



# City of Napoleon, Ohio

P.O. Box 151 ~ 255 West Riverview Avenue  
Napoleon, OH 43545  
Telephone: (419) 592-4010 Fax: (419) 599-8393

## 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:** March 16, 2020  
**Subject:** General Information

### CALENDAR

### CITY COUNCIL MEETING AGENDA

### APPROVAL OF MINUTES

March 2, 2020 Regular Council Meeting Minutes

### INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **Resolution No. 009-20**, a Resolution Authorizing the Expenditure of Funds over Twenty-five Thousand Dollars (\$25,000) for the Purpose of Purchasing Two (2) Replacement Vehicles for the City of Napoleon Police Department, and to Award said Purchase to Mathews Ford Oregon; and Declaring an Emergency (Suspension Requested)
2. **Resolution No. 010-20**, a Resolution Authorizing Contracts with the Townships of Napoleon, Harrison, Freedom, and the Village of Florida, and Henry County South Joint Ambulance District for Fire Service and/or Emergency Medical Service Commencing April 1, 2020; and Declaring an Emergency
3. **Ordinance No. 011-20**, an Ordinance Amending Ordinance No. 088-19 Regarding the Composition and Compensation of Certain City of Napoleon Position Classifications in and for the Year 2020; and Declaring an Emergency

### SECOND READINGS OF ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 007-20**, an Ordinance Amending Certain Sections of Chapter 925 of the Codified Ordinances of the City of Napoleon, specifically Section 925.13 "Waste Collection Rates," and Section 925.16 "Purchase of Tags and Utility Payments," and Repealing Ordinance No.(s) 067-12 and 028-95

### THIRD READINGS OF 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



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

1. **Discussion/Action:** Review/Approval of the Power Supply Cost Adjustment Factor for March, 2020 as PSCAF 3-month Averaged Factor \$0.01668; JV2 -\$0.005426 – *the March 2020 billing determinant reports are enclosed.*  
*Included in the packet are the draft minutes from the Planning Commission meeting for items 2, 3, 4 and 5.*
2. **Discussion/Action:** Recommendation from Planning Commission to Approve PC 20-01- Subdivision Replat-to Combine Two Parcels to Build a New Optometrist Office (Damira, LLC-Brian Bostelman)
3. **Discussion/Action:** Recommendation from Planning Commission to Approve PC 20-02 – Subdivision Replat-to Combine Two Parcels to Build a Love's Truck Stop
4. **Discussion/Action:** Recommendation from Planning Commission to Approve PC 20-03 – Alley Vacation at the end of Fair Street for a Potential Residential Development (Kahle Design and Build)
5. **Discussion/Action:** Recommendation from Planning Commission to Approve PC 20-04 – Conditional Use Permit at 2269 Scott Street to Build a Planned Commercial Development
6. **Discussion/Action:** Appointments to Tax Review Board
7. **Discussion/Action:** on Purchasing Equipment through the NPPGov Cooperative Purchasing Contract for the Napoleon Aquatic Center – *the enclosed Memorandum from Tony Cotter explains this request.*
8. **Discussion/Action:** Approval to Enter into an Agreement for Professional Design Services with Peterman Associates for the American Road and Oakwood Avenue Improvements Project - *please see the attached Memorandum from Chad*
9. **Discussion/Action:** Approval to Enter into an Agreement for Professional Design Services with Stantec Consulting Services Inc. for the 2020 GIS Implementation Services – Phase III – *a Memorandum from Chad is enclosed regarding this project.*
10. **Discussion/Action:** on Request for Proposal for Banking Services
11. **Discussion/Action:** on Special Council Meeting/Public Forum set for Tuesday, March 24, 2020
12. **Discussion/Action:** First Quarter Budget Adjustments (Refer to Finance and Budget Committee)
13. **Discussion/Action:** CDBG Target of Opportunity: Downtown Revitalization Grant (direct Law Director to draft Legislation)
14. **Discussion/Action:** ODOT Salt Contract Participation (direct Law Director to draft Legislation)

## **INFORMATIONAL ITEMS**

1. Cancellation - Park and Recreation Committee meeting
2. Agenda – Tree Commission meeting, Monday, March 16<sup>th</sup> at 6:00 pm
3. Chad asked that I pass along that the Tree Commission Academy Graduation Ceremony has been suspended by the Governor.



## March 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
<b>1</b>	<b>2</b>  7:00 pm City Council	<b>3</b>	<b>4</b>  6:30 pm Park & Rec Board	<b>5</b>	<b>6</b>	<b>7</b>
<b>8</b>	<b>9</b>  <del>6:15 pm</del> Electric Committee <del>      </del> BOPA <del>7:00 pm</del> Water/Sewer <del>      </del> Committee <del>7:30 pm</del> Muni Prop/ED <del>      </del> Committee	<b>10</b>  <del>4:30 pm</del> Board of Zoning 5:00 pm Planning Commission	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>
<b>15</b>	<b>16</b>  6:00 pm Tree Commission <del>6:00 pm</del> Parks & Rec Comm.  7:00 pm City Council	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>	<b>21</b>
<b>22</b>	<b>23</b>  6:30 pm Finance and Budget Committee Mtg.  7:30 pm Safety & Human Resources Comm. Mtg.	<b>24</b>  5:00 pm – 8:00 pm Special Council Meeting / Public Forum @Oberhaus Park	<b>25</b>  6:30 pm Special Joint Meeting Park & Rec Board and Pool Commission	<b>26</b>	<b>27</b>	<b>28</b>
<b>29</b>	<b>30</b>	<b>31</b>  5:00 pm Special Planning Commission Meeting				



## CITY COUNCIL

### AMENDED MEETING AGENDA

**Monday, March 16, 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)  
March 02, 2020 Council Meeting Minutes.

**D. Citizen Communication**

**E. Reports from Council Committees**

1. **Electric Committee** meeting for March 9, 2020 was canceled at the direction of the chair
2. **Water, Sewer, Refuse, Recycling and Litter Committee** meeting scheduled for March 9, 2020 was canceled at the direction of the chair
3. **Municipal Properties, Building, Land Use and Economic Development Committee** meeting for March 9, 2020 was canceled due to lack of agenda items
4. **Parks and Recreation Committee** did not meet tonight due to lack of agenda items

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

1. **Parks and Rec Board** met on Wednesday, March 4, 2020 and was updated on the Napoleon Aquatic Center
2. **Board of Public Affairs** March 9, 2020 meeting was canceled at the direction of the Chair.
3. **Board of Zoning Appeals** was canceled due to lack of agenda items.
4. **Planning Commission** met on March 10, 2020; and
  - a. **PC 20-01 – Subdivision Replat** - approved the request filed by Damira, LLC, (Brian Bostelman) for the approval of a Subdivision Replat to combine two parcels in order to build a new optometrist office.
  - b. **PC 20-02 – Subdivision Replat** – approved the request filed by Roserock Holdings, LLC (Chad Bruner) for the approval of a Subdivision Replat to combine two parcels in order to build a Love's Truck Stop.
  - c. **PC 20-03 – Alley Vacation** – approved the request filed by Kahle Design and Build (Dave Kahle) to vacate an alley at the end of Fair Street for a potential residential development.
  - d. **PC 20-04 – Conditional Use Permit - 2269 Scott Street** – approved the request filed by Ridi Reio, LLC (Dan DerghamRidi) for a Conditional Use Permit to have a Planned Commercial Development.

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

1. **Resolution No. 009-20**, a Resolution Authorizing the Expenditure of Funds over Twenty-five Thousand Dollars (\$25,000) for the Purpose of Purchasing Two (2) Replacement Vehicles for the City of Napoleon Police Department, and to Award said Purchase to Mathews Ford Oregon; and Declaring an Emergency (*Suspension Requested*)
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3. **Ordinance No. 011-20**, an Ordinance Amending Ordinance No. 088-19 Regarding the Composition and Compensation of Certain City of Napoleon Position Classifications in and for the Year 2020; and Declaring an Emergency

**H. Second Readings of Ordinances and Resolutions**

1. **Ordinance No. 007-20**, an Ordinance Amending Certain Sections of Chapter 925 of the Codified Ordinances of the City of Napoleon, specifically Section 925.13 "Waste Collection Rates," and Section 925.16 "Purchase of Tags and Utility Payments," and Repealing Ordinance No.(s) 067-12 and 028-95



**I. Third Readings of 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

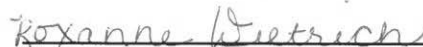
**J. Good of the City** (Any other business as may properly come before Council, including but not limited to):

1. **Discussion/Action:** Review/Approval of the Power Supply Cost Adjustment Factor for March, 2020 as PSCAF 3-month Averaged Factor \$0.01668; JV2 -\$0.005426
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14. **Discussion/Action:** ODOT Salt Contract Participation (direct Law Director to draft Legislation)

**K. Executive Session** (as may be needed)

**L. Approve Financial Reports and Payment of Bills** (In the absence of any objections or corrections, the financial reports and payment of bills 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 (1<sup>st</sup> Monday)**  
*(Next Regular Meeting: Monday, April 6, 2020 @6:15 pm)*
2. **Electric Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, April 13, 2020 @6:15 pm)*
  - a. Review of Power Supply Cost Adjustment Factor for April 2020
  - b. Update on Substations
  - c. Electric Department Report
3. **Water, Sewer, Refuse, Recycling & Litter Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, April 13, 2020 @7:00 pm)*
  1. Update on Wastewater Treatment Plant Phase 1 Project (Tabled)
4. **Municipal Properties, Buildings, Land Use & Economic Development Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, April 13, 2020 @7:30 pm)*
5. **Parks & Recreation Committee (3<sup>rd</sup> Monday)**  
*(Next Regular Meeting: Monday, March 16, 2020 @6:00 pm)*
6. **Finance & Budget Committee (4<sup>th</sup> Monday)**  
*(Special Meeting: Tuesday, March 24, 2020 @4:45 pm)*
7. **Safety & Human Resources Committee (4<sup>th</sup> Monday)**  
*(Next Regular Meeting: Monday, March 23, 2020 @7:30 pm)*
8. **Personnel Committee (as needed)**

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

1. **Board of Public Affairs (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, April 13, 2020 @6:15 pm)*
  - a. Review of Power Supply Cost Adjustment Factor for April 2020
  - b. Update on Substations
  - c. Electric Department Report
  - d. Update on Wastewater Treatment Plant Phase 1 Project
2. **Board of Zoning Appeals (2<sup>nd</sup> Tuesday)**  
*(Next Regular Meeting: Tuesday, April 14, 2020 @4:30 pm)*
3. **Planning Commission (2<sup>nd</sup> Tuesday)**  
*(Next Regular Meeting: Tuesday, April 14, 2020 @5:00 pm)*
4. **Tree Commission (3<sup>rd</sup> Monday)**  
*(Next Regular Meeting: Monday, March 16, 2020 at 6:00 pm)*
5. **Civil Service Commission (4<sup>th</sup> Tuesday)**  
*(Next Regular Meeting: Tuesday, March 24, 2020 @4:30 pm)*
6. **Parks & Recreation Board (Last Wednesday)**  
*(Next Regular Meeting: Wednesday, March 25, 2020 @6:30 pm; special Joint Meeting with Aquatic Commission)*
7. **Privacy Committee (2nd Tuesday in May & November)**  
*(Next Regular Meeting: Tuesday, May 12, 2020 @10:30 am)*
8. **Records Commission (2<sup>nd</sup> 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, March 02, 2020 at 7:00 pm

**PRESENT**

Councilmembers	Joseph D. Bialorucki-Council President, Daniel L. Baer-Council President Pro-Tem, 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	David Mack- Chief of Police; Clayton O'Brien, Fire Chief; Chad E. Lulfs, P.E., P.S.-Director of Public Works; Dennis P. Clapp, Electric Dist. Superintendent
Admin. to Appointing Authority/Clerk of Council	Roxanne Dietrich
Others	News Media

**ABSENT**

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**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

Hearing no objections or corrections, the minutes from the February 17, 2020 City Council meeting were approved as presented.

**CITIZEN COMMUNICATION**

None.

**REPORTS FROM COUNCIL COMMITTEES**

**Finance and Budget Committee** did not meet on February 24, 2020 due to lack of agenda items.

Chairman Baer reported the **Safety and Human Resource Committee** met on Monday, February 24, 2020 with the townships and the Henry County South Joint Ambulance District. The topic of discussion was to review the fire and EMS costs and revenues for the townships, the Henry County South Joint Ambulance District and the Village of Florida.

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

**INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS**

**Ordinance No. 007-20 – Amending Waste Collection Rates and Purchase of Tags and Utility Payments**

Council President Bialorucki read by title Ordinance No. 007-20, an Ordinance Amending Certain Sections of Chapter 925 of the Codified Ordinances of the City of Napoleon, specifically Section 925.13 "Waste Collection Rates" and Section 925.16 "Purchase of Tags and Utility Payments" and Repealing Ordinance No.(s) 067-12 and 028-95.



## Second: Durham

Roll call vote on the above motion:

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

Nay-

**Ordinance No. 008-20 – Amending Composition and Control of Police Department**

Council President Bialorucki read by title Ordinance No. 008-20, an Ordinance Amending Section 145.01 of the City of Napoleon, Ohio Codified Ordinances, "Composition and Control of the Police Department," Increasing the Composition of the Police Department and Repealing Ordinance No. 013-06 and Declaring an Emergency

## Second: Haase

Mazur reported this is a cleanup item from when we added the Safety Resource Officer (SRO) position. We did not address updating the ordinance at that time and so, this is a request to update the Ordinance. If you do not want to suspend the rules now I would request that we suspend the rules at the next meeting so we can complete the hire as we have gone through the interview process and are ready to make a selection.

Second: Haase

Roll call vote on the above motion:

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

Nay-

**Yea-6, Nay-0. Motion Passed.**

Roll call vote to pass Ordinance No. 008-20 Under Suspension and Emergency

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

Nay-

**Yea-6, Nay-0. Motion Passed.**

## SECOND READING OF ORDINANCES AND RESOLUTIONS

**Ordinance No. 005-20 – ODOT Repair Project (Scott Street and US 24)**

Council President Bialorucki read by title Ordinance No. 005-20, an Ordinance Approving an ODOT Repair Project; and Declaring an Emergency.



Second: Siclair

Second: Siclair

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Roll call vote to pass Resolution No. 004-20 on third read:

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

Nay-

Yea-6, Nay-0. **Motion Passed.**

### **GOOD OF THE CITY**

#### **Award of the East and West Graceway Drive Improvements Project**

Mazur stated this is for award of the East and West Graceway Drive Improvements Project. We estimated the project would be around \$465,000 and the lowest bid came in at \$429,999.10. We are well under the budget. We did bid this last year but did not award it. Last year's low bid was \$445,000. So, we have a little bit of savings this year. Mazur asked Lulfs if this had anything to do with the timing of the bid? Lulfs replied "no". Helms did not bid this project last year. They have recently started bidding some of our projects and I think that's part of it. The other bids we're actually a little higher. This is a busy year for contractors. We didn't have any issues with Helms last year. Mazur noted we are going to avoid Fair Week if at all possible. Lulfs added the completion date for the project is July 25, 2020.

Motion: Durham

Second: Baer

to award the East and West Graceway Drive Improvements Project to Helms & Sons Excavating, Inc. for \$429,999.10

Roll call vote on the above motion

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

Nay-

Yea-6, Nay-0. **Motion Passed.**

#### **Approval of Specifications for a Mini-Excavator for the Electric Department**

Mazur said this is to bid on a mini-excavator for the Electric Department that was in the budget.

Clapp explained why the Electric Department needs this. For several years we've been going into people's yards, the trencher we are using now is hard to get into certain areas. This trencher will go through a 42" gate. Another thing, it is not on wheels, it is a rubber track and will make less damage/ruts to people's yards. There is a lot of underground in the city that we need to be changing out and we will be using it a lot. Our guys did get a bunch of different kinds in and they looked online regarding what brand has more breakdowns and is hard to get parts for and they want a Kubota. We are bidding the mini-excavator out and I'm sure there may be some bringing others that are lower but whether they meet the specs and whether they get accepted will be a call after it is bid out. Maassel asked do you have a trailer to get it from the garage to the site? Clapp said we have a large trencher we can take off and use our large trencher trailer or we can borrow the one that Operations has until down the road we can buy a trailer. Bialorucki asked if your guys have to get certified to use it or are they already? Clapp said they will send someone out to go through everything.

Motion: Comadoll

Second: Haase

to approve the specifications and bid out the mini-excavator for the Electric Department

Roll call vote on the above motion:

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

Nay-

Yea-6, Nay-0. **Motion Passed.**

#### **Purchase of Vehicles for the Police Department**

Mazur said we budgeted to replace two police vehicles this year and in your packet was a memo. Chief Mack explained we budgeted \$96,800 for our two vehicles. Typically, there's a state bid and I usually look at two local dealers. Mathews Oregon Ford which is just about ten minutes closer was able to beat the state bid. Their price was \$33,465 and the state bid was \$33,540. Mathews Oregon Ford will do the outfitting as well with P&R







general questions and there have been times we had to come back and gather some different information and that's what the memo was that I sent out today for them. The contract will go live on April 1, 2020 so I would say that you still move forward having the Law Director draft the legislation, because by the time we actually get the contracts back signed its usually June or July before that happens. From the way that I took the meeting, I didn't see any concerns of not entering into those contracts. Baer confirmed we are going to send the townships a copy of the information you shared with Council and your memo. Mazur said there was a question about meeting quarterly on this. If they have specific questions we can we can update them quarterly internally. Should it warrant a need to schedule a Safety and Human Resources Committee meeting, we can do that.

Motion: Baer

Second: Comadoll

to direct the Law Director to prepare legislation and contracts for the Fire and EMS contracts with the townships, Henry County South Joint Ambulance Districts and the Village of Florida

Roll call vote on the above motion

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

Nay-

Yea-6, Nay-0. **Motion Passed.**

#### **AROUND THE TABLE**

**Bialorucki** - I will start with some bittersweet news that I received from Councilman Jeff Mires today. Jeff sent us an email with his resignation due to the fact that he was appointed to the Henry County Commissioners spot filling Tom VonDeylen's place. Jeff writes, Council President, Members of Council, Mr. Mayor and Appointed Authorities: On Thursday, February 20, 2020 I was selected by the Henry County Republican Party Central Committee to fill the vacancy of retiring Henry County Commissioner Tom VonDeylen. I will be sworn into office as the next Henry County Commissioner on Thursday, March 5, 2020. Therefore, I will resign my seat on Napoleon City Council effective Wednesday, March 4, 2020. Since taking office in June, 2016, I have thoroughly enjoyed my time serving the residents of the City of Napoleon. It has been a great honor working with the Mayor, all council members, the clerk and all three appointed authorities, to make the city an even greater place to live, work and raise a family. I strongly believe the city's greatest assets are the employees of the city. It has been a privilege to get to know and work alongside with each and every city employee. I sincerely feel the city is a much better place than when I took office. There have been many accomplishments during my three years and eight months on council: JAC Products, Loves Travel Truck Stop, Paul Martin and Sons, West View Villas Housing, new Senior Housing and the new City Swimming Pool, just to name a few. Every employee of the city truly deserves credit for making each of these historic achievements possible. I thank-you from the bottom of my heart for the time that we have had together in making the city a much better place and for the great friendships that I have created. I look forward to working with the city in my new position as Henry County Commissioner. Sincerely, Jeff Mires  
Bialorucki-I know he's not here right now but, Jeff deserves a round of applause for the excellent job he's done.

#### **MIRES RESIGNATION**

Motion: Siclair

Second: Haase

to accept the resignation of Jeff Mires from City Council

Roll call vote on the above motion

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

Nay-

Yea-6, Nay-0. **Motion Passed.**

**Bialorucki**-continued. This past Wednesday, there was a snowstorm and an accident happened between Napoleon and Liberty Center. Myself, the Mayor, Joel and Lori were on our way back from the airport coming back from our trip to DC and I turned on my police scanner because I had heard there was some accident on 24 and I wanted to see if we needed to reroute, go a different way. When we were listening we heard there's a crash with two or three semis one on top of another. I think we listened for probably 45 minutes. Just listening to the



coordination between the Napoleon Fire Department, the volunteers, Liberty Center and others and the heroic braveness of at least one firefighter, which I'm sure you know who it is now, that we didn't know got into the cab of the truck that had another truck on top of it to help the victim in there. Chief O'Brien do you want to add a little bit, you read the report. Chief O'Brien said *I did*. We did talk about that a little bit it was *that's just our normal work*. I mean that's just our normal business so I thought it was pretty nice that you guys were actually listening to that radio traffic. It really meant a lot to us to know that you guys are actually listening or caring what our people are doing. What I had said to Joe, in the past if I would have asked any of my people about it, it would have just been they had another call, it would have been just like that you know we had a crash on 24. It's just nonchalant that's what they do every day. What I was told about the incident and after reading about it, just goes back to the training. The training of the department is what changes everything on how we can respond to any of those calls and to be able to be make a difference in when that happens. So, whether it be our safety or the safety of the individual or making the difference on whatever call that was so in this case. It really worked out nice to be able to assist Liberty Center in that call. They needed some help with some extrication tools that we have which would be our jaws of life or our cutters or the RAM things like that that will help support the vehicle that's crashed and in that case it was a couple semis. Bialorucki - great job. We really appreciate that. I know it was very tense for us just listening and trying to imagine what they were going through so just let them know that we appreciate everything they do. Chief O'Brien-I will definitely pass that along and like I said, I really appreciate you guys taking the time to listen and I'm glad that it worked that we were able to get the radio traffic out being on the new radio system. I know that was one thing we talked about a while ago people not being able to listen to that traffic. So now that's able to be broadcasted out to you know people can hear what we're doing. Maassel-if I can add. I just thought about this as you were talking about the radio traffic I don't remember a call that ever got to be very excited it was all very businesslike. I need this here, I need this here, call for this there was no screaming, no yelling, no apparent rise in blood pressure like you would expect. That means the people were well-trained, they knew what to do. Without that training you're going to hear some different stuff. Now what they're saying on the ground we don't know; but, when they got on the radio everybody was calm and that just goes back to the training that they get. They know what to do. Bialorucki-I caught the very end of it, I was out of the vehicle with everybody and at the very end the last radio traffic I heard was where *we're done, we're heading back to the station and we're ready for another call*. It was that calm, like hey that job is done let us know when we are needed again.

**Maassel**-last Friday I was able to attend 4-County for their lunch with the State Reps, County Commissioners and Mayors for their career in technical education month. I spent some time in the 3D lab as a student and was building a house from the frame all the way in which is really nice to see how the whole process goes, he showed off the new 3D printer which is really neat. Then we went back to the pre-vet area and I took the opportunity to do two or three things I didn't think I was going to do when I woke up and that was, I held a gecko what I've never done before, I held a snake and I held a chinchilla. They have a cadaver dog but it's a model in the lab there and you know here's a dog that swallowed a pair of dice, you can feel the dice in the stomach. So, that is some of the kind of stuff. I'm in the wrong spot, this is not for me. Some of it was really neat. Those kids are out there getting a leg up. If college isn't for you, you know 4-County has lots of stuff, you are going to get out of it what you put into it. There are a lot of good kids out there working really hard so that was really neat.

Overall it was a great trip last week. I thought we really connected with Congressman Latta, he's always been a big supporter of us and takes interest and we appreciate that. Senator Portman's staffer Sarah has reached back to us already. Senator Brown's staffer we appreciate the time that they spent. Obviously the highlight for me was the laying of the wreath of at the Tomb of the Unknown. I was extremely proud and honored to be part of that. I was pretty excited to do this and I appreciate everybody letting me be part of that. Thanks to Jeff Mires.

**Haase**-I have nothing.

**Durham**-I reached out to Mazur a couple weeks ago, I had some comments about the park and kids getting a little crazy. Thank you for addressing that I really do appreciate it. I want to thank Mr. Mires he was the first one that showed me around this place when I first joined so just want to say Thank-you to him again.

