



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, February 28, 2023 @ 6:30 PM

City Council Chambers
417 Main Street
Huron, Ohio 44839

LIVESTREAM MEETING INFORMATION *This regular meeting of Council will be conducted in person in Council Chambers at Huron City Hall and live-streamed on the City of Huron's YouTube channel. The public is free to observe and hear the discussions and deliberations of all members of City Council via the following link:*
<https://www.youtube.com/channel/UCpRAV-AnmlA6lfukQzKakQg>

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 Approval of minutes of the December 27, 2022 regular Council meeting.

IV. Audience Comments

Citizens may address their concerns to City Council. Please state your name and address for the recorded journal. (3-minute time limit)

V. Old Business

V.a Ordinance No. 2023-1 (third and final reading) *(submitted by Stuart Hamilton)*

An ordinance changing the name of West Street (aka West Drive) to Sail Away Drive, and amending the Traffic Control Map and Traffic Control File accordingly.

VI. New Business

VI.a Resolution No. 11-2023 *(submitted by Matt Lasko)*

A resolution accepting the terms of the OneOhio Subdivision Settlement pursuant to the OneOhio Memorandum of Understanding and consistent with the terms of the December 9, 2022 CVS Settlement Agreement.

VI.b Resolution No. 12-2023 *(submitted by Matt Lasko)*

A resolution accepting the terms of the OneOhio Subdivision Settlement pursuant to the OneOhio Memorandum of Understanding and consistent with the terms of the December 9, 2022 Walgreens Settlement Agreement.

VI.c Resolution No. 13-2023 *(submitted by Matt Lasko)*

A resolution accepting the terms of the OneOhio Subdivision Settlement pursuant to the OneOhio Memorandum of Understanding and consistent with the terms of the December 9, 2022 Allergan Settlement Agreement.

VI.d Resolution No. 14-2023 (*submitted by Matt Lasko*)

A resolution accepting the terms of the OneOhio Subdivision Settlement pursuant to the OneOhio Memorandum of Understanding and consistent with the terms of the December 9, 2022 Walmart Settlement Agreement.

VI.e Resolution No. 15-2023 (*submitted by Matt Lasko*)

A resolution accepting the terms of the OneOhio Subdivision Settlement pursuant to the OneOhio Memorandum of Understanding and consistent with the terms of the December 9, 2022 TEVA Settlement Agreement.

VI.f Resolution No. 16-2023 (*submitted by Doug Nash*)

A resolution ratifying a grant application submission by the Huron Fire Department to the Assistance to Firefighter Grant Program.

VI.g Resolution No. 17-2023 (*submitted by Doug Steinwart*)

A resolution authorizing an agreement with Huron Baseball and Softball Program, Inc. for the use of Fabens Park baseball fields and concession stand.

VI.h Ordinance No. 2023-4 (*submitted by Stuart Hamilton*)

An ordinance amending Sections 305.01 (Traffic Control Map) and 305.02 (Traffic Control File) to allow placement of stop signs in place of the existing yield signs on Williams Street at its northerly and southerly median intersections with US-6.

VI.i Ordinance No. 2023-5 (*presented by Matt Lasko*)

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

VI.j Motion

Motion setting a public hearing on the Two Rivers Phase I - Planned Unit Development Project for Tuesday, April 11, 2023 at 6:30pm.

VII. City Manager's Discussion

VIII. Mayor's Discussion

IX. For the Good of the Order

X. Executive Session(s)

XI. Adjournment



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2023-1 (third and final reading) (*submitted by Stuart Hamilton*)
DATE: February 28, 2023

Subject Matter/Background

A Street Modification Petition Form to Change the Street Name was submitted on November 27, 2022, to the Clerk of Council by Steven Muniak and Kelly Everman, residing at 35 West Drive, Huron, Ohio, to change the name of West Drive (also known as West Street) to Sail Away Drive. Council thereafter set the matter for Public Hearing which will be held prior to the regularly scheduled Council meeting at 6:30pm on January 24, 2023. A copy of the Petition is attached hereto as Exhibit 1.

Parcel Number: 42-01120-000

Address: 35 West Drive, Huron OH 44839

With this property being the only address on West Drive, the request to become part of Sail Away Drive makes logistical sense and is supported by Staff.

Financial Review

There is no financial impact relating to adoption of this ordinance, other than purchase of replacement street signs, which expense is accounted for in the Street Department's 2023 budget.

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. 2023-1 on its third and final reading is in order.

[Muniak-Everman Petition \(recd 12-1-22\) Street Name Change.pdf](#)

[Ordinance No. 2023-1 West Dr Name Change to Sail Away Drive \(1\).docx](#)

[35 West St Image.png](#)

City of Huron
417 Main St.
Huron, Ohio
44839
P: 419-433-5000
F: 419-433-5120



STREET MODIFICATION PETITION FORM

(CHANGE OF NAME, VACATING, OR NARROWING STREETS PETITION)

Date: 11/27/22

Property Owner: Kelly Steven Muniaf & EVERMAN Address: 35 West Drive
City, State, Zip: Huron OH 44839
Email Address: EVERMAN23@gmail.com

Parcel Number: 42-01120.000

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

Street(s) to be modified with existing road specifications:

35 West Drive

☒ Change of Name

☐ Narrowing of Street(s)

☐ Vacation of Street(s)

Explain proposed road modification(s):

Being the only house on West Drive, we would
like to propose changing the name of West Drive
to Sail Away Drive, thereby becoming continuous
with the current Sail Away Drive. The end
result would be Sail Away Drive extending to
intersect with South Street. This would also
eliminate redundancy, as there is another West Dr.
with a Huron mailing address east of town, in the
Mitiwanga area.

Explain the reason the street modification is being requested: See prior section

DATE 12-1-22

HONORABLE MAYOR AND COUNCIL, CITY OF HURON, OHIO:

We, the undersigned, being owners of property abutting the requested

West Drive vacation/name change/narrowing shown on the
attached
plat, respectfully petition your Honorable Body to vacate/change the
name/narrow West Drive described as:

Being further described as abutting the following described LOTS (PINs) in
the SUBDIVISION of:

Ex: Lots XX in Grand Forest Beach Addition

Certification: By signing this petition, I (we), have confirmed that it is true and correct. I (we)
understand that there is no guarantee of vacation. The vacation petition will be processed in
accordance with Ohio Revised Code Section 723.04.

Section 723.04 | Change of name, vacating, or narrowing streets on petition

*The legislative authority of a municipal corporation, on petition by a person owning a lot in the
municipal corporation praying that a street or alley in the immediate vicinity of such lot be
vacated or narrowed, or the name thereof changed, upon hearing, and upon being satisfied
that there is good cause for such change of name, vacation, or narrowing, that it will not be
detrimental to the general interest, and that it should be made, may, by ordinance, declare
such street or alley vacated, narrowed, or the name thereof changed. The legislative authority
may include in one ordinance the change of name, vacation, or narrowing of more than one
street, avenue, or alley. The original ordinance or a certified copy thereof shall be recorded in
the official records of the county recorder.*

OWNER(S)	PROPERTY ADDRESS	SIGNATURE(S)
DAN + TINA FREDERICK	45 SAILAWAY DR	<i>[Signature]</i>
RODNEY & KATHY KILBURN	416 SAILAWAY DR	<i>[Signature]</i>
Sam & Bradley	421 SAILAWAY DR	<i>[Signature]</i>
me, Rebecca Nilmkamp	407 SAILAWAY DR.	Rebecca Nilmkamp
Todd & Linda Kowicz	404 SAILAWAY DR	<i>[Signature]</i>
Susan Oughlan	402 SAILAWAY DR.	<i>[Signature]</i>
Dan & Jo	403 SAILAWAY DR.	Huron OH 44839
Tom & Phil	413 SAILAWAY DR.	Huron OH 44839
(Nick & Wendy / Phil & Phil)		
Tami Johnson	419 SAILAWAY DR.	Huron OH 44839

Name of Contact Person: Kelly Everman

Mailing Address Keeverman232@gmail.com

Phone No. (Home) 419-766-3174 (Business) _____

11-27-22

(date)

[Signature]

(Signature of Contact Person)

ORDINANCE NO. 2023-1
Introduced by Mark Claus

AN ORDINANCE CHANGING THE NAME OF WEST STREET (AKA WEST DRIVE) TO SAIL AWAY DRIVE WITHIN THE CITY OF HURON, OHIO; AND AMENDING CODIFIED ORDINANCE SECTION 305.01, TRAFFIC CONTROL MAP, AND CODIFIED ORDINANCE SECTION 305.02, TRAFFIC CONTROL FILE IN ACCORDANCE WITH THIS ORDINANCE

WHEREAS, in compliance with Ohio Revised Code §723.04, a public hearing was held on January 24, 2023 on the petition of Steven Muniak and Kelly Everman requesting a change of street name from West Drive (aka West Street) to Sail Away Drive.

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

SECTION 1. That Council has determined that there is good cause for such change of name, that it will not be detrimental to the general interest, and it is hereby declared that the name of the following named public street located within the City of Huron, Ohio, shall be changed as follows: West Street (aka West Drive) to Sail Away Drive.

SECTION 2. That the City Manager is hereby directed to record a certified copy of this Ordinance with the Recorder of Erie County, Ohio and to request the Auditor of Erie County, Ohio to change all tax maps and records to reflect such change.

SECTION 3. That pursuant to Codified Ordinance Section 305.03(b), Amendments, amendments are hereby made to Codified Ordinance 305.01, Traffic Control Map, and Codified Ordinance Section 305.02, as follows: Change of street name from West Street (aka West Drive) to Sail Away Drive.

SECTION 4. That the Service Director shall oversee the erection, removal and maintenance of only those authorized traffic control signals and devices as are necessary to regulate, warn or guide traffic in accordance with the provisions of this Ordinance.

SECTION 5. That the Division of Police shall amend the Traffic Control Map and Traffic Control File in accordance with the provisions of this Ordinance.

SECTION 3. That 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 O.R.C. §121.22

SECTION 4. In accordance with Section 3.06 of the Charter of the City of Huron, Ohio, this Ordinance shall take effect immediately upon its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____





TO: Mayor Tapp and City Council
FROM: Matthew Lasko
RE: Resolution No. 11-2023 (*submitted by Matt Lasko*)
DATE: February 28, 2023

Subject Matter/Background

This summary relates to Resolutions 11-2023 through 15-2023.

New national opioid settlements have been reached with **Teva, Allergan, CVS, Walgreens, and Walmart**. These resolutions will accept the terms of the settlements with each party. The city must "opt in" to participate in the new settlements. The deadline to return the required documentation is April 18, 2023.

The settlements are part of the OneOhio Subdivision Settlement pursuant to the OneOhio Memorandum of Understanding, approved by Council in Resolution 51-2021 on August 10, 2021.

Financial Review

The City does not have specifics on the settlement amount awarded to the City. The settlements require the five settling parties to pay billions of dollars to abate the opioid epidemic. The settlements total over \$20 billion. Of this amount, approximately \$17 billion will be used by participating states and subdivisions to remediate and abate the impacts of the opioid crisis. Depending on participation by states and subdivisions, the settlements require:

- Teva to pay up to \$3.34 billion over 13 years and to provide either \$1.2 billion of its generic version of the drug Narcan over 10 years or an agreed upon cash equivalent over 13 years.
- Allergan to pay up to \$2.02 billion over 7 years.
- CVS to pay up to \$4.90 billion over 10 years.
- Walgreens to pay up to \$5.52 billion over 15 years.
- Walmart to pay up to \$2.74 billion in 2023, and all payments to be made within 6 years.

Council approved establishment of an opioid settlement fund in 2022. This fund will be used to track settlement payments and allowable expenditures.

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, motions adopting Resolutions 11-2023, 12-2023, 13-2023, 14-2023 and 15-2023 are in order.

[Resolution No. 11-2023 CVS Opioid Settlement.docx](#)

RESOLUTION NO. 11-2023

Introduced by: Joe Dike

AN EMERGENCY RESOLUTION TO ACCEPT THE MATERIAL TERMS OF THE ONEOHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE DECEMBER 9, 2022 CVS SETTLEMENT AGREEMENT AND DECLARING AN EMERGENCY.

WHEREAS, the City of Huron, Ohio ("City") is a Charter City formed and organized pursuant to the Constitution and the laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities, including the City, have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Companies accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the City has adopted, and hereby reaffirms its adoption of, a OneOhio Memorandum of Understanding ("MOU") relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, the Council understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Companies; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS, a settlement proposal identified as the CVS Settlement Agreement, as amended with technical corrections as of February 3, 2023, ("Proposed Settlement Agreement") is being presented to the State of Ohio and Local Governments by CVS Health Corporation and CVS Pharmacy, Inc. (collectively "CVS") to resolve governmental entity claims in the State of Ohio using the structure of the OneOhio MOU and consistent with the material terms of the December 9, 2022, Proposed Settlement Agreement; and

WHEREAS, the Council wishes to agree to the material terms of the proposed Settlement Agreement with CVS:

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

SECTION 1: That Council hereby authorizes the City Manager to accept the Proposed Settlement on behalf of the City pursuant to the terms of the OneOhio MOU, a copy of which is on file with the City, by executing on behalf of the City all documents necessary for acceptance of the Proposed Settlement Agreement.

SECTION 2: That Council hereby approves and ratifies any reasonable steps taken by the City Manager prior to the date hereof in his efforts to accept the Proposed Settlement Agreement.

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 Resolution is hereby declared to be an emergency measure, the emergency being the immediate preservation of the public health, safety, morals, convenience, and the general welfare of the community and to ensure prompt pursuit of funds to assist in abating the opioid epidemic through the City. Therefore, 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. 12-2023

Introduced by: Joe Dike

AN EMERGENCY RESOLUTION TO ACCEPT THE MATERIAL TERMS OF THE ONEOHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE DECEMBER 9, 2022 WALGREENS SETTLEMENT AGREEMENT AND DECLARING AN EMERGENCY.

WHEREAS, the City of Huron, Ohio ("City") is a Charter City formed and organized pursuant to the Constitution and the laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities, including the City, have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Companies accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the City has adopted, and hereby reaffirms its adoption of, a OneOhio Memorandum of Understanding ("MOU") relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, the Council understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Companies; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS, a settlement proposal identified as the Walgreens Settlement Agreement ("Proposed Settlement Agreement") is being presented to the State of Ohio and Local Governments by Walgreen Co. ("Walgreens") to resolve governmental entity claims in the State of Ohio using the structure of the OneOhio MOU and consistent with the material terms of the December 9, 2022, Proposed Settlement Agreement; and

WHEREAS, the Council wishes to agree to the material terms of the proposed Settlement Agreement with Walgreens:

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

SECTION 1: That Council hereby authorizes the City Manager to accept the Proposed Settlement on behalf of the City pursuant to the terms of the OneOhio MOU, a copy of which is on file with the City, by executing on behalf of the City all documents necessary for acceptance of the Proposed Settlement Agreement.

