

# July

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4 <b>4th OF JULY OFFICE WILL BE CLOSED</b>	5
6	7 7:00 pm City Council	8	9	10	11	12
13	14 6:30 pm Electric Comm. canceled 6:30 pm BOPA-canceled 7:00 pm Water and Sewer Comm.- canceled 6:00 Muni Prop. Comm.	15	16	17	18	19
20	21 6:00 pm Tree Commission 7:00 pm City Council	22	23 12:00 pm AD Hoc Committee	24	25	26
27	28 6:00 Finance & Budget Comm. 7:30 Safety & Human Resources Comm.	29	30 6:30 pm Parks & Rec Board	31		



# *City of Napoleon, Ohio*

*255 West Riverview Avenue, P.O. Box 151  
Napoleon, OH 43545  
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www.napoleonohio.com*

## *Memorandum*

**To:** Parks and Recreation Committee  
**cc:** Mayor and City Council, City Manager,  
City Finance Director, Law Director,  
Department Supervisors, News Media  
**From:** Ann Harper, Clerk  
**Date:** July 18, 2025  
**Subject:** Parks and Recreation Committee-Cancelation


The regularly scheduled meeting of the Parks and Recreation Committee for Monday, July 21, 2025, at 6:00 pm has been **CANCELED** due to lack of agenda items.



**City of Napoleon, Ohio  
Tree Commission  
Meeting Agenda  
Monday, July 21, 2025, at 6:00 PM**

**Location: Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio**

- 1) Approval of Minutes: May 19, 2025 (in the absence of any objections or corrections, the minutes shall stand approved).
- 2) Review tree call reports
- 3) Spring Contract Updates
- 4) Review Fall Removal List
- 5) Review Fall Topsoil List
- 6) Any Other Matters to Come Before the Commission
- 7) Adjournment

  
Ann Harper, Clerk of Council



**City of Napoleon, Ohio  
Tree Commission  
Meeting Minutes  
Monday, May 19, 2025, at 6:00 pm**

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**Present**

Commission Members	Larr Etzler-Chair, Ed Clausing, Dave Volkman, Gary Haase, Robert Weitzel, Joe Meyer
City Staff	Aron Deblin
Clerk of Council	Marrisa Flogaus
Absent	

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**Call to Order**

The Tree Commission meeting was called to order at 6:00 p.m.

**Approval of Minutes**

The minutes from the May 19, 2025, meeting were approved with the correction that Clausing was the unknown speaker.

**Review Tree Call Reports**

Deblin stated I had a call from 745 Strong St. We removed a tree at the neighbor's house near the property line. She had some ruts in her yard, so I told her we'll get it addressed with some topsoil. 826 E. Graceway called due to a dead tree behind the house in the grass alley easement area. I referred her to the electric company to see if they could help her remove it. I had another call from 311 Meekison. There's a tree close to his building located near the alley between Meekison and Barnes. It was determined it was on the homeowners property, so the homeowner will handle the removal. 217 W. Washington, which is the grey house next to the bank. There was a large swarm of bees in the tree right by the sidewalk. The resident of that house came out and advised that he's been having problems with bees inside the house possibly being in the walls. After he started treating them they moved out to the street. By the time the operations department got out there the bees already moved onto somewhere else. Etzler stated the bees didn't have a nest than. They were just swarming. Deblin stated at 1023 N. Perry we removed a tree in the past and they would like to be on the replant list, so they were added to the fall list. 413 W Clinton had a tree behind the house in the alley that was damaging the neighbors shed. It was found to be on the homeowners property, so they will take care of it themselves.

**Spring Contract Updates**

Deblin stated spring contracts are all complete.

**Review Fall Removal List**

Deblin stated I have 11 trees and 11 stumps so far. Based off the arborist recommendation from the spring trimming all of them are in the Main, Strong, Welsted and Haley area. Then there's one on Erie. Most of the trees are maples. There's one pear and one honey locus.

**Review Fall Topsoil List**

Deblin stated this will be for the spring removals. We had 19 areas from the spring that will need to be filled.

**Miscellaneous**

Etzler stated lets catch up on some other stuff. I haven't had a chance to talk to Gene. Did he call you, Deblin. Deblin replied no, I haven't talked to him since last time. Clausing stated I know we talked about the tree possibly being on hospital property. I was talking to someone who was going to be doing some

## Adjournment

Yeas- 6, Nays- 0. Motion passed.

**Approved**

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Larr Etzler-Chairman

DRAFT



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Napoleon, OH 43545  
Telephone: (419) 592-4010 Fax: (419) 599-8393  
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## *Memorandum*

**To:** Civil Service Commission  
**cc:** Mayor and City Council, City Manager,  
City Finance Director, Law Director,  
Department Supervisors, News Media  
**From:** Ann Harper, Clerk  
**Date:** July 18, 2025  
**Subject:** Civil Service Commission -Canceled

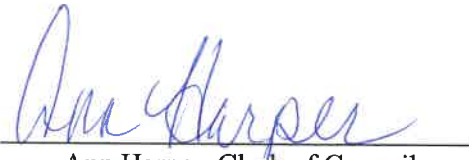
The regularly scheduled meeting of the Civil Service Commission for Tuesday, July 22, 2025, at 4:30 pm has been **CANCELED** due to lack of agenda items.



**City of Napoleon, Ohio  
AD HOC Committee  
Special Meeting Agenda  
Wednesday, July 23, 2025, at 12:00 PM**

**Location: Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio**

- 1) Approval of Minutes: February 19, 2025 (in the absence of any objections or corrections, the minutes shall stand approved).
- 2) Performance Evaluations
- 3) Any Other Matters to Come Before the Committee
- 4) Adjournment

  
Ann Harper, Clerk of Council

**City of Napoleon, Ohio**  
**AD Hoc Committee on the Structure and Compensation of Personnel**  
**Special Meeting Minutes**  
**Wednesday, February 19, 2025, 2024, at 5:00 pm**

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**Present**

Council Members	Brittany Schwab-Chair, Robert Weitzel, Jordan McBride
Clerk of Council	Mikayla Ramirez
City Staff	Brittany Roof

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**Call to Order**

Chairman Brittany Schwab called the AD Hoc Committee on the Structure and Compensation of Personnel meeting to order at 5:00 pm.

**Approval of Minutes**

In the absence of any objections or corrections, the minutes from the January 3, 2025, meeting were approved as presented.

**Performance Evaluations**

Roof said, the last time we met I provided a lot of information, and I sent you a link for the questions we could give the employees. You all received the same link and that's exactly what the employees would see. We can't track who does or doesn't complete the form, it is 100% anonymous. This could be used for all appointed authorities or even department heads if you wish. Weitzel said, my only concern with the concept is there is always abuse. I don't think there should ever be open text boxes because complaints and allegations would have to be addressed. I would rather see a 3 or 5 rating and give them choices. McBride said, at least it gives you an idea on how a manager is performing. Roof said, on the city manager form it is 1-5 with no ability to fill out a text box. We can leave a text box that has the option to leave their name if they want. Weitzel said, I'd like to know at least what division the employee is in when they submit the form. Schwab said, yes, I agree. Weitzel said, the first question should be what division they're in and they can't submit it without answering that question. Roof said, do you want a text box or me to list every department then they have to choose the one they're in. McBride said, another suggestion would be rating it 1-4 so there is no middle option, and it forces you to go above or below. It could be does not meet, inconsistently meets, meets, or exceeds. Roof said, is there anything recommendations. My next plan is to make a new evaluation from start to finish. Schwab said, the Wauseon example was very lengthy. Roof said, yes it was but it did have good scoring. Weitzel said, you would need training to do that evaluation. It would also be difficult to have them sit down and concentrate to do a form so long. Roof said, when you go to do the evaluations for that year you can see what the previous scores were. Weitzel said, they need to know the goals and objectives. The job description needs to be the goals. Roof said, we need to physically say how to meet those goals. Weitzel said, who would make those goals. Roof said, council would every year. McBride said, council can pick 3 goals, and the individual can pick 3.

**Miscellaneous**

Schwab said, I propose that the committee review the salary of council members. The salary can be changed by an ordinance/resolution; however it can't be done unless it is a new term. We can work on the council's salary but also we could consider revising the charter for the future. Weitzel said, isn't there already a standard increase. Roof said, yes. Weitzel said, are we talking about changing that. Schwab said, I would like to start off with comparables. My understanding is compared to the other municipalities we are under and I would like to start that review. Roof said, I can pull that information and provide it at our next meeting. McBride said, we should also see what the council presidents are making because our specific president handles a lot. Roof said, we could compare all

divisions of council, even appointed versus elected officials. We could potentially eliminate that pay difference and keep it all the same. McBride said, I can see both sides for and against that. Weitzel said, I don't expect to be paid equal to an elected official. Roof said, should we add the mayor to be reviewed. McBride said, yes. Roof said, I will gather that information for the next meeting. Schwab said, are surrounding municipalities similar terms. Roof said, yes.

### **Adjournment**

Motion: Weitzel                      Second: McBride  
to adjourn the AD HOC Committee meeting at 5:20 pm

Roll call vote on the above motion  
Yeas- Schwab, Weitzel, McBride  
Nays-  
Yeas-3, Nays-0. Motion Passed.

### **Approved**

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Brittany Schwab-Chairman



City of Napoleon, Ohio

**CITY COUNCIL**

**MEETING AGENDA**

**Monday, July 21, 2025, 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)  
July 7, 2025, Regular Council Meeting Minutes
- E. Citizen Communication**
- F. Reports from Council Committees**
  - 1. The Municipal Properties Committee met on July 14, 2025 at 6:00 pm and;
    - a. To recommend to council to direct the law director to draft legislation for the amended Yard Waste Site rules.
    - b. Discussed State Championship Sign
  - 2. The Electric Committee did not meet on July 14, 2025 due to a lack of agenda items.
  - 3. The Water and Sewer Committee did not meet on July 14, 2025 due to a lack of agenda items.
  - 4. The Parks and Recreation Committee did not meet on July 21, 2025 due to a lack of agenda items
- G. Reports from Other Committees, Commissions and Boards** (*Informational Only-Not Read*)
  - 1. The Board of Public Affairs did not meet on July 14, 2025 due to a lack of agenda items.
  - 2. The Tree Commission met on July 21, 2025, at 6:00 PM with the agenda items:
    - a. Approval of Previous Minutes
    - b. Review Tree Call Reports
    - c. Review Fall Plantings List
    - d. Review Fall Trimming List
    - e. Finalize Fall Removals List
    - f. Finalize Fall Topsoil List
- H. Introduction of New Ordinances and Resolutions**
  - 1. **Resolution No. 029-25**, 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 2025; and declaring an Emergency
  - 2. **Resolution No. 030-25**, A Resolution authorizing the expenditure of funds in excess of fifty thousand dollars (\$50,000) for the purpose of purchasing a MVA Three Phase Power Transformer for the City of Napoleon Electric Department, and to award said purchase to Delta Star, Inc.; and declaring an Emergency
- I. Second Reading of Ordinances and Resolutions - None**
- J. Third Reading of Ordinances and Resolutions**

1. **Resolution No. 022-25**, A resolution authorizing the expenditure of funds in excess of fifty thousand dollars (\$50,000) for the purpose of purchasing a fire truck for the City of Napoleon Fire Department, and to award said purchase to The Sutphen Corporation; and declaring an emergency.

2. **Ordinance No. 023-25**, An ordinance approving current May 2024 through April 2025 replacement pages to the city of Napoleon Codified Ordinances.


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

1. Discussion/Action: Certify and File Annual Special Assessments with the Henry County Auditor for Placement and Collection on the 2025 Tax Duplicates Payable in the year 2026 (direct the law director to draft legislation)
2. Discussion/Action: Approval of Power Supply Cost Adjustment Factor for July 2025 as PSCA 3-month averaged factor \$0.01589 and JV2 \$0.033197
3. Discussion/Action: Update on Yard Waste Site Rules
4. Discussion/Action: Potential Annexation Agreement with Napoleon Township

**L. Executive Session** (As may be needed).

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

**N. Adjournment**

  
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Ann Harper, Clerk of Council

**A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL**

**1. Technology & Communication Committee (1<sup>st</sup> Monday)**

*(Next Regular Meeting: August 4, 2025 @ 6:15 pm)*

**2. Electric Committee (2<sup>nd</sup> Monday)**

*(Next Regular Meeting: Monday, August 11, 2025 @ 6:30 pm)*

- a. Review of Power Supply Cost Adjustment Factor for August 2025
- b. Electric Department Report

**3. Water, Sewer, Refuse, Recycling & Litter Committee (2<sup>nd</sup> Monday)**

*(Next Regular Meeting: Monday, August 11, 2025 @ 7:00 pm)*

**4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2<sup>nd</sup> Monday)**

*(Next Regular Meeting: Monday, August 11, 2025 @ 7:30 pm)*

**5. Parks & Recreation Committee (3<sup>rd</sup> Monday)**

*(Next Regular Meeting: Monday, July 21, 2025 @ 6:00 pm)*

**6. Finance & Budget Committee (4<sup>th</sup> Monday)**

*(Next Regular Meeting: Monday, July 28, 2025 @ 6:30 pm)*

**7. Safety & Human Resources Committee (4<sup>th</sup> Monday)**

*(Next Regular Meeting: Monday, July 28, 2025 @ 7:30 pm)*

**8. Personnel Committee (as needed)**

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

**1. Board of Public Affairs (2<sup>nd</sup> Monday)**

*(Next Regular Meeting: Monday, August 11, 2025 @ 6:30 pm)*

- a. Review of Power Supply Cost Adjustment Factor for August 2025
- b. Electric Department Report

**2. Board of Zoning Appeals (2<sup>nd</sup> Tuesday)**

*(Next Regular Meeting: Tuesday, August 11, 2025 @ 4:30 pm)*

**3. Planning Commission (2<sup>nd</sup> Tuesday)**

*(Next Regular Meeting: Tuesday, August 11, 2025 @ 5:00 pm)*

**4. Tree Commission (3<sup>rd</sup> Monday)**

*(Next Regular Meeting: Monday, July 21, 2025 @ 6:00 pm)*

**5. Civil Service Commission (4<sup>th</sup> Tuesday)**

*(Next Regular Meeting: Tuesday, July 22, 2025 @ 4:30 pm)*

**6. Parks & Recreation Board (Last Wednesday)**

*(Next Regular Meeting: Wednesday, July 30, 2025 @ 6:30 pm)*

**7. Privacy Committee (2<sup>nd</sup> Tuesday in May & November)**

*(Next Regular Meeting: Tuesday, November 11, 2025 @ 10:30 am)*

**8. Records Commission (2<sup>nd</sup> Tuesday in June & December)**

*(Next Regular Meeting: Tuesday, December 09, 2025 @ 8:15 am)*

**9. Housing Council (1<sup>st</sup> Monday after the TIRC meeting)**

**10. Health Care Cost Committee (as needed)**

**11. Preservation Commission (as needed)**

**12. Napoleon Infrastructure/Economic Development Fund Review Committee (NIEDF) (as needed)**

**13. Tax Incentive Review Council**

**14. Volunteer Firefighters' Dependents Fund Board (as needed)**

**15. Volunteer Peace Officers' Dependents Fund Board (as needed)**

**16. Lodge Tax Advisory & Control Board (as needed)**

**17. Board of Building Appeals (as needed)**

**18. ADA Compliance Board (as needed)**

**City of Napoleon, Ohio**  
**City Council Meeting Minutes**  
**Monday, July 7, 2025, at 7:00 pm**

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**Present**

Council Members	Ross Durham-Council President, Ken Haase, Robert L. Weitzel, Tom Weaver, Dr. Dave Cordes
Mayor	Joseph Bialorucki
City Manager	Lori Siclair
Finance Director	Kevin Garringer
Law Director	Mr. Maloney
Acting Clerk of Council	Marrisa Flogaus
City Staff	Chad Lulfs – Director of Public Works, Edward Legg – Police Chief, David Bowen – Fire Chief
Absent	Jordan McBride – Council Member, Brittany Schwab – Council President Pro-Tem, Billy Harmon – Law Director

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**Call to Order**

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

**Approval of Minutes**

In the absence of any objections or corrections, the minutes from the June 16, 2025 meeting were approved as presented.

**Citizen Communication- None**

**Reports from Council Committees**

Chairman Weaver reported the Finance and Budget Committee met on June 23, 2025 at 5:30 pm and discussed the 2025 Second Quarter Budget Adjustments and Transfers and 2026 Tax Budget. Chairman McBride reported the Safety and Human Resources Committee met on June 23, 2025 at 6:00 pm and; Discussed/Reviewed E-Bike and Golf Cart Issues in Park areas. The Technology Committee did not meet on July 7, 2025 due to lack of agenda items.

**Introduction of new Ordinances and Resolutions**

**Resolution No. 024-25, 2026 Tax Budget for 2026**

Council President Durham read by title Resolution No. 024-25, a Resolution adopting the 2026 Tax Budget for the City of Napoleon, Ohio, as required in Sections 5705.28 and 5705.281 of the Ohio Revised Code and Directing the Finance Director to file the same with the County Auditor; and declaring an emergency.

Motion: Haase                                      Second: Weaver  
To approve First Read of Resolution No. 024-25

Garringer: Thank you, Council President. We are going to ask for suspension of rules as well as the next three Ordinances and Resolutions. These all stem from the Finance and Budget Committee, the first one which is what we call Schedule A - Schedule B. We're required every year by July 20<sup>th</sup> to submit these copies to the Budget Commission which we turn into the County Auditor. This is the estimate of the revenues of our property taxes for tax year 2025 payable in 2026. This is one of the first things that we set up for our revenues to move to the budget for 2026.

Motion: Haase                                      Second: Cordes

To suspend the rule requiring three reads of Resolution No. 024-25

Roll call vote on the above motion

Yeas - Weitzel, Weaver, Cordes, Durham, Haase

Nays-

Yeas-5, Nays-0. Motion Passed.

Roll call vote to pass Ordinance No. 024-25 under suspension and emergency

Yeas - Weitzel, Weaver, Cordes, Durham, Haase

Nays-

Yeas-5, Nays-0. Motion Passed.

### **Ordinance No. 025-25 Budget Supplement 2**

Council President Durham read by title Ordinance No. 025-25, an Ordinance supplementing the annual appropriation measure (Supplement No. 2) for the year 2025; and declaring an emergency.

Motion: Cordes

Second: Weaver

To approve first read of Ordinance No. 025-25

Garringer: Thank you, Council President. The first one, the Supplemental 2, are increases to our budget. These are when line items budgets to the other one. These are increases for various reasons. The reasons are listed below there. These were discussed and approved at the Finance and Budget Committee meeting last week. I will point out there are large numbers here. Fund 435 there's a budget increase of \$3.95 million. That's because we created the new fund or renamed an old fund. To do this, we felt that the East Washington Street project should be captured in its own fund. That was quite large. You see in Fund 521 it equals off to that. We did the same thing with the 511 Fund. It has a negative \$400,000.00. That is the water improvements line item, where we are going to do the study for the new water line across the river or underneath the river. We felt that the project if that continued to move forward could be quite large in expenses and could go on for a few years. We created and renamed a new fund which would be the 515 Maumee River Crossing Project Fund. That was not budgeted at the beginning of the year because we budgeted it in a different fund. If there are any other questions, about any of the others, I would be happy to explain them. But the others all have an explanation for them, or not that large.

Motion: Haase

Second: Weaver

To suspend the rules regarding three reads of Ordinance No. 025-25

Roll call on above motion

Yeas - Weitzel, Weaver, Cordes, Durham, Haase

Nays-

Yeas-5, Nays-0. Motion Passed.

Roll call vote to pass Ordinance No. 025-25 under suspension and emergency

Yeas - Weitzel, Weaver, Cordes, Durham, Haase

Nays-

Yeas-5, Nays-0. Motion Passed.

### **Ordinance No. 026-25, appropriate transfer 2<sup>nd</sup> quarter Budget adjustments**

Council President Durham read by title Ordinance No. 026-25, an Ordinance authorizing the Finance Director to make appropriation transfers (Transfer of Appropriation 2) from one appropriation line item to another appropriation line item pursuant to ORC. 5705.40 for the fiscal year ending December 31, 2025 as listed in exhibit A: and declaring an emergency.

Motion: Haase                      Second: Weaver  
To approve First read of Ordinance No. 026-25

Garringer: This next one is when we have budgeted amounts in one line item, and we feel that we're not going to use that much but to see it in another line item so we make those adjustments and it becomes a zero-sum game. If you see the totals on the bottom, it's \$119,199.00. That is the amount requested and that is the amount received so that does not increase the budget as a whole. Most of these are relatively minor. I do want to point out the ones from the 100 - 1500 Fund or the line items from the 115-20 Fund. Back when we were doing budgeting there was a discussion of certain members in the Finance Department that did not go to certain tuitions of getting certain titles or changes in positions. When it was budgeted it was budgeted in the Finance Department, and we moved those back to the Utility Department where they're getting paid out of. That's the anomaly of that one and all the rest of them I'll answer any questions if anybody has anything but the explanations are there.

Motion: Weaver                      Second: Haase  
To suspend the rule requiring three reads of Resolution No. 026-25

Roll call on above motion for suspension  
Yeas - Weitzel, Weaver, Cordes, Durham, Haase  
Nays-  
Yeas-5, Nays-0. Motion Passed.

Roll call vote to pass Ordinance No. 026-25 under suspension and emergency  
Yeas - Weitzel, Weaver, Cordes, Durham, Haase  
Nays-  
Yeas-5, Nays-0. Motion Passed.

**Resolution No. 027-25 Transfer Funds 2<sup>nd</sup> Quarter**

Council President Durham read by title Resolution No. 027-25, a resolution authorizing the Finance Director to transfer certain fund balances (Transfer No. 3) from respective funds to other funds pursuant to ORC. Section 5705.14 on an as needed basis in fiscal year 2025, as listed in exhibit A; and declaring an emergency.

Motion: Weaver                      Second: Cordes  
To approve First Read of Resolution No. 027-25

Garringer: This is the last one for the Finance and Budget Committee meeting, and if this gets approved, I appreciate it. It will close out the books for the month of June and look forward to the second part of the year. This is moving cash or funds to one fund to another, if this is approved. 521 is going to 435. That's where we created the East Washington Street improvement fund. The other one is the Maumee River Crossing Fund. We are taking the money out of the funds that they were budgeted from and putting into those new renamed funds.

Motion: Weaver                      Second: Cordes  
To suspend the rule requiring three reads of Resolution No. 027-25

Roll call vote on the above motion  
Yeas - Weitzel, Weaver, Cordes, Durham, Haase  
Nays-

Yeas-5, Nays-0. Motion Passed

Roll call vote to pass Ordinance No. 027-25 under suspension and emergency

Yeas - Weitzel, Weaver, Cordes, Durham, Haase

Nays-

Yeas-5, Nays-0. Motion Passed

**Resolution No. 028-25 Purchase of Property**

Council President Durham read by title Resolution 028-25, a resolution authorizing the City Manager to execute any and all documents necessary to acquire 1.07 acres of land, more or less, located within the City of Napoleon, Ohio; and declaring and emergency.

Motion: Haase                      Second: Weitzel

To approve First read of Resolution No. 028-25

Siclair: Thank you, Council President. This is the property located downtown, known as the Heller Aller property. I believe this would be a great opportunity for some economic development down the road, but we don't have a plan in place right now. This resolution tonight will just allow us to get started on a purchase agreement. Durham: Thank you, Siclair. Questions or comments. Suspension requested on this as well? Siclair: Yes.

Motion: Weitzel                      Second: Haase

To suspend the rules requiring three reads of Resolution No. 028-25

Roll call vote on above motion

Yeas - Weitzel, Weaver, Cordes, Durham, Haase

Nays-

Yeas-5, Nays-0. Motion Passed

Roll call vote to pass Resolution No. 028-25 under suspension and emergency

Yeas - Weitzel, Weaver, Cordes, Durham, Haase

Nays-

Yeas-5, Nays-0. Motion Passed

**Second read of Ordinances and Resolutions**

**Resolution No. 022-25 Fire Department Purchase**

Council President Durham read by title the Resolution No.022-25, a resolution authorizing the expenditure of funds in excess of fifty thousand dollars (\$50,000) for the purpose of purchasing a fire truck for the City of Napoleon Fire Department, and to award said purchase to The Sutphen Corporation; and declaring an emergency.

Motion: Haase                      Second: Weitzel

To approve Second read of Resolution No. 022-25

Garringer: We have the master bid list every year of companies that are over \$50,000.00 that we are allowed to spend without having special resolution. This company is not on there, so this company puts that on there. This just allows us not to have to bid out the fire truck if we continue to move forward and purchase it. Instead, it would just allow us to go straight to them and purchase which this was the plan along the way.

Roll call vote on the above motion.

Yeas - Weitzel, Weaver, Cordes, Durham, Haase

Nays-  
Yeas-5, Nays-0. Motion Passed

**Ordinance No. 023-25 Codified Replacement Pages**

Council President Durham read by title Ordinance No. 023-25, an ordinance approving current May 2024 through May 2025 replacement pages to the city of Napoleon Codified Ordinances.

Motion: Cordes                      Second: Weaver  
To approve Second read of Ordinance No. 023-25

Siclair: Thank you, Council President. This is the second read to approve the replacement pages in response to the semiannual review.

Roll call to vote to approve above motion  
Yeas - Weitzel, Weaver, Cordes, Durham, Haase  
Nays-  
Yeas-5, Nays-0. Motion Passed

**Third read of Ordinances and Resolutions**

**Ordinance No. 020-25 Preliminary Legislation**

Council President Durham read by title Ordinance No. 020-25, an ordinance allowing ODOT to work inside City limits to remove and replace the existing pavement on US 6/24 from the US 6 interchange to the Maumee River Bridge and repair bridges within the same section; and declaring an emergency.

Motion: Haase                      Second: Weitzel  
To approve Third read of Ordinance No. 026-25

Siclair: Thank you, again. This is the final read to give ODOT all that they need to complete the removal and replacement of pavement on the 6 and 24. Replacing bridges within that section as well. This is our authorization for them to do the work in the city. This project is scheduled for September 21, 2026.

Roll call to vote to pass Ordinance No. 020-25 on Third read  
Yeas - Weitzel, Weaver, Cordes, Durham, Haase  
Nays-  
Yeas-5, Nays-0. Motion Passed

**Ordinance No. 021-25 Bond Ordinance**

Council President Durham read by title Ordinance No. 021-25, an ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$650,000.00, for the purpose of paying the costs of improving the municipal fire facilities by acquiring a pumper fire truck, together with all necessary and related appurtenances thereto, and declaring an emergency.

Motion: Haase                      Second: Weitzel  
To approve Third read of Ordinance No. 021-25

Garringer: This is the third and final read that does have an emergency clause to it. If this passes tonight this allows us to receive the bids for the bond of \$650,000.00 which would then be used in the future to purchase said fire truck. I would encourage you to pass this, otherwise everything we discussed at this point is all for not. And there may be some sad people in this room. Any questions?  
Durham: Thank you, Garringer. Third read on the fire truck, any questions or comments from



Council? I feel like a broken record, but Chief I want to thank you for all your time and to your whole team. I appreciate you guys coming to show your support and it means a lot to us and it means a lot to Chief. We just appreciate you being here.

Roll call vote to pass Ordinance No. 021-25 on Third read

Yeas - Weitzel, Weaver, Cordes, Durham, Haase

Nays-

Yeas-5, Nays-0. Motion Passed

**Good of the City (discussion/action)**

**Direct the Law Director to draft the appropriate legislation to allow the City Manager to apply for O.P.W.C. (Issue II) funding.**

Siclair: Thank you, I have City Engineer Chad Lulfs here to explain that a little bit more. Lulfs: Each year we apply for funding through the Ohio Public Works Commission, more commonly and generically known as Issue II money. This year we are planning to submit a project to budget this fall that will leave for the replacement of the sanitary and water lines on West Clinton as well as Erie Street and will also be a reconstruction of Erie St. At this time, we do not have an estimate of the project that we received. The first submitted plans from the engineering firm late last week, I'll review those this week. If you pass this, this will allow us to make that application and allow the City Manager to sign the final application. The applications are due approximately on the second Friday of September. We are trying to get ahead of this so we can have it in place by the time to submit the application. Durham: Thank you, Chad. Any questions from Council?

Motion: Weitzel          Second: Cordes  
To direct the Law Director to draft legislation

Roll call on above motion

Yeas - Weitzel, Weaver, Cordes, Durham, Haase

Nays-

Yeas-5, Nays-0. Motion Passed

**Direct the Law Director to draft legislation, pursuant to Napoleon Ordinance 106.04, to contract with Delta Star Inc for the purchase of a 69/12.47Kv, 20.0/26.7/33.3 MVA Three Phase Power Transformer with LTC.**

Siclair: The title goes along with the price tag. This is for the purchase of the transformer needed for the Enterprise substation rebuild. This is at a cost of \$2.3 million dollars. The current transformer, as you may know, was put in place in 1974. We have about a three-to-four-year lead time on this transformer, so this legislation tonight will allow us to get the ball rolling on that and to get it ordered and get this price locked in. Believe it or not, that's up quite a bit since 2018 when this whole process started. We'd like to keep that price in place and get the order in. Durham: Thank you, Lori.

Motion: Weitzel          Second: Cordes  
To direct the Law Director to draft legislation.

Roll call on above motion

Yeas - Weitzel, Weaver, Cordes, Durham, Haase

Nays-

Yeas-5, Nays-0. Motion Passed

### **To accept the 2025-2026 Training and Equipment Grant for the Fire Department**

Chief Bowen: This is an annual grant that we apply for. Every year we budget \$5,000.00. It's a reimbursement grant, so no changes will need to be made to the budget for this. Now that we have received it, we can make these purchases and then we will turn in receipts for reimbursement. The total is \$4,785.14. Durham: Thank you, Chief.

