



City of Napoleon, Ohio

255 West Riverview Avenue - P.O. Box 151
Napoleon, OH 43545
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GENERAL INFORMATION

May 2, 2022

CALENDAR

7:00 PM – City Council Meeting

APPROVAL OF MINUTES

April 18, 2022, Regular Council Meeting Minutes

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 020-22**, an Ordinance Approving the Renewal of Agricultural District(s) located in the City of Napoleon, Ohio as applied for by Michael W. Adams, Trustee; and declaring an Emergency *(Suspension Requested)*
2. **Ordinance No. 021-22**, an Ordinance Approving the Renewal of Agricultural District(s) located in the City of Napoleon, Ohio as applied for by Keith Fruchey; and declaring an Emergency *(Suspension Requested)*
3. **Ordinance No. 022-22**, an Ordinance Approving the Renewal of Agricultural District(s) located in the City of Napoleon, Ohio as Applied for by James F. Homan, et al.; and declaring an Emergency *(Suspension Requested)*
4. **Ordinance No. 023-22**, an Ordinance Approving the Renewal of Agricultural District(s) located in the City of Napoleon, Ohio as applied for by KKKBE Properties, LLC; and declaring an Emergency *(Suspension Requested)*
5. **Ordinance No. 024-22**, an Ordinance Approving the Renewal of Agricultural District(s) located in the City of Napoleon, Ohio as Applied for by Diane M. Lankenau; and declaring an Emergency *(Suspension Requested)*
6. **Ordinance No. 025-22**, an Ordinance Approving the Renewal of Agricultural District(s) located in the City of Napoleon, Ohio as Applied for by Rocky, LLC.; and declaring an Emergency *(Suspension Requested)*
7. **Ordinance No. 026-22**, an Ordinance Approving the Renewal of Agricultural District(s) located in the City of Napoleon, Ohio as Applied for by Kenneth W. Vorwerk, et al.; and declaring an Emergency *(Suspension Requested)*
8. **Ordinance No. 027-22**, an Ordinance Approving a certain Agricultural District located in the City of Napoleon, Ohio at the Location of R-056 County Road 13A, as applied for by American Road Holdings, LLC.; and declaring an Emergency *(Suspension Requested)*

SECOND READINGS OF ORDINANCES AND RESOLUTIONS

THIRD READINGS OF ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 012-22**, an Ordinance Authorizing ODOT to Work within City Limits for Repainting the Route 6 Overpass on Glenwood Avenue; and declaring an Emergency
2. **Ordinance No. 015-22**, an Ordinance Establishing a Fund to be titled OneOhio Subdivision Settlement Allocation Fund as required pursuant to the July 21, 2021 National Opioid Settlement Agreement and the OneOhio Subdivision Settlement; and declaring an Emergency

GOOD OF THE CITY (Discussion/Action)

1. Recommendation for Council to Opt Out of HB172 regarding Fireworks and to stay with our rules (direct Law Director to draft legislation)
 - Attached is a copy of the information the Law Director passed out to the committee at their meeting last Monday night.
2. to Award the Haley Avenue SSO Removal Project
 - enclosed Chad's memorandum with recommendation of award
3. Regarding Transfer of Property to the CIC (direct Law Director to draft legislation)
4. CCHC Grant Application (direct the Law Director to draft legislation).
 - Included in your packet is a Memorandum from Joel regarding this item
5. Purchase of Pickup Truck for Engineering Department from State Contract
 - a Memorandum from Chad is attached on this purchase

EXECUTIVE SESSION (Pending or Imminent Court Action)

INFORMATIONAL ITEMS

1. Canceled – Technology Committee
2. Invitation from VFW Post 8218 to participate in **MEMORIAL DAY SERVICES** on Monday, May 30, 2022 at 10:00 am
3. Reminder if you would like to attend the OML Summer Regional Conference in Findlay on August 5th, to please let me know so I can get you registered. Councilman Baer has notified me he will be attending.

May 2022

◀ Apr 2022

Jun 2022 ▶

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 6:45 pm Public Hearing/Ag Districts 7:00 pm City Council	3	4	5	6	7
8	9 6:30 pm Electric Committee Board of Public Affairs 7:00 pm Water/Sewer Comm. 7:30 pm Municipal Properties Committee	10 5:00 pm Planning Commission	11	12	13	14 9:00 am – Special Civil Service Commission Meeting (Police Physical Agility Testing)
15	16 6:00 pm Tree Commission 6:00 pm Park Rec Committee 7:00 pm City Council	17	18	19	20	21
22	23 6:30 pm – Finance and Budget Committee 7:30 pm – Safety and Human Resources Committee	24 4:30 pm Civil Service Commission	25 6:30 pm Park and Rec Board	26	27	28
29	30 Memorial Day Holiday City Offices Closed	31				

City of Napoleon, Ohio
CITY COUNCIL
SPECIAL MEETING AGENDA


Monday, May 02, 2022 at 6:45 pm

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

A. Public Hearing

1. An Application for Placement of Farmland in an Agricultural District filed by James F. Homan for 31.1000 acres.
2. An Application for Placement of Farmland in an Agricultural District filed by KKKBE Properties, LLC for 38.0600 acres, 77.9000 acres and 2.6700.
3. An Application for Placement of Farmland in an Agricultural District filed by Kenneth W. Vorwerk for 48.9100 acres.
4. An Application for Placement of Farmland in an Agricultural District filed by Rocky, LLC for 6.0700 acres.
5. An Application for Placement of Farmland in an Agricultural District filed by Diane M. Lankenau for 13.2200 acres.
6. An Application for Placement of Farmland in an Agricultural District (ORC Section 929.02) filed by Michael W. Adams for 9.0900 acres.
7. An Application for Placement of Farmland in an Agricultural District (ORC Section 929.02) filed by Keith Fruchey for 6.3100.
8. An Application for Placement of Farmland in an Agricultural District (ORC Section 929.02) filed by American Road Holdings, LLC for 7.26 acres.

B. Adjournment.


Roxanne Dietrich - Clerk

CITY COUNCIL

MEETING AGENDA

Monday, May 2, 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)

April 18, 2022 Regular Council Meeting Minutes

E. Citizen Communication

F. Reports from Council Committees

1. Finance and Budget Committee did not meet on April 25, 2022 due to lack of agenda items
2. Safety and Human Resources Committee met on April 25, 2022, and;
 - a. recommend Council opt out of HB172 and stay with our rules; and
 - b. the committee reviewed the traffic pattern at Westmoreland and Bales Road and do not recommend any changes as what has been done is working
3. Technology Committee did not meet earlier tonight due to lack of agenda items.

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

1. Civil Service Commission did not meet on Tuesday, April 26, 2022 due to lack of agenda items
2. Park and Rec Board met on Wednesday, April 27, 2022 and;
 - a. made recommendation for the 2021 Parks and Rec Service Award
 - b. reviewed the 100-Year celebration plans for the Napoleon Golf Club

H. Introduction of New Ordinances and Resolutions

1. **Ordinance No. 020-22**, an Ordinance Approving the Renewal of Agricultural District(s) located in the City of Napoleon, Ohio as applied for by Michael W. Adams, Trustee; and declaring an Emergency (*Suspension Requested*)
2. **Ordinance No. 021-22**, an Ordinance Approving the Renewal of Agricultural District(s) located in the City of Napoleon, Ohio as applied for by Keith Fruchey; and declaring an Emergency (*Suspension Requested*)
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8. **Ordinance No. 027-22**, an Ordinance Approving a certain Agricultural District located in the City of Napoleon, Ohio at the Location of R-056 County Road 13A, as applied for by American Road Holdings, LLC.; and declaring an Emergency (*Suspension Requested*)

I. Second Reading of Ordinances and Resolutions - None

J. Third Reading of Ordinances and Resolutions

1. **Ordinance No. 012-22**, an Ordinance Authorizing ODOT to Work within City Limits for Repainting the Route 6 Overpass on Glenwood Avenue; and declaring an Emergency
2. **Ordinance No. 015-22**, an Ordinance Establishing a Fund to be titled OneOhio Subdivision Settlement Allocation Fund as required pursuant to the July 21, 2021 National Opioid Settlement Agreement and the OneOhio Subdivision Settlement; 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: on Recommendation for Council to Opt Out of HB172 regarding Fireworks and to stay with our rules (direct Law Director to draft legislation)
2. Discussion/Action: to Award the Haley Avenue SSO Removal Project
3. Discussion/Action: Regarding Transfer of Property to the CIC (direct Law Director to draft legislation)
4. Discussion/Action: CCHC Grant Application (direct the Law Director to draft legislation).
5. Discussion/Action: Purchase of Pickup Truck for Engineering Department from State Contract

L. Executive Session (Pending or Imminent Court Action)

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

N. Adjournment



Roxanne Dietrich – Clerk

City of Napoleon, Ohio
CITY COUNCIL MEETING MINUTES
Monday, April 18, 2022 at 7:00 pm

PRESENT

Councilmembers	Joe Bialorucki-Council President, Ross Durham-Council President Pro-Tem, Daniel Baer, Lori Siclair, Ken Haase, Molly Knepley, Dr. Dave Cordes
City Manager	Joel Mazur
Law Director	Billy Harmon
City Staff	Clayton O'Brien-Fire Chief David Mack-Police Chief Chad E. Lulfs, P.E., P.S.-Director of Public Works
Others	News-media, Jeff Tonjes-CCHC
Recorder	Roxanne Dietrich

ABSENT

Finance Director	Kevin Garringer
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CALL TO ORDER

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

APPROVAL OF MINUTES

The minutes from the April 4, 2022, City Council meeting were approved as presented.

