

September 2022

◀ Aug 2022

Oct 2022 ▶

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5 Labor Day- Closed	6 7:00 pm City Council	7 11:00am-1:00pm Employee Application Taco Bar @ Oberhaus Park	8	9	10
11	12 6:30 pm Electric Committee Board of Public Affairs 7:00 pm Water/Sewer Comm. 7:30 pm Municipal Properties Committee	13 4:30 pm Board of Zoning Appeals 5:00 pm Planning Commission	14	15	16	17
18	19 6:00 pm Tree Commission 6:00 pm Park Rec Committee 7:00 pm City Council	20	21	22	23 8:00am Healthcare Cost Committee	24
25	26 6:30 pm – Finance and Budget Committee 7:30 pm – Safety and Human Resources Committee - AMP Annual	27 4:30 pm Civil Service Commission - Conference -	28 6:30 pm Park Rec Board - - -	29	30	



City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151
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www.napoleonohio.com

Memorandum

To: City Council, Mayor, City Manager, City Finance Director, Law Director, Department Heads, News-media
From: Marrison Flogaus, Clerk
Date: September 2, 2022
Subject: Technology and Communications Committee – Cancellation

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



City of *NAPOLEON*, Ohio

IT Department

255 W. Riverview P.O. Box 151

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Web Page: www.napoleonohio.com

Mayor

Jason Maassel

Members of Council

Joseph Bialorucki,

President

J. Ross Durham

President Pro-Tem

Daniel Baer

Dr. David Cordes

Ken Haase

Molly Knepley

Lori Siclair

State of IT for September 2022

The IT department would like to inform the City Council of its current state and future objectives. We would first like to discuss our standing in the world of security. As you're aware, we utilize KnowBe4 for email phishing testing and education. This program sends fake emails to see if users will click dangerous emails. Compared to previous years, we are seeing a lower number of clicks, which is a positive.

City Manager

Joel L. Mazur

We recently have upgraded the IT office to support our work and organization. This has been a tremendous improvement for both productivity and motivation.

Finance Director

Kevin Garringer

We are beginning the deployment stages of the new Finance server. We are currently waiting for CMI, our finance software agency, to schedule a migration of the data in the current server.

Law Director

Billy D. Harmon

Director of Public

Works

Chad E. Lulfs, P.E., P.S.

The Police Department is preparing its installation of computers and cameras in its cruisers. We will be working with Getac to ensure computers and network activity are ready for a seamless installation.

Our reach on Facebook appears to be at an all-time high. We are consistently getting positive feedback for community driven posts, especially those involving operations, electric, and Fire/EMS/Police.

City of Napoleon, Ohio

CITY COUNCIL

MEETING AGENDA

Tuesday, September 6, 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)
August 15, 2022 Regular Council Meeting Minutes

E. Citizen Communication

F. Reports from Council Committees

1. The Finance and Budget Committee did not meet on August 22, 2022 due to a lack of agenda items.
2. Safety and Human Resources Committee met on August 22, 2022; and
 - a. Recommend to Council to add Juneteenth and Veterans Day as City Holidays
3. The Technology Committee did not meet on September 6, 2022 due to a lack of agenda items.

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

1. The Civil Service Commission met on August 23, 2022; and
 - a. Set a date to receive applications through the National Testing Network for Firefighter/Paramedic.
 - b. Determined the credits and how the credits are applied for Firefighter/ Paramedic.
2. The Parks and Rec Board met on August 31, 2022; and
 - a. Recommended the date of October 31, 2022 from 6:00pm to 7:30pm for Trick or Treat.

H. Introduction of New Ordinances and Resolutions- None

I. Second Reading of Ordinances and Resolutions

1. **Ordinance No. 047-22**, an Ordinance Approving Current June 2022 Replacement Pages to the City of Napoleon Codified Ordinances
2. **Ordinance No. 049-22**, an Ordinance Amending Threshold Amounts related to Competitive Bidding, Purchasing, Contracting, and Expenditures

J. Third Reading of Ordinances and Resolutions

1. **Ordinance No. 046-22**, An Ordinance authorizing the Ohio Department of Transportation to perform necessary work within the City of Napoleon, Ohio regarding the resurfacing and bridge repair project on State Route 110

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

1. Discussion/Action: To accept the 2022-2023 Drug Use Prevention Grant Program Award of \$2041.20 for the Police Department to be utilized by 8/31/2023 by the DARE Officer.
2. Discussion/Action: To Recommend to Council to add Juneteenth and Veterans Day as City Holidays.
3. Discussion/Action: Change Order No. 4 for the 2022 Miscellaneous Street Improvements Project to Gerken Asphalt Paving an increase of \$34,226.12.
4. Discussion/Action: Change Order No. 4 for the WWTP Improvements Project to Kirk Bros. Co. an increase of \$187,500.
5. Discussion/Action: Recommendation from the Parks and Rec Board to Set Trick or Treat for October 31, 2022 from 6:00pm to 7:30pm

L. Executive Session (Collective Bargaining)

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

N. Adjournment



MARRISA FLOGAUS

Marrisa Flogaus - Clerk

City of Napoleon, Ohio
CITY COUNCIL MEETING MINUTES
Monday, August 15, 2022 at 7:00 pm

PRESENT

Council Members	Joe Bialorucki- Council President, Ross Durham- Council President Pro-Tem, Daniel Baer, Ken Haase, Molly Knepley, Lori Sicclair, Dr. David Cordes
Mayor	Jason Maassel
City Manager	Joel Mazur
Law Director	Billy Harmon
Finance Director	Kevin Garringer
City Staff	Clayton O’Brien- Fire Chief Greg Kuhlman- City’s Electric Superintendent
Others	News- Media Adam Ward - AMP Representative Erin Miller- AMP Representative Elvira Guerrero
Recorder	Marrisa Flogaus
Absent	

CALL TO ORDER

Council President Bialorucki called the City Council meeting to order at 6:58pm with the Lord’s Prayer followed by the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from the August 1, 2022 Council meeting were approved as presented.

SMART THERMOSTAT PROGRAM PRESENTATION BY AMP

Mazur introduced Adam Ward as an AMP representative who covers environmental compliance, which encompasses the Focus Forward Program and running programs aimed to help with our peak shavings. For example, the Community Energy Savings Program for smart thermostats, which is a voluntary program that is aimed to help with our peak shavings. They are rolling this out right now and we are the first community to get the presentation. Erin Miller is also here as an AMP representative. Ward stated I want to thank Mazur, the Mayor, Council President and Council Members for having us here today. We genuinely appreciate it. As Mazur mentioned this is our first presentation for our Smart Thermostat Program, so you are getting an early view. We have already reviewed this with our Board of Trustees and we are in the roll out stage. First I’m going to run through a little bit about AMP. I think most of you know who AMP is, so I will just run through the highlights and then I will turn it over to Miller to get into the details of the program. As Mazur mentioned I am Adam Ward and I am the Senior Vice President of Member Services and External Affairs. For those of you who don’t know we are American Municipal

Power. We are a nonprofit wholesale power and services supplier for public power systems across nine states. We serve approximately 660,000 meters through our members and generally have a 3,500 megawatt peak load. AMP is based in Columbus and has roughly 200 employees. Our strengths include a strong financial rating, a diverse energy portfolio, strong industry partnerships across the country, very respected across the country and regulatory legislation present. Our mission is to serve members through public power, joint action, innovative solutions, robust advocacy and cost effective management of power supply and energy sources. We have a value of integrity, member focused partnership, employee engagement, stewardship, innovation and accountability. We have a strong presence in Ohio, we actually started in Ohio. Napoleon was one of our founding members and has been an AMP member since 1981. Napoleon has been around for all of our growth and has been a strong advocate for AMP and the joint action economies of scale we can bring to members. Mazur represents Napoleon on AMP's board of Trustees, chairs the AMPT Transmission, chairs the RTO Committee and serves on additional committees to include the Focus Board Advisory Council, which looks at innovative solutions to help members across our footprint. This program started in Focus Board conversations and we've been looking at this for 3-4 years. It never quite worked out, but through economy of scale it's making sense at this point for a lot of our members. Napoleon already participates in a lot of programs including ECO Smart Choice, Efficiently Smart, Key Accounts and many training/safety programs. Napoleon participates in a number of our generation projects. Mazur interjected almost all of them. Ward stated you're in a great position with a very diverse portfolio designated by the American Public Power Association as a Smart Energy Provider at the RP3 platinum level. These are great achievements and you guys run a great system here. Napoleon has achieved multiple awards for safety and excellence. Kudos to all of you. As Mazur mentioned this program is designed to help with peak shaving. This is a proposed subscription based service in which members participate with AMP. They would sign a contract stating they are going to participate. This developed at the request of members, we had folks asking us about it for a number of years. We've been looking at it and trying to figure out a way to make it work. Technology has advanced to the place where this makes sense for a number of our members, not all members but quite a few. We are seeing a lot of dynamic pricing when it comes to power prices. There is a lot of unpredictability right now, so this program seems to make sense for a lot of members. With that I will turn it over to Erin Miller our Assistant Vice President of Sustainability and she also runs a number of programs. Miller stated thank you for having us here tonight. I have a few slides to run through to talk about peak shaving and how that works with transmission and capacity cost. Then I will talk about how the program works and the costs/benefits for your community to see if you would like to participate. All of our members including Napoleon has seen transmission and capacity costs increase. These make up a percentage of your total wholesale power cost. The capacity cost for next year is about \$13 of your \$81 total cost is from transmission and capacity. Every year transmission costs go up and capacity cost are quite volatile, it will go up and down. This year capacity costs has gone down, but we're projecting it to go back up next year. Keeping control over those transmission and capacity charges is going to help reduce your total community wholesale energy price. It will save money for your entire community, to include businesses and residences. This is just showing the First Energy Transmission demand charges over time. You can see the yellow highlight is where we are at today and the projection going forward is how it's going to increase over time. The First Energy ATSI Zone is the zone of the region within PJM that Napoleon falls. This shows how much of your transmission cost affect the power supply, so this is a portion of your power supply bill dedicated for your transmission costs. Napoleon already participates in peak shaving projects through the Behind the Meter Generation

Projects, for example, the JV2 units and other peaking units. Those help reduce your cost right now. The white on the graph shows what the total cost of transmission is and the red is what you actually pay from the saving from the current peak shaving efforts that you're already doing. If you look at the capacity portion you can see it goes up and down. There isn't a solid up line like you saw in transmission, since it's quite volatile. You never know from year to year what it will look like. The white bar is showing you the total cost for capacity and the red is showing what you actually pay after participating in the peak shaving project. We have the Behind the Meter Generation Projects to help with peak shaving, but we also have an alert system where our dispatch center monitors the weather and what's going on in the entire PJM transmission region. The dispatch center will look for potential peak capacity days or for transmission lines at capacity. The system will send out an alert stating everyone needs to reduce the amount of power that they are using in the system. We could have yellow days, where we could have issues, all the way up to a black day, where we're going to have issues. This alert will help if you want to change the way the water plant pumps operates or if you want to send out alerts to the community to use less electricity to save the community money. This program would fall right in line with this alert system due to already having an alert system in place where the staff are tracking this on a daily basis. During a high alert day is when a thermostat enrolled in the program would be controlled or adjusted. Thermostats that are connected through WIFI can be adjusted to do this as well as any other connected device like an electric vehicle charging station or a pool pump. Right now we're talking about thermostats that will control air-conditioning. The whole purpose of this program is to reduce transmission and capacity charges, but it can be used to help improve customer engagement. This provides the ability to talk with your customers, engage them about reducing energy during peak times and provide them with incentives to participate in the program. It's a positive touchpoint you can have with your customers. Napoleons ATSI Zone's estimated benefit is going to be \$17 per thermostat, which is a net benefit. It actually cost \$80 per thermostat, but your benefit is going to be \$97 and I think \$0.16. We looked at proposals from seven different vendors. We had our Board and our Focus Board Advisors Council comb through each of them. We selected Energy Hub as our partner because they have many clients in the public power space as well as in the investor of utility space. They are a distributed energy resource management system. They are a software service company and this is a service they offer. They are owned by alarm.com, which is based out of New York and has over 100 full time employees. The main thing is that they have partnerships with 99% of the thermostat vendors, for example Honeywell, Sensi, Amazon and Emerson. Our program would be a bring your own thermostat program, so any thermostat that is connected through WIFI can be adjusted during those peak shavings. They also have partnerships with other companies, so in the future if all of our members wanted to expand this from thermostat to, for example, electric vehicles then that could be something that is easily added to the program without having to restart with a new vendor. Cordes asked we are talking about vehicle charging and not taking energy from the vehicle to sell it back, right? Miller replied yes, controlling when it charges and things like that. Once we reach a critical mass of members, meaning we can't do this without joint action. Our critical mass is 2,300 thermostats total amongst all members. After we reach the critical mass, we would enter into the contract with Energy Hub for five years. Your contract would mirror the contract that we have with Energy Hub. Napoleon would be charge \$80 per thermostat per year for five years. If you sign up before December you wouldn't have to pay for the first year of the program due to needing critical mass to sign Energy Hub's contract. The first invoice wouldn't come until January 2024 and it would be on power supply bill. The savings would also be reflected on the power supply bill from the transmission and capacity cost. The savings are delayed a year and the board really

wanted to make sure there was an easy benefit for the participants. AMP is fronting all the cost for the program and taking on the risk, so you can pay when you start seeing savings. If you decide to participate customers would sign up voluntarily. Customers with in your zip code area will get a notification through their thermostat vender stating their public power utility has a program available. If they participate and agree to have their thermostat adjusted during peak demand days they will receive a \$55 gift card. Once the customer says yes to participate a notification will be sent to Napoleon's Utility's Department stating a potential custom has signed up for the program and verification they are a customer is needed. For events our dispatch would receive an alert and through the Energy Hub platform they would set the thermostats for that following day to cycle down. The thermostat will pre cool the home 2-3 degrees a couple hours before peak event, so the residents don't realize it's warm. Then during the event it will increase 2-3 degrees for no more than 4 hours max. After the event the home will return to its normal set point. This will happen no more than 15 times a year and only on weekends and holidays if there is an emergency. Customers can opt out of the event as well. Most people don't opt out because they're not home or don't realize. There's about an 88% participation rate, so most people do participate in the event. We will provide performance reports, but we are unable to provide which household participated due to not receiving that information. The thermostat vendors are protective over that information, but we would have an aggregate for your community to include how many of the thermostats customers are enrolled, what percent participated and the saving for the event. We estimated the capacity and transmission saving benefit over five years would be \$400,083.05 per thermostat that enrolled in the program. Then you would have to take out the \$80 per thermostat costs associated. Ward stated the more participation the more the savings. Miller recaps that a minimum of 2,300 participants are needed, the first year of the program is free if signed up by December and 2% of total residential meter count needs to be enrolled in the program, which is 103 thermostats. This break down shows the cost benefits over five years if you sign up before December. For participating in the program there is a net benefit of \$18,000. It saves the community money and gives you the ability to have a program available to your customers. We would enter into a five year contract once we have enough members interested to hit that threshold. The goal is to have agreements in place by all the members by the end of the year and then offer the program for next year's peak season. Every year after that the participants would have a window between October and February to sign into the program for the following peaking season, which is May- September. That's all I have unless anyone has any questions. Maassel asked if a citizen wanted to sign up are they signing up for all five years? If they decide not to do it after 2-3 years can they opt out? Miller replied it is a five year contract, but if you chose to get out of the contract the thermostats already enrolled in the program would have to be paid through the end of the contract. You wouldn't have to continue to offer it or enroll any additional thermostats. Mazur asked Maassel if he was talking about each individual person or the City? Maassel replied the individual person. Miller stated I'm sorry, I thought you meant the City. The customers do not have to participate all five years, it's voluntary. Energy Hub has found once most people participate they stay in the program. Cordes asked if the \$55 gift card incentive is a onetime thing? Miller replied yes. Cordes asked if the participant gets anything in the following years for remaining in the program? Miller replied no. Maassel stated except for the savings. Miller stated the community will get the savings. Durham asked if the figure shown on page 18 for the savings is based on the 2% figure? Miller replied yes, which is 103 thermostats. Maassel asked Mazur if he knew how many people in Napoleon had a smart thermostat? Mazur replied I don't know. Maassel asked if anyone around the table had one? (Five total raised their hand). Bialorucki asked if most people had a smart

thermostat prior or after? Miller advised according to Energy Hub experience most people will sign up through their thermostat they currently own. They will get a notification through the thermostat vendor and they will sign up that way. Some people may purchase a thermostat through the Efficiency Smart Program due to the \$100 rebate. They may decide to get one through the program and then sign up. That way they would get \$100 off and \$55 to participate. Mazur asked if customers can double up? Miller replied yes. Mazur stated through Efficiency Smart Program customers can get \$100 and through this program they can get another \$55. Cordes asked how much a thermostat with this capability cost? Miller stated the Amazon ones are the least expensive around \$55 and the Google Nest can run from \$150- \$220. Cordes asked if it has to be bought locally for the Efficiency Smart Program? Mazur replied no, you just have to have the receipt. Bialorucki stated I have a smart thermostat that I'm able to adjust the temperature whenever I see the alerts from Napoleon. If I consistently adjust that on my own instead of paying someone else \$80 a year will that still save money? Miller replied yes. Bialorucki stated the \$80 basically pays for the third party company to monitor and actually change the temperature for me. Ward stated it's an orchestrated platform. Our dispatch center would be able to deploy them all at the key times, but if you get the alert you and do it yourself the community will receive the same benefit. Mazur stated we have been in Washington DC lobbying for transmission costs and transmission project oversights for the past five years or more. This attacks that. The Board, I being one the vocal ones, had a focus on driving or at least prioritizing energy cost for our residents. I do like that we provide the incentives on the Efficiency Smart Program, so they can double up. A key component for people to know is that this is controlled by a third party, which helps maintain privacy for residents. Signing up through a government program would be a little worrisome for some people, but with a third party company privacy is maintained. It is all controlled by the third party, we have no information and neither does AMP. Siclair asked if the adjustments will always take place based on what the customer has their thermostat set at already? Miller replied it will be based on degrees up or down from the current set point. Siclair stated just 3-4 degrees is probably negligible. Just anecdotally, last week I talked to a family member whose community started this program this year and they have been pretty impressed with it. I think they supplied the thermostats for anyone who wanted to participate. It seems positive to me. Mazur stated I don't know if you want some time to digest this or if everyone wants to take action you can, but it's not necessary right now. If action is needed there would need to be legislation. AMP has a draft agreement ready that we can review and have Harmon take a look at. We will eventually need legislation to enter into a contract for this program. Are you looking to have contracts entered into by the end of the year? Miller replied yes. Mazur stated we are in August, so we have a little time. We can have this assigned to a future council agenda for more discussion and have legislation brought back if council approves. Bialorucki stated that sounds good to me. Is the legislation prepared now, so that it could be shown to Harmon? Miller stated we have draft legislation and a draft agreement that we can share with you. Bialorucki stated I think if we can make a motion to direct the law director to review the draft legislation now and then bring it back to council. That way it's not making a decision, but at least getting the process moving. Harmon asked do you want the legislation brought forward at the next council meeting? Bialorucki replied yes. We can have it presented to us and then we can discuss it during the three reads. Does that give you enough time? Harmon replied yes, if not I will let you know. Cordes asked how many in total would we need to make this work? Maassel advised 103 thermostats. Bialorucki stated just 2%. Cordes stated we have quite a few elderly in the community that are probably not savvy. Maassel stated we will find out. Mazur stated that is just based on the minimum. If we get more participants then the pay back increases. You're looking at it from the bare minimum perspective

of 103 thermostats. If you add more it's even better. Maassel asked if I sign up for this will I be charged \$80 on my bill? Miller replied no, the City of Napoleon would pay. Maassel asked I get the \$55 gift card? Miller replied yes. Maassel stated then the City gets the savings over the five years? Miller replied yes. Maassel stated good. If I'm throwing out \$80 a year and not seeing a difference in my utility bill it would be a hard sell. Miller replied no, you're not paying anything.

