



William Biddlecombe	Joe Dike	Sam Artino	Monty Tapp	Mark Claus	Matt Grieves	Joel Hagy
Councilmember	Councilmember	Councilmember	Mayor	Vice-Mayor	Councilmember	Councilmember

CITY COUNCIL — REGULAR COUNCIL MEETING

Tuesday, October 10, 2023 @ 6:30 PM

City Council Chambers

417 Main Street

Huron, Ohio 44839

- I. Call To Order** Moment of Silence followed by the Pledge of Allegiance to the Flag
- II. Roll Call of City Council**
- III. Approval of Minutes**
 - III.a** Minutes of the May 23, 2023 Council Work Session.
 - III.b** Minutes of the September 26, 2023 regular meeting of Council.
- IV. Mayor's Proclamation** Proclamation regarding the 150th anniversary of the Huron Fire Department.
- V. Audience Comments** Citizens may address their concerns to City Council. Please state your name and address for the recorded journal. (3-minute time limit)
- VI. Old Business**
 - VI.a** Ordinance No. 2023-30 (**third and final reading**) (*submitted by Erik Engle*)
An ordinance amending and restating Chapter 1139.03(b) - Procedure for Change (relating to district boundaries or classifications of property as shown on the zoning map) (**third and final reading**).
 - VI.b** Ordinance No. 2023-34 (**second reading**) (*submitted by Erik Engle*)
An ordinance authorizing rezoning of real property owned by Sawmill Creek LLC (PPN's 39-01076.029, 39-01076.004, 39-01076.000, 39-01076.005, 39-00553.000, 39-00827.000, 39-00859.000, 39-00864.000, 39-00864.001, 39-01076.001, 39-01076.017 & 39-01076.003) from the current R-1 (Single Family Residential) to B-3 (General Business).
- VII. New Business**
 - VII.a** Resolution No. 65-2023 (*submitted by Erik Engle*)
A resolution authorizing the City Manager to accept funding in the amount of \$35,000 from the Ohio Department of Natural Resources - Coastal Management Assistance Program Grant Fund relating to the Lakefront Park Beach - Coastal Planning Project.
 - VII.b** Resolution No. 66-2023 (*submitted by Stuart Hamilton*)
A resolution authorizing an agreement with Revize LLC, aka Revize Software Systems, for design and development of a new City of Huron website in the amount of \$44,600.
 - VII.c** Resolution No. 67-2023 (*submitted by Doug Nash*)
A resolution authorizing a grant application submission by the Huron Fire Department to the Assistance to Firefighter Grant Program.
 - VII.d** Resolution No. 68-2023 (*submitted by Stuart Hamilton*)

A resolution authorizing the expenditure of funds for the purchase of rock salt from Compass Minerals America, Inc. for calendar year 2024.

VII.e Ordinance No. 2023-36 (*submitted by Cory Swaisgood*)

An appropriations ordinance.

VII.f Ordinance No. 2023-37 (*presented by Matt Lasko*)

An ordinance to revise the Codified Ordinance by adopting current replacement pages.

VIII. City Manager's Discussion

IX. Mayor's Discussion

X. For the Good of the Order

XI. Executive Session(s)

XI.a Executive Session for consideration of the purchase of property for public purposes, the sale of property at competitive bidding, or the sale or other disposition of unneeded, obsolete, or unfit-for-use property in accordance with R.C 505.10, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest.

XI.b Executive Session to confer with legal counsel regarding pending litigation.

XII. Adjournment



TO: Mayor Tapp and City Council
FROM: Erik Engle
RE: Ordinance No. 2023-30 (**third and final reading**) (*submitted by Erik Engle*)
DATE: October 10, 2023

Subject Matter/Background

The purpose for this change is to streamline the process for applications for change of district boundaries or classifications of property as shown on the Zoning Map. Currently, applications are filed with Council and, in turn, subsequently submitted to the Planning Commission. With the new proposed change, if adopted, applicants will file their application directly with the Planning Commission, eliminating the need to present applications to Council. Research has indicated the majority of municipalities that SSEG researched have similar processes (applications direct to Planning Commission). There are no other changes to section 1139.03.

There have been no changes made to this legislation since the first reading on September 12, 2023.

Financial Review

There is no financial impact to the City related to this code change.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement with the request, a motion to place Ordinance No. 2023-30 on its third and final reading is in order.

[Ordinance No. 2023-30 Repeal and Adopt Section 1139.03\(b\).docx](#)

[Ordinance No. 2023-30 Exh A Ordinance 1139.03.docx](#)

[Ordinance No. 2023-30 Exh B Ordinance 1139.03.docx](#)

ORDINANCE NO. 2023-30
Introduced by Mark Claus

AN ORDINANCE AMENDING AND RESTATING CHAPTER 1139.03(b) (PROCEDURE FOR CHANGE [RELATING TO DISTRICT BOUNDARIES OR CLASSIFICATIONS OF PROPERTY AS SHOWN ON THE ZONING MAP]).

WHEREAS, City Staff and counsel for the City have evaluated Chapter 1139.03(b) and determined that various provisions are in need of enhancement and improvement to more efficiently and effectively process applications for change of district boundaries or classifications of property as shown on the Zoning Map, and to ensure the effective and efficient operation of the City pertaining to such matters;

WHEREAS, the City hereby adopts a new and amended and restated Ordinance to repeal and amend and restate Chapter 1139.03(b) (Procedure for Change [relating to District Boundaries or Classifications of Property a shown on the Zoning Map]) to address the concerns of the City Staff and counsel for the City on such matters.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

Section 1: That Chapter 1139.03(b) (Procedure for Change [relating to District Boundaries or Classifications of Property a shown on the Zoning Map]) of the Codified Ordinances of the City of Huron, Ohio WHICH CURRENTLY READS AS FOLLOWS: (refer to Exhibit "A" attached), shall be and hereby is repealed.

Section 2: That Chapter 1139.03(b) (Procedure for Change [relating to District Boundaries or Classifications of Property a shown on the Zoning Map]) of the Codified Ordinances of the City of Huron, Ohio is hereby amended to read as follows: (refer to Exhibit "B" attached) and shall be and hereby is adopted.

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

Section 4: That this Ordinance shall take effect and be in force from and after the time period contained in Section 3.06 of the Charter of the City of Huron.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

Exhibit A

(b) Procedure for Change. Applications for change of district boundaries or classifications of property as shown on the Zoning Map shall be filed with Council and in turn shall be submitted to the Commission, which shall be allowed a reasonable time, not less than thirty days, for consideration and report to Council. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the Commission itself shall be accompanied by its own motion pertaining to such proposed amendment.

- (1) List of property owners. Any person or persons desiring change in the zoning classification of property shall file with the application for such change a statement giving the names and addresses of the owners of all properties lying within 150 feet of any part of the exterior boundaries of the premises the zoning classification of which is proposed to be changed.
 - (2) Notice and hearing. Before submitting its recommendations on a proposed amendment or reclassification to Council, the Commission may hold a public hearing thereon, notice of which shall be given by one publication in a newspaper of general circulation in the City at least ten days before the date of such hearing. The notice shall state the place and time at which the proposed amendment to the Ordinance, including text and maps, may be examined. If the Ordinance intends to rezone or redistrict ten or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council by first-class mail, at least twenty days before the date of the public hearing, to the owners of property within and contiguous to and directly across the street from such parcel or parcels, to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The failure of delivery of such notice shall not invalidate any such ordinance.
 - (3) Recommendation to Council. Following their review, the Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted. These recommendations shall then be certified to Council.
 - (4) Council hearing. After receiving from the Commission the certification of such recommendations on the proposed amendment or amendments, and before adoption of such amendment, Council shall hold a public hearing thereon, at least thirty days' notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the City.
 - (5) Council; final action. Following such hearing and after reviewing the recommendations of the Commission thereon, Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of the Ordinance or the Zoning Map. Council may overrule the recommendations of the Commission by a majority vote of the full embership of Council. Whenever a written protest against such proposed amendment or reclassification, signed by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, is filed with the Commission and Council, the ordinance providing for such proposed amendment or reclassification shall not be passed except by a majority vote of Council.
 - (6) Fees. Each application for a zoning amendment, except those initiated by the Planning Commission, shall be accompanied by a fee as prescribed by Council in Section 1321.12 of the Building Code to cover the costs of publishing, posting and/or mailing notices of hearings.
- (Ord. 2012-32. Passed 7-24-12.)

Exhibit B

(b) Procedure for Change. Applications for change of district boundaries or classifications of property as shown on the Zoning Map shall be submitted to the Commission (with a copy provided to the Clerk of Council), which Commission shall be allowed a reasonable time, not less than thirty days, for submitting its recommendations on a proposed amendment or reclassification to Council. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the Commission itself shall be accompanied by its own motion pertaining to such proposed amendment.

- (1) List of property owners. Any person or persons desiring change in the zoning classification of property shall file with the application for such change a statement giving the names and addresses of the owners of all properties lying within 150 feet of any part of the exterior boundaries of the premises the zoning classification of which is proposed to be changed.
 - (2) Notice and hearing. Before submitting its recommendations on a proposed amendment or reclassification to Council, the Commission may hold a public hearing thereon, notice of which shall be given by one publication in a newspaper of general circulation in the City at least ten days before the date of such hearing. The notice shall state the place and time at which the proposed amendment to the Ordinance, including text and maps, may be examined. If the Ordinance intends to rezone or redistrict ten or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council by first-class mail, at least twenty days before the date of the public hearing, to the owners of property within and contiguous to and directly across the street from such parcel or parcels, to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The failure of delivery of such notice shall not invalidate any such ordinance.
 - (3) Recommendation to Council. Following their review, the Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted. These recommendations shall then be certified to Council.
 - (4) Council hearing. After receiving from the Commission the certification of such recommendations on the proposed amendment or amendments, and before adoption of such amendment, Council shall hold a public hearing thereon, at least thirty days' notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the City.
 - (5) Council; final action. Following such hearing and after reviewing the recommendations of the Commission thereon, Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of the Ordinance or the Zoning Map. Council may overrule the recommendations of the Commission by a majority vote of the full membership of Council. Whenever a written protest against such proposed amendment or reclassification, signed by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, is filed with the Commission and Council, the ordinance providing for such proposed amendment or reclassification shall not be passed except by a majority vote of Council.
 - (6) Fees. Each application for a zoning amendment, except those initiated by the Planning Commission, shall be accompanied by a fee as prescribed by Council in Section 1321.12 of the Building Code to cover the costs of publishing, posting and/or mailing notices of hearings.
- (Ord. 2012-32. Passed 7-24-12.)



TO: Mayor Tapp and City Council
FROM: Erik Engle
RE: Ordinance No. 2023-34 (**second reading**) (*submitted by Erik Engle*)
DATE: October 10, 2023

Subject Matter/Background

On June 27, 2023, Sawmill Creek LLC submitted an application to the Building & Zoning Department requesting re-zoning of their recently annexed property (Ordinance No. 2022-52 adopted on October 11, 2023) located on the north side of Cleveland Road (PPN's 39-01076.029, 39-01076.004, 39-01076.000, 39-01076.005, 39-00553.000, 39-00827.000, 39-00859.000, 39-00864.000, 39-00864.001, 39-01076.001, 39-01076.017 & 39-01076.003) from its current R-1 (Single Family Residential) to B-3 (General Business).

Upon annexation of the approximately 182.32 +/- acres of property (more commonly known as Sawmill Creek Resort) into the City of Huron, the codified ordinances automatically reverted the zoning back to R-1 (Single Family Residential), which does not currently allow for non-conforming uses as they exist presently. Council referred the matter to the Planning Commission by motion unanimously passed on July 11, 2023, and the Planning Commission scheduled and held a Public Hearing on the matter on August 16, 2023, which resulted in the Planning Commission recommending approval to Council.

City Council subsequently passed a motion to schedule a Public Hearing on the Re-Zoning Application to be held on September 26, 2023. If Council approves the Application, the last step is to adopt Ordinance No. 2023-34 after 3 readings, which will amend the official Zoning Map of the City of Huron to reflect the re-zoning of the subject property from R-1 to B-3.

There have been no changes made to the litigation since the first reading on September 26, 2023.

Financial Review

There is no financial impact to the City relating to this legislation.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement with the request, a motion placing Ordinance No. 2023-34 on its second reading is in order.

[Ordinance No. 2023-34 Sawmill Creek Resort Rezoning Ordinance \(1\).docx](#)
[Sawmill Creek Rezoning Application \(Public Hearnig\).pdf](#)

ORDINANCE NO. 2023-34

Introduced by Sam Artino

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HURON TO REFLECT THE REZONING OF APPROXIMATELY 182.32 +/- ACRES OF LAND OWNED BY SAWMILL CREEK LLC, LOCATED ON THE NORTH SIDE OF CLEVELAND ROAD, ERIE COUNTY, OHIO PERMANENT PARCEL NUMBERS 39-01076.029, 39-01076.004, 39-01076.000, 39-01076.005, 39-00553.000, 39-00827.000, 39-00859.000, 39-00864.000, 39-00864.001, 39-01076.001, 39-01076.017 & 39-01076.003 FROM THE CURRENT R-1 (SINGLE FAMILY RESIDENTIAL) TO B-3 (GENERAL BUSINESS)

WHEREAS, pursuant to Section 1121.05 (a) of the Codified Ordinances, the City is divided into nine categories of zoning districts, and;

WHEREAS, Section 1121.05 (b) of the Codified Ordinances prescribes that all zoning districts be duly approved and recorded on an adopted Zoning Map on file in the Office of the City Clerk, and;

WHEREAS, Sawmill Creek LLC submitted an application to rezone approximately 182.32 +/- acres of land located on the north side of Cleveland Road, Erie County, Ohio Permanent Parcel Numbers 39-01076.029, 39-01076.004, 39-01076.000, 39-01076.005, 39-00553.000, 39-00827.000, 39-00859.000, 39-00864.000, 39-00864.001, 39-01076.001, 39-01076.017 & 39-01076.003 (hereinafter the "Property"), from R-1 (Single Family Residential) to B-3 (General Business); and

WHEREAS, pursuant to Section 1139.03 of the Codified Ordinances, the rezoning application has proceeded through a process of public hearing review and recommendation by the Planning Commission on August 16, 2023; and

WHEREAS, the Huron City Council was advised of the Planning Commission recommendation to support the rezoning request as presented; and

WHEREAS, Huron City Council, as required by Section 1139.03 of the Codified Ordinances, held a Public Hearing on the proposed rezoning request on September 26, 2023, and finds and concludes that the rezoning application should be approved because it promotes the public necessity, convenience and general welfare, and further constitutes good zoning practice.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That the official Zoning Map for the City of Huron previously adopted on December 27, 2016 by Ordinance 2016-33 shall be and hereby is amended to change the zoning classification of the Property known as Sawmill Creek Resort on the north side of Cleveland Road, Erie County, Ohio Permanent Parcel Numbers 39-01076.029, 39-01076.004, 39-01076.000, 39-01076.005, 39-00553.000, 39-00827.000, 39-00859.000, 39-00864.000, 39-00864.001, 39-

01076.001, 39-01076.017 & 39-01076.003, from R-1 (Single Family Residential) to B-3 (General Business) and shall supersede all previously published zoning maps for the City.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

CITY OF HURON
APPLICATION TO RE-DISTRICT PROPERTY
(Type or Print)

Date : June 27, 2023

Property Owner: Sawmill Creek, LLC

Address: PO Box 543185

City, State, Zip: Dallas, TX 75354

Email Address: bwitherow@cedarfair.com

Address of Property to be Rezoned:

Shall be per all owned by "Sawmill Creek LLC" properties and as per the Signed Annexation Document attached.

Parcel Number: Shall be per all owned by "Sawmill Creek LLC" properties and as per the Signed Annexation Document

Applicant: (Name & Address - if different from the property owner)

Fox Architectural Design, LLC- Joshua Fox RA

3105 Huron Avery Rd, Huron, OH 44839

Current Zoning District of Subject Property:

R-1 ☒ R-2 ☐ R-3 ☐ B-1 ☐ B-2 ☐ B-3 ☐

I-1 ☐ I-2 ☐ Other: _____

Explain the reason that re-districting/re-zoning is being

requested: Pursuant to the previous site jurisdiction (Huron Township), all uses were conditional, however, upon the annexation of Sawmill Creek, LLC into the City of Huron, Ohio limits, the codified ordinances automatically revert the zoning back to a R-1 Single Family zoning District, which does not currently allow for the non-conforming uses as they exist presently.

Proposed Zoning District of Subject Property:

R-1 ☐ R-2 ☐ R-3 ☐ B-1 ☐ B-2 ☐ B-3 ☒

I-1 ☐ I-2 ☐ Other: _____

Was a re-zoning request ever submitted for this property? No ☒ Yes ☐: Date _____

Is the applicant represented by legal counsel? Yes ☒ No ☐

If Yes, Counsel's Name and Address: Majeed G. Makhoulf- Berns, Ockner & Greenberger, LLC
3733 Park East Dr. Suite 200, Beachwood, OH 44122

Contact Number and Email 234-349-2040 mmakhoulf@bernsockner.com

The following must be attached to this application:

1. A survey and legal description of the property. (Attached Find: "Signed Annexation Document" and "Alta Survey")
2. A map of the subject property (maximum size 11" x17")
3. A map of the subject property in relation to the adjoining properties.(max size 11" x 17")
4. A complete list of the names and current addresses of all property owners within 150' of the exterior boundaries of the subject property.
5. A \$250.00 non-refundable application fee, made payable to the City of Huron. (Section 1321.12 (c))

Applicant Signature: _____ Joshua C. Fox, Architect 06/27/23

Property Owner Signature: _____ Brian Witherow, Chief Financial Officer 06/27/23
(required)

DO NOT WRITE BELOW THIS LINE

Date Completed Application Received: _____

Zoning Department Representative: _____

Date Submitted to City Council: _____

Date Submitted to Planning Commission: _____

Date: June 27, 2023

Project: Sawmill Creek Properties- Rezoning

**PROPERTY OWNERS ADDRESSES
BASED ON ERIE COUNTY FISCAL OFFICE'S CURRENT TAX LIST AS
OF JUNE 27, 2023
150' OF PARCEL
June 27, 2023 (60 Properties)**

1. 39-61002.000
STATE OF OHIO DEPT OF NAT RESOURCES
2045 MORSE ROAD
COLUMBUS OH 43229
2. 39-61008.000
STATE OF OHIO DEPT OF NAT RESOURCES
2045 MORSE ROAD
COLUMBUS OH 43229
3. 39-00054.000
POKORNY DONALD & ANN
5665 GRACE WOODS DRIVE
WILLOUGHBY OH 44094
4. 39-00053.001
HURON ECONO LODGE LP 3/4 & RAF DEVELOPMENT CO INC 1/4
C/O DENNIS MICHELSON
6322 146TH ST S.W.
EDMONDS WA 98026
5. 39-00052.000
HILL GREGORY L & THOMAS G BLEILE
609 MARINER VILLAGE
HURON OH 44839

LIST OF ADJACENT PROPERTIES

- 6. 39-00052.000**
HILL GREGORY L & THOMAS G BLEILE
609 MARINER VILLAGE
HURON OH 44839

- 7. 39-01026.000**
HILL GREGORY L & LISA R
609 MARINER VILLAGE
HURON OH 44839

- 8. 39-01076.002**
HILL GREGORY L
626 MARINER VILLAGE
HURON OH 44839

- 9. 39-00060.000**
BENNETT DANIEL F & KRISTINE M
2408 CLEVELAND RD W
HURON OH 44839

- 10. 39-00419.000**
RESORT PROPERTIES MANAGEMENT LTD
609 MARINER VILLAGE
HURON OH 44839

- 11. 39-00353.000**
EISENBERG BERT E TRUSTEE
7935 AIRPORT RD
NAPLES FL 34109

LIST OF ADJACENT PROPERTIES

- 12. 39-01089.000**
EISENBERG BERT E TRUSTEE
7935 AIRPORT RD
NAPLES FL 34109
- 13. 39-01091.000**
LJJ OHIO LLC
132 SHEPPARD AVE
NY ONTARIO M2N 1M5
- 14. 39-00534.000**
LINCOLN BROTHER PROPERTIES LLC
50088 VENICE COURT
NORTHVILLE MI 48168
- 15. 39-01005.000**
ONE PARSEC LTD
2115 CLEVELAND RD W
HURON OH 44839
- 16. 39-00930.001**
VILLA ON THE LAKE LIMITED PARTNERSHIP
220 MARION AVE
MANSFIELD OH 44903
- 17. 39-01076.011**
DANIELS JOHN B & VICTORIA E CO TRUSTEES
5221 SPRUCE POINTE LN
BRUNSWICK OH 44212

18. 39-01076.028

**MOLNAR PETER MICHAEL & KRISTINE L TRUSTEES
4703 SE 17TH PLACE # 505
CAPE CORAL FL 33904**

19. 39-01076.023

**MERRELL DANNY W & DENISE M PAJER-MERRELL
324 SAWMILL CREEK DR
HURON OH 44839**

20. 39-01077.002

**CLARK JUDITH A TRUSTEE
402 TECUMSEH PLACE
HURON OH 44839**

21. 39-01077.008

**YANUS GARY D
14436 TRISKETT RD
CLEVELAND OH 44111**

22. 39-00986.000

**VERMEEREN BARRY W & DIXIE A
501 MARINER VILLAGE DR
HURON OH 44839**

23. 39-01026.002

**VISCI JACQUELINE H TRUSTEE
506 MARINER VILLAGE
HURON OH 44839**



LIST OF ADJACENT PROPERTIES

- 24. 39-01026.007**
511 MARINER VILLAGE LLC
6572 BALLANTRAE PL
DUBLIN OH 43016
- 25. 39-01026.096**
BRIAN GARY S & VICTORIA
51 MARINER VILLAGE
HURON OH 44839
- 26. 39-0126.096**
PARKER TONIA F & STEVEN L CONKLIN
514 MARINER VILLAGE DR
HURON OH 44839
- 27. 39-01026.023**
523 MARINER VILLAGE LLC
31108 HUNTINGTON WOODS PKWY
BAY VILLAGE OH 44140
- 28. 39-01026.016**
RUBICK WILLIAM D TRUSTEE
525 MARINER VILLAGE
HURON OH 44839
- 29. 39-01026.011**
VOIGT CHERYL A TRUSTEE
530 MARINER VILLAGE
HURON OH 44839

**30. 39-01076.010
THORSON DAVID L & RHONDA
700 MARINER VILLAGE
HURON OH 44839**

**31. 39-01076.013
OZZIAC ENTERPRISES INC
308 E PARK
NORWALK OH 44857**

**32. 39-01076.007
RUSSIN JEAN L TRUSTEE
704 MARINER VILLAGE DR
HURON OH 44839**

**33. 39-01076.009
FRY JAMES D
706 MARINER VILLAGE
HURON OH 44839**

**34. 39-01026.095
BARRY ELIZABETH M TRUSTEE
315 BONNIE LANE
AURORA OH 44202**

**35. 39-01076.019
PUHALA PHILIP & BARBARA
708 MARINERS VLG
HURON OH 44839**

LIST OF ADJACENT PROPERTIES

**36. 39-01076.031
DORANCE JOHN W JR & MARTHA J TRUSTEES
9965 CALLAWOODS DR
CANFIELD OH 44406**

**37. 39-01026.081
COFFEY JOE A AND KAREN H TRUSTEES
638 MARINER VILLAGE
HURON OH 44839**

**38. 43-00221.000
RITTER DAVID L & DAYLE
23 RYE BEACH RD
HURON OH 44839**

**39. 43-00385.000
KERSTON JAMI S & DAVID E SHOCKLEY
5779 PLANK DR
HILLIARD OH 43026**

**40. 43-00143.000
TORQUATUS PROPERTIES LLC
7255 CROSSLEIGH CT
TOLEDO OH 43617**

**41. 43-00080.000
DEWITT LLAH E C/O TIM DEWITT
106 FINAL TURN CR
GEORGETOWN KY 40324**



LIST OF ADJACENT PROPERTIES

42. 43-00162.000

**DUNHAM ADAM H & CARRIE C/O DAVID DUNHAM
2107 E WATERBERRY DR
HURON OH 44839**

43. 43-00152.000

**WELLY JANET K
19287 SR 698
JENERA OH 45841**

44. 43-00269.000

**MCCARTY WAYNE W & KATHY B
28 SOUTH CT
HURON OH 44839**

45. 43-00038.000

**THOMAS DOUGLAS WAYNE
103 RYE BEACH ROAD
HURON OH 44839**

46. 43-00198.000

**HARRIS THEA E TRUSTEE
2104 LAKEWOOD AVE
HURON OH 44839**

47. 43-00365.000

**BURRE WILLIAM T
229 ATWOOD PL
HURON OH 44839**



LIST OF ADJACENT PROPERTIES

48. 43-00128.000

**TODD JAMES A & REBECCA D
746 TOWNSHIP ROAD 2475
LOUDONVILLE OH 44842**

49. 43-00304.000

**HARWOOD DAVID W
37 OAKWOOD AVE
HURON OH 44839**

50. 43-00463.000

**NORTON JENNIFER
47 OAKWOOD AVE
HURON OH 44839-1138**

51. 43-00022.000

**BARONE DONALD C
104 RYE BEACH RD
HURON OH 44839**

52. 43-00348.000

**SELKA TRICIA RENEE
108 RYE BEACH RD
HURON OH 44839**

53. 43-00132.000

**GLEASON BENJAMIN D
4808 TIMBERVIEW DR
VERMILION OH 44089**



LIST OF ADJACENT PROPERTIES

54. 43-00249.000

**GARZA YOUNG ROBERT
114 RYE BEACH RD
HURON OH 44839**

55. 43-00131.000

**DOUBLER DAVID & TRACY
2420 HOLLYLANE DR
BROADVIEW HEIGHTS OH 44147**

56. 43-00399.000

**GILBERT RONALD E & KAY L CO-TRUSTEES
1223 LAGUNA DR
HURON OH 44839**

57. 39-00060.000

**BENNETT DANIEL F & KRISTINE M
2408 CLEVELAND RD W
HURON OH 44839**

58. 39-60930.000

**ERIE COUNTY BOARD OF COUNTY COMMISSIONERS
247 COLUMBUS AVE. RM. 210
SANDUSKY OH 44870**

59. 43-62002.000

**BOARD OF COUNTY COMMISSIONERS
117 RYE BEACH RD
HURON OH 44839**



LIST OF ADJACENT PROPERTIES

60. 39-01076.007

**RUSSIN JEAN L TRUSTEE
704 MARINER VILLAGE DR
HURON OH 44839**

Being part of Original Lot 25, Section 3 and part of Original Lots 30, 35 & 36, Section 2
Township 6 North, Range 22 West, Huron Township & Original Lot 31, City of Huron, Erie County,
Firelands Connecticut Western Reserve, State of Ohio.