**Harmon**-Good Luck to Jeff Mires.







**RESOLUTION NO. 009-20**

**A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000) FOR THE PURPOSE OF PURCHASING TWO (2) REPLACEMENT VEHICLES FOR THE CITY OF NAPOLEON POLICE DEPARTMENT, AND TO AWARD SAID PURCHASE TO MATTHEWS FORD OREGON; AND DECLARING AN EMERGENCY**

**WHEREAS**, the purchase of two (2) replacement Police Department vehicles was included in the 2020 Master Bid Resolution passed by Council on December 16, 2019, Resolution No. 080-19; and,

**WHEREAS**, the cost to purchase said vehicles and install the required systems exceeds \$25,000.00; and,

**WHEREAS**, the Matthews Ford Oregon current quoted cost for the requested replacement vehicles with required equipment is lower than the State Contract current quoted cost; and,

**WHEREAS**, the current quoted cost from Matthews Ford Oregon is valid until March 31, 2020 for the purchase of the requested replacement vehicles with required equipment; and,

**WHEREAS**, the City of Napoleon desires to award the purchase of the outfitted vehicles to Matthews Ford Oregon based on this being the best and lowest price; and,

**WHEREAS**, based on all the foregoing, 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, as permitted in Article VI, Section 6.05 of the Charter of the City of Napoleon and Section 106.02 of the City of Napoleon Codified Ordinances; **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 purchase two (2) replacement Police Department vehicles outfitted with the required systems, as included in the 2020 Master Bid Resolution, Resolution No. 080-19.

Section 2. That, due to the lowest and best price, 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 Matthews Ford Oregon for the purchase of said vehicles.

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 meet the time requirements necessary to purchase a necessary replacement vehicle for the Napoleon Police Department; 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 purchasing process in a timely manner to meet the March 31, 2020 deadline for ordering, 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 of the City of Napoleon, do hereby certify that the foregoing Resolution No. 009-20 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. 010-20**

### **A RESOLUTION AUTHORIZING CONTRACTS WITH THE TOWNSHIPS OF NAPOLEON, HARRISON, FREEDOM, AND THE VILLAGE OF FLORIDA, AND HENRY COUNTY SOUTH JOINT AMBULANCE DISTRICT FOR FIRE SERVICE AND/OR EMERGENCY MEDICAL SERVICE COMMENCING APRIL 1, 2020; AND DECLARING AN EMERGENCY**

**WHEREAS**, the Townships of Napoleon, Harrison, and Freedom and the Village of Florida desire to enter into a contract with the City for Fire and Emergency Medical Rescue Services as authorized in Section 9.60 and Section 505.44 of the Ohio Revised Code; and,

**WHEREAS**, the Henry County South Joint Ambulance District of Henry County, Ohio, desires to enter into a contract with the City for Emergency Medical Services as authorized in Section 9.60 of the Ohio Revised Code; **Now Therefore**,

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

Section 1. That, the City Manager is authorized to enter a contract with Napoleon Township, Harrison Township, Freedom Township, and the Village of Florida, all of which are in Henry County, Ohio, for Fire Services and Emergency Medical Services, including billing services related thereto; the terms and conditions having been approved by this Council in the form as currently on file in the office of the City Finance Director. The City Manager is authorized to make non-material changes to the contracts as deemed appropriate by the City Manager and approved as to form and correctness by the City Law Director; further, the contracts shall be effective April 1, 2020.

Section 2. That, the City Manager is authorized to enter into a contract with the Henry County South Joint Ambulance District of Henry County, Ohio, for Emergency Medical Services, including billing services related thereto; the terms and conditions having been approved by this Council in the form as currently on file in the office of the City Finance Director. The City Manager is authorized to make non-material changes to the contracts as deemed appropriate by the City Manager and as approved as to form and correctness by the City Law Director; further, the contracts shall be effective April 1, 2020.

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon, Ohio.

Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.



Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for emergency services to be rendered in a timely manner, emergency services also utilized by the City inhabitants when needed outside the City's jurisdictional boundaries; 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 reason for the Emergency Clause is the fact that this Resolution is necessary to authorize the Contracts with the Townships, the Village of Florida and the Henry County South Joint Ambulance District to be in force 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. 010-20 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. 011-20**

**AN ORDINANCE AMENDING ORDINANCE NO. 088-19  
REGARDING THE COMPOSITION AND COMPENSATION OF  
CERTAIN CITY OF NAPOLEON POSITION CLASSIFICATIONS  
IN AND FOR THE YEAR 2020; AND DECLARING AN  
EMERGENCY**

**WHEREAS**, Council previously adopted Ordinance No. 088-19, creating a 2020 Classification Pay Plan for its non-bargaining employees; and,

**WHEREAS**, Council now desires to amend Ordinance No. 088-19 to amend the composition of City staff and the pay scales for certain positions; and,

**WHEREAS**, Exhibit "A," attached hereto and incorporated herein, reflects the changes to be made; and,

**WHEREAS**, Council desires to make said amendments effective on the pay period starting March 2, 2020; **Now Therefore**,

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

Section 1. That, notwithstanding any Ordinance or Resolution to the contrary, the City of Napoleon, Ohio, (the "City") had previously established a new 2020 Position Classification Pay Plan ("Pay Plan") for its non-bargaining employees, passed by Council on January 6, 2020.

Section 2. That, effective beginning March 2, 2020 the amendments listed in Exhibit "A," attached hereto and incorporated herein, shall be made.

Section 3. That, effective beginning March 2, 2020 the base hourly rate of the position of Zoning Administrator is hereby amended, and the pay is set as expressed in Exhibit "A."

Section 4. That, the duties of the Zoning Administrator are currently defined in a job description which is hereby approved; said job description is currently on file with the City of Napoleon, Ohio Human Resources Department.

Section 3. That, this Ordinance allows the terms and conditions of these pay amendments to be retroactively applied, the same being hereby approved as it so exists.

Section 4. That, no position mentioned in this Ordinance shall receive longevity benefit unless specified in this City's adopted longevity plan unless otherwise specifically provided for herein, or except as may be permitted by the City's longevity policy.

Section 5. That, Ordinance No. 088-19 is hereby amended as herein listed effective March 2, 2020.

Section 6. 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 7. 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 8. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for proper payment of wages to employees, proper payment being essential to the harmony of the necessary workforce; therefore, provided the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for proper processing of wages to employees, this being essential to the harmony of the necessary workforce, 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 Ordinance No. 011-20 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



# EXHIBIT “A”

(BASE HOURLY RATE)

Title	A	B	C	D
Clerk-Typist II	\$12.28	\$14.13	\$15.17	\$16.27
Receptionist	\$13.89	\$15.93	\$17.08	\$18.36
Administrative Assistant	\$16.92	\$19.53	\$20.97	\$22.58
Front Desk Administrator	\$12.28	\$13.86	\$14.54	\$15.37
Service Building Secretary	\$12.28	\$13.86	\$14.54	\$15.37
Senior Service Building Secretary	\$15.26	\$17.51	\$18.82	\$20.32
Executive Assistant to Appointing Authority	\$20.55	\$21.90	\$23.31	\$24.79
Executive Assistant/Paralegal to Law Director	\$24.79	\$27.08	\$29.08	\$31.09
Account Clerk I	\$12.28	\$13.86	\$14.54	\$15.36
Account Clerk II	\$15.26	\$17.51	\$18.83	\$20.32
Utility Billing Administrator	\$17.33	\$19.95	\$21.37	\$25.38
Senior Account Clerk	\$16.92	\$19.53	\$20.98	\$24.80
Records Clerk/Recorder	\$15.26	\$17.51	\$18.82	\$20.31
Accounts Payable Clerk	\$15.26	\$17.51	\$18.82	\$21.37
Tax Administrator	\$17.33	\$19.95	\$21.37	\$25.38
Engineering Technician	\$18.61	\$21.37	\$22.89	\$24.56
Senior Engineering Technician	\$22.10	\$25.45	\$27.24	\$29.22
Senior Engineering Technician/Zoning Administrator	<del>\$22.10</del>	<del>\$25.45</del>	<del>\$27.24</del>	<del>\$32.15</del>
Staff Engineer	\$20.54	\$23.68	\$25.45	\$27.33
Licensed Staff Engineer	\$27.80	\$29.90	\$32.16	\$35.96
Construction Inspector	\$24.17	\$27.77	\$29.76	\$32.70
Senior Electric Engineering Technician	\$22.10	\$25.45	\$27.24	\$29.22
Electrical Construction/Maintenance Inspector	\$26.80	\$30.84	\$33.07	\$35.45
Zoning Administrator	<del>\$24.18</del> 20.54	<del>\$27.77</del> 23.68	<del>\$29.77</del> 25.45	<del>\$31.94</del> 27.33
Assistant Water Superintendent	\$29.67	\$30.77	\$32.46	\$34.16
Chief Water Treatment Operator	\$22.10	\$25.45	\$27.24	\$30.80
Chief Wastewater Treatment Operator	\$22.10	\$25.45	\$27.24	\$30.80
Police Lieutenant	\$0.00	\$32.31	\$33.84	\$35.53
Deputy Court Clerk	\$16.40	\$17.86	\$19.16	\$20.53
Chief Probation Officer	\$19.82			\$21.90
IT Specialist	\$18.24	\$20.18	\$22.13	\$24.08



# EXHIBIT “B”

(BASED ON AN 80 HOUR PAY PERIOD)

<b>Title</b>	<b>BOTTOM</b>	<b>TOP</b>
Assistant to the City Engineer	\$2,765.90	\$3,191.43
City Engineer	\$3,244.62	\$3,936.09
Public Works Director	\$3,936.09	\$4,712.67
Golf Course & Grounds Superintendent	\$1,970.71	\$2,649.04
Parks & Recreation Director/Cemetery	\$1,785.92	\$3,103.96
Assistant Finance Director	\$2,947.21	\$3,421.21
Electrical Engineer	\$3,069.34	\$3,574.61
Electric Distribution Superintendent	\$3,129.33	\$3,854.88
IT Administrator	\$1,930.71	\$2,868.11
Human Resources Director	\$2,201.26	\$3,340.50
Municipal Court Bailiff		\$1,378.03
Municipal Court Clerk	\$1,865.60	\$2,086.70
Assistant Fire Chief	\$2,180.81	\$3,191.43
Fire Chief	\$2,712.71	\$3,581.41
Operations Superintendent	\$2,250.36	\$3,191.43
Water Superintendent	\$2,463.78	\$3,320.51
Wastewater Superintendent	\$2,463.78	\$3,320.51
Chief of Police	\$2,860.00	\$3,687.79



# EXHIBIT “C”

(BASE HOURLY RATE)

<b>Title</b>	<b>Bottom</b>	<b>Top</b>
Front Desk Administrator (Part Time)	\$9.88	\$13.50
Legal Clerk (Temporary)	\$14.21	\$22.82
Probationary/Trainee Fire Fighter/EMT	\$8.79	\$13.40
All Fire/Rescue Department (Part Time)	\$12.59	\$17.47
Deputy Court Clerk (Part Time)	\$10.95	\$15.04
Deputy Court Bailiff (Part Time)		\$14.40
Probation Officer PIIG Grant		\$16.28
Construction Inspection (Temporary)	\$13.28	\$14.23
Construction Engineer (Temporary) Engineering Dept.	\$40.30	\$43.19
Income Tax/Collection Clerk (Part Time)	\$9.88	\$17.43
Lifeguard (Seasonal)	\$8.79	\$14.76
Seasonal Laborer - Other	\$8.79	\$14.76
Recreation Worker (Seasonal)	\$8.79	\$14.76
Parks Maintenance Worker (Seasonal)	\$8.79	\$14.76
Golf Course Clubhouse Attendant (Seasonal)	\$8.79	\$14.76
Senior Center Fitness Coordinator (Part Time)	\$8.79	\$14.76
Code Enforcement Inspector	\$19.15	\$29.79
Adjunct EMS Instructor for the Fire Department (Part		\$20.45
Adjunct Fire Instructor for the Fire Department (Part		\$20.45



**ORDINANCE NO. 007-20**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF  
CHAPTER 925 OF THE CODIFIED ORDINANCES OF THE CITY  
OF NAPOLEON, SPECIFICALLY SECTION 925.13 “WASTE  
COLLECTION RATES,” AND SECTION 925.16 “PURCHASE OF  
TAGS AND UTILITY PAYMENTS,” AND REPEALING  
ORDINANCE NO.(S) 067-12 AND 028-95**

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

Section 1. That, Section 925.13 of the Codified Ordinances of the City of Napoleon, Ohio shall be hereby amended and enacted as follows:

**“925.13 WASTE COLLECTION RATES.**

(a) The following rates are established as a monthly base fee as it relates to City bag refuse service, and shall be charged to each subscriber utilizing or mandated to utilize the City’s bag refuse service. Commercial use of residential type recycling service is permitted in accordance with paragraph (c). Nothing in this provision shall be construed as mandating the City to provide refuse service outside its corporate limits.

Inside Corporate Limits	Outside Corporate Limits
\$18.00	\$24.30

(b) Each subscriber to the City’s bag refuse service will be permitted to have ~~one~~ **two** (2) bags of garbage or refuse, per week, at no additional cost (without necessity of a tag), as part of the established monthly fee paid by all City bag refuse subscribers; thereafter, there will be a charge of \$2.00 per tag that shall be affixed to the outside of each bag after the first ~~one~~ **two** (2) bags as provided for in Section 925.07. Tags may be purchased at the office of the City Utilities Department or at other locations as may be designated.

(c) Commercial recycling service when provided by the City, in or outside the corporation limits, shall be at the rate of \$18.00 per month for up to six residential type recycling bins with additional bins, up to ten in total, at the rate of \$1.00 per month for each additional bin over six. Levels of service shall be established on an annual basis.

(d) Low occupancy: The City will allow residential customers to request a partial credit on the monthly refuse charge provided the residential customer demonstrates and/or proves that no garbage was generated during the entire month and/or billing cycle. Proof will be in the form of a sworn affidavit signed and notarized by the residential customer stating the reason for non- generation of garbage and requesting a partial credit for the period of the billing cycle. Refuse charge will remain on the monthly bill and requests must be made after each billing cycle, and no later than sixty (60) days after the utility bill “billing due date” for which the request of is being made. Proof will be subject to verification by the Refuse Collection Department in operations. Additionally, the customer’s utility account will be checked for consumption history of electric, water, and sewer. If consumption history is minimal for electric and there is neither water nor sewer consumption during the time period of the billing the request will be approved. However, if there is average or normal consumption history for electricity or there is water or sewer usage the request will not be approved. Approved requests will



be credited to customer account on the next earliest possible billing. However, the customer will not receive any credit for special sanitation services as established in Section 925.17(b). The customer's affidavit is only valid for six (6) months and must be renewed thereafter. Affidavit forms will be provided upon request.  
(Ord. 067-12. Passed 11-19-12.)”

Section 2. That, Section 925.13 of the Codified Ordinances of Napoleon, Ohio, as existed prior to the enactment of this Ordinance, is repealed upon the effective date of this Ordinance.

Section 3. That, Section 925.16 of the Codified Ordinances of the City of Napoleon, Ohio shall be hereby amended and enacted as follows:

“PURCHASE OF TAGS AND UTILITY PAYMENTS.

(a) Tags shall be purchased in advance from the Utilities Department of the City or their designated agent and, when required, shall be firmly affixed to the bag containing the garbage or refuse. If no tag is found affixed at time of scheduled collection (except for the ~~one~~ two (2) weekly bags of garbage or refuse that is allowed at no additional charge by the City), the garbage or refuse will not be collected.

(b) If a customer makes payment on or before the due date of a bill to an agent designated or authorized by the public utility to accept payment, the payment shall not be considered past due regardless of whether or not it is received in the company offices by the due date.

(ORC. 4905.775) (Ord. 28-95. Passed 4-3-95.)”

Section 4. That, Section 925.16 of the Codified Ordinances of Napoleon, Ohio, as existed prior to the enactment of this Ordinance, is repealed upon the effective date of this Ordinance.

Section 5. 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 6. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 5. That, this Ordinance shall be in full force and effect at the earliest time permitted by law.

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

\_\_\_\_\_  
Joseph D. Bialorucki, Council President

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

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

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



Attest:

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Roxanne Dietrich, Clerk of Council

*I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 007-20 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.*

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*Roxanne Dietrich, 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**

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#### **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.

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#### CHAPTER 301 Definitions

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**301.52 Vehicle.**

**301.53 Waste collection vehicle.**

**301.54 Wheelchair, motorized.**

#### **CROSS REFERENCES**

See sectional histories for similar State law

Funeral procession defined - see TRAF. 331.24

Street racing defined - see TRAF. 333.07

Studded tire defined - see TRAF. 339.11

Blind person defined - see TRAF. 371.02

Snowmobile, off-highway motorcycle and all purpose vehicle  
defined - see TRAF. 375.01

School zones defined - see TRAF. 333.03(b)

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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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| <p>331.01 Driving upon right side of roadway; exceptions.</p> <p>331.02 Passing to right when proceeding in opposite directions.</p> <p>331.03 Overtaking, passing to left; driver's duties.</p> <p>331.04 Overtaking and passing upon right.</p> <p>331.05 Overtaking, passing to left of center.</p> <p>331.06 Additional restrictions on driving upon left side of roadway.</p> <p>331.07 Hazardous or no passing zones.</p> <p>331.08 Driving in marked lanes or continuous lines of traffic.</p> <p>331.09 Following too closely.</p> <p>331.10 Turning at intersections.</p> <p>331.11 Turning into private driveway, alley or building.</p> <p>331.12 "U" turns restricted.</p> <p>331.13 Starting and backing vehicles.</p> <p>331.14 Signals before changing course, turning or stopping.</p> <p>331.15 Hand and arm signals.</p> <p>331.16 Right of way at intersections.</p> <p>331.17 Right of way when turning left.</p> <p>331.18 Operation of vehicle at yield signs.</p> <p>331.19 Operation of vehicle at stop signs.</p> <p>331.20 Emergency or public safety vehicles at stop signals or signs.</p> <p>331.21 Right of way of public safety or coroner's vehicle.</p> | <p>331.211 Report of vehicle failing to yield right of way to public safety vehicle.</p> <p>331.22 Driving onto roadway from place other than roadway; duty to yield.</p> <p>331.23 Driving onto roadway from place other than roadway; stopping at sidewalk.</p> <p>331.24 Right of way of funeral procession.</p> <p>331.25 Driver's view and control to be unobstructed by load or persons.</p> <p>331.26 Driving upon street posted as closed for repair.</p> <p>331.27 Following and parking near emergency or safety vehicles.</p> <p>331.28 Driving over fire hose.</p> <p>331.29 Driving through safety zone.</p> <p>331.30 One-way streets and rotary traffic islands.</p> <p>331.31 Driving upon divided roadways.</p> <p>331.32 Entering and exiting controlled-access highway.</p> <p>331.33 Obstructing intersection, crosswalk or grade crossing.</p> <p>331.34 Failure to control; weaving; full time and attention.</p> <p>331.35 Occupying a moving trailer or manufactured or mobile home.</p> <p>331.36 Squealing tires, "peeling", cracking exhaust noises.</p> <p>331.37 Driving upon sidewalks, street lawns or curbs.</p> |
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| 331.38 Stopping for school bus; discharging children.  | 331.44 Vehicle launching or retrieving boats.                            |
| 331.39 Driving across grade crossing.                  | 331.45 Center turning lane.  |
| 331.40 Stopping at grade crossing.                     | 331.46 Prohibition against unintended use of alleys by use of a vehicle. |
| 331.41 Shortcutting; avoiding traffic control devices. | 331.47 Damage to streets, highways, alleys and public right-of-ways.     |
| 331.42 Littering from motor vehicle.                   | 331.48 Vehicular operation on street closed due to rise in water level.  |
| 331.43 Wearing earplugs or earphones prohibited.       |  |

#### CROSS REFERENCES

See sectional histories for similar State law

Obedience to traffic control devices - see TRAF. 313.01

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

School bus operation - see OAC Ch. 4501-3

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

- (a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:
- (1) When overtaking and passing another vehicle proceeding in the same direction, or when making a left turn under the rules governing such movements;
  - (2) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
  - (3) When driving upon a roadway divided into three or more marked lanes for traffic under the rules applicable thereon;
  - (4) When driving upon a roadway designated and posted with signs for one-way traffic;
  - (5) When otherwise directed by a police officer or traffic control device.
- (b)
- (1) Upon all roadways any vehicle proceeding at less than the prevailing and lawful speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, and far enough to the right to allow passing by faster vehicles if such passing is safe and reasonable, except under any of the following circumstances:
    - A. When overtaking and passing another vehicle proceeding in the same direction;
    - B. When preparing for a left turn;
    - C. When the driver must necessarily drive in a lane other than the right-hand lane to continue on the driver's intended route.
  - (2) Nothing in subsection (b)(1) of this section requires a driver of a slower vehicle to compromise the driver's safety to allow overtaking by a faster vehicle.