SECTION 2: That Council hereby approves and ratifies any reasonable steps taken by the City Manager prior to the date hereof in his efforts to accept the Proposed Settlement Agreement.

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 Resolution is hereby declared to be an emergency measure, the emergency being the immediate preservation of the public health, safety, morals, convenience, and the general welfare of the community and to ensure prompt pursuit of funds to assist in abating the opioid epidemic through the City. Therefore, 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. 13-2023

Introduced by: Joe Dike

AN EMERGENCY RESOLUTION TO ACCEPT THE MATERIAL TERMS OF THE ONEOHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE NOVEMBER 22, 2022 ALLERGAN PUBLIC GLOBAL OPIOID SETTLEMENT AGREEMENT AND DECLARING AN EMERGENCY.

WHEREAS, the City of Huron, Ohio ("City") is a Charter City formed and organized pursuant to the Constitution and the laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities, including the City, have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Companies accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the City has adopted, and hereby reaffirms its adoption of, a OneOhio Memorandum of Understanding ("MOU") relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, the Council understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Companies; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS, a settlement proposal identified as the Allergan Public Global Opioid Settlement Agreement is being presented to the State of Ohio and Local Governments by Allergan Finance, LLC and Allergan Limited (collectively "Allergan") to resolve governmental entity claims in the State of Ohio using the structure of the OneOhio MOU and consistent with the material terms of the November 22, 2022, Proposed Settlement Agreement; and

WHEREAS, the Council wishes to agree to the material terms of the Proposed Settlement Agreement with Allergan:

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

SECTION 1: That Council hereby authorizes the City Manager to accept the Proposed Settlement on behalf of the City pursuant to the terms of the OneOhio MOU, a copy of which is on file with the City, by executing on behalf of the City all documents necessary for acceptance of the Proposed Settlement Agreement.

SECTION 2: That Council hereby approves and ratifies any reasonable steps taken by the City Manager prior to the date hereof in his efforts to accept the Proposed Settlement Agreement.

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 Resolution is hereby declared to be an emergency measure, the emergency being the immediate preservation of the public health, safety, morals, convenience, and the general welfare of the community and to ensure prompt pursuit of funds to assist in abating the opioid epidemic through the City. Therefore, 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. 14-2023

Introduced by: Joe Dike

AN EMERGENCY RESOLUTION TO ACCEPT THE MATERIAL TERMS OF THE ONEOHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE NOVEMBER 14, 2022 WALMART SETTLEMENT AGREEMENT AND DECLARING AN EMERGENCY.

WHEREAS, the City of Huron, Ohio ("City") is a Charter City formed and organized pursuant to the Constitution and the laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities, including the City, have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Companies accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the City has adopted, and hereby reaffirms its adoption of, a OneOhio Memorandum of Understanding ("MOU") relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, the Council understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Companies; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS, a settlement proposal identified as the Walmart Settlement Agreement, including all Technical Corrections made pursuant thereto, (collectively "Proposed Settlement Agreement") is being presented to the State of Ohio and Local Governments by Walmart Inc. ("Walmart") to resolve governmental entity claims in the State of Ohio using the structure of the OneOhio MOU and consistent with the material terms of the November 14, 2022, Proposed Settlement Agreement; and

WHEREAS, the Council wishes to agree to the material terms of the proposed Settlement Agreement with Walmart:

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

SECTION 1: That Council hereby authorizes the City Manager to accept the Proposed Settlement on behalf of the City pursuant to the terms of the OneOhio MOU, a copy of which is on file with the City, by executing on behalf of the City all documents necessary for acceptance of the Proposed Settlement Agreement.

SECTION 2: That Council hereby approves and ratifies any reasonable steps taken by the City Manager prior to the date hereof in his efforts to accept the Proposed Settlement Agreement.

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 Resolution is hereby declared to be an emergency measure, the emergency being the immediate preservation of the public health, safety, morals, convenience, and the general welfare of the community and to ensure prompt pursuit of funds to assist in abating the opioid epidemic through the City. Therefore, 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. 15-2032

Introduced by: Joe Dike

AN EMERGENCY RESOLUTION TO ACCEPT THE MATERIAL TERMS OF THE ONEOHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE NOVEMBER 22, 2022 TEVA GLOBAL OPIOID SETTLEMENT AGREEMENT AND DECLARING AN EMERGENCY.

WHEREAS, the City of Huron, Ohio ("City") is a Charter City formed and organized pursuant to the Constitution and the laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities, including the City, have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Companies accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the City has adopted, and hereby reaffirms its adoption of, a OneOhio Memorandum of Understanding ("MOU") relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, the Council understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Companies; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS, a settlement proposal identified as the Teva Global Opioid Settlement Agreement ("Proposed Settlement Agreement") is being presented to the State of Ohio and Local Governments by Teva Pharmaceutical Industries Ltd. ("Teva") to resolve governmental entity claims in the State of Ohio using the structure of the OneOhio MOU and consistent with the material terms of the November 22, 2022, Proposed Settlement Agreement; and

WHEREAS, the Council wishes to agree to the material terms of the proposed Settlement Agreement with Teva:

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

SECTION 1: That Council hereby authorizes the City Manager to accept the Proposed Settlement on behalf of the City pursuant to the terms of the OneOhio MOU, a copy of which is on file with the City, by executing on behalf of the City all documents necessary for acceptance of the Proposed Settlement Agreement.

SECTION 2: That Council hereby approves and ratifies any reasonable steps taken by the City Manager prior to the date hereof in his efforts to accept the Proposed Settlement Agreement.

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 Resolution is hereby declared to be an emergency measure, the emergency being the immediate preservation of the public health, safety, morals, convenience, and the general welfare of the community and to ensure prompt pursuit of funds to assist in abating the opioid epidemic through the City. Therefore, 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: Matthew Lasko
RE: Resolution No. 16-2023 (*submitted by Doug Nash*)
DATE: February 28, 2023

Subject Matter/Background

This resolution ratifies 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 only received funding for the air compressor.

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. 16-2023 is in order.

[Resolution No. 16-2023 AFG Grant Program \(3\).docx](#)

[Resolution No. 16-2023 Exhibit A AFG Grant Application.pdf](#)

RESOLUTION NO. 16-2023

Introduced by Joel Hagy

A RESOLUTION RATIFYING 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 submitted 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 ratified.

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:

System for Award Management (SAM.gov) profile

Please identify your organization to be associated with this application.

All organization information in this section will come from the System for Award Management (SAM) profile for that organization.

CITY OF HURON

Information current from SAM.gov as of:	02/06/2023
UEI-EFT:	MXDXG54EB917
DUNS (includes DUNS+4):	831422225
Employer Identification Number (EIN):	346400671
Organization legal name:	CITY OF HURON
Organization (doing business as) name:	
Mailing address:	417 MAIN STREET HURON, OH 44839-1652
Physical address:	417 MAIN ST HURON, OH 44839-1652
Is your organization delinquent on any federal debt?	N
SAM.gov registration status:	Active as of 08/10/2022
✓ We have reviewed our bank account information on our SAM.gov profile to ensure it is up to date	

Applicant information

Please provide the following additional information about the applicant.

Applicant name	Huron Fire Department
----------------	-----------------------

Main address of location impacted by this grant

Main address 1	417 Main Street
Main address 2	
City	Huron
State/territory	OH
Zip code	44839
Zip extension	0000

located? If you have more than one station, in what county/parish is your main station located?

Applicant characteristics

The Assistance to Firefighters Grants Program's objective is to provide funding directly to fire departments and nonaffiliated EMS organizations or a State Fire Training Academy for the purpose of protecting the health and safety of the public and first responder personnel against fire and fire-related hazards. Please review the Notice of Funding Opportunity Announcement (NOFO) for information on available program areas and for more information on the evaluation process and conditions of award.

Please provide the following additional information about the applicant.

Applicant type: **Fire Department/Fire District**

Is this grant application a regional request? A regional request provides a direct regional and/or local benefit beyond your organization. You may apply for a regional request on behalf of your organization and any number of other participating eligible organizations within your region. **No**

What kind of organization do you represent? **Combination (Majority Paid/Career)**

Does your department identify as a Paid-on-Call/Stipend department? **Yes**

What is the percentage of career members in your organization? **34**

How many active firefighters does your department have who perform firefighting duties? **43**

How many of your active firefighters are trained to the level of Firefighter I or equivalent? **1**

How many of your active firefighters are trained to the level of Firefighter II or equivalent? **41**

Are you requesting training funds in this application to bring 100% of your firefighters into compliance with NFPA 1001? **No**

Which of the following standards does your organization meet regarding physicals? If physicals are not required then do not select any option. (optional)

☐ Meets NFPA or ISO standard

☐ Meets NFPA or DOI standard

☐ Meets State/Local standard

your plans to bring your membership up to Firefighter II.

training program with certified instructors. All duty personnel perform a minimum of two hours of training each shift worked. We host a department wide training each month following IFSTA guidelines for the appropriate subject. Current level of firefighters is 43 members total: (1) Firefighter - Level I (41) Firefighters - Firefighter Level II (1) Firefighter - State of Ohio Volunteer Level As a department that initially began as a volunteer only department, only two members remain certified below Firefighter II certification. We have encouraged all to become certified at the FF II level but have grandfathered those remaining members. We are aggressively working towards the goal of 100% of firefighters being FF II certified. We are not requesting training funds as HFD assumes all financial responsibility for training.

How many members in your department are trained to the level of EMR or EMT, Advanced EMT or Paramedic?

43

Does your department have a Community Paramedic program?

No

How many stations are operated by your department?

2

Does your organization protect critical infrastructure of the state?

Yes

Please describe the critical infrastructure protected below.

A critical infrastructure is any facility/business or place of significant importance that if compromised would lead directly to interruption of the daily activities of life and compromise economic viability. The Department of Homeland Security stated that there are sixteen critical infrastructure sectors whose assets are considered a necessity for our way of life. HFD has multiple infrastructure sectors within our jurisdiction that we are responsible for. The commercial sector includes (Tourism is a critical infrastructure in the area we serve): Cedar Point; America's Roller Coaster (mutual aid agreement) Kalahari Water Resort; one of the largest indoor water parks in the country with a 750 room hotel that boasts of 60% capacity year round and a convention center that can serve approximately 8,000 people Outdoor amphitheater that seats 500 Critical Manufacture include: Bowling Green State University Firelands Campus; PPG Industries; produces paints, specialty coatings, and colorants; Humanetic ATD International Automotive Components; Mississippi Lime; International Automotive Components (IAC) produces molded plastic products for vehicles. Maritime sectors include: Huron Port on the east bank

tonnage in the United States Covers approximately 33 square nautical miles in our jurisdiction The water and wastewater systems includes both a water department that sell 900,000 gallons of water throughout the county per day. We have a sewer treatment plant that treats 700,000 to 800,000 gallons per day Transportation sector: Three major highway systems that are within the department's footprint: US Route 6; US Route 250; Ohio Route 2. These thoroughfares bring an excess of 1,000,000 travelers per year. Our freight rail sector includes an average of 115 trains traveling on our approximate 8 miles of double tracks per day. These rails are used for interstate commerce. The community has many cultural assets as well, including the historic Huron Playhouse; one of the oldest continuing summer theater programs in the state.

Do you currently report to the National Fire Incident Reporting System (NFIRS)? You will be required to report to NFIRS for the entire period of the grant. **Yes**

Please enter your FDIN/FDID. **22009**

Do you offer live fire training? **Yes**

What is the total number of live fire training exercises conducted per year on average? **1**

Operating budget

What is your organizations operating budget (e.g., personnel, maintenance of apparatus, equipment, facilities, utility costs, purchasing expendable items, etc.) dedicated to expenditures for day-to-day activities for the current (at time of application) fiscal year, as well as the previous two fiscal years?

Current fiscal year: **2021**

Fiscal Year	Operating budget
2021	\$2,559,602.00
2020	\$248,714.00
2019	\$2,172,075.00

dedicated to personnel costs (salary, benefits, overtime costs, etc.)?

Does your department have any rainy day reserves, emergency funds, or capital outlay? **No**

What percentage of the declared operating budget is derived from the following	2021	2020	2019
Taxes	31	36	27
Bond issues	0	0	0
EMS billing	18	18	19
Grants	0	0	0
Donations	0	0	0
Fund drives	0	0	0
Fee for service	51	46	54
Other	0	0	0
Totals	100 %	100 %	100 %

Describe your financial need and how consistent it is with the intent of the AFG Program. Include details describing your organization's financial distress such as summarizing budget constraints, unsuccessful attempts to secure other funding, and proving the financial distress is out of your control.

As of the latest Ohio Unemployment Ranking, Erie County is 24th out of 88 counties for unemployment. To add further insult to the area, 11.8% of our residents live at or below poverty level. Unfortunately 18.0% of the children suffer from food insecurity. Additionally 27.6% of the population is over the age of 65 while 27.6% of the population are below the age of 18. This must be taken into consideration as neither of these two groups, primarily, pay into taxes. While these numbers are black and white on paper, they do not lead to voting increased taxes. We have had to look outside our City coffers for a source of income. The city has seen a significant decrease in funding due to the decrease of Local Government Funding in the excess of 50% since 2013 and the complete elimination of inheritance tax. 2021 Operating Income = \$2,559,602 Taxes \$805,692; EMS \$458,969; Contracts \$1,291,472; and Refund/ Sale of Eq. \$3,469. Yes, we have a large operational budget, but we also spent 74% on personnel costs. The majority of personnel expenses

or the percentage of insurances and benefits. That left only 26% for all other operational, maintenance and vehicle expenses necessary to successfully operate a fire department. Expenses 2021 = \$2,309,703. Salaries \$1,401,443; Workers Comp \$20,947; Physical \$8,418; Medicare / Social Security \$19,377; Training \$3,526; Volunteer Dependent's Fund \$150; Retirement \$212,556; Insurances \$233,900; Utilities \$6,309; Station/Office Supplies \$5,031; Fire / Safety Supplies \$6,650; EMS Supplies \$13,900; Equipment/Tools \$12,509; Eq. Maintenance/Repairs \$15,012; EMS Eq. Maintenance \$9,604; Fire/ EMS Eq. \$150,000; Building Repairs & Maintenance \$6,953; Vehicle Insurance \$16,259; Fuel \$26,208; Vehicle Repairs/Maintenance \$44,631; Legal/ CPA \$29,741; UAN Accounting Fee \$2,988; Tax Collection Fee \$19,972; Dispatching/Contract \$17,169; EMS Billing \$25,669; and Delinquent Tax & Assessment Fee \$781. Over the past 2 years our personnel costs have increased by approximately 11%. While we have worked hard to get the best insurance coverage rates possible, they simply continue to increase. The difference between income and expenses was \$249,899. We must have a carry over into the new year, to cover immediate expenses. Hopefully, the reviewer can realize that big budgets do not translate into a free reign on spending. The Chief and all members of the department must be fiscally responsible when making purchases and must limit to the necessities. That is why we do not have excessive funds for replacement of large purchases of operational equipment. The Erie County Foundation supports many good projects throughout the area; however, not so much when it comes to major fire equipment. There are no local or community grants in Huron, Ohio that have mission statements that align with fire equipment projects. Nor have we found a rich benefactor. We did apply in 2018 and 2019 for a cascade system. While we did not apply in 2020, our request is, now more than ever, of utmost importance, as we received new SCBAs from our 2018 AFG. We are now making application for a cascade system and TOG. The Fire Chief understands that there is a 5% match required on the part of the requesting department. Due to the nature of our request of our cascade system, and the amount of time for them to be delivered, the funding can quite possibly be taken out of two fiscal years. This time frame still meets the 24 month award period requirements.