PLAT REFERENCES

Flat Volume 8, Page 23
 Flat Volume 24, Page 68
 Flat Volume 25, Page 2
 Flat Volume 25, Page 4
 Flat Volume 26, Page 18
 Flat Volume 26, Page 54
 Flat Volume 27, Page 13
 Flat Volume 27, Page 22
 Flat Volume 27, Page 48
 Flat Volume 28, Page 56
 Flat Volume 35, Page 1
 Flat Volume 35, Page 43
 Flat Volume 35, Page 84
 Flat Volume 36, Page 65
 Flat Volume 37, Page 53
 Flat Volume 39, Page 25
 Flat Volume 39, Page 38
 Flat Volume 40, Page 48
 Flat Volume 43, Page 42
 Flat Volume 44, Page 78
 Flat Volume 46, Page 59
 Flat Volume 46, Page 77
 Flat Volume 48, Page 66

SURVEY REFERENCES

Survey by Bauer Surveys Company for
Sawmill Creek Association
Dated: 1976

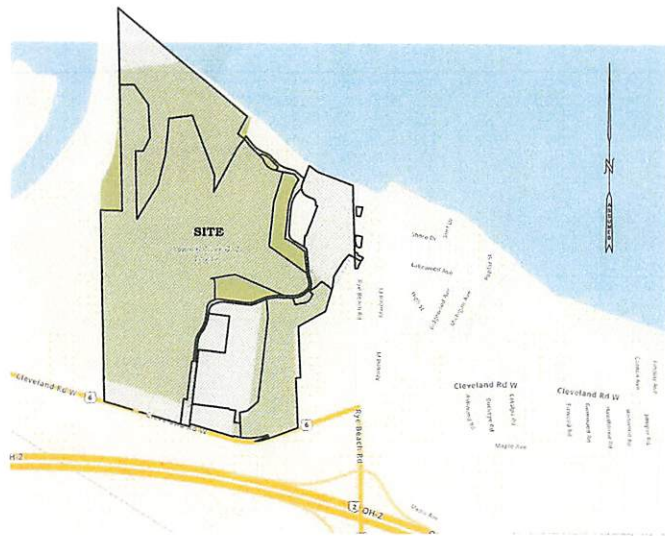
Survey by Baharoglu & Associates for
Wildlife Realty
Dated: 1988

Survey by Baharoglu & Associates for
Sawmill Creek Lodge Co.
Dated: 1997

Survey by Garcia Surveyors, Inc.
Dated 2012

ROADWAY PLANS REFERENCES

State Route 6, Huron Twp., Sec. F & S Plans
Dated: 1932
ERI-6-14-93 Plans
Erie County Rye Beach Road Plans
Dated: 1997
City of Huron Rye Beach Road Plans
HUR 057-24-05
Dated: 1993



VICINITY MAP

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5	NORTH HALF OF SAWMILL CREEK SURVEY
6	MARINA SURVEY
7	TORQUATUS BEACH SUBDIVISION SURVEY & EASEMENTS
8	SOUTH HALF OF SAWMILL CREEK EASEMENTS
9	NORTH HALF OF SAWMILL CREEK EASEMENTS
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11	SOUTH HALF OF SAWMILL CREEK ALTA/NRPS LAND SURVEY
12	HOTEL ALTA/NRPS LAND SURVEY AREA
13	NORTH HALF OF SAWMILL CREEK ALTA/NRPS LAND SURVEY
14	MARINA ALTA/NRPS SURVEY AREA
15	BUILDING DIMENSIONS

OWNERSHIP TABLE

	PROPERTIES OWNED BY OTHERS
	PROPERTIES OWNED OR RETAINED BY GREGORY L. HILL & SAWMILL CREEK DEVELOPMENT, CO. LIMITED PARTNERSHIP

FLOOD ZONE CLASSIFICATION

Subject property is within Zone AE and Zone X. Zone AE is WITHIN a Special Flood Hazard Zone. Zone X is NOT a special Flood Hazard Zone.

COMMUNITY-PANEL NO.: 39043C0111D	EFFECTIVE DATE: August 28, 2008
COMMUNITY-PANEL NO.: 39043C0112E	EFFECTIVE DATE: November 19, 2014

EFFECTIVE DATE: August 28, 2008
EFFECTIVE DATE: November 19, 2014

<input type="checkbox"/>	FLOODWAT AREAS IN ZONE A:	The floodway in the channel of a stream plus any adjacent flood plain area that will be kept free of encroachment so that the 1% annual chance flood can be stored without substantial increases in flood heights.
<input type="checkbox"/>	ZONE AB: Base flood elevations determined.	
<input type="checkbox"/>	ZONE B: Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths less than 1 foot or with drainage areas less than 1 square mile; and areas protected by from 1% annual chance flood.	
<input type="checkbox"/>	ZONE C: Areas determined to be outside the 0.2% annual chance floodplain.	

NOTES PERTAINING TO ALTA/NSPS TABLE A ITEMS

16. No observed evidence of current earth moving work.
17. No information of changes in street right-of-way lines or observed evidence of recent street or sidewalk construction repairs.
18. No markers observed for Wetlands Delineation. Wetlands were taken from the U.S. Fish and Wildlife Service National Wetlands Inventory.
19. Official easements benefiting the surveyed property were found or provided.
20. Professional Liability Insurance Policy of \$1,000,000 in effect throughout contract term.

LEGEND

SET	FOUND	DESCRIPTION	
●	○	IRON PIN (ROD)	
●	○	IRON PIPE	
+	+	MAG NAIL	
●	●	MAG SPIKE	
□	■	MONUMENT BOX	
(D)	DEED	(M)	MEASURED
(P)	PLATTED	(C)	CALCULATED
	(S)	SURVEY	

ALL 5/8" IRON PINS SET ARE 30" LONG REBAR WITH YELLOW PLASTIC CAPS STAMPED "C.D. ENG 8456 & 8512"

ZONING INFORMATION

PLANNING AND ZONING RESOURCE COMPANY: Site Number: 0127735-1

PARCELS WITHIN THE TOWNSHIP OF HURON, OHIO:
Based on the Township of Huron, Ohio Zoning resolved by the Board of Township Trustees of Huron Township, Erie County, State of Ohio found at huronwp.org/PDF/huronwp-zoningcode.pdf for the Township of Huron, Ohio

ZONING CLASSIFICATION: Multi-Family Residential District (R-3)

ZONING REGULATIONS: **Minimum Lot Requirements for Multi-Family Dwellings:**
Minimum Lot Area: 7,000 square feet of gross lot area per family
Minimum Lot Frontage: One Hundred (100) feet
Usable Open Space: The developer and/or contractor shall show on one (1) copy of the proposed site plan the exact location and square footage of the usable open space, which shall not be less than twenty percent (20%) of the total lot area of the proposed development. Sidewalks, driveways, parking lots, and other related land use to be used for service facilities, ground maintenance, storm drainages, pump stations, loading zones, shrubbery, etc., shall not be considered as usable open space.

Minimum Yard Requirements for Multi-Family Dwellings

Minimum Front Yard Setback:	Thirty-five (35) feet
Minimum Rear Yard Setback:	Fifty (50) feet
Minimum Side Yard Setback:	Twenty-five (25) feet
Maximum Building Height:	Fifty (50) feet

PARCELS WITHIN THE CITY OF HURON, OHIO

Based on the City of Huron, Ohio Zoning resolved by the City of Huron Council, Erie County, State of Ohio found at cityofhuron.org/government/departments/building-zoning-departments for the City of Huron, Ohio

ZONING CLASSIFICATION: *R-1-A One-Family Residence District*

ZONING REGULATIONS:	Minimum Lot Requirements	60 feet
Minimum Frontage:	4,000 square feet	
Minimum Lot Area:	15 feet (including driveway)	
Minimum Front Yard Setback:	15 feet (including driveway)	
Minimum Front Yard Setback:	15 feet total, 7 feet minimum	
Minimum Side Yard Setback:	20 feet off property line	
Driveway Setback:		
Detached Accessory Structures/Alleys:	At least 5 feet from house & minimum of 5 feet from side and rear property line	
	Only 25% of rear yard can be built on.	
Maximum Building Height:	25 feet	
Fencing:	Maximum height in rear and side yards: 6 feet	
Corner:	Maximum height in front yards: 8 feet	
	All yards joining fronting public R.O.W. are considered. Purely private yards have all applicable setback requirements.	

SURVEYOR'S CERTIFICATE

To Sawmill Creek LLC, a Delaware limited liability company, its affiliates, successors and assigns, Old Republic National Title Insurance Company and Southern Title of Ohio and their successors and/or assigns:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6(a), 6(b), 7(a), 7(b), 7(c), 8, 9, 10(a), 11, 13, 14, 16, 17, 18, 19, & 20 of Table A thereof (minimum coverage of \$1,000,000). The field work was completed on February 18, 2019.



Date of Plat or Map 2nd day of July, 2019

John E. Wynn
Registered, Summer 2004

Regulatory Counselor #0430

ALTA/NSPS LAND TITLE SURVEY
SAWMILL CREEK
HURON TOWNSHIP, ERIE COUNTY, OHIO
COVER SHEET

CONTRACTORS
DESIGN ENGINEERING
CONSULTING ENGINEERS & SURVEYORS

SCALE:	DATE: JULY, 2019	BY: AEW	PROJECT NO. 18-435
NTS	DR. DSM	REV'D	



TO: Mayor Tapp and City Council
FROM: Erik Engle
RE: Resolution No. 65-2023 (*submitted by Erik Engle*)
DATE: October 10, 2023

Subject Matter/Background

City staff submitted a pre-proposal for the Coastal Management Assistant Grant program on October 15, 2021. In early November, ODNR encouraged staff to proceed with final submittal of the Lakefront Beach Coastal Planning project, which submittal was authorized by Resolution No. 81-2021 adopted on November 23, 2021. The project proposes to explore public access options, nearshore habitat restoration efforts, and connectivity between proposed/existing trail infrastructure and our waterfront park/beach amenities. Access and nearshore habitat enhancements will be key components explored through a planning process with ample public participation feedback outlined in a supplemental appendix within the final planning document. Public participation strategies will be implemented in order to engage Huron residents and stakeholders at-large to vet the best design solutions possible.

The City was notified that it had been approved for \$35,000 in grant funding, representing 50% of the total project cost of \$70,000. The City is responsible for the remaining \$35,000, which must be funded using non-federal funds.

Financial Review

The composition and source of 1:1 match funding in the amount of \$35,000 will be pulled from the City of Huron's Capital Improvement Fund.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement, a motion adopting Resolution No. 65-2023 is in order.

[Resolution No. 65-2023 CMAG Grant Acceptance \\$35,000 Lakefront Trail Planning.docx](#)

[Resolution No. 65-2023 Exh A CMAG Grant \\$35,000 Coastal Planning.pdf](#)

RESOLUTION NO. 65-2023
Introduced by Matt Grieves

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE FUNDING AWARD FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES COASTAL MANAGEMENT ASSISTANCE GRANT PROGRAM RELATED TO THE LAKE FRONT PARK BEACH – COASTAL PLANNING PROJECT IN AN AMOUNT NOT TO EXCEED THIRTY-FIVE THOUSAND AND 00/100 DOLLARS (\$35,000.00)

WHEREAS, the Huron City Council previously authorized submission of an application to the Ohio Department of Natural Resources Coastal Management Assistance Grant Program through Resolution No. 81-2021 adopted on November 23, 2021; and

WHEREAS, the City has been notified that it has been awarded funds in the amount of Thirty-Five Thousand and xx/100 Dollars (\$35,000.00), representing 50% of the total project cost of Seventy Thousand and xx/100 Dollars (\$70,000.00); and

WHEREAS, the City of Huron is obligated to make a 1:1 non-federal match of the awarded funds in the amount of Thirty-Five Thousand and xx/100 Dollars (\$35,000.00).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1: That the City Manager be, and he hereby is, authorized to accept the funding award from the Department of Natural Resources Coastal Management Assistance Grant Program pursuant to the application authorized by Resolution No. 81-2021 adopted on November 23, 2021, in an amount not to exceed Thirty-Five Thousand and xx/100 Dollars (\$35,000.00).

SECTION 2: That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22 of the Revised Code.

SECTION 3: This Resolution shall be in full force and effect from and immediately following its adoption.

Monty Tapp, Mayor

ATTEST:

Clerk of Council

ADOPTED:

SUBRECIPIENT GRANT AGREEMENT

This Agreement is between the **OHIO DEPARTMENT OF NATURAL RESOURCES** ("ODNR"), acting through its **Ohio Department of Natural Resources Office of Coastal Management**, with offices located at 2045 Morse Rd., Columbus, OH, 43229, and the **City of Huron** (UEI #MXDXG54EB917), which is located at 417 Main Street, Huron, OH 44839-1652 ("**Subrecipient**").

Expenditures for this Agreement are partially or fully funded by federal funds. ODNR received a federal grant under the terms and conditions of a Coastal Zone Management Administration Award grant, awarded through National Oceanic and Atmospheric Administration (NOAA). This grant is identified by Federal Award Identification Number (FAIN) NA22NOS4190092, which became effective on July 1, 2022, with a total award amount of \$4,227,000.00 and an approved indirect rate for the Office of Coastal Management of 0%. This grant is made under Assistance Listing Number 11.419. This Agreement is a subaward of that grant.

Total Award Committed to Subrecipient: \$35,000.00

Total Award Obligated for this Action: \$35,000.00

Cumulative Award Total Obligated (including this action and all prior actions): \$35,000.00

Subrecipient is an applicant who submitted a grant application to ODNR for the Coastal Management Assistance (CMAG) program. Under R.C. § 1501.01, ODNR may provide federal pass-through grants to eligible applicants for the purpose or goal of the federal program. Subrecipient has met the application requirements and has been approved by ODNR as eligible to receive this federal pass-through grant. Subrecipient will undertake the following with funding from this grant: the Lakefront Park Beach Coastal Connectivity Planning Project; the Subrecipient will hire a consultant to develop plans for connectivity, habitat restoration and enhancements of Lakefront Park Beach and Centennial Park/Main Street Beach in downtown Huron. The Grant and Task No. are DNRHCZ22B-306-09.

The parties therefore agree as follows:

1. **Award.** ODNR hereby awards to the Subrecipient a National Oceanic and Atmospheric Administration Coastal Management Assistance Grant subaward not to exceed \$35,000.00 (Thirty-Five Thousand Dollars and no/100) for the purpose of reimbursing the Subrecipient for performance and completion of the deliverables detailed in the attached Exhibits A-Scope of Work and B-Budget ("Exhibits") (the "Project"). Subrecipient agrees to contribute \$35,000.00 (Thirty-Five Thousand) (50%) as matching funds, including cash and in-kind contributions.
2. **Performance of Project.** Subrecipient shall perform its duties and responsibilities under this Agreement in compliance with the terms, promises, conditions, plans, specifications, estimates, procedures, maps, and assurances set forth in the Exhibits A through F, program guidelines, and the project application/proposal, incorporated herein by reference as though fully set forth herein, as well as the terms set forth in this Agreement. Subrecipient shall: (1) perform and complete the Project as set forth herein; (2) promptly submit to ODNR such reports and documents as required by ODNR and 2 CFR §200.330; (3) establish a separate special account for the funds for the acquisition and/or development of the Project; and (4) not change any of the terms, promises, conditions, plans, specifications, estimates, procedures, maps, or assurances set forth in the Exhibits, unless the proposed change is approved by

ODNR. ODNR reserves the right to audit the special account created by Subrecipient, pursuant to this paragraph, either during or after the completion of the Project.

3. **Notice.** All notices, consents, and communications required hereunder (each, a "Notice") shall be in writing and shall be deemed to have been properly given when: 1) hand delivered with delivery acknowledged in writing; 2) sent by U.S. Certified mail, return receipt requested, postage prepaid; 3) sent by overnight delivery service (FedEx, UPS, etc.) with receipt; or 4) sent by fax or email. Notices shall be deemed given upon receipt thereof and shall be sent to the addresses below. Notices sent by fax or email shall be effectively given only upon acknowledgement of receipt by the receiving party. Any party may change its address for receipt of Notices upon notice to the other party. If delivery cannot be made at any address designated for Notices, a Notice shall be deemed given on the date on which delivery at such address is attempted.

Subrecipient Contact: Stuart Hamilton Service Director City of Huron 417 Main Street Huron, OH 44839-1652 Stuart.hamilton@huronohio.us 419-433-5000 ext. 1104	ODNR Project Manager: Tina Sevenbergen Local Liaison Planner Office of Coastal Management 2514 Cleveland Road E Huron, OH 44839-1652 Tina.sevenbergen@dnr.ohio.gov 419-609-4111
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4. **Research and Development.** Grant funds may be used for research and development.
5. **Indirect Costs.** Grant funds awarded to the Subrecipient are not authorized for indirect costs.
6. **Period of Performance.** This Agreement shall be effective as of July 1, 2023. ODNR shall not be responsible for any costs incurred by the Subrecipient prior to the date this Agreement becomes effective. The Project shall be completed by June 30, 2024, unless modified by the mutual, written consent of both parties before that date or otherwise terminated as provided herein. This Agreement shall terminate on June 30, 2024, unless modified by the mutual, written consent of both parties before that date or otherwise terminated as provided herein.
7. **Budget Period.** The budget period for this Agreement is July 1, 2022, through June 30, 2024.
8. **Non-Appropriation.** Performance by ODNR under this Agreement may be dependent upon the appropriation of funds by the Ohio General Assembly. Therefore, in accordance with R.C. § 126.07, it is agreed that ODNR's payments are contingent on the availability of such lawful appropriations by the Ohio General Assembly. If the Ohio General Assembly fails at any time to continue funding for the payments due hereunder, this Agreement is hereby terminated as of the date that the funding expires without further obligation of ODNR. If appropriations are approved, ODNR may continue this Agreement past the current biennium by mutual written agreement between the parties.

9. **Permissible Costs.** Subrecipient shall comply with 2 CFR Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) to determine the permissibility of all expenditures under this Agreement.
10. **Termination by ODNR.** Any time after signing this Agreement, ODNR may terminate the Agreement, in whole or in part, for any reason whatsoever, upon written notification to the Subrecipient. If ODNR terminates this Agreement, the Subrecipient will be paid for any non-cancelable obligation properly incurred by the Subrecipient prior to termination. Subrecipient shall return any unused grant funds to ODNR within thirty (30) days of termination.
11. **Termination by Subrecipient.** Any time after signing this Agreement, Subrecipient may terminate this Agreement for any reason whatsoever upon written notification to ODNR. If Subrecipient terminates this Agreement, Subrecipient shall not incur any new obligations using grant funds and shall use its reasonable best efforts to cancel as many outstanding obligations of grant funds as possible. Subrecipient shall return all unused grant funds to ODNR within thirty (30) days of termination.
12. **Nondiscrimination in Employment.** Subrecipient, Subrecipient's contractors, and any person acting on behalf of Subrecipient, shall comply with all federal and Ohio statutes, executive orders, and regulations implementing 42 U.S.C. Part 2000(d), Title IV of the Civil Rights Act of 1964 and R.C. Chapter 4112, prohibiting discrimination on the grounds of race, color, religion, sex, sexual orientation, age, disability, military status (as defined in R.C. § 4112.01), national origin, or ancestry against any citizen of this state in the employment of any person qualified and available for work related to the Project. Subrecipient further agrees that Subrecipient, Subrecipient's contractors, and any person acting on behalf of Subrecipient shall not, in any manner, discriminate against, intimidate, or retaliate against any employee hired for the performance of work related to the Project on the grounds of race, color, religion, sex, sexual orientation, age, disability, military status, national origin, or ancestry.

Subrecipient shall, in all solicitations or advertisements for employees placed by or on behalf of the Subrecipient, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, ancestry, age, sex, sexual orientation, handicap, or any disability. Subrecipient shall comply with Ohio and federal statutes, executive orders, and regulations to assure equal employment practices under the Agreement, and Subrecipient shall comply promptly with all orders, requests, and directions from the State of Ohio and federal agencies pertaining to the enforcement of the aforementioned nondiscrimination laws.
13. **Workers' Compensation.** Subrecipient shall provide its own workers' compensation coverage throughout the duration of this Agreement and any extensions thereof. ODNR is hereby released from any and all liability for injury received by the Subrecipient, its employees, agents, or subcontractors, while performing tasks, duties, work, or responsibilities as set forth in this Agreement.
14. **Compliance with Laws.** Subrecipient, in the execution of its duties and obligations under this Agreement, agrees to comply with all applicable federal, state, and local laws, rules, regulations, and ordinances.
15. **Prevailing Wage.** Pursuant to Chapter 4115 of the Ohio Revised Code, the Davis-Bacon Act (40 U.S.C. §§ 3141-3148) and 2 CFR 200 Appendix II(D), if applicable, Subrecipient shall require that all contractors pay the prevailing wage rate of the locality on all work performed on the Project. Subrecipient and any of its

contractors shall comply with all other applicable provisions of Chapter 4115 of the Ohio Revised Code, the Davis-Bacon Act (40 U.S.C. §§ 3141-3148) and 2 CFR 200 Appendix II(D), including making the required reports to the prevailing wage coordinator.

16. **Liability; Indemnification.** Subrecipient shall be solely responsible for any and all claims, demands, or causes of action arising from Subrecipient's obligations under this Agreement. Each party to this Agreement must seek its own legal representative and bear its own costs, attorney fees, and expenses, in any litigation that may arise from the performance of this Agreement. It is specifically understood and agreed that neither party shall indemnify the other. Nothing in this Agreement shall be construed to be a waiver of the sovereign immunity of the State of Ohio or the immunity of any of its employees or agents for any purpose. In no event shall either party be liable for indirect, consequential, incidental, special, liquidated, or punitive damages, or lost profits.
17. **Drug-Free Workplace.** Subrecipient agrees to comply with all applicable state and federal laws regarding drug-free workplace.
18. **Inspection.** The federal awarding agency, inspectors general, the Comptroller General of the United States, and ODNR, or any of their authorized representatives, have the right of access to any documents, papers, or other records of the Subrecipient which are pertinent to the federal award, in order to make audits, examinations, excerpts, and transcripts. This right also includes timely and reasonable access to the Subrecipient's personnel for the purpose of interview and discussion related to such documents. The rights of access in this section are not limited to the required retention period but last as long as the records are retained.
19. **OMB Guidance.** Subrecipient shall comply with OMB guidance in subparts A through F of 2 CFR Part 200. Subrecipient must also follow the regulations found in 2 CFR 200.330 through 2 CFR 200.332. Electronic copies of the CFR can be obtained at the following internet site: www.ecfr.gov.
20. **Use of MBE and EDGE Vendors.** Revised Code § 125.081 requires state agencies to set aside purchases for Minority Business Enterprises ("MBE") and Executive Order 2008-13S encourages use of Encouraging Diversity, Growth and Equity ("EDGE") businesses. ODNR encourages Subrecipient to purchase goods and services from Ohio-certified MBE and EDGE vendors.
21. **Events of Significant Impact.** Subrecipient shall immediately notify ODNR of developments that have a significant impact on the activities supported under this award. Also, notification must be given in case of problems, delays, or adverse conditions that materially impair the ability to meet the objectives of the award. This notification must include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.
22. **Public Records.** Public access to award or agreement records must not be limited, except when such records must be kept confidential and would have been exempted from disclosure pursuant to Freedom of Information regulations (5 U.S.C. 552) or Ohio public records laws. Requests for research data are subject to 2 CFR 315(e).
23. **Records Retention.** Financial records, supporting documents, statistical records, and all other non-federal entity records pertinent to a federal award must be retained for a period of three years from the date of

submission of the final expenditure report or, for federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the federal awarding agency or pass-through entity in the case of a subrecipient. Records for real property and equipment acquired with federal funds must be retained for three (3) years after final disposition in accordance with 2 CFR 200.333.