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.**

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**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**

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

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



**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-Corrted. 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
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
Jan' 20	Mar' 20	12,907,445	\$ 1,152,024.27	38,182,812	\$ 3,339,360.98	\$ 0.08746	\$ (0.07194)	\$ 0.01552	\$ 0.01668

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

**PSCAF - Preparers Signature:**

Name - Kelly O'Boyle, Finance Director

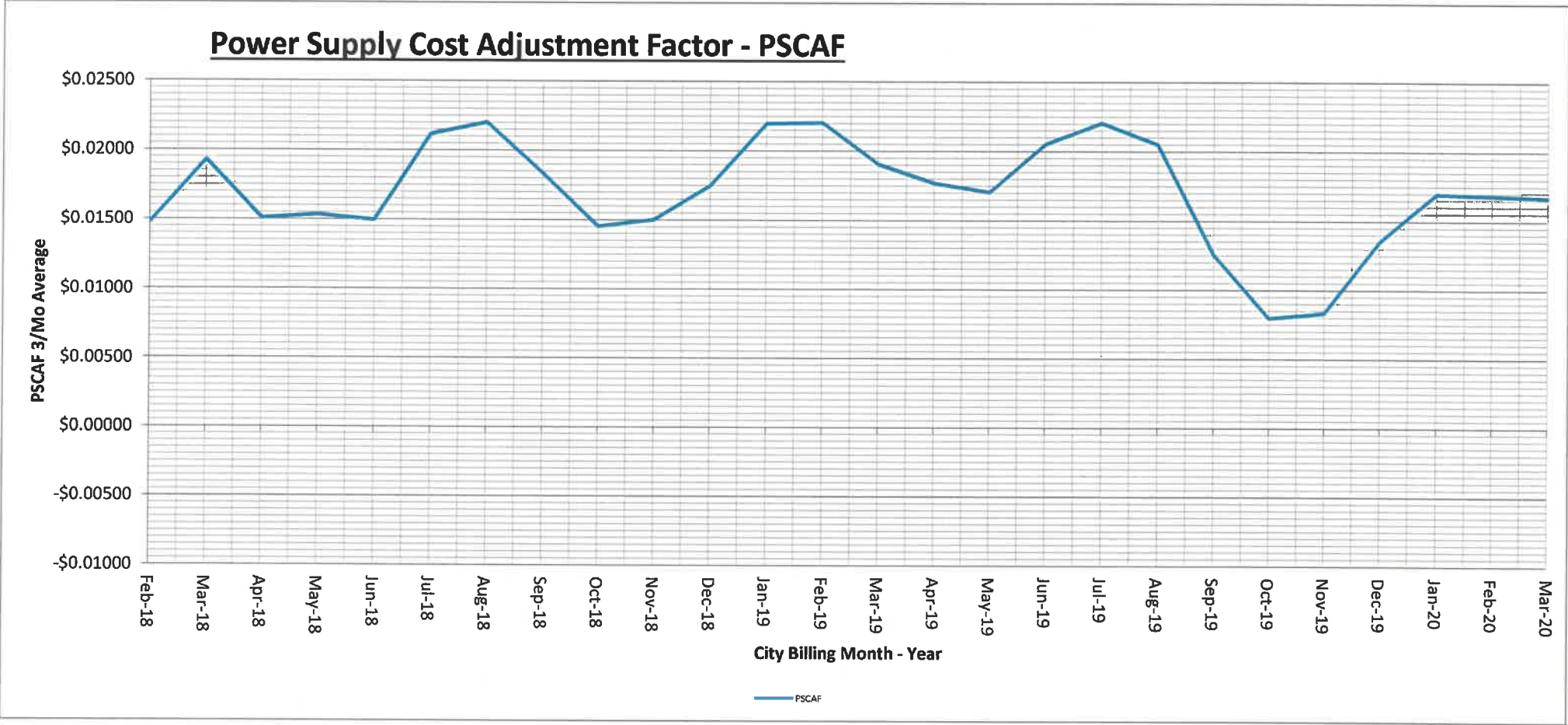
Signature  Date 2/19/2020

**PSCAF - Reviewers Signature:**

Name - Lori A. Rausch, Utility Billing Administrator

Signature  Date 2/19/2020







**PREVIOUS MONTH'S POWER BILLS - PURCHASED POWER KWH AND COST ALLOCATIONS BY DEMAND & ENERGY:**

Rev. 3/2/2020



<b><u>BILLING SUMMARY AND CONS</u></b>									
<b><u>2020 - MARCH BILLING WITH JANUARY 2020 A</u></b>									
<b><u>PREVIOUS MONTH'S POWER BILLS - PU</u></b>									
<b><u>DATA PERIOD</u></b>									
AMP-Ohio Bill Month									
City-System Data Month									
City-Monthly Billing Cycle									
	=====		====WIND=====	===SOLAR===	===TRANSMISSION, SERVICE FEES & MISC. CONTRACTS===				
(	NYPA	JV-5	JV-6	AMP SOLAR	EFFNCY.SMART	TRANSMISSION	SERVICE FEES	MISCELLANEOUS	TOTAL -
<b><u>PURCHASED POWER-RESOURCES -&gt; (</u></b>	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) ->	612,369	2,297,472	46,329	52,926	0	0	0	0	13,673,130
Delivered kWh (Off Peak) ->									189,442
Delivered kWh (Replacement/Losses/Offset) ->		33,541							33,541
Delivered kWh/Sale (Credits) ->									-988,669
<b>Net Total Delivered kWh as Billed -&gt;</b>	<b>612,369</b>	<b>2,331,013</b>	<b>46,329</b>	<b>52,926</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12,907,444</b>
Percent % of Total Power Purchased->	4.7443%	18.0594%	0.3589%	0.4100%	0.0000%	0.0000%	0.0000%	0.0000%	100.0000%
								Verification Total - >	100.0000%
<b><u>COST OF PURCHASED POWER:</u></b>									
<b><u>DEMAND CHARGES (+Debits)</u></b>									
Demand Charges	\$6,240.50	\$22,942.25	\$1,025.10			\$192,011.81			\$557,329.49
Debt Services (Principal & Interest)		\$55,381.81							\$213,258.60
<b><u>DEMAND CHARGES (-Credits)</u></b>									
Transmission Charges (Demand-Credits)		-\$19,539.07	-\$814.77	-\$3,506.49					-\$71,788.87
Capacity Credit	-\$2,851.75	-\$9,237.08	-\$234.83	-\$1,689.27					-\$84,548.36
<b>Sub-Total Demand Charges</b>	<b>\$3,388.75</b>	<b>\$49,547.91</b>	<b>-\$24.50</b>	<b>-\$5,195.76</b>	<b>\$0.00</b>	<b>\$192,011.81</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$614,250.86</b>
<b><u>ENERGY CHARGES (+Debits):</u></b>									
Energy Charges - (On Peak)	\$7,660.96	\$41,724.36		\$1,922.79		\$3,836.05			\$388,387.98
Energy Charges - (Replacement/Off Peak)									\$4,025.22
Net Congestion, Losses, FTR	\$176.31								\$4,731.57
Transmission Charges (Energy-Debits)									\$20,940.25
ESPP Charges					\$16,959.16				\$16,959.16
Bill Adjustments (General & Rate Levelization)									-\$4.41
<b><u>ENERGY CHARGES (-Credits or Adjustments):</u></b>									
Energy Charges - On Peak (Sale or Rate Stabilization)									-\$20,004.98
Net Congestion, Losses, FTR									\$4,357.02
Bill Adjustments (General & Rate Levelization)	\$215.95								-\$4,993.56
<b>Sub-Total Energy Charges</b>	<b>\$8,053.22</b>	<b>\$41,724.36</b>	<b>\$0.00</b>	<b>\$1,922.79</b>	<b>\$16,959.16</b>	<b>\$3,836.05</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$414,398.25</b>
<b><u>TRANSMISSION &amp; SERVICE CHARGES, MISC.:</u></b>									
RPM / PJM Charges Capacity - (+Debit)						\$112,277.28		\$721.05	\$112,998.33
RPM / PJM Charges Capacity - (-Credit)									\$0.00
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)							\$7,509.49		\$7,509.49
Other Charges & Bill Adjustments - (+Debit/-Credit)									\$0.00
<b>Sub-Total Service Fees &amp; Other Charges</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$112,277.28</b>	<b>\$10,376.83</b>	<b>\$721.05</b>	<b>\$123,375.16</b>
<b><u>TOTAL NET COST OF PURCHASED POWER</u></b>									
	<b>\$11,441.97</b>	<b>\$91,272.27</b>	<b>-\$24.50</b>	<b>-\$3,272.97</b>	<b>\$16,959.16</b>	<b>\$308,125.14</b>	<b>\$10,376.83</b>	<b>\$721.05</b>	<b>\$1,152,024.27</b>
Percent % of Total Power Cost->	0.9932%	7.9228%	-0.0021%	-0.2841%	1.4721%	26.7464%	0.9007%	0.0626%	100.000%
								Verification Total - >	\$1,152,024.27
<b>Purchased Power Resources - Cost per kWh-&gt;</b>	<b>\$0.018685</b>	<b>\$0.039156</b>	<b>-\$0.000529</b>	<b>-\$0.061840</b>	<b>\$0.000000</b>	<b>\$0.000000</b>	<b>\$0.000000</b>	<b>\$0.000000</b>	<b>\$0.089253</b>
									(Northern Pool Power - On-Peak + Off-Peak - Energy Charge/kWh) = JV2 Electric Service Rate - >
									(Northern Pool Power - On-Peak + Off-Peak - Energy Charge/kWh) = JV5 Electric Service Rate - >





**City of Napoleon**

Attn: Finance Director  
255 W. Riverview Ave., P.O. Box 151  
Napoleon, Ohio 43545-0151

**AMERICAN MUNICIPAL POWER, INC.**

1111 Schrock Rd, Suite 100  
COLUMBUS, OHIO 43229  
PHONE: (614) 540-1111  
FAX: (614) 540-1078

INVOICE NUMBER:	208403
INVOICE DATE:	2/17/2020
DUE DATE:	3/3/2020
TOTAL AMOUNT DUE:	\$1,152,024.27
CUSTOMER NUMBER:	5020
CUSTOMER P.O. #:	RG10046

PLEASE WRITE INVOICE NUMBER ON  
REMITTANCE. MAKE CHECK PAYABLE TO AMP

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**Northern Power Pool Billing - January, 2020**

MUNICIPAL PEAK:	21,978 kW
TOTAL METERED ENERGY:	12,947,396 kWh

Total Power Charges:	\$832,801.25
Transmission / Capacity / Ancillary Services:	\$308,125.14
Total Other Charges:	\$10,376.83
Total Miscellaneous Charges:	\$721.05

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<b>GRAND TOTAL POWER INVOICE:</b>	<b>\$1,152,024.27</b>
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\*\*\*The Total Charges on this invoice may include a credit paid to the Municipal for power supply which was invoiced separately and



**DETAIL INFORMATION OF POWER CHARGES January , 2020**  
**Napoleon**

FOR THE MONTH OF:

January, 2020

Total Metered Load kWh:	12,947,396
Transmission Losses kWh:	-39,951
Distribution Losses kWh:	0
<b>Total Energy Req. kWh:</b>	<b>12,907,445</b>

TIME OF FENTS PEAK:  
TIME OF MUNICIPAL PEAK:  
TRANSMISSION PEAK:

01/09/2020 @ H.E. 11:00  
01/09/2020 @ H.E. 11:00  
July 19, 2019 15:00

COINCIDENT PEAK kW:	21,978
MUNICIPAL PEAK kW:	21,978
TRANSMISSION PEAK kW:	30,346
PJM Capacity Requirement kW:	30,052

**Napoleon Resources**

**AMP CT - Sched @ ATSI**

Demand Charge:	\$2.659962	/ kW *	12,400 kW =	\$32,983.63
Transmission Credit:	\$3.817099	/ kW *	-12,400 kW =	-\$47,332.03
Capacity Credit:	\$2.657838	/ kW *	-12,400 kW =	-\$32,957.19
<b>Subtotal</b>			<b>0 kWh =</b>	<b>-\$47,305.69</b>

**Fremont - sched @ Fremont**

Demand Charge:	\$4.689761	/ kW *	8,767 kW =	\$41,115.66
Energy Charge:	\$0.026789	/ kWh *	3,120,195 kWh =	\$83,587.82
Net Congestion, Losses, FTR:	\$0.000375	/ kWh *		\$1,169.81
Capacity Credit:	\$2.406188	/ kW *	-8,767 kW =	-\$21,095.27
Debt Service	\$4.960354	/ kW	8,767 kW	\$43,487.87
Adjustment for prior month:				-\$6.91
<b>Subtotal</b>			<b>3,120,195 kWh =</b>	<b>\$148,258.88</b>

**AMP Hydro CSW - Sched @ PJMC**

Demand Charge:	\$49.776006	/ kW *	3,498 kW =	\$174,116.47
Energy Charge:	\$0.036000	/ kWh *	648,773 kWh =	\$23,355.83
Net Congestion, Losses, FTR:	\$0.000923	/ kWh *		\$598.65
Capacity Credit:	\$0.719826	/ kW *	-3,498 kW =	-\$2,517.95
REC Credit (Estimate)	-\$0.006000	/ kWh	648,773 kWh =	-\$3,892.64
<b>Subtotal</b>			<b>648,773 kWh =</b>	<b>\$191,660.36</b>

**Meldahl Hydro - Sched @ Meldahl Bus**

Demand Charge:	\$26.631964	/ kW *	504 kW =	\$13,422.51
Energy Charge:	\$0.036000	/ kWh *	158,381 kWh =	\$5,701.70
Net Congestion, Losses, FTR:	\$0.000201	/ kWh *		\$31.82
Capacity Credit:	\$2.480000	/ kW *	-504 kW =	-\$1,249.92
REC Credit (Estimate)	-\$0.006000	/ kWh *	158,381 kWh =	-\$950.28
<b>Subtotal</b>			<b>158,381 kWh =</b>	<b>\$16,955.83</b>

**JV6 - Sched @ ATSI**

Demand Charge:	\$3.417000	/ kW *	300 kW =	\$1,025.10
Energy Charge:			46,329 kWh	
Transmission Credit:	\$2.715900	/ kW *	-300 kW =	-\$814.77
Capacity Credit:	\$0.782767	/ kW *	-300 kW =	-\$234.83
<b>Subtotal</b>			<b>46,329 kWh =</b>	<b>-\$24.50</b>

**Greenup Hydro - Sched @ Greenup Bus**

Demand Charge:	\$26.180000	/ kW *	330 kW =	\$8,639.40
Energy Charge:	\$0.009000	/ kWh *	61,098 kWh =	\$549.89
Net Congestion, Losses, FTR:	-\$0.000264	/ kWh *		-\$16.15
Capacity Credit:	\$1.992515	/ kW *	-330 kW =	-\$657.53
REC Credit (Estimate)	-\$0.006000	/ kWh *	61,098 kWh =	-\$366.59
<b>Subtotal</b>			<b>61,098 kWh =</b>	<b>\$8,149.02</b>

**Prairie State - Sched @ PJMC**

Demand Charge:	\$12.890008	/ kW *	4,976 kW =	\$64,140.68
Energy Charge:	\$0.007823	/ kWh *	3,218,346 kWh =	\$25,178.42
Net Congestion, Losses, FTR:	\$0.000942	/ kWh *		\$3,032.10
Capacity Credit:	\$2.258686	/ kW *	-4,976 kW =	-\$11,239.22
Debt Service	\$22.988127	/ kW	4,976 kW	\$114,388.92
Transmission from PSEC to PJM/MISO, including non-Prairie State variable charges/credits	\$0.006507	/ kWh	3,218,346 kWh	\$20,940.25
<b>Subtotal</b>			<b>3,218,346 kWh =</b>	<b>\$216,441.15</b>

**NYPA - Sched @ NYIS**

Demand Charge:	\$6.638830	/ kW *	940 kW =	\$6,240.50
Energy Charge:	\$0.012510	/ kWh *	612,369 kWh =	\$7,660.96
Net Congestion, Losses, FTR:	\$0.000288	/ kWh *		\$176.31
Capacity Credit:	\$3.050000	/ kW *	-935 kW =	-\$2,851.75
Adjustment for prior month:				\$215.95
<b>Subtotal</b>			<b>612,369 kWh =</b>	<b>\$11,441.97</b>

**JV5 - 7X24 @ ATSI**

Demand Charge:	\$7.429485	/ kW *	3,088 kW =	\$22,942.25
Energy Charge:	\$0.018161	/ kWh *	2,297,472 kWh =	\$41,724.36
Transmission Credit:	\$6.327419	/ kW *	-3,088 kW =	-\$19,539.07
Capacity Credit:	\$2.991282	/ kW *	-3,088 kW =	-\$9,237.08
Debt Service (current month)	\$17.934524	/ kW	3,088 kW	\$55,381.81
<b>Subtotal</b>			<b>2,297,472 kWh =</b>	<b>\$91,272.27</b>

**JV5 Losses - Sched @ ATSI**

Energy Charge:			33,541 kWh	
<b>Subtotal</b>			<b>33,541 kWh =</b>	<b>\$0.00</b>

**JV2 - Sched @ ATSI**

Demand Charge:	\$2.620000	/ kW *	264 kW =	\$691.68
Energy Charge:			14 kWh	
Transmission Credit:	\$2.259508	/ kW *	-264 kW =	-\$596.51
Capacity Credit:	\$3.099811	/ kW *	-264 kW =	-\$818.35
JV2 Project Fuel Costs not recovered through Energy Sales to Market				\$2.50



**DETAIL INFORMATION OF POWER CHARGES January , 2020**  
**Napoleon**

<i>Subtotal</i>			14 kWh =	<b>-\$720.68</b>
<b>AMP Solar Phase I - Sched @ ATSI</b>				
Demand Charge:			1,040 kW	
Energy Charge:	\$0.036330 / kWh *		52,926 kWh =	\$1,922.79
Transmission Credit:				-\$3,506.49
Capacity Credit:	\$1.624298 / kW *		-1,040 kW =	-\$1,689.27
<i>Subtotal</i>			52,926 kWh =	<b>-\$3,272.97</b>
<b>Morgan Stanley 2015-2020 - 7x24 @ AD</b>				
Demand Charge:			3,800 kW	
Energy Charge:	\$0.062950 / kWh *		2,827,200 kWh =	\$177,972.24
Net Congestion, Losses, FTR:	-\$0.000092 / kWh *			-\$260.97
<i>Subtotal</i>			2,827,200 kWh =	<b>\$177,711.27</b>
<b>Efficiency Smart Power Plant 2017-2020</b>				
ESPP 2017-2020 obligation @ \$1.400 /MWh x 145,364.3 MWh / 12				\$16,959.16
<i>Subtotal</i>			0 kWh =	<b>\$16,959.16</b>
<b>Northern Power Pool:</b>				
On Peak Energy Charge: (M-F HE 08-23 EDT)	\$0.026821 / kWh *		630,027 kWh =	\$16,897.92
Off Peak Energy Charge:	\$0.021248 / kWh *		189,442 kWh =	\$4,025.22
Sale of Excess Non-Pool Resources to Pool	\$0.020234 / kWh *		-988,669 kWh =	-\$20,004.98
Pool Congestion Hedge				\$4,357.02
<i>Subtotal</i>		<b>-\$0.031177 / kWh *</b>	<b>-169,200 kWh =</b>	<b>\$5,275.18</b>
<b>Total Demand Charges:</b>				<b>\$422,241.55</b>
<b>Total Energy Charges:</b>				<b>\$410,559.70</b>
<b>Total Power Charges:</b>			<b>12,907,445 kWh</b>	<b>\$832,801.25</b>
<b>TRANSMISSION / CAPACITY / ANCILLARY SERVICES:</b>				
Demand Charge:	\$6.327417 / kW *		30,346 kW =	\$192,011.81
Energy Charge:	\$0.000362 / kWh *		10,609,973 kWh =	\$3,836.05
RPM (Capacity) Charges:	\$3.736100 / kW *		30,052 kW =	\$112,277.28
<i>TRANSMISSION / CAPACITY / ANCILLARY SERVICES:</i>		<b>\$0.029041 / kWh *</b>	<b>10,609,973 kWh =</b>	<b>\$308,125.14</b>
<b>Service Fee Part A,</b>				
Based on Annual Municipal Sales	\$0.000229 / kWh *		150,253,707 kWh 1/12 =	\$2,867.34
<b>Service Fee Part B,</b>				
Energy Purchases	\$0.000580 / kWh *		12,947,396 kWh =	\$7,509.49
<b>TOTAL OTHER CHARGES:</b>				<b>\$10,376.83</b>
<b>MISCELLANEOUS CHARGES:</b>				
PJM marginal loss adjustment				\$721.05
<b>TOTAL MISCELLANEOUS CHARGES:</b>				<b>\$721.05</b>
<b>GRAND TOTAL POWER INVOICE:</b>				<b>\$1,152,024.27</b>



Napoleon		Capacity Plan - Actual																		
Jan	2020	ACTUAL DEMAND =				21.98	MW													
Days	31	ACTUAL ENERGY =				12,947	MWH													
SOURCE		DEMAND	DEMAND	ENERGY	LOAD	DEMAND	ENERGY	CONGESTION	CAPACITY	TRANSMISSION	DEMAND	ENERGY	CONGESTION	CAPACITY	TRANSMISSION	TOTAL	EFFECTIVE	%		
(1)		(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)		
1	NYPA - Ohio	0.04	0.04	612	88%	\$6.04	\$12.80	\$0.29	-\$3.03	\$0.00	\$6,241	\$7,877	\$170	-\$2,852	\$0	\$11,442	\$18.88	1.0%		
2	JV5	3.09	3.09	2,297	100%	\$25.36	\$18.18	\$0.00	-\$2.99	-\$6.33	\$78,324	\$41,724	\$0	-\$9,237	-\$19,539	\$81,272	\$39.73	7.9%		
3	JV5 Losses	0.00	0.00	34	0%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0.00	0.0%		
4	JV6	0.30	0.30	46	21%	\$3.42	\$6.60	\$1.09	-\$2.72	-\$0.78	\$1,025	\$0	\$0	-\$815	-\$235	-\$25	-\$0.53	0.0%		
5	AMP-Hydro	3.50	3.50	849	25%	\$49.78	\$30.00	\$0.92	-\$0.72	\$0.00	\$174,116	\$19,483	\$599	-\$2,518	\$0	\$191,680	\$295.42	16.7%		
6	Weidahl	0.50	0.50	158	42%	\$26.83	\$30.00	\$0.20	-\$2.48	\$0.00	\$13,423	\$4,751	\$32	-\$1,250	\$0	\$16,956	\$107.06	1.5%		
7	Greenup	0.33	0.33	61	25%	\$26.16	\$30.00	-\$0.28	-\$1.99	\$0.00	\$6,559	\$183	-\$16	-\$658	\$0	\$8,149	\$133.38	0.7%		
8	APEC	8.77	8.77	3,120	48%	\$9.85	\$26.79	\$0.37	-\$2.41	\$0.00	\$64,603	\$85,581	\$1,170	-\$21,085	\$0	\$148,259	\$47.52	12.9%		
9	Prairie State	4.98	4.98	3,218	87%	\$35.68	\$14.33	\$0.94	-\$2.28	\$0.00	\$178,530	\$46,119	\$3,032	-\$11,239	\$0	\$216,441	\$67.25	18.8%		
10	AMP Solar Phase I	1.04	1.04	53	7%	\$0.00	\$36.33	\$1.00	-\$1.62	-\$3.37	\$0	\$1,923	\$0	-\$1,689	-\$3,506	-\$3,273	-\$61.84	-0.3%		
11	Morgan Stanley 2015-2020 7x24	3.80	3.80	2,827	100%	\$0.00	\$62.95	-\$0.09	\$0.00	\$0.00	\$0	\$177,972	-\$261	\$0	\$0	\$177,711	\$62.86	15.5%		
12	AMPCT	12.40	12.40	0	0%	\$2.66	\$0.00	\$0.00	-\$2.66	-\$3.82	\$32,984	\$0	\$0	-\$32,957	-\$47,332	-\$47,306	\$0.00	-4.1%		
13	JV2	0.26	0.26	0	0%	\$2.62	\$0.00	\$0.00	-\$3.10	-\$2.26	\$692	\$3	\$0	-\$618	-\$567	-\$721	\$0.00	-0.1%		
14	NPP Pool Purchases	0.00	0.00	619	0%	\$0.00	\$31.62	\$0.00	\$0.00	\$0.00	\$0	\$25,913	\$0	\$0	\$0	\$25,913	\$31.62	2.3%		
15	NPP Pool Sales	0.00	0.00	989	0%	\$0.00	\$20.23	\$0.00	\$0.00	\$0.00	\$0	-\$20,005	\$0	\$0	\$0	-\$20,005	-\$20.23	-1.7%		
EXPENSE TOTAL		39.91	39.91	12,907	43%	\$576,576	\$394,104	\$0.37	-\$55,128	-\$71,209	\$576,576	\$394,104	\$4,733	-\$85,128	-\$71,209	\$816,473	\$63.58	71.1%		
16	Energy Efficiency			0		\$0.00	\$0.00					\$16,959				\$16,959	\$0.00	1.5%		
17	Installed Capacity	30.05	30.05			\$3.74					\$112,277	\$0				\$112,277	\$8.87	9.8%		
18	Transmission	30.35	30.35	10,610		\$6.33	\$0.36				\$192,012	\$3,836				\$195,848	\$15.13	17.0%		
19	Service Fee B			12,947			\$0.58					\$7,509				\$7,509	\$0.58	0.7%		
20	Dispatch Charge			12,947			\$0.00					\$0				\$0	\$0.00	0.0%		
EXPENSE TOTAL						\$304,889	\$18,905				\$304,889	\$18,905				\$323,794	\$25.69	28.9%		
GRAND TOTAL PURCHASED												\$882,865	\$417,809				\$1,300,674	\$89.27		
Delivered to members		21.978	21.978	12,947	75%							\$882,865	\$417,809				\$1,300,674	\$88.75	100.0%	
	2020 Forecast					DEMAND	ENERGY	L.F.								TOTAL \$	\$/MWh	Avg Temp		
	2019 Actual					23.35	13,444	77%								\$1,105,400	\$82.22	25.5		
	2018 Actual					28.04	13,581	70%								\$1,154,652	\$85.15	24.8		
						24.40	14,047	77%								\$1,333,394	\$94.02	24.9		
																Actual Temp		34.0		



