trapping and we will stop trapping at that point. Remember that you are paying trappers wage, mileage, and actual cost of spay/neuter per cat, so when putting a cap on the amount you spend, please factor in all costs.

Do you agree to the terms/fees stated above? ☐Yes ☐No

Signature: _____ Date: _____

***If Humane Ohio is doing TNR work and notices that there are kittens that **might** be adoptable, we can attempt to get them into a rescue group with your consent. Would you like any adoptable cats or kittens to be admitted into an adoption program? ☐Yes☐No

Would you like to make a donation towards covering the costs of the vaccines so that they can be put up for adoption? The total cost per cat is \$106, so any amount would help, but you will be charged at a minimum the \$10 you would have spent to have the kitten spayed/neutered. **Amount donating:** \$_____ **per cat OR flat donation** (circle one)

Thank you,

Julie Lyle, Clinic Director
julie@humaneohio.org
419-266-5607 ex. 110



How TNR Reduces Nuisance Complaints: What the Research Tells Us

Trap-neuter-return (TNR) is the only humane and effective way to reduce the number of community cats (also known as feral or ownerless, free-roaming cats). With TNR, community cats are humanely trapped, evaluated and spayed or neutered by a licensed veterinarian, ear-tipped to show they've been sterilized, vaccinated against rabies and distemper,¹ and then returned to their original outdoor homes to live out their lives. Done properly, TNR is effective at humanely managing and reducing the population of community cats, and offers the additional benefit of reducing nuisance complaints. The surgical sterilization of cats (spaying females and neutering males) eliminates the production of the hormones estrogen and testosterone, which reduces the likelihood of various mating-related behaviors (yowling, fighting, spraying, etc.) that lead to such complaints.

Please see the statements and studies below for compelling evidence that TNR reduces nuisance complaints.

Reviews and general statements

- According to researchers with the Alliance for Contraception in Cats & Dogs (ACC&D), “It seems to be widely accepted that male cats will be less likely to roam, urine spray, vocalize, and fight when they are sterilized.” Summarizing their review of the relevant research, the authors of a 2013 report from ACC&D write: “Credible studies indicate that neutering reduces urine spraying and roaming in search of mates by male cats, and spaying eliminates estrous-associated behaviors in female cats, including aggression, vocalization and perhaps efforts to escape outdoors in order to mate.” [1]
- As the Humane Society of the United States explains in *Managing Community Cats: A Guide for Municipal Leaders*, published in cooperation with the International City/County Management Association, “community-wide TNR programs are effective” in part because they “decrease nuisance complaints by eliminating or dramatically reducing noise from cat fighting and mating and odor from unneutered male cats spraying urine to mark their territory.” [2]
- A 1996 “review (of) currently understood reasons for the problem of overpopulation and animal control measures, including sterilization, legislation, and education” points out various benefits of TNR programs, including a reduction in the kinds of behaviors that can lead to nuisance complaints: “Sterilize and release ... programs not only address the overpopulation issue by preventing new litters, but also serve to reduce roaming, spraying of urine, and fighting among the cats.” [3]



Specific case studies

- TNR efforts in Harrington, Delaware, where 550 cats (93 percent of the pre-trapping count) were sterilized and vaccinated, resulted in a 98 percent reduction in the number of nuisance calls. [4]
- Researchers studying the impacts of a TNR program on the Texas A&M University campus over a two-year period reported that the program “generally has been viewed as a success by the veterinary faculty and the university’s pest control service.” And “based on the decrease in the number of complaints ... those (cats) who remain are less of a nuisance than previously they were.” [5]
- A 2002 paper published in the *Journal of Applied Animal Welfare Science* documents the impact of Orange County (Florida) Animal Services’ TNR program, launched in 1995: “Complaints have decreased gradually, and only rarely has it been necessary to move colonies.... Despite the change broadening the definition of a nuisance complaint in the last 2 years, complaints decreased in FY 2000/2001. There were no changes in procedure or code to account for this decrease.” [6]

¹ Not all TNR programs include a vaccination component; some, located in parts of the country where rabies in cats is a rare event, sometimes make this step optional. Vaccination is, however, considered “best practice.”

- A two-year University of Florida study, reported in *The Veterinary Journal*, documented a 66 percent decrease in shelter intake of cats from a “target” ZIP code in Alachua County, Florida, as compared to a 12 percent decrease in the rest of the county. According to the study, “The reduction in intake was most likely to be due to several factors, including a decrease in kitten births via neutering, decreased nuisance behavior associated with breeding and territorial defense, and creation of alternatives to impoundment.” [7]
- In Sanders County, Montana, cat-related calls to the only animal shelter in the county declined 84 percent (from 1,032 in 2009 to 166 in 2011) following the implementation of an intensive TNR campaign. [2]
- In Wichita Falls, Texas, community cat-related complaint calls to Wichita Falls Animal Control declined more than 90 percent (from 1,958 in 2010 to fewer than 200 in 2012) following the implementation of an intensive TNR campaign. [2]
- Documenting the results of their one-year observational study in “an urban region of Israel,” researchers reported “lower rates of aggressive interactions among cats in the neutered groups” and “also found that almost no neutered-neutered agonistic male encounters took place.” The results, published in the *Journal of the American Veterinary Medical Association*, led the authors to speculate: “The decreased agonistic behavior of the neutered male cats relative to unneutered males may result in decreased cat fighting and vocalizations and thus may lead to fewer injuries and decreased disease transmission among cats and decreased noise disturbance for their human neighbors.” [8] (Note: The anticipated decrease in disease transmission has been documented elsewhere. [9-11])
- Neighborhood Cats, based in New York City and one of the country’s most highly regarded TNR groups, was founded “when a few neighbors on the Upper West Side of Manhattan TNR’d a colony of approximately 30 cats living in the courtyard of one square block.” Adoptions of kittens meant fewer cats in the area, and “once the nuisance behavior abated, residents of adjacent apartment buildings more readily accepted the cats’ presence.” [12]
- Among the positive results of a three-year TNR program at the Gillis W. Long Hansen’s Disease Center in Carville, Louisiana, was a reduction in the kinds of vocalizations that can lead to nuisance complaints: “Although differences in vocalization are difficult to measure directly, unwanted noise from cats fighting and from mating calls was commonly heard during nocturnal visits to the cats’ living areas before the study. Three years later, nocturnal vocalizing had been greatly reduced and was not detected by the authors at any time during the three-year census.” [13]