In cases of demonstrated economic hardship, and upon the request of the grant applicant, the FEMA Administrator may grant an Economic Hardship Waiver. Is it your

No

Waiver?

Other funding sources

This fiscal year, are you receiving Federal funding from any other grant program for the same purpose for which you are applying for this grant? No

This fiscal year, are you receiving Federal funding from any other grant program regardless of purpose? No

Applicant and community trends

Please provide the following additional information about the applicant.

Injuries and fatalities	2022	2021	2020
What is the total number of fire-related civilian fatalities in your jurisdiction over the last three calendar years?	0	0	1
What is the total number of fire-related civilian injuries in your jurisdiction over the last three calendar years?	0	0	1
What is the total number of line of duty member fatalities in your jurisdiction over the last three calendar years?	0	0	0
What is the total number of line of duty member injuries in your jurisdiction over the last three calendar years?	1	0	0
What is the total number of members with self-inflicted fatalities over the last three years?	0	0	0

How many vehicles does your organization have in each of the type or class of vehicle listed below? You must include vehicles that are leased or on long-term loan as well as any vehicles that have been ordered or otherwise currently under contract for purchase or lease by your organization but not yet in your possession.



Seated riding positions

The number of seated riding positions must be equal or greater than the total number of frontline and reserve apparatus. If there are zero frontline and zero reserve apparatus, the number of seated riding positions must be zero..

Type or class of vehicles	Number of frontline apparatus	Number of reserve apparatus	Number of seated riding positions
Engines or pumpers (pumping capacity of 750 gallons per minute (GPM)	2	0	12

Type or class of vehicles	Number of frontline apparatus	Number of reserve apparatus	Number of seated riding positions
pumper/tanker, rescue/pumper, foam pumper, CAFS pumper, type I, type II engine urban interface.			
Ambulances for transport and/or emergency response.	3	0	6
Tankers or tenders (water capacity of 1,000 gallons or more).	1	0	2
Aerial apparatus: aerial ladder truck, telescoping, articulating, ladder towers, platform, tiller ladder truck, quint.	1	0	4
Brush/quick attack (pumping capacity of less than 750 GPM and water carrying capacity of at least 300 gallons): brush truck, patrol unit (pickup w/ skid unit), quick attack unit, mini-pumper, type III engine, type IV engine, type V engine, type VI engine, type VII engine.	1	0	2
Rescue vehicles: rescue squad, rescue (light, medium, heavy), technical rescue vehicle, hazardous materials unit.	1	0	2
Additional vehicles: EMS chase vehicle, air/light unit, rehab units, bomb unit, technical support (command, operational support/supply), hose tender, salvage truck, ARFF (aircraft rescue firefighting), command/mobile communications vehicle.	2	0	8
How many ALS Response vehicles are in your fleet?	3		
Is your department facing a new risk, expanding service to a new area, or experiencing an increased call volume?	Yes		
Please explain how your department is facing a new risk, expanding service to a new area, or experiencing an increased call volume.	Increase in call volume.		

Community description

Please provide the following additional information about the community your organization serves.

Type of jurisdiction served	Other
If "Other", please enter type of jurisdiction served.	City and Township
What type of community does your organization serve?	Rural
What is the square mileage of your first due response zone/jurisdiction served?	37

protected by hydrants?

What percentage of your primary response area is for the following:	Percentage (must sum to 100%)
Agriculture, wildland, open space, or undeveloped properties	30
Commercial and industrial purposes	10
Residential purposes	60
Total	100

What is the permanent resident population of your first due response zone/jurisdiction served? **12500**

Do you have a seasonal increase in population? **Yes**

What is your seasonal increase in population (number of people)? **50000**

Please describe your organization and/or community that you serve.

Located on the shores of Lake Erie, in north central Ohio, according to Huron Township record, the Huron Fire Department (HFD) began operations in 1860. Those were the days of the hand pumper and brutal hard work to get water to flow. Calling the firefighters for a call involved the Water Plant. In 1910 the Water Plant was operated off steam. The steam was also used to blow two whistles that acted as the fire signals. The number of whistle blows would indicate to the firemen the location of the fire. It was not until 1923 that the city spent \$350.00 on an electric siren. In 1915 the Village of Huron (not yet a city at that time) purchased a horse drawn ladder wagon from the City of Elyria. Two families that owned horses in the village would race to the station when the fire signal sounded and prepare the horses. Whichever family made it to the station first would have the honor of pulling the ladder wagon. In 1920 HFD's first Fire Chief was appointed and paid the sum of \$50 annually. As the years progressed, so did the department. In 1925 the HFD purchased its first motorized apparatus. The 1930s introduced changes for the firemen. Official firemen's boots were bought for \$10.00 a pair and rubber rain coats were bought for \$12.50 each. Our firefighters now had the latest protection for fighting fires In 1968 the first talks of a full-time fire department began. Up until this time, funeral homes ran the ambulance service. Funeral homes, at that time, began to stop providing this

ambulance in 1969. Also in 1969, after much discussion, the Fire Chief, and two fire / squad men were hired. In 1986 after passage of a fire levy, four additional full-time members were hired. This created three shifts staffed with two firemen 24/7. The rest, to coin a phrase, is history. Training, equipment apparatus, and public services has evolved over the years for the betterment of the firefighters and the community. Today, HFD is responsible for fire suppression, emergency management for industrial complexes, marine vessels (recreational and commercial), agricultural areas, and of course, residential and multi-family units, and businesses. HFD promotes and strives to prevent fire and serious injuries through comprehensive education and prevention programs. Our mission is to protect the lives and property of our residents and visitors against fire and critical health threats. Our members take this mission seriously.

Call volume

Summary	2022	2021	2020
Fire - NFIRS Series 100	41	33	41
Overpressure Rupture, Explosion, Overheat (No Fire) - NFIRS Series 200	8	2	5
Rescue & Emergency Medical Service Incident - NFIRS Series 300	1636	1098	214
Hazardous Condition (No Fire) - NFIRS Series 400	40	24	28
Service Call - NFIRS Series 500	25	32	34
Good Intent Call - NFIRS Series 600	54	79	46
False Alarm & Falls Call - NFIRS Series 700	151	74	95
Severe Weather & Natural Disaster - NFIRS Series 800	1	0	1
Special Incident Type - NFIRS Series 900	5	1	8
Total	1961	1343	472

How many responses per year per category?	2022	2021	2020
"Structure Fire" (Of the NFIRS Series 100 calls, NFIRS Codes 111-120)	21	20	14
"Vehicle Fire" (Of the NFIRS Series 100 calls, NFIRS Codes 130-138)	2	1	10
"Vegetation Fire" (Of the NFIRS Series 100 calls, NFIRS Codes 140-143)	14	6	10
Total	37	27	34

Total acreage per year	2022	2021	2020
Total acreage of all vegetation fires	0	0	0

Rescue and emergency medical service incidents

How many responses per year per category?	2022	2021	2020
"Motor Vehicle Accidents" (Of the NFIRS Series 300 calls, NFIRS Codes 322-324)	55	63	45
"Extrications from Vehicles" (Of the NFIRS Series 300 calls, NFIRS Code 352)	5	13	2
"Rescues" (Of the NFIRS Series 300 calls, NFIRS Code 300, 351, 353-381)	18	13	12
EMS-BLS Response Calls	0	0	0
EMS-ALS Response Calls	1636	1098	1450
EMS-BLS Scheduled Transports	0	0	0
EMS-ALS Scheduled Transports	0	0	0
Community Paramedic Response Calls	0	0	0
Total	1714	1187	1509

Mutual and automatic aid

How many responses per year per category?	2022	2021	2020
Amount of times the organization received Mutual Aid	41	11	4

How many responses per year per category ?	2022	2021	2020
Amount of times the organization received Automatic Aid	0	0	1
Amount of times the organization provided Mutual Aid	28	29	13
Amount of times the organization provided Automatic Aid	0	0	1
Of the Mutual and Automatic Aid responses, amount that were structure fires	27	32	4
Total	96	72	23

Grant request details

Are you requesting a Micro Grant? A Micro Grant is limited to \$50,000 in federal resources. **No**

Grand total: \$161,856.36

Program area: Operations and safety

▼

Activity: Personal Protective Equipment (PPE)

\$161,856.36

▶

Personal Protective Equipment (PPE) activity narrative

Cost Items

▼

Item: Helmets

\$2,760.00

Description

Quantity	Unit price	Total
6	460.00	\$2,760.00

Budget class

Equipment

More Details for Helmets.

What is the purpose of this request? **Replace In-Service/In-Use/Damaged/Unsafe/Unrepairable PPE to meet current standard**

Is your department trained in the proper use of the PPE/SCBA being requested? **Yes**

Are you requesting funding for training for this PPE/SCBA? **No**

If you are not requesting training funds through this application, will you obtain training for this PPE/SCBA through other sources? **Yes**

How many of your on-duty active members currently have PPE that meets applicable NFPA and OSHA standards? **17**

What are the specific ages of the type of PPE you are requesting? (All PPE items in the current inventory must be accurately described and accounted for in this breakdown.)

Age (In years)	Current Inventory	Being Replaced
Less than 1	0	0
1	3	0
2	0	0
3	1	0

Age (in years)	Current inventory	Being replaced
----------------	-------------------	----------------

4	0	0
---	---	---

5	4	0
---	---	---

6	5	0
---	---	---

7	6	0
---	---	---

8	1	0
---	---	---

9	2	0
---	---	---

10	0	0
----	---	---

11	0	0
----	---	---

12	0	0
----	---	---

13	0	0
----	---	---

14	0	0
----	---	---

15	0	0
----	---	---

16	4	4
----	---	---

17	1	1
----	---	---

18	0	0
----	---	---

19	0	0
----	---	---

20	1	1
----	---	---

21	15	15
----	----	----

22	0	0
----	---	---

23	0	0
----	---	---

24	0	0
----	---	---

25	0	0
----	---	---

Item: Gloves**\$2,448.00****Description**

We are requesting (17) sets of structural firefighting gloves.

Quantity	Unit price	Total
17	144.00	\$2,448.00

Budget class

Equipment

More Details for Gloves.

What is the purpose of this request?	Increase supply for new hires/existing firefighters that do not have one set of turnout gear (PPE) or allocated seated position (SCBA). This includes replacing out of service equipment.
--------------------------------------	--

Are you requesting for members that currently do not have above-mentioned item?	Yes
---	------------

Enter the number of members that do not have this item	17
--	-----------

Is your department trained in the proper use of the PPE/SCBA being requested?	Yes
---	------------

Are you requesting funding for training for this PPE/SCBA?	No
--	-----------

through this application, will you obtain training for this PPE/SCBA through other sources?

How many of your on-duty active members currently have PPE that meets applicable NFPA and OSHA standards? 0

What are the specific ages of the type of PPE you are requesting? (All PPE items in the current inventory must be accurately described and accounted for in this breakdown.)

Age (In years)	Current Inventory	Being Replaced
Less than 1	0	0
1	3	0
2	0	0
3	1	0
4	0	0
5	4	0
6	5	0
7	6	0
8	1	0
9	2	0
10	0	0
11	0	0
12	0	0
13	0	0

Age (in years)	Current inventory	Being Replaced
14	0	0
15	0	0
16	4	4
17	1	1
18	0	0
19	0	0
20	1	1
21	15	15
22	0	0
23	0	0
24	0	0
25 or more	0	0

Item: Boots

\$4,720.00

Description

We are requesting (8) pairs of structural firefighting boots.

Quantity	Unit price	Total
8	590.00	\$4,720.00

Budget class

Equipment

More Details for Boots .

What is the purpose of this request? **Replace In-Service/In-Use/Damaged/Unsafe/Unrepairable PPE to meet current standard**

Is your department trained in the proper use of the PPE/SCBA being requested? **Yes**

Are you requesting funding for training for this PPE/SCBA? **No**

If you are not requesting training funds through this application, will you obtain training for this PPE/SCBA through other sources? **Yes**

How many of your on-duty active members currently have PPE that meets applicable NFPA and OSHA standards? **17**

What are the specific ages of the type of PPE you are requesting? (All PPE items in the current inventory must be accurately described and accounted for in this breakdown.)

Age (In years)	Current Inventory	Being Replaced
Less than 1	0	0
1	3	0
2	0	0
3	1	0
4	0	0
5	4	0
6	5	0
7	6	0

Age (in years)	Current Inventory	Being Replaced
8	1	0
9	2	0
10	0	0
11	0	0
12	0	0
13	0	0
14	0	0
15	0	0
16	4	4
17	1	1
18	0	0
19	0	0
20	1	1
21	15	15
22	0	0
23	0	0
24	0	0
25 or more	0	0

▼
Item: Additional funding

\$11,989.36

Description

Additional funding listed is for grant administration fees should this grant be awarded.

Quantity	Unit price	Total
1	11989.36	\$11,989.36

Budget class

Contractual

More Details for Additional funding.

What is the purpose of this request?

Is your department trained in the proper use of the PPE/SCBA being requested?

Are you requesting funding for training for this PPE/SCBA?

If you are not requesting training funds through this application, will you obtain training for this PPE/SCBA through other sources?

Item: Complete Set of Turnout Gear \$132,834.00**Description**

We are requesting (26) complete head to toe sets of turn out gear that will include (2) pairs of gloves and (2) hoods per the AFG guidelines. (17) of these are for replacement of our current inventory and we need to request and additional (9) sets for the firefighters that do not have current updated gear.

Quantity	Unit price	Total
26	5109.00	\$132,834.00

More Details for Complete Set of Turnout Gear.

What is the purpose of this request? **Replace In-Service/In-Use/Damaged/Unsafe/Unrepairable PPE to meet current standard**

Is your department trained in the proper use of the PPE/SCBA being requested? **Yes**

Are you requesting funding for training for this PPE/SCBA? **No**

If you are not requesting training funds through this application, will you obtain training for this PPE/SCBA through other sources? **Yes**

How many of your on-duty active members currently have PPE that meets applicable NFPA and OSHA standards? **17**

What are the specific ages of the type of PPE you are requesting? (All PPE items in the current inventory must be accurately described and accounted for in this breakdown.)