24. **Debarment and Suspension.** Subrecipient shall immediately inform ODNR if it or any of its principals is presently excluded, debarred, or suspended from entering into covered transactions with the federal government or entities according to the terms of 2 CFR Part 180. If Subrecipient or any of its principals receive a transmittal letter or other official federal notice of debarment or suspension, it shall promptly notify ODNR. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary. Subrecipient certifies that it is not debarred from consideration for contract awards by the State of Ohio under R.C. §§ 153.02, 125.25, or 5513.06. If this certification is false, this Agreement is void *ab initio* and Subrecipient shall immediately repay ODNR all funds transferred by this Agreement.
25. **Findings for Recovery.** Subrecipient represents and warrants that it is not subject to a finding for recovery under R.C. § 9.24, or that it has taken appropriate remedial steps required under R.C. § 9.24 or otherwise qualifies under that section. Subrecipient agrees that if this representation or warranty is deemed to be false, the agreement shall be void *ab initio* as between the parties to this agreement, and any funds paid by ODNR hereunder immediately shall be repaid to ODNR, or an action for recovery immediately may be commenced by ODNR for recovery.
26. **Ohio Ethics Law.** The Subrecipient certifies that it: (i) has reviewed and understands the Ohio ethics and conflict of interest laws as found in Ohio Revised Code Chapter 102 and in Ohio Revised Code Sections 2921.42 and 2921.43, and (ii) will take no action inconsistent with those laws. The Subrecipient understands that failure to comply with Ohio's ethics and conflict of interest laws is grounds for termination of this Agreement and may result in the loss of other contacts or grants with the State of Ohio.
27. **Campaign Contributions.** The Subrecipient affirms that, as applicable to it, no party listed in R.C. § 3517.13(I) or R.C. § 3517.13(J) or spouse of such party has made, as an individual, within the two previous calendar years, one or more contributions totaling in excess of \$1,000.00 to the Governor or the Governor's campaign committees.
28. **Governing Law.** This Agreement and the rights of the parties hereunder shall be governed, construed, and interpreted in accordance with the laws of the State of Ohio and with the laws of the U.S. federal funding source. Subrecipient consents to jurisdiction in a court of proper jurisdiction in Franklin County, Ohio.
29. **Waiver.** A waiver by any party of any breach or default by the other party under this Agreement shall not constitute a continuing waiver by such party of any subsequent act in breach of or in default hereunder.
30. **Assignment.** Neither this Agreement nor any rights, duties, or obligations hereunder may be assigned or transferred in whole or in part by Subrecipient.
31. **Confidentiality Agreements.** Subrecipient shall not require its employees or subcontractors seeking to report fraud, waste, or abuse to sign or comply with internal confidentiality agreements or statements

prohibiting or otherwise restricting them from lawfully reporting that waste, fraud, or abuse to a designated investigative or law-enforcement representative. Any prohibitions or restrictions of any internal confidentiality agreements inconsistent with the previous sentence are no longer in effect.

32. **Eligible Workers.** Subrecipient shall ensure all employees complete the I-9 form to certify they are eligible for lawful employment under the Immigration and Nationality Act (8 USC 1324a). Subrecipient shall comply with regulations regarding certification and retention of the complete forms. These requirements also apply to any contract or supplement instruments awarded under this Agreement.
33. **Lobbying.** Subrecipient certifies that no federal appropriated funds have been paid by or on behalf of Subrecipient to any person for influencing or attempting to influence an officer or employee of any agency, member of Congress, or officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, Subrecipient shall request, complete, and submit Standard Form-111, "Disclosure Form to Report Lobbying," in accordance with its instructions.
34. **Federal Clean Air Act and Water Pollution Control Act.** Subrecipient agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
35. **Trafficking In Persons.** Subrecipient shall not: (i) engage in severe forms of trafficking in persons during the period of time that the subaward is in effect; (ii) procure a commercial sex act during the period of time that the subaward is in effect; or (iii) use forced labor in the performance of the subaward, pursuant to section 106(g) of the federal Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)).
36. **Federal Single Audit Requirement.** Subrecipient shall comply with the federal single audit requirements in 2 CFR 200.501.
37. **In-Kind Match.** If applicable, Subrecipient shall comply with 2 CFR 200.306 when using in-kind contributions as matching funds for this Project.
38. **Independent Capacity of Subrecipient.** The parties agree that the Subrecipient, and any agents or employees of the Subrecipient, in the performance of this Agreement, shall act in an independent capacity and not as officers, employees, or agents of the State of Ohio for any purpose. Nothing in this Agreement shall be construed to create a partnership, joint venture, or other relationship between the parties.
39. **Reimbursement.** Payments will be made upon request and receipt of a reimbursement request form, Exhibit E, including supporting documentation from Subrecipient and upon ODNR acceptance of the

corresponding performance reports on a quarterly basis as follows: January through March, April through June, July through September, and October through December. These payments will be in reimbursement of actual expenditures, with the qualification that reimbursement for salaries and fringe benefits must be reasonable and proportionate to activities and accomplishments reported.

40. **Performance Reporting.** Quarterly performance reports must be submitted to ODNR no later than January 15, April 15, July 15 and October 15 detailing progress on task objectives, degree of completion and problems encountered. These reports will also cover progress under any subawards/subcontracts involved in the project and will be submitted on the form labeled Exhibit F.
41. **Final Reporting Requirements.** At the close of the project, a final report will be submitted to ODNR within 45 days following the completing of the project, if before the designated project completion date, or no later than 21 days after the project period ends.

Reporting must include: final reimbursement requests (complete and final for all costs of the project and expenditures, including any match expenditures), a final project summary (this cumulative summary is separate from the final quarterly performance report), a final quarterly performance report, and the project deliverables as follows: an electronic copy of all final reports and documents, either emailed or on a USB flash drive, in portable document format (.pdf) for any final reports or documents developed as a result of this project.

42. **Copyrighting.** The deliverables provided by Subrecipient shall become the property of ODNR. ODNR shall have an unrestricted right to reproduce, distribute, modify, maintain, and use the deliverables and the Subrecipient shall not obtain copyright, patent, or other proprietary protection for the deliverables. Subrecipient relinquishes all copyrights, privileges, and proprietary rights to the deliverables. Neither the Subrecipient nor any of its employees, agents, subcontractors, or assigns shall make a disclosure for the purpose of securing a patent of the deliverables unless such disclosure is approved in writing by ODNR prior to application. In the event such a patent is obtained, Subrecipient, at ODNR's request, provide ODNR written authorization for ODNR or any other person, agency or instrumentality contributing financial support to the deliverable to make use of the patent without payment.
43. **Interest of Subrecipient.** Subrecipient covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement. Subrecipient also covenants that in the performance of this Agreement, no person having any such interest shall be employed by Subrecipient.
44. **Latitude, Longitude and Metadata.** Subrecipient will provide the latitude and longitude for the location of the task. Any Geographic Information System (GIS) work done in relation to this project will be shared with ODNR. In addition, the Subrecipient will follow federal metadata standards as described at <https://fgdc.gov/metadata/csdgm>.
45. **Grant Acknowledgement.**
The cover of the title page of all reports, studies, or other documents, published or distributed electronically or hard copy, and acknowledgement pages of websites/webpages, that are supported in whole or in part by this grant or any subawards must acknowledge the financial assistance provided by

the Coastal Zone Management Act of 1972, as amended, administered by the Office for Coastal Management, National Oceanic and Atmospheric Administration as follows:

"This [report/video/Internet site/etc.] was prepared by [Subrecipient] using Federal funds under award NA22NOS4190092 from the National Oceanic and Atmospheric Administration, U.S. Department of Commerce through the Ohio Department of Natural Resources, Office of Coastal Management. The statements, findings, conclusions, and recommendations are those of the author(s) and do not necessarily reflect the views of the National Oceanic and Atmospheric Administration, Department of Commerce, Ohio Department of Natural Resources, or the Office of Coastal Management."

46. **Time and Effort.** Pursuant to 2 CFR 200.430, the Subrecipient agrees to accurately reflect time and effort through an accounting system or internal controls which provide reasonable assurance that the charges are accurate, allowable, and properly allocated equally among all funding sources, totaling 100% of each employee's salary or wages, for each applicable employee who contributes to the Project. Subrecipient acknowledges that the system encompasses both federally assisted and all other activities compensated by the Subrecipient on an integrated basis and will support the distribution of the employee's salary or wages among specific activities or cost objectives so as not to double charge said employee's time and effort to more than one funding source.
47. **Subcontract.** Unless provided for herein, Subrecipient shall not subcontract with any other party for furnishing any of the work or services agreed to herein without the consent of ODNR.
48. **Environmental Data and Publications.** The Data and Publication Sharing Directive for NOAA grants ensures that environmental data funded extramurally by NOAA are made publicly accessible in a timely fashion (typically two years of collection), and that final manuscripts of peer-reviewed research papers are deposited with the NOAA Central Library. Therefore, Subrecipient must follow the Data and Publication Sharing Directive for NOAA to any applicable data produced under financial assistance publicly accessible in accordance with the Data Management Plan included with the grant proposal, unless the grant program is under a modification or an exemption. The text of the Directive is available at: <https://nosc.noaa.gov/EDMC/PD.DSP.php>.
49. **Qualifications.** Subrecipient represents that it has all approvals, licenses, or other qualifications needed to conduct its business in Ohio and that all are current.
50. **Conflicts.** In the event of any conflict between the terms and provisions of the body of this Agreement and any attachments hereto, the terms of this Agreement shall control.
51. **Severability.** The provisions of this Agreement are severable and independent, and if any such provision shall be determined to be unenforceable in whole or in part, the remaining provisions and any partially enforceable provisions shall, to the extent enforceable in any jurisdiction, nevertheless be binding and enforceable.
52. **Headings.** The headings in this Agreement have been inserted for convenient reference only and shall not be considered in any questions of interpretation or construction of this Agreement.


53. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and all of which shall constitute one and the same instrument. Either party hereto may deliver a copy of its counterparty's signature page to this Agreement electronically pursuant to R.C. § 1306. Each party hereto shall be entitled to rely upon an electronic signature of any other party delivered in such a manner as if such signature were an original.
54. **Entire Agreement.** This Agreement, including any attachments, contains the entire agreement between the parties hereto with respect to the subject matter hereof, and shall not be modified, amended, or supplemented, or any rights herein waived, unless specifically agreed upon in writing by the parties hereto. This Agreement supersedes any and all previous agreements, whether written or oral, between the parties.

[SIGNATURE PAGE FOLLOWS]

Each party is signing this Agreement on the date stated below that party's signature.

SUBRECIPIENT

City of Huron

By: 

Printed Name: MATT LASKO

Title: CITY MANAGER

Date: 10/3/2023

OHIO DEPARTMENT OF NATURAL RESOURCES

Office of Coastal Management

By: _____

Printed Name: Scudder D. Mackey, Ph.D.

Title: Chief Office of Coastal Management

Date: _____



TO: Mayor Tapp and City Council
FROM: Stuart Hamilton , Service Director
RE: Resolution No. 66-2023 (*submitted by Stuart Hamilton*)
DATE: October 10, 2023

Subject Matter/Background

A review committee comprising of four staff members was formed in the spring to review options for partners to replace our current website. The committee requested presentations for eight providers for a preliminary round review. Six vendors presented and the committee narrowed these options down to three for a deeper dive.

In August, the final three carried out in-depth presentations and took question and answer sessions. After final voting, Revize of Troy, Michigan was selected.

Staff decided rather than to try and put this project out to bid, we would investigate multiple options and find the best fit for the job rather than the best response to an RFP. This is common for technology type projects as an RFP is not able to capture all the nuances needed, regardless of how well it is written. A robust vetting process of a solution and how each will fit our needs is more thorough and ultimately will return a more tailored solution.

Financial Review

The City included \$50,000 in the capital budget for 2023 to purchase a new website. The proposal from Revize came in at \$44,600, which includes the annual hosting and maintenance fee for the first year. The annual hosting and maintenance fee through 2026 will be included in the budget in the amount of \$6,900 per year.

Account: 403-7000-55208

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement with the request, a motion to adopt Resolution No. 66-2023 is in order.

[Resolution No. 66-2023 Revize Website Development Agreement \\$44,600 \(1\).docx](#)
[Resolution No. 66-2023 Exh A Revize Website Development Agreement.pdf](#)

RESOLUTION NO. 66-2023
Introduced by William Biddlecombe

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH REVIZE LLC, AKA REVIZE SOFTWARE SYSTEMS ("REVIZE"), FOR DESIGN AND DEVELOPMENT OF A NEW WEBSITE FOR THE CITY OF HURON IN AN AMOUNT NOT TO EXCEED FORTY-FOUR THOUSAND SIX HUNDRED AND 00/100 DOLLARS (\$44,600.00)

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

SECTION 1: That the City Manager is authorized and directed to enter into an agreement with Revize LLC, dba Revize Software Systems ("Revize"), for design and development of a new website for the City of Huron in an amount not to exceed Forty-Four Thousand Six Hundred and 00/100 Dollars (\$44,600.00); a copy of the agreement is attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 2: That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22 of the Revised Code.

SECTION 3: This Resolution shall be in full force and effect from and immediately following its adoption.

Monty Tapp, Mayor

ATTEST:

Clerk of Council

ADOPTED:

Revize Web Services Sales Agreement

This Sales Agreement is between The City of Huron, Ohio ("CLIENT") and Revize LLC, aka Revize Software Systems, ("Revize"). Federal Tax ID# 20-5000179 Date: 9-27-2023

CLIENT INFORMATION:		REVIZE LLC:
Company Name:	<u>City of Huron</u>	Revize Software Systems
Company Address:	<u>417 Main St.</u>	150 Kirts Blvd.
Company City/State/Zip:	<u>Huron, OH 44839</u>	Troy, MI 48084
Contact Name:	<u>Stuart Hamilton 419.433.5000 ext. 1104</u>	248-269-9263
Billing Dept. Contact:	<u>Stuart.hamilton@huronohio.us</u>	
CLIENT Website Address:	<u>www.cityofhuron.org</u>	

The CLIENT agrees to purchase the following products and services provided by REVIZE:

<u>Quantity</u>	<u>Description</u>	<u>Price</u>
1	Phase 1: Project Planning and Analysis, SOW, onetime fee:	\$2,500.00
1	Phase 2 – Discovery & Design from Scratch, onetime fee: <ul style="list-style-type: none"> 1 mockup with unlimited rounds of changes Home page template and inner page design and layout. Includes Responsive Web Design 	\$9,500.00
1	Phase 3 & 4 – HTML Development & Revize CMS Integration, onetime fee: <ul style="list-style-type: none"> Set-up all CMS modules listed in this agreement Integration with all 3rd party web applications 	\$13,200.00
1	Phase 5 – Quality Assurance Testing, onetime fee:	\$1,900.00
1	Phase 6 – Sitemap Development and Content Migration - up to 500 webpages & 1,000 documents: <ul style="list-style-type: none"> Site map development and content migration from old website including spell checking and style corrections 	\$7,700.00
1	Phase 7 –Content Editing Training, onetime fee:	\$2,900.00
1	Phase 8 – Go Live:	Included
1	Revize Annual Software Subscription, Tech Support, CMS Updates, Website Hosting, Unlimited Users, 50GB website storage, 100GB/Month Bandwidth, SSL Certificate pre-paid annual fee:	\$6,900.00
1	Grand Total First Year	\$44,600.00

Payment Schedule

Payment Amount	Payment Date	Includes
\$ 22,3000.00	9/30/2023	50% 1 st Year Project Costs
\$ 11,150.00	12/15/2024	25% 1 st Year Project Costs
\$ 11,150.00	1/31/2024	25% 1 st Year Project Costs
\$ 6,900.00	9/30/2024	Year 2 of Annual Hosting & Maintenance
\$ 6,900.00	9/30/2025	Year 3 of Annual Hosting & Maintenance
\$ 6,900.00	9/30/2026	Year 4 of Annual Hosting & Maintenance

AGREED TO BY:

CLIENT

REVIZE

Signature of Authorized Person:

Name of Authorized Person:

Thomas Jean

Title of Authorized Person

Project Manager

Date:

Please sign and return to:

Thomas@revize.com

Fax 1-866-346-8880

Terms:

1. Payments: All Invoices are due upon receipt. Work begins upon receiving initial payment.
2. Revize requires a check for the amount listed above to start this project.
3. Additional content migration, if requested, is available for \$3 per web page or document.
4. Additional bandwidth is available at \$360 per year for each additional 50GB per month.
5. Additional website storage is available at \$500 per year for each additional 10GB website storage.
6. This agreement is the only legal document governing this sale & Proper jurisdiction and venue for any legal action or dispute relating to this Agreement shall be the State of Michigan.
7. Both parties must agree in writing to any changes or additions to this Sales Agreement.
8. CLIENT understands that project completion date is highly dependent on their timely communication with Revize. CLIENT also agrees and understands that;
 - a. The primary communication tool for this project and future tech support is the Revize customer portal found at <https://support.revize.com>.
 - b. During the project, CLIENT will respond to Revize inquiries within 48 hours of the request to avoid any delay in the project timeline.
 - c. CLIENT understands that project timelines will be delayed if they do not respond to Revize inquiries in a timely manner.
9. Four-year contract. CLIENT may terminate this agreement upon 60 day written notice to Revize before annual service renewal date listed within payment schedule on page 2 of this agreement. Revize will provide a free redesign of the website in year 4 of the agreement. This assumes the CLIENT agrees to 4 consecutive years of annual software subscription, tech support, CMS updates, and hosting.
10. CLIENT owns design, content, and will receive periodic updates to the CMS for the life of the contract.
11. Unless otherwise agreed, Revize does not migrate irrelevant records, calendar events, news items, bid results, low quality images, or data that can reasonably be considered non-conforming to new website layout.
12. Storage is limited only to relevant website data. Unreasonably large folders of documents or images are not permitted. Examples include, but are not limited to, plat/property maps, tax records, GIS data, etc.
13. After content migration, CLIENT is responsible for any additional content cleanup. This includes, but is not limited to, resizing photos, reformatting text, replacing photos/icons, consolidating unwanted content, adding future calendar events, and general prep of the site before go live. CLIENT will also have the ability to add new photos, content, and pages.
14. Revize requires a 60-day written termination notice in advance before the next annual renewal date

Enterprise Revize CMS License

As part of this agreement Revize Software Systems, LLC. will provide to the CLIENT a full Enterprise Revize CMS Software license. This software is a proprietary software built and maintained by Revize Software Systems LLC. and is intended to allow for the CLIENT to easily update the content of their website. CLIENT agrees that this license will only be used to maintain the websites included in this agreement. Sharing of the content management system, by the CLIENT, with other entities not identified in this agreement is prohibited.

Revize will maintain, update, and host the Revize CMS during the contract period. In the event that the contract is terminated, for any reason, Revize will provide the latest version of the Revize CMS to the CLIENT provided all payments for the entire length of the contract is fully paid. This system will then have the ability to be hosted and used by the CLIENT as long as they wish. Revize will provide reasonable support in transferring the CMS system to the CLIENT's decided upon hosting architecture.

Products CLIENT Owns Include:

- Revize CMS License
- Hosted Website
- Source Files
- All Included Revize Web Applications
- Design & Page Content

Revize will integrate the following web applications into your website

The Following Applications & Features will be integrated into Your Website:

In addition to the Government Content Management System that enables non-technical staff to easily and quickly create/update content in the new web site, Revize provides a suite of applications and features specifically designed for municipalities. All of those apps and features are fully described in the following section. The applications and features are grouped into five categories:

Citizen's Communication Center Apps

- Notification Center with Text/Email Alerts
- Bid Posting
- Document Center
- Email Notify
- FAQs
- Job Posting
- Multi-use Business Directory
- News Center with Facebook/Twitter Integration
- Online Forms
- Photo Gallery
- Quick Link Buttons
- Revize Web Calendar
- "Share This" Social Media Flyout App
- Sliding Feature Bar
- Language Translator

Citizen's Engagement Center Apps

- Citizen Request Center with Captcha
- Online Interactive Forms with Bookables
- Public Service Request App
- Citizen Connect (Community Blog)
- Online Bill Pay
- RSS Feed

Staff Productivity Apps

- Agenda Posting Center
- Job Posting App
- Image Manager
- iCal Integration
- Intranet
- Link Checker
- Menu Manager
- Online Form Builder
- Staff Directory
- Website Content Archiving
- Website Content Scheduling

Site Administration and Security Features

- Audit Trail
- Auto Site Map Generator
- History Log
- URL Redirect Setup
- Roles and Permission-based Security Mode
- Secure Site Gateway
- Unique Login/Password for each Content Editor
- Web Statistics and Analytics
- Workflows by Department

Mobile Device and Accessibility Features

- Font Size Adjustment
- Alt-Tags
- Responsive Website Design (RWD)



TO: Mayor Tapp and City Council
FROM: Terri Welkener, Clerk of Council
RE: Resolution No. 67-2023 (*submitted by Doug Nash*)
DATE: October 10, 2023

Subject Matter/Background

This resolution authorizes the Huron Fire Department's submission of an Assistant to Firefight Grant (AFG) application for potential funding toward equipment replacement.

As submitted by Captain Nash within a legislative request to Administration:

The HFD is requesting consideration to apply for an AFG grant in the amount of \$154,148.91, which would be used, if awarded, to replace outdated bunker gear and a fit tester. The City would be responsible for a 5% match to the grant. The HFD made previous applications for the same equipment and SCBA's in 2018 and 2020, but funds received related only to replacement of SCBA's. An application was also made in 2021 for an air compressor, fit tester and bunker gear, but did not receive funding. The fire department purchased the air compressor earlier this year, and another application was submitted earlier this year for the fit tester and bunker gear. No funding was received relating to that application.

The total cost being requested is \$161,856.36, with the City's 5% cost match being \$7,707.45, leaving a grant request of \$154,148.91. The City's 5% cost match was included in the 2023 Municipal Budget and can be accommodated in the Capital Equipment Fund 214.

Financial Review

There is no financial impact to the budget at this time other than the grant writer fee. The Fire Department's operating budget (Fund 214) will absorb this cost, which is a 50/50 split with the Township. If awarded, Fund 214 will account for the receipt of the grant and purchase of the gear. The local match for the grant will be split with the Township, as well. All equipment items are currently on the Fire Department's asset replacement list and are scheduled to be replaced in the next few years.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 67-2023 is in order.

[Resolution No. 67-2023 AFG Grant Program - Copy \(2\).docx](#)

RESOLUTION NO. 67-2023
Introduced by Monty Tapp

A RESOLUTION AUTHORIZING A GRANT APPLICATION SUBMISSION BY THE HURON FIRE DEPARTMENT TO THE ASSISTANCE TO FIREFIGHTER GRANT PROGRAM IN THE AMOUNT OF ONE HUNDRED FIFTY-FOUR THOUSAND ONE HUNDRED FORTY-EIGHT AND 91/100 DOLLARS (\$154,148.91); AND FURTHER AUTHORIZING THE CITY MANAGER TO ACCEPT THE GRANT AWARD IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY-FOUR THOUSAND ONE HUNDRED FORTY-EIGHT AND 91/100 (\$154,148.91) AND ENTER INTO AN AGREEMENT WITH THE ASSISTANCE TO FIREFIGHTER GRANT PROGRAM, SHOULD THE APPLICATION BE SUCCESSFUL.

WHEREAS, The City of Huron Fire Department desires to utilize funding opportunities available through the Assistance to Firefighter Grant (AFG) Program to obtain potential funding to be used for equipment replacement;

WHEREAS, the City will submit an application to AFG requesting funding for replacement of an outdated bunker gear and a fit tester at a cost of \$161,856.36, which includes the required 5% local match. The total equipment cost less the 5% local match brings the total funds requested to \$154,148.91; and

WHEREAS, the City staff believes making application for these grant funds is proper and beneficial to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That the City Manager's approval of the submission of an Assistance to Firefighter Grant (AFG) application by the Huron Fire Department for potential grant funding to be used for equipment replacement in the amount of One Hundred Fifty-Four Thousand, One Hundred Forty-Eight and 91/100 Dollars (\$154,18.91) is hereby authorized.

SECTION 2. That if grant funds are awarded, authorization is given to the City Manager to execute any necessary contract with the Assistance to Firefighter Grant Program to be eligible for funding under the program, accept the grant award of up to One Hundred Fifty-Four Thousand One Hundred Forty-Eight and 91/100 Dollars (\$154,148.91), and to obligate the funds required to meet the matching requirements of the program in an amount not to exceed Seven Thousand Seven Hundred Seven and 45/100 Dollars (\$7,707.45).

SECTION 3: That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22 of the Revised Code.

SECTION 4: This Resolution shall be in full force and effect from and immediately following its adoption.

Monty Tapp, Mayor

ATTEST:

Clerk of Council

ADOPTED:



TO: Mayor Tapp and City Council
FROM: Stuart Hamilton , Service Director
RE: Resolution No. 68-2023 (*submitted by Stuart Hamilton*)
DATE: October 10, 2023

Subject Matter/Background

As submitted by Steve Didelot, Street Foreman:

This resolution authorizes an annual expenditure of funds for the purchase of rock salt. In accordance with a cooperative agreement with Erie County, and in conjunction with several local agencies, an advertisement for bids produced the recommended pricing for consumption in 2024. Attached to the legislation please find the Resolution No. 23-289 adopted by the Erie County Board of Commissioners, awarding the contract to Compass Minerals America, Inc. at a cost of \$57.41/ton delivered. This reflects an increase of \$1.26 per ton over 2023 costs (2.1% increase).

The current salt contract is with Compass Minerals America, Inc. @ \$45/ton delivered in effect until 12/31/23. We currently have \$25,000 unencumbered for 2023 and 125 tons of salt stored in inventory. Per the terms of the cooperative bid, the City of Huron has been allocated up to a maximum of 1,000 tons but only pays for those amounts requested up to the maximum.

Financial Review

The purchase of salt out of the Street Maintenance Fund (Fund 212) is included in the annual budget. The 2024 budget will still reflect a budget of \$65,000, as the City historically budgets conservatively as a worst-case scenario. The City's annual average cost to purchase salt from 2018 to 2023 is approximately \$26,000 per year. The expectation is the Street Department will not pay more than approved in this resolution. If so, Staff will request Council approval to increase the dollar amount.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement, a motion adopting Resolution 68-2023 is in order.