Motion: Siclair Second: Durham
To direct Law Direct to review the draft legislation

Roll call vote on the above motion
Yea- Haase, Cordes, Knepley, Siclair, Durham, Bialorucki, Baer
Nay-
Yea-7, Nay-0. Motion Passed

CITIZEN COMMUNICATION- None

REPORTS FROM COUNCIL COMMITTEES

Electric Committee did not meet on August 8, 2022 due to lack of a quorum
Water, Sewer, Refuse, Recycling & Litter Committee did not meet on August 8, 2022, due to lack of agenda items
Knepley, chair of the Municipal Properties, Building, Land Use and ED Committee reported the committee met on August 8, 2022; and was informed of possible options to reduce deer population in the City. No action was taken, but we will bring it back to committee in the spring of 2023.
Park and Recreation Committee did not meet earlier tonight due to lack of agenda items

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

Ordinance No. 047-22- Replacement Pages to Codified Ordinances

Council President Bialorucki read by title Ordinance No. 047-22, an Ordinance Approving Current June 2022 Replacement Pages to the City of Napoleon Codified Ordinances.

Motion: Haase Second: Knepley
to approve First read of Ordinance No. 047-22

Mazur stated this is something we do twice a year. Certain pages get replaced after review from Walter Drane Company. We have a contract with them where they go through and update our ordinances to match any changes made by Council or State Laws. I am requesting first read.

Roll call vote on the above motion
Yea- Haase, Cordes, Knepley, Siclair, Durham, Bialorucki, Baer
Nay-
Yea-7, Nay-0. Motion Passed

Resolution No. 048-22-TREX Liquor License

Council President Bialorucki read by title Resolution No. 048-22, a Resolution Authorizing the Approval of a TREX Liquor License for Familia Guerrero, LLC, located within the City of Napoleon, Ohio. (Suspension Requested)

Motion: Durham Second: Knepley
to approve First read of Resolution No. 048-22

Mazur stated this is something that we did a few weeks ago for another business. This request came from an existing business in town. They are looking to move their business to another location and TREX in a liquor permit. The business owner is here today and will come up to say a few words. Also, suspension is being requested due to the nature of applying for a liquor permit takes time. Elvira Guerrero introduced herself as the owner of Familia Guerrero, LLC located at 501 N. Perry and thanked Council for giving her a chance to speak. Guerrero stated I have lived here all of my life and my grandparents migrated here in the 60's. My grandfather worked at Sauder's for 30 years, retired and returned to Texas. My mom was raised here and she worked at Campbell's for 15 years. During that time I was a teenager and very rebellious. As you know with Campbell's work life, she was there for 12 hours 7 days a week. I was the oldest of five and hated her for it. I became very rebellious and then I became a teen mom. At that time I was not doing well in life. Later on in life when I was about 16, I believe, my grandfather became ill and my mother had to leave. I basically had to fend for myself, but the community lifted me up and I did well here. The community was responsible for me being able to provide child care, work, feed my children and eventually push me to get my GED and go to college. I love it here and I'm here to stay. Eight years ago my husband and I were working at Keller's earning minimum wage. One day a coworker wanted us to make him lunch and said he would pay for it. It just grew from then and eventually I was making more money selling my lunch than what I was making at Keller's. We knew something was there and we knew we had to eventually do something to make more money to pursue that dream. My husband and I became self-employed installing flooring. We had an opportunity to buy a taco trailer at the same time we we're trying to start the flooring business. The only thing I owned was my mobile home, which I sold for \$5,000 even though it was worth more. I sold it for \$5,000 because this taco trailer was available. We were then homeless, but we were able to live with my mom and continue to work. With that work we were able to acquire a place to live. It took us two years to fix the taco truck, but we did it. After we fixed it and had our license ready to go we thought we would go to all the fairs and become millionaires, but that didn't happen. I didn't know you can't get into fairs just because you have a truck and a license, you have to apply. They can tell you no and they all told us no. Steve from REMAX, saw us pedaling around on our little trailer everywhere and started to find us locations to be able to sell. We got a following our first year. The following year he said why don't you stay in one place. Steve then hooked us up with Kyle Kerns over a vacant lot that was vacant for 15 years. Kyle asked us how we did and we told him we did amazing. He then used his money to fix up the building for us to move into. Now the rest is history. You guys saw us have that ugly trailer and thank you for that. I thought for sure this thing is so ugly we are going to get kicked out of town. We were able to stay and I'm so happy for that. We service the working crowd and I'm happy to see some familiar faces in here. I know the working crowd. I have been working since I was 16 years old, which is why I'm able to resonate and communicate with them. I didn't know what you guys did, so this morning I actually googled it. Literally, "what does city council do?" I was happy to see that you guys write the

legislation for all the city projects and I thought you guys are doing a pretty good job. As long as you keep doing that I will keep having customers and stay in business forever. Thank you. We plan on moving to 1406 Scott Street, the former KFC building. We have big visions for what we want to do there. We would like to start breakfast and hopefully add 12 employees, which is my dream. The one thing everyone has asked us to do since we were pedaling around was to serve margaritas and beer. It would be real nice if we could have that, so that is why I'm here. I was approached about a liquor license that is available within my budget and the seller left the option open to sell it. That is why there is an urgency. If I don't move on this the seller could sell it and I would have missed this opportunity. I am investing everything I have to bring this building back up to code. I have made it my goal that all the money I am investing is staying here. My contractor is from McClure, my architect, electrician and painter are all from Napoleon. I have yet to find a plumber, but he will be from Napoleon. I'm here to stay for many years. I'm hoping in the future I can start a nonprofit to give back and the sales from this will hopefully fund that. That is my future goal. Do you guys have any questions for me? Bialorucki stated I just want to thank you for taking the time to share your story with us. Knowing your business already it would have been easily approved without hearing your awesome story. I appreciate you taking your time to tell us your journey and even looking up what we do. It's amazing to see someone paying attention to that and even seeing how that's helping your business by keeping others around. Maassel stated when you started with the wagon it would have been hard to kick you out of town when you were always surrounded by voters. Every time no matter what time of day there was always a line, even now there's always people inside. Also, it is always really fast and good service at a fair price. I'm looking forward to bigger and better things when you join Scott St. Congratulations. Siclair stated Guerrero is true to her word at working hard for her community, because the Filling Home needed lunch cards for 200+ employees two years ago and they got it done. Also, I will have a hard time voting for this just because your current location is at the end of my bike route and we like to pick up tacos on the way home. Guerrero stated we are planning to stay open a month or two to compare sales. If it's not worth the two locations we do have plans. We will be getting rid of the flags and putting up a new sign. I have spoken to Steve and Kyle about my plan to turn it into a make shift tamale and gordita factory to provide for the other. Also, to maybe turn the trailer into a tamale trailer and maybe they will let us into the fair. I do have plans to beatify it and finally get a sign. I never wanted to get a sign because I felt if I got a sign then I was where I wanted to be and I wasn't. Baer stated everything I have heard is absolutely positive and the benefit is going to be the drive in window. A lot of people will look at that as a real benefit. I have no problem voting for this. Cordes stated it was great to hear your story. You guys have been through a lot and your journey has made a big difference. It is encouraging to hear something like that. I was also encourage to hear about how you support the other local businesses. All the people you have doing the work are local people and that's important. Guerrero replied other local businesses in town have also supported us and I learned from them. For example, the owner of Eddie J's would come down and ask how can we help each other and things like that. They weren't shady ever and that was great. Bialorucki stated I have one more compliment the communication that is put on Facebook is awesome. Through the last couple of years with COVID sometimes people are closing for one reason or another and its frustrating to drive somewhere pull on the door to find they are closed. I appreciate that. Mazur asked if the name is being changed? Guerrero stated yes we are. Mazur replied it will now be Taco Fam, that's nice. Bialorucki stated that will be a little easier to pronounce. Guerrero replied your right and for years I've always greeted people like my taco family. So, when they helped us make the logo, the first thing my husband said was it is me, you and Junior. I didn't even see that at all until they

gave us a bunch of logos. This has been an eight year journey and Junior is 8, so he has been right here working with us the whole time and I love it.

Motion: Durham Second: Siclair
To Suspend the rule requiring three readings of Resolution No. 048-22

Roll call vote to Suspend the rule requiring three readings of Resolution No. 048-22
Yea- Haase, Cordes, Knepley, Siclair, Durham, Bialorucki, Baer
Nay-

Yea-7, Nay-0. Motion Passed

Roll call vote to Pass Resolution No. 048-22 on the suspension
Yea- Haase, Cordes, Knepley, Siclair, Durham, Bialorucki, Baer
Nay-

Yea-7, Nay-0. Motion Passed

Ordinance No. 049-22- Increase Bidding Threshold

Council President Bialorucki read by title Ordinance No. 049-22, an Ordinance Amending Threshold Amounts related to Competitive Bidding, Purchasing, Contracting, and Expenditures.

Motion: Durham Second: Siclair
to approve First read of Ordinance No. 049-22

Mazur advised since Councilwomen Siclair was not at the last meeting, he would share some highlights from the last council meeting and the committee meeting. The ordinance is to increase the bidding threshold amount from \$25,000 to \$50,000. As we see an increase in prices for goods and services it's becoming more cumbersome to put together a bid, request for proposals and request for qualifications to contract services over \$25,000. There is a vast difference between putting together a purchase order and a bid document. With a bid document you have to advertise, receive bids, score the bids and take it through that whole process. It is vastly different in the amount of time and effort that goes into putting a bid document together. We are running into an issue where more of our goods and services purchases that are hitting the threshold or going over. It not only does it bog down system for department heads, but it also bogs down contractors. We might lose out on a small or large contractor by getting quotes from business rather than going through the whole bidding process. You'll have a drop off in the number of companies that actually respond to what for what you're seeking to have, which could be more costly. There is a checks and balances system in place where council does still review all of the AP Reports and the approval of bills. Between Garringers and my office we are not rubber stamping. We take time to look at everything to make sure the purchase is necessary and question things. Occasionally we will send things back to the department head to be modified or for further explanation needed or for denial. We are requesting first read to change the ordinance to allow for purchasing, contracting and bidding threshold to raise to \$50,000 from \$25,000. The states threshold is \$50,000 right now, but that can change at any time. Siclair stated it seems like we just raised it to \$25,000 not to long ago. Bialorucki stated 16 years ago. Maassel advised we discussed it, but we said no about 4-5 years ago. Harmon stated at the Municipal Attorney Conference they ask which cities still have the \$25,000 threshold and

I'm the only one who ever raises their hand. I'm sure there are other cities with \$25,000 thresholds, but at these conferences I'm the only one. Bialorucki replied now you don't have to, well maybe give it a couple reads. Baer stated I'm not against this and I understand why we're doing it. My only concern is the perception of the citizens when they see this information. I had one comment and it wasn't totally negative, but it was just more of a perception issue. I agree with what Garringer said 2 weeks ago that we have a checks and balance system. My only concern is the perception of the citizens. I am in favor of this at this point. Bialorucki replied I think if someone does have a question or concern they can call the City to talk to Garringer, Mazur or any of us here and we can clear that up. Harmon stated if we can make that an informed perception that might be a great thing. I'm going to guess so far that might not be. Maassel stated I just think when you realize how long it has been since it has been raised is your biggest argument. There are not too many things the same price as 16 years ago. Cordes replied if it would have been raised a couple of years ago a little bit. Part of the perception is we're doubling it. Don't get me wrong we need to do this. Maaseel stated we've been slow to do this. Do we want to have this discussion every year for \$500 or just do it all at once? Cordes replied if it would have been at \$35,000 it would be more logical to move from \$35,000-\$50,000. Now we're going from \$25,000-\$50,000, but it needs to be done.

Roll call vote on the above motion

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

Nay-

Yea-7, Nay-0. Motion Passed

Second Reading of Ordinances and Resolutions

Ordinance No. 046-22- ODOT Resurfacing and Bridge Repair Project ST. RT. 110

Council President Bialorucki read by title Ordinance No. 046-22, an Ordinance Authorizing the Ohio Department of Transportation to Perform necessary Work within the City of Napoleon, Ohio regarding the Resurfacing and Bridge Repair Project on State Route 110

Motion: Haase Second: Siclair
to approve Second read of Ordinance No. 046-22

Mazur advised this will allow ODOT to work within the City Limits on State Route 110. Bialorucki asked if we received a response back from ODOT if they would do the rest of 110 for us. Mazur replied not yet. Bialorucki stated I will probably ask that each time or until its added to the Friday FYIs. Bialorucki stated to Sicliar since she wasn't here; ODOT will be working right by Campbell's up to the city limits and Lulfs had asked if they would continue to Appian. Mazur replied I believe it would go to at least Appian, but possibly to S. Perry. That would be nice because the stretch between Appian and S. Perry is probably the worst. Hasse stated I thought he said S. Perry. Bialorucki stated I forgot what he said would be the percentage we would be paying. Maassel replied its going to be a lot cheaper than having our own crew come in. Mazur stated maybe if they are already mobilized we could use their contactor to keep going. I will make sure this gets communicated as soon as we find out.

Roll call vote on the above motion

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

Nay-

Yea-7, Nay-0. Motion Passed

Third Reading of Ordinances and Resolutions

Resolution 043-22- Apply for OPWC/ Issue II Grant

Council President Bialorucki read by title Resolution 043-22, a Resolution Authorizing the City Manager to Execute all Documents necessary to Apply for and Accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) funds for projects deemed necessary by the City Engineer in the Year 2023; and declaring an Emergency

Motion: Knepley Second: Siclair

To pass Resolution No.043-22 on Third read

Mazur advise this allows us to apply for Issue II.

Roll call vote to pass Resolution No.043-22 on Third read

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

Nay-

Yea-7, Nay-0. Motion Passed

Ordinance No. 044-22-Compensation of Certain Position Classifications

Council President Bialorucki read by title Ordinance No. 044-22, an Ordinance Amending Ordinance No. 053-21 regarding the compensation of certain City of Napoleon Position Classifications in and for the Year 2022; and declaring an Emergency

Motion: Durham Second: Knepley

To pass Ordinance No.044-22 on Third read

Mazur advised this is to adjust the pay rate for the part time firefighters.

Roll call vote to pass Ordinance No.044-22 on Third read

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

Nay-

Yea-7, Nay-0. Motion Passed

GOOD OF THE CITY (Discussion/Action)

Approve Power Supply Cost Adjustment Factor for August 2022 as PSCAF 3-month averaged factor \$0.02226 and JV2 \$0.112995

Mazur advised this is one of the more interesting bills due to catching April, May and June for the 3 month rolling average in terms of usage months. If you recall in April we had a significant cost due to congestion at the Prairie State Facility located in Southern Illinois. The next bill will have the congestion issue dropped. Then in April we started to see the gas prices climbing and peaking in June. That really doesn't affect us a lot except for the Fremont Energy Center, which is the natural gas plant. We saw gas prices climb in May, spike in June, dip back down in July and now in August we are starting to see them

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climb back up to the higher levels around \$8.50 per MMBtu. I have been monitoring it a little bit more since it is such a volatile market for natural gas right now. Hopefully, we can stabilize after this, but it's dependent on the natural gas and energy markets. For the most part we will be pretty stable around the \$0.13 per kilowatt per hour range.

Motion: Haase Second: Cordes

To approve the Power Supply Cost Adjustment Factor for August 2022 as PSCAF 3-month averaged factor \$0.02226 and JV2 \$0.112995

Roll Call vote on the above motion

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

Nay-

Yea-7, Nay-0. Motion Passed

PC 22-04, Subdivision Re-plat of Lot 4 of the Re-plat of Lots 25, 26 and 27 — 222 East Front Street.

Maassel stated unfortunately I was unable to attend the Planning Commission meeting; but did get to speak with Kevin Schultheis and some commission members. During the meeting Schultheis read the terms and conditions and it sailed right through the commission. The way it looks on map is all of those are one parcel and now it's basically being broken up to have different buildings in different parcels. Is that a good way to describe it City Manager? Mazur responded in the affirmative, a bunch of buildings in one parcel now being broken up into different parcels where it's separated out. Maassel stated if the owner wanted to move forward he could sell a building without having to sell the whole parcel. This was approved unanimously through the Planning Commission.

Motion: Knepley Second: Haase

To approve PC 22-04 Re-plats

Roll Call vote on the above motion

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

Nay-

Yea-7, Nay-0. Motion Passed

On Purchase of a 2022 Ford F-550 Chassis Regular Cab Dump Truck off State Contract for the Electric Department

Mazur stated if you look on the screen this came from Valley Ford Truck and is a State contract for a cab Chassis for \$64,422. We would have to up fit the truck, we use Kalida Truck, and overall the total is \$89,922. If you recall this vehicle is being replaced because the cemetery truck was incapacitated after it started on fire. Since then it has been scrapped, we have an insurance claim of \$10,000 and some change, and we valued the vehicle coming from the Electric Department at \$40,000. The \$10,000 from the insurance claim plus the \$30,000 from the Cemetery Trust Fund will be transferred into the Electric Fund to offset the cost for the new truck. Then we can transfer the older electric truck to the cemetery. Bialorucki stated it was mentioned before that the Electric Department truck that is getting passed down would need replaced in a couple years on rotation. Mazur replied I believe it is a 10 year rotation, which would give it another 3 years. Bialorucki stated that will save us money in 3 years. We are not bumping another one in its place right? Mazur replied with that is correct.

Motion: Durham Second: Siclair
To approve the purchase of a dump truck off the State Contract for the Electric Department

Roll Call vote on the above motion
Yea- Haase, Cordes, Knepley, Siclair, Durham, Bialorucki, Baer
Nay-

Yea-7, Nay-0. Motion Passed

Professional Design Services Agreement with Powers Engineering, Inc. for the Napoleon IS5 Line Relocation Project in the amount of \$237,811.00.