Literature cited

1. Moldave, K., and L. Rhodes, *Contraception and Fertility Control in Dogs and Cats*, 2013. Alliance for Contraception in Cats & Dogs.
2. HSUS, *Managing Community Cats: A Guide for Municipal Leaders*, 2014. Humane Society of the United States.
3. Mahlow, J.C., and M.R. Slater, “Current Issues in the Control of Stray and Feral Cats.” *Journal of the American Veterinary Medical Association*, 1996. 209: 2016–2020.
4. Brown, H., and B. Kortis, *When You’re an Outlaw: Persuading Municipal Officials to Implement TNR* (webinar), 2014. PetSmart Charities, Inc., and the Humane Society of the United States.
5. Hughes, K.L., and M.R. Slater, “Implementation of a Feral Cat Management Program on a University Campus.” *Journal of Applied Animal Welfare Science*, 2002. 5(1): 15–28. <http://www.ncbi.nlm.nih.gov/pubmed/12738586>
6. Hughes, K.L., M.R. Slater and L. Haller, “The Effects of Implementing a Feral Cat Spay/Neuter Program in a Florida County Animal Control Service.” *Journal of Applied Animal Welfare Science*, 2002. 5(4): 285–298. <http://www.ncbi.nlm.nih.gov/pubmed/16221079>
7. Levy, J.K., N.M. Isaza and K.C. Scott, “Effect of High-Impact Targeted Trap-Neuter-Return and Adoption of Community Cats on Cat Intake to a Shelter.” *The Veterinary Journal*, 2014. 201(3): 269–274. <http://www.sciencedirect.com/science/article/pii/S1090023314001841>
8. Finkler, H., I. Gunther and J. Terkel, “Behavioral Differences Between Urban Feeding Groups of Neutered and Sexually Intact Free-Roaming Cats Following a Trap-Neuter-Return Procedure.” *Journal of the American Veterinary Medical Association*, 2011. 238(9): 1141–1149.
9. Lee, I.T., et al., “Prevalence of Feline Leukemia Virus Infection and Serum Antibodies Against Feline Immunodeficiency Virus in Unowned Free-Roaming Cats.” *Journal of the American Veterinary Medical Association*, 2002. 220(5): 620–622. <http://avmajournals.avma.org/doi/abs/10.2460/javma.2002.220.620>
10. Little, S.E., “Feline Immunodeficiency Virus Testing in Stray, Feral, and Client-Owned Cats of Ottawa.” *Canadian Veterinary Journal*, 2005. 46(10): 898–901. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1255591/>
11. Little, S., “A Review of Feline Leukemia Virus and Feline Immunodeficiency Virus Seroprevalence in Cats in Canada.” *Veterinary Immunology and Immunopathology*, 2011. 143(3-4): 243–245. <http://www.ncbi.nlm.nih.gov/pubmed/21757241>
12. Kortis, B., *Community TNR: Tactics and Tools*, 2014. PetSmart Charities, Inc.
13. Zaunbrecher, K.I., and R.E. Smith, “Neutering of Feral Cats as an Alternative to Eradication Programs.” *Journal of the American Veterinary Medical Association*, 1993. 203(3): 449–452.



Alley Cat Allies®
The cats' leading advocate

JUST THE FACTS: The Vacuum Effect

Removing cats from an area creates a vacuum.

The **Vacuum Effect** has been documented worldwide in many species. Animal control's traditional approach has been to catch and kill community cats. While this may temporarily reduce the number of community cats in a given area, it is ultimately counterproductive, as the population of cats rebounds. Due to the Vacuum Effect, untrapped cats continue to breed, and other cats move into the newly available territory.

THE VACUUM EFFECT



Intact cat
living inside
the territory

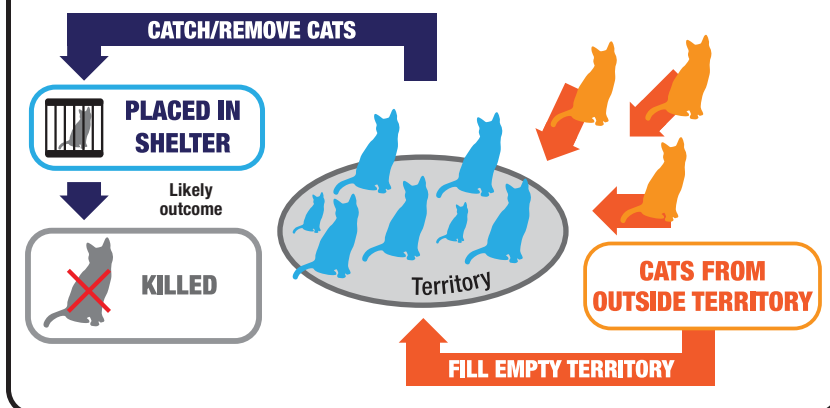


Intact cat
from outside
the territory

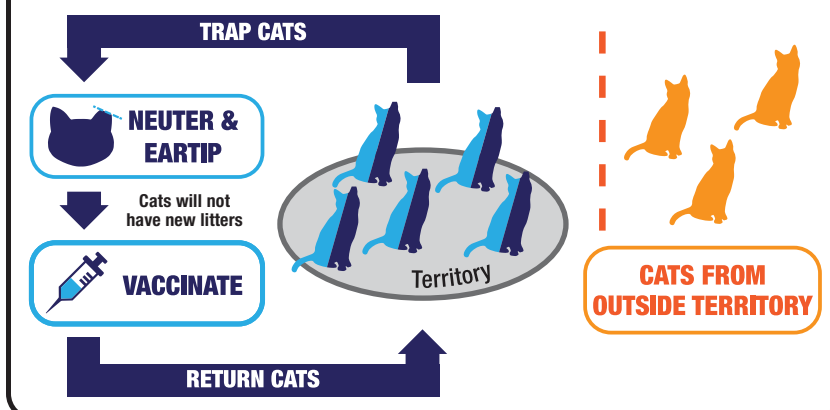


Neutered
cat living in
the territory

CATCH AND KILL – INEFFECTIVE



TRAP-NEUTER-RETURN – EFFECTIVE



Community cats are unowned cats who live outdoors.

Community cats, also called feral or outdoor cats, are not a new phenomenon. They reside in an outdoor location where they have access to food and shelter. Even though community cats are the same species as house cats (*Felis catus*), they have not been socialized to people and are therefore unadoptable. Community cats can lead full, healthy lives in their outdoor homes.

Time and again, communities find catch and kill doesn't work—it needs to stop.

Municipal animal control agencies have been catching and killing cats for decades in a misguided attempt to reduce the number of community cats in a given area. Catch and kill is counterproductive, as it has no permanent impact on the population of outdoor cats. This endless, cruel cycle is not supported by the public, wastes tax dollars, and fails to meet the needs of the cats and the community. The Vacuum Effect is just one reason catch and kill is so ineffective.

Trap-Neuter-Return (TNR) does work.

Communities are desperate for humane solutions. TNR is the only effective and humane approach to address community cat populations. It involves humanely trapping, spaying or neutering, vaccinating, and returning community cats to their outdoor homes. Afterward, there are no more litters of kittens—the population is stabilized. TNR stops the stress associated with pregnancy and mating behaviors, such as yowling or fighting. Not only is TNR the effective, humane approach for outdoor cats, but it improves their lives.

You can make a difference and save lives.

Together, we can fight the ineffective catch and kill approach, support TNR, and ensure local policies address the needs of outdoor cats and our communities.

Learn more at [**alleycat.org/VacuumEffect**](https://alleycat.org/VacuumEffect).