[Resolution No. 68-2023 Rock Salt Contract 2024 \\$65,000 \\$57.41 per ton.doc](#)
[Resolution No. 68-2023 Exh A Annual Salt Contract.pdf](#)

RESOLUTION NO. 68-2023

Introduced by Joel Hagy

A RESOLUTION AUTHORIZING THE EXPENDITURE OF AN AMOUNT NOT TO EXCEED SIXTY-FIVE THOUSAND AND 00/100 DOLLARS (\$65,000.00) FOR ROCK SALT PURCHASED THROUGH AN AGREEMENT BETWEEN COMPASS MINERALS AMERICA, INC. AND THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY FOR THE PURPOSE OF FURNISHING BULK DEICING ROCK SALT TO THE CITY OF HURON AND VARIOUS OTHER POLITICAL SUBDIVISIONS THROUGHOUT ERIE COUNTY DURING THE 2024 CALENDAR YEAR

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

SECTION 1. That the Board of County Commissioners of Erie County, Ohio having advertised for bids, awarded such and entered into agreement with Compass Minerals America, Inc. for \$57.41/ton (delivered) for the purpose of furnishing bulk highway deicing rock salt for the calendar year of 2024 for the Erie County Engineer and various other political subdivisions with the City of Huron being allocated up to 1,000 tons according to the provisions outlined in said agreement to be substantially in the form of Exhibit "A" attached hereto and made a part hereof.

SECTION 2: That the City Manager is authorized to expend an amount not to exceed Sixty-Five Thousand Dollars (\$65,000.00) for the purchase of bulk highway deicing rock salt for the calendar year of 2023.

SECTION 2: That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22 of the Revised Code.

SECTION 3: This Resolution shall be in full force and effect from and immediately following its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

RESOLUTION NO. 23-289

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
ERIE COUNTY, OHIO, FOR THE PURPOSE OF ENTERING INTO AN
AGREEMENT WITH COMPASS MINERALS AMERICA, INC.**

The Board of County Commissioners of Erie County, Ohio, met this 14th day of September, 2023, in regular session with the following members present:

Patrick J. Shenigo, Mathew R. Old, and Stephen L. Shoffner.

Mr. Shoffner introduced the following resolution and moved its adoption.

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
ERIE COUNTY, OHIO:**

THAT, this Board hereby enters into an agreement with Compass Minerals America, Inc., 9900 W. 109th Street, Suite 100, Overland Park, Kansas 66210, for the purpose of furnishing rock salt for highway ice control during the 2024 calendar year for the Erie County Engineer and various other political subdivisions throughout Erie County, according to the provisions as outlined in the attached document; and

THAT, this Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

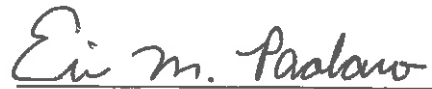
Mr. Shoffner seconded the motion for the adoption of said resolution; and the roll being called upon its adoption, the vote resulted as follows:

Roll Call: Mr. Shoffner, Aye; Mr. Old, Aye; Mr. Shenigo, Aye

Adopted: September 14, 2023

CERTIFICATE

I, Erin M. Paolano, Clerk of the Board of County Commissioners of Erie County, Ohio, hereby do certify that the above is a true and correct copy of resolution adopted by said Board under said date, and as same appears in Commissioners' Journal Volume #235.

 Clerk
Board of County Commissioners
of Erie County, Ohio

Approved by County Administrator


Hank S. Solowiej, CPA

AUDITOR'S CERTIFICATE

I hereby certify that the sum of **\$172,230** being the amount needed to meet the obligations of the foregoing Agreement with **COMPASS MINERALS AMERICA, INC.**, is in the county treasury or in the process of collection to the credit of an appropriate fund duly appropriated for such purpose and not otherwise encumbered or in the process of collection.

21510-4040-522000
ENGINEER
(2024)

RESO. NO: 23-289

CONTRACT NO: _____

P.O. NUMBER: _____

Date: 9/11/2023

Richard H. Jeffrey / RJB
Richard H. Jeffrey
County Auditor

Approved As to Content:

John P. Hirschman
Elected Official/Department Head



Office of Auditor of State
88 East Broad Street
Post Office Box 1140
Columbus, OH 43216-1140

(614) 466-4514
(800) 282-0370

Auditor of State - Unresolved Findings for Recovery Certified Search

I have searched The Auditor of State's unresolved findings for recovery database using the following criteria:

Contractor's Information:

Name: ,
Organization: **compass minerals, inc.**
Date: **8/29/2023 4:04:21 PM**

This search produced the following list of **15** possible matches:

Name/Organization	Address
Harmony Community School	
Harmony Community School, c/o Buckeye Community Hope Foundation	3021 East Dubli Granville Road
Harmony Community School, c/o Buckeye Community Hope Foundation	3021 East Dublin Granville Rd.
Harmony Community School, c/o Buckeye Community Hope Foundation	3021 East Dublin Granville Road
Harmony Community School, c/o Buckeye Community Hope Foundation	3021 East Dublin-Granville Rd.
Harmony Community School, c/o Buckeye Community Hope Foundation	3021 East Dubln Granville Rd.
Harrison County Democratic Executive Committee	80900 Slab Camp Road
McCombs, Jennifer	5366 State Route 245
Rhea Academy Community School	
Somali Bantu (Youth Community of Ohio)	3823 Sullivant Avenue
Somali Development Agency/Americom	4312 Westport Road
Theodore Roosevelt Public Community School	c/o Richland Academy 75 North Walnut Street
Third Wave Communications, LLC	PO Box 1355
Western Surety Company	CAN Surety, Surety Claims
Wright (AHRMS Management Company), Marcus	

The above list represents possible matches for the search criteria you entered. Please note that pursuant to ORC 9.24, only the person (which includes an organization) actually named in the finding for recovery is prohibited from being awarded a contract.

If the person you are searching for appears on this list, it means that the person has one or more findings for recovery and is prohibited from being awarded a contract described in ORC 9.24, unless one of the exceptions in that section apply.

If the person you are searching for does not appear on this list, an initialed copy of this page can serve as documentation of your compliance with ORC 9.24(E).

Please note that pursuant to ORC 9.24, it is the responsibility of the public office to verify that a person to whom it plans to award a contract does not appear in the Auditor of State's database. The Auditor of State's office is not responsible for inaccurate search results caused by user error or other circumstances beyond the Auditor of State's control.

CONTRACT

This contract made and entered into this 14th day of September, 2023, by and between Compass Minerals America, Inc., 9900 W. 109th Street, Suite 100, Overland Park, Kansas 66210, hereafter called the "Supplier" and the Board of Commissioners, Erie County, Ohio hereinafter called "Contracting Authority."

WITNESSETH:

The Supplier shall furnish 10,128 tons, more or less, of bulk highway deicing rock salt, treated to prevent caking, for highway ice control during the 2024 calendar year (1/01/2024 – 12/31/2024). Rock salt delivered to and or picked up by Buyer must be treated with sufficient amounts of anti-caking additives/chemicals so the rock salt will remain in a free flowing, usable condition (without the presence of clumping).

TO BE ALLOCATED AS FOLLOWS:

	Requested Tons	Cost of Pick-Up	Total	Cost for Delivery	Total
Erie County Engineer, Highway Dept.	3,000	\$55.00/ton	\$165,000.00	\$57.41/ton	\$172,230.00
Erie County Facilities Dept	150	\$55.00/ton	\$8,250.00	\$57.41/ton	\$8,611.50
Berlin Township	200	55.00/ton	\$11,000.00	57.41/ton	\$11,482.00
Florence Township	150	55.00/ton	\$8,250.00	57.41/ton	\$8,611.50
Groton Township	100	55.00/ton	\$5,500.00	57.41/ton	\$5,741.00
Huron Township	600	55.00/ton	\$33,000.00	57.41/ton	\$34,446.00
Milan Township	600	55.00/ton	\$33,000.00	57.41/ton	\$34,446.00
Oxford Township	175	55.00/ton	\$9,625.00	57.41/ton	\$10,046.75
Perkins Township	600	55.00/ton	\$33,000.00	57.41/ton	\$34,446.00
Vermilion Township	400	55.00/ton	\$22,000.00	57.41/ton	\$22,964.00
Village of Berlin Heights	100	55.00/ton	\$5,500.00	57.41/ton	\$5,741.00
Village of Castalia	100	55.00/ton	\$5,500.00	57.41/ton	\$5,741.00
Village of Milan	400	55.00/ton	\$22,000.00	57.41/ton	\$22,964.00
City of Huron	1,000	55.00/ton	\$55,000.00	57.41/ton	\$57,410.00
City of Sandusky	2,500	55.00/ton	\$137,500.00	57.41/ton	\$143,525.00
Sandusky City Schools	45	55.00/ton	\$2,475.00	57.41/ton	\$2,583.45
Erie County Health Dept	8	55.00/ton	\$440.00	57.41/ton	\$459.28
Total Estimated Requirements	10,128		\$557,040.00		\$581,448.48

EACH COUNTY AGENCY WILL BE BILLED SEPARATELY. Rock salt to be picked up at a contract price of \$55.00/Ton. Rock salt to be delivered to any bid destination in Erie County Ohio, with no minimum tonnage required at a contract price of \$57.41/Ton, not to exceed **\$180,841.50** (\$172,230.00-Erie County Engineer, \$8,611.50-Erie County Facilities Department) without prior written authorization. No deliveries will be made without prior written authorization by the Erie County Engineer or Erie County Facilities Department and written concurrence by the Erie County Auditor that the funds are available.

In the event of a conflict between the terms and conditions of this Contract and the terms and conditions of the bid dated AUGUST 17, 2023, the terms and conditions of the Contract shall prevail.

ROCK SALT CALENDAR YEAR 2024

SUPPLIER SERVICE REQUIREMENTS

The Supplier, upon written authorization of the Commissioners, will complete the work as detailed in the attached Request for Bid titled: TREATED ROCK SALT FOR HIGHWAY ICE CONTROL, along with the bid submitted by Compass Minerals America, Inc. on August 17, 2023.

SUPPLIER RESPONSIBILITIES

The Supplier shall submit a detailed invoice for the products picked up or delivered in accordance with the provisions in the original specifications.

TERM

This contract shall remain in effect from January 1, 2024 through December 31, 2024.

INDEMNITY

The Supplier shall indemnify, hold harmless and defend the Commissioners and the other political entities in Erie County, Ohio, and their employees, from and against any and all claims, liability, damage or loss to person or property which may arise or grow out of the performance of this contract by Supplier, Supplier's agents, employees, invitees or others acting on behalf of the Supplier.

INSURANCE REQUIREMENTS

The Supplier agrees to meet all insurance requirements, and workers' compensation requirements, as required by the Ohio Revised Code. This contract shall be governed by and construed in accordance with the laws of the State of Ohio.

MODIFICATION

This contract may be supplemented, amended, or modified only by the mutual agreement of the parties. No supplement, amendment, or modification of this contract shall be binding unless it is in writing and signed by all parties. In the event of cancellation of an executed order due to Commissioners' breach of contract, or for Commissioners' termination for convenience, Supplier will be compensated for product supplied to-date.

NOTICE TO PROCEED

The Supplier shall, upon receipt of a copy of the Erie County Commissioners resolution to enter into an agreement with supplier, provide product commencing on January 1st of the term described herein above. A purchase order, in accordance with the bidding documents shall be subsequently issued by Erie County.

NON-DISCRIMINATION

The Supplier shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, disability or military status as defined in section 4112.01 of the Revised Code, national origin, or ancestry. The Supplier shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age, disability or military status as defined in section 4112.01 of the Revised Code, national origin, or ancestry. Such action shall include, but is not limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination, including apprenticeship. Supplier agrees to comply with all pertinent provisions of Section 153.59 of the Ohio Revised Code.

FINDINGS FOR RECOVERY

The Supplier affirmatively represents and warrants to the State that it is not subject to a finding for recovery under R.C. 9.24, or that it has taken appropriate remedial steps required under R.C. 9.24 or otherwise qualifies under that section. The Supplier agrees that, if this representation or warranty is deemed to be false, the contract shall be void *ab initio* as between the parties to this contract, and any funds paid by the State hereunder immediately shall be repaid to the State, or an action for recovery immediately may be commenced by the State for recovery of said funds.

COUNTERPARTS

This contract may be executed in two or more counterparts, each shall be deemed to be an original and taken together shall be deemed to be one and the same instrument. This contract may be executed and delivered by facsimile or electronically in Microsoft Word or PDF format.

COMPONENT PARTS OF THIS CONTRACT

The executed contract documents shall consist of the following:

- a. This Contract
- b. Bid Specifications
- c. Signed copy of Bid
- d. Erie County Commissioner's Resolution to enter into an Agreement

These documents constitute the entire contract between the parties and its provisions shall be construed in accordance with the laws of the State of Ohio. This contract, together with other documents enumerated above, is as fully a part of the contract as if hereto attached or herein repeated, and forms the contract between the parties hereto. In the event that any provision in any component part of this contract conflicts with any provision of any other component part, the provision of the component part first enumerated above shall govern, except as otherwise specifically stated.

SIGNED AND ACKNOWLEDGED IN THE PRESENCE OF:

COMPASS MINERALS AMERICA, INC.

BOARD OF COUNTY
COMMISSIONERS OF ERIE
COUNTY, OHIO

Signature

Title

Taxpayer I.D. #

Patrick J. Shenigo

Mathew R. Old

Stephen L. Shoffner

Approved as to Form:

Asst. Prosecuting Attorney

Approved as to Content:

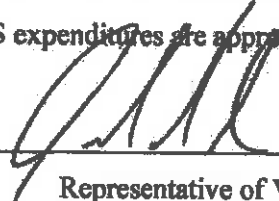
Jack Farschman, P.E., P.S., Erie County Engineer

Gary Weilnau, Building & Grounds Superintendent

CONTRACT LIMITATION CERTIFICATE

I, Joel Gerdes, on behalf of **COMPASS MINERALS**
(Name of representative of vendor)

AMERICA, INC., do hereby acknowledge that the maximum amount of monetary obligation of Erie County, Ohio, i.e., Board of County Commissioners of Erie County, Ohio, under the hereinbefore attached contract or agreement is **\$172,230.00** UNLESS the Board of Erie County Commissioners gives **PRIOR APPROVAL** for additional expenditures of money under the contract or agreement and the County Auditor certifies to the availability of such additional funds. Erie County, Ohio, i.e., the Board of County Commissioners of Erie County, Ohio **SHALL NOT BE HELD LIABLE** by **COMPASS MINERALS AMERICA, INC.** for any monetary obligations under this contract or agreement above the maximum amount of **\$172,230.00**, UNLESS expenditures are approved by the Board.



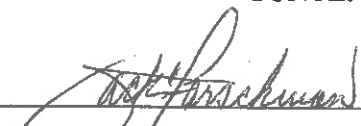
Representative of Vendor

Sworn to before me and subscribed in my presence this 5TH day of SEPTEMBER,
2023.



(Notary Public)

APPROVED AS TO CONTENT



Jack Farschman, P.E., P.S., Erie County Engineer



Gary Weilnau, Building & Grounds Superintendent



ATTACHMENT D
NON-COLLUSION AFFIDAVIT

State of KANSAS

Erie County

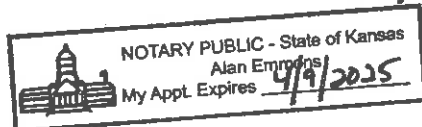
BID Identification: **"TREATED ROCK SALT FOR HIGHWAY ICE CONTROL"**

CONTRACTOR Joel Gerdes, being first duly sworn, deposes and says that he is Dir. U.S. Hwy Sales (sole owner, a partner, president, secretary, etc.) of Compass Minerals America Inc. the party making the foregoing BID; that such BID is not made in the interest of or on behalf of any undisclosed person, partnership, company, association, organization or corporation; that such BID is genuine and not collusive or sham; that said BIDDER has not directly or indirectly induced or solicited any other BIDDER to put in a false or sham BID and has not directly or indirectly colluded, conspired, connived or agreed with any BIDDER or anyone else to put in a sham BID, or that any one shall refrain from bidding; that said BIDDER has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the BID price of said BIDDER or of any other BIDDER, or to fix any overhead, profit or cost element of such BID price, or of that of any other BIDDER, or to secure any advantage against the CONTRACTING AUTHORITY awarding the contract or anyone interested in the proposed contract; that all statements contained in such BID are true; and further, that said BIDDER has not, directly or indirectly, submitted his BID price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid and will not pay any fee in connection therewith, to any corporation, partnership, company, association, organization, BID depository, or to any member of agent thereof, or to any other individual except to such person or persons as have a partnership or other financial interest with said BIDDER in his general business.

Signed: 

Subscribed and sworn to before me this 14th day of August, 2023.

Seal of Notary 



ATTACHMENT C

AFFIDAVIT OF CONTRACTOR OR SUPPLIER OF NON-DELINQUENCY OF
PERSONAL PROPERTY TAXES

O.R.C. 5719.042

STATE OF KANSAS

SS:

TO:

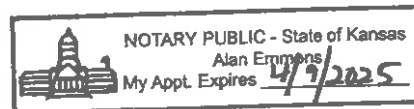
The undersigned, being first duly sworn, having been awarded a contract by you for **"TREATED ROCK SALT FOR HIGHWAY ICE CONTROL"** hereby states that we are not charged at the time the bid was submitted with any delinquent personal property taxes on the general tax list of personal property of any county in which you as a taxing district have territory and that we were not charged with delinquent personal property taxes on any such tax list. In consideration of the award of the above contract, the above statement is incorporated in said contract as a covenant of the undersigned.

Mary Wells

Sworn to before me and subscribed in my presence this 14th day of August, 20 23.

Alan Emmens

Notary Public





**Bureau of Workers'
Compensation**

30 W. Spring St.
Columbus, OH 43215

Certificate of Ohio Workers' Compensation

This certifies that the employer listed below participates in the Ohio State Insurance Fund as required by law. Therefore, the employer is entitled to the rights and benefits of the fund for the period specified. This certificate is only valid if premiums and assessments, including installments, are paid by the applicable due date. To verify coverage, visit www.bwc.ohio.gov, or call 1-800-644-6292.

This certificate must be conspicuously posted.

Policy number and employer
01679402

COMPASS MINERALS
9900 W 109TH ST STE 100
OVERLAND PARK KS 66210-1436

Period Specified Below
07/01/2022 to 07/01/2023



www.bwc.ohio.gov
Issued by: BWC

Stephanie McCloud

Administrator/CEO

You can reproduce this certificate as needed.

Ohio Bureau of Workers' Compensation

Required Posting

Section 4123.54 of the Ohio Revised Code requires notice of rebuttable presumption. Rebuttable presumption means an employee may dispute or prove untrue the presumption (or belief) that alcohol, marihuana or a controlled substance not prescribed by the employee's physician is the proximate cause (main reason) of the work-related injury.

The burden of proof is on the employee to prove the presence of alcohol, marihuana or a controlled substance was not the proximate cause of the work-related injury. An employee who tests positive or refuses to submit to chemical testing may be disqualified for compensation and benefits under the Workers' Compensation Act.



**Bureau of Workers'
Compensation**

You must post this language with the Certificate of Ohio Workers' Compensation.

Document A310™ - 2010

Conforms with The American Institute of Architects AIA Document 310

Bond Number: 84614-LIB-23-34

Bid Bond

CONTRACTOR:

(Name, legal status and address)

Compass Minerals America Inc.

9900 W 109th St Ste 100

Overland Park, KS 66210

OWNER:

(Name, legal status and address)

Board of County Commissioners of Erie County, Ohio

2900 Columbus Ave., Room 327

Sandusky, OH 44870

SURETY:

(Name, legal status and principal place of business)

Liberty Mutual Insurance Company

175 Berkeley Street

Boston, MA 02116

State of Inc: Massachusetts

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

BOND AMOUNT: Ten Percent of Amount Bid (10%)

PROJECT:

(Name, location or address, and Project number, if any)

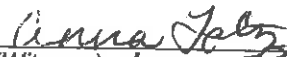
Treated Rock Salt for Highway Ice Control

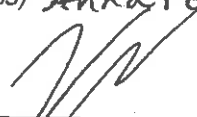
The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 1st day of August, 2023


(Witness) Anna Foltz


(Witness) Jordan Briggs


(Principal) Compass Minerals America Inc. (Seal)

(Title) Manager Highway Sales
(Surety) Liberty Mutual Insurance Company (Seal)

(Title) Tina Davis, Attorney-in-Fact

State of Utah }
County of Salt Lake } ss:


On August 1, 2023, before me, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared

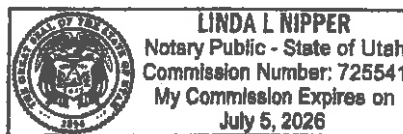
Tina Davis

known to me to be Attorney-in-Fact of Liberty Mutual Insurance Company
the corporation described in and that executed the within and foregoing instrument, and known to me to be the person who executed the said instrument in behalf of the said corporation, and he duly acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year stated in this certificate above.

My Commission Expires July 5, 2026


Linda L. Nipper Notary Public



Office of Risk Assessment
50 West Town Street
Third Floor - Suite 300
Columbus, Ohio 43215
(614)644-2658
Fax(614)644-3256
www.insurance.ohio.gov

Ohio Department of Insurance

Mike DeWine - Governor

Judith French - Director



Certificate of Compliance

Issued 03/14/2023

Effective 04/02/2023

Expires 04/01/2024

I, Judith French, hereby certify that I am the Director of Insurance in the State of Ohio and have supervision of insurance business in said State and as such I hereby certify that

LIBERTY MUTUAL INSURANCE COMPANY

of Massachusetts is duly organized under the laws of this State and is authorized to transact the business of insurance under the following section(s) of the Ohio Revised Code:

Section 3929.01 (A)

Accident & Health
Aircraft
Allied Lines
Boiler & Machinery
Burglary & Theft
Collectively Renewable A & H
Commercial Auto - Liability
Commercial Auto - No Fault
Commercial Auto - Physical Damage
Credit
Credit Accident & Health
Earthquake
Fidelity
Financial Guaranty
Fire
Glass
Group Accident & Health

Guaranteed Renewable A & H
Inland Marine
Medical Malpractice
Multiple Peril - Commercial
Multiple Peril - Farmowners
Multiple Peril - Homeowners
Noncancellable A & H
Nonrenew-Stated Reasons (A&H)
Ocean Marine
Other Accident only
Other Liability
Private Passenger Auto - Liability
Private Passenger Auto - No Fault
Private Passenger Auto - Physical Damage
Surety
Workers Compensation

LIBERTY MUTUAL INSURANCE COMPANY certified in its annual statement to this Department as of December 31, 2022 that it has admitted assets in the amount of \$69,850,735,943, liabilities in the amount of \$47,860,270,390, and surplus of at least \$21,990,465,553.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused my seal to be affixed at Columbus, Ohio, this day and date.

Judith L. French

Judith French, Director





This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: 8204866

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint,

Tina Davis
all of the city of Salt Lake City, state of Utah each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 15th day of February, 2021.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: *David M. Carey*

David M. Carey, Assistant Secretary



STATE OF PENNSYLVANIA
COUNTY OF MONTGOMERY

On this 15th day of February, 2021, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1126044
Member, Pennsylvania Association of Notaries

By: *Teresa Pastella*
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, of Liberty Mutual Insurance Company, The Ohio Casualty Insurance Company, and West American Insurance Company do hereby certify that this power of attorney executed by said Companies is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 1st day of August, 2023.



By: *Renee C. Llewellyn*
Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

For bond and/or Power of Attorney (POA) verification inquiries, please call 610-832-8240 or email HOSUR@libertymutual.com.



LIBERTY MUTUAL INSURANCE COMPANY
Financial Statement – December 31, 2022

Assets	
Cash and Bank Deposits	\$3,908,755,039
*Bonds — U.S Government.....	3,451,999,931
*Other Bonds	18,862,255,155
*Stocks.....	19,372,953,698
Real Estate.....	190,092,373
Agents' Balances or Uncollected Premiums	7,929,876,358
Accrued Interest and Rents	166,740,412
Other Admitted Assets.....	15,968,062,977
Total Admitted Assets.....	<u>\$69,850,735,943</u>

Liabilities	
Unearned Premiums	\$10,133,358,204
Reserve for Claims and Claims Expense.....	27,953,643,316
Funds Held Under Reinsurance Treaties.....	368,610,620
Reserve for Dividends to Policyholders	1,379,296
Additional Statutory Reserve	197,278,000
Reserve for Commissions, Taxes and Other Liabilities	9,206,000,954
Total.....	<u>\$47,860,270,390</u>
Special Surplus Funds	\$195,696,103
Capital Stock	10,000,075
Paid in Surplus	13,324,803,036
Unassigned Surplus.....	8,459,966,339
Surplus to Policyholders	21,990,465,553
Total Liabilities and Surplus	<u>\$69,850,735,943</u>



* Bonds are stated at amortized or investment value; Stocks at Association Market Values.
The foregoing financial information is taken from Liberty Mutual Insurance Company's financial statement filed with the state of Massachusetts Department of Insurance.

I, TIM MIKOLAJEWSKI, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the foregoing is a true, and correct statement of the Assets and Liabilities of said Corporation, as of December 31, 2022, to the best of my knowledge and belief.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation at Seattle, Washington, this 8th day of March 2023.

TAMIKOLAJEWSKI
Assistant Secretary



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2023-36 (*submitted by Cory Swaisgood*)
DATE: October 10, 2023

Subject Matter/Background

Ordinance No. 2023-36 requests the Council's authorization for changes to the annual budget appropriations. Please refer to Exhibit "A" of the ordinance for the detailed breakdown.

Financial Review

See Exhibit "A" for financial review and details of supplemental appropriations.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement with the request, a motion adopting Ordinance No. 2023-36 is in order.

[Ordinance No. 2023-36 Appropriations.docx](#)
[2023-36 Exhibit A.pdf](#)

ORDINANCE NO. 2023-36
Introduced by Joel Hagy

AN ORDINANCE AMENDING ORDINANCE NO. 2022-69, ADOPTED ON DECEMBER 27, 2022, TO PROVIDE FOR SUPPLEMENTAL APPROPRIATIONS FROM THE GENERAL FUND AND OTHER FUNDING SOURCES.

