

February 2022						
◀ Jan 2022					Mar 2022 ▶	
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	31 - JANUARY Fifth Monday No Scheduled Meetings	1	2 11:00 am – Ritter Park Area Path Project (Rebid) Bid Opening 11:00 am - VanHying Pump Station Bid Opening	3	4	5
6	7 7:00 pm City Council	8 5:00 pm Planning Commission	9	10	11	12
13	14 6:30 pm Electric Committee Board of Public Affairs 7:15 pm Municipal Properties Committee	15	16 11:00 am – Ritter Park Boat Ramp Replacement Bid Opening 11:00 am – St. Rt. 110 Waterline Bid Opening	17	18	19
20	21 6:00 pm Tree Commission 7:00 pm City Council	22	23 6:30 pm Park and Rec Board	24	25	26
27 APPA Rally	28 6:30 pm – Finance and Budget Committee 7:30 pm – Safety and Human Resources Committee APPA Rally					

CITY COUNCIL

MEETING AGENDA

Monday, February 21, 2022 at 7:00 pm

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

A. Call to Order

B. Attendance (Noted by Clerk)

C. Prayer and Pledge of Allegiance

D. Approval of Minutes (in the absence of any objections or corrections, the minutes shall stand approved)
February 7, 2022 Regular Council Meeting Minutes

E. Citizen Communication

F. Reports from Council Committees

1. Electric Committee met on February 14, 2022 and;
 - a. recommended to move forward with AMP CT re-termination and appropriation of funds, and
 - b. approved BOPA recommendation to choose Option 7 for Industrial Substation Rebuild
2. Water, Sewer, Refuse, Recycling and Litter Committee did not meet on February 14, 2022 due to lack of agenda items
3. The Municipal Properties, Building, Land Use and Economic Development Committee met on February 14, 2022 and;
 - a. did not take any action on the appeal of City Engineering Rule 4.1.3
 - b. referred to Committee *Review of Engineering Rules*
 - c. reviewed the options presented for the Ritter Park Path Project and Front Street Project
4. The Parks and Rec Committee did not meet earlier tonight due to lack of agenda items.

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

1. Tree Commission met tonight with the agenda items:
 - Review Tree Call Reports
 - Award Spring Removal Contract
 - Award Spring Planting Contract
 - Plan Arbor Day Observation
2. Civil Service Commission did not meet on February 22, 2022 due to lack of agenda items
3. Parks and Rec Board met on Wednesday, February 23, 2022 with the agenda items:
 - a. Organization of Board
 - b. Discussion and/or Action on Golf Course Rates and Fees
 - c. Discussion and/or Action on 2021 Parks and Recreation Service Award

H. Introduction of New Ordinances and Resolutions

1. **Ordinance No. 007-22**, an Ordinance approving current December 2021 Replacement Pages to the City of Napoleon Codified Ordinances

I. Second Readings of Ordinances and Resolutions

1. **Ordinance No. 005-22**, an Ordinance amending certain City of Napoleon Traffic Schedules, specifically Schedule II, "Parking Time Limits" on certain city streets as listed in the attached Exhibit A; and amending Ordinance No. 030-19; and declaring an Emergency
2. **Resolution No. 008-22**, a Resolution authorizing the participation in the Ohio Department of Transportation (ODOT) Cooperative Purchasing Program; and declaring an Emergency

J. Third Readings of Ordinances and Resolutions

1. **Resolution No. 004-22**, a Resolution Authorizing the City Manager to Execute the Housing Revolving Loan Fund Administration Agreement between the State of Ohio Development Services Agency and the City of Napoleon; and Declaring an Emergency

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

1. Discussion/Action: Approval of Power Supply Cost Adjustment Factor for February 2022 as PSCA 3-month averaged factor \$0.01706 and JV2 \$0.223542
2. Discussion/Action: on Recommendation to move forward with AMP CT re-termination and appropriation of funds
3. Discussion/Action: on Recommendation for Option 7 for Industrial Substation Rebuild
4. Discussion/Action: PC 22-01 Subdivision Approval - Lot 1 German Mutual Subdivision
5. Discussion/Action: Award of the Ritter Park Boat Ramp Replacement Project
6. Discussion/Action: Award of the St. Rt. 110 Waterline Connection Project
7. Discussion/Action: Approval of the City Finance Director to Terminate the Agreement between the City of Napoleon and the Central Collection Agency
8. Discussion/Action: Approval to Apply for State of Ohio Fire Department Equipment Grant

L. Executive Session (as may be needed)

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

N. Adjournment


Roxanne Dietrich - Clerk

A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL

- 1. Technology & Communication Committee (1st Monday)**
(Next Regular Meeting: March 7, 2022 @6:15 pm)
- 2. Electric Committee (2nd Monday)**
(Next Regular Meeting: Monday, March 14, 2022 @6:30 pm)
 - a. Review of Power Supply Cost Adjustment Factor for March, 2022
 - b. Electric Department Report
- 3. Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)**
(Next Regular Meeting: Monday, March 14, 2022 @7:00 pm)
- 4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)**
(Next Regular Meeting: Monday, March 14, 2022 @7:30 pm)
 - a. Review Engineering Rules
- 5. Parks & Recreation Committee (3rd Monday)**
(Next Regular Meeting: Monday, March 21, 2022 @6:00 pm)
- 6. Finance & Budget Committee (4th Monday)**
(Next Regular Meeting: Monday, February 28, 2022 @6:30 pm)
- 7. Safety & Human Resources Committee (4th Monday)**
(Next Regular Meeting: Monday, February 28, 2022 @7:30 pm)
 - Agenda Item for February 28, 2022 – Joint Meeting with Townships and HCSJAD
 - Agenda Item for May 23, 2022 – Review Traffic Pattern at Westmoreland and Bales Road
- 8. Personnel Committee (as needed)**

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

- 1. Board of Public Affairs (2nd Monday)**
(Next Regular Meeting: Monday, March 14, 2022 @6:30 pm)
 - a. Review of Power Supply Cost Adjustment Factor for March, 2022
 - b. Electric Department Report
- 2. Board of Zoning Appeals (2nd Tuesday)**
(Next Regular Meeting: Tuesday, March 8, 2022 @4:30 pm)
- 3. Planning Commission (2nd Tuesday)**
(Next Regular Meeting: Tuesday, March 8, 2022 @5:00 pm)
- 4. Tree Commission (3rd Monday)**
(Next Regular Meeting: Monday, February 21, 2022 @6:00 pm)
- 5. Civil Service Commission (4th Tuesday)**
(Next Regular Meeting: Tuesday, February 22, 2022 @4:30 pm)
- 6. Parks & Recreation Board (Last Wednesday)**
(Next Regular Meeting: Wed., February 23, 2022 @6:30 pm)
- 7. Privacy Committee (2nd Tuesday in May & November)**
(Next Regular Meeting: Tuesday, May 11, 2022 @10:30 am)
- 8. Records Commission (2nd Tuesday in June & December)**
(Next Regular Meeting: Monday, June 6, 2022 @6:45 pm)
- 9. Housing Council (1st Monday of April 4, 2022 @6:30 pm (after the TIRC meeting)**
- 10. Health Care Cost Committee (as needed)**
- 11. Preservation Commission (as needed)**
- 12. Napoleon Infrastructure/Economic Development Fund Review Committee (NIEDF) (as needed)**
- 13. Tax Incentive Review Council (Friday, March 18, 2022 at 9:00 am)**
- 14. Volunteer Firefighters' Dependents Fund Board (as needed)**
- 15. Volunteer Peace Officers' Dependents Fund Board (as needed)**
- 16. Lodge Tax Advisory & Control Board (as needed)**
- 17. Board of Building Appeals (as needed)**
- 18. ADA Compliance Board (as needed)**

City of Napoleon, Ohio
CITY COUNCIL MEETING MINUTES
Monday, February 7, 2022 at 7:00 pm

PRESENT

Councilmembers	Ross Durham-Council President Pro-Tem, Daniel Baer, Lori Siclair, Ken Haase, Molly Knepley, Dr. Dave Cordes
City Manager	Joel Mazur
Finance Director	Kevin Garringer
Law Director	Billy Harmon
City Staff	Clayton O'Brien-Fire Chief Officer Daniel Silette Greg Kuhlman-Electric Dist. Superintendent (left meeting at 7:24 pm)
Others	News-media
Clerk	Roxanne Dietrich

ABSENT

Councilmember Joe Bialorucki

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

The minutes from the January 17, 2022 regular council meeting were approved as presented.

CITIZEN COMMUNICATION

None.

REPORTS FROM COUNCIL COMMITTEES

The Finance and Budget Committee did not meet on January 24, 2022 due to lack of agenda items. Due to lack of agenda items, the Safety and Human Resources Committee did not meet on January 24, 2022. The Technology and Communications Committee did not meet tonight due to lack of agenda items.

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

Ordinance No. 005-22 – Amending Traffic Schedule

Council President Pro-Tem Durham read by title Ordinance No. 005-22, an Ordinance amending certain City of Napoleon Traffic Schedules, specifically Schedule II, "Parking Time Limits" on certain city streets as listed in the attached Exhibit A; and amending Ordinance No. 030-19; and declaring an Emergency

Motion: Haase Second: Siclair
to approve First Reading of Ordinance No. 005-22

Mazur stated this legislation is to allow parking on the north side of Front Street as discussed in previous meetings. This is due to 1 - parking is occurring already on the north side of Front Street and this would make it legal to park there; and, 2 - after discussions with some of the business owners as it relates to the plan to repave Front Street. In addition, when Lulfs reviewed the legislation, he noticed some of the items were not cleaned up so, he made some corrections. Maassel asked we don't need to designate how to park or where to park on the north side of Front Street, do we? Do we have to paint lines on the rocks? Mazur replied *no*. In front of the winery will be parallel parking and there will be angle parking in front of Trigen.

Roll call vote to approve First Read of Ordinance No. 005-22:

Yea-Baer, Haase, Dr. Cordes, Knepley, Siclair, Durham

Nay-

Yea-6, Nay-0. Motion Passed.

Council President Pro-tem Durham read by title Resolution No. 006-22, a Resolution Authorizing the City Manager to execute any and all documents necessary to apply for and accept a Fiscal Year 2022 Assistance to Firefighters Grant (AFG) from the Department of Homeland Security and Federal Emergency Management Agency (FEMA); and declaring an Emergency.

Mazur stated the legislation is a requirement to apply for the AFG grant. Suspension is requested to make the timeline for the grant application due date. Durham asked when is the due date? Chief O'Brien replied the grant is due February 18, 2022.

Yea-6, Nay-0. Motion Passed.

Yea-6, Nay-0. Motion Passed.

Council President Pro-tem Durham read by title Resolution No. 008-22, a Resolution authorizing the participation in the Ohio Department of Transportation (ODOT) Cooperative Purchasing Program; and declaring an Emergency

Yea-6, Nay-0. Motion Passed.

Council President Pro-tem Durham read by title Resolution No. 004-22, a Resolution Authorizing the City Manager to Execute the Housing Revolving Loan Fund Administration Agreement between the State of Ohio Development Services Agency and the City of Napoleon; and Declaring an Emergency

Mazur reported this will renew our contract for the use of home funds (CHIP program). There was a question on how they market this to the people that use the program. There is a list with a variety of ways they market the program. Not every year is the usage very high. 2020 was a very high year for usage and so much so, they had to create a waiting list for people that wanted to use the program until more funds came in. It is kind of a perpetual revolving loan fund and they are waiting for more money to come in and get other projects in their pipeline. Maumee Valley Planning does a good job of hitting all the different networks of people, they sent a flyer over for the City to advertise on our social media. It is a good program.

Yea-6, Nay-0. Motion Passed.

THIRD READINGS OF ORDINANCES AND RESOLUTIONS

Ordinance No. 063-21 – Law Director Pay Increase

Council President Pro-tem Durham read by title Ordinance No. 063-21, an Ordinance Authorizing a Pay Increase for the City of Napoleon, Ohio Law Director; and declaring an Emergency

Motion: Haase Second: Baer
to Pass Ordinance No. 063-21 on Third Read

Roll call vote on the above motion:

Yea-Baer, Haase, Dr. Cordes, Knepley, Siclair, Durham

Nay-

Yea-6, Nay-0. Motion Passed.

Ordinance No. 064-21 – City Manager Pay Increase

Council President Pro-tem Durham read by title Ordinance No. 064-21, an Ordinance Authorizing a Pay Increase for the City of Napoleon, Ohio City Manager; and declaring an Emergency

Motion: Baer Second: Haase
to Pass Ordinance No. 064-21 on Third Read

Roll call vote on the above motion:

Yea-Baer, Haase, Dr. Cordes, Knepley, Siclair, Durham

Nay-

Yea-6, Nay-0. Motion Passed.

GOOD OF THE CITY

Award of the VanHying Pumping Station Replacement Project

Mazur reported last year we did this project out and did not receive any bids. We went out to bid again this year and upped the engineer's estimate but, with everything going on, it has been difficult to get bids for any of our projects. We had the base bid and two alternates this time. The key alternate was the boring of a parallel line underneath the railroad. We just went through this with the railroad storm sewer line where we had the sewer collapse by the gas line that goes under into the golf course. The pricing that we got back on that one was pretty substantial. The pricing on this alternate was \$622,000 and was clearly out of our budget amount. It is not 100% necessary, it is a redundancy. The engineer's estimate was \$2.5 million and that is up from the \$1.6 million estimate from last year. Just the base bid is \$2.7 million dollars. That is the trend we are seeing in prices. You do not see pump station projects every day. Doing a project that is 40' in the ground with concrete vaults and specialized pumps is complicated. This project is necessary, this one in particular is probably the most important pump station in the city since it covers so much ground. The recommendation is to award the base bid to Vernon Nagel at \$2,711,122.36. Maassel noted it is tough but, we absolutely have to have it. If this fails it is bad news for everybody. Haase asked to have the other alternate explained. Mazur said it is the style of pump, it was an upgraded beefed up version of pumps. Haase asked is it worth it to have it? Mazur stated in my opinion *no*. The pumps in the specs are just fine. Siclair commented putting it off a year did not help the price and it's not likely the costs will go down but, it's not recommended to wait, it cannot wait? Mazur explained the other piece is this is a Long Term Control Project, it is one of our EPA required projects. There is no doubt this needs attention. Can we kick the can down the road? Yes, but your odds decrease as you extend it out. Dr. Cordes asked you do not think the price will come down after the supply chain issues ease a little bit? Mazur stated it is a lot of guesswork. If they ease are the prices really going to come down? Then you risk what if the prices go up? My opinion is, I do not think pricing of things will go down, if they do, it will not be that much. Siclair asked if it fails then the scenario would be a lot different, right? In order to get someone in to fix it. Mazur explained it would turn into an emergency situation. VanHying pumps almost the whole north side of Napoleon, it covers a lot of area. Talking about rates, we are approved for \$3 million through DEFA. If we

Motion: Siclair Second: Knepley
to tentatively award pending DEFA Approval, the VanHying Pumping Station Replacement Project to Vernon Nagel, Inc. for the Base Bid in the amount of \$2,711,122.36

Yea-Baer, Haase, Dr. Cordes, Knepley, Siclair, Durham
Nay-

Mazur reported we bid this project again and did not receive any bids. There were various reasons from the different contractors that pulled plans. The last round some contractors stated because of the timing they could not submit anything. This time some contractors said they could not touch the engineers estimate number and one had trouble locking in the material prices. We are seeing that with our bids that contractors are not submitting bids because they are having a hard time locking in material prices from subs or suppliers. No action is needed unless you would like to assign this to the Municipal Properties Committee to decide what to do. We are working with ODOT because it is grant funded. We would still like to do a project but, we may have to carve out a piece. If we are already redoing Front Street, do you want to add this as a part of the Front Street project? That is probably the most logical option because of the plans we have for repaving that right now. ODOT understands the circumstances and are working with us. They have their estimators looking at it. We are seeing that our engineer's estimate is a little bit low in a lot of the different categories. We may have to make some adjustments and move part of the project into another project and see what happens. Baer asked is that part of the project, which I think has already been approved, is that sidewalk situation still coming in this current calendar year? Baer said if this is delayed will that be delayed too? Mazur replied the Ritter Park Path Project includes the Jahns Road piece. Baer said but the Jahns Road is still on? Mazur said it is part of this so it would have to be rebid. We can meet with the Municipal Properties Committee next week and bring a new design before City Council to approve and rebid.

Mazur reported this is under budget. Our recommendation is to make this purchase. We are seeing jumps in vehicles prices too. The budgeted amount was \$200,000. The quote we have is \$192,555. Maassel asked is this a state contract? Kuhlman said through Freightliner an Altec bucket truck. Maassel asked is this like a lot of vehicles, you order it and it shows up eight to ten months later? Kuhlman said they thought it would be here in October.

Yea-Baer, Haase, Dr. Cordes, Knepley, Siclair, Durham
Nay-

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Records Retention: FIN-30 Permanent

Mazur stated in our contract with Napoleon Area Schools regarding the campus improvement agreement, this is the final invoice for \$50,000 and in the agreement it says Council will approve the final invoice to ensure that all stipulations were met on the school side per this agreement. Maassel commented and all have been met. Mazur concurred. Chief Mack and the engineer have looked at everything and both said everything they wanted to happen happened. We recommend approval of the final invoice and then we will close the books on this.

Yea-6, Nay-0. Motion Passed.

Yea-6, Nay-0. Motion Passed.

Yea-6, Nay-0. Motion Passed.

Yea-6, Nay-0. Motion Passed.

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Records Retention: FIN-30 Permanent

Motion: Haase Second: Dr. Cordes
to accept the \$1,000 donation from the VFW of Ohio Charities VFW Post 8218 to Napoleon Police Dept.

Yea-6, Nay-0. Motion Passed.

were up and operating and did not close at all. We were here for citizens, we did receive a lot of phone calls about garbage.

Durham – I want to compliment every department within the City. The snow cleanup, fire station the paramedics running all day it seems, I saw the Police Department driving up and down the street while I was at work and our Electric Department we did not have one blip on our electrical system that day.

EXECUTIVE SESSION

Motion: Siclair Second: Knepley

to go into Executive Session for Purchase or Sale of Property, Compensation of Personnel and Pending Litigation

Roll call vote on the above motion:

Yea-Baer, Haase, Dr. Cordes, Knepley, Siclair, Durham

Nay-

Yea-6, Nay-0. Motion Passed.

City Council went into Executive Session at 7:44 pm

ADJOURN FROM EXECUTIVE SESSION

Motion: Siclair Second: Knepley

to adjourn from Executive Session at 8:52 pm

Roll call vote on the above motion:

Yea-Baer, Haase, Dr. Cordes, Knepley, Siclair, Durham

Nay-

Yea-6, Nay-0. Motion Passed.

Council President Pro-tem Durham reported Purchase or Sale of Property, Compensation of Personnel and Pending Litigation were discussed in Executive Session and no action was taken.

APPROVE PAYMENT OF BILLS

In the absence of any objections or corrections, the payment of bills were approved.

ADJOURNMENT

Motion: Siclair Second: Knepley

to adjourn the City Council meeting at 8:53 pm

Roll call vote on the above motion:

Yea-Baer, Haase, Dr. Cordes, Knepley, Siclair, Durham

Nay-

Yea-6, Nay-0. Motion Passed.

Approved:

February 21, 2022

Joseph Bialorucki, Council President

Jason Maassel, Mayor

Submitted by:

Roganne Dietrich, Clerk

ORDINANCE NO. 007-22

**AN ORDINANCE APPROVING CURRENT DECEMBER 2021
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 2021 Replacement Pages to the Codified Ordinances are hereby approved and adopted; such having been certified as correct by the Clerk of Council and the Mayor.

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

Administrative Code
Fire/Rescue Department
Water Rate Review Commission
Municipal Income Tax

Traffic Code
Operation
Traffic Schedules

Streets, Utilities and Public Services Code
Construction and Repair

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. 007-22 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2022; & 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

received
2-15-2022
12:54 pm

Pilot Copy
for Review

INSTRUCTIONS FOR INSERTING
JANUARY 2022 REPLACEMENT PAGES
FOR THE
CODIFIED ORDINANCES
OF NAPOLEON

All new replacement pages bear the footnote "January 2022 Replacement". Please discard old pages and insert these new replacement pages immediately as directed in the following table.

Discard Old Pages

Insert New Pages

PRELIMINARY

Cover and Certification Page
3, 4
36E, 36F
40E

Cover and Certification Page
3, 4
36E, 36F
40E

PART ONE - ADMINISTRATIVE CODE

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5 through 8
23, 24
43, 44
None
93, 94
102C through 102N

Table of Contents Page, 2
5 through 8
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43, 44
76E
93, 94
102C through 102N

PART THREE - TRAFFIC CODE

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51, 52
74C through 76
83 through 98F
176C
195 through 197

22A, 22B
51, 52
74C through 76
83 through 98F
176C
195 through 197

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

11, 12

11, 12

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

Local legislation current through January 17, 2022

State legislation current through June 30, 2021

CERTIFICATION

We, Jason Maassel, Mayor and Roxanne Dietrich, Executive Assistant to Appointing Authority - Clerk of Council 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 January 17, 2022.

/s/ Jason Maassel
Mayor

/s/ Roxanne Dietrich
Clerk of Council

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

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CITY OF NAPOLEON
ROSTER OF OFFICIALS
(2022)

CITY OFFICIALS

Mayor
City Manager
City Law Director
City Finance Director

Jason Maassel
Joel L. Mazur
Billy D. Harmon
Kevin Garringer

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.

UTILITIES

billing; rounding up program	137.14
easements	1127.11
franchises	Chtr. 7.02
planned developments	1143.02
regulation of	Chtr. 7.01
tree pruning	917.05
waste collection as	925.02

U TURN

regulated	331.12
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VACATION OF STREETS AND ALLEYS

costs; fees	909.01, 909.02
petitions	909.01(b)
Planning Commission review	909.03

VARIANCES

flood damage prevention	1339.13
Sign Code	1335.29
Subdivision Regulations	1105.06

VEHICLE (see MOTOR VEHICLE)**VEHICLE EQUIPMENT**

air cleaner	337.25
all purpose vehicle	375.02
brakes	337.18
bumpers	337.29
chains	339.10
child restraint system	337.26
directional signals required	337.30
exceptions	337.01(c)
exhaust noise	331.36
exhaust systems, defective	347.04
horn, siren	337.19
lights (see VEHICLE LIGHTS)	
loads (see VEHICLE LOADS)	
motorcycle, off-highway	375.02
motorized bicycle	373.10
mud flaps	339.05
muffler	331.36, 337.20
motor vehicle or motorcycle	337.26

VEHICLE EQUIPMENT (Cont.)

snowmobile or all purpose vehicle	375.02
rear red reflector	337.05
rear-view mirror	337.21
red flag or light on load	337.08
seat belts	337.27
slow-moving vehicle, emblem	337.10
snowmobile	375.02
spikes, lugs	339.10
sunscreening	337.28
theft alarm signal	337.19
tinted windows	337.28
tires	
peeling	331.36
studded	339.11
wheel protectors	339.05
windshield regulations	337.22

VEHICLE LIGHTS

auxiliary driving lights	337.11
back-up	337.12
bicycle	373.06
commercial vehicle, safety lighting	337.06
distance, height measurement	337.02
electric personal assistive mobility device	371.12(b)
fender or cowl	337.12
flashing	337.10(e), 337.16
headlights	
focus and aim	337.17
required	337.03
use of beams	337.14
lighted, time	337.02
motorized bicycle	337.02, 373.10
number permitted	337.16
parked or stopped	337.09
slow-moving vehicle	
less intensity	337.15
requirements	337.10
snowmobile and all purpose vehicle	375.02

VEHICLE LIGHTS (Cont.)

spotlight	337.11
stop lights	337.24
tail light	337.04
two displayed	337.13
vehicles in combination, obscured	337.07

VEHICLE LOADS

extension on left side	337.23
information on request	339.04
leaking or dropping	339.08
obstructing driver's view	331.25
projecting, red flag or light	337.08
shifting or loose	339.09
truck loading zones	351.09

**VIDEO GAMES (see AMUSEMENT
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CODIFIED ORDINANCES OF NAPOLEON

PART ONE - ADMINISTRATIVE CODE

TITLE ONE - General Provisions

- Chap. 101. Codified Ordinances.
- Chap. 103. Public Meetings.
- Chap. 105. Purchases and Contracts.
- Chap. 106. Public Bidding Procedure.
- Chap. 107. Sale or Lease of Property.

