



City of Napoleon, Ohio

P.O. Box 151 ~ 255 West Riverview Avenue
Napoleon, OH 43545
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Memorandum

To: Mayor and Members of City Council
From: Roxanne Dietrich, Executive Assistant to
Appointing Authority/Clerk of Council
cc: Joel L. Mazur-City Manager,
Billy D. Harmon-City Law Director,
Kelly O'Boyle-City Finance Director
Date: February 17, 2020
Subject: General Information

CALENDAR

CITY COUNCIL MEETING AGENDA

APPROVAL OF MINUTES

February 03, 2020 Regular Council Meeting Minutes

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 005-20**, an Ordinance Approving an ODOT Repair Project; and Declaring an Emergency.
2. **Ordinance No. 006-20** an Ordinance Approving Current December 2019 Replacement Pages to the City of Napoleon Codified Ordinances

SECOND READINGS OF ORDINANCES AND RESOLUTIONS

1. **Resolution No. 003-20**, a Resolution Authorizing the Expenditure of Funds over Twenty-Five Thousand Dollars (\$25,000) for the Purpose of Implementation of a GIS System, and to Sole Source said Implementation to Stantec Consulting Services, Inc.; and Declaring an Emergency
2. **Resolution No. 004-20**, a Resolution Authorizing the Participation in the Ohio Department of Transportation (ODOT) Cooperative Purchasing Program; and Declaring an Emergency

THIRD READINGS OF ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 001-20**, an Ordinance Amending the Current Investment Policy in and for the City of Napoleon, Ohio (Investment Policy No. IP 16-0003); Amending Ordinance No. 013-16 and Policy No. 0002 as was Periodically Amended

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

1. **Discussion/Action:** Approval of Power Supply Cost Adjustment Factor for February 2020 as PSCA 3-month averaged factor \$0.01683 and JV2 \$0.121125

2. **Discussion/Action:** recommendation to Allow Residents to Set Out a Second Bag for the Weekly Refuse Collection
This is the recommendation of the Water and Sewer Committee.
3. **Discussion/Action:** 2019 Year End Review
The 2019 year-end report from Kelly is included in your packet.
4. **Discussion/Action:** on 50% Reciprocity Income Tax Credit (Tabled)
Please see the enclosed information.
5. **Discussion/Action:** Award of Liquid Aluminum Sulfate for Wastewater Treatment Plant
Attached is a Memorandum from Dave Pike with his recommendation of award.
6. **Discussion/Action:** Approval of Purchase Agreement for Remount of Medic Units 801 and 802
7. **Discussion/Action:** Regarding Amending Section 145.01 of the Codified Ordinances, Composition of the Police Department
8. **Discussion/Action:** Approval to Apply for Various Grants for Safety Services
9. **Discussion/Action:** Zoning Administrator Position

INFORMATIONAL ITEMS

- a. Agenda – City Tree Commission; Monday, February 17th @6:00 pm
- b. Cancellation of Parks and Recreation Committee meeting
- c. Information for OML's Council Training available on
Saturday, February 29th at Cincinnati Marriott Northeast,
Saturday, March 21st at Doubletree Columbus, or
Saturday, April 4th at Embassy Suites Rockside, Independence
- d. AMP Update/February 7, 2020

February 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1 9:00 am – Special Civil Service Commission Meeting (Police Officer Physical Agility Test) @ St. Paul's Lutheran Church
2	3 6:15 pm Technology Comm 7:00 pm City Council	4	5	6	7	8
9	10 6:15 pm Electric Committee BOPA 7:00 pm Water/Sewer Comm 7:30 pm Muni Prop/ED Comm	11	12	13	14	15
16	17 6:00 pm Tree Commission 7:00 pm City Council	18	19	20	21	22
23	24 6:30 pm Finance & Budget 7:30 pm Safety & Human Resources Comm. Mtg. w/Townships	25 4:30 pm Civil Service	26 6:30 pm Park & Rec Board	27	28	29

CITY COUNCIL

MEETING AGENDA

Monday, February 17, 2020 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. February 03, 2020 Council Meeting Minutes.

D. Citizen Communication

E. Reports from Council Committees

1. **Electric Committee** met on February 10, 2020; and
 - a. approved the PSCAF for February 2020
 - b. heard an update on the substations, and
 - c. was informed there are three issues that will be discussed with our Legislators at the APPA Rally; those being (1) transmission policies, (2) climate change, and (3) Build America Bonds.
2. **Water, Sewer, Refuse, Recycling and Litter Committee** met on February 10, 2020; and
 - a. recommended allowing residents to set out a second bag for the weekly refuse collection, and
 - b. heard an update on the progress of the Wastewater Treatment Plant project
3. **Municipal Properties, Building, Land Use and Economic Development Committee** met on February 10, 2020; and
 - a. Removed from the agenda *Murals within the City*
4. **Parks and Recreation Committee**
 - a. Did not meet tonight due to lack of agenda items.

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

1. **Board of Public Affairs** met on February 10, 2020
2. **City Tree Commission** met on February 17, 2020

G. Introduction of New Ordinances and Resolutions

1. **Ordinance No. 005-20**, an Ordinance Approving an ODOT Repair Project; and Declaring an Emergency.
2. **Ordinance No. 006-20** an Ordinance Approving Current December 2019 Replacement Pages to the City of Napoleon Codified Ordinances

H. Second Readings of Ordinances and Resolutions

1. **Resolution No. 003-20**, a Resolution Authorizing the Expenditure of Funds over Twenty-Five Thousand Dollars (\$25,000) for the Purpose of Implementation of a GIS System, and to Sole Source said Implementation to Stantec Consulting Services, Inc.; and Declaring an Emergency
2. **Resolution No. 004-20**, a Resolution Authorizing the Participation in the Ohio Department of Transportation (ODOT) Cooperative Purchasing Program; and Declaring an Emergency

I. Third Readings of Ordinances and Resolutions

1. **Ordinance No. 001-20**, an Ordinance Amending the Current Investment Policy in and for the City of Napoleon, Ohio (Investment Policy No. IP 16-0003); Amending Ordinance No. 013-16 and Policy No. 0002 as was Periodically Amended

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

1. **Discussion/Action:** Approval of Power Supply Cost Adjustment Factor for February 2020 as PSCA 3-month averaged factor \$0.01683 and JV2 \$0.121125

2. **Discussion/Action:** recommendation to Allow Residents to Set Out a Second Bag for the Weekly Refuse Collection
3. **Discussion/Action:** 2019 Year End Review
4. **Discussion/Action:** on 50% Reciprocity Income Tax Credit (Tabled)
5. **Discussion/Action:** Award of Liquid Aluminum Sulfate for Wastewater Treatment Plant
6. **Discussion/Action:** Approval of Purchase Agreement for Remount of Medic Units 801 and 802
7. **Discussion/Action:** Regarding Amending Section 145.01 of the Codified Ordinances, Composition of the Police Department
8. **Discussion/Action:** Approval to Apply for Various Grants for Safety Services
9. **Discussion/Action:** Zoning Administrator Position

K. Discussion/Action: Executive Session (as may be needed)

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

M. Adjournment



Roxanne Dietrich

Executive Assistant to Appointing Authority/Clerk of Council

A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL

1. **Technology & Communication Committee (1st Monday)**
(Next Regular Meeting: Monday, March 2, 2020 @6:15 pm)
2. **Electric Committee (2nd Monday)**
(Next Regular Meeting: Monday, March 09, 2020 @6:15 pm)
 - a. Review of Power Supply Cost Adjustment Factor for March 2020
 - b. Update on Substations
 - c. Electric Department Report
3. **Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)**
(Next Regular Meeting: Monday, March 09, 2020 @7:00 pm)
 1. Update on Wastewater Treatment Plant Phase 1 Project (Tabled)
4. **Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)**
(Next Regular Meeting: Monday, March 09, 2020 @7:30 pm)
5. **Parks & Recreation Committee (3rd Monday)**
(Next Regular Meeting: Monday, February 17, 2020 @6:00 pm)
6. **Finance & Budget Committee (4th Monday)**
(Next Regular Meeting: Monday, February 24, 2020 @6:30 pm)
7. **Safety & Human Resources Committee (4th Monday)**
(Next Regular Meeting: Monday, February 24, 2020 @7:30 pm)
 - a. Review of EMS Costs and Revenues with Townships, HCSJAD and Village of Florida
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, March 09, 2020 @6:15 pm)
 - a. Review of Power Supply Cost Adjustment Factor for March 2020
 - b. Update on Substations
 - c. Electric Department Report
 - d. Update on Wastewater Treatment Plant Phase 1 Project
2. **Board of Zoning Appeals (2nd Tuesday)**
(Next Regular Meeting: Tuesday, March 10, 2020 @4:30 pm)
3. **Planning Commission (2nd Tuesday)**
(Next Regular Meeting: Tuesday, March 10, 2020 @5:00 pm)
4. **Tree Commission (3rd Monday)**
(Next Regular Meeting: Monday, February 17, 2020 at 6:00 pm)
5. **Civil Service Commission (4th Tuesday)**
(Next Regular Meeting: Tuesday, February 25, 2020 @4:30 pm)
6. **Parks & Recreation Board (Last Wednesday)**
(Next Regular Meeting: Wednesday, February 26, 2020 @6:30 pm)
7. **Privacy Committee (2nd Tuesday in May & November)**
(Next Regular Meeting: Tuesday, May 12, 2020 @10:30 am)
8. **Records Commission (2nd Tuesday in June & December)**
(Next Regular Meeting: Tuesday, June 09, 2020 @4:00 pm)
9. **Housing Council - Meets First Monday in April (must be after TIRC meeting)**
(Next Meeting: Monday, April 6, 2020 at 6:30 pm)
10. **Health Care Cost Committee (as needed)**
11. **Preservation Commission (as needed)**
12. **Napoleon Infrastructure/Economic Development Fund Review Committee [NIEDF] (as needed)**
13. **Tax Incentive Review Council (as needed)**
14. **Volunteer Firefighters' Dependents Fund Board (as needed)**
15. **Volunteer Peace Officers' Dependents Fund Board (as needed)**
16. **Lodge Tax Advisory & Control Board (as needed)**
17. **Board of Building Appeals (as needed)**
18. **ADA Compliance Board (as needed)**

City of Napoleon, Ohio
CITY COUNCIL MEETING MINUTES
 Monday, February 03, 2020 at 7:00 pm

PRESENT

Councilmembers	Joseph D. Bialorucki-Council President, Daniel L. Baer-Council President Pro-Tem, Jeff Mires, Lori Sicclair, Ken Haase, Jeff Comadoll, Ross Durham
Mayor	Jason P. Maassel
City Manager	Joel L. Mazur
City Law Director	Billy D. Harmon
City Finance Director	Kelly O'Boyle
City Staff	Chief of Police-David Mack; Fire Chief-Clayton O'Brien; Public Works Director-Chad Lulfs; Parks and Recreation Director-Tony Cotter
Admin. to Appointing Authority	
Clerk of Council	Roxanne Dietrich
Others	News Media

ABSENT

CALL TO ORDER

Council President Bialorucki called the meeting to order at 7:00 pm with the Lord's Prayer followed by the Pledge of Allegiance.

APPROVAL OF MINUTES

In the absence of any objections or corrections, the minutes of the January 20, 2020 City Council meeting shall stand approved.

CITIZEN COMMUNICATION

None

REPORTS FROM COUNCIL COMMITTEES

Finance and Budget Committee did not meet on January 27th 2020 due to lack of agenda items.

Safety and Human Resources Committee Chairman, Dan Baer, reported the committee met on January 27, 2020 and recommended a 50% reciprocity tax credit in lieu of crash fees and the SAFER Grant. This will be brought before Council for discussion later tonight.

Technology and Communication Committee did not meet tonight due to lack of agenda items.

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 002-20 – OMEA REPRESENTATIVE

Council President Bialorucki read by title, **Resolution No. 002-20**, a Resolution Designating Lori Siclair as Delegate to Represent the City of Napoleon, Ohio as a Member of the Board of Directors of the Ohio Municipal Electric Association; and Declaring an Emergency

Motion: Comadoll Second: Mires
to approve First Read of Resolution No. 002-20

Motion: Comadoll Second: Mires
to suspend the rule requiring three readings of Resolution No. 002-20:

Yea-5, Nay-2 - Motion Passed

Yea-7, Nay-0 - Motion Passed

Motion: Haase Second: Durham
to approve Resolution No. 003-20 on First Read

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Roll call vote to approve First Read of Resolution No. 003-20:
Yea-Sicclair, Baer, Bialorucki, Mires, Haase, Durham, Comadoll
Nay-
Yea-7, Nay-0 - **Motion Passed**

Resolution No. 004-20 – ODOT Crack Sealing Program

Council President Bialorucki read by title, **Resolution No. 004-20**, a Resolution Authorizing the Participation in the Ohio Department of Transportation (ODOT) Cooperative Purchasing Program; and Declaring an Emergency

Motion: Sicclair Second: Haase
to approve First Read of Resolution No. 004-20

Mazur stated this is to use the ODOT State Purchasing Contract for crack sealing. Lulfs added the program is an annual program; however, for this specific item the 2019 pricing is still in effect until April 1, 2020 and we are trying to get this through before the prices go up.

Roll call vote to approve Resolution No. 004-20 on First Read
Yea-Sicclair, Baer, Bialorucki, Mires, Haase, Durham, Comadoll
Nay –
Yea-7, Nay-0 - **Motion Passed**

SECOND READINGS OF ORDINANCES AND RESOLUTIONS

Ordinance No. 001-20 – City Investment Policy

Council President Bialorucki read by title, **Ordinance No. 001-20**, an Ordinance Amending the Current Investment Policy in and for the City of Napoleon, Ohio (Investment Policy No. IP 16-0003); Amending Ordinance No. 013-16 and Policy No. 0002 as was Periodically Amended

Motion: Durham Second: Comadoll
to approve Second Read of Ordinance No. 001-20

O'Boyle noted the changes were highlighted in your packet. These are Ohio Revised Code changes and a few housekeeping items. Other than that there's nothing new to report.

Roll call vote to approve Second Read of Ordinance No. 001-20
Yea-Sicclair, Baer, Bialorucki, Mires, Haase, Durham, Comadoll
Nay-
Yea-7, Nay-0 - **Motion Passed**

THIRD READINGS OF ORDINANCES AND RESOLUTIONS - None

Good of the City

APPROVAL OF PLANS AND SPECIFICATIONS FOR THE EAST AND WEST GRACEWAY DRIVE STREET IMPROVEMENTS

Mazur said approval is for the plans and specs and to allow us to bid the project out. The engineer's estimate is \$465,000.

Motion: Comadoll

Second: Mires

to approve the plans and specifications for the East and West Graceway Drive Street Improvements Project and to advertise to bid

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0 - **Motion Passed**

APPROVE RECOMMENDATION - the New Swimming Pool Aquatic Center Commission Approved the Footprint of the Main Play Feature for the Napoleon Aquatic Center

Mazur reported the Pool Commission met on January 29, 2020. The main discussion focused around the play features. We are at a point now, at least with the design portion of this, that we have to start locking in some of these features to stay on schedule. The footprint of the main play structure was important because of the location of where they have to put all these spray nozzles and pumps and some of the play structures. We are still trying to get an answer on what they will exactly look like and those could change a little bit once we get answers. The Pool Commission will meet again to discuss them but, for the most part this footprint is going to stay the same. Cotter added the importance of approving a footprint is basically this is the foundation of the structure. It helps the engineers to plan the contour for the depth not only for the zero entry area but also as you move back towards the slides. That's important because that structure has to sit on flat surface. I'm working with the supplier of this type of product and he is insuring me that I should have a lot more information coming this week as far as some of the features within that structure. Maassel asked how much of that comes down for the winter months? Cotter replied we don't know. We can ask, my guess is not much. That will definitely be something we will have to find out about is winterization.

Motion: Mires

Second: Comadoll

to approve the footprint of the main play feature for the Napoleon Aquatic Center as recommended by the New Swimming Pool Aquatic Center Commission.

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0 - **Motion Passed**

50% RECIPROCITY INCOME TAX CREDIT

Mazur stated we will go through the 15-page report that was in the last week's packet. We have discussed previously the staffing levels at the Fire Department and the options that were put forward to help resolve some of these issues due to the increased number of calls and also the increased number of overlapping calls. A statistical analysis was put together of what has been happening over the past decade. We will highlight a lot of the main points and then open it up for questions. Chief O'Brien and Chief Mack are here to answer any questions. The City Law Director, Finance Director and myself have all had some input in this too. Like we discussed during budget time and in previous meetings, we have had an increase in the number of calls. Every year since 2008 the calls have gone up, except between 2009 and 2010 when they stayed flat; but, every year they have went up. Chief O'Brien and I have been talking about and monitoring our call volume and the number of overlapping calls for the past two years. We also talked about the number of volunteers that we have and how difficult it is for us to recruit volunteers as a part of our staff at the Fire Department. One of the items that we brought up was implementing a vehicle crash fee as a way to improve revenues so that we would be able to hire another staff person. At the Fire Department, we have three full-time people on the A shift and also on the C shift; but, the B shift only has two full-time people on staff right now. That is what we are looking at to maybe hire that last full-time person for the B shift. We are trying to figure out ways to improve our revenues so we can try to address the staffing level issue. The SAFER grant was proposed, that stands for **Staffing Adequate Fire and Emergency Response**. The SAFER grant would actually pay for us to hire employees. The grant would pay 75% of the cost for the first two years, 35% the third year and the fourth year the City is responsible for fully funding the rest. We had proposed hiring four new full-time firefighters because the grant requires that staffing levels be at a certain number to meet the NFPA standard. That level would require hiring four full-time firefighters. A concern raised was the sustainability of the SAFER grant because obviously the City would have to pay for all of the staff starting the fourth year. It was also felt that would erode away at the volunteer structure that is already difficult to maintain. We went back to the drawing board and looked at other options. We thought if we are trying to solve one problem, what else is out there? As we've discussed in the past, maybe not in as much detail as we needed to at the time, the staffing levels in the dispatch center need to be addressed as well. There was a dispatcher position cut in 2014. Chief Mack has some data that he can give to you in a little bit here for the employees that work in that area. This has caused a lot of stress for not just the dispatchers, but also for the patrolmen as well in terms of covering when no one is available. Regarding overlapping calls, you can see from the graph in the report that the number of overlapping calls has went up. The total number of volunteers has come down and the number of full-time firefighters has stayed level. Overall it's about a 60% increase in the number of calls of service since 2008. We are at 1,646 calls. In 2008 we had 1,036 calls. We are also seeing the age of patients that we run on has went up too. There's another graph showing the statistics of Napoleon's average age population compared to the U.S. average and statistically we have an older population. Not to rehash all this, I just wanted to put those statistics back out there. I would ask Chief Mack to explain further the Police Department Dispatch Center staffing levels. Durham said I have a question on the number of volunteers. What's the reason for the drop? Chief O'Brien replied it's not just in Napoleon it's a national thing. The National Volunteer Fire Council has looked at the drop in volunteers all across the United States and what they point to is (a) two income families you don't really have that individual that can actually volunteer, (b) you have a little bit higher cost in housing so people are having to pay bills, and (c) the time

commitment. It used to be you had to do a 36-hour fire class to be a firefighter. Now you're spending 120 hours just to get the fire card and then you have another 160 hours to get the EMT card. Then there's the continuing education on top of all that time, it just begins to add up. Each one of the certifications has its own amount of continuing education. There are a lot that have multiple certifications. They may have an instructor card, inspector card and all the other ones that go along with it and all those things just add up. I think it has a lot to do with the time. We have tried different approaches at our Fire Department by trying a little bit more of a hybrid approach with the way we conduct the training. Fire training is really something that has to be hands-on. That is what builds the camaraderie, it builds the rapport between the members and then we know what we're doing together. EMS gives us the option that we might be able to provide the lecture piece at home through the computer and then maybe on a monthly basis for an hour. In 2020 we rolled out a new platform that we are open to move the skills piece for the EMS to once a quarter. I am cautious about that in some pieces because I think it's hard to build rapport with people and have relationships with each other so, when people show up that we can actually all work together. It's really just trying to do a balancing act between the on-call and that. We are trying hard. Assistant Chief Frey works with a lot of individuals up front. We get a lot of calls about what it is to be in the Fire Department or what's the time commitment. I had showed you it takes \$9,830 to put somebody on. We cannot just hire anybody, so we ask that they come in and fill out the application and then go on a ride-along and be around the fire station and make sure that that's really what they want. It's not just an investment for them, it's also a big investment for us too. So, we want to make sure that we're both in it together. We have had some great success with some here lately. There are a couple in EMT school and a couple that just finished fire school so you know it's a long term commitment on both ends. It's about how much we get in the return afterwards when those calls come in. We get about 2% or thirty-two calls a year out of the sixteen hundred they may be there for. Why is that? It's because they do work at other jobs and every employer in Napoleon is hurting for workers as well and they can't afford to allow their people to leave their place of business to be able to come on a call. So, that's been more of a challenge too. Bialorucki asked if you have a person who wants to be a volunteer for Napoleon but they're already working at another fire station whatever training they already have does that carryover? Chief O'Brien replied it does. It's a state card so we wouldn't have to send them through it. I say our department is three-tier, there's the full-time and the permanent part-time, a lot of the part-timers don't even live in Napoleon but are hired to just work shift and then you have the local responders. If they live outside of Napoleon we will not pay for the training they have to come to us having Fire I EMT Basic training. If they live inside Napoleon and are willing to be that local first responder then we will pick up the training, that's when we will send them to fire school, the EMT school. Bialorucki asked but if they already have their training? Chief O'Brien said, if they already have the training, then we don't have to send them again. They still have to do the continuing education. Continuing education is on an annual basis that never stops. Even for me, I still have to maintain all my cards and all the certifications that I have with all the continuing education. Bialorucki asked if they are doing the continuing education at another department then they're not required to do it again here, right? Chief O'Brien responded, not necessarily because a lot of fire departments do a lot of things completely differently when responding to fire or EMS calls depending on the amount of staffing that they have or the types of tools and apparatus and trucks. We have what we call the Napoleon way. What resources are available to us compared to what hazards we are protecting is completely different than another community. The training is basic training that is geared towards

how it is for Napoleon. Yes, there is a training requirement for us in Napoleon. I can tell you our training requirement is less than what Ridgeville Fire Department offers, they require a little bit more training than us. We require what we call the 75% rule, you have to attend 75% of the training which means that's nine months out of the year. So, for nine months out of the year you are coming to a two-hour fire training and one-hour EMS because you can do the other hour of EMS at home right now. Most of the time if they are the local first responder they'll be coming in. Most of the other members are getting it while they are already on shift. So, it's not like they're coming in on another day. But the individuals who do live locally and say they have a full-time job they would have to come out. We try to accommodate that too. We do a Tuesday night training at 7:00 p.m., we do the exact same training on Thursday at 1:00 p.m. and on Saturday morning at 9:00 a.m. Starting January 1st we have expanded that so the Shift Captain or the Officer of the Day has to send it out on our internal communication to say what time they are going to be doing training that day so that way a member can show up any day that works for them and that training will count.

Mazur asked Chief Mack to talk about the Dispatch Center. Chief Mack said when I was asked to give some stats and see where things are going, one of the things I explained to Mazur is, every time fire gets a call that has to go through my Dispatch Center. So, when fire is seeing a rise in calls, our Dispatch Center is seeing that rise from calls too. It doesn't always click into a number category for us. We might get phone calls and things like that for the Fire Department. Back in 2001, we had five dispatchers. Between 2001 and 2006 the call volume for police went up by 30% (3,000 calls). It was about that time a sixth dispatcher was added for which we had all the way up until 2012. From 2008 to current we also went up another 40% from that number which is another 4,000 calls. Since that sixth dispatcher was needed, we have gone up 7,000 calls a year conceptually. Back in 2012 we had the audit done by the state and that's when things started being a little uncertain for my employees, at the time my co-workers. We had just over five years of experience if you averaged all six of the dispatchers out, now some of those dispatchers had 20 years and a couple had a couple of months. We are now down to underneath 20 months of experience. In 2012 and 2013 when it started being discussed what was going to happen in dispatch, most of my employees started looking for work elsewhere. At that point I saw a mass exodus of seniority to the point we lost 67 years of experience since 2012 in our dispatchers. That's a significant amount at a very critical point of control for our city and safety services as part of a restructure that happened in 2012-2013, 2014 was the vote. In 2015 and 2016 Chief Weitzel didn't fill that position. In 2016 that position was voted away as part of a restructure with the Law Office and the front desk. We had it in the budget for a couple of years and we just didn't fill it to try and help us through those years. Since that time and I don't know if anyone could have seen how that would affect my department, there was a lot of unintended consequences. The way I look at it is, with six dispatchers we are at the green on a speedometer. With five dispatchers, which is what we've been running with, we're in the yellow area and as soon as we lose one dispatcher for any reason, right now I have all females so a pregnancy, sick leave, a baby, a child we are down to four dispatchers. I'm always going to lose an employee at some point we always do and that puts us down to four dispatchers that has drastic effects on my department. Since that happened in 2016 we have had a significant amount of turnover, multiple 12-hour shifts, overtime is nice sometimes but not always especially when it's being forced. The worst thing that I can say as a boss I can do, is to actually cancel time off. Our contract allows our employees to submit for time-off up to a year in advance. Last year at the holidays, after posting overtime multiple times and no one being able to work it, I had to cancel time off that had been locked in for a better part

of the year. At the holidays that's challenging for a manager to try and look at an employee on that. Other things that happened. In 2015 we were in a situation where we were not medically certified as a dispatch center which means we didn't give CPR or things like that we just took calls. There were five officers certified in dispatch that would come in, we all wanted this to work so we were all working dispatch when the dispatchers wanted time off and didn't want to pick up the overtime, the officers would pick up the slack. Since that's happened, there's a state law that mandates that we are a medical dispatch now. We have to go through quite a bit of extra training to sit at dispatch and now we've only got two in the patrol division that can sit dispatch. Those two employees that are in the patrol division last year alone carried 166 hours of dispatch time. That's not including patrol time, that's just 166 hours of overtime that they covered in the dispatch center to try and help our employees get the time off that they wanted. I canceled eight days off last year I probably could have tripled or quadrupled that number had I not had the 166 hours covered by our uniformed patrol. The challenge there is, my staffing is two to three people on the road. So, if one is coming in early to work dispatch they're not available on the road should I need road patrol overtime. You are leaving that overtime maybe to a higher price and the other thing with that is you are paying patrol wages so if that's a supervisor you're paying supervisor time and a half, patrol time and half versus a dispatcher time and a half. On page seven there's a chart that shows some of the impacts I talked about. The schedule we worked under with six dispatchers and has been in place for a long time, we had zero overtime. This is before any discretionary time is approved. As soon as we go down to five, which is where we've been operating theoretically since 2013, before a single day off is approved for anyone there are 120 hours of overtime I have to cover in a year. That's not including vacations and all that. As I said, we are always hiring a dispatcher. We are getting less than two years out of an employee right now primarily because of scheduling. To be honest it is the overtime. If we had to cover with four dispatchers for the entire year, that number goes to 960 hours, 120 hours to 960 hours is a significant jump and that's where as soon as we go from our five dispatchers to the four, we are in the red immediately to a point where it's challenging to even have someone cover them. That has meant serious looks at 16-hour shifts and things like that for us. Bottom line, there has been a lot of unplanned consequences on us. Last year our Dispatch Center had, of the dispatchers that are still here, 128 12-hour shifts that were mandated or issued to them. Some are signed up and some of those are *hey I signed up because I wanted someone to get a day off*. Every one of them had multiple weeks, some up to seven weeks, of more than two 12-hour shifts in a week. On top of that, they had 6, 7, 8 weeks where they cancelled one of their days off, they normally have two days off, to work a shift for somebody. So, we are getting significant burnout. You go back two years and I have one dispatcher that's still here that worked 56 12-hour shifts two years ago. Fifty-six 12-hour shifts is a lot of overtime for anyone. On top of that she worked 15 weeks where she had at least two plus 12-hour shifts in a week. That's been the consequences to our department that has happened over the last half a dozen years. It's a drastic impact on our department with five dispatchers. Maassel asked do you know how much money you spent on overtime for dispatchers in 2019? Chief Mack replied we do but I don't have that with me. Maassel said we are eliminating overtime with a sixth dispatcher, we're not hiring somebody brand-new right out of the batch and paying them overtime plus, it's basically overtime will be down to zero and most of that overtime money is now going to that sixth person. It's not adding a sixth dispatcher with current expenses if there's a gap in there someplace. Mazur added and with better employee retention you are going to theoretically and hopefully have more experienced employees staying a lot longer. Maassel said I understand I'm saying what's the

Delta, that's not current expense plus the sixth dispatcher. Chief Mack said what I can 100% tell you is we are not over the cost of an employee with overtime. The challenge I'm having is the seniority and keeping employees. We have hired 16 employees since 2008 in the Dispatch Center. Between 2008 and 2012 we hired two dispatchers. The whole time we had six dispatchers we hired two people. Between 2012 when the audit happened and job security became an issue in my agency and now, 14 dispatchers have been hired since 2012. Maassel said see what the Delta is though. The actual cost of the sixth dispatcher compared to the current numbers. Chief Mack asked O'Boyle if she had any of that information. O'Boyle said we can get it. Chief Mack continued I do know we have it I just didn't bring it with me. Maassel asked do you know how many other communities our size maintain a dispatch, have a dispatch like we do? Chief Mack said I'd have to get a number for you. I can say locally many of them. Lucas County just voted to go to a consolidated dispatch. Maassel stated we are not doing that we're keeping our dispatch the voters voted on it and that's what we're doing. Chief Mack said I can tell you Wauseon went to the sheriff's office for a period of time and they're trying to bring dispatch back. Defiance and Williams County have a different situation where they are consolidated over there, which makes sense to some agencies but not necessarily a situation we are in here. It's very different when you're Toledo and you have thirty agencies in a small area that you are trying to coordinate. Maassel said I'm not saying, I'm not doing away with dispatchers, I'm just asking the question how do other communities do it? Basically that is all I want to know. Chief Mack said Fulton County for the most part goes through Fulton County, Defiance goes through Defiance County they have City dispatch and Defiance County together in the same room but they are employed by both agencies. Williams County has Williams County Central which is a whole different beast that's their own entity and they dispatch for all the different agencies in there. The only other thing I could point out is back in 2012 most of the shifts would have two dispatchers. That is key between Chief O'Brien and myself. When he gets an incident, we have several that are overlapping incidents now. What is not in that number is our law enforcement incidences that are overlapping his incidences, that's being handled by one person for the most part right now. When we had a split night shift/day shift dispatcher you could assign one dispatch to fire and EMS when you had a critical incident or a couple of squad calls. You could say you handle all the emergency traffic and I will handle the police traffic. That is now being handled by one employee which is not even correlated into the 12-hour shift but, it's that stress level that they are dealing with while they are in that seat.

Mazur said that gets us into the solution to address multiple issues. We were talking about the fire staffing and we talked about police dispatch and thinking of different solutions. The idea was to eliminate 50% of the reciprocity income tax credit that's offered right now to residents. Since it is income tax, the other portion that gets portioned out with the income tax split would go into the into the capital fund basically in the road process and then anything that would be leftover would go into the operating reserve. A 50% reciprocity credit would essentially allow us to hire one full-time firefighter/paramedic that would go on the B Shift then we would have three full-timers per shift, A, B and C; we'd hire a part-timer on the night shift because right now part-timers are only working on the day shifts unless they come in for calls at night, this would allow us to staff another part-timer overnight essentially having four people on shift at any one time; hire one full-time dispatcher and then the remaining would go to the Capital Improvement funds and any additional from the operating side would go to lessen the gap between the projected revenues and proposed operating budget. Is everybody familiar with reciprocity and how it works? Basically, here is the fund breakdown with the 62%/38%

income tax split between capital and operating. For today's values \$243,000 would go into the operating side and \$149,000 would go into the capital side. Using these numbers as our benchmark, the cost of one full-time firefighter in the first year starting wages equates to about \$40,000 per year cost, almost \$10,000 of that goes in pension and on down, health insurance would depend on what kind of plan they have. In the end we're looking at about a \$72,600 cost for the first year and then it would go up each year, adding in the insurance costs plus the 7.25% for each step increase. We stopped at the fourth year, there's actually an F step for firefighters so the F step would be the sixth step. But, we just projected it out for four years what it would cost to hire an employee and carry the cost of an employee, so that's the firefighter portion. Maassel asked how can a part-time firefighter be more expensive than a full time firefighter? Chief O'Brien said the firefighter/paramedic starting wage is set, but we're talking about 12 hours every single day/365. The full-time firefighters are at 2,600 hours a year, it's a different hourly for the whole course of the year. Mazur added then it goes up marginally every year, not as much because they don't get step increases. But, if Council passes non-bargaining raises then their raises go up. Chief O'Brien noted you are paying for 4,380 hours instead of 2,600 hours for full-time. O'Boyle said there's no health care on them. Mazur continued the dispatcher is the same thing just different wages. We also have an F step for patrolmen and dispatchers but only went out four years. Chief Mack pointed out the goal of the F step was to try to get employee retention but I currently only have one person at the desk that has that. Mazur said there would be reimbursement from the townships that we cover as well as a part of this that's factored in so that would actually be revenue coming in. If you subtract that out, the total cost would be just for the employee side the fourth year \$210,000. Any remaining balance would go into the General Fund operating as it projects out in the next two years. Obviously that will go down and then the employee number will go up. Maassel asked hypothetically if we had another firefighter we could do additional non-emergency runs and that's not reflected in those numbers nor is the sixth dispatcher just full-time without the overtime in there. Chief O'Brien, I asked Chief Mack this question about dispatch, how are other firefighting groups organized, staffed, what size do they represent? I know it's not the same thing, it an off-the-wall question. Chief O'Brien responded we have it for you. Mazur added we had a lot of that information already so just doing comparisons when we do contract negotiations on how we operate compared to how other people operate. This is the chart that we came up with that kind of shows the different departments and their staffing levels. Column C has the full-time firefighters, part-timers that they have, how many stations they have. Some cities have fire only. If you look at Bryan they only do 451 runs, but it's fire only. It's hard to compare other cities because everybody does it differently. Like Chief O'Brien said earlier, the makeup of the department is based on the need of the community too. You could get somebody with a population that's similar to Napoleon's but we have a higher daytime population and that's something we haven't really talked about. Not only is the patient age going up but our daytime population has gone up because of the increase in business activity. Chief O'Brien shared the population there is just for the City of Napoleon. The Fire Department covers just shy of 12,000 people. We were trying to give some accurate comparable data. We weren't sure when you're gathering some of that information if it was encompassing the entire Fire Department coverage area for the other fire departments but for Napoleon we cover 53 square miles which incorporates to 12,000 people. Maassel said it's going to be different because I'm guessing the Van Wert Fire Station does not just do the city limits of VanWert, I'm assuming they go outside just like we go outside. Chief O'Brien said what the nice thing about VanWert is we try to look for a constant because the fire departments are so much different. The only constant