Age (In years)	Current Inventory	Being Replaced
Less than 1	0	0
1	3	0
2	0	0
3	1	0
4	0	0
5	4	0

Age (in years)	Current Inventory	Being Replaced
6	5	0
7	4	0
8	0	0
9	0	0
10	0	0
11	0	0
12	0	0
13	0	0
14	0	0
15	0	0
16	4	4
17	1	1
18	0	0
19	0	0
20	1	1
21	11	11
22	0	0
23	0	0
24	0	0
25 or more	0	0

Item: Gloves

\$4,300.00

Description

We are requesting (43) sets of extrication gloves

Quantity	Unit price	Total
43	100.00	\$4,300.00

Budget class

Equipment

More Details for Gloves.

What is the purpose of this request? **Increase supply for new hires/existing firefighters that do not have one set of turnout gear (PPE) or allocated seated position (SCBA). This includes replacing out of service equipment.**

Are you requesting for members that currently do not have above-mentioned item? **Yes**

Enter the number of members that do not have this item **43**

Is your department trained in the proper use of the PPE/SCBA being requested? **Yes**

Are you requesting funding for training for this PPE/SCBA? **No**

If you are not requesting training funds through this application, will you obtain training for this PPE/SCBA through other sources? **Yes**

members currently have PPE that meets applicable NFPA and OSHA standards?

What are the specific ages of the type of PPE you are requesting? (All PPE items in the current inventory must be accurately described and accounted for in this breakdown.)

Age (In years)	Current Inventory	Being Replaced
Less than 1	0	0
1	3	0
2	0	0
3	1	0
4	0	0
5	4	0
6	5	0
7	6	0
8	1	0
9	2	0
10	0	0
11	0	0
12	0	0
13	0	0
14	0	0
15	0	0
16	4	4

Age (in years)	Current inventory	Being Replaced
17	1	1
18	0	0
19	0	0
20	1	1
21	15	15
22	0	0
23	0	0
24	0	0
25 or more	0	0

Item: Hoods

\$2,805.00

Description

We are requesting structural firefighting hoods. This will give our 17 members a second hood per AFG guidelines.

Quantity	Unit price	Total
17	165.00	\$2,805.00

Budget class

Equipment

More Details for Hoods.

What is the purpose of this request?

Increase supply for new hires/existing firefighters that do

(PPE) or allocated seated position (SCBA). This includes replacing out of service equipment.

Are you requesting for members that currently do not have above-mentioned item? **Yes**

Enter the number of members that do not have this item **26**

Is your department trained in the proper use of the PPE/SCBA being requested? **Yes**

Are you requesting funding for training for this PPE/SCBA? **No**

If you are not requesting training funds through this application, will you obtain training for this PPE/SCBA through other sources? **Yes**

How many of your on-duty active members currently have PPE that meets applicable NFPA and OSHA standards? **0**

What are the specific ages of the type of PPE you are requesting? (All PPE items in the current inventory must be accurately described and accounted for in this breakdown.)

Age (In years)	Current Inventory	Being Replaced
Less than 1	0	0
1	3	0
2	0	0
3	1	0
4	0	0

Age (in years)	Current Inventory	Being Replaced
5	4	0
6	5	0
7	6	0
8	1	0
9	2	0
10	0	0
11	0	0
12	0	0
13	0	0
14	0	0
15	0	0
16	4	4
17	1	1
18	0	0
19	0	0
20	1	1
21	15	15
22	0	0
23	0	0
24	0	0
25 or more	0	0

Grant request summary

The table below summarizes the number of items and total cost within each activity you have requested funding for. This table will update as you change the items within your grant request details.

Grant request summary

Activity	Number of items	Total cost
Personal Protective Equipment (PPE)	7	\$161,856.36
Total	7	\$161,856.36

Is your proposed project limited to one or more of the following activities : Planning and development of policies or processes. Management, administrative, or personnel actions. Classroom-based training. Acquisition of mobile and portable equipment (not involving installation) on or in a building.

Yes

Budget summary

Budget summary

Object class categories	Total
Personnel	\$0.00
Fringe benefits	\$0.00
Travel	\$0.00
Equipment	\$149,867.00
Supplies	\$0.00
Contractual	\$11,989.36
Construction	\$0.00
Other	\$0.00
Total direct charges	\$161,856.36

Object class categories	Total
Indirect charges	\$0.00
TOTAL	\$161,856.36
Non-federal resources	
Applicant	\$7,707.45
State	\$0.00
Other sources	\$0.00
Remarks	
Total Federal and Non-federal resources	
Federal resources	\$154,148.91
Non-federal resources	\$7,707.45
TOTAL	\$161,856.36
Program income	\$0.00

Contact information

Did any individual or organization assist with the development, preparation, or review of the application to include drafting or writing the narrative and budget, whether that person, entity, or agent is compensated or not and whether the assistance took place prior to submitting the application?
Yes

Application participants

Please add all individuals or organizations who assisted with the application.

Include all individuals or organizations who assisted with the development, preparation, or review of the application to include drafting or writing the narrative and budget, whether that person, entity, or agent is compensated or not and whether the assistance took place prior to submitting the application or not.

Doug Nash

Primary phone

4195410004

Mobile

Mailing address

417 Main Street

Huron OH 44839-0000

fire.chief@huronohio.us

Fax

Secondary point of contact

Please provide a secondary point of contact for this grant.

The Authorized Organization Representative (AOR) who submits the application will be identified as the primary point of contact for the grant. Please provide one secondary point of contact for this grant below. The secondary contact can be members of the fire department or organizations applying for the grant that will see the grant through completion, are familiar with the grant application, and have the authority to make decisions on and to act upon this grant application. The secondary point of contact can also be an individual who assisted with the development, preparation, or review of the application.

Didi Everhart

Grant Administrator

Primary phone

2482526250

Mobile

Additional phones

3304778331

Work

Fax

didi@gatchellgrantresource

Assurance and certifications

OMB number: 4040-0007, Expiration date: 02/28/2022 [View burden statement](#)

SF-424B: Assurances - Non-Construction Programs

OMB Number: 4040-0007

Expiration Date: 02/28/2022

Certain of these assurances may not be applicable to your project or program. If you have any questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

- (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
 3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
 4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
 5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
 6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
 7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
 8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
 9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
 10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
 11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as

as amended (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

Certifications regarding lobbying

OMB Number: 4040-0013

Expiration Date: 02/28/2022

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an 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, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. 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, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The undersigned states, to the best of his or her knowledge and belief, that:

If any 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 commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

OMB number: 4040-0013, Expiration date: 02/28/2022 [View burden statement](#)

SF-LLL: Disclosure of Lobbying Activities

OMB Number: 4040-0013

Expiration Date: 02/28/2022

Complete only if the applicant is required to do so by 44 C.F.R. part 18. Generally disclosure is required when applying for a grant of more than \$100, 000 and 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, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Further, the recipient shall file a disclosure form at the end of each calendar quarter in which there occurs any event described in 44 C.F.R. § 18.110(c) that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed by the applicant.

The applicant is not currently required to submit the SF-LLL.

Notice of funding opportunity

I certify that the applicant organization has consulted the appropriate Notice of Funding Opportunity and that all requested activities are programmatically allowable, technically feasible, and can be completed within the award's Period of Performance (POP).

Accuracy of application

I certify that I represent the organization applying for this grant and have reviewed and confirmed the accuracy of all application information submitted. Regardless of intent, the submission of information that is false or misleading may result in actions by FEMA that include, but are not limited to: the submitted application not being considered for award, enforcement actions taken against an existing award pending investigation or review, or referral to the DHS Office of Inspector General.

Authorized Organizational Representative for the grant

By signing this application, I certify that I understand that inputting my password below signifies that I am the identified Authorized Organization Representative for this grant. Further, I understand that this electronic signature shall bind

Authorization to submit application on behalf of applicant organization

By signing this application, I certify that I am either an employee or official of the applicant organization and am authorized to submit this application on behalf of my organization; or, if I am not an employee or official of the applicant organization, I certify that the applicant organization is aware I am submitting this application on its behalf, that I have written authorization from the applicant organization to submit this application on their behalf, and that I have provided contact information for an employee or official of the applicant organization in addition to my contact information.



TO: Mayor Tapp and City Council
FROM: Doug Steinwart
RE: Resolution No. 17-2023 (*submitted by Doug Steinwart*)
DATE: February 28, 2023

Subject Matter/Background

Per legislative request submitted by Brian Croucher:

We are requesting adopting of a resolution authorizing an agreement between the City of Huron and the Huron Baseball and Softball Program for the 2023 season. This agreement would grant a license for the Huron Baseball and Softball Program, Inc. to utilize Fabens Park baseball/softball fields #1-7 and concession stand from March 27, 2023 through July 28, 2023. The use of the concession stand will be extended past the field use to October 1, 2023. The HBSP program will operate the concession stand during the City of Huron fall baseball and softball program. The times and dates in the agreement are representative of last year's agreement, with some minor adjustments. The estimated fees from this contract will be approximately \$4,000. The HBSP will pay a fee of \$875 for exclusive rights to the fields. This fee is due prior to the start of the contract. The remainder of the fees will be due prior to September 1, 2023. These fees include utilities, health permit, storage shed, utility vehicle and the participation fee for each child in the program. The Parks and Recreation Department is requesting that Council review and consider this request for the 2023 program season.

Financial Review

The matter has been reviewed, and anticipated revenue included in the 2023 Municipal Budget. Revenues received will be deposited in the Parks and Recreation Fund (Fund 207) and used for expenses related to this program.

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. 17-2023 is in order.

[Resolution No. 17-2023 Fabens Baseball and Softball Program Agr.docx](#)

[Resolution No. 17-2023 Exhibit A Fabens Baseball and Softball Agreement \(1\).docx](#)

RESOLUTION NO. 17-2023
Introduced by Sam Artino

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF HURON, OHIO GRANTING A LICENSE FOR THE HURON BASEBALL AND SOFTBALL PROGRAM, INC. TO UTILIZE ANDREW L. FABENS MEMORIAL PARK BASEBALL FIELDS AND CONCESSION STAND.

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

SECTION 1. That the City Manager is authorized and directed to execute an agreement for and on behalf of the City of Huron, Ohio to grant a license with the Huron Baseball and Softball Program, Inc. For the use of Fabens Park baseball fields and concession stand from March 27, 2023 through July 28, 2023, said agreement to be substantially in the form of Exhibit "A" attached hereto and made a part hereof.

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:

AGREEMENT

This Agreement is made between the City of Huron, Ohio, hereinafter called “City” and the Huron Baseball and Softball Program, hereinafter called “Licensee” for the purpose of holding a Baseball and Softball Program at Fabens Park from March 27, 2023 through July 28, 2023.

WHEREAS, the Huron Baseball and Softball Program is held on property owned by the City; and therefore, it is necessary for the City to grant the Huron Baseball and Softball Program a license to use said property, and;

WHEREAS, it is necessary for the City of Huron to furnish additional City services in order that said event may be held on City property in Huron, Ohio.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. The City hereby grants a license to Licensee to use the City owned property known as “Fabens Park”, including its baseball fields, for the events set forth in the schedule attached hereto and made a part hereof as Exhibit A, for the site of the Huron Baseball and Softball Program from March 27, 2023 through July 28, 2023. The granted license shall be in accordance with Codified Ordinance §165.03.

2. Cost:

- a. The Licensee shall pay the Exclusive Field Rights Reservation Fee for seven (7) fields (#’s 1-7), in the amount of Eight Hundred and Seventy-Five Dollars (\$875.00) shall be paid prior to commencing practice and playing on City’s fields.
- b. In addition to the Field Rights Reservation Fee as set forth in Section 2a, Licensee shall pay to the City a Facility Usage by Volume of Participation Fee of \$5.00 per participant in accordance with Ordinance §165.03.
- c. Licensee shall pay to the City a negotiated Concession Stand fee in Section 8g below.
- d. Licensee shall pay to the City a rental storage fee in Section 8h below.
- e. Licensee shall pay to the City a Toro utility vehicle rental fee in Section 8i below.
- f. Unless otherwise outlined in this Agreement, all fees shall be paid to the City no later than September 1, 2023.

3. The City shall have the option to terminate or modify this Agreement and license in the event the property being leased to the Licensee becomes unavailable by reason of the construction of public improvements on said property by the City. The decision as to whether or not the property is unavailable shall be decided by the Huron City Administration, notice of the

meeting at which such termination is to be discussed shall be given to the Licensee at least seven (7) days prior to the date of the meeting.

4. The City shall also notify the Licensee as soon as it can reasonably be done, of any impending public works construction that might adversely affect the use of the property by the Licensee.

5. The City shall further have the right to terminate this Agreement, for any reason, upon ten (10) days written notice to Licensee.

6. The City shall also notify, at any time, the Licensee upon the scheduling of any special event(s), tournament(s) or program(s) that may conflict with any Licensee event, field, or concession stand usage. Any tournaments hosted at Fabens Park will be scheduled on Fridays, Saturdays and Sundays for the specified week. No Games or practices may be scheduled by the Licensee during these tournaments. Scheduled city tournaments are listed on Exhibit D.

7. The Licensee agrees to defend, indemnify and hold the City harmless from any and all actual or threatened acts, actions, causes of action, claims, costs, demands, expenses, fees, fines, judgments, losses or suits arising or claimed to arise from its use or the use by participants, workers and spectators of the Licensee of Fabens Park ball fields, parking areas and concession stand as authorized by this Agreement and shall secure liability insurance, at least in the amount of One Million Dollars (\$1,000,000) bodily injury and death; Fifty Thousand Dollars (\$50,000) property damage, which policies shall name City as an additional named insured. Licensee shall furnish City with evidence that the required insurance has been obtained, with proof of payment of the premium for the duration of this Agreement, prior to the opening event and a copy of such shall herein be attached and incorporated as Exhibit B. Such policy shall include a 30-day cancellation clause. This indemnification shall include all costs of defense, including reasonable attorneys' and expert witness fees, and shall also extend to use of the any City equipment by the Licensee.

8. Licensee further agrees as follows:

- a. Licensee agrees the use of fields shall be from 3:00 p.m. until dark Mondays through Fridays and 8:00 am until 1:00 pm on Saturdays. Licensee agrees that this use includes only fields #1 through #7.
- b. Licensee agrees other leagues/teams may utilize the Fabens Park fields for the duration of the Agreement during the hours not reserved to the Licensee or as individually scheduled and listed on Exhibit B.
- c. Huron Parks and Recreation shall have the Fabens Park fields prepared with bases and mounds on or before April 17, 2023, weather permitting.
- d. Huron Parks and Recreation shall be responsible for the maintenance of all fields and infrastructure at Fabens Park; provided, however, Licensee shall be responsible for setting up the fields for play by performing all actions needed to make the fields ready for play on game days, including but not limited to dragging the infield, marking the base lines and foul lines, setting the bases and the like.