TITLE THREE - Legislative

- Chap. 121. Council.

TITLE FIVE - Administrative

- Chap. 131. Mayor.
- Chap. 133. City Manager.
- Chap. 135. Department of Law.
- Chap. 137. Department of Finance.
- Chap. 139. Department of Engineering.
- Chap. 141. Building and Zoning Department.
- Chap. 142. Department of Public Works.
- Chap. 143. Fire/Rescue Department.
- Chap. 145. Police Department.
- Chap. 155. Civil Service.
- Chap. 156. Boards and Commissions Generally.
- Chap. 157. Board of Public Affairs.
- Chap. 159. Planning Commission.
- Chap. 161. Board of Health.
- Chap. 163. Parks and Recreation Board.
- Chap. 165. Community Improvement Corporation.
- Chap. 167. Charter Review Commission.
- Chap. 169. Tree Commission.
- Chap. 171. ADA Compliance Board.
- Chap. 173. Records Commission.
- Chap. 175. Board of Zoning Appeals.
- Chap. 177. Board of Building Appeals.
- Chap. 179. Employee Indemnification.
- Chap. 181. Preservation Commission.
- Chap. 183. Water Rate Review Commission.

TITLE SEVEN - Judicial

- Chap. 185. Municipal Court.
- Chap. 187. Appeals.

TITLE NINE - Taxation

Chap. 191. Excise Tax on Lodging.

Chap. 193. Income Tax.

Chap. 194. Municipal Income Tax Effective January 1, 2016.

TITLE ELEVEN - Civil Service and Personnel Regulations

Chap. 195. Rules and Procedures of Civil Service

Chap. 197. Personnel Code.

- (s) "This State" or "the State" means the State of Ohio. (ORC 1.59(G))
- (t) "Street" includes alleys, avenues, boulevards, lanes, roads, highways, viaducts and all other public thoroughfares within the Municipality.
- (u) "Tenant" or "occupant", as applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.
- (v) "Whoever" includes all persons, natural and artificial; partners; principals, agents and employees; and all officials, public or private. (ORC 1.02(A))
- (w) "Written" or "in writing" includes any representation of words, letters, symbols or figures. This provision does not affect any law relating to signatures. (ORC 1.59(J))

101.03 RULES OF CONSTRUCTION.

(a) Common and Technical Usage. Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly. (ORC 1.42)

(b) Singular and Plural; Gender; Tense. As used in the Codified Ordinances, unless the context otherwise requires:

- (1) The singular includes the plural, and the plural includes the singular.
- (2) Words of one gender include the other genders.
- (3) Words in the present tense include the future. (ORC 1.43)

(c) Calendar; Computation of Time.

(1) Definitions.

A. "Week" means seven consecutive days.

B. "Year" means twelve consecutive months. (ORC 1.44)

(2) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month. (ORC 1.45)

(3) A. The time within which an act is required by law to be done shall be computed by excluding the first and including the last day; except that when the last day falls on Sunday or a legal holiday, then the act may be done on the next succeeding day that is not a Sunday or a legal holiday.

B. When a public office, in which an act required by law is to be performed, is closed to the public for the entire day that constitutes the last day for doing the act or before its usual closing time on that day, the act may be performed on the next succeeding day that is not a Sunday or a legal holiday.

C. As used in subsections (c)(1) and (c)(2) of this section, legal holiday means the following days:

- 1. The first day of January, known as New Year's Day;
- 2. The third Monday in January, known as Martin Luther King, Jr. Day;
- 3. The third Monday in February, known as Washington-Lincoln Day;
- 4. The day designated in the "Act of June 28, 1968", 82 Stat. 250, 5 U.S.C. § 6103, as amended, for the commemoration of Memorial Day;
- 5. The nineteenth day of June, known as Juneteenth day;

6. The fourth day of July, known as Independence Day;
 7. The first Monday in September, known as Labor Day;
 8. The second Monday in October, known as Columbus Day;
 9. The eleventh day of November, known as Veteran's Day;
 10. The fourth Thursday in November, known as Thanksgiving Day;
 11. The twenty-fifth day of December, known as Christmas Day; and
 12. Any day appointed and recommended by the Governor of this state or the President of the United States as a holiday.
- D. If any day designated in this section as a legal holiday falls on a Sunday, the next succeeding day is a legal holiday. (ORC 1.14)
- (4) When legislation is to take effect or become operative from and after a day named, no part of that day shall be included. (ORC 1.15)
 - (5) In all cases where the law shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall mean such time only as may be necessary for the prompt performance of such duty or compliance with such notice.

(d) Authority. When the law requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

(e) Joint Authority. All words purporting to give joint authority to three or more municipal officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it shall be otherwise expressly declared in the law giving the authority or inconsistent with State statute or Charter provisions.

(f) Exceptions. The rules of construction shall not apply to any law which shall contain any express provision excluding such construction, or when the subject matter or context of such law may be repugnant thereto.

101.04 REVIVOR; EFFECT OF AMENDMENT OR REPEAL.

(a) The repeal of a repealing ordinance does not revive the ordinance originally repealed nor impair the effect of any saving clause therein. (ORC 1.57)

(b) An ordinance which is re-enacted or amended is intended to be a continuation of the prior ordinance and not a new enactment, so far as it is the same as the prior ordinance. (ORC 1.54)

(c) The re-enactment, amendment or repeal of an ordinance does not, except as provided in subsection (d) hereof:

- (1) Affect the prior operation of the ordinance or any prior action taken thereunder;
- (2) Affect any validation, cure, right, privilege, obligation or liability previously acquired, accrued, accorded or incurred thereunder;
- (3) Affect any violation thereof or penalty, forfeiture or punishment incurred in respect thereto, prior to the amendment or repeal;
- (4) Affect any investigation, proceeding or remedy in respect of any such privilege, obligation, liability, penalty, forfeiture or punishment; and the investigation, proceeding or remedy may be instituted, continued or enforced, and the penalty, forfeiture or punishment imposed, as if the ordinance had not been repealed or amended.

(d) If the penalty, forfeiture or punishment for any offense is reduced by a re-enactment or amendment of an ordinance, the penalty, forfeiture, or punishment, if not already imposed, shall be imposed according to the ordinance as amended. (ORC 1.58)

101.05 CONSTRUCTION OF SECTION REFERENCES.

(a) A reference to any portion of the Codified Ordinances applies to all re-enactments or amendments thereof. (ORC 1.55)

(b) If a section refers to a series of numbers or letters, the first and the last numbers or letters are included. (ORC 1.56)

(c) Wherever in a penalty section reference is made to a violation of a series of sections or of subsections of a section, such reference shall be construed to mean a violation of any section or subsection included in such reference.

References in the Codified Ordinances to action taken or authorized under designated sections of the Codified Ordinances include, in every case, action taken or authorized under the applicable legislative provision which is superseded by the Codified Ordinances. (ORC 1.23)

101.06 CONFLICTING PROVISIONS.

(a) If there is a conflict between figures and words in expressing a number, the words govern. (ORC 1.46)

(b) If a general provision conflicts with a special or local provision, they shall be construed, if possible, so that effect is given to both. If the conflict between the provisions is irreconcilable, the special or local provision prevails as an exception to the general provision, unless the general provision is the later adoption and the manifest intent is that the general provision prevail. (ORC 1.51)

- (c)
- (1) If ordinances enacted at different meetings of Council are irreconcilable, the ordinance latest in date of enactment prevails.
 - (2) If amendments to the same ordinance are enacted at different meetings of Council, one amendment without reference to another, the amendments are to be harmonized, if possible, so that effect may be given to each. If the amendments are substantively irreconcilable, the latest in date of enactment prevails. The fact that a later amendment restates language deleted by an earlier amendment, or fails to include language inserted by an earlier amendment, does not of itself make the amendments irreconcilable. Amendments are irreconcilable only when changes made by each cannot reasonably be put into simultaneous operation. (ORC 1.52)

101.07 DETERMINATION OF LEGISLATIVE INTENT.

(a) In enacting an ordinance, it is presumed that:

- (1) Compliance with the constitutions of the State and of the United States is intended;
- (2) The entire ordinance is intended to be effective;
- (3) A just and reasonable result is intended;
- (4) A result feasible of execution is intended. (ORC 1.47)

(b) An ordinance is presumed to be prospective in its operation unless expressly made retrospective. (ORC 1.48)

(c) If an ordinance is ambiguous, the court, in determining the intention of Council may consider among other matters:

- (1) The object sought to be attained;
- (2) The circumstances under which the ordinance was enacted;
- (3) The legislative history;
- (4) The common law or former legislative provisions, including laws upon the same or similar subjects;
- (5) The consequences of a particular construction;
- (6) The administrative construction of the ordinance. (ORC 1.49)

101.08 SEVERABILITY.

If any provision of a section of the Codified Ordinances or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable. (ORC 1.50)

101.99 GENERAL PENALTY.

Whenever, in the Codified Ordinances or in any ordinance of the Municipality, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, and as it applies to any of the aforesaid no specific penalty is otherwise provided, then whoever violates any such provision shall be deemed guilty of a minor misdemeanor and fined in accordance with Chapter 501. A separate offense shall be deemed committed each day during or on which a violation continues or occurs. (Ord. 060-10. Passed 9-7-10.)

TITLE FIVE - Administrative

- Chap. 131. Mayor.
- Chap. 133. City Manager.
- Chap. 135. Department of Law.
- Chap. 137. Department of Finance.
- Chap. 139. Department of Engineering.
- Chap. 141. Building and Zoning Department.
- Chap. 142. Department of Public Works.
- Chap. 143. Fire/Rescue Department.
- Chap. 145. Police Department.
- Chap. 155. Civil Service.
- Chap. 157. Board of Public Affairs.
- Chap. 159. Planning Commission.
- Chap. 161. Board of Health.
- Chap. 163. Parks and Recreation Board.
- Chap. 165. Community Improvement Corporation.
- Chap. 167. Charter Review Commission.
- Chap. 169. Tree Commission.
- Chap. 171. ADA Compliance Board.
- Chap. 173. Records Commission.
- Chap. 175. Board of Zoning Appeals.
- Chap. 177. Board of Building Appeals.
- Chap. 179. Employee Indemnification.
- Chap. 181. Preservation Commission.
- Chap. 183. Water Rate Review Commission.

CHAPTER 131

Mayor

- | | | | |
|---------------|------------------------------|---------------|--------------------------------------------------|
| 131.01 | Term. | 131.04 | Powers and duties; prohibited activities. |
| 131.02 | Qualifications. | 131.05 | Election to fill vacancy. |
| 131.03 | Office; compensation. | | |

CROSS REFERENCES

- President of Council as Acting Mayor in Mayor's absence - see CHTR. 2.04(D)
- Calling special meetings/notice to Mayor - see CHTR. 2.07(B)
- When Mayor fills vacancies on Council - see CHTR. 2.08
- Mayor to serve as ad hoc member of both Finance and Budget Committee, and Municipal Properties, Buildings, Land Use and Economic Development Committee - see CHTR. 2.11
- Mayor to present annual budget - see CHTR. 2.13
- Mayor's approval to ordinances and resolutions/veto power - see CHTR. 2.15(D)
- Mayor's order of reconsideration - see CHTR. 2.15(E)

CROSS REFERENCES (Cont.)

Mayor's certification of codification - see CHTR. 2.15(G)

Term - see CHTR. 3.01

Qualifications - see CHTR. 3.02

Office and compensation - see CHTR. 3.03

Powers and duties - see CHTR. 3.04

Election to fill vacancy - see CHTR. 3.05

Mayor to receive prior notice of removal of assistant directors -
see CHTR. 4.05

Mayor duties related to boards and commissions - see CHTR. Art. V

Mayor to serve on Planning Commission - see CHTR. 5.02(A)

131.01 TERM.

In conformance with Article III, Section 3.01 of the Charter of the City, there shall be a Mayor of the City who shall be elected by a partisan ballot at a general municipal election for a term of four (4) years. Each candidate for Mayor shall be nominated at a partisan primary election held in odd numbered years in accordance with the laws of Ohio, except that a person desiring to become a candidate for the office of Mayor as an independent candidate shall file a valid and sufficient nominating petition in accordance with the laws of Ohio. The Mayor shall assume office on the first (1st) day of January of the year following his or her election, subject to being qualified. Except in the case of death, resignation, recall, removal or forfeiture of office of the Mayor, the Mayor shall hold office until his or her successor is elected and qualified.
(Ord. 37-01. Passed 5-7-01.)

131.02 QUALIFICATIONS.

(a) Eligibility. In conformance with Article III, Section 3.02 (A) of the Charter of the City, no person shall be eligible to be elected Mayor unless he or she has been a resident and qualified elector of the City for at least one (1) continuous year immediately prior to his or her filing for office. The Mayor shall continue to be a resident and qualified elector of the City during his or her term of office. The Mayor shall not hold any other elected public office or employment with the City. For the purpose of this Section, "employment with the City" shall mean, employed by the City of Napoleon and being compensated from this municipal corporation's treasury; and, "elected public office" shall mean, "Elected public office of this Municipality".

(b) Forfeiture of Office. In conformance with Article III, Section 3.02 (B) of the Charter of the City, if the Mayor ceases to possess, or violates, any of the qualifications set forth in this Section, he or she shall forfeit his or her office. The failure of the Mayor to maintain these qualifications shall not render void or ineffective any instrument executed, any ceremony performed, or any other action taken by him or her during the time he or she was not so qualified.
(Ord. 37-01. Passed 5-7-01.)

131.03 OFFICE; COMPENSATION.

In conformance with Article III, Section 3.03, the Mayor's office shall be located within the City's principal governmental building. The Mayor's salary shall be established by ordinance or resolution and may be changed by ordinance or resolution; however, no such change shall affect the Mayor's salary during his or her current term of office. Any change in the Mayor's salary shall be effective commencing with the term of office of the Mayor elected at the next general municipal election occurring not less than twelve (12) months after the enactment of such change.
(Ord. 37-01. Passed 5-7-01.)

CHAPTER 143 Fire/Rescue Department

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

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) |
| 4 | 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, firefighter/emergency medical technicians, secretary,
communication officers, instructors (all of part-time status as approved by
the City Manager) |
| 1 (not to exceed 20) | Auxiliary members. |

(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. 062-21. Passed 1-17-22.)

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.

CHAPTER 183
Water Rate Review Commission

**183.01 Establishment of a Water Rate
Review Commission; Members;
Meetings.**

**183.01 ESTABLISHMENT OF A WATER RATE REVIEW COMMISSION;
MEMBERS; MEETINGS.**

(a) Establishment and Purpose. There is established a Water Rate Review Commission. This Commission shall review water rates and make recommendations to City Council related to the establishment of water rates. The Water Rate Review Commission shall also review and thereafter advise Council about prospective agreements with communities seeking to purchase water from the City.

(b) Members. The Commission will consist of at least two (2) members from the City of Napoleon, appointed by City Council, and one (1) member of any community that is party to a contract to purchase water with the City of Napoleon. Each member representing the City of Napoleon shall be a resident and qualified elector of the City.

(c) Meetings. The Commission shall meet, on an as needed basis, with the Napoleon Board of Public Affairs and the Water, Sewer, Refuse, Recycling and Litter Committee to review items that may affect water rates.

(d) Chair. City Council shall appoint the Chair of this Commission to be chosen from among the members representing the City.

(e) Rules. This Commission shall be governed by the established Rules and Procedures Governing Boards and Commissions.
(Ord. 049-21. Passed 12-20-21.)

(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, 2022, 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, 2023 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-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. (Ord. 057-21. Passed 12-20-21.)

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, 2022, 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.
- (4) One-hundred percent (100%) of the net available tax receipts received annually pursuant to Napoleon Ordinance 194.081 may be used to defray operating expenses incurred due to the provision of police and fire services.

(b) Effective January 1, 2023 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-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.

- (4) One-hundred percent (100%) of the net available tax receipts received annually pursuant to Napoleon Ordinance 194.081 may be used to defray operating expenses incurred due to the provision of police and fire services. (Ord. 057-21. Passed 12-20-21.)

194.014 STATEMENT OF PROCEDURAL HISTORY; STATE MANDATED CHANGES TO MUNICIPAL INCOME TAX.

(A) Significant and wide-ranging amendments to ORC 718 were enacted by Am Sub HB 5, passed by the 130th General Assembly, and signed by Governor Kasich on December 19, 2014, and H.B. 5 required municipal corporations to conform to and adopt the provisions of ORC 718 in order to have the authority to impose, enforce, administer and collect a municipal income tax.

(B) As mandated by H.B. 5, this Municipal Income Tax Ordinance 053-15, effective January 1, 2016, comprehensively adopts Chapter 194 in accordance with the provisions of ORC 718 to allow the City to continue the income tax and withholding tax administration and collection efforts on behalf of the City. (Ord. 053-15. Passed 11-16-15.)

194.02 EFFECTIVE DATE; FISCAL YEAR.

(A) Ordinance 053-15, effective January 1, 2016, and corresponding changes to ORC 718, apply to municipal taxable years beginning on or after January 1, 2016. All provisions of this Chapter 194 apply to taxable years beginning 2016 and succeeding taxable years.

(B) Ordinance 053-15 does not repeal the existing sections of Chapter 193 for any taxable year prior to 2016, but rather adopts Chapter 194 effective January 1, 2016 and continuing for each taxable year thereafter. For municipal taxable years beginning before January 1, 2016, the City shall continue to administer, audit, and enforce the income tax of the Municipality under ORC 718 and Ordinances and Resolutions of the City as that Chapter and those Ordinances and Resolutions existed before January 1, 2016.

(C) The City tax shall be levied, collected and paid with respect to compensation earned or received and with respect to the net profits earned or received on a calendar year basis, except as herein provided. When the fiscal year of a taxpayer is other than the calendar year that may be otherwise permitted by law, and a modification of this Tax Code impacts such fiscal taxpayer, then the City tax shall be levied upon that part of the net profits for the fiscal year which are earned or received on or after the effective date of such modification until the close of the taxpayer's fiscal year, and, thereafter, shall be levied on the taxpayer's fiscal-year basis. (Ord. 053-15. Passed 11-16-15.)

194.03 DEFINITIONS.

Any term used in this Chapter that is not otherwise defined in this Chapter has the same meaning as when used in a comparable context in laws of the United States relating to federal income taxation or in Title LVII of the Ohio Revised Code, unless a different meaning is clearly required. If a term used in this Chapter that is not otherwise defined in this Chapter is used in a comparable context in both the laws of the United States relating to federal income tax and in Title LVII of the Ohio Revised Code and the use is not consistent, then the use of the term in the laws of the United States relating to federal income tax shall control over the use of the term in Title LVII of the Ohio Revised Code. For purposes of this Section 194.03, the singular shall include the plural, and the masculine shall include the feminine and the gender-neutral.

As used in this Chapter:

- (1) "ADJUSTED FEDERAL TAXABLE INCOME," for a person required to file as a C corporation, or for a person that has elected to be taxed as a C corporation under division 23(D) of this section, means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:
- (A) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.
 - (B) Add an amount equal to five per cent (5%) of intangible income deducted under division (1)(A) of this section, but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in section 1221 of the Internal Revenue Code;
 - (C) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;
 - (D)
 - (i) Except as provided in division (1)(D)(ii) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;
 - (ii) Division (1)(D)(i) of this section does not apply to the extent the income or gain is income or gain described in section 1245 or 1250 of the Internal Revenue Code.
 - (E) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income;
 - (F) In the case of a real estate investment trust or regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income;
 - (G) Deduct, to the extent not otherwise deducted or excluded in computing federal taxable income, any income derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Ohio Revised Code;
 - (H)
 - (i) Except as limited by divisions (1)(H)(ii), (iii) and (iv) of this section, deduct any net operating loss incurred by the person 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.
 - (ii) No person shall use the deduction allowed by division (1)(H) of this section to offset qualifying wages.
 - (iii)
 - (a) 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 per cent (50%) of the amount of the deduction otherwise allowed by division (1)(H)(i) of this section.

- (b) 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 by division (1)(H)(i) of this section.
 - (iv) Any pre-2017 net operating loss carryforward deduction that is available must be utilized before a taxpayer may deduct any amount pursuant to division (1)(H) of this section.
 - (v) Nothing in division (1)(H)(iii)(a) of this section precludes a person from carrying forward, for use with respect to any return filed for a taxable year beginning after 2018, any amount of net operating loss that was not fully utilized by operation of division (1)(H)(iii)(a) of this section. To the extent that an amount of net operating loss that was not fully utilized in one or more taxable years by operation of division (1)(H)(iii)(a) of this section is carried forward for use with respect to a return filed for a taxable year beginning in 2019, 2020, 2021, or 2022, the limitation described in division (1)(H)(iii)(a) of this section shall apply to the amount carried forward.
- (I) Deduct any net profit of a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that net profit in the group's federal taxable income in accordance with division (E)(3)(b) of Section 194.063 of this Chapter.
- (J) Add any loss incurred by a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that loss in the group's federal taxable income in accordance with division (E)(3)(b) of Section 194.063 of this Chapter.