we could kind of come close to is the run volume. We're close to the run volume at VanWert being that they are similar in census there but 1,800 runs are only a couple hundred more than what we had, but there's quite a difference in the staffing. Maassel said that's quite proportional. Chief Mack noted there was a number in the audit in 2012 that was around that five number; however, when I had my dispatcher do some calls this year it was not necessarily apples to apples. I think they had three like jurisdictions that gave us the personnel range and not a one of them did exactly what we do. Maassel said that was one of the things with the performance audit to figure out was how we operate versus how the other people operated and how do you find efficiencies in it. Mazur said and the way departments are funded is even way different. Fulton County has a countywide EMS structure where it's based off property tax countywide that pays for EMS services for all the different departments throughout the county so each department gets coverage area. It might be Wauseon and their surrounding area so they have a higher run volume. They're funded through a countywide EMS structure which we don't have in Henry County. So it's much different. The next chart shows the cities that have some type of reciprocity payment to them in yellow. The ones that aren't highlighted have 100 percent credit and shows their income tax rate. We tried to get the most basic information to look at and compare to. Looking at the City of Oregon who has a 2.25% income tax and 100% reciprocity tax credit. Oregon is doing very well and it's hard to compare that but I use that as the 100% example, but their income tax rate is a little higher. Maassel said I'm assuming some of the municipalities are also funded by property tax not just all income tax. Mazur said again I don't know. Maassel noted I'm just making the assumption that they're not all the same. Mazur continued this chart shows, Shannon is here from the income tax side, and this is something that has been tracked for years. There's information here that shows how many people are impacted by this and by the way it was described to me it looks like 2,600 people are affected. But, that's actually not the case. Somebody could be counted multiple times O'Boyle interjected like a construction worker, because Shannon is tracking the actual dollar, the people could be counted multiple times. Mazur said so that's the example, somebody that works in construction and works in multiple locations and pays in multiple jurisdictions each jurisdiction they work in they have to file with us and that's counted each time so the actual number could be as low as 2,000 to 2,100 people is as fair of an estimate. Maassel said so in 2016 a quarter of the filers would be impacted by this if we added this additional tax on 25% of the residents of the City of Napoleon, am I reading that right? Mazur replied based on this number yes. But, going back the number would be lower the actual count. O'Boyle said because the software doesn't allow us to track the dollar amount and the people because we have an older software system. We are tracking the dollar amount, that's the most important thing but the people could be counted multiple times. Mires asked you are sticking by the figure to be \$400,000? O'Boyle said the \$400,000 is a 2017, 2016, 2015 average so obviously like anything else, when we do the estimates for the income tax it could be higher or lower but that's the best guess that we have at this point. Maassel said when we looked at this in the past Greg Heath had come up with those numbers and I think \$400,000 sounds too high to me. I'm not saying it's wrong I'm just saying I don't remember it being that high. Fielder noted that spreadsheet is the same every year, all we do is add the additional column. Mazur noted that spreadsheet was not included in the report. He projected the spreadsheet on the screen, looking across at 50% it's 433, 358, 277, 263 in 2010. Mazur said the \$433,000 is based on O'Boyle added it's based on 2017. Mazur asked didn't we have a higher collection rate in 2017 because that was the year we did the targeted enforcement for? Fielder said yes in 2017. Maassel said my memory is more back in 2014, 2013, 2012, 2011. \$277,000 jogs my

memory a whole lot closer than \$400,000. I'm not saying it's wrong, I'm saying it's been that long ago it was looked at. Siclair asked if we have any numbers that show people paying tax here who don't live here like from JAC Products and the jobs that have been created how many of those people are now paying that we didn't have before? Fielder said she has that number just not with her. Maassel asked how many people work in Napoleon and don't live in Napoleon that we are getting tax on? Fielder said we have that number I don't have that with me. Bialorucki asked going back to the sheet with the number of filers and how many people would be affected. What is the difference between a number of filers and a number of people that are actually paying income tax? Mazur said the number of filers compared to like say companies that already withhold income tax from employees? Bialorucki said if there is maybe there's a 16-year old, a 17-year old and they end up ultimately not owing and actually paying income tax, does everyone have to file up to what age? Fielder said that 8,446 is anyone that filed a return. They don't have to start filing until they are 18 unless tax is due then they have to file. Bialorucki said so anyone that filed in that number did pay something to the city. Fielder said not necessarily paid, some people file a zero return. If you are twenty and don't work anywhere and you are not on disability you have to come in and file a zero tax return and that would be included in the 8,446. Bialorucki asked how many people of the 8,446 actually didn't owe anything? Maassel said who lived in the city and didn't pay anything because of the zero tax liability. Fielder said I don't have that number we can get that to you. You want the internal return or someone that works in the city had it withheld and still doesn't owe anything. Maassel said yes both. Bialorucki said so those filers are also people that don't live in a city but they work in Napoleon. Fielder said no, if somebody doesn't live in the city and works in Napoleon they don't have to file unless they owe tax. Bialorucki said so these are just people that actually live in the city? Fielder said it could be somebody that lived in Liberty Center but came here and did some kind of service for us and they are a schedule fee filer and would file a tax. Bialorucki said if we have approximately 8,200 or 8,400 residents and we have 8,446 filers that means Joel your six month old or whoever must be filing how do we come up with that number? Mazur said again the number of filers can be counted multiple times. Remember that's the people working outside of the city in different jurisdictions like a construction worker and working in different jurisdictions and each one is counted. Bialorucki said that makes sense, so that when it says total impacted that isn't the total number of people impacted it's the total number of accounts what's counted that's the software thing where we are only tracking dollar amounts we are not tracking the number of actual people O'Boyle said we have to pick what way, it can be the dollar amount which is the most important way but it can't track both ways. Bialorucki said so if somebody had three different jobs in the city that would be three. Fielder said if someone works for a construction company they have one W2 but they worked in five different cities we have to enter that W2 five times for the wages to Toledo, the wages to Liberty Center so they're going to be counted in there five times in that number. An estimate that I would say would be safe for me, that number is probably overestimated by 500. Bialorucki said for myself I have a couple different jobs in the city would that be only one even though I have three W-2's? Fielder said that would be one, all your Napoleon wages would be on one line. Siclair asked how long does a contractor have to work in the jurisdiction? Mazur said that just changed O'Boyle said it's twenty days. Harmon pointed out with an estimate of about 2,100 people living in the city and paying no city income tax I think that point is being lost. We have 2,100 people who are paying different municipalities the income tax but they live here, they receive services here and they're not paying for any it. Comadoll stated my sentiments exactly. Fielder noted there are a lot of people that come in that work in Toledo and they

think we get that money they think Toledo sends us whatever they owe for them. Obviously we don't but the consensus most people think is that we do get that money. Bialorucki asked how can we change that? Harmon said very easily, we change three ordinances. Bialorucki said my question is how do we change that when people work in another city that that money can come back here? Mazur said here's the ordinance and change the 100 to 50, that's the suggestion. Mazur continued when doing an analysis for such a decision like this you got to look at what are all your options. We talked about the SAFER grant, we talked about crash fees and things like that and always the first thing that comes to mind is the do nothing alternative. We don't feel the do nothing alternative is a good one. I feel like we've kind of prolonged this for a couple of years to see if the number of calls issue was going to level off or plateau or even dip back down and it just keeps going up. It's twelve years of call volume going up. We've got an increased number of housing units being built and I know Chief you raised some concerns about the forty-nine units of strictly senior housing, that's significant. The daytime population is increasing, we're putting in new roof tops and more roof tops and more are planned as you all know coming up. With that comes increased workload so you would want the amount of taxes to go up, the income tax that's from construction and new businesses to go up it's the inflationary cost and it's the revenues versus expenditures. The increased cost for medical supplies for each run that they go on is going higher than what the normal inflationary rates are. There's just a whole litany of factors that go into this. An option could be a lower reciprocity income tax and I just wanted to put that in there as a potential but that would mean you know carving out the capital side and widening the gap between the operating versus the capital. This solution was thought of as a way to address essentially four issues in one action. Those issued are (1) staffing levels at the Fire Department, (2) staffing levels at Dispatch, (3) Capital Improvement issues and you know there were two levies that were put on the ballot for roads and both were voted down both times 45% of the population voted yes, at least it's a little something that goes back into the capital for roads; and last (4) whatever is remaining goes to the operating side to lessen the burden of the revenues versus expenditures that we talked about in the budget. Harmon alluded to this but you always want the voters to at least have a chance to vote on something increasing the income tax by a vote. You are asking for the people that are already paying to pay more. The people that live here but still get the service that are paying for it are still the same it's still status quo. There was a lot of thought that was put into this. I want to end this with two different things. One, the two positions with the highest turnover rate in the city are firefighter and dispatcher are the two positions with the highest turnover rate. Number two we have spent a considerable amount of time second-guessing even after the committee meeting because it is a tough position to be in and I still believe that this is the best option.

Chief Mack - I spoke in regards to how this affects my dispatch center and we talked about this in committee briefly, but I just wanted to bring it to your attention it hasn't come up yet tonight, the support for what Chief O'Brien is doing. When I came on 25 years ago as an officer I ran to serious crashes. What it boiled down to was, I provided medical treatment when I was first on the scene at a traffic crash other than that I wasn't required or asked to do anything medically although I was certified in CPR and some general first-aid, that was pretty much what I did. If it was a fire, we helped with a hose occasionally other than that we weren't required to do a whole lot. Twenty-five years later and where I sit now our department assistance has gone through the roof with fire because of their overlapping calls. We are now asking officers to be that first responder in a medical situation more and more often and not all the time, it might be because they've got one person or two people on a squad

and we're helping get gear because I can't even get a you know a cot out of the back of the squad because they're working on someone. We have been gracious to have that in most scenarios here but that's not always going to be there because I'm going to be busy at times too and waiting for those second and third calls to get extra help in are critical minutes that are lost for our citizens. The senior housing doesn't affect my department as much other than my dispatch center it will affect our calls that we are helping them out with because of their staffing issues. It's something that routinely my guys are responding to medical calls and assisting the fire department because of the staffing issues that they're dealing with. I just wanted to point out that with their staffing it is affecting our agency but I'm more concerned about their staffing and getting the help. Let cops do cop work and that type of thing. Thank You.

Chief O'Brien's closing remarks. When we talked about the overlapping calls we tried to point out the very minimum amount of people that we would need for overlapping calls is four people. But, that's suggesting that every one of those 450 calls is an EMS call, if that's an overlapping fire call you could need 20 people. Yeah we have Ridgeville that comes in but every time we're on a fire, we will see two and three EMS calls at that same time. So, I think that as Mazur said, we sat in his office going back over this and making sure that this is the right decision and making sure that this is the best thing and the thing I think that's so much different about this one and how we got to that 50% was because we have something to point to. What we have to point to is, although that individual may be working outside the City of Napoleon we're still protecting their property, we're still protecting their kids while they're at school and the cops are still protecting it from if their door blows open or the ring goes off on their phone so we have something that we can really say that they're paying for the service back at home. They're at work one third of the time and they are at home two-thirds of the time. So, we are protecting them all the time, whether they're here or whether they're not, and we felt that at the end that the 50% was the most fair to be able to capture all four of these things. I would like to say, I have been working on this for two years and I appreciate the fact that we have been able to make it this far, I really appreciate everybody listening and being here tonight so Thank-You.

Motion: Comadoll

Second: Haase

to direct the Law Director to draft legislation to move ahead with the 50% income tax reciprocity credit

Mires – Thank-you to the Chiefs for this presentation. Of course I agree with you we need to increase the personnel. Being a former law enforcement I'm pro-police and pro-fire and I see the need for it. I agree with what you're saying, I just don't agree with the funding that we're doing to accomplish that. I don't think it's anybody's fault that they are working out of town and they have to pay this tax is it fair? No. I pay my 1.5%. I have two jobs in Napoleon as well and I just don't think this is fair to them. In the committee I voted no and I'm going to vote no again tonight. It doesn't mean I'm against what you're doing I just think we got to find another source for this funding.

Bialorucki - I share the same feeling as Mires does. I see a huge need but I don't think this is the, in my opinion, the way I would like to see it happen. I looked at a lot of the reports and one thing that stuck out in my mind was looking at a city like Findlay. Findlay's has a zero percent credit back but the City of Findlay also has multiple large businesses and a lot of high-paying jobs there. In my mind, if you don't want to work in Findlay where they have a lot of good good-paying jobs and you decide to go somewhere else and work, then we are not going to give you credit. I think our economy is getting

better here in Napoleon. We are attracting more businesses and I don't think it's at the point where everyone can make the amount of money that they are used to making working in town. And to force them to pay an additional amount, some residents called me last week and made it very clear that this may push them to the leave Napoleon. A lot of them were people that have both of their incomes from outside of Napoleon so when we look at these numbers it may only affect if it's 2,000 people it could be two in the same household so now it's doubling the amount. I think, in my opinion, I would like to look for another way to fund this because it's obviously needed and I would like to see if there's an increase in any taxpayers' taxes that they have a voice. If it's on the levy or something that they could vote for it instead of me making that decision for them.

Baer - following up as chairman of the committee, we definitely have an issue with these increased calls. We definitely have a problem with staffing and there is an issue with roads too. My number one concern though is with the Fire Department and with the Police Department. Going back to the SAFER grant is not going to work because that's going to cost the city way too much money in the long run. My main concern right now is, I would like to hear what the citizens have to say, I'd like to hear more from the citizens because quite frankly as I said in the committee meeting, I don't like any type of new tax. If we were to put it to the voters I do agree with Harmon, it's not going to change this situation. My personal opinion is I would like to see what the community has to say or the citizens have to say. I am not in favor of a new tax but, I would vote in favor of bringing this legislation up and hearing more information before.

Sicclair - I don't think anyone disputes what the two of you have said and certainly we all respect the job that you do. I think you're very conscientious in finding ways to support your departments and I appreciate that. I definitely think this needs to be a priority of Council to figure out how we fix that. At budget time though we heard about the SAFER grant and I feel like nothing more was said and then boom. I don't feel like in one week is enough time to make a decision like this for me. I would like more time to look at options and see what other opportunities there are to fund the things that you need but not through this tonight. Thank-you.

Durham - I agree. I think the presentations that both you made just enhanced the appreciation for all that you guys do and the amount of overtime that the police force is putting in is incredible so thank-you all for that. Chief O'Brien, I think there's no doubt needed within the department but I'm with Baer to hear more from the citizens before we move forward and like Sicclair said, we just need a little bit more time to gather details.

Comadoll - all I'm asking for is to do legislation right now. You don't have to vote on it tonight. I think we move forward with this right now and if the citizens say *no* you say *no*. We are going to do three reads it is not going to be a rush through job.

Harmon - you've made a motion to direct the Law Director to draft the appropriate legislation and bring it forward.

Council President Bialorucki asked for a roll call vote

Roll call vote on the above motion:

Yea-Baer, Haase, Comadoll

Nay-Sicclair, Bialorucki, Mires, Durham

Yea-3, Nay-4 - **Motion Failed**

Motion: Comadoll

Second: Haase

to direct the Law Director to Draft Legislation Approving the 2019 Replacement Pages to the Codified Ordinances.

Roll call vote on the above motion

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

Nay-

Yea-7, Nay-0 - **Motion Passed**

AROUND THE TABLE

O-Boyle - the city has received the Certificate of Achievement and Excellence in Financial Reporting for 2018 from GFO. Thank- you to the staff that was here. I would like an Executive Session for employment in the Finance Department. Harmon noted that's the personnel that's already listed on the agenda having to do with the employment of various Finance Department officials.

Comadoll – they are doing Park Street. The heavy trucks are going up and down Sheffield and I noticed today they are tearing the heck out of it. I don't know if it's on the plans to repave that area or what because they are going down Sheffield then headed down Strong Street. Mazur said we have a few areas that need paving and asked Lulfs where that falls for Sheffield in the rating. Lulfs said it's not part of the project but if they do suffer damage we'll look at it in the next year as part of our miscellaneous streets program. Comadoll, well I think we're going to have to look at it because the road has gotten bad out in front of my house and with these trucks on it every day it's even going to get worse this year.

Sicclair – no items

Baer - I have a question. It's the time of year where it's tax season now and all of us here have to do the annual financial disclosure statement and my question is, is the city going to continue to provide those forms for us and send them all in as a group and if not, are we doing it online?

Maassel – Napoleon High School Girls won the basketball Northern Lakes League for the first time, Congratulations. The girls and boys bowling team both won the Northern Lakes League, Congratulations to them. Commissioner Tom VonDeylen is wrapping up his time. I think he'll be out of office by time we meet again, wish him congratulations and the happiest of retirements. To O'Boyle Maassel stated, a majority of the Finance and Budget Committee is going to be gone the fourth week of February so if you want to have a meeting we probably can't do it then. O'Boyle said I don't have a need for a meeting.

Mires-Congrats to the Lady Cats basketball team and the bowling team that's all I have awesome.

Haase - don't forget the fireman's breakfast is coming Sunday. I think Comadoll asked about a month ago about who has access to use WalMart on the bills, did we ever got an answer to that? Comadoll- Yea, they have to come up here and get a credit card.

Harmon - nothing

Mazur – OML has Council training items if anybody's interested in signing up for them that is coming up. I'm requesting an Executive Session for Acquisition or Sale of Property and an Executive Session for Item to Remain Confidential Due to the Competitive Nature of the Utility.

Bialorucki- I have the same thing with the Napoleon girls' basketball and both the bowling teams. It's very exciting times Good Luck to both of them to go further and hopefully we have some state champs here soon.

EXECUTIVE SESSION - PERSONNEL

Motion: Siclair Second: Haase
to go into Executive Session for Personnel.

Roll call vote on the above motion

Yea-Siclair, Baer, Bialorucki, Mires, Haase, Durham, Comadoll
Nay-
Yea-7, Nay-0 - **Motion Passed**

EXECUTIVE SESSION – ACQUISITION OR SALE OF PROPERTY

Motion: Mires Second: Durham
to go into Executive Session for Acquisition or Sale of Property.

Roll call vote on the above motion

Yea-Siclair, Baer, Bialorucki, Mires, Haase, Durham, Comadoll
Nay-
Yea-7, Nay-0 - **Motion Passed**

EXECUTIVE SESSION – ITEMS TO REMAIN CONFIDENTIAL DUE TO THE COMPETITIVE NATURE OF THE UTILITY

Motion: Siclair Second: Baer
to go into Executive Session for Items to Remain Confidential due to the Competitive Nature of the
Utility

Roll call vote on the above motion

Yea-Siclair, Baer, Bialorucki, Mires, Haase, Durham, Comadoll
Nay-
Yea-7, Nay-0 - **Motion Passed**

City Council went into Executive Session at 8:43 pm.

OUT OF EXECUTIVE SESSION - PERSONNEL

Motion: Siclair Second: Comadoll
to come out of Executive Session for Personnel

Roll call vote on the above motion

Yea-Siclair, Baer, Bialorucki, Mires, Haase, Durham, Comadoll
Nay-
Yea-7, Nay-0 - **Motion Passed**

Council President Bialorucki reported no action was taken.

OUT OF EXECUTIVE SESSION – ACQUISITION OR SALE OF PROPERTY

Motion: Comadoll Second: Mires
to come out of Executive Session for Acquisition or Sale of Property

Roll call vote on the above motion

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

Nay-

Yea-7, Nay-0 - **Motion Passed**

Council President Bialorucki reported no action was taken.

OUT OF EXECUTIVE SESSION – ITEMS TO REMAIN CONFIDENTIAL DUE TO THE COMPETITIVE NATURE OF THE UTILITY

Motion: Siclair

Second: Comadoll

to come out of Executive Session for Items to Remain Confidential due to the Competitive Nature of the Utility.

Roll call vote on the above motion

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

Nay-

Yea-7, Nay-0 - **Motion Passed**

Council President Bialorucki reported no action was taken.

City Council came out of Executive Session at 9:33 pm.

APPROVE PAYMENT OF BILLS

In the absence of any objections or corrections, the payment of bills and financial reports are approved.

Motion: Comadoll

Second: Siclair

to adjourn the City Council meeting at 9:34 pm.

Roll call vote on the above motion

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

Nay-

Yea-7, Nay-0 - **Motion Passed**

Approved:

February 17, 2020

Joseph D. Bialorucki, Council President

Jason P. Maassel, Mayor

Submitted by:

Roxanne Dietrich, Executive Assistant to Appointing Authority/Clerk of Council

PRELIMINARY LEGISLATION

Consent

Ordinance # 005-20

PID No. 111101

County/Route/Section HEN-6-12.47 Heat Straighten

The following is an ordinance enacted by the City of Napoleon, Henry COUNTY 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:

Heat straightening and painting for accident damaged structure

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 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.
- 2) The LPA consents to having the State acquire all necessary rights of way for the subject project in the name of the LPA.
- 3) The LPA agrees, upon completion of the project, to own and maintain all those portions of the project under its jurisdiction.
- 4) The State agrees to be the lead agency and to administer all phases 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 _____ 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: _____, 2_____.
(Date)

Attested: _____
(Clerk Signature)

(Contractual Officer Signature)

Attested: _____
(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 County, Ohio

I, Roxanne Dietrich, as Clerk of 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 _____, 2020, 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 _____, 2 020.

Clerk

(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

ORDINANCE NO. 006-20

**AN ORDINANCE APPROVING CURRENT DECEMBER 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 American Legal Publishing Corporation (formerly known as Walter H. Drane Company) to prepare and publish such revision which is before Council; **Now Therefore**,

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

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

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

Administration Code

Fire/Rescue Department
Municipal Income Tax

Traffic Code

Definitions
Vehicles
Traffic Control

General Offenses Code

Animals and Fowl
Weapons and Explosives

Streets, Utilities and Public Services Code

Recreational Facilities

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

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

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

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

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 006-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2020; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, Clerk of Council

INSTRUCTIONS FOR INSERTING
DECEMBER 2019 REPLACEMENT PAGES
FOR THE
CODIFIED ORDINANCES
OF NAPOLEON

All new replacement pages bear the footnote "December 2019 Replacement". Please discard old pages and insert these new replacement pages immediately as directed in the following table.

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

Local legislation current through December 16, 2019

State legislation current through July 30, 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 December 16, 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

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CITY OF NAPOLEON
ROSTER OF OFFICIALS
(2019)

CITY OFFICIALS

Mayor
City Manager
City Law Director
City Finance Director

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

The Publisher expresses its appreciation
to

DAVID M. GRAHN
Director of Law

GREGORY J. HEATH
Director of Finance

and all other City officials who gave
time and counsel to the 1996 recodification
of the City's ordinances.

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CHAPTER 143 Fire/Rescue Department

143.01	Composition and control of the City Fire/Rescue Department.	143.04	Additional fire personnel in emergency situation.
143.02	Administrative head of Fire/Rescue Department.	143.05	Auxiliary fire/rescue.
143.03	General duties of Fire/Rescue Department.	143.06	Fee schedule.

CROSS REFERENCES

Fire protection contracts - see Ohio R.C. 9.60
 Schooling, buildings and equipment - see Ohio R.C. 715.03, 732.23
 General duties - see Ohio R.C. 737.11

143.01 COMPOSITION AND CONTROL OF THE CITY FIRE/RESCUE DEPARTMENT.

(a) The regular Fire/Rescue Department of the City shall be composed of a department head known as the "Fire Chief", and such other officers, fire fighters, fire rescue personnel, drivers, emergency medical personnel, fire safety inspectors, paramedics, secretaries, clerks and other employees as provided by legislation of the City, the Organizational Chart of the City, and/or the Administrative Code of the City.

(b) Definitions. For purposes of this chapter, the following words and phrases shall have the following meanings ascribed to them respectively.

- (1) "Fire Chief" means the Chief of the regular Fire/Rescue Department.
- (2) "Regular Fire/Rescue Department" means the Fire/Rescue Department of the City composed of the full-time and part-time paid personnel and its auxiliary.

(c) Notwithstanding any prior ordinance or resolution to the contrary, the regular Fire/Rescue Department shall be composed of the following:

- 1 Fire Chief (full-time)
- 3 Officer of the supervisory grade (full-time)
- 6 Fire Fighter/Paramedics or
Fire Fighter/Emergency Medical technicians, or
combination thereof (full-time)
- 5 Officers of supervisory grade (part-time)
- 1 (not to exceed 70) Staff of any combination of the following:
Fire Fighters, paramedics, emergency medical technicians (any level), fire
fighter/paramedics, fire fighter/emergency medical technicians, secretary,
communication officers, instructors (all of part-time status as approved by
the City Manager)
- 1 (not to exceed 20) Auxiliary officers.

(d) The making of an assignment by the Chief of one or more officers to any job or division such as fire fighters, drivers, fire safety inspectors, paramedics, arson investigators, and other similar positions shall not be construed as disturbing the composition of the regular Fire/Rescue Department or violating subsection (c) hereof; moreover, temporary vacancies in the regular Fire/Rescue Department shall not be construed as a departure from this section; finally, adding or eliminating secretaries, clerks, communication and the like positions shall not be construed as disturbing the composition of the regular Fire/Rescue Department.

(e) Nothing in this chapter shall be construed as limiting the number of additional officers that may be required in case of an emergency.
(Ord. 034-19. Passed 6-17-19.)

143.02 ADMINISTRATIVE HEAD OF FIRE/RESCUE DEPARTMENT.

The Fire Chief of the regular Fire/Rescue Department shall have direction and control over all personnel in the City's regular Fire/Rescue Department, including all auxiliary employees and other officers in the auxiliary unit. However, the City Manager maintains his or her power and authority over the Department as found in Article IV, of the City's Charter and Chapter 133 of the Administrative Code.
(Ord. 81-01. Passed 7-2-01.)

143.03 GENERAL DUTIES OF FIRE/RESCUE DEPARTMENT.

The Fire/Rescue Department shall protect the lives and property of the people in case of fire or other emergency. The Fire/Rescue Department shall perform such other duties as are provided by ordinance, resolution, and/or statute. In case of a conflict between an ordinance or resolution and a statute, the ordinance or resolution shall prevail where permitted.
(Ord. 81-01. Passed 7-2-01.)

143.04 ADDITIONAL FIRE PERSONNEL IN EMERGENCY SITUATION.

(a) In case of riot or other like emergency, Ohio R.C. 737.10 shall control, the Mayor being the person appointing the additional firemen and officers and being the person who calls upon the agencies or entities for assistance as authorized by Ohio R.C. 737.10; however, once appointed, said additional firemen and officers shall come under the control of the City Manager, Fire Chief or other supervisory officer of the regular Fire/Rescue Department. Nothing in this section shall be construed as superseding or modifying in any way any provision of a contract entered into pursuant to law.

(b) City fire personnel and necessary equipment and apparatus related thereto may be provided to any requesting state agency or instrumentality, county, or political subdivision of this State, or a governmental entity of an adjoining state without a contract to provide fire protection only after having received a request from a person with proper authority and only after approval by the City Manager, Fire Chief or other authorized supervisory officer of the regular Fire/Rescue Department. The provisions of Ohio R.C. 9.60 and 737.10 are applicable to this section insofar as they pertain hereto. Nothing in this section shall be construed as superseding or modifying in any way any provision of a contract entered into pursuant to law.

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

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

193.10 (RESERVED FOR FUTURE LEGISLATION).

193.11 ALLOCATION OF FUNDS.

(a) Effective January 1, 2020, the funds collected under the provisions of this chapter shall be deposited in the "General Fund equivalent" of the City for municipal income taxes and shall be disbursed in the following order:

- (1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this chapter and the rules and regulations adopted by Council in connection therewith.
- (2) Not more than sixty-five percent (65%) of the net available tax receipts received annually may be used to defray operating expenses of the City.
- (3) At least thirty-five percent (35%) of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments.

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

- (1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this chapter and the rules and regulations adopted by Council in connection therewith.
- (2) Not more than sixty-two percent (62%) of the net available tax receipts received annually may be used to defray operating expenses of the City.
- (3) At least thirty-eight percent (38%) of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments." (Ord. 079-19. Passed 12-16-19.)

193.12 BOARD OF REVIEW.

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

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

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

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

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

193.13 APPLICABILITY.

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

193.14 EXEMPTIONS.

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

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

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

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

- (1) The average original cost of the real and tangible personal property owned or used by the taxpayer in the business in the City during the taxable period to the average original cost of all real and tangible personal property owned or used by the taxpayer in the business during the same period, wherever situated. As used in this paragraph, real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight (8);
- (2) Salaries, wages and other compensation paid during the taxable period to persons employed in the business and salespeople for work done or services rendered in the City to compensation paid during the same period to persons employed in the business and salespeople, wherever their work is done or their services are rendered;
- (3) Gross receipts of the business during the taxable period from sales made and services rendered in the City to gross receipts of the business during the same period from sales and services, wherever made or rendered.
If the foregoing allocation formula does not produce an equitable result, another basis may, under uniform regulations, be substituted so as to produce such result.

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

194.013 ALLOCATION OF FUNDS.

(A) Effective January 1, 2020, the funds collected under the provisions of this Chapter shall be deposited in the "General Fund equivalent" of the City for municipal income taxes and shall be disbursed in the following order:

- (1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this Chapter and the rules and regulations adopted by Council in connection therewith.
- (2) Not more than sixty-five percent (65%) of the net available tax receipts received annually may be used to defray operating expenses of the City.
- (3) At least thirty-five percent (35%) of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments.

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

- (1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this chapter and the rules and regulations adopted by Council in connection therewith.
- (2) Not more than sixty-two percent (62%) of the net available tax receipts received annually may be used to defray operating expenses of the City.
- (3) At least thirty-eight percent (38%) of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments. (Ord. 079-19. Passed 12-16-19.)

- (v) The publicly traded partnership shall not be required to file the election with any municipal corporation in which the partnership is not subject to taxation on its net profits, but division (D) of this section applies to all municipal corporations in which an individual owner of the partnership resides.
- (vi) The individual owners of the partnership not filing as a C Corporation shall be required to file with their municipal corporation of residence, and report partnership distribution of net profit.
- (24) **"NONRESIDENT"** means an individual that is not a resident of the Municipality.
- (25) **"OHIO BUSINESS GATEWAY"** means the online computer network system, created under section 125.30 of the Ohio Revised Code, that allows persons to electronically file business reply forms with state agencies and includes any successor electronic filing and payment system.
- (26) **"OTHER PAYER"** means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.
- (27) **"PASS-THROUGH ENTITY"** means a partnership not treated as an association taxable as a C corporation for federal income tax purposes, a limited liability company not treated as an association taxable as a C corporation for federal income tax purposes, an S corporation, or any other class of entity from which the income or profits of the entity are given pass-through treatment for federal income tax purposes. "Pass-through entity" does not include a trust, estate, grantor of a grantor trust, or disregarded entity.
- (28) A. **"PENSION,"** for all taxable years prior to 2020, means any amount paid to an employee or former employee that is reported to the recipient on an IRS form 1099-R, or successor form. Pension does not include deferred compensation, or amounts attributable to nonqualified deferred compensation plans, reported as FICA/Medicare wages on an IRS form W-2, Wage and Tax Statement, or successor form.
(Ord. 053-15. Passed 11-16-15.)
B. **"PENSION,"** for tax years starting on or after January 1, 2020, means a retirement benefit plan, regardless of whether the plan satisfies the qualifications described under section 401(a) of the Internal Revenue Code, including amounts that are taxable under the "Federal Insurance Contributions Act," Chapter 21 of the Internal Revenue Code, excluding employee contributions and elective deferrals, and regardless of whether such amounts are paid in the same taxable year in which the amounts are included in the employee's wages, as defined by section 3121(a) of the Internal Revenue Code.
"Retirement benefit plan" means an arrangement whereby an entity provides benefits to individuals either on or after their termination of service because of retirement or disability. "Retirement benefit plan" does not include wage continuation payments, severance payments, or payments made for accrued personal or vacation time.
(Ord. 072-19. Passed 11-18-19.)
- (29) **"PERSON"** includes individuals, firms, companies, joint stock companies, business trusts, estates, trusts, partnerships, limited liability partnerships, limited liability companies, associations, C corporations, S corporations, governmental entities, and any other entity.
- (30) **"POSTAL SERVICE"** means the United States postal service, or private delivery service delivering documents and packages within an agreed upon delivery schedule, or any other carrier service delivering the item.

- (31) **"POSTMARK DATE," "DATE OF POSTMARK,"** and similar terms include the date recorded and marked by a delivery service and recorded electronically to a database kept in the regular course of its business and marked on the cover in which the payment or document is enclosed, the date on which the payment or document was given to the delivery service for delivery.
- (32) (A) **"PRE-2017 NET OPERATING LOSS CARRYFORWARD"** means any net operating loss incurred in a taxable year beginning before January 1, 2017, to the extent such loss was permitted, by a resolution or ordinance of the Municipality that was adopted by the Municipality before January 1, 2016, to be carried forward and utilized to offset income or net profit generated in such Municipality in future taxable years.
- (B) For the purpose of calculating municipal taxable income, any pre-2017 net operating loss carryforward may be carried forward to any taxable year, including taxable years beginning in 2017 or thereafter, for the number of taxable years provided in the resolution or ordinance or until fully utilized, whichever is earlier.
- (33) **"QUALIFIED MUNICIPAL CORPORATION"** means a municipal corporation that, by resolution or ordinance adopted on or before December 31, 2011, adopted Ohio adjusted gross income, as defined by section 5747.01 of the Ohio Revised Code, as the income subject to tax for the purposes of imposing a municipal income tax.
- (34) **"QUALIFYING WAGES"** means wages, as defined in Section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows:
- (A) Deduct the following amounts:
- (i) Any amount included in wages if the amount constitutes compensation attributable to a plan or program described in section 125 of the Internal Revenue Code.
 - (ii) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or other payer.
 - (iii) INTENTIONALLY LEFT BLANK
 - (iv) INTENTIONALLY LEFT BLANK
 - (v) Any amount included in wages that is exempt income.
- (B) Add the following amounts:
- (i) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986.
 - (ii) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option. Division (34)(B)(ii) of this section applies only to those amounts constituting ordinary income.
 - (iii) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Division (34)(B)(iii) of this section applies only to employee contributions and employee deferrals.
 - (iv) Any amount that is supplemental unemployment compensation benefits described in section 3402(o)(2) of the Internal Revenue Code and not included in wages.
 - (v) Any amount received that is treated as self-employment income for federal tax purposes in accordance with section 1402(a)(8) of the Internal Revenue Code.

- (vi) Any amount not included in wages if all of the following apply:
 - (a) For the taxable year the amount is employee compensation that is earned outside of the United States and that either is included in the taxpayer's gross income for federal income tax purposes or would have been included in the taxpayer's gross income for such purposes if the taxpayer did not elect to exclude the income under section 911 of the Internal Revenue Code;
 - (b) For no preceding taxable year did the amount constitute wages as defined in section 3121(a) of the Internal Revenue Code;
 - (c) For no succeeding taxable year will the amount constitute wages; and
 - (d) For any taxable year the amount has not otherwise been added to wages pursuant to either division (34)(B) of this section or section 718.03 of the Ohio Revised Code, as that section existed before the effective date of H.B. 5 of the 130th General Assembly, March 23, 2015.
- (35) **"RELATED ENTITY"** means any of the following:
 - (A) An individual stockholder, or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent (50%) of the value of the taxpayer's outstanding stock;
 - (B) A stockholder, or a stockholder's partnership, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, estates, trusts, or corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock;
 - (C) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under division (35)(D) of this section, provided the taxpayer owns directly, indirectly, beneficially, or constructively, at least fifty per cent of the value of the corporation's outstanding stock;
 - (D) The attribution rules described in section 318 of the Internal Revenue Code apply for the purpose of determining whether the ownership requirements in divisions (35)(A) to (C) of this section have been met.
- (36) **"RELATED MEMBER"** means a person that, with respect to the taxpayer during all or any portion of the taxable year, is either a related entity, a component member as defined in section 1563(b) of the Internal Revenue Code, or a person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code except, for purposes of determining whether a person is a related member under this division, "twenty per cent" shall be substituted for "5 percent" wherever "5 percent" appears in section 1563(e) of the Internal Revenue Code.
- (37) **"RESIDENT"** means an individual who is domiciled in the Municipality as determined under Section 194.042 of this Chapter.
- (38) **"S CORPORATION"** means a person that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.
- (39) **"SCHEDULE C"** means internal revenue service schedule C (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.
- (40) **"SCHEDULE E"** means internal revenue service schedule E (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

- (41) **"SCHEDULE F"** means internal revenue service schedule F (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.
- (42) **"SINGLE MEMBER LIMITED LIABILITY COMPANY"** means a limited liability company that has one direct member.
- (43) **"SMALL EMPLOYER"** means any employer that had total revenue of less than five hundred thousand dollars during the preceding taxable year. For purposes of this division, "total revenue" means receipts of any type or kind, including, but not limited to, sales receipts; payments; rents; profits; gains, dividends, and other investment income; commissions; premiums; money; property; grants; contributions; donations; gifts; program service revenue; patient service revenue; premiums; fees, including premium fees and service fees; tuition payments; unrelated business revenue; reimbursements; any type of payment from a governmental unit, including grants and other allocations; and any other similar receipts reported for federal income tax purposes or under generally accepted accounting principles. "Small employer" does not include the federal government; any state government, including any state agency or instrumentality; any political subdivision; or any entity treated as a government for financial accounting and reporting purposes.
- (44) **"TAX ADMINISTRATOR"** means the individual charged with direct responsibility for administration of an income tax levied by a municipal corporation in accordance with this chapter, and also includes the following:
 - (A) A municipal corporation acting as the agent of another municipal corporation;
 - (B) A person retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the municipal corporation does not compensate the person in whole or in part on a contingency basis;
 - (C) The Central Collection Agency (CCA) or the Regional Income Tax Agency (RITA) or their successors in interest, or another entity organized to perform functions similar to those performed by the Central Collection Agency and the Regional Income Tax Agency.
- (45) **"TAX RETURN PREPARER"** means any individual described in section 7701(a)(36) of the Internal Revenue CODE AND 26 C.F.R. 301.7701-15 .
- (46) **"TAXABLE YEAR"** means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.
- (47) (A) **"TAXPAYER"** means a person subject to a tax levied on income by a municipal corporation in accordance with this chapter. "Taxpayer" does not include a grantor trust or, except as provided in division (47)(B)(i) of this section, a disregarded entity.
 - (B) (i) A single member limited liability company that is a disregarded entity for federal tax purposes may be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:
 - (a) The limited liability company's single member is also a limited liability company.
 - (b) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004.
 - (c) Not later than December 31, 2004, the limited liability company and its single member each made an election to be treated as a separate taxpayer under division (L) of section 718.01 of the Ohio Revised Code as this section existed on December 31, 2004.