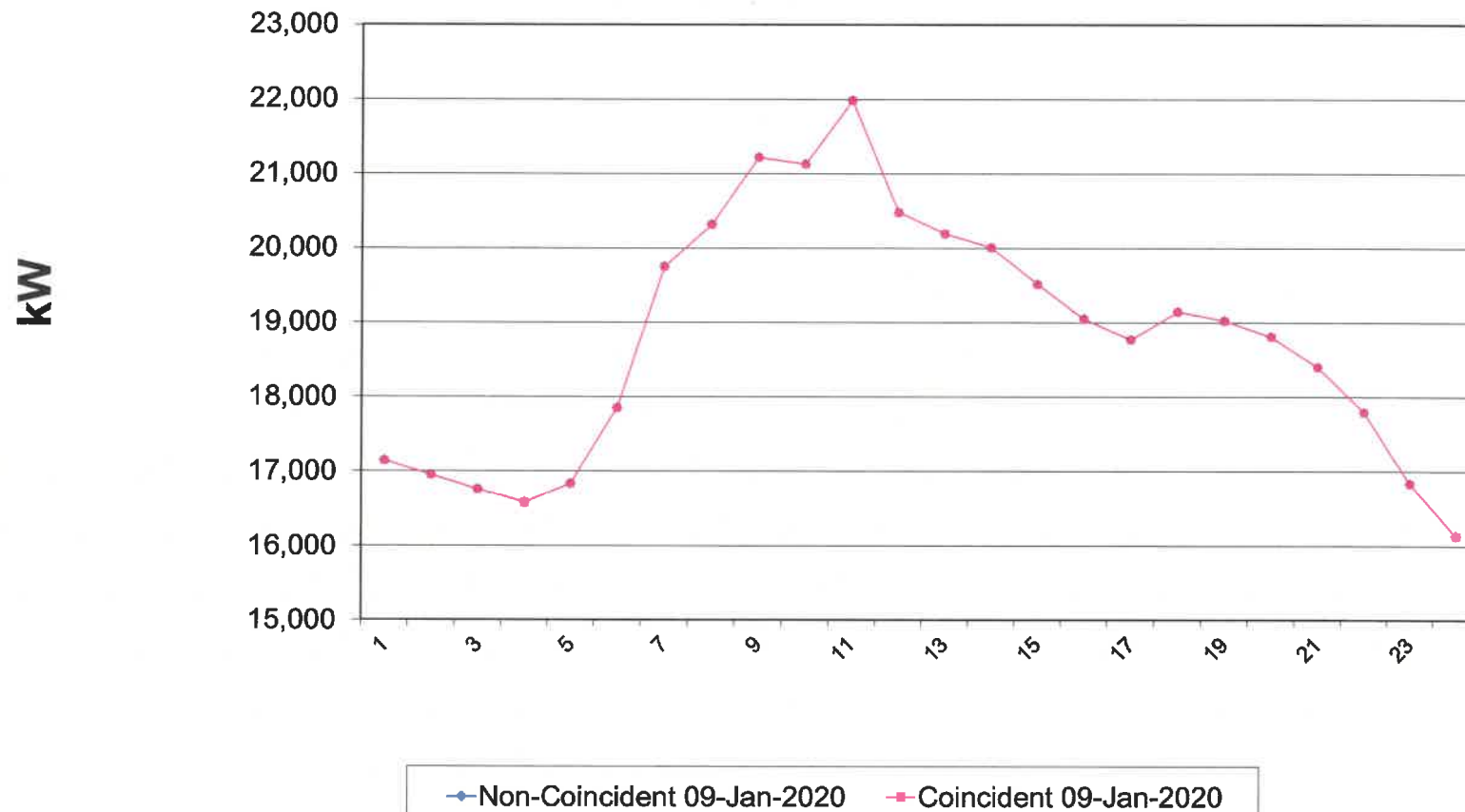
NAPOLEON

Date Hour	Wednesday 1/1/2020	Thursday 1/2/2020	Friday 1/3/2020	Saturday 1/4/2020	Sunday 1/5/2020	Monday 1/6/2020	Tuesday 1/7/2020	Wednesday 1/8/2020	Thursday 1/9/2020	Friday 1/10/2020	Saturday 1/11/2020	Sunday 1/12/2020	Monday 1/13/2020	Tuesday 1/14/2020	Wednesday 1/15/2020
100	14,067	14,633	14,715	13,061	13,052	14,918	16,100	16,235	17,141	15,573	12,820	13,297	15,622	16,311	16,139
200	13,707	14,316	14,221	12,697	12,797	14,605	16,015	15,990	16,949	15,208	12,301	13,207	15,325	15,721	15,926
300	13,298	14,254	14,353	12,496	12,867	14,990	15,572	16,025	16,755	15,029	12,015	13,071	14,305	15,441	15,970
400	13,102	14,089	13,402	12,356	12,199	14,210	15,010	15,719	16,577	14,730	11,869	12,844	15,458	15,344	15,760
500	13,125	14,504	14,015	12,449	12,327	15,041	15,574	16,069	16,831	15,041	12,002	13,163	15,579	15,264	16,020
600	13,122	15,350	14,748	12,781	12,633	16,255	16,813	17,217	17,850	15,893	12,223	13,208	16,588	16,131	16,863
700	13,400	16,613	15,934	13,199	13,073	17,666	18,266	18,567	19,752	17,118	12,492	13,534	18,101	18,097	18,156
800	13,678	17,742	17,285	14,091	13,829	19,369	19,845	20,071	20,315	18,514	13,264	14,367	19,413	19,624	19,442
900	13,876	18,475	18,417	14,834	14,126	19,649	20,153	20,459	21,217	19,182	13,912	14,846	19,629	19,732	19,848
1000	14,203	18,646	18,035	15,306	14,406	19,494	20,095	20,625	21,124	19,409	14,701	15,105	19,582	19,742	19,742
1100	14,277	18,809	17,922	15,578	14,931	19,348	19,893	20,866	21,978	19,440	15,073	15,350	19,760	19,548	19,607
1200	14,557	18,768	18,468	15,927	14,993	19,421	19,801	20,867	20,478	19,464	15,132	15,763	19,923	19,626	19,771
1300	14,729	18,787	18,444	15,734	15,357	19,472	19,589	20,805	20,190	19,440	15,165	15,911	19,950	19,682	19,773
1400	14,490	18,470	18,463	15,648	15,298	19,035	19,258	20,302	20,005	18,586	15,553	16,026	19,668	19,492	19,741
1500	14,266	18,068	18,262	15,456	15,176	18,797	19,294	20,069	19,515	18,832	15,424	15,953	19,387	19,434	19,561
1600	14,304	17,525	17,577	15,348	15,364	18,160	18,934	19,732	19,047	17,794	15,151	16,614	19,031	19,355	19,476
1700	14,366	17,703	17,038	15,389	15,327	18,034	18,717	19,685	18,768	17,210	15,018	16,272	18,919	19,303	19,771
1800	15,692	18,204	17,214	15,871	15,974	18,547	18,957	20,010	19,147	17,291	15,822	17,022	19,075	19,436	19,747
1900	16,318	18,250	17,049	15,828	16,360	18,744	19,273	20,289	19,025	17,161	15,644	17,348	19,187	19,591	19,617
2000	16,211	17,854	16,709	15,717	16,337	18,615	18,945	20,138	18,809	16,677	15,493	17,034	18,809	19,245	19,219
2100	15,951	17,409	16,633	15,490	16,201	18,363	18,758	19,789	18,398	16,340	15,243	16,845	18,474	18,891	18,921
2200	15,477	16,945	16,234	15,197	15,634	17,682	18,312	19,229	17,790	15,846	14,988	16,196	17,885	18,185	18,260
2300	15,102	16,135	14,969	14,665	14,996	16,977	17,411	18,138	16,831	14,897	14,370	15,494	17,000	17,095	17,404
2400	14,792	15,186	13,670	13,784	15,016	16,477	16,723	17,324	16,127	13,703	13,890	15,661	16,596	16,525	16,832
Total	346,110	406,735	393,777	348,902	348,273	423,869	437,308	454,220	450,619	406,368	339,565	364,131	433,266	436,815	441,566

Date Hour	Thursday 1/16/2020	Friday 1/17/2020	Saturday 1/18/2020	Sunday 1/19/2020	Monday 1/20/2020	Tuesday 1/21/2020	Wednesday 1/22/2020	Thursday 1/23/2020	Friday 1/24/2020	Saturday 1/25/2020	Sunday 1/26/2020	Monday 1/27/2020	Tuesday 1/28/2020	Wednesday 1/29/2020	Thursday 1/30/2020	Friday 1/31/2020
100	16,387	17,669	14,970	15,002	17,088	17,228	17,218	16,456	16,307	13,501	13,864	15,575	16,292	16,281	16,580	16,614
200	16,130	17,372	14,793	14,898	16,576	16,792	16,906	15,886	15,846	13,284	13,620	15,070	15,723	15,727	16,156	16,071
300	15,954	17,210	14,625	14,746	16,660	16,787	16,662	15,819	15,853	13,092	13,417	14,991	15,654	15,706	16,083	15,992
400	15,466	16,972	14,362	14,735	16,509	16,452	16,474	15,511	15,298	13,107	13,222	14,913	15,496	15,451	15,806	15,659
500	15,891	17,261	14,437	14,801	16,954	16,954	17,074	15,869	15,804	13,390	13,247	15,355	16,011	15,971	16,241	16,125
600	17,365	18,263	14,517	14,718	18,034	18,161	18,238	16,932	16,809	13,717	13,372	16,716	16,909	16,994	17,009	17,056
700	18,843	19,419	14,832	15,520	19,061	19,538	19,496	18,427	18,311	14,277	13,738	18,150	18,280	18,263	18,530	18,417
800	20,360	20,772	15,688	15,613	20,507	21,009	21,077	19,938	19,914	15,326	14,654	19,564	19,506	19,769	20,107	20,005
900	20,600	21,333	16,374	15,934	21,092	21,513	21,470	20,208	20,315	16,111	15,312	20,010	19,839	20,219	20,185	20,224
1000	20,753	21,615	16,869	17,096	20,880	21,213	21,493	20,383	20,093	16,557	15,574	20,138	19,922	20,375	20,174	20,494
1100	20,878	21,697	17,179	17,637	20,730	20,580	21,199	20,301	20,208	16,736	15,844	20,226	19,956	20,301	20,158	20,692
1200	20,867	21,472	17,414	17,843	20,564	20,489	21,177	20,041	20,110	16,716	16,125	20,038	19,919	20,421	19,750	20,265
1300	20,933	21,355	17,060	18,159	20,604	20,466	20,961	20,229	20,041	16,631	16,461	20,147	20,120	20,553	20,038	20,157
1400	20,816	21,017	16,695	18,005	20,369	20,308	20,554	20,032	19,955	16,360	16,468	19,865	20,097	20,269	19,846	19,865
1500	20,533	20,714	16,628	17,644	20,109	19,923	20,213	19,386	19,764	16,004	16,268	19,553	19,778	20,027	19,790	19,476
1600	20,490	20,082	16,502	17,737	19,883	19,353	19,793	19,126	19,234	15,723	16,001	19,413	19,525	19,679	19,494	18,787
1700	20,080	19,645	16,462	17,886	19,497	19,243	19,517	18,656	18,959	15,773	15,867	19,039	19,291	19,459	19,394	18,304
1800	20,387	19,696	16,928	18,428	19,918	19,573	19,843	18,927	18,546	16,000	16,377	19,047	19,593	19,876	19,251	18,005
1900	20,558	19,759	17,210	18,803	20,779	20,436	20,208	19,320	18,317	16,344	17,198	19,530	19,765	19,900	19,220	18,215
2000	20,237	19,632	16,778	18,596	20,504	20,151	20,095	18,991	17,901	16,316	17,034	19,503	19,446	19,557	19,076	17,959
2100	20,097	19,201	16,707	18,203	20,242	19,886	19,906	18,690	17,563	15,979	16,735	19,122	19,125	19,239	18,888	17,752
2200	19,690	18,476	16,483	17,676	19,328	19,262	19,290	18,161	17,064	15,463	16,224	18,196	18,265	18,776	18,581	17,179
2300	18,788	17,368	16,025	17,219	18,270	18,208	18,001	17,256	15,668	14,970	15,452	17,124	17,141	17,827	17,500	16,247
2400	17,995	15,979	15,446	17,126	17,744	17,590	17,219	16,701	14,184	14,469	15,578	16,627	16,562	17,153	16,941	14,599
Total	460,098	448,000	384,984	404,025	461,902	461,115	464,084	441,246	432,084	365,846	367,652 Maximum	437,912 21,978	442,215 Minimum	447,793 11,869	444,798 Grand Total	434,159 12,947,396

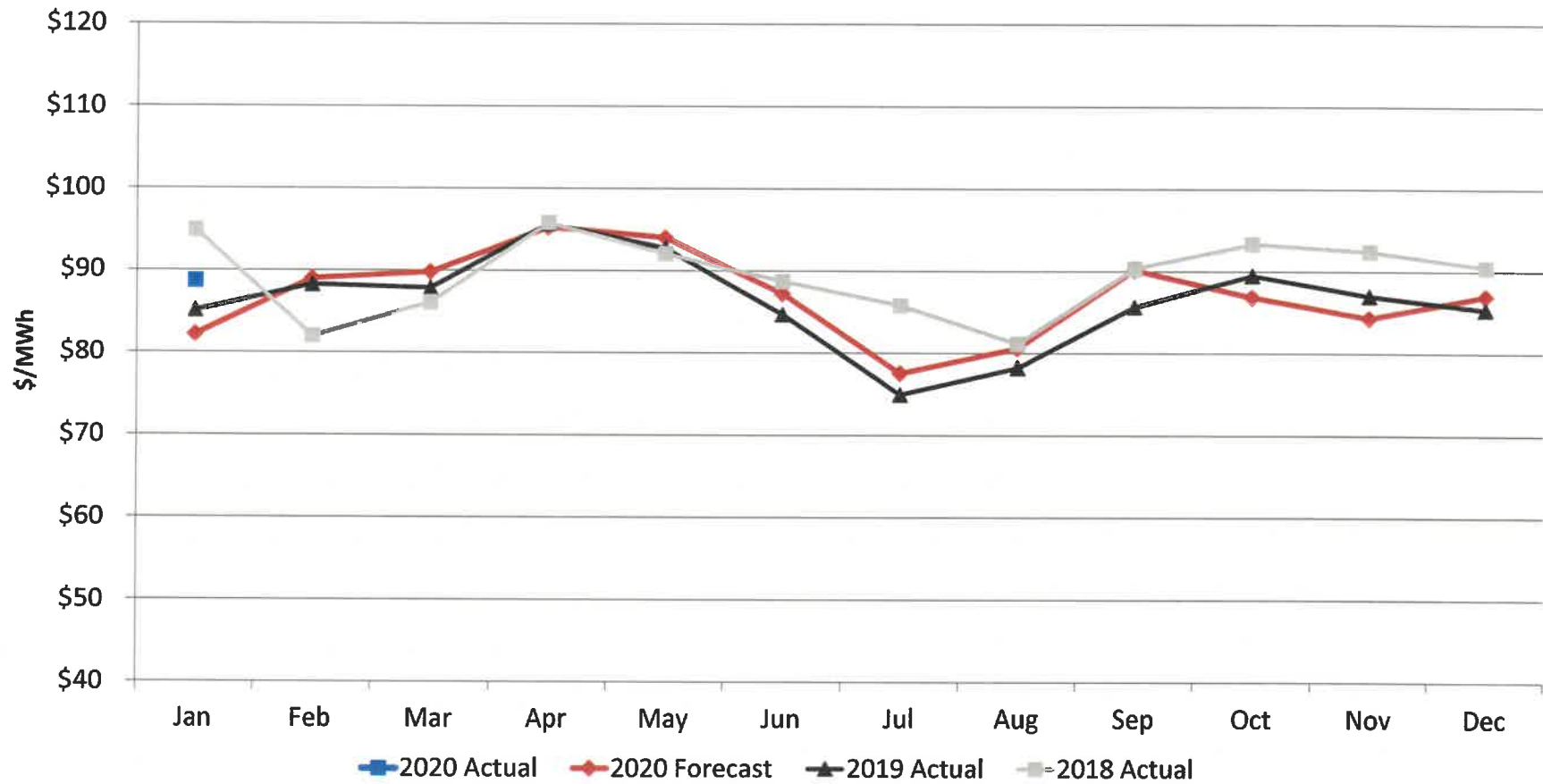


## Napoleon Peak Day Load Curve



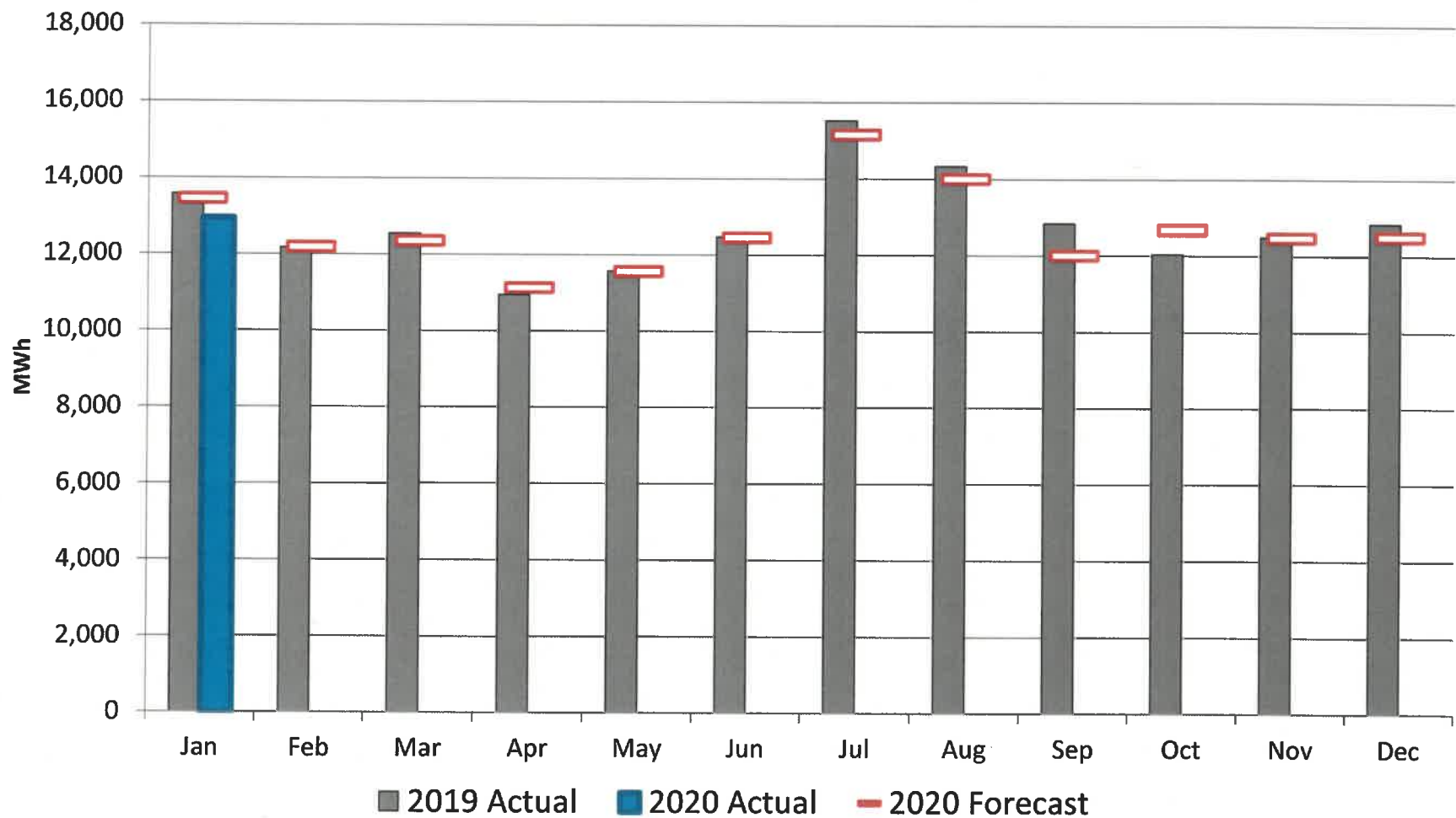


## Napoleon 2020 Monthly Rates





## Napoleon 2020 Monthly Energy Usage





**RATE REVIEW COMPARISONS - Current to Prior Month and Prior Year**

**2020 MARCH BILLING - ELECTRIC PSCAF - BILLING COMPARISONS TO PRIOR PERIODS**

Rate Comparisons to Prior Month and Prior Year for Same Period

	Service Usage	Service Units	Current MARCH 2020 Rate	Prior Month FEBRUARY 2020 Rate	Prior Year MARCH 2019 Rate		Service Usage	Service Units	Current MARCH 2020 Rate	Prior Month FEBRUARY 2020 Rate	Prior Year MARCH 2019 Rate
<b>Customer Type</b>											
<i>Customer Type -&gt;</i>											
<b>RESIDENTIAL USER - (w/Gas Heat)</b>						<b>RESIDENTIAL USER - (All Electric)</b>					
Customer Charge			\$6.00	\$6.00	\$6.00				\$6.00	\$6.00	\$6.00
Distribution Energy Charge			\$20.93	\$20.93	\$20.93				\$33.39	\$33.39	\$33.39
Distribution Demand Charge											
Power Supply Energy Charge	978	kWh	\$71.20	\$71.20	\$71.20	1,976	kWh	\$143.85	\$143.85	\$143.85	\$143.85
Power Supply Demand Charge											
PSCAF - Monthly Factor	978	kWh	\$16.31	\$16.46	\$18.63	1,976	kWh	\$32.96	\$33.26	\$37.64	\$37.64
kWH Tax- Level 1	978	kWh	\$4.55	\$4.55	\$4.55	1,976	kWh	\$9.19	\$9.19	\$9.19	\$9.19
kWH Tax- Level 2											
kWH Tax- Level 3											
<b>Total Electric</b>			<b>\$118.99</b>	<b>\$119.14</b>	<b>\$121.31</b>			<b>\$225.39</b>	<b>\$225.69</b>	<b>\$230.07</b>	
Water	6	CCF	\$55.35	\$55.35	\$50.55	11	CCF	\$91.89	\$91.89	\$83.14	\$83.14
Sewer (w/Stm.Sew. & Lat.)	6	CCF	\$74.13	\$74.13	\$70.89	11	CCF	\$104.83	\$104.83	\$98.89	\$98.89
Storm Water (Rate/ERU)			\$9.50	\$9.50	\$9.50			\$9.50	\$9.50	\$9.50	\$9.50
Refuse (Rate/Service)			\$18.00	\$18.00	\$18.00			\$18.00	\$18.00	\$18.00	\$18.00
<b>Sub-Other Services</b>			<b>\$156.98</b>	<b>\$156.98</b>	<b>\$148.94</b>			<b>\$224.22</b>	<b>\$224.22</b>	<b>\$209.53</b>	
<b>Total Billing - All Services</b>			<b>\$275.97</b>	<b>\$276.12</b>	<b>\$270.25</b>			<b>\$449.61</b>	<b>\$449.91</b>	<b>\$439.60</b>	
Verification Totals->			\$275.97	\$276.12	\$270.25			\$449.61	\$449.91	\$439.60	
				<i>Cr.Mo to Pr.Mo</i>	<i>Cr.Yr to Pr.Yr</i>				<i>Cr.Mo to Pr.Mo</i>	<i>Cr.Yr to Pr.Yr</i>	
Dollar Chg.to Prior Periods				-\$0.15	\$5.72				-\$0.30	\$10.01	
% Inc/Dec(-) to Prior Periods				-0.05%	2.12%				-0.07%	2.28%	
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
Cost/kWH - Electric	978	kWh	\$0.12167	\$0.12182	\$0.12404	1,976	kWh	\$0.11406	\$0.11422	\$0.11643	\$0.11643
% Inc/Dec(-) to Prior Periods				-0.12%	-1.91%				-0.14%	-2.04%	
Cost/CCF - Water	6	CCF	\$9.22500	\$9.22500	\$8.42500	11	CCF	\$8.35364	\$8.35364	\$7.55818	\$7.55818
Cost/GALLONS - Water	4,488	GAL	\$0.01233	\$0.01233	\$0.01126	8,229	GAL	\$0.01117	\$0.01117	\$0.01010	\$0.01010
% Inc/Dec(-) to Prior Periods				0.00%	9.50%				0.00%	10.52%	
Cost/CCF - Sewer	6	CCF	\$12.35500	\$12.35500	\$11.81500	11	CCF	\$9.53000	\$9.53000	\$8.99000	\$8.99000
Cost/GALLON - Sewer	4,488	GAL	\$0.01652	\$0.01652	\$0.01580	8,229	GAL	\$0.01274	\$0.01274	\$0.01202	\$0.01202
% Inc/Dec(-) to Prior Periods				0.00%	4.57%				0.00%	6.01%	
<i>(Listed Accounts Assume SAME USAGE for kWH and Water (CCF) for All Billing Periods)</i>											
<i>(One "1" Unit CCF of Water = "Hundred Cubic Foot" = 748.05 Gallons)</i>											