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

Nothing in division (1) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

- (2) (A) **"ASSESSMENT"** means any of the following:
- (i) A written finding by the Tax Administrator that a person has underpaid municipal income tax, or owes penalty and interest, or any combination of tax, penalty, or interest, to the municipal corporation;
 - (ii) A full or partial denial of a refund request issued under Section 194.096 (B)(2) of this Chapter;
 - (iii) A Tax Administrator's denial of a taxpayer's request for use of an alternative apportionment method, issued under Section 194.062(B)(2) of this Chapter; or
 - (iv) A Tax Administrator's requirement for a taxpayer to use an alternative apportionment method, issued under Section 194.062(B)(3) of this Chapter.
 - (v) For purposes of division (2)(A)(i), (ii), (iii) and (iv) of this Section, an assessment shall commence the person's time limitation for making an appeal to the Local Board of Tax Review pursuant to Section 194.18 of this Chapter, and shall have **"ASSESSMENT"** written in all capital letters at the top of such finding.
- (B) **"ASSESSMENT"** does not include notice(s) denying a request for refund issued under Section 194.096 (B)(3) of this Chapter, a billing statement notifying a taxpayer of current or past-due balances owed to the municipal corporation, a Tax Administrator's request for additional information, a notification to the taxpayer of mathematical errors, or a Tax Administrator's other written correspondence to a person or taxpayer that does not meet the criteria prescribed by division (2)(A) of this section.
- (3) **"AUDIT"** means the examination of a person or the inspection of the books, records, memoranda, or accounts of a person, ordered to appear before the Tax Administrator, for the purpose of determining liability for a municipal income tax.
- (4) **"BOARD OF REVIEW"** has same meaning as "Local Board of Tax Review".
- (5) **"CALENDAR QUARTER"** means the three-month period ending on the last day of March, June, September, or December.
- (6) **"CASINO OPERATOR"** and **"CASINO FACILITY"** have the same meanings as in section 3772.01 of the Ohio Revised Code.
- (7) **"CERTIFIED MAIL," "EXPRESS MAIL," "UNITED STATES MAIL," "POSTAL SERVICE,"** and similar terms include any delivery service authorized pursuant to section 5703.056 of the Ohio Revised Code.
- (8) **"COMPENSATION"** means any form of remuneration paid to an employee for personal services.
- (9) **"DISREGARDED ENTITY"** means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.
- (10) **"DOMICILE"** means the true, fixed and permanent home of the taxpayer to which, whenever absent, the taxpayer intends to return.
- (11) **"EXEMPT INCOME"** means all of the following:
- (A) The military pay or allowances of members of the armed forces of the United States or members of their reserve components, including the national guard of any state;
 - (B) (i) Except as provided in division (11)(B)(ii) of this section, intangible income;

- (ii) A municipal corporation that taxed any type of intangible income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 116th General Assembly, may continue to tax that type of income if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of intangible income after 1988 voted in favor thereof at an election held on November 8, 1988.
- (C) Social security benefits, railroad retirement benefits, unemployment compensation, pensions, retirement benefit payments, payments from annuities, and similar payments made to an employee or to the beneficiary of an employee under a retirement program or plan, disability payments received from private industry or local, state, or federal governments or from charitable, religious or educational organizations, and the proceeds of sickness, accident, or liability insurance policies. As used in division (11)(C) of this section, "unemployment compensation" does not include supplemental unemployment compensation described in section 3402(o)(2) of the Internal Revenue Code.
- (D) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities.
- (E) Compensation paid under section 3501.28 or 3501.36 of the Ohio Revised Code to a person serving as a precinct election official to the extent that such compensation does not exceed one thousand dollars for the taxable year. Such compensation in excess of one thousand dollars for the taxable year may be subject to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.
- (F) Dues, contributions, and similar payments received by charitable, religious, educational, or literary organizations or labor unions, lodges, and similar organizations;
- (G) Alimony and child support received;
- (H) Awards for personal injuries or for damages to property from insurance proceeds or otherwise, excluding compensation paid for lost salaries or wages or awards for punitive damages;
- (I) Income of a public utility when that public utility is subject to the tax levied under section 5727.24 or 5727.30 of the Ohio Revised Code. Division (11)(I) of this section does not apply for purposes of Chapter 5745 of the Ohio Revised Code.
- (J) Gains from involuntary conversions, interest on federal obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business;
- (K) Compensation or allowances excluded from federal gross income under section 107 of the Internal Revenue Code;
- (L) Employee compensation that is not qualifying wages as defined in division (34) of this section;

- (M) Compensation paid to a person employed within the boundaries of a United States air force base under the jurisdiction of the United States Air Force that is used for the housing of members of the United States Air Force and is a center for air force operations, unless the person is subject to taxation because of residence or domicile. If the compensation is subject to taxation because of residence or domicile, tax on such income shall be payable only to the municipal corporation of residence or domicile.
- (N) An S corporation shareholder's distributive share of net profits of the S corporation, other than any part of the distributive share of net profits that represents wages as defined in section 3121(a) of the Internal Revenue Code or net earnings from self-employment as defined in section 1402(a) of the Internal Revenue Code. The City of Napoleon did not go to ballot and obtain the approval of the electorate in 2003 or 2004 to tax a shareholder's distributive share of net profits from an S corporation.
- (O) INTENTIONALLY LEFT BLANK
- (P)
 - (i) Except as provided in divisions (11)(P)(ii), (iii), and (iv) of this section, qualifying wages described in division (B)(1) or (E) of Section 194.052 of this Chapter to the extent the qualifying wages are not subject to withholding for the Municipality under either of those divisions.
 - (ii) The exemption provided in division (11)(P)(i) of this section does not apply with respect to the municipal corporation in which the employee resided at the time the employee earned the qualifying wages.
 - (iii) The exemption provided in division (11)(P)(i) of this section does not apply to qualifying wages that an employer elects to withhold under division (D)(2) of Section 194.052 of this Chapter
 - (iv) The exemption provided in division (11)(P)(i) of this section does not apply to qualifying wages if both of the following conditions apply:
 - (a) For qualifying wages described in division (B)(1) of Section 194.052 of this Chapter, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employee's principal place of work is situated, or, for qualifying wages described in division (E) of Section 194.052 of this Chapter, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located;
 - (b) The employee receives a refund of the tax described in division (11)(P)(iv)(a) of this section on the basis of the employee not performing services in that municipal corporation.
- (Q)
 - (i) Except as provided in division (11)(Q)(ii) or (iii) of this section, compensation that is not qualifying wages paid to a nonresident individual for personal services performed in the Municipality on not more than twenty days in a taxable year.
 - (ii) The exemption provided in division (11)(Q)(i) of this section does not apply under either of the following circumstances:
 - (a) The individual's base of operation is located in the Municipality.

- (b) The individual is a professional athlete, professional entertainer, or public figure, and the compensation is paid for the performance of services in the individual's capacity as a professional athlete, professional entertainer, or public figure. For purposes of division (11)(Q)(ii)(b) of this section, "professional athlete," "professional entertainer," and "public figure" have the same meanings as in Section 194.052 of this Chapter.
 - (iii) Compensation to which division (11)(Q) of this section applies shall be treated as earned or received at the individual's base of operation. If the individual does not have a base of operation, the compensation shall be treated as earned or received where the individual is domiciled.
 - (iv) For purposes of division (11)(Q) of this section, "base of operation" means the location where an individual owns or rents an office, storefront, or similar facility to which the individual regularly reports and at which the individual regularly performs personal services for compensation.
- (R) Compensation paid to a person for personal services performed for a political subdivision on property owned by the political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another person performing services for the subdivision under a contract with the subdivision, if the property on which services are performed is annexed to a municipal corporation pursuant to section 709.023 of the Ohio Revised Code on or after March 27, 2013, unless the person is subject to such taxation because of residence. If the compensation is subject to taxation because of residence, municipal income tax shall be payable only to the municipal corporation of residence.
- (S) Income the taxation of which is prohibited by the constitution or laws of the United States.
Any item of income that is exempt income of a pass-through entity under division (11) of this section is exempt income of each owner of the pass-through entity to the extent of that owner's distributive or proportionate share of that item of the entity's income.
- (12) **"FORM 2106"** means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.
- (13) **"GENERIC FORM"** means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability, including a request for refund.
- (14) **"INCOME"** means the following:
 - (A) (i) For residents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the resident, including the resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the resident and any net profit of the resident, except as provided in division (23)(D) of this section.
 - (ii) For the purposes of division (14)(A)(i) of this section:
 - (a) Any net operating loss of the resident incurred in the taxable year and the resident's distributive share of any net operating loss generated in the same taxable year and attributable to the resident's ownership interest in a

- pass-through entity shall be allowed as a deduction, for that taxable year and the following five taxable years, against any other net profit of the resident or the resident's distributive share of any net profit attributable to the resident's ownership interest in a pass-through entity until fully utilized, subject to division (14)(A)(iv) of this section;
- (b) The resident's distributive share of the net profit of each pass-through entity owned directly or indirectly by the resident shall be calculated without regard to any net operating loss that is carried forward by that entity from a prior taxable year and applied to reduce the entity's net profit for the current taxable year.
 - (iii) Division (14)(A)(ii) of this section does not apply with respect to any net profit or net operating loss attributable to an ownership interest in an S corporation unless shareholders' distributive shares of net profits from S corporations are subject to tax in the municipal corporation as provided in division 11(N) of this Section.
 - (iv) Any amount of a net operating loss used to reduce a taxpayer's net profit for a taxable year shall reduce the amount of net operating loss that may be carried forward to any subsequent year for use by that taxpayer. In no event shall the cumulative deductions for all taxable years with respect to a taxpayer's net operating loss exceed the original amount of that net operating loss available to that taxpayer.
- (B) In the case of nonresidents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the nonresident for work done, services performed or rendered, or activities conducted in the Municipality, including any net profit of the nonresident, but excluding the nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the nonresident.
 - (C) For taxpayers that are not individuals, net profit of the taxpayer;
 - (D) Lottery, sweepstakes, gambling and sports winnings, winnings from games of chance, and prizes and awards. If the taxpayer is a professional gambler for federal income tax purposes, the taxpayer may deduct related wagering losses and expenses to the extent authorized under the Internal Revenue Code and claimed against such winnings. Credit for tax withheld or paid to another municipal corporation on such winnings paid to the municipal corporation where winnings occur is limited to the credit as specified in Section 194.081 of this Chapter.
 - (E) **INTENTIONALLY LEFT BLANK**
- (15) **"INTANGIBLE INCOME"** means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701 of the Ohio Revised Code, and patents, copyrights, trademarks, trade names, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. "Intangible income" does not include prizes, awards, or other income associated with any lottery winnings, gambling winnings, or other similar games of chance.
 - (16) **"INTERNAL REVENUE CODE"** means the "Internal Revenue Code of 1986," 100 Sta. 2085, 26 U.S.C.A. 1, as amended.

- (17) **"LIMITED LIABILITY COMPANY"** means a limited liability company formed under Chapter 1705 of the Ohio Revised Code or under the laws of another state.
- (18) **"LOCAL BOARD OF TAX REVIEW"** and **"BOARD OF TAX REVIEW"** means the entity created under Section 194.18 of this Chapter.
- (19) **"MUNICIPAL CORPORATION"** means, in general terms, a status conferred upon a local government unit, by state law giving the unit certain autonomous operating authority such as the power of taxation, power of eminent domain, police power and regulatory power, and includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.74 of the Ohio Revised Code.
- (20) (A) **"MUNICIPAL TAXABLE INCOME"** means the following:
 - (i) For a person other than an individual, income reduced by exempt income to the extent otherwise included in income and then, as applicable, apportioned or sitused to the Municipality under Section 194.062 of this Chapter, and further reduced by any pre-2017 net operating loss carryforward available to the person for the Municipality.
 - (ii) (a) For an individual who is a resident of a Municipality other than a qualified municipal corporation, income reduced by exempt income to the extent otherwise included in income, then reduced as provided in division (20)(B) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the Municipality.
 - (b) For an individual who is a resident of a qualified municipal corporation, Ohio adjusted gross income reduced by income exempted, and increased by deductions excluded, by the qualified municipal corporation from the qualified municipal corporation's tax on or before December 31, 2013. If a qualified municipal corporation, on or before December 31, 2013, exempts income earned by individuals who are not residents of the qualified municipal corporation and net profit of persons that are not wholly located within the qualified municipal corporation, such individual or person shall have no municipal taxable income for the purposes of the tax levied by the qualified municipal corporation and may be exempted by the qualified municipal corporation from the requirements of section 718.03 of the Ohio Revised Code.
 - (iii) For an individual who is a nonresident of the Municipality, income reduced by exempt income to the extent otherwise included in income and then, as applicable, apportioned or sitused to the Municipality under Section 194.062 of this Chapter, then reduced as provided in division (20)(B) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the Municipality.
- (B) In computing the municipal taxable income of a taxpayer who is an individual, the taxpayer may subtract, as provided in division (20)(A)(ii)(a) or (iii) of this section, the amount of the individual's employee business expenses reported on the individual's form 2106 that the individual deducted for federal income tax purposes for the taxable year, subject to the limitation imposed by section 67 of the Internal Revenue Code. For the municipal corporation in which the taxpayer is a resident, the taxpayer may

deduct all such expenses allowed for federal income tax purposes. For a municipal corporation in which the taxpayer is not a resident, the taxpayer may deduct such expenses only to the extent the expenses are related to the taxpayer's performance of personal services in that nonresident municipal corporation.

- (21) **"MUNICIPALITY"** means the City of Napoleon.
- (22) **"NET OPERATING LOSS"** means a loss incurred by a person in the operation of a trade or business. "Net operating loss" does not include unutilized losses resulting from basis limitations, at-risk limitations, or passive activity loss limitations.
- (23)
 - (A) **"NET PROFIT"** for a person other than an individual means adjusted federal taxable income.
 - (B) **"NET PROFIT"** for a person who is an individual means the individual's net profit required to be reported on schedule C, schedule E, or schedule F reduced by any net operating loss carried forward. For the purposes of this division, the net operating loss carried forward shall be calculated and deducted in the same manner as provided in division (1)(H) of this section.
 - (C) For the purposes of this chapter, and notwithstanding division (23)(A) of this section, net profit of a disregarded entity shall not be taxable as against that disregarded entity, but shall instead be included in the net profit of the owner of the disregarded entity.
 - (D)
 - (i) For purposes of this chapter, "publicly traded partnership" means any partnership, an interest in which is regularly traded on an established securities market. A "publicly traded partnership" may have any number of partners.
 - (ii) For the purposes of this chapter, and notwithstanding any other provision of this chapter, the net profit of a publicly traded partnership that makes the election described in division (23)(D) of this section shall be taxed as if the partnership were a C corporation, and shall not be treated as the net profit or income of any owner of the partnership.
 - (iii) A publicly traded partnership that is treated as a partnership for federal income tax purposes and that is subject to tax on its net profits in one or more municipal corporations in this state may elect to be treated as a C corporation for municipal income tax purposes. The publicly traded partnership shall make the election in every municipal corporation in which the partnership is subject to taxation on its net profits. The election shall be made on the annual tax return filed in each such municipal corporation. Once the election is made, the election is binding for a five-year period beginning with the first taxable year of the initial election. The election continues to be binding for each subsequent five-year period unless the taxpayer elects to discontinue filing municipal income tax returns as a C corporation for municipal purposes under division (D)(iv) of this section.
 - (iv) An election to discontinue filing as a C corporation must be made in the first year following the last year of a five-year election period in effect under division (D)(iii) of this section. The election to discontinue filing as a C corporation is binding for a five-year period beginning with the first taxable year of the election and continues to be binding for each subsequent five-year period unless the taxpayer elects to discontinue filing municipal income tax returns as a partnership for municipal purposes. An election to discontinue filing as a partnership must be made in the first year following the last year of a five-year election period.

- A. Within five business days after the Registrar of Motor Vehicles provides the identity of the owner and any lienholder of the motor vehicle, if the vehicle remains unclaimed, to the owner's and lienholder's last known address by certified or express mail with return receipt requested or by a commercial carrier service utilizing any form of delivery requiring a signed receipt;
 - B. If the vehicle remains unclaimed thirty days after the first notice is sent, in the manner required under subsection (f)(1)A. of this section.
- (2) Sixty days after any notice sent pursuant to subsection (f)(1) of this section is received, as evidenced by a receipt signed by any person, or the towing service or storage facility has been notified that delivery was not possible, the towing service or storage facility, if authorized under subsection (B) of Ohio R.C. 4505.101, may initiate the process for obtaining a certificate of title to the motor vehicle as provided in that section.
 - (3) A towing service or storage facility that does not receive a signed receipt of notice, or a notification that delivery was not possible, shall not obtain, and shall not attempt to obtain, a certificate of title to the motor vehicle under division (B) of Ohio R.C. 4505.101.
 - (4) With respect to a vehicle concerning which a towing service or storage facility is not eligible to obtain title under Ohio R.C. 4505.101, the towing service or storage facility need only comply with the initial notice required under subsection (f)(1)A. of this section.
- (g) (1) The owner or lienholder of a vehicle that is removed under subsection (b) of this section may reclaim it upon both of the following:
 - A. Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle or a lease agreement;
 - B. Payment of the following fees:
 - 1. All applicable fees established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25, except that the lienholder of a vehicle may retrieve the vehicle without paying any storage fee for the period of time that the vehicle was in the possession of the towing service or storage facility prior to the date the lienholder received the notice sent under subsection (f)(1)A. of this section;
 - 2. If notice has been sent to the owner and lienholder as described in subsection (f) of this section, a processing fee of twenty-five dollars (\$25.00).
 - (2) A towing service or storage facility in possession of a vehicle that is removed under authority of subsection (b) of this section shall show the vehicle owner, operator or lienholder who contests the removal of the vehicle all photographs taken under subsection (d) of this section. Upon request, the towing service or storage facility shall provide a copy of all photographs in the medium in which the photographs are stored, whether paper, electronic, or otherwise.

- (3) When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written notice that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under Ohio R.C. 4513.611.
- (4) Upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle or a lease agreement, the owner of a vehicle that is removed under authority of subsection (b) of this section may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. The owner of the vehicle shall not retrieve any personal items from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability. For purposes of subsection (g)(4) of this section, "personal items" do not include any items that are attached to the vehicle.

(h) No person shall remove, or cause the removal of any vehicle from private property that is established as a private tow-away zone under this section, or store such a vehicle other than in accordance with this section, or otherwise fail to comply with any applicable requirement of this section.

(i) This section does not affect or limit the operation of Ohio R.C. 4513.60 or Ohio R.C. 4513.61 to 4613.65 as they relate to property other than private property that is established as a private tow-away zone under subsection (a) of this section.

(j) Whoever violates subsection (h) of this section is guilty of a minor misdemeanor.

(k) As used in this section, "owner of a private property" or "owner of the private property" includes, with respect to a private property, any of the following:

- (1) Any person who holds title to the property;
- (2) Any person who is a lessee or sublessee with respect to a lease or sublease agreement for the property;
- (3) A person who is authorized to manage the property;
- (4) A duly authorized agent of any person listed in subsections (k)(1) to (3) of this section. (ORC 4513.601)

303.083 RELEASE OF VEHICLE; RECORDS; CHARGES.

(EDITOR'S NOTE: The provisions of former Section 303.083 as amended are now codified in Section 303.081.)

303.09 LEAVING JUNK VEHICLES ON PRIVATE OR PUBLIC PROPERTY WITHOUT PERMISSION OR NOTIFICATION.

(a) No person shall willfully leave an "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63 on private property for more than seventy-two consecutive hours without the permission of the person having the right to the possession of the property or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right of way of any road or highway, for forty-eight consecutive hours or longer, without notification to the Police Chief of the reasons for leaving the vehicle in such place.

For purposes of this section, the fact that a vehicle has been so left without permission or notification is prima-facie evidence of abandonment. Nothing contained in this section shall invalidate the provisions of other ordinances regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property or private property within the Municipality. (ORC 4513.64)

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

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

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

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

- (b)
 - (1) Upon receipt of a report under subsection (a) of this section, the law enforcement agency may conduct an investigation to attempt to determine or confirm the identity of the operator of the vehicle at the time of the alleged violation.
 - (2) If the identity of the operator at the time of an alleged violation of Section 331.21(a) is established, the law enforcement agency has probable cause to issue either a written warning or a citation for that violation, and the agency shall issue a written warning or a citation to the operator.
 - (3) If the identity of the operator of the vehicle at the time of the alleged violation cannot be established, the law enforcement agency may issue a warning to the person who owned the vehicle at the time of the alleged violation. However, in the case of a leased or rented vehicle, the law enforcement agency shall issue the written warning to the person who leased or rented the vehicle at the time of the alleged violation.
- (c)
 - (1) Whoever violates Section 331.21(a) based on a report filed under subsection (a) of this section is guilty of a minor misdemeanor and shall be fined one hundred fifty dollars (\$150.00).
 - (2) If a person who is issued a citation for a violation of Section 331.21(a) based on a report filed under subsection (a) of this section does not enter a written plea of guilty and does not waive the person's right to contest the citation but instead appears in person in the proper court to answer the charge, the trier of fact cannot find beyond a reasonable doubt that the person committed that violation unless the emergency personnel who filed the report appears in person in the court and testifies.
- (d) As used in this section:
 - (1) "License plate" includes any temporary motor vehicle license registration issued under Ohio R.C. 4503.182 or similar law of another jurisdiction.

- (2) "Public safety vehicle" does not include an unmarked public safety vehicle or a vehicle used by a public law enforcement officer or other person sworn to enforce the criminal and traffic laws of the State or a vehicle used by the Motor Carrier Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission. (ORC 4511.454)

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

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

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

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 4511.44)

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

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

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

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 4511.431)

331.24 RIGHT OF WAY OF FUNERAL PROCESSION.

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

- (3) "Municipal OVI ordinance" and "municipal OVI offense" mean any municipal ordinance prohibiting a person from operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum, or plasma, breath or urine.
- (4) "Community residential sanction", "continuous alcohol monitoring", "jail", "mandatory prison term", "mandatory term of local incarceration", "sanction" and "prison term" have the same meanings as in Ohio R.C. 2929.01.
- (5) "Drug of abuse" has the same meaning as in Ohio R.C. 4506.01.
- (6) "Equivalent offense that is vehicle-related" means an equivalent offense that is any of the following:
 - A. A violation described in subsection (q)(1), (2), (3), (4) or (5) hereof;
 - B. A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of Ohio R.C. 4511.19;
 - C. A violation of a former law of this state that was substantially equivalent to division (A) or (B) of Ohio R.C. 4511.19.
(ORC 4511.181)

333.02 OPERATION IN WILLFUL OR WANTON DISREGARD OF SAFETY.

(a) No person shall operate a vehicle on any street or highway in willful or wanton disregard of the safety of persons or property. (ORC 4511.20)

(b) No person shall operate a vehicle on any public or private property other than streets or highways, in willful or wanton disregard of the safety of persons or property.

This subsection does not apply to the competitive operation of vehicles on public or private property when the owner of such property knowingly permits such operation thereon.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
(ORC 4511.201)

(d) Whenever a person is found guilty under this section of operating a motor vehicle in violation of this section relating to reckless operation, the trial court of any court of record, in addition to or independent of all other penalties provided by law, may impose a class five suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(5) of Ohio R.C. 4510.02.
(ORC 4510.15)

333.03 MAXIMUM SPEED LIMITS; ASSURED CLEAR DISTANCE AHEAD.

(a) No person shall operate a motor vehicle at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface and width of the street or highway and any other conditions, and no person shall drive any motor vehicle in and upon any street or highway at a greater speed than will permit the person to bring it to a stop within the assured clear distance ahead.

(b) It is prima-facie lawful, in the absence of a lower limit declared or established pursuant to Ohio R.C. 4511.21 by the Ohio Director of Transportation or Council, for the operator of a motor vehicle to operate the same at a speed not exceeding the following:

(1) A. Twenty miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when twenty miles per hour school speed limit signs are erected; except, that on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by subsection (b)(4) hereof and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by subsection (b)(7) hereof. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the manual and specifications for a uniform system of traffic control devices shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed limit is in effect.

B. As used in this section, "school" means all of the following:

1. Any school chartered under Ohio R.C. 3301.16;
2. Any nonchartered school that during the preceding year filed with the Department of Education in compliance with O.A.C. § 3301-35-08, a copy of the school's report for the parents of the school's pupils certifying that the school meets state minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone;
3. Any special elementary school that in writing requests the County Engineer to create a school zone at the location of the school. Upon receipt of such written request, the County Engineer shall create a school zone at that location by erecting appropriate signs;
4. Any preschool education program operated by an educational service center that is located on a street or highway with a speed limit of forty-five miles per hour or more, when the educational service center in writing requests that the County Engineer create a school zone at the location of that program. Upon receipt of such a written request, the County Engineer shall create a school zone at that location by erecting the appropriate signs.

- C. As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway. Upon request from the Municipality for streets and highways under its jurisdiction, the Ohio Director of Transportation may extend the traditional school zone boundaries. The distances in subsections (b)(1)C.1. to 3. hereof shall not exceed 300 feet per approach per direction and are bounded by whichever of the following distances or combinations thereof the Director approves as most appropriate:
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.

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

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

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

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

335.02 PERMITTING OPERATION WITHOUT VALID LICENSE; ONE LICENSE PERMITTED.

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

- (b) (1) No person shall receive a driver's license, or a motorcycle operator's endorsement of a driver's or commercial driver's license, temporary instruction permit, or identification card unless and until the person surrenders to the Registrar or a deputy registrar all valid licenses, temporary instruction permits, and identification cards issued to the person by another jurisdiction recognized by this state.
- (2) The Registrar shall report the cancellation of a license, temporary instruction permit, or identification card to the issuing authority, together with information that the license, temporary instruction permit, or identification card is now issued in this state. The Registrar or a deputy registrar shall destroy any such license, temporary instruction permit, or identification card that is not returned to the issuing authority.
- (3) No person shall possess more than one valid license, temporary instruction permit, or identification card at any time.
(ORC 4507.02(A))

- (c) (1) Except as otherwise provided in this subsection, whoever violates subsection (a) hereof is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000) and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4507.02 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.
- (2) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree. (ORC 4507.02; 4507.99)

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

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

- (b) (1) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.
- (2) The offense established under subsection (b)(1) of this section is a strict liability offense and strict liability is a culpable mental state for purposes of Ohio R.C. 2901.20. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

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

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

335.03 DRIVING WITH TEMPORARY INSTRUCTION PERMIT; CURFEW.

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

- (1) If the permit is issued to a person who is at least fifteen years six months of age, but less than sixteen years of age:

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

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

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

(c) As used in this section:

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

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

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

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

335.031 DRIVING WITH PROBATIONARY LICENSE; CURFEW.

- (a) (1) A. No holder of a probationary driver's license who has held the license for less than twelve months shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. unless the holder is accompanied by the holder's parent or guardian.
- B. No holder of a probationary driver's license who has held the license for twelve months or longer shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of one a.m. and five a.m. unless the holder is accompanied by the holder's parent or guardian.
- (2) A. Subject to subsection (c)(1) of this section, subsection (a)(1)A. of this section does not apply to the holder of a probationary driver's license who is doing either of the following:
1. Traveling to or from work between the hours of midnight and six a.m. provided that the holder has in the holder's immediate possession written documentation from the holder's employer.
 2. Traveling to or from an official function sponsored by the school the holder attends between the hours of midnight and six a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official of the school;
 3. Traveling to or from an official religious event between the hours of midnight and six a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official affiliated with the event.
- B. Subsection (a)(1)B. of this section does not apply to the holder of a probationary driver's license who is doing either of the following:
1. Traveling to or from work between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from the holder's employer.
 2. Traveling to or from an official function sponsored by the school the holder attends between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official of the school;
 3. Traveling to or from an official religious event between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official affiliated with the event.
- (3) An employer, school official or official affiliated with a religious event is not liable in damages in a civil action for any injury, death or loss to person or property that allegedly arises from, or is related to, the fact that the employer, school official, or official affiliated with a religious event provided the holder of a probationary driver's license with the written documentation described in subsection (a)(2) of this section.