- (d) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member.
 - (e) The Ohio municipal corporation that was the primary place of business of the sole member of the limited liability company consented to the election.
 - (ii) For purposes of division (47)(B)(i)(e) of this section, a municipal corporation was the primary place of business of a limited liability company if, for the limited liability company's taxable year ending in 2003, its income tax liability was greater in that municipal corporation than in any other municipal corporation in Ohio, and that tax liability to that municipal corporation for its taxable year ending in 2003 was at least four hundred thousand dollars.
- (48) **"TAXPAYERS' RIGHTS AND RESPONSIBILITIES"** means the rights provided to taxpayers in sections 718.11 , 718.12 , 718.19, 718.23, 718.36, 718.37, 718.38, 5717.011 , and 5717.03 of the Ohio Revised Code and any corresponding ordinances of the Municipality, and the responsibilities of taxpayers to file, report, withhold, remit, and pay municipal income tax and otherwise comply with Chapter 718. of the Ohio Revised Code and resolutions, ordinances, and rules adopted by a municipal corporation for the imposition and administration of a municipal income tax.
- (49) **"VIDEO LOTTERY TERMINAL"** has the same meaning as in section 3770.21 of the Ohio Revised Code.
- (50) **"VIDEO LOTTERY TERMINAL SALES AGENT"** means a lottery sales agent licensed under Chapter 3770 of the Ohio Revised Code to conduct video lottery terminals on behalf of the state pursuant to section 3770.21 of the Ohio Revised Code.
(Ord. 053-15. Passed 11-16-15.)

194.04 INCOME SUBJECT TO TAX FOR INDIVIDUALS.

194.041 DETERMINING MUNICIPAL TAXABLE INCOME FOR INDIVIDUALS; LOSSES.

(A) "Municipal Taxable Income" for a resident of the Municipality is calculated as follows:

- (1) "Income" reduced by "Exempt Income" to the extent such exempt income is otherwise included in income, reduced by allowable employee business expense deduction as found in division (20)(B) of Section 194.03 of this Chapter, further reduced by any "Pre-2017 Net Operating Loss Carryforward" equals "Municipal Taxable Income".
 - (a) "Income" is defined in Section 194.03 (14) of this Chapter.
 - (i) "Qualifying Wages" is defined in Section 194.03(34).
 - (ii) "Net profit" is included in "income", and is defined in Section 194.03 (23) of this Chapter. This section also provides that the net operating loss carryforward shall be calculated and deducted in the same manner as provided in division (1)(H) of Section 194.03. Treatment of net profits received by an individual taxpayer from rental real estate is provided in Section 194.062(E).

- (iii) Section 194.03(14) provides the following: offsetting and net operating loss carryforward treatment in (14)(A)(ii)(a); resident's distributive share of net profit from pass through entity treatment in (14)(A)(ii)(b); treatment of S Corporation distributive share of net profit in the hands of the shareholder in (14)(A)(iii); restriction of amount of loss permitted to be carried forward for use by taxpayer in a subsequent taxable year in (14)(A)(iv).
 - (iv) "Pass Through Entity" is defined in Section 194.03(27).
 - (b) "Exempt Income" is defined in Section 194.03 (11) of this Chapter.
 - (c) Allowable employee business expense deduction is described in (20)(B) of Section 194.03 of this Chapter, and is subject to the limitations provided in that section.
 - (d) "Pre-2017 Net Operating Loss Carryforward" is defined in Section 194.03 (32) of this Chapter
- (B) "Municipal Taxable Income" for a nonresident of the Municipality is calculated as follows:
 - (1) "Income" reduced by "Exempt Income" to the extent such exempt income is otherwise included in income, as applicable, apportioned or situated to the Municipality as provided in Section 194.062 of this Chapter, reduced by allowable employee business expense deduction as found in (20)(B) of Section 194.03 of this Chapter, further reduced by any "Pre-2017 Net Operating Loss Carryforward" equals "Municipal Taxable Income".
 - (a) "Income" is defined in Section 194.03(14) of this Chapter.
 - (i) "Qualifying Wages" is defined in Section 194.03(34).
 - (ii) "Net profit" is included in "income", and is defined in Section 194.03(23) of this Chapter. This section also provides that the net operating loss carryforward shall be calculated and deducted in the same manner as provided in division (1)(H) of Section 194.03. "Net profit" for a nonresident individual includes any net profit of the nonresident, but excludes the distributive share of net profit or loss of only pass through entity owned directly or indirectly by the nonresident.
 - (iii) "Pass Through Entity" is defined in Section 194.03(27).
 - (b) "Exempt Income" is defined in Section 194.03(11) of this Chapter.
 - (c) "Apportioned or situated to the Municipality as provided in Section 194.062 of this Chapter" includes the apportionment of net profit income attributable to work done or services performed in the Municipality. Treatment of net profits received by an individual taxpayer from rental real estate is provided in Section 194.062(E).
 - (d) "Allowable employee business expense deduction" as described in (20)(B) of Section 194.03 of this Chapter, is subject to the limitations provided in that section. For a nonresident of the Municipality, the deduction is limited to the extent the expenses are related to the performance of personal services by the nonresident in the Municipality.
- (C) (1) Losses. The portion of a net operating loss sustained in any taxable year, allocable to the City, may be applied against the portion of the profit of succeeding years allocable to the City until exhausted, but in no event for more than five (5) taxable years. No portion of a net operating loss shall be carried back against net profits of any prior year.

- (2) The net profits and losses sustained by a taxpayer from business activities subject to the City tax, other than from the taxpayer's principal source of income, shall be aggregated for each of the taxpayer's tax years. If the result of such aggregation is a net profit, tax will be imposed and paid on the net profit. If the result of such aggregation is a net loss, the net loss may be carried forward to any of the succeeding five (5) years and may be used against an aggregate net profit for any of these five (5) succeeding tax years.
- (3) In a taxable year beginning on or after January 1, 2017, the amount of such net operating loss shall be deducted from net profit that is reduced by exempt income to the extent necessary to reduce municipal taxable income to zero, with any remaining unused portion of the net operating loss carried forward to not more than five consecutive taxable years following the taxable year in which the loss was incurred, but in no case for more years than necessary for the deduction to be fully utilized.
 - (a) No person shall use the deduction allowed to offset qualifying wages.
 - (b) For taxable years beginning in 2018, 2019, 2020, 2021, or 2022, a person may not deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, more than fifty percent (50%) of the amount of the deduction.
 - (c) For taxable years beginning in 2023 or thereafter, a person may deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, the full amount allowed.
 - (d) Any pre-2017 net operating loss carryforward deduction that is available must be utilized before a taxpayer may deduct any amount. (Ord. 053-15. Passed 11-16-15.)

194.042 DOMICILE.

(A) As used in this section:

- (1) "Domicile" means the true, fixed and permanent home of the taxpayer to which whenever absent, the taxpayer intends to return.
- (2) An individual is presumed to be domiciled in the Municipality for all or part of a taxable year if the individual was domiciled in the Municipality on the last day of the immediately preceding taxable year or if the tax administrator reasonably concludes that the individual is domiciled in the Municipality for all or part of the taxable year.
- (3) An individual may rebut the presumption of domicile described in division (A)(1) of this section if the individual establishes by a preponderance of the evidence that the individual was not domiciled in the Municipality for all or part of the taxable year.

(B) For the purpose of determining whether an individual is domiciled in the Municipality for all or part of a taxable year, factors that may be considered include, but are not limited to, the following:

- (1) The individual's domicile in other taxable years;
- (2) The location at which the individual is registered to vote;
- (3) The address on the individual's driver's license;
- (4) The location of real estate for which the individual claimed a property tax exemption or reduction allowed on the basis of the individual's residence or domicile;
- (5) The location and value of abodes owned or leased by the individual;
- (6) Declarations, written or oral, made by the individual regarding the individual's residency;

- (7) The primary location at which the individual is employed.
- (8) The location of educational institutions attended by the individual's dependents as defined in section 152 of the Internal Revenue Code, to the extent that tuition paid to such educational institution is based on the residency of the individual or the individual's spouse in the municipal corporation or state where the educational institution is located;
- (9) The number of contact periods the individual has with the Municipality. For the purposes of this division, an individual has one "contact period" with the Municipality if the individual is away overnight from the individual's abode located outside of the Municipality and while away overnight from that abode spends at least some portion, however minimal, of each of two consecutive days in the Municipality. For purposes of this section, the State's contact period test or bright-line test and resulting determination have no bearing on municipal residency or domicile.

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

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

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

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

194.05 COLLECTION AT SOURCE.

194.051 COLLECTION AT SOURCE; WITHHOLDING FROM QUALIFYING WAGES.

- (A) (1) Each employer, agent of an employer, or other payer located or doing business in the Municipality shall withhold from each employee an amount equal to the qualifying wages of the employee earned by the employee in the Municipality multiplied by the applicable rate of the Municipality's income tax, except for qualifying wages for which withholding is not required under Section 194.052 of this Chapter or division (D) or (F) of this section. An employer, agent of an employer, or other payer shall deduct and withhold the tax from qualifying wages on the date that the employer, agent, or other payer directly, indirectly, or constructively pays the qualifying wages to, or credits the qualifying wages to the benefit of, the employee.
- (2) In addition to withholding the amounts required under division (A)(1) of this section, an employer, agent of an employer, or other payer may also deduct and withhold, on the request of an employee, taxes for the municipal corporation in which the employee is a resident.
- (3) All tax payments are first applied to the oldest year owing, and such payments are first applied to penalty and interest for that year, and then to tax owed. (Ord. 053-15. Passed 11-16-15.)

- (B) (1) An employer, agent of an employer, or other payer shall remit to the Tax Administrator of the Municipality the greater of the income taxes deducted and withheld or the income taxes required to be deducted and withheld by the employer, agent, or other payer, along with any report required by the Tax Administrator to accompany such payment, according to the following schedule:
- (a) Any employer, agent of an employer, or other payer not required to make payments under division (B)(1)(b) of this section of taxes required to be deducted and withheld shall make quarterly payments to the Tax Administrator not later than the last day of the month following the last day of each calendar quarter.
 - (b) Taxes required to be deducted and withheld shall be remitted monthly to the Tax Administrator if the total taxes deducted and withheld or required to be deducted and withheld by the employer, agent, or other payer on behalf of the municipal corporation in the preceding calendar year exceeded two thousand three hundred ninety-nine dollars, or if the total amount of taxes deducted and withheld or required to be deducted and withheld on behalf of the Municipality in any month of the preceding calendar quarter exceeded two hundred dollars. Payments under division (B)(1)(b) of this section shall be made to the Tax Administrator not later than fifteen (15) days after the last day of each month.
(Ord. 036-16. Passed 9-19-16.)

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

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

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

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

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

(H) On or before the last day of February of each year, an employer shall file a Withholding Reconciliation Return with the Tax Administrator listing the names, addresses, and social security numbers of all employees from whose qualifying wages tax was withheld or should have been withheld for the Municipality during the preceding calendar year, the amount of tax withheld, if any, from each such employee's qualifying wage, the total amount of qualifying wages paid to such employee during the preceding calendar year, the name of every other municipal corporation for which tax was withheld or should have been withheld from such employee during the preceding calendar year, any other information required for federal income tax reporting purposes on Internal Revenue Service form W-2 or its equivalent form with respect to such employee, and other information as may be required by the Tax Administrator.

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

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

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

194.052 COLLECTION AT SOURCE; OCCASIONAL ENTRANT.

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

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

- (7) "Principal place of work" means the fixed location to which an employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location, "principal place of work" means the worksite location in this state to which the employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location or worksite location, "principal place of work" means the location in this state at which the employee spends the greatest number of days in a calendar year performing services for or on behalf of the employee's employer.

If there is not a single municipal corporation in which the employee spent the "greatest number of days in a calendar year" performing services for or on behalf of the employer, but instead there are two or more municipal corporations in which the employee spent an identical number of days that is greater than the number of days the employee spent in any other municipal corporation, the employer shall allocate any of the employee's qualifying wages subject to division (B)(1)(a) of this section among those two or more municipal corporations. The allocation shall be made using any fair and reasonable method, including, but not limited to, an equal allocation among such municipal corporations or an allocation based upon the time spent or sales made by the employee in each such municipal corporation. A municipal corporation to which qualifying wages are allocated under this division shall be the employee's "principal place of work" with respect to those qualifying wages for the purposes of this section.

For the purposes of this division, the location at which an employee spends a particular day shall be deemed in accordance with division (B)(2) of this section, except that "location" shall be substituted for "municipal corporation" wherever "municipal corporation" appears in that division.

- (B) (1) Subject to divisions (C), (E), (F), and (G) of this section, an employer is not required to withhold municipal income tax on qualifying wages paid to an employee for the performance of personal services in a municipal corporation that imposes such a tax if the employee performed such services in the municipal corporation on twenty or fewer days in a calendar year, unless one of the following conditions applies:
- (a) The employee's principal place of work is located in the Municipality.
 - (b) The employee performed services at one or more presumed worksite locations in the Municipality. For the purposes of this division, "presumed worksite location" means a construction site or other temporary worksite in this state at which the employer provides services that can reasonably be expected by the employer to last more than twenty days in a calendar year. Services can "reasonably be expected by the employer to last more than twenty (20) days" if either of the following applies at the time the services commence:
 - (i) The nature of the services are such that it will require more than twenty days of actual services to complete the services;
 - (ii) The agreement between the employer and its customer to perform services at a location requires the employer to perform actual services at the location for more than twenty (20) days.

- (c) The employee is a resident of the Municipality and has requested that the employer withhold tax from the employee's qualifying wages as provided in Section 194.051 of this Chapter.
 - (d) The employee is a professional athlete, professional entertainer, or public figure, and the qualifying wages are paid for the performance of services in the employee's capacity as a professional athlete, professional entertainer, or public figure within the Municipality.
- (2) For the purposes of division (B)(1) of this section, an employee shall be considered to have spent a day performing services in a municipal corporation only if the employee spent more time performing services for or on behalf of the employer in that municipal corporation than in any other municipal corporation on that day. For the purposes of determining the amount of time an employee spent in a particular location, the time spent performing one or more of the following activities shall be considered to have been spent at the employee's principal place of work:
- (a) Traveling to the location at which the employee will first perform services for the employer for the day;
 - (b) Traveling from a location at which the employee was performing services for the employer to any other location;
 - (c) Traveling from any location to another location in order to pick up or load, for the purpose of transportation or delivery, property that has been purchased, sold, assembled, fabricated, repaired, refurbished, processed, remanufactured, or improved by the employee's employer;
 - (d) Transporting or delivering property described in division (B)(2)(c) of this section, provided that, upon delivery of the property, the employee does not temporarily or permanently affix the property to real estate owned, used, or controlled by a person other than the employee's employer;
 - (e) Traveling from the location at which the employee makes the employee's final delivery or pick-up for the day to either the employee's principal place of work or a location at which the employee will not perform services for the employer.

(C) If the principal place of work of an employee is located in a municipal corporation that imposes an income tax in accordance with this chapter, the exception from withholding requirements described in division (B)(1) of this section shall apply only if, with respect to the employee's qualifying wages described in that division, the employer withholds and remits tax on such qualifying wages to the municipal corporation in which the employee's principal place of work is located.

- (D) (1) Except as provided in division (D)(2) of this section, if, during a calendar year, the number of days an employee spends performing personal services in a municipal corporation exceeds the twenty-day threshold described in division (B)(1) of this section, the employer shall withhold and remit tax to that municipal corporation for any subsequent days in that calendar year on which the employer pays qualifying wages to the employee for personal services performed in that municipal corporation.
- (2) An employer required to begin withholding tax for a municipal corporation under division (D)(1) of this section may elect to withhold tax for that municipal corporation for the first twenty days on which the employer paid qualifying wages to the employee for personal services performed in that municipal corporation.

- (3) If an employer makes the election described in division (D)(2) of this section, the taxes withheld and paid by such an employer during those first twenty days to the municipal corporation in which the employee's principal place of work is located are refundable to the employee.

(E) Without regard to the number of days in a calendar year on which an employee performs personal services in any municipal corporation, an employer shall withhold municipal income tax on all of the employee's qualifying wages for a taxable year and remit that tax only to the municipal corporation in which the employer's fixed location is located if the employer qualifies as a small employer as defined in Section 194.03 of this Chapter. To determine whether an employer qualifies as a small employer for a taxable year, a Tax Administrator may require the employer to provide the Tax Administrator with the employer's federal income tax return for the preceding taxable year.

(F) Divisions (B)(1) and (D) of this section shall not apply to the extent that a Tax Administrator and an employer enter into an agreement regarding the manner in which the employer shall comply with the requirements of Section 194.051 of this Chapter.

(G) In the case of a person performing personal services at a petroleum refinery located in a municipal corporation that imposes a tax on income, an employer is not required to withhold municipal income tax on the qualifying wages of such a person if the person performs those services on twelve or fewer days in a calendar year, unless the principal place of work of the employer is located in another municipal corporation in this state that imposes a tax applying to compensation paid to the person for services performed on those days and the person is not liable to that other municipal corporation for tax on the compensation paid for such services. For the purposes of this division, a petroleum refinery is a facility with a standard industrial classification code facility classification of 2911, petroleum refining. Notwithstanding division (D) of this section, if, during a calendar year, the number of days an individual performs personal services at a petroleum refinery exceeds twelve, the employer shall withhold tax for the municipal corporation for the first twelve days for which the employer paid qualifying wages to the individual and for all subsequent days in the calendar year on which the individual performed services at the refinery. (Ord. 053-15. Passed 11-16-15.)

194.053 COLLECTION AT SOURCE; CASINO AND VLT.

(A) The Municipality shall require a casino facility or a casino operator, as defined in Section 6(C)(9) of Article XV, Ohio Constitution, and section 3772.01 of the Ohio Revised Code, respectively, or a lottery sales agent conducting video lottery terminals sales on behalf of the state to withhold and remit municipal income tax with respect to amounts other than qualifying wages as provided in this section.

(B) If a person's winnings at a casino facility are an amount for which reporting to the internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended, the casino operator shall deduct and withhold municipal income tax from the person's winnings at the rate of the tax imposed by the municipal corporation in which the casino facility is located.

(C) Amounts deducted and withheld by a casino operator are held in trust for the benefit of the municipal corporation to which the tax is owed.

- (1) On or before the tenth day of each month, the casino operator shall file a return electronically with the Tax Administrator of the Municipality, providing the name, address, and social security number of the person from whose winnings amounts were deducted and withheld, the amount of each such deduction and withholding during the preceding calendar month, the

amount of the winnings from which each such amount was withheld, the type of casino gaming that resulted in such winnings, and any other information required by the Tax Administrator. With this return, the casino operator shall remit electronically to the Municipality all amounts deducted and withheld during the preceding month.

- (2) Annually, on or before the thirty-first day of January, a casino operator shall file an annual return electronically with the Tax Administrator of the municipal corporation in which the casino facility is located, indicating the total amount deducted and withheld during the preceding calendar year. The casino operator shall remit electronically with the annual return any amount that was deducted and withheld and that was not previously remitted. If the name, address, or social security number of a person or the amount deducted and withheld with respect to that person was omitted on a monthly return for that reporting period, that information shall be indicated on the annual return.
- (3) Annually, on or before the thirty-first day of January, a casino operator shall issue an information return to each person with respect to whom an amount has been deducted and withheld during the preceding calendar year. The information return shall show the total amount of municipal income tax deducted from the person's winnings during the preceding year. The casino operator shall provide to the Tax Administrator a copy of each information return issued under this division. The administrator may require that such copies be transmitted electronically.
- (4) A casino operator that fails to file a return and remit the amounts deducted and withheld shall be personally liable for the amount withheld and not remitted. Such personal liability extends to any penalty and interest imposed for the late filing of a return or the late payment of tax deducted and withheld.
- (5) If a casino operator sells the casino facility or otherwise quits the casino business, the amounts deducted and withheld along with any penalties and interest thereon are immediately due and payable. The successor shall withhold an amount of the purchase money that is sufficient to cover the amounts deducted and withheld along with any penalties and interest thereon until the predecessor casino operator produces either of the following:
 - (a) A receipt from the Tax Administrator showing that the amounts deducted and withheld and penalties and interest thereon have been paid;
 - (b) A certificate from the Tax Administrator indicating that no amounts are due.
If the successor fails to withhold purchase money, the successor is personally liable for the payment of the amounts deducted and withheld and penalties and interest thereon.
- (6) The failure of a casino operator to deduct and withhold the required amount from a person's winnings does not relieve that person from liability for the municipal income tax with respect to those winnings.

(D) If a person's prize award from a video lottery terminal is an amount for which reporting to the internal revenue service is required by section 6041 of the Internal Revenue Code, as amended, the video lottery sales agent shall deduct and withhold municipal income tax from the person's prize award at the rate of the tax imposed by the municipal corporation in which the video lottery terminal facility is located.

(E) Amounts deducted and withheld by a video lottery sales agent are held in trust for the benefit of the municipal corporation to which the tax is owed.

- (1) The video lottery sales agent shall issue to a person from whose prize award an amount has been deducted and withheld a receipt for the amount deducted and withheld, and shall obtain from the person receiving a prize award the person's name, address, and social security number in order to facilitate the preparation of returns required by this section.
- (2) On or before the tenth day of each month, the video lottery sales agent shall file a return electronically with the Tax Administrator of the Municipality providing the names, addresses, and social security numbers of the persons from whose prize awards amounts were deducted and withheld, the amount of each such deduction and withholding during the preceding calendar month, the amount of the prize award from which each such amount was withheld, and any other information required by the Tax Administrator. With the return, the video lottery sales agent shall remit electronically to the Tax Administrator all amounts deducted and withheld during the preceding month.
- (3) A video lottery sales agent shall maintain a record of all receipts issued under division (E) of this section and shall make those records available to the Tax Administrator upon request. Such records shall be maintained in accordance with section 5747.17 of the Ohio Revised Code and any rules adopted pursuant thereto.
- (4) Annually, on or before the thirty-first day of January, each video lottery terminal sales agent shall file an annual return electronically with the Tax Administrator of the municipal corporation in which the facility is located indicating the total amount deducted and withheld during the preceding calendar year. The video lottery sales agent shall remit electronically with the annual return any amount that was deducted and withheld and that was not previously remitted. If the name, address, or social security number of a person or the amount deducted and withheld with respect to that person was omitted on a monthly return for that reporting period, that information shall be indicated on the annual return.
- (5) Annually, on or before the thirty-first day of January, a video lottery sales agent shall issue an information return to each person with respect to whom an amount has been deducted and withheld during the preceding calendar year. The information return shall show the total amount of municipal income tax deducted and withheld from the person's prize award by the video lottery sales agent during the preceding year. A video lottery sales agent shall provide to the Tax Administrator of the municipal corporation a copy of each information return issued under this division. The Tax Administrator may require that such copies be transmitted electronically.
- (6) A video lottery sales agent who fails to file a return and remit the amounts deducted and withheld is personally liable for the amount deducted and withheld and not remitted. Such personal liability extends to any penalty and interest imposed for the late filing of a return or the late payment of tax deducted and withheld.

(F) If a video lottery sales agent ceases to operate video lottery terminals, the amounts deducted and withheld along with any penalties and interest thereon are immediately due and payable. The successor of the video lottery sales agent that purchases the video lottery terminals from the agent shall withhold an amount from the purchase money that is sufficient to cover the amounts deducted and withheld and any penalties and interest thereon until the predecessor video lottery sales agent operator produces either of the following:

- (1) A receipt from the Tax Administrator showing that the amounts deducted and withheld and penalties and interest thereon have been paid;
- (2) A certificate from the Tax Administrator indicating that no amounts are due.
If the successor fails to withhold purchase money, the successor is personally liable for the payment of the amounts deducted and withheld and penalties and interest thereon.

(G) The failure of a video lottery sales agent to deduct and withhold the required amount from a person's prize award does not relieve that person from liability for the municipal income tax with respect to that prize award.

(H) If a casino operator or lottery sales agent files a return late, fails to file a return, remits amounts deducted and withheld late, or fails to remit amounts deducted and withheld as required under this section, the Tax Administrator of a municipal corporation may impose the following applicable penalty:

- (1) For the late remittance of, or failure to remit, tax deducted and withheld under this section, a penalty equal to fifty per cent (50%) of the tax deducted and withheld;
- (2) For the failure to file, or the late filing of, a monthly or annual return, a penalty of five hundred dollars for each return not filed or filed late. Interest shall accrue on past due amounts deducted and withheld at the rate prescribed in section 5703.47 of the Ohio Revised Code.

(I) Amounts deducted and withheld on behalf of a municipal corporation shall be allowed as a credit against payment of the tax imposed by the municipal corporation and shall be treated as taxes paid for purposes of Section 194.07 of this Chapter. This division applies only to the person for whom the amount is deducted and withheld.

(J) The Tax Administrator shall prescribe the forms of the receipts and returns required under this section. (Ord. 053-15. Passed 11-16-15.)

194.06 INCOME SUBJECT TO NET PROFIT TAX.

194.061 DETERMINING MUNICIPAL TAXABLE INCOME FOR TAXPAYERS WHO ARE NOT INDIVIDUALS; LOSSES.

"Municipal Taxable Income" for a taxpayer who is not an individual for the Municipality is calculated as follows:

- (A) "Income" reduced by "Exempt Income" to the extent otherwise included in income, multiplied by apportionment, further reduced by any "Pre-2017 Net Operating Loss Carryforward" equals "Municipal Taxable Income".
 - (1) "Income" for a taxpayer that is not an individual means the "Net Profit" of the taxpayer.
 - (i) "Net Profit" for a person other than an individual is defined in Section 194.03(23).
 - (ii) "Adjusted Federal Taxable Income" is defined in Section 194.03(1) of this Chapter.
 - (2) "Exempt Income" is defined in Section 194.03(11) of this Chapter.
 - (3) "Apportionment" means the apportionment as determined by Section 194.062 of this Chapter.
 - (4) Losses.
 - (a) The portion of a net operating loss sustained in any taxable year, allocable to the City, may be applied against the portion of the profit of succeeding years allocable to the City until exhausted, but in no event for more than five taxable years. No portion of a net operating loss shall be carried back against net profits of any prior year.

CODIFIED ORDINANCES OF NAPOLEON

PART THREE - TRAFFIC CODE

TITLE ONE - Administration

- Chap. 301. Definitions.
- Chap. 303. Enforcement, Impounding and Penalty.
- Chap. 305. Traffic Control.

TITLE THREE - Streets and Traffic Control Devices

- Chap. 311. Street Obstructions and Special Uses.
- Chap. 312. Parades and Assemblages.
- Chap. 313. Traffic Control Devices.

TITLE FIVE - Vehicles

- Chap. 331. Operation Generally.
- Chap. 333. OVI; Willful Misconduct; Speed.
- Chap. 335. Licensing; Accidents.
- Chap. 337. Safety and Equipment.
- Chap. 339. Commercial and Heavy Vehicles.
- Chap. 341. Commercial Drivers.
- Chap. 343. Low-Speed Vehicles, Under-Speed Vehicles, Utility Vehicles, and Mini-Trucks.

TITLE SEVEN - Parking

- Chap. 351. Parking Generally.
- Chap. 353. Parking Violations, Fines and Penalties.
- Chap. 355. Snow Emergency.

TITLE NINE - Pedestrians, Bicycles and Motorcycles

- Chap. 371. Pedestrians.
- Chap. 373. Bicycles and Motorcycles.
- Chap. 374. Bicycle Licensing.
- Chap. 375. Snowmobiles, Off-Highway Motorcycles and All Purpose Vehicles.

TRAFFIC SCHEDULES

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

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Snowmobile, off-highway motorcycle and all purpose vehicle
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301.01 MEANING OF WORDS AND PHRASES.

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

301.02 AGRICULTURAL TRACTOR.

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

301.03 ALLEY.

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

301.031 BEACON; HYBRID BEACON.

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

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

301.04 BICYCLE; MOTORIZED BICYCLE; MOPED; 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))

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))

301.183 LOW-SPEED VEHICLE.

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

301.185 MEDIAN.

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

301.187 MINI-TRUCK.

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

301.19 MOTORCYCLE.

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

301.20 MOTOR VEHICLE.

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

301.201 OPERATE.

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

301.21 PARK OR PARKING.

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

301.22 PEDESTRIAN.

"Pedestrian" means any natural person afoot. (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:

301.47 TRAFFIC CONTROL SIGNAL.

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

301.48 TRAILER.

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

301.49 TRUCK.

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

301.495 UNDER-SPEED VEHICLE.

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

301.50 URBAN DISTRICT.

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

301.505 UTILITY.

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

301.51 U-TURN; J-TURN.

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

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

301.52 VEHICLE.

"Vehicle" means every device, including a motorized bicycle and an electric bicycle, in, upon or by which any person or property may be transported or drawn upon a street or highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, 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))

TITLE FIVE - Vehicles

- Chap. 331. Operation Generally.
- Chap. 333. OVI; Willful Misconduct; Speed.
- Chap. 335. Licensing; Accidents.
- Chap. 337. Safety and Equipment.
- Chap. 339. Commercial and Heavy Vehicles.
- Chap. 341. Commercial Drivers.
- Chap. 343. Low-Speed Vehicles, Under-Speed Vehicles, Utility Vehicles, and Mini-Trucks.

CHAPTER 331 Operation Generally

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

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

CROSS REFERENCES

See sectional histories for similar State law

Obedience to traffic control devices - see TRAF. 313.01

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

School bus operation - see OAC Ch. 4501-3

331.01 DRIVING UPON RIGHT SIDE OF ROADWAY; EXCEPTIONS.

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

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

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

1. The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of 300 feet on each approach direction;
2. The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of 300 feet on each approach direction;
3. The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of 300 feet on each approach direction of highway;

Nothing in this section shall be construed to invalidate the Director's initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in subsections (b)(1)A. and C. hereof.

D. As used in this subsection, "crosswalk" has the meaning given that term in Section 301.09. The Director may, upon request by resolution of Council, and upon submission by the Municipality of such engineering, traffic and other information as the Director considers necessary, designate a school zone on any portion of a State route lying within the Municipality that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than 1,320 feet. Such a school zone shall include the distance encompassed by the crosswalk and extending 300 feet on each approach direction of the State route;

- (2) Twenty-five miles per hour in all other portions of the Municipality, except on State routes outside business districts, through highways outside business districts and alleys;
- (3) Thirty-five miles per hour on all State routes or through highways within the Municipality outside business districts, except as provided in subsections (b)(4) and (5) hereof;
- (4) Fifty miles per hour on controlled-access highways and expressways within the Municipality, except as provided in subsections (b)(8) to (b)(12) of this section;
- (5) Fifty miles per hour on State routes within the Municipality outside urban districts unless a lower prima-facie speed is established as further provided in this section;
- (6) Fifteen miles per hour on all alleys within the Municipality;
- (7) Fifty-five miles per hour on freeways with paved shoulders inside the Municipality other than freeways as provided in subsection (b)(10) and (12);
- (8) Sixty miles per hour on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in subsections (b)(9) and (10) of this section;
- (9) Sixty-five miles per hour on all rural expressways without traffic control signals;

- (10) Seventy miles per hour on all rural freeways;
- (11) Fifty-five miles per hour on all portions of freeways or expressways in congested areas as determined by the Director and that are located within a municipal corporation or within an interstate freeway outerbelt, except as provided in subsection (b)(12) of this section;
- (12) Sixty-five miles per hour on all portions of freeways or expressways without traffic control signals in urbanized areas.

(c) It is prima-facie unlawful for any person to exceed any of the speed limitations in subsection (b)(1)A. to (b)(6) hereof, or any declared or established pursuant to this section by the Director or local authorities and it is unlawful for any person to exceed any of the speed limitations in subsection (d) hereof. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.

- (d) No person shall operate a motor vehicle upon a street or highway as follows:
- (1) At a speed exceeding fifty-five miles per hour, except upon a highway, expressway or freeway as provided in subsection (b)(8), (9), (10) and (12) hereof;
 - (2) At a speed exceeding sixty miles per hour upon a highway as provided in subsection (b)(8) hereof;
 - (3) At a speed exceeding sixty-five miles per hour upon an expressway as provided in subsection (b)(9) hereof, or upon a freeway as provided in subsection (b)(12) of this section, except upon a freeway as provided in subsection (b)(10) hereof;
 - (4) At a speed exceeding seventy miles per hour upon a freeway as provided in subsection (b)(10) hereof;
 - (5) At a speed exceeding the posted speed limit upon a highway, expressway or freeway for which the Director has determined and declared a speed limit pursuant to Ohio R.C. 4511.21(I)(2) or (L)(2).

(e) In every charge of violation of this section the affidavit and warrant shall specify the time, place and speed at which the defendant is alleged to have driven, and in charges made in reliance upon subsection (c) hereof also the speed which subsections (b)(1)A. to (b)(6) hereof, or a limit declared or established pursuant to this section declares is prima-facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.

(f) When a speed in excess of both a prima-facie limitation and a limitation in subsection (d) hereof is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both subsections (b)(1)A. to (b)(6) hereof, or of a limit declared or established pursuant to this section by the Director or local authorities, and of the limitation in subsection (d) hereof. If the court finds a violation of subsection (b)(1)A. to (b)(6) hereof, or a limit declared or established pursuant to this section has occurred, it shall enter a judgment of conviction under such subsection and dismiss the charge under subsection (d) hereof. If it finds no violation of subsections (b)(1)A. to (b)(6) hereof or a limit declared or established pursuant to this section, it shall then consider whether the evidence supports a conviction under subsection (d) hereof.

(g) Points shall be assessed for violation of a limitation under subsection (d) hereof in accordance with Ohio R.C. 4510.036.

(h) Whenever, in accordance with Ohio R.C. 4511.21 or this section, the speed limitations as established herein have been altered, either higher or lower, and the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on such signs. It is prima-facie unlawful for any person to exceed the speed limits posted upon such signs.

(i) As used in this section:

- (1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101.
- (2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.
- (3) "Noncommercial bus" includes but is not limited to a school bus, or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.
- (4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the Director.
- (5) "Rural" means an area outside urbanized areas and outside of a business or urban district, and areas that extend within urbanized areas where the roadway characteristics remain mostly unchanged from those outside the urbanized areas.
- (6) "Urbanized area" has the same meaning as in 23 U.S.C. 101.
- (7) "Divided" means a roadway having two or more travel lanes for vehicles moving in opposite directions and that is separated by a median of more than four feet, excluding turn lanes.

- (j) (1) A violation of any provision of this section is one of the following:
- A. Except as otherwise provided in subsections (j)(1)B., (1)C., (2) and (3) of this section, a minor misdemeanor;
 - B. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;
 - C. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.

- (2) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of Ohio R.C. 4511.21 or of any provision of a municipal ordinance that is substantially similar to Ohio R.C. 4511.21 and operated a motor vehicle faster than thirty-five miles an hour in a business district of a municipal corporation, faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.
- (3) Notwithstanding subsection (j)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with Ohio R.C. 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this subsection and if the court determines that the offender is an indigent person and unable to pay the fine.
- (4) 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 4511.21)

333.031 APPROACHING A STATIONARY PUBLIC SAFETY, EMERGENCY OR ROAD SERVICE VEHICLE.

(a) The driver of a motor vehicle, upon approaching a stationary public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with Ohio R.C. 4923.04 and 4923.06 or a highway maintenance vehicle that is displaying the appropriate visual signals by means of flashing, oscillating or rotating lights, as prescribed in Section 337.16, shall do either of the following:

- (1) If the driver of the motor vehicle is traveling on a street or highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with Ohio R.C. 4923.04 and 4923.06 or a highway maintenance vehicle.
- (2) If the driver is not traveling on a street or highway of a type described in subsection (a)(1) of this section, or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather and traffic conditions.