Motion: Weitzel                      Second: Cordes  
Motion to approve grant for the fire department

Roll call on above motion  
Yeas - Weitzel, Weaver, Cordes, Durham, Haase  
Nays-  
Yeas-5, Nays-0. Motion Passed

### **Update on Pool and Golf Course Storage Building Bids**

Sicclair: We received one bid on June 25<sup>th</sup> for the golf and pool storage building. Thankfully Chad Lulfs showed up tonight so he can explain a little bit more about the project and what happened. Lulfs: In the budget process, Tony budgeted for this building near the pool facility. He and Andy went back and forth several times and they established a budget. They went back and forth with a couple of different builders. They got a budget established, the size of the building, all of the specs. We opened those bids and we did not receive any in the budgeted amount or within 10% of the engineers' estimate. Because we did receive a bid, that bid will have to be rejected by Council by motion. Tony's going to look at what his options are. The simplest way to put it is three options: he can request to have the budget increased; he can come to Council with the budget increase request he can lessen the size of the building, or he can scrap the project. At this time, he is going to put it on hold in and per his memo he submitted to Council. He's looking at possibly doing a little bit of both. Possibly changing the size of the building slightly and bringing in an adjusted budget figure for the 2026 budget when we start that this fall. At this time, I would request a motion by Council to reject all bids since we did not receive anything near the 10% of the engineers' estimate. Durham: Thank you, Lulfs. Any questions or comments? Bialorucki: Why is there such a discrepancy in the estimated amount. Lulfs: I know what we were told. When we worked through this process, we worked with various builders in the area to get pricing and a ballpark number. We never asked for an exact number we asked for ballpark numbers. They explained to them that with this being a city project prevailing wage would be required. Not all builders pay the prevailing wage for every job but because of the size of the project for the municipality prevailing wage is required. One of the local builders informed us that he was partnering with another building company and the day before the bid they realized they had not included prevailing wage in the prices they had discussed not only with him prior but also with the city. That's what we were told even though we have documentation that states yes, we included prevailing wage in our estimates when we did our budget in the fall. I don't know where miscommunication came in but that's the only feedback, we received that it was a prevailing wage. Bialorucki: Thank you, I appreciate that.

Motion: Cordes                      Second: Weitzel  
To approve the rejection of the bid for the Pool and Golf Course storage building

Roll call on above motion  
Yeas - Weitzel, Weaver, Cordes, Durham, Haase  
Nays-  
Yeas-5, Nays-0. Motion Passed

### **Around The Table:**

Garringer: I want to follow up with what I talked about last time. House Bill 335 which was the elimination of the inside millage, would have taken place in the City of Napoleon as well as other cities. Wonderful article by Northwest Signal following that. Just an update of what I can give you on that. The budget for the state has passed and there was nothing in the budget bill that stated about eliminating property taxes at this time. We're inside millage. The possible Constitutional Amendment that they were trying to get signatures for the November ballot. They did not get enough signatures because that was also to eliminate property taxes. However, I have read that they will try again in 2026. The third thing that I've read that House Bill 335 is dead in the water. It's not gotten a lot of support, so they don't expect that to move forward. As a word of caution, I think it would not be a bad idea for the City of Napoleon to look at other revenue sources, because it could happen eventually. As for now we're pretty safe. That's all I have. Durham: Thank you, Garringer.

Weaver: Nothing, thank you.

Cordes: Nothing

Bialorucki: A couple of things, I want to give a thank you to our city workers for their hard work this weekend for all the events that took place. We had one of the best holiday weekends I can remember for 4<sup>th</sup> of July, and there were people out and about enjoying everything that we offer. While we were all having fun, a lot of them were working. Thank you all for that. Another note I want to bring up, our HR Director sent Durham and I a message today about our golf course was evaluated by a group of golfers who played 9-hole courses in northwest Ohio, actually all of Ohio. A lot of them came from the Cleveland area. All the comments that we're hearing from them that it's very encouraging to hear how much they loved our golf course compared to others that they play. Reading some of the notes, they said how well the staff took care of them when they went into the club house, all the way to how challenging the golf course was, how fun it is. There were a lot of compliments for our Superintendent Tom Schwab, who has done an amazing job for our golf course. Another note, they said it was a bit further than they're used to playing but they definitely want our course to be played next year with their group. I want to express my gratitude toward all of them. That's all I have.

Haase: Excellent fire works show last night compared to most of the shows around the area. I think we should make sure they know that a good thank you. That's it.

Weitzel: Nothing

Maloney: Nothing to report

Siclair: First I would like to ask Chairman Weitzel if we could add a discussion of the State Championship signs to the Municipal Properties meeting. I think that was something that came up with Andy previously. I've been approached by some citizens that are still wondering what is going on with that. I would like to piggyback on what the Mayor said about not just the 4<sup>th</sup> of July, but just all of the cooperation that I've seen in the past two months or so in this position. Cops and Bobbers was a fantastic day with our PD and our Fire Department. It's a very big event and unfortunately it was kind of hot and may have kept some kids away, but the ones that were there had a good time and were catching some fish. The whole 4<sup>th</sup> of July weekend and all the departments that were part of that helped make it so successful and it looked beautiful. From a personal standpoint, I've got several kids that live out of the state and on their group text they said that Napoleon has the best fireworks in the country.

Durham: Mayor stole my thunder, so I'm good.

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

**Adjournment**

Motion: Weitzel                      Second: Weaver  
to adjourn the City Council meeting at 7:30 pm

Roll call on vote on the above motion:  
Yeas- Weitzel, Weaver, Cordes, Durham, Haase  
Nays-  
Yeas- 5, Nays- 0. Motion passed.

**Approved**

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J. Ross Durham, Council President

---

Joe Bialorucki, Mayor

---

Ann Harper, Clerk

**RESOLUTION NO. 029-25**

**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 2026; AND DECLARING AN EMERGENCY**

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

Section 1. That, the City Manager is directed 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 the year for projects deemed necessary by the City Engineer in the Year 2026, including but not limited to execution of Grant Agreement(s).

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

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

Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to assure the prompt and efficient application for project funds related to public peace, health or safety of the City; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for proper and timely application of grant funds, and for further reasons as stated in the Preamble hereof.

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

\_\_\_\_\_  
J. Ross Durham, Council President

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

\_\_\_\_\_  
Joseph D. Bialorucki, Mayor

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

Attest:

---

Ann Harper, Clerk of Council

*I, Ann Harper, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 029-25 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 2025; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

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*Ann Harper, Clerk of Council*

## **RESOLUTION NO. 030-25**

### **A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS IN EXCESS OF FIFTY THOUSAND DOLLARS (\$50,000) FOR THE PURPOSE OF PURCHASING A MVA THREE PHASE POWER TRANSFORMER FOR THE CITY OF NAPOLEON ELECTRIC DEPARTMENT, AND TO AWARD SAID PURCHASE TO DELTA STAR, INC.; AND DECLARING AN EMERGENCY**

**WHEREAS**, Section 106.04 of the City of Napoleon Codified Ordinances provides that “when the City may otherwise be required by the laws of Ohio, ordinance or resolution, to make any purchase or contract of any type of property or services, or contract for purchases or services by competitive bid, the proposal process, or qualified base selection process, Council may eliminate the necessity therefor in the best interest of the City, as determined in the sole discretion of Council by a majority vote of the current members of Council[;]” and,

**WHEREAS**, the City of Napoleon Electric Department desires to purchase a MVA three phase power transformer for an upcoming project of the Department; and,

**WHEREAS**, the purchase of the transformer was not included in the 2025 Master Bid Resolution, Resolution No. 043-24; and,

**WHEREAS**, the aforementioned transformer can be purchased from Delta Star, Inc.; and,

**WHEREAS**, Delta Star, Inc. was not included in the City Reoccurring Costs Vendor List, Resolution No. 044-24, for the year 2025; and,

**WHEREAS**, based on all the foregoing, it is the opinion of this Council that it is in the best interest of the City of Napoleon to eliminate the necessity for competitive bidding, as permitted in Article VI, Section 6.05 of the Charter of the City of Napoleon and Section 106.04 of the City of Napoleon Codified Ordinances; **Now Therefore**,

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

Section 1. That, the City of Napoleon authorizes the expenditure of funds in excess of fifty thousand dollars (\$50,000) for the purchase of the necessary software, materials, supplies or other articles for its Electric Department, purchasing said items from Delta Star, Inc. Further, Council finds it to be in the best interest of the City to eliminate the necessity for competitive bidding.

Section 2. That, the City of Napoleon authorizes the City Manager on behalf of the City of Napoleon to utilize Delta Star, Inc. for the purchase of software, materials, supplies or other articles for which the Electric Department has need pursuant to City of Napoleon Codified Ordinances Section 106.04.

Section 3. That, the City Manager is authorized and directed to enter into the aforementioned contract(s).

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

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

Section 6. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the purchase process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: \_\_\_\_\_  
J. Ross Durham, Council President

Approved: \_\_\_\_\_  
Joseph D. Bialorucki, Mayor

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

Attest:

\_\_\_\_\_  
Ann Harper, Clerk of Council

*I, Ann Harper, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 030-25 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 2025; & 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.*

\_\_\_\_\_  
Ann Harper, Clerk of Council



## **RESOLUTION NO. 022-25**

### **A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS IN EXCESS OF FIFTY THOUSAND DOLLARS (\$50,000) FOR THE PURPOSE OF PURCHASING A FIRETRUCK FOR THE CITY OF NAPOLEON FIRE DEPARTMENT, AND TO AWARD SAID PURCHASE TO THE SUTPHEN CORPORATION; AND DECLARING AN EMERGENCY**

**WHEREAS**, Section 106.04 of the City of Napoleon Codified Ordinances provides that “when the City may otherwise be required by the laws of Ohio, ordinance or resolution, to make any purchase or contract of any type of property or services, or contract for purchases or services by competitive bid, the proposal process, or qualified base selection process, Council may eliminate the necessity therefor in the best interest of the City, as determined in the sole discretion of Council by a majority vote of the current members of Council[;]” and,

**WHEREAS**, the City of Napoleon Fire Department desires to purchase a vehicle for the proper operation of the Department; and,

**WHEREAS**, the purchase of the vehicle was not included in the 2025 Master Bid Resolution, Resolution No. 043-24; and,

**WHEREAS**, the aforementioned materials can be purchased from the Sutphen Corporation; and,

**WHEREAS**, the Sutphen Corporation was not included in the City Reoccurring Costs Vendor List, Resolution No. 044-24, for the year 2025; and,

**WHEREAS**, based on all the foregoing, it is the opinion of this Council that it is in the best interest of the City of Napoleon to eliminate the necessity for competitive bidding, as permitted in Article VI, Section 6.05 of the Charter of the City of Napoleon and Section 106.04 of the City of Napoleon Codified Ordinances; **Now Therefore**,

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

Section 1. That, the City of Napoleon authorizes the expenditure of funds in excess of fifty thousand dollars (\$50,000) for the purchase of the necessary software, materials, supplies or other articles for its Fire Department, purchasing said items from the Sutphen Corporation. Further, Council finds it to be in the best interest of the City to eliminate the necessity for competitive bidding.

Section 2. That, the City of Napoleon authorizes the City Manager on behalf of the City of Napoleon to utilize the Sutphen Corporation for the purchase of software, materials, supplies or other articles for which the Fire Department has need pursuant to City of Napoleon Codified Ordinances Section 106.04.

Section 3. That, the City Manager is authorized and directed to enter into the aforementioned contract(s).

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

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

Section 6. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the purchase process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: \_\_\_\_\_  
J. Ross Durham, Council President

Approved: \_\_\_\_\_  
Joseph D. Bialorucki, Mayor

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

Attest:

\_\_\_\_\_  
Ann Harper, Clerk of Council

*I, Ann Harper, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 022-25 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 2025; & 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.*

\_\_\_\_\_  
*Ann Harper, Clerk of Council*

**ORDINANCE NO. 023-25**

**AN ORDINANCE APPROVING CURRENT MAY 2024 THROUGH APRIL 2025 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 current May 2024 through April 2025 Replacement Pages to the Codified Ordinances are hereby approved and adopted; such having been certified as correct by the Clerk of Council and the Mayor.

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

Administrative Code  
Municipal Tax Code

Traffic Code  
Enforcement, Impounding and Penalty  
Operation Generally  
OVI; Willful Misconduct; Speed  
Licensing; Accidents  
Safety and Equipment

Streets, Utilities and Public Services Code  
Electric Rates  
Recreation Facilities

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

publication of new matter contained therein.

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

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

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

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

\_\_\_\_\_  
J. Ross Durham, Council President

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

\_\_\_\_\_  
Joseph D. Bialorucki, Mayor

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

Attest:

\_\_\_\_\_  
Ann Harper, Clerk of Council

*I, Ann Harper, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 023-25 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 2025; & 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.*

\_\_\_\_\_  
*Ann Harper, Clerk of Council*

INSTRUCTIONS FOR INSERTING  
APRIL 2025 REPLACEMENT PAGES  
FOR THE  
CODIFIED ORDINANCES  
OF NAPOLEON

All new replacement pages bear the footnote "April 2025 Replacement". Please discard old pages and insert these new replacement pages immediately as directed in the following table.

Discard Old Pages

Insert New Pages

PRELIMINARY

Cover and Certification Page  
3, 4  
15, 16  
19, 20  
35 through 36B  
40E

Cover and Certification Page  
3, 4  
15, 16  
19, 20  
35 through 36B  
40E

PART ONE - ADMINISTRATIVE CODE

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102C through 102F

93, 94  
102C through 102F

PART THREE - TRAFFIC CODE

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

Local legislation current through March 17, 2025

State legislation current through December 31, 2024

CERTIFICATION

We, Joseph Bialorucki, Mayor and Mikayla Ramirez, 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 March 17, 2025.

/s/ Joseph Bialorucki  
Mayor

/s/ Mikayla Ramirez  
Clerk of Council

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

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CITY OF NAPOLEON  
ROSTER OF OFFICIALS  
(2025)

CITY OFFICIALS

Mayor  
City Manager  
City Law Director  
City Finance Director

Joseph Bialorucki  
Lori Sinclair  
Billy D. Harmon  
Kevin Garringer

The Publisher expresses its appreciation  
to

DAVID M. GRAHN  
Director of Law

GREGORY J. HEATH  
Director of Finance

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

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032-20	8-17-20	June 2020 Replacement Pages	011-24	5-6-24	939.05
034-20	8-3-20	TRAF. SCH. I, III	024-24	7-15-24	March 2023 through April 2024 Replacement Pages
053-20	11-16-20	194.081	039-24	12-16-24	193.11, 194.013
054-20	12-7-20	955.16	007-25	3-17-25	955.09(r)
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			
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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			
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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)			
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028-22	6-20-22	Ch. 1519. Ed. Note			
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037-22	8-1-22	139.03			
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017-23	5-15-23	February 2023 Replacement Pages			
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051-23	12-4-23	955.09			
052-23	12-18-23	194.03, 194.062, 194.091(G), 194.094, 194.10 (C), 194.27			
003-24	4-1-24	925.07, 925.12, 925.13, 925.16, 925.17, 925.19, 925.22			



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

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

#### **193.10 (RESERVED FOR FUTURE LEGISLATION).**

#### **193.11 ALLOCATION OF FUNDS.**

(a) Effective January 1, 2025, the funds collected under the provisions of this chapter shall be deposited in the "General Fund equivalent" of the City for municipal income taxes and shall be disbursed in the following order:

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

(b) Effective January 1, 2026 and thereafter, the funds collected under the provisions of this chapter shall be deposited in the "General Fund equivalent" of the City for municipal income taxes and shall be disbursed in the following order:

- (1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this chapter and the rules and regulations adopted by Council in connection therewith.
- (2) Not more than sixty-five percent (65%) of the net available tax receipts received annually may be used to defray operating expenses of the City.
- (3) At least thirty-five percent (35%) of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments. (Ord. 039-24. Passed 12-16-24.)

**193.12 BOARD OF REVIEW.**

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

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

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

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

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

**193.13 APPLICABILITY.**

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

**193.14 EXEMPTIONS.**

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

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

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

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

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

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

#### **194.013 ALLOCATION OF FUNDS.**

(a) Effective January 1, 2025, the funds collected under the provisions of this Chapter shall be deposited in the "General Fund equivalent" of the City for municipal income taxes and shall be disbursed in the following order:

- (1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this Chapter and the rules and regulations adopted by Council in connection therewith.
- (2) Not more than sixty-five percent (65%) of the net available tax receipts received annually may be used to defray operating expenses of the City.
- (3) At least thirty-five percent (35%) of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments.
- (4) One-hundred percent (100%) of the net available tax receipts received annually pursuant to Napoleon Ordinance 194.081 may be used to defray operating expenses incurred due to the provision of police and fire services.

(b) Effective January 1, 2026 and thereafter, the funds collected under the provisions of this chapter shall be deposited in the "General Fund equivalent" of the City for municipal income taxes and shall be disbursed in the following order:

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



- (4) One-hundred percent (100%) of the net available tax receipts received annually pursuant to Napoleon Ordinance 194.081 may be used to defray operating expenses incurred due to the provision of police and fire services. (Ord. 039-24. Passed 12-16-24.)

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

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

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

#### **194.02 EFFECTIVE DATE; FISCAL YEAR.**

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

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

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

#### **194.03 DEFINITIONS.**

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

As used in this Chapter:

- (1) "ADJUSTED FEDERAL TAXABLE INCOME," for a person required to file as a C corporation, or for a person that has elected to be taxed as a C corporation under division 23(D) of this section, means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:
- (A) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.
  - (B) Add an amount equal to five per cent (5%) of intangible income deducted under division (1)(A) of this section, but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in section 1221 of the Internal Revenue Code;
  - (C) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;
  - (D)
    - (i) Except as provided in division (1)(D)(ii) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;
    - (ii) Division (1)(D)(i) of this section does not apply to the extent the income or gain is income or gain described in section 1245 or 1250 of the Internal Revenue Code.
  - (E) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income;
  - (F) In the case of a real estate investment trust or regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income;
  - (G) Deduct, to the extent not otherwise deducted or excluded in computing federal taxable income, any income derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Ohio Revised Code;
  - (H)
    - (i) Except as limited by divisions (1)(H)(ii), (iii) and (iv) of this section, deduct any net operating loss incurred by the person in a taxable year beginning on or after January 1, 2017. The amount of such net operating loss shall be deducted from net profit that is reduced by exempt income to the extent necessary to reduce municipal taxable income to zero, with any remaining unused portion of the net operating loss carried forward to not more than five consecutive taxable years following the taxable year in which the loss was incurred, but in no case for more years than necessary for the deduction to be fully utilized.
    - (ii) No person shall use the deduction allowed by division (1)(H) of this section to offset qualifying wages.
    - (iii)
      - (a) For taxable years beginning in 2018, 2019, 2020, 2021, or 2022, a person may not deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, more than fifty per cent (50%) of the amount of the deduction otherwise allowed by division (1)(H)(i) of this section.

**CHAPTER 303**  
**Enforcement, Impounding and Penalty**

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

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**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)
  - (1) Whoever violates this section is guilty of failure to comply with an order or signal of a police officer.
  - (2) A violation of subsection (a) of this section is a misdemeanor of the first degree.
  - (3) Except as provided in subsections (c)(4) and (c)(5) of this section, a violation of subsection (b) of this section is a felony to be prosecuted under appropriate state law.
  - (4) A violation of subsection (b) of this section is a felony and shall be prosecuted under appropriate state law if the jury or judge as trier of fact finds by proof beyond a reasonable doubt that in committing the offense, the offender was fleeing immediately after the commission of a felony.
  - (5)
    - A. A violation of subsection (b) of this section is a felony and shall be prosecuted under appropriate state law if the jury or judge as trier of fact finds any of the following by proof beyond a reasonable doubt:
      - 1. The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property.
      - 2. The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.
    - B. If a police officer pursues an offender who is violating subsection (b) of this section and subsection (c)(5)A. of this section applies, the sentencing court, in determining the seriousness of an offender's conduct for purposes of sentencing the offender for a violation of subsection (b) of this section, shall consider, along with the factors set forth in Ohio R.C. 2929.12 and 2929.13 that are required to be considered, all of the following:
      - 1. The duration of the pursuit;
      - 2. The distance of the pursuit;
      - 3. The rate of speed at which the offender operated the motor vehicle during the pursuit;
      - 4. Whether the offender failed to stop for traffic lights or stop signs during the pursuit;
      - 5. The number of traffic lights or stop signs for which the offender failed to stop during the pursuit;
      - 6. Whether the offender operated the motor vehicle during the pursuit without lighted lights during a time when lighted lights are required;
      - 7. Whether the offender committed a moving violation during the pursuit;
      - 8. The number of moving violations the offender committed during the pursuit;
      - 9. Any other relevant factors indicating that the offender's conduct is more serious than conduct normally constituting the offense

(d) In addition to any other sanction imposed for a violation of subsection (a) 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 or under Ohio R.C. 2921.331 or any other substantially equivalent municipal ordinance, in addition to any other sanction imposed for the offense, the court shall impose a class one

suspension as described in Ohio R.C. 4510.02(A)(1). 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 R.C. § 4510.021. No judge shall suspend any portion of the suspension under a class one suspension of an offender's license, permit, or privilege required by this division. (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)

### **303.04 ROAD WORKERS, MOTOR VEHICLES AND EQUIPMENT EXCEPTED.**

(a) The provisions of this Traffic Code do not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway within an area designated by traffic control devices, but apply to such persons and vehicles when traveling to or from such work.

(b) The driver of a highway maintenance vehicle owned by this state or any political subdivision of this state, while the driver is engaged in the performance of official duties upon a street or highway, provided the highway maintenance vehicle is equipped with flashing lights and such other markings as are required by law, and such lights are in operation when the driver and vehicle are so engaged, shall be exempt from criminal prosecution for violations of Sections 331.01 to 331.04, 331.06 to 331.08, 331.31, 333.04, 337.01 and Ohio R.C. 4511.66 and 5577.01 to 5577.09.

(c) (1) This section does not exempt a driver of a highway maintenance vehicle from civil liability arising from a violation of Sections 331.01 to 331.04, 331.06 to 331.08, 331.31, 333.04, 337.01 or Ohio R.C. 4511.66 or 5577.01 to 5577.09.

- (2) This section does not exempt a driver of a vehicle who is not a state employee and who is engaged in the transport of highway maintenance equipment from criminal liability for a violation of Ohio R.C. 5577.01 to 5577.09.

(d) As used in this section, “engaged in the performance of official duties” includes driving a highway maintenance vehicle to and from the manufacturer or vehicle maintenance provider and transporting a highway maintenance vehicle, equipment, or materials to and from a work location. (ORC 4511.04)

### **303.041 EMERGENCY, PUBLIC SAFETY AND CORONER’S VEHICLES EXEMPT.**

(a) Ohio R.C. 4511.12, 4511.13, 4511.131, 4511.132, 4511.14, 4511.202, 4511.21, 4511.211, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.62, 4511.66, 4511.68, 4511.681 and 4511.69 and all sections of this Traffic Code or other municipal ordinances that are substantially equivalent to the sections listed above, do not apply to the driver of an emergency vehicle or public safety vehicle if the emergency vehicle or public safety vehicle is responding to an emergency call, is equipped with and displaying at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and if the driver of the vehicle is giving an audible signal by siren, exhaust whistle or bell. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway. (ORC 4511.041)

(b) Ohio R.C. 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.35, 4511.36, 4511.37, 4511.38 and 4511.66, and all sections of this Traffic Code or other municipal ordinances that are substantially equivalent to the sections listed above, do not apply to a coroner, deputy coroner, or coroner’s investigator operating a motor vehicle in accordance with Ohio R.C. 4513.171. This section does not relieve a coroner, deputy coroner, or coroner’s investigator operating a motor vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway. (ORC 4511.042)

### **303.05 APPLICATION TO PERSONS RIDING, DRIVING ANIMALS UPON ROADWAY.**

Every person riding, driving or leading an animal upon a roadway shall be subject to the provisions of this Traffic Code applicable to the driver of a vehicle, except those provisions of such sections which by their nature are inapplicable. (ORC 4511.05)

### **303.06 FREEWAY USE PROHIBITED BY PEDESTRIANS, BICYCLES AND ANIMALS.**

- (a) No person, unless otherwise directed by a police officer, shall:
- (1) As a pedestrian, occupy any space within the limits of the right-of-way of a freeway, except: in a rest area; on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for pedestrian use; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle; or to obtain assistance;

- (2) Occupy any space within the limits of the right of way of a freeway, with: an animal-drawn vehicle; a ridden or led animal; herded animals; a pushcart; a bicycle, except on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use; an electric bicycle; a bicycle with motor attached; a motor driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; farm machinery; except in the performance of public works or official duties.

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.  
(ORC 4511.051)

### **303.07 APPLICATION TO DRIVERS OF GOVERNMENT VEHICLES.**

The provisions of this Traffic Code applicable to the drivers of vehicles shall apply to the drivers of all vehicles owned or operated by the United States, any state or any political subdivision thereof, including this Municipality, except as may be otherwise provided by law and subject to such specific exceptions as are set forth with reference to authorized emergency and public safety vehicles.

### **303.08 IMPOUNDING OF VEHICLES; REDEMPTION.**

(a) Police officers are authorized to provide for the removal of a vehicle under the following circumstances:

- (1) When any vehicle is left unattended upon any street, bridge or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations.
- (2) When any vehicle or "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63 is left on private property for more than forty-eight 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 such vehicle in such place. Prior to disposal of an "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63, it shall be photographed by a law enforcement officer.
- (3) When any vehicle has been stolen or operated without the consent of the owner and is located upon either public or private property.
- (4) When any vehicle displays illegal license plates or fails to display the current lawfully required plates and is located upon any public street or other property open to the public for purposes of vehicular travel or parking.
- (5) When any vehicle has been used in or connected with the commission of a felony and is located upon either public or private property.

- (6) When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provisions of this Traffic Code whereby its continued operation would constitute a condition hazardous to life, limb or property, and is located upon any public street or other property open to the public for purposes of vehicular travel or parking.
- (7) When any vehicle is left unattended either on public or private property due to the removal of an ill, injured or arrested operator, or due to the abandonment thereof by the operator during or immediately after pursuit by a law enforcement officer.
- (8) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision and is located either on public or private property.
- (9) When any vehicle has been operated by any person who is driving without a lawful license or while his license has been suspended or revoked and is located upon a public street or other property open to the public for purposes of vehicular travel or parking.
- (10) When any vehicle is found for which two or more citation tags for violations of this Traffic Code have been issued and the owner or operator thereof has failed to respond to such citation tags as lawfully required, and is located upon a public street or other property open to the public for purposes of vehicular travel or parking.

(b) Any vehicle removed under authority of subsection (a)(2) hereof shall be ordered into storage and/or disposed of as provided under Ohio R.C. 4513.60 et seq. Any other vehicle removed under authority of this section shall be ordered into storage and the Municipal police shall forthwith notify the registered vehicle owner of the fact of such removal and impounding, reasons therefor and the place of storage. Any person desiring to redeem an impounded vehicle shall appear at the police offices to furnish satisfactory evidence of identity and ownership or right to possession. Prior to issuance of a release form, the claimant, owner or operator shall either pay the amount due for any fines for violations on account of which such vehicle was impounded or, as the court may require, post a bond in an amount set by the court, to appear to answer to such violations. The pound operator shall release such vehicle upon the receipt of the release form and payment of all towage and storage charges.

(c) No owner or operator shall remove an impounded vehicle from the place of storage without complying with the above procedure. Possession of a vehicle which has been impounded and unlawfully taken from the place of storage, by the owner or operator, shall constitute prima-facie evidence that it was so removed by the owner or operator.

(d) 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.

### **303.081 IMPOUNDING VEHICLES ON PRIVATE RESIDENTIAL OR AGRICULTURAL PROPERTY.**

- (a) (1) The chief of a law enforcement agency of the municipal corporation, upon complaint of any person adversely affected may order into storage any motor vehicle, other than an abandoned junk motor vehicle as defined in Ohio R.C. 4513.63, that has been left on private residential or private agricultural property for at least four hours without the permission of the person having the right to the possession of the property. The chief, upon complaint of a repair garage or place of storage, may order into storage



any motor vehicle, other than an abandoned junk motor vehicle, that has been left at the garage or place of storage for a longer period than that agreed upon. When ordering a motor vehicle into storage pursuant to this section, the chief may arrange for the removal of the motor vehicle by a towing service and shall designate a storage facility.

- (2) A towing service towing a motor vehicle under subsection (a)(1) of this section shall remove the motor vehicle in accordance with that subsection. The towing service shall deliver the motor vehicle to the location designated by the chief not more than two hours after the time it is removed from the private property, 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.
- (3) Subject to subsection (b) of this section, the owner of a motor vehicle that has been removed pursuant to this subsection may recover the vehicle only in accordance with subsection (d) of this section.
- (4) As used in this section "private residential property" means private property on which is located one or more structures that are used as a home, residence or sleeping place by one or more persons, if no more than three separate households are maintained in the structure or structures. "Private residential property" does not include any private property on which is located one or more structures that are used as a home, residence or sleeping place by two or more persons, if more than three separate households are maintained in the structure or structures.

(b) If the owner or operator of a motor vehicle that has been ordered into storage pursuant to subsection (a)(1) of this section arrives after the motor vehicle has been prepared for removal, but prior to its actual removal from the property, the towing service shall give the 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 motor vehicle established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25, in order to obtain release of the motor vehicle. However, if the vehicle is within a municipal corporation and the municipal corporation has established a vehicle removal fee, the towing service shall give the owner or operator oral or written notification that the owner or operator may pay not more than one-half of that fee to obtain release of the motor 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 the applicable 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 motor vehicle to the owner or operator. Upon its release, the owner or operator immediately shall move it so that it is not on the private residential or private agricultural property without the permission of the person having the right to possession of the property, or is not at the garage or place of storage without the permission of the owner, whichever is applicable.