- e. City agrees to appoint a liaison between the City of Huron and the Huron Baseball and Softball Program, Inc.
- f. Licensee agrees to leave the park in the condition it was found prior to each use (i.e. clean fields and dugouts after use). The Licensee understands that if the park is not left in the manner it was presented, the Licensee will be charged for any damages or clean up. Any equipment damaged and in need of repair during the use by the Licensee will be repaired by the Licensee to the condition in which it was presented.
- g. As negotiated, the parties agree that Licensee will not be charged a rental charge for the use of the concession stand. In consideration, Licensee agrees to be financially responsible for any incurred utility bills for the duration of the contract and will remit Two Hundred Dollars (\$200.00) to the City for a portion of the cost of the health department permit. The Licensee will clean the concession stand throughout and at the conclusion of the summer season. The Licensee agrees to accept all responsibility of the building and any concession items served to any individual. The Licensee accepts full responsibility for any action taken because of any product sold. The City of Huron is not liable for any action taken on the Licensee. Notwithstanding the term of this agreement terminating on July 28, 2023 as to use of fields, Licensee may continue to use the concession stand up to and including October 1, 2023.
- h. Lease Agreement: The City will provide storage space on site for storage of equipment consistent with activities related to Licensee. Storage for this purpose is secondary to the needs of the City and the City will make reasonable accommodations to assist Licensee in utilizing the storage. Said storage is anticipated by the City to be needed by Licensee during all months of this Agreement. This Agreement shall convey from the City to Company a Lease for the storage of said property. Company understands and affirms that the storage facility is not monitored by the City and Company assumes the risk of loss when utilizing the storage facility. At any time during this Agreement, the City reserves the right to rescind any access privilege afforded to Company by way of keycode, or key access to said storage facility. Should Licensee desire to utilize the lease option the cost of such option shall be Four Hundred Dollars (\$400.00), payable in a one-time payment payable upon Licensee's notice of its intent to execute the lease option. Licensee shall notify the City of its intent to exercise the lease option no later than April 5, 2023. The cost of the lease is non-refundable and shall not be prorated in the event of Company's early termination of the lease option.
- i. Rental Agreement: The City will rent a 2015 Toro Workman Utility Vehicle (the "Vehicle") to Licensee for the 2022 season. The rental fee for the Vehicle is One Thousand Dollars (\$1,000.00) for the 2023 rental period from April 17, 2023 through August 7, 2023. In addition to the rental fee, Licensee agrees to pay Fifty Percent (50%) of any Vehicle service or repairs (other than routine maintenance) in excess of Five Hundred Dollars

(\$500.00). The City will provide all routine maintenance for the Vehicle. All additional services or repairs required to the Vehicle will be scheduled by the City of Huron and billed to Licensee. Licensee agrees that the City may use the Vehicle at any time during the Rental Term. Notwithstanding the foregoing, the City will make every effort to avoid using the Vehicle during times when Lessee expects to have access to the Vehicle during the Rental Term.

- j. At Licensee's request, the City grants Licensee the limited authority to utilize said property as the host site for the North Coast Girls Softball League Tournament during the regular scheduled season as cited in subsection (1) herein. During the period of any subcontract pursuant to this section, whether written or unwritten, Licensee shall remain bound by the terms of this Agreement. The City shall accept no liability pursuant to any subcontract by Licensee for the use of the property for this limited purpose. In addition to the fees otherwise set forth in this Agreement, Licensee shall be liable for a tournament fee of Five Hundred Dollars (\$500.00) per week for this limited subcontract.
- k. Licensee agrees to abide by all terms of this Agreement as regards the City of Huron's Contract with the City's contracted beverage supplier, a copy of which is herein attached and incorporated by reference as Exhibit C.
- l. COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAW, ORDERS, GUIDANCE, RULES AND REGULATIONS. Licensee and all employees, agents, contractors, and any other persons subject to their direction and control shall **strictly** comply with all federal, state, and local laws, orders, instructions, requirements, guidance, and any other safeguards, including those related to any and all communicable diseases, including COVID-19. Licensee agrees to be solely responsible for ensuring that the activities covered by this Agreement will be operated, run, managed, and conducted in a manner consistent with all applicable all federal, state, and local laws, orders, instructions, requirements, guidance, and any other safeguards, including those related to COVID-19, and will coordinate with the Erie County Department of Health to ensure the same. Licensee understands that its use of the property will expose the it and its employees, agents, contractors and other persons subject to its control to a risk of injury and illness (ex: communicable diseases such as MRSA, influenza, and COVID-19), including the potential for permanent paralysis and death, and while particular rules, equipment, and personal discipline may reduce these risks, the risks of serious injury and illness do exist, and **KNOWINGLY AND FREELY ASSUME ALL SUCH RISKS**, both known and unknown, **EVEN IF ARISING FROM THE NEGLIGENCE OF THE CITY**, and assumes full responsibility for any such risk which may occur at the property. Licensee further **AGREES TO INDEMNIFY, RELEASE, AND HOLD HARMLESS** the City, and its officials, agents, and/or employees (**"RELEASEES"**), **WITH RESPECT TO ANY AND ALL CLAIMS, DEMANDS, LAWSUITS, ACTIONS, ETC. OF ANY TYPE**

FOR ANY ALLEGED INJURY, ILLNESS, DISABILITY, DEATH, or loss or damage to person or property, WHETHER ARISING FROM THE NEGLIGENCE OF THE CITY OR OTHERWISE, to the fullest extent permitted by law.

9. The rights and authority conveyed through this License shall not be assignable or transferrable by either party. This License shall not be recognized as valid, unless otherwise specified herein, for any sublease, subcontract or conveyance to another party regardless of whether said sublease, subcontract or conveyance is in exchange for compensation.

10. This License constitutes the entire Agreement between the parties and supersedes all prior or written agreements or understandings. This agreement shall only be amended in writing signed by both parties.

IN WITNESS WHEREOF, all parties have set their hands to duplicate copies of this Agreement on this _____ day of _____, 2023.

LICENSEE

CITY OF HURON, OHIO

President, Huron Baseball and
Softball Program

Matthew Lasko, City Manager

Approved as to Form:

Todd A. Schrader, Law Director

EXHIBIT A: SCHEDULE OF EVENTS

EXHIBIT B: INSURANCE RIDER

EXHIBIT C: PEPSI AMERICAS INC. CONTRACT WITH CITY OF HURON

EXHIBIT D: CITY SCHEDULED TOURNAMENTS

2023 – Tournaments @ FABENS

JUNE		
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Fri-Sun	June 2-4	Baseball/Midwest
Fri-Sun.	June 9-11	Baseball/Midwest
Fri-Sun	June 16-18	Baseball/Midwest

JULY		
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Sat-Sun.	July 8-9	Baseball/Duckpond
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AUG.		
------	--	--

Fri-Sun	Aug 4-6	Softball/Dawg Daze
Sat-Sun	Aug 19-20	Fall Ball/HPRD
Sat-Sun	Aug 26-27	Fall Ball/HPRD

SEPT.		
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Sat-Sun	Sept 9-10	Fall Ball/HPRD
Sat-Sun	Sept 16-17	Fall Ball/HPRD

--	--	--

Sat-Sun	Sept 23-24	Fall Ball/Rain Date
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TO: Mayor Tapp and City Council
FROM: Stuart Hamilton , Service Director
RE: Ordinance No. 2023-4 (*submitted by Stuart Hamilton*)
DATE: February 28, 2023

Subject Matter/Background

This reconfiguration will bring this intersection in line with the others in the area. The current yield configuration is not only confusing, but it is also dangerous, being our most incident prone intersection within the City. The suggestion was taken to the Safety Committee who on February 15th, who voted to advance this to Council.

Financial Review

There is no financial impact relating to this legislation, other than the purchase of two Stop signs, which is included in the Street Departments 2023 budget.

Legal Review

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

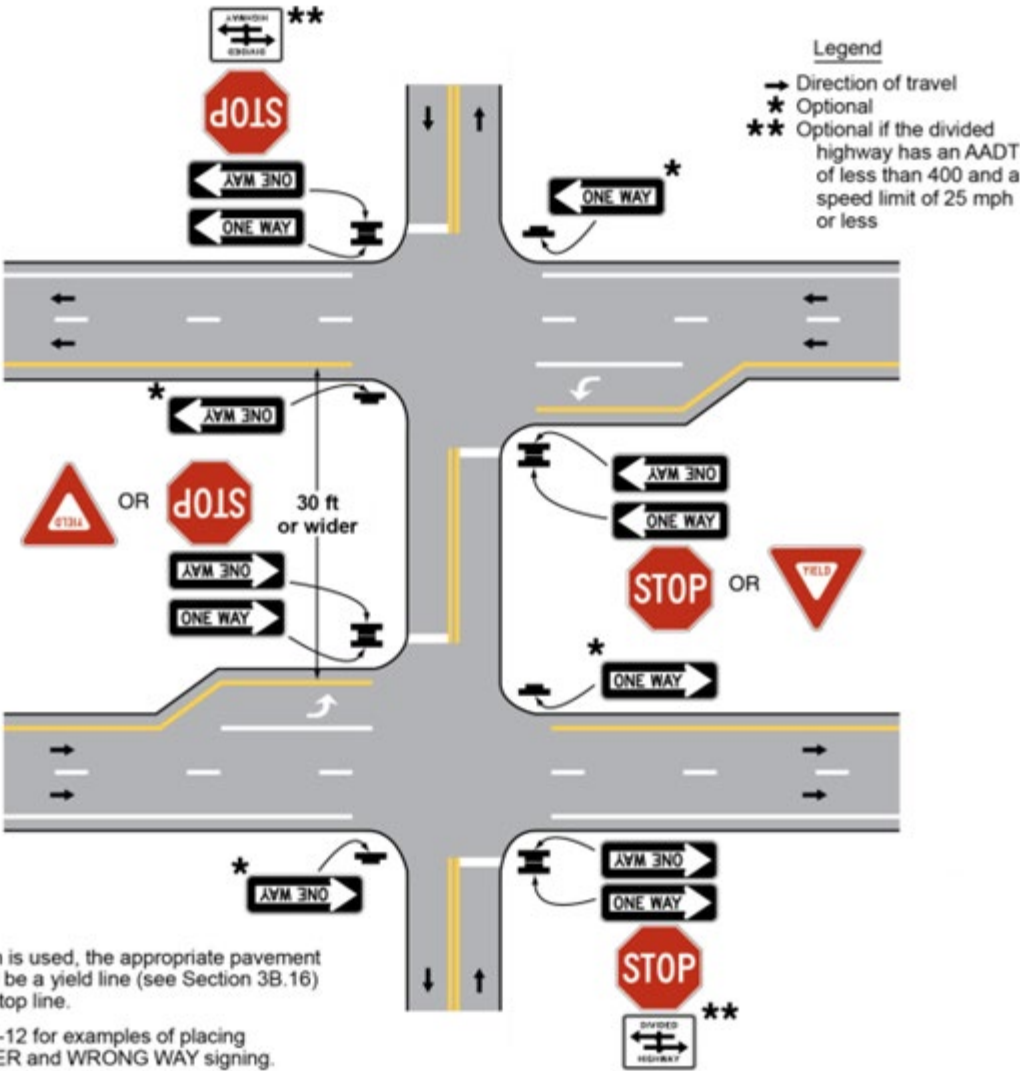
Recommendation

If Council is in agreement with the request, a motion adopting Ordinance No. 2023-4 as an emergency measure is in order.

[Ordinance No. 2023-4 Exhibit 1.pdf](#)

[Ordinance No. 2023-4 Williams St Stop Signs at US 6.docx](#)

with Median Widths of 30 Feet or Wider



ORDINANCE NO. 2023-4
Introduced by William Biddlecombe

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 305.01, TRAFFIC CONTROL MAP, AND CODIFIED ORDINANCE SECTION 305.02, TRAFFIC CONTROL FILE, REGARDING STOP SIGN PLACEMENT ON WILLIAMS STREET AT THE NORTHBOUND AND SOUTHBOUND MEDIAN INTERSECTIONS WITH US-6; AND DECLARING AN EMERGENCY

WHEREAS, in order to ensure the safety of the public on both US-6 and Williams Street, it is necessary to install Stop signs in place of the existing Yield signs on Williams Street at the northbound and southbound median intersections with US-6.

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

SECTION 1. That pursuant to Codified Ordinance Section 305.03(b), Amendments, Codified Ordinance 305.01, Traffic Control Map, and Codified Ordinance Section 305.02, Traffic Control File, are amended as follows:

Stop signs will be installed in place of the two (2) existing Yield signs on the northbound and southbound sides of Williams Street at its median intersections with US-6.

SECTION 2. That Streets Superintendent shall oversee the erection or removal of only those authorized traffic control signals and devices as are necessary to regulate, warn or guide traffic in accordance with the provisions of this Ordinance.

SECTION 3. That the Division of Police shall amend the Traffic Control Map and File in accordance with the provisions of this Ordinance.

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 this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and for the further reason that, in order to effectively control traffic within the municipality, it is imperative this Ordinance be effective immediately, WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its adoption and upon posting of the authorized traffic control signals and devices to regulate, warn or guide traffic in accordance with the provisions of this Ordinance.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



TO: Mayor Tapp and City Council
FROM: Matthew Lasko
RE: Ordinance No. 2023-5 (*presented by Matt Lasko*)
DATE: February 28, 2023

Subject Matter/Background

Ordinance No. 2023-5 authorizes and accepts replacements pages to the Codified Ordinances, as prepared by the Walter Drane Company, based on legislation adopted by City Council through January 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 Ordinances either electronically or in hard copy, please delete/discard and made the replacement with the update through January 31, 2023 Codified Ordinances.

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 Walter Drane Company, 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. 2023-5 as an emergency measure is in order.