Mazur stated the Electric Department put together a request for qualification (RFQ) and reviewed four responses. Powers Engineering, Inc. was the best scoring consultant to do the engineering work for the Industrial Substation. This project is to move the behind the meter generation line. It has to be reconfigured in order for the Industrial Substation to be designed and completed. That line has to be moved and sectioned off to be connected to the where the line drops down into the Southside Substation. We have allocated \$800,000 total so far for all of the work to be completed for this portion of the substation rebuild. Once this is completed the next step is to enter into a design contract with whoever to work with AMP Transmission. Then eventually complete the reconstruction of the Industrial Substation in collaboration with AMP Transmission. Kuhlman added the cost of the electric industry has really skyrocketed. With the remaining roughly \$550,000 left we are going to try and do as much work as possible within the City. My guys will set poles and string the wires 200 feet to the south to make room for the rebuild itself. I'm sure just to set the poles and string the wire will run a quarter million or close to it. They are talking about switching to isolate the south side from the generation. For instance if there was an accident on the south side line someone would have to separate the two, while they were wanting to run the generation. That's something the guys would be coming in anyways to work on. Whatever the situation was they could just come and manually kick some jumpers off to separate those two instead of having switchgear do that. Switchgear in itself could run \$100,000 and it may never happen in the scheme of things until we have the substation built. That's just a way of saving that \$800,000 that we allocated for and I think we can really stay under that budget. Fingers crossed with the prices of electricity industry. I just wanted to bring you up to speed on what the plan was, which is for our guys to do as much work as possible and alleviate buying switchgears. These wouldn't be used so we were just kind of throwing money away. Bialorucki asked Mazur to go to Appendix B. When I was reviewing this there were two paragraphs in the middle about progress meetings and a lot of that seems pretty important. Why is that all crossed out? Mazur replied that this isn't exactly a big job per say, but its detailed. Todd has his finger on the pulse on running contracts and these substations are his babies. Writing progress meetings into the contract forces time into their contract and cost go up. I think by forcing progress meetings contractors have to build in that cost and time; rather than designing it and having Todd working with the engineers by passing information back and forth. It's easier for Todd to do this remotely on an as needed basis. This is the small portion of the job. It's not like a waste water treatment plant where there's lots of moving parts. The moving part here is all driven by us and it's not like we have multiple processes that need to stay intact. To me the progress meetings are something added into every contract, but in this case don't think is necessary. Bialorucki asked if they had that removed or did we remove that ourselves? Mazur replied I couldn't tell you. I think that was discussed between them and Todd. Kuhlman stated Todd is familiar with this group and I'm not quite

sure what went on between that conversation, but I can tell you Todd is just wanting to make sure there is a constant progression for this whole project. Todd is pushing and I told him to push. I don't want any delays just because of the costs right now and the delays, for example, DANA and ADS are both wanting to be changed over and their looking at six months to a year for materials. I'm sure that's one of the things that preempted him to push on this progression. Bialorucki asked if the \$237,811.00 is paid one time after the project is completed? Kuhlman stated we have a kick off meeting with them this week so we're going to see if we had to pay in increments or how we would do that. Bialorucki stated in the second paragraph it says "monthly status reports will be submitted with each invoice to provide current project status relative to submitted project schedule cost." So, if they are wanting money from us each invoice I would think we would want them to provide what has been done. I don't know, Harmon if you could weigh in, since you have to deal with these when they don't go well. Harmon replied it's a standard part of the agreement, legally speaking is it absolutely necessary no. There was another section added by the contractor earlier on. Mazur stated Section 7. Harmon continued I'm not sure who authorized that addition. Mazur replied that we didn't it came from them. Harmon stated we're getting into conversations that usually happen behind doors at this point. Mazur and I haven't had time to discuss this. The question was asked by my office who authorized this addition and is this something we're actually looking to do? Legally speaking can we sign an agreement that say some of these things? I think we can, but I'm not sure it is a great idea at the end of the day. Whether or not I think it is a great idea isn't necessarily up to me. If I'm signing it, I'm signing it as the form. That's a discussion that we will have sometime in the future to see what to do about Section 7. Mazur stated if we need to make modifications to it we can. The request today is to authorize entering into the contract with the modifications that Harmon and I would make. Harmon stated we have had some paper conversations. I received a submission for the work, asked some questions on the form and sent it back. Past that we have not had a chance to further review. Bialorucki stated tonight we're just entering into an agreement with this company. Harmon interjected, what exactly the agreements is going to say is mostly hammered out, but some things still need to be hammered out. Bialorucki stated thank you and I appreciate it. I appreciate the conversation with Mazur and Kuhlman about Todd knowing what he is doing. It's been proven for years, but I just wanted to ask the question. Those seem like pretty important things that were crossed off. Kuhlman stated the negotiations of that \$800,000 allocation is going to be things that I can bring up to whoever is awarded the contract. I already told Powers Engineering that I wanted the responsible for building the line for the City Electric Department by expanding and relocating the IS5 line to save as much money as we possibly can. Mazur stated this is standard language, as you can see Engineering Department is listed in here and the Engineering Department hasn't and isn't going to review that work. That will be done by the Electric Department with Mike Dietrich and Todd.

Motion: Durham Second: Sicclair
To approve entering into a contract with Powers Engineering

Roll Call vote on the above motion
Yea- Haase, Cordes, Knepley, Sicclair, Durham, Bialorucki, Baer
Nay-

Yea-7, Nay-0. Motion Passed

Acceptance of \$1,500 Grant from WalMart for Air Purifying Equipment for Police Department

Mazur advised the Fire Department and the Police Department alternates each year for applying for the Walmart Grants. This year the Police Department received the grant for air purifying equipment to use in the evidence room. Bialorucki stated that equipment is needed.

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Motion: Baer Second: Cordes

To accept \$1,500 grant from Walmart for Air Purifying Equipment for the Police Department

Roll Call vote on the above motion

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

Nay-

Yea-7, Nay-0. Motion Passed

AROUND THE TABLE

Siclair- I noticed a couple of things in town. The sidewalks on Park Street are almost all done and they look fantastic. As do the streets around Woodlawn and Glenwood. Bialorucki responded we got a lot done while you were gone.

Knepley- I just wanted to comment that the Police Department did a nice job with traffic control for the parade last night. They were on point, thank you.

Durham- I was out of town for the storms that we had on August 5th, but I must have been on the phone with Mazur 10-15 minutes after they hit Napoleon. During the call Mazur stated everyone was already being called in and the cleanup had been started. I just want to thank all of the personnel and departments that contributed to the cleanup. I know the Mayor has said it before, but the work we do before the storm makes the work during and after the storm easy. I think that proved itself once again. Nice job all around.

Maassel- We lost power for the first time in a while for a total of two hours. Too bad Greg left already otherwise he would get kudos. It is all the work we do when the sun is shining that when it's not it shows. We appreciate all their hard work. We also appreciate the Fire Department with all the rescues they have been on lately. There was a tragic accident on 424 and the fire at the grain facility. Everyone coming back is the most important thing. You respond to a fire and never know what going to be found in a grain facility. To fight that with hand tools and get those big pieces out of there is not easy, but obviously much appreciated. The Henry County Fair is going on, so if you haven't been out make sure you get out there to see what's going on across the great county. There is lots of stuff going on at the fair. Also, we have a football game on Friday night, let's go beat the bulldogs.

Baer- Just to tap on to everything that has been said, great job to the City for the storm clean up. Even with the power outage, two hours maximum is great. The only problem I had was that was my first night as this terms president of the Lions Club and the power went out 5 minutes before I was supposed to start the meeting. So, I thought they were ready to impeach me. Anyways good job. Also, the Safety and Human Resource Committee will be meeting next Monday, which is to deal with the holiday issue assigned to us a couple months ago. I am assuming the Finance and Budget Committee is not meeting? Grainger replied that is correct. Baer stated the Human and Safety Resource Committee will be moved up to a 7:00pm start time.

Haase- I have nothing.

Cordes- I have a few updates from Tree Commission. Evidently there were quite a few holes that didn't get filled with the topsoil and it has built a little bit. An increase in expense will be seen due to trying to get the holes caught up. If you don't keep up when digging and refilling the holes it's going to continue to get worse. Expect an expense of about \$7,800, which is right in line. Also, two trees were knocked down from the storm. They are looking to clean them up in the fall and possibly tacking onto the cleanup in the fall. There was a little bit of a mix up with the packets getting out to the people doing the cleanup, somewhere the ball got dropped. The people didn't even know they were going to be receiving packets, so we had to resubmit the packets. I don't know what happened with that. I do want to make one comment to the Fire Department. I know you were talking about getting the gear for grain vent saves, have your guys had the extra training on that? Or are you getting the gear and winding up to it? O'Brien replied we have had training in grain bin safety before and we do have all the rope rescue, but this will be the first annual one that's coming to Napoleon. Cordes stated that means you guys haven't quite used the new equipment yet, but obviously the old training kicked in and you did a great job at Jewel. Thank you. I know that can be a stressful situation and I appreciate it.

Maassel- I have a mulligan. It seems like there is a lot more mulch at the yard waste site due to the amount of branches down. I know it's supposed to be only Napoleon citizens that can take the mulch, but can we suspend that for 60-90 days for anyone to take it? Mazur advised I planned on bringing that up with Rathge. Bialorucki stated I was there the weekend before the storm and noticed there was a lot then. Mazur stated I will have a conversation with Rathge tomorrow and get a plan around. It is part of our NPDS permit with the Ohio EPA that we can't have that there for over a certain period of time. Maassel stated I had people, who are not Napoleon citizens, ask if they could take some mulch. There's a lot out there, so if we can just suspend that we'd get rid of a lot of stuff out there. This would be not to contribute to the pile, but to only take away from the pile.

Harmon- Nothing for me thank you.

Mazur- Nothing for me.

Bialorucki- I just wanted to thank the police and the city crews for a job well done. This year I was able to be a part of the parade marshals and it was eye opening. Going out there starting at 10am to mark things off and being there until the end. There is a lot of work involved that I never saw when I showed up at 5:45pm to watch the parade. Neil Giffey has been running that portion for 20 years, but has been on it for 30 years. He mentioned a couple of people from the City helped him out a lot. I believe he said Tony Kuhlman and Perry Hunter, so Mazur if you could pass that along to them.

Garringer- August 5th was the 100th anniversary of the golf course. As somebody who attended, it was a very nice event. It was well attended and nice to have a singer there. For someone who just took up golfing again this year I have played that course several times. I believe the course is in fantastic shape and can compare to any course that we have in Northwest Ohio. It is wonderful to see various people out there playing from young to old, couples and ladies at league night. It's being used by a lot of diverse people in the City and surrounding areas. So, great job to Mazur and the Recreational Department for getting that organized. That was something that was on life support 8 years ago or at least up for

discussion. I would hate to see it go away. It has done nothing, but grow since then. It was a wonderful event.

Bialorucki- I have a mulligan. The basketball court looks awesome. I had no idea we were doing that. Mazur replied it was actually Shawn Thompson. He wanted to do it so, he took the intuitive and made it happen.

Executive Session (Pending or Imminent Litigation)

Motion: Durham Second: Siclair

To enter executive session at 8:36 pm

Roll call vote on the above motion

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

Nay-

Yea-7, Nay-0. Motion Passed

Motion: Haase Second: Siclair

To exit executive session at 9:33 pm

Roll call vote on the above motion

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

Nay-

Yea-7, Nay-0. Motion Passed

No action was taken.

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

Durham stated I have a question on the bills regarding Advertising for Job Openings. It is around \$490 at the bottom of the last page or the bottom of the first page. Mazur stated it's at bottom of first page. Durham asked where we advertise? Mazur stated all over the place, but we pay for the newspapers. Siclair stated that's expensive. Mazur replied all of our newspapers ads are pricey. Bialorucki asked if we track where the applicants heard about the ad? Mazur stated I'll have to check. Bialorucki replied maybe we should do that. Harmon stated I think we do or I would think that we would. Mazur stated we get a lot of indeed hits, but the other ones are more localized are probably more word of mouth.

ADJOURNMENT

Motion: Siclair Second: Knepley

To adjourn the city council meeting at 9:35pm

Roll call vote on the above motion

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

Nay-

Yea-7, Nay-0. Motion Passed

Approved
September 6, 2022

Joe Bialorucki, Council President

Jason Maassel, Mayor

Marrisa Flogaus- Recorder

DRAFT

ORDINANCE NO. 047-22

AN ORDINANCE APPROVING CURRENT JUNE 2022 REPLACEMENT PAGES TO THE CITY OF NAPOLEON CODIFIED ORDINANCES

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

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

WHEREAS, the City has heretofore entered into a contract with the American Legal Publishing Corporation (formerly known as Walter H. Drane Company) to prepare and publish such revision which is before Council; **Now Therefore**,

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

Section 1. That, the Ordinances of the City of Napoleon, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the June 2022 Replacement Pages to the Codified Ordinances are hereby approved and adopted; such having been certified as correct by the Clerk of Council and the Mayor.

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

Traffic Code

Impounding Vehicles on Public Property

General Offenses Code

No Changes

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

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

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

part thereof.

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

Passed: _____
Joseph D. Bialorucki, Council President

Approved: _____
Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Marrisa Flogaus, Clerk of Council

I, Marrisa Flogaus, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 047-22 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.

Marrisa Flogaus, Clerk of Council

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

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

Discard Old Pages

Insert New Pages

PRELIMINARY

Cover and Certification Page	Cover and Certification Page
23, 24	23, 24
27, 28	27, 28
40E	40E

PART ONE - ADMINISTRATIVE CODE

102MM through 102DDD	102MM through 102DDD
----------------------	----------------------

PART THREE - TRAFFIC CODE

13, 14	13, 14
21 through 22E	21 through 22G
173, 174	173, 174
176C	176C
191, 192	191, 192
195 through 197	195 through 197

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

73 through 80	73 through 80
---------------	---------------

PART FIFTEEN - FIRE PREVENTION CODE

11, 12	11, 12
--------	--------

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

Local legislation current through June 20, 2022

State legislation current through April 6, 2022

CERTIFICATION

We, Jason Maassel, Mayor and MARRISA HALL, Executive Assistant to Appointing Authority - Clerk of Council of Napoleon, Ohio pursuant to Article II Section 2.15 of the Charter and Section 121.03 of the Administrative Code, hereby certify that the general and permanent ordinances of the City of Napoleon, Ohio, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes are correctly set forth and constitute the Codified Ordinances of Napoleon, Ohio, 1996, as amended to June 20, 2022.

/s/ Jason Maassel
Mayor

/s/ MARRISA HALL
Clerk of Council

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publication by
THE WALTER H. DRANE COMPANY
Cleveland, Ohio

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FLOOD PLAIN DISTRICTS

- conditional uses 1137.01(c), 1141.03(b)
- established 1137.01(a)
- performance standards 1137.01(b)

FMLA LEAVE 197.19(h)

FOWL (see ANIMALS)

- coloring; sale or display 505.12
- running at large 505.01

FREEWAY (see STREETS)**FUNDS**

- boards and commissions 156.01
- Cemetery Fund 951.01 et seq.
- income tax
 - contributions 193.11, 193.21
 - lodging tax, from 191.20
- Sewer Revenue Fund 935.04

FUNERAL PROCESSION

- driving in 331.24

GARBAGE AND RUBBISH (see also SOLID WASTE)

- bags; ties 925.07
- burning 925.05
- commercial or licensed
 - collections 925.10
- containers, placement of 925.08
- definitions 925.01
- disposal required 925.03
- dumping 925.05
- hazardous or infectious waste 925.23
- liquid waste 1127.19
- penalty 925.99
- private haulers 925.11
- public utility, as 925.02
- public utility payments 925.16
- rates and charges
 - generally 925.12
 - requests 925.19
 - special service 925.17
 - tires; whiteware 925.18
- recycling center license 723.02
- refuse, miscellaneous 925.09
- residential 925.06
- rules and regulations 925.14

GARBAGE AND RUBBISH (Cont.)

- Sanitation Department service 925.04
- schedules 925.12
- tags, purchase of 925.16
- unauthorized removal 925.15
- yard waste management 925.20 et seq.

GOLF CART (see LOW-SPEED, UNDER-SPEED, UTILITY VEHICLES, AND MINI-TRUCKS)**GOLF COURSE, MUNICIPAL**

- approval needed for play 955.13
- fees
 - greens; carts 955.12
 - privilege 955.09
 - penalty 955.99
 - persons permitted on 955.11

GRASS (see WEEDS AND GRASS)**GUN (see WEAPONS)****HANDICAPPED PERSONS**

- blind pedestrian 371.02
- mobility device 371.12
- parking locations 351.04
- ramps added to dwellings 1127.03(b)
- wheelchair, motorized
 - defined 301.52
 - operation of 371.11

HEALTH BOARD

- established 161.01

HEIGHT REGULATIONS

- exceptions 1127.03(d)
- fences, screening, walls 1127.08
- regulations Ch, 1147

HIGHWAY (see STREETS)

HITCHHIKING 371.06

HIT-SKIP (see ACCIDENT)

HORN 337.19

HORSES (see ANIMALS)**HOTEL**

- tax (see LODGING TAX)

HOUSING (see FAIR HOUSING PRACTICES)**IDENTITY THEFT PREVENTION POLICY** 137.13**IMPOUNDING**

private tow-away zones	303.082
vehicle	
private residential or agricultural property	303.081
public property	303.083
release; records; charge	303.081
traffic violation	303.08

IMPOUNDMENT

motor vehicle; storage fee	145.06
----------------------------	--------

IMPROVEMENTS

construction; repair	913.01 et seq.
subdivisions (see SUBDIVISION REGULATIONS)	

INCOME TAX EFFECTIVE JANUARY 1, 2016

amended returns	194.312
annual return	194.09, 194.304
assessment	194.17, 194.310
audit	194.11
authority to levy	194.01
Board of Tax Review	194.18
collection at source	194.05
confidentiality	194.14, 194.303
consolidated returns	194.306
credit	194.08, 194.314
definitions	194.03, 194.301
effective date	194.02
electronic filing	194.305
estimated tax; declaration of	194.07, 194.306
failure to pay	194.307
fees and charges	194.10
fraud	194.15
income subject to tax	
individuals	194.04
net profit	194.06, 194.30
penalty and interest	194.10, 194.309
refunds	194.311
rounding	194.12
rules	194.20

INCOME TAX EFFECTIVE**JANUARY 1, 2016 (Cont.)**

statute of limitations	194.19
tax situs	194.302
Tax Administrator	194.13, 194.16
violations; penalty	194.315, 194.99

INCOME TAX (THRU 12-31-15)

applicability	193.13
collection at source	193.17
confidential information, divulging	193.09
credit for tax paid to other municipality	193.05
declaration of estimated	193.19
definitions	193.01
effective date; fiscal year	193.04
effective period	193.16
exemptions	193.14
Finance Director	
duties	193.07
investigative powers	193.09
funds, allocation of	193.11
imposition	193.02
interest	193.98
losses	193.03
peddlers and solicitors	735.02(d)
penalty	
civil	193.98
divulging confidential information	193.09
general	193.99
prohibition, criminal	193.99
Recreation Fund	193.21
refunds	193.15
return and payment	193.18
Review Board	193.12
rules and regulations	193.06
statute of limitations	193.20
Taxation Department	193.08
withholding by employer	193.17

INDECENCY (see OBSCENITY; SEXUAL OFFENSES)**INDUSTRIAL DISTRICTS (see also ZONING DISTRICTS)**

established	1135.01
I-1 Enclosed Industrial	1135.02

- MANAGER, CITY (Cont.)**
 powers and duties 133.01, 133.04
 powers; duties Chtr. 4.06
 qualifications 133.02
 residency requirements 133.02
 Service Director, as 133.04
 Traffic Code authority 305.01
 utility service agreements 133.03
- MANHOLE COVER**
 tampering with 313.08
- MANUFACTURED HOME**
 conditional use regulations 1141.03(b)
 occupying moving 331.35
- MARIHUANA (see DRUG ABUSE)**
- MARQUEE (see SIGNS)**
- MAYOR (see also PUBLIC SERVANT)**
 compensation Chtr. 3.03, 131.03
 office location Chtr. 3.03, 131.03
 powers; duties Chtr. 3.04, 131.04
 prohibited activities 131.04
 qualifications Chtr. 3.02, 131.02
 term Chtr. 3.01, 131.01
 vacancy; election Chtr. 3.05, 131.05
- MECHANICAL AMUSEMENT DEVICE**
 (see AMUSEMENT DEVICES
 AND ARCADES)
- MEDICAL MARIJUANA** 747.01 et seq.
- MEETINGS (see also specific subject
 involved)**
 open Chtr. 8.01
 public (see MEETINGS, PUBLIC)
- MEETINGS, PUBLIC**
 definitions 103.01
 discussion of public business 103.05
 executive sessions 103.07
 general provisions 103.06
- MEETINGS, PUBLIC (Cont.)**
 regular; organizational;
 notice 103.02
 special
 news media 103.04
 notice 103.03
- MENACING (see THREATS)**
- MINI-BIKE (see ALL PURPOSE
 VEHICLE)**
- MINOR (see also JUVENILE)**
 curfew (see CURFEW)
 electric personal assistive mobility
 device use 371.12(b), (c)
- MISDEMEANOR (see OFFENSE)**
- MOBILE HOME**
 occupying moving 331.35
- MOPED (see MOTORIZED BICYCLE)**
- MOTELS AND HOTELS**
 tax (see LODGING TAX)
- MOTORCYCLE (see also BICYCLE)**
 brakes 337.18
 defined 301.19
 handle bars 373.02
 headlight required 337.03
 helmets; safety glasses 373.02
 license to operate 335.01(a)
 muffler 337.20
 off-highway (see MOTORCYCLE,
 OFF-HIGHWAY)
 rear-view mirror 337.21
 riding abreast 373.04
 seat, use 373.02
 vehicle, attaching to 373.03