**RATE REVIEW COMPARISONS - Current to Prior Month and Prior Year**

**2020 MARCH BILLING - ELEC**

**Rate Comparisons to Prior Month a**

			<b>Current</b>	<b>Prior Month</b>	<b>Prior Year</b>				<b>Current</b>	<b>Prior Month</b>	<b>Prior Year</b>
	<b>Service</b>	<b>Service</b>	<b>MARCH</b>	<b>FEBRUARY</b>	<b>MARCH</b>		<b>Service</b>	<b>Service</b>	<b>MARCH</b>	<b>FEBRUARY</b>	<b>MARCH</b>
<b>Customer Type</b>	<b>Usage</b>	<b>Units</b>	<b>2020 Rate</b>	<b>2020 Rate</b>	<b>2019 Rate</b>		<b>Usage</b>	<b>Units</b>	<b>2020 Rate</b>	<b>2020 Rate</b>	<b>2019 Rate</b>
<b>Customer Type -&gt;</b>			<b>COMMERCIAL USER - (3 Phase w/Demand)</b>				<b>INDUSTRIAL USER - (3 Phase w/Demand)</b>				
Customer Charge			\$18.00	\$18.00	\$18.00				\$100.00	\$100.00	\$100.00
Distribution Energy Charge	7,040	kWh	\$38.02	\$38.02	\$38.02	98,748	Reactive		\$2,303.85	\$2,303.85	\$2,303.85
Distribution Demand Charge	20.32	kW/Dmd	\$92.86	\$92.86	\$92.86	1510.1	kW/Dmd		\$8,215.30	\$8,215.30	\$8,215.30
Power Supply Energy Charge	7,040	kWh	\$623.04	\$623.04	\$623.04	866,108	kWh		\$39,165.42	\$39,165.42	\$39,165.42
Power Supply Demand Charge									\$15,296.55	\$15,296.55	\$15,296.55
PSCAF - Monthly Factor	7,040	kWh	\$117.43	\$118.48	\$134.11				\$13,724.35	\$13,847.77	\$15,674.40
kWH Tax- Level 1			\$9.66	\$9.66	\$9.66				\$9.66	\$9.66	\$9.66
kWH Tax- Level 2			\$20.80	\$20.80	\$20.80				\$56.24	\$56.24	\$56.24
kWH Tax- Level 3									\$3,087.71	\$3,087.71	\$3,087.71
<b>Total Electric</b>			<b>\$919.81</b>	<b>\$920.86</b>	<b>\$936.49</b>				<b>\$81,959.08</b>	<b>\$82,082.50</b>	<b>\$83,909.13</b>
Water	25	CCF	\$190.17	\$190.17	\$170.92	300	CCF		\$2,152.61	\$2,152.61	\$1,936.11
Sewer (w/Stm.Sew. & Lat.)	25	CCF	\$192.19	\$192.19	\$177.29	300	CCF		\$1,880.69	\$1,880.69	\$1,717.29
Storm Water (Rate/ERU)			\$9.50	\$9.50	\$9.50				\$330.00	\$330.00	\$330.00
Refuse (Rate/Service)			\$5.00	\$5.00	\$5.00				\$5.00	\$5.00	\$5.00
<b>Sub-Other Services</b>			<b>\$396.86</b>	<b>\$396.86</b>	<b>\$362.71</b>				<b>\$4,368.30</b>	<b>\$4,368.30</b>	<b>\$3,988.40</b>
<b>Total Billing - All Services</b>			<b>\$1,316.67</b>	<b>\$1,317.72</b>	<b>\$1,299.20</b>				<b>\$86,327.38</b>	<b>\$86,450.80</b>	<b>\$87,897.53</b>
<i>Verification Totals-&gt;</i>			\$1,316.67	\$1,317.72	\$1,299.20				\$86,327.38	\$86,450.80	\$87,897.53
				<i>Cr.Mo to Pr.Mo</i>	<i>Cr.Yr to Pr.Yr</i>					<i>Cr.Mo to Pr.Mo</i>	<i>Cr.Yr to Pr.Yr</i>
Dollar Chg.to Prior Periods				-\$1.05	\$17.47					-\$123.42	-\$1,570.15
% Inc/Dec(-) to Prior Periods				-0.08%	1.34%					-0.14%	-1.79%
=====											
Cost/kWH - Electric	7,040	kWh	\$0.13065	\$0.13080	\$0.13302	866,108	kWh		\$0.09463	\$0.09477	\$0.09688
% Inc/Dec(-) to Prior Periods				-0.11%	-1.78%					-0.15%	-2.32%
Cost/CCF - Water	25	CCF	\$7.60680	\$7.60680	\$6.83680	300	CCF		\$7.17537	\$7.17537	\$6.45370
Cost/GALLONS - Water	18,701	GAL	\$0.01017	\$0.01017	\$0.00914	224,415	GAL		\$0.00959	\$0.00959	\$0.00863
% Inc/Dec(-) to Prior Periods				0.00%	11.26%					0.00%	11.18%
Cost/CCF - Sewer	25	CCF	\$7.68760	\$7.68760	\$7.09160	300	CCF		\$6.26897	\$6.26897	\$5.72430
Cost/GALLON - Sewer	18,701	GAL	\$0.01028	\$0.01028	\$0.00948	224,415	GAL		\$0.00838	\$0.00838	\$0.00765
% Inc/Dec(-) to Prior Periods				0.00%	8.40%					0.00%	9.52%
(Listed Accounts Assume SAME USA											
(One "1" Unit CCF of Water = "Hundre											



<b>BILLING SUMMARY AND CONSUMPTION for BILLING CYCLE - MARCH 2020</b>															
<b>JANUARY, 2020</b>															
<b>2020 - MARCH BILLING WITH JANUARY 2020 AMP BILLING PERIOD AND FEBRUARY 2020 CITY CONSUMPTION AND BILLING DATA</b>															
Class and/or Schedule	Rate Code	Feb-20 # of Bills	Feb-20 (kWh Usage)	Feb-20 Billed	Billed kVa of Demand	Cost / kWh For Month	Cost / kWh Prior 12 Mo Average	Mar-19 # of Bills	Mar-19 (kWh Usage)	Mar-19 Billed	Cost / kWh For Month	Apr-19 # of Bills	Apr-19 (kWh Usage)	Apr-19 Billed	Cost / kWh For Month
Residential (Dom-In)	E1	3,353	2,227,957	\$277,842.04		\$0.1247	\$0.1236	3,333	2,465,436	\$310,648.89	\$0.1260	3,342	2,035,692	\$257,277.91	\$0.1264
Residential (Dom-In) w/Ecosmart	E1E	6	2,826	\$362.90		\$0.1284	\$0.1266	8	3,762	\$491.53	\$0.1307	8	3,079	\$406.83	\$0.1321
Residential (Dom-In - All Electric)	E2	628	670,954	\$81,369.44		\$0.1213	\$0.1224	610	833,025	\$101,831.08	\$0.1222	620	672,647	\$82,084.80	\$0.1220
Res.(Dom-In - All Elec.) w/Ecosmart	E2E	1	532	\$67.53		\$0.1269	\$0.1252	1	526	\$68.02	\$0.1293	1	508	\$65.20	\$0.1283
<b>Total Residential (Domestic)</b>		<b>3,988</b>	<b>2,902,269</b>	<b>\$359,641.91</b>	<b>0</b>	<b>\$0.1239</b>	<b>\$0.1234</b>	<b>3,952</b>	<b>3,302,749</b>	<b>\$413,039.52</b>	<b>\$0.1251</b>	<b>3,971</b>	<b>2,711,926</b>	<b>\$339,834.74</b>	<b>\$0.1253</b>
Residential (Rural-Out)	ER1	790	849,808	\$110,182.04		\$0.1297	\$0.1297	777	961,894	\$125,641.90	\$0.1306	776	794,190	\$104,015.97	\$0.1310
Residential (Rural-Out) w/Ecosmart	ER1E	4	3,438	\$453.88		\$0.1320	\$0.1329	4	3,702	\$493.87	\$0.1334	4	3,058	\$410.74	\$0.1343
Residential (Rural-Out - All Electric)	ER2	362	508,585	\$64,818.71		\$0.1274	\$0.1282	371	609,784	\$78,413.48	\$0.1286	370	498,088	\$64,053.38	\$0.1286
Res. (Rural-Out - All Electric) w/Ecosmar	ER2E	2	2,654	\$339.49		\$0.1279	\$0.1289	2	3,344	\$429.97	\$0.1286	2	2,955	\$378.26	\$0.1280
Residential (Rural-Out w/Dmd)	ER3	15	146,970	\$17,739.27	538	\$0.1207	\$0.1239	15	48,348	\$6,061.31	\$0.1254	15	25,173	\$3,197.46	\$0.1270
Residential (Rural-Out - All Electric w/Dm	ER4	9	11,986	\$1,532.42	73	\$0.1279	\$0.1291	9	11,570	\$1,508.08	\$0.1303	9	10,622	\$1,377.53	\$0.1297
<b>Total Residential (Rural)</b>		<b>1,182</b>	<b>1,523,441</b>	<b>\$195,065.81</b>	<b>611</b>	<b>\$0.1280</b>	<b>\$0.1290</b>	<b>1,178</b>	<b>1,638,642</b>	<b>\$212,548.61</b>	<b>\$0.1297</b>	<b>1,176</b>	<b>1,334,086</b>	<b>\$173,433.34</b>	<b>\$0.1300</b>
Commercial (1 Ph-In - No Dmd)	EC2	74	35,871	\$5,678.93		\$0.1583	\$0.1607	72	38,814	\$6,133.79	\$0.1580	72	31,999	\$5,166.30	\$0.1615
Commercial (1 Ph-Out - No Dmd)	EC2O	50	11,780	\$2,173.33		\$0.1845	\$0.1890	50	14,161	\$2,522.55	\$0.1781	50	11,118	\$2,094.53	\$0.1884
<b>Total Commercial (1 Ph) No Dmd</b>		<b>124</b>	<b>47,651</b>	<b>\$7,852.26</b>	<b>0</b>	<b>\$0.1648</b>	<b>\$0.1679</b>	<b>122</b>	<b>52,975</b>	<b>\$8,656.34</b>	<b>\$0.1634</b>	<b>122</b>	<b>43,117</b>	<b>\$7,260.83</b>	<b>\$0.1684</b>
Commercial (1 Ph-In - w/Demand)	EC1	257	302,449	\$47,334.25	2049	\$0.1565	\$0.1515	258	330,566	\$49,985.17	\$0.1512	259	299,031	\$45,856.29	\$0.1533
Commercial (1 Ph-Out - w/Demand)	EC1O	25	41,403	\$5,935.19	189	\$0.1434	\$0.1413	24	46,986	\$6,633.96	\$0.1412	24	41,830	\$5,894.91	\$0.1409
<b>Total Commercial (1 Ph) w/Demand</b>		<b>282</b>	<b>343,852</b>	<b>\$53,269.44</b>	<b>2,238</b>	<b>\$0.1549</b>	<b>\$0.1503</b>	<b>282</b>	<b>377,552</b>	<b>\$56,619.13</b>	<b>\$0.1500</b>	<b>283</b>	<b>340,861</b>	<b>\$51,751.20</b>	<b>\$0.1518</b>
Commercial (3 Ph-Out - No Dmd)	EC4O	2	1,040	\$174.82	19	\$0.1681	\$0.1921	2	160	\$57.71	\$0.3607	2	600	\$116.60	\$0.1943
<b>Total Commercial (3 Ph) No Dmd</b>		<b>2</b>	<b>1,040</b>	<b>\$174.82</b>	<b>19</b>	<b>\$0.1681</b>	<b>\$0.1921</b>	<b>2</b>	<b>160</b>	<b>\$57.71</b>	<b>\$0.3607</b>	<b>2</b>	<b>600</b>	<b>\$116.60</b>	<b>\$0.1943</b>
Commercial (3 Ph-In - w/Demand)	EC3	212	1,688,719	\$222,678.01	5824	\$0.1319	\$0.1308	215	1,843,999	\$246,143.40	\$0.1335	214	1,840,308	\$243,290.37	\$0.1322
Commercial (3 Ph-Out - w/Demand)	EC3O	36	285,800	\$38,879.27	1302	\$0.1360	\$0.1330	38	303,214	\$40,961.20	\$0.1351	37	288,847	\$38,828.23	\$0.1344
Commercial (3 Ph-Out - w/Dmd.&Sub-St.	E3SO	3	98,320	\$12,243.36	349	\$0.1245	\$0.1232	3	114,920	\$14,544.21	\$0.1266	3	104,160	\$13,110.89	\$0.1259
Commercial (3 Ph-In - w/Demand, No Ta	EC3T	1	1,480	\$209.30	6	\$0.1414	\$0.1297	1	1,880	\$253.74	\$0.1350	1	1,880	\$250.82	\$0.1334
<b>Total Commercial (3 Ph) w/Demand</b>		<b>252</b>	<b>2,074,319</b>	<b>\$274,009.94</b>	<b>7,481</b>	<b>\$0.1321</b>	<b>\$0.1308</b>	<b>257</b>	<b>2,264,013</b>	<b>\$301,902.55</b>	<b>\$0.1333</b>	<b>255</b>	<b>2,235,195</b>	<b>\$295,480.31</b>	<b>\$0.1322</b>
Large Power (In - w/Dmd & Rct)	EL1	15	1,598,234	\$172,601.65	3628	\$0.1080	\$0.1045	15	1,629,248	\$176,214.53	\$0.1082	15	1,519,156	\$166,527.05	\$0.1096
Large Power (In - w/Dmd & Rct, w/SbCr)	EL2	3	937,001	\$95,111.19	1939	\$0.1015	\$0.1010	3	922,545	\$96,209.85	\$0.1043	3	890,900	\$92,963.95	\$0.1043
Large Power (Out - w/Dmd & Rct, w/SbCr)	EL2O	1	274,800	\$33,004.71	795	\$0.1201	\$0.1117	1	488,400	\$52,538.17	\$0.1076	1	444,000	\$49,582.76	\$0.1117
Large Power (In - w/Dmd & Rct, w/SbCr)	EL3	2	108,215	\$10,418.87	181	\$0.0963	\$0.1633	2	67,200	\$6,824.48	\$0.1016	2	61,200	\$6,282.65	\$0.1027
<b>Total Large Power</b>		<b>21</b>	<b>2,918,250</b>	<b>\$311,136.42</b>	<b>6,543</b>	<b>\$0.1066</b>	<b>\$0.1058</b>	<b>21</b>	<b>3,107,393</b>	<b>\$331,787.03</b>	<b>\$0.1068</b>	<b>21</b>	<b>2,915,256</b>	<b>\$315,356.41</b>	<b>\$0.1082</b>
Industrial (In - w/Dmd & Rct, w/SbCr)	E1I	1	648,953	\$67,477.05	1567	\$0.1040	\$0.0964	1	953,746	\$93,976.56	\$0.0985	1	793,516	\$80,520.83	\$0.1015
Industrial (In - w/Dmd & Rct, No/SbCr)	E1I2	1	748,763	\$77,149.51	1671	\$0.1030	\$0.1004	1	679,242	\$70,650.12	\$0.1040	1	592,800	\$64,867.63	\$0.1094
<b>Total Industrial</b>		<b>2</b>	<b>1,397,716</b>	<b>\$144,626.56</b>	<b>3,238</b>	<b>\$0.1035</b>	<b>\$0.0983</b>	<b>2</b>	<b>1,632,988</b>	<b>\$164,626.68</b>	<b>\$0.1008</b>	<b>2</b>	<b>1,386,316</b>	<b>\$145,388.46</b>	<b>\$0.1049</b>
Interdepartmental (In - No Dmd)	ED1	12	36,405	\$4,558.19	73	\$0.1252	\$0.1306	9	41,855	\$5,271.19	\$0.1259	9	33,828	\$4,311.86	\$0.1275
Interdepartmental (Out - w/Dmd)	ED2O	2	476	\$87.89		\$0.1842	\$0.1848	2	246	\$57.53	\$0.2339	2	234	\$55.59	\$0.2376
Interdepartmental (In - w/Dmd)	ED2	29	61,731	\$8,578.30		\$0.1390	\$0.1412	27	82,014	\$11,431.90	\$0.1394	27	65,129	\$9,060.76	\$0.1391
Interdepartmental (3Ph-In - w/Dmd)	ED3	10	158,974	\$20,332.08	532	\$0.1279	\$0.1286	10	205,686	\$26,332.92	\$0.1280	10	188,404	\$23,936.79	\$0.1271
Interdepartmental (Street Lights)	EDSL	6	32,771	\$3,158.23		\$0.0964	\$0.0963	5	14,608	\$1,416.67	\$0.0970	5	14,608	\$1,413.75	\$0.0968
Interdepartmental (Traffic Signals)	EDTS	8	1,243	\$114.93		\$0.0925	\$0.0925	8	1,474	\$136.29	\$0.0925	8	1,267	\$117.15	\$0.0925
Generators (JV2 Power Cost Only)	GJV2	1	27,895	\$3,378.92	46	\$0.1211	\$0.0000	1	21,704	\$603.15	\$0.0278	1	18,459	\$450.95	\$0.0244
Generators (JV5 Power Cost Only)	GJV5	0	0	\$0.00		\$0.0000	\$0.0000	0	0	\$0.00	\$0.0000	0	0	\$0.00	\$0.0000
<b>Total Interdepartmental</b>		<b>68</b>	<b>319,495</b>	<b>\$40,208.34</b>	<b>651</b>	<b>\$0.1258</b>	<b>\$0.1213</b>	<b>62</b>	<b>367,587</b>	<b>\$45,249.65</b>	<b>\$0.1231</b>	<b>62</b>	<b>321,929</b>	<b>\$39,346.85</b>	<b>\$0.1222</b>
<b>SUB-TOTAL CONSUMPTION &amp; DEMAND</b>		<b>5,921</b>	<b>11,528,033</b>	<b>\$1,385,985.50</b>	<b>20,781</b>	<b>\$0.1202</b>	<b>\$0.1180</b>	<b>5,878</b>	<b>12,744,059</b>	<b>\$1,534,487.22</b>	<b>\$0.1204</b>	<b>5,894</b>	<b>11,289,286</b>	<b>\$1,367,968.74</b>	<b>\$0.1212</b>
Street Lights (In)	SLO	14	0	\$13.43		\$0.0000	\$0.0000	14	0	\$13.43	\$0.0000	14	0	\$13.44	\$0.0000
Street Lights (Out)	SLOO	2	0	\$1.92		\$0.0000	\$0.0000	2	0	\$1.92	\$0.0000	2	0	\$1.92	\$0.0000
<b>Total Street Light Only</b>		<b>16</b>	<b>0</b>	<b>\$15.35</b>	<b>0</b>	<b>\$0.0000</b>	<b>\$0.0000</b>	<b>16</b>	<b>0</b>	<b>\$15.35</b>	<b>\$0.0000</b>	<b>16</b>	<b>0</b>	<b>\$15.36</b>	<b>\$0.0000</b>
<b>TOTAL CONSUMPTION &amp; DEMAND</b>		<b>5,937</b>	<b>11,528,033</b>	<b>\$1,386,000.85</b>	<b>20,781</b>	<b>\$0.1202</b>	<b>\$0.1180</b>	<b>5,894</b>	<b>12,744,059</b>	<b>\$1,534,502.57</b>	<b>\$0.1204</b>	<b>5,910</b>	<b>11,289,286</b>	<b>\$1,367,984.10</b>	<b>\$0.1212</b>