The Registrar of Motor Vehicles shall make available at no cost a form to serve as the written documentation described in subsection (a)(2) of this section, and employers, school officials, officials affiliated with religious events, and holders of probationary driver's licenses may utilize that form or may choose to utilize any other written documentation to meet the requirements of that subsection.

- (4) No holder of a probationary driver's license who has held the license for less than twelve months shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking with more than one person who is not a family member occupying the vehicle unless the probationary license holder is accompanied by the probationary license holder's parent, guardian or custodian.

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

- (c)
 - (1) If a person is issued a probationary driver's license prior to attaining the age of seventeen years and the person pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed a moving violation during the six-month period commencing on the date on which the person is issued the probationary driver's license, the court with jurisdiction over the violation may order that the holder must be accompanied by the holder's parent or guardian whenever the holder is operating a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking for a period not to exceed six months or the date the holder attains the age of seventeen years, whichever occurs first.
 - (2) Any person who is subject to the operating restrictions established under subsection (c)(1) of this section as a result of a first moving violation may petition the court for driving privileges without being accompanied by the holder's parent or guardian during the period of time determined by the court under that subsection. In granting the driving privileges, the court shall specify the purposes of the privileges and shall issue the person appropriate forms setting forth the privileges granted. If a person is convicted of, pleads guilty to, or is adjudicated in juvenile court of having committed a second or subsequent moving violation, the court with jurisdiction over the violation may terminate any driving privileges previously granted under this division.
 - (3) No person shall violate any operating restriction imposed under subsection (c)(1) or (2) of this section.

(d) No holder of a probationary license shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking unless the total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

(e) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether each occupant of the motor vehicle is wearing all of the available elements of a properly adjusted occupant restraining device as required by subsection (d) hereof, or for the sole purpose of issuing a ticket, citation, or summons if the requirement in that subsection has been or is being violated, or for causing the arrest of or commencing a prosecution of a person for a violation of that requirement.

(f) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the 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 (a)(1)A. or B. hereof has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for such a violation or for causing the arrest of or commencing a prosecution of a person for such violation.

(g) As used in this section:

- (1) "Occupant restraining device" has the same meaning as in Ohio R.C. 4513.263.
- (2) "Family member" of a probationary license holder includes any of the following:
 - A. A spouse;
 - B. A child or stepchild;
 - C. A parent, stepparent, grandparent, or parent-in-law;
 - D. An aunt or uncle;
 - E. A sibling, whether or the whole or half blood or by adoption, a brother-in-law or a sister-in-law;
 - F. A son or daughter of the probationary license holder's stepparent if the stepparent has not adopted the probationary license holder;
 - G. An eligible adult, as defined in Ohio R.C. 4507.05.
- (3) "Moving violation" means any violation of any statute or ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on the highways or streets. "Moving violation" does not include a violation of Ohio R.C. 4513.263 or a substantially equivalent municipal ordinance, or a violation of any statute or ordinance regulating pedestrians or the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration.

(h) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4507.071)

335.032 USE OF ELECTRONIC WIRELESS COMMUNICATION DEVICE PROHIBITED WHILE DRIVING.

(a) No holder of a temporary instruction permit who has not attained the age of eighteen years and no holder of a probationary driver's license shall drive a motor vehicle on any street, highway, or property used by the public for purposes of vehicular traffic or parking while using in any manner an electronic wireless communications device.

(b) Subsection (a) of this section does not apply to either of the following:

- (1) A person using an electronic wireless communications device for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;

- (2) A person using an electronic wireless communications device whose motor vehicle is in a stationary position and the motor vehicle is outside a lane of travel;
 - (3) A person using a navigation device in a voice-operated or hands-free manner who does not manipulate the device while driving.
- (c)
- (1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a) of this section shall be fined one hundred fifty dollars (\$150.00). In addition, the court shall impose a class seven suspension of the offender's driver's license or permit for a definite period of sixty days.
 - (2) If the person previously has been adjudicated a delinquent child or a juvenile traffic offender for a violation of this section, whoever violates this section shall be fined three hundred dollars (\$300.00). In addition, the court shall impose a class seven suspension of the person's driver's license or permit for a definite period of one year.

(d) The filing of a sworn complaint against a person for a violation of Ohio R.C. 4511.205 does not preclude the filing of a sworn complaint for a violation of a substantially equivalent municipal ordinance for the same conduct. However, if a person is adjudicated a delinquent child or a juvenile traffic offender for a violation of Ohio R.C. 4511.205 and is also adjudicated a delinquent child or a juvenile traffic offender for a violation of a substantially equivalent municipal ordinance for the same conduct, the two offenses are allied offenses of similar import under Ohio R.C. 2941.25.

(e) As used in this section, "electronic wireless communications device" includes any of the following:

- (1) A wireless telephone;
- (2) A personal digital assistant;
- (3) A computer, including a laptop computer and a computer tablet;
- (4) A text-messaging device;
- (5) Any other substantially similar electronic wireless device that is designed or used to communicate via voice, image, or written word.
(ORC 4511.205)

335.04 CERTAIN ACTS PROHIBITED.

- (a) No person shall do any of the following:
- (1) Display, or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended or altered;
 - (2) Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto to use any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;
 - (3) Display or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit not issued to the person so displaying the same;
 - (4) Fail to surrender to the Registrar of Motor Vehicles, upon the Registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit that has been suspended or canceled;

- (5) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit, or any renewal, reprint, or duplicate thereof, knowingly conceal a material fact, or present any physician's statement required under Ohio R.C. 4507.08 or 4507.081 when knowing the same to be false or fictitious.
- (b) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 4507.30)

335.05 WRONGFUL ENTRUSTMENT OF A MOTOR VEHICLE.

(a) No person shall permit a motor vehicle owned by the person or under the person's control to be driven by another if any of the following apply:

- (1) The offender knows or has reasonable cause to believe that the other person does not have a valid driver's or commercial driver's license or permit or valid nonresident driving privileges.
- (2) The offender knows or has reasonable cause to believe that the other person's driver's or commercial driver's license or permit or nonresident operating privileges have been suspended or canceled under Ohio R.C. Chapter 4510, or any other provision of the Ohio Revised Code or this Traffic Code.
- (3) The offender knows or has reasonable cause to believe that the other person's act of driving the motor vehicle would violate any prohibition contained in Ohio R.C. Chapter 4509.
- (4) The offender knows or has reasonable cause to believe that the other person's act of driving would violate Ohio R.C. 4511.19 or any substantially equivalent municipal ordinance.
- (5) The offender knows or has reasonable cause to believe that the vehicle is the subject of an immobilization waiver order issued under Ohio R.C. 4503.235 and the other person is prohibited from operating the vehicle under that order.

(b) Without limiting or precluding the consideration of any other evidence in determining whether a violation of subsection (a)(1), (2), (3), (4) or (5) of this section has occurred, it shall be prima-facie evidence that the offender knows or has reasonable cause to believe that the operator of the motor vehicle owned by the offender or under the offender's control is in a category described in subsection (a)(1), (2), (3), (4) or (5) of this section if any of the following applies:

- (1) Regarding an operator allegedly in the category described in subsection (a)(1), (3) or (5) of this section, the offender and the operator of the motor vehicle reside in the same household and are related by consanguinity or affinity.
- (2) Regarding an operator allegedly in the category described in subsection (a)(2) of this section, the offender and the operator of the motor vehicle reside in the same household, and the offender knows or has reasonable cause to believe that the operator has been charged with or convicted of any violation of law or ordinance, or has committed any other act or omission, that would or could result in the suspension or cancellation of the operator's license, permit or privilege.
- (3) Regarding an operator allegedly in the category described in subsection (a)(4) of this section, the offender and the operator of the motor vehicle occupied the motor vehicle together at the time of the offense.

(c) Whoever violates this section is guilty of wrongful entrustment of a motor vehicle and shall be punished as provided in subsections (c) to (h) of this section.

- (1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a)(1), (2) or (3) of this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02.
- (2)
 - A. If, within three years of a violation of subsection (a)(1), (2) or (3) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of division (A)(1), (2) or (3) of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.
 - B. Whoever violates subsection (a)(4) or (5) of this section is guilty of a misdemeanor of the first degree.
- (3) For any violation of this section, in addition to the penalties imposed under Section 303.99, the court may impose a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02, and, if the vehicle involved in the offense is registered in the name of the offender, the court may order one of the following:
 - A. Except as otherwise provided in subsection (c)(3)B. or C. of this section, the court may order, for thirty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under Ohio R.C. 4503.233.
 - B. If the offender previously has been convicted of or pleaded guilty to one violation of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the court may order, for sixty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under Ohio R.C. 4503.233.
 - C. If the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the court may order the criminal forfeiture to the state of the vehicle involved in the offense. If issued, the order shall be issued and enforced under Ohio R.C. 4503.234.

If title to a motor vehicle that is subject to an order for criminal forfeiture under this subsection is assigned or transferred and division (B)(2) or (3) of Ohio R.C. 4503.234 applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national automobile dealer's association. The proceeds from any fine imposed under this subsection shall be distributed in accordance with division (C)(2) of Ohio R.C. 4503.234.

(d) If a court orders the immobilization of a vehicle under subsection (c) of this section, the court shall not release the vehicle from the immobilization before the termination of the period of immobilization ordered unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(e) If a court orders the criminal forfeiture of a vehicle under subsection (c) of this section, upon receipt of the order from the court, neither the Registrar of Motor Vehicles nor any deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the order. The period of denial shall be five years after the date the order is issued, unless, during that five-year period, the court with jurisdiction of the offense that resulted in the order terminates the forfeiture and notifies the Registrar of the termination. If the court terminates the forfeiture and notifies the Registrar, the Registrar shall take all necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer the registration of the vehicle.

(f) This section does not apply to motor vehicle rental dealers or motor vehicle leasing dealers, as defined in Ohio R.C. 4549.65.

(g) Evidence of a conviction of, plea of guilty to, or adjudication as a delinquent child for a violation of this section or a substantially similar municipal ordinance shall not be admissible as evidence in any civil action that involves the offender or delinquent child who is the subject of the conviction, plea, or adjudication and that arises from the wrongful entrustment of a motor vehicle.

(h) For purposes of this section, a vehicle is owned by a person if, at the time of a violation of this section, the vehicle is registered in the person's name.
(ORC 4511.203)

335.06 DISPLAY OF LICENSE.

(a) The operator of a motor vehicle shall display the operator's driver's license, or furnish satisfactory proof that the operator has a driver's license, upon demand of any peace officer or of any person damaged or injured in any collision in which the licensee may be involved. When a demand is properly made and the operator has the operator's driver's license on or about the operator's person, the operator shall not refuse to display the license. A person's failure to furnish satisfactory evidence that the person is licensed under Ohio R.C. Chapter 4507 when the person does not have the person's license on or about the person's person shall be prima-facie evidence of the person's not having obtained a driver's license.

- (b) (1) Except as provided in subsection (b)(2) hereof, whoever violates this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.
- (2) If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4507.35 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree. (ORC 4507.35)

335.07 DRIVING UNDER SUSPENSION OR LICENSE RESTRICTION.

(a) Except as provided under subsection (b) hereof and Sections 335.072 and 335.074, no person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under any provision of the Ohio Revised Code, other than Ohio R.C. Chapter 4509, or under any applicable law in any other jurisdiction in which the person's license or permit was issued shall operate any motor vehicle upon the public roads and highways or upon any public or private property used by the public for purposes of vehicular travel or parking within this Municipality during the period of suspension unless the person is granted limited driving privileges and is operating the vehicle in accordance with the terms of the limited driving privileges.

(b) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality in violation of any restriction of the person's driver's or commercial driver's license or permit imposed under division (D) of Ohio R.C. 4506.10 or under Ohio R.C. 4507.14.

(c) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of subsection (a) or (b) of this section may be admitted into evidence as prima-facie evidence that the license of the person was under suspension at the time of the alleged violation of subsection (a) of this section or the person operated a motor vehicle in violation of a restriction at the time of the alleged violation of subsection (b) of this section. The person charged with a violation of subsection (a) or (b) of this section may offer evidence to rebut this prima-facie evidence.

- (d) (1) Whoever violates subsection (a) or (b) hereof, is guilty of a misdemeanor of the first degree. The court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02.

- (2) A. Except as provided in subsection (d)(2)B. or C. of this section, the court, in addition to any other penalty that it imposes on the offender and if the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of Ohio R.C. 4510.11 or Ohio R.C. 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the court, in addition to or independent of any other sentence that it imposes upon the offender, may order the immobilization of the vehicle involved in the offense for thirty days and the impoundment of that vehicle's license plates for thirty days in accordance with Ohio R.C. 4503.233.
- B. If the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two violations of Ohio R.C. 4510.11 or any combination of two violations of Ohio R.C. 4510.11 or Ohio R.C. 4510.111 or 4510.16, or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender may order the immobilization of the vehicle involved in the offense for sixty days and the impoundment of that vehicle's license plates for sixty days in accordance with Ohio R.C. 4503.233.
- C. If the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of Ohio R.C. 4510.11, or any combination of three or more violations of Ohio R.C. 4501.11 or Ohio R.C. 4510.111 or 4510.16, or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender may order the criminal forfeiture of the vehicle involved in the offense to the State.

(e) Any order for immobilization and impoundment under this section shall be issued and enforced under Ohio R.C. 4503.233 and 4507.02, as applicable. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(f) Any order of criminal forfeiture under this section shall be issued and enforced under Ohio R.C. 4503.234. Upon receipt of the copy of the order from the court, neither the Ohio Registrar of Motor Vehicles nor a deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order, unless, during that period, the court having jurisdiction of the offense that lead to the order terminates the forfeiture and notifies the Registrar of the termination. The Registrar shall then take necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.

(g) The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section. (ORC 4510.11)

(h) Any person whose driver's or commercial driver's license or permit or nonresident operating privileges are suspended as a repeat traffic offender under this section and who, during the suspension, operates any motor vehicle upon any public roads and highways is guilty of driving under a twelve-point suspension, a misdemeanor of the first degree. The court shall sentence the offender to a minimum term of three days in jail. No court shall suspend the first three days of jail time imposed pursuant to this subsection. (ORC 4510.037)

335.071 DRIVING UNDER OVI SUSPENSION.

(a) No person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under Ohio R.C. 4511.19, 4511.191, or 4511.196 or under Ohio R.C. 4510.07 for a conviction of a violation of a municipal OVI ordinance shall operate any motor vehicle upon the public roads or highways within this Municipality during the period of the suspension.

(b) Whoever violates this section is guilty of driving under OVI suspension. The court shall sentence the offender under Ohio R.C. Chapter 2929, subject to the differences authorized or required by this section.

- (1) Except as otherwise provided in subsection (b)(2) or (3) of this section, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:
 - A. A mandatory jail term of three consecutive days. The three-day term shall be imposed, unless, subject to subsection (c) of this section, the court instead imposes a sentence of not less than thirty consecutive days of house arrest with electronic monitoring. A period of house arrest with electronic monitoring imposed under this subsection shall not exceed six months. If the court imposes a mandatory three-day jail term under this subsection, the court may impose a jail term in addition to that term, provided that in no case shall the cumulative jail term imposed for the offense exceed six months.
 - B. A fine of not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000).
 - C. A license suspension under subsection (e) of this section.
- (2) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of this section or one equivalent offense, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:
 - A. A mandatory jail term of ten consecutive days. Notwithstanding the jail terms provided in Ohio R.C. Chapter 2929, the court may sentence the offender to a longer jail term of not more than one year. The ten-day mandatory jail term shall be imposed unless, subject to subsection (c) of this section, the court instead imposes a sentence of not less than ninety consecutive days of house arrest with electronic monitoring. The period of house arrest with electronic monitoring shall not exceed one year.
 - B. Notwithstanding the fines provided for in Ohio R.C. Chapter 2929, a fine of not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500).
 - C. A license suspension under subsection (e) of this section.
- (3) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section or two or more equivalent offenses, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

- A. A mandatory jail term of thirty consecutive days. Notwithstanding the jail terms provided in Ohio R.C. Chapter 2929, the court may sentence the offender to a longer jail term of not more than one year. The court shall not sentence the offender to a term of house arrest with electronic monitoring in lieu of the mandatory portion of the jail term.
- B. Notwithstanding the fines set forth in Ohio R.C. Chapter 2929, a fine of not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500).
- C. A license suspension under subsection (e) of this section.

(c) No court shall impose an alternative sentence of house arrest with electronic monitoring under subsection (b)(1) or (2) of this section unless, within sixty days of the date of sentencing, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the jail term imposed, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing.

An offender sentenced under this section to a period of house arrest with electronic monitoring shall be permitted work release during that period.

(d) Fifty per cent of any fine imposed by a court under subsection (b)(1), (2) or (3) of this section shall be deposited into the county indigent drivers alcohol treatment fund or municipal indigent drivers alcohol treatment fund under the control of that court, as created by the county or municipal corporation pursuant to division (H) of Ohio R.C. 4511.191.

(e) In addition to or independent of all other penalties provided by law or ordinance, the trial judge of any court of record or the mayor of a mayor's court shall impose on an offender who is convicted of or pleads guilty to a violation of this section a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02.

When permitted as specified in Ohio R.C. 4510.021, if the court grants limited driving privileges during a suspension imposed under this section, the privileges shall be granted on the additional condition that the offender must display restricted license plates, issued under Ohio R.C. 4503.231, on the vehicle driven subject to the privileges, except as provided in division (B) of that section.

A suspension of a commercial driver's license under this section shall be concurrent with any period of suspension or disqualification under Ohio R.C. 3123.58 or 4506.16. No person who is disqualified for life from holding a commercial driver's license under Ohio R.C. 4506.16 shall be issued a driver's license under Ohio R.C. Chapter 4507 during the period for which the commercial driver's license was suspended under this section, and no person whose commercial driver's license is suspended under this section shall be issued a driver's license under Ohio R.C. Chapter 4507 during the period of the suspension.

(f) The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense that is a misdemeanor of the first degree under this section for which the offender is sentenced. (ORC 4510.14)

- (g) (1) If a person is convicted of or pleads guilty to a violation of a municipal ordinance that is substantially equivalent to Ohio R.C. 4510.14, the court, in addition to and independent of any sentence that it imposes upon the offender for the offense, if the vehicle the offender was operating at the time of the offense is registered in the offender's name, shall do whichever of the following is applicable:
- A. If, within six years of the current offense, the offender has not been convicted of or pleaded guilty to a violation of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02, or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the immobilization for thirty days of the vehicle involved in the offense and the impoundment for thirty days of the license plates of that vehicle in accordance with Ohio R.C. 4503.233.
 - B. If, within six years of the current offense, the offender has been convicted of or pleaded guilty to one violation of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02, or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the immobilization for sixty days of the vehicle involved in the offense and the impoundment for sixty days of the license plates of that vehicle in accordance with Ohio R.C. 4503.233.
 - C. If, within six years of the current offense, the offender has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02 or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the criminal forfeiture to the State of the vehicle the offender was operating at the time of the offense.
- (2) An order for immobilization and impoundment of a vehicle under this section shall be issued and enforced in accordance with Ohio R.C. 4503.233 and 4507.02, as applicable. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.
- (3) An order for criminal forfeiture of a vehicle under this section shall be issued and enforced under Ohio R.C. 4503.234. Upon receipt of a copy of the order from the court, neither the Registrar of Motor Vehicles nor a Deputy Registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order unless, during that period, the court having jurisdiction of the offense that led to the order terminates the forfeiture and notifies the Registrar of the termination. The Registrar then shall take the necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle. (ORC 4510.161)
- (h) As used in this section:
- (1) "Electronic monitoring" has the same meaning as in Ohio R.C. 2929.01.
 - (2) "Equivalent offense" means any of the following:
 - A. A violation of a municipal ordinance, law of another state, or law of the United States that is substantially equivalent to subsection (a) of this section;

- B. A violation of a former law of this State that was substantially equivalent to subsection (a) of this section.
- (3) "Jail" has the same meaning as in Ohio R.C. 2929.01.
- (4) "Mandatory jail term" means the mandatory term in jail of three, ten, or thirty consecutive days that must be imposed under subsection (b)(1), (2) or (3) of this section upon an offender convicted of a violation of subsection (a) of this section and in relation to which all of the following apply:
 - A. Except as specifically authorized under this section, the term must be served in a jail.
 - B. Except as specifically authorized under this section, the term cannot be suspended, reduced, or otherwise modified pursuant to any provision of the Ohio Revised Code.
(ORC 4510.14)

**335.072 DRIVING UNDER FINANCIAL RESPONSIBILITY LAW
SUSPENSION OR CANCELLATION; DRIVING UNDER A
NONPAYMENT OF JUDGMENT SUSPENSION.**

(a) No person, whose driver's or commercial driver's license or temporary instruction permit or nonresident's operating privilege has been suspended or canceled pursuant to Ohio R.C. Chapter 4509, shall operate any motor vehicle within this Municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the Municipality, during the period of the suspension or cancellation, except as specifically authorized by Ohio R.C. Chapter 4509. No person shall operate a motor vehicle within this Municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the Municipality, during the period in which the person is required by Ohio R.C. 4509.45 to file and maintain proof of financial responsibility for a violation of Ohio R.C. 4509.101, unless proof of financial responsibility is maintained with respect to that vehicle.

(b) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality if the person's driver's or commercial driver's license or temporary instruction permit or nonresident operating privilege has been suspended pursuant to Ohio R.C. 4509.37 or 4509.40 for nonpayment of a judgment.

(c) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth and social security number of a person charged with a violation of subsection (a) or (b) of this section may be admitted into evidence as prima-facie evidence that the license of the person was under either a financial responsibility law suspension at the time of the alleged violation of subsection (a) of this section or a nonpayment of judgment suspension at the time of the alleged violation of subsection (b) of this section. The person charged with a violation of subsection (a) or (b) of this section may offer evidence to rebut this prima-facie evidence.

(d) Whoever violates subsection (a) of this section is guilty of driving under financial responsibility law suspension or cancellation and shall be punished as provided in subsection (d) hereof. Whoever violates subsection (b) of this section is guilty of driving under a nonpayment of judgment suspension and shall be punished as provided in subsection (d) hereof.