MOTORCYCLE, OFF-HIGHWAY

accident reports	375.07
certificate of title	375.08
definitions	375.01
equipment	375.02
licensing requirements, operator	375.05
operation	
permitted	375.04
prohibited	375.03
Traffic Code application	375.03
vehicle registration	375.06

MOTORIZED BICYCLE

definition	301.04(b)
driver's license	373.10
equipment	373.10
lights	337.02

MOTOR VEHICLE

all purpose (see ALL PURPOSE VEHICLE)	
bike path, prohibited on	331.37
boats, launching or retrieving	331.44
certificate of title	335.08
criminal forfeiture of	335.05(c)
definitions	301.20, 301.51
driving (see DRIVING)	
entering or leaving moving vehicle	371.06
equipment (see VEHICLE EQUIPMENT)	
immobilization order	335.05(c)
impounding	
private residential or agricultural property	303.081
public property	303.083
release; records; charges	303.081
storage fee	145.06
traffic violation	303.08
junk (see JUNK MOTOR VEHICLE)	
key removal	303.03, 351.07
license plates (see LICENSE PLATES)	
littering from	331.42
low-speed (see LOW-SPEED, UNDER-SPEED, UTILITY VEHICLES, AND MINI-TRUCKS)	
operation (see DRIVING)	

MOTOR VEHICLE (Cont.)

parking (see PARKING)	
registration within thirty days	
of residency	335.111
riding on outside	371.06
slow moving (see COMMERCIAL AND HEAVY VEHICLE)	
snowmobile (see SNOWMOBILE)	
unsafe	337.01
weight limits for City-owned	
parking lots	351.19
wrongful entrustment of	335.05

MUFFLER (see VEHICLE EQUIPMENT)**NATIONAL PROPERTY**

MAINTENANCE CODE (see BOCA NATIONAL PROPERTY MAINTENANCE CODE)

NOISE

peddlers and solicitors	735.09
zoning regulations	1127.15, 1127.16

NOISE CONTROL

exceptions	531.03
loud or unnecessary noises	531.01, 531.02
penalty	531.99
remedy; injunction	531.04

NONCONFORMANCE (see USE REGULATIONS)**NUISANCE**

air pollution	1127.18
odors	1127.17

NUISANCE ABATEMENT

appeals	503.11
collection of cost	503.16
damages	503.12
decency, offending	503.04

COMPARATIVE SECTION TABLE

<u>Ord. No</u>	<u>Date</u>	<u>C.O. Section</u>
032-20	8-17-20	June 2020 Replacement Pages
034-20	8-3-20	TRAF. SCH. I, III
053-20	11-16-20	194.081
054-20	12-7-20	955.16
066-20	12-21-20	193.11, 194.013
083-20	2-1-21	925.08
084-20	2-1-21	December 2020 Replacement Pages
085-20	2-1-21	931.09
086-20	2-1-21	931.07
020-21	8-2-21	June 2021 Replacement Pages
039-21	11-1-21	913.02
041-21	11-1-21	TRAF. SCH. I, III
049-21	12-20-21	183.01
057-21	12-20-21	193.11, 194.013
062-21	1-17-22	143.01
005-22	3-7-22	TRAF. SCH. I, III
007-22	3-21-22	January 2022 Replacement Pages
011-22	4-18-22	955.09(t)
019-22	4-4-22	194.081
028-22	6-20-22	Ch. 1519. Ed. Note

- (2) A taxpayer may amend a declaration under rules prescribed by the Tax Administrator. When an amended declaration has been filed, the unpaid balance shown due on the amended declaration shall be paid in equal installments on or before the remaining payment dates. The amended declaration must be filed on the next applicable due date as outlined in (C)(1)(a) through (d) of this section.
 - (3) On or before the fifteenth day of the fourth month of the year following that for which the declaration or amended declaration was filed, an annual return shall be filed and any balance which may be due shall be paid with the return in accordance with Section 194.091 of this Chapter.
 - (a) For taxpayers who are individuals, or who are not individuals and are reporting and filing on a calendar year basis, the annual tax return is due on the same date as the filing of the federal tax return, unless extended pursuant to division (G) of section 5747.08 of the Revised Code.
 - (b) For taxpayers who are not individuals, and are reporting and filing on a fiscal year basis or any period other than a calendar year, the annual return is due on the fifteenth day of the fourth month following the end of the taxable year or period.
 - (4) An amended declaration is required whenever the taxpayer's estimated tax liability changes during the taxable year. A change in estimated tax liability may either increase or decrease the estimated tax liability for the taxable year.
- (D) (1) In the case of any underpayment of any portion of a tax liability, penalty and interest may be imposed pursuant to Section 194.10 of this Chapter upon the amount of underpayment for the period of underpayment, unless the underpayment is due to reasonable cause as described in division (E) of this section. The amount of the underpayment shall be determined as follows:
- (a) For the first payment of estimated taxes each year, twenty-two and one-half per cent of the tax liability, less the amount of taxes paid by the date prescribed for that payment;
 - (b) For the second payment of estimated taxes each year, forty-five per cent of the tax liability, less the amount of taxes paid by the date prescribed for that payment;
 - (c) For the third payment of estimated taxes each year, sixty-seven and one-half per cent of the tax liability, less the amount of taxes paid by the date prescribed for that payment;
 - (d) For the fourth payment of estimated taxes each year, ninety per cent of the tax liability, less the amount of taxes paid by the date prescribed for that payment.
- (2) The period of the underpayment shall run from the day the estimated payment was required to be made to the date on which the payment is made. For purposes of this section, a payment of estimated taxes on or before any payment date shall be considered a payment of any previous underpayment only to the extent the payment of estimated taxes exceeds the amount of the payment presently required to be paid to avoid any penalty.
- (E) An underpayment of any portion of tax liability determined under division (D) of this section shall be due to reasonable cause and the penalty imposed by this section shall not be added to the taxes for the taxable year if any of the following apply:

- (1) The amount of estimated taxes that were paid equals at least ninety per cent of the tax liability for the current taxable year, determined by annualizing the income received during the year up to the end of the month immediately preceding the month in which the payment is due.
- (2) The amount of estimated taxes that were paid equals at least one hundred per cent of the tax liability shown on the return of the taxpayer for the preceding taxable year, provided that the immediately preceding taxable year reflected a period of twelve months and the taxpayer filed a return with the municipal corporation under Section 194.091 of this Chapter for that year.
- (3) The taxpayer is an individual who resides in the Municipality but was not domiciled there on the first day of January of the calendar year that includes the first day of the taxable year.

(F) A Tax Administrator may waive the requirement for filing a declaration of estimated taxes for any class of taxpayers after finding that the waiver is reasonable and proper in view of administrative costs and other factors.
(Ord. 053-15. Passed 11-16-15.)

194.08 CREDIT FOR TAX PAID.

194.081 CREDIT FOR TAX PAID - CITY OF NAPOLEON.

Every individual taxpayer domiciled in the municipality who is required to and does pay, or has acknowledged liability for, a municipal tax to another municipality on or measured by the same income, qualifying wages, commissions, net profits or other compensation taxable under this chapter/ordinance, may claim a nonrefundable credit against the tax imposed by this chapter/ordinance upon satisfactory evidence that tax has been paid to another municipality. The credit shall not exceed seventy percent (70%) of the amount obtained by multiplying the income, qualifying wages, commissions, net profits or other compensation subject to tax in the other municipality by the lower of the tax rate in such other municipality or the tax rate imposed under this chapter/ordinance.

(b) If a resident of Napoleon operates a business or businesses in another taxing municipality and the business or businesses incur a loss, the amount of the loss is deemed primarily subject to the taxing jurisdiction of the other taxing municipality and may not be used to reduce the taxpayer's Napoleon tax base.
(Ord. 019-22. Passed 4-4-22.)

194.082 REFUNDABLE CREDIT FOR QUALIFYING LOSS.

(A) As used in this section:

- (1) "Nonqualified deferred compensation plan" means a compensation plan described in section 3121(v)(2)(C) of the Internal Revenue Code.
- (2) (a) Except as provided in division (A)(2)(b) of this section, "qualifying loss" means the excess, if any, of the total amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan over the total amount of income the taxpayer has recognized for federal income tax purposes for all taxable years on a cumulative basis as compensation with respect to the taxpayer's receipt of money and property attributable to distributions in connection with the nonqualified deferred compensation plan.

- (b) If, for one or more taxable years, the taxpayer has not paid to one or more municipal corporations income tax imposed on the entire amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan, then the "qualifying loss" is the product of the amount resulting from the calculation described in division (A)(2)(a) of this section computed without regard to division (A)(2)(b) of this section and a fraction the numerator of which is the portion of such compensation on which the taxpayer has paid income tax to one or more municipal corporations and the denominator of which is the total amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan.
 - (c) With respect to a nonqualified deferred compensation plan, the taxpayer sustains a qualifying loss only in the taxable year in which the taxpayer receives the final distribution of money and property pursuant to that nonqualified deferred compensation plan.
 - (3) "Qualifying tax rate" means the applicable tax rate for the taxable year for the which the taxpayer paid income tax to a municipal corporation with respect to any portion of the total amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan. If different tax rates applied for different taxable years, then the "qualifying tax rate" is a weighted average of those different tax rates. The weighted average shall be based upon the tax paid to the municipal corporation each year with respect to the nonqualified deferred compensation plan.
- (B)
 - (1) Except as provided in division (D) of this section, a refundable credit shall be allowed against the income tax imposed by a municipal corporation for each qualifying loss sustained by a taxpayer during the taxable year. The amount of the credit shall be equal to the product of the qualifying loss and the qualifying tax rate.
 - (2) A taxpayer shall claim the credit allowed under this section from each municipal corporation to which the taxpayer paid municipal income tax with respect to the nonqualified deferred compensation plan in one or more taxable years.
 - (3) If a taxpayer has paid tax to more than one municipal corporation with respect to the nonqualified deferred compensation plan, the amount of the credit that a taxpayer may claim from each municipal corporation shall be calculated on the basis of each municipal corporation's proportionate share of the total municipal corporation income tax paid by the taxpayer to all municipal corporations with respect to the nonqualified deferred compensation plan.
 - (4) In no case shall the amount of the credit allowed under this section exceed the cumulative income tax that a taxpayer has paid to a municipal corporation for all taxable years with respect to the nonqualified deferred compensation plan.
- (C)
 - (1) For purposes of this section, municipal corporation income tax that has been withheld with respect to a nonqualified deferred compensation plan shall be considered to have been paid by the taxpayer with respect to the nonqualified deferred compensation plan.

- (2) Any municipal income tax that has been refunded or otherwise credited for the benefit of the taxpayer with respect to a nonqualified deferred compensation plan shall not be considered to have been paid to the municipal corporation by the taxpayer.

(D) The credit allowed under this section is allowed only to the extent the taxpayer's qualifying loss is attributable to:

- (1) The insolvency or bankruptcy of the employer who had established the nonqualified deferred compensation plan; or
- (2) The employee's failure or inability to satisfy all of the employer's terms and conditions necessary to receive the nonqualified deferred compensation.
(Ord. 053-15. Passed 11-16-15.)

194.083 CREDIT FOR PERSON WORKING IN JOINT ECONOMIC DEVELOPMENT DISTRICT OR ZONE.

A Municipality shall grant a credit against its tax on income to a resident of the Municipality who works in a joint economic development zone created under section 715.691 or a joint economic development district created under section 715.70, 715.71, or 715.72 of the Ohio Revised Code to the same extent that it grants a credit against its tax on income to its residents who are employed in another municipal corporation, pursuant to Section 194.081 of this Chapter.
(Ord. 053-15. Passed 11-16-15.)

194.084 CREDIT FOR TAX BEYOND STATUTE FOR OBTAINING REFUND.

(A) Income tax that has been deposited or paid to the Municipality, but should have been deposited or paid to another municipal corporation, is allowable by the Municipality as a refund, but is subject to the three-year limitation on refunds as provided in Section 194.096 of this Chapter.

(B) Income tax that should have been deposited or paid to the Municipality, but was deposited or paid to another municipal corporation, shall be subject to collection and recovery by the Municipality. To the extent a refund of such tax or withholding is barred by the limitation on refunds as provided in Section 194.096, the Municipality will allow a non-refundable credit equal to the tax or withholding paid to the other municipality against the income tax the Municipality claims is due. If the Municipality's tax rate is higher, the tax representing the net difference of the tax rates is also subject to collection by the Municipality, along with any penalty and interest accruing during the period of nonpayment.

(C) No carryforward of credit will be permitted when the overpayment is beyond the three-year limitation for refunding of same as provided in Section 194.096 of this Chapter.

(D) Nothing in this section requires a Municipality to allow credit for tax paid to another municipal corporation if the Municipality has reduced credit for tax paid to another municipal corporation. Section 194.081 of this Chapter regarding any limitation on credit shall prevail.

(Ord. 053-15. Passed 11-16-15.)

194.09 ANNUAL RETURN.

194.091 RETURN AND PAYMENT OF TAX.

- (A) (1) An annual return with respect to the income tax levied on Municipal Taxable Income by the Municipality shall be completed and filed by every taxpayer for any taxable year for which the taxpayer is subject to the tax, regardless of whether or not income tax is due.

- (2) The Tax Administrator shall accept on behalf of all nonresident individual taxpayers a return filed by an employer, agent of an employer, or other payer located in the Municipality under subsection 194.051(C) of this Chapter when the nonresident individual taxpayer's sole income subject to the tax is the qualifying wages reported by the employer, agent of an employer, or other payer, and no additional tax is due to the Municipality.
- (3) All resident individual taxpayers, 18 years of age and older, shall file an annual municipal income tax return with the Municipality, regardless of income or liability.
- (4) If a taxpayer is retired and is receiving only Social Security income or other retirement income, then that taxpayer need not file an annual tax return. However, during any tax year, if that taxpayer receives income other than retirement income or Social Security income (for example, including but not limited to, income received from lottery winnings, taxable wages, or any other miscellaneous income), then that taxpayer must file a timely tax return for each year in which income other than retirement income or Social Security income is received.
- (5) All tax payments are first applied to the oldest year owing, and such payments are first applied to penalty and interest for that year, and then to tax owed.

(B) If an individual is deceased, any return or notice required of that individual shall be completed and filed by that decedent's executor, administrator, or other person charged with the property of that decedent.

(C) If an individual is unable to complete and file a return or notice required by the Municipality in accordance with this chapter, the return or notice required of that individual shall be completed and filed by the individual's duly authorized agent, guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual. Such duly authorized agent, guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual shall provide, with the filing of the return, appropriate documentation to support that they are authorized to file a return or notice on behalf of the taxpayer. This notice shall include any legally binding authorizations, and contact information including name, address, and phone number of the duly authorized agent, guardian, conservator, fiduciary, or other person.

(D) Returns or notices required of an estate or a trust shall be completed and filed by the fiduciary of the estate or trust. Such fiduciary shall provide, with the filing of the return, appropriate documentation to support that they are authorized to file a return or notice on behalf of the taxpayer. This notice shall include any legally binding authorizations, and contact information including name, address, and phone number of the fiduciary.

(E) No municipal corporation shall deny spouses the ability to file a joint return.

(F) (1) Each return required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's social security number or taxpayer identification number. Each return shall be verified by a declaration under penalty of perjury.

- (2) A taxpayer who is an individual is required to include, with each annual return, amended return, or request for refund required under this section, copies of only the following documents: all of the taxpayer's Internal Revenue Service form W-2, "Wage and Tax Statements," including all information reported on the taxpayer's federal W-2, as well as taxable wages reported or withheld for any municipal corporation; the taxpayer's Internal Revenue Service form 1040; and, with respect to an amended tax return or refund request, any other documentation necessary to support the refund request or the adjustments made in the amended return. An individual taxpayer who files the annual return required by this section electronically is not required to provide paper copies of any of the foregoing to the Tax Administrator unless the Tax Administrator requests such copies after the return has been filed.
 - (3) A taxpayer that is not an individual is required to include, with each annual net profit return, amended net profit return, or request for refund required under this section, copies of only the following documents: the taxpayer's Internal Revenue Service form 1041, form 1065, form 1120, form 1120-REIT, form 1120F, or form 1120S, and, with respect to an amended tax return or refund request, any other documentation necessary to support the refund request or the adjustments made in the amended return.
 - (4) A taxpayer that is not an individual and that files an annual net profit return electronically through the Ohio business gateway or in some other manner shall either mail the documents required under this division to the Tax Administrator at the time of filing or, if electronic submission is available, submit the documents electronically through the Ohio business gateway or a portal provided by Municipality. The department of taxation shall publish a method of electronically submitting the documents required under this division through the Ohio business gateway on or before January 1, 2016. The department shall transmit all documents submitted electronically under this division to the appropriate Tax Administrator.
 - (5) After a taxpayer files a tax return, the Tax Administrator shall request, and the taxpayer shall provide, any information, statements, or documents required by the Municipality to determine and verify the taxpayer's municipal income tax liability. The requirements imposed under division (F) of this section apply regardless of whether the taxpayer files on a generic form or on a form prescribed by the Tax Administrator.
 - (6) Any other documentation, including schedules, other municipal income tax returns, or other supporting documentation necessary to verify credits, income, losses, or other pertinent factors on the return shall also be included to avoid delay in processing, or disallowance by the Tax Administrator of undocumented credits or losses.
- (G) (1) (a) Except as otherwise provided in this chapter, each individual income tax return required to be filed under this section shall be completed and filed as required by the Tax Administrator on or before the date prescribed for the filing of state individual income tax returns under division (G) of section 5747.08 of the Ohio Revised Code. The taxpayer shall complete and file the return or notice on forms prescribed by the Tax Administrator or on generic forms, together with remittance made payable to the Municipality or Tax Administrator.

- (b) Except as otherwise provided in this chapter, each annual net profit income tax return required to be filed under this section by a taxpayer that is not an individual shall be completed and filed as required by the tax administrator on or before the fifteenth day of the fourth month following the end of the taxpayer's taxable year or period. The taxpayer shall complete and file the return or notice on forms prescribed by the tax administrator or on generic forms, together with remittance made payable to the Municipality or Tax Administrator.
 - (c) In the case of individual income tax return required to be filed by an individual, and net profit income tax return required to be filed by a taxpayer who is not an individual, no remittance is required if the amount shown to be due is ten dollars or less.
 - (2) If the Tax Administrator considers it necessary in order to ensure the payment of the tax imposed by the Municipality in accordance with this chapter, the Tax Administrator may require taxpayers to file returns and make payments otherwise than as provided in this section, including taxpayers not otherwise required to file annual returns.
 - (3) With respect to taxpayers to whom Section 194.092 of this Chapter applies, to the extent that any provision in this division conflicts with any provision in Section 194.092 of this Chapter, the provision in Section 194.092 of this Chapter prevails.
- (H)
- (1) For taxable years beginning after 2015, the Municipality shall not require a taxpayer to remit tax with respect to net profits if the amount due is ten dollars or less.
 - (2) Any taxpayer not required to remit tax to the Municipality for a taxable year pursuant to division (H)(1) of this section shall file with the Municipality an annual net profit return under division (F)(3) and (4) of this section. (Ord. 053-15. Passed 11-15-15.)
- (I)
- (1) If any report, claim, statement, or other document required to be filed, or any payment required to be made, within a prescribed period or on or before a prescribed date under this chapter is delivered after that period or that to the Tax Administrator or other municipal official with which the report, claim, statement, or other document is required to be filed, or to which the payment is required to be made, the date of the postmark stamped on the cover in which the report, claim, statement, or other document, or payment is mailed shall be deemed to be the date of delivery or the date of payment. "The date of postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the postal service.
 - (2) If a payment under this chapter is made by electronic funds transfer, the payment shall be considered to be made on the date of the timestamp assigned by the first electronic system receiving that payment. For purposes of this section, "receiving that payment" refers to the transfer of funds from the account of the taxpayer. Such funds are no longer under control of the taxpayer once the timestamp has occurred. (Ord. 036-16. Passed 1-19-16.)