CITIZEN COMMUNICATION

None.

REPORTS FROM COUNCIL COMMITTEES

Electric Committee met on April 11, 2022, with Chair Siclair reporting the committee approved the Power Supply Cost Adjustment Factor for April 2022 as a three-month averaged factor of \$0.01305 and JV2 \$0.036941.

Water, Sewer, Refuse, Recycling and Litter Committee met on April 11, 2022, and Dr. Cordes reported the construction on the Wastewater Treatment Plant is a little bit delayed but, not too bad on the presses. Things seem to be going fairly decently.

Chair Knepley reported the Municipal Properties, Building, Land Use and Economic Development Committee met on April 11, 2022 and tabled Review of the Napoleon Engineering Rules and Regulations and also tabled discussion on city streets.

Parks and Rec Committee did not meet earlier tonight due to lack of agenda items.

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

There are none for tonight.

SECOND READING OF ORDINANCES AND RESOLUTIONS

Ordinance No. 012-22 – ODOT Repaint Route 6 Overpass

Council President Bialorucki read by title Ordinance No. 012-22, an Ordinance authorizing ODOT to work within the city limits for repainting the Route 6 Overpass on Glenwood Avenue; and declaring an Emergency.

Motion: Haase Second: Knepley
to approve Second Reading of Ordinance No. 012-11

Mazur did not have anything new to report.

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

Ordinance No. 015-22 – OneOhio Fund

Council President Bialorucki read by title Ordinance No. 015-22, an ordinance establishing a fund to be titled OneOhio Subdivision Settlement Allocation Fund as required pursuant to the July 21, 2021 National Opioid Settlement Agreement and the OneOhio Subdivision Settlement; and declaring an Emergency

Motion: Durham Second: Dr. Cordes
to approve Second Reading of Ordinance No. 015-22

Mazur stated this fund needs to be established so we can receive funds from the State when they come in.

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

THIRD READING OF ORDINANCES AND RESOLUTIONS

Resolution No. 010-22 – EMS and Fire Contracts with Townships, HCSJAD and Village of Florida

Council President Bialorucki read by title Resolution No. 010-22, a Resolution authorizing contracts with the Townships of Napoleon, Harrison, Freedom and the Village of Florida and the Henry County South Joint Ambulance District for Fire Service and/or Emergency Medical Service Commencing April 1, 2022 and declaring an emergency.

Motion: Haase Second: Knepley
to pass Resolution No. 010-22 on Third Reading

Mazur reported we are recommending passage on this third and final read.

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

Ordinance No. 011-22 – Golf Simulator Fees

Council President Bialorucki read by title Ordinance No. 011-22, an Ordinance amending Chapter 955 of the Codified Ordinances of the City of Napoleon, Ohio to add Section (t) regarding Golf Simulators Fees

Motion: Siclair Second: Durham
to pass Ordinance No. 011-22 on Third Read

Mazur stated at the last Council meeting, as it was requested, and Council voted to amend the original ordinance to remove some of the rules so staff can be a little more flexible when operating the new facility. We are requesting final read. Durham asked if any feedback has been received from the last meeting? Both Mazur and Cotter responded they have not heard any feedback on the amendments.

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

Approval of April 2022 Power Supply Cost Adjustment Factor as PSCAF 3-month averaged factor \$0.01305 and JV2 \$0.036941

Motion: Siclair Second: Dr. Cordes
to approve the April 2022 Power Supply Cost Adjustment Factor

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

Final Award of the VanHyning Interceptor Project

Motion: Durham Second: Knepley
to award the VanHying Interceptor Project to Vernon Nagel, Inc. for \$2,711,122.36

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

Approve a Renewal Contract with Advanced Rehabilitation Technology, Ltd. for the 2022 Sewer Cleaning Program, Program Year Eight

Motion: Durham Second: Knepley
to award the 2022 Sewer Cleaning Program Project/Year Eight to Advanced Rehabilitation Technology

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

Approval of Plans and Specifications to Rebid the Ritter Park Path Project

Lulfs stated as Council is aware, on two previous occasions we have advertised this project and received no bids. We have been working with ODOT as well as the design consultant on the project and modified the project. What we have on the plans now will be all of Jahns Road and we will include the portion that goes down the steep slope into Ritter Park. From there they will utilize the existing path network. The base bid is a 10-foot-wide asphalt path from the Ritter Park driveway that's on the easterly end and then we will terminate it at the city building. The original design continued up Front Street to Perry Street, we are separating that out as a separate project. The estimate for this portion of the project is \$921,685.50. We are still working with Mannik and Smith to do the other portion. Since we are at the end of April and working with ODOT, they agreed that if we do get bids and we can award the contract before their fiscal year that is July 1st, they would let us extend the completion date of this project into 2023. Right now, we have it set for October 14, 2023. That will work out as the fill material placed going down the slope of Riverview has to sit for 120 days. That will be a good opportunity for the contractor to do some work, place their fill and let it sit through the winter and then we won't have to worry about settlement when it's over. I will be bringing Front Street at a later date. We are now asking for approval of the Ritter Park Path Project in the amount of \$921,685.50 and to put it out to bid. Maassel asked did you say the completion date was going to be in 2023? Lulfs said the completion date is October 14, 2023. I think we have two handicapped ramps that could affect one of the intersections on Jahns Road. The majority of the project is not in the street so we should not be affecting traffic other than when we have a concrete truck sitting there pouring sidewalks. It would be up to the contractor if they choose to wait and start the whole thing next year. I foresee a contractor trying to do the Jahns Road portion this year because I do not think they are going to want to give their pricing out fifteen months ahead with what we are seeing, and it would allow them to get some of it in yet this year. Bialorucki asked what is our portion of that? Lulfs responded the grant is \$800,000. Siclair asked the path goes from Ritter Park and will go up and then it will be on Riverview from there? Lulfs explained the path comes down the westerly side of Jahns Road and there will be a crosswalk to cross Riverview and from there we have a path that winds around to get down that slope to the existing path network in Ritter Park. If someone was walking, they could utilize the existing network. As they get to the easterly end of Ritter Park as that drive comes up, it will split off with a 10-foot wide multi-use path that will then parallel Riverview Avenue from that drive to this project. Siclair said so, it's not using the existing bike path on the boat ramp. Lulfs said it is using it through Ritter Park. It is not up top, it is down in the park. They are utilizing all the existing paths. Siclair said so, the boat ramp is Ritter Park? Lulfs – yes. Bialorucki asked if any striping will be done by the boat ramp or are you going to just leave it the way it is now? Lulfs said there is existing striping there now, there is no need for striping on the path that parallels Riverview because we are not connected to the edge of pavement. When we get to the Front Street portion, that will be striped. There is an option of actually using colored asphalt for a portion of that. We will look at that as an option if we want to incorporate that cost or go with striping instead or what our options are. The portion that we are going to do with Front Street will no longer be governed by ODOT and there are a few less expensive options we can consider.

Motion: Baer

Second: Knepley

to approve plans and specifications and go out to bid for the Ritter Park Area Path Project

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

Approval of Plans and Specifications for the 2022 Miscellaneous Streets Improvement Project

Lulfs stated this is our annual resurfacing project. A few things have been discussed for this year that fell back on the plan due to timing. Originally we hoped to address Briarheath but, the school requested all construction be done during the summer months and we would not be able to get a contract in place soon enough. What we have proposed so we can have a project out this year, is to put Briarheath on our schedule for 2023 and this year we would be milling and resurfacing Westmoreland Avenue from Bales Road to Woodlawn. Bales Road because there is no curb involved and it will be less intrusive to school traffic. We will work with the contractor to try to work around the school traffic. Woodlawn Avenue from Glenwood to Westmoreland. The southbound lane on Glenwood Avenue from Lynne Avenue south where we have patched it several times, there are a few places where we dug the waterline up and it keeps heaving. We are going to try to do a larger patch with hot mix to address that. We are going to fix the patch on Bales Road from the emergency storm sewer repair that we had to address last fall. We have an area on American Road from the Love's project that appears to have been a diesel spill, we cannot go back on the contractor as it doesn't look to be their issue and it has been over a year. We are going to mill that area out and correct it. We are also going to mill and resurface Independence Drive from Oakwood to Industrial Drive. When they paved Independence, they did not pave from the centerline to the edge they paved it as three lanes so we essentially have two joints in the asphalt and both are opening up and if we let it go much longer, we could be looking at some base failure. We would like to get it addressed. I know we have the Oakwood project coming up in 2024 but, if we do not address this, the traffic that is going to be utilizing Independence will destroy the road. So, we are trying to get that corrected before we get there. The engineer's estimate on the project is \$500,000.