**Join our movement
to protect cats.**



© 2018 Alley Cat Allies. All rights reserved.
7920 Norfolk Avenue, Suite 600
Bethesda, MD 20814
alleycat.org/Response

030618



Codified Ordinances of Sebring, Ohio

Part Five - General Offenses Code

CHAPTER 505 - Animals And Fowl

505.17 MANAGEMENT OF CAT POPULATION; PERMITTED ACTS.

(a) Definitions. For purposes of this Section, the following terms shall have the following meanings:

(1) "Community Cat" shall mean a cat that is abandoned, stray, lost, or feral and that may be cared for by a community cat caregiver, known or unknown, pursuant to this ordinance.

(2) "Community Cat Medical Caregiver" shall mean a person who, in accordance with and pursuant to a policy of Trap-Neuter-Return, provides medical care, while not being considered the owner, harborer, controller, or keeper of a community cat.

(3) "Eartipping" shall mean the removal of the ¼ inch tip of a community cat's left ear, performed while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, designed to identify the community cat as being sterilized and lawfully vaccinated for rabies.

(4) "Trap-Neuter-Return" shall mean the process of humanely trapping, sterilizing, vaccinating for rabies, eartipping, and returning community cats to their original location.

(b) Permitted Acts. The following actions shall be permitted in the municipality in pursuance of a process of Trap-Neuter-Return:

(1) Trapping, for the sole purpose of sterilizing, vaccinating for rabies, and eartipping community cats, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, where applicable.

(Ord. 12-2016. Passed 7-25-16.)

Cheyenne, Wyoming - Code of Ordinances

Title 6 - ANIMALS

Chapters:

Chapter 6.08 - ANIMAL CARE AND CONTROL REGULATIONS GENERALLY

Sections:

6.08.190 - Community cat initiative.

- A. The city of Cheyenne recognizes the need for innovation in addressing the issues presented by community cats. To that end, it recognizes that trap-neuter-return is the only effective and humane method to manage, and over time, reduce the population of community cats. Trap-neuter-return shall be permitted, and community cat caregivers, organizations, city staff, and animal control officers are allowed to carry out trap-neuter-return.
- B. An eartipped cat received by local shelters will be returned to the location where trapped unless veterinary care is required. A trapped eartipped cat will be released on site unless veterinary care is required.
- C. Community cat caregivers are empowered to reclaim impounded community cats without proof of ownership.

(Ord. No. 4044, § 2, 11-10-14)

URL:

https://library.municode.com/wy/cheyenne/codes/code_of_ordinances?nodeId=TIT6AN_CH6.08_ANCACOREGE_6.08.190COCAIN

BILL NO. 15-02

ORDINANCE NO. 1151

AN ORDINANCE ENACTING A NEW SECTION 205.105 OF CHAPTER 205 OF THE MUNICIPAL CODE, CITY OF RICHLAND, MISSOURI; AND FIXING AN EFFECTIVE DATE.

WHEREAS, the Board of Aldermen of the City of Richland, Missouri ("City") has determined that a process of trapping, sterilizing, vaccinating for rabies, eartipping, and returning cats to their original location is an effective and humane way to manage, and over time, reduce the population of cats within the City.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF RICHLAND, MISSOURI, AS FOLLOWS:

SECTION A. That a new Section 205.105 of Chapter 205, of the Municipal Code, City of Richland, Missouri, is hereby enacted:

SECTION 205.105: MANAGEMENT OF CAT POPULATION; PERMITTED ACTS.

A. Definitions. For purposes of this Section, the following terms shall have the following meanings:

1. "*Community Cat*" shall mean a cat that is abandoned, stray, lost, or feral and cared for by a community cat caregiver pursuant to this ordinance.
2. "*Community Cat Caregiver*" shall mean a person who, in accordance with and pursuant to a policy of Trap-Neuter-Return, provides care, including, food, shelter or medical care to a community cat, while not being considered the owner, harborer, controller, or keeper of a community cat.
3. "*Eartipping*" shall mean the removal of the ¼ inch tip of a community cat's left ear, performed while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, designed to identify the community cat as being sterilized and lawfully vaccinated for rabies.
4. "*Trap-Neuter-Return*" shall mean the process of humanely trapping, sterilizing, vaccinating for rabies, eartipping, and returning community cats to their original location.

B. Permitted Acts. The following actions shall be permitted in the City in pursuance of a process of Trap-Neuter-Return:

1. Trapping, for the sole purpose of sterilizing, vaccinating for rabies, and eartipping community cats, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, where applicable.

2. An eartipped cat received by local shelters will be returned to the location where trapped unless veterinary care is required. A trapped eartipped cat will be released on site unless veterinary care is required.
3. Community cat caregivers are empowered to reclaim impounded community cats without proof of ownership solely for the purpose of the implementation of the process of Trap-Neuter-Return as more particularly provided in this Section.

SECTION B. All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION C. This ordinance shall be in full force and effect from and after the date of its passage.

ROLL CALL VOTE (First Reading):

	AYE	NAY	ABSENT
Alderman Tim Bailey	<u>X</u>	_____	_____
Alderman Tom Murphy	<u>X</u>	_____	_____
Alderman Eldon Haun	<u>X</u>	_____	_____
Alderman Roy Holler	<u>X</u>	_____	_____
Alderman DawnElyn Schneider	_____	_____	<u>X</u>
Alderman Larry Fincher	<u>X</u>	_____	_____

ROLL CALL VOTE (Second Reading):

	AYE	NAY	ABSENT
Alderman Tim Bailey	<u>X</u>	_____	_____
Alderman Tom Murphy	<u>X</u>	_____	_____
Alderman Eldon Haun	<u>X</u>	_____	_____
Alderman Roy Holler	<u>X</u>	_____	_____
Alderman DawnElyn Schneider	_____	_____	<u>X</u>
Alderman Larry Fincher	<u>X</u>	_____	_____

READ TWO TIMES, PASSED AND APPROVED THIS 17th DAY OF FEBRUARY, 2015.


 Roy Holler
 Acting President of the Board of Aldermen

ATTEST:


 Susan Alexander, City Clerk

505.30 FERAL CAT COLONIES.

(a) Statement of Purpose. This chapter is intended to provide for the proper and humane management of feral and stray cats in order to avoid, inter alia, breeding of wild and stray cats, the transmission of infectious diseases, and to preserve native wildlife species populations from excessive hunting by feral and stray cats via the management of same through the use of a TNR program.

(b) Feral Cat Colonies. When a Feral Cat Colony is found to exist, a person may via compliance with this chapter maintain and care for the feral cats by providing food, water, shelter and other forms of sustenance, provided that the person registers the Feral Cat Colony under sponsorship with a City registered Animal Welfare Organization.