[Ordinance No. 2023-5 Exhibit 1 Codified Ordinance Pages.pdf](#)
[Ordinance No. 2023-5 Adopting Ordinance Walter Drane.rtf](#)

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

Local legislation current through January 10, 2023

State legislation current through June 28, 2022

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 January 10, 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 Walter H. Drane Company

THE CITY OF HURON
ROSTER OF OFFICIALS
 (January 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	Jason Gibboney
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
of current replacement pages

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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)
2018-23	8-28-18	1505.01			(2), 311.03, 331.14(a), 331.15
2018-26	9-11-18	305.01, 305.02			(b), 331.37(a), 331.44(a), 373.01, 373.02(f), (g), 373.03(a), 373.04
2018-27	9-11-18	1321.06			(a), 373.05 to 373.08(a), 373.09
2018-28	9-25-18	305.01, 305.02			(a)
2018-33	1-18-19	1369.01 to 1369.09			163.04(a)
2018-34	1-8-19	905.01, 905.02, 905.07, 905.08	2021-26	7-13-21	1369.98(c), 1369.99(a)
2018-37	12-11-18	161.04	2021-29	8-10-21	305.04
2018-38	12-11-18	161.01.1	2021-35	10-26-21	1129.06, 1129.11, 1139.02, 1141.01
2019-9	7-23-19	1121.04, 1125.03, 1126.05, 1126.09, 1126.17	2021-36	10-26-21	to 1141.05, 1141.08 to 1141.10, 1141.99, 1313.02, 1313.03
2019-12	6-25-19	1307.01 to 1307.03, 1307.99	2022-2	1-11-22	161.04
2019-18	8-27-19	159.03, 159.05	2022-3	1-11-22	161.04.1
2019-30	12-10-19	164.04	2022-4	1-11-22	305.04
2019-31	12-10-19	161.04.1	2022-5	2-8-22	Ch. 1127 Appx. A
2019-33	3-10-20	1369.01 to 1369.08	2022-7	1-25-22	1307.01
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

TABLE C - VACATING OF STREETS AND ALLEYS

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
Vol. p. 236	7-13-75	Part of Huron St.
Vol. p. 48	10-28-84	Part of Railroad Ave.
Vol. p. 48	1-10-85	Part of Stowe Ave.
Vol. p. 55	6-28-87	Portions of Main and Walls Sts.
Vol. p. 72	9-12-99	Part of Lake St.
Vol. p. 192	12-27-27	Part of Sandusky St.
Vol. p. 193	12-27-27	Part of Lake Rd.
Vol. p. 195	3-12-28	Part of Meeker Ave.
67	11-28-38	Parts of Berlin Rd. (formerly Florence Rd.), River Rd., and Berlin Rd. as relocated.
131	4-23-45	B St., Centre Ave. and Breckenridge Ave., south of the Cleveland Highway.
161	4-28-47	West St., in Outlot 5 of the Old Town Plat.
272	10-26-53	Portion of Mills St.
296	6-13-55	Part of Washington Ave.
1961-7	12-11-61	Portion of north one-half of Van Ransalaer St.
1962-15	5-28-62	Portions of Superior Drive (formerly Lake and Central Sts.)
1963-13	3-25-63	Vacating (narrowing) part of Reifer Ave. from Adams Ave. north to Federal Route 6 bypass.
1963-30	9-9-63	Vacating Pearl St. in August Klein's Subdivision.
1965-18	9-13-65	Richland Ave. from Shore Dr. to Lake Erie Shoreline.
1966-21	4-11-66	Portion of Main St. between South and Wall Sts.
1967-3	2-13-67	Portion of Edgewater Dr.
1967-13	4-10-67	Portion of Van Rensalaer St.
1971-33	5-10-71	Portion of South St. lying east of Main St.
1973-26	6-4-73	Portions of Main St., Cleveland Rd. West and all of Fries St.
1975-63	11-24-75	Portion of Shirley St.
1976-8	3-22-76	Vacating Homestead Dr.
1978-2	1-3-78	Vacating Scott St. from Wilbor Ave. to Wilder Ave.
1981-1	1-12-81	Linden Dr. between Atwood Place and Richland Ave.
1990-5	3-26-90	Portion of West St.
2001-8	2-26-01	Portion of Superior Dr.
2007-11	6-12-07	A portion of Van Rensalaer St.
2010-2	1-12-10	The fifty foot right of way off Forest Hills Drive between 115 Forest Hills Drive and 201 Forest Hills Drive.
2013-6	2-26-13	Norwood Road by the request of the City.
2013-13	3-26-13	Repeals Ordinance 2013-6 relating to the vacation of Norwood Road.
2013-19	5-14-13	Norwood Road by the request of the City and after holding a public hearing.
2015-27	8-13-15	That portion of Main Street within the City as determined to be no longer needed for public use and as a necessary component of the Main Street Reconnection Project.
2021-39	11-23-21	A portion of Sawmill Parkway consisting of approximately .04225 acres immediately adjacent to PPN: 42-02021.000.
Res. 49-2021	8-10-21	A conditional vacation agreement with Stephen A. West, Julie A. West and Megan C. West pursuant to their petition to the City requesting vacation of a portion of Kirkwood Road.

TABLE C - VACATING OF STREETS AND ALLEYS (Cont.)

<u>Ord. No.</u> <u>Res.</u>	<u>Date</u>	<u>Description</u>
53-2021	8-24-21	A conditional vacation agreement with Ardagh Metal Beverage USA Inc. pursuant to their petition to the City requesting vacation of a portion of Sawmill Parkway Adjacent to Erie County Permanent Parcel Number 42-02021.000 containing approximately 0.4225 acres.
2022-19	4-12-22	A portion of Kirkwood Road consisting of approximately 0.1204 acres immediately adjacent to Erie County, Ohio Permanent Parcel Numbers: 45-00487.000, 45-00488.000, 45-00489.000, 45-00181.000 and 45-00181.001.

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.

TABLE E - ACQUISITION AND DISPOSAL OF REAL PROPERTY (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
2017-32	8-8-17	Authorizing a purchase agreement with most reverend Daniel E. Thomas, Bishop of the Roman Catholic Diocese of Toledo in America, for the acquisition of property located on Rye Beach Road, Huron, Ohio, at an amount not to exceed \$68,750.00.
2018-39	12-11-18	Acknowledging the donation of 7.51 acres of real property, identified as Erie County Permanent Parcel Number 45-00486.00 to the City.
2019-6	4-9-19	Authorizing sale of a portion of certain real property located on the Water Filtration and Services Complex property to Key Real Estate Ltd.
2019-7	4-23-19	Authorizing the City Manager to enter into an agreement with the Dona J. Didion Living Trust U/A/D 11/4/93 and as amended thereafter, to purchase certain parcels of real property known as Permanent Parcel Nos. 43-00087.000, 43-00257.000, 43-0098.000, 43-00258.000, 43-00099.000, 43-00136.000 and 43-00137.000.
2020-43	6-23-20	Authorizing the City Manager to authorize Seeley, Savidge, Ebert & Gourash, Co., LPA to proceed with formal legal action to Quiet Title on Erie County Permanent Parcel No. 42-01077.000 (commonly known as the "Showboat" Lands).
2021-30	8-24-21	Authorizing the acceptance of a conveyance of parcels of real property from Sawmill Creek LLC; approving a reconveyance to Sawmill Creek LLC as provided by Section 5709.41(B) of the Ohio Revised Code; authorizing a Transfer and Indemnification Agreement in connection with such land transfer.
2021-38	11-23-21	Accepting two (2) portions of Erie County Permanent Parcel No. 42-02021.000 containing 0.2848 acres of land owned by Ardagh Metal Beverage USA Inc. for purposes of expansion of the existing Sawmill Parkway right-of-way for the construction of the Sawmill Parkway Improvement.
2022-37	7-12-22	Authorizing the City Manager's execution of an agreement to purchase real property located at 624 Berlin Road and 729 Berlin Road.
2022-40	7-12-22	Authorizing the City Manager's execution of a real estate purchase agreement to purchase vacant real property comprising approximately 0.203 acres located on Berlin Road.
2022-44	8-9-22	Ratifying the City Manager's execution of an agreement to purchase real property for public use located at 306 Linden Drive, Parcel Number 43-00095.000.
2022-54	10-11-22	Authorizing the City Manager's execution of an agreement to purchase approximately 41.88 acres of vacant land located on River Road, Permanent Parcel Numbers 42-01718.000, 42-01719.000, 42-01721.000 and 42-01722.000.

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 H - ANNEXATION AND DETACHMENT OF TERRITORY

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
Vol. p. 35	2-8-76	Application for territory near the intersection of Center St. and the south line of Lot 29, Section 1.
299	7-11-55	Application of Hinde et al of land near westerly corporation line.
346	12-10-56	Application of Kauffman et al for parts of Original Lot 16, Section 2 and Lot 18, Section 1.
Res. 1961-8	8-28-61	Approval of annexation application of Wilkes for parcel of land located in Lots 22 and 23, Section 1, Huron Twp. (32.57 acres contiguous to present easterly corporation line).
Res. 1964-7	5-25-64	Approval of annexation application of Snyder for 22.19 acre parcel in Lot 23, Section 1, Huron Twp. (contiguous to present easterly corporation limits).
Res. 1966-2	1-24-66	Approval of annexation application of Altmeyer for 5.8732 acres in Lot 16, Section 1, Huron Twp. (contiguous to present southern corporation limits).
Res. 2017-70	9-26-17	Consenting to the annexation petition filed by Mimi Land Company, LLC seeking the annexation of approximately 95.5 acres of real property in Huron Township.
Res. 2017-81	11-14-17	Consenting to the annexation petition filed by Mimi Land Company, LLC seeking the annexation of approximately 95.5 acres of real property in Huron Township.
2018-01	1-23-18	Accepting the annexation of property into the City as requested by Mimi Land Company (Mucci Farms), and granted by the Board of County Commissioners of Erie County.
2022-52	10-11-22	Accepting the annexation of 182.32 +/- acres of territory in Huron Township.
Res. 65-2022	7-12-22	Authorizing amendment to annexation agreement with Huron Township relating to the City of Huron's Annexation of 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 and 39-01076.003.

TABLE I - ZONING MAP CHANGES (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
2012-23	6-12-12	415 Huron Street, City Lot #126 /Parcel 42-01325.000 from R-3 (Multi-Family Residential) to B-1 (Neighborhood Business).
2012-24	6-12-12	413 Huron Street, City Lot #127 /Parcel 42-60100.000 from P-1 (Off Street Parking) to B-1 (Neighborhood Business).
2012-25	6-12-12	74 Mills Street, City Lot #129 /Parcel(s) 42-00367.000 and 42-00365.000 from B-1 (Neighborhood Business) to P-1 (Off-Street Parking).
2012-46	6-12-12	A .2116 portion of 512 Berlin Road, from R-3 (Multi-Family Residential) to B-3 (General Business).
2016-33	12-27-16	Approximately 4.2909 acres of vacant land located on North Port Lane, Parcel Number 42-00666.000, from the current R-2 (One and Two Family PUD) to R-1 (One Family PUD).
2019-11	7-23-19	Approximately 94.7 acres of land located at 1101 Rye Beach Road, Parcel Number 42-67003.000, from the current R-1 (Single Family Residential) to B-3 (General Business) PUD and to include the parcel in the Planned Industrial Overlay Zone.
2022-6	2-8-22	Approximately 11.4 acres of land owned by the City, located on the North Side of Cleveland Road, Erie County, Ohio Permanent Parcel Number 42-61270.001 from the Current I-2 (General Industrial) to MU-GD (Multi-Use Granary District).
2022-23	5-10-22	Approving a lot consolidation of a 0.7210 acre portion of PPN 42-6127.000 and a 10.5716 acre portion of PPN 42-6127.001 into one parcel.

CODIFIED ORDINANCES OF HURON
PART ONE - ADMINISTRATIVE CODE

TITLE ONE - General Provisions

- Chap. 101. Codified Ordinances.
- Chap. 103. Official Standards.

TITLE THREE - Legislative

- Chap. 121. Council.
- Chap. 123. Ordinances and Resolutions.

TITLE FIVE - Administrative

- Chap. 131. City Manager.
- Chap. 133. Mayor.
- Chap. 135. Department of Finance.
- Chap. 137. Division of Income Taxation.
- Chap. 139. Department of Law.
- Chap. 141. Department of Safety.
- Chap. 143. Fire Division.
- Chap. 145. Police Division.
- Chap. 147. Department of Service.
- Chap. 149. Division of Streets and Parks.
- Chap. 151. Division of Utilities.
- Chap. 153. Department of Building and Housing Inspection.
- Chap. 155. Department of Community Development.
- Chap. 157. Department of Administrative Services.
- Chap. 159. Division of Purchasing.
- Chap. 160. Local Preference.
- Chap. 161. Division of Personnel.
- Chap. 163. Employment Provisions.
- Chap. 165. Division of Recreation.
- Chap. 167. Board of Park Trustees.
- Chap. 169. Health Services.
- Chap. 171. Shade Tree Commission.
- Chap. 173. Disposition of City Property.
- Chap. 175. Economic Development Committee. (Repealed)

TITLE SEVEN - Judicial

- Chap. 181. Municipal Court.

TITLE NINE - Taxation

- Chap. 185. Income Tax.
- Chap. 187. Motor Vehicle License Tax.
- Chap. 189. Lodging Tax.

TITLE ELEVEN - Urban Renewal (Repealed)

- Chap. 191. Standards and Procedures.

TITLE THREE - Legislative

Chap. 121. Council.

Chap. 123. Ordinances and Resolutions.

CHAPTER 121 Council

121.01 Rules of Council.

**121.02 Filling vacancies of Vice Mayor
and Clerk of Council.**

**121.03 Administrative authority and
powers.**

CROSS REFERENCES

Membership; term; vacancies - see CHTR. §2.01, 2.04, 2.05

Qualifications - see CHTR. §2.02

Salary - see CHTR. §2.06

Rules; journal - see CHTR. §2.07

Powers - see CHTR. §2.08

Meetings - see CHTR. §2.09

Clerk of Council - see CHTR. §2.12

City Manager performing duties of Council Clerk - see ADM. 131.02

Urban renewal action - see ADM. 191.08

121.01 RULES OF COUNCIL.

I. MEETINGS. The regular meetings of Council shall be held in the Council Chambers of the Municipal Building at 6:30 p.m. on the second and fourth Tuesdays of each and every calendar month. Special meetings of Council may be called by the Mayor or by any three members of Council by having the Clerk serve written notice of the call of such meeting upon each member of Council and upon the Mayor, in person or by delivering a copy thereof to the usual place of residence of such persons not less than twelve hours prior to the holding of such meeting. Such notice shall specify the time and place of the holding of such meeting.

Regular work sessions open to the public shall be held in the Council Chambers of the Municipal Building at 6:30 p.m. on the first and third Tuesday of each month, unless a special Council meeting has been called for such day and time, as hereinabove provided, in which event the work session shall be convened immediately following the adjournment of the special meeting.

The Clerk of Council shall, as soon as possible, and on or before January 1 annually thereafter, cause to be published in a newspaper of general circulation in Huron, Ohio, a calendar of the regularly scheduled regular meetings of Council and the regularly scheduled work sessions of Council to be held as hereinabove provided during the succeeding twelve months.

The Clerk of Council shall maintain a current list of the names of the news media who have requested, in writing, notification of special meetings of the Council, and in the event of the scheduling of such a special meeting, the Clerk of Council shall, no later than twenty-four hours prior to the commencement of such special meeting, advise the news media who have requested notification, stating the time, place and stated purpose of the special meeting. Where practical, such notification shall be made in writing by first class mail addressed to such news media at the addresses provided by them to the Clerk of Council. In emergency situations where twenty-four hour notice is not possible, the Clerk of Council shall cause to be made oral notification to such news media representatives by telephone and shall record the fact of such notice in a statement to be attached to the minutes of the meeting.

Upon payment of an annual fee in the amount of ten dollars (\$10.00) on or before January 1 of any year, any person may receive notice of all meetings of the Huron, Ohio City Council. (Ord. 2005-42. Passed 9-13-05.)

II. HOLIDAY MEETINGS. When any regular Council meeting or any regular work session falls due on a legal holiday, or an election day, Council shall meet in regular session or regular work session on the day following, at the place and time set forth in paragraph I above.

III. JOURNAL. The Clerk of Council shall keep a written journal of the proceedings of all regular and special Council meetings, which journal shall be promptly recorded and open to public inspection. The journal shall only reflect the general subject matter of discussions held in executive sessions. (Ord. 1975-64. Passed 11-24-75.)