- (c) (1) The chief of a law enforcement agency in the municipal corporation shall maintain a record of motor vehicles that the chief orders into storage pursuant to subsection (a)(1) of this section. The record shall include an entry for each such motor vehicle that identifies the motor vehicle's license number, make, model and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. The chief shall provide any information in the record that pertains to a particular motor vehicle to any person who,

- either in person or pursuant to a telephone call, identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.
- (2) Any person who registers a complaint that is the basis of the chief's order for the removal and storage of a motor vehicle under subsection (a)(1) of this section shall provide the identity of the law enforcement agency with which the complaint was registered to any person who identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.
- (d) (1) The owner or lienholder of a motor vehicle that is ordered into storage pursuant to subsection (a)(1) of this section may reclaim it upon both of the following:
- A. Payment of all applicable fees established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25 or, if the vehicle was towed within a municipal corporation that has established fees for vehicle removal and storage, payment of all applicable fees established by the municipal corporation.
  - B. Presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement.
- (2) 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.
- (3) Upon presentation of proof of ownership as required under subsection (d)(1)B. of this section, the owner of a motor vehicle that is ordered into storage under subsection (a)(1) of this section may retrieve any personal items from the motor 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 division (B)(3) of Ohio R.C. 4513.69, if applicable. The owner of a motor vehicle shall not do either of the following:
- A. Retrieve any personal item that has been determined by the chief to be necessary to a criminal investigation;
  - B. 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.
- For purposes of subsection (d)(2) of this section, "personal items" do not include any items that are attached to the motor vehicle.
- (4) If a motor vehicle that is ordered into storage pursuant to subsection (a)(1) of this section remains unclaimed by the owner for thirty days, the procedures established by Ohio R.C. 4513.61 and 4513.62 apply.
- (e) (1) No person shall remove, or cause the removal of, any motor vehicle from any private residential or private agricultural property other than in accordance with subsection (a)(1) of this section or Ohio R.C. 4513.61 to 4513.65.
- (2) No towing service or storage facility shall fail to comply with the requirements of this section.

(f) This section does not apply to any private residential or private agricultural property that is established as a private tow-away zone in accordance with Section 303.082.

(g) Whoever violates subsection (e) of this section is guilty of a minor misdemeanor. (ORC 4513.60)

### **303.082 PRIVATE TOW-AWAY ZONES.**

(a) The owner of a private property may establish a private tow-away zone, but may do so only if all of the following conditions are satisfied:

- (1) The owner of the private property posts on the property a sign, that is at least eighteen inches by twenty-four inches in size, that is visible from all entrances to the property, and that includes all of the following information:
  - A. A statement that the property is a tow-away zone;
  - B. A description of persons authorized to park on the property. If the property is a residential property, the owner of the private property may include on the sign a statement that only tenants and guests may park in the private tow-away zone, subject to the terms of the property owner. If the property is a commercial property, the owner of the private property may include on the sign a statement that only customers may park in the private tow-away zone. In all cases, if it is not apparent which persons may park in the private tow-away zone, the owner of the private property shall include on the sign the address of the property on which the private tow-away zone is located, or the name of the business that is located on the property designated as a private tow-away zone.
  - C. If the private tow-away zone is not enforceable at all times, the times during which the parking restrictions are enforced;
  - 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 law enforcement agency of the municipal corporation 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 a law enforcement agency of the municipal corporation 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 chief of a law enforcement agency of the municipal corporation, within the chief's respective territorial jurisdiction, or a state highway patrol trooper, upon notification to the chief 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 chief, or state highway patrol trooper as a result of the performance of the 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 chief 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 chief, 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 chief, or state highway patrol trooper. If the chief, or state highway patrol trooper determines that the vehicle cannot be removed within the specified period of time, the chief, or state highway patrol trooper shall order the removal of the vehicle.
- (3) Subject to subsection (c) of this section, the chief shall designate the place of storage of any motor vehicle so ordered removed.

(b) If the chief, 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 chief not more than two hours after the time it is removed.

- (c) (1) The chief 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 chief, or by a state highway patrol trooper within five business days of the removal of the vehicle. Upon obtaining such identity, the chief 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 is responsible for payment of any expenses or charges incurred in its removal and storage and may reclaim the motor vehicle upon payment of those expenses or charges, 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 chief, 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 and any 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 chief, 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 chief. 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 chief 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 chief shall retain the original of the affidavit for the 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 any vehicle or an "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63 on private property for more than seventy-two 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 hours or longer, without notification to the chief of the law enforcement agency of the municipal corporation of the reason for leaving the motor 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.

(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 (ORC 2929.24; 2929.28)	No imprisonment	150.00

(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 an electronic wireless communications device, as defined in Ohio R.C. 4511.204, in violation of that section.
  - 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 within ninety days of the underlying violation that resulted in the imposition of the additional fine under this section.

- (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 within ninety days of the underlying violation that resulted in the imposition of the additional fine under this section.

(c) If a law enforcement officer issues an offender a ticket, citation, or summons for a violation of subsection (b) of this section 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 officer shall do both of the following:

- (1) Report the issuance of the ticket, citation, or summons to the officer's law enforcement agency;
- (2) Ensure that such report indicates the offender's race.  
(ORC 4511.991)



## TITLE FIVE - Vehicles

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

## CHAPTER 331 Operation Generally

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

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| <p>331.01 Driving upon right side of roadway; exceptions.</p> <p>331.02 Passing to right when proceeding in opposite directions.</p> <p>331.03 Overtaking, passing to left; driver's duties.</p> <p>331.04 Overtaking and passing upon right.</p> <p>331.05 Overtaking, passing to left of center.</p> <p>331.06 Additional restrictions on driving upon left side of roadway.</p> <p>331.07 Hazardous or no passing zones.</p> <p>331.08 Driving in marked lanes or continuous lines of traffic.</p> <p>331.09 Following too closely.</p> <p>331.10 Turning at intersections.</p> <p>331.11 Turning into private driveway, alley or building.</p> <p>331.12 "U" turns restricted.</p> <p>331.13 Starting and backing vehicles.</p> <p>331.14 Signals before changing course, turning or stopping.</p> <p>331.15 Hand and arm signals.</p> <p>331.16 Right of way at intersections.</p> <p>331.17 Right of way when turning left.</p> <p>331.18 Operation of vehicle at yield signs.</p> <p>331.19 Operation of vehicle at stop signs.</p> <p>331.20 Emergency or public safety vehicles at stop signals or signs.</p> <p>331.21 Right of way of public safety or coroner's vehicle.</p> <p>331.211 Report of vehicle failing to</p> | <p>yield right of way to public safety vehicle.</p> <p>331.22 Driving onto roadway from place other than roadway; duty to yield.</p> <p>331.23 Driving onto roadway from place other than roadway; stopping at sidewalk.</p> <p>331.24 Right of way of funeral procession.</p> <p>331.25 Driver's view and control to be unobstructed by load or persons.</p> <p>331.26 Driving upon street posted as closed for repair.</p> <p>331.27 Following and parking near emergency or safety vehicles.</p> <p>331.28 Driving over fire hose.</p> <p>331.29 Driving through safety zone.</p> <p>331.30 One-way streets and rotary traffic islands.</p> <p>331.31 Driving upon divided roadways.</p> <p>331.32 Entering and exiting controlled-access highway.</p> <p>331.33 Obstructing intersection, crosswalk or grade crossing.</p> <p>331.34 Failure to control; weaving; full time and attention.</p> <p>331.35 Occupying travel trailer, fifth wheel vehicle, or manufactured or mobile home while in motion.</p> <p>331.36 Squealing tires, "peeling", cracking exhaust noises.</p> <p>331.37 Driving upon sidewalks, street lawns or curbs.</p> |
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| 331.38 Stopping for school bus; discharging children.               | 331.44 Vehicle launching or retrieving boats.                            |
| 331.39 Driving across grade crossing.                               | 331.45 Center turning lane.                                              |
| 331.40 Stopping at grade crossing.                                  | 331.46 Prohibition against unintended use of alleys by use of a vehicle. |
| 331.401 Slow-moving vehicles or equipment crossing railroad tracks. | 331.47 Damage to streets, highways, alleys and public right-of-ways.     |
| 331.41 Shortcutting; avoiding traffic control devices.              | 331.48 Vehicular operation on street closed due to rise in water level.  |
| 331.42 Littering from motor vehicle.                                | 331.49 Restrictions on the operation of school buses.                    |
| 331.43 Wearing earplugs or earphones prohibited.                    |                                                                          |

#### CROSS REFERENCES

See sectional histories for similar State law

Obedience to traffic control devices - see TRAF. 313.01

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

School bus operation - see OAC Ch. 4501-3

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

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

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

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

4511.771, irrespective of whether or not the bus has fifteen or more children aboard at any time. "School bus" does not include a van owned and operated by a head start agency, irrespective of its color, lights, or markings.

- (g) (1) Whoever violates subsection (a) of this section may be fined an amount not to exceed five hundred dollars (\$500.00). A person who is issued a citation for a violation of subsection (a) of this section is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial but instead must appear in person in the proper court to answer the charge.
- (2) In addition to and independent of any other penalty provided by law, the court or mayor may impose upon an offender who violates this section a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (a)(7) of Ohio R.C. 4510.02. When a license is suspended under this section, the court or mayor shall cause the offender to deliver the license to the court, and the court or clerk of the court immediately shall forward the license to the Registrar of Motor Vehicles, together with notice of the court's action. (ORC 4511.75)

### **331.39 DRIVING ACROSS GRADE CROSSING.**

- (a) (1) Whenever any person driving a vehicle approaches a railroad grade crossing, the person shall stop within fifty feet, but not less than fifteen feet from the nearest rail of the railroad if any of the following circumstances exist at the crossing:
  - A. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train or other on-track equipment.
  - B. A crossing gate is lowered.
  - C. A flagperson gives or continues to give a signal of the approach or passage of a train or other on-track equipment.
  - D. There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle the person is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains, notwithstanding any traffic control signal indication to proceed.
  - E. An approaching train is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.
  - F. There is insufficient undercarriage clearance to safely negotiate the crossing.
  - G. There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle the person is operating without obstructing the passage of other on-track equipment.
  - H. Approaching on-track equipment is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.
- (2) A.
  - A person who is driving a vehicle and who approaches a railroad grade crossing shall not proceed as long as any of the circumstances described in subsections (a)(1)A. to F. of this section exist at the crossing.
  - B. A person who is driving a vehicle and who approaches a railroad grade crossing shall not recklessly proceed as long as any of the circumstances described in subsections (a)(1)G. or H. of this section exist at the crossing.

(b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed unless the person is signaled by a law enforcement officer or flagperson that it is permissible to do so.

- (c) (1) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
- (2) In lieu of a fine or jail term for a violation of this section, a court may instead order the offender to attend and successfully complete a remedial safety training or presentation regarding rail safety that is offered by an authorized and qualified organization that is selected by the court. The offender shall complete the presentation within a time frame determined by the court, not to exceed 180 days after the court issues the order. The offender shall notify the court of the successful completion of the presentation. When the offender notifies the court of the successful completion of the presentation, the court shall waive any fine or jail term that it otherwise would have imposed for a violation of this section.
- (ORC 4511.62)

#### **331.40 STOPPING AT GRADE CROSSING.**

- (a) (1) Except as provided in subsection (b) of this section, the operator of any bus, any school vehicle, or any vehicle transporting a material or materials required to be placarded under 49 C.F.R. Parts 100 through 185, before crossing at grade any track of a railroad, shall stop the vehicle and, while so stopped, shall listen through an open door or open window and look in both directions along the track for any approaching train or other on-track equipment, and for signals indicating the approach of a train or other on-track equipment, and shall proceed only upon exercising due care after stopping, looking, and listening as required by this section. Upon proceeding, the operator of such a vehicle shall cross only in a gear that will ensure there will be no necessity for changing gears while traversing the crossing and shall not shift gears while crossing the tracks.
- (2) This section does not apply at grade crossings when the Ohio Public Utilities Commission has authorized and approved an exempt crossing as provided in this subsection.
- A. Any local authority may file an application with the Commission requesting the approval of an exempt crossing. Upon receipt of such a request, the Commission shall authorize a limited period for the filing of comments by any party regarding the application and then shall conduct a public hearing in the community seeking the exempt crossing designation. The Commission shall provide appropriate prior public notice of the comment period and the public hearing. By registered mail, the Commission shall notify each railroad operating over the crossing of the comment period.
- B. After considering any comments or other information received, the Commission may approve or reject the application. By order, the Commission may establish conditions for the exempt crossing designation, including compliance with division (b) of 49 C.F.R. Part 392.10, when applicable. An exempt crossing designation becomes effective only when appropriate signs giving notice of the exempt designation are erected at the crossing as ordered by the Commission and any other conditions ordered by the Commission are satisfied.



- C. By order, the Commission may rescind any exempt crossing designation made under this section if the Commission finds that a condition at the exempt crossing has changed to such an extent that the continuation of the exempt crossing designation compromises public safety. The Commission may conduct a public hearing to investigate and determine whether to rescind the exempt crossing designation. If the Commission rescinds the designation, it shall order the removal of any exempt crossing signs and may make any other necessary order.
- (3) As used in this section:
  - A. "School vehicle" means any vehicle used for the transportation of pupils to and from a school or school-related function if the vehicle is owned or operated by, or operated under contract with, a public or nonpublic school.
  - B. "Bus" means any vehicle originally designed by its manufacturer to transport sixteen or more passengers, including the driver, or carries sixteen or more passengers, including the driver.
  - C. "Exempt crossing" means a highway rail grade crossing authorized and approved by the Public Utilities Commission under subsection (a)(2) hereof at which vehicles may cross without making the stop otherwise required by this section.
- (4) Except as otherwise provided in this subsection (a)(4), whoever violates subsection (a) hereof is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of subsection (a) hereof or Ohio R.C. 4511.76, 4511.761, 4511.762, 4511.764, 4511.77 or 4511.79, or a municipal ordinance that is substantially similar to any of those sections, whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree. (ORC 4511.63)
- (b) (1) When authorized stop signs are erected at railroad grade crossings, the operator of any vehicle shall stop within fifty but not less than fifteen feet from the nearest rail of the railroad tracks and shall exercise due care before proceeding across such grade crossing.
- (2) Except as otherwise provided in this subsection, whoever violates this subsection (b)(1) hereof is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.61)

### **331.401 SLOW-MOVING VEHICLES OR EQUIPMENT CROSSING RAILROAD TRACKS.**

(a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with subsections (a)(1) and (a)(2) of this section.

- (1) Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same, and while stopped the person shall listen and look in both directions along such track for any approaching train or other on-track equipment and for signals indicating the approach of a train or other on-track equipment, and shall proceed only upon exercising due care.
- (2) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagperson or otherwise of the immediate approach of a railroad train or car or other on-track equipment.

(b) If the normal sustained speed of the vehicle, equipment, or structure is not more than three miles per hour, the person owning, operating, or moving the same shall also give notice of the intended crossing to a station agent or superintendent of the railroad, and a reasonable time shall be given to the railroad to provide proper protection for the crossing. Where the vehicles or equipment are being used in constructing or repairing a section of highway lying on both sides of a railroad grade crossing, and in this construction or repair it is necessary to repeatedly move the vehicles or equipment over the crossing, one daily notice specifying when the work will start and stating the hours during which it will be prosecuted is sufficient.

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

(d) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991. (ORC 4511.64)

### **331.41 SHORTCUTTING; AVOIDING TRAFFIC CONTROL DEVICES.**

(a) No person shall operate a vehicle across public or private property marked with signs "No Through Traffic" or words of similar import for the purpose of passing from one roadway to another.

(b) No person shall operate a vehicle across public or private property for the purpose of avoiding compliance with a traffic control device.

(c) It shall be prima-facie evidence of a violation of this section for the operator of a vehicle to cross public or private property as provided herein without using the service of such property, stopping the engine or both.

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

**331.42 LITTERING FROM MOTOR VEHICLE.**

(a) No operator or occupant of a motor vehicle shall, regardless of intent, throw, drop, discard or deposit litter from any motor vehicle in operation upon any street, road or highway, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

(b) No operator of a motor vehicle in operation upon any street, road or highway shall allow litter to be thrown, dropped, discarded or deposited from the motor vehicle, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

(c) As used in this section, "litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass or anything else of an unsightly or unsanitary nature.

(d) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4511.82)

**331.43 WEARING EARPLUGS OR EARPHONES PROHIBITED.**

(a) As used in this section:

(1) "Earphones" means any device that covers all or a portion of both ears and that does either of the following:

- A. Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music, or other information;
- B. Provides hearing protection.

"Earphones" does not include speakers or other listening devices that are built into protective headgear.

(2) "Earplugs" means any device that can be inserted into one or both ears and that does either of the following:

- A. Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music, or other information;
- B. Provides hearing protection.

(b) No person shall operate a motor vehicle while wearing earphones over, or earplugs in, both ears.

(c) This section does not apply to:

- (1) Any person wearing a hearing aid;
- (2) Law enforcement personnel while on duty;
- (3) Fire Department personnel and emergency medical service personnel while on duty;
- (4) Any person engaged in the operation of equipment for use in the maintenance or repair of any highway;
- (5) Any person engaged in the operation of refuse collection equipment;
- (6) Any person wearing earphones or earplugs for hearing protection while operating a motorcycle.

(d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.84)

#### **331.44 VEHICLES LAUNCHING OR RETRIEVING BOATS.**

(a) All vehicles launching or retrieving boats shall have the right-of-way at all boat launches in the City.

(b) All traffic on streets, alleys, or drives and crossings intersecting launching areas in the City shall stop and give the right-of-way to vehicles launching or retrieving boats.

(c) Stop signs shall be erected on all streets, drives, and alleys intersecting and crossing landing areas in the City. (1978 Code 72.33)

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

#### **331.45 CENTER TURNING LANE.**

(a) On streets or roadways providing for vehicle traffic in both directions where a center lane is reserved for left turn only, such lane shall not be entered by a vehicle or a motor vehicle, except for making left turns as hereinafter provided. Entry into such lane for left turns shall not be made more than 100 feet from the point of turning, except that no person shall traverse a street or roadway intersection while operating a vehicle or a motor vehicle in whole or in part in the center lane. There shall be no travel or passing of other traffic in such turning lane. This section is not applicable when passing in the event of an emergency or when directed by a police officer or during construction, striping or pavement of the street or roadway.

(b) Signs shall be erected at appropriate points as determined by the City Manager designating the center lane as reserved for left turn purposes only. (Ord. 44-96. Passed 5-6-96.)

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

#### **331.46 PROHIBITION AGAINST UNINTENDED USE OF ALLEYS BY USE OF A VEHICLE.**

(a) No person, by use of a vehicle as defined in Section 301.51, shall use an alley for non intended use as prescribed by Section 301.03.

(b) It is not a defense to this section that the alley was not posted with notice of restricted access.

(c) A violation of subsection (a) hereof is a minor misdemeanor. (Ord. 041-10. Passed 6-21-10.)

**331.47 DAMAGE TO STREETS, HIGHWAYS, ALLEYS AND PUBLIC RIGHT-OF-WAYS.**

(a) No person shall negligently damage any street, highway, alley or public right-of-ways as defined in Chapter 301 within the corporation limits by any means.

(b) Any person found in violation of this section shall be deemed guilty of an unclassified misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00). In addition to criminal fines that may be imposed by this section, the City is entitled to court ordered restitution for labor and material costs associated with repairs.  
(Ord. 041-10. Passed 6-21-10.)

**331.48 VEHICULAR OPERATION ON STREET CLOSED DUE TO RISE IN WATER LEVEL.**

(a) No person shall operate a vehicle on or onto a public street or highway that is temporarily covered by a rise in water level, including groundwater or an overflow of water, and that is clearly marked by a sign that specifies that the road is closed due to the rise in water level and that any person who uses the closed portion of the road may be fined up to two thousand dollars (\$2,000).

(b) A person who is issued a citation for a violation of subsection (a) hereof is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in court, but instead must appear in person in the proper court to answer the charge.

(c) (1) Whoever violates subsection (a) hereof is guilty of a minor misdemeanor.  
(2) In addition to the financial sanctions authorized or required under Section 501.99 and to any costs otherwise authorized or required under any provision of law, the court imposing the sentence upon an offender who is convicted of or pleads guilty to a violation of subsection (a) hereof shall order the offender to reimburse one or more rescuers for the cost any such rescuer incurred in rescuing the person, excluding any cost of transporting the rescued person to a hospital or other facility for treatment of injuries, up to a cumulative maximum of two thousand dollars (\$2,000). If more than one rescuer was involved in the emergency response, the court shall allocate the reimbursement proportionately, according to the cost each rescuer incurred. A financial sanction imposed under this section is a judgment in favor of the rescuer and, subject to a determination of indigency under division (B) of Ohio R.C. 2929.28, a rescuer may collect the financial sanction in the same manner as provided in Ohio R.C. 2929.28.

(d) As used in this section:

- (1) "Emergency medical service organization", "firefighting agency" and "private fire company" have the same meanings as in Ohio R.C. 9.60.
- (2) "Rescuer" means a state agency, political subdivision, firefighting service, private fire company, or emergency medical service organization.  
(ORC 4511.714.)

**331.49 RESTRICTIONS ON THE OPERATION OF SCHOOL BUSES.**

(a) No person shall operate a vehicle used for pupil transportation within this Municipality in violation of the rules of the Ohio Department of Education and Workforce or the Ohio Department of Public Safety. No person, being the owner thereof, or having the supervisory responsibility therefor, shall permit the operation of a vehicle used for pupil transportation within this Municipality in violation of the rules of the Ohio Department of Education and Workforce or the Ohio Department of Public Safety.

(b) As used in this section, "vehicle used for pupil transportation" means any vehicle that is identified as such by the Ohio Department of Education and Workforce by rule and that is subject to O.A.C. Chapter 3301-83.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or Ohio R.C. 4511.76, or Ohio R.C. 4511.63, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 or a municipal ordinance that is substantially equivalent to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree. (ORC 4511.76(C), (H), (I))

**CHAPTER 333**  
**OVI; Willful Misconduct; Speed**

- |                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <b>333.01</b> Driving or physical control while under the influence.<br><b>333.02</b> Operation in willful or wanton disregard of safety.<br><b>333.03</b> Maximum speed limits; assured clear distance ahead.<br><b>333.031</b> Approaching a stationary public safety, emergency, or road service vehicle. | <b>333.04</b> Stopping vehicle; slow speed; posted minimum speeds.<br><b>333.05</b> Speed limitations over bridges.<br><b>333.06</b> Speed exceptions for emergency or safety vehicles.<br><b>333.07</b> Street racing, stunt driving and street takeovers prohibited.<br><b>333.08</b> Operation without reasonable control.<br><b>333.09</b> Electronic wireless communication device use prohibited while driving. |
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**CROSS REFERENCES**

See sectional histories for similar State law  
 Drug of abuse defined - see Ohio R.C. 3719.011(A)  
 Alcohol defined - see Ohio R.C. 4301.01(B)(1)  
 Alteration of prima-facie speed limits - see Ohio R.C. 4511.21, 4511.22(B), 4511.23  
 Failure to control vehicle - see TRAF. 331.34  
 Walking on highway while under the influence - see TRAF. 371.09

**333.01 DRIVING OR PHYSICAL CONTROL WHILE UNDER THE INFLUENCE.**

- (a) (1) Operation Generally. No person shall operate any vehicle within this Municipality, if, at the time of the operation, any of the following apply:
- A. The person is under the influence of alcohol, a drug of abuse, or a combination of them.
  - B. The person has a concentration of eight-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.
  - C. The person has a concentration of ninety-six-thousandths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.
  - D. The person has a concentration of eight-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.
  - E. The person has a concentration of eleven-hundredths of one gram or more but less than two hundred thirty-eight-thousandths of one gram by weight of alcohol per one hundred milliliters of the person's urine.

- F. The person has a concentration of seventeen-hundredths of one per cent or more by weight per unit volume of alcohol in the person's whole blood.
- G. The person has a concentration of two hundred four-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma.
- H. The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath.
- I. The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine.
- J. Except as provided in subsection (m) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:
  - 1. The person has a concentration of amphetamine in the person's urine of at least five hundred nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.
  - 2. The person has a concentration of cocaine in the person's urine of at least one hundred fifty nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.
  - 3. The person has a concentration of cocaine metabolite in the person's urine of at least one hundred fifty nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.
  - 4. The person has a concentration of heroin in the person's urine of at least two thousand nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least fifty nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.



- (4) The person has a concentration of at least twenty-eight one-thousandths of one gram but less than eleven-hundredths of one gram by weight of alcohol per one hundred milliliters of the person's urine.

(c) One Conviction Limitation. In any proceeding arising out of one incident, a person may be charged with a violation of subsection (a)(1)A. or (a)(2) and a violation of subsection (b)(1), (2) or (3) of this section, but the person may not be convicted of more than one violation of these subsections. (ORC 4511.19)

(d) Physical Control.

- (1) As used in this subsection, "physical control" means being in the driver's position of the front seat of a vehicle and having possession of the vehicle's ignition key or other ignition device.
- (2) A. No person shall be in physical control of a vehicle if, at the time of the physical control, any of the following apply:
1. The person is under the influence of alcohol, a drug of abuse, or a combination of them.
  2. The person's whole blood, blood serum or plasma, breath, or urine contains at least the concentration of alcohol specified in subsection (a)(1)B., C., D. or E. hereof.
  3. Except as provided in subsection (d)(3) of this section, the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the concentration specified in subsection (a)(1)J. hereof.
- B. No person under twenty-one years of age shall be in physical control of a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or while the person's whole blood, blood serum or plasma, breath, or urine contains at least the concentration of alcohol specified in subsection (b)(1) to (4) hereof.
- (3) Subsection (d)(2)A.3. of this section does not apply to a person who is in physical control of a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in subsection (a)(1)J. hereof, if both of the following apply:
- A. The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.
  - B. The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.

(e) Evidence: Tests.

- (1) A. In any criminal prosecution or juvenile court proceeding for a violation of subsection (a)(1)A. of this section or for an equivalent offense that is vehicle-related, the result of any test of any blood, oral fluid, or urine withdrawn and analyzed at any health care provider, as defined in Ohio R.C. 2317.02, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.

- B. In any criminal prosecution for a violation of subsection (a) or (b) of this section or for an equivalent offense that is vehicle-related, the court may admit evidence on the presence and concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine, oral fluid, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in Ohio R.C. 4511.192(A) as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the presence and concentration of alcohol, drugs of abuse, or a combination of them as described in this division when a person submits to a blood, breath, urine, oral fluid, or other bodily substance test at the request of a law enforcement officer under Ohio R.C. 4511.191 or a substantially equivalent municipal ordinance, or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-intermediate, an emergency medical technician-paramedic, or a qualified technician, chemist, or phlebotomist shall withdraw a blood sample for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath, oral fluid, or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood under this division, if in that person's opinion, the physical welfare of the person would be endangered by the withdrawing of blood. The bodily substance withdrawn under this subsection (d)(1)B. shall be analyzed in accordance with methods approved by the Director of Health by an individual possessing a valid permit issued by the Director pursuant to Ohio R.C. 3701.143.
- C. As used in subsection (e)(1)B. of this section, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in Ohio R.C. 4765.01.
- (2) In a criminal prosecution or juvenile court proceeding for violation of subsection (a) of this section or for an equivalent offense that is vehicle related, if there was at the time the bodily substance was withdrawn a concentration of less than the applicable concentration of alcohol specified in subsections (a)(1)B., C., D. and E. of this section, or less than the applicable concentration of a listed controlled substance or a listed metabolite of a controlled substance specified for a violation of subsection (a)(1)J. of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This subsection does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of subsection (b) of this section or for an equivalent offense that is substantially equivalent to that subsection.

- (3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney, immediately upon the completion of the chemical test analysis. If the chemical test was obtained pursuant to subsection (e)(1)B. hereof, the person tested may have a physician, a registered nurse, or a qualified technician, chemist or phlebotomist of the person's own choosing administer a chemical test or tests, at the person's expense, in addition to any administered at the request of a law enforcement officer. If the person was under arrest as described in division (A)(5) of Ohio R.C. 4511.191, the arresting officer shall advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. If the person was under arrest other than described in division (A)(5) of Ohio R.C. 4511.191, the form to be read to the person to be tested, as required under Ohio R.C. 4511.192, shall state that the person may have an independent test performed at the person's expense. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a law enforcement officer.
- (4) A. As used in subsections (e)(4)B. and C. of this section, "national highway traffic safety administration" means the National Traffic Highway Safety Administration established as an administration of the United States Department of Transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105.
- B. In any criminal prosecution or juvenile court proceeding for a violation of subsection (a) or (b) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, oral fluid, or urine, if a law enforcement officer has administered a field sobriety test to the operator of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including but not limited to any testing standards then in effect that were set by the National Highway Traffic Safety Administration, all of the following apply:
1. The officer may testify concerning the results of the field sobriety test so administered.
  2. The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.
  3. If testimony is presented or evidence is introduced under subsection (e)(4)B.1. or 2. of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

- C. Subsection (e)(4)B. of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that subsection, from considering evidence or testimony that is not otherwise disallowed by subsection (e)(4)B. of this section. (ORC 4511.19; 4511.194)
- (f) Forensic Laboratory Reports.
- (1) Subject to subsection (f)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of subsection (a)(1)B., C., D., E., F., G., H., I., or J. or (b)(1), (2), (3) or (4) of this section or for an equivalent offense that is substantially equivalent to any of those subsections, a laboratory report from any laboratory personnel issued a permit by the Department of Health authorizing an analysis as described in this subsection that contains an analysis of the whole blood, blood serum or plasma, breath, urine, or other bodily substance tested and that contains all of the information specified in this subsection shall be admitted as prima-facie evidence of the information and statements that the report contains. The laboratory report shall contain all of the following:
- A. The signature, under oath, of any person who performed the analysis;
- B. Any findings as to the identity and quantity of alcohol, a drug of abuse, a controlled substance, a metabolite of a controlled substance, or a combination of them that was found;
- C. A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is part of the analyst's or test performer's regular duties;
- D. An outline of the analyst's or test performer's education, training, and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the Department of Health.
- (2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in subsection (f)(1) of this section is not admissible against the defendant to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's attorney or, if the defendant has no attorney, on the defendant.
- (3) A report of the type described in subsection (f)(1) of this section shall not be prima-facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice.