(e) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of subsection (c) or (d) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of subsection (c) or (d) of this section or causing the arrest of or commencing a prosecution of a person for a violation of subsection (c) or (d) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of subsection (c) or (d) of this section has been or is being committed.

(f) The Ohio Director of Public Safety shall adopt such rules as are necessary to carry out this section.

(g) The failure of an operator of a motor vehicle to secure a child in a child restraint system, a booster seat or an occupant restraining device as required by this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.

(h) This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would be required to be restrained under this section. This section does not apply to a person operating a motor vehicle who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or a chiropractor licensed to practice in this State under Ohio R.C. Chapter 4734 that states that the child who otherwise would be required to be restrained under this section has a physical impairment that makes use of a child restraint system, booster seat or an occupant restraining device impossible or impractical, provided that the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendations of the physician or chiropractor as noted on the affidavit.

(i) Nothing in this section shall be construed to require any person to carry with the person the birth certificate of a child to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation or summons issued for violating this section.

(j) Whoever violates subsection (a), (b), (c) or (d) of this section shall be punished as follows, provided that the failure of an operator of a motor vehicle to secure more than one child in a child restraint system, booster seat, or occupant restraining device as required by this section that occurred at the same time, on the same day, and at the same location is deemed to be a single violation of this section:

- (1) Except as otherwise provided in subsection (j)(2) of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars (\$25.00) nor more than seventy-five dollars (\$75.00).
- (2) If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a), (b), (c) or (d) of this section or of a state law or municipal ordinance that is substantially similar to any of those subsections, the offender is guilty of a misdemeanor of the fourth degree.
(ORC 4511.81)

337.27 DRIVERS AND PASSENGERS REQUIRED TO WEAR SEAT BELTS.**(a) As used in this section:**

- (1) "Automobile" means any commercial tractor, passenger car, commercial car or truck that is required to be factory-equipped with an occupant restraining device for the operator or any passenger by regulations adopted by the United States Secretary of Transportation pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392.
- (2) "Occupant restraining device" means a seat safety belt, shoulder belt, harness or other safety device for restraining a person who is an operator of or passenger in an automobile and that satisfies the minimum Federal vehicle safety standards established by the United States Department of Transportation.
- (3) "Passenger" means any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.
- (4) "Commercial tractor," "passenger car," and "commercial car" have the same meanings as provided in Ohio R.C. 4501.01.
- (5) "Vehicle" and "motor vehicle", as used in the definitions of the terms set forth in subsection (a)(4) hereof, have the same meanings as provided in Chapter 301.
- (6) "Tort action" means a civil action for damages for injury, death, or loss to person or property. "Tort action" includes a product liability claim, as defined in Ohio R.C. 2307.71 and an asbestos claim, as defined in Ohio R.C. 2307.91, but does not include a civil action for damages for breach of contract or another agreement between persons.

(b) No person shall do either of the following:

- (1) Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted;
- (2) Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in subsection (b)(3) hereof is wearing all of the available elements of a properly adjusted occupant restraining device;
- (3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device;
- (4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form.

- (c)
- (1) Subsection (b)(3) hereof does not apply to a person who is required by Section 337.26 to be secured in a child restraint device or booster seat.
 - (2) Subsection (b)(1) hereof does not apply to a person who is an employee of the United States Postal Service or of a newspaper home delivery service, during any period in which the person is engaged in the operation of an automobile to deliver mail or newspapers to addressees.

- (3) Subsections (b)(1) and (3) hereof do not apply to a person who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or a chiropractor licensed to practice in this State under Ohio R.C. Chapter 4734 that states the following:
 - A. That the person has a physical impairment that makes use of an occupant restraining device impossible or impractical;
 - B. Whether the physical impairment is temporary, permanent or reasonably expected to be permanent;
 - C. If the physical impairment is temporary, how long the physical impairment is expected to make the use of an occupant restraining device impossible or impractical.
- (4) Subsections (b)(1) and (3) of this section do not apply to a person who has registered with the Registrar of Motor Vehicles in accordance with subsection (c)(5) of this section.
- (5) A person who has received an affidavit under subsection (c)(3) of this section stating that the person has a permanent or reasonably expected to be permanent physical impairment that makes use of an occupant restraining device impossible or impracticable may register with the Registrar attesting to that fact. Upon such registration, the Registrar shall make that information available in the law enforcement automated data system. A person included in the database under subsection (c)(5) of this section is not required to have the affidavit obtained in accordance with subsection (c)(3) of this section in their possession while operating or occupying an automobile.
- (6) A physician or chiropractor who issues an affidavit for the purposes of subsection (c)(3) or (4) of this section is immune from civil liability arising from any injury or death sustained by the person who was issued the affidavit due to the failure of the person to wear an occupant restraining device unless the physician or chiropractor, in issuing the affidavit, acted in a manner that constituted willful, wanton or reckless misconduct.
- (7) The Registrar shall adopt rules in accordance with Ohio R.C. Chapter 119, establishing a process for a person to be included in the database under subsection (c)(5) of this section. The information provided and included in the database under subsection (c)(5) of this section is not a public record subject to inspection or copying under Ohio R.C. 149.43.

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

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

- (f) (1) Subject to subsection (f)(2) of this section, the failure of a person to wear all of the available elements of a properly adjusted occupant restraining device in violation of subsection (b)(1) or (3) or the failure of a person to ensure that each minor who is a passenger of an automobile being operated

by that person is wearing all of the available elements of a properly adjusted occupant restraining device, in violation of subsection (b)(2) of this section, shall not be considered or used by the trier of fact in a tort action as evidence of negligence or contributory negligence. But the trier of fact may determine based on evidence admitted consistent with the Ohio rules of evidence that the failure contributed to the harm alleged in the tort action and may diminish a recovery of compensatory damages that represents noneconomic loss, as defined in Ohio R.C. 2307.011 in a tort action that could have been recovered but for the plaintiff's failure to wear all of the available elements of a properly adjusted occupant restraining device. Evidence of that failure shall not be used as a basis for a criminal prosecution of the person other than a prosecution for a violation of this section; and shall not be admissible as evidence in a criminal action involving the person other than a prosecution for a violation of this section.

- (2) If, at the time of an accident involving a passenger car equipped with occupant restraining devices, any occupant of the passenger car who sustained injury or death was not wearing an available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted, then, consistent with the Rules of Evidence, the fact that the occupant was not wearing the available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted is admissible in evidence in relation to any claim for relief in a tort action to the extent that the claim for relief satisfies all of the following:

- A. It seeks to recover damages for injury or death to the occupant.
- B. The defendant in question is the manufacturer, designer, distributor or seller of the passenger car.
- C. The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy.

- (g) (1) Whoever violates subsection (b)(1) of this section shall be fined thirty dollars (\$30.00).
- (2) Whoever violates subsection (b)(3) of this section shall be fined twenty dollars (\$20.00).
- (3) Except as otherwise provided in this subsection, whoever violates subsection (b)(4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (b)(4) of this section, whoever violates subsection (b)(4) of this section is guilty of a misdemeanor of the third degree.
(ORC 4513.263)

337.28 USE OF SUNSCREENING, NONTRANSPARENT AND REFLECTORIZED MATERIALS.

(a) Requirements.

- (1) No person shall operate, on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is required to be registered in this State with any suncreening material, or other product or material which has the effect of making the windshield or windows nontransparent or would alter the windows' color, increase its reflectivity, or reduce its light transmittance, unless the product or material satisfies one of the following exceptions:

- A. Any manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) in effect at the time of the manufacture of the motor vehicle until such standard is subsequently repealed or reduced. In "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) "manufacturer" means any person engaged in the manufacturing or assembling of motor vehicles or motor vehicle equipment, including any person importing motor vehicles or motor vehicle equipment for resale. "Federal Motor Vehicle Safety Standard Number 205" (FMVSS), Code of Federal Regulations, Title 49, Part 571, can be obtained online at web site <http://www.gpo.gov>.
 - B. Any sunscreening material or other product or material applied to the windshield when used in conjunction with the safety glazing materials of such window, has a light transmittance of not less than seventy per cent plus or minus three per cent and is not red or yellow in color.
 - C. Any sunscreening material or other product or material applied to the side windows to the immediate right or left the driver, so long as such material, when used in conjunction with the safety glazing materials of such windows, has a light transmittance of not less than fifty per cent plus or minus three per cent and is not red or yellow in color.
 - D. Any sunscreening material or other product or material applied to a window not otherwise listed in subsections (a)(1)A. to C. or E. of this section, except that outside left and right rear view mirrors are required if the sunscreening material is applied to the rear window and the sunscreening material, when used in conjunction with the safety glazing material of such window, has a light transmittance of less than fifty per cent plus or minus three per cent.
 - E. Any sunscreening material or other product or material applied along the top of the windshield and that does not extend downward beyond the AS-1 line or five inches from the top of the windshield, whichever is closer to the top, is not regulated by this section.
- (2) No person shall install in any motor vehicle any glass or other material that fails to conform to the specifications of this section.
 - (3) No used motor vehicle dealer or new motor vehicle dealer, as defined in Ohio R.C. 4517.01, shall sell any motor vehicle that fails to conform to the specifications of this section.
 - (4) No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings or rear window.
 - (5) No person shall operate on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is required to be registered in this State that is equipped with privacy drapes, louvers, curtains or blinds unless the drapes, louvers, curtains or blinds are open and secure during vehicle operation.
 - (6) All motor vehicles, beginning with the 1990 model year, must be equipped with labels identifying sunscreening material. All sunscreening material must indicate the manufacturer's name and the percentage level of light transmission of the material permanently installed between the material and

the surface to which the material is applied or affixed. Such label must be legible and must be placed in the lower left-hand corner of the vehicle window when viewed from the outside. (OAC 4501-41-03)

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

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

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

- (1) "Motor vehicle" has the same meaning as specified in Section 301.20.
- (2) "Sunscreening material" means products or materials, including film, glazing and perforated sunscreening, which, when applied to the windshield or windows of a motor vehicle, reduce the effects of the sun with respect to light reflectance or transmittance.
- (3) "Transmittance" means the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the product or material, including glazing, to the amount of total light falling on the product or material and the glazing.
- (4) "Windshield" means the front exterior viewing device of a motor vehicle.
- (5) "Window" means any device designed for exterior viewing from a motor vehicle, except the windshield or any roof-mounted viewing device.
- (6) "Manufacturer" unless otherwise specified in this section, means any person who engages in the manufacturing or assembling of sunscreening products or materials or any person who fabricates, laminates or tempers a safety glazing material, incorporating, during the manufacturing process, the capacity to reflect or reduce the transmission of light.

- (7) "Chauffeured limousine" means a motor vehicle that is designed to carry nine or fewer passengers and is operated for hire on an hourly basis pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an arrangement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine at a fixed rate per hour or trip. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing. (OAC 4501-41-02)

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

337.29 BUMPER HEIGHTS.

(a) Definitions.

- (1) "Passenger car" means any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle.
- (2) "Multipurpose passenger vehicle" means a motor vehicle with motive power, except a motorcycle, designed to carry ten persons or less, that is constructed either on a truck chassis or with special features for occasional off-road operation.
- (3) "Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property and having a gross vehicle weight rating of 10,000 pounds or less.
- (4) "Manufacturer" has the same meaning as in Ohio R.C. 4501.01.
- (5) "Gross vehicle weight rating" means the manufacturer's gross vehicle weight rating established for the vehicle.
- (6) "Body floor height" means the vertical distance between top of the frame rail and the bottom of the passenger compartment (cab) floor. In the event that the vehicle is a truck body, floor height will be measured by the vertical distance between the passenger compartment (cab) floor and the floor of the truck bed.
- (7) "Bumper height" means the vertical distance between the ground and the highest point of the bottom of the bumper, measured when the vehicle is laden on a level surface with the vehicle tires inflated to the manufacturer's recommended pressure.
- (8) "Frame" means the main longitudinal structural members of the chassis of the vehicle or, for vehicles with unitized body construction, the lowest main longitudinal structural members of the body of the vehicle.
- (9) "Wheel track distance" means the distance on the ground between the center of the tire tread on one side of the vehicle, and the center of the tire tread on the opposite side. (OAC 4501-43-02)

(b) Prohibitions; Application.

- (1) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State that does not conform to the requirements of this section.

- (2) No person shall modify any motor vehicle registered in this State in such a manner as to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body under normal operation, and no person shall disconnect any part of the original suspension system of the vehicle to defeat the safe operation of that system including the installation of inverted, altered or modified suspension system component parts which results in elevation of the height of the vehicle bumper or frame unit which is not in compliance with this section.
 - (3) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State without a bumper on the front and rear of the vehicle if such vehicle was equipped with bumpers as standard equipment by the manufacturer.
 - (4) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State if the difference in height between the body floor and the top of the frame exceeds four inches.
 - (5) Nothing contained in this section shall be construed to prohibit either of the following:
 - A. The installation upon a passenger car, multipurpose passenger vehicle or truck registered in this State of heavy duty equipment, including shock absorbers and overload springs as long as such equipment does not cause the vehicle to be in violation of this section;
 - B. The operation on a street or highway of a passenger car, multipurpose passenger vehicle or truck registered in this State with normal wear to the suspension system if the normal wear does not adversely affect the control of the vehicle.
 - (6) This section does not apply to any specially designed or modified passenger car, multipurpose passenger vehicle or truck when operated off a street or highway in races and similar events.
 - (7) A specially designed or modified passenger car, multipurpose passenger vehicle or truck which does not conform to this section shall not be operated on a street or highway.
(OAC 4501-43-03)
- (c) Specifications.
- (1) The horizontal bumper shall be at least 4.5 inches in vertical height, centered on the vehicle's centerline, and extend no less than the width of the respective wheel track distances. Bumpers shall be horizontal load bearing bumpers and attached to the vehicle frame to effectively transfer impact when engaged.
 - (2) Maximum bumper heights shall be determined by the type of vehicle at time of manufacture. If other than a passenger vehicle, the maximum bumper height shall be determined by the gross vehicle weight rating (GVWR) at the time of manufacture. The height shall be measured in terms of the vertical distance between the ground and the bottom of the bumper. Maximum bumper heights are as follows:

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

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

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

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

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

337.30 DIRECTIONAL SIGNALS REQUIRED.

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

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

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

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

- (m) "Fatality" means the death of a person as the result of a motor vehicle accident occurring not more than three hundred sixty-five days prior to the date of a death.
- (n) "Felony" means any offense under federal or state law that is punishable by death or specifically classified as a felony under the law of this State, regardless of the penalty that may be imposed.
- (o) "Foreign jurisdiction" means any jurisdiction other than a state.
- (p) "Gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle. The gross vehicle weight rating of a combination vehicle is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of each towed unit.
- (q) "Hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 C.F.R. part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73, as amended.
- (r) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, except that such term does not include a vehicle, machine, tractor, trailer or semitrailer operated exclusively on a rail.
- (s) "Out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, local, Canadian or Mexican jurisdiction declaring that a driver, commercial motor vehicle or commercial motor carrier operation is out of service as defined in 49 C.F.R. 390.5.
- (t) "Public safety vehicle" has the same meaning as in divisions (E)(1) and (3) of Ohio R.C. 4511.01.
- (u) "Recreational vehicle" includes every vehicle that is defined as a recreational vehicle in Ohio R.C. 4501.01 and is used exclusively for purposes other than engaging in business for profit.
- (v) "School bus" has the same meaning as in Ohio R.C. 4511.01.
- (w) "State" means a state of the United States and includes the District of Columbia.
- (x) "Tester" means a person or entity acting pursuant to a valid agreement entered into pursuant to Ohio R.C. 4506.09.
- (y) "United States" means the fifty states and the District of Columbia.
- (z) "Vehicle" has the same meaning as in Ohio R.C. 4511.01.
(ORC 4506.01)

341.02 EXEMPTIONS.

Section 341.02 has been deleted from the Codified Ordinances. Former Ohio R.C. 4506.02 from which Section 341.02 was derived was repealed by Am. Sub. H.B. No. 68, effective June 29, 2005. The exemptions are now contained in Section 341.03.

341.03 PREREQUISITES TO OPERATION OF A COMMERCIAL MOTOR VEHICLE.

- apply:
- (a) Except as provided in subsections (b) and (c) of this section, the following shall apply:
 - (1) No person shall drive a commercial motor vehicle on a highway in this Municipality unless the person holds, and has in the person's possession, any of the following:
 - A. A valid commercial driver's license with proper endorsements for the motor vehicle being driven, issued by the Registrar of Motor Vehicles, or by another jurisdiction recognized by this State;
 - B. A valid examiner's commercial driving permit issued under Ohio R.C. 4506.13;

- C. A valid restricted commercial driver's license and waiver for farm-related service industries issued under Ohio R.C. 4506.24;
 - D. A valid commercial driver's license temporary instruction permit issued by the Registrar, provided that the person is accompanied by an authorized state driver's license examiner or tester or a person who has been issued and has in the person's immediate possession a current, valid commercial driver's license and who meets the requirements of Ohio R.C. 4506.06(B).
- (2) No person who has been a resident of this State for thirty days or longer shall drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.

(b) Nothing in subsection (a) of this section applies to any qualified person when engaged in the operation of any of the following:

- (1) A farm truck;
- (2) Fire equipment for a fire department, volunteer or nonvolunteer fire company, fire district, joint fire district or the Ohio Fire Marshal;
- (3) A public safety vehicle used to provide transportation or emergency medical service for ill or injured persons;
- (4) A recreational vehicle;
- (5) A commercial motor vehicle within the boundaries of an eligible unit of local government, if the person is employed by the eligible unit of local government and is operating the commercial motor vehicle for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting, but only if either the employee who holds a commercial driver's license issued under Ohio R.C. Chapter 4506 and ordinarily operates a commercial motor vehicle for these purposes is unable to operate the vehicle, or the employing eligible unit of local government determines that a snow or ice emergency exists that requires additional assistance;
- (6) A vehicle operated for military purposes by any member or uniformed employee of the armed forces of the United States or their reserve components, including the Ohio national guard. This exception does not apply to United States reserved technicians.
- (7) A commercial motor vehicle that is operated for nonbusiness purposes. "Operated for nonbusiness purposes" means that the commercial motor vehicle is not used in commerce as "commerce" is defined in 49 C.F.R. 383.5, as amended, and is not regulated by the Public Utilities Commission pursuant to Ohio R.C. Chapter 4905, 4921, or 4923.
- (8) A motor vehicle that is designed primarily for the transportation of goods and not persons, while that motor vehicle is being used for the occasional transportation of personal property by individuals not for compensation and not in the furtherance of a commercial enterprise.
- (9) A police SWAT team vehicle.
- (10) A police vehicle used to transport prisoners.

(c) Nothing contained in subsection (b)(5) of this section shall be construed as preempting or superseding any law, rule, or regulation of this State concerning the safe operation of commercial motor vehicles.

(d) Whoever violates this section is guilty of a misdemeanor of the first degree.
(ORC 4506.03)

CHAPTER 343
Low-Speed Vehicles, Under-Speed Vehicles, Utility Vehicles,
or Mini-Trucks

343.01 Operation restricted for low-speed vehicles, under-speed vehicles, utility vehicles, and mini-trucks.

343.99 Penalty.

343.01 OPERATION RESTRICTED FOR LOW-SPEED VEHICLES, UNDER-SPEED VEHICLES, UTILITY VEHICLES, AND MINI-TRUCKS.

(a) No person shall operate a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck upon any street or highway within the City except upon a street or highway having an established speed limit of thirty-five (35) miles per hour or below. A low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck will be permitted to cross intersections with higher speeds, so long as they remain on a street that has a posted speed limit of thirty-five (35) mph or below.

(b) Notwithstanding subsection (a) hereof, no person shall operate a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck within the City upon Scott Street north of Lagrange Street.

(c) The owner of a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck who wishes to operate on a public street or highway must first submit the vehicle to an inspection that complies with the requirements established by the Ohio Department of Public Safety under Section 4513.02 of the Revised Code.

(d) Every low-speed vehicle, under-speed vehicle, utility vehicle, and mini-truck operated upon any street or highway within the City must have a seat safety belt installed at each designated seating position.

(e) Low-speed vehicles, under-speed vehicles, utility vehicles, and mini-trucks operated on public streets or highways must successfully pass the required vehicle inspection, be registered in accordance with Chapter 4503 of the Revised Code, and be titled in accordance with Chapter 4505 of the Revised Code.

(f) Occupants of a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck shall be seated at all times on the seat of the vehicle and buckled by the seatbelt when the vehicle is on and in motion. Standing on any portion of the vehicle while it is in motion is prohibited.

(g) Any child who falls under the child restraint criteria set by Ohio R.C. 4511.81 is prohibited from being a passenger in a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck operated on any street, highway, right of way, public area, or private property used for vehicular travel within the City.

(h) No person shall operate a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck upon any sidewalks within the City.

(i) Except as otherwise provided, all sections of the Napoleon Traffic Code and State of Ohio Traffic Laws, or substantially similar offense, shall apply to low-speed vehicles, under-speed vehicles, utility vehicles, and mini-trucks operated upon any street, highway, right of way, public area, or private property used for vehicular travel within the City.
(Ord. 061-19. Passed 10-21-19.)

343.99 PENALTY.

Whoever violates any provision contained in Chapter 343 is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense. Nothing in this section shall limit the City from filing other violations of law including but not limited to license violations. (Ord. 061-19. Passed 10-21-19.)

- (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, skateboard 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, skateboard 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.

- (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) 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)

- (b) On any private property, or in any nursery or planting area, without the permission of the owner or other person having the right to possession of the property;
 - (c) On any land or waters controlled by the State or City, including but not limited to public rights of way, except at those locations where a sign has been posted permitting such operation;
 - (d) On tracks or right of way of any operating railroad;
 - (e) (EDITOR'S NOTE: Former subsection (e) was repealed by Ordinance 078-19, passed December 16, 2019).
 - (f) For the purpose of chasing, pursuing, capturing or killing any animal or wild fowl;
 - (g) During the time from sunset to sunrise, unless displaying lighted lights as required by Section 375.02.
- (Ord. 36-94. Passed 4-4-94.)

375.04 OPERATION ON PUBLIC THOROUGHFARES DURING SNOW EMERGENCIES.

This chapter, which prohibits the operation of a snowmobile on public thoroughfares within the City, shall be inapplicable to persons who hold a valid and current motor vehicle operator's or commercial driver's license, or motorcycle operator's endorsement, issued under Ohio R.C. Chapter 4507, and who operate a snowmobile for the purpose of emergency travel or assistance during the period that a snow emergency has been declared pursuant to the Codified Ordinances provided that the operator receive prior written permission from the Chief of Police and otherwise complies with all limitations and restrictions prescribed by the Chief of Police during such emergency. (Ord. 36-94. Passed 4-4-94.)

375.05 LICENSING REQUIREMENTS OF OPERATOR.

(a) No person who does not hold a valid, current motor vehicle driver's or commercial driver's license, motorcycle operator's endorsement or probationary license issued under Ohio R.C. Chapter 4506 or 4507, or a valid, current driver's license issued by another jurisdiction, shall operate a snowmobile, off-highway motorcycle, or all purpose vehicle on any street or highway, on any portion of the right of way thereof, or on any public land or waters. This subsection shall not be construed to permit the holder of such a license to operate a snowmobile, off-highway motorcycle, or all purpose vehicle in violation of Section 375.03.

(b) No person who is less than sixteen years of age shall operate a snowmobile, off-highway motorcycle, or all purpose vehicle on any land or waters other than private property or waters owned by or leased to such person's parent or guardian, unless accompanied by another person who is eighteen years of age, or older, and who holds a license as provided in subsection (a) hereof, except that the Ohio Department of Natural Resources may permit such operation on State controlled land under its jurisdiction when such person is less than sixteen years of age but is twelve years of age or older and is accompanied by a parent or guardian who is a licensed driver eighteen years of age or older. (ORC 4519.44)

375.06 REGISTRATION OF VEHICLES.

Except as provided in Ohio R.C 4519.02(B), (C) and (D), no person shall operate any snowmobile, off-highway motorcycle, or all purpose vehicle unless the snowmobile, off-highway motorcycle, or all purpose vehicle is registered and numbered in accordance with Ohio R.C. 4519.03 and 4519.04. (ORC 4519.02)

375.07 ACCIDENT REPORTS.

The operator of a snowmobile, off-highway motorcycle, or all purpose vehicle involved in any accident resulting in bodily injury to or death of any person or damage to the property of any person in excess of one hundred dollars (\$100.00) shall report the accident within forty-eight hours to the Chief of Police, and, within thirty days, shall forward a written report of the accident

to the Ohio Registrar of Motor Vehicles on a form prescribed by the Registrar. If the operator is physically incapable of making the reports and there is another participant in the accident not so incapacitated, the participant shall make the reports. In the event that there is no other participant, and the operator is other than the owner, the owner, within the prescribed periods of time, shall make the reports.

Any law enforcement officer or other person authorized by Ohio R.C. 4519.42 and 4519.43, who investigates or receives information of an accident involving a snowmobile, off-highway motorcycle, or all purpose vehicle shall forward to the Registrar a written report of the accident within forty-eight hours. (ORC 4519.46)

375.08 CERTIFICATE OF TITLE.

No person shall do any of the following:

- (a) Operate in this Municipality an off-highway motorcycle or all-purpose vehicle without having a certificate of title for the off-highway motorcycle or all-purpose vehicle, if such a certificate is required by Ohio R.C. Chapter 4519 to be issued for the off-highway motorcycle or all-purpose vehicle, or, if a physical certificate of title has not been issued for it, operate an off-highway motorcycle or all-purpose vehicle knowing that the ownership information relating to the motorcycle or vehicle has not been entered into the automated title processing system by a clerk of a court of common pleas;
 - (b) Operate in this Municipality an off-highway motorcycle or all-purpose vehicle if a certificate of title to the off-highway motorcycle or all-purpose vehicle has been issued and then has been canceled;
 - (c) Fail to surrender any certificate of title upon cancellation of it by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in Ohio R.C. Chapter 4519;
 - (d) Fail to surrender the certificate of title to a clerk of the court of common pleas as provided in Ohio R.C. Chapter 4519, in case of the destruction or dismantling of, or change in, the off-highway motorcycle or all-purpose vehicle described in the certificate of title;
 - (e) Violate any provision of Ohio R.C. 4519.51 to 4519.70 or any lawful rules adopted pursuant to those sections;
 - (f) Operate in this Municipality an off-highway motorcycle or all-purpose vehicle knowing that the certificate of title to or ownership of the motorcycle or vehicle as otherwise reflected in the automated title processing system has been canceled.
- (ORC 4519.66)

375.09 GOVERNMENTAL EXCEPTION.

The provisions of this chapter shall not apply to governmental agencies in the performance of their official duties. (Ord. 36-94. Passed 4-4-94.)

375.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for general Traffic Code penalty and penalties applicable to misdemeanor classifications.)

- (a) Whoever violates any portion of Section 375.02 shall be fined not more than fifty dollars (\$50.00) for a first offense; for each subsequent offense within one year of a first offense such person shall be fined not less than fifteen dollars (\$15.00) nor more than one hundred fifty dollars (\$150.00) or imprisoned not more than three days, or both; whoever violates any provision of Section 375.03 or 375.05 shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned not less than three nor more than thirty days, or both; whoever violates Section 375.07 shall be deemed guilty of a misdemeanor of the first degree, punishable by a fine not to exceed one thousand dollars (\$1,000.00) and a term of imprisonment not to exceed six months.

CHAPTER 505
Animals and Fowl

505.01	Dogs and other animals running at large. (Repealed)	505.09	Barking or howling dogs. (Repealed)
505.02	Impounding and disposition; records. (Repealed)	505.10	Animal bites; reports and quarantine. (Repealed)
503.03	Annual registration of dogs; tags required. (Repealed)	505.11	Hunting prohibited. (Repealed)
505.04	Abandoning animals. (Repealed)	505.12	Coloring rabbits or baby poultry; sale or display of poultry. (Repealed)
505.05	Killing or injuring animals. (Repealed)	505.13	Report of escape of exotic or dangerous animal. (Repealed)
505.06	Poisoning animals. (Repealed)	505.14	Dangerous and vicious dogs. (Repealed)
505.07	Cruelty to animals generally. (Repealed)	505.15	Hunting of Canada Geese. (Repealed)
505.071	Cruelty to companion animals. (Repealed)	505.16	Restraining dogs in a cruel manner.
505.08	Nuisance conditions prohibited. (Repealed)	505.99	Penalty.

CROSS REFERENCES

See sectional histories for similar State law
Owner or keeper liable for damages - see Ohio R.C 951.10
Dog registration - see Ohio R.C. 955.01

505.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE. (REPEALED)

(EDITOR'S NOTE: Former Section 505.01 was repealed by Ordinance 070-08, passed October 6, 2008.)

505.02 IMPOUNDING AND DISPOSITION; RECORDS. (REPEALED)

(EDITOR'S NOTE: Former Section 505.02 was repealed by Ordinance 070-08, passed October 6, 2008.)

505.03 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED. (REPEALED)

(EDITOR'S NOTE: Former Section 505.03 was repealed by Ordinance 070-08, passed October 6, 2008.)

505.04 ABANDONING ANIMALS. (REPEALED)

(EDITOR'S NOTE: Former Section 505.04 was repealed by Ordinance 070-08, passed October 6, 2008.)

505.05 KILLING OR INJURING ANIMALS. (REPEALED)

(EDITOR'S NOTE: Former Section 505.05 was repealed by Ordinance 070-08, passed October 6, 2008.)

505.06 POISONING ANIMALS. (REPEALED)

(EDITOR'S NOTE: Former Section 505.06 was repealed by Ordinance 070-08, passed October 6, 2008.)

505.07 CRUELTY TO ANIMALS GENERALLY. (REPEALED)

(EDITOR'S NOTE: Former Section 505.07 was repealed by Ordinance 070-08, passed October 6, 2008.)

505.071 CRUELTY TO COMPANION ANIMALS. (REPEALED)

(EDITOR'S NOTE: Former Section 505.071 was repealed by Ordinance 070-08, passed October 6, 2008.)

505.08 NUISANCE CONDITIONS PROHIBITED. (REPEALED)

(EDITOR'S NOTE: Former Section 505.08 was repealed by Ordinance 070-08, passed October 6, 2008.)

505.09 BARKING OR HOWLING DOGS. (REPEALED)

(EDITOR'S NOTE: Former Section 505.09 was repealed by Ordinance 41-99, passed May 17, 1999.)

505.10 ANIMAL BITES; REPORTS AND QUARANTINE. (REPEALED)

(EDITOR'S NOTE: Former Section 505.10 was repealed by Ordinance 070-08, passed October 6, 2008.)

505.11 HUNTING PROHIBITED. (REPEALED)

(EDITOR'S NOTE: Former Section 505.11 was repealed by Ordinance 078-19, passed December 16, 2019.)

(d) No owner, keeper, or harbinger of a dangerous or vicious dog shall negligently permit said animal, when within the City, in a public park, public parking lot, or upon any public sidewalk, or upon other public property that is owned, leased, or controlled by the local, state or federal government, or upon any private sidewalk or parking lot that is placed for use by the general public, unless the dog is muzzled and on a chain-link leash or tether that is not more than six (6) feet in length, except that such dangerous or vicious dog may be transported in a motor vehicle when meeting the minimum requirements of subsection (b)(2) hereof.

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

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

- (1) A misdemeanor of the first degree on a first offense. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the Dog Warden or the Humane Society.
- (2) In the event the vicious dog kills or causes serious injury to a person while violating subsection (b), then the charge should be filed pursuant to Section 955.22 of the Ohio Revised Code as a felony.

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

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

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

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

- (2) Notice shall be deemed to be properly served if a copy thereof is:
- A. Delivered to the owner, keeper or harbinger of the dog by either personal or residential service or by certified mail; or,
 - B. If the certified letter is returned showing that the letter was not delivered, when a copy thereof is posted in a conspicuous place at the residence of the owner, keeper, or harbinger of the dog.
 - C. Notice of the hearing shall be in substantially the following form:

NOTICE OF HEARING

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

Dated this _____ day of _____, _____.

/s/

(TITLE OF SIGNER)

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

(MANNER OF SERVICE)

/s/

(PERSON SERVING)

- D. At the time and place specified in the notice, the City Manager or his or her designee shall hear the matter. The formal rules of evidence shall not apply; however, the hearing shall be recorded. The owner, keeper or harbinger of the dog in question shall have the right to appear in person or by counsel. At the conclusion of the hearing, the City Manager or his or her designee shall make a determination whether or not, by preponderance of the evidence, the dog in question is dangerous or vicious as defined in Section 505.14 of the Codified Ordinances. Service of the decision is deemed completed when the decision is either delivered in person or by regular U.S. mail, proof of mailing required, to the owner, keeper or harbinger or representative of the dog in question, or by posting the order in a conspicuous place on, in or about the residence of the owner, keeper or harbinger. The decision shall be deemed final subject to an appeal filed within ten (10) days from service of the decision to the owner, keeper or harbinger of the dog in question or his or her representative. Appeals shall be taken to the Common Pleas Court of Henry County, Ohio.
(Ord. 029-18. Passed 7-2-18.)

505.15 HUNTING OF CANADA GEESE. (REPEALED)

(EDITOR'S NOTE: Former Section 505.15 was repealed by Ordinance 078-19, passed December 16, 2019.)

505.16 RESTRAINING DOGS IN A CRUEL MANNER.

(a) No person shall recklessly tether, fasten, chain, tie or otherwise restrain a dog, to a tree, fence, post, dog house, or other stationary object, or to a cable trolley system that allows movement of the restraining device, for more than nine hours in any 24-hour period.

(b) No person that is the owner or keeper of a dog shall recklessly allow the dog to be, or recklessly allow the dog to remain, tethered, fastened, chained, tied or restrained, to a tree, fence, post, dog house, or other stationary object, or to a cable trolley system that allows movement of the restraining device, for more than nine hours in any 24-hour period.

(c) No person shall recklessly place a tethering device on a dog unless the device is at least 15 feet in length and attached in such manner as to prevent strangulation or other injury to the dog and entanglement with objects other than the stationary objects to which the device is attached.

(d) No person that is the owner or keeper of a dog shall recklessly allow the dog to be tethered, or recklessly allow the dog to remain tethered, with a device that is less than 15 feet in length and attached in a manner as to prevent strangulation or other injury to the dog and entanglement with objects other than the stationary objects to which the device is attached.

(e) No person shall recklessly place a tethering device on a dog that is connected to a cable trolley system, unless the length of the cable along which the tethering device can move is at least 10 feet, and the tethering device is of such length that the dog is able to move 10 feet away from the cable perpendicularly.

(f) No person that is the owner or keeper of a dog shall recklessly allow the dog to have placed upon it, or recklessly allow to remain placed upon it, a tethering device that is connected to a cable trolley system, unless the length of the cable along which the tethering device can move is at least 10 feet, and the tethering device is of such length that the dog is able to move 10 feet away from the cable perpendicularly.

(g) No person shall recklessly use a tether on a dog that weighs more than one-eighth (1/8) of the dog's weight.

(h) No person that is the owner or keeper of a dog shall recklessly allow the use of a tether on the dog, or recklessly allow the use of a tether to remain on the dog, that weighs more than one-eighth (1/8) of the dog's weight.

(i) No person shall recklessly attach a chain or wire or other tethering device to a choke-type collar on a dog.

(j) No person that is the owner or keeper of a dog shall recklessly allow the attachment of a chain or wire or other tethering device to a choke-type collar on the dog, or recklessly allow to remain on the dog such attachment.

(k) No person shall recklessly attach a chain or wire or other tethering device to a pronged collar on a dog.