<b>BILLING SUMMARY AND COMPARISON</b>																
<b>JANUARY, 2020</b>																
<b>2020 - MARCH BILLING WITH JANUARY 2020 AMOUNTS</b>																
Class and/or Schedule	Rate Code	May-19		May-19 (kWh Usage)	May-19 Billed	Cost / kWh For Month	Jun-19		Jun-19 (kWh Usage)	Jun-19 Billed	Cost / kWh For Month	Jul-19		Jul-19 (kWh Usage)	Jul-19 Billed	Cost / kWh For Month
		# of Bills	# of kWh				# of Bills	# of kWh				# of Bills	# of kWh			
Residential (Dom-In)	E1	3,344	1,923,171	\$242,954.41	\$0.1263	3,339	1,637,164	\$215,454.91	\$0.1316	3,344	1,867,903	\$245,867.24	\$0.1316	3,346	2,732,680	\$346,222.17
Residential (Dom-In) w/Ecosmart	E1E	8	3,052	\$401.71	\$0.1316	8	2,976	\$403.19	\$0.1355	7	3,714	\$490.94	\$0.1322	7	5,114	\$652.39
Residential (Dom-In - All Electric)	E2	621	557,529	\$68,338.87	\$0.1226	629	394,726	\$50,889.72	\$0.1289	628	344,748	\$45,441.85	\$0.1318	632	440,183	\$56,326.12
Res. (Dom-In - All Elec.) w/Ecosmart	E2E	1	457	\$58.97	\$0.1290	1	458	\$60.66	\$0.1324	1	558	\$73.44	\$0.1316	1	834	\$105.55
<b>Total Residential (Domestic)</b>		<b>3,974</b>	<b>2,484,209</b>	<b>\$311,753.96</b>	<b>\$0.1255</b>	<b>3,977</b>	<b>2,035,324</b>	<b>\$266,808.48</b>	<b>\$0.1311</b>	<b>3,980</b>	<b>2,216,923</b>	<b>\$291,873.47</b>	<b>\$0.1317</b>	<b>3,986</b>	<b>3,178,811</b>	<b>\$403,306.23</b>
Residential (Rural-Out)	ER1	776	699,983	\$92,162.85	\$0.1317	778	617,058	\$84,339.73	\$0.1367	786	641,759	\$88,459.44	\$0.1378	786	867,108	\$115,416.57
Residential (Rural-Out) w/Ecosmart	ER1E	4	2,544	\$346.81	\$0.1363	4	2,319	\$327.68	\$0.1413	4	2,594	\$365.77	\$0.1410	4	3,894	\$523.03
Residential (Rural-Out - All Electric)	ER2	370	416,573	\$53,930.58	\$0.1295	370	347,201	\$46,775.22	\$0.1347	367	325,561	\$44,556.81	\$0.1369	367	424,736	\$56,355.32
Res. (Rural-Out - All Electric) w/Ecosmart	ER2E	2	2,425	\$312.46	\$0.1288	2	1,967	\$264.01	\$0.1342	2	1,372	\$192.30	\$0.1402	2	1,219	\$171.23
Residential (Rural-Out w/Dmd)	ER3	15	26,458	\$3,336.23	\$0.1261	15	23,350	\$3,042.66	\$0.1303	15	15,858	\$2,139.28	\$0.1349	15	19,604	\$2,578.69
Residential (Rural-Out - All Electric w/Dmd)	ER4	9	9,409	\$1,224.75	\$0.1302	9	7,985	\$1,080.63	\$0.1353	9	7,763	\$1,064.90	\$0.1372	9	8,355	\$1,126.27
<b>Total Residential (Rural)</b>		<b>1,176</b>	<b>1,157,392</b>	<b>\$151,313.68</b>	<b>\$0.1307</b>	<b>1,178</b>	<b>999,880</b>	<b>\$135,829.93</b>	<b>\$0.1358</b>	<b>1,183</b>	<b>994,907</b>	<b>\$136,778.50</b>	<b>\$0.1375</b>	<b>1,183</b>	<b>1,324,916</b>	<b>\$176,171.11</b>
Commercial (1 Ph-In - No Dmd)	EC2	72	31,882	\$5,130.75	\$0.1609	72	31,708	\$5,216.75	\$0.1645	72	33,471	\$5,496.30	\$0.1642	73	28,115	\$4,736.29
Commercial (1 Ph-Out - No Dmd)	EC2O	50	9,408	\$1,858.70	\$0.1976	50	8,791	\$1,806.71	\$0.2055	50	8,924	\$1,838.47	\$0.2060	50	8,740	\$1,799.65
<b>Total Commercial (1 Ph) No Dmd</b>		<b>122</b>	<b>41,290</b>	<b>\$6,989.45</b>	<b>\$0.1693</b>	<b>122</b>	<b>40,499</b>	<b>\$7,023.46</b>	<b>\$0.1734</b>	<b>122</b>	<b>42,395</b>	<b>\$7,334.77</b>	<b>\$0.1730</b>	<b>123</b>	<b>36,855</b>	<b>\$6,535.94</b>
Commercial (1 Ph-In - w/Demand)	EC1	260	309,521	\$46,731.05	\$0.1510	260	267,791	\$42,762.13	\$0.1597	259	279,300	\$44,966.50	\$0.1610	260	316,168	\$49,374.46
Commercial (1 Ph-Out - w/Demand)	EC1O	24	43,432	\$6,099.39	\$0.1404	24	39,876	\$5,796.90	\$0.1454	24	38,602	\$5,730.99	\$0.1485	24	40,570	\$5,959.69
<b>Total Commercial (1 Ph) w/Demand</b>		<b>284</b>	<b>352,953</b>	<b>\$52,830.44</b>	<b>\$0.1497</b>	<b>284</b>	<b>307,667</b>	<b>\$48,559.03</b>	<b>\$0.1578</b>	<b>283</b>	<b>317,902</b>	<b>\$50,697.49</b>	<b>\$0.1595</b>	<b>284</b>	<b>356,738</b>	<b>\$55,334.15</b>
Commercial (3 Ph-Out - No Dmd)	EC4O	2	360	\$84.14	\$0.2337	2	80	\$46.97	\$0.5871	2	40	\$41.55	\$1.0388	2	80	\$46.97
<b>Total Commercial (3 Ph) No Dmd</b>		<b>2</b>	<b>360</b>	<b>\$84.14</b>	<b>\$0.2337</b>	<b>2</b>	<b>80</b>	<b>\$46.97</b>	<b>\$0.5871</b>	<b>2</b>	<b>40</b>	<b>\$41.55</b>	<b>\$1.0388</b>	<b>2</b>	<b>80</b>	<b>\$46.97</b>
Commercial (3 Ph-In - w/Demand)	EC3	215	1,680,476	\$223,008.67	\$0.1327	214	1,672,860	\$228,330.04	\$0.1365	215	1,710,073	\$236,293.10	\$0.1382	216	1,921,250	\$260,730.87
Commercial (3 Ph-Out - w/Demand)	EC3O	37	259,862	\$36,269.49	\$0.1357	37	235,437	\$33,446.06	\$0.1421	37	239,673	\$34,913.66	\$0.1457	37	274,728	\$38,593.50
Commercial (3 Ph-Out - w/Dmd & Sub-St.)	E3SO	3	96,960	\$12,199.22	\$0.1258	3	91,160	\$11,798.87	\$0.1294	3	101,960	\$13,281.90	\$0.1303	3	113,080	\$14,331.86
Commercial (3 Ph-In - w/Demand, No Tax)	EC3T	1	1,640	\$221.35	\$0.1350	1	1,720	\$235.63	\$0.1370	1	1,400	\$199.68	\$0.1426	1	2,800	\$439.96
<b>Total Commercial (3 Ph) w/Demand</b>		<b>256</b>	<b>2,038,938</b>	<b>\$270,698.73</b>	<b>\$0.1328</b>	<b>255</b>	<b>2,001,177</b>	<b>\$273,810.60</b>	<b>\$0.1368</b>	<b>256</b>	<b>2,053,106</b>	<b>\$284,688.34</b>	<b>\$0.1387</b>	<b>257</b>	<b>2,311,858</b>	<b>\$314,096.19</b>
Large Power (In - w/Dmd & Rct)	EL1	15	1,662,985	\$177,044.25	\$0.1065	15	1,621,674	\$178,664.86	\$0.1102	15	1,880,311	\$209,268.21	\$0.1113	15	2,010,579	\$221,306.70
Large Power (In - w/Dmd & Rct, w/SbCr)	EL2	3	974,049	\$99,096.19	\$0.1017	3	1,002,197	\$104,581.35	\$0.1044	3	983,750	\$104,878.64	\$0.1066	3	1,027,578	\$108,238.53
Large Power (Out - w/Dmd & Rct, w/SbCr)	EL2O	1	448,800	\$50,347.54	\$0.1122	1	452,400	\$52,253.99	\$0.1155	1	478,800	\$54,694.42	\$0.1142	1	427,200	\$50,434.47
Large Power (In - w/Dmd & Rct, w/SbCr)	EL3	2	55,210	\$5,835.99	\$0.1057	2	60,593	\$21,241.23	\$0.3506	2	87,622	\$16,661.21	\$0.1901	2	79,464	\$15,662.73
<b>Total Large Power</b>		<b>21</b>	<b>3,141,044</b>	<b>\$332,323.97</b>	<b>\$0.1058</b>	<b>21</b>	<b>3,136,864</b>	<b>\$356,741.43</b>	<b>\$0.1137</b>	<b>21</b>	<b>3,430,483</b>	<b>\$385,502.48</b>	<b>\$0.1124</b>	<b>21</b>	<b>3,544,821</b>	<b>\$395,642.43</b>
Industrial (In - w/Dmd & Rct, w/SbCr)	E1I	1	853,543	\$80,449.78	\$0.0943	1	772,121	\$80,559.60	\$0.1043	1	895,662	\$91,373.85	\$0.1020	1	853,053	\$85,795.44
Industrial (In - w/Dmd & Rct, No/SbCr)	E1I2	1	786,160	\$76,598.10	\$0.0974	1	706,069	\$73,992.70	\$0.1048	1	776,994	\$81,131.34	\$0.1044	1	694,184	\$79,070.77
<b>Total Industrial</b>		<b>2</b>	<b>1,639,703</b>	<b>\$157,047.88</b>	<b>\$0.0958</b>	<b>2</b>	<b>1,478,190</b>	<b>\$154,552.30</b>	<b>\$0.1046</b>	<b>2</b>	<b>1,672,656</b>	<b>\$172,505.19</b>	<b>\$0.1031</b>	<b>2</b>	<b>1,547,237</b>	<b>\$164,866.21</b>
Interdepartmental (In - No Dmd)	ED1	10	28,938	\$3,730.91	\$0.1289	10	23,142	\$3,163.33	\$0.1367	10	36,343	\$5,023.47	\$0.1382	10	46,865	\$6,385.89
Interdepartmental (Out - w/Dmd)	ED2O	2	357	\$71.87	\$0.2013	2	446	\$85.32	\$0.1913	2	459	\$87.80	\$0.1913	2	605	\$107.12
Interdepartmental (In - w/Dmd)	ED2	27	42,935	\$6,062.18	\$0.1412	27	31,110	\$4,592.92	\$0.1476	27	20,581	\$3,182.19	\$0.1546	29	23,478	\$3,570.98
Interdepartmental (3Ph-In - w/Dmd)	ED3	10	175,037	\$22,596.36	\$0.1291	10	158,726	\$21,126.86	\$0.1331	10	146,248	\$20,261.76	\$0.1385	10	149,378	\$19,861.26
Interdepartmental (Street Lights)	EDSL	6	21,490	\$2,048.15	\$0.0953	6	21,490	\$2,074.95	\$0.0966	6	21,490	\$2,075.51	\$0.0966	6	21,490	\$2,073.47
Interdepartmental (Traffic Signals)	EDTS	8	1,266	\$117.05	\$0.0925	8	1,386	\$128.17	\$0.0925	8	1,342	\$124.07	\$0.0925	8	1,281	\$118.45
Generators (JV2 Power Cost Only)	GJV2	1	18,241	\$514.58	\$0.0282	1	17,475	\$444.56	\$0.0254	1	18,630	\$448.80	\$0.0241	1	15,267	\$314.06
Generators (JV5 Power Cost Only)	GJV5	0	0	\$0.00	\$0.0000	0	0	\$0.00	\$0.0000	0	0	\$0.00	\$0.0000	0	0	\$0.00
<b>Total Interdepartmental</b>		<b>64</b>	<b>288,264</b>	<b>\$35,141.10</b>	<b>\$0.1219</b>	<b>64</b>	<b>253,775</b>	<b>\$31,616.11</b>	<b>\$0.1246</b>	<b>64</b>	<b>245,093</b>	<b>\$31,203.60</b>	<b>\$0.1273</b>	<b>66</b>	<b>258,364</b>	<b>\$32,458.23</b>
<b>SUB-TOTAL CONSUMPTION &amp; DEMAND</b>		<b>5,901</b>	<b>11,144,153</b>	<b>\$1,318,183.35</b>	<b>\$0.1183</b>	<b>5,905</b>	<b>10,253,456</b>	<b>\$1,274,988.31</b>	<b>\$0.1243</b>	<b>5,913</b>	<b>10,973,505</b>	<b>\$1,360,625.39</b>	<b>\$0.1240</b>	<b>5,924</b>	<b>12,559,680</b>	<b>\$1,548,457.46</b>
Street Lights (In)	SLO	14	0	\$13.44	\$0.0000	14	0	\$13.44	\$0.0000	14	0	\$13.44	\$0.0000	14	0	\$13.43
Street Lights (Out)	SLOO	2	0	\$1.92	\$0.0000	2	0	\$1.92	\$0.0000	2	0	\$1.92	\$0.0000	2	0	\$1.92
<b>Total Street Light Only</b>		<b>16</b>	<b>0</b>	<b>\$15.36</b>	<b>\$0.0000</b>	<b>16</b>	<b>0</b>	<b>\$15.36</b>	<b>\$0.0000</b>	<b>16</b>	<b>0</b>	<b>\$15.36</b>	<b>\$0.0000</b>	<b>16</b>	<b>0</b>	<b>\$15.35</b>
<b>TOTAL CONSUMPTION &amp; DEMAND</b>		<b>5,917</b>	<b>11,144,153</b>	<b>\$1,318,198.71</b>	<b>\$0.1183</b>	<b>5,921</b>	<b>10,253,456</b>	<b>\$1,275,003.67</b>	<b>\$0.1243</b>	<b>5,929</b>	<b>10,973,505</b>	<b>\$1,360,640.75</b>	<b>\$0.1240</b>	<b>5,940</b>	<b>12,559,680</b>	<b>\$1,548,472.81</b>



<b>BILLING SUMMARY AND COMPARISON</b>																	
<b>JANUARY, 2020</b>																	
<b>2020 - MARCH BILLING WITH JANUARY 2020 AM</b>																	
Class and/or Schedule	Rate	# of Bills	Sep-19 (kWh Usage)	Sep-19 Billed	Cost / kWh For Month	Oct-19 # of Bills	Oct-19 (kWh Usage)	Oct-19 Billed	Cost / kWh For Month	Nov-19 # of Bills	Nov-19 (kWh Usage)	Nov-19 Billed	Cost / kWh For Month	Dec-19 # of Bills	Dec-19 (kWh Usage)	Dec-19 Billed	Cost / kWh For Month
Residential (Dom-In)	E1	3,359	3,350,534	\$393,425.78	\$0.1174	3,342	2,627,375	\$300,713.94	\$0.1145	3,346	2,107,090	\$245,966.62	\$0.1167	3,352	1,800,455	\$222,392.91	\$0.1235
Residential (Dom-In) w/Ecosmart	E1E	7	5,542	\$659.37	\$0.1190	6	4,129	\$476.93	\$0.1155	6	3,114	\$369.72	\$0.1187	6	2,459	\$312.29	\$0.1270
Residential (Dom-In - All Electric)	E2	630	510,776	\$60,676.95	\$0.1188	626	418,793	\$48,478.09	\$0.1158	628	355,532	\$41,867.14	\$0.1178	636	441,766	\$53,448.48	\$0.1210
Res. (Dom-In - All Elec.) w/Ecosmart	E2E	1	859	\$101.69	\$0.1184	1	659	\$76.37	\$0.1159	1	544	\$64.29	\$0.1182	1	492	\$61.28	\$0.1246
<b>Total Residential (Domestic)</b>		<b>3,997</b>	<b>3,867,711</b>	<b>\$454,863.79</b>	<b>\$0.1176</b>	<b>3,975</b>	<b>3,050,956</b>	<b>\$349,745.33</b>	<b>\$0.1146</b>	<b>3,981</b>	<b>2,466,280</b>	<b>\$288,267.77</b>	<b>\$0.1169</b>	<b>3,995</b>	<b>2,245,172</b>	<b>\$276,214.96</b>	<b>\$0.1230</b>
Residential (Rural-Out)	ER1	783	957,566	\$118,989.72	\$0.1243	787	780,581	\$94,896.91	\$0.1216	793	665,163	\$82,340.16	\$0.1238	796	663,550	\$85,631.27	\$0.1291
Residential (Rural-Out) w/Ecosmart	ER1E	4	3,819	\$483.39	\$0.1266	4	2,819	\$354.28	\$0.1257	4	2,437	\$312.61	\$0.1283	4	2,621	\$346.78	\$0.1323
Residential (Rural-Out - All Electric)	ER2	367	472,761	\$58,550.99	\$0.1238	367	388,564	\$46,991.85	\$0.1209	369	340,605	\$41,792.81	\$0.1227	366	384,009	\$48,605.53	\$0.1266
Res. (Rural-Out - All Electric) w/Ecosmart	ER2E	2	2,134	\$267.77	\$0.1255	2	1,794	\$220.01	\$0.1226	2	1,589	\$197.74	\$0.1244	2	2,162	\$273.05	\$0.1263
Residential (Rural-Out w/Dmd)	ER3	15	14,462	\$1,828.22	\$0.1264	15	12,756	\$1,571.27	\$0.1232	15	11,385	\$1,422.85	\$0.1250	15	25,028	\$3,074.29	\$0.1228
Residential (Rural-Out - All Electric w/Dmd)	ER4	9	9,737	\$1,220.01	\$0.1253	9	8,911	\$1,083.02	\$0.1215	9	7,443	\$922.40	\$0.1239	9	7,187	\$931.24	\$0.1296
<b>Total Residential (Rural)</b>		<b>1,180</b>	<b>1,460,479</b>	<b>\$181,340.10</b>	<b>\$0.1242</b>	<b>1,184</b>	<b>1,195,425</b>	<b>\$145,117.34</b>	<b>\$0.1214</b>	<b>1,192</b>	<b>1,028,622</b>	<b>\$126,988.57</b>	<b>\$0.1235</b>	<b>1,192</b>	<b>1,084,557</b>	<b>\$138,862.16</b>	<b>\$0.1280</b>
Commercial (1 Ph-In - No Dmd)	EC2	73	30,579	\$4,830.90	\$0.1580	74	28,344	\$4,423.71	\$0.1561	75	26,125	\$4,169.05	\$0.1596	73	28,919	\$4,644.14	\$0.1606
Commercial (1 Ph-Out - No Dmd)	EC2O	50	13,407	\$2,332.17	\$0.1740	50	10,059	\$1,854.12	\$0.1843	50	9,208	\$1,751.53	\$0.1902	52	9,411	\$1,848.51	\$0.1964
<b>Total Commercial (1 Ph) No Dmd</b>		<b>123</b>	<b>43,986</b>	<b>\$7,163.07</b>	<b>\$0.1628</b>	<b>124</b>	<b>38,403</b>	<b>\$6,277.83</b>	<b>\$0.1635</b>	<b>125</b>	<b>35,333</b>	<b>\$5,920.58</b>	<b>\$0.1676</b>	<b>125</b>	<b>38,330</b>	<b>\$6,492.65</b>	<b>\$0.1694</b>
Commercial (1 Ph-In - w/Demand)	EC1	259	434,957	\$61,778.60	\$0.1420	258	377,106	\$52,169.22	\$0.1383	259	314,297	\$45,469.05	\$0.1447	259	270,782	\$42,443.32	\$0.1567
Commercial (1 Ph-Out - w/Demand)	EC1O	24	50,125	\$6,798.92	\$0.1356	24	46,145	\$6,129.64	\$0.1328	25	39,651	\$5,351.54	\$0.1350	24	36,593	\$5,245.08	\$0.1433
<b>Total Commercial (1 Ph) w/Demand</b>		<b>283</b>	<b>485,082</b>	<b>\$68,577.52</b>	<b>\$0.1414</b>	<b>282</b>	<b>423,251</b>	<b>\$58,298.86</b>	<b>\$0.1377</b>	<b>284</b>	<b>353,948</b>	<b>\$50,820.59</b>	<b>\$0.1436</b>	<b>283</b>	<b>307,375</b>	<b>\$47,688.40</b>	<b>\$0.1551</b>
Commercial (3 Ph-Out - No Dmd)	EC4O	2	40	\$41.17	\$1.0293	2	240	\$65.91	\$0.2746	2	160	\$55.99	\$0.3499	2	80	\$46.41	\$0.5801
<b>Total Commercial (3 Ph) No Dmd</b>		<b>2</b>	<b>40</b>	<b>\$41.17</b>	<b>\$1.0293</b>	<b>2</b>	<b>240</b>	<b>\$65.91</b>	<b>\$0.2746</b>	<b>2</b>	<b>160</b>	<b>\$55.99</b>	<b>\$0.3499</b>	<b>2</b>	<b>80</b>	<b>\$46.41</b>	<b>\$0.5801</b>
Commercial (3 Ph-In - w/Demand)	EC3	214	2,176,647	\$275,955.59	\$0.1268	214	2,333,225	\$284,939.75	\$0.1221	214	2,026,057	\$250,461.66	\$0.1236	212	1,797,126	\$233,151.82	\$0.1297
Commercial (3 Ph-Out - w/Demand)	EC3O	37	302,688	\$39,850.84	\$0.1317	37	298,438	\$37,614.85	\$0.1260	37	311,185	\$39,378.01	\$0.1265	36	507,722	\$63,884.66	\$0.1258
Commercial (3 Ph-Out - w/Dmd & Sub-St.)	E3SO	3	119,120	\$14,130.30	\$0.1186	3	115,840	\$13,235.25	\$0.1143	3	107,040	\$12,418.98	\$0.1160	3	109,440	\$13,095.45	\$0.1197
Commercial (3 Ph-In - w/Demand, No Tax)	EC3T	1	7,360	\$907.68	\$0.1233	1	8,160	\$955.95	\$0.1172	1	5,800	\$714.10	\$0.1231	1	4,280	\$580.40	\$0.1356
<b>Total Commercial (3 Ph) w/Demand</b>		<b>255</b>	<b>2,605,815</b>	<b>\$330,844.41</b>	<b>\$0.1270</b>	<b>255</b>	<b>2,755,663</b>	<b>\$336,745.60</b>	<b>\$0.1222</b>	<b>255</b>	<b>2,450,082</b>	<b>\$302,972.75</b>	<b>\$0.1237</b>	<b>252</b>	<b>2,418,568</b>	<b>\$310,712.33</b>	<b>\$0.1285</b>
Large Power (In - w/Dmd & Rct)	EL1	15	2,252,991	\$222,017.11	\$0.0985	15	2,215,279	\$211,874.83	\$0.0956	15	2,018,915	\$196,488.29	\$0.0973	15	2,005,027	\$198,903.63	\$0.0992
Large Power (In - w/Dmd & Rct, w/SbCr)	EL2	3	848,595	\$89,630.95	\$0.1056	3	1,062,552	\$99,051.98	\$0.0932	3	1,069,099	\$98,928.35	\$0.0925	3	1,089,944	\$102,810.47	\$0.0943
Large Power (Out - w/Dmd & Rct, w/SbCr)	EL2O	1	432,000	\$46,652.40	\$0.1080	1	382,800	\$38,486.91	\$0.1005	1	290,400	\$33,017.98	\$0.1137	1	324,000	\$35,708.02	\$0.1102
Large Power (In - w/Dmd & Rct, w/SbCr)	EL3	2	82,829	\$14,994.83	\$0.1810	2	82,589	\$13,470.01	\$0.1631	2	80,550	\$13,127.04	\$0.1630	2	113,457	\$19,884.22	\$0.1763
<b>Total Large Power</b>		<b>21</b>	<b>3,616,415</b>	<b>\$373,295.09</b>	<b>\$0.1032</b>	<b>21</b>	<b>3,743,220</b>	<b>\$362,883.73</b>	<b>\$0.0969</b>	<b>21</b>	<b>3,458,964</b>	<b>\$341,561.66</b>	<b>\$0.0987</b>	<b>21</b>	<b>3,532,428</b>	<b>\$357,306.34</b>	<b>\$0.1012</b>
Industrial (In - w/Dmd & Rct, w/SbCr)	EI1	1	949,284	\$85,931.28	\$0.0905	1	934,470	\$80,449.52	\$0.0861	1	880,467	\$77,265.04	\$0.0878	1	814,630	\$75,719.92	\$0.0930
Industrial (In - w/Dmd & Rct, No/SbCr)	EI2	1	813,670	\$78,886.15	\$0.0970	1	892,849	\$79,725.62	\$0.0893	1	815,531	\$74,982.37	\$0.0919	1	831,049	\$78,113.33	\$0.0940
<b>Total Industrial</b>		<b>2</b>	<b>1,762,954</b>	<b>\$164,817.43</b>	<b>\$0.0935</b>	<b>2</b>	<b>1,827,319</b>	<b>\$160,175.14</b>	<b>\$0.0877</b>	<b>2</b>	<b>1,695,998</b>	<b>\$152,247.41</b>	<b>\$0.0898</b>	<b>2</b>	<b>1,645,679</b>	<b>\$153,833.25</b>	<b>\$0.0935</b>
Interdepartmental (In - No Dmd)	ED1	10	46,090	\$5,885.60	\$0.1277	10	23,257	\$3,136.55	\$0.1349	10	22,917	\$3,073.64	\$0.1341	10	23,899	\$3,069.72	\$0.1284
Interdepartmental (Out - w/Dmd)	ED2O	2	629	\$105.41	\$0.1676	2	574	\$95.67	\$0.1667	2	540	\$91.63	\$0.1697	2	477	\$86.23	\$0.1808
Interdepartmental (In - w/Dmd)	ED2	27	23,322	\$3,340.49	\$0.1432	27	20,200	\$2,844.59	\$0.1408	27	22,433	\$3,130.49	\$0.1395	27	45,949	\$6,300.76	\$0.1371
Interdepartmental (3Ph-In - w/Dmd)	ED3	10	139,132	\$17,754.02	\$0.1276	10	137,778	\$16,928.90	\$0.1229	10	147,910	\$18,169.78	\$0.1228	10	160,730	\$20,314.79	\$0.1264
Interdepartmental (Street Lights)	EDSL	6	21,490	\$2,070.47	\$0.0963	6	21,490	\$2,075.89	\$0.0966	6	32,771	\$3,138.42	\$0.0958	6	32,771	\$3,159.27	\$0.0964
Interdepartmental (Traffic Signals)	EDTS	8	1,410	\$130.39	\$0.0925	8	1,378	\$127.40	\$0.0925	8	1,345	\$124.40	\$0.0925	8	1,192	\$110.22	\$0.0925
Generators (JV2 Power Cost Only)	GJV2	1	16,041	\$374.08	\$0.0233	1	16,161	\$354.73	\$0.0219	1	17,934	\$311.69	\$0.0174	1	27,105	\$264.54	\$0.0098
Generators (JV5 Power Cost Only)	GJV5	0	0	\$0.00	\$0.0000	0	0	\$0.00	\$0.0000	0	0	\$0.00	\$0.0000	0	0	\$0.00	\$0.0000
<b>Total Interdepartmental</b>		<b>64</b>	<b>248,114</b>	<b>\$29,660.46</b>	<b>\$0.1195</b>	<b>64</b>	<b>220,838</b>	<b>\$25,563.73</b>	<b>\$0.1158</b>	<b>64</b>	<b>245,850</b>	<b>\$28,040.05</b>	<b>\$0.1141</b>	<b>64</b>	<b>292,123</b>	<b>\$33,305.53</b>	<b>\$0.1140</b>
<b>SUB-TOTAL CONSUMPTION &amp; DEMAND</b>		<b>5,927</b>	<b>14,090,596</b>	<b>\$1,610,603.04</b>	<b>\$0.1143</b>	<b>5,909</b>	<b>13,255,315</b>	<b>\$1,444,873.47</b>	<b>\$0.1090</b>	<b>5,926</b>	<b>11,735,237</b>	<b>\$1,296,875.37</b>	<b>\$0.1105</b>	<b>5,936</b>	<b>11,564,312</b>	<b>\$1,324,462.03</b>	<b>\$0.1145</b>
Street Lights (In)	SLO	14	0	\$13.44	\$0.0000	14	0	\$13.44	\$0.0000	14	0	\$13.43	\$0.0000	14	0	\$13.43	\$0.0000
Street Lights (Out)	SLOO	2	0	\$1.92	\$0.0000	2	0	\$1.92	\$0.0000	2	0	\$1.91	\$0.0000	2	0	\$1.91	\$0.0000
<b>Total Street Light Only</b>		<b>16</b>	<b>0</b>	<b>\$15.36</b>	<b>\$0.0000</b>	<b>16</b>	<b>0</b>	<b>\$15.36</b>	<b>\$0.0000</b>	<b>16</b>	<b>0</b>	<b>\$15.34</b>	<b>\$0.0000</b>	<b>16</b>	<b>0</b>	<b>\$15.34</b>	<b>\$0.0000</b>
<b>TOTAL CONSUMPTION &amp; DEMAND</b>		<b>5,943</b>	<b>14,090,596</b>	<b>\$1,610,618.40</b>	<b>\$0.1143</b>	<b>5,925</b>	<b>13,255,315</b>	<b>\$1,444,888.83</b>	<b>\$0.1090</b>	<b>5,942</b>	<b>11,735,237</b>	<b>\$1,296,890.71</b>	<b>\$0.1105</b>	<b>5,952</b>	<b>11,564,312</b>	<b>\$1,324,477.37</b>	<b>\$0.1145</b>