(J) The amounts withheld for the Municipality by an employer, the agent of an employer, or other payer as described in Section 194.051 of this Chapter shall be allowed to the recipient of the compensation as credits against payment of the tax imposed on the recipient unless the amounts withheld were not remitted to the Municipality and the recipient colluded with the employer, agent, or other payer in connection with the failure to remit the amounts withheld.

(K) Each return required by the Municipality to be filed in accordance with this section shall include a box that the taxpayer may check to authorize another person, including a tax return preparer who prepared the return, to communicate with the Tax Administrator about matters pertaining to the return. The return or instructions accompanying the return shall indicate that by checking the box the taxpayer authorizes the Tax Administrator to contact the preparer or other person concerning questions that arise during the examination or other review of the return and authorizes the preparer or other person only to provide the Tax Administrator with information that is missing from the return, to contact the Tax Administrator for information about the examination or other review of the return or the status of the taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the Tax Administrator and has shown to the preparer or other person. Authorization by the taxpayer of another person to communicate with the Tax Administrator about matters pertaining to the return does not preclude the Tax Administrator from contacting the taxpayer regarding such matters.

(L) The Tax Administrator of the Municipality shall accept for filing a generic form of any income tax return, report, or document required by the Municipality in accordance with this Chapter, provided that the generic form, once completed and filed, contains all of the information required by ordinances, resolutions, or rules adopted by the Municipality or Tax Administrator, and provided that the taxpayer or tax return preparer filing the generic form otherwise complies with the provisions of this Chapter and of the Municipality's ordinance or resolution governing the filing of returns, reports, or documents.

(M) When income tax returns, reports, or other documents require the signature of a tax return preparer, the Tax Administrator shall accept a facsimile of such a signature in lieu of a manual signature.

- (N) (1) As used in this division, "worksite location" has the same meaning as in Section 194.052 of this chapter.
- (2) A person may notify a tax administrator that the person does not expect to be a taxpayer with respect to the municipal corporation for a taxable year if both of the following conditions apply:
- (a) The person was required to file a tax return with the municipal corporation for the immediately preceding taxable year because the person performed services at a worksite location within the municipal corporation, and the person has filed all appropriate and required returns and remitted all applicable income tax and withholding payments as provided by this chapter. The tax administrator is not required to accept an affidavit from a taxpayer who has not complied with the provisions of this chapter.
 - (b) The person no longer provides services in the municipal corporation, and does not expect to be subject to the municipal corporation's income tax for the taxable year. The person shall provide the notice in a signed affidavit that briefly explains the person's circumstances, including the location of the

previous worksite location and the last date on which the person performed services or made any sales within the municipal corporation. The affidavit also shall include the following statement: "The affiant has no plans to perform any services within the municipal corporation, make any sales in the municipal corporation, or otherwise become subject to the tax levied by the municipal corporation during the taxable year. If the affiant does become subject to the tax levied by the municipal corporation for the taxable year, the affiant agrees to be considered a taxpayer and to properly register as a taxpayer with the municipal corporation, if such a registration is required by the municipal corporation's resolutions, ordinances, or rules." The person shall sign the affidavit under penalty of perjury.

- (c) If a person submits an affidavit described in division (N)(2) of this section, the tax administrator shall not require the person to file any tax return for the taxable year unless the tax administrator possesses information that conflicts with the affidavit or if the circumstances described in the affidavit change, or the taxpayer has engaged in activity which results in work being performed, services provided, sales made, or other activity that results in municipal taxable income reportable to the Municipality in the taxable year. It shall be the responsibility of the taxpayer to comply with the provisions of this chapter relating to the reporting and filing of municipal taxable income on an annual municipal income tax return, even if an affidavit has been filed with the tax administrator for the taxable year. Nothing in division (N) of this section prohibits the tax administrator from performing an audit of the person.
(Ord. 053-15. Passed 11-16-15.)

194.092 RETURN AND PAYMENT OF TAX; INDIVIDUALS SERVING IN COMBAT ZONE.

(A) Each member of the national guard of any state and each member of a reserve component of the armed forces of the United States called to active duty pursuant to an executive order issued by the President of the United States or an act of the Congress of the United States, and each civilian serving as support personnel in a combat zone or contingency operation in support of the armed forces, may apply to the Tax Administrator of the Municipality for both an extension of time for filing of the return and an extension of time for payment of taxes required by the Municipality in accordance with this chapter during the period of the member's or civilian's duty service and for one hundred eighty days thereafter. The application shall be filed on or before the one hundred eightieth day after the member's or civilian's duty terminates. An applicant shall provide such evidence as the Tax Administrator considers necessary to demonstrate eligibility for the extension.

- (B) (1) If the Tax Administrator ascertains that an applicant is qualified for an extension under this section, the Tax Administrator shall enter into a contract with the applicant for the payment of the tax in installments that begin on the one hundred eighty-first day after the applicant's active duty or service terminates. Except as provided in division (B)(3) of this section, the Tax Administrator may prescribe such contract terms as the Tax Administrator considers appropriate.

- (2) If the Tax Administrator ascertains that an applicant is qualified for an extension under this section, the applicant shall neither be required to file any return, report, or other tax document nor be required to pay any tax otherwise due to the Municipality before the one hundred eighty-first day after the applicant's active duty or service terminates.
 - (3) Taxes paid pursuant to a contract entered into under division (B)(1) of this section are not delinquent. The Tax Administrator shall not require any payments of penalties or interest in connection with those taxes for the extension period.
- (C) (1) Nothing in this division denies to any person described in this division the application of divisions (A) and (B) of this section.
- (2) (a) A qualifying taxpayer who is eligible for an extension under the Internal Revenue Code shall receive both an extension of time in which to file any return, report, or other tax document and an extension of time in which to make any payment of taxes required by the Municipality in accordance with this chapter. The length of any extension granted under division (C)(2)(a) of this section shall be equal to the length of the corresponding extension that the taxpayer receives under the Internal Revenue Code. As used in this section, "qualifying taxpayer" means a member of the national guard or a member of a reserve component of the armed forces of the United States called to active duty pursuant to either an executive order issued by the President of the United States or an act of the Congress of the United States, or a civilian serving as support personnel in a combat zone or contingency operation in support of the armed forces.
- (b) Taxes the payment of which is extended in accordance with division (C)(2)(a) of this section are not delinquent during the extension period. Such taxes become delinquent on the first day after the expiration of the extension period if the taxes are not paid prior to that date. The Tax Administrator shall not require any payment of penalties or interest in connection with those taxes for the extension period. The Tax Administrator shall not include any period of extension granted under division (C)(2)(a) of this section in calculating the penalty or interest due on any unpaid tax.

(D) For each taxable year to which division (A), (B), or (C) of this section applies to a taxpayer, the provisions of divisions (B)(2) and (3) or (C) of this section, as applicable, apply to the spouse of that taxpayer if the filing status of the spouse and the taxpayer is married filing jointly for that year. (Ord. 053-15. Passed 11-16-15.)

194.093 USE OF OHIO BUSINESS GATEWAY; TYPES OF FILINGS AUTHORIZED.

(A) Any taxpayer subject to municipal income taxation with respect to the taxpayer's net profit from a business or profession may file any municipal income tax return or, estimated municipal income tax return, or extension for filing a municipal income tax return, and may make payment of amounts shown to be due on such returns, by using the Ohio Business Gateway.

(B) Any employer, agent of an employer, or other payer may report the amount of municipal income tax withheld from qualifying wages, and may make remittance of such amounts, by using the Ohio Business Gateway.

(C) Nothing in this section affects the due dates for filing employer withholding tax returns or deposit of any required tax.

(D) The use of the Ohio Business Gateway by municipal corporations, taxpayers, or other persons does not affect the legal rights of municipalities or taxpayers as otherwise permitted by law. The State of Ohio shall not be a party to the administration of municipal income taxes or to an appeal of a municipal income tax matter, except as otherwise specifically provided by law.

(E) Nothing in this section shall be construed as limiting or removing the authority of any municipal corporation to administer, audit, and enforce the provisions of its municipal income tax. (Ord. 053-15. Passed 11-16-15.)

194.094 EXTENSION OF TIME TO FILE.

(A) Any taxpayer that has duly requested an automatic six-month extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of a municipal income tax return. The extended due date of the municipal income tax return shall be the fifteenth day of the tenth month after the last day of the taxable year to which the return relates.

(B) Any taxpayer that qualifies for an automatic federal extension for a period other than six-months for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of a municipal income tax return. The extended due date of the municipal income tax return shall be the same as that of the extended federal income tax return.

(C) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may request that the tax administrator grant the taxpayer a six-month extension of the date for filing the taxpayer's municipal income tax return. If the request is received by the tax administrator on or before the date the municipal income tax return is due, the tax administrator shall grant the taxpayer's requested extension.

(D) An extension of time to file under this chapter is not an extension of the time to pay any tax due unless the Tax Administrator grants an extension of that date.

(E) If the State Tax Commissioner extends for all taxpayers the date for filing state income tax returns under division (G) of section 5747.08 of the Ohio Revised Code, a taxpayer shall automatically receive an extension for the filing of a municipal income tax return. The extended due date of the municipal income tax return shall be the same as the extended due date of the state income tax return. (Ord. 053-15. Passed 11-16-15.)

194.095 AMENDED RETURNS.

- (A) (1) A taxpayer shall file an amended return with the Tax Administrator in such form as the Tax Administrator requires if any of the facts, figures, computations, or attachments required in the taxpayer's annual return to determine the tax due levied by the Municipality in accordance with this chapter must be altered.
- (2) Within sixty (60) days after the final determination of any federal or state tax liability affecting the taxpayer's municipal tax liability, that taxpayer shall make and file an amended municipal return showing income subject to the municipal income tax based upon such final determination of federal or state tax liability, and pay any additional municipal income tax shown due thereon or make a claim for refund of any overpayment, unless the tax or overpayment is ten dollars or less.

- (3) If a taxpayer intends to file an amended consolidated municipal income tax return, or to amend its type of return from a separate return to a consolidated return, based on the taxpayer's consolidated federal income tax return, the taxpayer shall notify the Tax Administrator before filing the amended return.
- (B) (1) In the case of an underpayment, the amended return shall be accompanied by payment of any combined additional tax due together with any penalty and interest thereon. If the combined tax shown to be due is ten dollars or less, such amount need not accompany the amended return. Except as provided under division (B)(2) of this section, the amended return shall not reopen those facts, figures, computations, or attachments from a previously filed return that are not affected, either directly or indirectly, by the adjustment to the taxpayer's federal or state income tax return unless the applicable statute of limitations for civil actions or prosecutions under Section 194.19 of this Chapter has not expired for a previously filed return.
- (2) The additional tax to be paid shall not exceed the amount of tax that would be due if all facts, figures, computations, and attachments were reopened.
- (C) (1) In the case of an overpayment, a request for refund may be filed under this division within the period prescribed by division (A)(2) of this section for filing the amended return even if it is filed beyond the period prescribed in that division if it otherwise conforms to the requirements of that division. If the amount of the refund is ten dollars or less, no refund need be paid by the Municipality to the taxpayer. Except as set forth in division (C)(2) of this section, a request filed under this division shall claim refund of overpayments resulting from alterations to only those facts, figures, computations, or attachments required in the taxpayer's annual return that are affected, either directly or indirectly, by the adjustment to the taxpayer's federal or state income tax return unless it is also filed within the time prescribed in Section 194.096 of this Chapter. Except as set forth in division (C)(2) of this section, the request shall not reopen those facts, figures, computations, or attachments that are not affected, either directly or indirectly, by the adjustment to the taxpayer's federal or state income tax return.
- (2) The amount to be refunded shall not exceed the amount of refund that would be due if all facts, figures, computations, and attachments were reopened.
(Ord. 053-15. Passed 11-16-15.)

194.096 REFUNDS.

- (A) Upon receipt of a request for a refund, the Tax Administrator of the Municipality, in accordance with this section, shall refund to employers, agents of employers, other payers, or taxpayers, with respect to any income or withholding tax levied by the Municipality:
- (1) Overpayments of more than ten dollars;
- (2) Amounts paid erroneously if the refund requested exceeds ten dollars.
- (B) (1) Except as otherwise provided in this chapter, returns setting forth a request for refund shall be filed with the Tax Administrator, within three years after the tax was due or paid, whichever is later. Any documentation that substantiates the taxpayer's claim for a refund must be included with the

return filing. Failure to remit all documentation, including schedules, other municipal income tax returns, or other supporting documentation necessary to verify credits, income, losses or other pertinent factors on the return will cause delay in processing, and / or disallowance of undocumented credits or losses.

- (2) On filing of the refund request, the Tax Administrator shall determine the amount of refund due and certify such amount to the appropriate municipal corporation official for payment. Except as provided in division (B)(3) of this section, the administrator shall issue an assessment to any taxpayer whose request for refund is fully or partially denied. The assessment shall state the amount of the refund that was denied, the reasons for the denial, and instructions for appealing the assessment.
- (3) If a Tax Administrator denies in whole or in part a refund request included within the taxpayer's originally filed annual income tax return, the Tax Administrator shall notify the taxpayer, in writing, of the amount of the refund that was denied, the reasons for the denial, and instructions for requesting an assessment that may be appealed under Section 194.18 of this Chapter.

(C) A request for a refund that is received after the last day for filing specified in division (B) of this section shall be considered to have been filed in a timely manner if any of the following situations exist:

- (1) The request is delivered by the postal service, and the earliest postal service postmark on the cover in which the request is enclosed is not later than the last day for filing the request.
- (2) The request is delivered by the postal service, the only postmark on the cover in which the request is enclosed was affixed by a private postal meter, the date of that postmark is not later than the last day for filing the request, and the request is received within seven days of such last day.
- (3) The request is delivered by the postal service, no postmark date was affixed to the cover in which the request is enclosed or the date of the postmark so affixed is not legible, and the request is received within seven days of the last day for making the request.

(D) Interest shall be allowed and paid on any overpayment by a taxpayer of any municipal income tax obligation from the date of the overpayment until the date of the refund of the overpayment, except that if any overpayment is refunded within ninety days after the final filing date of the annual return or ninety days after the completed return is filed, whichever is later, no interest shall be allowed on the refund. For the purpose of computing the payment of interest on amounts overpaid, no amount of tax for any taxable year shall be considered to have been paid before the date on which the return on which the tax is reported is due, without regard to any extension of time for filing that return. Interest shall be paid at the interest rate described in division (A)(4) of Section 194.10 of this Chapter.

(E) As used in this section, "withholding tax" has the same meaning as in Section 194.10 of this Chapter. (Ord. 053-15. Passed 11-16-15.)

194.10 PENALTY, INTEREST, FEES, AND CHARGES.

(A) As used in this section:

- (1) "Applicable law" means this chapter, the resolutions, ordinances, codes, directives, instructions, and rules adopted by the Municipality provided

such resolutions, ordinances, codes, directives, instructions, and rules impose or directly or indirectly address the levy, payment, remittance, or filing requirements of a municipal income tax.

- (2) "Federal short-term rate" means the rate of the average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of three years or less, as determined under section 1274 of the Internal Revenue Code, for July of the current year.
 - (3) "Income tax," "estimated income tax," and "withholding tax" mean any income tax, estimated income tax, and withholding tax imposed by a municipal corporation pursuant to applicable law, including at any time before January 1, 2016.
 - (4) "Interest rate as described in division (A) of this section" means the federal short-term rate, rounded to the nearest whole number per cent, plus five per cent. The rate shall apply for the calendar year next following the July of the year in which the federal short-term rate is determined in accordance with division (A)(2) of this section.
 - (5) "Return" includes any tax return, report, reconciliation, schedule, and other document required to be filed with a Tax Administrator or municipal corporation by a taxpayer, employer, any agent of the employer, or any other payer pursuant to applicable law, including at any time before January 1, 2016.
 - (6) "Unpaid estimated income tax" means estimated income tax due but not paid by the date the tax is required to be paid under applicable law.
 - (7) "Unpaid income tax" means income tax due but not paid by the date the income tax is required to be paid under applicable law.
 - (8) "Unpaid withholding tax" means withholding tax due but not paid by the date the withholding tax is required to be paid under applicable law.
 - (9) "Withholding tax" includes amounts an employer, any agent of an employer, or any other payer did not withhold in whole or in part from an employee's qualifying wages, but that, under applicable law, the employer, agent, or other payer is required to withhold from an employee's qualifying wages.
- (B) (1) This section shall apply to the following:
- (a) Any return required to be filed under applicable law for taxable years beginning on or after January 1, 2016;
 - (b) Income tax, estimated income tax, and withholding tax required to be paid or remitted to the Municipality on or after January 1, 2016 for taxable years beginning on or after January 1, 2016
- (2) This section does not apply to returns required to be filed or payments required to be made before January 1, 2016, regardless of the filing or payment date. Returns required to be filed or payments required to be made before January 1, 2016, but filed or paid after that date shall be subject to the ordinances or rules, as adopted from time to time before January 1, 2016 of this Municipality.

(C) The Municipality shall impose on a taxpayer, employer, any agent of the employer, and any other payer, and will attempt to collect, the interest amounts and penalties prescribed in this section when the taxpayer, employer, any agent of the employer, or any other payer for any reason fails, in whole or in part, to make to the Municipality timely and full payment or remittance of income tax, estimated income tax, or withholding tax or to file timely with the Municipality any return required to be filed.

- (1) Interest shall be imposed at the rate defined as "interest rate as described in division (A) of this section", per annum, on all unpaid income tax, unpaid estimated income tax, and unpaid withholding tax. This imposition of interest shall be assessed per month, or fraction of a month.
- (2) With respect to unpaid income tax and unpaid estimated income tax, a penalty equal to fifteen percent of the amount not timely paid shall be imposed.
- (3) With respect to any unpaid withholding tax, a penalty equal to fifty percent of the amount not timely paid shall be imposed.
- (4) With respect to returns other than estimated income tax returns, the Municipality shall impose a monthly penalty of twenty-five dollars for each failure to timely file each return, regardless of the liability shown thereon for each month, or any fraction thereof, during which the return remains unfiled regardless of the liability shown thereon. The penalty shall not exceed a total of one hundred fifty dollars in assessed penalty for each failure to timely file a return.

(D) With respect to income taxes, estimated income taxes, withholding taxes, and returns, the Municipality shall not impose, seek to collect, or collect any penalty, amount of interest, charges or additional fees not described in this section.

(E) With respect to income taxes, estimated income taxes, withholding taxes, and returns, the Municipality shall not refund or credit any penalty, amount of interest, charges, or additional fees that were properly imposed or collected before January 1, 2016.

(F) The Tax Administrator may, in the Tax Administrator's sole discretion, abate or partially abate penalties or interest imposed under this section when the Tax Administrator deems such abatement or partial abatement to be appropriate. Such abatement or partial abatement shall be properly documented and maintained on the record of the taxpayer who received benefit of such abatement or partial abatement.

(G) The Municipality may impose on the taxpayer, employer, any agent of the employer, or any other payer the Municipality's post-judgment collection costs and fees, including attorney's fees. (Ord. 053-15. Passed 11-16-15.)

194.11 AUDIT.

(A) At or before the commencement of an audit, as defined in Section 194.03(3) of this Chapter, the Tax Administrator shall provide to the taxpayer a written description of the roles of the Tax Administrator and of the taxpayer during an audit and a statement of the taxpayer's rights, including any right to obtain a refund of an overpayment of tax. At or before the commencement of an audit, the Tax Administrator shall inform the taxpayer when the audit is considered to have commenced.