CHAPTER 549 Weapons and Explosives

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| <p>549.01 Definitions. (Repealed)</p> <p>549.02 Carrying concealed weapons. (Repealed)</p> <p>549.03 Using weapons while intoxicated. (Repealed)</p> <p>549.04 Improperly handling firearms in a motor vehicle. (Repealed)</p> <p>549.05 Failure to secure dangerous ordnance. (Repealed)</p> <p>549.06 Unlawful transactions in weapons. (Repealed)</p> | <p>549.07 Underage purchase of firearm. (Repealed)</p> <p>549.08 Discharging firearms. (Repealed)</p> <p>549.09 Throwing or shooting projectiles. (Repealed)</p> <p>549.10 Possessing replica firearm in school. (Repealed)</p> <p>549.11 Defacing identification marks of a firearm; possessing a defaced firearm. (Repealed)</p> <p>549.99 Penalty.</p> |
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CROSS REFERENCES

See sectional histories for similar State law

License or permit to possess dangerous ordnance - see Ohio R.C. 2923.18

Hunting prohibited - see GEN. OFF. 505.11

Reporting gunshot and stab wounds - see GEN. OFF. 525.05(b)

Property destruction by tear gas device, etc. - see GEN. OFF. 541.04

549.01 DEFINITIONS.(REPEALED)

(EDITOR'S NOTE: Former Section 549.01 was repealed by Ordinance 070-08, passed October 6, 2008.)

549.02 CARRYING CONCEALED WEAPONS. (REPEALED)

(EDITOR'S NOTE: Former Section 549.02 was repealed by Ordinance 070-08, passed October 6, 2008.)

549.03 USING WEAPONS WHILE INTOXICATED. (REPEALED)

(EDITOR'S NOTE: Former Section 549.03 was repealed by Ordinance 070-08, passed October 6, 2008.)

**549.04 IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE.
(REPEALED)**

(EDITOR'S NOTE: Former Section 549.04 was repealed by Ordinance 070-08, passed October 6, 2008.)

549.05 FAILURE TO SECURE DANGEROUS ORDNANCE.(REPEALED)

(EDITOR'S NOTE: Former Section 549.05 was repealed by Ordinance 070-08, passed October 6, 2008.)

549.06 UNLAWFUL TRANSACTIONS IN WEAPONS. (REPEALED)

(EDITOR'S NOTE: Former Section 549.06 was repealed by Ordinance 070-08, passed October 6, 2008.)

549.07 UNDERAGE PURCHASE OF FIREARM. (REPEALED)

(EDITOR'S NOTE: Former Section 549.07 was repealed by Ordinance 070-08, passed October 6, 2008.)

549.08 DISCHARGING FIREARMS. (REPEALED)

(EDITOR'S NOTE: Former Section 549.08 was repealed by Ordinance 078-19, passed December 16, 2019.)

549.09 THROWING OR SHOOTING PROJECTILES. (REPEALED)

(EDITOR'S NOTE: Former Section 549.09 was repealed by Ordinance 078-19, passed December 16, 2019.)

- (i) Daily greens fees shall be as follows:
 - (1) Generally.
 - Weekdays:
 - 9 holes \$10.00
 - 18 holes \$14.00
 - Saturday, Sunday and nationally recognized holidays:
 - 9 holes \$12.00
 - 18 holes \$16.00
 - (2) Junior Greens Fees.
 - Weekdays:
 - 9 holes \$5.00
 - 18 holes \$10.00
 - Weekends and Nationally Recognized Holidays:
 - 9 holes \$7.00
 - 18 holes \$14.00
 - Prepaid Discount Card For Greens fees
 - 9 holes, for ten rounds \$80.00
- (j) Fee for motorized cart use shall be as follows:
 - (1) Motorized cart fee: The privilege of using a non-City motorized cart on the course is restricted to persons holding a valid annual golf privilege card. The cart shall be used only by the holder of such card or his or her immediate family, and guests accompanied by the holder or a member of the holder's immediate family. The annual privilege fee is \$260.00 if gas powered, with an additional \$20.00 being charged if the motorized cart is electrically powered.
 - (2) Motorized cart rental 9 holes
\$7.00 per person with a maximum of two carts per group.
 - (3) Motorized cart rental 18 holes
\$10.00 per person with a maximum of two carts per group.
 - (4) Prepaid discount motorized cart rental for 10 rounds of 9 holes
\$55.00 per person
- (k) Pull cart fee shall be as follows:
 - (1) Pull fee: No charge for using one's own cart.
 - (2) Pull cart rental: \$1.50 (up to 18 holes)
- (l) Golf clubs rental: \$2.00 (up to 18 holes)
- (m) Greens privilege fee and cart use fee shall be for the golfing season from April 1 through October 31, both dates inclusive, subject to the extension of the season by Director of the Parks and Recreation Department. The City has the right to close the course at any time for special events, unplayable conditions, or for other cause deemed appropriate by the Parks and Recreation Department.
- (n) The daily greens fee and daily cart rental fees during "off peak times" of the annual golf season for promotional reasons shall be reduced in an amount of thirty percent (30%) of the herein established rates. What constitutes and is declared "off peak times" is in the sole discretion of the Parks and Recreation Director.
- (o) Discounts shall apply to senior citizens as follows: \$3.00 off regular greens fees and \$2.00 off per person motorized cart rentals, both during the times of 8:00 a.m. through 1:00 p.m. on days of weekdays only, excluding nationally recognized holidays.
- (p) Nothing in this section shall be construed as to limit City Council's authority to adjust daily, weekly, monthly, or annual rates. (Ord. 004-15. Passed 1-19-15.)
- (q) Due to the devastating rain and weather that was experienced in the 2015 Golf Season:

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

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

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

- (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.	\$40.00	\$45.00	\$35.00	\$40.00
1:00 p.m.-5:00 p.m.	40.00	45.00	35.00	40.00
9:00 a.m.-5:00 p.m.	45.00	50.00	40.00	45.00
6:00 p.m. - 11:00 p.m.	45.00	50.00	40.00	50.00
1:00 p.m. -11:00 p.m.	50.00	55.00	45.00	50.00
9:00 a.m.-11:00 p.m.	55.00	60.00	50.00	55.00

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

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

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

Rental Times	Weekday	Weekend
9:00 a.m. - 12:00 p.m.	\$55.00	\$65.00
1:00 p.m. - 5:00 p.m.	65.00	75.00
9:00 a.m. - 5:00 p.m.	90.00	100.00
6:00 p.m. - 11:00 p.m.	90.00	100.00
1:00 p.m. - 11:00 p.m.	100.00	110.00
9:00 a.m. - 11:00 p.m.	120.00	130.00

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

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

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

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

(e) Terms and conditions of any rental agreement shall be established by the City Manager and approved as to form and correctness by the Law Director.
(Ord. 076-19. Passed 12-2-19.)

955.11 PERSONS PERMITTED ON COURSE.

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

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

955.12 PERSONS EXEMPT FROM GREENS FEES.

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

955.13 PLAY UPON COURSE SUBJECT TO APPROVAL OF GREENSKEEPER.

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

955.14 RULES AND REGULATIONS.

The following rules and regulations shall be in effect:

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

PARKS

955.15 CLOSING HOURS.

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

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

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

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

MUNICIPAL SWIMMING POOL

955.16 SWIMMING POOL ADMISSION.

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

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

RESOLUTION NO. 003-20

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000) FOR THE PURPOSE OF IMPLEMENTATION OF A GIS SYSTEM, AND TO SOLE SOURCE SAID IMPLEMENTATION TO STANTEC CONSULTING SERVICES, INC.; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon Engineering Department has been working toward full implementation of its GIS system; and,

WHEREAS, the City of Napoleon Engineering Department has been working with Stantec Consulting Services, Inc. since 2013 to implement the GIS system; and,

WHEREAS, Stantec Consulting Services, Inc. was included in the 2020 Master Bid Resolution (Resolution No. 080-19) for Engineering Services (GIS Software); and,

WHEREAS, the cost to implement the GIS system exceeds twenty-five thousand dollars (\$25,000.00); and,

WHEREAS, the City of Napoleon desires to sole source this project to Stantec Consulting Services, Inc. due to Stantec's intimate knowledge of the City's GIS system (Stantec has been involved in the City's GIS implementation plan since 2013, including a detailed report outlining how to proceed), which may expedite the project; therefore, it is the opinion of this Council that it is in the best interest of the City of Napoleon to eliminate the necessity for competitive bidding; **Now Therefore**,

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

Section 1. That, the City of Napoleon authorizes the expenditure of funds in excess of twenty-five thousand dollars (\$25,000) to continue the GIS implementation process, which was included in the Master Bid Resolution.

Section 2. That, Council finds it to be in the best interest of the City to eliminate the necessity for competitive bidding.

Section 3. That, the City Manager is authorized to enter into a Contract with Stantec Consulting Services, Inc. to conduct said GIS implementation.

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 is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the timely implementation of the system; 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 process in a timely manner which affects the public peace, health, and safety accessible to our citizens, and for further reasons as stated in the Preamble hereof.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 003-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2020; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, Clerk of Council

RESOLUTION NO. 004-20

**A RESOLUTION AUTHORIZING THE PARTICIPATION IN THE
OHIO DEPARTMENT OF TRANSPORTATION (ODOT)
COOPERATIVE PURCHASING PROGRAM; AND DECLARING
AN EMERGENCY**

WHEREAS, Section 5513.01(B) provides the opportunity for counties, townships, municipal corporations, conservancy districts, township park districts, park districts created under Chapter 1545 of the Revised Code, port authorities, regional transit authorities, regional airport authorities, regional water and sewer districts, county transit boards, state universities or colleges to participate in contracts of the Ohio Department of Transportation (ODOT) for the purchase of machinery, material, or other articles; and,

WHEREAS, the City of Napoleon Department of Public Works desires to purchase the necessary materials for its 2020 crack sealing program; and,

WHEREAS, the materials can be purchased utilizing the State Cooperative Purchasing Program; and,

WHEREAS, the Council believes it is in the best interest of the City of Napoleon to eliminate the necessity for competitive bidding; **Now Therefore**,

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

Section 1. That, the City of Napoleon authorizes the City Manager on behalf of the City of Napoleon to participate in the Ohio Department of Transportation (ODOT) contracts for the purchase of machinery, materials, supplies or other articles which the Department has entered into pursuant to Ohio Revised Code Section 5513.01(B).

Section 2. That, the City Manager is hereby authorized to agree on behalf of the City of Napoleon to be bound by all terms and conditions as the Director of Transportation prescribes.

Section 3. That, the City Manager is hereby authorized on behalf of the City of Napoleon to directly pay vendors, under each such contract of the Ohio Department of Transportation in which the City of Napoleon participates, for items it receives pursuant to the contract.

Section 4. That, the City of Napoleon agrees to be responsible for resolving all claims or disputes arising out of its participation in the cooperative purchasing program under Section 5513.01(B) of the Ohio Revised Code. The City of Napoleon agrees to waive any claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which the City of Napoleon may have or claim to have against ODOT or its employees, unless such liability is the result of negligence on the part of ODOT or its employees.

Section 5. That, the City of Napoleon authorizes the expenditure of funds in excess of \$25,000.00 for the purchase of the necessary materials for its crack sealing program, utilizing the State Cooperative Purchasing Program. Also, Council finds it to be in the best interest of the City to eliminate the necessity for competitive bidding.

Section 6. That, the City Manager is authorized to enter into a contract for said purchase.

Section 7. 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 8. 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 9. 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; 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 purchase 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, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 004 -20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2020; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, Clerk of Council

ORDINANCE NO. 001-20

**AN ORDINANCE AMENDING THE CURRENT INVESTMENT
POLICY IN AND FOR THE CITY OF NAPOLEON, OHIO
(INVESTMENT POLICY NO. IP 16-0003); AMENDING
ORDINANCE NO. 013-16, AND POLICY NO. 0002 AS WAS
PERIODICALLY AMENDED**

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

Section 1. That, the City previously adopted as the City's official Investment Policy, Investment Policy No. IP 16-0003 currently on file in the office of the City Finance Director, having been recommended by the Finance Director and the Finance and Budget Committee of Council, having been reviewed, and Ordinance No. 013-16 being unanimously approved by Council on May 16, 2016.

Section 2. That, Investment Policy No. IP 16-0003 may be amended from time to time by motion of Council.

Section 3. That, Ordinance No. 013-16 and Investment Policy No. 0002, as well as later amendments thereto, are hereby amended by this Ordinance No. 001-20.

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

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

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

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 001-20 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, Clerk of Council

City of Napoleon, Ohio - Investment Policy



CITY OF NAPOLEON, OHIO

INVESTMENT POLICY

IP16-0003

ORDINANCE EFFECTIVE DATE – **June 15, 2016**

Policy Updates: - New Policy by Ordinance No. 013-16, passed 05/16/2016

Policy Updates: - Council Motion on **October** __,

UPDATED POLICY APPROVED AND ADOPTED BY CITY COUNCIL
IN ORDINANCE **NO. 013-16, passed 05/16/2016, Effective 06/15/2016**

Repealing **Ordinance 87-99, Passed November 15, 1999,**
INCLUDING ALL SUBSEQUENT AMENDMENTS THEREIN MADE BY MOTION OR LEGISLATION

Subsequent Policy Updates and Changes shall be approved by simple Motion of Council.

CITY OF NAPOLEON, OHIO
255 WEST RIVERVIEW AVENUE
P.O. BOX 151
NAPOLEON, OHIO 43545-0151
PHONE: (419) 599-1235
FAX: (419) 599-8393
E-MAIL: **gheathkoboyle@napoleonohio.com**

City of Napoleon, Ohio - Investment Policy

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APPENDIX'S ATTACHED:

APPENDIX A	- Chart of Accounts - Fund Listing
APPENDIX B	- Ordinance Authorizing Crediting of Interest
APPENDIX C	- Authorization to Invest (City and State Code Sections)
APPENDIX D	- Procedures Manual
APPENDIX E	- Ohio Ethics Law
APPENDIX F	- Authorized Brokers/Dealers, Banks and Advisors
APPENDIX G	- Ordinance Adopting Investment Policy

City of Napoleon, Ohio - Investment Policy

POLICY 0.0 PREFACE:

This document known as the Investment Policy (hereinafter referred to as **POLICY**), of the City of Napoleon, Ohio (hereinafter referred to as **CITY**), has been adopted and formally approved by the Legislative Body of the CITY, its City Council (hereinafter referred to as **COUNCIL**), in conjunction with the Revised Code of the State of Ohio as amended (hereinafter referred to as **ORC**), will govern the investments and the investment activities of the CITY.

POLICY 1.0 INVESTMENT POLICY MISSION STATEMENT:

It is the **POLICY** of the CITY to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the CITY, and conforming to all ORC and CITY statutes governing the investment of public funds.

POLICY 2.0 SCOPE:

This **POLICY** applies to all financial assets of the CITY. These funds are accounted for in the CITY's Comprehensive Annual Financial Report (hereinafter referred to as **CAFR**), and includes the following categories of funds:

2.1 Fund Categories:

- 1) General Funds
- 2) Special Revenue Funds
- 3) Debt Service Funds
- 4) Capital Project Funds
- 5) Enterprise Funds
- 6) Internal Service and Agency Funds

See "**APPENDIX A**" for a detailed listing of Fund Numbers and Names. Fund income allocation is authorized by a separate City Ordinance and is attached as "**APPENDIX B**". These Appendixes shall be deemed automatically updated from time-to-time as funds are added or deleted. All new funds are established and approved by **COUNCIL**, or by State Legislative Action pursuant to the ORC.

POLICY 3.0 PRUDENCE AND DUE DILIGENCE:

Investments will be made with judgment and care--under circumstances then prevailing--which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

3.1 Prudence:

The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio.

City of Napoleon, Ohio - Investment Policy

3.2 Due Diligence:

Investment officials acting in accordance with written procedures of this INVESTMENT POLICY, and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes provided that deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

POLICY 4.0 OBJECTIVE:

The primary objectives, in priority order, of the CITY's investment activities shall be **Safety, Liquidity and Return on Investment:**

4.1 Safety:

Safety of principal is the foremost objective of the investment program. Investments of the CITY shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will include steps to mitigate credit risk and interest rate risk.

- 1.) Credit Risk - the CITY will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:
 - A - Limiting investments to the safest types of securities;
 - B - Diversifying the investment portfolio so that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.
- 2.) Interest Rate Risk - the CITY will minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, by:
 - A - Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operation, thereby avoiding the need to sell securities on the open market prior to maturity;
 - B - Investing a portion of operating funds primarily in shorter-term securities, money market mutual funds, or similar investment pools.

4.2 Liquidity:

The CITY's investment portfolio will remain sufficiently liquid to enable the CITY to meet all operating requirements which might be reasonably anticipated.

4.3 Return on Investment:

The CITY's investment portfolio shall be designed with the objective of attaining a rate of return throughout budgetary and economic cycles, commensurate with the CITY's investment risk constraints and the cash flow characteristics of the portfolio.

City of Napoleon, Ohio - Investment Policy

POLICY 5.0 DELEGATION OF AUTHORITY AND INVESTMENT PROCEDURES:

Authority to manage the CITY's investment program is derived from the following: City Charter, **Article 5 IV, Section 5.03 4.07** and City Administrative Code of Ordinances - Chapter 137 **all sections (Sections 137.01 and 137.06)**, and related sections of the ORC Chapters 135 and 731 (Sections 135.14 through 135.182, and Sections 731.567 to 731.59). All items listed are available online as listed in attached "**APPENDIX C**". This Appendix shall be deemed updated from time-to-time as changes occur to those sections listed.

5.1 Management Responsibility:

Management responsibility for the investment program is hereby delegated to the Finance Director (hereinafter referred to as **DIRECTOR**), who shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. Pursuant to Section 137.03 of the City Administrative Code, in the absence of the DIRECTOR, the designated ACTING FINANCE DIRECTOR is authorized to take those actions on behalf of the CITY that are delegated to the DIRECTOR.

The DIRECTOR and his/her Assistants shall participate in any beginning and/or continuing education training programs sponsored by the Treasurer of the State of Ohio, the Auditor of State of Ohio, or any professional association such as the Government Finance Officers Association (GFOA) or the Ohio Association of Public Treasurers (OAPT). Through participation in such programs, the DIRECTOR and his/her Assistants will develop and maintain an enhanced background and working knowledge in investment, cash management, and ethics.

5.2 Investment Procedures:

The DIRECTOR shall establish written procedures for the operation of the investment program consistent with this POLICY. The procedures should include reference to: safekeeping, PSA repurchase agreements, wire transfer agreements, banking service contracts and collateral/depository agreements. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. The ACTING FINANCE DIRECTOR is authorized to execute investment transactions, or delegate such authority, in the absence of the DIRECTOR. No person may engage in an investment transaction except as provided under the terms of this POLICY and following the procedures established by the DIRECTOR. Procedures are attached as "**APPENDIX D**". This Appendix shall be deemed updated from time-to-time as changes occur.

POLICY 6.0 ETHICS AND CONFLICTS OF INTEREST:

6.1 Ethics:

All State of Ohio ORC Ethics Laws and related statutes **are available online as listed in see** attached "**APPENDIX E**", and shall apply to those with the responsibility and authority of investment transactions. This Appendix shall be deemed updated from time-to-time as changes occur.

City of Napoleon, Ohio - Investment Policy

6.2 Conflicts of Interest:

Investment officials and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Investment officials and employees shall disclose to COUNCIL any material financial interests in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the CITY.

POLICY 7.0 AUTHORIZED FINANCIAL DEALERS, ADVISORS & INSTITUTIONS:

The DIRECTOR will maintain a list of Financial Institutions and Advisors authorized to provide investment services to the City. See attached list “**APPENDIX F**” for approved financial institutions, advisors and dealers. This Appendix shall be updated from time-to-time as institutions or dealers are added or deleted.

7.1 Investment Advisors:

The CITY may engage the services of an investment advisor (hereinafter referred to as ADVISOR) to assist in the management of the CITY investment portfolio in a manner consistent with the CITY objectives. Such investment advisor may be granted discretion to purchase and sell investment securities in accordance with this investment policy. The investment advisor must be licensed by the division of securities under section 1707.141 of ORC or registered with the Securities & Exchange Commission, and possess experience in public funds investment management specifically in the area of state and local government investment portfolios, or the investment advisor is an eligible institution as mentioned in section of 135.03 of the ORC.

7.2 Annual Review:

The investment advisor must enter into a written investment advisory agreement with the CITY. The investment advisor must supply a copy of their Form ADV Part 2, or make a copy available, on an annual basis. In addition, the investment advisor must provide a periodic update to the CITY of the investment strategy, activity and portfolio metrics. Such update will be scheduled upon the request of the CITY on an annual basis, at a minimum.

7.3 Public Depository:

No public deposit shall be made except in a qualified public depository as established by laws of the State of Ohio.

7.4 Policy Verification:

The State of Ohio requires a copy of this POLICY to be forwarded to each investment advisor, bank, broker or dealer doing investment transactions with the CITY. Their signature will be required indicating that they have received, read, understand, and will abide by its contents when recommending or selling investments to the CITY. The CITY and/or ADVISOR will develop and provide an authorization form for this verification process.

City of Napoleon, Ohio - Investment Policy

POLICY 8.0 AUTHORIZED & SUITABLE INVESTMENTS:

The DIRECTOR is empowered to invest in any security specifically approved as a part of this POLICY, listed below, and any security listed in the ORC, Chapter 135, that may be amended from time-to-time. The DIRECTOR and/or ADVISOR may obtain competitive quotes for each investment transaction. Eligible obligations include but are not limited to:

8.1 Obligations of the United States Government:

Bonds, notes, or other obligations of or guaranteed by the United States, or those of which the faith of the United States is pledged for the payment of the principal and interest thereon. This will include:

- 1) U.S. Treasury Bills;
- 2) U.S. Treasury Notes;
- 3) U.S. Treasury Bonds;
- 4) U.S. Treasury Strips.

8.2 Instrumentalities of the Federal Government:

Bonds, notes, debentures, or any obligations or securities issued by any federal government agency or instrumentality. All federal government agency or instrumentality securities must be direct issuances of the federal government agency or instrumentality. Issuers include:

- 1) Federal Farm Credit Bank;
- 2) Federal Home Loan Bank;
- 3) Federal Home Loan Mortgage Corporation;
- 4) Federal National Mortgage Association.

8.3 Commercial Paper:

Commercial Paper issued by any corporation incorporated under the laws of the United States or any state for which the following conditions apply:

- 1) Rated at the time of purchase in the single highest classification by two nationally recognized rating agencies.
- 2) The aggregate value of the notes does not exceed ten per cent of the aggregate value of the outstanding commercial paper of the issuing corporation.
- 3) Any investment in commercial paper of a single issuer shall not exceed 5% of the CITY investment portfolio at time of purchase.
- 4) The maximum maturity is 270 days.
- 5) The combined total invested in commercial paper and bankers acceptances is limited to 40% of the CITY investment portfolio at time of purchase.

8.4 Banker's Acceptances:

Banker's acceptances of banks insured by the Federal Deposit Insurance Corporation (FDIC) for which the following conditions apply:

- 1) The maximum maturity is 270 days.
- 2) The combined total invested in commercial paper and bankers acceptances is limited to 40% of the CITY investment portfolio at time of purchase.

8.5 Master Repurchase Agreements:

City of Napoleon, Ohio - Investment Policy

Repurchase Agreements with banks or institutions that have signed a written "Master Repurchase Agreement" which is on file with the CITY and are eligible for investment under State of Ohio statutes.

8.6 Certificates of Deposit:

Interim deposits in the eligible institutions applying for interim monies as provided in Section 135.08 of the ORC. The award of interim deposits shall be made in accordance with Section 135.09 of the ORC.

This includes investments in Certificates of Deposit with FDIC insurance coverage on the full amount of deposit plus accrued interest administered through the Certificate of Deposit Account Registry Service (CDARS). Eligibility of this investment is outlined in ORC.135.144 and would also apply to any other program that is deemed to meet the requirements of such statute.

8.7 Municipal Securities:

Bonds and other obligations of the State or its political subdivisions provided that, with respect to bonds or other obligations of political subdivisions, all of the following apply:

- 1) The bonds or other obligations are payable from general revenues of the political subdivision and backed by the full faith and credit of the political subdivision.
- 2) The bonds or other obligations are rated at the time of purchase in the three highest classifications established by at least one nationally recognized standard rating service and purchased through a registered securities broker or dealer.
- 3) The aggregate value of the bonds or other obligations does not exceed 20% of the City's investment portfolio at the time of purchase.
- 4) The CITY is not the sole purchaser of the bonds or other obligations at original issuance.

8.8 Money Market Mutual Funds:

No-load money market mutual funds consisting exclusively of securities described in paragraphs 8.1 and 8.2 of this Section and repurchase agreements secured by such obligations, provided that the investments in securities described in the division are made only through eligible institutions mentioned in Section 135.03 of the ORC.

8.9 Other Suitable Investments:

- 1) The Ohio State Treasurer's Asset Reserve Fund (STAR Ohio).
- 2) The STAR Plus Federally Insured Cash account.

POLICY 9.0 COLLATERALIZATION:

Collateralization will be required on two types of investments: CD's and repurchase (and reverse) agreements.

9.1 Certificates of Deposit:

CD's must be backed by collateral with a market value of at least one hundred five percent (105%) of ~~pooled~~ specific collateral of the certificate's value, **or 102% for pooled collateral (Pursuant to Chapter 135 4 of the ORC)** less FDIC, by a surety bond, or other as allowed by ORC.

9.2 Collateral Holding:

The collateral for certificates of deposit may be held by a third party, or in a separate trust account, or in a pool of securities as defined in Chapter 135 of the ORC. Specific

City of Napoleon, Ohio - Investment Policy

collateral issued will always be held by an independent third party with whom the CITY has a current custodial agreement. A clearly marked evidence of ownership (safekeeping receipt) must be supplied to the CITY and retained. The right of collateral substitution is granted.

The CITY's demand deposit accounts may be placed in an account which meets the pooled collateral requirements stated in ORC Chapter 135. In this case, the collateral may be held by the institution at which the active funds are deposited.

9.3 Repurchase Agreements:

A Master Repurchase Agreement must be entered into between the CITY and the bank or broker/dealer covering any investments in repurchase agreements.

The individual securities which collectively are the subject of a repurchase agreement become the property of the CITY for the period of the agreement and are to be held by a third party for safekeeping. In order to anticipate market changes and provide a level of security for all funds invested under a repurchase agreement, the collateralization level will be one hundred two percent (102%) of the market value of principal and accrued interest.

POLICY 10.0 SAFEKEEPING AND CUSTODY:

All security transactions, including specific collateral for repurchase agreements, entered into by the CITY, except CD's, shall be conducted on a **delivery-versus-payment (DVP)** basis. Securities will be held by a third party custodian designated by the DIRECTOR and evidenced by safekeeping receipts.

POLICY 11.0 DIVERSIFICATION:

The CITY will consider diversification in its investments by security type and institution. Portfolio allocations by percentage of total funds available at time of investments are:

1) U.S. Government Guaranteed Obligations	100%
2) Obligations of Federal Instrumentality's	100%
3) Certificates of Deposits	100%
4) Repurchase Agreements	100%
5) Star Ohio (Authorized Pool)	100%
6) Commercial Paper & Banker's Acceptances Combined	40%
7) Commercial Paper per Issuer	5%
8) Municipal Securities	20%
9) Money Market Mutual Funds	100%
10) Star Ohio or Star Plus	100%

POLICY 12.0 PROHIBITED INVESTMENT PRACTICES:

The CITY is prohibited by state law from investment in stripped principal or interest obligations, reverse purchase agreements and derivatives. The issuance of taxable notes for the purpose of arbitrage, as well as the use of leverage and short term selling is also prohibited.

City of Napoleon, Ohio - Investment Policy

POLICY 13.0 MAXIMUM MATURITIES:

To the extent possible, the CITY will attempt to match its investments with anticipated cash flow requirements.

13.1 Maximum Maturity:

The maximum maturity for any investment including certificates of deposit but excluding commercial paper and banker's acceptances will be five (5) years from the date of purchase unless, as per the ORC, the investment is matched to a longer term liability of the CITY. Commercial paper and banker's acceptances are limited to a maximum maturity of 270 days.

Investments shall be made with the reasonable expectation they can be held to maturity. Securities may be redeemed or sold prior to maturity to meet additional liquidity needs, to enhance the yield of the portfolio, to re-structure the portfolio or to realize any capital gains.

POLICY 14.0 INTERNAL CONTROLS:

The DIRECTOR shall establish an annual process of independent review by an external auditor. This review will provide internal controls by assuring compliance with policies and procedures. Annual Audits are directed or performed by the State of Ohio, State Auditors Office.

POLICY 15.0 PERFORMANCE STANDARDS:

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs.

15.1 Market Yield- Benchmark:

The entity's investment strategy is active. Given this strategy, the basis used by the DIRECTOR to determine whether market yields are being achieved shall be the **one year U.S. Treasury Bill average Star Ohio yield over a twelve (12) month period.**

POLICY 16.0 REPORTING:

The DIRECTOR shall provide COUNCIL, at a minimum, quarterly investment reports which provide a clear picture of the status of the current investment portfolio. The reports should include comments on the fixed income markets and economic conditions, discussions regarding restrictions on percentage of investment by categories, possible changes in the portfolio structure going forward and thoughts on investment strategies.

City of Napoleon, Ohio - Investment Policy

16.1 Reporting Format:

Schedules in the quarterly report should include the following:

- 1) A detailed listing of individual securities held at the end of the reporting period by authorized investment category.
- 2) Average life and final maturity of all investments listed.
- 3) Coupon, discount or earnings rate.
- 4) Par value, Amortized Book Value and Market Value as applicable.
- 5) Percentage of the Portfolio represented by each investment category.

POLICY 17.0 INVESTMENT POLICY ADOPTION:

The CITY's POLICY shall be adopted by Ordinance of the CITY's legislative authority, see "**APPENDIX G**". This POLICY may be reviewed annually by the COUNCIL and modifications made thereto must be approved by the COUNCIL on a simple Motion.

POLICY 18.0 SIGNATURES (APPOINTING AUTHORITY):

	_____/S/_____ Joel L. Mazur, City Manager
Joel L. Mazur, City Manager	Joel L. Mazur, City Manager

	_____/S/_____ Gregory J. Heath Kelly O'Boyle, Finance Director
Gregory J. Heath Kelly O'Boyle, Finance Director	Gregory J. Heath Kelly O'Boyle, Finance Director

APPROVED AS TO FORM:

	_____/S/_____ Billy D. Harmon, Law Director
Billy D. Harmon, Law Director	Billy D. Harmon, Law Director

POLICY 19.0 GLOSSARY:

City of Napoleon, Ohio - Investment Policy

Agencies: Federal agency securities and/or Government-sponsored enterprises.

Asked: The price at which securities are offered.

Bankers' acceptance (BA): A draft or bill or exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer.

Bid: The price offered by a buyer of securities. (When you are selling securities, you ask for a bid.) See Offer.

Broker: A broker brings buyers and sellers together for a commission.

Certificate of Deposit (CD): A time deposit with a specific maturity evidenced by a certificate. Large-denomination CD's are typically negotiable.

Collateral: Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public funds.

Comprehensive Annual Financial Report (CAFR): The official annual report for the City of Napoleon, Ohio. It includes five (5) combined statements for each individual fund and account group prepared in conformity with GAAP. It also includes supporting schedules necessary to demonstrate compliance with finance-related legal and contractual provisions, extensive introductory material, and a detailed Statistical Section.

Coupon: 1.) The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value. 2.) A certificate attached to a bond evidencing interest due on a payment date.

Dealer: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

Debenture: A bond secured only by the general credit of the issuer.

Delivery Versus Payment: There are two (2) methods of delivery of securities: delivery versus payment and delivery versus receipt. Delivery versus payment is delivery of securities with an exchange of money for the securities. Delivery versus receipt is delivery of securities with an exchange of a signed receipt for the securities.

Discount: The difference between the cost price of a security and its maturity when quoted at lower than face value. A security selling below original offering price shortly after sale also is considered to be at a discount.

Discount securities: Non-interest bearing money market instruments that are issued at a discount and redeemed at maturity for full face value, e.g. U.S. Treasury Bills.

Diversification: Dividing investment funds among a variety of securities offering independent returns.

Federal Credit Agencies: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g., S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

Federal Deposit Insurance Corporation (FDIC): A federal agency that insures bank deposits, currently up to \$100,000 per deposit.

Federal Farm Credit Banks (FFCB): The Federal Farm Credit Banks Funding Corporation is an integral part of the Farm Credit System, a leading provider of loans, leases and services to rural

City of Napoleon, Ohio - Investment Policy

communities and U.S. agriculture. The Farm Credit System is a government sponsored enterprise, created in 1916 and dedicated to assuring a steady source of financing to qualified borrowers. The Funding Corporation issues highly rated notes and bonds on behalf of the four Banks of the Farm Credit System: AgFirst FCB, AgriBank, FCB of Texas and CoBank, ACB and partners with a select group of dealers to market and distribute the securities to investors in the United States and around the world.

Federal Funds Rate: The rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

Federal Home Loan Banks (FHLB): Government sponsored wholesale banks (currently 12 regional banks) which lend funds and provide correspondent banking services to member commercial banks, thrift institutions, credit unions and insurance companies. The mission of the FHLB's is to liquefy the housing related assets of its members who must purchase stock in their district Bank.

Federal Home Loan Mortgage Corporation (FHLMC): The Federal Home Loan Mortgage Corporation (FHLMC), known as Freddie Mac, is a stock-holder owned government-sponsored enterprise (GSE). The FHLMC was created in 1970 to expand the secondary market for mortgages in the US. Along with the Federal National Mortgage Association (Fannie Mae), Freddie Mac buys mortgages on the secondary market, pools them, and sells them as a mortgage-backed security to investors on the open market. In addition Freddie Mac issues general debt obligations to fund its working capital requirements. Freddie Mac's securities are highly liquid and widely accepted.

Federal National Mortgage Association (FNMA): FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

Federal Open Market Committee (FOMC): Consists of seven members of the Federal Reserve Board and five (5) of the twelve (12) Federal Reserve Bank Presidents. The President of the New York Federal Reserve Bank is a permanent member, while the other Presidents serve on a rotating basis. The Committee periodically meets to set Federal Reserve guidelines regarding purchases and sales of Government Securities in the open market as a means of influencing the volume of bank credit and money.

Federal Reserve System: The central bank of the United States created by Congress and consisting of a seven (7) member Board of Governors in Washington, D.C., 12 regional banks and about 5,700 commercial banks that are members of the system.

Generally Accepted Accounting Practice (GAAP): Generally Accepted Accounting Practice for local governmental entities.

General Purpose Financial Statements (GPFS): General Purpose Financial Statements prepared for the entity reporting financial status.

Government National Mortgage Association (GNMA or Ginnie Mae): Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial

City of Napoleon, Ohio - Investment Policy

banks, savings and loan associations, and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by the FHA, VA or FMHM mortgages. The term "pass-through" is often used to describe Ginnie Maes.

Liquidity: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

Local Government Investment Pool (LGIP): The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

Market Value: The price at which a security is trading and could presumably be purchased or sold.

Master Repurchase Agreement: A written contract covering all future transactions between the parties to repurchase--reverse repurchase agreements that establish each party's rights in the transactions. A master agreement will often specify, among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller-borrower.

Maturity: The date upon which the principal or stated value of an investment becomes due and payable.

Money Market: The market in which short-term debt instruments (bills, commercial paper, bankers' acceptances, etc.) are issued and traded.

Municipal Securities: A general term referring to a bond, note, warrant, certificate of participation or other obligation issued by a state or local government or their agencies or authorities (such as cities, towns, villages, counties or special districts or authorities). A prime feature of most municipal securities is that interest or other investment earnings on them are generally excluded from gross income of the bondholder for federal income tax purposes. Some municipal securities are subject to federal income tax, although the issuers or bondholders may receive other federal tax advantages for certain types of taxable municipal securities.

Offer: The price asked by a seller of securities. (When you are buying securities, you ask for an offer.) See Asked and Bid.

Open Market Operations: Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

Portfolio: Collection of securities held by an investor.

Primary Dealer: A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC) registered securities broker-dealers, banks and a few unregulated firms.

Prudent Person Rule: An investment standard. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the custody state--the so-called legal list. In other states the trustee may invest in a security if it is one which would be

City of Napoleon, Ohio - Investment Policy

bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

Qualified Public Depositories: A financial institution which does not claim exemption from the payment of any sales or compensating use or ad Valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and which has been approved by the Public Deposit Protection Commission to hold public deposits; as established by laws of the State of Ohio.