- (1) Except as otherwise provided in subsection (d)(2) of this section, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.
- (2) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.16, or any combination of two violations of Ohio R.C. 4510.16 or Ohio R.C. 4510.11 or 4510.111, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree.
- (3) The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during or after committing the offense for which the offender is sentenced under this section.
(ORC 4510.16)

(e) No person who has knowingly failed to maintain proof of financial responsibility in accordance with Ohio R.C. 4509.101 shall produce any document or present to a peace officer an electronic wireless communications device that is displaying any text or images with the purpose to mislead a peace officer upon the request of a peace officer for proof of financial responsibility made in accordance with Ohio R.C. 4509.101. Whoever violates this subsection (e) hereof is guilty of falsification, a misdemeanor of the first degree. (ORC 4509.102)

335.073 DRIVING WITHOUT COMPLYING WITH LICENSE REINSTATEMENT REQUIREMENTS.

(a) No person whose driver's license, commercial driver's license, temporary instruction permit, or nonresident's operating privilege has been suspended shall operate any motor vehicle upon a public road or highway or any public or private property after the suspension has expired unless the person has complied with all license reinstatement requirements imposed by the court, the Bureau of Motor Vehicles, or another provision of the Ohio Revised Code.

(b) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of subsection (a) of this section may be admitted into evidence as prima-facie evidence that the license of the person had not been reinstated by the person at the time of the alleged violation of subsection (a) hereof. The person charged with a violation of subsection (a) hereof may offer evidence to rebut this prima-facie evidence.

(c) Whoever violates this section is guilty of failure to reinstate a license and shall be punished as follows:

- (1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a) hereof is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.
- (2) If, within three years of a violation of subsection (a) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of Ohio R.C. 4510.21(A) or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.
- (3) In all cases, the court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary driver's license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02. (ORC 4510.21)

335.074 DRIVING UNDER LICENSE FORFEITURE OR CHILD SUPPORT SUSPENSION.

(a) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality whose driver's or commercial driver's license has been suspended pursuant to Ohio R.C. 2151.354, 2151.87, 2935.27, 3123.58, 4301.99, 4510.032, 4510.22 or 4510.33.

(b) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of subsection (a) of this section may be admitted into evidence as prima-facie evidence that the license of the person was under suspension at the time of the alleged violation of subsection (a) of this section. The person charged with a violation of subsection (a) of this section may offer evidence to rebut this prima-facie evidence.

(c) Whoever violates subsection (a) of this section is guilty of driving under suspension and shall be punished as provided in subsection (c) of this section.

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

- The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.
- (2) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of subsection (A) of Ohio R.C. 4510.111, or any combination of two or more violations of subsection (A) of Ohio R.C. 4510.111, or Ohio R.C. 4510.11 or 4510.16, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree and the offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during or after committing the offense for which the offender is sentenced under this section. (ORC 4510.111)

335.08 OPERATION OR SALE WITHOUT CERTIFICATE OF TITLE.

- (a) No person shall do any of the following:
- (1) Operate in this Municipality a motor vehicle for which a certificate of title is required without having that certificate in accordance with Ohio R.C. Chapter 4505 or, if a physical certificate of title has not been issued for a motor vehicle, operate the motor vehicle in this Municipality knowing that the ownership information relating to the vehicle has not been entered into the automated title processing system by a clerk of a court of common pleas;
 - (2) Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate, a certificate of title, or an assignment of a certificate of title for it as provided in Ohio R.C. Chapter 4505;
 - (3) Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in Ohio R.C. Chapter 4505;
 - (4) Fail to surrender the certificate of title to a clerk of a court of common pleas as provided in Ohio R.C. Chapter 4505 in case of the destruction or dismantling or change of a motor vehicle in such respect that it is not the motor vehicle described in the certificate of title;
 - (5) Violate any rules adopted pursuant to Ohio R.C. Chapter 4505;
 - (6) Except as otherwise provided in Ohio R.C. Chapter 4505 and Chapter 4517, sell at wholesale a motor vehicle the ownership of which is not evidenced by an Ohio certificate of title, or the current certificate of title issued for the motor vehicle, or the manufacturer's certificate of origin, and all title assignments that evidence the seller's ownership of the motor vehicle, and an odometer disclosure statement that complies with Ohio R.C. 4505.06 and subchapter IV of the "Motor Vehicle Information and Cost Savings Act", 86 Stat. 961 (1972), 15 U.S.C. 1981;
 - (7) Operate in this Municipality a motor vehicle knowing that the certificate of title to the vehicle or ownership of the vehicle as otherwise reflected in the automated title processing system has been canceled.

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

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

335.09 DISPLAY OF LICENSE PLATES; EXPIRED OR UNLAWFUL PLATES.

- (a) (1) No person who is the owner or operator of a motor vehicle shall fail to display in plain view on the rear of the motor vehicle a license plate that displays the distinctive number and registration mark assigned to the motor vehicle by the Ohio Director of Public Safety, including any county identification sticker and any validation sticker when required by and issued under Ohio R.C. 4503.19 and 4503.191. However a commercial tractor shall display the license plate on the front of the commercial tractor.
- (2) The license plate shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs its visibility.
- (3) No person to whom a temporary motor vehicle license registration has been issued for the use of a motor vehicle under Ohio R.C. 4503.182, and no operator of that motor vehicle, shall fail to display the temporary motor vehicle license registration in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle.
- (4) No person shall cover a temporary motor vehicle license registration by any material that obstructs its visibility.
(ORC 4503.21(A); (A.O.))

(b) A law enforcement officer shall only issue a ticket, citation or summons, or cause the arrest or commence a prosecution, for the failure to display a license plate in plain view on the front of a parked motor vehicle if the officer first determines that another offense has occurred and either places the operator or vehicle owner under arrest or issues a ticket, citation, or summons to the operator or vehicle owner for the other offense.

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

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

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

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

- (1) Is fictitious;
- (2) Is a counterfeit or an unlawfully made copy of any distinctive number or identification mark;

- (3) Belongs to another motor vehicle, provided that this section does not apply to a motor vehicle that is operated on the public streets and highways within this Municipality when the motor vehicle displays license plates that originally were issued for a motor vehicle that previously was owned by the same person who owns the motor vehicle that is operated on the public streets and highways during the thirty day period described in Ohio R.C. 4503.12(C).

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

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

335.091 OPERATING WITHOUT DEALER OR MANUFACTURER LICENSE PLATES.

(a) No person shall operate or cause to be operated upon a public road or highway a motor vehicle of a manufacturer or dealer unless the vehicle carries and displays a placard, except as provided in Ohio R.C. 4503.21, issued by the Director of Public Safety that displays the registration number of its manufacturer or dealer.

(b) Whoever violates subsection (a) of this section is guilty of illegal operation of a manufacturer's or dealer's motor vehicle, a minor misdemeanor.
(ORC 4549.10)

335.10 LICENSE PLATES TO BE UNOBSTRUCTED.

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

335.11 USE OF ILLEGAL LICENSE PLATES; TRANSFER OF REGISTRATION.

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

335.111 REGISTRATION WITHIN THIRTY DAYS OF RESIDENCY.

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

- (b) (1) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.
- (2) The offense established under subsection (b)(1) of this section is a strict liability offense and strict liability is a culpable mental state for purposes of Ohio R.C. 2901.20. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

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

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

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

- (a)
 - (1) In the case of a motor vehicle accident or collision with persons or property on a public road or highway, the operator of the motor vehicle, having knowledge of the accident or collision, immediately shall stop the operator's motor vehicle at the scene of the accident or collision. The operator shall remain at the scene of the accident or collision until the operator has given the operator's name and address and, if the operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, to all of the following:
 - A. Any person injured in the accident or collision;
 - B. The operator, occupant, owner or attendant of any motor vehicle damaged in the accident or collision;
 - C. The police officer at the scene of the accident or collision.
 - (2) In the event an injured person is unable to comprehend and record the information required to be given under subsection (a)(1) of this section, the other operator involved in the accident or collision shall notify the nearest police authority concerning the location of the accident or collision, and the operator's name, address and the registered number of the motor vehicle the operator was operating. The operator shall remain at the scene of the accident or collision until a police officer arrives, unless removed from the scene by an emergency vehicle operated by a political subdivision or an ambulance.
 - (3) If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.
- (b)
 - (1) Whoever violates subsection (a) of this section is guilty of failure to stop after an accident. Except as otherwise provided in subsection (b)(2) or (3) of this section, failure to stop after an accident is a misdemeanor of the first degree.
 - (2) If the accident or collision results in serious physical harm to a person, failure to stop after an accident is a felony and shall be prosecuted under appropriate State law.
 - (3) If the accident or collision results in the death of a person, failure to stop after an accident is a felony and shall be prosecuted under appropriate State law.
 - (4) In all cases, the court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(5) of Ohio R.C. 4510.02. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this subsection.

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

335.13 STOPPING AFTER ACCIDENT UPON PROPERTY OTHER THAN STREET.

- (a)
 - (1) In the case of a motor vehicle accident or collision resulting in injury or damage to persons or property on any public or private property other than a public road or highway, the operator of the motor vehicle, having knowledge of the accident or collision, shall stop at the scene of the accident or collision. Upon request of any person who is injured or damaged, or any other person, the operator shall give that person the operator's name and address, and, if the operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, and, if available, exhibit the operator's driver's or commercial driver's license.
 - (2) If the operator of the motor vehicle involved in the accident or collision does not provide the information specified in subsection (a)(1) of this section, the operator shall give that information, within twenty-four hours after the accident or collision, to the Police Department.
 - (3) If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required under subsection (a)(1) of this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.
- (b)
 - (1) Whoever violates subsection (a) of this section is guilty of failure to stop after a nonpublic road accident. Except as otherwise provided in subsection (b)(2) or (3) of this section, failure to stop after a nonpublic road accident is a misdemeanor of the first degree.
 - (2) If the accident or collision results in serious physical harm to a person, failure to stop after a nonpublic road accident is a felony and shall be prosecuted under appropriate State law.
 - (3) If the accident or collision results in the death of a person, failure to stop after a nonpublic road accident is a felony and shall be prosecuted under appropriate State law.
 - (4) In all cases, the court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(5) of Ohio R.C. 4510.02. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this subsection.

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

335.14 VEHICLE ACCIDENT RESULTING IN DAMAGE TO REALTY.

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

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

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

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

Street	From	To	Prohibited Side(s)
Wayne Park Dr.	Co.Rd. M1	Westerly intersection of Riverview Ave., W.	S.
Wayne St.	Riverview Ave., E.	Main St., W.	E.
Welsted St.	Glenwood Ave.	Avon Pl.	S.
Westchester Ave.	Briarheath Ave.	Kenilworth Ave.	N.
Westchester Ave.	Kenilworth Ave.	Briarheath Ave.	S. (4 hr. parking)
Westmont Ave.	Briarheath Ave.	Glenwood Ave.	N.
Westmoreland Ave.	Clairmont Ave.	Bales Rd.	E.
Westwood Ave.	Harmony Dr., S.	Harmony Dr., N.	E.
Willard St.	Woodlawn Ave.	Lagrange St.	E.
Williamsburg Ave.	Becca Ln.	Dead End	S.
Wood Dr.	Scott St., N.	Cul-de-sac	Both
Woodlawn Ave.	Clinton St., W.	Corporation Limits	Both
Woodlawn Ct.	Woodlawn Ave.	High St.	E.
Yeager St.	Oakwood Ave.	Dodd St.	Both

(Ord. 041-21. Passed 11-1-21.)

<i>STOP STREET</i>	<i>RIGHT-OF-WAY</i>
Williamsburg Ave.	Becca Ln.
Woodlawn Ct.	Woodlawn Ave.
Yeager St.	Oakwood Ave.

(b) All-Way Stops:

<u>INTERSECTION</u>
Bales Rd./Washington St., W. and Glenwood Ave.
Briarheath Ave. at Clairmont Ave.
Clinton St. at Monroe St.
Clinton St., W. at Norton Ave.
Glenwood Ave. at Woodlawn Ave.
Haley Ave. at Washington St., W.
Industrial Dr. at American Rd.
Indiana St. at Ohio St.
Kenilworth Ave. at Westmont Ave.
Main St., W. at Scott St.
Main St., W. at Webster St.
Main St., E. at Hobson St.
Monroe St. at Washington St.
Norton Ave. at Washington St.
Park St. at Sheffield Ave.
Raymond St. at Third St.
Scott St. at Front St.
Sheffield Ave. at Clinton St.
Third St. at Raymond St.
Westmoreland Ave. at Bales Rd.

(c) Yield streets:

YIELD STREET	RIGHT-OF-WAY
Chelsea Ave. (north/south)	Chelsea Ave. (east/west)
Hobson St., (S. approach)	Washington St., E.
Last St.	Euclid St.
Monroe St.	Oakwood Ave.
Buckeye Ln. (eastbound) Buckeye Ln. (westbound)	Rohm Dr. (eastbound)

(d) Signals: Signals shall be at locations below described. The City Manager shall determine the sequencing of signals and may authorize night time flashing of signals and use of turn arrows.

<u>Location</u>	<u>Description</u>
Perry St., S. (St. Rt. 108 at Rohrs St.)	This two (2) phased signal generally "stands on green" for South Perry St.. The Rohrs St. signal is actuated by loop detectors beneath the pavement.
Appian Ave. at Maumee Ave., E. (St. Rt. 110)	This three (3) phase signal controls a three-way intersection with Appian Ave. dead-ending into East Maumee Ave., actuated by loop detectors. The signal generally "stands on green" for through traffic on East Maumee Ave.
Maumee Ave. (St. Rt. 110) at Perry St., S. (St. Rt. 108)	This five (5) phase signal controls a four (4) way intersection actuated by loop detectors. Signal generally "stands on green" for through traffic on South Perry St. An all red phase added to provide for pedestrian traffic.
Perry St., N. at Front St., E. & W.	This two (2) phase signal generally "stands on green" for Perry St. The Front St. signal is actuated by loop detectors.
Perry St., N. (St. Rt. 108) at Riverview Ave. (St. Rt. 424)	This eight (8) phase, fully actuated signal controls a four-way intersection activated by loop detectors. Loop detectors are not provided for the North Perry St., through lanes. The signal generally "stands on green" for through traffic on North Perry St.

<u>Location</u>	<u>Description</u>
Perry St., N. (St. Rt. 108) at Washington St.	This three (3) phase signal controls a four-way intersection actuated by loop detectors which generally "stands on green" for through traffic on North Perry St.
Perry St., N. (St. Rt. 108) at Clinton St.	This three (3) phase signal controls a four-way intersection which is actuated by timed sequencing.
Clinton St. (St. Rt. 108) at Scott St. and Woodlawn Ave.	This four (4) phase signal controls a five-way intersection actuated by loop detectors.
Scott St. at Washington St.	This two (2) phase signal is actuated by timed sequencing to cycle through the intersection.
Scott St. (St. Rt. 108) at Lagrange St.	This three (3) phase signal controls a four (4) way intersection actuated by loop detectors. Signal generally "stands on green" for North Scott St.
Scott St. (St. Rt. 108) at Southern Entrance to Heritage Plaza	This three (3) phase signal controls a four (4) way intersection actuated by loop detectors. Signal generally "stands on green" for through traffic on North Scott St.
Woodlawn Ave. at Clairmont Ave.	This two (2) phase signal generally "stands on green" for Woodlawn Ave. The Clairmont Ave. signal is actuated by loop detectors.
Industrial Drive at Independence Drive	This two (2) phase signal is actuated by timed sequencing to cycle through the intersection.
Industrial Drive at Ramps "A" and "D"	This three (3) phase signal controls a 3-way intersection at Ramps "A" and "D" of the Industrial Drive Interchange. Loop detectors are provided on Ramp "A" for both left and right-through lanes. The signal generally "stands on green" for through traffic on Industrial Drive.

(e) Alleys:

All alleys shall be considered the yield street at all crossings with streets.
(Ord. 041-21. Passed 11-1-21.)

CHAPTER 913 Construction and Repair

913.01	Definitions.	913.04	Permit required.
913.02	Payment of costs arising from reconstruction and repair.	913.05	Sidewalk program.
913.03	Design, plans and specifications.	913.99	Penalty.

CROSS REFERENCES

Construction or repair at owner's expense - see Ohio R.C. 729.01 et seq.
Notice to construct or repair sidewalks - see Ohio R.C. 729.03 et seq.

913.01 DEFINITIONS.

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (1) "Abutting improvement" means a bordering or adjoining curb, gutter, drainage structure, highway, street or alley situated within the right-of-way.
- (2) "City Engineer" means the City Engineer of Napoleon, Ohio, or his or her authorized representative.
- (3) "Curb" or "curb and/or gutter" means a construction border along the paved portion of the right-of-way used by vehicles.
- (4) "Driveway" means an area for vehicles or storage, connected with the paved portion of the street and providing ingress to and egress from the adjacent real property.
- (5) "Person" means any individual, corporation, political subdivision, association, partnership, estate, trust, firm, company, or any combination thereof, excluding a municipal corporation.
- (6) "Right-of-way" means an area of land dedicated to or held by the City for the passage of individuals, including paved streets, parking strips, tree lawns, curbs, highways, driveway aprons, sidewalks, alleys, and other public thoroughfares within its limits.
- (7) "Sidewalk" means the paved portion of the right-of-way intended for use by pedestrians.
- (8) Voluntary reconstruction, repair or replacement means without City intervention, defined as any abatement or order initiated by the City.
(Ord. 111-02. Passed 9-16-02.)

913.02 PAYMENT OF COSTS ARISING FROM RECONSTRUCTION AND REPAIR.

(a) The City may participate in the payment of costs for or arising from the voluntary reconstruction, repair or replacement of sidewalks, driveway aprons and abutting improvements thereto, which are situated in the City and within the public right-of-way, by paying a portion of the costs of the sidewalk and abutting improvements in the amounts contained in this paragraph, but only if such work and such costs are first approved in writing by the City Engineer and sufficient funds therefor have been appropriated by the City. Nothing contained herein shall prohibit any person from paying all or any portion of such costs that the City might otherwise pay pursuant to this division.

- (1) \$40.00 per linear foot for curb and/or gutter.
- (2) 100% drainage structure.
- (3) 0% driveway apron.
- (4) 100% of curb and/or gutter and sidewalk within the street intersection radius.
- (5) \$3.00 per square foot of sidewalk.

(b) The property owner shall bear the entire cost of sidewalks that have never been constructed, except where otherwise prohibited by law; moreover, the property owner shall bear the entire costs for any extensions of sidewalks, driveway aprons, abutting improvements.

(c) To the extent required by law, all such participation by the City in the payment of such costs shall be in compliance with the prevailing wage laws of the State, as the same may be amended from time to time. For any project involving the reconstruction, replacement or repair of sidewalks, driveway aprons, and/or abutting improvements where the City contributes to the costs, competitive bidding is eliminated in the best interest of the City without further necessity of legislation of Council.

(Ord. 039-21. Passed 11-1-21.)

913.03 DESIGN, PLANS AND SPECIFICATIONS.

Design, plans and specifications shall be in compliance with the City's standards for the construction, reconstruction, repair and replacement of all sidewalks, driveways and abutting improvements thereto as found in the Engineering Department Rules and Regulations No. CNER98-1, as amended from time to time, or as otherwise approved in writing by the City Engineer. (Ord. 111-02. Passed 9-16-02.)

913.04 PERMIT REQUIRED.

No person, except an authorized employee of the City or a person having a contract with the City for the construction, reconstruction, repair or replacement of any sidewalk, driveway or abutting improvement thereto, shall construct, reconstruct, repair or replace any sidewalk, driveway or abutting improvement thereto, or any portion thereof, within the right-of-way, unless a right-of-way permit therefor as provided for in Chapter 919 has been issued. In lieu of filing a violation for this charge, offenders may be charged with a violation of Chapter 919 of the Codified Ordinances. (Ord. 111-02. Passed 9-16-02.)

ORDINANCE NO. 005-22

AN ORDINANCE AMENDING CERTAIN CITY OF NAPOLEON TRAFFIC SCHEDULES, SPECIFICALLY SCHEDULE I, "ON-STREET PARKING PROHIBITED" ON CERTAIN CITY STREETS, AND SCHEDULE III, "STOP AND YIELD INTERSECTIONS," AS LISTED IN THE ATTACHED EXHIBIT A; AND REPEALING ORDINANCE NO. 030-19; AND DECLARING AN EMERGENCY

WHEREAS, the City Manager, pursuant to authority granted in the Charter of the City of Napoleon, establishes traffic control in the City of Napoleon; and,

WHEREAS, the current traffic schedules, parking time limits and parking restrictions need to be updated on certain City streets as provided in the attached Exhibit A. **Now Therefore,**

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

Section 1. That, the City of Napoleon Ohio hereby amends Schedules I and III of the City of Napoleon Traffic Schedules to reflect changes made to parking time limits and restrictions on certain City streets, and to reflect changes made to certain stop and yield intersections, signals and alleys within the City, as provided in the attached Exhibit A, attached hereto and made a part hereof this Ordinance.

Section 2. That any changes needed to pages, page numbers, or appendixes are hereby approved to accommodate for the above amendment.

Section 3. That, this Ordinance No. 005-22 hereby amends Ordinance No. 030-19 so as to incorporate and adopt all identified changes noted herein. The remaining, unchanged portions of Ordinance No. 030-19 remain in full force and effect as it existed prior to the changes.

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

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

Section 6. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to assure the prompt and efficient conduct of the municipal operations related to public peace, health or safety of the City; therefore, provided it receives the required number of votes for passage as emergency legislation it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to

begin enforcement in a timely manner which affects the public peace, health, and safety accessible to our citizens, and for further reasons as stated in the Preamble hereof.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 005-22 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the ____ day of _____, 2022; & 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 – Ord. No. 005-22

Schedule I – On-Street Parking Prohibited

Street	From	To	Prohibited Side(s)
American Road	Oakwood Ave.	Enterprise Ave.	Both
Appian Ave.	108 feet north of the intersection of Beckham St. and Appian Ave.	Corporation Limits	E.
Arden Ct.	Washington St.	Main St.	W.
Avon Pl.	Washington St.	Riverview Ave.	Both; except in area posted for special parking
Bales Rd.	Glenwood Ave.	Corporation Limits	Both
Barnes Ave., E.	Perry St., S.	Fifth St.	Both
Barnes Ave., W.	Perry St., S.	Maumee Ave., W.	Both
Bauman Place	Lakeview Dr.	Dead End	Both
Becca Ln.	Sedward Ave.	Dead End N. of Thershan	S.
Beckham St.	Appian Ave.	Corporation Limits	Both
Becklee Dr.	Scott St., N. (S.R.108)	To street end	Inner portion of the street
Bonaparte Dr.	Dead End (West)	Scott St., N. (S.R.108)	N.
Bordeaux Dr.	Duquesne Dr.	Sedward Ave.	West
Briarcliff Dr.	Rohm Dr	Buckeye Ln.	Inside of loop
Briarheath Ave.	Bales Rd.	Clairmont Ave.	E.
Broadmoore Ave.	Bales Rd.	Chelsea Ave.	W.
Brownell Ave.	Perry St., S.	East of Fifth St.	Both
Buckeye Ln.	Riverview Ave., W.	Cul-de-sac	S.
Cambridge St.	Appian Ave.	Beckham St.	W.
Capri Dr.	Bordeaux Dr.	Lemans Dr.	N.