(B) Except in cases involving suspected criminal activity, the Tax Administrator shall conduct an audit of a taxpayer during regular business hours and after providing reasonable notice to the taxpayer. A taxpayer who is unable to comply with a proposed time for an audit on the grounds that the proposed time would cause inconvenience or hardship must offer reasonable alternative dates for the audit.

(C) At all stages of an audit by the Tax Administrator, a taxpayer is entitled to be assisted or represented by an attorney, accountant, bookkeeper, or other tax practitioner. The Tax Administrator shall prescribe a form by which a taxpayer may designate such a person to assist

or represent the taxpayer in the conduct of any proceedings resulting from actions by the Tax Administrator. If a taxpayer has not submitted such a form, the Tax Administrator may accept other evidence, as the Tax Administrator considers appropriate, that a person is the authorized representative of a taxpayer.

A taxpayer may refuse to answer any questions asked by the person conducting an audit until the taxpayer has an opportunity to consult with the taxpayer's attorney, accountant, bookkeeper, or other tax practitioner. This division does not authorize the practice of law by a person who is not an attorney.

(D) A taxpayer may record, electronically or otherwise, the audit examination.

(E) The failure of the Tax Administrator to comply with a provision of this section shall neither excuse a taxpayer from payment of any taxes owed by the taxpayer nor cure any procedural defect in a taxpayer's case.

(F) If the Tax Administrator fails to substantially comply with the provisions of this section, the Tax Administrator, upon application by the taxpayer, shall excuse the taxpayer from penalties and interest arising from the audit. (Ord. 053-15. Passed 11-16-15.)

194.12 ROUNDING.

A person may round to the nearest whole dollar all amounts the person is required to enter on any return, report, voucher, or other document required under this chapter. Any fractional part of a dollar that equals or exceeds fifty cents shall be rounded to the next whole dollar, and any fractional part of a dollar that is less than fifty cents shall be dropped, rounding down to the nearest whole dollar. If a person chooses to round amounts entered on a document, the person shall round all amounts entered on the document. (Ord. 053-15. Passed 11-16-15.)

194.13 AUTHORITY AND POWERS OF THE TAX ADMINISTRATOR.

194.131 AUTHORITY OF TAX ADMINISTRATOR; ADMINISTRATIVE POWERS OF THE TAX ADMINISTRATOR.

The Tax Administrator has the authority to perform all duties and functions necessary and appropriate to implement the provisions of this Chapter, including without limitation:

- (A) Exercise all powers whatsoever of an inquisitorial nature as provided by law, including, the right to inspect books, accounts, records, memorandums, and federal and state income tax returns, to examine persons under oath, to issue orders or subpoenas for the production of books, accounts, papers, records, documents, and testimony, to take depositions, to apply to a court for attachment proceedings as for contempt, to approve vouchers for the fees of officers and witnesses, and to administer oaths; provided that the powers referred to in this division of this section shall be exercised by the Tax Administrator only in connection with the performance of the duties respectively assigned to the Tax Administrator under a municipal corporation income tax ordinance or resolution adopted in accordance with this chapter;
- (B) Appoint agents and prescribe their powers and duties;
- (C) Confer and meet with officers of other municipal corporations and states and officers of the United States on any matters pertaining to their respective official duties as provided by law;
- (D) Exercise the authority provided by law, including orders from bankruptcy courts, relative to remitting or refunding taxes, including penalties and interest thereon, illegally or erroneously imposed or collected, or for any other reason overpaid, and, in addition, the Tax Administrator may investigate any claim of overpayment

and make a written statement of the Tax Administrator's findings, and, if the Tax Administrator finds that there has been an overpayment, approve and issue a refund payable to the taxpayer, the taxpayer's assigns, or legal representative as provided in this chapter;

- (E) Exercise the authority provided by law relative to consenting to the compromise and settlement of tax claims;
- (F) Exercise the authority provided by law relative to the use of alternative apportionment methods by taxpayers in accordance with Section 194.062 of this Chapter;
- (G) Make all tax findings, determinations, computations, assessments and orders the Tax Administrator is by law authorized and required to make and, pursuant to time limitations provided by law, on the Tax Administrator's own motion, review, redetermine, or correct any tax findings, determinations, computations, assessments or orders the Tax Administrator has made, but the Tax Administrator shall not review, redetermine, or correct any tax finding, determination, computation, assessment or order which the Tax Administrator has made for which an appeal has been filed with the Local Board of Tax Review or other appropriate tribunal, unless such appeal or application is withdrawn by the appellant or applicant, is dismissed, or is otherwise final;
- (H) Destroy any or all returns or other tax documents in the manner authorized by law;
- (I) Enter into an agreement with a taxpayer to simplify the withholding obligations described in Section 194.051 of this Chapter.
(Ord. 053-15. Passed 11-16-15.)

194.132 AUTHORITY OF TAX ADMINISTRATOR; COMPROMISE OF CLAIM AND PAYMENT OVER TIME.

(A) As used in this section, "claim" means a claim for an amount payable to the Municipality that arises pursuant to the municipal income tax imposed in accordance with this chapter.

(B) The Tax Administrator may do either of the following if such action is in the best interests of the Municipality:

- (1) Compromise a claim;
- (2) Extend for a reasonable period the time for payment of a claim by agreeing to accept monthly or other periodic payments, upon such terms and conditions as the Tax Administrator may require.

(C) The Tax Administrator's rejection of a compromise or payment-over-time agreement proposed by a person with respect to a claim shall not be appealable.

(D) A compromise or payment-over-time agreement with respect to a claim shall be binding upon and shall inure to the benefit of only the parties to the compromise or agreement, and shall not extinguish or otherwise affect the liability of any other person.

- (E) (1) A compromise or payment-over-time agreement with respect to a claim shall be void if the taxpayer defaults under the compromise or agreement or if the compromise or agreement was obtained by fraud or by misrepresentation of a material fact. Any amount that was due before the compromise or agreement and that is unpaid shall remain due, and any penalties or interest that would have accrued in the absence of the compromise or agreement shall continue to accrue and be due.
- (2) The Tax Administrator shall have sole discretion to determine whether or not penalty, interest, charges or applicable fees will be assessed through the duration of any compromise or payment-over-time agreement.

(F) The Tax Administrator may require that the taxpayer provide detailed financial documentation and information, in order to determine whether or not a payment-over-time agreement will be authorized. The taxpayer's failure to provide the necessary and required information by the Tax Administrator shall preclude consideration of a payment-over-time agreement.

(Ord. 053-15. Passed 11-16-15.)

194.133 AUTHORITY OF TAX ADMINISTRATOR; RIGHT TO EXAMINE.

(A) The Tax Administrator, or any authorized agent or employee thereof may examine the books, papers, records, and federal and state income tax returns of any employer, taxpayer, or other person that is subject to, or that the Tax Administrator believes is subject to, the provisions of this Chapter for the purpose of verifying the accuracy of any return made or, if no return was filed, to ascertain the tax due under this Chapter. Upon written request by the Tax Administrator or a duly authorized agent or employee thereof, every employer, taxpayer, or other person subject to this section is required to furnish the opportunity for the Tax Administrator, authorized agent, or employee to investigate and examine such books, papers, records, and federal and state income tax returns at a reasonable time and place designated in the request.

(B) The records and other documents of any taxpayer, employer, or other person that is subject to, or that a Tax Administrator believes is subject to, the provisions of this Chapter shall be open to the Tax Administrator's inspection during business hours and shall be preserved for a period of six years following the end of the taxable year to which the records or documents relate, unless the Tax Administrator, in writing, consents to their destruction within that period, or by order requires that they be kept longer. The Tax Administrator of a municipal corporation may require any person, by notice served on that person, to keep such records as the Tax Administrator determines necessary to show whether or not that person is liable, and the extent of such liability, for the income tax levied by the Municipality or for the withholding of such tax.

(C) The Tax Administrator may examine under oath any person that the Tax Administrator reasonably believes has knowledge concerning any income that was or would have been returned for taxation or any transaction tending to affect such income. The Tax Administrator may, for this purpose, compel any such person to attend a hearing or examination and to produce any books, papers, records, and federal and state income tax returns in such person's possession or control. The person may be assisted or represented by an attorney, accountant, bookkeeper, or other tax practitioner at any such hearing or examination. This division does not authorize the practice of law by a person who is not an attorney.

(D) No person issued written notice by the Tax Administrator compelling attendance at a hearing or examination or the production of books, papers, records, or federal and state income tax returns under this section shall fail to comply.

(Ord. 053-15. Passed 11-16-15.)

194.134 AUTHORITY OF TAX ADMINISTRATOR; REQUIRING IDENTIFYING INFORMATION.

(A) The Tax Administrator may require any person filing a tax document with the Tax Administrator to provide identifying information, which may include the person's social security number, federal employer identification number, or other identification number requested by the Tax Administrator. A person required by the Tax Administrator to provide identifying information that has experienced any change with respect to that information shall notify the Tax Administrator of the change before, or upon, filing the next tax document requiring the identifying information. A taxpayer registration update form is required of all residents eighteen years and older, and all businesses.

CHAPTER 303
Enforcement, Impounding and Penalty

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| <p>303.01 Compliance with lawful order of police officer; fleeing.</p> <p>303.02 Traffic direction in emergencies; obedience to school guard.</p> <p>303.03 Officer may remove ignition key.</p> <p>303.04 Road workers, motor vehicles and equipment excepted.</p> <p>303.041 Emergency, public safety and coroner's vehicles exempt.</p> <p>303.05 Application to persons riding, driving animals upon roadway.</p> <p>303.06 Freeway use prohibited by pedestrians, bicycles and animals.</p> <p>303.07 Application to drivers of government vehicles.</p> | <p>303.08 Impounding of vehicles; redemption.</p> <p>303.081 Impounding vehicles on private residential or agricultural property.</p> <p>303.082 Private tow-away zones.</p> <p>303.083 Impounding vehicles on public property.</p> <p>303.09 Leaving junk vehicles on private or public property without permission or notification.</p> <p>303.10 Providing false information to police officer.</p> <p>303.99 General Traffic Code penalties.</p> <p>303.991 Committing an offense while distracted penalty.</p> |
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CROSS REFERENCES

See sectional histories for similar State law

Disposition of unclaimed vehicles - see Ohio R.C. 737.32, 4513.62 et seq.

Citations for minor misdemeanors - see Ohio R.C. 2935.26 et seq.

Power of trial court of record to suspend or revoke license for certain violations - see Ohio R.C. 4507.16, 4507.34

State point system suspension - see Ohio R.C. 4507.40

Uniform application of Ohio Traffic Law - see Ohio R.C. 4511.06

Marking motor vehicles used by traffic officers - see Ohio R.C. 4549.13

Distinctive uniform required for traffic officers - see Ohio R.C. 4549.15

Exceptions for emergency or public safety vehicles - see TRAF. 331.20, 333.06

303.01 COMPLIANCE WITH LAWFUL ORDER OF POLICE OFFICER; FLEEING.

(a) No person shall fail to comply with any lawful order or direction of any police officer invested with authority to direct, control or regulate traffic.

(b) No person shall operate a motor vehicle so as willfully to elude or flee a police officer after receiving a visible or audible signal from a police officer to bring the person's motor vehicle to a stop.

(EDITOR'S NOTE: Refer to Ohio R.C. 2921.331 for filing charges under subsection (b) hereof since the jury or judge as trier of fact may determine the violation to be a felony.)

(c) Whoever violates this section is guilty of failure to comply with an order or signal of a police officer. A violation of subsection (a) is a misdemeanor of the first degree. Except as hereinafter provided, a violation of subsection (b) is a misdemeanor of the first degree. A violation of subsection (b) is a felony if the jury or judge as trier of fact finds any one of the following by proof beyond a reasonable doubt:

- (1) In committing the offense, the offender was fleeing immediately after the commission of a felony;
- (2) The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property;
- (3) The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.

(d) In addition to any other sanction imposed for a violation of subsection (a) of this section or a misdemeanor violation of subsection (b) of this section, the court shall impose a class five suspension from the range specified in Ohio R.C. 4510.02(A)(5). If the offender previously has been found guilty of an offense under this section, in addition to any other sanction imposed for the offense, the court shall impose a class one suspension as described in division (A)(1) of that section. The court may grant limited driving privileges to the offender on a suspension imposed for a misdemeanor violation of this section as set forth in Ohio R.C. 4510.021. No judge shall suspend the first three years of suspension under a class two suspension of an offender's license, permit or privilege required by this division on any portion of the suspension under a class one suspension of an offender's license, permit, or privilege required by this subsection.
(ORC 2921.331)

303.02 TRAFFIC DIRECTION IN EMERGENCIES; OBEDIENCE TO SCHOOL GUARD.

(a) Police officers shall direct or regulate traffic in accordance with the provisions of this Traffic Code, provided that, in the event of fire or other emergency or to expedite traffic or safeguard pedestrians, they are authorized to direct traffic as conditions may require notwithstanding the provisions of this Traffic Code. Firemen, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity. The direction of traffic may be by word or audible signal, by gesture or visible signal or by any combination thereof. No person shall fail to comply with any lawful order or direction of any police officer or fireman issued pursuant to this section.

(b) No person shall fail to comply with any lawful order or direction of any school crossing guard invested with authority to direct, control or regulate traffic in the vicinity of the school to which such guard may be assigned.

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

303.03 OFFICER MAY REMOVE IGNITION KEY.

A law enforcement officer may remove the ignition key left in the ignition switch of an unlocked and unattended motor vehicle parked on a street or highway, or any public or private property used by the public for purposes of vehicular travel or parking. The officer removing such key shall place notification upon the vehicle detailing his name and badge number, the place where such key may be reclaimed and the procedure for reclaiming such key. The key shall be returned to the owner of the motor vehicle upon presentation of proof of ownership.
(ORC 4549.05)

- D. The telephone number and the address of the place from which a towed vehicle may be recovered at any time during the day or night;
- E. A statement that the failure to recover a towed vehicle may result in the loss of title to the vehicle as provided in division (B) of Ohio R.C. 4505.101.

In order to comply with the requirements of subsection (a)(1) of this section, the owner of a private property may modify an existing sign by affixing to the existing sign stickers or an addendum in lieu of replacing the sign.

- (2) A towing service ensures that a vehicle towed under this section is taken to a location from which it may be recovered that complies with all of the following:
 - A. It is located within twenty-five linear miles of the location of the private tow-away zone, unless it is not practicable to take the vehicle to a place of storage within twenty-five linear miles.
 - B. It is well-lighted.
 - C. It is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available in the municipal corporation or township in which the private tow-away zone is located.
- (b) (1) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with subsection (a) of this section, without the consent of the owner of the private property or in violation of any posted parking condition or regulation, the owner of the private property may cause the removal of the vehicle by a towing service. The towing service shall remove the vehicle in accordance with this section. The vehicle owner and the operator of the vehicle are considered to have consented to the removal and storage of the vehicle, to the payment of the applicable fees established by the Public Service Commission in rules adopted under Ohio R.C. 4921.25, and to the right of a towing service to obtain title to the vehicle if it remains unclaimed as provided in Ohio R.C. 4505.101. The owner or lienholder of a vehicle that has been removed under this section, subject to subsection (c) of this section, may recover the vehicle in accordance with subsection (g) of this section.
- (2) If a municipal corporation requires tow trucks and tow truck operators to be licensed, no owner of a private property located within the municipal corporation shall cause the removal and storage of any vehicle pursuant to subsection (b) of this section by an unlicensed tow truck or unlicensed tow truck operator.
- (3) No towing service shall remove a vehicle from a private tow-away zone except pursuant to a written contract for the removal of vehicles entered into with the owner of the private property on which the private tow-away zone is located.

(c) If the owner or operator of a vehicle that is being removed under authority of subsection (b) of this section, arrives after the vehicle has been prepared for removal, but prior to the actual removal from the property, the towing service shall give the vehicle owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the vehicle established by the Public Service Commission in rules adopted under Ohio R.C. 4921.25, in order to obtain release of the vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the

transaction. Upon payment of that fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the vehicle to the owner or operator. Upon its release the owner or operator immediately shall move the vehicle so that the vehicle is not parked on the private property established as a private tow-away zone without the consent of the owner of the private property or in violation of any posted parking condition or regulation.

- (d) (1) Prior to towing a vehicle under subsection (b) of this section, a towing service shall make all reasonable efforts to take as many photographs as necessary to evidence that the vehicle is clearly parked on private property in violation of a private tow-away zone established under subsection (a) of this section.

The towing service shall record the time and date of the photographs taken under this section. The towing service shall retain the photographs and the record of the time and date, in electronic or printed form, for at least thirty days after the date on which the vehicle is recovered by the owner or lienholder or at least two years after the date on which the vehicle was towed, whichever is earlier.
- (2) A towing service shall deliver a vehicle towed under subsection (b) of this section to the location from which it may be recovered not more than two hours after the time it was removed from the private tow-away zone, unless the towing service is unable to deliver the motor vehicle within two hours due to an uncontrollable force, natural disaster, or other event that is not within the power of the towing service.
- (e) (1) If an owner of a private property that is established as a private tow-away zone in accordance with subsection (a) of this section causes the removal of a vehicle from that property by a towing service under subsection (b) of this section, the towing service, within two hours of removing the vehicle, shall provide notice to the Police Department concerning all of the following:
 - A. The vehicle's license number, make, model and color;
 - B. The location from which the vehicle was removed;
 - C. The date and time the vehicle was removed;
 - D. The telephone number of the person from whom the vehicle may be recovered;
 - E. The address of the place from which the vehicle may be recovered.
- (2) The Chief of Police shall maintain a record of any vehicle removed from private property in the Chief's jurisdiction that is established as a private tow-away zone of which the Chief has received notice under this section. The record shall include all information submitted by the towing service. The Chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator or lienholder of the vehicle, and requests information pertaining to the vehicle.
- (f) (1) When a vehicle is removed from private property in accordance with this section, within three business days of the removal, the towing service or storage facility from which the vehicle may be recovered shall cause a search to be made of either of the following to ascertain the identity of the owner and any lienholder of the vehicle:

- A. The records of the Bureau of Motor Vehicles;
 - B. The records of any vendor or vendors, approved by the Registrar of Motor Vehicles, that are capable of providing real-time access to owner and lienholder information.
- (2) The towing service or storage facility may search the National Motor Vehicle Title Information System in order to determine the state in which the vehicle is titled. The entity that provides the record of the owner and any lienholder under this division shall ensure that such information is provided in a timely manner.
- (3) Subject to subsection (f)(6) of this section, the towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows:
- A. Within five business days after the applicable entity provides the identity of the owner and any lienholder of the motor vehicle, if the vehicle remains unclaimed, to the owner's and lienholder's last known address by certified or express mail with return receipt requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt.
 - B. If the vehicle remains unclaimed thirty days after the first notice is sent, in the manner required under subsection (f)(3)A. of this section.
- (4) Sixty days after any notice sent pursuant to subsection (f)(3) of this section is received, as evidenced by a receipt signed by any person, or the towing service or storage facility has been notified that delivery was not possible, the towing service or storage facility, if authorized under Ohio R.C. 4505.101(B), may initiate the process for obtaining a certificate of title to the motor vehicle as provided in that section.
- (5) A towing service or storage facility that does not receive a signed receipt of notice, or a notification that delivery was not possible, shall not obtain, and shall not attempt to obtain, a certificate of title to the motor vehicle under Ohio R.C. 4505.101(B).
- (6) With respect to a vehicle concerning which a towing service or storage facility is not eligible to obtain title under Ohio R.C. 4505.101, the towing service or storage facility need only comply with the initial notice required under subsection (f)(3)A. of this section.
- (g) (1) The owner or lienholder of a vehicle that is removed under subsection (b) of this section may reclaim it upon both of the following:
- A. Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle or a lease agreement;
 - B. Payment of the following fees:
 - 1. All applicable fees established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25, except that the lienholder of a vehicle may retrieve the vehicle without paying any storage fee for the period of time that the vehicle was in the possession of the towing service or storage facility prior to the date the lienholder received the notice sent under subsection (f)(1)A. of this section;
 - 2. If notice has been sent to the owner and lienholder as described in subsection (f) of this section, a processing fee of twenty-five dollars (\$25.00).