As an alternative to a mandatory jail term of thirty consecutive days required by subsection (h)(1)C.1. of this section, the court, under this subsection, may sentence the offender to fifteen consecutive days in jail and not less than fifty-five consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the fifteen consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring or both types of monitoring shall not exceed one year. The fifteen consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to the mandatory jail term of sixty consecutive days required by subsection (h)(1)C.2. of this section, the court, under this subsection, may sentence the offender to thirty consecutive days in jail and not less than one hundred ten consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the thirty consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed one year. The thirty consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

- (4) If an offender's driver's or occupational driver's license or permit or nonresident operating privilege is suspended under subsection (h) of this section and if Ohio R.C. 4510.13 permits the court to grant limited driving privileges, the court may grant the limited driving privileges in accordance with that section. If division (A)(7) of that section requires that the court impose as a condition of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under Ohio R.C. 4503.231, except as provided in division (B) of that section, the court shall impose that condition as one of the conditions of the limited driving privileges granted to the offender, except as provided in division (B) of Ohio R.C. 4503.231.
- (5) If title to a motor vehicle that is subject to an order of criminal forfeiture under this section is assigned or transferred and division (B)(2) or (3) of Ohio R.C. 4503.234 applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national auto dealers association. The proceeds of any fine so imposed shall be distributed in accordance with division (C)(2) of that section.
- (6) In all cases in which an offender is sentenced under subsection (h) of this section, the offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, the court, in addition to any other penalties provided by law, may order restitution pursuant to Ohio R.C. 2929.18 or 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during or after committing the offense for which the offender is sentenced under subsection (h) of this section.

- (7) A court may order an offender to reimburse a law enforcement agency for any costs incurred by the agency with respect to a chemical test or tests administered to the offender if all of the following apply:
  - A. The offender is convicted of or pleads guilty to a violation of subsection (a) of this section.
  - B. The test or tests were of the offender's whole blood, blood serum or plasma, oral fluid, or urine.
  - C. The test or tests indicated that the offender had one of the following at the time of the offense:
    - 1. A prohibited concentration of a controlled substance or a metabolite of a controlled substance in the offender's whole blood, blood serum or plasma, or urine;
    - 2. A drug of abuse or a metabolite of a drug of abuse in the offender's oral fluid.
- (8) A court may warn any person who is convicted of or who pleads guilty to a violation of subsection (a) of this section or an equivalent offense that a subsequent violation of this section or an equivalent offense that results in the death of another or the unlawful termination of another's pregnancy may result in the person being guilty of aggravated vehicular homicide under Ohio R.C. 2903.06. The court may warn the person of the applicable penalties for that violation under Ohio R.C. 2903.06 and 2929.142.
- (9) As used in subsection (h) of this section, "electronic monitoring", "mandatory prison term" and "mandatory term of local incarceration" have the same meanings as in Ohio R.C. 2929.01.

(i) Vehicle Operation After Underage Alcohol Consumption Penalty. Whoever violates subsection (b) of this section is guilty of operating a vehicle after underage alcohol consumption and shall be punished as follows:

- (1) Except as otherwise provided in subsection (i)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of Ohio R.C. 4510.02. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13. The court may grant unlimited driving privileges with an ignition interlock device relative to the suspension and may reduce the period of suspension as authorized under Ohio R.C. 4510.022. If the court grants unlimited driving privileges under Ohio R.C. 4510.022, the court shall suspend any jail term imposed under subsection (i)(1) of this section as required under that section.
- (2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of subsection (a) of this section or other equivalent offenses, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of Ohio R.C. 4510.02. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13.

(b) This section does not relieve the driver of a public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with Ohio R.C. 4923.04 and 4923.06, or a highway maintenance vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(c) No person shall fail to drive a motor vehicle in compliance with subsection (a)(1) or (2) of this section when so required by subsection (a) of this section.

- (d) (1) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
- (2) Notwithstanding Section 303.99(b), upon a finding that a person operated a motor vehicle in violation of subsection (c) of this section, the court, in addition to all other penalties provided by law, shall impose a fine of two times the usual amount imposed for the violation.
- (3) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.

(e) The offense established under this section is a strict liability offense and Ohio R.C. 2901.20 does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. (ORC 4511.213)

#### **333.04 STOPPING VEHICLE; SLOW SPEED; POSTED MINIMUM SPEEDS.**

(a) No person shall stop or operate a vehicle at such an unreasonably slow speed as to impede or block the normal and reasonable movement of traffic, except when stopping or reduced speed is necessary for safe operation or to comply with law.

(b) Whenever, in accordance with Ohio R.C. 4511.22(B), the minimum speed limit of a controlled-access highway, expressway or freeway has been declared and the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on such signs. No person shall operate a motor vehicle below the speed limits posted upon such signs except when necessary for safe operation or in compliance with law.

(c) In a case involving a violation of this section, the trier of fact, in determining whether the vehicle was being operated at an unreasonably slow speed, shall consider the capabilities of the vehicle and its operator.

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.22)

### **333.05 SPEED LIMITATIONS OVER BRIDGES.**

(a) No person shall operate a vehicle over any bridge or other elevated structure constituting a part of a street at a speed which is greater than the maximum speed that can be maintained with safety to such bridge or structure, when such structure is posted with authorized signs stating such maximum speed. Such signs shall be erected and maintained at a distance of at least 100 feet before each end of such structure.

(b) Upon the trial of any person charged with a violation of this section, proof of the determination of the maximum speed and the existence of such signs shall constitute prima-facie evidence of the maximum speed which can be maintained with safety to such bridge or structure.

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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.23)

### **333.06 SPEED EXCEPTIONS FOR EMERGENCY OR SAFETY VEHICLES.**

The prima-facie speed limitations set forth in Section 333.03 do not apply to emergency vehicles or public safety vehicles when they are responding to emergency calls and are equipped with and displaying at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and when the drivers thereof sound audible signals by bell, siren or exhaust whistle. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons using the street or highway. (ORC 4511.24)

### **333.07 STREET RACING, STUNT DRIVING AND STREET TAKEOVERS PROHIBITED.**

(a) As used in this section:

- (1) **BURNOUT.** A maneuver performed while operating a vehicle whereby the vehicle is kept in a stationary position, but the wheels of the vehicle are spun, which may cause the tires of the vehicle to become heated and emit smoke from the friction.
- (2) **DOUGHNUT.** A maneuver performed while operating a vehicle whereby the front or rear of the vehicle is rotated around the opposite set of wheels in a continuous motion, which may cause a circular skid-mark pattern of rubber on the driving surface, or the tires of the vehicle to become heated and emit smoke from the friction, or both.



- (3) **DRIFTING.** A maneuver performed while operating a vehicle whereby the vehicle is driven in a manner that causes a controlled, sideways skid during a turn, with the front wheels pointing in a direction that is the opposite of the direction of the turn.
- (4) **STREET RACING.** The operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other or the operation of one or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds. The operation of two or more vehicles side by side either at speeds in excess of prima-facie lawful speeds established by Ohio R.C. 4511.21(B)(1)(a) to (B)(9) or rapidly accelerating from a common starting point to a speed in excess of such prima-facie lawful speeds shall be prima-facie evidence of street racing.
- (5) **STREET TAKEOVER.** Blocking or impeding the regular flow of vehicle or pedestrian traffic on a public road, street, or highway or on private property that is open to the general public for the purpose of street racing or stunt driving.
- (6) **STUNT DRIVING.** Performing or engaging in burnouts, doughnuts, drifting, or wheelies, or allowing a passenger to ride either partially or fully outside of the vehicle while operating that vehicle.
- (7) **WHEELIE.** A maneuver performed while operating a vehicle whereby the front wheel or wheels of the vehicle are raised off of the ground or whereby two wheels that are on the same side of the vehicle are raised off of the ground.

(b) No person shall knowingly participate in street racing, stunt driving, or street takeover upon any public road, street, or highway, or on private property that is open to the general public.

(c) Whoever violates this section is guilty of street racing, stunt driving, or street takeover, a misdemeanor of the first degree. In addition to any other sanctions, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for not less than thirty days or more than three years. No judge shall suspend the first thirty days of any suspension of an offender's license, permit, or privilege imposed under this division.

(d) Persons rendering assistance in any manner to street racing, stunt driving, or street takeover shall be equally charged as the participants.

(e) This section does not apply to the competitive operation of vehicles on public or private property when the political subdivision with jurisdiction of the location or owner of the property knowingly permits such operation thereon. (ORC 4511.251)

### **333.08 OPERATION WITHOUT REASONABLE CONTROL.**

(a) No person shall operate a motor vehicle, agricultural tractor, or agricultural tractor that is towing, pulling, or otherwise drawing a unit of farm machinery on any street, highway, or property open to the public for vehicular traffic without being in reasonable control of the vehicle, agricultural tractor or unit of farm machinery.

(b) Whoever violates this section is guilty of operating a motor vehicle or agricultural tractor without being in control of it, a minor misdemeanor.  
(ORC 4511.202)

**333.09 ELECTRONIC WIRELESS COMMUNICATION DEVICE USE  
PROHIBITED WHILE DRIVING.**

(a) No person shall operate a motor vehicle on any street, highway, or property open to the public for vehicular traffic while using, holding, or physically supporting with any part of the person's body an electronic wireless communications device.

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

- (1) A person using an electronic wireless communications device to make contact, for emergency purposes, with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity.
- (2) A person driving a public safety vehicle while using an electronic wireless communications device in the course of the person's duties.
- (3) A person using an electronic wireless communications device when the person's motor vehicle is in a stationary position and is outside a lane of travel, at a traffic control signal that is currently directing traffic to stop, or parked on a road or highway due to an emergency or road closure;
- (4) A person using and holding an electronic wireless communications device directly near the person's ear for the purpose of making, receiving, or conducting a telephone call, provided that the person does not manually enter letters, numbers, or symbols into the device;
- (5) A person receiving wireless messages on an electronic wireless communications device regarding the operation or navigation of a motor vehicle; safety-related information, including emergency, traffic, or weather alerts; or data used primarily by the motor vehicle, provided that the person does not hold or support the device with any part of the person's body;
- (6) A person using the speaker phone function of the electronic wireless communications device, provided that the person does not hold or support the device with any part of the person's body;
- (7) A person using an electronic wireless communications device for navigation purposes, provided that the person does not do either of the following during the use:
  - A. Manually enter letters, numbers, or symbols into the device;
  - B. Hold or support the device with any part of the person's body;
- (8) A person using a feature or function of the electronic wireless communications device with a single touch or single swipe, provided that the person does not do either of the following during the use:
  - A. Manually enter letters, numbers, or symbols into the device;
  - B. Hold or support the device with any part of the person's body;
- (9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;
- (10) A person operating a utility service vehicle or a vehicle for or on behalf of a utility, if the person is acting in response to an emergency, power outage, or circumstance that affects the health or safety of individuals;
- (11) A person using an electronic wireless communications device in conjunction with a voice-operated or hands-free feature or function of the vehicle or of the device without the use of either hand except to activate, deactivate, or initiate the feature or function with a single touch or swipe, provided the person does not hold or support the device with any part of the person's body;
- (12) A person using technology that physically or electronically integrates the device into the motor vehicle, provided that the person does not do either of the following during the use:

- A. Manually enter letters, numbers, or symbols into the device;
- B. Hold or support the device with any part of the person's body;
- (13) A person storing an electronic wireless communications device in a holster, harness, or article of clothing on the person's body.

(c) If a law enforcement officer issues an offender a ticket, citation or summons for a violation of subsection (a) of this section, the officer shall do both of the following:

- (1) Report the issuance of the ticket, citation, or summons to the officer's law enforcement agency;
- (2) Ensure that such report indicates the offender's race.

(d) Whoever violates subsection (a) of this section is guilty of operating a motor vehicle while using an electronic wireless communication device, an unclassified misdemeanor, and shall be punished as provided in subsections (d)(1) to (5) of this section.

- (1) The offender shall be fined, and is subject to a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, as follows:
  - A. Except as provided in subsections (d)(1)B., (d)(1)C., (d)(1)D. and (d)(2) of this section, the court shall impose upon the offender a fine of not more than one hundred fifty dollars (\$150.00).
  - B. If, within two years of the violation, the offender has been convicted of or pleaded guilty to one prior violation of this section, Ohio R.C. 4511.204, or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than two hundred fifty dollars (\$250.00).
  - C. If, within two years of the violation, the offender has been convicted of or pleaded guilty to two or more prior violations of this section, Ohio R.C. 4511.204, or a substantially equivalent or municipal ordinance, the court shall impose upon the offender a fine of not more than five hundred dollars (\$500.00). The court also may impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for ninety days.
  - D. Notwithstanding subsections (d)(1)A. to (d)(1)C. of this section, if the offender was operating the motor vehicle at the time of the violation in a construction zone where a sign was posted in accordance with Ohio R.C. 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the amount imposed for the violation under subsections (d)(1)A., (d)(1)B., or (d)(1)C. of this section, as applicable.
- (2) If the offender is in the category of offenders to whom subsection (d)(1)A of this section applies, in lieu of payment of the fine of one hundred fifty dollars (\$150.00) under subsection (d)(1)A. of this section and the assessment of points under subsection (d)(4) of this section, the offender instead may elect to attend the distracted driving safety course, as described in Section 303.991. 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 not be required to pay the fine and shall not have the points assessed against that offender's driver's license if the offender submits the written evidence to the court. This subsection does not apply with respect to any offender in the category of offenders to whom subsection (d)(1)B., C., or D. of this section applies.

- (3) The court may impose any other penalty authorized under Ohio R.C. 2929.21 to 2929.28. However, the court shall not impose a fine or a suspension not otherwise specified in subsection (d)(1) of this section. The court also shall not impose a jail term or community residential sanction.
- (4) Except as provided in subsection (d)(2) of this section, points shall be assessed for a violation of subsection (a) of this section in accordance with Ohio R.C. 4510.036.
- (5) The offense established under this section is a strict liability offense and Ohio R.C. 2901.20 does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(e) A prosecution for an offense in violation of this section does not preclude a prosecution for an offense in violation of Ohio R.C. 4511.204 based on the same conduct. However, the two offenses are allied offenses of similar import under Ohio R.C. 2941.25.

- (f)
  - (1) A law enforcement officer does not have probable cause and shall not stop the operator of a motor vehicle for the purposes of enforcing this section unless the officer visually observes the operator using, holding, or physically supporting with any part of the person's body the electronic wireless communications device.
  - (2) A law enforcement officer who stops the operator of a motor vehicle for a violation of subsection (a) of this section shall inform the operator that the operator may decline a search of the operator's electronic wireless communications device. The officer shall not do any of the following:
    - A. Access the device without a warrant unless the operator voluntarily and unequivocally gives consent for the officer to access the device;
    - B. Confiscate the device while awaiting the issuance of a warrant to access the device;
    - C. Obtain consent from the operator to access the device through coercion or any other improper means. Any consent by the operator to access the device shall be voluntary and unequivocal before the officer may access the device without a warrant.

(g) As used in this section:

- (1) "Electronic wireless communications device", includes any of the following:
  - A. A wireless telephone;
  - B. A text-messaging device;
  - C. A personal digital assistant;
  - D. A computer, including a laptop computer and a computer tablet;
  - E. Any device capable of displaying a video, movie, broadcast television image, or visual image;
  - F. Any other substantially similar wireless device that is designed or used to communicate text, initiate or receive communication, or exchange information or data.

An "electronic wireless communications device" does not include a two-way radio transmitter or receiver used by a person who is licensed by the federal communications commission to participate in the amateur radio service.

- (2) “Utility” means an entity specified in Ohio R.C. 4905.03(A), (C), (D), (E) or (G).
- (3) “Utility service vehicle” means a vehicle owned or operated by a utility.
- (4) “Voice-operated or hands-free feature or function” means a feature or function that allows a person to use an electronic wireless communications device without the use of either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.  
(ORC 4511.204)



- (2) A person using an electronic wireless communications device whose motor vehicle is in a stationary position and the motor vehicle is outside a lane of travel;
  - (3) A person using a navigation device in a voice-operated or hands-free manner who does not manipulate the device while driving.
- (c)
- (1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a) of this section shall be fined one hundred fifty dollars (\$150.00). In addition, the court shall impose a class seven suspension of the offender's driver's license or permit for a definite period of sixty days.
  - (2) If the person previously has been adjudicated a delinquent child or a juvenile traffic offender for a violation of this section, whoever violates this section shall be fined three hundred dollars (\$300.00). In addition, the court shall impose a class seven suspension of the person's driver's license or permit for a definite period of one year.
- (d) The filing of a sworn complaint against a person for a violation of Ohio R.C. 4511.205 does not preclude the filing of a sworn complaint for a violation of a substantially equivalent municipal ordinance for the same conduct. However, if a person is adjudicated a delinquent child or a juvenile traffic offender for a violation of Ohio R.C. 4511.205 and is also adjudicated a delinquent child or a juvenile traffic offender for a violation of a substantially equivalent municipal ordinance for the same conduct, the two offenses are allied offenses of similar import under Ohio R.C. 2941.25.
- (e) As used in this section, "electronic wireless communications device" includes any of the following:
- (1) A wireless telephone;
  - (2) A personal digital assistant;
  - (3) A computer, including a laptop computer and a computer tablet;
  - (4) A text-messaging device;
  - (5) Any other substantially similar electronic wireless device that is designed or used to communicate via voice, image, or written word.
- (ORC 4511.205)

### **335.04 CERTAIN ACTS PROHIBITED.**

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

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

### **335.05 WRONGFUL ENTRUSTMENT OF A MOTOR VEHICLE.**

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

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

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

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



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

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

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

(i) It is an affirmative defense to any prosecution brought under this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency.

(ORC 4510.04)

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

(a) No person, whose driver's or commercial driver's license or temporary instruction permit or nonresident's operating privilege has been suspended or canceled pursuant to Ohio R.C. Chapter 4509, shall operate any motor vehicle within this municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the municipality, during the period of the suspension or cancellation, except as specifically authorized by Ohio R.C. Chapter 4509.

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

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

of judgment suspension at the time of the alleged violation of subsection (b) of this section. The person charged with a violation of subsection (a) or (b) of this section may offer evidence to rebut this prima-facie evidence.

(d) Whoever violates subsection (a) of this section is guilty of driving under financial responsibility law suspension or cancellation and shall be punished as provided in subsection (d)(1) to (d)(3) hereof. Whoever violates subsection (b) of this section is guilty of driving under a nonpayment of judgment suspension and shall be punished as provided in subsection (d)(1) to (d)(3) hereof.

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

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

(f) It is an affirmative defense to any prosecution brought under this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency. (ORC 4510.04)

**335.073 DRIVING WITHOUT COMPLYING WITH LICENSE  
REINSTATEMENT REQUIREMENTS.**

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

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

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

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

(d) It is an affirmative defense to any prosecution brought under this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency.  
(ORC 4510.04)

**335.074 DRIVING UNDER LICENSE FORFEITURE OR CHILD SUPPORT  
SUSPENSION.**

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

(c) When any child who is less than eight years of age and less than four feet nine inches in height, who is not required by subsection (a) or (b) of this section to be secured in a child restraint system, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio R.C. 4511.01 or a vehicle that is regulated under Ohio R.C. 5104.011, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions on a booster seat that meets federal motor vehicle safety standards.

(d) When any child who is at least eight years of age but not older than fifteen years of age and who is not otherwise required by subsection (a), (b) or (c) hereof to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio R.C. 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in Ohio R.C. 4513.263.

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

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

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

(h) This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would be required to be restrained under this section. This section does not apply to a person operating a motor vehicle who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 a clinical nurse specialist or certified nurse practitioner licensed to practice in this State under Ohio R.C. Chapter 4723, or a chiropractor licensed to practice in this State under Ohio R.C. Chapter 4734 that states that the child who otherwise would be required to be restrained under this section has a physical impairment that makes use of a child restraint system, booster seat or an occupant restraining device impossible or impractical, provided that the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendations of the physician, nurse or chiropractor as noted on the affidavit.

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

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

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

### **337.27 DRIVERS AND PASSENGERS REQUIRED TO WEAR SEAT BELTS.**

(a) As used in this section:

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

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

- (1) Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted;

**939.05 NET METERING.**

(a) Net Metering. Net Metering means measuring the difference between the electricity supplied over the electric distribution system (power grid) and the electricity generated by the consumer's solar power system which is fed back into the electric distribution system over a specific billing period.

(b) Availability of Service. Net Metering is available to qualifying consumers on a first come, first served basis, until the nameplate capacity of all participating generators is equal to the maximum program limit of three percent (3.0%) of the system peak demand of all customers during the previous calendar year. The City Manager reserves the right to deny any consumer, for any reason, the ability to enter into a net metering agreement with the City.

(c) Conditions of Service.

- (1) A qualifying consumer is one whose generating facility complies with all the following requirements:
  - A. Is owned and operated by the consumer and is located on the consumer-generator's premises;
  - B. Is designed and installed to operate in parallel with the City's Electric System without adversely affecting the operation of equipment and service of the City and its consumers and without presenting safety hazards to City and consumer personnel; and
  - C. Is intended primarily to offset part or all of the consumer-generator's electricity needs.
- (2) The consumer's generating equipment:
  - A. Shall be installed in accordance with the manufacturer's specifications as well as all applicable provisions of the National Electrical Code. All equipment and installations shall comply with all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronic Engineers, and Underwriters Laboratories.
  - B. Shall be installed in compliance with the Standards for Interconnection and Parallel Operation of Small-Scaled, Customer-Owned Solar, Wind, Hydroelectric or Fuel Cell Powered Generating Facilities up to 25kW (residential) or 100 kW (commercial/industrial), and with all applicable requirements of Wood County Building Inspection (inside corporation limits) or Napoleon Power and Light (outside corporation limits).
- (3) An application for interconnection with the City's distribution system must be made by the consumer or the consumer's authorized representative. The interconnection permit must provide at least the following information regarding the consumer-generator's facility: Inverter type, array size, certification, and manufacturer's specifications including details about circuit protective devices; generation facility certifications; the installing electrician name, address, and phone number; and proof of inspection and approval from the appropriate City inspector(s).

(d) Metering. Net energy metering shall be accomplished using a single meter capable of registering the flow of electricity in each direction. If the existing electrical meter installed at the consumer's facility is not capable of measuring the flow of electricity in two directions, the consumer shall be responsible for all expenses for the purchase and installation of an appropriate meter with such capability. The City may, at the consumer's or the city's expense and with written consent of the consumer, install one or more additional meters to monitor the flow of electricity.

(e) Rate. At the end of the billing period a calculation will be made to determine the difference, if any, between the amount of kWh supplied to the consumer from the city's system and the amount of kWh supplied to the city's system from the consumer.

(1) Credit: If the consumer generator's facility feeds more kWh of electricity back to the City's system than the City supplies to the consumer, at the same site, during the billing period, then fifty percent (50%) of the excess kWh will be given as a kWh credit for the beginning of the next billing period for the same site. At no time will the consumer be entitled to, nor compensated for, any monetary payout of the excess electricity fed back to the city's system.

(2) Billing Period: The billing period is January 1st through either December 31st of each calendar year or the last day of the month in which the consumer ceases operation of the net metering agreement, whichever comes first.

(3) For Example: At the end of the billing period it was determined that consumer X's solar system delivered to the City's system 100 kWh, then consumer X would receive a credit of 50 kWh for that same site.

(f) Special Terms and Conditions.

(1) Each consumer under a net meter system must carry a minimum of one hundred thousand dollars (\$100,000.00) in liability insurance naming the City as an additional insured.

(2) The consumer-generator must install and maintain a manual disconnect switch that will disconnect the net metering facility from the Napoleon Utilities electric system. The disconnect switch must be a lockable, load-break switch that plainly indicates whether it is in the open or closed position. The disconnect switch must be readily accessible to Napoleon Utility personnel at all times and located within ten (10) feet of the meter. The disconnect switch may be located more than ten (10) feet from the billing meter provided that permanent instructions are posted at the meter indicating the precise location of the disconnect switch. This information must be indicated on the application form and approved by the Utility.

(g) Additional Charges. The consumer shall pay any additional charges, as determined by the City, for equipment, labor, metering, testing or inspections that are requested by the consumer or needed by the City.

(h) Length of Term. Contracts under this schedule shall be automatically renewed on January 1st of each year, unless either the consumer or the City provides written notice to terminate the agreement within ten (10) calendar days of the renewal.  
(Ord. 011-24. Passed 5-6-24.)

(EDITOR'S NOTE: The next printed page is page 65.)



(EDITOR'S NOTE: Subsections (g) through (I) were eliminated by Ordinance 051-23.)

- (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  
\$8.00 per person with a maximum of two carts per group.
  - (3) Motorized cart rental 18 holes  
\$11.00 per person with a maximum of two carts per group.
  - (4) Prepaid discount motorized cart rental for 10 rounds of 9 holes  
\$60.00 per person
  - (5) Private cart rate - drive on/trailering to the Course:
    - (a) 9 holes - \$4.00
    - (b) 18 holes - \$5.50
    - (c) Prepaid cart rental card - 10 rounds - \$30.00
    - (d) Annual cart membership - \$130.00  
(Ord. 051-23. Passed 12-4-23.)
- (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:

<u>Number of Employees</u>	<u>Annual Fee</u>
25 and under	\$1,200.00
26 - 49	\$2,200.00
50 - 99	\$3,200.00
100 - 199	\$4,700.00
200 and above	\$6,700.00

(Ord. 007-25. Passed 3-17-25.)

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

<u>Number of Holes</u>	<u>Fee per Participant</u>
9	\$16.00
18	\$26.00

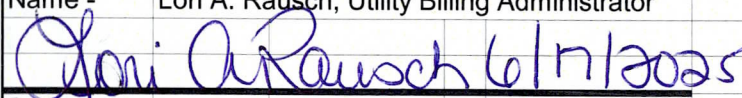
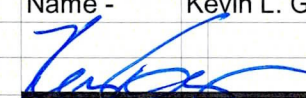
(Ord. 051-23. Passed 12-4-23.)

- (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:

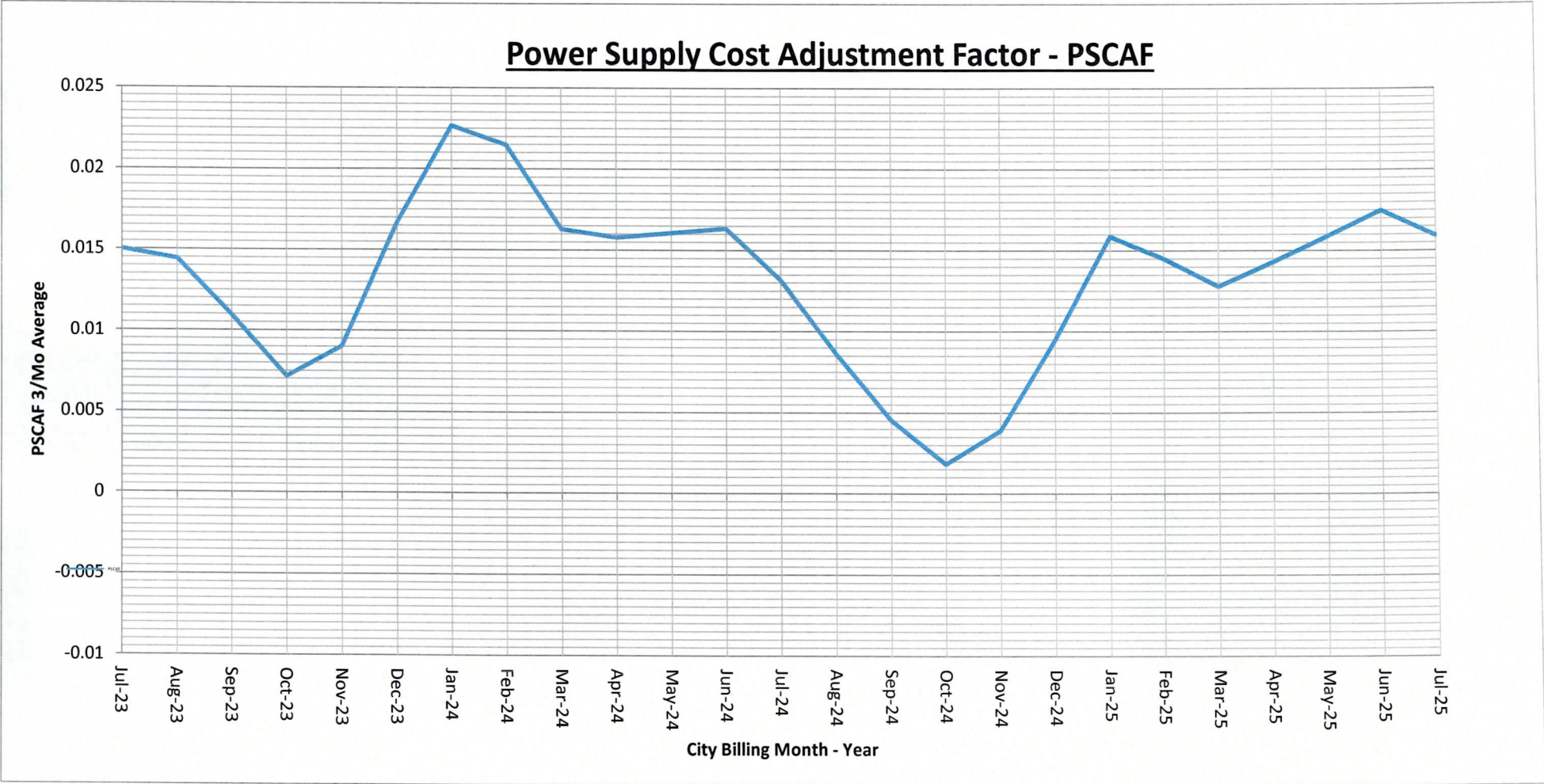


## CITY OF NAPOLEON, OHIO - PSCAF

## POWER SUPPLY COST ADJUSTMENT FACTOR (PSCAF) - COMPUTATION OF MONTHLY PSCAF

AMP Billed Usage Month	PSCAF City Billing Month	AMP - kWh Delivered As Listed on AMP Invoices	Purchased Power Supply Costs (*=Net of Known) (+ OR - Other Cr's)	Rolling 3-Month Totals Current + Prior 2 Months kWh Cost		Rolling 3 Month Average Cost	Less: Fixed Base Power Supply Cost	PSCA Dollar Difference + or (-)	PSCA-Corrt'd. 3 MONTH AVG.FACTOR + Line Loss	Total Residential Cost / kWh For Month
(a)	(b)	(c) Actual Billed	(d) Actual Billed w/Cr's	(e) c + prior 2 Mo	(f) d + prior 2 Mo	(g) f / e	(h) \$0.07194 Fixed	(i) g + h	(j) i X 1.075	
May 23 ^	July 23	11,159,933	\$ 965,219.59	34,055,680	\$ 2,925,250.50	\$ 0.08590	\$ (0.07194)	\$ 0.01396	\$ 0.01501	0.1242
June 23	Aug 23	11,846,134	\$ 991,273.25	33,682,785	\$ 2,874,619.30	\$ 0.08534	\$ (0.07194)	\$ 0.01340	\$ 0.01441	0.1211
July 23	Sept 23	13,291,117	\$ 1,024,347.01	36,297,184	\$ 2,980,839.85	\$ 0.08212	\$ (0.07194)	\$ 0.01018	\$ 0.01094	0.1168
Aug 23	Oct 23	13,822,110	\$ 1,046,663.99	38,959,361	\$ 3,062,284.25	\$ 0.07860	\$ (0.07194)	\$ 0.00666	\$ 0.00716	0.1134
Sept 23	Nov 23	11,723,485	\$ 1,048,350.00	38,836,712	\$ 3,119,361.00	\$ 0.08032	\$ (0.07194)	\$ 0.00838	\$ 0.00901	0.1185
Oct 23	Dec 23	11,516,668	\$ 1,146,277.04	37,062,263	\$ 3,241,291.03	\$ 0.08746	\$ (0.07194)	\$ 0.01552	\$ 0.01668	0.1266
Nov 23	Jan 24	11,848,886	\$ 1,068,619.91	35,089,039	\$ 3,263,246.95	\$ 0.09300	\$ (0.07194)	\$ 0.02106	\$ 0.02264	0.1310
Dec 23	Feb 24	12,128,836	\$ 1,046,640.68	35,494,390	\$ 3,261,537.63	\$ 0.09189	\$ (0.07194)	\$ 0.01995	\$ 0.02145	0.1286
Jan 24	Mar 24	13,570,981	\$ 1,154,385.28	37,548,703	\$ 3,269,645.87	\$ 0.08708	\$ (0.07194)	\$ 0.01514	\$ 0.01628	0.1229
Feb 24	Apr 24	11,680,655	\$ 1,036,951.99	37,380,472	\$ 3,237,977.95	\$ 0.08662	\$ (0.07194)	\$ 0.01468	\$ 0.01578	0.1247
Mar 24	May 24	11,562,844	\$ 1,007,154.75	36,814,480	\$ 3,198,492.02	\$ 0.08688	\$ (0.07194)	\$ 0.01494	\$ 0.01606	0.1250
Apr 24	June 24	11,001,864	\$ 939,931.70	34,245,363	\$ 2,984,038.44	\$ 0.08714	\$ (0.07194)	\$ 0.01520	\$ 0.01634	0.1269
May 24	July 24	12,157,543	\$ 975,096.55	34,722,251	\$ 2,922,183.00	\$ 0.08416	\$ (0.07194)	\$ 0.01222	\$ 0.01314	0.1207
June 24	Aug 24	13,974,917	\$ 1,053,689.10	37,134,324	\$ 2,968,717.35	\$ 0.07995	\$ (0.07194)	\$ 0.00801	\$ 0.00861	0.1142
Jul 24	Sept 24	14,932,572	\$ 1,098,429.26	41,065,032	\$ 3,127,214.91	\$ 0.07615	\$ (0.07194)	\$ 0.00421	\$ 0.00453	0.1140
Aug 24	Oct 24	14,927,661	\$ 1,075,113.08	43,835,150	\$ 3,227,231.44	\$ 0.07362	\$ (0.07194)	\$ 0.00168	\$ 0.00181	0.1077
Sept 24	Nov 24	12,460,243	\$ 1,023,655.06	42,320,476	\$ 3,197,197.40	\$ 0.07555	\$ (0.07194)	\$ 0.00361	\$ 0.00388	0.1125
Oct 24	Dec 24	11,703,052	\$ 1,058,703.74	39,090,956	\$ 3,157,471.88	\$ 0.08077	\$ (0.07194)	\$ 0.00883	\$ 0.00949	0.1205
Nov 24	Jan 25	11,636,274	\$ 1,020,847.17	35,799,569	\$ 3,103,205.97	\$ 0.08668	\$ (0.07194)	\$ 0.01474	\$ 0.01585	0.1237
Dec 24	Feb 25	12,945,654	\$ 1,020,097.16	36,284,980	\$ 3,099,648.07	\$ 0.08543	\$ (0.07194)	\$ 0.01349	\$ 0.01450	0.1208
Jan 25	Mar 25	14,127,042	\$ 1,203,590.56	38,708,970	\$ 3,244,534.89	\$ 0.08382	\$ (0.07194)	\$ 0.01188	\$ 0.01277	0.1184
Feb 25	Apr 25	12,337,542	\$ 1,134,698.49	39,410,238	\$ 3,358,386.21	\$ 0.08522	\$ (0.07194)	\$ 0.01328	\$ 0.01428	0.1220
Mar 25	May 25	11,881,492	\$ 985,536.72	38,346,076	\$ 3,323,825.77	\$ 0.08668	\$ (0.07194)	\$ 0.01474	\$ 0.01585	0.1246
Apr 25	June 25	11,127,972	\$ 997,161.85	35,347,006	\$ 3,117,397.06	\$ 0.08819	\$ (0.07194)	\$ 0.01625	\$ 0.01747	0.1284
May 25	July 25	11,108,489	\$ 976,008.29	34,117,953	\$ 2,958,706.86	\$ 0.08672	\$ (0.07194)	\$ 0.01478	\$ 0.01589	
<b>PSCAF - Preparers Signature:</b>						<b>PSCAF - Reviewers Signature:</b>				
Name - Lori A. Rausch, Utility Billing Administrator						Name - Kevin L. Garringer, Finance Director				
										
Signature						Signature				
Date						Date				
						6-17-28				





**AMERICAN MUNICIPAL POWER, INC.**

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

INVOICE NUMBER:	1012086
INVOICE DATE:	16-JUN-25
DUE DATE:	01-JUL-25
TOTAL AMOUNT DUE:	\$976,008.29
CUSTOMER NUMBER	5020
CUSTOMER P.O. #:	

**City of Napoleon**

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

MAKE CHECK PAYABLE TO AMP.

DIRECT INVOICE QUESTIONS TO [BILLING@AMPPARTNERS.ORG](mailto:BILLING@AMPPARTNERS.ORG)**City of Napoleon Power Billing – May, 2025**

Municipal Peak:	22,996	kW
Total Metered Energy:	11,168,473	kWh

Total Power Charges:	\$719,250.11
Total Transmission/Capacity/Ancillary Services:	\$246,673.50
Total Other Charges:	\$10,099.34
Total Miscellaneous Charges:	-\$14.66

<b>TOTAL CHARGES</b>	<b>\$976,008.29</b>
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\*To avoid a delayed payment charge, payment must be made to provide available funds for use by AMP on or before the due date.

## Wire or ACH Transfer Information:

Huntington National Bank  
Columbus, Ohio  
Account No. 0189-2204055  
ABA: 044000024

## Mailing Address:

AMP Inc.  
Department L614  
Columbus, OH 43260

# **DETAIL INFORMATION OF POWER CHARGES May, 2025** **City of Napoleon**

<b>FOR THE MONTH OF:</b>	<b>May, 2025</b>	<b>Total Metered Load kWh:</b>	<b>11,168,473</b>
		<b>Transmission Losses kWh:</b>	<b>-59,984</b>
		<b>Distribution Losses kWh:</b>	<b>0</b>
		<b>Total Energy Req. kWh:</b>	<b>11,108,489</b>
<b>Time of Pool Peak:</b>	<b>05/16/2025 @ H.E. 13:00</b>	<b>Coincident Peak kW:</b>	<b>22,895</b>
<b>Time of Municipal Peak:</b>	<b>05/16/2025 @ H.E. 14:00</b>	<b>Municipal Peak kW:</b>	<b>22,996</b>
<b>Transmission Peak:</b>	<b>June 20,2024 @ H.E. 15:00</b>	<b>Transmission Peak kW:</b>	<b>30,349</b>
		<b>PJM Capacity Requirement kW:</b>	<b>26,602</b>

## **City of Napoleon Resources**

<b>AMP CT - Sched @ ATSI</b>			
Demand Charge:	\$2.949905 kW	12,397 kW =	\$36,569.97
Transmission Credit:	-\$5.062520 kW	12,397 kW =	-\$62,760.06
Capacity Credit:	-\$0.862163 kW	12,397 kW =	-\$10,688.23
AMP CT Project Fuel Costs :			\$1,694.37
Real Time Market Revenue from AMP CT Operations			-\$638.92
<b>Subtotal</b>			<b>-\$35,822.87</b>
<b>Fremont - sched @ Fremont</b>			
Demand Charge:	\$5.134649 kW	8,767 kW =	\$45,015.47
Energy Charge:	\$0.023817 kWh	3,922,109 kWh =	\$93,411.76
Net Congestion, Losses, FTR:			\$6,866.34
Capacity Credit:	-\$0.899345 kW	8,767 kW =	-\$7,884.56
Debt Service	\$4.916195 kW	8,767 kW =	\$43,100.28
Energy Adj for Prior Month			\$17.19
<b>Subtotal</b>		<b>3,922,109 kWh</b>	<b>\$180,526.48</b>
<b>AMP Hydro CSW - Sched @ PJMC</b>			
Demand Charge:	\$56.290000 kW	3,498 kW =	\$196,902.42
Energy Charge:	\$0.026000 kWh	1,189,943 kWh =	\$30,938.51
Net Congestion, Losses, FTR:			\$1,504.67
Capacity Credit:	-\$0.271950 kW	3,498 kW =	-\$951.28
REC Credit (Estimate):	-\$0.010304 kWh	1,189,943 kWh =	-\$12,261.62
<b>Subtotal</b>		<b>1,189,943 kWh</b>	<b>\$216,132.70</b>
<b>Meldahl Hydro - Sched @ Meldahl Bus</b>			
Demand Charge:	\$30.905813 kW	504 kW =	\$15,576.53
Energy Charge:	\$0.026000 kWh	196,812 kWh =	\$5,117.12
Net Congestion, Losses, FTR:			-\$143.24
Capacity Credit:	-\$1.790456 kW	504 kW =	-\$902.39
REC Credit (Estimate):	-\$0.034000 kWh	196,812 kWh =	-\$6,691.62
<b>Subtotal</b>		<b>196,812 kWh</b>	<b>\$12,956.40</b>
<b>JV6 - Sched @ ATSI</b>			
Demand Charge:		225 kW =	
Energy Charge:		0 kWh =	
Transmission Credit:		225 kW =	
Capacity Credit:	-\$0.154089 kW	225 kW =	-\$34.67
<b>Subtotal</b>			<b>-\$34.67</b>
<b>Greenup Hydro - Sched @ Greenup Bus</b>			
Demand Charge:	\$30.469939 kW	330 kW =	\$10,055.08
Energy Charge:	\$0.009000 kWh	64,188 kWh =	\$577.69
Net Congestion, Losses, FTR:			-\$84.87
Capacity Credit:	-\$0.657697 kW	330 kW =	-\$217.04
REC Credit (Estimate):	-\$0.011000 kWh	64,188 kWh =	-\$706.07
<b>Subtotal</b>		<b>64,188 kWh</b>	<b>\$9,624.79</b>
<b>Prairie State - Sched @ PJMC</b>			
Demand Charge:	\$15.004174 kW	4,976 kW =	\$74,660.77
Energy Charge:	\$0.006881 kWh	3,555,373 kWh =	\$24,464.83
Net Congestion, Losses, FTR:			\$4,300.15
Capacity Credit:	-\$0.877496 kW	4,976 kW =	-\$4,366.42
Debt Service:	\$24.519978 kW	4,976 kW =	\$122,011.41
Transmission from PSEC to PJM/MISO:	\$0.003915 kWh	3,555,373 kWh =	\$13,920.99
<b>Subtotal</b>		<b>3,555,373 kWh</b>	<b>\$234,991.73</b>



**DETAIL INFORMATION OF POWER CHARGES May, 2025**  
**City of Napoleon**

**NYPA - Sched @ NYIS**

Demand Charge:	\$4.074032 kW	940 kW =	\$3,829.59
Energy Charge:	\$0.018481 kWh	545,455 kWh =	\$10,080.79
Net Congestion, Losses, FTR:			\$874.31
Capacity Credit:	-\$0.900000 kW	935 kW =	-\$841.50
Adjustment for prior month:			\$936.75
<b>Subtotal</b>		<b>545,455 kWh</b>	<b>\$14,879.94</b>

**JV5 - 7X24 @ ATSI**

Demand Charge:	\$18.601166 kW	3,088 kW =	\$57,440.40
Energy Charge:	\$0.021484 kWh	2,297,472 kWh =	\$49,357.74
Transmission Credit:	-\$6.786972 kW	3,088 kW =	-\$20,958.17
Capacity Credit:	-\$0.772710 kW	3,088 kW =	-\$2,386.13
Debt Service:	\$17.660712 kW	3,088 kW =	\$54,536.28
PCA:	\$0.001183 kWh	2,297,472 kWh =	\$2,718.16
REC Credit (Estimate):	-\$0.023228 kWh	2,297,472 kWh =	-\$53,366.37
<b>Subtotal</b>		<b>2,297,472 kWh</b>	<b>\$87,341.91</b>

**JV5 Losses - Sched @ ATSI**

Energy Charge:		33,451 kWh =	
<b>Subtotal</b>		<b>33,451 kWh</b>	<b>\$0.00</b>

**JV2 - sched @ ATSI**

Demand Charge:	\$3.209621 kW	264 kW =	\$847.34
Transmission Credit:	-\$5.429773 kW	264 kW =	-\$1,433.46
Capacity Credit:	-\$1.006818 kW	264 kW =	-\$265.80
JV2 Project Fuel Costs not recovered through Energy Sales to Market :	\$0.080213 kWh	235 kWh =	\$18.85
Real Time Market Revenue from JV2 Operations:	\$0.018723 kWh	-235 kWh =	-\$4.40
<b>Subtotal</b>			<b>-\$837.47</b>

**AMP Solar Phase I - Sched @ ATSI**

Demand Charge:		1,040 kW =	
Energy Charge:	\$0.046553 kWh	122,092 kWh =	\$5,683.70
Transmission Credit:	-\$2.021418 kW	1,721 kW =	-\$3,478.86
Capacity Credit:	-\$0.343651 kW	1,090 kW =	-\$374.58
<b>Subtotal</b>			<b>\$1,830.26</b>

**Community Energy Savings Smart Thermostat Program**

Capacity Credit:			-\$6.32
<b>Subtotal</b>			<b>-\$6.32</b>

**Efficiency Smart Power Plant 2023-26**

ESPP 2023-2025 obligation @ \$1.650 /MWh x 137,580.8 MWh / 12:			\$18,917.35
<b>Subtotal</b>			<b>\$18,917.35</b>

**Northern Pool Power -**

On Peak Energy Charge: (M-F HE 08-23 EDT)	\$0.042596 kWh	368,299 kWh =	\$15,688.00
Off Peak Energy Charge:	\$0.022454 kWh	269,367 kWh =	\$6,048.28
Sale of Excess Non-Pool Resources to Pool:	\$0.033587 kWh	-1,456,073 kWh =	-\$48,904.75
Pool Congestion Hedge:			\$5,918.35
<b>Subtotal</b>		<b>-818,407 kWh</b>	<b>-\$21,250.12</b>

**TRANSMISSION / CAPACITY / ANCILLARY SERVICES -**

Demand Charge:	\$6.786972 kW	30,349 kW =	\$205,977.82
Energy Charge:	\$0.001080 kWh	8,811,017 kWh =	\$9,512.82
RPM (Capacity) Charges:	\$1.172200 kW	26,602 kW =	\$31,182.86
<b>Subtotal</b>			<b>\$246,673.50</b>

**OTHER CHARGES:**

Dispatch Center Charges	\$0.000088 kWh	11,168,473 kWh =	\$979.47
Service Fee A	\$0.000229 kWh	11,479,614 kWh =	\$2,628.83
SFA Adjustment for January-April 2025			\$13.33
Service Fee B	\$0.000580 kWh	11,168,473 kWh =	\$6,477.71
<b>Subtotal</b>			<b>\$10,099.34</b>

**DETAIL INFORMATION OF POWER CHARGES May, 2025**  
**City of Napoleon**

**MISCELLANEOUS CHARGES:**

Prior month adjustment	-	\$14.66
<b>Subtotal</b>	<b>-</b>	<b>\$14.66</b>
Total Demand Charges		\$542,996.07
Total Energy Charges		\$176,254.04
Total Transmission/Capacity/Ancillary Services		\$246,673.50
Total Other Charges		\$10,099.34
Total Miscellaneous Charges		-\$14.66

<b>GRAND TOTAL POWER INVOICE</b>	<b>\$976,008.29</b>
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**BILLING SUMMARY AND CONSUMPTION for BILLING CYCLE - July 2025**

2025 - JULY BILLING WITH MAY 2025 AMP BILLING PERIOD AND JUNE 2025 CITY CONSUMPTION AND BILLING DATA

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

DATA PERIOD	MONTH / YR	DAYS IN MONTH MUNICIPAL PEAK						
AMP-Ohio Bill Month	MAY, 2025	31	22.996					
City-System Data Month	JUNE, 2025	30						
City-Monthly Billing Cycle	JULY, 2025	31						
=====CONTRACTED AND OPEN MARKET POWER=====PEAKING=====HYDRO POWER=====								
(	FREMONT	PRAIRIE STATE	NORTHERN	JV-2	AMP-HYDRO	MELDAHL-HYDR	GREENUP HYDR	
<b>PURCHASED POWER-RESOURCES -&gt;</b> (	AMP CT	ENERGY	SCHED. @ PJMC	POWER	PEAKING	CSW	SCHED. @	SCHED. @
(	SCHED. @ ATSI	SCHEDULED	REPLMT @ PJMC	POOL	SCHED. @ ATSI	SCHED. @ PJMC	MELDAHL BUS	GREENUP BUS
Delivered kWh (On Peak) ->	0	3,922,109	3,555,373	368,299		1,189,943	196,812	64,188
Delivered kWh (Off Peak) ->				269,367				
Delivered kWh (Replacement/Losses/Offset) ->								
Delivered kWh/Sale (Credits) ->				-1,456,073				
<b>Net Total Delivered kWh as Billed -&gt;</b>	<b>0</b>	<b>3,922,109</b>	<b>3,555,373</b>	<b>-818,407</b>	<b>0</b>	<b>1,189,943</b>	<b>196,812</b>	<b>64,188</b>
Percent % of Total Power Purchased->	0.0000%	35.3075%	32.0059%	-7.3674%	0.0000%	10.7120%	1.7717%	0.5778%
<b>COST OF PURCHASED POWER:</b>								
<b>DEMAND CHARGES (+Debits)</b>								
Demand Charges	\$36,569.97	\$45,015.47	\$74,660.77		\$847.34	\$196,902.42	\$15,576.53	\$10,055.08
Debt Services (Principal & Interest)		\$43,100.28	\$122,011.41					
<b>DEMAND CHARGES (-Credits)</b>								
Transmission Charges (Demand-Credits)	-\$62,760.06				-\$1,433.46			
Capacity Credit	-\$10,688.23	-\$7,884.56	-\$4,366.42		-\$265.80	-\$951.28	-\$902.39	-\$217.04
December 2022 Capacity Performance								
<b>Sub-Total Demand Charges</b>	<b>-\$36,878.32</b>	<b>\$80,231.19</b>	<b>\$192,305.76</b>	<b>\$0.00</b>	<b>-\$851.92</b>	<b>\$195,951.14</b>	<b>\$14,674.14</b>	<b>\$9,838.04</b>
<b>ENERGY CHARGES (+Debits):</b>								
Energy Charges - (On Peak)		\$93,411.76	\$24,464.83	\$15,688.00		\$30,938.51	\$5,117.12	\$577.69
Energy Charges - (Replacement/Off Peak)				\$6,048.28				
Net Congestion, Losses, FTR		\$6,866.34	\$4,300.15			\$1,504.67	-\$143.24	-\$84.87
Transmission Charges (Energy-Debits)								
PCA Charge								
Bill Adjustments (General & Rate Levelization)				\$5,918.35	\$18.85			
<b>ENERGY CHARGES (-Credits or Adjustments):</b>								
Energy Charges - On Peak (Sale or Rate Stabilization)				-\$48,904.75				
Net Congestion, Losses, FTR								
PCA								
Bill Adjustments (General & Rate Levelization)		\$17.19			-\$4.40	-\$12,261.62	-\$6,691.62	-\$706.07
<b>Sub-Total Energy Charges</b>	<b>\$0.00</b>	<b>\$100,295.29</b>	<b>\$28,764.98</b>	<b>-\$21,250.12</b>	<b>\$14.45</b>	<b>\$20,181.56</b>	<b>-\$1,717.74</b>	<b>-\$213.25</b>
<b>TRANSMISSION &amp; SERVICE CHARGES, MISC.:</b>								
RPM / PJM Charges Capacity - (+Debit)			\$13,920.99					
RPM / PJM Charges Capacity - (-Credit)								
Service Fees AMP-Dispatch Center - (+Debit/-Credit)								
Service Fees AMP-Part A - (+Debit/-Credit)								
Service Fees AMP-Part B - (+Debit/-Credit)								
Other Charges & Bill Adjustments - (+Debit/-Credit)	\$1,055.45							
Community Energy Savings Smart Thermostat								
<b>Sub-Total Service Fees &amp; Other Charges</b>	<b>\$1,055.45</b>	<b>\$0.00</b>	<b>\$13,920.99</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>TOTAL NET COST OF PURCHASED POWER</b>	<b>-\$35,822.87</b>	<b>\$180,526.48</b>	<b>\$234,991.73</b>	<b>-\$21,250.12</b>	<b>-\$837.47</b>	<b>\$216,132.70</b>	<b>\$12,956.40</b>	<b>\$9,624.79</b>
Percent % of Total Power Cost->	-3.6703%	18.4964%	24.0768%	-2.1772%	-0.0858%	22.1446%	1.3275%	0.9861%
<b>Purchased Power Resources - Cost per kWh-&gt;</b>	<b>\$0.000000</b>	<b>\$0.046028</b>	<b>\$0.066095</b>	<b>-\$0.025965</b>	<b>\$0.000000</b>	<b>\$0.181633</b>	<b>\$0.065831</b>	<b>\$0.149947</b>



**BILLING SUMMARY AND CONS**

2025 - JULY BILLING WITH MAY 2025 AMP BILL

**PREVIOUS MONTH'S POWER BILLS - PU****DATA PERIOD**AMP-Ohio Bill Month  
City-System Data Month  
City-Monthly Billing Cycle

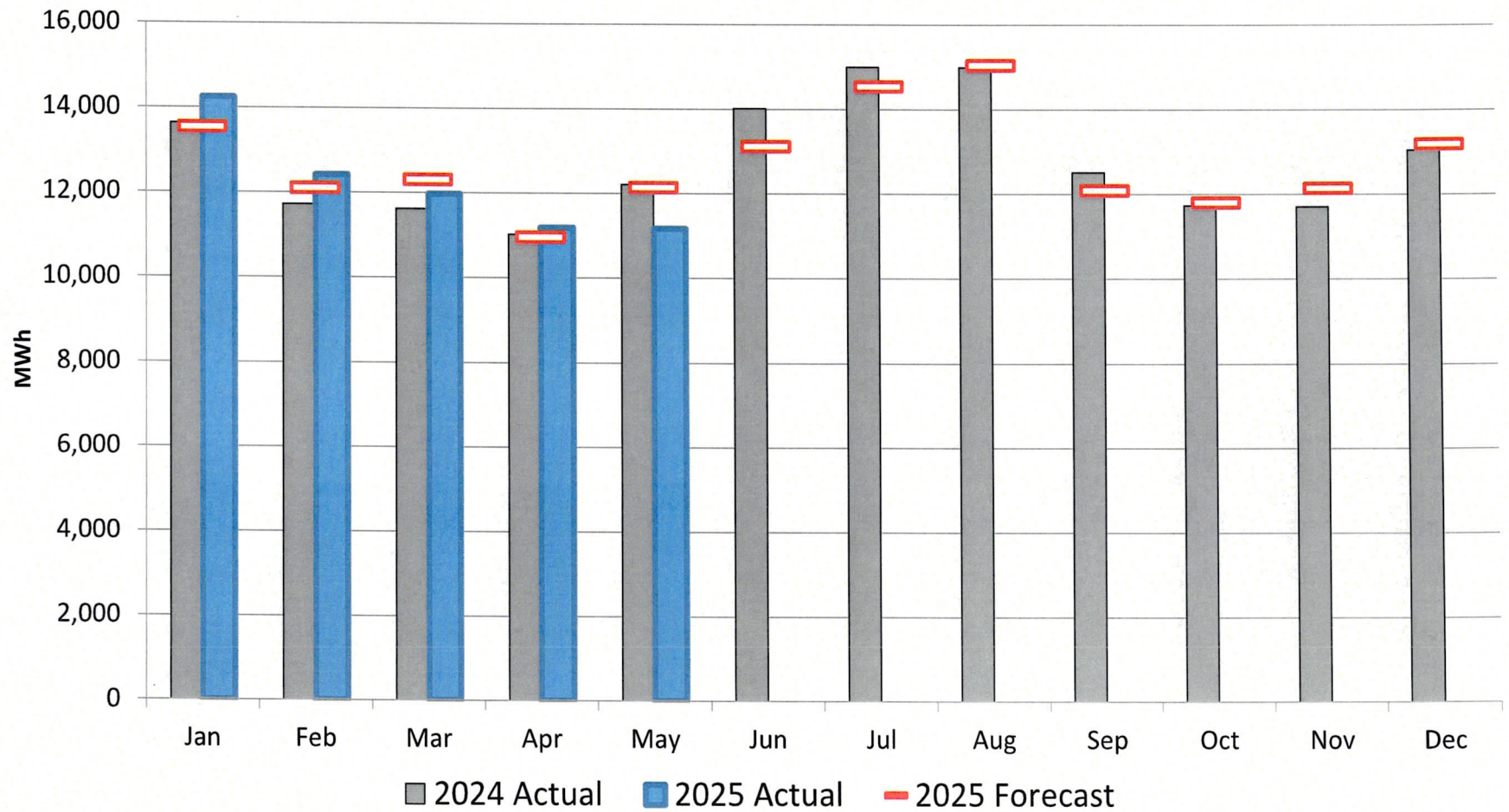
=====WIND=====										
====SOLAR====										
===TRANSMISSION, SERVICE FEES & MISC. CONTRACTS===										
(	NYPA	JV-5	JV-6	AMP SOLAR	EFFNCY.SMART	COMMUNITY	TRANSMISSION	SERVICE FEES	MISCELLANEOUS	TOTAL -
PURCHASED POWER-RESOURCES -> (	HYDRO	HYDRO	WIND	PHASE 1	POWER PLANT	ENERGY SAVINGS	CHARGES	DISPATCH, A & B	CHARGES &	ALL
1	SCHED. @ NYIS	7x24 @ ATSI	SCHED. @ ATSI	SCHED. @ ATSI	2017 - 2020	SMART THERMOSTAT	Other Charges	Other Charges	LEVELIZATION	RESOURCES
Delivered kWh (On Peak) ->	545,455	2,297,472	0	122,092	0		0	0	0	12,261,743
Delivered kWh (Off Peak) ->										269,367
Delivered kWh (Replacement/Losses/Offset) ->		33,451								33,451
Delivered kWh/Sale (Credits) ->										-1,456,073
Net Total Delivered kWh as Billed ->	545,455	2,330,923	0	122,092	0	0	0	0	0	11,108,488
Percent % of Total Power Purchased->	4.9103%	20.9833%	0.0000%	1.0991%	0.0000%	0.0000%	0.0000%	0.0000%	0.0000%	100.0002%
Verification Total - >										100.0000%
<b>COST OF PURCHASED POWER:</b>										
<b>DEMAND CHARGES (+Debits)</b>										
Demand Charges	\$3,829.59	\$57,440.40	\$0.00		\$0.00		\$205,977.82			\$646,875.39
Debt Services (Principal & Interest)		\$54,536.28								\$219,647.97
<b>DEMAND CHARGES (-Credits)</b>										
Transmission Charges (Demand-Credits)		-\$20,958.17		-\$3,478.86						-\$88,630.55
Capacity Credit	-\$841.50	-\$2,386.13	-\$34.67	-\$374.58						-\$28,912.60
December 2022 Capacity Performance										\$0.00
Sub-Total Demand Charges	\$2,988.09	\$88,632.38	-\$34.67	-\$3,853.44	\$0.00	\$0.00	\$205,977.82	\$0.00	\$0.00	\$748,980.21
<b>ENERGY CHARGES (+Debits):</b>										
Energy Charges - (On Peak)	\$10,080.79	\$49,357.74		\$5,683.70			\$9,512.82			\$244,832.96
Energy Charges - (Replacement/Off Peak)										\$6,048.28
Net Congestion, Losses, FTR	\$874.31									\$13,317.36
Transmission Charges (Energy-Debits)										\$0.00
PCA Charge		\$2,718.16								\$2,718.16
Bill Adjustments (General & Rate Levelization)	\$936.75									\$6,873.95
<b>ENERGY CHARGES (-Credits or Adjustments):</b>										
Energy Charges - On Peak (Sale or Rate Stabilization)									-\$14.66	-\$48,919.41
Net Congestion, Losses, FTR										\$0.00
PCA										\$0.00
Bill Adjustments (General & Rate Levelization)		-\$53,366.37								-\$73,012.89
Sub-Total Energy Charges	\$11,891.85	-\$1,290.47	\$0.00	\$5,683.70	\$0.00	\$0.00	\$9,512.82	\$0.00	-\$14.66	\$151,858.41
<b>TRANSMISSION &amp; SERVICE CHARGES, MISC.:</b>										
RPM / PJM Charges Capacity - (+Debit)							\$31,182.86			\$45,103.85
RPM / PJM Charges Capacity - (-Credit)									\$0.00	\$0.00
Service Fees AMP-Dispatch Center - (+Debit/-Credit)								\$979.47		\$979.47
Service Fees AMP-Part A - (+Debit/-Credit)								\$2,628.83		\$2,628.83
Service Fees AMP-Part B - (+Debit/-Credit)								\$6,477.71		\$6,477.71
Other Charges & Bill Adjustments - (+Debit/-Credit)								\$13.33		\$1,068.78
Community Energy Savings Smart Thermostat					\$18,917.35	-\$6.32				\$18,911.03
Sub-Total Service Fees & Other Charges	\$0.00	\$0.00	\$0.00	\$0.00	\$18,917.35	-\$6.32	\$31,182.86	\$10,099.34	\$0.00	\$75,169.67
TOTAL NET COST OF PURCHASED POWER	\$14,879.94	\$87,341.91	-\$34.67	\$1,830.26	\$18,917.35	-\$6.32	\$246,673.50	\$10,099.34	-\$14.66	\$976,008.29
Percent % of Total Power Cost->	1.5246%	8.9489%	-0.0036%	0.1875%	1.9382%	-0.0006%	25.2737%	1.0348%	-0.0015%	100.000%
Verification Total - >										\$976,008.29
Purchased Power Resources - Cost per kWh->	\$0.027280	\$0.037471	\$0.000000	\$0.014991	\$0.000000	\$0.000000	\$0.000000	\$0.000000	\$0.000000	\$0.087861
(Northern Pool Power - On-Peak + Off-Peak - Energy Charge/kWh) = JV2 Electric Service Rate - >										\$0.033197
(Northern Pool Power - On-Peak + Off-Peak - Energy Charge/kWh) = JV5 Electric Service Rate - >										\$0.033197