Carey St.	Scott St.	Woodlawn Ave.	Both
Chelsea Ave.	Bales Rd.	Bales Rd.	S. & E.
Chesterfield Dr	Cul-de-sac W. of Neward	Cul-de-sac East of Sedward	S.
Clairmont Ave.	Glenwood Ave.	Briarheath Ave.	N.
Clairmont Ave.	Glenwood Ave.	Kenilworth Ave.	S.
Clairmont Ave.	Woodlawn Ave.	Kenilworth Ave.	N.
Clairmont Ave.	Woodlawn Ave.	Entire 600' west of Woodlawn Ave.	S.
Clairmont Ave.	Briarheath Ave.	Westmoreland Ave.	Both
Cliff St.	Maumee Ave., E.	Dead End	Both
Clinton St., E.	Monroe St.	Riverview Ave.	S.
Clinton St., W	Sheffield Ave.	Haley Ave.	S.
Clinton St., W.	Scott St.	Clinton St., W. (205 feet East of Scott St.)	N. (except in area posted for special parking)
Clinton St., W.	Woodlawn Ave.	Haley Ave.	N.
Commerce Dr.	Interchange Dr.	Riverview Ave., E.	Both
Cripple Creek Ct.	Jahns Rd.	Cul-de-sac	W.
Daggett Dr.	Huddle Rd.	Maumee Ave., W.	E.
Depot St.	Oakwood Ave.	Maple St.	Both
Derome Dr.	Northcrest Dr., E. end	Northcrest Dr., W. end	S.
Detroit Ave.	Yeager St.	Dead End	W.
Dodd St.	Scott St.	Cul-de-sac	W.
Duquesne Dr.	Bordeaux Dr.	Lemans Dr.	S.
Duquesne Dr.	Jahns Rd.	Bordeaux Dr.	Both
Enterprise Ave.	Riverview Ave., E.	American Road	Both

Enterprise Ave.	American Road	Corporation Limits	E.
Erie St.	Washington St.	Railroad right-of-way	W.
Euclid Ave.	Appian Ave.	Last St.	S.
Fair St.	Oakwood Ave.	Dead End	S.
Fairview Dr.	Maumee Ave., W.	Dead End	Both
Fifth St.	Meekison St.	Rohrs St.	E.
Fifth St.	Rohrs St.	Raymond St.	W.
Fillmore St.	Oakwood Ave.	Railroad right-of-way	S.
Fillmore St.	E. Riverview Ave.	Railroad right-of-way	Both
First St.	Maumee Ave., W.	Pontious Pl. R/W	Both
Fourth St.	Meekison St.	Rohrs St.	Both
Freedom Dr.	Corporation Limits	Corporation Limits	Both
Front St., E.	Perry St., N.	Jefferson St.	S.
Front St., W.	Perry St., N.	Riverview Ave., W.	Both South
Garden St.	Riverview Ave.	Park St.	W.
Glenbrook Ct.	Harmony Dr.	Cul-de-sac	W.
Glenwood Ave.	Riverview Ave., W.	Corporation Limits	Both
Graceway Dr., E.	Maumee Ave., W.	Graceway Dr., W.	W.
Graceway Dr., W.	Huddle Rd.	Graceway Dr., E.	W.
Haley Ave.	Woodlawn Ave.	Riverview Ave.	W.
Harmony Dr.	Glenwood Ave.	Harmony Dr., N.	Inner Loop
Harmony Dr., N.	Glenwood Ave.	Indiana Ave.	S.
High St.	Haley Ave.	Lumbard St.	S.
Highland Ave.	Woodlawn Ave.	Lagrange St.	E.
Hobson St.	Clinton St., E.	Oakwood Ave.	E.

Hobson St.	Washington St.	Clinton St.	E.
Hobson St.	Riverview Ave.	Main St. (30 feet South of alley)	E.
Hobson St.	Front St.	Alley (between Front St. & Main St.)	W.
Huddle Rd.	Perry St., S.	Maumee Ave., W.	N.
Hudson St.	Oakwood Ave.	Dead End	Both
Hurst Dr., N.-S.	Riverview Ave., W.	Hurst Dr., E.-W.	W.
Hurst Dr., E.-W.	Hurst Dr., N.-S.	Jahns Rd.	S.
Independence Dr.	Oakwood Ave.	Enterprise Ave.	Both
Indiana Ave.	Lagrange St.	N. Harmony Dr.	E.
Indiana Ave.	Oakdale Dr.	Lagrange St.	Both
Indiana Ave.	Woodlawn Ave.	Oakdale Dr.	E.
Industrial Dr.	Riverview Ave., E.	Twp. Rd. R-3	Both
Interchange Dr.	Commerce Dr.	Industrial Dr.	Both
Jahns Rd.	Riverview Ave., W.	Corporation Limits	Both
Jefferson St.	Front St., E.	Washington St., E.	W.
Joliette Dr.	Duquesne Dr.	Capri Dr.	E.
Kenilworth Ave.	Clairmont Ave.	Briarheath Ave.	N.
KenJames Ct.	Bonaparte Dr.	Dead End	E.
Knappe St.	Perry St., N.	Dead End	Both
Kolbe St.	Woodlawn Ave.	Scott St.	S.
Lafayette Dr.	Duquesne Dr.	Capri Dr.	E.
Lagrange St.	Dodd St.	Willard St.	Both
Lagrange St.	Willard St.	Indiana Ave.	N.
Lakeview Dr.	Oakwood Ave.	Cul-de-sac	Both

Lamar Ln.	Riverview Ave., E.	Cul-de-sac	E.
Last St.	Euclid St.	Beckham St.	W.
Lemans Dr.	Vincennes Dr.	Capri Dr.	E.
Leonard St.	Haley Ave.	Norton St.	S.
Lumbard St.	Clinton St.	Woodlawn Ave.	E.
Lynne Ave.	Glenwood Ave.	West Dead End	N.
Lynne Ave.	Glenwood Ave.	East Dead End	S.
Lynne Ave.	Westmoreland Ave.	East Dead End	N.
Main St., E.	Hobson St.	Stout St.	N.
Main St., W.	Avon Pl.	Glenwood Ave.	S.
Maple St.	Shelby St.	Clinton St., E.	W.
Maumee Ave., E.	Perry St., S.	Corporation Limits	Both
Maumee Ave., W.	Perry St.	Corporation Limits	S.
Maumee Ave., W.	69.37' from centerline of Daggett Dr. going E.	95.49' from centerline of Daggett Dr. going W.	N.
Maumee Ln.	Cul-de-sac at the South end	Maumee Ave., E.	E.
Maumee Ln.	Maumee Ave., E.	150 feet South of Maumee Ave., E.	W.
Meekison St.	Appian Ave.	Perry St., S.	S.
Melody Ln.	Glenwood Ave.	Indiana Ave.	N.
Michigan Ave.	Woodlawn Ave.	Lagrange St.	W.
Monroe St.	Fillmore St.	Clinton St., E.	W.
Monroe St.	Front St.	Riverview Ave., E.	w.
Monroe St.	Main St., E.	Eiverview Ave., E.	e.
Neward Dr.	Riverview Ave., W.	Becca Ln.	W.

North St.	Oakwood Ave.	Perry St., N.	Both
Northcrest Circle	Northcrest Dr.	Cul-de-sac	E.
Northcrest Dr.	Oakwood Ave.	Derome Dr.	S.
Norton St.	Park St.	Leonard St.	W.
Norton St.	Leonard St.	Dead End	Both
Oak St.	First St.	Daggett Dr.	Both
Oakdale Dr.	Glenwood Ave.	Indiana Ave.	N.
Oakwood Ave.	Fillmore St.	Railroad St.	E.
Oakwood Ave.	Railroad St.	Corporation Limits	Both
Ohio St.	Glenwood Ave.	Scott St.	S.
Old Creek Dr.	Oakwood Ave.	Cul-de-sac	S.
Old School Dr.	Clairmont Ave.	Cul-de-sac	both
Orchard Ln.	Riverview Ave., W.	Briarcliff Dr., E.	S.
Orchard Ln.	Briarcliff Dr., E.	Briarcliff Dr., W.	N.
Orwig Ave.	W. Washington St.	Welsted St.	W.
Oxford St.	Appian Ave.	Cambridge St.	E.
Park Ct.	Park St.	Dead End	W.
Park Lane Dr.	Park St.	Cul-de-sac	W.
Park St.	Sheffield Ave.	Glenwood Ave.	North
Park St.	Riverview Ave., W.	Norton Ave.	North
Park St.	Norton Ave.	Sheffield Ave.	North
Perry St., N.	First alley North of Oakwood Ave.	Yeager St.	W.
Perry St., S. (S.R. 108)	Maumee River Bridge	Corporation Limit South	Both
Pontious Pl.	Perry St.	First St.	S.

Railroad St.	Scott St.	Perry St., N.	N.
Raymond St.	Perry St., S.	Third St.	N.
Raymond St.	Fifth St.	Dead End	Both
Reynolds St.	On Bridge		Both
Reynolds St.	Woodlawn Ave.	To Bridge	W.
Reynolds St.	Ohio St.	To Bridge	E.
Richmar Ln.	Indiana Ave.	Dead End	Both
Riverview Ave., W.	Perry St.	Corporation Limits	Both
Riverview Ave., E.	Perry St.	Corporation Limits	Both
Robinwood Ave.	Main St., W.	Welsted St.	W.
Rohm Dr.	Buckeye Ln.	Briarcliff Dr.	N.
Rohrs Ave.	Perry St., S.	Dead End, E. of Fifth St.	N.
Romain Ave.	Washington St.	Clinton St.	W.
Scott St.	Front St., W.	Main St., W.	Both
Scott St.	Clinton St.	North Corporation Limits	Both, except that part of Scott St. between Clinton St. and Shelby St., E. side in area posted for special parking
Second St.	Dead End, N.	Dead End, S.	Both
Sedward Ave.	Riverview Ave., W.	Dead End N. of Becca Ln.	W.
Sheffield Ave.	Riverview Ave.	Clinton St., W.	W.
Sheffield Ave., N.	Woodlawn Ave.	Lagrange St.	E.
Shelby St.	Perry St.	Maple St.	Both
Short St.	Appian Ave.	Cliff St.	Both
Spruce St.	Euclid St.	Beckham St.	Both
Stevenson St.	Carey St.	Lagrange St.	Both

Stout St.	Main St., E.	Riverview Ave.	W.
Strong St.	Sheffield Ave.	Haley Ave.	S.
Sycamore Dr.	Hurst Dr.	Jahns Rd.	S.
Taylor Dr.	Glenwood Ave.	Cul-de-sac	N.
Thershan Dr.	Becca Ln.	Cul-de-sac	W.
Third St.	Meekison St.	Williams St. (platted)	W.
Township Rd. P-3	Maumee Ave., E.	Corporation Limits	S.
Township Rd. R	Oakwood Ave.	Scott St., N.	S.
Trail Dr.	Scott St., N.	Dead End, S.	Both
Tyler St.	Washington St.	Clinton St.	W.
Union St.	Oakwood Ave.	Dead End	Both
Vincennes Dr.	Duquesne Dr.	Lemans Dr.	S.
Vine St.	Main St., W.	Welsted St.	E.
Vocke St.	Fillmore St.	Dead End	Both
Walnut St.	Daggett Dr.	Dead End	Both
Washington St., E.	Riverview Ave.	Wastewater Treatment	N.
Washington St., W.	Webster St.	Glenwood Ave.	N.
Washington St., W.	Scott St.	Webster St.	S. (except in area posted for special parking)
Wayne Park Dr.	Easterly intersection of Riverview Ave., W.	250' W. of easterly intersection of Riverview Ave.	Both
Wayne Park Dr.	250' W. of Riverview Ave.	Co. Rd. M1	N.
Wayne Park Dr.	Co. Rd. M1	Westerly Intersection of Riverview Ave., W.	S.
Wayne St.	Riverview Ave., E.	Main St., W.	E.

Welsted St.	Glenwood Ave.	Avon Pl.	S.
Westchester Ave.	Briarheath Ave.	Kenilworth Ave.	N.
Westchester Ave.	Kenilworth Ave.	Briarheath Ave.	S. (4 hr. parking)
Westmont Ave.	Briarheath Ave.	Glenwood Ave.	N.
Westmoreland Ave.	Clairmont Ave.	Bales Rd.	E.
Westwood Ave.	Harmony Dr., S.	Harmony Dr., N.	E.
Willard St.	Woodlawn Ave.	Lagrange St.	E.
Williamsburg Ave.	Becca Ln.	Dead End	S.
Wood Dr.	Scott St., N.	Cul-de-sac	Both
Woodlawn Ave.	Clinton St., W.	Corporation Limits	Both
Woodlawn Ct.	Woodlawn Ave.	High St.	E.
Yeager St.	Oakwood Ave.	Dodd St.	Both

Schedule III – Stop and Yield Intersections

<u>STOP STREET</u>	<u>RIGHT-OF-WAY</u>
American Road	Oakwood Ave.
American Road	Enterprise Ave.
Arden Ct.	Main St.
Arden Ct.	Washington St., W.
Avon Pl.	Riverview Ave., W. - Rt. 424
Avon Pl.	Washington St., W.
Barnes Ave., E.	Fifth St.
Barnes Ave., W.	Maumee Ave., W.
Barnes Ave., E. & W.	Perry St., S.
Bauman Pl.	Lakeview Dr.
Becca Ln.	Sedward Ave.
Beckham St.	Appian Ave.
Becklee Dr. (northbound)	Becklee Dr. (inbound)
Becklee Dr.	Scott St. (S.R. 108)
Becklee Dr.	Becklee Dr. (South of cul-de-sac)
Boatramp (both ends)	Riverview Ave. - Rt. 424
Boatramp (both sides)	Launch area
Bonaparte Dr.	Scott St. (S.R. 108)
Bordeaux Dr.	Duquesne Dr.
Bordeaux Dr.	Seward Ave.
Briarcliff Dr. (east intersection)	Orchard Ln.
Briarcliff Dr. (east intersection)	Rohm Dr.
Briarcliff Dr. (west end)	Buckeye Ln.
Briarheath Ave.	Bales Rd.
Broadmoor Ave.	Bales Rd.
Broadmoor Ave.	Chelsea Ave.

Brownell Ave.	Perry St., S.
Buckeye Ln.	Riverview Ave., W. - Rt. 424
Cambridge St.	Appian Ave.
Canal St. (both ends)	Riverview Ave., E. - Rt. 424
Capri Dr.	Bordeaux Dr.
Carey St.	Scott St.
Carey St.	Woodlawn Ave.
Chelsea Ave.	Bales Rd. (Eastern intersection)
Chelsea Ave.	Bales Rd. (Western intersection)
Chesterfield Dr.	Neward Dr.
Chesterfield Dr.	Sedward Ave.
Clairmont Ave.	Glenwood Ave.
Clairmont Ave.	Westmoreland Ave.
Cliff St.	Maumee Ave.
Clinton St., W.	Haley Ave.
Clinton St., E.	Riverview Ave., E. - Rt. 424
Clinton St., W. (eastbound only 3-way stop)	Sheffield St.
Commerce Dr.	Riverview Ave., E. - Rt. 424
Courtland Dr.	Scott St.
Cripple Creek Ct.	Jahns Rd.
Daggett Dr.	Huddle Rd.
Daggett Dr.	Maumee Ave., W.
Depot St.	Fillmore St.
Depot St.	Hobson St.
Depot St.	Oakwood Ave.
Derome Dr.	Northcrest Dr.
Detroit Ave.	Yeager St.
Dodd St.	Scott St.
Dodd St.	Yeager St.

Duquesne Dr.	Jahns Rd.
Duquesne Dr.	Lemans Dr.
Enterprise Ave.	Riverview Ave., E. - Rt. 424
Erie St.	Washington St., W.
Euclid Ave.	Appian Ave.
Fair St.	Oakwood Ave.
Fairview Dr.	Maumee Ave., W.
Fifth St.	Brownell Ave.
Fifth St.	Meekison St.
Fifth St.	Rohrs Ave.
Fillmore St.	Hobson St.
Fillmore St.	Riverview Ave., E.
Fillmore St.	Oakwood Ave.
First St.	Barnes Ave., W.
First St.	Maumee Ave., W.
First St.	Oak St.
Fourth St.	Barnes Ave., E.
Fourth St.	Brownell Ave.
Fourth St.	Meekison St.
Fourth St.	Rohrs Ave.
Freedom Dr.	Oakwood Ave.
Front St., W.	Riverview Ave., W.
Garden St.	Park St.
Garden St.	Riverview Ave., W. - Rt. 424
Glenbrook Ct.	Harmony Dr.
Glenwood Ave.	Riverview Ave., W., - Rt. 424
Glenwood Ave.	Rt. 6 & Rt. 24 by-pass
Glenwood Park	Glenwood Ave.
Graceway Dr., E. (S. end)	Graceway Dr., W.

Graceway Dr., E.	Maumee Ave., W.
Graceway Dr., W. (N. end)	Graceway Dr., E.
Graceway Dr., W.	Huddle Rd.
Haley Ave.	Riverview Ave., E. - Rt. 424
Haley Ave.	Woodlawn Ave.
Harmony Dr.	Glenwood Ave.
Harmony Dr., N.	Indiana Ave.
Harmony Dr., N.	Glenwood Ave.
High St.	Haley Ave.
High St.	Lumbard St.
Highland Ave.	Ohio St.
Highland Ave.	Lagrange St.
Highland Ave.	Woodlawn Ave.
Hobson St.	Clinton St., W.
Hobson St.	Front St., E.
Hobson St.	Oakwood Ave.
Hobson St.	Riverview Ave., E.
Hobson St.	Washington St., W.
Huddle Rd.	Maumee Ave., E.
Huddle Rd.	Perry St., S.
Hurst Dr.	Riverview Ave., W.
Hurst Dr.	Jahns Rd.
Independence Dr.	Oakwood Ave.
Independence Dr.	Enterprise Ave.
Indiana Ave.	Woodlawn Ave.
Interchange Dr.	Industrial Dr.
Interstate Dr.	Enterprise Ave.
Jahns Rd.	Riverview Ave., W.
Jefferson St.	Clinton St., E.

Jefferson St.	Front St., E.
Jefferson St.	Washington St., E.
Joliette Dr.	Capri Dr.
Joliette Dr.	Duquesne Dr.
Kenilworth Ave.	Briarheath Ave.
Kenilworth Ave.	Clairmont Ave.
Kenilworth Ave.	Glenwood Ave.
KenJames Ct.	Bonaparte Dr.
Kolbe St.	Scott St.
Kolbe St.	Woodlawn Ave.
Lafayette Dr.	Capri Dr.
Lafayette Dr.	Duquesne Dr.
Lagrange St.	Indiana Ave.
Lakeview Dr.	Oakwood Ave.
Lamar Ln.	Riverview Ave., E. - Rt. 424
Last St.	Beckham St.
Lemans Dr.	Capri Dr.
Leonard St.	Haley Ave.
Leonard St.	Norton Ave.
Lumbard St.	Clinton St.
Lumbard St.	Woodlawn Ave.
Lynne Ave.	Glenwood Ave.
Lynne Ave.	Westmoreland Ave.
Main St., W.	Avon Pl.
Main St., W.	Glenwood Ave.
Main St., W.	Haley Ave.
Main St., E.	Monroe St.
Main St., W.	Perry St., N.
Main St., E.	Stout St.

Main St., W.	Sheffield St.
Maple St.	Clinton St., E.
Maple St.	Fillmore St.
Martha Ln.	Hurst Dr.
Maumee Ln.	Maumee Ave., E.
Meekison St.	Appian Ave.
Meekison St.	Perry St., S.
Melody Ln., W.	Glenwood Ave.
Melody Ln.	Indiana Ave.
Meyerholtz Pk.	Riverview Ave., W.
Michigan Ave.	Lagrange St.
Michigan Ave.	Ohio St.
Michigan Ave.	Woodlawn Ave.
Monroe St.	Fillmore St.
Monroe St.	Front St.
Monroe St.	Oakwood Ave.
Monroe St.	Riverview Ave., E. - Rt. 424
Neward Dr.	Becca Ln.
Neward Dr.	Riverview Ave., W.
North St.	Oakwood Ave.
North St.	Perry St., N.
Northcrest Dr.	Oakwood Ave.
Northcrest Cl.	Northcrest Dr.
Norton Ave.	Main St., W.
Norton Ave.	Park St.
Norton Ave.	Strong St.
Norton Ave.	Welsted St.
Oak St.	Daggett Ave.
Oakdale Dr.	Indiana Ave.

Oakdale Dr.	Glenwood Ave.
Oakwood Ave.	Perry St., N.
Oakwood Park	Oakwood Ave.
Oberhaus Park	Maumee Ave., W.
Ohio St.	Glenwood Ave.
Ohio St.	Scott St.
Old Creek Dr.	Oakwood Dr.
Old School Dr.	Clairmont Ave.
Orchard Ln.	Briarcliff Dr.
Orchard Ln.	Riverview Ave., W.
Orwig Ave.	Main St., W.
Orwig Ave.	Washington St., W.
Orwig Ave.	Welsted St.
Oxford St.	Appian Ave.
Park Ln.	Park St.
Park Pl.	Park St.
Park St.	Glenwood Ave.
Park St.	Riverview Ave., W.
Perry St., N.	Yeager St.
Perry St., N. (Southbound only)	Shelby St.
Pontious Pl.	First St.
Pontious Pl.	Perry St., S.
Railroad St.	Oakwood Ave.
Railroad St.	Perry St., N.
Railroad St.	Scott St.
Raymond St.	Fifth St.
Raymond St.	Perry St., S.
Reiser St.	Monroe St.
Reiser St.	Perry St., N.

Reynolds St.	Ohio St.
Reynolds St.	Woodlawn Ave.
Richmar Ln.	Indiana Ave.
Ritter Park	Riverview Ave., W.
Rohm Dr.	Briarcliff Dr.
Romain St.	Clinton St., W.
Romain St.	Washington St., W.
Rye St.	Yeager St.
Scott St.	Riverview Ave., W. - Rt. 424
Second St.	Barnes Ave., E.
Sedward Ave.	Riverview Ave., W.
Sheffield Ave.	Clinton St., W.
Sheffield Ave.	Riverview Ave., W. - Rt. 424
Sheffield Ave.	Washington St., W.
Sheffield Ave., N.	Lagrange St.
Sheffield Ave., N.	Ohio St.
Sheffield Ave., N.	Woodlawn Ave.
Shelby St.	Hobson St.
Shelby St.	Maple St.
Shelby St.	Monroe St.
Shelby St.	Perry St.
Shelby St.	Scott St.
Short St.	Appian Ave.
Short St.	Cliff St.
Spruce St.	Beckham St.
Spruce St.	Euclid Ave.
Stevenson St.	Carey St.
Stevenson St.	Lagrange St.
Stevenson St.	Ohio St.

Stout St.	Riverview Ave., E. - Rt. 424
Stout St.	Washington St., E.
Strong St.	Haley Ave.
Strong St.	Sheffield Ave.
Sycamore Dr.	Hurst Dr.
Sycamore Dr.	Jahns Rd.
Taylor Dr.	Glenwood Ave.
Thershan Dr.	Becca Dr.
Third St.	Barnes Ave. W.
Third St.	Brownell Ave.
Third St.	Meekison St.
Third St.	Rohrs Ave.
Township Rd., P-3	Maumee Ave., W.
Township Rd. R	Scott St. - Rt. 108
Trail Dr.	Scott St.
Tyler St.	Clinton St., W.
Tyler St.	Washington St., W.
Union St.	Oakwood Ave.
Vincennes Dr.	Duquesne Dr.
Vine St.	Main St., W.
Vine St.	Welsted St.
Vocke St.	Fillmore St.
Vorwerk Park (both entrances)	Riverview Ave., E.
Walnut St.	Daggett Ave.
Washington St., E.	Riverview Ave., E.
Wayne St.	Clinton St., E.
Wayne St.	Main St., E.
Wayne St.	Riverview Ave., E.
Wayne St.	Washington St., E.

Wayne Park Dr.	Riverview Ave., W.
Webster St.	Clinton St., W.
Webster St.	Washington St., W.
Welsted St.	Avon Pl.
Welsted St.	Glenwood Ave.
Welsted St.	Haley Ave.
Welsted St.	Sheffield Ave.
Westchester Ave.	Briarheath Ave.
Westchester Ave.	Glenwood Ave.
Westchester Ave.	Kenilworth Ave.
Westmont Ave.	Briarheath Ave.
Westmont Ave.	Glenwood Ave.
Westmont Ave.	Kenilworth Ave.
Westmoreland Ave.	Woodlawn Ave.
Westwood Ave.	Harmony Dr.
Westwood Ave.	Harmony Dr., N.
Willard St.	Lagrange St.
Willard St.	Ohio St.
Willard St.	Woodlawn Ave.
Wood Dr.	Scott St. (S.R. 108)
Woodlawn Ct.	High St.
Williamsburg Ave.	Becca Ln.
Woodlawn Ct.	Woodlawn Ave.
Yeager St.	Oakwood Ave.

(b) All-Way Stops:

<u>INTERSECTION</u>
Bales Rd./Washington St., W. and Glenwood Ave.
Bales Rd./Westermoreland Ave.