Motion: Haase

Second: Durham

to approve the plans and specifications and go out to bid on the 2022 Miscellaneous Street Improvements Project

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

Renewal of Agricultural Districts located in the City of Napoleon, Ohio, for Various Properties

Harmon stated farmers within the city limits request these to protect against nuisance suits from their neighbors. There is also the potential to defer tax assessments for water and sewer hookup. There is one new and the rest are renewals.

Motion: Durham

Second: Siclair

to direct the Law Director to draft legislation for the renewal of the agricultural districts

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

Set Public Hearing for Agricultural Districts for Monday, May 2, 2022 at 6:45 pm

Harmon explained this a requirement by statute to set a hearing date and hold the hearing before any legislation can be presented

Motion: Knepley

Second: Dr. Cordes

to set a Public Hearing for Agricultural Districts located in the City of Napoleon for Monday, May 2, 2022 at 6:45 pm

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

Accept \$500 Donation from Greg Schuette Insurance Agency for the Napoleon Police Department Mock Crash

Chief Mack we reported our SRO Officer Brad Strickland will be having a mock crash done on the high school property and this donation will help defer some of the costs.

Motion: Siclair

Second: Dr. Cordes

to accept the \$500 donation from Greg Schuette Insurance Agency

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

Accept Donation of a Flagpole from the American Legion Post 300 for the Aquatic Center Golf Clubhouse

Cotter said the Napoleon American Legion was gracious enough to donate a flagpole. We had to remove the old flagpole from the old golf course. Maassel asked where it will go? Cotter replied we are considering the northeast side of the building.

Motion: Durham

Second: Knepley

to accept the donation of a flagpole from the Napoleon American Legion 300

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

Accept Donation of a Park Bench from Sharon Garmyn for the Oakwood Park Walking Path

Cotter said he had a request from Sharon Garmyn that she would like to place a bench in memorial of a loved one along the walking path at Oakwood Park

Motion: Durham

Second: Dr. Cordes

to accept the donation of a memorial park bench to be put at Oakwood Park Walking Path.

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

Renewal of Liquor Permits in the City of Napoleon

Mazur said this the annual and does not require a motion or action. Harmon stated silence is acceptance. Bialorucki asked Chief Mack if there are any issues or any that do not need to be approved? Chief Mack – *no*.

AROUND THE TABLE

Knepley – no items.

Siclair – no items.

Durham - last Thursday afternoon, I was driving home and stopped at a lemonade stand that some kids had put up. Shortly after I arrived, a group of Napoleon Firemen showed up it was Alex Rupp, Jared

ORDINANCE NO. 020-22

AN ORDINANCE APPROVING THE RENEWAL OF AGRICULTURAL DISTRICT(S) LOCATED IN THE CITY OF NAPOLEON, OHIO AS APPLIED FOR BY MICHAEL W. ADAMS, TRUSTEE; AND DECLARING AN EMERGENCY

WHEREAS, with the passage of Ordinance No. 039-12, City Council authorized land owned by Michael W. Adams, Trustee, to be placed into an agricultural district pursuant to Chapter 929 of the Ohio Revised Code; and,

WHEREAS, renewal applications have been made by Michael W. Adams, Trustee, pursuant to R.C. Chapter 929, for the purpose of keeping the 9.09 acres of land used solely for agricultural purposes in an agricultural district; and,

WHEREAS, a Public Hearing was held on said issue, after notice, pursuant to R.C. 929.02(B), on May 2, 2022; and,

WHEREAS, after said hearing, Council now desires to permit the proposed acres to remain in an agricultural district, the Council unable to find that the "ag district" would cause substantial adverse effects on; (1) municipal services within the municipal corporation; (2) the efficient use of and/or development of property within the municipal corporation; or, (3) the health, safety and welfare of the citizens; **Now Therefore**,

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

Section 1. That, the renewal application submitted to the City of Napoleon, Ohio for the placement of 9.09 acres of farmland into an agricultural district, identified in the renewal application as at the location of American Road, Napoleon, Henry County, Ohio; the tax district being Napoleon Corp., Liberty Center School District, Parcel Number 27-060016.0500, consisting of nine and nine one hundredths (9.09) acres of land, is hereby approved without modification by this Council pursuant to R.C. Chapter 929 and this Ordinance as a renewal application.

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

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

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for farmland preservation, farmland essential to producing product that is essential to health of our citizens; moreover, this must timely take effect to

meet the intent of the law; 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 Ordinance No. 020-22 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

ORDINANCE NO. 021-22

AN ORDINANCE APPROVING THE RENEWAL OF AGRICULTURAL DISTRICT(S) LOCATED IN THE CITY OF NAPOLEON, OHIO AS APPLIED FOR BY KEITH FRUCHEY; AND DECLARING AN EMERGENCY

WHEREAS, with the passage of Ordinance No. 043-12, City Council authorized land owned by Keith Fruchey to be placed into an agricultural district pursuant to Chapter 929 of the Ohio Revised Code; and,

WHEREAS, renewal applications have been made by Keith Fruchey pursuant to R.C. Chapter 929, for the purpose of keeping the 6.31 of land used solely for agricultural purposes in an agricultural district; and,

WHEREAS, a Public Hearing was held on said issue, after notice, pursuant to R.C. 929.02(B), on May 2, 2022; and,

WHEREAS, after said hearing, Council now desires to permit the proposed acres to remain in an agricultural district, the Council unable to find that the "ag district" would cause substantial adverse effects on; (1) municipal services within the municipal corporation; (2) the efficient use of and/or development of property within the municipal corporation; or, (3) the health, safety and welfare of the citizens; **Now Therefore**,

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

Section 1. That, the renewal application submitted to the City of Napoleon, Ohio for the placement of 6.31 acres of farmland into an agricultural district, identified in the renewal application as at the location of Appian Avenue, Napoleon, Henry County, Ohio; the tax district being Napoleon Corp., Napoleon City Area School District, Parcel Number 24-190076.0300, consisting of six and thirty one hundredths (6.31) acres of land, is hereby approved without modification by this Council pursuant to R.C. Chapter 929 and this Ordinance as a renewal application.

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

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

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for farmland preservation, farmland essential to producing product that is essential to health of our citizens; moreover, this must timely take effect to

meet the intent of the law; 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 Ordinance No. 021-22 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

ORDINANCE NO. 022-22

AN ORDINANCE APPROVING THE RENEWAL OF AGRICULTURAL DISTRICT(S) LOCATED IN THE CITY OF NAPOLEON, OHIO AS APPLIED FOR BY JAMES F. HOMAN, ET AL.; AND DECLARING AN EMERGENCY

WHEREAS, with the passage of Ordinance No. 034-12, City Council authorized land owned by James F. Homan, et al., to be placed into an agricultural district pursuant to Chapter 929 of the Ohio Revised Code; and,

WHEREAS, renewal applications have been made by James F. Homan, et al., pursuant to R.C. Chapter 929, for the purpose of keeping the ten (10) or more acres of land used solely for agricultural purposes in an agricultural district; and,

WHEREAS, a Public Hearing was held on said issue, after notice, pursuant to R.C. 929.02(B), on May 2, 2022; and,

WHEREAS, after said hearing, Council now desires to permit the proposed acres to remain in an agricultural district, the Council unable to find that the "ag district" would cause substantial adverse effects on; (1) municipal services within the municipal corporation; (2) the efficient use of and/or development of property within the municipal corporation; or, (3) the health, safety and welfare of the citizens; **Now Therefore,**

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

Section 1. That, the renewal application submitted to the City of Napoleon, Ohio for the placement of ten (10) or more acres of farmland into an agricultural district, identified in the renewal application as at the location of R-025 County Road 13A, Napoleon, Henry County, Ohio, the tax district being Napoleon Corp., Napoleon City Area School District, Parcel Number 41-010024.0000, consisting of thirty-one and one tenths (31.10) acres of land more or less, is hereby approved without modification by this Council pursuant to R.C. Chapter 929 and this Ordinance as a renewal application.