(c) Feral Cat Colony Caretakers shall be responsible for the following:

- (1) Registering the colony with an Animal Welfare Organization pursuant to Section 505.01(p).
- (2) Obtaining the written approval of the owner of any property, or any authorized representative of the owner, to which the Feral Cat Colony Caretaker requires access to provide colony care.
- (3) Providing food and water for colony cats in accordance with a regulated schedule that encourages dependence within the colony.
- (4) Obtaining proper medical attention for any colony cat that appears to require it.
- (5) Taking all appropriate and available steps to have the colony population spayed or neutered by a licensed veterinarian.
- (6) Taking all appropriate and available steps to vaccinate the colony population for rabies, preferably with a three-year vaccine, and to make a reasonable attempt to update the vaccinations as warranted and mandated by law.
- (7) Ear-tipping the left ear of a colony cat that has been vaccinated and spayed or neutered so that colony cats can be readily identified.
- (8) Taking all reasonable steps to (1) remove kittens from the colony after they have been weaned, (2) place the kittens in homes, foster homes, or reputable adoption organizations for the purpose of subsequent permanent placement, and (3) capture and spay the mother cat.
- (9) Using due consideration to prevent Feral Cat Colonies from being maintained on public lands, lands managed for wildlife or other natural resources, such as but not limited to Nature Preserves, where the presence of a Feral Cat Colony is a proven threat, and to avoid the taking of rare, threatened or endangered species under Ohio and U.S. law.
- (10) Taking all reasonable measures to resolve nuisance complaints resulting from the Feral Cat Colony.

(d) Animal Welfare Organizations that sponsor a Feral Cat Colony Caretaker shall be responsible for reporting quarterly in writing to the City on:

- (1) The location of the colony;
- (2) The number and gender of all cats within the colony;
- (3) A description of individual cats within the colony;
- (4) The reproductive status of all cats within the colony;
- (5) The number of cats that died or otherwise ceased being a part of the colony;
- (6) The number of kittens born to colony cats and their disposition;
- (7) The number of cats placed in animal shelters or in permanent homes as companion cats;
- (8) The number of cats vaccinated; and,
- (9) The number of cats spayed or neutered under it's TNR program conducted for the caretakers.

(e) Withdrawal of Feral Cat Colony Caretaker. In the event that a Feral Cat Colony Caretaker is unable or unwilling to continue in that role, he, or she or it shall notify the Animal Welfare Organization immediately, which shall in turn immediately notify the City. If no other Feral Cat Caretaker is providing for the colony and if no new Feral Cat Caretaker assumes responsibility for the colony within thirty (30) days, feeding of the colony shall cease by the caretakers(s).

(f) Failure to Adhere to Responsibilities and Revocation of Registration.

(1) If a Feral Cat Colony Caretaker fails to meet all of the requirements of this chapter or has failed to resolve a nuisance complaint related to the Feral Cat Colony, he or she shall be notified of all deficiencies in writing and shall have thirty (30) days to become compliant or resolve the nuisance. If not so resolved within the thirty (30) day period, the Feral Cat Colony registration may be revoked.

(2) It is the affirmative responsibility of the Feral Cat Colony Caretaker, via compliance with the provisions of Section 505.30(b), to reduce the size of the Feral Cat Colony. Any yearly increase in the size of the Feral Cat Colony by virtue of new births and/or adult additions to the colony shall be grounds for revocation of the Feral Cat Colony registration unless the Feral Cat Colony Caretaker shall have developed an approved action plan to reduce the colony's size within the following year. In the event the Feral Cat Colony Caretaker does not timely implement the action plan or, having implemented same, not reduced within the following year the size of the Feral Cat Colony, the registration may be revoked.

(3) No person who has had their registration as a Feral Cat Colony Caretaker revoked shall thereafter act in a manner contrary to Section 505.21.

(h) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

(Ord. 17-O-21. Passed 3-7-17.)



City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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

www.napoleonohio.com

Memorandum

To: *Joel L. Mazur, City Manager*
From: *Chad E. Luffs, P.E., P.S., Director of Public Works*
cc: *Billy Harmon, Law Director*
Roxanne Dietrich, Council Clerk
Date: *July 29, 2019*
Subject: *Annual Bridge Inspections*

The Ohio Department of Transportation (O.D.O.T.) coordinates our annual bridge inspections. The existing agreement is about to expire. O.D.O.T. has requested new legislation to allow them to continue performing this work inside the City's corporation limits for an additional 3 years.

Please request City Council to direct the Law Director to draft the appropriate legislation. Sample documents were provided by O.D.O.T. and will be forwarded to the Law Director.

CEL



City of *NAPOLEON*, 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

MEMORANDUM

Mayor
Jason Maassel

Members of Council

PRESIDENT:
Joseph Bialorucki

PRESIDENT PRO-TEM:
Daniel Baer

Travis B. Sheaffer
Jeff Comadoll
Kenneth Haase
Jeff Mires
Lori Siclair

City Manager
Joel L. Mazur

Finance Director
Kelly O'Boyle

Law Director
Billy D. Harmon

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

DATE: August 5, 2019
TO: Members of City Council
Jason P. Maassel, Mayor
FROM: Joel L. Mazur, City Manager
SUBJECT: Ohio Water & Sewer Rotary Commission Assessments

Council and Mayor,

Napoleon was able to secure funds several years ago from the Ohio Water and Sewer Rotary Commission to develop infrastructure in the Northpointe and Palmer Ditch areas. The property owners are able to defer assessments on their properties until they are transferred or used for something other than agricultural use. Once the properties are sold or used for something other than agricultural, the assessments become due and any funds received from the Ohio Water and Sewer Rotary Commission for those particular parcels are due back to the Commission.

The following parcels have been sold and the assessments are now due from the City.

<u>Parcel Number:</u>	<u>Acreage:</u>	<u>Amount:</u>
Northpointe 41-010026.0000	10 acres	\$9,545.97
27-060014.0000	4.07 acres	\$9,332.40
Palmer Ditch 24-190076.0300	5.46 acres	\$22,807.87

The City has collected the above amounts from the property owners in order to reimburse the Ohio Water and Sewer Rotary Commission. I am respectfully requesting that you direct the Law Director to draft legislation to appropriate the necessary funds to refund the Ohio Water and Sewer Rotary for a total of \$41,686.24 for the deferred assessments on the above properties.

OHIO STATE EAGLES CHARITY FUND, INC.

1170 RICHFIELD CENTER
BEAVERCREEK, OH 4543056-219/422
VOID IF NOT CASHED IN 90 DAYS

6/4/2019

PAY TO THE
ORDER OF

NAPOLEON POLICE DEPARTMENT

**2,000.00

Two Thousand and 00/100*****

\$

DOLLARS

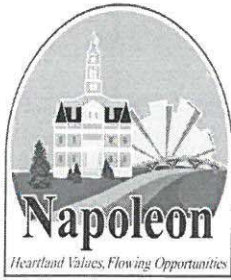
NAPOLEON POLICE DEPARTMENT
310 GLENWOOD AVE
NAPOLEON, OH 43545*William M. Sosa*
William M. Sosa
William M. Sosa

MEMO

C/O NAPOLEON OHIO STATE EAGLES

MP
SECRETARY/TREASURER

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE - RED IMAGE DISAPPEARS WITH HEAT.



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 Manager, Law
Director, Finance Director, Department
Supervisors, News media

From: Roxanne Dietrich, interim clerk of Council *RD*

Date: August 2, 2019

Subject: Technology and Communications Committee –
Cancellation

The regularly scheduled meeting of the **Technology and Communications Committee** for Monday, August 5, 2019 at 6:15 pm has been CANCELED due to lack of agenda items.