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

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

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

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

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

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

303.083 IMPOUNDING VEHICLES ON PUBLIC PROPERTY.

(a) The County Sheriff or Chief of Police, within the Sheriff's or Chief's respective territorial jurisdiction, or a state highway patrol trooper, upon notification to the Sheriff or Chief of Police of such action and of the location of the place of storage, may order into storage any motor vehicle, including an abandoned junk motor vehicle as defined in Ohio R.C. 4513.63, that:

- (1) Has come into the possession of the Sheriff, Chief of Police, or state highway patrol trooper as a result of the performance of the Sheriff's, Chief's or trooper's duties; or

- (2) Has been left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for forty-eight hours or longer without notification to the Sheriff or Chief of Police of the reasons for leaving the motor vehicle in such place. However, when such a motor vehicle constitutes an obstruction to traffic it may be ordered into storage immediately unless either of the following applies:
 - A. The vehicle was involved in an accident and is subject to Ohio R.C. 4513.66, or any substantially equivalent municipal ordinance;
 - B. The vehicle is a commercial motor vehicle. If the vehicle is a commercial motor vehicle, the Sheriff, Chief of Police, or state highway patrol trooper shall allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the Sheriff, Chief of Police, or state highway patrol trooper. If the Sheriff, Chief of Police, or state highway patrol trooper determines that the vehicle cannot be removed within the specified period of time, the Sheriff, Chief of Police, or state highway patrol trooper shall order the removal of the vehicle.
- (3) Subject to subsection (c) of this section, the Sheriff or Chief of Police shall designate the place of storage of any motor vehicle so ordered removed.
 - (b) If the Sheriff, Chief of Police, or a state highway patrol trooper issues an order under subsection (a) of this section and arranges for the removal of a motor vehicle by a towing service, the towing service shall deliver the motor vehicle to the location designated by the Sheriff or Chief of Police not more than two hours after the time it is removed.
 - (c)
 - (1) The Sheriff or Chief of Police shall cause a search to be made of the records of an applicable entity listed in Ohio R.C. 4513.601(F)(1) to ascertain the identity of the owner and any lienholder of a motor vehicle ordered into storage by the Sheriff or Chief of Police, or by a state highway patrol trooper within five business days of the removal of the vehicle. Upon obtaining such identity, the Sheriff or Chief of Police shall send or cause to be sent to the owner or lienholder at the owner's or lienholder's last known address by certified or express mail with return receipt requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt. The notice shall inform the owner or lienholder that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten days of the date of the sending of the notice.
 - (2)
 - A. The owner or lienholder of the motor vehicle may reclaim the motor vehicle upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement. Upon presentation of proof of ownership evidenced as provided above, the owner of the motor vehicle also may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval

fee established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25 if the owner retrieves the personal items after hours, unless the towing service or storage facility fails to provide the notice required under Ohio R.C. 4513.69(B)(3), if applicable. However, the owner shall not do either of the following:

1. Retrieve any personal item that has been determined by the Sheriff, Chief of Police, or a state highway patrol trooper, as applicable, to be necessary to a criminal investigation;
 2. Retrieve any personal item from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability.
- B. For purposes of subsection (c)(2) of this section, "personal items" do not include any items that are attached to the vehicle.
- (3) If the owner or lienholder of the motor vehicle reclaims it after a search of the applicable records has been conducted and after notice has been sent to the owner or lienholder as described in this section, and the search was conducted by the place of storage, and the notice was sent to the motor vehicle owner by the place of storage, the owner or lienholder shall pay to the place of storage a processing fee of twenty-five dollars (\$25.00), in addition to any expenses or charges incurred in the removal and storage of the vehicle.

(d) If the owner or lienholder makes no claim to the motor vehicle within ten days of the date of sending the notice, and if the vehicle is to be disposed of at a public auction as provided in Ohio R.C. 4513.62 or any substantially equivalent municipal ordinance, the Sheriff or Chief of Police, without charge to any party, shall file with the Clerk of Courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of this section. Upon presentation of the affidavit, the Clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the Sheriff or Chief of Police. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in Ohio R.C. 4513.62 or any substantially equivalent municipal ordinance, the Sheriff or Chief of Police shall execute in triplicate an affidavit, as prescribed by the Registrar of Motor Vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of this section have been complied with. The Sheriff or Chief of Police shall retain the original of the affidavit for the Sheriff's or Chief's records, and shall furnish two copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the Clerk of Courts, within thirty days of the presentation, shall issue a salvage certificate of title, free and clear of all liens and encumbrances.

(e) Whenever a motor vehicle salvage dealer or other facility receives an affidavit for the disposal of a motor vehicle as provided in this section, the dealer or facility shall not be required to obtain an Ohio certificate of title to the motor vehicle in the dealer's or facility's own name if the vehicle is dismantled or destroyed and both copies of the affidavit are delivered to the Clerk of Courts.

(f) No towing service or storage facility shall fail to comply with this section.
(ORC 4513.61)

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

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

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

(b) Whoever violates this section is guilty of a minor misdemeanor, and shall also be assessed any costs incurred by the Municipality in disposing of such junk motor vehicle, less any money accruing to the Municipality from such disposal.

303.10 PROVIDING FALSE INFORMATION TO POLICE OFFICER.

(a) No person shall knowingly present, display or orally communicate a false name, social security number or date of birth to a law enforcement officer who is in the process of issuing to the person a traffic ticket or complaint. (ORC 4513.361)

(b) No person shall knowingly make a false statement as to any matter or thing required by the provisions of this Traffic Code. (1978 Code 71.12)

(c) Whoever violates this section is guilty of a misdemeanor of the first degree.

303.99 GENERAL TRAFFIC CODE PENALTIES.

(a) General Misdemeanor Classifications. Whoever violates any provision of this Traffic Code for which violation no penalty is otherwise provided, is guilty of a minor misdemeanor. (ORC 4513.99)

(b) Penalties. Whoever is convicted of or pleads guilty to a violation of this Traffic Code shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.

<u>Classification of Misdemeanor</u>	<u>Maximum Term of Imprisonment</u>	<u>Maximum Fine</u>
First degree	180 days	\$1,000.00
Second degree	90 days	750.00
Third degree	60 days	500.00
Fourth degree	30 days	250.00
Minor	No imprisonment	150.00

(ORC 2929.24; 2929.28)

(c) Felony Offenses. A prosecution for any offense which is classified as a felony under state law shall be filed under the appropriate state law section.

303.991 COMMITTING AN OFFENSE WHILE DISTRACTED PENALTY.

(a) As used in this section and each section of the Traffic Code where specified, all of the following apply:

- (1) “Distracted” means doing either of the following while operating a vehicle:
 - A. Using a handheld electronic wireless communications device, as defined in Ohio R.C. 4511.204 except when utilizing any of the following:
 1. The device’s speakerphone function;
 2. A wireless technology standard for exchanging data over short distances;
 3. A “voice-operated or hands-free” device that allows the person to use the electronic wireless communications device without the use of either hand except to activate, deactivate, or initiate a feature or function;
 4. Any device that is physically or electronically integrated into the motor vehicle.
 - B. Engaging in any activity that is not necessary to the operation of a vehicle and impairs, or reasonably would be expected to impair, the ability of the operator to drive the vehicle safely.
- (2) “Distracted” does not include operating a motor vehicle while wearing an earphone or earplug over or in both ears at the same time. A person who so wears earphones or earplugs may be charged with a violation of Section 331.43.
- (3) “Distracted” does not include conducting any activity while operating a utility service vehicle or a vehicle for or on behalf of a utility, provided that the driver of the vehicle is acting in response to an emergency, power outage or a circumstance affecting the health or safety of individuals.

As used in subsection (a)(3) of this section:

 - A. “Utility” means an entity specified in division (A), (C), (D), (E) or (G) of Ohio R.C. 4905.03.
 - B. “Utility service vehicle” means a vehicle owned or operated by a utility.

(b) If an offender violates any section of this Traffic Code which provides for an enhanced penalty for an offense committed while distracted and the distracting activity is a contributing factor to the commission of the violation, the offender is subject to the applicable penalty for the violation and, notwithstanding Ohio R.C. 2929.28, is subject to an additional fine of not more than one hundred dollars (\$100.00) as follows:

- (1) Subject to Traffic Rule 13, if a law enforcement officer issues an offender a ticket, citation or summons for a violation of any section of the Traffic Code that indicates that the offender was distracted while committing the violation and that the distracting activity was a contributing factor to the commission of the violation, the offender may enter a written plea of guilty and waive the offender’s right to contest the ticket, citation or summons in a trial provided that the offender pays the total amount of the fine established for the violation and pays the additional fine of one hundred dollars (\$100.00).

In lieu of payment of the additional fine of one hundred dollars (\$100.00), the offender instead may elect to attend a distracted driving safety course, the duration and contents of which shall be established by the Ohio Director of Public Safety. If the offender attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall be required to pay the total amount of the fine established for the violation, but shall not be required to pay the additional fine of one hundred dollars (\$100.00), so long as the offender submits to the court both the offender's payment in full and such written evidence.

- (2) If the offender appears in person to contest the ticket, citation or summons in a trial and the offender pleads guilty to or is convicted of the violation, the court, in addition to all other penalties provided by law, may impose the applicable penalty for the violation and may impose the additional fine of not more than one hundred dollars (\$100.00).

If the court imposes upon the offender the applicable penalty for the violation and an additional fine of not more than one hundred dollars (\$100.00), the court shall inform the offender that, in lieu of payment of the additional fine of not more than one hundred dollars (\$100.00), the offender instead may elect to attend the distracted driving safety course described in subsection (b)(1) of this section. If the offender elects the course option and attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall be required to pay the total amount of the fine established for the violation, but shall not be required to pay the additional fine of not more than one hundred dollars (\$100.00), so long as the offender submits to the court the offender's payment and such written evidence.

(ORC 4511.991)

Street	From	To	Prohibited Side(s)
Clinton St., W.	Scott St.	Clinton St., W. (205 feet East of Scott St.)	N. (except in area posted for special parking)
Clinton St., W.	Woodlawn Ave.	Haley Ave.	N.
Commerce Dr.	Interchange Dr.	Riverview Ave., E.	Both
Cripple Creek Ct.	Jahns Rd.	Cul-de-sac	W.
Daggett Dr.	Huddle Rd.	Maumee Ave., W.	E.
Depot St.	Oakwood Ave.	Maple St.	Both
Derome Dr.	Northcrest Dr., E. end	Northcrest Dr., W. end	S.
Detroit Ave.	Yeager St.	Dead End	W.
Dodd St.	Scott St.	Cul-de-sac	W.
Duquesne Dr.	Bordeaux Dr.	Lemans Dr.	S.
Duquesne Dr.	Jahns Rd.	Bordeaux Dr.	Both
Enterprise Ave.	Riverview Ave., E.	American Road	Both
Enterprise Ave.	American Road	Corporation Limits	E.
Erie St.	Washington St.	Railroad right-of-way	W.
Euclid Ave.	Appian Ave.	Last St.	S.
Fair St.	Oakwood Ave.	Dead End	S.
Fairview Dr.	Maumee Ave., W.	Dead End	Both
Fifth St.	Meekison St.	Rohrs St.	E.
Fifth St.	Rohrs St.	Raymond St.	W.
Fillmore St.	Oakwood Ave.	Railroad right-of-way	S.
Fillmore St.	E. Riverview Ave.	Railroad right-of-way	Both
First St.	Maumee Ave., W.	Pontious Pl. R/W	Both
Fourth St.	Meekison St.	Rohrs St.	Both
Freedom Dr.	Corporation Limits	Corporation Limits	Both
Front St., E.	Perry St., N.	Jefferson St.	S.
Front St., W.	Perry St., N.	Riverview Ave., W.	South

Street	From	To	Prohibited Side(s)
Garden St.	Riverview Ave.	Park St.	W.
Glenbrook Ct.	Harmony Dr.	Cul-de-sac	W.
Glenwood Ave.	Riverview Ave., W.	Corporation Limits	Both
Graceway Dr., E.	Maumee Ave., W.	Graceway Dr., W.	W.
Graceway Dr., W.	Huddle Rd.	Graceway Dr., E.	W.
Haley Ave.	Woodlawn Ave.	Riverview Ave.	W.
Harmony Dr.	Glenwood Ave.	Harmony Dr., N.	Inner Loop
Harmony Dr., N.	Glenwood Ave.	Indiana Ave.	S.
High St.	Haley Ave.	Lumbard St.	S.
Highland Ave.	Woodlawn Ave.	Lagrange St.	E.
Hobson St.	Clinton St., E.	Oakwood Ave.	E.
Hobson St.	Washington St.	Clinton St.	E.
Hobson St.	Riverview Ave.	Main St. (30 feet south of alley)	E.
Hobson St.	Front St.	Alley (between Front St. & Main St.)	W.
Huddle Rd.	Perry St., S.	Maumee Ave., W.	N.
Hudson St.	Oakwood Ave.	Dead End	Both
Hurst St., N.-S.	Riverview Ave., W.	Hurst Dr., E.-W.	W.
Hurst Dr., E.-W.	Hurst Dr., N.-S.	Jahns Rd.	S.
Independence Dr.	Oakwood Ave.	Enterprise Ave.	Both
Indiana Ave.	Lagrange St.	N. Harmony Dr.	E.
Indiana Ave.	Oakdale Dr.	Lagrange St.	Both
Indiana Ave.	Woodlawn Ave.	Oakdale Dr.	E.
Industrial Dr.	Riverview Ave., E.	Twp. Rd. R-3	Both
Interchange Dr.	Commerce Dr.	Industrial Dr.	Both
Jahns Rd.	Riverview Ave., W.	Corporation Limits	Both
Jefferson St.	Front St., E.	Washington St., E.	W.
Joliette Dr.	Duquesne Dr.	Capri Dr.	E.

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

(Ord. 005-22. Passed 3-7-22.)

<i>STOP STREET</i>	<i>RIGHT-OF-WAY</i>
Norton Ave.	Park St.
Norton Ave.	Strong St.
Norton Ave.	Welsted St.
Oak St.	Daggett Ave.
Oakdale Dr.	Indiana Ave.
Oakdale Dr.	Glenwood Ave.
Oakwood Ave.	Perry St., N.
Oakwood Park	Oakwood Ave.
Oberhaus Park	Maumee Ave., W.
Ohio St.	Glenwood Ave.
Ohio St.	Scott St.
Old Creek Dr.	Oakwood Dr.
Old School Dr.	Clairmont Ave.
Orchard Ln.	Briarcliff Dr.
Orchard Ln.	Riverview Ave., W.
Orwig Ave.	Main St., W.
Orwig Ave.	Washington St., W.
Orwig Ave.	Welsted St.
Oxford St.	Appian Ave.
Park Ln.	Park St.
Park Pl.	Park St.
Park St.	Glenwood Ave.
Park St.	Riverview Ave., W.
Perry St., N.	Yeager St.
Perry St., N. (Southbound only)	Shelby St.
Pontious Pl.	First St.
Pontious Pl.	Perry St., S.
Railroad St.	Oakwood Ave.
Railroad St.	Perry St., N.

<i>STOP STREET</i>	<i>RIGHT-OF-WAY</i>
Railroad St.	Scott St.
Raymond St.	Fifth St.
Raymond St.	Perry St., S.
Reiser St.	Monroe St.
Reiser St.	Perry St., N.
Reynolds St.	Ohio St.
Reynolds St.	Woodlawn Ave.
Richmar Ln.	Indiana Ave.
Ritter Park	Riverview Ave., W.
Rohm Dr.	Briarcliff Dr.
Romain St.	Clinton St., W.
Romain St.	Washington St., W.
Rye St.	Yeager St.
Scott St.	Riverview Ave., W. - Rt. 424
Second St.	Barnes Ave., E.
Sedward Ave.	Riverview Ave., W.
Sheffield Ave.	Clinton St., W.
Sheffield Ave.	Riverview Ave., W. - Rt. 424
Sheffield Ave.	Washington St., W.
Sheffield Ave., N.	Lagrange St.
Sheffield Ave., N.	Ohio St.
Sheffield Ave., N.	Woodlawn Ave.
Shelby St.	Hobson St.
Shelby St.	Maple St.
Shelby St.	Monroe St.
Shelby St.	Perry St.
Shelby St.	Scott St.
Short St.	Appian Ave.

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

(b) All-Way Stops:

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

(c) Yield streets:

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

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

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

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

(e) Alleys:

All alleys shall be considered the yield street at all crossings with streets.
(Ord. 005-22. Passed 3-7-22.)

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

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

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

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

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

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

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

- (t) In order to provide an opportunity for the public to utilize the Municipal golf facilities between the months of November through March, a golf simulator rate shall be created per the following:
 - (1) Golf simulator hours of operation shall be subject to the discretion of the Director of the Parks and Recreation Department.
 - (2) The City has the right to close the simulator at any time for any cause deemed appropriate by the Parks and Recreation Department.
 - (3) Nothing in this section shall be construed as to limit City Council's authority to adjust golf simulator rates.
 - (4) The following table establishes the fees for rental of the golf simulator:

Weekday	Rental Time	Cost
Before 3:00 pm	½ hour	\$18.00
After 3:00 pm	½ hour	\$20.00
Before 3:00 pm	1 hour	\$22.00
After 3:00 pm	1 hour	\$28.00
Weekend/Holiday	½ hour	\$24.00
	1 hour	\$32.00

(Ord. 011-22. Passed 4-18-22.)

955.10 SHELTER HOUSE/COMMUNITY CENTER RATES.

(a) Shelter house rentals shall be as follows:

Rental Times	Ritter (Weekday)	Ritter (Weekend)	Wayne (Weekday)	Wayne (Weekend)
9:00 a.m. 12:00 p.m.	\$40.00	\$45.00	\$35.00	\$40.00
1:00 p.m.-5:00 p.m.	40.00	45.00	35.00	40.00
9:00 a.m.-5:00 p.m.	45.00	50.00	40.00	45.00
6:00 p.m. - 11:00 p.m.	45.00	50.00	40.00	50.00
1:00 p.m. -11:00 p.m.	50.00	55.00	45.00	50.00
9:00 a.m.-11:00 p.m.	55.00	60.00	50.00	55.00

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

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

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

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

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

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

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

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

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

955.11 PERSONS PERMITTED ON COURSE.

The municipal golf course is open to the public; however, the course shall only be entered for authorized recreational purposes. During the golf season when the course is open for play, no person is permitted on the municipal golf course unless registered and playing on a valid annual golf privilege card or upon the payment of the established greens fee. Caddies while working or authorized municipal employees while in the performance of their duties are exempt from this provision. Playing of golf shall be only during the golf season unless otherwise permitted; further, if permitted at times when the club house is closed, registration is not required.
(Ord. 30-97. Passed 5-5-97.)

955.12 PERSONS EXEMPT FROM GREENS FEES.

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

955.13 PLAY UPON COURSE SUBJECT TO APPROVAL OF GREENSKEEPER.

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

955.14 RULES AND REGULATIONS.

The following rules and regulations shall be in effect:

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

PARKS

955.15 CLOSING HOURS.

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

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

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

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

MUNICIPAL SWIMMING POOL

955.16 SWIMMING POOL ADMISSION.

For the purpose of Section 955.16 of the City of Napoleon Codified Ordinances only, Resident shall be defined as an individual or family residing in the City of Napoleon Corporation limits, not the definition listed in Section 955.02, stating "Resident" means a person living in the corporate limits of the City or a payer of City income tax. (For the purpose of this definition, a payer of City income tax will mean one who currently pays the full established rate of City income tax or paid the full established rate of City income tax within the preceding twelve-month period (unless the payer was exempted due to an alternate City tax policy of the City); one living within the corporate limits will mean one who has the City as his or her place of domicile; further, when a child is a participant, the consideration of being a resident or non-resident shall be determined by the status of the parent or legal guardian of the participant that pays any applicable participation or activity fee.