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

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

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for farmland preservation, farmland essential to producing product that is essential to health of our citizens; moreover, this must timely take effect to

meet the intent of the law; 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 Ordinance No. 022-22 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

ORDINANCE NO. 023-22

AN ORDINANCE APPROVING THE RENEWAL OF AGRICULTURAL DISTRICT(S) LOCATED IN THE CITY OF NAPOLEON, OHIO AS APPLIED FOR BY KKKBE PROPERTIES, LLC; AND DECLARING AN EMERGENCY

WHEREAS, with the passage of Ordinance No. 033-12, City Council authorized land owned by Kevin M. Homan, to be placed into an agricultural district pursuant to Chapter 929 of the Ohio Revised Code; and,

WHEREAS, renewal applications have been made previously by Kevin M. Homan, now by KKKBE Properties, LLC. pursuant to R.C. Chapter 929, for the purpose of keeping the ten (10) or more acres of land used solely for agricultural purposes in an agricultural district; and,

WHEREAS, a Public Hearing was held on said issue, after notice, pursuant to R.C. 929.02(B), on May 2, 2022; and,

WHEREAS, after said hearing, Council now desires to permit the proposed acres to remain in an agricultural district, the Council unable to find that the "ag district" would cause substantial adverse effects on; (1) municipal services within the municipal corporation; (2) the efficient use of and/or development of property within the municipal corporation; or, (3) the health, safety and welfare of the citizens; **Now Therefore**,

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

Section 1. That, the renewal application submitted to the City of Napoleon, Ohio for the placement of ten (10) or more acres of farmland into an agricultural district, identified in the renewal application as at the location of R-390 County Road 13A, Napoleon, Henry County, Ohio, the tax district being Napoleon Corp., Napoleon City Area School District, Parcel Numbers 41-020028.0100 and 41-030030.0000; and No. 27 Liberty-Napoleon Corp., Liberty Center School District, Parcel Number 27-060008.0000 consisting of one hundred eighteen and sixty-three hundredths (118.63) acres of land more or less, is hereby approved without modification by this Council pursuant to R.C. Chapter 929 and this Ordinance as a renewal application.

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

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

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

and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for farmland preservation, farmland essential to producing product that is essential to health of our citizens; moreover, this must timely take effect to meet the intent of the law; 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 Ordinance No. 023-22 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

ORDINANCE NO. 024-22

AN ORDINANCE APPROVING THE RENEWAL OF AGRICULTURAL DISTRICT(S) LOCATED IN THE CITY OF NAPOLEON, OHIO AS APPLIED FOR BY DIANE M. LANKENAU; AND DECLARING AN EMERGENCY

WHEREAS, with the passage of Ordinance No. 020-09, City Council authorized land owned by Lankenau Properties II, Ltd., to be placed into an agricultural district pursuant to Chapter 929 of the Ohio Revised Code; and,

WHEREAS, renewal applications have been made previously by Lankenau Properties II, Ltd., now by Diane M. Lankenau, pursuant to R.C. Chapter 929, for the purpose of keeping the ten (10) or more acres of land used solely for agricultural purposes in an agricultural district; and,

WHEREAS, a Public Hearing was held on said issue, after notice, pursuant to R.C. 929.02(B), on May 2, 2022; and,

WHEREAS, after said hearing, Council now desires to permit the proposed acres to remain in an agricultural district, the Council unable to find that the "ag district" would cause substantial adverse effects on; (1) municipal services within the municipal corporation; (2) the efficient use of and/or development of property within the municipal corporation; or, (3) the health, safety and welfare of the citizens; **Now Therefore**,

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

Section 1. That, the renewal application submitted to the City of Napoleon, Ohio for the placement of ten (10) or more acres of farmland into an agricultural district, identified in the renewal application as at the location of Appian Avenue, Napoleon, Henry County, Ohio, the tax district being Harrison Township to Napoleon City Area School District, Parcel Number 24-190076.0000, consisting of thirteen and twenty-two hundredths (13.22) acres of land more or less, is hereby approved without modification by this Council pursuant to R.C. Chapter 929 and this Ordinance as a renewal application.

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

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

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the

earliest possible time to allow for farmland preservation, farmland essential to producing product that is essential to health of our citizens; moreover, this must timely take effect to meet the intent of the law; 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 Ordinance No. 024-22 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

ORDINANCE NO. 025-22

AN ORDINANCE APPROVING THE RENEWAL OF AGRICULTURAL DISTRICT(S) LOCATED IN THE CITY OF NAPOLEON, OHIO AS APPLIED FOR BY ROCKY, LLC.; AND DECLARING AN EMERGENCY

WHEREAS, with the passage of Ordinance No. 037-12, City Council authorized land owned by Rocky, LLC., to be placed into an agricultural district pursuant to Chapter 929 of the Ohio Revised Code; and,

WHEREAS, renewal applications have been made by Rocky, LLC., pursuant to R.C. Chapter 929, for the purpose of keeping the 6.07 acres of land used solely for agricultural purposes in an agricultural district; and,

WHEREAS, a Public Hearing was held on said issue, after notice, pursuant to R.C. 929.02(B), on May 2, 2022; and,

WHEREAS, after said hearing, Council now desires to permit the proposed acres to remain in an agricultural district, the Council unable to find that the "ag district" would cause substantial adverse effects on; (1) municipal services within the municipal corporation; (2) the efficient use of and/or development of property within the municipal corporation; or, (3) the health, safety and welfare of the citizens; **Now Therefore,**

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

Section 1. That, the renewal application submitted to the City of Napoleon, Ohio for the placement of 6.07 acres of farmland into an agricultural district, identified in the renewal application as at the location of American Road, Napoleon, Henry County, Ohio; the tax district being Napoleon Corp., Liberty Center School District, Parcel Number 27-069303.0020, consisting of six and seven hundredths (6.07) acres of land more or less, is hereby approved without modification by this Council pursuant to R.C. Chapter 929 and this Ordinance as a renewal application.

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

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

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for farmland preservation, farmland essential to producing product that is essential to health of our citizens; moreover, this must timely take effect to

meet the intent of the law; 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 Ordinance No. 025-22 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

ORDINANCE NO. 026-22

AN ORDINANCE APPROVING THE RENEWAL OF AGRICULTURAL DISTRICT(S) LOCATED IN THE CITY OF NAPOLEON, OHIO AS APPLIED FOR BY KENNETH W. VORWERK, ET AL.; AND DECLARING AN EMERGENCY

WHEREAS, with the passage of Ordinance No. 081-02, City Council authorized land owned by Kenneth W. Vorwerk, et al., to be placed into an agricultural district pursuant to Chapter 929 of the Ohio Revised Code; and,

WHEREAS, renewal applications have been made by Kenneth W. Vorwerk, et al., pursuant to R.C. Chapter 929, for the purpose of keeping the ten (10) or more acres of land used solely for agricultural purposes in an agricultural district; and,

WHEREAS, a Public Hearing was held on said issue, after notice, pursuant to R.C. 929.02(B), on May 2, 2022; and,

WHEREAS, after said hearing, Council now desires to permit the proposed acres to remain in an agricultural district, the Council unable to find that the "ag district" would cause substantial adverse effects on; (1) municipal services within the municipal corporation; (2) the efficient use of and/or development of property within the municipal corporation; or, (3) the health, safety and welfare of the citizens; **Now Therefore**,

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

Section 1. That, the renewal application submitted to the City of Napoleon, Ohio for the placement of ten (10) or more acres of farmland into an agricultural district, identified in the renewal application as at the location of County Road 12, Napoleon, Henry County, Ohio; the tax district being Liberty-Napoleon Corp., Liberty Center School District, Parcel Number 27-050014.0100, consisting of forty-eight and ninety-one hundredths (48.91) acres of land more or less, is hereby approved without modification by this Council pursuant to R.C. Chapter 929 and this Ordinance as a renewal application.