IV. OPEN PROCEEDING. The Mayor shall take the chair at the time appointed for Council to meet, and shall immediately call the members to order; he shall then cause the journal of the preceding session to be read and disposed of, unless otherwise ordered by Council. In the absence of the Mayor, the Vice Mayor of Council shall perform such duties as are imposed upon the Mayor. In the absence of both the Mayor and Vice Mayor of Council, Council may appoint a temporary chairman or President of Council.

V. PRESIDING OFFICERS. The Mayor shall preserve order and decorum, and confine members in debate to the question. He may in common with any other member call any member to order who shall violate any of the rules, and shall, when in the chair, decide all questions of order, subject to any appeal to Council on the demand of two members. On such appeal there shall be no debate, but the member making the appeal may briefly state his reasons for the same, and the presiding officer shall have the same right to a similar statement. The Director of Law shall function as Parliamentarian when requested by the presiding officer.

XVIII. APPEARANCES BEFORE COUNCIL. Any person, group or delegation wishing to appear before Council at any regular or special Council meeting shall direct a letter to the Clerk of Council in such time that he will receive it not less than forty-eight hours before the time of the Council meeting. The letter shall clearly state the purpose of the appearance and the approximate number of persons who will appear in the group.

XIX. DEBATES AND DISCUSSIONS. No member of Council while Council is in session shall engage in debate or discussion with any one save another member of Council or the Mayor or some person who has either been granted by Council the privilege to address Council or is present at a Council meeting on invitation of Council. All such debate or discussion shall be governed by Robert's Rules of Order.

XX. HEARINGS. If any elector or electors or taxpayers of the City or any other person or persons desire a hearing on any matters pending before Council, application may be made therefor to Council and Council may by a two-thirds vote grant such public hearing by arranging for a special time and place therefor which must not be during any regular or special meeting of Council.

XXI. RESIGNATION. The resignation of a member of Council shall not take effect until the same has been accepted by a vote of the majority of the members exclusive of the person tendering the resignation.

XXII. ROBERT'S RULES OF ORDER. In the absence of any rule upon the matter of business, Council shall be governed by Robert's Rules of Order.

XXIII. AMENDMENTS. These rules may be amended or altered or new rules adopted by a vote of the majority of all the members elected at any meeting of Council, on the report of a committee to which the subject has been referred at a previous meeting.

XXIV. SUSPENSION OF RULES. These rules or any of them may be temporarily suspended at any meeting of Council, by a concurrent vote of the majority of all members elected, except when a greater number is required by law or by these rules. The vote on such suspension shall be taken by the yeas and nays and entered on the journal. In case any rule herein shall not have been adhered to by Council, the same shall be regarded as having been suspended. (Ord. 1962-20. Passed 7-23-62.)

121.02 FILLING VACANCIES OF VICE MAYOR AND CLERK OF COUNCIL.

(a) A vacancy in the office of Vice Mayor shall be filled within thirty days by Council selecting from among its members one to serve as Vice Mayor to fill such office for the unexpired term of his predecessor.

(b) A vacancy in the office of Clerk of Council shall be filled within thirty days, by a majority vote of the members of Council, selecting from outside its membership one to serve as Clerk of Council to fill such office for the unexpired term of his predecessor. (Ord. 1970-26. Passed 4-27-70.)

121.03 ADMINISTRATIVE AUTHORITY AND POWERS.

All members of Council and their staff shall:

- (a) Recognize the Charter role of the Mayor, Council, and City Manager, particularly in contracting, development projects, and incentives;
- (b) Support the integrity of the City's development processes and promote public trust by directing inquiries from developers related to financial assistance or land use approvals to the City Manager's Office so that they can be handled uniformly through transparent City administrative processes;
- (c) Set City funding and appropriation priorities in an open, transparent, and public manner; and
- (d) Report, without undue delay, to the City Manager, Ohio Ethics Commission, Law Director, Prosecutor, or other appropriate authority, conduct in the performance of official duties that is reasonably believed to violate the law or reasonably believed to violate any codes of conduct.

(Ord. 2022-50. Passed 10-11-22.)

TITLE FIVE - Administrative

- Chap. 131. City Manager.
- Chap. 133. Mayor.
- Chap. 135. Department of Finance.
- Chap. 137. Division of Income Taxation.
- Chap. 139. Department of Law.
- Chap. 141. Department of Safety.
- Chap. 143. Fire Division.
- Chap. 145. Police Division.
- Chap. 147. Department of Service.
- Chap. 149. Division of Streets and Parks.
- Chap. 151. Division of Utilities.
- Chap. 153. Department of Building and Housing Inspection.
- Chap. 155. Department of Community Development.
- Chap. 157. Department of Administrative Services.
- Chap. 159. Division of Purchasing.
- Chap. 160. Local Preference.
- Chap. 161. Division of Personnel.
- Chap. 163. Employment Provisions.
- Chap. 165. Division of Recreation.
- Chap. 167. Board of Park Trustees.
- Chap. 169. Health Services.
- Chap. 171. Shade Tree Commission.
- Chap. 173. Disposition of City Property.
- Chap. 175. Economic Development Committee. (Repealed)

CHAPTER 131 City Manager

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| <p>131.01 Administrative authority and powers.</p> <p>131.02 Performing duties of Clerk of Council.</p> | <p>131.03 City Manager activities.</p> |
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CROSS REFERENCES

- Appointment; removal - see CHTR. §4.01, 4.04
- Duties - see CHTR. §4.02
- Absence or disability - see CHTR. §4.03
- Relation to Council - see CHTR. §4.05
- Contract interest - see CHTR. §5.08
- City Manager exempt - see CHTR. §8.02
- Community Development Director - see ADM. 155.01
- Administrative Services Director - see ADM. 157.02
- City Manager to act as Purchasing Agent for the City - see ADM. 159.01 et seq.
- Bond required - see ADM. 163.01
- Manager to supervise urban renewal and redevelopment activities - see ADM. 191.04 et seq.

131.01 ADMINISTRATIVE AUTHORITY AND POWERS.

(a) The City Manager shall have full authority to prescribe and enforce administrative policy and procedure and to prescribe and enforce administrative rules and regulations for all departments, divisions, officers and employees of the City as the City Manager may deem necessary to the performance of the duties of the City Manager and to the efficient operation of the entire City government.

(b) The City Manager shall have full authority to prescribe the use of various forms and procedures for the conduct of the City's affairs. Further, the City Manager shall prescribe and/or approve the use of various reports and forms for the various departments, divisions, officers and employees, either regularly, or from time to time, for the City Manager's, the Mayor's or the Council's information and use.

(c) The City Manager may require the submission of regular or special reports from any department, division, office, officer or employee to be used in the administrative direction and control of the City.

(d) The City Manager shall have the power to make or delegate to department heads, rules and regulations to govern management practices.

(e) The City Manager is authorized and directed to amend and modify existing written agreements, and enter into and execute new written agreements by and on behalf of the City, without the approval of the City Council for the purposes, and subject to the limitations, set forth in Section 131.03.

(Ord. 2022-50. Passed 10-11-22.)

131.02 PERFORMING DUTIES OF CLERK OF COUNCIL.

The City Manager or the person(s) designated by the City Manager shall perform the duties of Clerk of Council during the disability or temporary absence of the Clerk. Such duties shall include those duties imposed upon the Clerk of Council by Section 2.12 of the Charter, ordinances of the City and laws of the State, and the authority to execute certificates in regard to transcripts submitted to bond counsel to obtain approving opinions for the issuance of notes and bonds of the City. (Ord. 2022-50. Passed 10-11-22.)

131.03 CITY MANAGER ACTIVITIES.

(a) The City Manager, in their capacity as chief administrative and Safety Services officer of the City, is hereby authorized and directed to take any and all actions, including executing contracts for and on behalf of the City, without the approval of the City Council, for the following purposes:

- (1) Contracts for public improvements, provided that the expenditure per occurrence or series of occurrences does not exceed the amount set forth in Section 159.05(a);
- (2) Contracts necessitated by emergency circumstances, as set forth in Section 159.06;
- (3) License and vendor agreements for the reasonable and limited and/or incidental use and access of City property, including in and to the rights of way, provided that the access is for limited purposes and the contract does not extend beyond a period of one year;

- (4) Agreements for the reasonable and limited use and access of City property for placement of banners and signage, as set forth in Chapter 1129 of the Codified Ordinances;
- (5) Agreements and/or granting permission to permit maintenance, repairs and replacements of infrastructure and/or improvements in the City right-of-way and/or on City property that pertain to then-existing easements, rights-of-way, or other conditions or encumbrances of record that grant property interests in and to City property;
- (6) Undertake any and all other expenditures, transactions, and all other activities that serve to promote and permit the ongoing efficient daily operations and functions of the City that the City Manager deems to be in the best interest of the City and that, in the City Manager's discretion, may reasonably be transacted or undertaken without consent of the City Council, provided that the transaction does not exceed the amount set forth in Section 159.05(a) per occurrence or series of occurrences and the transaction will not extend beyond a period of one year provided, however, that there shall be no monetary limitations or caps for amendments to and modifications of existing written agreements, or entering into and executing new written agreements by and on behalf of the City, for power portfolio purchases pertaining to Huron Public Power and/or Huron Public Power customers due to the ever-changing, and occasionally volatile, nature of the energy markets.

(b) The City Manager shall not knowingly have any conflict of interest in violation of the Ohio Revised Code in any contract entered into as City Manager for and on behalf of the City.

(c) The City Manager is authorized to issue any and all permits or grant approvals required or permitted by then-existing Ordinances, including but not limited to permits for signage. (Ord. 2022-50. Passed 10-11-22.)

CHAPTER 159 Division of Purchasing

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| <p>159.01 Creation and composition.</p> <p>159.02 Agent's general purchasing power.</p> <p>159.03 Formal bidding requirements.</p> <p>159.04 Manager may seek Council approval.</p> | <p>159.05 Normal purchase procedure.</p> <p>159.06 Emergency purchases.</p> <p>159.07 Design professional selection law waived.</p> |
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CROSS REFERENCES

Purchasing agency established - see CHTR. §5.05
 Competitive bidding - see CHTR. §5.06
 Contracts - see CHTR. §5.07 et seq.
 Purchasing procedure - see CHTR. §6.12
 Division established; head - see ADM. 157.01

159.01 CREATION AND COMPOSITION.

There is hereby created a Division of Purchasing which shall be composed of the Purchasing Agent as established by Section 5.05 of the City Charter. The City Manager, or his designee, shall act as Purchasing Agent for the City.
 (Ord. 2010-16. Passed 5-25-10.)

159.02 AGENT'S GENERAL PURCHASING POWER.

Unless otherwise provided for in this chapter, the Purchasing Agent shall make all purchases and contracts for the purchase of supplies, materials and equipment required by the City. (Ord. 2010-16. Passed 5-25-10.)

159.03 FORMAL BIDDING REQUIREMENTS.

(a) The City shall procure expenditures in accordance with the bidding requirements set forth in Ohio R.C. 735.05, except as otherwise provided in this Chapter or by separate ordinance of Council.

(b) In all circumstances, the Council reserves the right to reject any and all bids and to waive informalities in bidding.

(c) In all cases of expenditures exceeding bidding threshold set forth in Ohio R.C. 735.05, the requirements of division (a) of this Section may be waived by Council if the expenditure falls within one of the following categories. In all cases, the purchase shall be approved by Council.

- (1) Purchase from the State under Ohio R.C. 125.04 or 5513.01.
- (2) Purchase from a governmental body.
- (3) Purchase of professional service.

- (4) Emergency purchases.
- (5) Purchases incapable of being competitively bid, such as sole source providers.
- (6) Purchases from another supplier upon equivalent terms, conditions, and specifications but a lower price than is offered by the State under Ohio R.C. 124.04(c).

(d) In cases of public disaster, declared by Council resolution adopted by unanimous vote of those members present, provided that a quorum is present, any purchase may be made in the open market.

(e) The City may prepare "blanket" certificates in accordance with ORC Section 5705.41, not to exceed current appropriations and \$100,000 for each "blanket" certificate. (Ord. 2019-18. Passed 8-27-19.)

159.04 MANAGER MAY SEEK COUNCIL APPROVAL.

The approval of the City Council of any purchase, irrespective of the amount involved, shall be required when ordered by the City Manager. (Ord. 2010-16. Passed 5-25-10.)

159.05 NORMAL PURCHASE PROCEDURE.

All purchases, other than emergency purchases or as otherwise provided in Section 159.03, shall be made in the following manner:

- (a) The City Manager is authorized to amend and modify existing written agreements, and enter into and execute new written agreements by and on behalf of the City for expenditures not to exceed twenty-five thousand dollars (\$25,000.00) per occurrence or series of occurrences for any public improvement, or the purchase or lease of equipment, materials, and supplies, or to obtain professional or personal services or for any other lawful purpose, provided that a current appropriation supports such expenditure and, provided further that there shall be no monetary limitations or caps for amendments to and modifications of existing written agreements, or entering into and executing new written agreements by and on behalf of the City for power portfolio purchases pertaining to Huron Public Power and/or Huron Public Power customers due to the ever-changing, and occasionally volatile, nature of the energy markets. An expenditure exceeding twenty-five thousand dollars (\$25,000.00) per occurrence or series of occurrences shall not be divided to bring it within the provisions of this section. The City Manager shall notify Council of such expenditure at the next meeting of Council by way of the City Manager's Report or other method of written communication (e.g., email).
- (b) The City may expend up to twenty-five thousand dollars (\$25,000.00) per occurrence or series of occurrences with the approval of the City Manager or City Manager's designee, and the Director of Finance, to the extent there are appropriations therefor, for any public improvement, or the purchase of equipment, materials, or supplies, or to obtain professional or personal services or for any other lawful purpose. The City Manager may designate approval to the Director of Finance for purchases made up to three thousand dollars (\$3,000.00). These purchases must be encumbered, and a purchase order issued prior to receipt of services, materials or supplies and disbursement of funds.