WHEREAS, pursuant to Ordinance No. 2022-69, adopted December 27, 2022, Huron City Council adopted the annual budget for the fiscal year ending December 31, 2023 for the operations of all City departments and offices; and

WHEREAS, Council has established various funds for the financial operation of the City, and through the current fiscal year certain funds have been determined to have insufficient funds and certain Funds have been determined to have excess funds; and

WHEREAS, it is necessary to amend the budget to reflect appropriation transfers and supplemental appropriations to accommodate the operational needs of certain City departments and offices and to assure all funds of the City are in proper balance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That Exhibit "A" of Ordinance 2022-69, adopted on the 27th day of December 2022, as amended by Ordinance No. 2023-2 adopted on January 24, 2023, as amended by Ordinance No. 2023-6 adopted on March 28, 2023, as amended by Ordinance No. 2023-9 adopted on April 11, 2023, as amended by Ordinance No. 2023-17 adopted on July 11, 2023, and as amended by Ordinance No. 2023-33 adopted on September 26, 2023, is hereby amended to provide for supplemental appropriations and appropriation transfers as to each fund set forth in Exhibit "A" attached hereto and made a part hereof.

SECTION 2. That the Director of Finance and the City Manager are hereby authorized to expend the funds herein appropriated for the purpose of paying the operating expenses of the City for the fiscal year ending December 31, 2023, and to make the necessary entries on the accounting records of the City to reflect the appropriations and expenditures herein authorized to properly balance the various funds of the City.

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 4. That in accordance with Section 3.06 of the Charter of the City of Huron, appropriation ordinances shall take effect immediately; WHEREFORE, this Ordinance shall take effect immediately upon its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

CITY OF HURON
BUDGET APPROPRIATION ADJUSTMENTS, AND CASH TRANSFERS
SUMMARY SHEET

Exhibit A

DATE: 10/10/2023
ORDINANCE: 2023-36

Appropriation Measure

Reason for Appropriation Measure

The appropriation measures below are necessary for the following reasons:

1. Additional appropriations are necessary in the Marine Patrol Grant Fund to pay for additional fuel expense and wages.
2. Additional appropriations are necessary in the Sawmill Creek TIF Fund in the amount of \$105,000 related to the Oster's land purchase. \$50,000 additional budget is needed for relocation efforts and \$55,000 from the Land Bank for demolition costs.

In accordance with the Ohio Revised Code, Council must approve supplemental appropriations, budget transfers above the City's legal level of control, and cash transfers.

APPROPRIATION MEASURE

Fund Name	Fund Number	Department/Activity	Object Level	Increase/(Decrease) Amount
MARINE PATROL GRANT	225	Police	PERSONNEL SERVICES	\$ 2,000
MARINE PATROL GRANT	225	Police	OTHER EXPENSES	\$ 2,000
SAWMILL CREEK TIF	422	TIF	OTHER EXPENSES	\$ 105,000

NET IMPACT ON TOTAL APPROPRIATIONS \$ 109,000



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2023-37 (*presented by Matt Lasko*)
DATE: October 10, 2023

Subject Matter/Background

Ordinance No. 2023-37 authorizes and accepts replacements pages to the Codified Ordinances, as prepared by American Legal Publishing (aka Walter Drane Company), based on legislation adopted by City Council through March 2023, as well as any changes made by the State pertaining to the Traffic Code and General Offenses Code during this same time period. A copy of the replacement pages are attached hereto as Exhibit "1". Upon adoption of this ordinance, the 2023 Codified Ordinances will be uploaded to the City website and replacement pages inserted into administrative hard copy versions. If any members of Council or Council Committee members retain the Codified Ordinance either electronically or in hard copy, please delete/discard and make the replacement with the update through August 2023 Codified Ordinances. A copy of the revised pages are available for review in the Council Clerk's office.

Financial Review

The matter has been reviewed and while there are no costs associated with the acceptance of the updated Codified Ordinance pages, there are costs (filing fees, etc.) associated with the preparation of these Ordinances by American Legal Publishing, which costs have been included in the 2023 Municipal Budget. Fees for this service are based on the number of pages that require revision, updating the internet version, PDF, thumb drive and hard copies.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you. The Ohio Revised Code is modified several times during the year. These changes do not affect the codified ordinances until the City Council considers an ordinance adopting changes. Ratification of this legislation will allow local officers the ability to pursue changes under the updated code sections.

Recommendation

If Council is in agreement with the request, a motion to adopt Ordinance No. 2023-37 as an emergency measure is in order.

[Ord 2023-37 \(adopted 10-10-23\) Adopting Ordinance August 2023.pdf](#)
[Ordinance No. 2023-37 Exh 1 Adopting Ordinance Replacement Pages.pdf](#)

ORDINANCE NO. 2023-37

Introduced by Joe Dike

AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY ADOPTING CURRENT REPLACEMENT PAGES; AND DECLARING AN EMERGENCY.

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 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 Huron, Ohio:

Section 1. That the ordinances of the City of Huron, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the August 2023 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

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

Traffic Code

NONE AT THIS TIME

General Offenses Code

NONE AT THIS TIME

Section 3. The complete text of the Traffic and General Offenses Code sections listed above are set forth in full in the current Codified Ordinances. New material contained therein is published at length in the Huron Codified Ordinances as provided in Section 3.05(2) of the Charter and no further publication shall be necessary.

Section 4. This Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Ohio R.C. 121.22.

Section 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the residents of the City of Huron, Ohio, and for the further reason that there exists an imperative necessity for the earliest publication and distribution of current replacement pages to the Codified Ordinances to the officials and residents of the City, so as to facilitate administration, daily operation and avoid practical and legal entanglements; wherefore, this Ordinance shall be in full force and effect from and immediately following its adoption.

ATTEST:


Clerk of Council


Mayor

Adopted:

10 OCT 2023

INSTRUCTIONS FOR INSERTING
AUGUST 2023 REPLACEMENT PAGES
FOR THE
CODIFIED ORDINANCES OF HURON

All new replacement pages bear the footnote "August 2023 Replacement". Please discard old pages and insert these new replacement pages immediately as directed in the following table.

Discard Old Pages

Insert New Pages

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**CODIFIED
ORDINANCES
OF THE
CITY OF
HURON
OHIO**

Local legislation current through August 31, 2023

State legislation current through January 6, 2023

CERTIFICATION

We, Monty Tapp, Mayor, and Terri S. Welkener, Council Clerk of Huron, Ohio, pursuant to Ohio R.C. 731.23 and 731.42, hereby certify that the general and permanent ordinances of the City of Huron, Ohio, as revised, rearranged, compiled, renumbered as to sections, recodified and printed herewith in component codes are correctly set forth and constitute the Codified Ordinances of Huron, Ohio, 1980, as amended to August 31, 2023.

/s/ Monty Tapp
Mayor

/s/ Terri S. Welkener
Council Clerk

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

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THE CITY OF HURON
ROSTER OF OFFICIALS
(2023)

OFFICERS

City Manager	Matthew Lasko
Service Director	Stuart Hamilton
Director of Law	Todd A. Schrader
Clerk of Council	Terri S. Welkener
Finance Director	Cory Swaisgood
Police Chief	Terry Graham
Fire Chief	(position vacant at this time)
Building Official	John A. Zimmerman
Municipal Court Judge	William Steuk
Clerk of Courts	Julie Ortega
Parks and Recreation	Doug Steinwart
Street Foreman	Steve Didelot
Water Superintendent	Jack Evans
Planning Director	Erik Engle

COUNCIL MEMBERS

Monty Tapp, Mayor
Mark Claus, Vice Mayor
Sam Artino
William Biddlecombe
Joe Dike
Joel Hagy
Matt Grieves

PLANNING COMMISSION

Gary Boyle, Chair
Bob Howell
Mark Claus
Mark Cencer
Jim Hartley

BOARD OF BUILDING AND
ZONING APPEALS

Frank Kath, Chair
JoAnne Boston
Jim Shaffer
Lisa Brady
Scott Slocum

The publisher
expresses their appreciation to

TERRI S. WELKENER
Clerk of Council

and all other officers and employees who
gave their time and counsel to the
codification of the City Ordinances
and the preparation
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<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
2017-6	3-28-17	1519.02	2020-25	9-22-20	521.06
2017-7	3-28-17	175.01, 175.02	2020-26	9-22-20	149.01(a)
2017-9	4-25-17	1133.09	2020-30	10-13-20	1125.02(a)
2017-10	4-25-17	1126.15	2020-36	12-8-20	161.04(a)
2017-13	5-9-17	Repeals 1126.01, 1126.03, 1126.13	2020-37	12-8-20	161.04.1
2017-15	5-23-17	931.02, 931.03, 931.04	2020-42	12-22-20	305.04
2017-16	5-23-17	923.01, 923.03, 923.05, 923.07	2021-5	2-23-21	135.06
2017-17	5-23-17	175.01, 175.02	2021-6	2-23-21	135.07
2017-24	6-27-17	509.10	2021-7	3-23-21	1369.01 to 1369.13, 1369.98, 1369.99
2017-27	6-27-17	379.01 to 379.04, 379.99	2021-8	3-23-21	1121.04(69), 1123.01(a)(7), 1123.02(a)(4)
2017-46	12-27-17	161.04	2021-9	3-23-21	1133.03(c)(6)
2017-47	12-27-17	161.04.1	2021-15	4-27-21	305.04
2018-3	2-13-18	165.03	2021-16	4-27-21	305.04
2018-10	5-22-18	1121.08	2021-18	5-11-21	557.01 to 557.08, 557.99
2018-12	6-26-18	1121.04	2021-22	7-13-21	305.04
2018-13	6-26-18	1125.05	2021-23	7-13-21	305.04
2018-15	6-26-18	751.01 to 751.19, 751.99	2021-24	7-13-21	305.04
2018-19	7-10-18	305.01, 305.02	2021-25	7-13-21	301.04, 301.19, 301.20, 301.361, 301.51, 303.06(a) (2), 311.03, 331.14(a), 331.15 (b), 331.37(a), 331.44(a), 373.01, 373.02(f), (g), 373.03(a), 373.04 (a), 373.05 to 373.08(a), 373.09 (a)
2018-23	8-28-18	1505.01	2021-26	7-13-21	163.04(a)
2018-26	9-11-18	305.01, 305.02	2021-29	8-10-21	1369.98(c), 1369.99(a)
2018-27	9-11-18	1321.06	2021-35	10-26-21	305.04
2018-28	9-25-18	305.01, 305.02	2021-36	10-26-21	1129.06, 1129.11, 1139.02, 1141.01 to 1141.05, 1141.08 to 1141.10, 1141.99, 1313.02, 1313.03
2018-33	1-18-19	1369.01 to 1369.09	2022-2	1-11-22	161.04
2018-34	1-8-19	905.01, 905.02, 905.07, 905.08	2022-3	1-11-22	161.04.1
2018-37	12-11-18	161.04	2022-4	1-11-22	305.04
2018-38	12-11-18	161.01.1	2022-5	2-8-22	Ch. 1127 Appx. A
2019-9	7-23-19	1121.04, 1125.03, 1126.05, 1126.09, 1126.17	2022-7	1-25-22	1307.01
2019-12	6-25-19	1307.01 to 1307.03, 1307.99			
2019-18	8-27-19	159.03, 159.05			
2019-30	12-10-19	164.04			
2019-31	12-10-19	161.04.1			
2019-33	3-10-20	1369.01 to 1369.08			
2019-34	3-10-20	189.02, 189.03, 189.07, 189.08			
2020-3	3-10-20	1123.01(a), 1123.02(a)			
2020-12	6-23-20	1321.05, 1321.06, 1321.09, 1321.11, 1321.12			
2020-13	7-14-20	1321.06(d)			

COMPARATIVE SECTION TABLE

50D

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
2022-17	3-22-22	1315.01 to 1315.16, 1315.99
2022-22	4-26-22	160.01, 160.02
2022-29	6-14-22	Repeals Ch. 175
2022-31	6-14-22	1519.01 to 1519.07, 1519.99
2022-32	7-26-22	1135.01 to 1135.06
2022-35	7-26-22	1321.12
2022-38	7-12-22	Repeals 509.04(a) (2)
2022-45	8-30-22	385.01
2022-50	10-11-22	121.03, 131.01 to 131.03, 159.05, 159.06
2022-55	11-8-22	915.19, 915.21; Repeals 915.20, 915.22
2022-57	10-25-22	549.09(c)
2022-58	11-22-22	753.01
2022-59	12-13-22	Repeals Part One Title Eleven
2022-60	1-10-23	1126.18
2022-61	11-22-22	161.04(j)
2022-66	12-27-22	161.04
2022-68	12-27-22	161.04.1
2023-1	2-28-23	305.04
2023-4	2-28-23	305.04
2023-8	3-28-23	331.11
2023-10	5-23-23	187.04(d)
2023-12	6-13-23	909.02, 909.03
2023-13	6-13-23	907.01 to 907.07, 907.99
2023-14	6-13-23	521.06, 521.15
2023-15	6-27-23	931.04
2023-22	8-22-23	161.01 to 161.13
2023-23	8-22-23	163.01 to 163.10, 161.13, 161.14; Repeals 163.11

TABLE B - EASEMENTS (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
1998-24	5-26-98	Directs purchase of temporary easements for Rye Beach Road Improvement Project.
Res. 1999-17	4-12-99	Directs easement agreement with P. and D. Phinney for r-o-w.
Res. 2000-10	2-14-00	Directs easement agreement with Scheid Concrete, Inc.
Res. 2000-11	2-14-00	Directs easement agreement with C & M Properties Management, Ltd.
Res. 2003-9	2-24-03	Directs easement agreement with M.C Hahn.
Res. 2003-10	2-24-03	Directs easement agreement with K.A. McMillen.
Res. 2003-11	2-24-03	Directs easement agreement with G.J. and B.J. Weyer.
Res. 2004-39	9-13-04	Directs easement agreement with Erie County Cablevision, Inc. for telecommunications lines for 417 Main St.
Res. 2013-51	6-25-13	Authorizing the City Manager to accept a highway easement agreement with Janie Siegfried and Kenneth S. Burmeister, Parcel No. 42-00385.000 - Cleveland Road West, for public highway and road purposes.
Res. 2013-52	6-25-13	Authorizing the City Manager to accept a highway easement agreement with Daniana Realty, LLC, Parcel No. 42-02061.001 - Cleveland Road West, for public highway and road purposes.
2014-27	11-12-14	Declaring a certain storm sewer line easement no longer needed for municipal purposes, and directing the City Manager to execute a release of said easement.
Res. 2017-11	2-28-17	Authorizing the City Manager to accept a perpetual right of way easement agreement for drainage and storm sewer purposes with Patrick and Patricia Johnson, 1233 Marina Drive, Parcel No. 42-01648.000.
2018-7	3-13-18	Granting an easement to American Transmission Systems Incorporated for lines for the transmission and distribution of electric current including communication facilities, upon over, under, and across property within the City.
2020-6	3-10-20	Granting an easement to Columbia Gas of Ohio, Inc. for lines for the transmission and distribution of electric current including communication facilities, upon, over, under, and across property identified as Lot 22, Permanent Parcel Number 42-00120.000.
2020-23	9-8-20	A conversation easement granted to the State of Ohio, Department of Natural Resources on approximately 0.721 acres of City-owned land (PPN: 42-61270.000).

TABLE B - EASEMENTS (Cont.)

<u>Ord. No.</u>	<u>Effective Date</u>	<u>Description</u>
N/A	3-21-23	A temporary construction easement granted to the City by Bradley J. Francis relating to the Sawmill Parkway Construction Project (PPN:42-02069.000).
N/A	8-2-23	A temporary construction easement (10 feet); permanent sidewalk easements (5 feet) granted to the City of Huron by Gratton D. Hamilton and Linda E. Hamilton relating to the Cleveland Road East Sidewalk Extension to Huron Green Project (PPN: 42-00305.001).
N/A	8-2-23	A temporary construction easement (10 feet); permanent sidewalk easement (5 feet) granted to the City of Huron by The Beachwood Cove Association, an Ohio corporation, relating to the Cleveland Road East Sidewalk Extension to Huron Green Project (PPN: 42-00067.000).
N/A	8-2-23	A temporary construction easement (10 feet); permanent sidewalk easements (5 feet) granted to the City of Huron by Michael E. Hamilton and Maureen A. Hamilton relating to the Cleveland Road East Sidewalk Extension to Huron Green Project (PPN: 42-01698.000).
N/A	8-2-23	A temporary construction easement (10 feet); permanent sidewalk easements (5 feet) granted to the City of Huron by Arnold L. Frey and Beverly L. Frey relating to the Cleveland Road East Sidewalk Extension to Huron Green Project (PPN: 42-01606.000).

TABLE D - DEDICATION AND PLAT APPROVAL (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
Res. 1999-31	7-26-99	Directs accepting dedication of public lands in Green Meadows Subdivision No. 11.
Res. 1999-32	7-26-99	Directs accepting dedication of public lands in Eagle Crest Subdivision No. 2.
Res. 2000-30	5-22-00	Directs accepting dedication of public lands for Lake Erie Parkway.
Res. 2003-16	3-10-03	Directs accepting dedication of Cottage Cove Subdivision Phase 1 from S. and T. Johnson.
2015-31	11-24-15	Dedicating that portion of Main Street within the City constructed as part of the Main Street Reconnection Project.
2022-15	3-8-22	Accepts the dedication of a portion of Sawmill Parkway, consisting of approximately 2.3785 acres, as a public street.
2022-16	3-8-22	Accepts the dedication of two portions of Erie County, Ohio Permanent Parcel No. 42-02021.000 containing 0.2848 acres of land as a public street for purposes of expansion of the existing Sawmill Parkway right-of-way for the construction of the Sawmill Parkway Improvement.
2023-21	7-11-23	Ratifying prior approval of Two Rivers Condominium, Phase I and related plat approval.

TABLE F - LEASE OF REAL PROPERTY (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
Res. 2002-5	1-28-02	Directs lease of Harbor Bay Golf Dome for use by Parks and Recreation Dept.
Res. 2002-27	6-10-02	Directs lease with J.P. Weslerhold for part of walkway surrounding boat basin for use as a deck appurtenant to JP's Downunder.
Res. 2002-30	7-8-02	Direct lease with Park Ridge Development Co. for land near Fabens Park (7.4814 acres).
Res. 2010-23	3-23-10	Authorizing an agreement with the Huron Yacht Club, Inc. for the lease of a dock for the period of May 1, 2010 through October 31, 2010.
Res. 2010-34	5-18-10	Authorizing a lease agreement with I 5's of Huron, Inc., dba "I 5's" and related entities and individuals for a portion of the grounds and walkways surrounding the City's small boat mooring basin.
Res. 2010-83	10-26-10	Authorizing an agreement with the Huron Yacht Club, Inc., for the lease of a dock for the period of May 1, 2011 through October 15, 2011.
Res. 2012-42	4-24-12	Authorizing the City Manager to enter into a lease agreement with I 5's of Huron, Inc., DBA "I 5'S" and related entities and individuals for a portion of the grounds and walkways surrounding the City's small boat mooring basin.
Res. 2012-63	7-24-12	Authorizing the City Manager to amend and restate the lease agreement with Park Ridge Development Company authorizing permanent improvements and purchase of property in an amount not to exceed \$25,750.
Res. 2019-17	3-26-19	Authorizing the City Manager to enter into an agreement with Huron Lagoons Marina, Inc., for the lease of a swimming pool for use by the Huron Parks and Recreation Department.
Res. 2019-36	6-25-19	Authorizing the City Manager to enter into a lease agreement with I 5's of Huron, Inc., for a portion of the grounds and walkways surrounding the City's Small Boat Mooring Basin.
Res. 2020-46	7-14-20	Authorizing the Interim City Manager to enter into a lease agreement with Vega Bar and Grill, LLC, dba I-5's of Huron, for a portion of the grounds and walkways surrounding the City's Small Boat Mooring Basin.
Res. 14-2022	1-11-22	Authorizing an agreement with the Army Corps of Engineers pertaining to a twenty-five year Parks and Recreation Lease for public use of the U.S. West Pier.

TABLE F - LEASE OF REAL PROPERTY (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
24-2023	3-14-23	Authorizing the City Manager to enter into a lease agreement with Raymond E. Enderle for the real property located at Permanent Parcel Numbers 42-01718.000, 42-01722.000 and 42-01721.000.
Res. 24-2023	3-14-23	Authorizing the City Manager to enter into a lease agreement with Raymond E. Enderle for the real property located at Permanent Parcel Numbers 42-0178.000, 42-01722.000 and 42-01721.000.
Res. 26-2023	5-9-23	Authorizing the City Manager to enter into a one (1) year lease agreement with Showboat LLC, DBA Old Fish House, for a portion of Erie County, Ohio Permanent Parcel No. 42-01077.000 comprising approximately 1,701 square feet immediately adjacent to lessee's property located at 30 Main Street.

CHAPTER 161 Division of Personnel

- | | | | |
|-----------------|---|---------------|-----------------------------------|
| 161.01 | Creation and composition. | 161.07 | Eligible lists. |
| 161.02 | Purpose and amendment of personnel regulations. | 161.08 | Appointment and probation. |
| 161.03 | Definitions. | 161.09 | In-service activities. |
| 161.04 | Position and salary schedule. | 161.10 | Discipline |
| 161.04.1 | Full-time salaries of the Law Director, Finance Director, Service Director, Fire Chief and Police Chief. | 161.11 | Appeals procedure. |
| 161.05 | Applications and applicants. | 161.12 | Layoff and reinstatement. |
| 161.06 | Examinations. | 161.13 | Political activity. |

CROSS REFERENCES

Contract interest - see CHTR. §5.08
 Merit system established - see CHTR. §8.01
 Exempt positions - see CHTR. §8.02
 Personnel officer - see CHTR. §8.03
 Personnel Appeals Board - see CHTR. §8.04, 8.05
 Political activity - see CHTR. §8.06 et seq.
 Promotional examinations - see CHTR. §8.09
 Removal from office - see CHTR. §12.04
 Division established; head - see ADM. 157.01
 Employment provisions - see ADM. Ch. 163
 Bonds required - see ADM. 163.01

161.01 CREATION AND COMPOSITION.

There is hereby created a Division of Personnel which shall be composed of the Personnel Officer as established by Section 8.03 of the City Charter.
(Ord. 2023-22. Passed 8-22-23.)

161.02 PURPOSE AND AMENDMENT OF PERSONNEL REGULATIONS.

(a) It is the purpose of this chapter to give effect to the provisions of the City Charter by establishing rules, standards and procedures for the operation of the merit system.

(b) The Personnel Officer shall prepare, in consultation with the City Manager, such amendments to this chapter as may, from time to time, be deemed desirable. Such amendments shall be recommended to Council for adoption. (Ord. 2023-22. Passed 8-22-23.)

161.03 DEFINITIONS.

(a) "Allocation" means the assignment of an individual position to an appropriate class on the basis of the kind, difficulty and responsibility of the work actually performed in the position.

(b) "Appointing authority" means the officer or agency having power under the Charter and ordinances to make appointments to positions in the classified service.

(c) "Classified service" shall consist of all full-time firefighters and police officers who are employees of the City, except those specifically exempted by the Charter.

(d) "Classes of positions" shall consist of all positions in the classified service which are sufficiently alike in duties, authority and responsibility to be treated in the same manner for personnel purposes.

(e) "Class specifications" are those duties imposed upon the personnel of each division by the Administrative Code.

(f) "Demotion" means the change of an employee from a position in one salary grade to a position in another salary grade having a lower maximum salary rate.

(g) "Eligible" means a person whose name is on a list prepared by the Personnel Officer as the result of passing an open competitive examination or on a re-employment list.

(h) "Eligible list" means a list of eligibles, in the order of their final grades in an open competitive examination, or in an order determined by this chapter, prepared by the Personnel Officer.

(i) "Position" means a group of duties and responsibilities designed to be performed by an individual. Positions shall be created and abolished by the City Manager.

(j) "Probationary period" means the working test period during which a bargaining unit employee is required to demonstrate their fitness by actual performance of the duties of the position to which they have been appointed.

(k) "Promotion" means the change of an employee from a position in one salary grade to a position in another salary grade having a higher maximum salary rate.

(l) "Regular employee" means a full-time police officer or firefighter who has passed a physical examination, has been appointed to a position in the classified service from an eligible list and who has satisfactorily completed probationary period..

(m) "Full-time, employee" means a person who regularly works a forty (40) hour work week, or a person who works a twenty-eight (28) day schedule at a yearly salary as a full-time employee of the Fire Division and in both cases are either on a probationary period or a regular employee.

(n) "Part-time employee" means a person who regularly works twenty-nine (29) hours a week or less and is paid by the hour, and does not receive any of the fringe benefits as set forth in other sections of this Code.

(o) "Administrative employee" means the City Manager, Director of Finance, Fire Chief, Police Chief and Police Captain.
(Ord. 2023-22. Passed 8-22-23.)

161.04 POSITION AND SALARY SCHEDULE

(a) The position and salary schedule, marked Exhibit "A", which is attached hereto and made a part of this Code shall be effective as of January 1, 2023.

(b) The Personnel Officer, in conjunction with department and division heads and subject to the approval of the City Manager, shall annually review and make recommendations to Council for changes in the following schedule.