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

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

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for farmland preservation, farmland essential to producing

product that is essential to health of our citizens; moreover, this must timely take effect to meet the intent of the law; 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 Ordinance No. 026-22 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

ORDINANCE NO. 027-22

AN ORDINANCE APPROVING A CERTAIN AGRICULTURAL DISTRICT LOCATED IN THE CITY OF NAPOLEON, OHIO AT THE LOCATION OF R-056 COUNTY ROAD 13A, AS APPLIED FOR BY AMERICAN ROAD HOLDINGS, LLC.; AND DECLARING AN EMERGENCY

WHEREAS, application was made by American Road Holdings, LLC., pursuant to R.C. Chapter 929, for the purpose of placing 7.26 acres of land used solely for agricultural purposes in an agricultural district; and,

WHEREAS, a public hearing was held on said issue, after notice, pursuant to R.C. 929.02(B), on May 2, 2022; and,

WHEREAS, after said hearing, it was recommended by the hearing board [council] to permit the proposed acres to be placed into an agricultural district, the board being unable to find that the "agricultural district" would cause substantial adverse effects on: (1) municipal services within the municipal corporation; (2) the efficient use of and/or development of property within the municipal corporation; or, (3) the health, safety and welfare of the citizens; **Now Therefore**,

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

Section 1. That, the application submitted to the City of Napoleon, Ohio for the placement of seven and twenty-six hundredths (7.26) acres of farmland into an agricultural district, identified in the application as at the location of R-056 County Road 13A, Napoleon, Henry County, Ohio, the tax district being Napoleon Corp., Napoleon City Area School District, Parcel Number 41-010026.0000, with exception of any portion of any parcel herein listed that is not the name of American Road Holdings, LLC. at the time of the passage of this Ordinance, said application being modified accordingly, is hereby approved by this Council pursuant to R.C. Chapter 929 and this Ordinance; such agricultural district being declared created.

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

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

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the availability of funds required for the installation of a public sewer; therefore, provided the required number of votes for passage as emergency legislation, it shall be in full

force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

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. 027-22 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

PRELIMINARY LEGISLATION

Consent

Ordinance # 012-22

PID No. 114070

County/Route/Section HEN SR 6 11.73 Bridge Paint

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

SECTION I - Project Description

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

Painting of the HEN-6-1173 (Glenwood Ave.) structure (SFN: 3500268) in Napoleon, Ohio, Henry County

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

SECTION II - Consent Statement

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

SECTION III - Cooperation Statement

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

- 1) The LPA will assume and bear one hundred percent (100%) of the total cost of any features requested by the LPA which are not necessary for the project as determined by the State and/or the Federal Highway Administration.
- 2) The LPA consents to having the State acquire all necessary rights of way for the subject project in the name of the LPA.
- 3) The LPA agrees, upon completion of the project, to own and maintain all those portions of the project under its jurisdiction.
- 4) The State agrees to be the lead agency and to administer all phases of the project.

SECTION IV - Utilities and Right-of-Way Statement

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

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

SECTION V - Maintenance

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

SECTION VI - Authority to Sign

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

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

Passed: _____, 2022.
(Date)

Attested: _____
(Clerk Signature)

(Contractual Officer Signature)

Attested: _____
(Clerk Signature)

(President of Council Signature)

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

CERTIFICATE OF COPY
STATE OF OHIO

City of Napoleon, Henry County, Ohio

I, Roxanne Dietrich, as Clerk of the City of Napoleon, Ohio, do hereby
certify that the foregoing is a true and correct copy of an ordinance adopted by the legislative
Authority of the said City, on the _____ day of _____, 2022, that the
publication of such ordinance has been made and certified of record according to law; that no
proceedings looking to a referendum upon such ordinance have been taken; and that such ordinance
and certificate of publication thereof are of record in

012-22, Page _____ .
(Ordinance Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official
seal, if applicable, this _____ day of _____, 2 022.

Clerk

(SEAL) City of Napoleon, Ohio
(If Applicable)

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

For the City of Napoleon, Ohio

Attest: _____, Date _____
Contractual Officer

For the State of Ohio

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

ORDINANCE NO. 015-22

AN ORDINANCE ESTABLISHING A FUND TO BE TITLED ONEOHIO SUBDIVISION SETTLEMENT ALLOCATION FUND AS REQUIRED PURSUANT TO THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT AND THE ONEOHIO SUBDIVISION SETTLEMENT; AND DECLARING AN EMERGENCY

WHEREAS, the OneOhio Subdivision Settlement was entered into, consistent with terms established by the National Opioid Settlement Agreement, on July 21, 2021; and,

WHEREAS, the City of Napoleon, Ohio accepted the material terms of the OneOhio Subdivision Settlement pursuant to the OneOhio Memorandum of Understanding, with this Council unanimously passing Ordinance No. 033-21 on August 9, 2021; and,

WHEREAS, the Federal Funding Accountability and Transparency Act (FFATA) requires separate accountability for direct recipients as well as subrecipients of federal awards greater than twenty-five thousand dollars (\$25,000); and,

WHEREAS, Ohio Revised Code Section 5705.09(F) requires subdivisions to establish separate funds for each class of revenue derived from a source other than the general property tax which the law requires to be utilized for a particular purpose; and,

WHEREAS, the City of Napoleon, Ohio is requesting its share of funds from the OneOhio Subdivision Settlement; and,

WHEREAS, the OneOhio Subdivision Settlement requires municipalities to establish a new fund to be named OneOhio Subdivision Settlement Allocation Fund before receiving said funds; **Now Therefore**,

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

Section 1. That, the City of Napoleon, Ohio, (hereinafter referred to as "the City") hereby establishes a new fund titled OneOhio Subdivision Settlement Allocation Fund consistent with the terms set forth in the July 21, 2021 National Opioid Settlement Agreement.

Section 2. That, the City affirms that all funds received from the OneOhio Subdivision Settlement Allocation Fund pursuant to the July 21, 2021 National Opioid Settlement Agreement, be expended only to cover costs of the subdivision consistent with the terms of said National Opioid Settlement Agreement and OneOhio Subdivision Settlement, and any applicable regulations and guidance. Further, all opioid settlement funds, regardless of allocation, shall be utilized in a manner consistent with the Approved Purposes definition as listed in the OneOhio Subdivision Settlement Memorandum of Understanding.

Section 3. That, the Finance Director is hereby authorized and directed to execute any and all documents necessary to create the OneOhio Subdivision Settlement Allocation Fund.

Section 4. That, in compliance with the July 21, 2021 National Opioid Settlement Agreement and the OneOhio Subdivision Settlement, the Finance Director of the City of Napoleon shall take all necessary action to:

1. Place the opioid settlement funds into a special revenue fund titled the OneOhio Subdivision Settlement Allocation Fund; and,
2. Pay appropriate expenses directly from the OneOhio Subdivision Settlement Allocation Fund; and,
3. Provide any information related to any payments received under the July 21, 2021 National Opioid Settlement Agreement and the OneOhio Subdivision Settlement to the Office of the Ohio Auditor of State as requested.

Section 5. That, all amounts collected as a result of this Ordinance shall be placed into the newly created OneOhio Subdivision Settlement Allocation Fund as established by the Finance Director to be used for the expenditures incurred as listed in Section 2 of this Ordinance.

Section 6. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 7. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 8. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to 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 the process in a timely manner which affects the public peace, health, and safety accessible to our citizens, and for further reasons as stated in the Preamble hereof.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 015-22 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



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 172
134th General Assembly

Final Analysis

[Click here for H.B. 172's Fiscal Note](#)

Version: As Passed by the General Assembly

Primary Sponsors: Reps. Baldrige and O'Brien

Effective date: Emergency: certain provisions effective November 4, 2021; other provisions effective February 7, 2022, or July 1, 2022

Andrew Little, Attorney

SUMMARY

Effective November 4, 2021

- Extends a general moratorium on the issuance of new, and geographic transfer of existing, fireworks manufacturer or wholesaler licenses from December 31, 2021, to December 31, 2022.
- Establishes a one-time license application and issuance date, outside of the normal fireworks manufacturer and wholesaler licensing timeline, at the end of the new license moratorium.

Effective February 7, 2022

- Establishes the Ohio Fire Code Rule Recommendation Committee to review the Fireworks Law and make recommendations to the State Fire Marshal.
- Requires the State Fire Marshal to adopt rules regulating the time, manner, and location of consumer fireworks use.
- Imposes a 4% fee on the retail sale of consumer grade fireworks, beginning May 18, 2022.
- Credits revenue from the new fee to fund firefighter training programs and the State Fire Marshal's administration of the Fireworks Law.
- Creates a new license allowing retailers to sell ground-based or hand-held sparklers called "fountain devices."
- Requires the State Fire Marshal to enforce the new provisions for fountain device retailers and to adopt related rules.

- Increases from 5,000 to 7,500 square feet the maximum floor area of a retail sales showroom, to which the public has access, that a licensed fireworks manufacturer or wholesaler uses to sell consumer grade fireworks, but requires expanded showrooms to be equipped with sprinkler systems meeting a specific standard.
- Establishes that the “state militia” for purposes of an existing exemption from the Fireworks Law is the state militia as recognized by the Adjutant General of Ohio.