<b>BILLING SUMMARY AND COMPARISON</b>														
JANUARY, 2020														
2020 - MARCH BILLING WITH JANUARY 2020 AMOUNTS														
Class and/or Schedule	Rate Code	Jan-20 # of Bills	Jan-20 (kWh Usage)	Jan-20 Billed	Cost / kWh For Month	Feb-20 # of Bills	Feb-20 (kWh Usage)	Feb-20 Billed	Cost / kWh For Month	TOTAL KWH USAGE PRIOR 12 MO	TOTAL BILLING PRIOR 12 MO	Avg.Cost Per kWh For Period	Avg.Num. of Bills For Period	Avg.Per.% of Bills For Period
Residential (Dom-In)	E1	3,349	2,102,112	\$263,500.39	\$0.1254	3,353	2,227,957	\$277,842.04	\$0.1247	26,877,569	\$3,322,267.21	\$0.1236	3,346	56.4295%
Residential (Dom-In) w/Ecosmart	E1E	6	2,754	\$354.93	\$0.1289	6	2,826	\$362.90	\$0.1284	42,521	\$5,382.73	\$0.1266	7	0.1167%
Residential (Dom-In - All Electric)	E2	634	630,624	\$76,820.23	\$0.1218	628	670,954	\$81,369.44	\$0.1213	6,271,303	\$767,572.77	\$0.1224	627	10.5722%
Res. (Dom-In - All Elec.) w/Ecosmart	E2E	1	490	\$62.75	\$0.1281	1	532	\$67.53	\$0.1269	6,917	\$865.75	\$0.1252	1	0.0169%
<b>Total Residential (Domestic)</b>		<b>3,990</b>	<b>2,795,980</b>	<b>\$340,738.30</b>	<b>\$0.1245</b>	<b>3,988</b>	<b>2,902,269</b>	<b>\$359,641.91</b>	<b>\$0.1239</b>	<b>33,198,310</b>	<b>\$4,096,088.46</b>	<b>\$0.1234</b>	<b>3,981</b>	<b>67.1352%</b>
Residential (Rural-Out)	ER1	792	807,336	\$105,185.25	\$0.1303	790	849,808	\$110,182.04	\$0.1297	9,305,996	\$1,207,261.81	\$0.1297	785	13.2398%
Residential (Rural-Out) w/Ecosmart	ER1E	4	3,204	\$426.09	\$0.1330	4	3,438	\$453.88	\$0.1320	36,449	\$4,844.93	\$0.1329	4	0.0675%
Residential (Rural-Out - All Electric)	ER2	364	481,607	\$61,650.77	\$0.1280	362	508,585	\$64,818.71	\$0.1274	5,198,074	\$666,495.45	\$0.1282	368	6.1983%
Res. (Rural-Out - All Electric) w/Ecosmart	ER2E	2	2,699	\$345.23	\$0.1279	2	2,654	\$339.49	\$0.1279	26,314	\$3,391.52	\$0.1289	2	0.0337%
Residential (Rural-Out w/Dmd)	ER3	15	100,391	\$12,192.74	\$0.1215	15	146,970	\$17,739.27	\$0.1207	469,783	\$58,184.27	\$0.1239	15	0.2530%
Residential (Rural-Out - All Electric w/Dmd)	ER4	9	14,140	\$17,793.23	\$0.1268	9	11,986	\$15,532.42	\$0.1279	115,108	\$14,864.48	\$0.1291	9	0.1518%
<b>Total Residential (Rural)</b>		<b>1,186</b>	<b>1,409,377</b>	<b>\$181,593.31</b>	<b>\$0.1288</b>	<b>1,182</b>	<b>1,523,441</b>	<b>\$195,065.81</b>	<b>\$0.1280</b>	<b>15,151,724</b>	<b>\$1,955,042.46</b>	<b>\$0.1290</b>	<b>1,183</b>	<b>19.9441%</b>
Commercial (1 Ph-In - No Dmd)	EC2	73	34,043	\$5,428.03	\$0.1594	74	35,871	\$5,678.93	\$0.1583	379,870	\$61,054.94	\$0.1607	73	1.2298%
Commercial (1 Ph-Out - No Dmd)	EC2O	50	13,491	\$2,402.69	\$0.1781	50	11,780	\$2,173.33	\$0.1845	128,498	\$24,282.96	\$0.1890	50	0.8461%
<b>Total Commercial (1 Ph) No Dmd</b>		<b>123</b>	<b>47,534</b>	<b>\$7,830.72</b>	<b>\$0.1647</b>	<b>124</b>	<b>47,651</b>	<b>\$7,852.26</b>	<b>\$0.1648</b>	<b>508,368</b>	<b>\$85,337.90</b>	<b>\$0.1679</b>	<b>123</b>	<b>2.0759%</b>
Commercial (1 Ph-In - w/Demand)	EC1	258	281,890	\$44,567.60	\$0.1581	257	302,449	\$47,334.25	\$0.1565	3,783,858	\$573,437.64	\$0.1515	259	4.3655%
Commercial (1 Ph-Out - w/Demand)	EC1O	24	43,441	\$6,278.22	\$0.1445	25	41,403	\$5,935.19	\$0.1434	508,654	\$71,854.43	\$0.1413	24	0.4076%
<b>Total Commercial (1 Ph) w/Demand</b>		<b>282</b>	<b>325,331</b>	<b>\$50,845.82</b>	<b>\$0.1563</b>	<b>282</b>	<b>343,852</b>	<b>\$53,269.44</b>	<b>\$0.1549</b>	<b>4,292,512</b>	<b>\$645,292.07</b>	<b>\$0.1503</b>	<b>283</b>	<b>4.7731%</b>
Commercial (3 Ph-Out - No Dmd)	EC4O	2	4,440	\$628.10	\$0.1415	2	1,040	\$174.82	\$0.1681	7,320	\$1,406.34	\$0.1921	2	0.0337%
<b>Total Commercial (3 Ph) No Dmd</b>		<b>2</b>	<b>4,440</b>	<b>\$628.10</b>	<b>\$0.1415</b>	<b>2</b>	<b>1,040</b>	<b>\$174.82</b>	<b>\$0.1681</b>	<b>7,320</b>	<b>\$1,406.34</b>	<b>\$0.1921</b>	<b>2</b>	<b>0.0337%</b>
Commercial (3 Ph-In - w/Demand)	EC3	213	1,740,229	\$229,454.61	\$0.1319	212	1,688,719	\$222,678.01	\$0.1319	22,430,969	\$2,934,437.89	\$0.1308	214	3.6093%
Commercial (3 Ph-Out - w/Demand)	EC3O	36	416,639	\$53,651.15	\$0.1288	36	285,800	\$38,879.27	\$0.1360	3,724,233	\$495,270.72	\$0.1330	37	0.6212%
Commercial (3 Ph-Out - w/Dmd.&Sub-St.)	E3SO	3	100,680	\$12,423.31	\$0.1234	3	98,320	\$12,243.36	\$0.1245	1,272,680	\$156,813.60	\$0.1232	3	0.0506%
Commercial (3 Ph-In - w/Demand, No T.A.)	EC3T	1	1,400	\$195.31	\$0.1395	1	1,480	\$209.30	\$0.1414	39,800	\$5,163.92	\$0.1297	1	0.0169%
<b>Total Commercial (3 Ph) w/Demand</b>		<b>253</b>	<b>2,258,948</b>	<b>\$295,724.38</b>	<b>\$0.1309</b>	<b>252</b>	<b>2,074,319</b>	<b>\$274,009.94</b>	<b>\$0.1321</b>	<b>27,467,682</b>	<b>\$3,591,686.13</b>	<b>\$0.1308</b>	<b>255</b>	<b>4.2980%</b>
Large Power (In - w/Dmd & Rct)	EL1	15	1,748,187	\$184,229.31	\$0.1054	15	1,598,234	\$172,601.65	\$0.1080	22,162,586	\$2,315,140.42	\$0.1045	15	0.2530%
Large Power (In - w/Dmd & Rct, w/SbCr)	EL2	3	1,006,691	\$101,740.34	\$0.1011	3	937,001	\$95,111.19	\$0.1015	11,814,901	\$1,193,241.79	\$0.1010	3	0.0506%
Large Power (Out - w/Dmd & Rct, w/SbCr)	EL2O	1	355,200	\$39,268.32	\$0.1106	1	274,800	\$33,004.71	\$0.1201	4,798,800	\$535,989.69	\$0.1117	1	0.0169%
Large Power (In - w/Dmd & Rct, w/SbCr)	EL3	2	126,563	\$19,833.72	\$0.1567	2	108,215	\$10,418.87	\$0.0963	1,005,492	\$164,236.78	\$0.1633	2	0.0337%
<b>Total Large Power</b>		<b>21</b>	<b>3,236,641</b>	<b>\$345,071.69</b>	<b>\$0.1066</b>	<b>21</b>	<b>2,918,250</b>	<b>\$311,136.42</b>	<b>\$0.1066</b>	<b>39,781,779</b>	<b>\$4,208,608.68</b>	<b>\$0.1058</b>	<b>21</b>	<b>0.3542%</b>
Industrial (In - w/Dmd & Rct, w/SbCr)	EI1	1	782,625	\$77,014.37	\$0.0984	1	648,953	\$67,477.05	\$0.1040	10,132,070	\$976,533.24	\$0.0964	1	0.0169%
Industrial (In - w/Dmd & Rct, No/SbCr)	EI2	1	777,345	\$79,927.37	\$0.1028	1	748,763	\$77,149.51	\$0.1030	9,114,656	\$915,095.01	\$0.1004	1	0.0169%
<b>Total Industrial</b>		<b>2</b>	<b>1,559,970</b>	<b>\$156,941.74</b>	<b>\$0.1006</b>	<b>2</b>	<b>1,397,716</b>	<b>\$144,626.56</b>	<b>\$0.1035</b>	<b>19,246,726</b>	<b>\$1,891,628.25</b>	<b>\$0.0983</b>	<b>2</b>	<b>0.0337%</b>
Interdepartmental (In - No Dmd)	ED1	10	34,098	\$4,308.99	\$0.1264	12	36,405	\$4,558.19	\$0.1252	397,637	\$51,919.34	\$0.1306	10	0.1687%
Interdepartmental (Out - w/Dmd)	ED2O	2	470	\$86.96	\$0.1850	2	476	\$87.69	\$0.1842	5,513	\$1,018.82	\$0.1848	2	0.0337%
Interdepartmental (In - w/Dmd)	ED2	27	60,814	\$8,439.35	\$0.1398	29	61,731	\$8,578.30	\$0.1390	499,696	\$70,534.91	\$0.1412	27	0.4610%
Interdepartmental (3Ph-In - w/Dmd)	ED3	10	151,425	\$19,242.97	\$0.1271	10	158,974	\$20,332.08	\$0.1279	1,919,428	\$246,858.49	\$0.1286	10	0.1687%
Interdepartmental (Street Lights)	EDSL	6	32,671	\$3,128.40	\$0.0958	6	32,771	\$3,158.23	\$0.0964	289,140	\$27,833.18	\$0.0963	6	0.0984%
Interdepartmental (Traffic Signals)	EDTS	8	1,203	\$111.24	\$0.0925	8	1,243	\$114.93	\$0.0925	15,787	\$1,459.76	\$0.0925	8	0.1349%
Generators (JV2 Power Cost Only)	GJV2	1	30,054	\$1,887.69	\$0.0628	1	27,895	\$3,379.92	\$0.1211	244,966	\$9,374.75	\$0.0383	1	0.0169%
Generators (JV5 Power Cost Only)	GJV5	0	0	\$0.00	\$0.0000	0	0	\$0.00	\$0.0000	0	\$0.00	\$0.0000	0	0.0000%
<b>Total Interdepartmental</b>		<b>64</b>	<b>310,735</b>	<b>\$37,205.80</b>	<b>\$0.1197</b>	<b>68</b>	<b>319,495</b>	<b>\$40,208.34</b>	<b>\$0.1258</b>	<b>3,372,167</b>	<b>\$408,999.25</b>	<b>\$0.1213</b>	<b>64</b>	<b>1.0822%</b>
<b>SUB-TOTAL CONSUMPTION &amp; DEMAND</b>		<b>5,923</b>	<b>11,888,956</b>	<b>\$1,416,579.66</b>	<b>\$0.1192</b>	<b>5,921</b>	<b>11,528,033</b>	<b>\$1,385,985.50</b>	<b>\$0.1202</b>	<b>143,026,588</b>	<b>\$16,884,089.54</b>	<b>\$0.1180</b>	<b>5,913</b>	<b>99.7301%</b>
Street Lights (In)	SLO	14	0	\$13.44	\$0.0000	14	0	\$13.43	\$0.0000	0	\$161.23	\$0.0000	14	0.2361%
Street Lights (Out)	SLOO	2	0	\$1.91	\$0.0000	2	0	\$1.92	\$0.0000	0	\$23.01	\$0.0000	2	0.0337%
<b>Total Street Light Only</b>		<b>16</b>	<b>0</b>	<b>\$15.35</b>	<b>\$0.0000</b>	<b>16</b>	<b>0</b>	<b>\$15.35</b>	<b>\$0.0000</b>	<b>0</b>	<b>\$184.24</b>	<b>\$0.0000</b>	<b>16</b>	<b>0.2699%</b>
<b>TOTAL CONSUMPTION &amp; DEMAND</b>		<b>5,939</b>	<b>11,888,956</b>	<b>\$1,416,595.01</b>	<b>\$0.1192</b>	<b>5,937</b>	<b>11,528,033</b>	<b>\$1,386,000.85</b>	<b>\$0.1202</b>	<b>143,026,588</b>	<b>\$16,884,273.78</b>	<b>\$0.1180</b>	<b>5,929</b>	<b>100.0000%</b>







## PLANNING COMMISSION

### MEETING MINUTES

Tuesday, March 10, 2020 at 5:00 PM

PC 20-02 – Subdivision Replat

<b>PRESENT</b> Members City Staff  Exec. Asst. to Appt. Authority/Clerk of Council Others	Jason Maassel-Mayor, Suzette Gerken, Larry Vocke Kevin Schultheis-Code Enforcement/Interim Zoning Administrator Joel Mazur-City Manager Roxanne Dietrich
<b>ABSENT</b> Commission Members	News Media, Mr. Martin  Tim Barry, Marvin Barlow
<b>PC 20-02</b> <b>Subdivision Replat</b>	PC 20-02 – Subdivision Replat Mazur read the background on PC 20-02, an application for a public hearing has been filed by Roserock Holdings, LLC (Chad Bruner, the developer for Love's Truck Stop) of Oklahoma City, Oklahoma. The applicant is requesting the approval of a subdivision plat to combine two parcels in order to build a Love's Truck Stop. The request is pursuant to Section 1105.04 (Subdivision Administration) of the Codified Ordinances of Napoleon, Ohio. The property is in a C-4 Planned Commercial Zone.
<b>Comments / Discussion</b>	Mazur stated originally they purchased the southwest corner of Industrial Drive and American Road. Then they purchased another long parcel adjacent, this was the parcel formerly owned by Paul Martin and Sons. The plan for this parcel is to develop for the storm drainage/retention area that is required for all new developments. The large parcel will be developed with all building and concrete on pervious surface so they needed the extra drainage. Right now, we are working with Love's developer to reconstruct American Road to handle that volume of truck traffic. This property and development may be triple the size of the Pilot station and have more truck traffic coming in that intersection. A lot of traffic patterns and road reconstruct needs to happen. They plan on building the road to our specifications and concrete. The question was asked what are they going to use as the retention pond and is that their plan with the giant pond. Did they say how many acres that is going to be? Mazur said it is a 5-acre parcel but we don't know how much of that will be retention. Maassel asked Mr. Martin if he had any objections? Mr. Martin replied, <i>it is good as far as I'm concerned</i> . Mazur said some details still need to be worked out on the road and the start of development will hopefully get underway soon. Gerken asked do they want to start yet this spring? Mazur replied at least on the road part, they may want to do some site work. They are getting the plans around, does there need to be signaling on American Road and/or Industrial Drive and the north interchange. I believe there is one on the south. Maassel confirmed there is one on the south. Vocke asked if modifications to the road are up to where their driveway comes in and stops there? Mazur said that is one of the details we are trying to work out with them. There are four different grants tied to this project. One is a CDBG grant, one is a TID grant, one is from Ohio Jobs and Commerce and the fourth is from Economic Development 629 funds, totaling a little over a million dollars. That covers the engineering for all of American Road and Oakwood down to Freedom Drive and it covers the construction of the road up to the other side of PetVet so they can maintain access while the road is reconstructed. There will be three lanes with a turn lane on American Road. There will be three entrances, one for cars, one for trucks







## PLANNING COMMISSION

### MEETING MINUTES

Tuesday, March 10, 2020 at 5:00 PM

PC 20-03 – Alley Vacation

<b>PRESENT</b> Members City Staff  Exec. Asst. to Appt. Authority/Clerk of Council Others <b>ABSENT</b> Commission Members	Jason Maassel-Mayor, Suzette Gerken, Larry Vocke Kevin Schultheis-Code Enforcement/Interim Zoning Administrator Joel Mazur-City Manager Roxanne Dietrich  News Media, Dawn  Tim Barry, Marvin Barlow
<b>PC 20-03</b> <b>Alley Vacation</b>	PC 20-03 – Alley Vacation Mazur read the background on PC 20-03, an application for a public hearing has been filed by Kahle Design & Build (Dave Kahle) of Defiance, Ohio. The applicant is requesting the vacation of an alley for a potential residential development. The request is pursuant to Section 909.03 (Planning Commission Review of Alley and Street Vacations) of the Codified Ordinances of Napoleon, Ohio. The property is in an R-3 Moderate Density Residential Zone.
<b>Comments / Discussion</b>	Mazur reported where Fair Street dead-ends, this area is a paper alley. Kahle owns the two parcels where Fair Street dead-ends and this parcel that has a vacant house on it. Their plan is to demolish it and incorporate the alley and everything into their development. Dawn asked does the alley goes the other direction too? Mazur said <i>it does</i> . Dawn said that's why I'm here, my property is on the other side of it. Gerken asked if the alley is being vacated all the way down or just on that parcel? Mazur replied just the north half. Vocke commented vacating of paper alleys is not an unusual thing. Mazur said no. Gerken said this is a R-3 zone, what does he want to do, put in single family homes? Dawn said she looked it up on their website, they are putting in eight homes on the north side of Fair Street and eight condos with two units each on the south side. Maassel asked if that fits the description for an R-3? Mazur said yes. Gerken asked if there is any infrastructure in the development or do they have to put all the infrastructure in? Mazur replied we would have our water and sewer lines going up to the end of here, so they would have to put everything in. Vocke asked if Fair Street will be able to handle all the new traffic? I know that was an issue with the senior housing going in on the south side with that street. They have sidewalks there now? Maassel said they will have to add them. Mazur said unless they keep it all private like build a road and don't dedicate it to the city. I haven't seen any site plans for it. Gerken asked will Fair Street need to be redone? Maassel said it will have to be evaluated. Hopefully there is enough traffic we need to rebuild the road. If it's an improved road we may wait for construction to be done. Dawn noted it is a nicer street than Hudson Street. If I build a house, does the lot line go from the edge of the where the alley is instead of what I thought was our property line? Maassel said you have to build inside the green box. Your builder should know all that stuff. Dawn I'm just curious, I didn't know the alley was there.



Passed  
Yea-3  
Nay-0

Motion: Gerken                      Second: Vocke  
to approve PC 20-03 vacation of the alley at the dead-end of Fair Street

Roll call vote on the above motion:  
Yea-Maassel, Gerken, Vocke  
Nay-

The meeting continued with the consideration of PC 20-04.

**Approved**

**March 31, 2020**



## PLANNING COMMISSION

### MEETING MINUTES

Tuesday, March 10, 2020 at 5:00 PM

PC 20-04 – Conditional Use Permit - 2269 Scott Street

#### PRESENT

Members  
City Staff

Jason Maassel-Mayor, Suzette Gerken, Larry Vocke  
Kevin Schultheis-Code Enforcement/Interim Zoning Administrator  
Joel Mazur-City Manager  
Roxanne Dietrich

Exec. Asst. to Appt.  
Authority/Clerk of Council  
Others

News Media, Dan Dergham Ridi

#### ABSENT

Commission Members

Tim Barry, Marvin Barlow

#### PC 20-04

Conditional Use Permit  
2269 Scott St.

PC 20-04 – Conditional Use Permit - 2269 Scott Street  
Mazur read the background on PC 20-04, an application for a public hearing has been filed by Ridi Reio, LLC (Dan Dergham Ridi) of Sylvania, Ohio. The applicant is requesting the approval of a Conditional Use Permit to have a planned commercial development. The request is pursuant to Chapter 1141 of the Codified Ordinances of Napoleon, Ohio. The property is in a C-4 Planned Commercial Zone.

#### Comments / Discussion

Mazur explained this is the planned location for the Stop-N-Go. They are seeking to combine these parcels. Scott Street and Wood Drive right next to Taco Bell has been vacant for a long time. An environmental site assessment has been done on the properties and came back okay for commercial development. This will be the first new construction of a Stop-N-Go facility out of sixty locations. Maassel noted that is not Marco Drive anymore, that was voted on and changed to Roundhouse Road. Mazur said we have an easement allowing the developer to build an access drive through here, the drive does not have to meet our specifications. We have given them access to build driveways and utilities, as needed. In the future, should we want to build a road out that direction or if they do build a road to our specifications it will allow them to dedicate it to the city. The Master Plan has Roundhouse Road Maassel interjected going underneath the overpass where the railroad track used to be next to Glenwood.