Rate Of Return: The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond the current income return.

Repurchase Agreement (RP OR REPO): A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security "buyer" in effect lends the "seller" money for the period of the agreement, and the terms of the agreement are structured to compensate him for this. Dealers use RP extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money that is, increasing bank reserves.

Safekeeping: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

Secondary Market: A market made for the purchase and sale of outstanding issues following the initial distribution.

Securities & Exchange Commission: Agency created by Congress to protect investors in securities transactions by administering securities legislation.

Sec Rule 15c301: See Uniform Net Capital Rule.

Structured Notes: Notes issued by Government Sponsored Enterprises (FHLB, BNMA, SLMA, etc.) And Corporations which have imbedded options (e.g., call features, step-up coupons, floating rate coupons, floating rate coupons, derivative-based returns) into their debt structure. Their market performance is impacted by the fluctuation of interest rates, the volatility of the imbedded options and shifts in the shape of the yield curve.

Treasury Bills: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three (3) months, six (6) months, or one (1) year.

Treasury Bonds: Long-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities of more than ten (10) years.

Treasury Notes: Medium-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities from two (2) to ten (10) years.

Treasury Strips: Treasury STRIPS are fixed-income securities sold at a significant discount to face value and offer no interest payments because they mature at par. STRIPS is the acronym for Separate Trading of Registered Interest and Principal of Securities. STRIPS let investors hold

City of Napoleon, Ohio - Investment Policy

and trade the individual interest and principal components of eligible Treasury notes and bonds as separate securities. When a Treasury fixed-principal note or bond or a Treasury inflation-protected security (TIPS) is stripped through the commercial book-entry system each interest payment and the principal payment becomes a separate zero-coupon security. Each component has its own identifying number and can be held or traded separately. STRIPS are not issued or sold directly to investors. STRIPS can be purchased and held only through financial institutions and government securities brokers and dealers.

Uniform Net Capital Rule: Securities and Exchange Commission requirement that member firms as well as non-member broker-dealers in securities maintain a maximum ratio of indebtedness of liquid capital of 15 to 1; also called net capital rule and net capital ratio. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

Yield: The rate of annual income return on an investment, expressed as a percentage.

- 1.) *Income Yield* is obtained by dividing the current dollar income by the current market price for the security.
- 2.) *Net Yield* or *Yield To Maturity* is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

APPENDIX A
Attachment to Investment Policy

CHART OF ACCOUNTS - FUND LISTING

Revised as of **October 19, 2018**

I - GOVERNMENTAL FUND TYPES (100 - 499):

1 - General Fund Types (100 - 199):

100 General Fund
101 General Reserve Balance Fund
123 Special Events Fund
130 Economic Development Fund
147 Unclaimed Monies Fund
170 Municipal Income Tax Fund
180 KWH Tax Collections Fund
195 Law Library Fund

2 - Special Revenue Fund Types (200 - 299):

200 Street Construction, Maintenance and Repair Fund
201 State Highway Improvement Fund
202 Municipal (50%) Motor Vehicle License Tax Fund
203 Municipal (100%) Motor Vehicle License Tax Fund
204 County Vehicle License Permissive Tax Fund
210 EMS Transport Service Fund
220 Recreation Fund
227 Cemetery Trust Fund
240 Hotel / Motel Tax Fund
242 Fire Equipment Fund
243 Fire Loss Claims Fund
261 CDBG Program Income Fund
270 Indigent Drivers Alcohol Treatment Fund
271 Law Enforcement and Education Fund
272 Court Computerization Fund
273 Law Enforcement Trust Fund
274 Mandatory Drug Fine Fund
275 Municipal Probation Service Fund
~~276 Law Enforcement Overtime Grant Fund~~
277 Probation Officer Grant Fund
278 Court Special Projects Fund
279 Handicap Parking Fines Fund
280 Certified Police Training Fund
281 Indigent Drivers Interlock/Alcohol Fund
287 Probation Improvement and Incentive Grant Fund
288 Justice Reinvestment Incentive Grant Fund
290 Police Pension Fund
291 Fire Pension Fund
295 IRS 125 Plan Employee Benefits Fund

~~(Fund Listing – Continued Next Page)~~

APPENDIX A
Attachment to Investment Policy

(Fund Listing – Continued)

3 - Debt Service Fund Types (300 - 399):

300 General Bond Retirement Fund
310 Special Assessment Bond Retirement Fund

4 - Capital Project Fund Types (400 - 499):

221 Napoleon Aquatic Center

400 Capital Improvement Fund
401 Capital Improvement Funding Reserve Fund
410 Fire Facility Training Grant Fund

II - PROPRIETARY FUND TYPES (500 - 699):

5 - Enterprise Fund Types (500 - 599):

500 Electric Utility Revenue Fund
503 Electric Development Fund
510 Water Revenue Fund
511 Water Depreciation and Reserve Fund
512 Water Debt Reserve Fund
513 Water OWDA Bond Retirement Fund
519 Water Plant Improvement and Renovation Fund
520 Sewer Utility Revenue Fund
521 Sewer Utility Replacement and Improvement Fund
522 Sewer Utility Debt Reserve Fund
523 OWDA Special Assessment Debt Retirement Fund
532 Williams Pump Station Improvement Project Fund
560 Sanitation (Refuse) Revenue Fund
561 Sanitation (Refuse) Depreciation and Reserve Fund
580 Meter Deposits (Utility Services) Fund

6 - Internal Service Fund Types (600 - 699):

600 Central Garage Rotary Fund

APPENDIX B
Attachment to Investment Policy

ORDINANCE NO. 116-97

**AN ORDINANCE PROVIDING FOR THE CREDITING OF INTEREST
FROM INVESTED FUNDS AND REPEALING ORDINANCE 11-96**

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

Section 1. That, the City Finance Director is authorized and directed to credit all interest from investments in certain specific funds as contained in attached Exhibit "A" made a part of this Ordinance back to the specific funds.

Section 2. That, the Finance Director is authorized and directed to credit all interest from investments in certain specific funds as contained in Exhibit "B" made a part of this Ordinance to the General Fund.

Section 3. That, any new funds added that earn interest other than those found in attached Exhibits "A" & "B" be automatically designated to the 100 General Fund unless otherwise authorized by Council or prohibited by law.

Section 4. That, for the purpose of this Ordinance, interest earnings shall be determined by a percentage of the beginning of the month fund balances against any actual interest earned for the month being credited.

Section 5. That, Ordinance Number 11-96 is repealed.

Section 6. That, the crediting, placement and adjustment of interest shall be retroactively applied to January 1, 1998 in accordance with the provisions of this Ordinance.

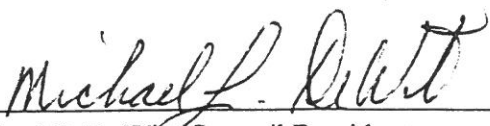
Section 7. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal 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 8. 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 9. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

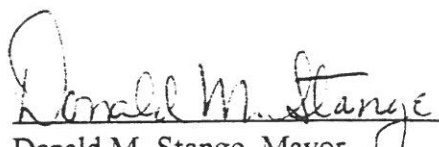
Passed:

12/29/97


Michael J. DeWit, Council President

Approved:

12/29/97


Donald M. Stange, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

APPENDIX B
Attachment to Investment Policy

Attest:



Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 116-97 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 9th day of January, 19 98; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.



Gregory J. Heath, Clerk/Finance Director

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APPENDIX C
Attachment to Investment Policy

Authorization to Invest, City and State Code Sections – Accessed Online

- City Charter, Article IV, Section 4.07

Reference Website:

<http://whdrane.conwaygreene.com/NXT/gateway.dll?f=templates&fn=default.htm&vid=whdrane:OHNapoleon>

Click On > CHARTER OF THE CITY OF NAPOLEON, OHIO

Click On > ARTICLE IV - ADMINISTRATIVE DEPARTMENTS

Click On > SECTION 4.07 – Department of Finance

- City Administrative Code

Reference Website:

<http://whdrane.conwaygreene.com/NXT/gateway.dll?f=templates&fn=default.htm&vid=whdrane:OHNapoleon>

Click On > PART 1 – ADMINISTRATIVE CODE

Click On > TITLE FIVE - Administrative

Click On > CHAPTER 137 - Department of Finance

Click On > 137.01 - Department of Finance established; powers and duties of
Finance Director.

Click On > 137.06 - Investment policy.

- State - Ohio Revised Code,

Reference Website:

<http://codes.ohio.gov/orc/135>

Click On > Chapter 135 UNIFORM DEPOSITORY ACT

Click On > Sub-Chapters 135.14 through 135.182

Click On > Chapter 731 ORGANIZATION

Click On > Sub-Chapters 731.56 through 731.59

APPENDIX D
Attachment to Investment Policy

INVESTMENT PROCEDURES MANUAL
Revised as of June 15, 2016October 22 19, 2018

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APPENDIX D
Attachment to Investment Policy

PROCEDURES 0.0 PREFACE:

This document outlines the Investment Procedures for the Investment Program of the City of Napoleon, Ohio (hereafter referred to as **CITY**). The Investment Program is governed by the City Investment Policy as adopted by City Council and, along with input from the **CITY's** contracted Investment Advisor (hereafter referred to as **ADVISOR**), is implemented by the City Finance Director (also known as the Investment Officer, hereafter referred to as **DIRECTOR**), or by his/her designee. Changes to these procedures may be made from time-to-time by the **DIRECTOR** to reflect actual practice and changes to the City Investment Policy.

PROCEDURES 1.0 PURPOSE:

The purpose of Investment Procedures Manual is to create guidelines a to assist Finance staff with the day-to-day Investment Operations. As each City's investment operations are unique; these guidelines are listed as an outline, with individual items to be added or deleted as necessary or appropriate.

PROCEDURES 2.0 CASH REVIEW AND POOLING OF FUNDS:

The **DIRECTOR** or his/her designee (along with input from the **ADVISOR**) must review the Cash balances and investment portfolio daily, or as needed. Except for cash in certain restricted and special funds, the **CITY** will consolidate cash balances from ALL funds to maximize investment earnings.

Items to be reviewed should include:

- a) Balances, by fund if so deposited, at primary bank.
- b) Balances, by fund if so deposited at all other banks.
- c) Maturing investments (includes CD's, Commercial Paper, Bankers Acceptances and other General Securities).
- d) Bond sales and other large, periodic receipts.
- e) Bond and coupon payments (debt service) and other large periodic cash disbursements.

PROCEDURES 3.0 INVESTMENT SELECTION:

The **DIRECTOR** determines how much of the cash balance is available for investment and, with input from the **ADVISOR**, selects the area of the yield curve that most closely matches the required maturity date. In determining the maturity date, the **DIRECTOR** and **ADVISOR** should consider liquidity, cash flow and expected expenditures. A review of some of the following sources may be made to determine whether the investments should be placed to match projected expenditures or shorter, or to take advantage of current and expected interest rate environments:

- a) Wall Street Journal or similar daily business publication.
- b) Input from approved broker/dealers.
- c) Input from depository banks.
- d) Publications on general trends of economic statistics.
- e) Input from data services (Bloomberg, Reuters, etc.)

(PROCEDURES 3.0 INVESTMENT SELECTION – Continued Next Page)

APPENDIX D
Attachment to Investment Policy

(PROCEDURES 3.0 INVESTMENT SELECTION – Continued)

To maintain the portfolio's current characteristics and/or to enhance its yield, swapping (i.e. the simultaneous sale of one security and the purchase of another) will be permitted provided that the loss, if any, on the sale is recovered in one-half (1/2) the time remaining to maturity of the security being sold.

PROCEDURES 4.0 PURCHASING AN INVESTMENT:

The **DIRECTOR**, with recommendations from the **ADVISOR**, shall establish with whom the **CITY** is going to transact business. This may be accomplished through the use of a developed questionnaire, which helps provide the following evaluation:

- a) Financial condition, strength and capability to fulfill commitments.
- b) Overall reputation with other dealers and investors.
- c) Regulatory status of the broker/dealer (providers).
- d) Background and expertise of the individual representative.

Financial (primary banking) institutions may be selected through the use of a "Request for Proposal (RFP)." The use of a nationally recognized financial institution rating organization may be used to assist in the evaluation.

The **ADVISOR** or the **DIRECTOR**, may contact an appropriate number of institutions, or as specified by the Investment Policy. In addition to the **DIRECTOR**, the **ADVISOR** is authorized to contact approved **Primary Broker/Dealers** and Banks to request offerings. With approval from the **DIRECTOR**, the **ADVISOR** may direct transactions with said **Primary Broker/Dealers** and Banks.

Final execution of any transactions **may be completed by the ADVISOR or the DIRECTOR.** and Movement of actual funds is the sole responsibility of **The the DIRECTOR** or his/her designee.

If a The **DIRECTOR** or **ADVISOR** should be as specific as possible in requesting **the any** offering. particular type of investment or a particular issuing agency is to be excluded due to policy limitations that should be stated to the providers. If collateral is required (i.e. for Repo's or CD's), the collateral limitations (excess margin, types of securities, maximum maturity, etc.) should be specified.

The following must be determined prior to contacting the providers:

- a) Settlement - cash, regular (next day), corporate (3 business days) or when-issued if a new issue.
- b) Amount - either par value or total dollars to be invested.
- c) Type of security to be purchased, or type to be excluded.
- d) Targeted maturity, or maturity range.
- e) Time limit to show offering - 5 minutes, 15 minutes, etc.

If choosing an external pool or fund as the preferred investment vehicle, the following should

APPENDIX D
Attachment to Investment Policy

be available for inspection prior to purchase and at any reasonable time thereafter:

(PROCEDURES 4.0 PURCHASING AN INVESTMENT – Continued Next Page)
(PROCEDURES 4.0 PURCHASING AN INVESTMENT – Continued)

- a) A written investment policy, if a government-run investment pool.
- b) A prospectus for money-market funds, mutual funds or bank-managed funds.
- c) A schedule of the types of reports and the frequency of distribution.
- d) A clear description of how interest rates are calculated (30/360, actual/365, etc.)
- e) A schedule of when and how income is distributed.
- f) Are the pool or fund types of investments restricted to your own legal and policy limits?
- g) Are the pool or fund investments restricted to your own maturity limits?

Before concluding the transaction, the **DIRECTOR** and/or **ADVISOR** should validate the following:

- a) The security selected for purchase meets all criteria, including portfolio diversification, collateralization (if appropriate) and maturity. If the security has any imbedded options such as call provisions or coupon adjustments, these should also be reviewed.
- b) Yield calculations should be verified.
- c) Total purchase cost (including accrued interest) does not exceed funds available for investment.
- d) Advise the successful provider that their offering has been selected for purchase.
- e) After confirmation of purchase, as a courtesy, notify the other broker/dealers or banks that you have placed the investment. Best price may be disclosed, if you choose to do so.

After consummation of the transaction, and prior to settlement date, the **DIRECTOR** and/or **ADVISOR** and the provider should exchange and review the following information to ensure prompt and uninterrupted settlement:

- a) Name of third-party safekeeping agent.
- b) ABA number of safekeeping agent.
- c) Safekeeping account number.
- d) Reconfirm amount of transaction.
- e) Reconfirm settlement date.
- f) Acquire CUSIP number of security, if applicable.

PROCEDURES 5.0 SETTLEMENT AND FOLLOW-THROUGH:

The **DIRECTOR** and/or **ADVISOR** should forward to the safekeeping agent a report of the investment transaction. The report may be verbal, but a written form should be sent and acknowledged. When applicable, the following should be verified:

- a) Provision of receipt or disbursement of funds.
- b) Internal transfer or wiring of funds.
- c) Validation of written "safekeeping receipt".
- d) Notification of discrepancy prior to acceptance or rejection of the transaction.
- e) Immediate notification if a fail has occurred: by provider if they are

APPENDIX D
Attachment to Investment Policy

responsible, by safekeeping agent if they are responsible.

PROCEDURES 6.0 ACCOUNTING, REPORTING AND AUDITING:

The **DIRECTOR** along with the **ADVISOR**, in conjunction with the appropriate supervisor(s), and/or peers, should establish the following:

- a) Formats for **any** daily, weekly, monthly, quarterly and annual reports which will be provided to
City Council and other appropriate City Authorities.
- b) Benchmark(s) to measure the performance of the investment program. Such benchmarks should be representative of the makeup of the investment portfolio, and as such should be subject to change as the structure of the portfolio changes.
- c) A method of prorating, if appropriate, of investment income from pooled investments to participating funds.
- d) A program to ensure:
 - 1) Compliance with Generally Accepted Accounting Principles (GAAP) of the Government Account Standards Board (GASB);
 - 2) Establishment of a system of written internal controls designed to detect fraud, error, misrepresentation or imprudent actions;
 - 3) Documented (initialed) review of investment activities by the appropriate supervisors and/or elected authorities, as provided in the investment policy;
 - 4) Review of investment operations by the City Council and an external auditor (state examiner, independent auditor, etc.).
- e) Upon request the **DIRECTOR** should make available to those in the **CITY** concerned with ethics any information about the investment program which may be of interest to them.

PROCEDURES 7.0 ALLOCATION OF INVESTMENT INCOME:

Investment income will be allocated monthly to the various funds based on their respective participation (Percentage "%" of Fund Balance as of the first day of each Month), and in accordance with GAAP.

Fund income allocation is authorized by a separate Ordinance adopted by City Council. This Ordinance is attached and referenced as "**APPENDIX B**" in the City's Investment Policy.

APPENDIX E
Attachment to Investment Policy

Ohio Ethics Law – Accessed Online

- Ohio Ethics Law – PDF Copy

Reference Website:

<https://www.ethics.ohio.gov/education/factsheets/ethicslaw.pdf>

APPENDIX F
Attachment to Investment Policy
Listed Contact Name and Phone Numbers are Subject to Change

AUTHORIZED BROKERS/DEALERS, BANKS AND INVESTMENT ADVISORS
Revised Dealers List as of October 19, 2018
City of Napoleon, Ohio

BROKERS / DEALERS LIST:

- | | | |
|------|---|--|
| 1 - | Fifth Third Securities
21 East State Street, 14th Floor
Columbus, Ohio 43215 | Contact: Jim Miehl
Phone: 800-228-8852 |
| 2 - | Barclays Capital US
745 7 th Avenue
New York, NY 10019 | Contact: Sarah Tselios
Phone: 212-526-7000 |
| 3 - | BB&T Capital Markets
1133 Avenue of the Americas
New York, NY 10036 | Contact: Deb Gellman
Phone: 212-822-8119 |
| 4 - | BNY Mellon Capital
240 Greenwich Street
New York, NY 10286 | Contact: James Niederhauser
Phone: 212-815-6000 |
| 5 - | BofA Merrill Lynch
One Bryant Park
115 W. 42 nd Street
New York, NY 10036 | Contact: Michael York
Phone: 212-764-0694 |
| 6 - | D.A. Davidson & Co.
5115 Parkcenter Ave.
Dublin, OH 43017 | Contact: Steve Conn
Phone: 614-553-6607 |
| 7 - | FC Stone
708 Third Ave.
New York, NY 10017 | Contact: Meg Suriani
Phone: 877-391-8810 |
| 8 - | FNC
485 Metro Place South
Dublin, OH 43017 | Contact: Chip Marlowe
Phone: 614-726-7353 |
| 9 - | Goldman Sachs
200 West St.
New York, NY 10282 | Contact: Joshua Levine
Phone: 212-357-6277 |
| 10 - | Huntington Capital Corporation
41 South High Street
Columbus, Ohio 43216 | Contact: Mike Valo
Phone: 800-824-5652 |

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- | | | |
|------|---|---|
| 11 - | InCapital
1800 North Military Trail
Boca Raton, FL 33431 | Contact: JD Wieske
Phone: 561-361-1256 |
| 12 - | JP Morgan Securities
383 Madison Ave.
New York, NY 10179 | Contact: Richard Singh
Phone: 212-272-2000 |
| 13 - | MarketAxess
299 Park Ave.
New York, NY 10171 | Contact: David Edelstein
Phone: 312-818-4267 |
| 14 - | Morgan Stanley
200 Public Square, 26 th Floor
Cleveland, OH 44114 | Contact: Charles Brennan
Phone: 216-292-9047 |
| 15 - | MultiBank Securities
1000 Town Center
Southfield, MI 48075 | Contact: Ken Bailey
Phone: 800-967-9031 |
| 16 - | Raymond James & Associates
1100 Ridge Way Loop
Memphis, TN 38120 | Contact: Kathryn Perry
Phone: 800-564-0595 |
| 17 - | Stifel, Nicolaus & Co., Inc.
200 Public Square, Suite 2945
Cleveland, OH 44114 | Contact: Bill Ward
Phone: 216-623-1267 |
| 18 - | KeyBanc Capital Markets
127 Public Square
MailCode OH-01-27-0424
Cleveland, Ohio 44114 | Contact: George Mohan
Phone: 216-689-7118 |
| 19 - | SunTrust
850 Ridge Lake Blvd.
Memphis, TN 38120 | Contact: George Borg
Phone: 901-842-3761 |
| 20 - | Wells Fargo Securities
6075 Poplar Ave.
Memphis, TN 38119 | Contact: HT Simonton
Phone: 901-622-5306 |

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INVESTMENT ADVISORS:

- | | | |
|-----|---|---|
| 1 - | Meeder Investment Management
6125 Memorial Drive
Dublin, Ohio 43017 | Contact: Eileen Stanic
Phone: 614-791-2580 |
|-----|---|---|

SAFEKEEPING SERVICES:

- | | | |
|-----|--|---|
| 1 - | PNC Bank
116 Allegheny Center
Pittsburgh, PA 15212 | Contact: Sue Moore
Phone: 412-762-3709 |
|-----|--|---|

BANKS & OTHER FINANCIAL INSTITUTIONS:

- | | | |
|-----|--|---|
| 1 - | Farmers & Merchants State Bank
2255 North Scott Street
Napoleon, Ohio 43545 | Contact: Diana Dennie
Phone: (419) 592-2077 |
| 2 - | Fifth Third Bank
606 Madison Avenue
MD 292951
Toledo, Ohio 43604 | Contact: David Koenig
Phone: (800) 366-9846 |
| 3 - | First Federal Saving & Loan
625 Scott Street
Napoleon, Ohio 43545 | Contact: John Boesling
Phone: (800) 472-6292 |
| 4 - | Henry County Bank
122 East Washington Street
Napoleon, Ohio 43545 | Contact: Tony Grieser
Phone: (419) 599-1065 |
| 5 - | Key Bank
Mailcode: OH-01-27-1711
127 Public Square
Cleveland, Ohio 44114-1306 | Contact: Paula Brewer
Phone: (216) 689-7114 |
| 6 - | PNC Bank
701 North Perry Street
Napoleon, Ohio 43545 | Contact: Trisha Badenhop
Phone: (419) 599-2010 |
| 7 - | Dexia Credit
445 Park Ave
New York, NY 10022 | Contact: Jessica Gunsch
Phone: 212-515-7166 |

APPENDIX F

Attachment to Investment Policy

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- | | | |
|------|---|---|
| 8 - | Toyota Motor Credit
6565 Headquarters Drive
Plano, TX 75024 | Contact: Norman Brem
Phone: 469-486-9776 |
| 9 - | TriState Capital Bank
301 Grant Street
Pittsburgh, PA 15219 | Contact: Maggie Cooper
Phone: 412-304-0362 |
| 10 - | STAR Ohio
6125 Memorial Drive
Dublin, OH 43017 | Contact: Laura Will
Phone: 800-648-7827 |

CITY OF NAPOLEON, OHIO - PSCAF
POWER SUPPLY COST ADJUSTMENT FACTOR (PSCAF) - COMPUTATION OF MONTHLY PSCAF
 COMPUTATIONS WITH CORRECTED DATA FROM JULY, 2015, THROUGH MARCH, 2017

AMP Billed Usage Month	PSCAF City Billing Month	AMP - kWh Delivered As Listed on AMP Invoices	Purchased Power Supply Costs (*=Net of Known) (+ OR - Other Cr's)	Rolling 3-Month Totals Current + Prior 2 Months		Rolling 3 Month Average Cost	Less: Fixed Base Power Supply Cost	PSCA Dollar Difference + or (-)	PSCA-Corrt'd. 3 MONTH AVG.FACTOR + Line Loss
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)
		Actual Billed	Actual Billed w/Cr's	c + prior 2 Mo	d + prior 2 Mo	f / e	\$0.07194 Fixed	g + h	i X 1.075
Dec'17	Feb'18	13,391,143	\$ 1,149,912.68	38,558,994	\$ 3,302,867.39	\$ 0.08566	\$ (0.07194)	\$ 0.01372	\$ 0.01475
Jan'18	Mar'18	13,957,533	\$ 1,336,329.96	39,772,751	\$ 3,574,775.94	\$ 0.08988	\$ (0.07194)	\$ 0.01794	\$ 0.01929
Feb'18	Apr'18	12,213,852	*\$ 914,897.80	39,562,528	\$ 3,401,140.44	\$ 0.08597	\$ (0.07194)	\$ 0.01403	\$ 0.01508
Mar'18	May'18	12,894,285	*\$ 1,115,898.14	39,065,670	\$ 3,367,125.90	\$ 0.08619	\$ (0.07194)	\$ 0.01425	\$ 0.01532
Apr'18	June'18	11,995,837	\$ 1,154,645.74	37,103,974	\$ 3,185,441.68	\$ 0.08585	\$ (0.07194)	\$ 0.01391	\$ 0.01495
May'18	July'18	12,812,421	\$ 1,184,249.00	37,702,543	\$ 3,454,792.88	\$ 0.09163	\$ (0.07194)	\$ 0.01969	\$ 0.02117
June'18	Aug'18	13,813,277	\$ 1,230,516.92	38,621,535	\$ 3,569,411.66	\$ 0.09242	\$ (0.07194)	\$ 0.02048	\$ 0.02202
July'18	Sep'18	15,234,049	\$ 1,312,135.13	41,859,747	\$ 3,726,901.05	\$ 0.08903	\$ (0.07194)	\$ 0.01709	\$ 0.01837
Aug'18	Oct'18	15,634,242	\$ 1,275,023.19	44,681,568	\$ 3,817,675.24	\$ 0.08544	\$ (0.07194)	\$ 0.01350	\$ 0.01451
Sep'18	Nov'18	13,195,770	\$ 1,197,316.71	44,064,061	\$ 3,784,475.03	\$ 0.08589	\$ (0.07194)	\$ 0.01395	\$ 0.01500
Oct'18	Dec'18	12,827,093	\$ 1,201,860.98	41,657,105	\$ 3,674,200.88	\$ 0.08820	\$ (0.07194)	\$ 0.01626	\$ 0.01748
Nov'18	Jan'19	12,694,035	\$ 1,177,330.24	38,716,898	\$ 3,576,507.93	\$ 0.09238	\$ (0.07194)	\$ 0.02044	\$ 0.02197
Dec'18	Feb'19	12,936,598	\$ 1,175,315.11	38,457,726	\$ 3,554,506.33	\$ 0.09243	\$ (0.07194)	\$ 0.02049	\$ 0.02203
Jan'19	Mar'19	13,516,644	\$ 1,157,412.90	39,147,277	\$ 3,510,058.25	\$ 0.08966	\$ (0.07194)	\$ 0.01772	\$ 0.01905
Feb'19	Apr'19	12,112,198	\$ 1,076,627.71	38,565,440	\$ 3,409,355.72	\$ 0.08840	\$ (0.07194)	\$ 0.01646	\$ 0.01769
Mar'19	May'19	12,476,648	\$ 1,111,471.41	38,105,490	\$ 3,345,512.02	\$ 0.08780	\$ (0.07194)	\$ 0.01586	\$ 0.01705
Apr'19	June'19	10,913,916	\$ 1,043,515.66	35,502,762	\$ 3,231,614.78	\$ 0.09102	\$ (0.07194)	\$ 0.01908	\$ 0.02051
May'19	July'19	11,554,553	\$ 1,074,988.04	34,945,117	\$ 3,229,975.11	\$ 0.09243	\$ (0.07194)	\$ 0.02049	\$ 0.02203
June'19	Aug'19	12,448,976	\$ 1,059,406.09	34,917,445	\$ 3,177,909.79	\$ 0.09101	\$ (0.07194)	\$ 0.01907	\$ 0.02050
July'19	Sep'19	15,467,755	\$ 1,165,669.13	39,471,284	\$ 3,300,063.26	\$ 0.08361	\$ (0.07194)	\$ 0.01167	\$ 0.01255
Aug'19	Oct'19	14,297,705	\$ 1,123,690.94	42,214,436	\$ 3,348,766.16	\$ 0.07933	\$ (0.07194)	\$ 0.00739	\$ 0.00794
Sep'19	Nov'19	12,810,364	\$ 1,102,711.16	42,575,824	\$ 3,392,071.23	\$ 0.07967	\$ (0.07194)	\$ 0.00773	\$ 0.00831
Oct'19	Dec'19	12,026,480	\$ 1,080,410.22	39,134,549	\$ 3,306,812.32	\$ 0.08450	\$ (0.07194)	\$ 0.01256	\$ 0.01350
Nov'19	Jan'20	12,466,183	\$ 1,088,822.82	37,303,027	\$ 3,271,944.20	\$ 0.08771	\$ (0.07194)	\$ 0.01577	\$ 0.01695
Dec'19	Feb'20	12,809,184	\$ 1,098,513.89	37,301,847	\$ 3,267,746.93	\$ 0.08760	\$ (0.07194)	\$ 0.01566	\$ 0.01683

* Total Includes Other (-) Credits / (+) Debits in Purchased Power Costs. Not Listed on AMP Billings:

PSCAF - Preparers Signature:

Name - Lori A. Rausch, Utility Billing Administrator



1/22/2020

Signature

Date

PSCAF - Reviewers Signature:

Name - Kelly O'Boyle, Finance Director



1/22/2020

Signature

Date

BILLING SUMMARY AND CONS

2020 - FEBRUARY BILLING WITH DECEMBER 2

PREVIOUS MONTH'S POWER BILLS - PU**DATA PERIOD**

AMP-Ohio Bill Month
City-System Data Month
City-Monthly Billing Cycle

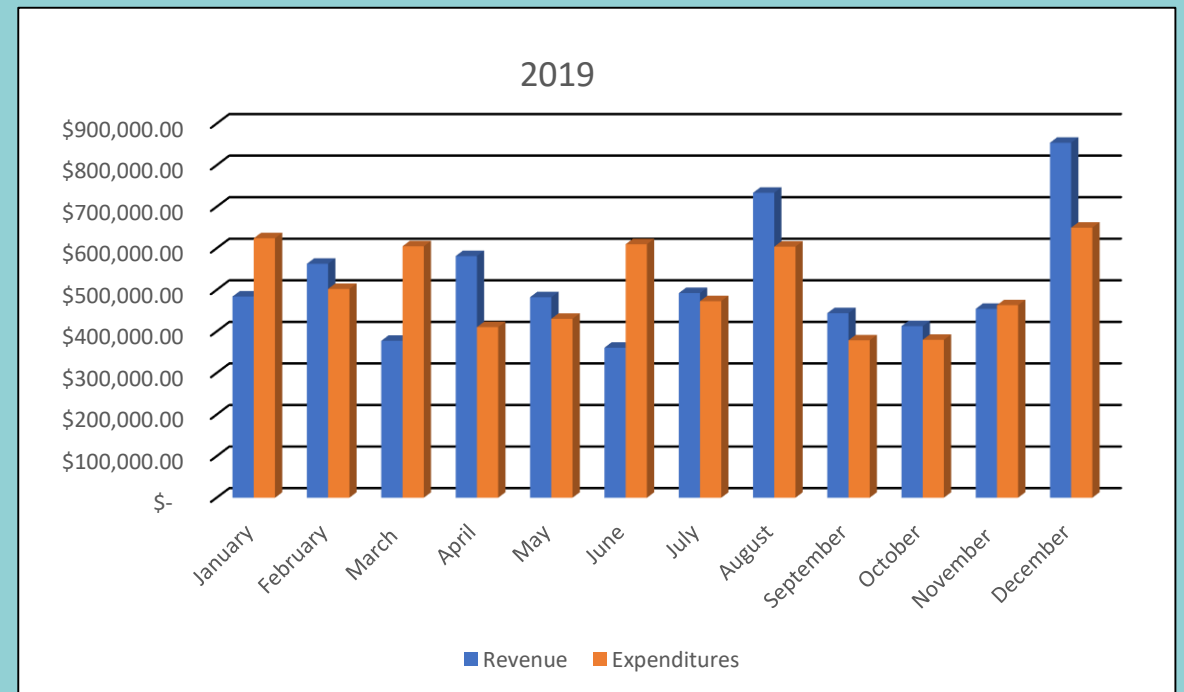
	=====		===WIND===	===SOLAR===	===TRANSMISSION, SERVICE FEES & MISC. CONTRACTS===				
	NYPH	JV-5	JV-6	AMP SOLAR	EFFNCY.SMART	TRANSMISSION	SERVICE FEES	MISCELLANEOUS	TOTAL -
PURCHASED POWER-RESOURCES ->	HYDRO	HYDRO	WIND	PHASE 1	POWER PLANT	CHARGES	DISPATCH, A & B	CHARGES &	ALL
	SCHED. @ NYIS	7x24 @ ATSI	SCHED. @ ATSI	SCHED. @ ATSI	2017 - 2020	Other Charges	Other Charges	LEVELIZATION	RESOURCES
Delivered kWh (On Peak) ->	709,198	2,297,472	54,362	62,899	0	0	0	0	13,840,206
Delivered kWh (Off Peak) ->									393,461
Delivered kWh (Replacement/Losses/Offset) ->		33,566							33,566
Delivered kWh/Sale (Credits) ->									-1,458,049
Net Total Delivered kWh as Billed ->	709,198	2,331,038	54,362	62,899	0	0	0	0	12,809,184
Percent % of Total Power Purchased->	5.5366%	18.1982%	0.4244%	0.4910%	0.0000%	0.0000%	0.0000%	0.0000%	100.0000%
COST OF PURCHASED POWER:								Verification Total ->	100.0000%
DEMAND CHARGES (+Debits)									
Demand Charges	\$6,697.66	\$31,085.29	\$682.37			\$151,483.30			\$513,980.62
Debt Services (Principal & Interest)		\$55,367.84							\$210,929.74
DEMAND CHARGES (-Credits)									
Transmission Charges (Demand-Credits)		-\$15,353.17	-\$136.05	-\$2,890.30					-\$62,733.27
Capacity Credit	-\$2,851.75	-\$9,237.08	-\$234.83	-\$1,689.27					-\$84,550.63
Sub-Total Demand Charges	\$3,845.91	\$61,862.88	\$311.49	-\$4,579.57	\$0.00	\$151,483.30	\$0.00	\$0.00	\$577,626.46
ENERGY CHARGES (+Debits):									
Energy Charges - (On Peak)	\$7,559.29	\$40,968.29		\$2,409.05		\$3,597.84			\$400,261.59
Energy Charges - (Replacement/Off Peak)									\$9,658.27
Net Congestion, Losses, FTR	\$334.75								\$11,475.42
Transmission Charges (Energy-Debits)									\$13,941.68
ESPP Charges					\$16,959.16				\$16,959.16
Bill Adjustments (General & Rate Levelization)									-\$73.23
ENERGY CHARGES (-Credits or Adjustments):									
Energy Charges - On Peak (Sale or Rate Stabilization)									-\$28,375.05
Net Congestion, Losses, FTR									\$2,934.23
Bill Adjustments (General & Rate Levelization)	\$613.03								-\$27,522.05
Sub-Total Energy Charges	\$8,507.07	\$40,968.29	\$0.00	\$2,409.05	\$16,959.16	\$3,597.84	\$0.00	\$0.00	\$399,260.02
TRANSMISSION & SERVICE CHARGES, MISC.:									
RPM / PJM Charges Capacity - (+Debit)						\$112,127.02			\$112,127.02
RPM / PJM Charges Capacity - (-Credit)								-\$818.31	-\$818.31
Service Fees AMP-Dispatch Center - (+Debit/-Credit)							\$0.00		\$0.00
Service Fees AMP-Part A - (+Debit/-Credit)							\$2,867.34		\$2,867.34
Service Fees AMP-Part B - (+Debit/-Credit)							\$7,447.61		\$7,447.61
Other Charges & Bill Adjustments - (+Debit/-Credit)								\$3.75	\$3.75
Sub-Total Service Fees & Other Charges	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$112,127.02	\$10,314.95	-\$814.56	\$121,627.41
TOTAL NET COST OF PURCHASED POWER	\$12,352.98	\$102,831.17	\$311.49	-\$2,170.52	\$16,959.16	\$267,208.16	\$10,314.95	-\$814.56	\$1,098,513.89
Percent % of Total Power Cost->	1.1245%	9.3609%	0.0284%	-0.1976%	1.5438%	24.3245%	0.9390%	-0.0742%	100.0000%
Purchased Power Resources - Cost per kWh->	\$0.017418	\$0.044114	\$0.005730	-\$0.034508	\$0.000000	\$0.000000	\$0.000000	\$0.000000	\$0.085760
(Northern Pool Power - On-Peak + Off-Peak - Energy Charge/kWh) = JV2 Electric Service Rate ->									\$0.121125
(Northern Pool Power - On-Peak + Off-Peak - Energy Charge/kWh) = JV5 Electric Service Rate ->									\$0.121125