Effective July 1, 2022

- Allows individuals to possess consumer-grade fireworks in Ohio, eliminating a requirement that purchasers transport consumer-grade fireworks out of the state within 48 hours of purchase.
- Allows any person authorized to possess consumer grade fireworks to discharge them on their own property or on another person’s property with permission on the following days:
 - New Year’s Day;
 - Chinese New Year;
 - Cinco de Mayo;
 - Memorial Day weekend;
 - Juneteenth;
 - July 3, 4, and 5, and the Fridays, Saturdays, and Sundays preceding and following;
 - Labor Day weekend;
 - Diwali;
 - New Year’s Eve.
- Permits local governments to restrict the dates and times that individuals may discharge consumer-grade fireworks or to impose a complete ban on the use of consumer-grade fireworks.
- Requires licensed retailers, manufacturers, and wholesalers selling consumer grade fireworks to the general public to offer safety glasses at the point of sale, for free or a nominal charge.
- Requires licensed retailers, manufacturers, and wholesalers selling consumer grade fireworks to the general public to also provide purchasers with a safety pamphlet that contains, at a minimum, specified information.
- Prohibits discharging fireworks (1) while in possession of, or under the influence of, alcohol or a controlled substance, or (2) on the property of another without the property owner’s permission.
- Allows the State Fire Marshal to suspend a fireworks manufacturer or wholesaler license if the licensee has violated the Fireworks Law or the State Fire Marshal’s rules.

- Prohibits the State Fire Marshal from unreasonably withholding a variance that would allow hobbyists to manufacture, possess, and use individual display-grade and consumer-grade fireworks and requires cause for revocation of a hobbyist variance.
- Requires hobbyists seeking variances to demonstrate that they can engage in the hobby safely and legally, and limits hobbyists to possession of five pounds of raw materials and finished fireworks produced through the hobby.

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DETAILED ANALYSIS

Effective November 4, 2021, due to emergency clause

The act includes an emergency clause for provisions extending a moratorium on the issuance of new fireworks manufacturer and wholesaler licenses and the geographic transfer of existing licenses. Due to the emergency clause, those provisions took effect November 4, 2021.¹

Geographic transfer moratorium

The act extends for one year the moratorium on the geographic transfer of fireworks manufacturer and wholesaler licenses, which was scheduled to expire on December 31, 2021. Under the act, this moratorium is set to expire on December 31, 2022.²

Fireworks license moratorium and one-time license period

The act also extends the general moratorium on the issuance of new fireworks manufacturer and wholesaler licenses for a particular plant or location. Under prior law, the moratorium applied to all persons except those who already possessed a license for that plant or location immediately prior to June 29, 2001, and would have expired on December 31, 2021. The act extends the moratorium until December 31, 2022, and allows renewal of licenses that were geographically transferred under exceptions to the transfer moratorium created by the 2021 Transportation Budget, H.B. 74 of the 134th General Assembly.

To coincide with the planned end of the new-license moratorium, the act establishes a one-time license period for new fireworks manufacturers and wholesalers. Any person who does not hold a fireworks manufacturer license that will run through January 1, 2023, may submit an application for one by November 1, 2022. If the application meets the requirements for licensure, the State Fire Marshal must issue a license on January 1, 2023.

Licenses issued at the end of the moratorium will run through November 30, 2023. The issuance date and license period are a departure from continuing law's usual requirements, which only allow fireworks manufacturer and wholesaler licenses to be issued on the first day of December, with a one-year duration.

Under the act, after the moratorium expires, the State Fire Marshal may issue new fireworks manufacturer and wholesaler licenses, but those licenses must not be approved in a manner that unduly burdens the State Fire Marshal's ability to ensure public safety.³

¹ Sections 3 and 5.

² R.C. 3743.75(A)(2).

³ R.C. 3743.021, 3743.041, 3743.151, 3743.171, and 3743.75(A), (D), and (E).

Effective February 7, 2022

Several of the act's provisions take effect on February 7, 2022.⁴ Those provisions are discussed in this section.

Fire Code Rule Recommendation Committee

The act creates the Ohio Fire Code Rule Recommendation Committee to review the Fireworks Law and make recommendations to the State Fire Marshal. At a minimum, the Committee must make recommendations relating to:

- Fireworks wholesaler and manufacturer licensing and operations;
- Consumer-grade fireworks purchases;
- The moratorium on licenses described above;
- Building code requirements for 1.3G display-grade fireworks manufacturing facilities; and
- A licensing program for fireworks wholesalers and manufacturers.

The Committee must meet periodically, with a first meeting by February 17, 2022. It must submit its report and recommendations to the State Fire Marshal by May 18, 2022.

The Committee is to be made up of the following individuals:

1. The State Fire Marshal, or the State Fire Marshal's designee;
2. Four local fire chiefs appointed by the Ohio Fire Chiefs' Association, or appointed by the Association's designee;
3. A local police chief appointed by the Attorney General, or the Attorney General's designee;
4. Five members of the Ohio State Pyrotechnics Association, appointed by the president of the Association, one of whom must be a licensed wholesaler, one of whom must be a licensed exhibitor, and one of whom must be a licensed manufacturer;
5. One member of Prevent Blindness Ohio, or the organization's designee;
6. One member of the Ohio Optometric Association or the association's designee;
7. One member of the Ohio Pyrotechnic Arts Guild or the guild's designee;
8. One representative of the Ohio Chapter of the American Academy of Pediatrics, appointed by the chapter president;
9. One member of the Ohio Council of Retail Merchants or the council's designee.⁵

⁴ Sections 3 and 5.

⁵ R.C. 3743.67.

Rules for consumer-grade fireworks use

The act requires the State Fire Marshal to adopt rules regulating the time, manner, and location of consumer grade fireworks use (see “**Consumer grade fireworks**,” below). The rules must permit adults to safely and responsibly use consumer grade fireworks on private property with the owner’s consent, and are not to be construed as a de facto ban on that use. The rules may, however, include provisions requiring that all fireworks be used in accordance with manufacturer’s instructions and provisions for the following:

- The use of aerial fireworks;
- Separation distances between fireworks discharges, ignitions, or explosions and adjacent structures, railroads, roadways, airports, publicly owned or controlled places, and places where hazardous materials are manufactured, used, or stored;
- Fireworks use on common areas of multi-tenant properties;
- The suspension of fireworks discharges, ignitions, or explosions during times of drought or similar conditions;
- The proximity of fireworks discharges, ignitions, or explosions to children; and
- Any other similar matters.

The State Fire Marshal must file those rules with the Joint Committee on Agency Rule Review by August 8, 2022. If filed on that date, the earliest possible effective date for the rules would be October 23, 2022, though the State Fire Marshal may file the rules before August 8, 2022 (but not before February 7, 2022) for the rules to take effect earlier.⁶

Consumer-grade fireworks fee

To provide revenue for training programs and regulation of the fireworks industry, the act imposes a fee on licensed sellers of consumer-grade fireworks. The fee is 4% of each licensed retailer’s, manufacturer’s, and wholesaler’s gross receipts from the retail sale of consumer-grade fireworks beginning May 18, 2022. The act excludes sales tax the retailer, manufacturer, or wholesaler collects on behalf of the state or local governments from “gross receipts.”

Licensed retailers (see “**Fountain device retailer licenses**,” below), manufacturers, and wholesalers may separately or proportionally bill the fee to others, but must themselves report and remit it to the State Fire Marshal annually, no later than October 23.

The fee’s proceeds are to be credited to the Fireworks Fee Receipts Fund, which the act creates. The State Fire Marshal must use $\frac{7}{8}$ (87.5%) of the money in the fund for firefighter

⁶ R.C. 3743.451 and Section 3; R.C. 3743.54, not in the act; *Filing Date Calculator*, Joint Committee on Agency Rule Review, available at <https://www.jcarr.state.oh.us/filers/date-calculators>.

training programs. The remaining $\frac{1}{8}$ must be used to pay the State Fire Marshal's expenses in administering the Fireworks Law.⁷

If the State Fire Marshal determines that a licensee has failed to timely report and remit the fee, the State Fire Marshal may either:

- Order the licensee to report and remit the fee within a specified timeframe; or
- Revoke or deny renewal of the license, which requires the licensee to immediately cease operations. It also prohibits licensed manufacturers and licensed wholesalers from applying for new licenses for two years.

The State Fire Marshal is also permitted to adopt rules necessary to administer and enforce the fee.⁸

Fountain device retailer licenses

The act creates a new license for retailers who wish to sell what are called fountain devices. Under the act, a **"fountain device"** is defined as a specific type of 1.4G consumer grade firework that is all of the following:

- Nonaerial and nonreport producing;
- Recognized and manufactured in accordance with sections 3.1.1 and 3.5 of APA standard 87-1 (2001 edition);
- A ground-based or hand-held sparkler with one or more tubes containing a nonexplosive pyrotechnic mixture that produces a shower of sparks, with or without additional effects that may include a colored flame, audible crackling effect, audible whistle effect, or smoke; and
- Containing no more than 75 grams of the pyrotechnic mixture in any individual tube and no more than 500 total grams of the mixture total in the case of multiple tubes.⁹

General licensing process

Generally, the act requires prospective fountain device retailers to apply to the State Fire Marshal by September 30 in any given year. An application must be submitted for each location at which the person wishes to sell fountain devices, and must include:

- A license fee, to be set by the State Fire Marshal at \$25 or less;
- An affidavit affirming that the applicant is in compliance with the National Fire Protection Association's standard "NFPA 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles (2006

⁷ R.C. 3743.22(A) to (C).