Mr. Ridi said the development will be 7,600 sf. One is going to be a convenience store and a smaller strip is attached to it, we don't have a tenant for that yet. Mazur showed the site plan noting there is a fuel station. One of the items specific to this location was "can they have a drive entrance on Scott Street?" The answer was "yes but, it is only right in and right out". Maassel asked when might you start breaking ground? Mr. Ridi said we are hopeful to begin in the Fall. We still have to go through Wood County. We are ready to go.

Motion to Approve  
PC 20-04

Motion: Gerken  
Second: Vocke  
to approve PC 20-04 Conditional Use Permit at 2269 Scott Street

Passed  
Yea-3  
Nay-0

Roll call vote on the above motion:  
Yea-Maassel, Gerken, Vocke  
Nay-



Motion: Vocke                                Second: Gerken  
to adjourn the Planning Commission meeting at 5:37 pm.

Roll call vote on the above motion:

Yea-Maassel, Gerken, Vocke

Nay-

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# *City of Napoleon, Ohio*

## *Parks and Recreation Department*

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

*Napoleon, OH 43545*

*Telephone: (419) 592-4010 Fax: (419) 592-8955*

*www.napoleonohio.com*

## *Memorandum*

**To:** *Joel Mazur, City Manager*  
**Cc:** *Billy Harmon, Law Director*  
**From:** *Tony Cotter, Parks and Recreation Director*  
**Date:** *March 11, 2020*  
**Subject:** *Request To Use NPPGov Cooperative Purchasing  
for the Napoleon Aquatic Center*

We are now in the final stages of planning and specification development for the Napoleon Aquatic Center. We have selected three (3) large pieces of aquatic structures that we are planning to include at the facility. Vortex International, who specialize in commercial aquatics and have equipment in numerous waterparks worldwide, manufactures these structures. The combined cost for this equipment is estimated to be approximately \$400,000. These structures are the two large slides and our main play feature in the zero depth area.

As an alternative to including this equipment in the bid package, I am requesting that we purchase this equipment through the National Purchasing Partners Government Division (NPPGov). NPPGov is a cooperative purchasing agreement similar to that of the State of Ohio but at the national level. Contracts for various products and services are awarded by NPPGov through a public Request for Proposal process. Vortex International was awarded a contract for the Aquatic Play category. Purchases made under Vortex's contract through NPPGov enables public entities to save 3 - 5% off the retail price depending on the amount. Purchasing through the program will save the project between \$12,000 - \$20,000. If we were to include this equipment in the bid package, we would be subjected to the contractor's cost of the equipment plus a percentage of markup they would build in to their bid.

After consulting Billy Harmon about this issue, he advised me that any purchase through this type of program must be approved by City Council as Chapter 106 of our current ordinances does not stipulate provisions for national cooperative purchases. He further explained that Section 106.04 does allow Council to approve this method of purchasing by a majority vote if they deem it to be in the best interest of the City. Therefore, I am recommending City Council approve my request to purchase the above referenced products through the NPPGov cooperative purchasing program.

Let me know if you have any questions or would like additional information.



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(/)

Search this site



Tony Cotter (<https://nppgov.com/account>) | [Logout \(/lib/logout.php\)](#)

Member ID: M-5784059

EXPLORE CONTRACTS ▼

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## Vortex Aquatic Structures International



Publicly Solicited Contract

**START DATE:**

October 22, 2013

**POTENTIAL END DATE:**

October 16, 2020

**CONTRACT NUMBER:**

VQ10302

**LEAD AGENCY:**

League of Oregon Cities

This is a publicly solicited contract established through an RFP process conducted by a Lead Public Agency. This contract satisfies formal competitive bid requirements of most states. All NPPGov members are urged to seek independent review by their legal counsel to ensure compliance with all state and local requirements.

### Products on Contract

- Zero Depth Aquatic Recreation
- Multi-Activity Poolplay™ Events
- Elevations™ Water Play Structures
- Lazy River Play Products
- Splashpads®
- Water Journey™
- Waterslides

### Instructions to Access This Contract

Please contact your local Vortex representative or dealer to purchase from this contract. If you don't have a representative, email Vortex Customer Service. Provide your NPPGov member ID and include it on your purchase order. If you have any questions, please contact NPPGov. (<https://nppgov.com/contact-us>)

### Contract Documents

Synopsis

Recreation and Amusement Structures, Playing Surfaces and Equipment ([https://s3-us-west-2.amazonaws.com/cms-nppgov.resources/app/uploads/2017/05/22195729/RFP570\\_Synopsis.pdf](https://s3-us-west-2.amazonaws.com/cms-nppgov.resources/app/uploads/2017/05/22195729/RFP570_Synopsis.pdf))

RFP

Recreation and Amusement Structures, Playing Surfaces and Equipment RFP (<https://s3-us-west-2.amazonaws.com/cms-nppgov.resources/app/uploads/2017/05/22195927/RFP-Recreation-and-Amusement-Structures-Playing-Surfaces-and-Equipment-570.pdf>)

IGA | MPA

Intergovernmental Agreement (<https://s3-us-west-2.amazonaws.com/cms-nppgov.resources/app/uploads/2017/05/22162438/LOC-IGA.pdf>)

Vortex Master Price Agreement ([https://s3-us-west-2.amazonaws.com/cms-nppgov.resources/app/uploads/2017/05/22200036/VQ10302\\_MPA.pdf](https://s3-us-west-2.amazonaws.com/cms-nppgov.resources/app/uploads/2017/05/22200036/VQ10302_MPA.pdf))

Additional Resources

Vortex Contract Overview (<https://s3-us-west-2.amazonaws.com/cms-nppgov.resources/app/uploads/2017/05/19174333/Vortex-Contract-Overview-Flyer.pdf>)

Contact NPPGov



## Testimonial

**//** *The purchase went great with no problems whatsoever. I do plan on checking/using NPPGov for any future purchases.* **//**

Jeffrey Peebles  
Lyon County Sheriff's Office



## Vortex Aquatic Structures International Overview

Vortex is a creator of the Splashpad®, Poolplay™, Elevations™, and waterslide concepts. Vortex integrates the principles of modern architecture into aquatic play structures. Products may vary from zero depth aquatic recreation to multi-activity pool play events and elevations platforms to lazy rivers. Vortex has become the world leader in aquatic play solutions. Using the highest quality materials coupled with unique, inspiring design and state-of-the-art engineering, the company has over 7,000 installations in 45 countries, including at Walt Disney Resorts, Ritz-Carlton Hotels, Miami Metro Zoo and cities like New York, Montreal, Los Angeles and Paris.

## Additional Company Information

[Vortex Website \(http://www.vortex-intl.com/\)](http://www.vortex-intl.com/)

## Contact Info

**Vortex Customer Service**  
info@vortex-intl.com (mailto:info@vortex-intl.com)  
514.694.3868

Mailing Address  
328 Avro Street Pointe-Claire  
Qc H9R 5W5

## OTHER CONTRACTS THAT MAY INTEREST YOU

Publicly Solicited  

Contract #: VQ10288



**John Deere Company Lawn and Landscape Equipment**

(<https://nppgov.com/contract/john-deere-company-lawn-landscape-equipment>)

- Tractors
- Combines
- Commercial Mowing Equipment
- Attachments and Implements

**START DATE:**  
April 8, 2013

**POTENTIAL END DATE:**  
March 31, 2020

Publicly Solicited  

Contract #: AS10304

**Sprint Individual** (<https://nppgov.com/contract/sprint-il>)

- Wireless Voice and Data Services
- Data Equipment and Accessories
- Data and Communications Solutions
- Applications

**START DATE:**  
April 8, 2016

**POTENTIAL END DATE:**  
April 8, 2022





### ADDRESS

1100 Olive Way  
Suite 1020  
Seattle, WA 98101

### CONTACT

Phone: 877.329.8847  
Fax: 206.515.5445  
customerservice@nppgov.com (mailto:customerservice@nppgov.com)

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## Recreation & Amusement Structures, Playing Surfaces & Equipment

### Product Specifics

Vortex is a creator of the Splashpad and Poolplay concepts. Vortex integrates the principles of modern architecture into aquatic play structures. Products may vary from zero depth aquatic recreation to multi-activity pool play events and elevations platforms to lazy rivers.

### Pricing Details

This contract provides a 3%-5% discount off list price. Quantity discounts also available. For pricing and details, log in to [nppgov.com](http://nppgov.com).

### Contract Details

- Log into [nppgov.com](http://nppgov.com)
- Forms, legal documentation, price lists and other information can be found on the Vortex vendor page
- Sign the Intergovernmental Agreement (IGA) and keep for your records
- Provide your NPPGov member number on the purchase order



Lead Public Agency: League  
of Oregon Cities

RFP #570

#### CONTRACT TERM

Effective Date: 10/22/13

Initial expiration: 10/16/17

Possible extensions through: 10/16/20

### NPPGov

NPPGov is a national cooperative procurement organization based in Seattle, WA offering publicly solicited contracts to government entities nationwide. Our contracts are created through a public solicitation by a Lead Public Agency. Access to our cooperative contracts is free and there are no purchasing obligations.

#### Benefits of cooperative contracts:

- Competitively bid, no additional RFP necessary
- Saves time and money in your procurement process
- Live contract support



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# City of Napoleon, Ohio

## Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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

[www.napoleonohio.com](http://www.napoleonohio.com)

## Memorandum

**To:** Joel L. Mazur, City Manager  
**From:** Chad E. Lulfs, P.E., P.S., Director of Public Works  
**cc:** Mayor & City Council  
Kelly O'Boyle, Finance Director  
Roxanne Dietrich, Clerk of Council  
**Date:** March 10, 2020  
**Subject:** American Road & Oakwood Avenue Improvements ~  
Contract Approval

Quality Based Selection (QBS) was utilized to select a consulting firm for the above referenced project. The firms that submitted Qualification Statements were ranked as follows:

1. Peterman Associates, Inc.
2. Fishbeck, Thompson, Carr & Huber of Ohio, Inc.
3. Jones & Henry Engineers, Ltd.
4. Access Engineering Solutions
5. Poggemeyer Design Group
6. The Mannik & Smith Group

This project includes design of new asphalt roadway, concrete curbing, and drainage improvements on American Road from the proposed Love's Development to Oakwood Avenue and on Oakwood Avenue from American Road to Freedom Drive.

Negotiations were entered into with Peterman Associates, Inc. and a contract price was agreed upon. The budget for the above referenced project is \$150,000.00; the negotiated price is \$112,000.00.

**Having reviewed the submitted Qualification Statements and after extensive negotiations, it is my recommendation that Council award the design contract for American Road & Oakwood Avenue Improvements to Peterman Associates, Inc. in the amount of \$112,000.00.** If you have any questions or require additional information, please contact me at your convenience.

*CEL*





# City of Napoleon, Ohio

## Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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

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## Memorandum

**To:** Joel L. Mazur, City Manager  
**From:** Chad E. Lulfs, P.E., P.S., Director of Public Works  
**cc:** Mayor & City Council  
Kelly O'Boyle, Finance Director  
Roxanne Dietrich, Clerk of Council  
**Date:** March 10, 2020  
**Subject:** 2020 GIS Implementation Services – Phase III ~  
Contract Approval

Per Resolution No. 003-20, we were authorized to enter into a contract with Stantec Consulting Services, Inc. for the 2020 GIS Implementation Services – Phase III. Negotiations were entered into with Stantec Consulting Services, Inc. and a contract price was finalized. The budget for the above referenced project is \$70,000.00; the negotiated price is \$60,000.00. Having negotiated a price, **it is my recommendation that Council award the design contract for the 2020 GIS Implementation Services – Phase III to Stantec Consulting Services, Inc. in the amount of \$60,000.00.** If you have any questions or require additional information, please contact me at your convenience.

*CEL*





# 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](http://www.napoleonohio.com)

## Memorandum

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

The regularly scheduled meeting of the Parks and Recreation Committee for Monday, March 16, 2020 at 6:00 pm has been CANCELED due to lack of agenda items.



*City of Napoleon, Ohio*


## **TREE COMMISSION**

### **MEETING AGENDA**

**Monday, March 16, 2020 at 6:00 pm**

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

1. Call to Order
2. Approval of Minutes: February 17, 2020 (In the absence of any objections or corrections, the Minutes shall stand approved.)
3. Review Tree Call Reports
4. Plan Arbor Day Observation
5. Spring Contract Update
6. Any Other Matters to Come Before the Commission.
7. Adjournment.



Roxanne Dietrich

Executive Assistant to Appointing Authority/Clerk of Council



## TREE COMMISSION

Meeting Minutes

Monday, February 17, 2020 at 6:00 pm

### PRESENT

Commission Members  
Council Representative  
City Staff

Dave Volkman, Ed Clausing, Larr Etzler, Gary Haase  
Jeff Mires  
Aron Deblin

### ABSENT

Commission Member

Kyle Moore

### Call to Order

Chairman Etzler called the Tree Commission to order at 6:00 pm

### Approval of Minutes

Clausing noted there was a spelling error on page 2 under Finalize Spring Topsoil, file should be pile. The minutes were corrected and approved.

### Mission Statement

Clausing said he looked at seven different cities and most had a mission statement with one or two sentences. What we have on our front page could be modified to say mission statement. I also emailed Stephanie and she gave me a template we can use. She indicated in March, Aron and Chad will be going to a seminar and mission statements will be talked about at that training. We can wait and work on ours after their training. On Ottawa's website they had a list of trees that could or should not be planted for private and city properties. I found in Canal Winchester in order for a subdivision to be accepted by the city, the developer has to plant trees and pay for them. They have to go through the Tree Commission to make sure the proper trees are planted. With our budget being cut, this would be a way to help save some money. Volkman said that was discussed quite a few years ago. We talked of one for one and was told the Tree Commission was not involved early enough to have any affect. It always came back the commission had to be involved in the early planning stage or have places available to plant trees. Our goal is to plant more trees then you take out, that was how the conversation was started when asked where we were at on the ratio. The question is, how hard do you push with the property owners? You don't want to chase them away because of that but, you also want to make them aware that we consider trees important. Etzler noted there would probably need to be something in an ordinance about tree density in new developments. A *do not plant list* would be a good thing to have. Volkman added that is part of our public education on tree selection and could be on the website. Part of the Tree Commission's purpose is public education. Clausing said he noticed other communities did publish minutes on their website after they were approved.

### Tree Call Reports

Deblin reported he received two calls. With the first at 757 Park Street. There is an oak tree at the corner on Sheffield side. He is complaining about the acorns that drop. He has called in before. The tree is healthy he just doesn't like to clean up after the tree.



## Arbor Day Observation

## Award Spring Topsoil Contract

## Award Spring Removals Contract

## Award Spring Planting Contract

### Any Other Matters

## Motion to Adjourn

Passed  
Yea-5  
Nay-0

**Date Approved:**

**March 16, 2020**

U:\~ My Files\Records Clerk\2020\COMMITTEES and BOARDS\Tree Commission\_600 pm\_3rd Mon\02 17 2020\02 17 2020 Tree Commission Minutes.docx  
Records Retention: FIN-33 Permanent



## Ohio Municipal League Legislative Bulletin


Ohio Municipal League <kscarrett@omlohio.org>

Fri 3/13/2020 2:32 PM

To: Roxanne Dietrich <rdietrich@napoleonohio.com>

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## Legislative Bulletin

**March 13, 2020**

### OML UPDATE AT-A-GLANCE

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

- The Ohio Department of Health (ODH) has opened a coronavirus (COVID-19) public hotline, reachable seven days a week from 9 a.m. to 8 p.m. at 1-833-4-ASK-ODH (1-833-427-5634) or they can visit [www.coronavirus.ohio.gov](http://www.coronavirus.ohio.gov).
- Today Attorney General Yost released a letter providing guidance to public officials on how to comply with Open Meetings Act (OMA) in light of the precautions that are being taken to discourage or actively limit contact due to the coronavirus outbreak. You can read this letter [HERE](#).
- Gov. Mike DeWine and Attorney General Dave Yost have announced that local governments representing approximately 9.8 million Ohio residents, or 85% of the population, unanimously voted to sign on to the "OneOhio," plan in which Ohio local governments can jointly approach settlement negotiations in the litigation against opioid manufacturers and distributors.



**CORONAVIRUS UPDATE:  
MUNICIPAL, STATE AND FEDERAL GOVERNMENTS TAKE ACTION  
AGAINST SPREAD OF CORONAVIRUS**

**Municipal Response:**

As the state's largest employer, many members are creating staff-related policies such as telecommuting and outlining responsibilities employees have related to their own health status. Below are a couple of examples:

- Members can use this template for a flexible work policy for their employees, which they can access [HERE](#).
- In developing updated internal employment administrative practices, members can use this template employee notification form when an employee is sick. You can access that [HERE](#).

Ohio's municipal leaders are responding to the coronavirus to help ensure their communities are able to prepare for and prevent the spread of COVID-19. Here are some examples of how Ohio's cities and villages are responding:

- The City of Columbus has released their managing operations policies, which include working with employees under the terms of their respective collective bargaining contract to ensure they can take leave as necessary, prohibiting international travel and only approving domestic travel in a case-by-case basis, and directing the Department of Technology to maximize Columbus' ability to allow employees to work from home if greater measures are needed in the near future.
- The City of Bexley has alerted city employees that all rec programming will be suspended for 3 weeks while all community events will be cancelled through the end of April, municipal buildings will not be open to visitors except by appointment, and council chambers seating arrangements will be changed to create more distance between council members while a remote online system will be set up for testimony and attendance.
- The City of Grandview Heights has announced that senior and community centers are closed, rec programming is cancelled indefinitely, parks but not park restrooms will be opened as planned, and city facilities and staff will be limited from non-essential public access.



## Ohio Response:

In the wake of the thirteenth confirmed case of the coronavirus (COVID-19) in Ohio, Gov. DeWine and Ohio Department of Health (ODH) Director Amy Acton have taken a number of actions in response to the growing concerns over the spread of the coronavirus. On Wednesday, Gov. DeWine issued a letter to community leaders emphasizing his continued concerns. The letter can be found [HERE](#).

On Thursday, a statewide order, which you can read [HERE](#), was signed involving the following measures the state is taking to slow the spread of the coronavirus through Ohio's communities:

- Mass gatherings over 100 people are prohibited. This does not include religious gatherings, grocery stores, forms of transit, athletic events that exclude spectators, weddings, funerals, or religious gatherings.
- Guests will no longer be permitted in nursing homes and long-term care facilities.
- All schools (public & private) will be closed at the end of the day Monday until April 3, 2020. This currently only applies to K-12 institutions.
- The Governor has also recommended that places of higher learning move classes online and that religious institutions adjust practices such as shaking hands or sharing a single communion cup to prevent the spread of the virus.

## U.S. Government Response:

This week, the League participated in a White House briefing call to provide updates related to federal actions being taken in response to the coronavirus. The following are resources for local governments provided by the U.S. Government:

- You can find the follow-up email [HERE](#) with all the information that was shared during the conference call. It includes resources and recommendations from most of the major departments in the federal government.
- An important resource that has been provided by the Centers for Disease Control and Prevention (CDC) is a document titled "Implementation of Mitigation Strategies for Communities with Local COVID-19 Transmission", which you can access [HERE](#). This framework contains important information for local leaders



on available interventions community leaders can take to help slow the spread of the virus before a vaccine or treatment becomes readily available.

- Congress has passed an \$8.3 billion spending bill, which the President signed March 6, that earmarked over \$3 million for vaccine research and development, \$2.2 billion for public health preparedness and response, and approximately \$1 billion for medical supplies and capacity as well as Community Health centers. \$560 million from this bill will be allocated to state and local efforts to mitigate the coronavirus. Ohio has been awarded \$15.6 million. The CDC has broken down this federal funding by state, which you can access [HERE](#).

Here are the other resources our members are encouraged to use:

- World Health Organization: <https://www.who.int/emergencies/diseases/novel-coronavirus-2019>
- Centers for Disease Control and Prevention: <https://www.cdc.gov/coronavirus/2019-ncov/index.html>
- DC Health and other local public health agencies: <https://coronavirus.dc.gov/>
- National League of Cities (NLC): <https://www.nlc.org/coronavirus>

The League is committed to ensuring our members have up-to-date information and best practices on protecting their communities and we will continue to send updates as they are made available.

## **CORONAVIRUS AND THE PRIMARY ELECTION: A MESSAGE FROM THE SECRETARY OF STATE**

With the primary election coming up on Tuesday, March 17, Secretary of State Frank LaRose has released a message to local leaders in light of the spread of the coronavirus (COVID-19) to help ensure voters still cast their ballots while keeping elections secure, safe and healthy. You can read that message below:

"Ohio is less than one week away from Election Day and I am working with Governor Mike DeWine, Ohio Department of Health Director Dr. Amy Acton, and our 88 county boards of elections to ensure a safe, secure, and healthy election. In light of the Coronavirus/COVID-19, I wanted to highlight some important public service announcements that you can share with colleagues, friends, and family:

### **Be a Poll Worker**

Every election day, over 35,000 Ohioans serve as poll workers. A majority of our poll workers are patriotic senior citizens and with concerns about the exposure of vulnerable populations to Coronavirus/COVID-19, now is the time to step up and defend democracy by serving as a poll worker next Tuesday, March 17th. Talk to your employer, learn more and sign up here. By exercising best practices from the Ohio



Department of Health, our polling locations and voting machines will be clean, but we need the people necessary to run a safe and secure election.

#### Vote byMail or Vote Early

If you haven't already, please consider requesting your absentee ballot today, or going to your county's early vote center. Request an absentee ballot from your county board of elections by this Saturday then postmark the completed ballot by Monday, March 16th, or drop it off curbside at the county board of elections on Tuesday, March 17th. Every valid absentee ballot is counted just like a vote cast at the polling location on election day.

#### Don't Sit This Election Out

As some polling locations that were in senior living centers are relocated, visit [VoteOhio.gov/CoronaFacts](https://VoteOhio.gov/CoronaFacts) to find your polling place and review best practices for a healthy voting experience.

Unlike large events like a concert or baseball game, election day polling locations are spaces where neighbors who live in the same community come together to spend just a few minutes. In partnership with the Ohio Department of Health, Ohio's 88 boards of elections will take every step to make voting a safe, secure, and accessible experience for every eligible Ohioan."

### **LEAGUE NEW COUNCIL TRAINING POSTPONED**

In light of the impact of the Coronavirus (COVID-19), we are postponing both the March 21st and April 4th New Council Training Seminars in Worthington and Independence. We are working on rescheduling both of these seminars for a future date and will alert our members when the new dates are set. If you have any questions, please feel free to contact the OML office. If you are not available for the new dates once they are set, let the OML office know and we will issue a refund.

### **NEW BILLS OF MUNICIPAL INTEREST**

Here are two bill impacting municipalities that were introduced this week:

- HB 542 - OP&F DISABILITIES. Sponsored by Rep. Carfagna, R - Genoa Twnp.), Rep. Cera (D - Bellaire), would revise Ohio Police and Fire Pension Fund disability determination procedures. (Link: <https://bit.ly/33iW0Rj>)
- HB 546 - ELECTRIC VEHICLES. Sponsored by Rep. Miller (D - Amherst) and Rep. Weinstein (D - Hudson), would alter the definitions of "plug-in electric motor vehicle" and "hybrid motor vehicle" under the motor vehicle law and to



halve the additional registration fees for those two types of motor vehicles. (Link: <https://bit.ly/3aTKBdm>)

## Ohio Municipal League Meetings & Trainings

<a href="#">Newly Elected Council Training Programs</a>	<a href="#">Registration Information</a>
POSTPONED	

### OML/OMAA Webinar

March 12, 2020 11:00 am ~ 12:00 pm

**"The Need for Connectivity, Steps for Access and Best Practices for  
Local Broadband Expansion"**  
[Registration Information](#)

#### [Ohio Municipal League](#)

##### Legislative Inquires:

[Kent Scarrett, Executive Director](#)  
[Edward Albright, Deputy Director](#)  
[Ashley Brewster, Director of Communications](#)  
[Thomas Wetmore, Legislative Advocate](#)

##### Website/Bulletin Issues:

[Zoë Wade, Office Manager](#)

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