(c) The adopted position and salary schedule shall provide the basis for compensation of all municipal employees. The City Manager shall adopt an administrative policy, subject to approval of the City Council, to address those positions which are in existence and have not attained the minimum base salary range or have exceeded the maximum base salary range. A position may be assigned a salary lower than the minimum base salary range or higher than the maximum base salary range provided for that salary grade of that position, but is subject to administrative policy. Prior to appointment of a new employee, the City Manager shall consult the position and salary schedule for determination of placement within the relevant classification. Appointments shall normally be made at the minimum rate for the specified pay scale. Evaluation of an appointee's qualifications and experience shall be considered and may provide the basis for compensation in excess of the minimum base salary.

(d) Salary increases within an established range shall not be automatic, but can be given on the following bases:

- (1) A merit increase recommended, in writing, to the City Manager by the appropriate department or division head and approved by the City Manager. Such a recommendation is to be based on standards of performance or other pertinent data.
- (2) A merit increase recommended and approved by the City Manager. Such a recommendation is to be based on standards of performance or other pertinent data.
- (3) An across-the-board increase granted to all full-time non-bargaining unit employees and recommended by the City Manager.
- (4) A change in the employee's classification.

(e) Salary increases granted on the basis of subsection (d)(1), (2) and (3) hereof are dependent on the provisions of moneys appropriated in the annual appropriation ordinance. Salary increases granted on the basis of subsection (d)(1) and (2) hereof shall not be granted to an employee more frequently than once in each six (6) months. No salary advancement shall be given before the employee completes the first six (6) months of their probationary period. However, when the minimum salary for the particular position is increased during such employee's probationary period, such employee shall be compensated at such higher salary from the date of the passage of the salary ordinance.

(f) The salary rate established for an employee shall represent their total remuneration, not including reimbursement for official travel and except as otherwise provided, in this chapter (overtime pay, cost-of-living allowance, premium pay and/or on-call status). No reward, gift or other thing of value received from any source for the performance of their duties shall be retained by an employee. Notwithstanding the foregoing, employees of the Police Division, during off-duty time, may accept special duty assignments for police work only when authorized by the Police Chief.

(g) Whenever an employee works for a period less than the regularly established number of hours per day, days per week or weeks per month, the amount paid shall be proportionate to the time actually employed.

(h) All full-time employees, except department heads, administrative employees, exempt employees and Fire Division employees shall be compensated for each hour worked in excess of forty hours per week at a rate equal to one and one-half (1½) times their straight rate.

All full-time employees of the Fire Division shall be compensated for each hour worked in excess of 212 hours during any twenty-eight (28)-day work period at a rate equal to one and one-half (1½) times their straight rate.

Authorization of all overtime shall be under the control of the City Manager. If any full-time non-exempt employee, other than department and division heads, requests the City Manager to grant compensatory time off in lieu of compensation for such employee's authorized overtime, the City Manager or Department Head shall be authorized, but not required, to allow such request.

The City Manager shall be authorized, but not required, to grant compensatory time off to those administrative employees not entitled to overtime compensation at such times and to such extent that the City Manager, in their sole discretion deems justifiable under the circumstances relating to each such administrative employee.

(i) (EDITOR'S NOTE: This subsection was repealed by Ordinance 1988-2, passed January 25, 1988.

(j) Except as otherwise provided in any one or more controlling collective bargaining agreements, each employee of the Division of Utilities and of the Division of Streets and Parks, when placed on an "on call" basis by the department or division head, shall receive compensation in addition to their regular salary in an amount equal to two (2) hours of such employee's regular rate for each such twenty-four (24) hour period that the employee is on call. Such "on call" pay shall be in addition to pay for actual hours worked on call.

**CITY OF HURON
FULL TIME POSITION AND SALARY SCHEDULE**

POSITION TITLE	Pay Scale	BASE SALARY RANGE	
		Min.	Max.
Water Superintendent	9	\$57,276	\$85,914
Police Sergeant			
Fire Captain			
Parks and Recreation Operations Manager			
Planning Director	8	\$54,264	\$79,396
Human Resources Director	7	\$49,968	\$75,452
Recreation Program Manager	6	\$48,980	\$75,000
Fire Lieutenant			
Street Foreman			
Finance Specialist Payroll			
Planning and Zoning Manager			
Chief Operator	5	\$44,990	\$68,508
Firefighter			
Police Officer			
Water Distribution Foreman			
Management Services Coordinator	4	\$43,225	\$61,850
Executive Administrative Asst./Clerk of Council			
Permit Technician/Admin Asst.			
Maintenance Worker 3	3	\$40,861	\$60,000
Zoning Inspector - FT			
Parks and Municipal Ground Coordinator			
Finance Specialist Customer Service			
Maintenance Worker 2	2	\$37,080	\$56,000
Maintenance Worker 1			
Parks Maintenance Worker I			
Administrative Assistant	1	\$34,299	\$41,921

Supplemental Salary Schedule			
		BASE SALARY RANGE	
POSITION TITLE	Pay Scale	Min.	Max.
Assistant City Manager	VIII	\$54,478	\$90,000
Information Technology Manager	VIII	\$57,000	\$95,000
Director of Parks and Recreation	VI-C	\$48,676	\$85,000
Boat Basin Facility Manager	VI-B	\$37,403	\$51,500
Assistant Water Superintendent	V	\$35,160	\$60,600
Clerk of Court	V	\$45,000	\$76,000
Probation Officer	III	\$23,825	\$47,000
Deputy Clerk of Court	III	\$26,000	\$51,000
Finance Clerk	II	\$22,180	\$45,400
Executive Assistant		\$23,000	\$33,500
Municipal Judge		\$35,000	\$35,500

Part Time and Seasonal Position Salary Schedule		
	BASE SALARY RANGE	
POSITION TITLE	Min.	Max.
Deputy Court Clerk	\$10.10/hr.	\$18.00/hr.
Police/Dispatch Secretary		
Police Officer		
Court Bailiff/Court Security Officer		
Finance Clerk		
Customer Service Clerk		
Management Assistant		
General Maintenance Worker	\$10.10/hr.	\$24.00/hr.
Zoning Inspector - PT		
Street Maintenance		

Parks Maintenance	\$10.10/hr.	\$14.00/hr.
Recreation		
Dockhand		
Basic EMT/FF	\$12.00/hr.	\$15.00/hr.
Basic Paramedic/FF	\$15.00/hr.	\$18.00/hr.

(Ord. 2023-22. Passed 8-22-23.)

161.04.1 FULL-TIME SALARIES OF THE LAW DIRECTOR, FINANCE DIRECTOR, SERVICE DIRECTOR, FIRE CHIEF AND POLICE CHIEF.

The following positions and commensurate salaries are effective January 1, 2022:

<u>Position</u>	<u>Base Salary</u>
Law Director	\$150,000.00
Finance Director	\$111,000.00
Service Director	\$111,000.00
Fire Chief	\$100,000.00
Police Chief	\$100,000.00

(Ord. 2023-22. Passed 8-22-23.)

161.05 APPLICATIONS AND APPLICANTS.

(a) All entrance examinations shall be publicly announced by the Personnel Officer as they deem necessary or desirable. The announcement shall specify the title of the position for which the examination is to be held; the time, place and manner of making applications; and any other information deemed pertinent by the Personnel Officer.

(b) Applications shall be made on forms prescribed by the Personnel Officer.

(c) The Personnel Officer shall reject any application which indicates on its face that the applicant does not possess the minimum qualifications required or which is not received within the time limit fixed for filing for the position. Notice of such rejection shall be given to the applicant, and such rejection shall be final.

(d) All applicants must be citizens of the United States or legally permitted to work in the United States, of good moral character, of temperate habits, of sound health and physically able to perform the duties of the position applied for.

(e) The Personnel Officer shall make inquiry of employers, educational institutions and character references given by the applicant to verify the statements made in the application. If the facts so ascertained indicate the unsuitability of the applicant, the Personnel Officer may reject their application and notify them to that effect, and such rejection shall be final.

(f) Every applicant for entrance examination for the uniformed fire service shall be, in addition to the requirements set forth in subsections (c), (d) and (e) hereof, at the time of application, no less than twenty (20) years of age and not over thirty-nine (39) years of age. However, in a case where an applicant has had experience as a full-time firefighter in the State of Ohio, the Personnel Officer may, at their discretion, accept applicants over thirty-nine (39) years of age, with one year of increased age allowed for each year so served.

(g) Every applicant for entrance examination in the uniformed police service, in addition to the requirements set forth in subsections (c), (d) and (e) hereof, shall at the time of application be no less than twenty-one (21) years of age and not over thirty-nine (39) years of age, and must have successfully completed the Basic Peace Officers Training course at the time of their original appointment as a police officer in the Police Division. However, in a case where an applicant has had experience in the State as a full-time police officer, the Personnel Officer may, at their discretion, accept applicants over thirty-nine (39) years of age, with one year of increased age allowed for each year so served.

(h) Every applicant for entrance examination for the uniformed police service and fire service shall pay an application fee established by the Personnel Officer in an even dollar amount calculated to cover the cost of the examination forms and study materials.
(Ord. 2023-22. Passed 8-22-23.)

161.06 EXAMINATIONS.

(a) All examinations shall be of such type as will test fairly the relative capacity and fitness of the applicants to discharge efficiently the duties for which the examination is given. Their content shall be determined by the Personnel Officer and they shall be responsible for the evaluation of the results. The examinations may be written or oral, physical or performance tests, and may be any combination of these.

(b) The Personnel Officer may require applicants to submit proof of their age, citizenship and military service at the time of the examination.

(c) Each person who takes an examination shall be given written notice as to whether they passed or failed such examination and of their relative standing on the eligible list, if they were successful. Each person shall be entitled to inspect their own papers, but not those of other candidates, during regular office hours, under the supervision of the Personnel Officer.

(d) Before any person is appointed as a probationary employee, they shall be required to submit to a medical examination administered by a physician selected for that purpose by the Personnel Officer with the approval of the City Manager. A certificate by such physician, in a form prescribed by the City Manager, that the person so examined is in good health and is physically capable of performing the duties of the position, shall be prerequisite to appointment. The expense of this pre-employment physical examination shall be paid by the City.

(e) The City Manager may require the medical examination of any employee at any time during the term of the employee's service or as a prerequisite to call back for employment as set forth in Section 161.12(b). The expense of medical examinations prescribed in this section shall be paid by the City.

(f) Whenever in the judgment of the City Manager, Personnel Officer and the division head, positions above the entrance level should be filled by promotion, a promotional examination shall be given. Eligibility to take a promotional examination shall be determined by the Personnel Officer with the approval of the City Manager. Promotions shall be based upon a written competitive examination, length of service, a written evaluation from the department or division head and a personal interview by the City Manager, Personnel Officer and division head. The Personnel Officer shall determine the content of the examinations and shall be responsible for the evaluation of the results. Examinations shall be competitive unless the Personnel Officer finds that the number of persons qualified for promotion is insufficient to justify competition, in which case the promotional examination shall be noncompetitive in character, or as otherwise provided in Section 8.09 of the Charter. The Personnel Officer shall give written notice of the promotional examination which shall set forth the date, time and place and procedures and rules, as determined by the Personnel Officer which apply to the promotional examination.
(Ord. 2023-22. Passed 8-22-23.)

161.07 ELIGIBLE LISTS.

(a) The Personnel Officer shall prepare and keep open to public inspection, from the results of each examination, an eligible list of the persons whose average grade is not less than seventy (70) and who are otherwise eligible for appointment. Such persons shall take rank upon the eligible list in the order of their relative grades. Any person who is eligible for appointment at the time of the preparation of the eligible lists except for not having attained the age of twenty-one (21) years, shall have their name included on such list with a notation that they are not eligible for appointment until having attained the age of twenty-one (21). Whenever it becomes necessary to hold a subsequent examination in order to obtain additional eligibles, the Personnel Officer may consolidate existing lists for the same position by rearranging the names of those whose names appear on an existing list which is to be merged with a new list in the order of their relative grades. Any eligible on an existing list shall have an opportunity to compete in the examination.

(b) The term of eligibility of each list and of the names appearing thereon shall be for two (2) years.

(c) Regular employees laid off for lack of funds or work shall be placed on a reemployment eligible list and remain on such list for one year or for a period equal to their length of employment with the City, whichever is longer.

(d) A probationary employee, who is laid off for lack of funds or work while the original employment eligible list from which they were appointed is still in effect, shall be restored to their original place on that list.

- (e) The name of any person appearing on an eligible list who:
- (1) Fails to report or arrange within six (6) days (Sundays and holidays excluded) for an interview with an appointing authority;
 - (2) Fails to respond to a notice from the Personnel Officer;
 - (3) Declines an appointment without reasons satisfactory to the Personnel Officer; or
 - (4) Cannot be located by the postal authorities,

shall not thereafter be certified to any appointing authority as eligible for appointment. The eligible person shall be notified to this effect unless their whereabouts are unknown. Their name may again be certified from the eligible list only in case a thoroughly satisfactory explanation of the circumstances is made to the Personnel Officer. In the event an eligible person's name appears on more than one list, appointment to a position in one class shall be considered a waiver for appointment from other eligible lists for classes the salary of which is equal or lower.

(f) If at any time after the creation of an eligible list, the Personnel Officer has reason to believe that any person whose name appears on any list is disqualified for appointment because of false statements made in their application, physical disability or for other comparable reasons, such person shall be notified and given an opportunity to be heard. If such person fails to appear for hearing, or upon being heard, fails to satisfy the Personnel Officer, their name shall be removed from such eligible list.
(Ord. 2023-22. Passed 8-22-23.)

161.08 APPOINTMENT AND PROBATION.

(a) Within two (2) weeks after any certification of an eligible list has been made by the Personnel Officer, the appointing authority shall appoint one of the persons so certified to fill the vacancy. A notice of appointment shall be filed with the Director of Finance.

(b) Every original or promotional appointment from an eligible list shall be for a probationary period as agreed to in the collective bargaining agreements.

(c) Probationers shall become regular employees at the end of their probationary period, provided the evaluations indicate satisfactory performance of their duties.

(d) Probationers may be removed or demoted at any time during the probationary period. Such removals or demotions shall not be subject to appeal. Copies of all such notices shall be filed with the Personnel Officer and Director of Finance.

(e) Whenever an emergency exists which requires that a vacancy be filled at once in order to maintain public services, the City Manager may appoint any qualified person temporarily to perform the duties of the position.
(Ord. 2023-22. Passed 8-22-23.)

161.09 IN-SERVICE ACTIVITIES.

An annual report of the activities of the Personnel Officer shall be submitted to the City Manager within thirty (30) days following the close of the City's fiscal year. The Personnel Officer shall make such other reports as may be required by the City Manager or by Council.
(Ord. 2023-22. Passed 8-22-23.)

161.10 DISCIPLINE.

(a) If an employee's conduct falls below a desirable standard, they are subject to disciplinary action. Some examples of cause for discipline are:

- (1) Failure to follow the orders of the supervisor or department head;
- (2) Absence from work without permission;
- (3) Being habitually absent or tardy;
- (4) Failure to perform assigned work in an acceptable manner;
- (5) Being wasteful of material, property or working time;

- (6) Inability to get along with fellow employees so that work is hindered or not up to required standards;
- (7) Failure to pay just debts;
- (8) Violating the Drug and Alcohol Policy;
- (9) Rudeness in dealing with the public;
- (10) Conduct unbecoming an employee;
- (11) Any act of dishonesty, theft or fraud;
- (12) Violating City Policy;
- (13) Any criminal offense.

Any disciplinary action which affects the pay or status of the employee, such as suspension from duty without pay, demotion in rank and salary and dismissal, shall be exercised only by the City Manager.

(b) The duty of maintaining discipline among the City employees shall rest primarily with the City Manager.

(c) An appeal shall be allowed from disciplinary action as provided in the Charter, Administrative Code and in this chapter, if requested by the non-bargaining unit employee affected.

(Ord. 2023-22. Passed 8-22-23.)

161.11 APPEALS PROCEDURE.

(a) In any case of reduction in pay or status, suspension for more than five (5) days or removal of a non-bargaining employee, the appointing authority shall furnish such employee with a copy of the order of reduction, suspension or removal, which order shall state the reason therefor. Such order shall also be filed with the Personnel Appeals Board.

(b) Within ten (10) days following the filing of such order with the Personnel Appeals Board, the non-bargaining employee may file an appeal, in writing with the Board. In the event such an appeal is filed, the Board shall forthwith notify the appointing authority and shall hear such appeal within thirty (30) days from and after its filing with the Board. The Personnel Appeals Board may affirm, disaffirm or modify the judgment of the appointing authority.

(c) In cases of removal or reduction in pay for disciplinary reasons, either the appointing authority or the non-bargaining employee may appeal from the decision of the Personnel Appeals Board to the Court of Common Pleas in accordance with the procedure provided by Ohio R.C. 119.12.

(Ord. 2023-22. Passed 8-22-23.)

161.12 LAYOFF AND REINSTATEMENT.

(a) Whenever there is lack of work or lack of funds requiring a reduction in the number of employees of the City, the City Manager shall determine the classes of employment in which such reduction shall be made and the number to be laid off. The employees to be laid off shall be determined by the department and division head based on length of service. Such determination shall be submitted to the City Manager for action.

(b) When the work or financial situation permits, those who have been laid off shall be called back to work by the City Manager according to their status on the re-employment eligibility list and placed on available work at the appropriate pay.

(c) Any person who previously worked as a regular full-time police officer or firefighter and who voluntarily terminated their service with the City, may be considered for rehiring as a probationary employee in their prior classification, within a three (3)-year period of the date of their voluntary termination, upon written recommendation of the department head or division head and with the approval of the City Manager. Rehiring under these circumstances may be done without a prior written competitive examination provided such person passes a medical examination as provided in Section 161.06(d).
(Ord. 2023-22. Passed 8-22-23.)

161.13 POLITICAL ACTIVITY.

See Charter, Section 8.07.
(Ord. 2023-22. Passed 8-22-23.)

CHAPTER 163 Employment Provisions

163.01	Surety bonds required.	163.09	Military leave.
163.02	Sick leave.	163.10	Training leave.
163.03	Bereavement leave.	163.11	Emergency leave. (Repealed)
163.04	Paid holidays.	163.12	Cost-of-living salary adjustments. (Repealed)
163.05	Vacations.	163.13	Fringe benefits.
163.06	Travel expenses; mileage allowance.	163.14	Weather emergencies.
163.07	Personal leave.		
163.08	Jury duty.		

CROSS REFERENCES

Contract interest - see CHTR. §5.08
 Merit system - see CHTR. §8.01
 Exempt positions - see CHTR. §8.02
 Appeals - see CHTR. §8.05
 Promotional examinations - see CHTR. §8.09
 Personnel Division - see ADM. Ch. 161

163.01 SURETY BONDS REQUIRED.

The persons holding the following positions shall furnish to the Council Clerk a corporate surety bond in at least the amounts designated for each such position. The amount of any premium shall be paid by the City.

	<u>Minimum Bond</u>
City Manager	\$10,000.00
Mayor	2,500.00
Director of Finance	20,000.00
Assistant Director of Finance	20,000.00
Members of Police	2,500.00 each
Building Official	2,500.00
Bookkeeper-Cashier, Division of Income Taxation	20,000.00
Director of Utilities	5,000.00
All other City employees	2,500.00

The surety bond required for all of the above positions may, at the option of the City Manager, be included in a blanket corporate surety bond in at least the combined total of all the individual bonds set forth above.
(Ord. 2023-23. Passed 8-22-23.)

163.02 SICK LEAVE.

(a) Each full-time employee whose salary or wage is paid in whole or in part by the City shall be entitled, for each completed month of service, to sick leave of one and one-quarter (1.25) work days with pay. Full-time employees are entitled to accumulate an unlimited amount of sick leave. Employees with accumulated sick leave may use such sick leave, upon approval of the responsible department head, for absence due to illness, injury, exposure to contagious disease which could be communicated to other employees or for illness of a spouse or dependent child. A full-time salaried employee who transfers from one City department to another shall be credited with the unused balance of their accumulated sick leave. The responsible department head may require an employee taking sick leave to furnish a satisfactory affidavit that their absence was caused by illness due to any causes mentioned in this section. For absences in excess of three (3) consecutive days, the responsible department head shall notify human resources and human resources will follow up with the employee. This section shall be uniformly administered to full-time and part-time employees.

(b) Effective January 1, 2009, a full-time employee who retires from service with the City may request and shall be paid an amount equal to one day's compensation, at their then current salary, for every three (3) day's sick leave accumulated while employed by the City of Huron as of the date of retirement, but not to exceed an amount equal to their salary or wage for four hundred eighty (480) hours. This benefit shall only be available to full-time employees who qualify for, and actually take retirement through, their respective public retirement system. No payment for accumulated sick leave shall be available for, and shall not be paid to, full-time employees who resign or are terminated from their employment with the City. No payment for transferred sick leave will be paid at retirement or separation.

(c) A full-time employee who has a minimum of 1,000 hours accumulated sick leave by the end of December of the preceding year may request, in writing, by the last working day of January of any calendar year on a sick leave conversion form provided by the Finance Department and shall be granted the right to convert one-hundred twenty (120) hours sick leave to forty (40) hours personal time. An Employee shall not convert in excess of sixty-four (64) hours personal time on any calendar year. (40 hours of converted sick time and twenty-four (24) regular personal hours). Transferred sick time will not be included in the sick leave conversion to personal time.

(d) Each full-time employee shall be allowed to transfer accumulate unused sick leave accrued while in the employment of another Ohio political subdivision, but the transferred time ("transferred sick") cannot be computed towards payouts, personal time conversion, carryovers or donated time. Transferred sick time cannot be used until all regular accrued sick leave is exhausted. This transferred sick leave will never be paid out at retirement or separation and cannot be used to donate leave.
(Ord. 2023-23. Passed 8-22-23.)

163.03 BEREAVEMENT LEAVE.

(a) A maximum of four (4) days leave of absence shall be granted to any full-time employee due to a death in their immediate family (mother, father, sister, brother, spouse, child, stepson, stepdaughter, stepbrother, stepsister, stepparent, half-brother, half-sister, grandparent, mother-in-law and father-in-law) and such time shall not be deducted from the employee's accumulated sick leave.

(b) A maximum of three (3) days' leave of absence shall be granted to any full-time employee due to a death in the following members of their family: aunts, uncles, nieces, nephews. Such time shall be deducted from their accumulated sick leave.

(c) When, in the opinion of the responsible department head, additional leave of absence for family death is in the best interest of both the City and the employee, such additional leave may be granted and shall be deducted from the employee's accumulated sick leave. (Ord. 2023-23. Passed 8-22-23.)

163.04 PAID HOLIDAYS.

(a) There shall be eleven (11) paid holidays for full-time employees. These holidays shall be New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, the Friday after Thanksgiving Day and Christmas Day. In addition, there shall be three one-half (3½) day paid holidays, these being one-half (½) day before Christmas Day, one-half day before New Year's Day and one-half (1½) day on Good Friday afternoon. If it shall be necessary to work any or all of these days the employee may substitute working days at the discretion of the department head or City Manager.

(b) In case the holiday falls on Saturday, the previous Friday shall be considered as the legal holiday. In case the holiday falls on Sunday, the following Monday shall be considered the legal holiday.

(c) Any substituted working day for a holiday day authorized as provided in subsection (a) hereof must be taken by each employee entitled thereto, during the calendar year of such holiday. Unused holiday pay is lost as of December 31st of each year is earned.

(d) If an employee leaves employment during the year, any used unaccrued holiday hours shall be deducted from the employee's leave payout. Unused accrued holiday hours shall not be paid out upon retirement or separation. (Ord. 2023-23. Passed 8-22-23.)

163.05 VACATIONS.

(a) The Director of Finance is hereby authorized to account for the hourly accumulation of earned vacation time on the bi-weekly payroll check of every City employee. Earned vacation time on an hourly basis shall be accumulated and taken by all City employees on the following basis according to the chart below. Employees may carry over earned unused vacation time but such carryover shall be limited according to the chart. Upon employment separation or retirement, an employee's vacation leave balance is paid out at the employee's pay rate at separation or retirement. If an employee has used vacation time that had not been accrued yet and then separates from employment, the employee's last paycheck will deduct the used unaccrued time.

Years of Service	Annual Accrual	Annual Hours Earned	Accrual per week	Maximum Annual Carryover
1-6	2 weeks	80	3.08	160
7-12	3 weeks	120	4.62	160
13-19	4 weeks	160	6.15	160
20+	5 weeks	200	7.69	200

In all departments, vacation time off shall be scheduled with the department head. Scheduling of vacation time shall be coordinated so as to avoid disruption of necessary City services and functions of the specific department. Employees entitled to vacation time off shall file their vacation time request with their department head in accordance with departmental procedures designated by the City Manager.

The City Manager may, at their discretion, allow past relevant work experience to count toward prior service for vacation accrual purposes.
(Ord. 2023-23. Passed 8-22-23.)

163.06 TRAVEL EXPENSES; MILEAGE ALLOWANCE.

In addition to regular salaries and compensation, travel expenses for official purposes shall be paid to officers and employees only when such trips and expenses are lawfully authorized by the City Manager or Council. Prior authorization shall be received in writing by the City Manager before any expenses are incurred.

Any officer or employee authorized to make a trip on official City business shall keep a complete and accurate record of the expenses so incurred. An itemized statement of expenses incurred together with receipts and/or receipted bills shall be submitted to the City Manager or Council for approval. Upon approval, the statement shall be submitted to the Director of Finance for payment.

Except where otherwise provided for, City personnel shall be allowed mileage reimbursement for the use of personal vehicles when used for travel on official business in an amount approved and authorized by the IRS, and as that amount may change from time to time.
(Ord. 2023-23. Passed 8-22-23.)