Ohio Municipal League Legislative Bulletin

Ohio Municipal League

Fri 8/2/2019 12:03 PM

To: Roxanne Dietrich <rdietrich@napoleonohio.com>;

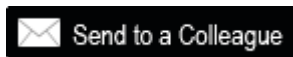
Having trouble viewing this email? [Click here](#)

[Cities & Villages Magazines](#)

[Join Our Mailing List](#)

[OML Classified Ads](#)

[Update Municipal Officials](#)



August 2, 2019

OML UPDATE AT-A-GLANCE

Here are the top three things you need to know from this past week:

- The Ohio's Road to Our Future Joint Legislative Study Committee, created by the Transportation Budget (HB 62) has named ten legislators to the panel, five from each chamber, to be co-chaired by Rep. Greenspan (R - Westlake) and Sen. McColley (R - Napoleon). The panel will examine alternative sources of revenue for the Ohio Department of Taxation, evolving technology, innovative finance techniques and similar issues.
- The Bureau of Worker's Compensation (BWC) has announced they are considering reducing premium rates for public employers by an average of 10% starting in 2020. This is in addition to the 20% reduction for private employer rates that became effective on July 1st as well as a \$1.5 billion refund that is going to Ohio employers.
- Ohio's unemployment rate continues to drop as the state's rate dropped from 4.6% in May to 4% in June.

OHIO DEPARTMENT OF TAXATION RELEASES 2020 LOCAL GOVERNMENT FUND (LGF) PROJECTIONS

The Ohio Department of Taxation (PDT) has released their projections with the increase in the LGF via the recently passed state operating budget for the Undivided Local Government Fund (ULGF) that will be dispersed first to counties, then other political subdivisions, in 2020. Our members can access a spreadsheet [HERE](#) that breaks down the projected estimate that will be distributed to the counties over each month in 2020. Additionally, our members can access a document [HERE](#) breaking down more information on the ULGF for each county. These documents can be access on ODT's website as well.

GOVERNOR SIGNS CONTROVERSIAL ENERGY BILL, HB 6

On July 23, Governor DeWine signed HB 6, which would facilitate and encourage electricity production and use from nuclear and renewable energy resources in this state and to maintain, with modifications, the standards for renewable energy and energy efficiency savings. (Link: <https://bit.ly/2XK7rRK>).

The debate over the final version of HB 6 was featured prominently in the media due to provisions that opponents argue were essentially bailouts of two nuclear plants owned by FirstEnergy Solutions. Political ad spending regarding this bill totaled over \$ 9 million dollars before the legislature concurred on the final version of HB 6.

The final bill grants \$150 million each year for the, Davis-Besse and Perry Plants. These funds will be allocated from a \$170 million-a-year subsidy program created by the bill that will be overseen by the Ohio Air Quality Development Authority starting in 2021. The Public Utilities Commission of Ohio (PUCO) will have the authority to audit First Energy Solutions' books and requires that the company comply fully and provide any documents PUCO requests. The PUCO will have the authority to revise or end the subsidy based on the audit's findings.

The additional \$20 million from the subsidy program will be allocated to several solar projects that have already been approved by state regulators.

Supporters of the final version of the bill say it will result in \$1.3 billion in savings for ratepayers by rolling back renewable and energy efficiency standards. The bill lowers renewable energy standards from 12.5% to 8.5% by 2026 before eliminating them entirely in 2027.

Ohio Municipal League Meetings & Trainings

Mayors Court Refresher Trainings August 16 ~ Attorneys & Magistrates Only October 25 & November 15	Registration Information
-------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------

[Ohio Municipal League](#)

Legislative Inquires:

AMP Update for July 26, 2019

American Municipal Power, Inc.

Fri 7/26/2019 2:19 PM

To: Roxanne Dietrich <rdietrich@napoleonohio.com>;

Having trouble viewing this email? [Click here to view web page version](#)



Update from Search Committee on CEO transition

By Jeff Brediger - director of utilities, City of Orrville

The Board Search Committee has been working diligently over the past few months managing the initial phases of the transition to retirement of AMP/President CEO Marc Gerken. The implementation of this plan aligns with our strategic plan and long-term vision for AMP. Upon the recommendation of the Search Committee, the Board has approved retention of Heidrick & Struggles, an international executive search firm, to help guide the Committee through the benchmarking process, as well as the identification, vetting and selection of potential CEO candidates.

Heidrick & Struggles has a significant practice in the energy sector and a strong track record placing exceptional leaders in positions at companies around the world. The Search Committee received proposals from three executive search firms, and is confident that Heidrick & Struggles is well positioned to lead the Committee through a rigorous and thoughtful search for a strong and qualified successor.

We continue to expect that a new CEO will be in place in spring 2020. As the succession plan moves forward, we will be sure to keep our staff, members and friends of AMP updated on the process.

2019 AMP Board of Trustees service group elections

By Roy Johnson - village administrator, Village of Carey

This year, each of the 13 AMP service groups will elect a representative to the AMP Board of Trustees for a three-year term commencing at the 2019 AMP/OMEA Annual Conference. The current AMP Service Groups are:

- Central (Ohio)
- DEMEC
- Kentucky
- Michigan



- North Central (Ohio)
- Northeast (Ohio)
- Northern (Ohio)
- Northwest (Ohio)
- Other (includes Ind., Md. and W. Va.)
- Pennsylvania
- Southwest (Ohio)
- Virginia
- Western (Ohio)

Service Group elections will be held on Sept. 23 at 3:30 p.m. during the AMP/OMEA Annual Conference. Alternatively, service groups may meet prior to the Conference to hold their election. Upon request, AMP staff will coordinate and/or attend pre-Conference meetings in order to facilitate the voting process. Should you have any questions regarding the election process or wish to request AMP staff engagement, please contact Rachel Gerrick at 614.540.6379 or rgerrick@amppartners.org.

Rachel Gerrick, senior vice president and general counsel for corporate affairs, provided the following reminder on voting and proxies for the general membership meeting, special meetings and service group caucuses:

Each member in good standing shall designate in writing one representative and may also designate one (or more) alternates. Each member, through its representative, shall be entitled to one vote on any matter coming before the members at a general membership meeting, special meeting or service group caucus. Proxy voting is permitted, however an individual may only vote for one member community. Designation of a proxy must be provided to AMP prior to the applicable meeting, via email or U.S. mail from an authorized official (i.e., mayor; city, village, town or borough manager; board chair; or general manager), designating a person to carry the proxy for all, or specified voting purposes. Emails will suffice if the email address is from the member community, otherwise correspondence must be on member letterhead or its legal advisor's letterhead. Proxy correspondence should be addressed to Barbara Johnson at bjohnson@amppartners.org or American Municipal Power, Inc., 1111 Schrock Road, Suite 100, Columbus, Ohio 43229.

Register for the 2019 AMP/OMEA Annual Conference

By Jodi Allalen - manager of member events and programs

Registration material for the 2019 AMP/OMEA Annual Conference, set to take place Sept. 23-25 at the Hilton Columbus at Easton, was mailed earlier this week.

The conference is the premier opportunity for AMP and OMEA members to connect with public power colleagues and municipal electric partners to learn more about industry trends, as well as AMP projects and programs. In response to member feedback, the conference has been reduced to three days and a variety of educational sessions will be offered, including two concurrent tracks. A schedule of sessions can be found [here](#).