2019 YEAR-END

FEBRUARY 17, 2020

GENERAL FUND –REVENUE VS. EXPENSE

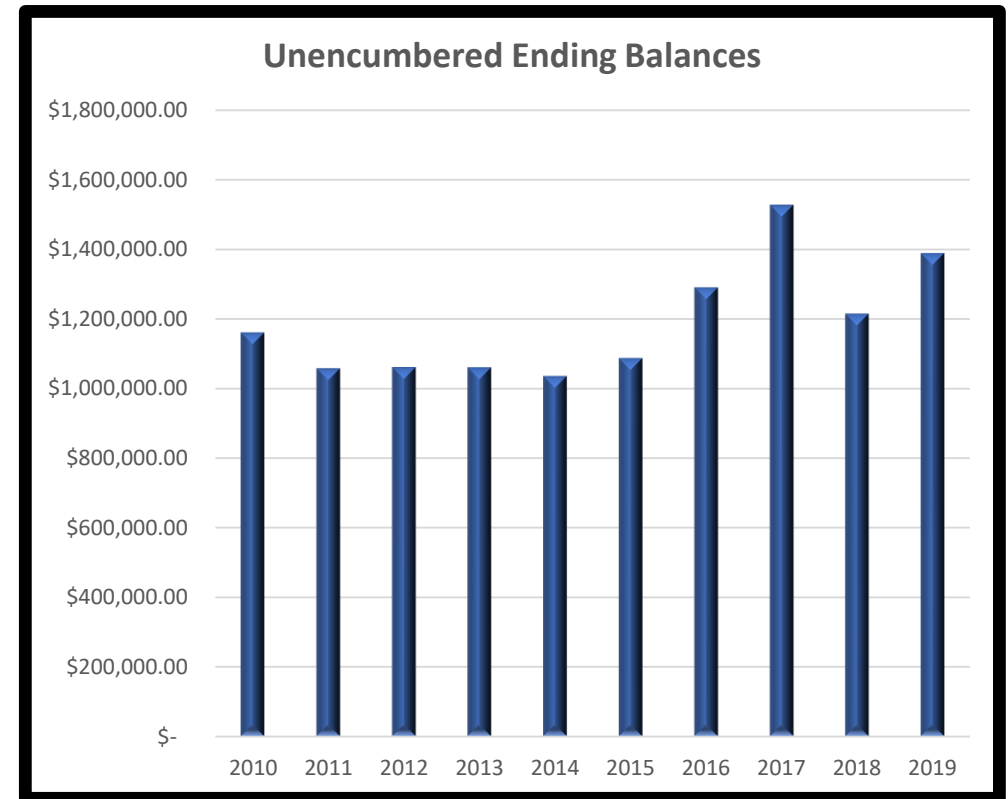
GENERAL FUND			
	2019 Actual Revenue	2019 Actual Expenditures	Over/(Under) Revenue
January	\$ 484,136.88	\$ 624,273.77	\$ (140,136.89)
February	\$ 562,788.35	\$ 502,416.23	\$ 60,372.12
March	\$ 377,623.60	\$ 604,999.93	\$ (227,376.33)
April	\$ 581,426.58	\$ 410,460.65	\$ 170,965.93
May	\$ 482,363.70	\$ 430,488.71	\$ 51,874.99
June	\$ 360,880.75	\$ 609,995.67	\$ (249,114.92)
July	\$ 492,371.83	\$ 472,943.66	\$ 19,428.17
August	\$ 733,676.96	\$ 604,119.63	\$ 129,557.33
September	\$ 443,920.34	\$ 378,674.83	\$ 65,245.51
October	\$ 412,828.22	\$ 379,867.94	\$ 32,960.28
November	\$ 454,378.74	\$ 463,203.37	\$ (8,824.63)
December	\$ 854,106.93	\$ 649,831.71	\$ 204,275.22
	\$ 6,240,502.88	\$ 6,131,276.10	\$ 109,226.78



GENERAL FUND UNENCUMBERED ENDING BALANCES

		<u>Change</u>	<u>Percent Change</u>
2010	\$ 1,160,214.80		
2011	\$ 1,057,731.55	\$ (102,483.25)	-8.83%
2012	\$ 1,061,626.17	\$ 3,894.62	0.37%
2013	\$ 1,060,045.94	\$ (1,580.23)	-0.15%
2014	\$ 1,035,383.60	\$ (24,662.34)	-2.33%
2015	\$ 1,086,973.56	\$ 51,589.96	4.98%
2016	\$ 1,290,410.58	\$ 203,437.02	18.72%
2017	\$ 1,527,581.87	\$ 237,171.29	18.38%
2018	\$ 1,215,199.88	\$ (312,381.99)	-20.45%
2019	\$ 1,388,490.13	\$ 173,290.25	14.26%

Recommended Goal = three months of operations
from prior year actual or \$1,533,000 for 2020.



REASONS FOR GENERAL FUND BALANCE

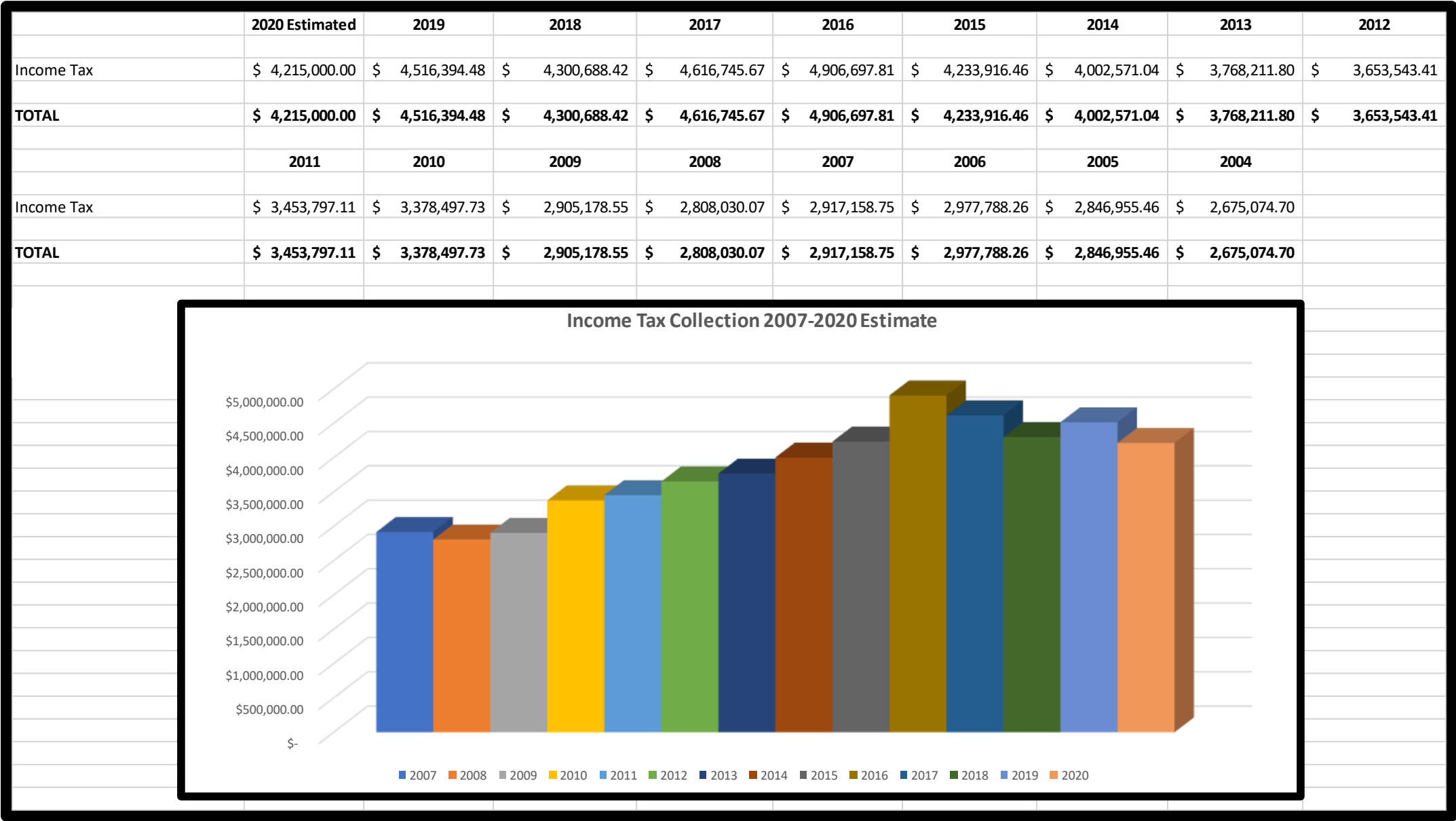
Assist with cash flow – revenue comes in at different times throughout the year, but expenses happen every month (Also ability to encumber purchase orders prior to purchases)

Offset difference between approved budget and estimated revenue - revenue is not keeping up with the expenditures **(Recommend not relying as much on fund balance to balance budget)**

- Health care increases
- Staff cost of living increases/bargaining unit contracts
- Service contract increases
- Medical supply increase

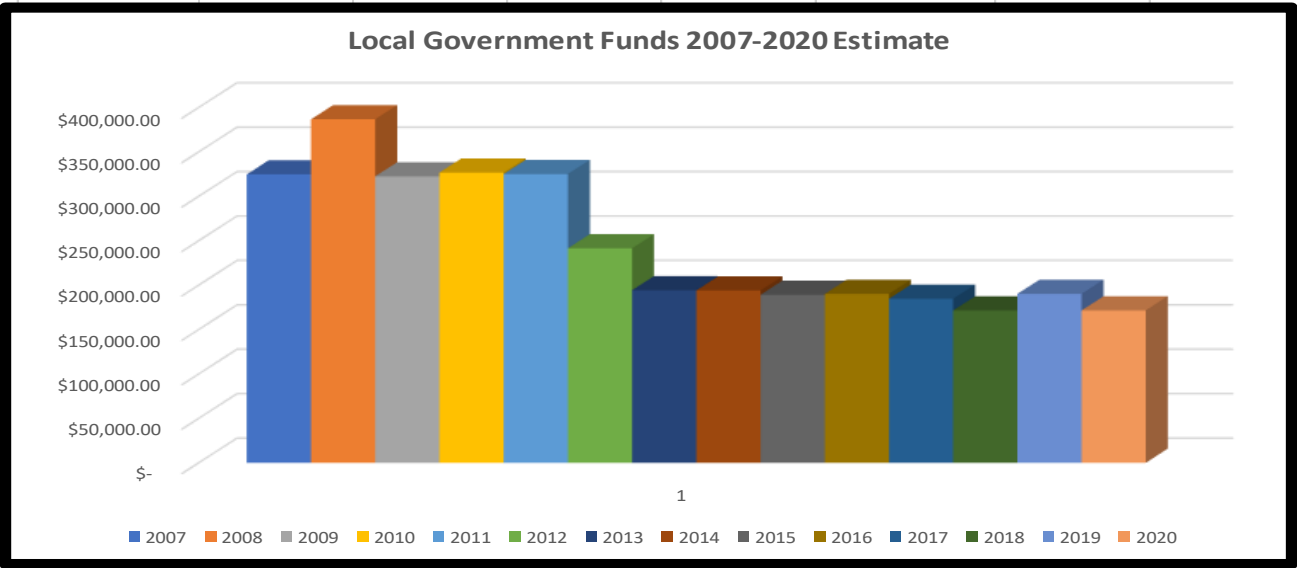
Provide a safety net for when there are downturns in the economy –last one was 2008/2009 Recession

HISTORY OF INCOME TAX



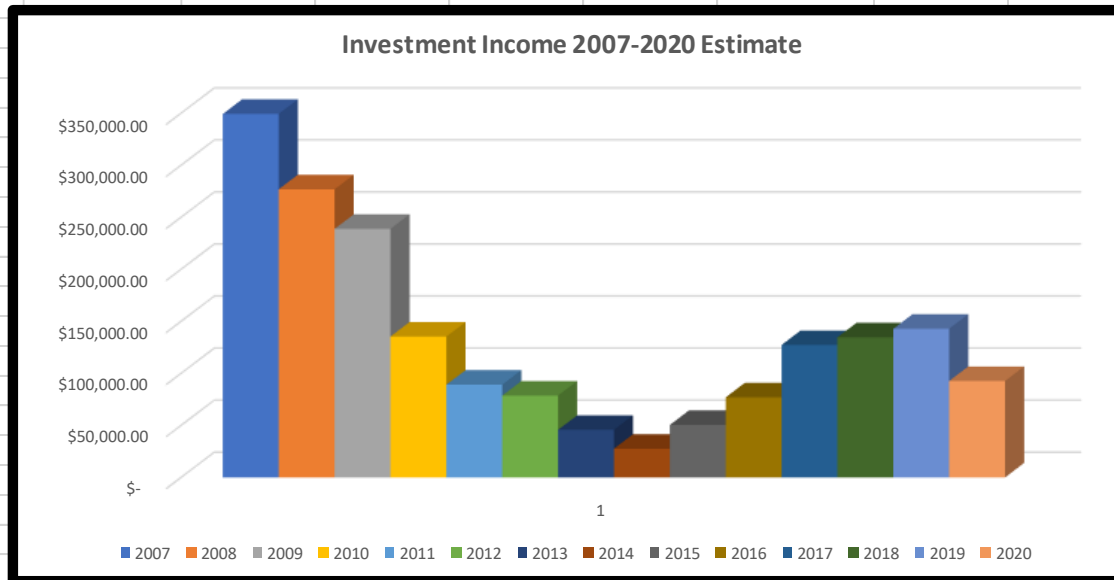
HISTORY OF
LOCAL
GOVERNMENT
FUNDS FROM
2004-2020 EST
REVENUE FOR
GENERAL
FUND

	2020 Estimated	2019	2018	2017	2016	2015	2014	2013	2012
Local Government Fund-County	\$ 171,570.00	\$ 174,483.68	\$ 171,570.01	\$ 171,570.01	\$ 172,211.45	\$ 171,570.01	\$ 171,570.01	\$ 171,570.01	\$ 213,625.30
Local Government Fund -State	\$ -	\$ 15,701.97	\$ -	\$ 13,096.66	\$ 17,940.83	\$ 17,609.41	\$ 22,409.28	\$ 22,684.10	\$ 27,833.28
TOTAL	\$ 171,570.00	\$ 190,185.65	\$ 171,570.01	\$ 184,666.67	\$ 190,152.28	\$ 189,179.42	\$ 193,979.29	\$ 194,254.11	\$ 241,458.58
	2011	2010	2009	2008	2007	2006	2005	2004	
Local Government Fund-County	\$ 285,084.60	\$ 285,078.74	\$ 238,803.10	\$ 340,220.80	\$ 278,241.59	\$ 278,549.89	\$ 278,887.64	\$ 274,486.42	
Local Government Fund -State	\$ 40,018.37	\$ 41,604.62	\$ 83,632.27	\$ 46,503.16	\$ 46,502.90	\$ 46,502.90	\$ 43,896.98	\$ 46,502.90	
TOTAL	\$ 325,102.97	\$ 326,683.36	\$ 322,435.37	\$ 386,723.96	\$ 324,744.49	\$ 325,052.79	\$ 322,784.62	\$ 320,989.32	
Highest Year - 2008	\$ 386,723.96	Total Loss from 2008 to 2020 Estimate				\$ (1,939,449.81)			
2020 Estimated	\$ 171,570.00								
Loss of Revenue	\$ (215,153.96)								



HISTORY OF INVESTMENT INCOME FROM 2004-2020 EST REVENUE TO GENERAL FUND

	2020 Estimated*	2019	2018	2017	2016	2015	2014	2013	2012
Investment Income	\$ 92,700.00	\$ 142,879.87	\$ 134,700.01	\$ 127,260.99	\$ 76,952.40	\$ 50,486.82	\$ 27,591.04	\$ 45,751.34	\$ 78,675.28
	2011	2010	2009	2008	2007	2006	2005	2004	
Investment Income	\$ 89,125.53	\$ 135,379.19	\$ 238,880.83	\$ 276,932.77	\$ 349,368.53	\$ 204,697.68	\$ 192,348.23	\$ 112,656.32	
<i>*Conservative estimate based on amount of investments that could be called</i>									
Highest Year - 2007	\$ 349,368.53	Total Loss from 2007 to 2020 Estimate \$ (3,024,474.82)							
2020 Estimated	\$ 92,700.00								
Loss of Revenue	\$ (256,668.53)								



GENERAL FUND VS. OTHER FUNDS

General Fund –primary source of revenue is income tax and internal reimbursements from other funds utilizing services

Electric Funds, Water Funds and Sewer Funds –operations and capital projects funded by rates paid by the citizens

Recreation Levy Fund –funded by the levy proceeds

Capital Improvement Fund –funded by income tax and sometimes grants

Central Garage Rotary Fund –funded by payments from the departments that utilize their service to repair the City vehicles

NOTE: Each fund has a specific purpose and revenue source

GENERAL FUND VS. OTHER FUNDS (Continued)

Funds can only be utilized for the purpose of which the fund was established

- Example – Water Funds cannot help pay for increased police officers or the Law Library

Some funds have large available fund balances and revenue sources due to where the revenue is derived.

- Example – Electric Department can purchase a new bucket truck, while the Engineering Department gets a used vehicle



2020 GENERAL FUND APPROVED BUDGET

2020 Estimated Revenue = \$6,384,094

2020 Approved Budget = \$7,039,366

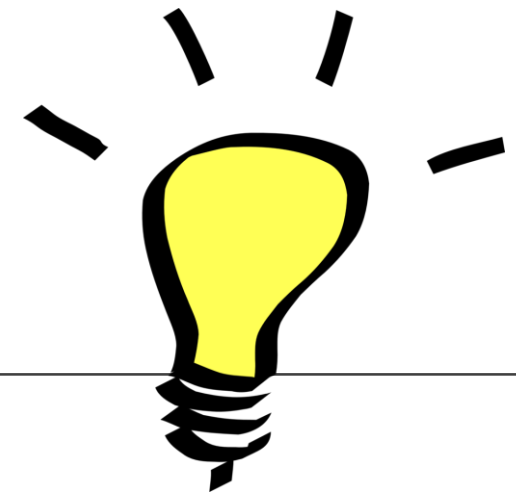
Over/(Under) Revenue = (\$655,272)

This is where the fund balance offsets the difference between the estimated revenue and approved budget. Ideally, the approved budget should be closer to the estimated revenue.



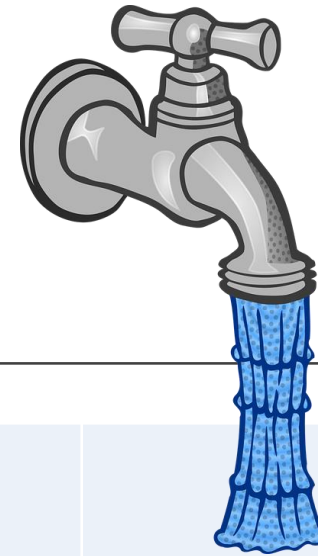
MAJOR OUTSIDE GENERAL FUND FUNDS

ELECTRIC FUNDS



Fund	2019 Unencumbered Beginning Balance	2019 Unencumbered Ending Balance	Difference	Percent Change
500 -Electric Utility Revenue Fund	\$ 3,929,692.87	\$ 4,681,651.26	\$ 751,958.39	19.14%
503 -Electric Development Fund	\$ 3,750,442.86	\$ 2,865,154.20	\$ (885,288.66)	-23.60%
TOTAL ELECTRIC FUNDS	\$ 7,680,135.73	\$ 7,546,805.46	\$ (133,330.27)	-1.74%

WATER FUNDS



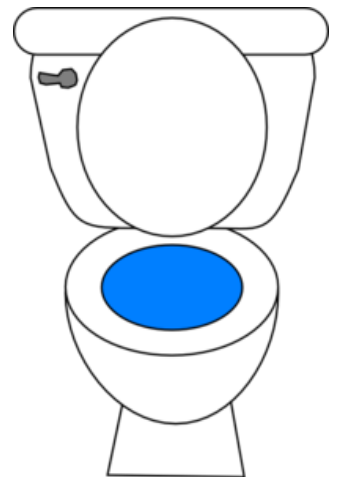
Fund	2019 Unencumbered Beginning Balance	2019 Unencumbered Ending Balance	Difference	Percent Change
510-Water Revenue Fund	\$ 1,196,437.29	\$ 1,881,693.36	\$ 685,256.07	57.27%
511 -Water Depreciation Fund	\$ 449,035.99	\$ 464,443.40	\$ 15,407.41	3.43%
512-Water Debt Reserve Fund	\$ 521,713.53	\$ 319,135.13	\$ (202,578.40)	-38.83%
513-Water OWDA Bond Retirement	\$ 35,410.48	\$ 35,933.27	\$ 522.79	1.48%
519 -Water Plant Improvement & Reno	\$ 32,736.90	\$ 212,971.29	\$ 180,234.39	550.55%
TOTAL WATER FUNDS	\$ 2,235,334.19	\$ 2,914,176.45	\$ 678,842.26	30.37%

2019 was last year of approved rate increases in anticipation of new water plant debt. In 2020, new water plant loan is now being paid back and large projects are being let.

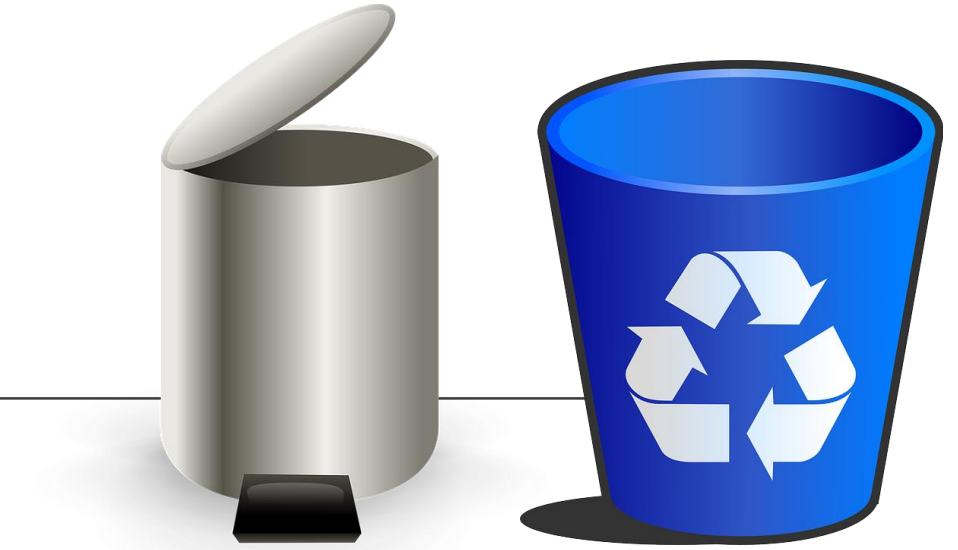
Fund	2019 Unencumbered Beginning Balance	2019 Unencumbered Ending Balance	Difference	Percent Change
520 -Sewer Utility Revenue Fund	\$1,559,832.98	\$1,605,949.39	\$ 46,116.41	2.41%
521 -Sewer Utility Replacement & Improv	\$1,912,143.70	\$621,391.25	\$ (1,290,752.45)	-415.08%
522 - Sewer Debt Reserve Fund	\$310,967.17	\$307,217.04	\$ (3,750.13)	-1.21%
523 -OWDA SA Debt Retirement Fund	\$84,060.75	\$85,080.09	\$ 1,019.34	1.21%
532 -Williams Pump Station Improv.	\$80,954.66	\$31,850.25	\$ (49,104.41)	-60.66%
TOTAL SEWER FUNDS	\$3,947,959.26	\$2,651,488.02	\$ (1,296,471.24)	-32.84%

SEWER FUNDS

Note: Borrowing from Fund Balance for WWTP projects and then will take debt to replace dollars and then pay debt payments.



SANITATION FUNDS



Fund	2019 Unencumbered Beginning Balance	2019 Unencumbered Ending Balance	Difference	Percent Change
560 - Sanitation (Refuse)	\$ 1,349,083.88	\$ 1,479,054.62	\$ 129,970.74	9.63%
561 -Sanit. (Refuse) Deprec. Res.	\$ 272,031.54	\$ 136,388.52	\$ (135,643.02)	-49.86%
TOTAL SANITATION FUNDS	\$ 1,621,115.42	\$ 1,615,443.14	\$ (5,672.28)	-0.35%



QUESTIONS



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

Jeff Comadoll

J. Ross Durham

Kenneth Haase

Jeff Mires

Lori Siclair

City Manager

Joel L. Mazur

Finance Director

Kelly O'Boyle

Law Director

Billy D. Harmon

To: Napoleon City Council and Mayor

From: Joel Mazur, City Manager
Kelly O'Boyle, Finance Director

Date: 2/17/20

RE: Reciprocity Income Tax Questions

At the City Council Meeting on February 3rd, 2020, several questions were asked. The attached document has the questions followed by the answers.

QUESTIONS POSED FROM RECIPROCITY DISCUSSION

1. What is the number of people who owe zero for income taxes?

The number of Napoleon residents that claimed zero wages in 2017 was 263.

2. What is the income tax amount collected of people who work in Napoleon but do not live here?

The amount collected in 2017 for Napoleon only was approximately \$305K.

3. What is the difference between the current overtime spent and the effect of adding a 6th dispatcher?

Please see attached spreadsheet showing the estimated amount of savings utilizing the 2019 actual overtime hours. There will always be overtime no matter how many dispatchers we have on staff. The conservative estimate of the savings for the overtime is \$12K with a range of \$12K - \$21K.

4. What is the maximum income for the non-emergency runs if we had an additional full time and a part time equivalent?

The actual receipts for the non-emergency runs were as follows:

2020 Estimate = \$80,000.00

2019 = \$45,252.59

2018 = \$94,789.44

2017 = \$108,175.77

2016 = \$88,734.55

The actual amount of revenue depends on the number of calls received and the ability to respond to the calls. Using the assumption that we would be able to return to the 2018 level, then it could be estimated at an additional \$25K - \$50K above the \$45K received in 2019. The additional amount for 2020 is estimated at \$16K depending on call volume, reimbursement rate received and ability to answer the call.

This money is receipted into Fund 210 – EMS Transport Service Fund and then a portion of the total revenue is transferred to the General Fund to help with the costs of salaries, fringes and other costs for EMS services. The 2020 estimated allocation is \$205K, which is the same as it was in 2019 and 2018.

5. What is the total tax of other similar cities – income tax plus property tax?

Napoleon's income tax is 1.5% with 100% reciprocity. The property tax associated with the Fire Pension is .3 mills, the Police Pension is .6 mills and the General Fund is 2.0 mills. Every community has a different millage that they collect from property tax. This will be discussed further, but Napoleon is comparable to other communities and even slightly lower than most.

6. What was the 50% reciprocity number from 5 – 6 years ago when times were not as good?

Please see attached the 2005 – 2007 amount of the 50% reciprocity as well as the 2008 & 2009 amounts. The amounts are consistent at approximately \$267K for 2005-2007 and for 2008 it increased slightly to \$331K and then dropped to \$277K in 2009. Again, this is based on the number of filers and the total wages for those who work out of the City.

Impact of Reciprocity - if someone lives in the City of Napoleon but works outside, then they would receive 50% credit instead of 100% credit for host employer location. The person would also have to pay the difference between the City of Napoleon income tax rate and the host employer.

Potential Estimated Additional Tax Generated -50% Reciprocity based on 3 year average (2017, 2016 & 2015)

\$	392,229.67				
Est. Portion to General Fund (based on 65% split-2020 and 62% for other years)	\$ 254,949.28	\$ 243,182.39	\$ 243,182.39	\$ 243,182.39	
Est. Portion to Capital Improvement Fund (based on 35% split-2020 and 38% for other years)	\$ 137,280.38	\$ 149,047.27	\$ 149,047.27	\$ 149,047.27	

Cost of 1 Full time Firefighter

	<u>1st Year</u>	<u>2nd Year</u>	<u>3rd Year</u>	<u>4th Year</u>
Salary (includes \$2,000 for Paramedic Bonus)	\$ 40,357.49	\$ 45,498.00	\$ 46,845.42	\$ 50,539.71
Fire Pension 24%	\$ 9,685.80	\$ 10,919.52	\$ 11,242.90	\$ 12,129.53
FICA	\$ 585.18	\$ 659.72	\$ 679.26	\$ 732.83
Worker's Compensation	\$ 807.15	\$ 909.96	\$ 936.91	\$ 1,010.79
Health Insurance (Family-new) -projected at 10% increase per year	\$ 21,200.00	\$ 23,320.00	\$ 25,652.00	\$ 28,217.20
SUBTOTAL FT FIREFIGHTER	\$ 72,635.62	\$ 81,307.20	\$ 85,356.49	\$ 92,630.06

Cost of Part time Fire fighter

Salary (estimated) -projected at 2% per year	\$ 66,500.00	\$ 67,830.00	\$ 69,186.60	\$ 70,570.33
Social Security (6.2%)	\$ 4,123.00	\$ 4,205.46	\$ 4,289.57	\$ 4,375.36
FICA	\$ 964.25	\$ 983.54	\$ 1,003.21	\$ 1,023.27
Worker's Compensation	\$ 1,330.00	\$ 1,356.60	\$ 1,383.73	\$ 1,411.41
SUBTOTAL PT FIREFIGHTER	\$ 72,917.25	\$ 74,375.60	\$ 75,863.11	\$ 77,380.37

Cost of 1 Full time Dispatcher

Salary (estimated) -projected at 2% per year	\$ 34,775.68	\$ 38,042.86	\$ 41,616.98	\$ 45,526.90
PERS	\$ 4,868.60	\$ 5,326.00	\$ 5,826.38	\$ 6,373.77
FICA	\$ 504.25	\$ 551.62	\$ 603.45	\$ 660.14
Worker's Compensation	\$ 695.51	\$ 760.86	\$ 832.34	\$ 910.54
Health Insurance (Family-new) -projected at 10% increase per year	\$ 21,200.00	\$ 23,320.00	\$ 25,652.00	\$ 28,217.20
SUBTOTAL FT DISPATCHER	\$ 62,044.04	\$ 68,001.33	\$ 74,531.14	\$ 81,688.54

LESS 24% REIMBURSEMENT FOR TOWNSHIP FIRE CONTRACT (FT & PT FIREFIGHTER)	\$ (34,932.69)	\$ (37,363.87)	\$ (38,692.70)	\$ (40,802.50)
LESS CONSERVATIVE PROJECTION FOR SAVINGS TO OVERTIME WITH 6TH DISPATCHER	\$ (12,000.00)	\$ (12,000.00)	\$ (12,000.00)	\$ (12,000.00)

TOTAL COST FOR FIREFIGHTER (FT & PT) AND DISPATCHER	\$ 160,664.22	\$ 174,320.26	\$ 185,058.04	\$ 198,896.47
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REMAINING BALANCE OF GENERAL FUND RECIPROCITY ALLOCATION (USING 3 YEAR AVERAGE OF INCOME TAX FIGURES)	\$ 94,285.07	\$ 68,862.14	\$ 58,124.36	\$ 44,285.93
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ESTIMATED DISPATCHER COST NET OVERTIME SAVINGS

Estimated Cost	1st Year	2nd Year	3rd Year	4th Year
Cost of 1 Full time Dispatcher				
Salary (estimated) -projected at 2% per year	\$34,775.68	\$38,042.86	\$41,616.98	\$45,526.90
PERS	\$4,868.60	\$5,326.00	\$5,826.38	\$6,373.77
FICA	\$504.25	\$551.62	\$603.45	\$660.14
Worker's Compensation	\$695.51	\$760.86	\$832.34	\$910.54
Health Insurance (Family-new) -projected at 10% increase per year	\$21,200.00	\$23,320.00	\$25,652.00	\$28,217.20
TOTAL FT DISPATCHER	\$62,044.04	\$68,001.34	\$74,531.15	\$81,688.55

Average hourly rate all 5 dispatchers	\$18.95
Average hourly rate all 4 dispatchers	\$18.10
Average hourly rate of low and high	\$18.52
Overtime (1 1/2 times hourly rate)	\$27.78

Please note adding an additional dispatcher will not totally eliminate paying overtime due to it being a 24/7 operation with staff having time off such as vacation, sick time, personal, comp and holiday.

Total 2019 Overtime Hours	740
Short Staffed Hours	368
Discretionary Hours	372 (as staff longevity increases -these hours increase)
Percent of Discretionary Hours of Total	50%
Additional Dispatcher (1/6)-pick up hours	17%
Estimated percentage of overtime that would still happen with 6 dispatchers	34%

Cost of 2019 overtime using average rate of dispatcher classification	\$15,946
Cost of 2019 overtime using average rate of patrol classification	\$6,557
Cost of fringe benefits of patrol and dispatcher overtime	\$4,287
Total Cost of 2019 Overtime using average of salaries	\$26,790

Estimated Cost of Short staffed overtime				
Estimated amount of average overtime rate with 6 dispatchers	\$10,223	\$10,479	\$10,741	\$11,009
Estimated fringes associated with hours	\$1,784	\$1,829	\$1,874	\$1,921
Total Estimated cost of short staffed overtime	\$12,007	\$12,307	\$12,615	\$12,930
 Estimated cost of Discretionary Overtime	 \$14,783	 \$15,153	 \$15,532	 \$15,920
Estimated 34% of Discretionary overtime will remain with 6th dispatcher	\$5,026	\$5,152	\$5,281	\$5,413
 Total Estimated Savings of Overtime with 6 Dispatchers net 34%	 \$21,764	 \$22,308	 \$22,866	 \$23,437

Net Cost of FT Dispatcher with overtime savings attributed *	\$40,280	\$45,693	\$51,666	\$58,251
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** Please note that as staff longevity increases the discretionary hours will increase causing the savings to be less than shown above.*



City of NAPOLEON, Ohio
Wastewater Treatment Plant
735 E. Washington St. P.O. Box 151, Napoleon, OH 43545
Phone: 419/592-3936

Wastewater Superintendent
David Pike

Memorandum

To: City Council & Joel Mazur, City Manager
From: David Pike WWTP Superintendent
Date: February 13, 2020
Subject: 2020 Chemical Bids

On February 12, 2020 the rebidding for the Chemical, Liquid Aluminum Sulfate were opened that will be used at the Wastewater Treatment Plant for the 2020 Operational Year. There were a total of two (2) bids submitted. After reviewing the bids and specifications, we would like to recommend that the 2020 Chemical bid be awarded to the following company as the lowest and best:

<u>Chemical</u>	<u>Bid</u>	<u>Current Cost</u>	<u>Difference</u>
Liquid Aluminum Sulfate	ChemTrade Chemicals @ \$1.0908/gal	\$1.09/gal	+\$0.0008/gal

The Liquid Aluminum Sulfate is the only chemical used at the Wastewater Treatment Plant. It is my recommendation to award ChemTrade the bid for the 2020 operational year, as the lowest and best. If you have any questions concerning the chemical bids, please feel free to contact myself at your convenience.