163.07 PERSONAL LEAVE.

Each full-time employee shall be entitled to two (2) extra days off with pay each calendar year. Such extra days shall be the choice of each employee, subject only to the approval of the department head. These two (2) extra days will end on December 31, 2023. Effective January 1, 2024, each full-time employee shall be entitled to three (3) personal days off with pay each calendar year. Such personal days shall be the choice of each employee, subject only to the approval of the department head. Such personal days shall be added to an employee's leave accrual balance on January 1 to be used during the same year. Personal days shall not be carried over at the end of the calendar year. If an employee leaves employment during the year, any used unaccrued personal time shall be deducted from the employee's leave payout. Unused accrued personal leave shall not be paid out upon retirement or separation. Unused personal leave balance cannot exceed sixty-four (64) hours at any one time. All personal leave must be used within the year accrued or it is lost. Sick time converted to personal leave must be used within a year of conversion or it is lost. (Ord. 2023-23. Passed 8-22-23.)

163.08 JURY DUTY.

A full-time employee who has been called for jury duty shall, upon notice to their department head, be paid their regular salary or wages less the amount of pay received for jury duty service. (Ord. 2023-23. Passed 8-22-23.)

163.09 MILITARY LEAVE.

(a) All officers and employees of the City who are members of the Ohio National Guard, the Ohio Defense Corps, the Ohio Naval Militia, or who are members of other reserve components of the armed forces of the United States, are entitled to a leave of absence from their respective duties without loss of pay for such time as they are in the military service on field training or active duty for periods not to exceed thirty-one (31) days in any one calendar year.

(b) Any employee of the City who qualifies under subsection (a) above who is called to active duty for a national or state emergency by order of the President of the United States, the Congress of the United States, the Governor of the State of Ohio or the legislature of the State of Ohio shall be granted a leave of absence for the duration of such active duty. During this leave of absence, and at the expiration of the time limit specified in subsection (a) above, such employee shall receive from the City the difference between the employee's gross monthly base wage or salary with the City and the sum of the employee's gross monthly base wage or salary received from the military per month. During the leave of absence, such employee shall continue to accumulate vacation, sick leave, longevity credit, and other such benefits as would normally be available to the employee. Reinstatement rights and other rights shall be in accordance with all relevant provisions of Federal law and their companion rules and regulations.

(Ord. 2023-23. Passed 8-22-23.)

163.10 TRAINING LEAVE.

Employees may be granted leave with pay to attend professional meetings, training institutes and conferences at the discretion of the City Manager or Council.

(Ord. 2023-23. Passed 8-22-23.)

163.11 EMERGENCY LEAVE. REPEAL THIS SECTION (REPEALED)

(EDITOR'S NOTE: Former Section 163.11 was repealed by Ordinance 2023-23, passed August 22, 2023.)

163.12 COST-OF-LIVING SALARY ADJUSTMENTS. (REPEALED)

(EDITOR'S NOTE: Former Section 163.12 was repealed by Ordinance 1991-18, passed July 8, 1991.)

163.13 FRINGE BENEFITS.

(a) Full-time, employees only shall be entitled to receive any and all of the fringe benefits as set forth in the code or as are, from time to time, approved by Council.

(b) The City shall provide for each full-time employee, a health insurance policy and a term life insurance policy in such face amounts and with premiums apportioned between the City and each employee as Council shall, from time to time, determine.

(c) Council shall have the authorization to make exceptions to this section by motion approved by a majority of its members.

(d) Any type of fringe benefit (e.g. allowances, personal leave) earned during the year of retirement or separation from employment should be prorated on the employee's retirement or separation payout. (Ord. 2023-23. Passed 8-22-23.)

163.14 WEATHER EMERGENCIES.

In the event of an emergency due to weather conditions, by reason of which non-bargaining unit employees are unable to report to work at their appointed times, the City Manager shall determine when an emergency exists and which employees were unable to report to work because of such emergency and each of such employees shall be entitled to their regular compensation for the missed work time. Employees already scheduled to be off, on or during the declared emergency, are not entitled to be paid.
(Ord. 2023-23. Passed 8-22-23.)

(NOTE: The next printed page is Page 73.)

CHAPTER 187
Motor Vehicle License Tax

187.01 Purpose.

187.02 Imposition of Tax.

187.03 Effective period.

187.04 Additional tax levied.

CROSS REFERENCE

Power to levy - see Ohio R.C. 4504.06, 4504.172

187.01 PURPOSE.

For the purpose of paying the costs and expenses of enforcing and administering the tax provided for in this chapter; and for planning, constructing, improving, maintaining and repairing public roads, highways and streets; maintaining and repairing bridges and viaducts; paying the municipal corporation's portion of the costs and expenses of cooperating with the Department of Transportation in the planning, improvement and construction of State highways; paying the City's portion of the compensation, damages, cost and expenses of planning, constructing, reconstructing, improving, maintaining and repairing roads and streets; paying any costs apportioned to the City under Ohio R.C. 4907.47; paying debt service charges on notes or bonds of the City issued for such purposes; purchasing, erecting and maintaining street and traffic signs and markers; purchasing, erecting and maintaining traffic lights and signals; and to supplement revenue already available for such purposes, there is hereby levied an annual license tax, in addition to the tax levied by Ohio R.C. 4503.02, 4503.07 and 4503.18, upon the operation of motor vehicles on the public roads or highways. (Ord. 1975-19. Passed 6-23-75.)

187.02 IMPOSITION OF TAX.

Such tax shall be at the rate of five dollars (\$5.00) per motor vehicle on all motor vehicles the district of registration of which, as defined in Ohio R.C. 4503.10 is in the City and which are not subject to a County motor vehicle license tax previously levied by a resolution adopted pursuant to Ohio R.C. 4504.02. Such tax shall be in addition to the taxes at the rates specified in Ohio R.C. 4503.04 and 4503.16 subject to quarterly reductions in the manner provided in Ohio R.C. 4503.13 and the exemptions provided in Ohio R.C. 4503.101 (4503.10.1), 4503.16, 4503.17 and 4503.171 (4503.17.1). (Ord. 1975-19. Passed 6-23-75.)

187.03 EFFECTIVE PERIOD.

The tax levied herein shall be effective with the 1976 motor vehicle registration year and shall continue in effect until the same shall be rescinded by Council by proper legislation. (Ord. 1975-19. Passed 6-23-75.)

187.04 ADDITIONAL TAXES LEVIED.**(a) Ohio R.C. 4504.172.**

- (1) There is hereby levied an annual license tax upon the operation of motor vehicles on the public roads or highways pursuant to Ohio R.C. 4504.172, for the purposes of paying the costs and expenses of enforcing and administering the tax provided for in this section; and to provide additional revenue for the purposes set forth in Ohio R.C. 4504.06; and to supplement revenue already available for such purposes.
Such tax shall be at the rate of five dollars (\$5.00) per motor vehicle on each and every motor vehicle the district of registration of which, as defined in Ohio R.C. 4503.10, is in the City.
As used in this section "motor vehicle" means any and all vehicles included within the definition of motor vehicles in Ohio R.C. 4501.01 and 4505.01.
- (2) The tax imposed by this section shall apply to and be in effect for the registration year commencing January 1, 1988 and shall continue in effect and application during each registration year thereafter.
- (3) The tax imposed by this section shall be paid to the Registrar of Motor Vehicles of the State or to a deputy registrar at the time application for registration of a motor vehicle is made as provided in Ohio R.C. 4503.10.
- (4) All moneys derived from the tax hereinbefore levied shall be used by the City for the purposes specified in this section.
(Ord. 1987-13. Passed 8-24-87.)

(b) Ohio R.C. 4504.17.

- (1) Council hereby levies an annual license tax, under the authority of Ohio R.C. 4504.17, in addition to the tax levied by Ohio R.C. 4503.02, 4503.07, and 4503.18, upon the operation of motor vehicles on the public roads or highways. Such tax shall be at the rate of five dollars (\$5.00) per motor vehicle on all motor vehicles in the district of registration of which, as defined in Ohio R.C. 4503.10, is in the municipal corporation levying the tax; and, which are not subject to a county motor vehicle license tax levied by a resolution adopted pursuant to Ohio R.C. 4504.02.
- (2) Such tax shall be in addition to the taxes at the rates specified in Ohio R.C. 4503.04 and 4503.16, subject to reductions in the manner provided in Ohio R.C. 4503.11; and the exemptions provided in Ohio R.C. 4503.16, 4503.17, 4503.171, 4503.173, 4503.41, 4503.43, and 4503.46
(Ord. 2009-21. Passed 9-22-09.)

(c) Ohio R.C. 4504.171.

- (1) Council hereby levies an annual license tax, under the authority of Ohio R.C. 4504.171, in addition to the tax levied by Ohio R.C. 4503.02, 4503.07, and 4503.18, upon the operation of motor vehicles on the public roads or highways. Such tax shall be at the rate of five dollars (\$5.00) per motor vehicle on all motor vehicles in the district of registration of which, as defined in Ohio R.C. 4503.10, is in the municipal corporation levying the tax; and, which are not subject to a county motor vehicle license tax levied by a resolution adopted pursuant to Ohio R.C. 4504.02.
- (2) Such tax shall be in addition to the taxes at the rates specified in Ohio R.C. 4503.04 and 4503.16, subject to reductions in the manner provided in Ohio R.C. 4503.11; and the exemptions provided in Ohio R.C. 4503.16, 4503.17, 4503.171, 4503.173, 4503.41, 4503.43, and 4503.46.
(Ord. 2009-22. Passed 9-22-09.)

(d) Ohio R.C. 4504.173.

- (1) There is hereby levied an annual license tax upon the operation of motor vehicles on the public roads and highways of the City of Huron, Ohio, pursuant to Section 4504.173 of the Ohio Revised Code, for the purpose of planning, constructing, improving, maintaining and repairing public roads, highways and streets, and to provide additional revenue for the purposes authorized by Section 4504.173(A)(2) of the Ohio Revised Code, and to supplement revenues already available for such purposes;
- (2) The license tax referenced above in subsection (d)(1) shall be at a rate of five dollars (\$5.00) per motor vehicle per year, on each and every motor vehicle the district of registration of which, as defined in Section 4503.10 of the Ohio Revised Code, is in the City of Huron, Ohio, subject to reductions in the manner provided in Section 4503.16, 4503.17, 4503.172, 4503.18, 4503.41, 4503.43, 4503.46 and 4503.571 of the Ohio Revised Code.
- (3) As used in this subsection (d), the term "motor vehicle" shall include all vehicles so defined in Sections 4501.01 and 4505.01 of the Ohio Revised Code.
- (4) The annual tax imposed by this subsection (d) shall apply to and be in effect for the registration year commencing January 1, 2024, and shall continue in effect and application during each registration year thereafter.
- (5) The annual tax imposed by this subsection (d) shall be paid to the Registrar of Motor Vehicles of the State of Ohio, or to a Deputy Registrar, at the time application for registration of a motor vehicle is made as provided in Section 4503.01, et seq., of the Ohio Revised Code.
- (6) All revenues derived from the annual tax levied herein shall be used by the City of Huron for the purposes specified in this subsection (d), or any other purpose authorized by state law.
(Ord. 2023-10. Passed 5-23-23.)

CHAPTER 333
OVI; Willful Misconduct; Speed

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| <p>333.01 Driving or physical control while under the influence.</p> <p>333.02 Operation in willful or wanton disregard of safety.</p> <p>333.03 Maximum speed limits; assured clear distance ahead.</p> <p>333.031 Approaching a stationary public safety, emergency, or road service vehicle.</p> <p>333.04 Stopping vehicle; slow speed; posted minimum speeds.</p> | <p>333.05 Speed limitations over bridges.</p> <p>333.06 Speed exceptions for emergency or safety vehicles.</p> <p>333.07 Street racing prohibited.</p> <p>333.08 Operation without reasonable control.</p> <p>333.09 Reckless operation on streets, public or private property.</p> <p>333.10 Operation in violation of immobilization order.</p> <p>333.11 Texting while driving prohibited.</p> |
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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.
 - 5. The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.

333.09 RECKLESS OPERATION ON STREETS, PUBLIC OR PRIVATE PROPERTY.

(a) No person shall operate a vehicle on any street or highway without due regard for the safety of persons or property.

(b) No person shall operate a vehicle on any public or private property other than streets or highways, without due regard for the safety of persons or property.

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

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

333.10 OPERATION IN VIOLATION OF IMMOBILIZATION ORDER.

(a) No person shall operate a motor vehicle or permit the operation of a motor vehicle upon any public or private property used by the public for vehicular travel or parking knowing or having reasonable cause to believe that the motor vehicle has been ordered immobilized pursuant to an immobilization order issued under Ohio R.C. 4503.233.

(b) A motor vehicle that is operated by a person during a violation of subsection (a) hereof shall be criminally forfeited in accordance with the procedures contained in Ohio R.C. 4503.234.

(c) Whoever violates this section is guilty of a misdemeanor of the second degree.
(ORC 4503.236)

333.11 TEXTING WHILE DRIVING PROHIBITED.

(a) No person shall operate a motor vehicle, trackless trolley, or streetcar 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)
- (1) On January 31 of each year, the department of public safety shall issue a report to the general assembly that specifies the number of citations issued for violations of this section during the previous calendar year.
 - (2) 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:
 - A. Report the issuance of the ticket, citation, or summons to the officer's law enforcement agency;
 - B. Ensure that such report indicates the offender's race.

- (d) (1) Whoever violates subsection (a) of this section is guilty of operating a motor vehicle while using an electronic wireless communication device, an unclassified misdemeanor.
- A. Except as provided in subsections (d)(1)B., C., D., and (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 (2) years of the violation, the offender has been convicted of or pleaded guilty to one prior violation of this section 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 (2) years of the violation, the offender has been convicted of or pleaded guilty to two or more prior violations of this section or a substantially equivalent 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 (90) days.
 - D. Notwithstanding subsections (d)(1)A. to 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 section 4511.98 of the Ohio Revised Code, 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 subsection (d)(1)A., B., or C. of this section, as applicable.
- (2) 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 4511.991 of the Ohio Revised Code. 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.
- (3) The court may impose any other penalty authorized under sections 2929.21 to 2929.28 of the Ohio Revised Code. 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 section 4510.036 of the Ohio Revised Code.
- (5) The offense established under this section is a strict liability offense and section 2901.20 of the Ohio Revised Code 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) This section shall not be construed as invalidating, preempting, or superseding a substantially equivalent municipal ordinance that prescribes penalties for violations of that ordinance that are greater than the penalties prescribed in this section for violations of this section.

(f) A prosecution for an offense in violation of this section does not preclude a prosecution for an offense in violation of a substantially equivalent municipal ordinance based on the same conduct. However, the two offenses are allied offenses of similar import under section 2941.25 of the Ohio Revised Code.

- (g) (1) A law enforcement officer does not have probable cause and shall not stop the operator of a motor vehicle for 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, trackless trolley, or streetcar 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.

(h) 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) "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.
- (3) "Utility" means an entity specified in subsection (a), (c), (d), (e), or (g) of section 4905.03 of the Ohio Revised Code.
- (4) "Utility service vehicle" means a vehicle owned or operated by a utility. (ORC 4511.204; Ord. 2023-8. Passed 3-28-23.)

CHAPTER 521

Health, Safety and Sanitation

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| <p>521.01 Abandoned refrigerators and airtight containers.</p> <p>521.02 Venting of heaters and burners.</p> <p>521.03 Barricades and warning lights; abandoned excavations.</p> <p>521.04 Sidewalk obstructions; damage or injury.</p> <p>521.05 Notice to fill lots, remove putrid substances.</p> <p>521.06 Duty to keep sidewalks in repair and clean.</p> | <p>521.07 Fences.</p> <p>521.08 Littering and deposit of garbage, rubbish, junk, etc.</p> <p>521.09 Noxious or offensive odors.</p> <p>521.10 Sweeping or accumulating debris on public ways.</p> <p>521.11 Street damage from metallic rims or tires of vehicles.</p> <p>521.12 Swimming prohibited.</p> <p>521.13 Mud, dirt and debris on public streets.</p> <p>521.14 Spreading contagion.</p> <p>521.15 Duty to maintain trees in tree lawn.</p> <p>521.99 Penalty.</p> |
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CROSS REFERENCES

See sectional histories for similar State law

Flagpole installation in sidewalk - see Ohio R.C. 723.012

Excavation liability - see Ohio R.C. 723.49 et seq.

Duty to maintain shade trees - see Ohio R.C. 727.01, et seq.

Removal of noxious weeds or litter - see Ohio R.C. 731.51 et seq.

Nuisances - see Ohio R.C. Ch. 3767

Tampering with safety devices - see GEN. OFF. 541.04

Maintenance of trees - see S.U. & P.S. Ch. 907

Assessments for sidewalks - see S.U. & P.S. 909.02, Ohio R.C. 729.01-729.07

Assessments for shade trees - see S.U. & P.S. 909.03, Ohio R.C. 727.01 et seq.

521.01 ABANDONED REFRIGERATORS AND AIRTIGHT CONTAINERS.

(a) No person shall abandon, discard, or knowingly permit to remain on premises under his control, in a place accessible to children, any abandoned or discarded icebox, refrigerator or other airtight or semiairtight container which has a capacity of one and one-half cubic feet or more and an opening of fifty square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein. This section shall not apply to an icebox, refrigerator or other airtight or semiairtight container located in that part of a building occupied by a dealer, warehouseman or repairman. (ORC 3767.29)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

521.02 VENTING OF HEATERS AND BURNERS.

(a) A brazier, salamander, space heater, room heater, furnace, water heater or other burner or heater using wood, coal, coke, fuel oil, kerosene, gasoline, natural gas, liquid petroleum gas or similar fuel, and tending to give off carbon monoxide or other harmful gas:

- (1) When used in living quarters, or in any enclosed building or space in which persons are usually present, shall be used with a flue or vent so designed, installed and maintained as to vent the products of combustion outdoors; except in storage, factory or industrial buildings which are provided with sufficient ventilation to avoid the danger of carbon monoxide poisoning;
- (2) When used as a portable or temporary burner or heater at a construction site, or in a warehouse, shed or structure in which persons are temporarily present, shall be vented as provided in subsection (a) hereof, or used with sufficient ventilation to avoid the danger of carbon monoxide poisoning.

(b) This section does not apply to domestic ranges, laundry stoves, gas logs installed in a fireplace with an adequate flue, or hot plates, unless the same are used as space or room heaters.

(c) No person shall negligently use, or, being the owner, person in charge, or occupant of premises, negligently permit the use of a burner or heater in violation of the standards for venting and ventilation provided in this section.

(d) Subsection (a) hereof does not apply to any kerosene-fired space or room heater that is equipped with an automatic extinguishing tip-over device, or to any natural gas-fired or liquid petroleum gas-fired space or room heater that is equipped with an oxygen depletion safety shutoff system, and that has its fuel piped from a source outside of the building in which it is located, that are approved by an authoritative source recognized by the State Fire Marshal in the State Fire Code adopted by him under Ohio R.C. 3737.82.

(e) The State Fire Marshal may make rules to ensure the safe use of unvented kerosene, natural gas or liquid petroleum gas heaters exempted from subsection (a) hereof when used in assembly buildings, business buildings, high hazard buildings, institutional buildings, mercantile buildings and type R-1 and R-2 residential buildings, as these groups of buildings are defined in rules adopted by the Board of Building Standards under Ohio R.C. 3781.10. No person shall negligently use, or, being the owner, person in charge or occupant of premises, negligently permit the use of a heater in violation of any rules adopted under this subsection.

(f) The State Fire Marshal may make rules prescribing standards for written instructions containing ventilation requirements and warning of any potential fire hazards that may occur in using a kerosene, natural gas, or liquid petroleum gas heater. No person shall sell or offer for sale any kerosene, natural gas or liquid petroleum gas heater unless the manufacturer provides with the heater written instructions that comply with any rules adopted under this subsection.

(g) No product labeled as a fuel additive for kerosene heaters and having a flash point below one hundred degrees fahrenheit or thirty-seven and eight-tenths degrees centigrade shall be sold, offered for sale or used in any kerosene space heater.

(h) No device that prohibits any safety feature on a kerosene, natural gas or liquid petroleum gas space heater from operating shall be sold, offered for sale or used in connection with any kerosene, natural gas or liquid petroleum gas space heater.

(i) No person shall sell or offer for sale any kerosene-fired, natural gas or liquid petroleum gas-fired heater that is not exempt from subsection (a) hereof unless it is marked conspicuously by the manufacturer on the container with the phrase "Not Approved For Home Use."

(j) No person shall use a cabinet-type, liquid petroleum gas-fired heater having a fuel source within the heater, inside any building, except as permitted by the State Fire Marshal in the State Fire Code adopted by him under Ohio R.C. 3737.82. (ORC 3701.82)

(k) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 3701.99(C))

521.03 BARRICADES AND WARNING LIGHTS; ABANDONED EXCAVATIONS.

(a) No person shall abandon or knowingly permit to remain on public or private property, any excavation, well, cesspool or structure which is in the process of construction, reconstruction, repair or alteration unless the same is adequately protected by suitable barricades and guarded by warning devices or lights at night so that the condition will not reasonably prove dangerous to life or limb.

(b) No person shall destroy, remove, damage or extinguish any barricade or warning light that is placed for the protection of the public so as to prevent injury to life or limb.

(c) Any owner or agent in control of a premises upon which a basement, cellar, well or cistern has been abandoned due to demolition, failure to build or any other reason shall cause the same to be filled to the ground surface with rock, gravel, earth or other suitable material.

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

521.04 SIDEWALK OBSTRUCTIONS; DAMAGE OR INJURY.

(a) No person shall place or knowingly drop upon any part of a sidewalk, playground or other public place any tacks, bottles, wire, glass, nails or other articles which may damage property of another or injure any person or animal traveling along or upon such sidewalk or playground.

(b) No person shall walk on, or allow any animal upon, or injure or deface in any way, any soft or newly laid sidewalk pavement.

(c) No person shall place, deposit or maintain any merchandise, goods, material or equipment upon any sidewalk so as to obstruct pedestrian traffic thereon except for such reasonable time as may be actually necessary for the delivery or pickup of such articles. In no such case shall the obstruction remain on such sidewalk for more than one hour.

(d) No person shall unload upon, or transport any heavy merchandise, goods, material or equipment over or across any sidewalk or curb without first placing some sufficient protection over the pavement to protect against damage or injury. The affected area shall be rendered safe and free from danger.

(e) No person shall allow any cellar or trap door, coal chute or elevator or lift opening in any sidewalk to remain open without providing suitable safeguards to protect and warn pedestrian traffic of the dangerous condition.

(f) Whoever violates this section is guilty of a minor misdemeanor.

521.05 NOTICE TO FILL LOTS, REMOVE PUTRID SUBSTANCES.

(a) No person shall fail to comply with the following requirements within the lawful time after service or publication of the notice or resolution is made as required by law:

To fill or drain any lot or land or remove all putrid substances therefrom, or remove all obstructions from culverts, covered drains or natural watercourses as provided in Ohio R.C. 715.47.

(b) Whoever violates this section is guilty of a minor misdemeanor.

521.06 DUTY TO KEEP SIDEWALKS IN REPAIR AND CLEAN.

(a) No owner or occupant of any lot or land abutting upon any street shall refuse, fail or neglect to construct, repair, or keep in repair and free from snow, ice or any nuisance, the sidewalks, curbs or gutters in front of such lot or land after due notice of a Resolution of Council ordering the construction or repair of such sidewalk, the removal of such obstruction, or the abatement of such nuisance. (ORC 723.011). Construction shall conform with the provisions of Chapters 901, 903, 1117 and 1119 of the Codified Ordinances.

If the owner or person having charge of such land fails to comply with such notice, Council shall cause the sidewalks to be constructed or repaired. All expenses and labor costs incurred shall, when approved by Council, be paid out of City funds not otherwise appropriated. Council shall make a written return to the County Auditor of its action, with a statement of the charges for its services, the amount paid for labor and material, the fees of the officers serving such notices, and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry and be collected as other taxes and returned to the City.

(b) In the event the City enters a lien upon the tax duplicate as provided in subsection (a) hereof prior to July 1, 2023, the Finance Director shall certify to the County Auditor for recording such lien in the following manner:

- (1) If the amount of construction or repair is equal to or less than five thousand dollars (\$5,000.00), the amount due shall be divided into ten (10) semiannual payments and collected with the immediate and subsequent tax years as applicable. The Finance Director shall add to the amount due interest at the rate of the Federal Reserve Prime Interest Rate as of June 1 of the current year, but in no event an amount less than twenty-five dollars (\$25.00).
- (2) If the amount of construction or repair is greater than five thousand dollars (\$5,000.00), the amount due shall be divided into twenty (20) semiannual payments and collected with the immediate and subsequent tax years as applicable. The Finance Director shall add to the amount due interest at the rate of the Federal Reserve Prime Interest Rate as of June 1 of the current year, but in no event an amount less than twenty-five dollars (\$25.00).

(c) In the event the City enters a lien upon the tax duplicate as provided in subsection (a) hereof from and after July 1, 2023, the Finance Director shall certify to the County Auditor for recording such lien such that the amount due shall be divided into eight (8) semiannual payments and collected with the immediate and subsequent tax years as applicable. The Finance Director shall add to the amount due interest at the rate of the Federal Reserve Prime Interest Rate as of June 1 of the current year, but in no event an amount less than twenty-five dollars (\$25.00).

(d) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 2023-14. Passed 6-13-23.)

521.11 STREET DAMAGE FROM METALLIC RIMS OR TIRES OF VEHICLES.

(a) No person shall drive, propel, haul or convey over, upon or along any paved street, avenue or alley, any wheeled vehicle having cogs, spikes or other metallic substance upon the outside rim or tires or any of the wheels, nor shall any person drive, propel, haul or convey over, upon or along any street, avenue or alley that is oiled or paved with blacktop or macadam, any wheeled vehicle having iron rims or tires.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 1962-20. Passed 7-23-62.)

521.12 SWIMMING PROHIBITED.

(a) No person shall swim in the waters immediately abutting any publicly owned property in the City, except in those areas located off West Beach, Lake Front Park and Nickel Plate Park designated as swimming areas.