Rev. 6/17/2025



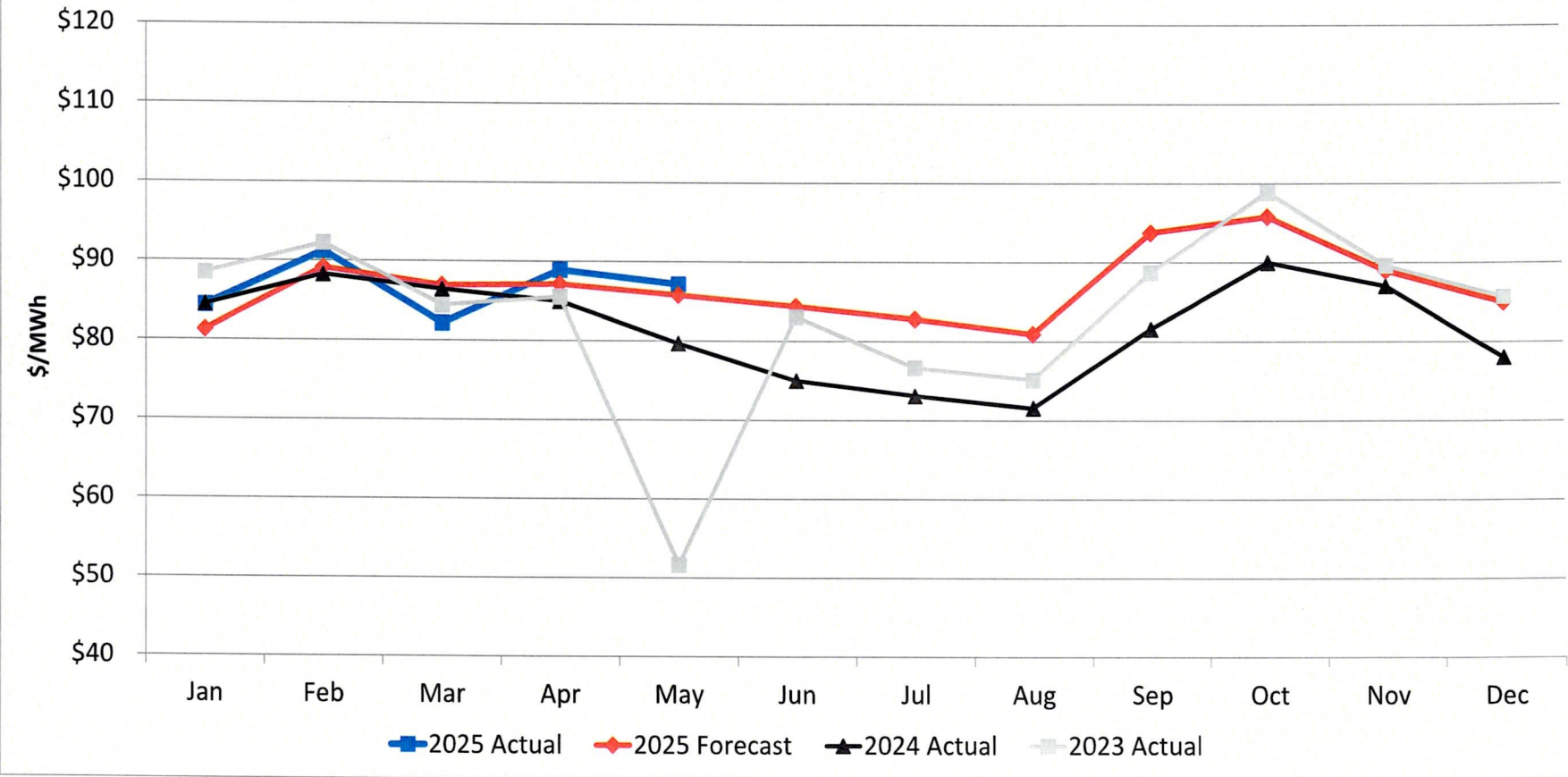
Napoleon Capacity Plan - Actual													
<b>May</b>		<b>2025</b>		ACTUAL DEMAND =		23.00	MW						
Days		31		ACTUAL ENERGY =		11,168	MWH						
	SOURCE	DEMAND	DEMAND	ENERGY	LOAD	DEMAND	ENERGY	CONGESTION/L	CAPACITY	TRANSMISSION	TOTAL	EFFECTIVE	%
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(16)	(17)	(18)
1	NYPA - Ohio	0.94	0.94	545	78%	\$4.07	\$20.20	\$1.60	-\$0.90		\$14,880	\$27.28	1.5%
2	JV5	3.09	3.09	2,297	100%	\$36.26	-\$0.56		-\$0.77	-\$6.79	\$87,342	\$38.02	9.0%
3	JV5 Losses	0.00	0.00	33	0%						\$0		0.0%
4	JV6	0.23	0.23	0	0%				-\$0.15		-\$35		0.0%
5	AMP-Hydro	3.50	3.50	1,190	46%	\$56.29	\$15.70	\$1.26	-\$0.27		\$216,133	\$181.63	22.2%
6	Meldahl	0.50	0.50	197	52%	\$30.91	-\$8.00	-\$0.73	-\$1.79		\$12,956	\$65.83	1.3%
7	Greenup	0.33	0.33	64	26%	\$30.47	-\$2.00	-\$1.32	-\$0.66		\$9,625	\$149.95	1.0%
8	AFEC	8.77	8.77	3,922	60%	\$10.05	\$23.82	\$1.75	-\$0.90		\$180,526	\$46.03	18.5%
9	Prairie State	4.98	4.98	3,555	96%	\$39.52	\$10.80	\$1.21	-\$0.88		\$234,992	\$66.09	24.1%
10	AMP Solar Phase I	1.04	1.04	122	16%		\$46.55		-\$0.36	-\$3.35	\$1,830	\$14.99	0.2%
11	AMPCT	12.40	12.40	0	0%	\$2.95			-\$0.86	-\$5.06	-\$35,823		-3.7%
12	JV2	0.26	0.26	0	0%	\$3.21			-\$1.01	-\$5.43	-\$837		-0.1%
13	Thermostat Program	0.00	0.00	0	0%						-\$6		0.0%
14	NPP Pool Purchases	0.00	0.00	638	0%		\$43.35				\$27,640	\$43.35	2.8%
15	NPP Pool Sales	0.00		-1,456	0%		\$33.59				-\$48,905	\$33.59	-5.0%
	<b>POWER TOTAL</b>	<b>36.03</b>	<b>36.03</b>	<b>11,108</b>	<b>41%</b>	<b>\$660,546</b>	<b>\$144,005</b>	<b>\$1.20</b>	<b>-\$28,919</b>	<b>-\$88,631</b>	<b>\$700,318</b>	<b>\$63.04</b>	<b>71.9%</b>
16	Energy Efficiency			0							\$18,917		1.9%
17	Installed Capacity	26.60	26.60			\$1.17					\$31,183	\$2.79	3.2%
18	Transmission	30.35	30.35	8,811		\$6.79	\$1.08				\$215,491	\$19.29	22.1%
19	Service Fee B			11,168			\$0.58				\$6,478	\$0.58	0.7%
20	Dispatch Charge			11,168			\$0.09				\$979	\$0.09	0.1%
	<b>OTHER TOTAL</b>					<b>\$237,161</b>	<b>\$35,887</b>				<b>\$273,048</b>	<b>\$24.45</b>	<b>28.1%</b>
GRAND TOTAL PURCHASED				11,108							\$973,366		
Delivered to members		22,996	22,996	11,168	65%						\$973,366	\$87.15	100.0%
	2025 Forecast	DEMAND		ENERGY	L.F.						TOTAL \$	\$/MWh	Avg Temp
	2024 Actual	25.99		12,129	63%						\$1,039,839	\$85.73	62.1
	2023 Actual	26.73		12,211	61%						\$972,977	\$79.68	65.6
		23.99		11,193	63%						\$578,086	\$51.65	60.6
											Actual Temp		58.6

## Napoleon 2025 Monthly Energy Usage





# Napoleon 2025 Monthly Rates

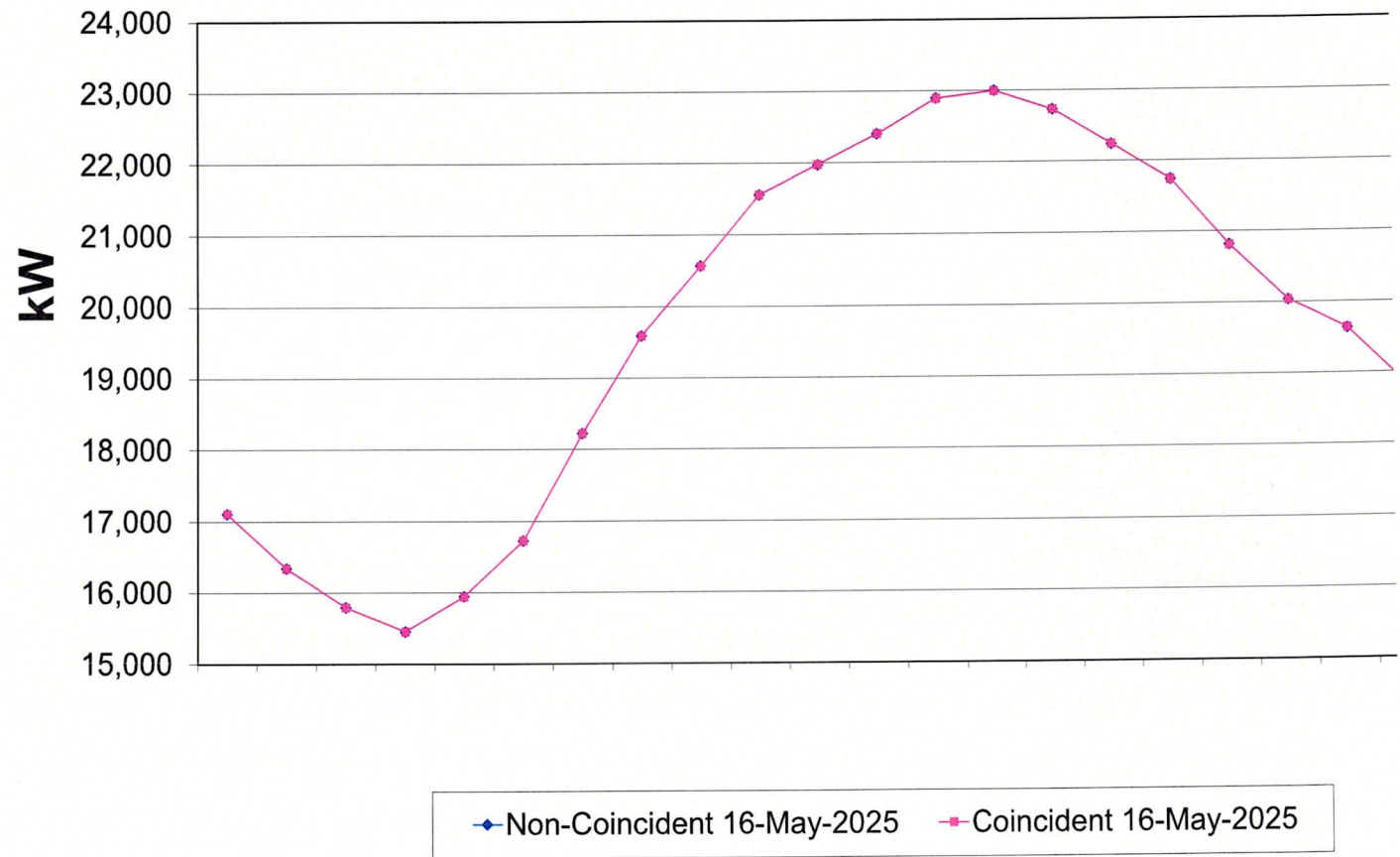


NAPOLEON

	Thursday	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday
Date	5/1/2025	5/2/2025	5/3/2025	5/4/2025	5/5/2025	5/6/2025	5/7/2025	5/8/2025	5/9/2025	5/10/2025	5/11/2025	5/12/2025	5/13/2025	5/14/2025	5/15/2025
Hour															
100	13,427	13,902	11,404	11,342	12,646	13,577	13,967	13,554	13,392	11,604	10,933	11,998	13,662	13,853	14,316
200	13,217	13,632	11,241	11,245	12,696	13,117	13,671	13,238	12,999	11,563	10,723	11,959	13,215	13,457	13,786
300	13,052	13,297	11,035	11,057	12,516	12,861	13,222	12,922	13,007	11,461	10,650	11,951	13,424	13,294	13,904
400	13,322	13,566	11,254	11,009	12,916	13,216	13,537	13,302	13,433	11,784	10,702	12,464	13,740	13,529	14,422
500	14,175	14,451	11,495	11,186	14,278	14,138	14,648	14,397	14,419	12,100	10,908	13,678	14,563	14,591	15,180
600	15,526	15,603	11,803	11,495	15,563	15,628	15,885	15,409	15,704	12,223	10,855	14,888	15,806	15,641	15,991
700	16,917	16,866	12,284	12,136	16,447	16,791	16,824	16,638	16,843	12,896	11,494	16,256	17,185	16,996	17,680
800	17,620	17,656	13,221	12,953	17,174	17,465	17,371	17,193	17,225	13,563	12,219	16,714	17,936	18,057	18,688
900	17,766	17,982	13,573	13,552	17,429	17,945	17,657	17,510	17,389	13,701	12,793	17,022	18,109	18,350	19,233
1000	18,191	18,081	13,863	14,019	17,378	18,370	17,939	17,753	17,380	13,831	12,852	17,449	18,577	18,541	19,927
1100	18,176	18,162	14,137	14,379	17,176	18,446	18,001	17,770	17,121	14,035	13,219	17,543	18,570	18,970	20,624
1200	18,310	18,023	13,884	14,471	17,391	18,662	17,700	17,610	17,106	14,114	13,283	17,954	18,817	19,295	21,451
1300	18,178	18,190	13,615	14,240	17,677	18,533	17,964	17,308	17,166	13,860	13,221	18,390	18,811	19,549	21,972
1400	17,756	17,602	13,338	13,993	17,161	18,052	18,031	16,964	16,922	13,609	12,961	18,716	18,761	19,809	22,069
1500	17,225	16,752	12,937	13,794	16,505	17,372	17,518	16,352	16,066	13,506	12,765	18,292	18,175	19,494	21,989
1600	16,878	15,970	12,861	14,075	15,994	17,254	17,305	16,089	15,395	13,880	12,853	18,211	18,030	18,955	22,244
1700	16,737	15,576	12,898	14,089	15,819	17,217	16,814	15,670	15,036	14,137	13,088	17,707	17,810	18,387	22,270
1800	16,540	15,367	12,956	14,140	15,598	16,898	17,296	15,705	14,661	14,149	12,974	17,271	17,558	18,064	21,753
1900	16,511	15,379	13,042	13,877	15,610	16,591	17,078	15,613	14,619	13,889	13,039	17,081	17,204	17,798	21,690
2000	16,631	15,527	13,337	14,232	15,683	16,328	16,793	15,853	14,769	13,717	13,321	16,934	16,865	17,552	21,016
2100	16,145	15,301	13,483	14,049	15,844	16,280	16,921	15,990	15,016	13,962	13,769	16,522	16,826	17,608	20,629
2200	15,535	14,333	12,824	13,508	15,015	15,521	15,929	15,200	14,025	13,305	13,046	15,523	15,967	16,641	19,929
2300	14,894	13,108	12,105	13,261	14,186	14,819	14,941	14,377	13,118	12,146	12,742	15,174	15,112	15,722	18,739
2400	14,471	12,019	11,672	12,780	13,932	14,347	14,186	14,053	12,296	11,464	12,230	14,612	14,414	15,038	17,869
Total	387,200	376,345	304,262	314,882	372,634	389,428	391,198	376,470	365,107	314,499	296,640	384,309	399,137	409,191	457,371

	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Date	5/16/2025	5/17/2025	5/18/2025	5/19/2025	5/20/2025	5/21/2025	5/22/2025	5/23/2025	5/24/2025	5/25/2025	5/26/2025	5/27/2025	5/28/2025	5/29/2025	5/30/2025	5/31/2025
Hour																
100	17,108	13,146	11,487	12,792	13,270	13,917	13,049	13,947	11,738	11,464	10,883	12,062	12,647	12,587	12,839	11,384
200	16,335	12,838	11,297	12,800	12,843	13,426	12,768	13,508	11,629	11,411	10,733	12,019	12,228	12,130	12,449	11,297
300	15,792	12,438	11,151	12,640	12,678	13,201	12,572	13,375	11,673	11,185	10,674	11,809	12,036	12,037	12,279	11,240
400	15,448	12,452	11,215	12,919	13,026	13,519	13,037	13,787	11,788	11,245	10,818	12,147	12,415	12,479	12,579	11,344
500	15,942	12,646	11,220	13,795	14,038	14,623	13,960	14,759	11,994	11,361	11,086	12,901	13,296	13,313	13,518	11,426
600	16,723	12,559	11,224	15,203	15,183	15,809	15,318	15,499	12,074	11,454	11,086	13,938	14,175	14,369	14,114	11,544
700	18,227	12,994	11,970	16,493	16,423	16,769	16,688	16,708	12,593	12,170	11,602	15,145	15,292	15,513	15,201	12,174
800	19,594	13,721	12,762	17,142	17,048	17,381	17,173	17,471	13,351	12,789	12,125	16,208	16,081	16,190	16,005	13,001
900	20,568	14,256	13,214	17,506	17,510	17,648	17,318	17,376	13,735	13,230	12,634	16,533	16,495	16,533	16,451	13,728
1000	21,560	14,629	13,554	17,849	17,224	17,743	17,599	17,328	14,004	13,458	12,891	16,896	16,835	16,827	16,707	13,847
1100	21,975	14,723	13,888	17,970	17,509	17,864	17,734	17,374	13,950	13,799	13,388	17,150	17,059	16,990	17,058	14,081
1200	22,403	14,590	14,163	17,669	17,760	18,169	17,611	17,306	13,910	13,698	13,451	17,067	16,936	17,110	16,964	13,977
1300	22,895	14,376	14,080	17,748	17,495	18,355	17,677	17,087	13,669	13,365	13,648	17,241	17,077	17,004	17,155	13,900
1400	22,996	14,154	13,774	17,283	17,656	18,055	17,152	16,712	13,173	12,981	13,306	17,110	16,838	17,004	16,951	13,439
1500	22,731	13,752	13,787	17,009	17,213	17,342	16,756	15,887	13,177	12,939	13,213	16,443	16,466	16,773	16,381	13,150
1600	22,238	13,735	14,406	16,580	16,952	17,283	16,396	15,408	13,068	13,045	13,430	16,045	16,044	16,467	15,823	13,190
1700	21,739	13,657	14,753	16,100	17,064	16,822	15,902	15,080	13,072	13,124	13,831	15,462	15,498	16,175	15,544	13,259
1800	20,814	13,630	14,401	15,869	16,625	16,437	15,709	14,606	13,121	12,929	13,653	15,402	15,318	15,801	15,065	13,080
1900	20,034	13,402	14,267	15,815	16,301	15,773	15,599	14,488	13,040	12,679	13,567	15,277	15,047	15,326	14,833	12,886
2000	19,633	13,241	14,300	15,822	16,343	15,606	15,441	14,643	12,997	12,608	13,314	15,140	14,885	15,148	14,578	12,868
2100	18,825	13,599	14,457	15,807	16,019	15,527	15,871	14,971	13,275	12,881	13,717	15,312	14,935	15,384	14,541	13,052
2200	16,922	13,188	13,821	14,967	15,405	14,807	15,195	13,948	13,145	12,434	13,327	14,606	14,315	14,700	13,835	12,479
2300	15,238	12,393	13,436	14,275	14,951	14,066	14,476	13,082	12,361	11,844	13,014	13,995	13,817	13,976	12,741	11,810
2400	14,008	11,843	12,895	13,907	14,477	13,515	14,309	12,218	11,789	11,291	12,452	13,303	13,165	13,383	12,146	11,264
Total	459,748	310,119	315,522	375,960	381,013	383,657	375,310	366,568	308,326	299,384	301,843	359,211	358,900	363,219	355,757	303,420
											Maximum	22,996	Minimum	10,650	Grand Total	11,168,473

## Napoleon Peak Day Load Curve





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

**2025 JULY BILLING - ELECTRIC PSCAF - BILLING COMPARISONS TO PRIOR PERIODS**

Rate Comparisons to Prior Month and Prior Year for Same Period

	Service	Service	Current	Prior Month	Prior Year		Service	Service	Current	Prior Month	Prior Year
	Usage	Units	JULY	JUNE	JULY		Usage	Units	JULY	JUNE	JULY
Customer Type			2025 Rate	2025 Rate	2024 Rate				2025 Rate	2024 Rate	2024 Rate
Customer Type ->			RESIDENTIAL USER - (w/Gas Heat)			RESIDENTIAL USER - (All Electric)					
Customer Charge			\$6.00	\$6.00	\$6.00				\$6.00	\$6.00	\$6.00
Distribution Energy Charge			\$20.93	\$20.93	\$20.93				\$33.39	\$33.39	\$33.39
Distribution Demand Charge											
Power Supply Energy Charge	978	kWh	\$71.20	\$71.20	\$71.20	1,976	kWh	\$143.85	\$143.85	\$143.85	\$143.85
Power Supply Demand Charge											
PSCAF - Monthly Factor	978	kWh	\$15.54	\$17.09	\$12.85	1,976	kWh	\$31.40	\$34.52	\$25.96	\$25.96
kWH Tax- Level 1	0	kWh	\$0.00	\$0.00	\$0.00	1,976	kWh	\$9.19	\$9.19	\$9.19	\$9.19
kWH Tax- Level 2											
kWH Tax- Level 3											
Total Electric			\$113.67	\$115.22	\$110.98				\$223.83	\$226.95	\$218.39
Water	6	CCF	\$72.53	\$72.53	\$72.53	11	CCF	\$120.41	\$120.41	\$120.41	\$120.41
Sewer (w/Stm.Sew. & Lat.)	6	CCF	\$82.65	\$82.65	\$82.65	11	CCF	\$120.45	\$120.45	\$120.45	\$120.45
Storm Water (Rate/ERU)			\$9.50	\$9.50	\$9.50			\$9.50	\$9.50	\$9.50	\$9.50
Refuse (Rate/Service)			\$20.00	\$20.00	\$18.00			\$20.00	\$20.00	\$18.00	\$18.00
Sub-Other Services			\$184.68	\$184.68	\$182.68				\$270.36	\$270.36	\$268.36
Total Billing - All Services			\$298.35	\$299.90	\$293.66				\$494.19	\$497.31	\$486.75
Verification Totals->			\$298.35	\$299.90	\$293.66				\$494.19	\$497.31	\$486.75
				Cr.Mo to Pr.Mo	Cr.Yr to Pr.Yr					Cr.Mo to Pr.Mo	Cr.Yr to Pr.Yr
Dollar Chg.to Prior Periods				-\$1.55	\$4.69					-\$3.12	\$7.44
% Inc/Dec(-) to Prior Periods				-0.52%	1.60%					-0.63%	1.53%
=====			=====	=====	=====	=====			=====	=====	=====
Cost/kWH - Electric	978	kWh	\$0.11623	\$0.11781	\$0.11348	1,976	kWh	\$0.11327	\$0.11485	\$0.11052	\$0.11052
% Inc/Dec(-) to Prior Periods				-1.34%	2.42%					-1.38%	2.49%
Cost/CCF - Water	6	CCF	\$12.08833	\$12.08833	\$12.08833	11	CCF	\$10.94636	\$10.94636	\$10.94636	\$10.94636
Cost/GALLONS - Water	4,488	GAL	\$0.01616	\$0.01616	\$0.01616	8,229	GAL	\$0.01463	\$0.01463	\$0.01463	\$0.01463
% Inc/Dec(-) to Prior Periods				0.00%	0.00%					0.00%	0.00%
Cost/CCF - Sewer	6	CCF	\$13.77500	\$13.77500	\$13.77500	11	CCF	\$10.95000	\$10.95000	\$10.95000	\$10.95000
Cost/GALLON - Sewer	4,488	GAL	\$0.01842	\$0.01842	\$0.01842	8,229	GAL	\$0.01464	\$0.01464	\$0.01464	\$0.01464
% Inc/Dec(-) to Prior Periods				0.00%	0.00%					0.00%	0.00%
(Listed Accounts Assume SAME USAGE for kWh and Water (CCF) for All Billing Periods)											
(One "1" Unit CCF of Water = "Hundred Cubic Foot" = 748.05 Gallons)											



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

**2025 JULY BILLING - ELECTRIC**

**Rate Comparisons to Prior Month and Prior Year**

			<b>Current</b>	<b>Prior Month</b>	<b>Prior Year</b>				<b>Current</b>	<b>Prior Month</b>	<b>Prior Year</b>
	<b>Service</b>	<b>Service</b>	<b>JULY</b>	<b>JUNE</b>	<b>JULY</b>		<b>Service</b>	<b>Service</b>	<b>JULY</b>	<b>JUNE</b>	<b>JULY</b>
<b>Customer Type</b>	<b>Usage</b>	<b>Units</b>	<b>2025 Rate</b>	<b>2024 Rate</b>	<b>2024 Rate</b>		<b>Usage</b>	<b>Units</b>	<b>2025 Rate</b>	<b>2024 Rate</b>	<b>2024 Rate</b>
<b>Customer Type -&gt;</b>	<b>COMMERCIAL USER - (3 Phase w/Demand)</b>						<b>INDUSTRIAL USER - (3 Phase w/Demand)</b>				
<b>Customer Charge</b>			\$18.00	\$18.00	\$18.00				\$100.00	\$100.00	\$100.00
<b>Distribution Energy Charge</b>	7,040	kWh	\$38.02	\$38.02	\$38.02	98,748	Reactive		\$2,303.85	\$2,303.85	\$2,303.85
<b>Distribution Demand Charge</b>	20.32	kW/Dmd	\$92.86	\$92.86	\$92.86	1510.1	kW/Dmd		\$8,215.30	\$8,215.30	\$8,215.30
<b>Power Supply Energy Charge</b>	7,040	kWh	\$623.04	\$623.04	\$623.04	866,108	kWh		\$39,165.42	\$39,165.42	\$39,165.42
<b>Power Supply Demand Charge</b>									\$15,296.55	\$15,296.55	\$15,296.55
<b>PSCAF - Monthly Factor</b>	7,040	kWh	\$111.87	\$122.99	\$92.51				\$13,074.34	\$14,374.37	\$10,811.63
<b>kWH Tax- Level 1</b>			\$9.66	\$9.66	\$9.66				\$9.66	\$9.66	\$9.66
<b>kWH Tax- Level 2</b>			\$20.80	\$20.80	\$20.80				\$56.24	\$56.24	\$56.24
<b>kWH Tax- Level 3</b>									\$3,087.71	\$3,087.71	\$3,087.71
<b>Total Electric</b>			<b>\$914.25</b>	<b>\$925.37</b>	<b>\$894.89</b>				<b>\$81,309.07</b>	<b>\$82,609.10</b>	<b>\$79,046.36</b>
<b>Water</b>	25	CCF	\$249.21	\$249.21	\$249.21	300	CCF		\$2,781.06	\$2,781.06	\$2,781.06
<b>Sewer (w/Stm.Sew. &amp; Lat.)</b>	25	CCF	\$227.69	\$227.69	\$227.69	300	CCF		\$2,306.69	\$2,306.69	\$2,306.69
<b>Storm Water (Rate/ERU)</b>			\$9.50	\$9.50	\$9.50				\$330.00	\$330.00	\$330.00
<b>Refuse (Rate/Service)</b>			\$6.00	\$6.00	\$6.00				\$6.00	\$6.00	\$6.00
<b>Sub-Other Services</b>			<b>\$492.40</b>	<b>\$492.40</b>	<b>\$492.40</b>				<b>\$5,423.75</b>	<b>\$5,423.75</b>	<b>\$5,423.75</b>
<b>Total Billing - All Services</b>			<b>\$1,406.65</b>	<b>\$1,417.77</b>	<b>\$1,387.29</b>				<b>\$86,732.82</b>	<b>\$88,032.85</b>	<b>\$84,470.11</b>
<i>Verification Totals-&gt;</i>			\$1,406.65	\$1,417.77	\$1,387.29				\$86,732.82	\$88,032.85	\$84,470.11
				<i>Cr.Mo to Pr.Mo</i>	<i>Cr.Yr to Pr.Yr</i>					<i>Cr.Mo to Pr.Mo</i>	<i>Cr.Yr to Pr.Yr</i>
Dollar Chg.to Prior Periods				-\$11.12	\$19.36					-\$1,300.03	\$2,262.71
% Inc/Dec(-) to Prior Periods				-0.78%	1.40%					-1.48%	2.68%
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
<b>Cost/kWH - Electric</b>	7,040	kWh	\$0.12987	\$0.13144	\$0.12712	866,108	kWh		\$0.09388	\$0.09538	\$0.09127
% Inc/Dec(-) to Prior Periods				-1.19%	2.16%					-1.57%	2.86%
<b>Cost/CCF - Water</b>	25	CCF	\$9.96840	\$9.96840	\$9.96840	300	CCF		\$9.27020	\$9.27020	\$9.27020
<b>Cost/GALLONS - Water</b>	18,701	GAL	\$0.01333	\$0.01333	\$0.01333	224,415	GAL		\$0.01239	\$0.01239	\$0.01239
% Inc/Dec(-) to Prior Periods				0.00%	0.00%					0.00%	0.00%
<b>Cost/CCF - Sewer</b>	25	CCF	\$9.10760	\$9.10760	\$9.10760	300	CCF		\$7.68897	\$7.68897	\$7.68897
<b>Cost/GALLON - Sewer</b>	18,701	GAL	\$0.01218	\$0.01218	\$0.01218	224,415	GAL		\$0.01028	\$0.01028	\$0.01028
% Inc/Dec(-) to Prior Periods				0.00%	0.00%					0.00%	0.00%
<i>(Listed Accounts Assume SAME USA</i>											
<i>(One "1" Unit CCF of Water = "Hundre</i>											