[Conference registration](#) is only available on the [AMP website](#). If you have questions about conference or registration, please contact me at jallalen@amppartners.org or 614.540.0916.



Deadline for DEED funding is Aug. 15

By Michelle Palmer, P.E. - vice president of technical services

AMP communities that are interested in seeking funds for an intern or research project are encouraged to apply for Demonstration of Energy and Efficiency Developments (DEED) funding by Aug. 15. DEED is the American Public Power Association's (APPA) research and grant program.

DEED is a potential funding source and staffing resource for member utilities. An APPA membership is included as part of your AMP membership.



Internship funding

Funding is available to support student interns working at member utilities on energy-related projects. Intern projects only need to introduce a student to public power. If you have a projects that wouldn't qualify for grant funding, applying for internship funding can be a good way to get help with the project.

Learn more [here](#).

Grant funding

DEED grants encourage and promote energy innovation and support the development and demonstration of new, innovative technologies and techniques, and the creation of useful products and tools for the betterment of public power utilities and their customers. Grants can be used to improve utilities by increasing efficiency, reducing costs, investigating new technologies, offering new services, and improving processes and practices to better serve customers.

Grants can support pilot projects, new technology demonstrations, early commercialization projects, and the development of best practices. DEED supports its members on all types of projects; anything that can help a utility improve or provide better service to its customers. Projects have included wastewater efficiency technology demonstrations, development of reliability tracking software, public power focused safety videos based on the APPA Safety Manual, security best practices and guidelines, innovative energy efficiency programs, the first telecommunications guidebook for municipalities, renewable energy pilots, etc. DEED grants do not support projects that are standard system upgrades, normal maintenance activities or capital improvement projects.

Learn more [here](#).

If you have questions about applying for funding, please contact me at mpalmer@amppartners.org. If you plan to apply for funding or have an idea that you'd like to explore, please feel free to reach out to Mike Noreen, DEED director for Region 2, at mnoreen@rfcity.org.

Volunteers needed for Apprenticeship Steering Committee

By Michelle Palmer, P.E. - vice president of technical services

Recently, the AMP Board of Trustees accepted a proposal for AMP to continue its efforts toward State Certification of its Lineworker Training Program. Per the proposal presented to the Board, AMP is assembling a Steering Committee to help guide the content of the program. We are looking for between six and 10 individuals from across the membership interested in serving on this committee. Questions can be directed to Scott McKenzie, director of member training and safety, at smckenzie@amppartners.org. If you are interested in serving on the committee, please provide a brief bio - no more than one page - that includes the member community you would be representing, current title and years of experience in the industry.

Planning for EVs in Your Community webinar scheduled for Aug. 8

By Erin Miller - director of energy policy and sustainability

The Focus Forward Advisory Council Electric Vehicle (EV) sub-group is scheduled to meet via Skype on Aug. 8, 2-3 p.m.

Dave Roberts, senior consultant and Jennifer Wallace-Brodeur, director of transportation efficiency for Vermont Energy Investment Corporation will present information on how to plan for EVs in your community. Topics covered will include designing rates, siting and investment options for charging infrastructure, managed charging and vendor considerations, fleet adoption and customer education.

Login details can be found on the upcoming events section of the [Focus Forward](#) on the [member extranet](#) (login required). If you have questions or need additional information, contact me at

emiller@amppartners.org or 614.540.1019.

Field preparations for 2019 AMP Lineworkers Rodeo completed

By Scott McKenzie - director of member training and safety

Thank you to the volunteers from Cleveland, Jackson Center, Piqua, Tipp City and Westerville that helped with rodeo event construction this week in preparation for the Sixth Annual AMP Lineworkers Rodeo, to be held Aug. 23-24 at AMP headquarters. Field preparations are now complete and no further build days are required. If you have questions about the rodeo or how to compete, please contact Jennifer Flockerzie at 614.540.0853 or jflockerzie@amppartners.org.



Deadline to register for the 2019 Member Outing approaching

By Charles Willoughby - director of government affairs

SAVE THE DATE

TUESDAY, AUGUST

20

2019

AMP MEMBER OUTING

GOLF CLUB OF DUBLIN

PLEASE CONTACT CHARLES WILLOUGHBY AT
CWILLOUGHBY@AMPPARTNERS.ORG TO REGISTER FOR THE
OUTING!

Click [here](#) to register.

Energy market update

By Jerry Willman - assistant vice president of energy marketing

The August 2019 natural gas contract increased \$0.024/MMBtu to close at \$2.244 yesterday. The EIA reported an injection of 36 Bcf for the week ending July 19. Market expectations were for an injection of 35 Bcf. The small injection number is reflective of the extreme heat experienced last week across the U.S. The injection brought total U.S. working gas supply to 2,569 Bcf, a deficit of 151 Bcf (5.6 percent) versus the five-year average and 300 Bcf above a year ago. The injection season running total of 1462 Bcf is much larger than the five-year average of +1085.

On-peak power prices for 2020 at AD Hub closed yesterday at \$30.70/MWh which decreased \$1.69/MWh for the week.

On Peak (16 hour) prices into AEP/Dayton hub

Week ending July 26

MON	TUE	WED	THU	FRI
\$28.15	\$24.14	\$27.11	\$27.95	\$32.66

Week ending July 19

MON	TUE	WED	THU	FRI
\$34.38	\$35.47	\$38.39	\$42.19	\$48.10

AEP/Dayton 2020 5x16 price as of July 25 — \$30.70

AEP/Dayton 2020 5x16 price as of July 18 — \$32.39

AFEC weekly update

By Jerry Willman

The AMP Fremont Energy Center (AFEC) was available for 2x1 operation for the week. PJM dispatched the plant offline overnight Wednesday due to economics. Duct firing operated for 103 hours this week. For the week, the plant generated at an 81 percent capacity factor (based on 675 MW rating).

Security tip - Is that email really from HR?

By Jared Price - vice president of information technology and CTO



One of the easiest ways the bad guys trick you into falling victim to their fraudulent scams is to exercise a sense of trust by pretending to be someone you know. More than likely, you receive emails from your human resources (HR) team on a frequent basis. Scammers take advantage of this constant communication by crafting spear phishing attacks using emails that spoof your HR team.

Spear phishing attacks are email scams that typically target an individual or organization by spoofing, or appearing to come from a trusted sender. Don't blindly trust emails that seem to come from your HR department. See the tips below to learn more about these types of scams.

How Do I Spot a Fake?

Does this sound like typical communication?

- Pay attention to the context in the body of the email. Look for spelling errors, grammar errors and odd sentence structure.
- Are you being asked to review unfamiliar policies or procedures? If you're being asked to download an attachment or click a link to review a policy you've never heard of, think twice before you click.
- Are you being asked to do something that wouldn't typically be addressed via email? Beware of emails containing an attachment for your "paid bonus" or any other matter that seems out of the ordinary for email communication.

Who sent the email?

- Does the sender's email address appear to be from an unfamiliar domain or a third-party company? If the domain of the sender's email address is generic, for instance, "humanresources.com," the email may not be from your internal HR department. Ensure the email is from an address that your

HR team typically uses to send mail. But remember, even if the domain is from your organization, it could be spoofed.