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

- | | | |
|-----|---|----------|
| (1) | Family (up to five (5) members) annual swim admission card fee: | |
| | Resident: | \$100.00 |
| | Nonresident: | \$200.00 |
| (2) | Additional family members annual swim admission card fee: | |
| | Resident: | \$10.00 |
| | Nonresident: | \$30.00 |
| (3) | Adult individual annual swim admission card fee: | |
| | Resident: | \$60.00 |
| | Non-resident: | \$100.00 |
| (4) | Child individual annual swim admission card: | |
| | Resident: | \$50.00 |
| | Non-resident: | \$85.00 |
| (5) | Senior citizen annual swim admission card fee: | |
| | Resident: | \$50.00 |
| | Non-resident: | \$75.00 |
| (6) | Chief Care Provider annual swim admission card fee: | |
| | Resident: | \$50.00 |
| | Nonresident: | \$60.00 |

(b) The daily swim admission fee for the Municipal Swimming Pool shall be as follows:

(1) Daily admission fee for children:

Resident - \$3.00

Non-resident - \$5.00

Children aged three years old and younger:

Resident - free

Non-resident - free

Ten (10) visit pass for children:

Resident - \$27.00

Non-resident (\$45.00

(2) Daily admission fee for adults:

Resident - \$4.00

Non-resident - \$6.00

Ten (10) visit pass for adults:

Resident - \$36.00

Non-resident - \$54.00

Daily admission fee for senior citizens (aged 65 and older):

Resident - \$3.00

Non-resident - \$5.00

Ten (10) visit pass for senior citizens:

Residents - \$27.00

Non-residents - \$45.00

(c) The Director of Parks, Recreation and Cemeteries is authorized to establish up to six special pool events per season on which a reduced daily recreation admission fee could be offered on a per person or per family basis.

(d) Annual swim admission cards are seasonal and are valid in the summer season of each year during hours as determined by the Parks and Recreation Department.

(e) Pool facility exclusive use rental under terms and conditions and times as authorized by the Parks and Recreation Director (subject to specific approval and terms as set by the Parks and Recreation Director; additionally, Parks and Recreation Director reserves the right to deny rental for any reason):

(1) Saturday or Sunday evening from 6-9 p.m.

Resident - \$250.00

Non-resident - \$400.00

(2) All day Friday, Saturday, and Sunday:

Resident - \$750.00

Non-resident - not available

(f) Nothing in this section shall be construed as to limit City Council's authority to adjust daily, weekly, monthly or annual rates.

(g) In order to provide an opportunity for area employers to offer healthy recreational activities for their employees and families, a Corporate Membership rate shall be created per the following:

- (1) The Corporate Membership will be available for eligible employees, and up to four (4) additional immediate family members. (Immediate family members for this section are defined as spouse and children living in the same household.)
- (2) The Corporate Membership will be available to companies located within the Napoleon Corporation limits, and only to employees that work at locations within the Napoleon Corporation limits.
- (3) The Corporate Membership will be available for eligible employees of a company that has purchased a Corporate Membership; the company shall provide a list of eligible employees prior to the start of the pool season. The Corporate membership must be paid in full before the usage is permitted.
- (4) Employees must display a valid membership badge issued by the City of Napoleon to verify eligibility and admission.
- (5) Family members of employees are not included as part of the corporate membership privileges, unless eligible as defined in subsection (g)(1) of the Ordinance.
- (6) Corporate memberships are valid from Memorial Day (or on the first day of pool opening) through Labor Day for pool closing) of each season.
- (7) The following table establishes the fees for a Corporate Membership to the employer, based on number of employees.

Number of Employees	Annual Fee
25 and under	\$2,000.00
26-50	\$3,500.00
51-100	\$5,000.00
101-150	\$7,500.00
Over 150	\$10,000

(Ord. 054-20. Passed 12-7-20.)

955.17 DAILY RATES.

(EDITOR'S NOTE: See Section 955.16.)

955.18 OPENING AND CLOSING OF MUNICIPAL SWIMMING POOL.

(a) Except as provided in divisions (c) and (d) of this section or except in case of an accident, emergency or disaster, the Municipal Swimming Pool, hereinafter called the Swimming Pool, in the City shall be kept open at all times during regular hours in the summer season, normally being Memorial Day weekend through Labor Day, if the air temperature at the Swimming Pool is 73°F or higher, and the Swimming Pool Manager is directed to so keep the Swimming Pool open.

(b) In the event the air temperature at the Swimming Pool at any time during regular hours in the summer season is less than 73°F, the Swimming Pool Manager is authorized to close the Swimming Pool for the duration of that day.

(c) In the event the weather conditions at the Swimming Pool become dangerous or threatening at any time during regular hours in the summer season, the Swimming Pool Manager is authorized to close the Swimming Pool for the duration of that day as he/she determines prudent in the exercise of his/her best judgment.

(d) The City has the right to close the Swimming Pool at anytime during the season for special events or other cause deemed appropriate by the Parks and Recreation Department. (Ord. 30-97. Passed 5-5-97.)

955.19 RECREATION PROGRAM PARTICIPATION FEES.

(a) Rates (per participant):

Activity	(Rates)	
	Resident	Nonresident
Tee Ball	\$20	\$30
Youth Little League	\$20	\$30
Junior Little League	\$20	\$30
Henry Co. Bank Lge. Softball	\$20	\$30
Rookie League Softball	\$20	\$30
Minor League Softball	\$20	\$30

Major League Softball	\$20	\$30
Little Cats Basketball	\$20	\$30
Wild Kittens Basketball	\$20	\$30
Kiddy Cats Basketball	\$20	\$30
Flag Football	\$20	\$30

Activity	(Rates)	
	Resident	Nonresident
Intramural Basketball	\$20	\$30
Tennis Lessons/League	\$20	\$30
Soccer	\$20	\$30
Safety City	\$10	\$15
Outdoor Education Program (per activity)	\$5	\$5

(Ord. 021-15. Passed 4-6-15.)

**CHAPTER 1519
Fireworks**

(EDITOR'S NOTE: The Council of the City of Napoleon, by Ordinance 028-22, passed June 20, 2022, expressly opts out of the provisions set forth in House Bill 172, and reaffirms the ban on the possession, sale, and discharging, igniting or exploding fireworks as set forth in Chapter 1519 of the Codified Ordinances of the City of Napoleon. Further, Chapter 1519 of the Codified Ordinances of the City of Napoleon is reaffirmed in its entirety.)

1519.01	Definitions.	1519.04	Possession, sale or discharge prohibited; exceptions.
1519.02	Public exhibition permit required; fee; bond; records.	1519.05	Application.
1519.03	Unlawful conduct by exhibitor.	1519.99	Penalty.

CROSS REFERENCES

Manufacturers to comply with building and zoning ordinances - see Ohio R.C. 3743.06(F)
 Wholesalers to comply with building and zoning ordinances - see Ohio R.C. 3743.19(G)
 Arrests, seizure of fireworks by certified fire safety inspector - see Ohio R.C. 3743.68
 Conflict of Fire Marshal's rules with rules of Ohio Board of Building Standards - see Ohio R.C. 3781.11(D)

1519.01 DEFINITIONS.

As used in this chapter:

- (a) "Beer" and "intoxicating liquor" have the same meanings as in Ohio R.C. 4301.01.
- (b) "Booby trap" means a small tube that has a string protruding from both ends, that has a friction-sensitive composition and that is ignited by pulling the ends of the string.
- (c) "Cigarette load" means a small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.
- (d) (1) "1.3 G fireworks" means display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.3" in Title 49, Code of Federal Regulations.
 (2) "1.4 G fireworks" means consumer fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.4" in Title 49, Code of Federal Regulations.
- (e) "Controlled substance" has the same meaning as in Ohio R.C. 3719.01.

- (f) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, except ordinary matches and except as provided in Section 1519.05.
- (g) "Licensed exhibitor of fireworks" or "licensed exhibitor" means a person licensed pursuant to Ohio R.C. 3743.50 to 3743.55.
- (h) "Licensed manufacturer of fireworks" or "licensed manufacturer" means a person licensed pursuant to Ohio R.C. 3743.02 to 3743.08.
- (i) "Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed pursuant to Ohio R.C. 3743.15 to 3743.21.
- (j) "Novelties and trick noisemakers" include the following items:
 - (1) Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers and snappers;
 - (2) Snakes or glow worms;
 - (3) Smoke devices;
 - (4) Trick matches.
- (k) "Party popper" means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling string protruding from the item, and from which paper streamers are expelled when the item is ignited.
- (l) "Railroad" means any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs and sidings installed and primarily used in serving a mine, quarry or plant.
- (m) "Smoke device" means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.
- (n) "Snake or glow worm" means a device that consists of a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning, which ash expands in length as the pellet burns.
- (o) "Snapper" means a small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that, when dropped, implodes.
- (p) "Trick match" means a kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.
- (q) "Wire sparkler" means a sparkler consisting of a wire or stick coated with a non-explosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than one hundred grams of this mixture.
(ORC 3743.01)

**1519.02 PUBLIC EXHIBITION PERMIT REQUIRED; FEE; BOND;
RECORDS.**

(a) A licensed exhibitor of fireworks who wishes to conduct a public fireworks exhibition within the Municipality shall apply for approval to conduct the exhibition to the Fire Chief and from the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

The required approval shall be evidenced by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer, signing a permit for the exhibition, the form for which shall be prescribed by the State Fire Marshal. Any exhibitor of fireworks who wishes to conduct a public fireworks exhibition may obtain a copy of the form from the Fire Marshal or, if it is available, from the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

ORDINANCE NO. 049-22

**AN ORDINANCE AMENDING THRESHOLD AMOUNTS
RELATED TO COMPETITIVE BIDDING, PURCHASING,
CONTRACTING, AND EXPENDITURES**

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

Section 1. That, Section 105.01 of the Codified Ordinances of the City of Napoleon, Ohio (Council to Authorize Purchase or Contract) is hereby amended and enacted as follows:

“105.01 COUNCIL TO AUTHORIZE PURCHASE OR CONTRACT IN EXCESS OF ~~\$25,000~~ \$50,000.

Except as provided for in Section 105.03, no purchase shall be made or contract, including but not limited to any construction contract, entered into, by or on behalf of the City, in excess of ~~twenty-five~~ fifty thousand dollars (~~\$25~~50,000), unless approved by Council. Except as otherwise provided for in Sections 105.03, 106.02, 106.04 or statute or other applicable law, or other legislation specifically finding it in the best interest of the City to eliminate the necessity of competitive bidding, approved by a majority vote of the current members of Council concurring thereto, for expenditures that exceed ~~twenty-five~~ fifty thousand dollars (~~\$25~~50,000), the City Manager, City Finance Director, or City Law Director shall advertise for sealed bids for the purchases or contracts for their respective departments and present them to Council for approval, and advise Council on the advantages or disadvantages of such bid(s). Except as provided for in Section 105.03, no purchase shall be made, contract let, or obligation incurred for any item or service which exceeds the current budget appropriation without a supplemental appropriation by Council. The City Finance Director may issue such rules, governing purchasing procedures within the administrative organization, as Council shall approve.”

Section 2. That, Section 105.02 of the Codified Ordinances of the City of Napoleon, Ohio (Contracts, Material and Labor) is hereby amended and enacted as follows:

“105.02 CONTRACTS, MATERIAL AND LABOR.

Department Directors, (i.e. the City Manager, City Finance Director and City Law Director), or his or her designee in his or her absence, may purchase materials, supplies, equipment and services for their respective departments for amounts up to and including ~~twenty-five~~ fifty thousand dollars (~~\$25~~50,000), subject to the availability and appropriation of funds, without the necessity of advertising for bids as no competitive bidding is required.

All department heads of the City, when authorized by their department director (i.e. the City Manager, City Finance Director, or City Law Director), or his or her designee in his or her absence, may purchase materials, supplies, equipment and services for their respective departments for amounts up to and including ~~twenty-five~~ fifty thousand dollars (~~\$25~~50,000), subject to availability of funds, without the necessity of advertising for bids as no competitive bidding will be required. All other purchases

and/or contracts, except that which is exempted by ordinance, resolution, statute or other applicable law, in excess of ~~twenty-five~~ fifty thousand dollars (\$~~2550~~,000), shall be made only after advertisement, receipt of sealed bid, and award by Council. Any award let by the bidding process shall be to the lowest and best bidder.”

Section 3. That, Section 156.01 of the Codified Ordinances of the City of Napoleon, Ohio (Donations Accepted) is hereby amended and enacted as follows:

“156.01 DONATIONS ACCEPTED; FUND ESTABLISHED.

(a) City boards and commissions are empowered to accept in the name of the City any donation of money, securities, equipment, or any personal property which, in itself or the proceeds from which, is to be for a City use or for the general public use, subject to subsequent approval by motion of Council at the next regularly scheduled Council meeting (except that, subsequent approval by Council is not required for donation amounts below \$100.01). Such recipient board or commission shall recommend to City Council the approval of such donation or restriction upon the donation or of any execution of any trust prior to the motion for approval by Council being made. However, gifts to the City or the general public of real property, either absolutely or in trust, which, in themselves or the proceeds from which, are to be used for City use or for the general public use, shall be accepted by the City only after they shall have been recommended by the recipient board or commission to the City Council, and approved by legislation thereof. Upon recommendation of the board or commission, subject to the approval by legislation of City Council, the City or its designated officer may execute every trust or restriction imposed upon the use of property rights by deed, treatment, or other conveyance, transferring the title of such property to the City or to the general public for City use or for use by the general public.

(b) The Finance Director is authorized and directed to establish a fund or funds for acceptance of donations received under the authority of this section either as a “general donation fund”, or “specified donation fund” that is specific to the board or commission, as deemed appropriate by the Finance Director. The total anticipated proceeds from such donations are deemed appropriated for such donated purpose by this Council and are deemed in the process of collection within the meaning of Ohio R.C. 5705.41; therefore, immediate expenditure for the purpose the money was donated is authorized, except that any expenditure in excess of ~~twenty-five~~ fifty thousand dollars (\$~~2550~~,000) shall require Council approval prior to expenditure.”

Section 4. That, Rule 2.28 of Section 195.02 of the Codified Ordinances of the City of Napoleon (Expenditure of Funds by Civil Service Commission) is hereby amended and enacted as follows:

“Expenditure Of Funds By Commission

Subject to budgetary constraints and appropriation of funds, a commission member may expend funds, not to exceed two hundred dollars (\$200.00), for a proper public purpose, without prior approval of the commission or body of council.

Subject to budgetary constraints and appropriation of funds, the commission, as a whole, may expend funds, not to exceed ~~twenty-five~~ fifty thousand dollars (\$~~2550~~,000); each purchase or contract, subject to approval of the purchase order by the City Manager. Any

amounts exceeding ~~twenty-five~~ fifty thousand dollars (\$~~2550,000~~) shall be subject to approval of the body of council.”

Section 5. That, the City of Napoleon, Ohio, being a municipal corporation with a charter form of government, shall not be bound by the provisions contained in Sections 723.52 and 723.53 [Force Account Projects] of the Ohio Revised Code, City Council finding it is in the best interest of the City to eliminate the necessity of competitive bidding for projects using its own forces to construct, reconstruct, widen, resurface, or repair a street or public way.

Section 6. That, Sections 105.01, 105.02, 156.01, and Rule 2.28 of Section 195.02 as existed prior to the enactment of this Ordinance are repealed.

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

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

Section 9. That upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Marrisa Flogaus, Clerk of Council

I, Marrisa Flogaus, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 049-22 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.

Marrisa Flogaus, Clerk of Council

PRELIMINARY LEGISLATION

Consent

Ordinance # 046-22

PID No. 94321

County/Route/Section HEN SR 110 0.94 Resurfacing

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:

A resurfacing and bridge repair project on SR 110 from Napoleon E. Corp line to SR 109 in Henry County; perform necessary related work,

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, Marrisa Hull, 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 _____, 2_022_, that the publication of such ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such ordinance have been taken; and that such ordinance and certificate of publication thereof are of record in

_____, Page _____ .
(Ordinance Record No.)

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



City of NAPOLEON, Ohio

255 West Riverview Avenue • P.O. Box 151
Napoleon, Ohio 43545-0151
Phone: (419) 592-4010 • Fax: (419) 599-8393
Web Page: www.napoleonohio.com

MEMORANDUM

Mayor
Jason Maassel

Members of Council

PRESIDENT:
Joseph Bialorucki

PRESIDENT PRO-TEM:
J. Ross Durham

Daniel Baer
Lori Siclair
Dr. David Cordes
Kenneth Haase
Molly Knepley

City Manager
Joel L. Mazur

Finance Director
Kevin Garringer

Law Director
Billy D. Harmon

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

DATE: August 19, 2022
TO: Members of City Council
Jason P. Maassel, Mayor
FROM: Brittany Roof
cc: Joel Mazur, City Manager
SUBJECT: Juneteenth Holiday

Below are different cities, schools, and/or counties who currently observe the Juneteenth Holiday.

Below is a list of other communities and if they observe Juneteenth:

- Montpelier, OH No
- Ephrata, PA No
- Front Royal, VA No
- Bedford, VA Yes
- Bryan, OH Yes
- Bowling Green, OH Yes
- Paduka, KY Yes
- Martinsville, VA Yes
- Wellington, OH Yes
- Marshal, MI No
- Hamilton, OH No
- Richlands, VA Yes
- Cuyahoga Falls, OH No
- Piqua, OH Yes
- Wadsworth, OH No
- Wauseon, OH No
- Toledo, Ohio Yes
- Holland, OH No
- Delta, OH Yes



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
Marrisa Hull, Clerk of Council
Roxanne Dietrich, Executive Assistant
Date: August 31, 2022
Subject: 2022 Miscellaneous Street Improvements ~ Change Order No. 4 (Overages on Westmoreland Avenue)

The City of Napoleon's Department of Public Works requests approval of Change Order No. 4 for the above referenced project. Change Order No. 4 covers the additional quantities for the paving operations on Westmoreland Avenue. Please note that \$9,259.60 of this cost is for the portion of Westmoreland Avenue located in the County. The Henry County Engineer's office has been invoiced for this amount.

The Cost for Change Order No. 4 is \$34,226.12

CEL



City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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

www.napoleonohio.com

Memorandum

To: Joel L. Mazur, City Manager
From: Chad E. Lulfs, P.E., P.S., Director of Public Works
cc: Mayor & City Council
Kevin Garringer, City Finance Director
Jeremy Okuley, WWTP Superintendent
Marrisa Hull, Clerk of Council
Roxanne Dietrich, Executive Assistant
Date: August 31, 2022
Subject: 2021 WWTP Improvements ~ Change Order No. 4
(Sheeting & Shoring Change Request)

The City of Napoleon's Department of Public Works requests approval of Change Order No. 4 for the above referenced project. Change Order No. 4 covers the additional costs associated with the required Sheeting and Shoring required for construction of the Headworks Building, Primary Tank No. 3, and the Bio Towers. Please note that this cost will be included in the loan agreement through the W.P.C.L.F.

The Cost for Change Order No. 4 is \$187,500.00

CEL



City of Napoleon, Ohio

Parks and Recreation Department

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

www.napoleonohio.com

Memorandum

To: Joel Mazur, City Manager
From: Tony Cotter, Parks and Recreation Director
cc: Roxanne Dietrich, Admin Asst.
Date: September 1, 2022
Subject: Trick or Treat Night Recommendation

At last evening's meeting, the Parks and Recreation Board passed a unanimous motion to recommend that Trick or Treat Night in Napoleon be held on Monday, October 31 from 6:00 -7:30 pm.

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