<b>BILLING SUMMARY AND UPTION for BILLING CYCLE - July 2025</b>										
<b>2025 - JULY BILLING WITH MAY 2025 AMP PERIOD AND JUNE 2025 CITY CONSUMPTION AND BILLING DATA</b>										
Class and/or Schedule	Jun-25 # of Bills	Jun-25 (kWh Usage)	Jun-25 Billed	Billed kVa of Demand	Cost / kWh For Month	Prior 12 Mo Average	Jul-24 # of Bills	Jul-24 (kWh Usage)	Jul-24 Billed	Cost / kWh For Month
Residential (Dom-In)	3,448	1,661,874	\$213,985.71	0	\$0.1288	\$0.1184	3,438	2,411,989	\$290,741.56	\$0.1205
Residential (Dom-In) w/Ecosmart	5	2,366	\$305.22	0	\$0.1290	\$0.1207	6	2,710	\$339.50	\$0.1253
Residential (Dom-In - All Electric)	643	365,584	\$46,383.49	0	\$0.1269	\$0.1180	642	408,122	\$49,558.82	\$0.1214
Res.(Dom-In - All Elec.) w/Ecosmart	1	574	\$72.77	0	\$0.1268	\$0.1203	1	105	\$17.76	\$0.1691
<b>Total Residential (Domestic)</b>	<b>4,097</b>	<b>2,030,398</b>	<b>\$260,747.19</b>	<b>0</b>	<b>\$0.1284</b>	<b>\$0.1183</b>	<b>4,087</b>	<b>2,822,926</b>	<b>\$340,657.64</b>	<b>\$0.1207</b>
Residential (Rural-Out)	824	596,636	\$80,452.80	0	\$0.1348	\$0.1249	819	774,854	\$98,609.80	\$0.1273
Residential (Rural-Out) w/Ecosmart	4	2,527	\$345.83	0	\$0.1369	\$0.1265	4	3,931	\$498.48	\$0.1268
Residential (Rural-Out - All Electric)	356	287,490	\$38,355.65	0	\$0.1334	\$0.1239	358	352,932	\$44,765.80	\$0.1268
Res. (Rural-Out - All Electric) w/Ecosmart	2	1,667	\$221.73	0	\$0.1330	\$0.1250	2	1,482	\$192.93	\$0.1302
Residential (Rural-Out w/Dmd)	15	26,359	\$3,332.39	239	\$0.1264	\$0.1202	15	19,617	\$2,435.52	\$0.1242
Residential (Rural-Out - All Electric w/Dmd)	7	5,735	\$763.98	33	\$0.1332	\$0.1232	8	6,378	\$824.25	\$0.1292
<b>Total Residential (Rural)</b>	<b>1,208</b>	<b>920,414</b>	<b>\$123,472.38</b>	<b>272</b>	<b>\$0.1341</b>	<b>\$0.1245</b>	<b>1,206</b>	<b>1,159,194</b>	<b>\$147,326.78</b>	<b>\$0.1271</b>
Commercial (1 Ph-In - No Dmd)	82	29,440	\$4,937.59	11	\$0.1677	\$0.1529	84	35,078	\$5,564.17	\$0.1586
Commercial (1 Ph-Out - No Dmd)	52	15,806	\$2,743.59	0	\$0.1736	\$0.1678	51	15,820	\$2,664.86	\$0.1684
<b>Total Commercial (1 Ph) No Dmd</b>	<b>134</b>	<b>45,246</b>	<b>\$7,681.18</b>	<b>11</b>	<b>\$0.1698</b>	<b>\$0.1571</b>	<b>135</b>	<b>50,898</b>	<b>\$8,229.03</b>	<b>\$0.1617</b>
Commercial (1 Ph-In - w/Demand)	259	247,111	\$38,505.75	1472	\$0.1558	\$0.1471	259	283,731	\$43,303.73	\$0.1526
Commercial (1 Ph-Out - w/Demand)	26	55,237	\$7,668.67	211	\$0.1388	\$0.1324	26	53,546	\$7,241.34	\$0.1352
<b>Total Commercial (1 Ph) w/Demand</b>	<b>285</b>	<b>302,348</b>	<b>\$46,174.42</b>	<b>1,683</b>	<b>\$0.1527</b>	<b>\$0.1447</b>	<b>285</b>	<b>337,277</b>	<b>\$50,545.07</b>	<b>\$0.1499</b>
Commercial (3 Ph-Out - No Dmd)	2	120	\$52.10	12	\$0.4342	\$0.1385	2	4,240	\$585.31	\$0.1380
<b>Total Commercial (3 Ph) No Dmd</b>	<b>2</b>	<b>120</b>	<b>\$52.10</b>	<b>12</b>	<b>\$0.4342</b>	<b>\$0.1385</b>	<b>2</b>	<b>4,240</b>	<b>\$585.31</b>	<b>\$0.1380</b>
Commercial (3 Ph-In - w/Demand)	229	1,791,245	\$239,081.31	6400	\$0.1335	\$0.1269	228	1,792,217	\$233,138.89	\$0.1301
Commercial (3 Ph-Out - w/Demand)	40	293,839	\$40,320.83	1309	\$0.1372	\$0.1278	39	300,307	\$39,202.95	\$0.1305
Commercial (3 Ph-Out - w/Dmd.&Sub-St.CR)	2	56,160	\$6,943.46	244	\$0.1236	\$0.1175	2	68,640	\$8,240.44	\$0.1201
Commercial (3 Ph-In - w/Demand, No Tax)	1	1,720	\$228.39	4	\$0.1328	\$0.1308	1	1,480	\$285.37	\$0.1928
Commercial (3 Ph-In - w/Dmd.&Sub-St.CR)	1	97,440	\$11,883.48	327	\$0.1220	\$0.1183	1	160,962	\$18,969.76	\$0.1179
<b>Total Commercial (3 Ph) w/Demand</b>	<b>273</b>	<b>2,240,404</b>	<b>\$298,457.47</b>	<b>8,284</b>	<b>\$0.1332</b>	<b>\$0.1264</b>	<b>271</b>	<b>2,323,606</b>	<b>\$299,837.41</b>	<b>\$0.1290</b>
Large Power (In - w/Dmd & Rct)	14	1,770,920	\$188,874.68	3835	\$0.1067	\$0.1023	14	1,926,673	\$202,421.68	\$0.1051
Large Power (In - w/Dmd & Rct, w/SbCr)	2	645,600	\$69,182.65	1525	\$0.1072	\$0.0955	2	715,490	\$69,598.18	\$0.0973
Large Power (Out - w/Dmd & Rct, w/SbCr)	2	430,800	\$47,077.85	1068	\$0.1093	\$0.1059	2	500,400	\$54,186.54	\$0.1083
Large Power (Out - w/Dmd & Rct, w/SbCr w/)	0	0	\$0.00	0	\$0.0000	\$0.0000	0	0	\$0.00	\$0.0000
Large Power (In - w/Dmd & Rct, w/SbCr)	2	41,365	\$8,007.95	288	\$0.1936	\$0.1339	2	9,664	\$3,988.19	\$0.4127
<b>Total Large Power</b>	<b>20</b>	<b>2,888,685</b>	<b>\$313,143.13</b>	<b>6,716</b>	<b>\$0.1084</b>	<b>\$0.1020</b>	<b>20</b>	<b>3,152,227</b>	<b>\$330,194.59</b>	<b>\$0.1047</b>
Industrial (In - w/Dmd & Rct, w/SbCr)	1	806,400	\$79,708.27	1642	\$0.0988	\$0.0890	1	890,903	\$79,885.09	\$0.0897
Industrial (In - w/Dmd & Rct, No/SbCr)	1	1,008,000	\$96,523.08	1829	\$0.0958	\$0.0903	1	848,707	\$78,161.32	\$0.0921
<b>Total Industrial</b>	<b>2</b>	<b>1,814,400</b>	<b>\$176,231.35</b>	<b>3,471</b>	<b>\$0.0971</b>	<b>\$0.0897</b>	<b>2</b>	<b>1,739,610</b>	<b>\$158,046.41</b>	<b>\$0.0909</b>
Interdepartmental (In - No Dmd)	6	12,850	\$1,653.01	35	\$0.1286	\$0.1261	8	22,049	\$3,021.15	\$0.1370
Interdepartmental (Out - w/Dmd)	2	793	\$130.51	0	\$0.1646	\$0.1580	2	935	\$145.51	\$0.1556
Interdepartmental (In - w/Dmd)	26	21,205	\$3,159.52	0	\$0.1490	\$0.1372	27	27,571	\$3,903.82	\$0.1416
Interdepartmental (3Ph-In - w/Dmd)	14	305,083	\$37,511.81	691	\$0.1230	\$0.1231	12	217,031	\$26,910.19	\$0.1240
Interdepartmental (Street Lights)	6	30,685	\$2,962.34	0	\$0.0965	\$0.0966	6	30,685	\$2,956.02	\$0.0963
Interdepartmental (Traffic Signals)	7	1,084	\$100.23	0	\$0.0925	\$0.0925	8	1,225	\$113.28	\$0.0925
Generators (JV2 Power Cost Only)	1	16,668	\$724.22	43	\$0.0434	\$0.0000	1	1,634	\$-20.93	\$-0.0128
Generators (JV5 Power Cost Only)	0	0	\$0.00	0	\$0.0000	\$0.0000	0	0	\$0.00	\$0.0000
<b>Total Interdepartmental</b>	<b>62</b>	<b>388,368</b>	<b>\$46,241.64</b>	<b>769</b>	<b>\$0.1191</b>	<b>\$0.1194</b>	<b>64</b>	<b>301,130</b>	<b>\$37,029.04</b>	<b>\$0.1230</b>
<b>SUB-TOTAL CONSUMPTION &amp; DEMAND</b>	<b>6,083</b>	<b>10,630,383</b>	<b>\$1,272,200.86</b>	<b>21,218</b>	<b>\$0.1197</b>	<b>\$0.1132</b>	<b>6,072</b>	<b>11,891,108</b>	<b>\$1,372,451.28</b>	<b>\$0.1154</b>
Street Lights (In)	13	0	\$13.76	0	\$0.0000	\$0.0000	13	0	\$13.76	\$0.0000
Street Lights (Out)	2	0	\$1.91	0	\$0.0000	\$0.0000	2	0	\$1.91	\$0.0000
<b>Total Street Light Only</b>	<b>15</b>	<b>0</b>	<b>\$15.67</b>	<b>0</b>	<b>\$0.0000</b>	<b>\$0.0000</b>	<b>15</b>	<b>0</b>	<b>\$15.67</b>	<b>\$0.0000</b>
<b>TOTAL CONSUMPTION &amp; DEMAND</b>	<b>6,098</b>	<b>10,630,383</b>	<b>\$1,272,216.53</b>	<b>21,218</b>	<b>\$0.1197</b>	<b>\$0.1132</b>	<b>6,087</b>	<b>11,891,108</b>	<b>\$1,372,466.95</b>	<b>\$0.1154</b>



**BILLING SUMMARY AND**

2025 - JULY BILLING WITH MAY 2025 AMP

	Aug-24				Sep-24				Oct-24				Nov-24			
Class and/or Schedule	# of Bills	Aug-24 (kWh Usage)	Aug-24 Billed	Cost / kWh For Month	# of Bills	Sep-24 (kWh Usage)	Sep-24 Billed	Cost / kWh For Month	# of Bills	Oct-24 (kWh Usage)	Oct-24 Billed	Cost / kWh For Month	# of Bills	Nov-24 (kWh Usage)	Nov-24 Billed	Cost / kWh For Month
Residential (Dom-In)	3,446	3,109,522	\$354,726.22	\$0.1141	3,439	3,264,408	\$371,395.13	\$0.1138	3,444	2,997,310	\$322,347.99	\$0.1075	3,453	2,144,292	\$241,002.25	\$0.1124
Residential (Dom-In) w/Ecosmart	5	3,525	\$408.78	\$0.1160	5	3,647	\$421.91	\$0.1157	5	3,147	\$346.77	\$0.1102	5	2,488	\$285.58	\$0.1148
Residential (Dom-In - All Electric)	646	493,607	\$56,917.50	\$0.1153	646	506,269	\$58,277.92	\$0.1151	649	464,288	\$50,628.49	\$0.1090	650	363,589	\$41,252.49	\$0.1135
Res.(Dom-In - All Elec.) w/Ecosmart	1	317	\$40.06	\$0.1264	1	532	\$63.16	\$0.1187	1	855	\$92.07	\$0.1077	1	743	\$82.32	\$0.1108
<b>Total Residential (Domestic)</b>	<b>4,098</b>	<b>3,606,971</b>	<b>\$412,092.56</b>	<b>\$0.1142</b>	<b>4,091</b>	<b>3,774,856</b>	<b>\$430,158.12</b>	<b>\$0.1140</b>	<b>4,099</b>	<b>3,465,600</b>	<b>\$373,415.32</b>	<b>\$0.1077</b>	<b>4,109</b>	<b>2,511,112</b>	<b>\$282,622.64</b>	<b>\$0.1125</b>
Residential (Rural-Out)	823	952,274	\$115,026.08	\$0.1208	825	949,543	\$114,740.21	\$0.1208	822	842,803	\$97,018.10	\$0.1151	822	674,301	\$80,665.46	\$0.1196
Residential (Rural-Out) w/Ecosmart	4	4,513	\$545.84	\$0.1209	4	3,932	\$480.74	\$0.1223	4	3,898	\$450.49	\$0.1156	4	2,760	\$336.52	\$0.1219
Residential (Rural-Out - All Electric)	357	437,797	\$52,667.97	\$0.1203	357	430,919	\$51,897.54	\$0.1204	357	379,711	\$43,576.34	\$0.1148	358	306,358	\$36,495.65	\$0.1191
Res. (Rural-Out - All Electric) w/Ecosmart	2	1,993	\$243.54	\$0.1222	2	1,763	\$217.72	\$0.1235	2	1,530	\$181.20	\$0.1184	2	1,469	\$177.81	\$0.1210
Residential (Rural-Out w/Dmd)	15	17,949	\$2,160.56	\$0.1204	15	14,391	\$1,762.91	\$0.1225	15	14,644	\$1,692.00	\$0.1155	15	13,943	\$1,647.17	\$0.1181
Residential (Rural-Out - All Electric w/Dmd)	8	7,802	\$954.82	\$0.1224	7	8,376	\$1,008.89	\$0.1205	7	7,448	\$854.52	\$0.1147	7	6,117	\$727.14	\$0.1189
<b>Total Residential (Rural)</b>	<b>1,209</b>	<b>1,422,328</b>	<b>\$171,598.81</b>	<b>\$0.1206</b>	<b>1,210</b>	<b>1,408,924</b>	<b>\$170,108.01</b>	<b>\$0.1207</b>	<b>1,207</b>	<b>1,250,034</b>	<b>\$143,772.65</b>	<b>\$0.1150</b>	<b>1,208</b>	<b>1,004,948</b>	<b>\$120,049.75</b>	<b>\$0.1195</b>
Commercial (1 Ph-In - No Dmd)	82	38,611	\$5,823.61	\$0.1508	82	40,143	\$6,015.19	\$0.1498	84	46,036	\$6,461.95	\$0.1404	82	35,964	\$5,321.43	\$0.1480
Commercial (1 Ph-Out - No Dmd)	51	14,417	\$2,417.34	\$0.1677	51	15,997	\$2,615.16	\$0.1635	52	14,948	\$2,394.33	\$0.1602	52	12,372	\$2,114.74	\$0.1709
<b>Total Commercial (1 Ph) No Dmd</b>	<b>133</b>	<b>53,028</b>	<b>\$8,240.95</b>	<b>\$0.1554</b>	<b>133</b>	<b>56,140</b>	<b>\$8,630.35</b>	<b>\$0.1537</b>	<b>136</b>	<b>60,984</b>	<b>\$8,856.28</b>	<b>\$0.1452</b>	<b>134</b>	<b>48,336</b>	<b>\$7,436.17</b>	<b>\$0.1538</b>
Commercial (1 Ph-In - w/Demand)	258	335,918	\$47,978.45	\$0.1428	259	381,730	\$53,663.10	\$0.1406	259	361,063	\$48,456.23	\$0.1342	259	289,224	\$41,148.07	\$0.1423
Commercial (1 Ph-Out - w/Demand)	26	59,092	\$7,740.05	\$0.1310	26	69,113	\$8,737.50	\$0.1264	26	61,937	\$7,546.92	\$0.1218	26	54,300	\$6,857.99	\$0.1263
<b>Total Commercial (1 Ph) w/Demand</b>	<b>284</b>	<b>395,010</b>	<b>\$55,718.50</b>	<b>\$0.1411</b>	<b>285</b>	<b>450,843</b>	<b>\$62,400.60</b>	<b>\$0.1384</b>	<b>285</b>	<b>423,000</b>	<b>\$56,003.15</b>	<b>\$0.1324</b>	<b>285</b>	<b>343,524</b>	<b>\$48,006.06</b>	<b>\$0.1397</b>
Commercial (3 Ph-Out - No Dmd)	2	1,240	\$191.32	\$0.1543	2	0	\$36.00	\$0.0000	2	160	\$54.95	\$0.3434	2	80	\$45.64	\$0.5705
<b>Total Commercial (3 Ph) No Dmd</b>	<b>2</b>	<b>1,240</b>	<b>\$191.32</b>	<b>\$0.1543</b>	<b>2</b>	<b>0</b>	<b>\$36.00</b>	<b>\$0.0000</b>	<b>2</b>	<b>160</b>	<b>\$54.95</b>	<b>\$0.3434</b>	<b>2</b>	<b>80</b>	<b>\$45.64</b>	<b>\$0.5705</b>
Commercial (3 Ph-In - w/Demand)	229	2,002,005	\$247,819.11	\$0.1238	229	2,206,713	\$270,709.01	\$0.1227	229	2,294,305	\$267,525.31	\$0.1166	228	1,966,649	\$236,168.33	\$0.1201
Commercial (3 Ph-Out - w/Demand)	40	327,336	\$41,514.28	\$0.1268	39	360,777	\$44,661.72	\$0.1238	39	313,699	\$38,266.22	\$0.1220	39	290,605	\$36,569.09	\$0.1258
Commercial (3 Ph-Out - w/Dmd.&Sub-St.CR)	2	71,280	\$8,270.84	\$0.1160	2	75,240	\$8,576.74	\$0.1140	2	69,160	\$7,468.76	\$0.1080	2	57,120	\$6,384.07	\$0.1118
Commercial (3 Ph-In - w/Demand, No Tax)	1	4,240	\$549.53	\$0.1296	1	6,400	\$775.33	\$0.1211	1	5,640	\$653.60	\$0.1159	1	4,800	\$584.41	\$0.1218
Commercial (3 Ph-In - w/Dmd.&Sub-St.CR)	1	118,969	\$14,044.41	\$0.1181	1	112,560	\$13,132.76	\$0.1167	1	120,360	\$12,959.39	\$0.1077	1	106,264	\$11,812.41	\$0.1112
<b>Total Commercial (3 Ph) w/Demand</b>	<b>273</b>	<b>2,523,830</b>	<b>\$312,198.17</b>	<b>\$0.1237</b>	<b>272</b>	<b>2,761,690</b>	<b>\$337,855.56</b>	<b>\$0.1223</b>	<b>272</b>	<b>2,803,164</b>	<b>\$326,873.28</b>	<b>\$0.1166</b>	<b>271</b>	<b>2,425,438</b>	<b>\$291,518.31</b>	<b>\$0.1202</b>
Large Power (In - w/Dmd & Rct)	14	2,024,171	\$203,545.77	\$0.1006	14	2,168,260	\$209,604.79	\$0.0967	14	2,006,329	\$189,463.56	\$0.0944	14	1,958,084	\$184,106.29	\$0.0940
Large Power (In - w/Dmd & Rct. w/SbCr)	2	774,643	\$70,842.94	\$0.0915	2	856,076	\$76,169.89	\$0.0890	2	784,053	\$67,433.63	\$0.0860	2	755,634	\$68,840.23	\$0.0911
Large Power (Out - w/Dmd & Rct. w/SbCr)	2	435,600	\$47,778.53	\$0.1097	2	544,800	\$54,389.50	\$0.0998	2	496,800	\$49,024.89	\$0.0987	2	435,600	\$45,264.33	\$0.1039
Large Power (Out - w/Dmd & Rct. w/SbCr) w/	0	0	\$0.00		0	0	\$0.00		0	0	\$0.00		0	0	\$0.00	
Large Power (In - w/Dmd & Rct. w/SbCr)	2	73,123	\$11,379.69	\$0.1556	2	74,702	\$13,585.60	\$0.1819	2	76,574	\$13,283.62	\$0.1735	2	76,550	\$7,297.76	\$0.0953
<b>Total Large Power</b>	<b>20</b>	<b>3,307,537</b>	<b>\$333,546.93</b>	<b>\$0.1008</b>	<b>20</b>	<b>3,643,838</b>	<b>\$353,749.78</b>	<b>\$0.0971</b>	<b>20</b>	<b>3,363,756</b>	<b>\$319,205.70</b>	<b>\$0.0949</b>	<b>20</b>	<b>3,225,868</b>	<b>\$305,508.61</b>	<b>\$0.0947</b>
Industrial (In - w/Dmd & Rct. w/SbCr)	1	875,608	\$75,441.25	\$0.0862	1	901,015	\$76,439.63	\$0.0848	1	905,718	\$71,615.28	\$0.0791	1	875,924	\$71,929.69	\$0.0821
Industrial (In - w/Dmd & Rct. No/SbCr)	1	885,733	\$76,979.88	\$0.0869	1	982,133	\$84,246.93	\$0.0858	1	955,705	\$76,697.20	\$0.0803	1	904,460	\$74,896.35	\$0.0828
<b>Total Industrial</b>	<b>2</b>	<b>1,761,341</b>	<b>\$152,421.13</b>	<b>\$0.0865</b>	<b>2</b>	<b>1,883,148</b>	<b>\$160,686.56</b>	<b>\$0.0853</b>	<b>2</b>	<b>1,861,423</b>	<b>\$148,312.48</b>	<b>\$0.0797</b>	<b>2</b>	<b>1,780,384</b>	<b>\$146,826.04</b>	<b>\$0.0825</b>
Interdepartmental (In - No Dmd)	8	24,730	\$3,216.08	\$0.1300	8	25,404	\$3,301.95	\$0.1300	8	22,868	\$2,832.66	\$0.1239	6	9,007	\$1,070.54	\$0.1189
Interdepartmental (Out - w/Dmd)	2	1,040	\$154.42	\$0.1485	2	876	\$133.88	\$0.1528	2	868	\$126.98	\$0.1463	2	795	\$119.97	\$0.1509
Interdepartmental (In - w/Dmd)	27	22,909	\$3,195.69	\$0.1395	27	21,863	\$3,065.01	\$0.1402	27	20,133	\$2,712.02	\$0.1347	27	19,890	\$2,724.39	\$0.1370
Interdepartmental (3Ph-In - w/Dmd)	12	190,733	\$23,655.68	\$0.1240	12	173,166	\$21,772.73	\$0.1257	12	172,312	\$19,534.68	\$0.1134	14	175,259	\$20,068.09	\$0.1145
Interdepartmental (Street Lights)	6	30,685	\$2,967.87	\$0.0967	6	30,685	\$2,963.94	\$0.0966	6	30,685	\$2,962.34	\$0.0965	6	30,685	\$2,963.08	\$0.0966
Interdepartmental (Traffic Signals)	8	1,268	\$117.26	\$0.0925	8	1,149	\$106.28	\$0.0925	8	1,236	\$114.28	\$0.0925	8	1,221	\$112.90	\$0.0925
Generators (JV2 Power Cost Only)	1	12,575	\$463.77	\$0.0369	1	13,211	\$487.22	\$0.0369	1	13,857	\$831.70	\$0.0600	1	15,940	\$723.52	\$0.0454
Generators (JV5 Power Cost Only)	0	0	\$0.00	\$0.0000	0	0	\$0.00	\$0.0000	0	0	\$0.00	\$0.0000	0	0	\$0.00	\$0.0000
<b>Total Interdepartmental</b>	<b>64</b>	<b>283,940</b>	<b>\$33,770.77</b>	<b>\$0.1189</b>	<b>64</b>	<b>266,354</b>	<b>\$31,831.01</b>	<b>\$0.1195</b>	<b>64</b>	<b>261,959</b>	<b>\$29,114.66</b>	<b>\$0.1111</b>	<b>64</b>	<b>252,797</b>	<b>\$27,782.49</b>	<b>\$0.1099</b>
<b>SUB-TOTAL CONSUMPTION &amp; DEMAND</b>	<b>6,085</b>	<b>13,355,225</b>	<b>\$1,479,779.14</b>	<b>\$0.1108</b>	<b>6,079</b>	<b>14,245,793</b>	<b>\$1,555,455.99</b>	<b>\$0.1092</b>	<b>6,087</b>	<b>13,490,080</b>	<b>\$1,405,608.47</b>	<b>\$0.1042</b>	<b>6,095</b>	<b>11,592,487</b>	<b>\$1,229,795.71</b>	<b>\$0.1061</b>
Street Lights (In)	13	0	\$13.76	\$0.0000	13	0	\$13.76	\$0.0000	13	0	\$13.76	\$0.0000	13	0	\$13.76	\$0.0000
Street Lights (Out)	2	0	\$1.91	\$0.0000	2	0	\$1.91	\$0.0000	2	0	\$1.92	\$0.0000	2	0	\$1.91	\$0.0000
<b>Total Street Light Only</b>	<b>15</b>	<b>0</b>	<b>\$15.67</b>	<b>\$0.0000</b>	<b>15</b>	<b>0</b>	<b>\$15.67</b>	<b>\$0.0000</b>	<b>15</b>	<b>0</b>	<b>\$15.68</b>	<b>\$0.0000</b>	<b>15</b>	<b>0</b>	<b>\$15.67</b>	<b>\$0.0000</b>
<b>TOTAL CONSUMPTION &amp; DEMAND</b>	<b>6,100</b>	<b>13,355,225</b>	<b>\$1,479,794.81</b>	<b>\$0.1108</b>	<b>6,094</b>	<b>14,245,793</b>	<b>\$1,555,471.66</b>	<b>\$0.1092</b>	<b>6,102</b>	<b>13,490,080</b>	<b>\$1,405,624.15</b>	<b>\$0.1042</b>	<b>6,110</b>	<b>11,592,487</b>	<b>\$1,229,811.38</b>	<b>\$0.1061</b>