⁸ R.C. 3743.08, 3743.21, and 3743.22(D) and (E), conforming changes in R.C. 3743.57 and 5703.21.

⁹ R.C. 3743.01(H) and Section 4.

Edition)” (NFPA 1124) or that they will be in compliance before engaging in the storage and sale of fountain devices; and

- Proof of insurance in an amount and type specified in rules by the State Fire Marshal.

The act requires the State Fire Marshal to review timely submitted applications and determine if they comply with its requirements. If an application is compliant, the State Fire Marshal must issue a license. Licenses are effective for one year, beginning December 1. The State Fire Marshal must send licensees a written notice of expiration by September 1, annually, and licensees must apply for renewal by October 1 of the year the license expires.¹⁰

Special licensing circumstances

The act establishes two special licensing circumstances for fountain device retailers. The first is a one-time license that starts October 25, 2022. Any person wishing to be licensed as a retailer of fountain devices on that date must submit an application by August 16, 2022. If an application is received by the deadline, and if the State Fire Marshal determines that it meets the act’s licensing requirements, the State Fire Marshal must issue a license on October 25, 2022. Licenses issued that day will be effective through November 30, 2023.

The second special licensing circumstance for fountain device retailers applies to retailers that open for business after the annual application deadline in a given year. Those retailers may apply for a license any time between the date they open for business and the subsequent annual deadline. If an application is received under this provision between October 1 and November 30, and meets the act’s requirements for fountain device retailers, the State Fire Marshal must issue a license no earlier than December 1 and no later than two months after the application is received. If a compliant application is received at any other time pursuant to the provision, the State Fire Marshal must issue the license no later than two months after the application is received. These licenses are effective through the last day of the following November.¹¹

Licensed fountain device retailer operations

Licensed fountain device retailers are authorized to possess fountain devices and sell them at retail. Possession and storage of the devices, though, must comply with NFPA 1124 and several other requirements. Those are:

- Sales displays are limited to 300 square feet, total, with no display larger than 150 square feet, and all displays at least 25 feet from other highly flammable materials.
- Retailers may only possess and sell fountain devices as packaged merchandise with covered fuses.

¹⁰ R.C. 3743.26(A) and (B).

¹¹ R.C. 3743.26(C) and (D).

- Fountain devices displayed for sale must be under visual supervision of an employee or other responsible party whenever the retailer is open to the public.
- The possession, storage, *and sale* of the devices must also comply with any rules adopted by the State Fire Marshal pursuant to the act (see “**Rules for fountain device retailers**,” below).
- Sales to minors are prohibited.
- Sales to individuals who are obviously drunk or under the influence of a drug of abuse are prohibited.
- All sales must be conducted from the licensed location and be made inside of a licensed building; sales from any structure or device outside of a licensed building, such as a tent or trailer, are prohibited.
- Retailers must prohibit smoking in the licensed location.
- Purchasers must be provided with the pamphlet and the opportunity to obtain safety glasses that the act requires for other consumer-grade fireworks sales. (See “**Safety glasses and pamphlets required**,” below.)¹²

Rules for fountain device retailers

The act requires the State Fire Marshal to adopt rules for fountain device retailers under the Administrative Procedure Act. The rules must be designed to promote the safety and security of employees, the public, and the premises from which fountain devices are sold, be consistent with the Revised Code and NFPA 1124, and, at a minimum, address the following:

- With respect to buildings and other structures on a retailer’s premises:
 - Cleanliness and orderliness;
 - Heating, lighting, and use of stoves and flame-producing items;
 - The availability of fire extinguishers or other fire-fighting equipment and their use;
 - Emergency procedures.
- Storage of fountain devices; and
- Insurance.

The State Fire Marshal must file the rules with the Joint Committee on Agency Rule Review by August 8, 2022. If filed on that date, the earliest possible effective date for the rules

¹² R.C. 3743.27 and 3743.99(G), with conforming change in R.C. 3743.45.

will be October 23, 2022, though the State Fire Marshal may file the rules before August 8, 2022 (but not before February 7, 2022).¹³

Enforcement authority

The act grants the State Fire Marshal authority to inspect a fountain device retailer's premises, inventory, and retail sale records to ensure compliance with the Fireworks Law and the State Fire Marshal's rules. If an inspection reveals noncompliance, the State Fire Marshal has discretion to do one or more of the following:

- Order the retailer, in writing, to eliminate, correct, or otherwise remedy the issues by a certain date;
- Order the retailer, in writing, to immediately cease the storage and sale of fountain devices; and
- Revoke, or deny the renewal of a license pursuant to the Administrative Procedure Act. If a license is revoked, the State Fire Marshal must remove the retailer's name from the list of licensed retailers and must notify local law enforcement of a revocation or refusal to renew.¹⁴

Showroom size

Under continuing law, a licensed manufacturer or wholesaler may sell consumer grade fireworks only from a representative sample showroom or a retail sales showroom. Under prior law, if a retail sales showroom was used (and first began to operate on or after June 30, 1997), the showroom structure to which the public had access for retail purposes was limited to 5,000 square feet. The act increases the limit to 7,500 square feet. The act also expands application of the size limit to fireworks showrooms that resume operations at any time after a one-year or greater period of inactive licensure status, even if they were in operation prior to June 30, 1997.

Showrooms that expand beyond 5,000 square feet, to which the public has access, pursuant to the act's increased limit, must be equipped with a sprinkler system meeting the standard for "extra hazard (group 2) occupancies" under "NFPA 13, Standard for the Installation of Sprinkler Systems (2019 Edition). Variances may be granted to the standard's requirement, however, if the State Fire Marshal finds that a proposed sprinkler system matches or exceeds the degree of safety provided by a compliant system.¹⁵

¹³ R.C. 3743.28; *Filing Date Calculator*, Joint Committee on Agency Rule Review, available at <https://www.jcarr.state.oh.us/filers/date-calculators>.

¹⁴ R.C. 3743.29.

¹⁵ R.C. 3743.25(C)(2) and 3743.17.

Militia exemption

Under continuing law, the U.S. military and the militia of Ohio are exempt from the Fireworks Law's provisions regarding the manufacture, transportation, storage, and possession of pyrotechnic devices. The act establishes the state militia covered by the exemption is the militia of the state that is recognized by the Adjutant General of Ohio.¹⁶

Effective July 1, 2022

The remainder of the act's provisions take effect July 1, 2022.¹⁷ Those provisions are discussed here.

Consumer-grade fireworks

Purchase and possession

Under continuing law, "1.4G fireworks" are consumer grade fireworks designated under division 1.4 of the U.S. Department of Transportation's regulations.¹⁸ The act continues to allow individuals to possess consumer fireworks but eliminates, beginning July 1, 2022, the requirement that individuals transport consumer grade fireworks out of the state within 48 hours of their purchase.¹⁹

Use and regulation

Beginning July 1, 2022, any person who is authorized to possess consumer grade fireworks under the act may set those fireworks off, either on the person's own property or on another person's property with permission, on specific days. Those days are:

- New Year's Day;
- Chinese New Year;
- Cinco de Mayo;
- Memorial Day weekend;
- Juneteenth;
- July 3, 4, and 5, and the Fridays, Saturdays, and Sundays preceding and following;
- Labor Day weekend;
- Diwali;
- New Year's Eve.

¹⁶ R.C. 3743.80.

¹⁷ Section 3.

¹⁸ R.C. 3743.01.

¹⁹ R.C. 3743.44(A) and (B), 3743.45, and 3743.63.

Consumer grade fireworks set off in accordance with this authorization are not considered a “public exhibition” and are therefore not subject to additional state regulations for public exhibitions.²⁰ Consumer discharge is, however, subject to local regulation, as the act specifically permits a county (with respect to its unincorporated territory), township (with respect to its unincorporated territory), or municipal corporation to restrict the dates and times that a person may discharge consumer fireworks, or impose a complete ban. Additionally, the act’s consumer fireworks changes do not limit the enforcement of an ordinance, resolution, or statute that regulates noise, disturbance of the peace, or disorderly conduct.²¹

Safety glasses and pamphlets required

Beginning July 1, 2022, any licensed retailer, licensed manufacturer, or licensed wholesaler selling consumer grade fireworks, other than to a licensed manufacturer, wholesaler, or exhibitor, must offer safety glasses for free at the point of sale, or make them available to the purchaser for a nominal charge. The retailer, manufacturer, or wholesaler must also provide purchasers with a safety pamphlet that contains certain minimum information detailed in the act.