DNP



Emergency Vehicle Purchase Agreement
January 23, 20

Purchaser:
Napoleon Fire Dept
265 W Riverview Ave
Napoleon, OH 43545

Seller:
Penn Care, Inc.
1317 North Rd.
Niles OH 44446

Penn Care, Inc. sells to Purchaser a Braun Chief XL Remount on a Ford E-450, as designed per the attached specifications, and when applicable, technical drawings, graphic design and other required documents. Additions, deletions and/or changes must be approved by all parties in writing and may cause delays in deliveries and additional charges to the purchaser.

PRICING

Remount Base Cost:	\$29,752.00
Chassis Cost:	\$38,539.00
STS Contract:	\$1,410.00
STS Options:	\$50,140.00
Non-STS Options:	\$9,759.00
FIN Rebate:	\$4,600.00

Total Due at Delivery: \$125,000.00 (each)

TRADE DESCRIPTION:

TRADE-IN TERMS AND APPRAISAL

Where Purchaser wishes to trade-in a used motor vehicle as part of the consideration for the motor vehicle ordered, Seller may appraise the trade-in at the time of the execution of this order by Purchaser. Seller also reserves the right to reappraise the trade-in at the time of delivery. The seller shall not alter a Trade-In appraisal from the time of the initial appraisal until the time of delivery unless:

- 1) Intervening factors indicate an apparent decrease in the value of the value of the trade-in over and above ordinary wear and tear
- 2) A change occurs in the mechanical performance of the vehicle
- 3) Emergency, medical, and/or other equipment/components have been removed that were not previously discussed and agreed to in writing
- 4) The Seller has made any misrepresentation of the vehicle and/or components to Penn Care, Inc.

DELIVERY TIMES



Quoted lead times and delivery expectations quoted by Penn Care, Inc. are approximate and not guaranteed. Quoted lead times will be extended for Change Orders, delays from the chassis OEM and Force Majeure.

WARRANTY

No representation has been made by Penn Care, Inc., except as herein stated and no warranties, expressed or implied, may arise except from this writing. All warranties are issued by the chassis manufacturer, the ambulance builder, and/or component parts suppliers and Penn Care, Inc. shall have no liability with respect to warranties issued by the chassis manufacturer, the ambulance builder, and component parts suppliers. Used vehicles are "as is" and have no warranty.

INVOICING AND PAYMENT

Unless otherwise agreed to in writing, Penn Care, Inc. will invoice the Purchaser 30 days prior to the scheduled delivery date. Upon completion of production and quality inspection by the Purchaser the vehicle is declared ready for delivery and payment will be due upon acceptance and/or delivery.

PAYMENT OF SALES AND USE TAXES

The price for the motor vehicle specified in this agreement does not include Sales Taxes and Use Taxes (Federal, State, or Local) unless expressly stated. Purchaser assumes and agrees to pay, unless prohibited by law, and such Sales, Use, or Occupational Taxes imposed on or applicable to the transaction covered by this agreement, regardless of which party may have primary tax liability.

ACCEPTANCE

When requesting a final inspection the Purchaser shall inspect the vehicle(s) within 10-days of notification of completion of production. Vehicles not inspected by buyer will be deemed complete and ready for delivery, and payment will be due upon delivery. Items and issues discovered after the 10-day window shall not hold up payment from buyer to Penn Care Inc., these issues will be handled as warranty claims following the normal procedures.

PAYMENT AND TITLE

All payments shall be made in U.S. dollars either by certified check or wire transfers, credit card payments are not acceptable without prior written authorization (fees will apply). Payment terms are COD, unless otherwise agreed to in writing by Penn Care, Inc. Interest terms begin 16-days from date of delivery and are charged at a rate of prime plus 6%. MSO and title are released to Purchaser upon payment in full, including any related interest, shipping expenses, and other related costs and expenses to Penn Care Inc. or to the appointed floor plan financing company.

As collateral security for the payment of the purchase price of the Vehicles, Buyer hereby grants to Penn Care Inc., a lien on and security interest in and to all of the right, title, and interest of Purchaser in, to, and under the Vehicles, wherever located, and whether now existing or hereafter arising or acquired from time to time, and in all accessions thereto and replacements or modifications thereof, as well as all proceeds, including insurance proceeds, of the foregoing. The security interest granted under this provision constitutes a purchase money security interest under the Ohio Uniform Commercial Code.

CANCELLATION

Penn Care, Inc., may, in its sole discretion, and without liability or penalty, cancel this order if Penn Care, Inc. determines that Purchaser (i) fails to pay any amount due under these Terms and Conditions, (ii) has not otherwise performed or complied with any of these Terms and Conditions, in whole or in part, or (iii) becomes insolvent, files a petition for bankruptcy, or commences or has commenced against it proceedings relating to bankruptcy, receivership, reorganization, or assignment for the benefit of creditors. Penn Care's election to cancel Purchaser's order under such circumstances is in addition to, and not in lieu of, any other rights or remedies that Penn Care, Inc. may have at either law or equity or under the Terms and Conditions of this Agreement.

Penn Care's manufacture commence engineering, no cancellation of this order is permitted, and the full purchase price is due and payable to Penn Care, Inc. Notwithstanding other provisions of this Agreement, and in addition thereto, Penn Care, Inc. shall be entitled to its reasonable and anticipated lost profit from such cancellation.

FORCE MAJEURE

Penn Care, Inc. shall not be liable or responsible to Purchaser, nor be deemed to have defaulted or breached these Terms and Conditions, for any failure or delay in fulfilling or performing any of these Terms and Conditions when and to the extent such failure or delay is caused by or results from acts or circumstances beyond the reasonable control of Penn Care, Inc., and/or the manufactures which Penn Care, Inc. represents including, without limitation, acts of God, flood, fire, earthquake, explosion, governmental actions, war, invasion or hostilities, terrorist threats or acts, riot or other civil unrest, national emergency, revolution, insurrection, epidemic, lockouts, strikes or other labor disputes (whether or not relating to either party's workforce), restraints or delays affecting carriers, inability or delay in obtaining supplies of adequate or suitable materials, or telecommunication breakdown, or power outage.

DEFAULT/ATTORNEY'S FEES

Purchaser is in default of the Terms and Conditions if any of the following occurs (except as prohibited by law): (i) Purchaser fails to perform any obligation that Purchaser has undertaken in these Terms and Conditions; or (ii) Penn Care, Inc., in good



faith, believes that Purchaser cannot, or will not, pay or perform the obligations it has agreed to in the Terms and Conditions.

If Purchaser defaults, or in the event Penn Care, Inc. brings an action or proceeding to enforce the terms hereof or declare rights hereunder, Purchaser agrees to pay Penn Care, Inc. costs for collecting amounts owing, including, without limitation, court costs, attorney's fees (for attorneys who are not our salaried employees), and fees for repossession, repair, storage, and sale of Vehicles, all without relief from valuation and appraisal laws.

GOVERNING LAW

All of terms and provisions of the agreement and the rights and obligations of the parties hereto shall be interpreted and enforced in accordance with the laws of the State of Ohio.

REMEDIES

If Purchaser is in default of these Terms and Conditions, Penn Care, Inc. shall have all the remedies provided by law in these Terms and Conditions: (i) Penn Care, Inc. may require Purchaser to immediately pay Penn Care, Inc., subject to any refund required by law, the remaining unpaid balance due; (ii) Penn Care, Inc. may require Purchaser to make the Vehicle available to Penn Care, Inc. at a designated place that is reasonably convenient to each party; (iii) Penn Care, Inc. may immediately take possession of the Vehicle by legal process or self-help, but in doing so Penn Care, Inc. may not breach the peace or unlawfully enter onto Purchaser's premises; (iv) Penn Care, Inc. may then sell the Vehicle and apply what it receives as provided by law to Penn Care, Inc. reasonable expenses and then toward Purchaser's obligations; and (v) Except when prohibited by law, Penn Care, Inc. may sue Purchaser for additional amounts if the proceeds of a sale do not pay all of the amounts Purchaser owes to Penn Care, Inc. By choosing any one or more of these remedies, Penn Care, Inc. does not waive its right to use another remedy. By deciding not to use any remedy, Penn Care, Inc. does not give up its right to consider the event a default if it happens again.

<u>PURCHASER</u>	<u>Penn Care, Inc.</u>
Signature: 	Signature: _____
Name/Title: <u>City Manager</u>	Name/Title: _____
Date: <u>2/5/2020</u>	Date: _____

City of Napoleon, Ohio

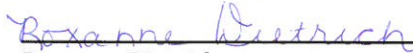
TREE COMMISSION

MEETING AGENDA

Monday, February 17, 2020 at 6:00 pm

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

1. Call to Order
2. Approval of Minutes: January 20, 2020 (In the absence of any objections or corrections, the Minutes shall stand approved.)
3. Tree Commission Mission Statement
4. Review Tree Call Reports
5. Plan Arbor Day Observation
6. Award Spring Topsoil List
7. Award Spring Removals Contract
8. Award Spring Planting Contract
9. Any Other Matters to Come Before the Commission.
10. Adjournment.



Roxanne Dietrich

Executive Assistant to Appointing Authority/Clerk of Council

	<p>it that. Etzler stated a mission statement is usually a sentence or two. Clausing asked if that is something we need to look into. Deblin noted he would look into a mission statement. Etzler asked that this be put on the next agenda. Volkman suggested checking with other cities. Etzler thought Stephanie may have ideas.</p>
Review Annual Budget	<p>Lulfs reported we asked for an additional \$5,000 and did not get that and they took away \$10,000. Fortunately, we don't have very many plantings. Tree removals are as we get notified. We were hoping to concentrate on trimming and the additional funding would have helped with that. We were told this will be a one year cut. We operate through the general fund. We were not the only department that was hit hard.</p>
Review Annual Schedule	<p>Deblin noted this year's agenda items are basically the same as 2019. The only item we added is for the Arbor Day celebration. Etzler suggested to start thinking what group we might want to have. We have had the scouts for several years or we can have another group.</p>
Review Tree Call Reports	<p>Deblin did not have any new tree calls to report.</p>
Finalize Spring Topsoil List	<p>Deblin reported there are 31 different locations with a total of 34 holes. This will catch us up from last year. We have a remedy to our grinding problem. Our spec called for 2', we are recommending to move that back to 12". Lulfs added that was Stephanie's recommendation she even said we could go to 8". Deblin said she recommends just enough to grow grass. This will help our grinding situation tremendously. Lulfs noted the chips are put on a separate file, if anyone asks.</p>
Finalize Spring Removals List	<p>Deblin stated a list has been started. So far there are three trees and ten stumps. Lulfs said many of those stumps are created by our Electric Department. We will check if the Electric Department will pay to have the stumps removed that are created by their tree trimming. It's not a large cost but it is \$350.</p>
Finalize Spring Plantings List	<p>Deblin reported we have a total of 14 trees to be planted at various locations. Thirteen of the trees are in the right-of-way and there is one tree for the Arbor Day Celebration. Etzler asked if we have a place to plant the Arbor Day tree? Deblin said there is a removal in the circle island area at Ritter Park where a tree died. Clausing added at the last meeting and it's in the minutes, Ritter Park was mentioned as a possibility for the Arbor Day tree planting.</p>
Award Spring Trimming Contract	<p>Deblin stated two bids were received. One from All Seasons Tree Removal with one crew at \$159.99/hour. The second bid received was from Tawa Tree Service. Tawa's standard bid with one crew was \$180/hour. They also submitted for an extra bucket truck and an extra guy at \$280/hour. You can look at this as two crews and split in half that's \$140/hour. If we want the extra guy that would be an extra \$85/hour we have done that in the past. Volkman asked if the two trucks work together? Deblin said the chipper truck is either behind or in front. It works quicker. Tawa does a really nice job. Etzler asked where the trimming area is. Deblin said we will start out by the high school, where we left off in the spring. Then they'll head south of the railroad down Glenwood to the Kidz Kingdom area and east of Haley. Etzler stated with two bucket trucks staying in</p>

one area will they should get done quickly. Deblin said from past experience they seem to be more efficient. Our recommendation would be Tawa with two crews. It could be debated if we want the extra ground man. We have used the four-man crew the last two times but that's an extra \$85/hour. Lulfs noted we have received a much better service product from Tawa. All Seasons is difficult to work with. Volkman added there is not a huge window to trim in the Spring.

Second: Volkman

to award the Spring Trimming Contract to Tawa Tree Service for two crews and an extra bucket truck at \$280/hour and to include the extra ground man at \$85/hour.

Deblin stated we are on the fence with All Seasons. They sent a certificate that says they are a certified arborist. We checked online to verify and it does not say they are certified. I reached out to ISA said due to confidentiality reasons they cannot verify if All Seasons is certified or not. Lulfs stated our concern is if they need continuing education requirements and did not comply. We put in their number and nothing showed up in a 100-mile search. Deblin said he left a message with Stephanie at ODNR to see if she had any advice and we did not hear back from her. Lulfs said we were told to use our best judgement. Deblin said I even called the headquarter in Georgia and that was the answer I got.

Roll call vote to award Spring Trimming Contract to Tawa Tree Service.
Yea-Volkman, Haase, Etzler, Clausing, Mires
Nay-

Deblin confirmed that is for two crews with an additional man for a total of \$365/hour

Deblin stated at the last meeting, Jim had a couple of nurseries he wanted us to reach out to. Those were Franz Nursery out of Hamilton, IN and Underwood out of Adrian, MI. Franz Nursery said they would be interested in bidding work if we sent the forms to them. We have not heard back from Underwood yet. Volkman commented Franz Nursery is reputable. They do work in Archbold. Lulfs said at the Tree Academy we brought up the question and it appears everyone is struggling to get contractors to do trimming, plantings and removals. Clausing asked if the Badenhop's responded if they wanted a tree over by the school area. Deblin noted we do not have that one on the list. Lulfs said we can't yet, that is not a public street. We may be able to in the Fall. We will have to wait until it is dedicated. Etzler asked what the timeframe is for dedication? Lulfs explained they have to file record drawings with the City before anything will be approved. The engineering firm is working on that and they will also prepare the plat that is required. Suzette Gerken is hoping to get that before Council within the next month and a bond has to be in place. The utilities put in on Clairmont have to be dedicated. Clairmont is a city street that did not have utilities. Etzler suggested this could possibly be an area for next year's Arbor Day planting.

Motion to Adjourn

Motion: Volkman

Second: Clausing

to adjourn the Tree Commission meeting at 6:32 pm.

Passed

Yea-5

Nay-0

Roll call vote on the above motion:

Yea-Volkman, Haase, Etzler, Clausing, Mires

Nay-

Date Approved:

February 17, 2020

Larr Etzler-Chairman

DRAFT



City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

www.napoleonohio.com

Memorandum

To: Mayor & City Council, City Manager, City Law Director, Interim Finance Director, Department Supervisors, Newsmedia
From: Roxanne Dietrich, Executive Assistant to Appointing Authority/Clerk of Council
Date: February 13, 2020
Subject: Parks & Recreation Committee – Cancellation

The regularly scheduled meeting of the Parks and Recreation Committee for Monday, February 17, 2020 at 6:00 pm has been CANCELED due to lack of agenda items.



NEWLY ELECTED COUNCIL TRAINING PROGRAM

Saturday, February 29, 2020

Saturday, March 21, 2020

Saturday, April 4, 2020

Marriott NE, Mason

Doubletree Columbus/Worthington

Embassy Suites, Independence

- 8:45 a.m. **Registration**
- 9:00 a.m. Home Rule and Local Control
- 9:45 a.m. City & Village Financing Procedures
- 10:30 a.m. Open Meetings/Public Records
- 11:15 a.m. Service Corps Presentations
- 12:15 noon **Lunch**

(After lunch the sessions will be divided into City and Village sessions.)

City Session

- 1:00 – 2:00 p.m. Council Powers and Procedures
- 2:00 – 3:00 p.m. Bidding, Purchasing, and Contracting
- 3:00 - 4:00 p.m. Liability of Municipalities and Municipal Officials

Village Session

- 1:00 – 2:00 p.m. Council Powers and Procedures
- 2:00 – 3:00 p.m. Bidding, Purchasing, and Contracting
- 3:00 – 4:00 p.m. Economic Development



2020 Newly Elected Council Training Series

Registration Form

Registration Begins: 8:30 a.m.

Same Program for Each Location

Municipality: _____

<u>Name</u>	<u>Title</u>	<u>Email (*Required to Register)</u>

Please Choose One

Saturday, February 29, 2020 <input type="checkbox"/> Marriott Northeast Mason, Ohio		Saturday, March 21, 2020 <input type="checkbox"/> Doubletree Columbus/Worthington		Saturday, April 4, 2020 <input type="checkbox"/> Embassy Suites Independence, Ohio	
OML Members	Non- Members	OML Members	Non- Members	OML Members	Non- Members
<input type="checkbox"/> \$75 (Fee includes written materials and lunch) <i>9:00 a.m. - 4:00 p.m.</i>	<input type="checkbox"/> \$125 (Fee includes written material and lunch) <i>9:00 a.m. - 4:00 p.m.</i>	<input type="checkbox"/> \$75 (Fee includes written materials and lunch) <i>9:00 a.m. - 4:00 p.m.</i>	<input type="checkbox"/> \$125 (Fee includes written material and lunch) <i>9:00 a.m. - 4:00 p.m.</i>	<input type="checkbox"/> \$75 (Fee includes written materials and lunch) <i>9:00 a.m. - 4:00 p.m.</i>	<input type="checkbox"/> \$125 (Fee includes written material and lunch) <i>9:00 a.m. - 4:00 p.m.</i>

If you are unsure if your municipality is an OML Member, feel free to contact Zoë at the OML offices.

No. of attendees _____ X (Fee) \$ _____ = Total Enclosed \$ _____

No Show & Refund Policy: Email info@omlOhio.org for cancellations. No refunds will be made unless cancellation is received in writing 7 days prior to the training date. No Refund for "No Shows" **"No Shows" that have not paid and do not cancel will be invoiced.** Mail check with Registration Form or Register & Pay online.

Please Make Check Payable & Return To:

Ohio Municipal League, 175 S. Third Street, Suite 510, Columbus, Ohio 43215; Phone 614-221-4349

AMP Update for Feb. 7, 2020

American Municipal Power, Inc. <webmaster@ampppartners.org>

Fri 2/7/2020 1:44 PM

To: Roxanne Dietrich <rdietrich@napoleonohio.com>

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



Members encouraged to remind scholarship nominees of quickly approaching deadline

By Jodi Allalen - manager of member events and programs

There is only one week left for students nominated for AMP's Scholarship Program to complete their public power test and return their transcript and personal achievement form. Materials must be received by me by Feb. 14. As of today, a significant portion of nominees have yet to complete this process.

Additional information on the AMP Scholarship Program is available on the [member extranet](#) (login required). If you have questions or need assistance, please contact me at jallalen@ampppartners.org or 614.540.0916.

Registration open: Disaster Workshop March 31, Technical Services Conference April 1

By Jennifer Flockerzie- manager of technical services logistics



Electric utility managers, superintendents and technical staff are invited and encouraged to attend AMP's Disaster Workshop (members only) and annual AMP Technical Services Conference on March 31 and April 1, respectively at the Quest Conference Center in Columbus.

During the Disaster Workshop, which will be held prior to the AMP Technical Services Conference, a mock disaster drill facilitated by APPA will be conducted. The exercise is designed to test your community's storm readiness should a wide-scale event impact multiple AMP member utilities. This event is for member community officials only.

The AMP Technical Services Conference provides an opportunity to increase technical understanding and capabilities, learn about new products, strengthen relationships with other members and AMP staff, and exchange ideas with other utilities facing similar challenges.

Vendors are invited to participate in the Vendor's Expo at the AMP Technical Services Conference. The Vendor Expo provides attendees the opportunity to network with the vendors during lunch. Conference attendees will also have an opportunity to attend the Vendor Expo during breaks and throughout the day. Vendors will not be permitted to participate in the Disaster Workshop.

Register for both events [here](#). If you have questions, please contact me at jflockerzie@amppartners.org or 614.540.0853.

AMP to host Economic Development Best Practices webinar Feb. 18

By Jennifer Flockerzie

AMP will be hosting its *Economic Development Best Practices: Site Selection and Megatrends* webinar through the APPA Academy on Feb. 18, 10:30 a.m. to noon.

Instructed by Janet Ady, president/CEO of Ady Advantage, the webinar focuses on how companies make location decisions, what are some of the trends and key drivers, and what communities can do to attract and retain business and jobs. See the full course description [here](#).



This webinar is available at no cost to members. Register for the event [here](#). If you have questions about the webinar, please contact me at jflockerzie@amppartners.org or 614.540.0853.

Public power mourns the loss of Bill Lambert

William "Bill" Lambert, 61, long-time superintendent for the City of Wapakoneta Light Department, passed away on Feb. 2. Bill leaves behind a wife, two children, three grandchildren and long list of friends in the public power community.

Bill served as superintendent for more than 30 years and was a great advocate of public power. He was a strong supporter of the AMP Mutual Aid Program, and was always quick to answer the call of other communities in need. He was elected as an OMEA Honorary Member in 2011. He will be sorely missed.

A service was held for family and friends on Feb. 6. In lieu of flowers, memorial contributions may be directed to the V.F.W Post 8445 or American Legion Post 330, where he was an active member. Condolences may be expressed to the family [here](#).



Members encouraged to participate in APPA Customer Service Policies Survey

By Zachary Hoffman - communications and public relations specialist

The American Public Power Association (APPA) is currently conducting its 2019-2020 Customer Service Policies Survey for public power utilities and AMP member communities are encouraged to participate. Communities that participate in the survey will receive an electronic copy of the final report of survey findings.



The survey will take around one hour to complete, but participants can save their progress and complete it at any time. If you would like to review all of the survey questions in advance, click [here](#).

If you are willing to participate, the survey can be completed [here](#). The deadline to submit a completed survey is Feb. 28. If you have questions or need assistance, please contact LeAnne Sinclair at lsinclair@publicpower.org or 202.467.2973, or Ana Mejia at amejia@publicpower.org or 202.467.2976.

AMP hosts City of Clyde for tour of AFEC



On Jan. 31, AMP staff hosted Clyde City Manager Paul Fiser, Clyde Electric Superintendent Cory Lachner and several other members of the Clyde Electric Department for a tour of the AMP Fremont Energy Center (AFEC). The City of Clyde is an AFEC Project Participant, and the tour provided them with an opportunity to see the inner workings of the natural gas combined cycle facility.

January 2020: Mild weather and even milder prices

By Mike Migliore - vice president of power supply planning

The warm temperatures during January led to an abundance of natural gas, which drove both gas and power prices down to 2002 levels. It's been over 200 months since we saw prices as low as they were in January 2020. The month's highest price of only \$51/MWh occurred on January 17 during the 9 a.m. hour. On the other hand, prices were below \$20/MWh for 275 hours (37 percent) of the month. Congestion throughout PJM remained low, which is rare for the winter. Congestion from A/D Hub to Virginia was negative in 2020, compared to just two years ago when in January 2018 congestion to Blue Ridge in Virginia averaged \$35/MWh for the month.

AVERAGE DAILY RATE COMPARISONS			
	January2020 \$/MWh	December2019 \$/MWh	January2019 \$/MWh
A/D Hub 7x24 Price	\$22.10	\$23.39	\$30.99
PJM West 7x24 Price	\$22.03	\$23.63	\$33.57
A/D to AMP-ATSI Congestion/Losses	-\$0.09	\$0.28	\$1.26
A/D to Blue Ridge Congestion/Losses	-\$0.14	\$0.21	\$0.81
A/D to PJM West Congestion/Losses	-\$0.07	\$0.24	\$2.58
PJM West to PP&L Congestion/Losses	-\$1.92	-\$1.81	-\$1.84
MISO to A/D Hub Congestion/Losses	\$0.96	\$1.86	\$3.43

Energy market update

By Jerry Willman - assistant vice president of energy marketing

The March 2020 natural gas contract increased \$0.001/MMBtu to close at \$1.862 yesterday. The EIA reported a withdrawal of 137 Bcf for the week ending Jan. 31, which was above market expectations of -127 Bcf. The year-ago withdrawal was 228 Bcf and the five-year average was -143. Storage is now 2,609 Bcf, 31 percent above a year ago and 8 percent above the five-year average. The winter withdrawal running total of -1123 Bcf compares to the five-year average of -1320.

On-peak power prices for 2021 at AD Hub closed yesterday at \$30.15/MWh, which increased \$0.25/MWh for the week.

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

Week ending Feb. 7

MON	TUE	WED	THU	FRI
\$20.57	\$19.75	\$22.04	\$23.83	\$24.81

Week ending Jan. 31

MON	TUE	WED	THU	FRI
\$25.27	\$24.17	\$27.73	\$27.26	\$25.31

AEP/Dayton 2021 5x16 price as of Feb. 6 — \$30.15

AEP/Dayton 2021 5x16 price as of Jan. 30 — \$29.90

AFEC weekly update

By Jerry Willman

The AMP Fremont Energy Center (AFEC) operated in 1x1 configuration for the week, CT1 remained offline for repairs. PJM cleared the plant offline overnight for the off-peak hours Monday through Thursday based on day-ahead economics. For the week, the plant generated at a 42 percent capacity factor (based on 675 MW rating).

Security tip - Coronavirus phishing attacks

By Jared Price - vice president of information technology and CTO

The global threat of the coronavirus has everyone's attention, and the cybercriminals are already taking advantage of it. The bad guys are using the coronavirus as clickbait so they can spread malware and steal your personal information.

They have crafted their phishing emails to look like they're coming from health officials, doctors or national agencies, such as the Center for Disease Control and Prevention. Some of these emails suggest clicking a link to view information about "new coronavirus cases around your city." Other emails suggest downloading the attached PDF file to "learn about safety measures you can take against spreading the virus." Don't fall for it! If you click the phishing link, you are brought to a webpage that is designed to steal your personal information. If you download the PDF file, your computer will be infected with malware.

Always remember: Never click on a link or download an attachment that you weren't expecting. Because of the alarming subject matter, the bad guys expect you to click or download without thinking. Stay alert and don't be a victim!



AMP welcomes two new employees

By Tracy Reimbold - vice president of human resources and administrative services

Caleb Byrley joined AMP on Feb. 3 as IT business manager. In this role, Byrley will serve as the central point of contact in the IT Department for the purposes of purchasing and procurement, budgets, reporting, strategic planning and more.

Prior to joining AMP, Byrley served as IT consultant for Perspecta, formerly known as Hewlett Packard Enterprise Services. He holds a bachelor's degree in computer information systems from DeVry University and is an IBM FileNet P8 Certified Professional.



Kimberly Magovac joined AMP on Feb. 3 as director of transmission project management. In this role, Magovac will manage the execution of AMPT construction projects, overseeing project budgets, schedules, consultants, constructors, permitting, right-of-way acquisitions, construction and close-out activities.




Prior to joining AMP, Magovac served as project manager for the Ohio Facilities Construction Commission and was previously the traffic safety engineer for the City of Columbus Department of Public Service. She holds a bachelor's degree in civil engineering from the University of Toledo and a master's degree in civil engineering from The Ohio State University.

Please join me in welcoming Caleb and Kimberly to AMP!


FOCUS FORWARD 2020 WEBINAR SERIES

Register by clicking this schedule or contact Erin Miller, director of energy policy and sustainability at 614.540.1019 or by email at emiller@amppartners.org.



- March 9, 2-3 p.m.
Communicating with Customers — social media and more
- May 14, 2-3 p.m.
EVs for Your Fleet
- July 21, 2-3 p.m.
Beyond Electrons — social engineering services for customers
- September (during AMP/OMEA Annual Conference)
Rate Design — what do customers want and need
- November 10, 2-3 p.m.
EV Rate Design and Managing Demand

The Focus Forward Advisory Council has identified these topics to help educate and inform AMP's members about emerging industry trends and to prepare for further integration of distributed energy resources.



THE ACADEMY
Webinars

AMERICAN PUBLIC
POWER ASSOCIATION

2020

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www.PublicPower.org
under Education & Events.

Non-members can enter
coupon code **AMP** to
receive the member rate.





DON'T FORGET TO REGISTER

APPA 2020
Legislative Rally
Feb. 24-26
Washington, D.C.

AMP TRAINING SERIES:

Register for these upcoming courses

Economic Development Best Practices webinar

Date: Feb. 18

Disaster Workshop

Prerequisite: None

Date: March 31

Class length: One day

Location: Quest Conference Center, 8405 Pulsar Place, Columbus

AMP Technical Services Conference

Date: April 1

Class length: One day

Location: Quest Conference Center, 8405 Pulsar Place, Columbus

Cost: \$120

Journeyman Refresher - Transformers

Prerequisite: Must be a lineworker for three years

Date: May 27-28

Class length: Two full days

Location: AMP Headquarters – Columbus

Size: Limited to 20

Cost: \$500

For a complete schedule and full details of the 2020 training courses, see the 2020 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



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 Cuyahoga Falls seeks applicants for electrical engineer

The City of Cuyahoga Falls is seeking a highly qualified individual for the position of electrical engineer.

Job Objective

Under the general supervision of the electric utility superintendent, is responsible for the application, design and documentation of electrical equipment and projects in the City of Cuyahoga Falls' distribution system. Performs various technical and engineering tasks related to the city's electric substation, transmission and distribution systems. Works closely with other departments and contractors including the IT Department in planning, developing, implementing and troubleshooting a wide variety of technical issues and projects. Ensures engineering designs and their applications are compliant with code and standards set forth by the appropriate authoritative bodies. Responsible for project planning, support of field operations, staff management and implementation of projects within the Electric Department.

Minimum Qualification

Bachelor's degree (or higher) in electrical engineering from an accredited university with at least a year's worth of co-op experience or at least five years of technical engineering-related experience or any combination of education and experience that provides the required skills and abilities. Engineering intern (EI or EIT) professional certification preferred. Having all the listed knowledge is a plus. Must be able to obtain and secure a Project Management Professional (PMP) certification within the first 12 months of employment.

Candidates must be a non-smoker and non-tobacco user, including but not limited to cigarettes, cigars, pipes, snuff, etc. for the duration of their employment with the City of Cuyahoga Falls.

Additional Information

Starting annual salary is \$79,650. After five successful years in the position, the annual salary is \$102,575.

The typical workweek is Monday - Friday; 8 a.m. to 5 p.m.

How to Apply

Interested candidates must submit a City of Cuyahoga Falls Civil Service Application and detailed resume to the Human Resources Department. Applications can be found online at www.cityofcf.com.

NO FEE IS REQUIRED TO APPLY FOR THIS POSITION.

Deadline for applications is February 19, 2020.

Applications can be submitted in person or mailed to:

City of Cuyahoga Falls
Attn: Civil Service Commission
2310 Second St.
Cuyahoga Falls, Ohio 44221

City of Dover seeks applicants for licensed power plant maintenance worker

The City of Dover is seeking applicants for the position of licensed power plant maintenance worker. This position requires a Stationary Engineer's License, Third Class issued by the State of Ohio. Under the direction of the operating engineer or stationary fireman, in the absence of the superintendent or assistant superintendent, performs work connected with the operation of a power plant on an assigned shift. Takes hourly temperature and pressure readings of equipment in the condenser room. Checks pumps and equipment in the condenser room. Checks and cleans trash screens at the cooling water inlet. Assists the operating engineer and stationary firemen in starting and stopping boilers and turbines. Reports any irregularities to the engineers or firemen. Runs lab tests on water samples. Operates dump truck, operates coal handling equipment, operates water treatment equipment, pulls ashes and performs lubrication maintenance on all equipment. Ability to follow orders as given and exercise good judgment in emergencies.

The position requires some knowledge of common labor methods and practices, some knowledge of existing hazards and safety precautions of the work and a desire to learn the duties inherent in the operation of a power plant. Ability to carry out verbal and written instructions and to establish and maintain

a good working relationship with others. Pay rate is \$24.43 per hour. Deadline to submit applications is Feb 14. Learn more [here](#).

City of Orrville seeks applicants for lineworker

The City of Orrville Department of Utilities is seeking applicants for the position of lineworker. This position will act as ground person, prepare materials for higher level lineworkers, observe activities around energized circuits, work on dead or low voltage circuits, stock trucks and handle other duties related to construction and maintenance of power lines. Candidates must be willing to attend training to prepare to advance. Civil Service position, filled by application for written and practical exam only. High school diploma or equivalent, must have special training/experience in linework including verifiable training in climbing, valid Ohio drivers license, must obtain CDL within six months of hire. Military preference with DD-214. The exam is open to all citizens and those who have legally declared their intentions of becoming citizens.

City of Orrville application must be completed and returned the City of Orrville Human Resources Office, 207 N. Main St, Orrville, by Feb. 10, 5 p.m. Applications and more details available at www.orrville.com. \$22.76-\$28.46 plus benefits. The City of Orrville will not consider for employment nor hire any individual who smokes or uses any form of tobacco products.

City of Oberlin seeks applicants for journeyman lineworker

The City of Oberlin is accepting applications for a journeyman lineman position in the Distribution Division of the Oberlin Municipal Light & Power System (OMLPS)/Electric Department. Duties include the operation, maintenance and routine construction of the electric distribution system.

Minimum Qualifications include a high school diploma or equivalent, successful completion of journey line worker apprenticeship program, and four years of experience as apprentice lineman, or an equivalent combination of education and experience which provides the skills and abilities necessary to perform the job. Valid State of Ohio Driver's License, valid Ohio Class A Commercial Driver's License and Journeyman Line Worker Certification required. Starting Hourly Rate is \$27.35-\$34.19/Hour, depending on qualifications.

Applications and full job description are available at www.cityofoberlin.com and at Oberlin City Hall (85 S. Main St., Oberlin, Ohio 44074). Applications may be returned via email to: hr@cityofoberlin.com Or mailed to: City of Oberlin Human Resources Department, 85 S. Main St., Oberlin, OH 44074.

City of Cleveland seeks applicants for electric transmission SCADA engineer

The City of Cleveland is seeking applicants for the position of electric transmission SCADA engineer. Under the direction of the superintendent of purchase power, maintains Cleveland Public Power's (CPP) supervisory control and data acquisition (SCADA) system and associated systems. Interfaces with CPP's SCADA maintenance contractor, maintains current system licenses, troubleshoots, as well as installs and integrates hardware and software updates and enhancements. Develops, designs, programs and troubleshoots applications specific to the CPP SCADA system and associated systems. Prepares and delivers related training materials for transmission operators. Troubleshoots and maintains local desktops and other peripheral equipment as well as remote SCADA equipment including remote terminal units and associated communications systems. Troubleshoots and maintains functionality relating to recording power flows in and out of the CPP system. Schedules wholesale power deliveries and communicates with PJM Interconnection, the regional transmission authority. Troubleshoots and maintains SCADA functions relating to trouble operations such as opening and closing circuits and starting generators and other equipment. Performs other related duties as required. Salary: \$31,200-\$101,920 annually.

A high school diploma or GED is required. A bachelor's degree in engineering, information technology or computer science is required. Three years of full time paid experience designing, implementing, documenting and maintaining SCADA and control systems and components for electric power and distribution networks is required (Substitution: Two years of full time paid experience may substitute for each year of college education lacking). Must be knowledgeable and experienced in working with computer networks and their configurations, communications systems technology, data management and

infrastructure security. Must have demonstrated experience troubleshooting and resolving issues on critical equipment. Must be able to be on call to assist in system emergency operations at all hours. A valid State of Ohio driver's license is required.

Town of Bedford seeks applicants for assistant right-of-way supervisor

The Town of Bedford is seeking applicants for the position of assistant right-of-way supervisor. Applicants must be experienced in trimming, climbing and working around electric hazards. Class A CDL required and the ability to operate a bucket truck, chain saws and other right-of-way clearing equipment. Ability to supervise right-of-way crew and promote on the job safety. Compensation based on experience and skill level. Salary up to \$45,760 annually with benefits package to include health insurance, retirement, life insurance and annual leave.

Applications are available online at www.bedfordva.gov. Submit a completed town application online or mail to: Human Resources, 215 E. Main St., Bedford, VA 24523. Applications will be accepted until the position is filled. Resumes alone are not accepted and must be sent in with application. EOE

Qualifications

Must have a Class A CDL (or obtain a CDL in first year of employment) and be experienced right-of-way trimmer.

Opportunities available at AMP

AMP is seeking applicants for the following positions:

Director of risk and internal controls

Systems engineer (AMI/MDMS)

Environmental services intern

American Municipal Power, Inc.

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www.amppartners.org

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