**BILLING SUMMARY AND**

2025 - JULY BILLING WITH MAY 2025 AMP

Class and/or Schedule	Dec-24				Jan-25				Feb-25				Mar-25			
	# of Bills	Dec-24 (kWh Usage)	Dec-24 Billed	Cost / kWh For Month	# of Bills	Jan-25 (kWh Usage)	Jan-25 Billed	Cost / kWh For Month	# of Bills	Feb-25 (kWh Usage)	Feb-25 Billed	Cost / kWh For Month	# of Bills	Mar-25 (kWh Usage)	Mar-25 Billed	Cost / kWh For Month
Residential (Dom-In)	3,438	1,670,207	\$201,576.58	\$0.1207	3,454	2,144,294	\$266,659.31	\$0.1244	3,447	2,525,130	\$306,873.16	\$0.1215	3,453	2,621,072	\$313,230.18	\$0.1195
Residential (Dom-In) w/Ecosmart	5	2,606	\$312.33	\$0.1199	5	3,723	\$457.02	\$0.1228	5	2,441	\$306.71	\$0.1256	5	2,780	\$340.32	\$0.1224
Residential (Dom-In - All Electric)	641	344,213	\$41,139.39	\$0.1195	648	577,461	\$70,115.76	\$0.1214	644	752,903	\$89,181.10	\$0.1184	640	873,868	\$101,338.62	\$0.1160
Res.(Dom-In - All Elec.) w/Ecosmart	1	532	\$63.63	\$0.1196	1	596	\$74.36	\$0.1248	1	686	\$83.76	\$0.1221	1	661	\$79.89	\$0.1209
<b>Total Residential (Domestic)</b>	<b>4,085</b>	<b>2,017,558</b>	<b>\$243,091.93</b>	<b>\$0.1205</b>	<b>4,108</b>	<b>2,726,074</b>	<b>\$337,306.45</b>	<b>\$0.1237</b>	<b>4,097</b>	<b>3,281,160</b>	<b>\$396,444.73</b>	<b>\$0.1208</b>	<b>4,099</b>	<b>3,498,381</b>	<b>\$414,989.01</b>	<b>\$0.1186</b>
Residential (Rural-Out)	819	600,602	\$76,090.34	\$0.1267	819	825,409	\$106,734.60	\$0.1293	819	961,720	\$121,688.04	\$0.1265	819	1,009,132	\$125,517.56	\$0.1244
Residential (Rural-Out) w/Ecosmart	4	2,555	\$328.82	\$0.1287	4	3,348	\$439.76	\$0.1314	4	3,967	\$508.28	\$0.1281	4	3,020	\$391.28	\$0.1296
Residential (Rural-Out - All Electric)	359	298,729	\$37,358.38	\$0.1251	355	438,045	\$55,839.64	\$0.1275	356	506,560	\$63,328.68	\$0.1250	355	568,614	\$69,639.97	\$0.1225
Res. (Rural-Out - All Electric) w/Ecosmart	2	1,283	\$165.04	\$0.1286	2	2,182	\$280.53	\$0.1286	2	3,658	\$451.82	\$0.1235	2	3,481	\$424.91	\$0.1221
Residential (Rural-Out w/Dmd)	15	51,373	\$5,937.46	\$0.1156	15	175,941	\$21,029.80	\$0.1195	15	101,836	\$12,107.61	\$0.1189	15	19,315	\$2,394.22	\$0.1240
Residential (Rural-Out - All Electric w/Dmd)	7	17,008	\$1,987.75	\$0.1169	7	12,518	\$1,562.47	\$0.1248	7	7,946	\$996.32	\$0.1254	7	8,048	\$1,005.92	\$0.1250
<b>Total Residential (Rural)</b>	<b>1,206</b>	<b>971,550</b>	<b>\$121,867.79</b>	<b>\$0.1254</b>	<b>1,202</b>	<b>1,457,443</b>	<b>\$185,886.80</b>	<b>\$0.1275</b>	<b>1,203</b>	<b>1,585,687</b>	<b>\$199,080.75</b>	<b>\$0.1255</b>	<b>1,202</b>	<b>1,611,610</b>	<b>\$199,373.86</b>	<b>\$0.1237</b>
Commercial (1 Ph-In - No Dmd)	82	36,185	\$5,551.37	\$0.1534	83	43,723	\$6,790.04	\$0.1553	82	47,724	\$7,243.25	\$0.1518	82	47,923	\$7,186.77	\$0.1500
Commercial (1 Ph-Out - No Dmd)	52	13,775	\$2,361.37	\$0.1714	52	17,724	\$2,971.15	\$0.1676	52	18,074	\$2,994.01	\$0.1657	52	17,053	\$2,831.41	\$0.1660
<b>Total Commercial (1 Ph) No Dmd</b>	<b>134</b>	<b>49,960</b>	<b>\$7,912.74</b>	<b>\$0.1584</b>	<b>135</b>	<b>61,447</b>	<b>\$9,761.19</b>	<b>\$0.1589</b>	<b>134</b>	<b>65,798</b>	<b>\$10,237.26</b>	<b>\$0.1556</b>	<b>134</b>	<b>64,976</b>	<b>\$10,018.18</b>	<b>\$0.1542</b>
Commercial (1 Ph-In - w/Demand)	259	247,297	\$37,560.29	\$0.1519	260	237,420	\$37,691.23	\$0.1588	259	280,282	\$42,237.33	\$0.1507	261	315,545	\$45,383.75	\$0.1438
Commercial (1 Ph-Out - w/Demand)	26	57,821	\$7,600.31	\$0.1314	26	51,999	\$7,319.17	\$0.1408	26	53,212	\$7,323.91	\$0.1376	26	56,263	\$7,469.97	\$0.1328
<b>Total Commercial (1 Ph) w/Demand</b>	<b>285</b>	<b>305,118</b>	<b>\$45,160.60</b>	<b>\$0.1480</b>	<b>286</b>	<b>289,419</b>	<b>\$45,010.40</b>	<b>\$0.1555</b>	<b>285</b>	<b>333,494</b>	<b>\$49,561.24</b>	<b>\$0.1486</b>	<b>287</b>	<b>371,808</b>	<b>\$52,853.72</b>	<b>\$0.1422</b>
Commercial (3 Ph-Out - No Dmd)	2	4,600	\$615.04	\$0.1337	2	34,320	\$4,565.63	\$0.1330	2	3,040	\$434.66	\$0.1430	2	3,800	\$527.25	\$0.1388
<b>Total Commercial (3 Ph) No Dmd</b>	<b>2</b>	<b>4,600</b>	<b>\$615.04</b>	<b>\$0.1337</b>	<b>2</b>	<b>34,320</b>	<b>\$4,565.63</b>	<b>\$0.1330</b>	<b>2</b>	<b>3,040</b>	<b>\$434.66</b>	<b>\$0.1430</b>	<b>2</b>	<b>3,800</b>	<b>\$527.25</b>	<b>\$0.1388</b>
Commercial (3 Ph-In - w/Demand)	226	1,738,649	\$220,032.56	\$0.1266	224	1,661,682	\$219,956.00	\$0.1324	222	1,675,629	\$218,272.41	\$0.1303	224	1,824,352	\$232,008.15	\$0.1272
Commercial (3 Ph-Out - w/Demand)	39	481,061	\$58,335.51	\$0.1213	39	386,774	\$50,231.21	\$0.1299	39	320,276	\$42,088.33	\$0.1314	39	386,879	\$48,809.52	\$0.1262
Commercial (3 Ph-Out - w/Dmd.&Sub-St.Cr)	2	51,960	\$5,977.75	\$0.1150	2	56,920	\$7,014.32	\$0.1232	2	63,360	\$7,587.99	\$0.1198	2	76,360	\$9,018.14	\$0.1181
Commercial (3 Ph-In - w/Demand, No Tax)	1	2,520	\$372.50	\$0.1478	1	1,240	\$175.11	\$0.1412	1	1,360	\$188.64	\$0.1387	1	1,480	\$199.63	\$0.1349
Commercial (3 Ph-In - w/Dmd.&Sub-St.Cr)	1	104,200	\$12,096.98	\$0.1161	1	76,646	\$9,645.66	\$0.1258	1	57,172	\$7,662.77	\$0.1340	1	109,900	\$13,021.42	\$0.1185
<b>Total Commercial (3 Ph) w/Demand</b>	<b>269</b>	<b>2,378,390</b>	<b>\$296,815.30</b>	<b>\$0.1248</b>	<b>267</b>	<b>2,183,262</b>	<b>\$287,022.30</b>	<b>\$0.1315</b>	<b>265</b>	<b>2,117,797</b>	<b>\$275,800.14</b>	<b>\$0.1302</b>	<b>267</b>	<b>2,398,971</b>	<b>\$303,056.86</b>	<b>\$0.1263</b>
Large Power (In - w/Dmd & Rct)	14	1,877,572	\$185,327.88	\$0.0987	14	1,697,636	\$185,607.80	\$0.1093	14	1,578,025	\$171,390.69	\$0.1086	14	1,641,707	\$172,788.38	\$0.1052
Large Power (In - w/Dmd & Rct, w/SbCr)	2	725,767	\$66,064.14	\$0.0910	2	718,710	\$73,436.47	\$0.1022	2	697,502	\$71,147.86	\$0.1020	2	716,039	\$70,094.95	\$0.0979
Large Power (Out - w/Dmd & Rct, w/SbCr)	2	406,800	\$43,120.62	\$0.1060	2	393,600	\$43,639.39	\$0.1109	2	345,600	\$39,626.31	\$0.1147	2	445,200	\$47,334.09	\$0.1063
Large Power (Out - w/Dmd & Rct, w/SbCr) w/	0	0	\$0.00		0	0	\$0.00		0	0	\$0.00		0	0	\$0.00	
Large Power (In - w/Dmd & Rct, w/SbCr)	2	74,116	\$7,232.95	\$0.0976	2	51,378	\$8,557.20	\$0.1666	2	49,630	\$8,038.05	\$0.1620	2	148,398	\$13,136.68	\$0.0885
<b>Total Large Power</b>	<b>20</b>	<b>3,084,255</b>	<b>\$301,745.59</b>	<b>\$0.0978</b>	<b>20</b>	<b>2,861,324</b>	<b>\$311,240.86</b>	<b>\$0.1088</b>	<b>20</b>	<b>2,670,757</b>	<b>\$290,202.91</b>	<b>\$0.1087</b>	<b>20</b>	<b>2,951,344</b>	<b>\$303,354.10</b>	<b>\$0.1028</b>
Industrial (In - w/Dmd & Rct, w/SbCr)	1	935,716	\$81,058.56	\$0.0866	1	872,736	\$80,994.34	\$0.0928	1	779,677	\$74,519.51	\$0.0956	1	908,626	\$81,784.70	\$0.0900
Industrial (In - w/Dmd & Rct, No/SbCr)	1	915,996	\$81,902.22	\$0.0894	1	933,305	\$90,325.83	\$0.0968	1	939,845	\$89,885.01	\$0.0956	1	994,264	\$88,926.85	\$0.0894
<b>Total Industrial</b>	<b>2</b>	<b>1,851,712</b>	<b>\$162,960.78</b>	<b>\$0.0880</b>	<b>2</b>	<b>1,806,041</b>	<b>\$171,320.17</b>	<b>\$0.0949</b>	<b>2</b>	<b>1,719,522</b>	<b>\$164,404.52</b>	<b>\$0.0956</b>	<b>2</b>	<b>1,902,890</b>	<b>\$170,711.55</b>	<b>\$0.0897</b>
Interdepartmental (In - No Dmd)	6	11,350	\$1,465.29	\$0.1291	6	24,283	\$3,016.46	\$0.1242	6	28,685	\$3,482.41	\$0.1214	6	33,764	\$4,072.11	\$0.1206
Interdepartmental (Out - w/Dmd)	2	744	\$117.99	\$0.1586	2	681	\$114.38	\$0.1680	2	706	\$116.74	\$0.1654	2	696	\$114.24	\$0.1641
Interdepartmental (In - w/Dmd)	26	28,107	\$3,858.84	\$0.1373	28	65,337	\$8,981.17	\$0.1375	28	77,802	\$10,522.15	\$0.1352	26	81,665	\$10,860.85	\$0.1330
Interdepartmental (3Ph-In - w/Dmd)	14	186,090	\$22,319.11	\$0.1199	14	232,451	\$29,401.33	\$0.1265	14	270,921	\$34,102.51	\$0.1259	14	308,678	\$37,614.99	\$0.1219
Interdepartmental (Street Lights)	6	30,685	\$2,960.04	\$0.0965	6	30,685	\$2,966.95	\$0.0967	6	30,685	\$2,963.94	\$0.0966	6	30,685	\$2,966.95	\$0.0967
Interdepartmental (Traffic Signals)	8	1,189	\$109.96	\$0.0925	8	1,187	\$109.76	\$0.0925	8	1,230	\$113.70	\$0.0924	8	1,180	\$109.11	\$0.0925
Generators (JV2 Power Cost Only)	1	18,649	\$697.85	\$0.0374	1	24,670	\$1,110.15	\$0.0450	1	25,988	\$893.21	\$0.0344	1	29,235	\$6,131.46	\$0.2097
Generators (JV5 Power Cost Only)	0	0	\$0.00	\$0.0000	0	0	\$0.00	\$0.0000	0	0	\$0.00	\$0.0000	0	0	\$0.00	\$0.0000
<b>Total Interdepartmental</b>	<b>63</b>	<b>276,814</b>	<b>\$31,529.08</b>	<b>\$0.1139</b>	<b>65</b>	<b>379,294</b>	<b>\$45,700.20</b>	<b>\$0.1205</b>	<b>65</b>	<b>436,017</b>	<b>\$52,194.66</b>	<b>\$0.1197</b>	<b>63</b>	<b>485,903</b>	<b>\$61,869.71</b>	<b>\$0.1273</b>
<b>SUB-TOTAL CONSUMPTION &amp; DEMAND</b>	<b>6,066</b>	<b>10,939,957</b>	<b>\$1,211,698.85</b>	<b>\$0.1108</b>	<b>6,087</b>	<b>11,798,624</b>	<b>\$1,397,814.00</b>	<b>\$0.1185</b>	<b>6,073</b>	<b>12,213,272</b>	<b>\$1,438,360.87</b>	<b>\$0.1178</b>	<b>6,076</b>	<b>13,289,683</b>	<b>\$1,516,754.24</b>	<b>\$0.1141</b>
Street Lights (In)	13	0	\$13.76	\$0.0000	13	0	\$13.76	\$0.0000	13	0	\$13.76	\$0.0000	13	0	\$13.76	\$0.0000
Street Lights (Out)	2	0	\$1.91	\$0.0000	2	0	\$1.91	\$0.0000	2	0	\$1.91	\$0.0000	2	0	\$1.92	\$0.0000
<b>Total Street Light Only</b>	<b>15</b>	<b>0</b>	<b>\$15.67</b>	<b>\$0.0000</b>	<b>15</b>	<b>0</b>	<b>\$15.67</b>	<b>\$0.0000</b>	<b>15</b>	<b>0</b>	<b>\$15.67</b>	<b>\$0.0000</b>	<b>15</b>	<b>0</b>	<b>\$15.68</b>	<b>\$0.0000</b>
<b>TOTAL CONSUMPTION &amp; DEMAND</b>	<b>6,081</b>	<b>10,939,957</b>	<b>\$1,211,714.52</b>	<b>\$0.1108</b>	<b>6,102</b>	<b>11,798,624</b>	<b>\$1,397,829.67</b>	<b>\$0.1185</b>	<b>6,088</b>	<b>12,213,272</b>	<b>\$1,438,376.54</b>	<b>\$0.1178</b>	<b>6,091</b>	<b>13,289,683</b>	<b>\$1,516,769.92</b>	<b>\$0.1141</b>



**BILLING SUMMARY AND**

2025 - JULY BILLING WITH MAY 2025 AMP

Class and/or Schedule	Apr-25				May-25				Jun-25				TOTAL	TOTAL	Avg.Cost	Avg.Num.	Avg.Per. %
	# of Bills	Apr-25 (kWh Usage)	Apr-25 Billed	Cost / kWh For Month	# of Bills	May-25 (kWh Usage)	May-25 Billed	Cost / kWh For Month	# of Bills	Jun-25 (kWh Usage)	Jun-25 Billed	KWH USAGE PRIOR 12 MO	BILLING PRIOR 12 MO	Per kWh For Period	of Bills For Period	of Bills For Period	
Residential (Dom-In)	3,444	2,105,521	\$258,836.97	\$0.1229	3,454	1,960,948	\$245,643.21	\$0.1253	3,448	1,661,874	\$213,985.71	28,616,567	\$3,387,018.27	\$0.1184	3,447	56.5479%	
Residential (Dom-In) w/Ecosmart	5	2,362	\$297.20	\$0.1258	5	2,532	\$320.44	\$0.1266	5	2,366	\$305.22	34,327	\$4,141.78	\$0.1207	5	0.0834%	
Residential (Dom-In - All Electric)	644	669,390	\$79,557.91	\$0.1189	642	527,017	\$64,300.76	\$0.1220	643	365,584	\$46,383.49	6,346,311	\$748,652.25	\$0.1180	645	10.5759%	
Res.(Dom-In - All Elec.) w/Ecosmart	1	584	\$72.08	\$0.1234	1	686	\$84.68	\$0.1234	1	574	\$72.77	6,871	\$826.54	\$0.1203	1	0.0164%	
Total Residential (Domestic)	4,094	2,777,857	\$338,764.16	\$0.1220	4,102	2,491,183	\$310,349.09	\$0.1246	4,097	2,030,398	\$260,747.19	35,004,076	\$4,140,638.84	\$0.1183	4,097	67.2236%	
Residential (Rural-Out)	820	812,147	\$103,855.62	\$0.1279	818	751,818	\$97,946.77	\$0.1303	824	596,636	\$80,452.80	9,751,239	\$1,218,345.38	\$0.1249	821	13.4663%	
Residential (Rural-Out) w/Ecosmart	4	3,362	\$436.15	\$0.1297	4	2,776	\$371.44	\$0.1338	4	2,527	\$345.83	40,589	\$5,133.63	\$0.1265	4	0.0656%	
Residential (Rural-Out - All Electric)	356	431,593	\$54,389.56	\$0.1260	356	388,974	\$50,000.94	\$0.1285	356	287,490	\$38,355.65	4,827,722	\$598,316.12	\$0.1239	357	5.8520%	
Res. (Rural-Out - All Electric) w/Ecosmart	2	2,738	\$342.61	\$0.1251	2	2,640	\$335.22	\$0.1270	2	1,667	\$221.73	25,886	\$3,235.06	\$0.1250	2	0.0328%	
Residential (Rural-Out w/Dmd)	15	16,062	\$2,039.70	\$0.1270	15	16,830	\$2,158.05	\$0.1282	15	26,359	\$3,332.39	488,260	\$58,697.39	\$0.1202	15	0.2461%	
Residential (Rural-Out - All Electric w/Dmd)	7	6,281	\$810.01	\$0.1290	7	6,386	\$832.50	\$0.1304	7	5,735	\$763.98	100,043	\$12,328.57	\$0.1232	7	0.1176%	
Total Residential (Rural)	1,204	1,272,183	\$161,873.65	\$0.1272	1,202	1,169,424	\$151,644.92	\$0.1297	1,208	920,414	\$123,472.38	15,233,739	\$1,896,056.15	\$0.1245	1,206	19.7804%	
Commercial (1 Ph-In - No Dmd)	82	38,300	\$6,000.67	\$0.1567	81	35,686	\$5,704.60	\$0.1599	82	29,440	\$4,937.59	474,813	\$72,600.64	\$0.1529	82	1.3509%	
Commercial (1 Ph-Out - No Dmd)	52	15,706	\$2,679.93	\$0.1706	52	16,963	\$2,871.53	\$0.1693	52	15,806	\$2,743.59	188,655	\$31,659.42	\$0.1678	52	0.8491%	
Total Commercial (1 Ph) No Dmd	134	54,006	\$8,680.60	\$0.1607	133	52,649	\$8,576.13	\$0.1629	134	45,246	\$7,681.18	663,468	\$104,260.06	\$0.1571	134	2.2000%	
Commercial (1 Ph-In - w/Demand)	260	269,880	\$40,929.29	\$0.1517	261	268,124	\$40,461.86	\$0.1509	259	247,111	\$38,505.75	3,517,325	\$517,319.08	\$0.1471	259	4.2563%	
Commercial (1 Ph-Out - w/Demand)	26	53,331	\$7,176.96	\$0.1346	26	54,268	\$7,374.41	\$0.1359	26	55,237	\$7,668.67	680,119	\$90,057.20	\$0.1324	26	0.4266%	
Total Commercial (1 Ph) w/Demand	286	323,211	\$48,106.25	\$0.1488	287	322,392	\$47,836.27	\$0.1484	285	302,348	\$46,174.42	4,197,444	\$607,376.28	\$0.1447	285	4.6829%	
Commercial (3 Ph-Out - No Dmd)	2	3,480	\$490.99	\$0.1411	2	760	\$136.70	\$0.1799	2	120	\$52.10	55,840	\$7,735.59	\$0.1385	2	0.0328%	
Total Commercial (3 Ph) No Dmd	2	3,480	\$490.99	\$0.1411	2	760	\$136.70	\$0.1799	2	120	\$52.10	55,840	\$7,735.59	\$0.1385	2	0.0328%	
Commercial (3 Ph-In - w/Demand)	225	1,725,354	\$225,041.75	\$0.1304	228	1,794,235	\$241,804.22	\$0.1348	229	1,791,245	\$239,081.31	22,473,035	\$2,851,557.05	\$0.1269	227	3.7204%	
Commercial (3 Ph-Out - w/Demand)	40	349,366	\$45,463.08	\$0.1301	40	349,642	\$46,356.80	\$0.1326	40	293,839	\$40,320.83	4,160,561	\$531,819.54	\$0.1278	39	0.6454%	
Commercial (3 Ph-Out - w/Dmd.&Sub-St.CR)	2	63,120	\$7,511.15	\$0.1190	2	56,720	\$7,018.39	\$0.1237	2	56,160	\$6,943.46	766,040	\$90,012.05	\$0.1175	2	0.0328%	
Commercial (3 Ph-In - w/Demand, No Tax)	1	1,480	\$201.32	\$0.1360	1	1,240	\$179.68	\$0.1449	1	1,720	\$228.39	33,600	\$4,393.51	\$0.1308	1	0.0164%	
Commercial (3 Ph-In - w/Dmd.&Sub-St.CR)	1	98,505	\$12,205.26	\$0.1239	1	105,894	\$12,646.34	\$0.1194	1	97,440	\$11,883.48	1,268,872	\$150,080.64	\$0.1183	1	0.0164%	
Total Commercial (3 Ph) w/Demand	269	2,237,825	\$290,422.56	\$0.1298	272	2,307,731	\$308,005.43	\$0.1335	273	2,240,404	\$298,457.47	28,702,108	\$3,627,862.79	\$0.1264	270	4.4313%	
Large Power (In - w/Dmd & Rct)	14	1,538,169	\$168,091.41	\$0.1093	14	1,719,255	\$180,805.13	\$0.1052	14	1,770,920	\$188,874.68	21,906,801	\$2,242,028.06	\$0.1023	14	0.2297%	
Large Power (In - w/Dmd & Rct, w/SbCr)	2	594,863	\$59,838.13	\$0.1006	2	714,855	\$68,229.41	\$0.0954	2	645,600	\$69,182.65	8,699,232	\$830,878.48	\$0.0955	2	0.0328%	
Large Power (Out - w/Dmd & Rct, w/SbCr)	2	370,800	\$39,878.26	\$0.1075	2	456,000	\$45,973.35	\$0.1008	2	430,800	\$47,077.85	5,262,000	\$557,293.66	\$0.1059	2	0.0328%	
Large Power (Out - w/Dmd & Rct, w/SbCr) w/	0	0	\$0.00		0	0	\$0.00		0	0	\$0.00	0	\$0.00	\$0.0000	0	0.0000%	
Large Power (In - w/Dmd & Rct, w/SbCr)	2	127,902	\$13,541.53	\$0.1059	2	87,576	\$11,243.76	\$0.1284	2	41,365	\$8,007.95	890,978	\$119,292.98	\$0.1339	2	0.0328%	
Total Large Power	20	2,631,734	\$281,349.33	\$0.1069	20	2,977,686	\$306,251.65	\$0.1028	20	2,888,685	\$313,143.13	36,759,011	\$3,749,493.18	\$0.1020	20	0.3281%	
Industrial (In - w/Dmd & Rct, w/SbCr)	1	839,404	\$78,158.63	\$0.0931	1	997,751	\$91,275.73	\$0.0915	1	806,400	\$79,708.27	10,589,478	\$942,810.68	\$0.0890	1	0.0164%	
Industrial (In - w/Dmd & Rct, No/SbCr)	1	845,080	\$79,163.12	\$0.0937	1	918,876	\$87,278.22	\$0.0950	1	1,008,000	\$96,523.08	11,132,104	\$1,004,986.01	\$0.0903	1	0.0164%	
Total Industrial	2	1,684,484	\$157,321.75	\$0.0934	2	1,916,627	\$178,553.95	\$0.0932	2	1,814,400	\$176,231.35	21,721,582	\$1,947,796.69	\$0.0897	2	0.0328%	
Interdepartmental (In - No Dmd)	6	24,980	\$3,072.44	\$0.1230	6	20,446	\$2,632.53	\$0.1288	6	12,850	\$1,653.01	260,416	\$32,836.63	\$0.1261	7	0.1094%	
Interdepartmental (Out - w/Dmd)	2	677	\$112.79	\$0.1666	2	774	\$126.71	\$0.1637	2	793	\$130.51	9,585	\$1,514.12	\$0.1580	2	0.0328%	
Interdepartmental (In - w/Dmd)	26	54,592	\$7,452.71	\$0.1365	26	50,860	\$7,046.61	\$0.1385	26	21,205	\$3,159.52	491,934	\$67,482.78	\$0.1372	27	0.4389%	
Interdepartmental (3Ph-In - w/Dmd)	14	247,783	\$30,818.93	\$0.1244	14	225,747	\$29,333.31	\$0.1299	14	305,083	\$37,511.81	2,705,254	\$333,043.36	\$0.1231	13	0.2188%	
Interdepartmental (Street Lights)	6	30,685	\$2,958.50	\$0.0964	6	30,685	\$2,964.71	\$0.0966	6	30,685	\$2,962.34	368,220	\$35,556.68	\$0.0966	6	0.0984%	
Interdepartmental (Traffic Signals)	7	1,076	\$99.50	\$0.0925	7	1,250	\$115.60	\$0.0925	7	1,084	\$100.23	14,295	\$1,321.86	\$0.0925	8	0.1272%	
Generators (JV2 Power Cost Only)	1	25,027	\$1,278.13	\$0.0511	1	23,628	\$1,034.43	\$0.0438	1	16,668	\$724.22	221,082	\$14,354.73	\$0.0649	1	0.0164%	
Generators (JV5 Power Cost Only)	0	0	\$0.00	\$0.0000	0	0	\$0.00	\$0.0000	0	0	\$0.00	0	\$0.00	\$0.0000	0	0.0000%	
Total Interdepartmental	62	384,820	\$45,793.00	\$0.1190	62	353,390	\$43,253.90	\$0.1224	62	388,368	\$46,241.64	4,070,786	\$486,110.16	\$0.1194	64	1.0419%	
SUB-TOTAL CONSUMPTION & DEMAND	6,073	11,369,600	\$1,332,802.29	\$0.1172	6,082	11,591,842	\$1,354,608.04	\$0.1169	6,083	10,630,383	\$1,272,200.86	146,408,054	\$16,567,329.74	\$0.1132	6,080	99.7539%	
Street Lights (In)	13	0	\$13.76	\$0.0000	13	0	\$13.76	\$0.0000	13	0	\$13.76	0	\$165.12	\$0.0000	13	0.2133%	
Street Lights (Out)	2	0	\$1.91	\$0.0000	2	0	\$1.91	\$0.0000	2	0	\$1.91	0	\$22.94	\$0.0000	2	0.0328%	
Total Street Light Only	15	0	\$15.67	\$0.0000	15	0	\$15.67	\$0.0000	15	0	\$15.67	0	\$188.06	\$0.0000	15	0.2461%	
TOTAL CONSUMPTION & DEMAND	6,088	11,369,600	\$1,332,817.96	\$0.1172	6,097	11,591,842	\$1,354,623.71	\$0.1169	6,098	10,630,383	\$1,272,216.53	146,408,054	\$16,567,517.80	\$0.1132	6,095	100.0000%	



## PETITION FOR ANNEXATION – EXPEDITED TYPE 2

We, the undersigned, being all of the owners of real estate in the territory hereinafter described, hereby petition for the annexation of the following described territory to the City of Napoleon, Ohio Henry County, Ohio being filed under **Sections 709.021(A) & 709.023(A)** of the Revised Code of Ohio.

Petitioners have attached hereto and made a part of this petition an Annexation Plat containing a legal description of the perimeter of the territory sought to be annexed and a map of that territory, marked as Exhibit "A".

The described territory is contiguous with the City of Napoleon, Ohio.

Richard A. Fisher, attorney at law is hereby appointed agent for the undersigned Petitioners as required by Revised Code Section 709.02(C)(3), with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this Petition. Said amendment, alteration, change, correction, withdrawal, refiling, substitution, compromise, increase or deletion or other things or action for granting of this Petition shall be made in the Petition, description and plat by said agent without further expressed consent of the Petitioners.

  
Signature of Agent

Richard A. Fisher  
Print name of agent  
822 Oakwood Avenue, P.O. Box 605  
Address

Napoleon, Ohio 43545

(Tel.)(419)599-1010/ fax(419)599-0770

rfisher@hannafisher.com



Henry County Commissioners  
Henry County Office Complex  
1853 Oakwood Avenue  
Napoleon, Ohio 43545

**"WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR IN EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF**

*Annexation Plat—City of Napoleon  
Being a part of the Southwest quarter (1/4) of Section 24,  
Township 5 North, Range 6 East, Napoleon Township,  
Henry County, Ohio.*

Hudale Road

NW Cor.  
 SW 1/4  
 Sec. 34  
 City of Napoleon  
 71.88 Ac.  
 0186 Ac. Net  
 Dist. City of Napoleon  
 412400800000  
 N 46°43'16"E  
 179.93'  
 Annexation P.  
 1.211 AC.  
 0186 Ac. Net  
 PPN: 072400200000

Legend  
A = Railroad spike found  
B = Iron pin found  
C = Steel axle found  
D = Iron pin & cap set  
E = Mag nail set  
F = Point Established

*Owners Approval*

The undersigned, owners of the real estate described herein do hereby approve this plan and indicate their desire that the same be annexed to the City of Napoleon, Ohio.

Witness                      Owners

Owners

NE Cor.  
SW 1/4  
Sec. 24

*Under authority provided by Chapter 709 of the Ohio Revised Code this plot is hereby approved and this property described herein is released for Ammunition to the City of Napoleon, Ohio.*

Jeff Brubaker

Glenn Miller	Joel Miller
State of Ohio, Henry County, SS.	

Before me the undersigned Notary Public, in and for the county and state of \_\_\_\_\_, personally appeared the above named, Jeff Brubaker  
Jeff Brubaker - Glenn Miller - Joel Miller  
owner of the real estate described herein, who did acknowledge the execution of the foregoing instrument as his/her voluntary act and deed, for the purpose herein expressed. Witness my hand and Notary Seal.

*This day of 2025*

437.01' Notary Public, State of Ohio

County Auditor's Certificate  
Transferred \_\_\_\_\_, 2025

SW Cor. Survey Ref:  
SW 1/4 5-83B  
Sec. 24 34/127  
Slide 169  
40/140

For Annexation Proceedings see Miso, Records, Volume

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100	100

Dated: \_\_\_\_\_

Attest: Clerk of Council

Attest: Clerk of Council

Legal Description

GRAPHIC SCALE - FEET

State of Ohio, Henry County, SS:  
Before me the undersigned Notary Public, on and for the county and state  
personally appeared the above named, Charles F. Bohls  
Andrew Bohls  
of the real estate described herein, who did acknowledge the  
execution of the foregoing instrument as voluntary act and deed,  
the fitness of the same and the validity of the same for the purpose therein expressed.

This day of 2025

Notary Public, State of Ohio

I hereby certify this survey and notes to be correct to the best of my knowledge.

**Douglas W. Ets**  
Registered Surveyor No. 7758  
16-888 St. Rt. 281  
Halgate, Ohio 43627  
(419) 438-5786  
surveyor@herry-net.com  
May 1, 2026  
Station No. B2558-H-W-6-14

Surveyor General's Office  
May 7, 2025  
Sumner No. B9256-H-W