- Does the email signature make sense? Ensure the signature in the body of the email matches the name and job role of the sender. Some HR phishing scam emails have unusual or inaccurate job titles in the email signature, or even no signature at all.

When in doubt, always pick up the phone and call someone from your HR team to confirm the email is safe and legitimate. They'll be thankful you used your resources, rather than putting your organization at risk.

Practice caution while working in the heat

By Kyle Weygandt - director of member safety

With the hottest part of summer upon us, it is important to remember to stay hydrated and work safely in the heat. Have access to water at work and at home. If you are outside and thirsty, you are probably dehydrated. When you're outside in the heat, continue to hydrate.



Additionally, it is important to know your limits to heat exposure. Heat stress can become a dangerous and overlooked issue. Look out for these symptoms when working outside on hot days:

- Dark-colored urine (a sign of dehydration)
- Confusion
- Agitation
- Dizziness
- Fainting
- Fatigue
- Headache
- Muscle or abdominal cramps
- Nausea, vomiting or diarrhea

If not treated, heat stress can lead to injury and even death. Should symptoms occur, get out of the heat, cool off and be prepared to call 911 if the symptoms are not relieved by appropriate first aid.

Working outdoors in the heat can be performed safely with preventative measures and proper hydration. Watch each other's backs and remember: safety is contagious, don't be afraid to spread it!

For more information about heat stress, first aid or any other safety questions, please contact me at 330.323.1269 or kweygandt@amppartners.org.

2019
AMP/OMEA
ANNUAL CONFERENCE

**SEPT.
23-25**

Hilton Columbus
at Easton
Columbus, OH

Register online at
www.amppartners.org

**SAVE
THE
DATE**

AMP TRAINING SERIES:

Register for these upcoming courses

Lineworker Training Basic 1

Prerequisite: None

Date: July 29–Aug. 2 Class length: Weeklong

Size: Limited to 16

Lineworker Training Advanced

Prerequisite: Intermediate is required unless instructor approves

Date: Sept. 9–13 Class length: Weeklong

Size: Limited to 12

Hotline Training

Prerequisite: First- and second-year apprentice training is required

Date: Oct. 7–10 Class length: Three full days

Size: Minimum of 8

Advanced Transformer Workshop

Prerequisite: None

Date: Oct. 22-23 Class length: Two full days

Size: Minimum of 15

For a complete schedule and full details of the 2019 training courses, see the 2019 AMP Training Catalog at: www.amppartners.org/services/technical-services.

To register contact Jennifer Flockerzie, manager of technical services logistics, at 614.540.0853 or jflockerzie@amppartners.org



AMERICAN PUBLIC
POWER ASSOCIATION

2019

THE ACADEMY

Webinars

Register now for Webinars

Learn from your office! Individual webinars are \$109 (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.

- Best Practices in RFI Responses: **August 5**
Economic Development Series
- Protecting Your Cash Position: **August 8**
Financial Planning Series
- Community Branding and Marketing: **August 19**
Economic Development Series
- Economic Development Reimagined: **August 26**
Economic Development Series





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 Oberlin seeks applicants for electric distribution superintendent

The City of Oberlin is seeking applicants for the position of electric distribution superintendent in the Electric Distribution Division. The electric distribution superintendent is responsible for the operation, maintenance and routine construction work of the electric distribution system and plans, coordinates and supervises the activities of the electric distribution division staff. This position also coordinates electric distribution activities with other divisions and departments, outside agencies, the general public and provides staff assistance to the OMLPS Director.

Minimum qualifications include a high school diploma or equivalent, supplemented with electrical related courses and seven or more years relevant work experience, or an equivalent combination of education and years of experience which provides the skills and abilities necessary to perform the job. Journeyman lineman and supervisory experience preferred. The position requires a valid state of Ohio driver's license. Starting salary is \$75,000-\$87,500 per year, depending on qualifications. Applications and full job description are available at www.cityofoberlin.com and at Oberlin City Hall, 85 South Main St., Oberlin, Ohio 44074. Applications may be returned by Aug. 12, 2019, via email to: hr@cityofoberlin.com; or mailed to: City of Oberlin Human Resources Department, 85 South Main St., Oberlin, Ohio 44074.

City of Orrville seeks applicants for power plant technician II

The City of Orrville - Department of Public Utilities seeks applicants for a power plant technician 2. This is semi-skilled to skilled work in the operation of high-pressure steam boilers, turbines, fuel and ash systems and other equipment in an electrical power generation plant. Positions in this class also operate the ash handling systems and inspect, lubricate and service boiler auxiliary equipment according to an established routine. Workers will also assist in the operation of turbines and other plant equipment, perform non-skilled and semi-skilled tasks involving installation and maintenance of plant equipment, buildings and systems for city utilities. Must have graduated from high school (or GED and obtained certification in two or more maintenance trades, including but not limited to industrial maintenance, machining, welding, electric, HVAC, or instrumentation and controls; considerable experience in skilled and semi-skilled mechanical and/or electrical equipment and utility maintenance tasks, or any equivalent combination of experience and training which provides the required knowledge, abilities and skills. Pay range

\$24.99-\$31.26/hour, plus benefits. Applications are available to www.orrville.com and must be emailed to pmcfarren@orrville.com or mailed or delivered to the city's Human Resources office at 207 N. Main St., Orrville, OH 44667, by 5 p.m., Friday, Aug. 9.

Bowling Green seeks applicants for two positions

Wastewater collection equipment operator

The City of Bowling Green is seeking applicants for the position of wastewater collection equipment operator. This position is responsible for maintaining, repairing and installing municipal sanitary, combination, storm sewers and performing lift station maintenance. Operates vac-truck, dump truck, CCTV, excavator, backhoe, jack hammer, tapping machine, air monitor, concrete saw and flow meter; uses hand tools; repairs and installs manholes, catch basins, asphalt and concrete; sets up work zone traffic control; responds to after hour calls; performs other related duties as assigned. Work is performed outdoors and in confined spaces in proximity to sewage; night, weekend and holiday work. High school diploma or equivalent; Class A Commercial Driver License with Tanker Endorsement; OEPA Class I Wastewater Collection Certification or the ability to obtain within two years; one to three years of relevant experience; or any combination of experiences which provides the required skill sets to perform the essential functions of the job. A copy of the job description will be provided to applicants.

Interested persons must complete an application packet that is available either by visiting the Personnel Department of the City of Bowling Green at 304 N. Church St, Bowling Green, OH 43402 or by applying [online](#). Resumes may be included, but will not substitute for a completed application. All completed application materials must be returned to the Personnel Department by one of the following methods: via email to bgs-personnel@bgo.org via fax to 419.352.1262 or via U.S. Mail or hand-delivery to the address above. Office hours are Monday through Friday, 8:00 a.m.-4:30 p.m. You may reach the Personnel Department by phone at 419.354.6200. Deadline for making application is 4:30 p.m. July 29, 2019. AA/EEO

Firefighter/paramedic

The City of Bowling Green is seeking applicants for the position of firefighter/paramedic. Applications must be submitted to the Personnel Department by 4:30 p.m. on Aug. 6. This position is responsible for fire suppression and prevention, and emergency medical service for the protection of life and property. Applicants must be certified by the State of Ohio as a paramedic at the time of application and appointment. A copy of the valid paramedic certification must be provided at the time of application. Within 12 months of appointment, those persons hired must become certified as an Ohio Firefighter II.