No person shall walk, dive or jump from any public property into the water where swimming is prohibited.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 2008-1. Passed 1-8-08.)

521.13 MUD, DIRT AND DEBRIS ON PUBLIC STREETS.

(a) No person shall operate a vehicle with mud, dirt or debris on its wheels and other parts on any public street if such operation results in depositing or tracking mud, dirt or debris on the street or sidewalks.

(b) No owner of real property or a contractor in charge of a construction site shall maintain such property or construction site so that vehicles upon such property or construction site, pick up mud, dirt or debris on their wheels or other parts and deposit or track such mud, dirt or debris onto the street or sidewalks.

(c) In the event the operator, owner or contractor causes or permits the littering of streets or sidewalks with mud, dirt or debris, such person shall clean and/or remove such debris at the close of each working day. If the violator fails to remove or is unable to remove such materials, then such cleaning service shall be rendered by the Service Department at the prevailing current hourly rates of its equipment and personnel. The Service Department, through the Service Director, shall render the bill for such services to the violator.

(Ord. 1974-27. Passed 5-28-74.)

(d) Whoever violates any provision of this section is guilty of a minor misdemeanor.
(Ord. 1962-20. Passed 7-23-62.)

521.14 SPREADING CONTAGION.

(a) No person, knowing or having reasonable cause to believe that the person has a dangerous, contagious disease, shall knowingly fail to take reasonable measures to prevent exposing self to other persons, except when seeking medical aid.

(b) No person, having charge or care of a person whom the person having charge or care knows or has reasonable cause to believe has a dangerous, contagious disease, shall recklessly fail to take reasonable measures to protect others from exposure to the contagion, and to inform health authorities of the existence of the contagion.

(c) No person, having charge of a public conveyance or place of public accommodation, amusement, resort or trade, and knowing or having reasonable cause to believe that persons using such conveyance or place have been or are being exposed to a dangerous, contagious disease, shall negligently fail to take reasonable measures to protect the public from exposure to the contagion, and to inform health authorities of the existence of the contagion. (ORC 3701.81)

(d) Whoever violates this section is guilty of a misdemeanor of the second degree. (ORC 3701.99(C))

521.15 DUTY TO MAINTAIN TREES IN TREE LAWN.

(a) For the purpose of controlling the blight and disease of shade trees within public rights-of-way, and for planting, maintaining, trimming, removing and/or replacing shade trees in and along the streets of the City, the City Council may establish one or more districts in the City designating the boundaries thereof, and may each year thereafter, by ordinance, designate the district in which such control, planting, care, and maintenance shall be effected, setting forth an estimate of the cost and providing for the levy of a special assessment upon all the real property in the district, in the amount and in the manner provided in Section 727.01 of the Ohio Revised Code, for planting, maintaining, trimming, removing and/or replacing shade trees. The ordinance shall be adopted as other ordinances and a succinct summary of the ordinance shall be published in the manner provided in Section 731.21 of the Ohio Revised Code. Bonds and anticipatory notes may be issued in anticipation of the collection of such special assessments, under Section 133.17 of the Ohio Revised Code.

(b) Subject to the provisions of Section 521.14(a), above, each owner or occupant of any lot or land shall plant, maintain, trim, remove, and/or replace any one or more trees located within a tree lawn in front of or adjacent and contiguous to such lot or land in and along the streets of the City that are blighted, diseased, dead, or partially or fully broken or damaged, and that require planting, maintenance, trimming, removal and/or replacement, or that otherwise constitute a hazard to the public's use of the streets in front of such lot or land after due notice of a Resolution of Council ordering the planting, maintaining, trimming, removal and/or replacement of such tree(s) in a designated district in the City. Management of trees shall also conform with the provisions of Chapters 907, 1115, 1121, 1126, 1127, 1131, and 1133 of the Codified Ordinances.

If the owner or person having charge of such land fails to comply with such notice, the City shall cause the tree(s) to be planted, maintained, trimmed, removed and/or replaced. All expenses and labor costs incurred shall, when approved by Council, be paid out of City funds not otherwise appropriated. Council shall make a written return to the County Auditor of its action, with a statement of the charges for its services, the amount paid for labor and material, the fees of the officers serving such notices, and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry and be collected as other taxes and returned to the City.

(c) In the event the City enters a lien upon the tax duplicate as provided in subsections (a) and (b), above, the Finance Director shall certify to the County Auditor for recording such lien such that the amount due shall be divided into eight (8) semiannual payments and collected with the immediate and subsequent tax years as applicable. The Finance Director shall add to the amount due interest at the rate of the Federal Reserve Prime Interest Rate as of June 1 of the current year, but in no event an amount less than twenty-five dollars (\$25.00).

(d) Whoever violates this Section 521.14 is guilty of a minor misdemeanor. (ORC. 727.01, 727.011, 731.21, 133.17; 2023-14. Passed 6-13-23.)

521.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

- (d) (1) No person is required to permit the engagement of accommodations at any hotel, inn, cabin or campground by an underage person or for an underage person, if the person engaging the accommodations knows or has reason to know that the underage person is intoxicated, or that the underage person possesses any beer or intoxicating liquor and is not supervised by a parent, spouse who is not an underage person or legal guardian who is or will be present at all times when the beer or intoxicating liquor is being consumed by the underage person.
 - (2) No underage person shall knowingly engage or attempt to engage accommodations at any hotel, inn, cabin or campground by presenting identification that falsely indicates that the underage person is twenty-one years of age or older for the purpose of violating this section.
- (e) No underage person shall knowingly order, pay for, share the cost of, attempt to purchase, possess, or consume any beer or intoxicating liquor, in any public or private place. No underage person shall knowingly be under the influence of any beer or intoxicating liquor in any public place. The prohibitions set forth in this subsection (e) hereof against an underage person knowingly possessing, consuming, or being under the influence of any beer or intoxicating liquor shall not apply if the underage person is supervised by a parent, spouse who is not an underage person, or legal guardian, or the beer or intoxicating liquor is given by a physician in the regular line of the physician's practice or given for established religious purposes.
- (f) No parent, spouse who is not an underage person or legal guardian of a minor shall knowingly permit the minor to violate this section or Section 529.021(a) to (c).
- (g) The operator of any hotel, inn, cabin or campground shall make the provisions of this section available in writing to any person engaging or using accommodations at the hotel, inn, cabin or campground.
- (h) As used in this section:
 - (1) "Drug of abuse" has the same meaning as in Ohio R.C. 3719.011.
 - (2) "Hotel" has the same meaning as in Ohio R.C. 3731.01.
 - (3) "Licensed health professional authorized to prescribe drugs" and "prescription" have the same meanings as in Ohio R.C. 4729.01.
 - (4) "Minor" means a person under the age of eighteen years.
 - (5) "Underage person" means a person under the age of twenty-one years. (ORC 4301.69)
- (i) (1) Whoever violates subsection (a) hereof is guilty of a misdemeanor and shall be fined not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000), and, in addition to the fine, may be imprisoned for a definite term of not more than six months. (ORC 4301.99(I))
- (2) Whoever violates subsections (b), (c), (d) or (f) hereof is guilty of a misdemeanor of the first degree. (ORC 4301.99(C))
- (3) Whoever violates subsection (e) hereof is guilty of a misdemeanor of the third degree. (ORC 4301.99(D))

529.021 PURCHASE BY MINOR; MISREPRESENTATION.

(a) Except as otherwise provided in this chapter or Ohio R.C. Chapter 4301, no person under the age of twenty-one years shall purchase beer or intoxicating liquor. (ORC 4301.63)

(b) Except as otherwise provided in this chapter or Ohio R.C. Chapter 4301, no person shall knowingly furnish any false information as to the name, age or other identification of any person under twenty-one years of age for the purpose of obtaining or with the intent to obtain, beer or intoxicating liquor for a person under twenty-one years of age, by purchase, or as a gift. (ORC 4301.633)

(c) Except as otherwise provided in this chapter or Ohio R.C. Chapter 4301, no person under the age of twenty-one years shall knowingly show or give false information concerning the person's name, age or other identification for the purpose of purchasing or otherwise obtaining beer or intoxicating liquor in any place where beer or intoxicating liquor is sold under a permit issued by the Division of Liquor Control or sold by the Division of Liquor Control. (ORC 4301.634)

- (d) (1) Whoever violates any provision of this section for which no other penalty is provided is guilty of a misdemeanor of the first degree.
- (2) Whoever violates subsection (a) hereof, shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). The court imposing a fine for a violation of subsection (a) hereof may order that the fine be paid by the performance of public work at a reasonable hourly rate established by the court. The court shall designate the time within which the public work shall be completed.
- (3) A. Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree. If, in committing a first violation of that subsection, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000) and may be sentenced to a term of imprisonment of not more than six months.
- B. On a second violation in which, for the second time, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000), and may be sentenced to a term of imprisonment of not more than six months. The court also may impose a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(7).

CHAPTER 907 Trees

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| <p>907.01 Definitions.</p> <p>907.02 Recommended trees and shrubs.</p> <p>907.03 Removal, replanting and replacement.</p> <p>907.04 Tree specifications; species, planting, spacing, distances.</p> <p>907.05 Trimming obstructions.</p> | <p>907.06 Abuse or mutilation of public trees.</p> <p>907.07 Protection of trees.</p> <p>907.08 Placing materials on public property.</p> <p>907.99 Penalty.</p> |
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CROSS REFERENCES

Power to regulate shade trees and shrubbery - see Ohio R.C. 715.20
 Assessments for tree planting or maintenance - see Ohio R.C. 727.011
 Injury or destruction - see GEN. OFF. 541.06

907.01 DEFINITIONS.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein.

- (a) "Person" means any person, firm, partnership, association, corporation, contractor, company or organization of any kind.
- (b) "Street" or "highway" means the entire width of every public way, easement or right of way when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular and pedestrian traffic, and includes alleys.
- (c) "Public place" includes all other grounds owned by the City.
- (d) "Property line" means the outer edge of a street or highway.
- (e) "Treelawn" means that part of a street or highway not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.
- (f) "Public trees" means all shade and ornamental trees now or hereafter growing on any street, highway or any public places.
- (g) "Large trees" means those attaining a height of fifty (50) feet or more.
- (h) "Medium trees" means those attaining a height of twenty-five (25) to fifty (50) feet.
- (i) "Small trees" means those attaining a height up to twenty-five (25) feet.
- (j) "Principal thoroughfare" means any street upon which trucks are not prohibited. (Ord. 2023-13. Passed 6-13-23.)

907.02 RECOMMENDED TREES AND SHRUBS.

Upon approval of any permit, the applicant shall select an appropriate tree for replanting from the Recommended Tree List provided by the Planning and Zoning Department.

Whenever any tree or shrub shall be planted or set out in conflict with the provisions of this section, the City Manager, or his designee shall remove or cause removal of the same. (Ord. 2023-13. Passed 6-13-23.)

907.03 REMOVAL, REPLANTING AND REPLACEMENT.

(a) Wherever it is necessary to remove a tree or shrub from a treelawn in connection with the paving of a sidewalk, or the paving or widening of a portion of a street, alley or highway used for vehicular traffic, the City shall require the contractor or person to replant such trees or shrubs or replace them, removing all stumps below the surface of the ground; provided, that this requirement may be satisfied if an equivalent number of trees or shrubs of the same size and species as specified by the Shade Tree Commission are planted in an attractive manner on the adjoining property.

(b) No person or property owner shall remove a tree or shrub from a treelawn for the purpose of construction, or for any other reason without first filing an application and obtaining a permit from the City Manager or his designee, which application shall include a written finding by an arborist or tree-related professional reasonably acceptable to the City that such tree(s) and/or shrub(s) require removal. Such person or property owner shall, at his own expense, replace the removed tree or shrub in accordance with the standards, size and species set forth by the Commission. Such person or property owner shall remove at his own expense, any stumps to below the surface of the ground.

(c) When in good faith, the City Manager or his designee determines that a tree or trees located within a treelawn constitutes a hazard to the public's use of the streets, then the owner of the property abutting the treelawn shall, at his own expense, remove such tree or trees. Should any property owner fail to comply with an order of removal and/or replacement, and after prior written notice to the owner of the property that includes an estimate of costs for said tree removal and/or replacement, City may cause such tree or trees to be removed and/or replaced and the cost thereof to be assessed against the owner as provided by law. All expenses and labor costs incurred shall, when approved by Council, be paid out of City funds not otherwise appropriated. Council shall make a written return to the County Auditor of its action, with a statement of the charges for its services, the amount paid for labor and material, the fees of the officers serving such notices, and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry and be collected as other taxes and returned to the City.

(d) In the event the City enters a lien upon the tax duplicate as provided in subsection (a) hereof, the Finance Director shall certify to the County Auditor for recording such lien such that the amount due shall be divided into eight (8) semiannual payments and collected with the immediate and subsequent tax years as applicable. The Finance Director shall add to the amount due interest at the rate of the Federal Reserve Prime Interest Rate as of June 1 of the current year, but in no event an amount less than twenty-five dollars (\$25.00). (Ord. 2023-13. Passed 6-13-23.)

907.04 TREE SPECIFICATIONS; SPECIES, PLANTING, SPACING, DISTANCES.

- (a) Tree species shall comply with Section 907.02.
- (b) Spacing of trees shall be in accordance with the three (3) species size classes referred to in Section 907.02. No trees may be planted closer together than the following: Small trees - thirty (30) feet; medium trees - forty (40) feet; and large trees - fifty (50) feet, except in special plantings designed or approved by the Shade Tree Commission.
- (c) The distance trees may be planted from curbs or curblines and sidewalks shall be in accordance with the three (3) species size classes referred to in Section 907.02. No trees may be planted closer to any curb or sidewalk than the following: Small trees - two (2) feet; medium trees - three (3) feet; and large trees - four (4) feet.
- (d) No tree shall be planted closer than twenty (20) feet of any street corner, measuring from intersecting curbs or curblines. No tree shall be planted closer than ten (10) feet to any fire hydrant.
(Ord. 2023-13. Passed 6-13-23.)

907.05 TRIMMING OBSTRUCTIONS.

- (a) Any person or persons owning or occupying real property bordering on any street shall trim any trees or shrubs in such manner that they will not obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs or obstruct the view of any street or alley intersection. The minimum height of any overhanging portion thereof shall be ten (10) feet above sidewalks and twelve (12) feet above all streets except truck thoroughfares which shall have a clearance of sixteen (16) feet.
- (b) Should any person or persons owning real property bordering on any street fail to trim trees or shrubs as here in provided, the City Manager or his designee shall order such person or persons to so trim such trees or shrubs within ten (10) days after receipt of written notice. The order required here in shall be served by mailing a copy of the order to the last known address of the property owner, by certified mail. When a person to whom an order is directed fails to comply within the specified time, the City shall trim such trees or shrubs and the exact cost thereof shall be assessed to the owner as provided by law.
(Ord. 2023-13. Passed 6-13-12.)

907.06 ABUSE OR MUTILATION OF PUBLIC TREES.

Unless specifically authorized by the City Manager or his designee, no person shall intentionally damage, cut, carve, transplant or remove any public tree or shrub; attach any rope, wire, nails, advertising posters or other contrivance to any public tree or shrub; allow any gaseous liquid or solid substance which is harmful to such public trees or shrubs to come in contact with them; or set fire or permit fire to burn when such fire or the heat thereof will injure any portion of any public tree or shrub.
(Ord. 2023-13. Passed 6-13-23.)

907.07 PROTECTION OF TREES.

All trees and shrubs on any street or other publicly owned property near any excavation or construction of any building, structure or street work, shall be protected with a good substantial fence, not less than four (4) feet high and eight (8) feet square, or at a distance in feet from the tree or shrub equal to the diameter of the trunk in inches at chest high, whichever is greater, and all building material, dirt or other debris shall be kept outside the barrier.

No person shall excavate any ditches, tunnels or trenches, or lay any drive within a radius of ten feet from any public tree or shrub without first obtaining permission from the City Manager or his designee.

(Ord. 2023-13. Passed 6-13-23.)

907.08 PLACING MATERIALS ON PUBLIC PROPERTY.

No person shall deposit, place, store or maintain, upon any public place of the City, any stone, brick, sand, concrete or other materials which may impede the free passage of water, air or fertilizer to the roots of any tree growing therein.

(Ord. 2023-13. Passed 6-13-23.)

907.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not to exceed one hundred dollars (\$100.00). In addition, the person shall replace the tree with a size and species recommended by the City. Each tree affected by a violation of this chapter shall constitute a separate offense.

(Ord. 2023-13. Passed 6-13-23.)

CHAPTER 909 Assessments

909.01 Lighting public places.
909.02 Construction and/or repair
of sidewalks.

909.03 Maintenance, removal and/or
replacement of trees

CROSS REFERENCES Assessments - see Ohio R.C. Ch. 727, 729

909.01 LIGHTING PUBLIC PLACES.

(a) Council hereby establishes certain policies and procedures applicable to the levy of special assessments for the cost of lighting public places as set forth herein. This Council finds and determines that these policies and procedures are authorized by and consistent with the Ohio Constitution, the Ohio Revised Code and the Charter of the City, including but not limited to Sections 1.02, 1.03 and 9.03 thereof.

(b) By resolution or ordinance, Council may levy special assessments to pay costs of lighting certain public places.

- (1) The resolution of Council determining the necessity of the public improvement (the "resolution of necessity") shall set forth:
 - A. The period for which those special assessments may be levied and collected,
 - B. The real property upon which the special assessments are to be levied,
 - C. The method by which the special assessments are to be levied and
 - D. Other matters as required or permitted by law.
- (2) For purposes of the proceedings for the levy of the special assessments, including but not limited to the resolution of necessity,
 - A. "Lighting" shall include exterior and interior lighting, security and emergency lighting, traffic and other signalization, other types of lighting as specified in the resolution of necessity and acquiring, constructing, installing, equipping and otherwise improving lighting facilities, creating reserves therefor and financing thereof (including debt service charges related thereto), and

- B. "Public places" shall include streets (including alleys, avenues, boulevards, highways and other roadways by whatever designation), bridges, docks, wharfs, piers, parks, recreational and cultural facilities, waterworks system facilities, sewer system facilities, facilities related to the construction and maintenance of streets, parking facilities, portions of other City facilities open to the public and other places as designated in the resolution of necessity, all such places owned by or otherwise controlled by (or subject to an easement in favor of) the City or for which the City has assumed the responsibility for providing lighting.
(Ord. 2005-39. Passed 7-25-05.)
- C. "Real property" means the land and any improvements made to the land. Assessments shall be made by the Erie County Auditor, or its designee, in such a way as to include this definition.
(Ord. 2009-7. Passed 2-24-09.)

909.02 CONSTRUCTION AND/OR REPAIR OF SIDEWALKS.

(a) Council hereby establishes certain policies and procedures applicable to the levy of special assessments for the cost of maintenance, repair and replacement of sidewalks as set forth in Section 521.06 of the Codified Ordinances and Ohio Revised Code Section 729.01, et. seq. This Council finds and determines that these policies and procedures are authorized by and consistent with the Ohio Constitution, the Ohio Revised Code and the Charter of the City, including but not limited to Sections 1.02, 1.03 and 9.03 thereof.

(b) By resolution or ordinance, Council may levy special assessments to pay costs of construction and/or repair of sidewalks in the manner set forth in Section 521.06 of the Codified Ordinances and Ohio Revised Code Section 729.01, et. seq.
(ORC 727.01, 729.03, 729.04; Ord. 2023-12. Passed 6-13-23.)

909.03 MAINTENANCE, REMOVAL AND/OR REPLACEMENT OF TREES.

(a) Council hereby establishes certain policies and procedures applicable to the levy of special assessments for the cost of planting, maintaining, trimming, and removing shade trees as set forth in Section 521.14, 907.03, 907.04 of the Codified Ordinances, and Ohio Revised Code Sections 727.01 and 727.011. This Council finds and determines that these policies and procedures are authorized by and consistent with the Ohio Constitution, the Ohio Revised Code and the Charter of the City, including but not limited to Sections 1.02, 1.03 and 9.03 thereof.

(b) By resolution or ordinance, Council may levy special assessments to pay costs of planting, maintaining, trimming, and removing shade trees in the manner set forth in Section 521.14, 907.03, 907.04 of the Codified Ordinances, and Ohio Revised Code Sections 727.01 and 727.011.
(ORC 715.20, 727.01, 727.011, 731.21, 133.17; Ord. 2023-12. Passed 6-13-23.)

931.03 GARBAGE, RUBBISH AND RECYCLABLE MATERIALS.

(a) The Director of Service shall divide the City into districts for the purpose of establishing collection routes. Each route shall be established so as to permit the contractor to collect garbage, rubbish and recyclable materials from each residential owner, tenant or occupant once each week, on the same day of each week between the hours of 7:00 a.m. and 7:00 p.m. and garbage and rubbish from commercial and industrial establishments three times each week on the same days of each week between the hours of 7:00 a.m. and 7:00 p.m. provided, however, that a different schedule may be established by the Director of Service for those commercial and industrial establishments using a container system.

(b) The City shall collect each week for each residential owner, tenant or occupant up to ninety five gallons of garbage and/or rubbish.

(c) The contractor is not obligated under its contract with the City to collect and dispose of any garbage or rubbish which has not been placed in an approved container as defined in Section 931.02 by a residential owner, tenant or occupant or the owner or operator of a commercial or industrial establishment; therefore, the City will not collect and dispose of any garbage or rubbish which does not comply with this provision.
(Ord. 2017-15. Passed 5-23-17.)

931.04 RATES FOR COLLECTION AND DISPOSAL.

(a) Effective July 1, 2023, and ending December 31, 2023, the basic charge for garbage, refuse, recyclable material, yard waste collection and disposal for each owner of a residential dwelling shall be seventy-one dollars (\$71.00) per calendar quarter.

- (1) All bills for collection and disposal of garbage, refuse, recyclable materials and yard waste shall be rendered and paid quarterly.
- (2) The bills rendered for the collection and disposal of garbage, refuse, recyclable materials and yard waste collection and disposal shall be paid to the City, office of the Department of Finance, on or before the seventeenth day of the month in which the bill is rendered.
- (3) At the option of the City, the bill for the collection and disposal of garbage, refuse, recyclable materials and yard waste collection and disposal may be combined with the bill for water service and stormwater fees, in which event, the payments received by the City from each consumer shall be applied first to the charge for garbage, refuse, recyclable materials and yard waste, then to the charge for water service, with the balance to be applied to stormwater fees.

(b) Effective January 1, 2024, the basic charge for garbage, refuse, recyclable material, yard waste collection and disposal for each owner of a residential dwelling unit shall be set by Council ordinance based on the level of contractual services provided. The basic charge, as determined by the City, shall be charged in one of the following methods:

- (1) The City shall charge to the owner of each dwelling unit within the municipality a monthly rate to be paid by the owner of said property. Such rate shall be set by Council by Ordinance each year. The Council shall review the monthly rate to be paid by the owner of each dwelling unit within the municipality on a yearly basis to determine the amount of the fee for the ensuing year.
 - A. All bills for collection and disposal of garbage, refuse, recyclable materials and yard waste shall be rendered and paid quarterly.

- B. The bills rendered for the collection and disposal of garbage, refuse, recyclable materials and yard waste collection and disposal shall be paid to the City, office of the Department of Finance, on or before the seventeenth day of the month in which the bill is rendered.
- C. At the option of the City, the bill for the collection and disposal of garbage, refuse, recyclable materials and yard waste collection and disposal may be combined with the bill for water service and stormwater fees, in which event the payments received by the City from each consumer shall be applied first to the charge for garbage, refuse, recyclable materials and yard waste, then to the charge for water service, with the balance to be applied to stormwater fees.

(c) By Council ordinance, the City may assess the costs and expense of garbage, refuse, recyclable materials and yard waste collection and disposal within the City, on the owner of each dwelling unit defined in subsection (d) herein, by certifying the amounts to the County Auditor for collection with other City taxes.

- (1) The fee so assessed through the residential tax duplicate shall be reimbursed to the City by the County Auditor, and shall be credited to the City of Huron.
- (2) The Finance Director is hereby authorized and directed to send to the Office of the County Auditor certified copies of this section in such numbers as are required.

(d) A dwelling unit is defined in Section 1351.06 of these Codified Ordinances.
(Ord. 2023-15. Passed 6-27-23.)

931.05 CITY-WIDE WASTE COLLECTION.

The Director of Service may provide waste collection for other wastes or trash without charge when done on a City-wide basis following a severe storm or at such other times as the manpower and scheduling of the City will permit.

(Ord. 1991-6. Passed 2-25-91.)

931.06 WAIVER OF CHARGES.

(a) The Director of Service may excuse or reduce the charges for any of the services provided in this chapter under emergency circumstances where it has been proven to the satisfaction of the Director of Service that garbage and refuse services have not been received by reason of such emergency.

(b) No charge for the services provided in this chapter shall be waived by reason of temporary absence of an owner, tenant or occupant from his domiciliary residence; provided, however, that the Director of Service upon application by the owner, tenant or occupant, shall have the authority to designate certain part-time occupancies as summer cottages, in which event the charge for services provided for in this chapter shall be waived from October 1 through April 30, if the water meter has been removed by water personnel.

(Ord. 1995-35. Passed 12-18-95.)



TO: Mayor Tapp and City Council
FROM: Matthew Lasko
RE: Executive Session for consideration of the purchase of property for public purposes, the sale of property at competitive bidding, or the sale or other disposition of unneeded, obsolete, or unfit-for-use property in accordance with R.C 505.10, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest.
DATE: October 10, 2023



TO: Mayor Tapp and City Council
FROM: Matthew Lasko
RE: Executive Session to confer with legal counsel regarding pending litigation.
DATE: October 10, 2023