A licensed retailer, manufacturer, or wholesaler who negligently fails to comply with the pamphlet or safety glasses requirement is guilty of a second degree misdemeanor.²²

Display-grade fireworks

Under continuing law, “1.3G fireworks” are display-grade fireworks designated under division 1.3 of the U.S. Department of Transportation’s regulations.²³ The act eliminates, beginning July 1, 2022, the requirement that a nonresident may possess display fireworks in Ohio only while directly transporting the fireworks out of Ohio, and that the nonresident do so within 48 hours of purchase. The act maintains, however, a criminal prohibition on a nonresident’s failure to transport display fireworks out of Ohio within 72 hours, a first degree misdemeanor.

The act also maintains requirements that individuals purchasing display-grade fireworks do so only from licensed fireworks manufacturers and wholesalers and that manufacturers and wholesalers only sell display fireworks to persons who have an appropriate license.²⁴

New prohibitions

The act prohibits, beginning July 1, 2022, any person from negligently using fireworks while in possession or control of, or under the influence of, any intoxicating liquor, beer, or

²⁰ R.C. 3743.45(B) and (C), with conforming changes in R.C. 3743.04, 3743.17, 3743.63, and 3743.65, and R.C. 1.14, not in the act.

²¹ R.C. 3743.45(D) and (E).

²² R.C. 3743.27(B) and (C), 3743.47, 3743.60(K) and (L), 3743.61(K) and (L), and 3743.99(G).

²³ R.C. 3743.01.

²⁴ R.C. 3743.44, 3743.63(A) and (B), and 3743.99(C), conforming change in R.C. 3743.45(B).

controlled substance. A person who violates this prohibition is guilty of a first degree misdemeanor. The act also specifies that, regardless of any other law that specifies otherwise, a person may be convicted of both that violation and a disorderly conduct violation for the same underlying conduct.

Additionally, the act prohibits, beginning on the same date, any person from negligently discharging, igniting, or exploding fireworks on another person's property without that person's permission. A person who violates this prohibition is guilty of a minor misdemeanor.²⁵

Licensee discipline

Continuing law allows the State Fire Marshal to revoke, or deny renewal of, a fireworks manufacturer or fireworks wholesaler license if the licensee has violated the Fireworks Law or the State Fire Marshal's rules. The act adds provisions allowing suspension of a license, but leaves the State Fire Marshal's ability to revoke, or deny renewal of, a license in place.²⁶

Exemptions to the Fireworks Law

Licensing variances

Prior law allowed the State Fire Marshal to grant variances to the Fireworks Law's prohibitions against the possession and use of pyrotechnic compounds to a person who possesses those compounds for personal and noncommercial use as a hobby. The act amends the variance authority by defining "hobbyist activities," limiting the amount of materials a variance allows, adding requirements for variance applications, and limiting the State Fire Marshal's ability to deny and revoke variances.

The act defines "**hobbyist activities**" as the manufacture, possession, and use of individual items, each of which meets the definition of either a 1.3G display firework or 1.4G consumer firework. It also limits a variance holder to possession of five pounds, in total, of explosives, pyrotechnics, or similar raw materials for, and finished 1.3G and 1.4G fireworks manufactured during, hobbyist activities.

A person seeking a variance under the new provisions must do the following:

- Demonstrate that they have the experience, education, and training necessary to protect public safety when engaging in hobbyist activities;
- Demonstrate that they have a safe and legal way to acquire, store, and use explosives, pyrotechnics, and similar raw materials for the manufacture of fireworks; and
- Provide any other information or records the State Fire Marshal considers necessary to protect public safety during a person's hobbyist activities.

²⁵ R.C. 3743.65(G) and (H) and 3743.99(F) and (H).

²⁶ R.C. 3743.08, 3743.21, 3743.60, and 3743.61.

Finally, the act prohibits the State Fire Marshal from unreasonably withholding a variance. It also changes the State Fire Marshal's authority to revoke a variance, which is discretionary under prior law, by requiring cause for revocation.²⁷

HISTORY

Action	Date
Introduced	03-03-21
Reported, H. Commerce & Labor	04-22-21
Passed House (73-24)	05-06-21
Reported, S. Veterans & Public Safety	10-27-21
Passed Senate (26-5)	10-27-21
House concurred in Senate amendments (72-24)	10-27-21

21-HB172-134/ks

²⁷ R.C. 3743.59(D).



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: April 27, 2022
Subject: Haley Avenue S.S.O. Removal ~ Recommendation of Award

On Wednesday, April 27, 2022, bids were opened and read aloud for the above referenced project. Two bids were submitted and read as follows:

Bryan Excavating, L.L.C.	\$54,480.00
Vernon Nagel, Inc.	\$68,300.00

The Engineer's Estimate for this project is \$50,000.00. This project consists of removing the Haley Avenue S.S.O. by rerouting the overflow to the West Lift Station Wet Well. The completion date for this project is October 1, 2022.

Having reviewed the submitted bids, it is my recommendation that Council award Bryan Excavating, L.L.C. the contract for the Haley Avenue S.S.O. Removal project in the amount of \$54,480.00. If you have any questions or require additional information, please contact me at your convenience.

CEL



City of Napoleon, Ohio

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

Memorandum

To: Members of Council and Mayor
From: Joel Mazur, City Manager
cc:
Date: April 30, 2022
Subject: CCHC Grant Application

The application has been submitted to the Ohio Department of Development Brownfield Remediation Program for the cleanup and demolition of the former Central School. The application was submitted for \$725,000 with a \$75,000 match commitment.

Although the application does not clearly specify whether an ordinance or resolution is required, there is a field in the online application that allows applicants to upload an ordinance or resolution document. The application deadline has been extended to May 31st so, I will be requesting an ordinance or resolution be drafted and passed under suspension on May 16th. I anticipate that since the deadline has been extended that the announcement will be later as well.

Thank-you for your consideration.



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: Mayor & City Council
Kevin Garringer, City Finance Director
Roxanne Dietrich, Clerk of Council
Date: April 20, 2022
Subject: Purchase of Pickup Truck

The City of Napoleon's Department of Public Works requests approval for the purchase of a 2022 Ford F150 Pickup Truck from the State Purchasing Contract. The specifications include:

- 2022 Ford F150 (White), 3.5L EcoBoost, Crew Cab, 4WD, 5.5' Bed, 10 speed Auto Transmission w/ O/D, Anti-Lock Brakes, Electronic locking axle, Advance Trac, Cruise Control, Dual power mirrors, SYNC 4.2" Screen, Backup Camera, 8-way power driver seat, Power windows & door locks, Black platform running boards, Privacy Glass, & Rear Defroster
- Amber Warning Package which includes Amber Responder Bar with Quickfit Roof Mount, Amber Workblade for Under Tailgate, & 2 Amber Front Corners

The cost for the truck is:

Basic Truck Package:	\$37,845.00
Amber Warning Package:	\$1,925.00
Delivery Charge:	\$66.00
Total Cost:	\$39,845.00

The budget amount for this purchase is \$40,000.00

I request Council's approval to place this order.

CEL



City of Napoleon, Ohio

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

Memorandum

To: City Council, Mayor, City Manager, City Finance
Director, Law Director, Department Heads,
News-media
From: Roxanne Dietrich, Clerk
Date: April 29, 2022
Subject: Technology and Communications Committee –
Cancellation

The regularly scheduled meeting of the **Technology and Communications Committee** for Monday, May 2, 2022, at 6:15 pm has been CANCELED due to lack of agenda items.

received
4-25-2022

VETERANS OF FOREIGN WARS
Luther R. Kolbe Post 8218
1008 North Perry St.
Napoleon, Ohio 43545
Phone 419.599.1456
E-Mail vfw8218@midohio.twcbc.com

George Wagner
1008 N. Perry St.
Napoleon, Ohio
Phone: 419-599-1456

April 20, 2022

Napoleon City Council
255 Riverview Ave.
Napoleon, Ohio 43545

Dear City Council,

On Monday, May 30, 2022, we will be observing Memorial Day here in Napoleon. The Veteran groups here in Napoleon would like to have you participate in the Memorial Day Services.

We will have a Lost at Sea Service at the boat ramp in Napoleon at 10:00 am. From there we will proceed to the Henry County War Memorial for the main service.

I would appreciate a response as soon as possible. Thank You!

Sincerely,



George Wagner
Veterans of Foreign Wars
Memorial Day Representative