Candidates must take and successfully pass both a written examination and a physical agility test. Candidates must take and pass a physical agility exam to be administered by appointment through Aug. 16, 2019. An alternative to taking and passing the physical agility test is to provide to the city, upon application, official verification that documents the candidate currently holds a valid/current certification of passing the Firefighter Mile exam through the National Testing Network. Those candidates who passed the physical agility requirement, as previously outlined, will be scheduled to take a written examination on Aug. 24, 2019 beginning at 8:00 a.m.

Ohio law (ORC 124.42) and city ordinance provide that no person shall be eligible to receive an original appointment in the fire service unless the person has reached the age of 18 and has not reached his/her 41 birthday. The age restriction is permitted by the Public Safety Exemption to the Age Discrimination in Employment Act (29 U.S. Code 623 (j)).

Section 7.01 of the city's charter provides for an additional credit of 10 percent of a passing test score for honorably discharged veterans. A candidate's DD Form 214 documenting an honorable discharge must be submitted at the time of application in order to be eligible for the veteran's credit. firefighter/paramedics must serve a one-year probationary period. The current starting rate is \$20.24 per hour, which annualizes to \$54,728.

Interested persons must complete an application packet that is available either by visiting the Personnel Department of the City of Bowling Green at 304 N. Church St, Bowling Green, OH 43402 or by applying [online](#). Resumes may be included, but will not substitute for a completed application. All completed application materials must be returned to the Personnel Department by one of the following methods: via email to bgs-personnel@bgo.org via fax to 419.352.1262 or via U.S. Mail or hand-delivery to the address above. Office hours are Monday through Friday, 8:00 a.m.-4:30 p.m. You may reach the Personnel Department by phone at 419.354.6200. Deadline to apply is 4:30 p.m. Aug. 6. AA/EEO

City of Marshall seeks applicant for assistant director of electric utilities

The City of Marshall is a quaint Norman Rockwell style community with a population of 7,068 in lower, central Michigan. Located less than one hour from the campuses of the University of Michigan and Michigan State University, two hours from Detroit and beautiful Lake Michigan, and three hours from Chicago. The City has installed a fiber to the premise system to every property in the city with symmetrical speeds up to 10 mbps.

The community is seeing unusual growth with over \$1 billion of industrial growth. Click [here](#) to view the Choose Marshall video. Located at the intersection of I-94 and I-69, the crossroads of international highways, the city is preparing for large industrial and residential growth with a 1,000-acre mega industrial site. The downtown district is 97 percent commercially occupied. The city has the largest National Historic Landmark District in Michigan with many neighborhoods of historic homes.

In the next three years, it is anticipated a peak-demand growth from 23 MW to 123 MW. The city will be constructing infrastructure to meet this demand. A privately developed dual unit 500 MW gas fired power plant is proposed in the city. A complete job description can be found at www.cityofmarshall.com

Qualifications for the Assistant Director of Electric Utilities position include a degree in electrical engineering or a closely-related field, and a minimum of three to five years of experience working for an electric utility with supervisory or executive leadership responsibilities. A State of Michigan licensed professional engineer desired. Annual salary of \$80,000 with excellent benefits.

To apply for this position, submit a cover letter, resume and professional references to HumanResources@cityofmarshall.com.

The City of Marshall is an Equal Opportunity Employer. Position open until filled.

Borough of Schuylkill Haven seeks applicants for journeyman and apprentice electric lineworker

The Borough of Schuylkill Haven is seeking applicants for the position of journeyman electric lineman position. Minimum qualifications include: graduation from the standard four-year high school, successful completion of an approved apprenticeship program of at least four years in duration, journeyman accreditation and Pennsylvania CDL license.

Schuylkill Haven Borough owns and operates their own electric system including: substation, poles, distribution lines, transformers and secondary services. The applicant should have thorough background knowledge of these types of appurtenances. The successful candidate must pass a complete background investigation including reference, employment, criminal/personal record checks and a pre-employment drug screening test.

The borough is also accepting applications for an apprentice electric lineworker. This position is a trainee position.

Schuylkill Haven is located In Schuylkill County, Pa. and has a population of 5,550 people. The borough has an excellent compensation/benefit package and is an Equal Opportunity Employer. A complete job description and job application can be obtained by contacting the borough office at 570.385.2841 or by logging on to the Borough's website at www.schuylkillhaven.org.

Please submit a completed job application, resume, certifications and three references to: Scott J. Graver, Borough Administrator, Schuylkill Haven Borough Office, 333 Centre Ave., Schuylkill Haven, PA 17972. This position will remain open until filled.

City of Coldwater seeks applicants for engineering manager

The City of Coldwater is seeking a qualified individual to fill the available position of engineering manager.

This individual will serve on the executive management team and provide professional support to the utility director and city manager. This individual will oversee all engineering functions for the Coldwater

Board of Public Utilities (CBPU) and city. Extensive management and supervision is exercised over the electrical engineer, engineering technician and GIS and mapping coordinator.

The engineering manager will provide leadership in project development, design and implementation; coordination and issue resolution; manage technical research to support recommendations; assist with estimating project costs while maintaining departmental budgets; prepare surveys and studies based on economic engineering practices in order to prepare plans for proposed construction projects; draft specifications for equipment and materials used in construction, maintenance and operation of utility and municipal systems; make on-site inspections of work to ensure compliance with plans; develop creative and effective strategies and coordinate with other utility and city engineering personnel to avoid conflicts of utility construction projects with other services; ability to prepare, review and interpret engineering plans and specifications; ability to conduct research projects; ability to prepare technical reports; keep record and documentation updated; mentor and facilitate the succession planning within the department; develop a departmental training program; develop and set priorities for department; ability to establish and maintain an effective working relationships with associates and build professional customer relations; research methods to improve workplace efficiency, productivity and recommend policy change; and perform related tasks as required thorough knowledge of engineering principles and practices.

Successful applicant should have a minimum of 10 years of experience in engineering or project management with an emphasis on electrical or civil engineering. An electrical engineering degree is preferred, but other engineering degrees will be considered. Salary commensurate with experience.

Send resume to: Nicki Luce, Coldwater Board of Public Utilities, One Grand St., Coldwater, MI 49036 or email to resume@coldwater.org.

Opportunities available at AMP

AMP is seeking applicants for the following positions:

Staff attorney

Safety/OSHA compliance coordinator - Pennsylvania

For complete job descriptions, please visit the [AMP careers page](#).

American Municipal Power, Inc.

STAY CONNECTED



www.amppartners.org

American Municipal Power, Inc., 1111 Schrock Road, Suite 100, Columbus, OH 43229

SafeUnsubscribe™rdietrich@napoleonohio.com

[About our service provider](#)

Sent by webmaster@amppartners.org in collaboration with

Constant Contact 

Try email marketing for free today!