Briarheath Ave. at Clairmont Ave.
Clinton St. at Monroe St.
Clinton St., W. at Norton Ave.
Glenwood Ave. at Woodlawn Ave.
Haley Ave. at Washington St., W.
Industrial Dr. at American Rd.
Indiana St. at Ohio St.
Kenilworth Ave. at Westmont Ave.
Main St., W. at Scott St.
Main St., W. at Webster St.
Main St., E. at Hobson St.
Monroe St. at Washington St.
Norton Ave. at Washington St.
Park St. at Sheffield Ave.
Raymond St. at Third St.
Scott St. at Front St.
Sheffield Ave. at Clinton St.
Third St. at Raymond St.

(c) Yield streets:

YIELD STREET	RIGHT-OF-WAY
Chelsea Ave. (north/south)	Chelsea Ave. (east/west)
Hobson St., (S. approach)	Washington St., E.
Last St.	Euclid St.
Monroe St.	Oakwood Ave.
Buckeye Ln. (eastbound) Buckeye Ln. (westbound)	Rohm Dr. (eastbound)

(d) Signals: Signals shall be at locations below described. The City Manager shall determine the sequencing of signals and may authorize night time flashing of signals and use of turn arrows.

<u>Location</u>	<u>Description</u>
Perry St., S. (St. Rt. 108 at Rohrs St.)	This two (2) phased signal generally “stands on green” for South Perry St.. The Rohrs St. signal is actuated by loop detectors beneath the pavement.
Appian Ave. at Maumee Ave., E. (St. Rt. 110)	This three (3) phase signal controls a three-way intersection with Appian Ave. dead-ending into East Maumee Ave., actuated by loop detectors. The signal generally “stands on green” for through traffic on East Maumee Ave.
Maumee Ave. (St. Rt. 110) at Perry St., S. (St. Rt. 108)	This five (5) phase signal controls a four (4) way intersection actuated by loop detectors. Signal generally “stands on green” for through traffic on South Perry St. An all red phase added to provide for pedestrian traffic.
Perry St., N. at Front St., E. & W.	This two (2) phase signal generally “stands on green” for Perry St. The Front St. signal is actuated by loop detectors.
Perry St., N. (St. Rt. 108) at Riverview Ave. (St. Rt. 424)	This eight (8) phase, fully actuated signal controls a four-way intersection activated by loop detectors. Loop detectors are not provided for the North Perry St., through lanes. The signal generally “stands on green” for through traffic on North Perry St.
Perry St., N. (St. Rt. 108) at Washington St.	This three (3) phase signal controls a four-way intersection actuated by loop detectors which generally “stands on green” for through traffic on North Perry St.
Perry St., N. (St. Rt. 108) at Clinton St.	This three (3) phase signal controls a four-way intersection which is actuated by timed sequencing.
Clinton St. (St. Rt. 108) at Scott St. and Woodlawn Ave.	This four (4) phase signal controls a five-way intersection actuated by loop detectors.
Scott St. at Washington St.	This two (2) phase signal is actuated by timed sequencing to cycle through the intersection.
Scott St. (St. Rt. 108) at Lagrange St.	This three (3) phase signal controls a four (4) way intersection actuated by loop detectors. Signal generally “stands on green” for North Scott St.
Scott St. (St. Rt. 108) at Southern Entrance to Heritage Plaza	This three (3) phase signal controls a four (4) way intersection actuated by loop detectors. Signal generally “stands on green” for through traffic on North Scott St.
Woodlawn Ave. at Clairmont Ave.	This two (2) phase signal generally “stands on green” for Woodlawn Ave. The Clairmont Ave. signal is actuated by loop detectors.
Industrial Drive at Independence Drive	This two (2) phase signal is actuated by timed sequencing to cycle through the intersection.
Industrial Drive at Ramps “A” and “D”	This three (3) phase signal controls a 3-way intersection at Ramps “A” and “D” of the Industrial Drive Interchange. Loop detectors are provided on Ramp “A” for both left and right-through lanes. The signal generally “stands on green” for through traffic on Industrial Drive.

(e) Alleys:

All alleys shall be considered the yield street at all crossings with streets.

RESOLUTION NO. 008-22

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

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

WHEREAS, the City of Napoleon Department of Public Works desires to purchase the necessary materials for its 2022 crack sealing program; and,

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

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

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

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

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

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

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

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

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

Section 7. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 8. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 9. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the purchase process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 008-22 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2022; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, Clerk of Council

RESOLUTION NO. 004-22

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE HOUSING REVOLVING LOAN FUND ADMINISTRATION AGREEMENT BETWEEN THE STATE OF OHIO DEVELOPMENT SERVICES AGENCY AND THE CITY OF NAPOLEON; AND DECLARING AN EMERGENCY

WHEREAS, the State of Ohio Development Services Agency (“Grantor”) through its Office of Community Development (“OCD”), administers the federal Community Development Block Grant Program (“CDBG”) and the HOME Investment Partnerships (“HOME”) Program for the State of Ohio; and,

WHEREAS, the City has been determined to be an eligible recipient of CDBG and/or Home funds; and,

WHEREAS, the Grantor has recognized the positive impact on community development initiatives when the use of program income is locally determined; and,

WHEREAS, the Grantor has permitted the establishment of Housing Revolving Loan Funds within local political subdivisions to meet the primary development goals of: 1) Improving the affordable housing stock; and, 2) Providing for affordable housing needs of low and moderate-income persons in designated areas of the Housing Revolving Loan Fund. **Now Therefore**,

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

Section 1. That, the Council of the City of Napoleon hereby approves the Agreement between the State of Ohio, Development Services Agency and the City of Napoleon known as the “Housing Revolving Loan Fund Administration Agreement” (“Agreement”) as currently on file with the City of Napoleon to cover the period of January 1, 2022 through December 31, 2026; moreover, the City Manager, in and for the City of Napoleon, is authorized to execute the same.

Section 2. That, the Council of the City of Napoleon hereby understands and agrees that participation in the program will require compliance with program guidelines and assurances as outlined in the Agreement and as administered by the State of Ohio, Development Services Agency.

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

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

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the

earliest possible time to allow for timely execution of an agreement that may provide funding for housing to low and moderate income families and may otherwise improve housing availability, all of which are necessary for the immediate preservation of the public peace, health or safety of our citizens; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE: _____ Yea _____ Nay _____ Abstain

ATTEST:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 004-22 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2022; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, Clerk of Council

CITY OF NAPOLEON, OHIO - 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		Rolling 3 Month Average Cost	Less: Fixed Base Power Supply Cost	PSCA Dollar Difference + or (-)	PSCA-Corrt'd. 3 MONTH AVG.FACTOR + Line Loss	Total Residential Cost / kWh For Month
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	
		Actual Billed	Actual Billed w/Cr's	c + prior 2 Mo	d + prior 2 Mo	f / e	\$0.07194 Fixed	g + h	i X 1.075	
Dec'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	0.1239
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	0.1238
Feb' 20	Apr' 20	12,179,274	\$ 1,114,393.10	37,895,903	\$ 3,364,931.26	\$ 0.08879	\$ (0.07194)	\$ 0.01685	\$ 0.01811	0.1262
Mar 20	May 20	11,565,546	\$ 1,098,886.88	36,652,265	\$ 3,365,304.25	\$ 0.09182	\$ (0.07194)	\$ 0.01988	\$ 0.02137	0.1299
Apr 20	June 20	9,957,773	\$ 1,056,718.07	33,702,593	\$ 3,269,998.05	\$ 0.09703	\$ (0.07194)	\$ 0.02509	\$ 0.02697	0.1371
May 20**	July 20	10,376,392	\$ 982,279.17	31,899,711	\$ 3,137,884.12	\$ 0.09837	\$ (0.07194)	\$ 0.02643	\$ 0.02841	0.1365
Jun 20	Aug 20	13,172,159	\$ 1,136,941.54	33,506,324	\$ 3,175,938.78	\$ 0.09479	\$ (0.07194)	\$ 0.02285	\$ 0.02456	0.1330
Jul 20***	Sept 20	15,755,589	\$ 1,211,781.98	39,304,140	\$ 3,331,002.69	\$ 0.08475	\$ (0.07194)	\$ 0.01281	\$ 0.01056	0.1154
Aug 20	Oct 20	14,271,168	\$ 1,182,034.49	43,198,916	\$ 3,530,758.01	\$ 0.08173	\$ (0.07194)	\$ 0.00979	\$ 0.00731	0.1135
Sept 20†	Nov 20	11,744,934	\$ 1,103,481.59	41,771,691	\$ 3,497,298.06	\$ 0.08372	\$ (0.07194)	\$ 0.01178	\$ 0.01266	0.1229
Oct 20	Dec 20	11,645,057	\$ 1,128,722.92	37,661,159	\$ 3,414,239.00	\$ 0.09066	\$ (0.07194)	\$ 0.01872	\$ 0.02012	0.1299
Nov 20	Jan 21	11,652,657	\$ 1,113,624.87	35,042,648	\$ 3,345,829.38	\$ 0.09548	\$ (0.07194)	\$ 0.02354	\$ 0.02531	0.1340
Dec 20	Feb 21	12,648,166	\$ 1,124,907.42	35,945,880	\$ 3,367,255.21	\$ 0.09368	\$ (0.07194)	\$ 0.02174	\$ 0.02337	0.1299
Jan 21	Mar 21	12,962,585	\$ 1,034,448.66	37,263,408	\$ 3,272,980.95	\$ 0.08783	\$ (0.07194)	\$ 0.01589	\$ 0.01708	0.1236
Feb 21	Apr 21	12,300,987	\$ 1,049,227.94	37,911,738	\$ 3,208,584.02	\$ 0.08463	\$ (0.07194)	\$ 0.01269	\$ 0.01364	0.1265
Mar 21	May 21	11,917,978	\$ 1,053,961.87	37,181,550	\$ 3,137,638.47	\$ 0.08439	\$ (0.07194)	\$ 0.01245	\$ 0.01338	0.1237
Apr 21	June 21	10,765,694	\$ 918,047.72	34,984,659	\$ 3,021,237.53	\$ 0.08636	\$ (0.07194)	\$ 0.01442	\$ 0.01550	0.1261
May 21	July 21	11,537,945	\$ 964,238.17	34,221,617	\$ 2,936,247.76	\$ 0.08580	\$ (0.07194)	\$ 0.01386	\$ 0.01490	0.1232
June 21	Aug 21	13,563,554	\$ 1,066,460.78	35,867,193	\$ 2,948,746.67	\$ 0.08221	\$ (0.07194)	\$ 0.01027	\$ 0.01104	0.1166
July 21	Sept 21	14,499,118	\$ 1,106,204.19	39,600,617	\$ 3,136,903.14	\$ 0.07921	\$ (0.07194)	\$ 0.00727	\$ 0.00782	0.1133
Aug 21	Oct 21	15,646,644	\$ 1,212,305.64	43,709,316	\$ 3,384,970.61	\$ 0.07744	\$ (0.07194)	\$ 0.00550	\$ 0.00591	0.1110
Sept 21	Nov 21	12,554,924	\$ 1,097,036.16	42,700,686	\$ 3,415,545.99	\$ 0.07999	\$ (0.07194)	\$ 0.00805	\$ 0.00865	0.1175
Oct 21	Dec 21	12,131,921	\$ 1,125,088.51	40,333,489	\$ 3,434,430.31	\$ 0.08515	\$ (0.07194)	\$ 0.01321	\$ 0.01420	0.1237
Nov 21	Jan 22	12,362,753	\$ 1,135,197.78	37,049,598	\$ 3,357,322.45	\$ 0.09062	\$ (0.07194)	\$ 0.01868	\$ 0.02008	0.1281
****Dec 21	Feb 22	12,816,596	\$ 1,016,008.94	37,311,270	\$ 3,276,295.23	\$ 0.08781	\$ (0.07194)	\$ 0.01587	\$ 0.01706	

** Reduction of \$100,000 from actual invoice from AMP to be taken from reserve as approved by Council to lessen PSCA for month due to COVID-19 Pandemic.


*** reduced PSCAF for Sept 20 from \$0.01377 to \$0.01056 to reflect corrected PSCAF with adjustment for Aug 20 by -\$0.003210 to incorporate the \$100,000 with the three month rolling average

† November 2020 PSCAF is up because the approved credits/adjustments are now off of the three month rolling average

**** Addition of \$344,986.22 from sale of JV5 Recs on February 2022 City Billing Month- AMP December 2021 Power Billing Invoice

PSCAF - Preparers Signature:

Name - Lori A. Rausch, Utility Billing Administrator

Signature:  1-24-22

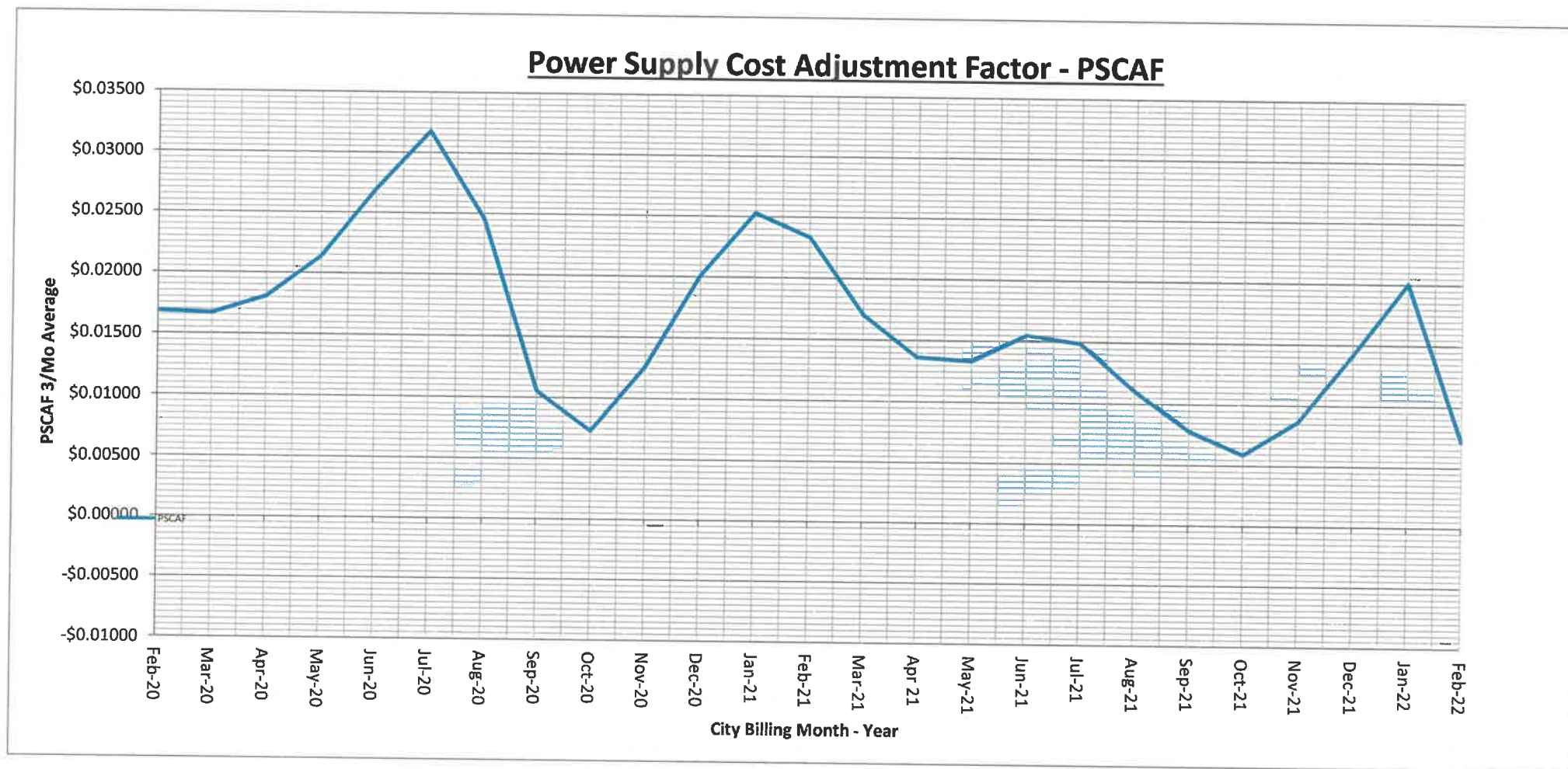
Signature Date

PSCAF - Reviewers Signature:

Name - Kevin L. Garringer, Finance Director

Signature:  1-24-22

Signature Date





AMERICAN MUNICIPAL POWER, INC.
1111 Schrock Rd, Suite 100
COLUMBUS, OHIO 43229
PHONE: (614) 540-1111
FAX: (614) 540-1078

INVOICE NUMBER: 1002469
INVOICE DATE: 14-JAN-22
DUE DATE: 31-JAN-22
TOTAL AMOUNT DUE: \$671,022.72
CUSTOMER NUMBER 5020
CUSTOMER P.O. #:

City of Napoleon
255 West Riverview Avenue
P.O. Box 151
Napoleon, OH 43545-0151

MAKE CHECK PAYABLE TO AMP.
DIRECT INVOICE QUESTIONS TO BILLING@AMPPARTNERS.ORG

City of Napoleon Power Billing – December, 2021

Municipal Peak:	21,866	kW
Total Metered Energy:	12,877,718	kWh

Total Power Charges:	\$618,318.92
Total Transmission/Capacity/Ancillary Services:	\$387,566.13
Total Other Charges:	\$10,123.89
Total Miscellaneous Charges:	-\$344,986.22

TOTAL CHARGES	\$671,022.72
----------------------	---------------------

*To avoid a delayed payment charge, payment must be made to provide available funds for use by AMP on or before the due date.

Wire or ACH Transfer Information:

Huntington National Bank
Columbus, Ohio
Account No. 0189-2204055
ABA: #44 000024

Mailing Address:

AMP Inc.
Department L614
Columbus, OH 43260

BILLING SUMMARY AND CONS

2022 - FEBRUARY BILLING WITH DECEMBER 2

PREVIOUS MONTH'S POWER BILLS - PU

DATA PERIOD

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

	=====WIND=====		=====SOLAR=====		=====TRANSMISSION, SERVICE FEES & MISC. CONTRACTS=====				
	NYPH	JV-5	JV-6	AMP SOLAR	EFFNCY.SMART	TRANSMISSION	SERVICE FEES	MISCELLANEOUS	TOTAL -
	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) ->	662,800	2,297,472	22,182	45,009	0	0	0	0	12,994,025
Delivered kWh (Off Peak) ->									421,808
Delivered kWh (Replacement/Losses/Offset) ->		33,484							33,484
Delivered kWh/Sale (Credits) ->									-632,722
Net Total Delivered kWh as Billed ->	662,800	2,330,956	22,182	45,009	0	0	0	0	12,816,595
Percent % of Total Power Purchased->	5.1714%	18.1870%	0.1731%	0.3512%	0.0000%	0.0000%	0.0000%	0.0000%	100.0002%
								Verification Total ->	100.0000%
COST OF PURCHASED POWER:									
DEMAND CHARGES (+Debits)									
Demand Charges	\$3,839.83	\$19,352.04	\$1,122.30		\$0.00	\$188,399.76			\$473,713.02
Debt Services (Principal & Interest)		\$55,381.81							\$213,263.20
DEMAND CHARGES (-Credits)									
Transmission Charges (Demand-Credits)		-\$19,255.26							-\$71,027.88
Capacity Credit	-\$4,890.05	-\$16,142.51	-\$189.54						-\$141,706.43
Sub-Total Demand Charges	-\$1,050.22	\$39,336.08	\$932.76	\$0.00	\$0.00	\$188,399.76	\$0.00	\$0.00	\$474,241.91
ENERGY CHARGES (+Debits):									
Energy Charges - (On Peak)	\$14,188.33	\$43,092.15		\$1,845.82	\$0.00	\$5,905.65			\$293,756.63
Energy Charges - (Replacement/Off Peak)									\$11,990.10
Net Congestion, Losses, FTR	\$818.08								\$14,121.02
Transmission Charges (Energy-Debits)				-\$3,379.41					\$49,170.95
ESPP Charges					\$19,920.07				\$19,920.07
Bill Adjustments (General & Rate Levelization)									-\$28,158.17
ENERGY CHARGES (-Credits or Adjustments):									
Energy Charges - On Peak (Sale or Rate Stabilization)									\$586.87
Net Congestion, Losses, FTR				-\$2,944.32	\$0.00				-\$2,944.32
Bill Adjustments (General & Rate Levelization)	\$1,486.24							-\$344,986.22	-\$365,046.95
Sub-Total Energy Charges	\$16,492.65	\$43,092.15	\$0.00	-\$4,477.91	\$19,920.07	\$5,905.65	\$0.00	-\$344,986.22	-\$6,603.80
TRANSMISSION & SERVICE CHARGES, MISC.:									
RPM / PJM Charges Capacity - (+Debit)						\$193,260.72			\$193,260.72
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)							\$2,654.81		\$2,654.81
Service Fees AMP-Part B - (+Debit/-Credit)							\$7,469.08		\$7,469.08
Other Charges & Bill Adjustments - (+Debit/-Credit)									\$0.00
Sub-Total Service Fees & Other Charges	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$193,260.72	\$10,123.89	\$0.00	\$203,384.61
TOTAL NET COST OF PURCHASED POWER	\$15,442.43	\$82,428.23	\$932.76	-\$4,477.91	\$19,920.07	\$387,566.13	\$10,123.89	-\$344,986.22	\$671,022.72
Percent % of Total Power Cost->	2.3013%	12.2840%	0.1390%	-0.6673%	2.9686%	57.7575%	1.5087%	-51.4120%	100.000%
Purchased Power Resources - Cost per KWH->	\$0.023299	\$0.035362	\$0.042050	-\$0.099489	\$0.000000	\$0.000000	\$0.000000	\$0.000000	\$0.052356
								Verification Total ->	\$0.223542
									\$0.223542
									\$0.223542

(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, Ohio
Kevin Schultheis, Zoning Administrator
Code Enforcement

255 West Riverview
Napoleon, OH 43545
Telephone: (419) 592-4010 Fax: (419) 599-8393
www.napoleonohio.com

PC-22-01
Subdivision in City
For a Recommended Lankenau Properties Subdivision
Location: Parcel Number: 41149185.0020, German Mutual Insurance
Memorandum

To: Members of the City Planning Commission
From: Kevin Schultheis, Zoning Administrator / Code Enforcement Officer
Subject: Subdivision of plat in the City
Meeting Date: February 8, 2022 @ 1700 Hrs.
Hearing #: PC-22-01

Background:

An application for a public hearing has been filed by The representative, Steve Lankenau on behalf of German Mutual Insurance Company (Goodville Insurance Company), The applicant is requesting the approval of a subdivision as being part of the W ½ of the NW ¼ of Section 14, Also Known as being lot 1 of German Mutual Subdivision T5N-R6E, City of Napoleon, Henry County, Ohio. The request is pursuant to Chapter 1141 of the Codified ordinance of Napoleon, Ohio. The property is located in a C-3 Local Commercial District.

Research and Findings:

1. A Subdivision in City Permit is for any planned development to be located in the C-3 Local Commercial District as per 1145.01(a) table of permissible uses.
2. Scope of the project: Proposed Lankenau Properties Subdivision of lot, being a part of Lot 1 of 6.047 acres to lot 2 to 3.437 Acres. Lot 1 of the subdivision of 1.364 acres, Lot 3 of the subdivision .656 Acres, and Lot 4.590 Acres as being part of German mutual Subdivision PT.PN 41-149185.0020, Napoleon Township. (see attached)

Recommended Conditions:

1. All revisions made to plans by the surveyor of the project must be reviewed by the City Engineer, Chad Lulfs prior to approval by the Board of Planning Commission.

Legal Descriptions:

1. Lot one (1) 1.364 Acres part of the W 1/2of The NW1/4of section 14, also known as being lot 1 of German Mutual Subdivision, T5N-R6E, City of Napoleon, Township of Napoleon, Henry County, Ohio.
2. Lot two (2) Formerly Lot one (1) 3.437 Acres part of the W 1/2of The NW1/4of section 14, also known as being lot 1 of German Mutual Subdivision, T5N-R6E, City of Napoleon, Township of Napoleon, Henry County, Ohio.
3. Lot three (3) .656 Acres part of the W 1/2of The NW1/4of section 14, also known as being lot 1 of German Mutual Subdivision, T5N-R6E, City of Napoleon, Township of Napoleon, Henry County, Ohio.
4. Lot four (4) .590 Acres part of the W 1/2of The NW1/4of section 14, also known as being lot 1 of German Mutual Subdivision, T5N-R6E, City of Napoleon, Township of Napoleon, Henry County, Ohio.

Kevin Schultheis, Zoning Administrator / Code Enforcement Officer

Application for Public Hearing
City of Napoleon, Ohio

I/We hereby request a public hearing to consider the following:

Planning Commission (MZON 100.1700.46690)	Preservation Commission (MZON 100.1700.46690)	Board of Zoning Appeals (MZON 100.1700.46690)
<input type="checkbox"/> Conditional Use \$125.00	<input type="checkbox"/> Certificate of Appropriateness \$25.00	<input type="checkbox"/> Certificate of Zoning \$25.00
<input type="checkbox"/> Amendment \$125.00		<input type="checkbox"/> Re-Zoning \$125.00
<input checked="" type="checkbox"/> Subdivision in City \$75.00 + \$5.00 each, after two		<input type="checkbox"/> Variance \$125.00
<input type="checkbox"/> Preliminary Plat of Development \$125.00		<input type="checkbox"/> Administrative Appeal \$50.00
<input type="checkbox"/> Alley Vacation \$25.00 + publication cost		

Address of property: 1000 Westmoreland

Description of request: commercial
Splitting off 3 lots from original parcel.
(Completed survey to be submitted by Bockrath early January)
Goodville Insurance

OWNER(S) NAME (PRINT)
1000 Westmoreland

ADDRESS- CITY, STATE, ZIP
419-784-6291 (Agent for owner: Steve Lankran)

PHONE NUMBER
S. Lankran

SIGNATURE

***Public hearings are held on the second Tuesday of each month; this petition must be filed with the Zoning Administrator thirty (30) days before the public hearing date. All plans, plats, deeds and other requested information must accompany this application before the hearing will be scheduled. ***

APPLICANT MUST BE AN OWNER OR AN AUTHORIZED REPRESENTATIVE EVIDENCED BY LETTER OF APPOINTMENT.

APPLICANT NAME (PRINT) ADDRESS

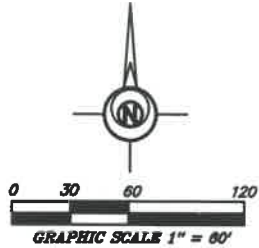
APPLICANT SIGNATURE CITY, STATE, ZIP

Hearing #: PHONE
Hearing Date: Zoning District:

Office Use Only		
Batch #	Check #	Date

LANKENAU PROPERTIES SUBDIVISION

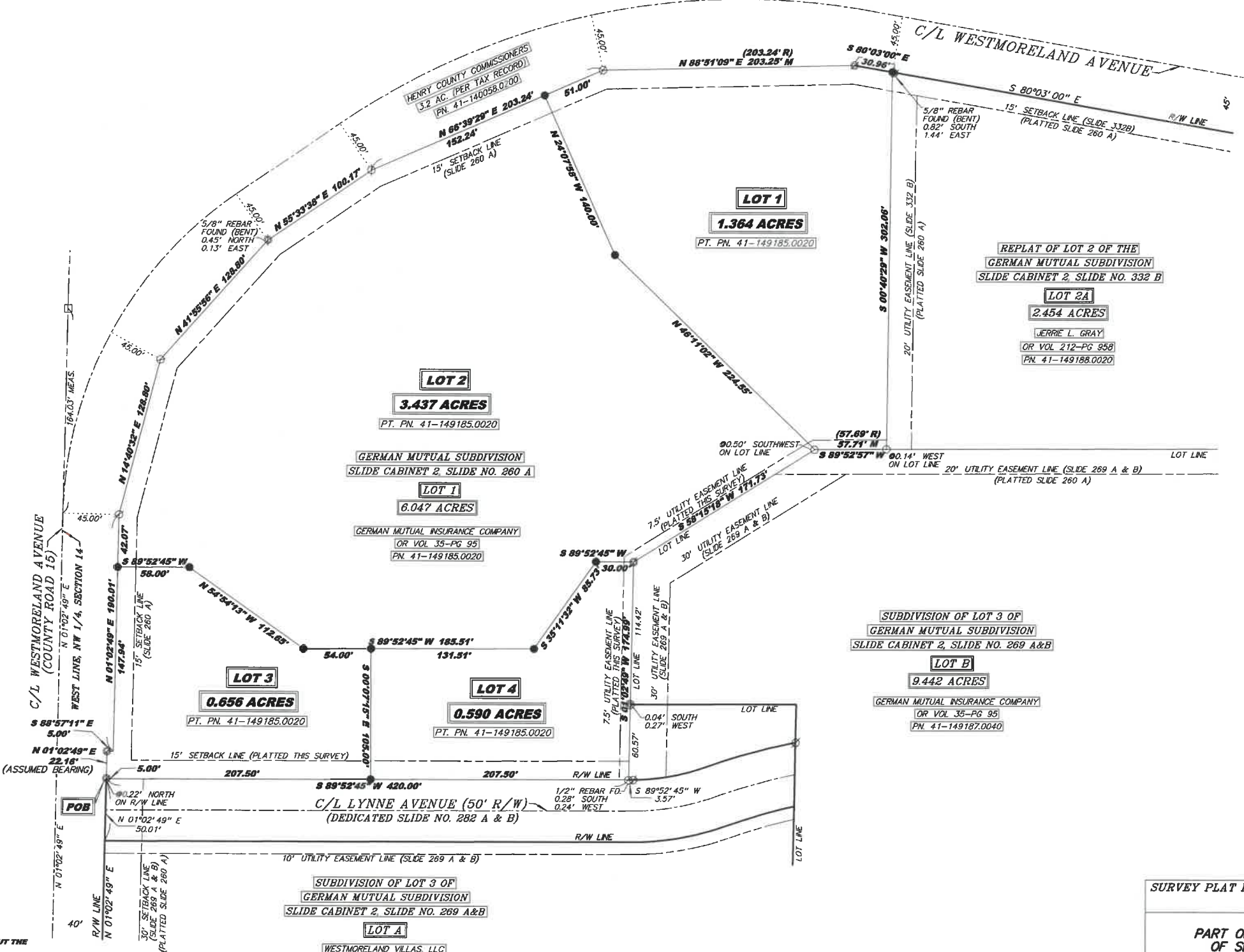
PART OF THE W 1/2 OF THE NW 1/4
OF SECTION 14, ALSO KNOWN AS
BEING LOT 1 OF GERMAN MUTUAL SUBDIVISION
(SLIDE CABINET 2, SLIDE 260 A),
T5N - R6E, CITY OF NAPOLEON,
HENRY COUNTY, OHIO



LEGEND

- 5/8" REBAR WITH ID CAP SET
- 5/8" REBAR WITH ID CAP FOUND
- ⊙ 5/8" REBAR FOUND
- ⊗ 1/2" REBAR WITH ID CAP FOUND
- 1/2" REBAR FOUND
- CONCRETE MONUMENT FOUND
- POB POINT OF BEGINNING
- R RECORDED
- M MEASURED

NOTE: SURVEY BEARINGS BASED ON
OHIO NORTH ZONE STATE PLANE
COORDINATES OBTAINED FROM THE
OHIO DOT VRS NETWORK



THIS SURVEY WAS PERFORMED WITHOUT THE
BENEFIT OF A TITLE EXAMINATION. BEYOND
THE DEED DOCUMENTS CITED ON THE SURVEY
DRAWING THERE MAY BE RECORDED OR UN-
RECORDED EASEMENTS AND/OR
ENCUMBRANCES BENEFITING OR ENCUMBERING
THE SURVEYED PROPERTY WHICH ARE NOT
SHOWN ON THIS DRAWING.



SURVEY PLAT FOR:

STEVE LANKEAU

PART OF THE W 1/2 OF THE NW 1/4
OF SECTION 14, ALSO KNOWN AS
BEING LOT 1 OF GERMAN MUTUAL SUBDIVISION
(SLIDE CABINET 2, SLIDE 260 A),
T5N - R6E, CITY OF NAPOLEON,
HENRY COUNTY, OHIO

BOCKRATH & ASSOCIATES
ENGINEERING and SURVEYING, LLC
115 S. FAIR AVENUE SUITE A - OTTAWA, OH 45875
PHONE: 419-523-5789 - FAX: 419-523-5799

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LANKENAU PROPERTIES SUBDIVISION

PART OF THE W 1/2 OF THE NW 1/4
OF SECTION 14, ALSO KNOWN AS
BEING LOT 1 OF GERMAN MUTUAL SUBDIVISION
(SLIDE CABINET 2, SLIDE 260 A),
T5N - R6E, CITY OF NAPOLEON,
HENRY COUNTY, OHIO

LEGAL DESCRIPTION

LOTS 1, 2, 3, 4 & 5

6.047 ACRES
Situating as being part of the West Half of the Northwest Quarter of
Section 14, also known as being all of Lot 1 of German Mutual
Subdivision as recorded in Slide 260 A of the Henry County
Record of Plats, Township 5 North, Range 6 East, City of
Napoleon, Henry County, Ohio, also being part of a tract of land as
recorded in Official Record Volume 35, Page 95 of the Henry
County Deed Records and more particularly described as follows:

Beginning at a point marking the Southwest corner of Lot 1 of
German Mutual Subdivision as recorded in Slide 260 A of the
Henry County Record of Plats, also marking the Northwest corner
of Lynne Avenue as dedicated in Slide 282 A & B of the Henry
County Record of Plats and being on the East right-of-way line of
Westmoreland Avenue (County Road 15) and the POINT OF
BEGINNING;

Thence along the Easterly and Southerly right-of-way line of
Westmoreland Avenue (County Road 15) the following nine (9)
courses:

North 01°02' 49" East a distance of 22.16 feet to a 5/8 inch rebar
found and passing a 5/8 inch rebar found at 0.22 feet;

South 88°57' 11" East a distance of 5.00 feet to a point;

North 01°02' 49" East a distance of 190.01 feet to a 5/8 inch rebar
found and passing a 5/8 inch rebar with ID cap set at 147.94 feet;

North 14°40' 32" East a distance of 128.80 feet to a 5/8 inch rebar
with ID cap found;

North 41°55' 56" East a distance of 128.80 feet to a point
(referenced by a 5/8 inch rebar found (bent) lying 0.45 feet North
and 0.13 feet East of said point);

North 55°33' 38" East a distance of 100.17 feet to a 5/8 inch rebar
with ID cap found;

North 66°39' 29" East a distance of 203.24 feet to a 5/8 inch rebar
with ID cap found and passing a 5/8 inch rebar with ID cap set at
152.24 feet;

North 88°51' 09" East a distance of 203.25 feet to a 5/8 inch rebar
found;

South 80°03' 00" East a distance of 30.96 feet to a 5/8 inch rebar
with ID cap set marking the Northwest corner of Lot 2A of the
Replat of Lot 2 of the German Mutual Subdivision as recorded in
Slide 332 B of the Henry County Record of Plats;

Thence South 00°40' 29" West along the West line of said Lot 2A a
distance of 302.06 feet to a point on the North line of Lot B of the
Subdivision of Lot 3 of German Mutual Subdivision as recorded in
Slide 269 A&B of the Henry County Record of Plats;

Thence along the perimeter of said Lot B the following two (2)
courses:

South 89°52' 57" West a distance of 57.71 feet to a point and
passing a 1/2 inch rebar found at 0.14 feet;

South 58°15' 18" West a distance of 171.73 feet to a 5/8 inch rebar
found and passing a 1/2 inch rebar found at 0.50 feet;

Thence South 01°02' 49" West along the perimeter of said Lot B
and Lot A of the Subdivision of Lot 3 of German Mutual
Subdivision as recorded in Slide 269 A&B of the Henry County
Record of Plats a distance of 174.99 feet to a point marking the
Southeast corner of Lot 1 of German Mutual Subdivision as
recorded in Slide 260 A of the Henry County Record of Plats, also
being on the North right-of-way line of Lynne Avenue as dedicated
in Slide 282 A & B of the Henry County Record of Plats
(referenced by a 1/2 inch rebar found lying 0.28 feet South and
0.24 feet West of said point);

Thence South 89°52' 45" West along said North right-of-way line
of Lynne Avenue and the South line of said Lot 1 a distance of
420.00 feet to the POINT OF BEGINNING, said tract containing
6.047 acres of land, more or less.

Subject to all legal highways, easements, and restrictions of use
whether apparent and/or of record and is from an actual survey
performed in January, 2022, under the supervision of Ohio
Professional Surveyor Gregory A. Bockrath, Ohio Surveyor No.
8306.

Note: The bearings used in this description are on an assumed
meridian assuming the East right-of-way line of Westmoreland
Avenue (County Road 15) to be North 01°02' 49" East and are for
the purpose of angle determination only.



SURVEY PLAT FOR:

STEVE LANKENAU

PART OF THE W 1/2 OF THE NW 1/4
OF SECTION 14, ALSO KNOWN AS
BEING LOT 1 OF GERMAN MUTUAL SUBDIVISION
(SLIDE CABINET 2, SLIDE 260 A),
T5N - R6E, CITY OF NAPOLEON,
HENRY COUNTY, OHIO

BOCKRATH & ASSOCIATES
ENGINEERING and SURVEYING, LLC
115 S. FAIR AVENUE SUITE A - OTTAWA, OH 43875
PHONE: 419-523-5789 - FAX: 419-523-5799

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LANKENAU PROPERTIES SUBDIVISION

PART OF THE W 1/2 OF THE NW 1/4
 OF SECTION 14, ALSO KNOWN AS
 BEING LOT 1 OF GERMAN MUTUAL SUBDIVISION
 (SLIDE CABINET 2, SLIDE 260 A),
 T5N - R6E, CITY OF NAPOLEON,
 HENRY COUNTY, OHIO

OWNERS ACKNOWLEDGMENT

KNOW ALL MEN BY THESE PRESENTS:
 THAT I/WE _____ THE UNDERSIGNED OWNER/S OF THE AFORESAID DESCRIBED
 LANDS DO HEREBY APPROVE OF THE ACCOMPANYING MAP AS SHOWN HEREON, AND DO DESIRE THE SAME TO BE
 PLACED ON PUBLIC RECORD ON THIS _____ DAY OF _____, 2022.
 OWNER/S: _____

STATE OF OHIO,
 COUNTY OF HENRY, SS:
 ON THIS _____ DAY OF _____, 2022, BEFORE ME PERSONALLY APPEARED
 _____ WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT
 _____ EXECUTED THE SAME AS _____ FREE ACT AND DEED.
 NOTARY PUBLIC
 MY COMMISSION EXPIRES: _____

PLANNING COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 711 OF THE OHIO REVISED CODE
 AND CHAPTER 1105 OF THE NAPOLEON CODE OF ORDINANCES, THIS PLAT IS
 HEREBY APPROVED BY THE PLANNING COMMISSION OF THE CITY OF NAPOLEON,
 OHIO.
 DATED _____ CHAIRMAN _____

 CLERK OF COUNCIL

CITY COUNCIL CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 711 OF THE OHIO REVISED CODE
 AND CHAPTER 1105 OF THE NAPOLEON CODE OF ORDINANCES, THIS PLAT IS
 HEREBY APPROVED BY THE CITY COUNCIL OF THE CITY OF NAPOLEON,
 OHIO.
 DATED _____ MAYOR _____

 CLERK OF COUNCIL

HENRY COUNTY AUDITOR'S CERTIFICATE

I, THE HENRY COUNTY AUDITOR DO HEREBY CERTIFY THAT THERE ARE NO
 UNPAID TAXES ON THE PROPERTY HEREIN DESCRIBED AND CERTIFY THE
 SAME FOR TRANSFER.
 TRANSFERRED THIS _____ DAY OF _____, 2022.

 HENRY COUNTY AUDITOR

HENRY COUNTY RECORDER'S CERTIFICATE

I, THE HENRY COUNTY RECORDER DO HEREBY CERTIFY THAT THIS PLAT
 HAS BEEN RECEIVED FOR RECORD AT _____ O' CLOCK _____ M AND RECORDED ON
 SLIDE _____ THIS _____ DAY OF _____, 2022.
 FEE \$ _____

 HENRY COUNTY RECORDER

CITY ENGINEER'S CERTIFICATE

IN ACCORDANCE WITH OHIO R.C. 711.08, THE UNDERSIGNED BEING THE
 ENGINEER FOR THE CITY OF NAPOLEON, OHIO HEREBY APPROVES THIS
 PLAT AS SHOWN.
 DATED _____ CITY ENGINEER _____

DEDICATION CERTIFICATE

I, THE UNDERSIGNED, OWNER OF THE REAL ESTATE HEREIN DESCRIBED DO HEREBY
 APPROVE THIS, AND DO HEREBY ASSENT TO THE ADOPTION OF THIS SUBDIVISION PLAT
 AND DO HEREBY DEDICATE THE STREET RIGHT-OF-WAYS AND UTILITY EASEMENTS AND
 APPURTENANCES THEREIN TO PUBLIC USE.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THIS TO BE A SURVEY MADE UNDER MY SUPERVISION
 AND THAT THE MONUMENTS ARE FOUND AND/OR SET AS INDICATED.



Gregory A. Bockrath, P.S.
 Registered Surveyor No. 8306.
 115 S. Fair Avenue, Suite A
 Ottawa, Ohio 45875
 419-523-5789

THIS PLAT REPRESENTS AN ACTUAL FIELD SURVEY
 PERFORMED IN JANUARY OF 2022.

FILE NAME: 21-488_LANKENAU_1-11-22.oc DATE: 1/11/22

SURVEY PLAT FOR: STEVE LANKENAU	
PART OF THE W 1/2 OF THE NW 1/4 OF SECTION 14, ALSO KNOWN AS BEING LOT 1 OF GERMAN MUTUAL SUBDIVISION (SLIDE CABINET 2, SLIDE 260 A), T5N - R6E, CITY OF NAPOLEON, HENRY COUNTY, OHIO	
BOCKRATH & ASSOCIATES ENGINEERING and SURVEYING, LLC 115 S. FAIR AVENUE SUITE A - OTTAWA, OH 45875 PHONE: 419-523-5789 - FAX: 419-523-5799	<div>3</div> <div>3</div>



City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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

www.napoleonohio.com

Memorandum

To: Joel L. Mazur, City Manager
From: Chad E. Lulfs, P.E., P.S., Director of Public Works
cc: City Council & Mayor
Kevin Garringer, City Finance Director
Tony Cotter, Parks & Recreation Director
Roxanne Dietrich, Clerk of Council
Date: February 18, 2022
Subject: Ritter Park Boat Ramp Replacement ~
Recommendation of Award

On Wednesday, February 16, 2022, bids were opened and read aloud for the above referenced project. Three bids were submitted and read as follows:

<u>Bidder</u>	<u>Base Bid</u>
Burk Excavating, L.L.C.	\$48,472.00
R.G. Zachrich Construction, Inc.	\$84,775.50
The Delventhal Company (Invalid Bid)	

The Engineer's Estimate for this project is \$50,000.00. This project consists of replacing a portion of the existing concrete boat ramp (above the mean high-water line).

Having reviewed the bids, it was determined that Article 5.2 – Review of Low Bid applies to this situation:

5.2.1 No Bidder shall be best if the Bidder's bid is more than twenty percent (20%) below the median of all higher bids received for a Contract where the estimate is \$100,000 or more, and no Bidder shall be best if the Bidder's bid is more than twenty-five percent (25%) below the median of all higher bids received for a Contract where the estimate is less than \$100,000, unless the following procedures are followed.

5.2.1.1 "The Architect/Engineer conduct an interview with the Bidder to determine what, if anything, has been overlooked in the bid, and to analyze the process planned by the Bidder to complete the Work. The Architect/Engineer shall submit a written summary of the interview to the Authorized Representative." **Completed**

5.2.1.2 "The Bidder submits to the City a certified financial statement and a list of recent public contracts which the Bidder has performed." **Pending Submittal**

5.2.1.3 The City reviews and approves the Bidder as the best pursuant to subparagraph IB 3.5.”
Completed

5.2.1.4 The City notifies the Bidder’s Surety in writing that the Bidder with whom the City intends to enter a Contract submitted a bid determined to be substantially lower than the median of all higher bids.” *Pending Submittal*

Per my review, the bid discrepancy is due to the extremely high bid submitted by R.G. Zachrich Construction, Inc. and not because of the amount bid by Burk Excavating, L.L.C. **It is my recommendation that Council award the Ritter Park Boat Ramp Replacement Project in the amount of \$48,472.00 pending submittal of the required additional information.** 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

www.napoleonohio.com

Memorandum

To: Joel L. Mazur, City Manager
From: Chad E. Lulfs, P.E., P.S., Director of Public Works
cc: City Council & Mayor
Kevin Garringer, City Finance Director
Jeff Rathge, Operations Superintendent
Roxanne Dietrich, Clerk of Council
Date: February 16, 2022
Subject: S.R. 110 Waterline Extension ~ Recommendation of Award

On Wednesday, February 16, 2022, bids were opened and read aloud for the above referenced project. Four bids were submitted and read as follows:

<u>Bidder</u>	<u>Base Bid</u>
Bryan Excavating, L.L.C.	\$105,820.50
B. Hill'z Excavating, Inc.	\$120,316.00
Vernon Nagel, Inc.	\$122,275.00
John Palmer Excavating, Inc.	\$127,737.49

The Engineer's Estimate with 10% Contingency for this project is \$130,000.00. This project consists of extending the existing waterline on S.R. 110 to the east to connect to the existing waterline underneath the Industrial Drive River Bridge.

Since this project was included in the City of Napoleon's Master Bid Ordinance, I request that Council pass a simple motion to award Bryan Excavating, L.L.C. the contract for the S.R. 110 Waterline Extension in the amount of \$105,820.50. If you have any questions or require additional information, please contact me at your convenience.

CEL

City of Napoleon, Ohio

TREE COMMISSION

MEETING AGENDA

Monday, February 21, 2022 at 6:00 pm

City Building, 255 West Riverview Avenue, Napoleon, Ohio

1. Call to Order
2. Approval of January 17, 2022 meeting minutes (in the absence of any objections or corrections, the minutes shall stand approved)
3. Review Tree Call Reports
4. Award Spring Removals Contract
5. Award Spring Plantings Contract
6. Plan Arbor Day Observation
7. Adjournment.


Roxanne Dietrich - Clerk



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Memorandum

To: Mayor and City Council, City Manager, City
Finance Director, Law Director, Department
Supervisors, News media
From: Roxanne Dietrich, Clerk
Date: February 18, 2022
Subject: Parks & Recreation Committee – Cancellation

The regularly scheduled meeting of the Parks and Recreation Committee for Monday, February 21, 2022 at 6:00 pm has been CANCELED due to lack of agenda items.



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Memorandum

To: Civil Service Commission
cc: Mayor and City Council, City Manager, City Finance
Director, Law Director, Department Supervisors,
News Media
From: Roxanne Dietrich, Clerk
Date: February 18, 2022
Subject: Civil Service Commission – Cancellation

Due to lack of agenda items, the **CIVIL SERVICE COMMISSION** meeting scheduled for Tuesday, February 22, 2022 at 4:30 pm has been *canceled*.

City of Napoleon, Ohio
PARKS AND RECREATION BOARD

MEETING AGENDA

Wednesday, February 23, 2022 at 6:30 pm

Location ~ Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

1. Call to Order
2. Organization of Board Members
3. Approval of Minutes October 27, 2021 (in the absence of any objections or corrections, the minutes shall stand approved)
4. Discussion and/or Action on Golf Course Rates and Fees
5. Discussion and/or Action on 2021 Parks and Recreation Service Award
6. Miscellaneous

Roxanne Dietrich

Roxanne Dietrich ~ Clerk