- (c) The City may expend between twenty-five thousand dollars (\$25,000.00) per occurrence or series of occurrences and up to fifty thousand dollars (\$50,000.00) per occurrence or series of occurrences with the approval of the City Manager, or City Manager's designee, and the Director of Finance, to the extent there are current appropriations therefor, upon the prior approval of a majority of Council, which approval may be given by a motion and vote at any regular or special meeting of Council. Authorization provided by Council shall only be effective if all members of Council are provided a written explanation of the amount and purpose of the proposed expenditure prior to said motion and vote. The City Manager shall provide specifications to Council. Council may request the City Manager or department heads to attempt to obtain at least two quotations, as part of an informal bidding process. These purchases must be encumbered, and a purchase order issued prior to receipt of services, materials or supplies and disbursement of funds.
- (d) All requests for the purchase of materials, supplies, or services shall come from the department head involved.
- (e) Requests for materials, supplies or services shall be addressed to the City on a requisition form to be provided by the Office of the Director of Finance, or electronically submitted through the Director of Finance's designated software. All requests shall explicitly state the items or services desired.
- (f) All requisitions shall be filed, approved, and stored in the Finance Department, which may be done electronically. In accordance with Section 6.12 of the Charter, purchases shall be made by written purchase order signed by the Purchasing Agent. Agreements for construction work shall be made by written contract. Agreements for personal services shall be made by written contract or appointment, signed by the City Manager, or City Manager's designee, acting as Purchasing Agent for the City.
- (g) Purchase orders shall be on printed forms as prescribed by the City Manager and the Director of Finance. They shall bear consecutive numbers as to the date of issue.
- (h) No purchase order or contract shall be valid as an obligation of the City unless it bears a certificate of the Director of Finance that the estimated amount thereof has been entered as an encumbrance in the City accounts against an allotment based on a valid appropriation.
- (i) After the approval of requisitions and after the certificate of the Director of Finance has been signed, which may be electronically, stating that the funds are available for such purchase from the proper fund, the original purchase orders shall be issued to the vendor, supplier, or person rendering the required service.
- (j) A second (carbon) copy of every purchase order shall be immediately posted to the encumbrance ledger and such sum shall be subtracted from the respective appropriate account. All second (carbon) copies or purchase orders shall be kept in numerical filing order in the custody of the Director of Finance, unless retained electronically.
- (k) All vouchers and warrants for the disbursement of City funds shall bear the purchase order number authorizing such expenditure when so applicable. If there is a difference in the quoted purchase order price and the invoice or final price, such difference shall be reconciled immediately with the encumbrance ledger, with such explanation within the voucher as to difference in price as the Director of Finance or City Manager may require or deem advisable.
- (l) The City Manager, together with the Director of Finance, shall sign all warrants, vouchers and checks or any contract involving the disbursement of City funds, which may be done electronically.

(Ord. 2022-50. Passed 10-11-22.)

159.06 EMERGENCY PURCHASES.

(a) Emergency purchases, without recourse to requisition or purchase procedure, may be made by certain authorized employees, including the City Manager, Director of Finance, or a department head, when such emergency action is necessary. Examples of such emergency situations would be in times of military or civil disaster or during periods of the day or night when the required officials would not be available to approve normal purchase procedure and when the unavailability of such officials to approve such purchases would adversely affect the best interest and the day-to-day operations of the City.

(b) When an emergency purchase is made by the City Manager or an authorized employee(s) of the City, a written explanation of such purchase shall be made to the Director of Finance within twenty-four (24) hours after such purchase is negotiated or made. The Director of Finance shall subsequently prepare and sign a purchase order for the emergency purchase, and it shall be filed in the manner prescribed in Section 159.05.

(Ord. 2022-50. Passed 10-11-22.)

159.07 DESIGN PROFESSIONAL SELECTION LAW WAIVED.

(a) The provisions of Ohio R.C. 153.65 through 153.71 shall not be applicable in the City.

(b) In addition to meeting existing ordinances and Charter provisions as to contracts and purchases, the City Manager is authorized to establish such further procedures as are deemed to be in the City's best interests for the selection of design professionals.

(Ord. 2010-16. Passed 5-25-10.)

CHAPTER 160

Local Preference

160.01 Definitions of terms.

160.02 Local Preference.

160.01 DEFINITIONS OF TERMS.

As used in this Chapter 160, the following words, phrases and terms shall be defined as set forth below:

- (a) "Bid" means the quoted monetary amount submitted to the City of Huron in a response to an invitation for bid, solicitation or request for proposal for a price in connection with the award of a municipal contract for services or supplies.
- (b) "Bidder" means a person, firm, sole proprietorship, partnership, association, corporation, company, or other business entity of any kind including, but not limited to, a limited liability corporation, incorporated professional association, joint venture, estate or trust offering or proposing to enter into a contract with the City in response to an invitation to bid, solicitation or to a request for proposal.
- (c) "Bid Preference" means the application of a percentage adjustment to the total amount of a Bid submitted by a Bidder whose Operations Location is within the City, Huron Township, or Erie County (as referenced herein) for a contract solely for the purpose of bid comparisons. The use of a Bid Preference for Bid comparison will not alter the total amount of the Bid or price submitted by a Bidder or the contract executed based on a Bid.
- (d) "Chapter" means all of the provisions of this Chapter 160 of the Codified Ordinance of Huron, Ohio.
- (e) "City" means the City of Huron, Ohio.
- (f) "Contract" means a binding agreement executed on or after the effective date of this Chapter by which, after the making of an invitation to bid, solicitation or request for proposal, the City either grants a privilege or is committed to expend or does expend its funds or other resources for or in connection with any Contract for the:
 - (1) Construction of any public improvement;
 - (2) Purchase of personal property;
 - (3) Purchase of supplies, material or equipment;
 - (4) The provision of services to the City other than Professional Services.
- (g) "Contracting Department" includes any administrative department under charge of the City Manager.
- (h) "Contracting Authority" means the official authorized to enter into a Contract on behalf of a particular Contracting Department.

- (i) "Operations Location" means the actual physical location of the principal place of business of the Bidder, with such business having either an actual physical business location and actual operations related thereto at the Operations Location or other substantial presence at the Operations Location as reasonably determined by the City. For persons who are not registered with the State and who have no principal place of business, the residence of such person shall be the Operations Location, and a valid driver's license may be provided by persons who are not registered with the State indicating a place of residence within Erie County. A Bidder shall submit a "Bidder's Affidavit" in a form prescribed by the Contracting Authority at the time of submission of Bid in order to qualify for a Bid Preference.
- (j) "Local Bidder" means an individual or business entity which at the time of the award of a Contract pursuant to a Bid:
 - (1) Has a Operations Location within Erie County; and
 - (2) If required by law, has filed an income tax return for the year preceding the award of the Contract with a Erie County taxing authority; and
 - (3) If required by law, is paid in full or is current and not otherwise delinquent in the payment of City income taxes.
- (k) "Professional Services" means services that usually require skill or expertise of an advanced, specialized or peculiar nature, including but not limited to attorneys, architects, engineer, professional design firms, construction managers, surveyors, accountants, physicians, real estate appraisers, real estate brokers and sales people, insurance advisors, computer software consultants, telecommunications consultants and third party benefit administrators.
(Ord. 2022-22. Passed 4-26-22.)

160.02 LOCAL PREFERENCE.

(a) Application of Bid Preference. Subject to the limitations contained in subsection (f) below, a Contracting Authority shall, prior to awarding a Contract, evaluate all Bids received and apply a Bid Preference equal to four percent (4%) to each Bid of any Local Bidder whose Operations Location is within the City or within Huron Township or two percent (2%) to each Bid submitted by any other Local Bidder. Only one Bid Preference is to be applied to each Bid.

(b) All Contracts shall be awarded to the lowest and best bidder. The determination of the best bid shall be made in conformance with the criteria set forth in the bidding documents and other criteria established by the Contracting Authority.

(c) Nothing herein shall be construed as increasing or decreasing the actual price of a Bid and the resulting Contract made in accordance with the terms of this Chapter. The provisions of this Chapter are intended to be used for the exclusive purpose of comparing the evaluating bids for goods and services. Nothing in this Chapter shall be construed to create any private rights, claims or causes of action on behalf of any person, including but not limited to any Bidder.

(d) The provisions of this Chapter shall not apply to the following contracts or situations:

- (1) Contracts funded in whole or in part with State or Federal funds;
- (2) Emergency procurements;
- (3) Purchases made through the Ohio Department of Administrative Services or through participation in a joint purchasing program authorized under Section 9.48 of the Ohio Revised Code;

- (4) Contracts for Professional Services;
- (5) Contracts proposing or requiring local hiring preferences or to require local employees in the bidding or hiring process (O.R.C. 9.75); or
- (6) Any other Contract for which an invitation to bid, solicitation or request for proposal has not been made.

(e) The City shall indicate in all of its invitations to bid, its requests for proposals and its solicitations for Contracts that it shall apply a Bid Preference in accordance with this Chapter.

- (f) The maximum amount of Bid Preference applied according to this Chapter shall be:
- (1) For contracts up to five hundred thousand dollars (\$500,000), the maximum Bid Preference shall be ten thousand dollars (\$10,000); and
 - (2) For contracts from five thousand and one dollars (\$500,001) to one million dollars (\$1,000,000) and higher, the maximum Bid Preference shall be twenty-five thousand dollars (\$25,000).
- (Ord. 2022-22. Passed 4-26-22.)

(n) "Part-time employee" means a person who is paid by the hour, and does not receive any of the fringe benefits as set forth in other sections of this Code.

(o) "He, him and his" shall also mean when used in this Code, she, her and hers.

(p) "Administrative employee" means the City Manager, Director of Finance, Fire Chief, Police Chief and Police Captain.
(Ord. 1976-35. Passed 12-13-76; Ord. 1985-20. Passed 7-22-85.)

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 salaried 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 months. No salary advancement shall be given before the employee completes the first six months of his 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 his 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 his 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 salaried employees except department heads, administrative 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 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 day work period at a rate equal to one and one-half times their straight rate.

Authorization of all overtime shall be under the control of the City Manager. If any full-time salaried 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 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 his 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 his 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.

(Ord. 1976-35. Passed 12-13-76; Ord. 1980-10. Passed 2-4-80; Ord. 1982-2. Passed 1-25-82; Ord. 1983-30. Passed 11-28-83; Ord. 1985-20. Passed 7-22-85; Ord. 1985-32. Passed 12-16-85; Ord. 1986-2. Passed 1-13-86; Ord. 2014-33. Passed 12-23-14; Ord. 2022-2. Passed 1-11-22; Ord. 2022-61. Passed 11-22-22; Ord. 2022-66. Passed 12-27-22.)

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/Adm Asst.	3	\$40,861	\$60,000
Maintenance Worker 3			
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. 2022-66. Passed 12-27-22.)

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, 2023:

<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. 2022-68. Passed 12-27-22.)

161.05 APPLICATIONS AND APPLICANTS.

(a) All entrance examinations shall be publicly announced by the Personnel Officer by publication in at least one newspaper of general circulation in the City and in such other ways as he deems 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; the closing date for 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. (Ord. 1976-35. Passed 12-13-76.)

(d) All applicants must be citizens of 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. (Ord. 2002-23. Passed 10-14-02.)

(e) The Personnel Officer shall make written 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 his application and notify him to that effect, and such rejection shall be final. (Ord. 1976-35. Passed 12-13-76.)

(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 years of age and not over thirty-nine years of age. However, in a case where an applicant has had experience in the State of fire work, the Personnel Officer may, at his discretion, accept applicants over thirty-nine 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 shall, in addition to the requirements set forth in subsections (c), (d) and (e) hereof, have successfully completed the Basic Peace Officers Training course at the time of his or her original appointment as a police officer in the Police Division. However, in case where an applicant has had experience in the State in police work, the Personnel Officer may, at his discretion, accept applicants over thirty-nine years of age, with one year of increased age allowed for each year so served. (Ord. 1994-10. Passed 6-13-94.)

(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. 1994-33. Passed 12-19-94.)

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 he 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 he passed or failed such examination and of his relative standing on the eligible list, if he was successful. Each person shall be entitled to inspect his 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, he 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.

(g) The Personnel Officer shall maintain a register of applicants for positions as laborers in the order of the time of their application. As vacancies occur, such applicants shall be given a noncompetitive examination on their ability to read and write and to understand oral instructions. Successful candidates shall be certified to the appointing officer and the one tentatively selected by him shall take a preappointment physical examination. If found physically qualified he may be appointed. (Ord. 1976-35. Passed 12-13-76.)

163.03 LEAVE FOR FAMILY DEATH.

A maximum of four days leave of absence shall be granted to any full-time salaried employee due to a death in his 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.

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

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. 2000-14. Passed 8-28-00.)

163.04 PAID HOLIDAYS.

(a) There shall be eleven paid holidays for full-time salaried 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 day paid holidays, these being one-half day before Christmas Day, one-half day before New Year's Day and one-half 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.

(Ord. 2021-26. Passed 7-13-2021.)

(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.

In addition to the paid holidays as set forth above, each full-time salaried employee shall be entitled to two 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.

(Ord. 1994-25. Passed 12-12-94.)

(c) Any substituted working day for a holiday day authorized as provided in subsection (a) hereof and the one extra day off provided for in subsection (b) hereof must be taken by each employee entitled thereto, during the calendar year of such holiday and in the calendar year in which the extra day off is earned; except, for the one-half day before Christmas, Christmas Day and the one-half day before New Year's Day which if worked by any employee, may be taken before the end of the next calendar year.

(Ord. 1984-12. Passed 3-12-84.)

163.05 VACATIONS.

(a) Vacation eligibility becomes effective when the employee has been with the City one year after the date he was hired as a full-time, salaried employee. Each full-time salaried employee of the safety forces of the City (Divisions of Police and Fire) shall be entitled after one year of completed service, to the equivalent of two calendar weeks' vacation with full pay; for seven or more completed years of service, shall be entitled to three calendar weeks vacation with full pay; for thirteen or more completed years of service, shall be entitled to four calendar weeks vacation with full pay; for twenty or more completed years of service, shall be entitled to five calendar weeks vacation with full pay; and for twenty-seven years or more of completed service, shall be entitled to six calendar weeks vacation with full pay. All other full-time salaried employees of the City shall be entitled after one year of completed service, to the equivalent of

two calendar weeks vacation with full pay; for seven or more completed years of service, shall be entitled to three calendar weeks vacation with full pay; for thirteen or more completed years of service, shall be entitled to four calendar weeks vacation with full pay; and for twenty or more completed years of service, shall be entitled to five calendar weeks vacation with full pay. (Ord. 2003-2. Passed 1-13-03.)

(b) Vacations as provided herein, shall be used at such times as approved by the head of the department responsible for such employee and in the case of department heads as approved by the City Manager.

It shall be the responsibility of each employee to schedule vacations and of the department head and City Manager to approve vacation times for each entitled employee so as to use vacation times on or before December 31 of each calendar year of employment.

Each employee entitled to vacation time under the provisions of this section shall be entitled to carry over unused vacation from one calendar year to the next calendar year but such carryover shall be limited to a maximum of 160 hours plus the number of vacation hours earned in excess of 160 as appears on such employee's records as of December 31 of the immediate year preceding the carryover year. For the purposes of this subsection, the first computation date for determining the number of hours in excess of 160 shall be December 31, 1983. (Ord. 1984-13. Passed 3-12-84.)

(c) Each employee of the City who on August 27, 1973 had been employed for a period of one year or more shall have transferred to his or her credit, years of service of employment with other Ohio political subdivisions to be used in the computation of vacation time as hereinabove provided.

Each employee, other than those qualifying under the provisions of the preceding paragraph, shall have transferred to his or her credit, years of service of employment with other Ohio political subdivisions, to be used in the computations of vacation time as hereinafter provided, except that such credit shall not be granted until the first anniversary of such employee's employment with the City.

(d) When a regular employee's service is terminated by the employer, either through resignation or retirement, the City Manager shall compute the employee's accrued vacation to the date of termination and such employee shall be paid an amount equal to his daily rate of pay times the number of accrued vacation days. (Ord. 1984-13. Passed 3-12-84.)

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.

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. (Ord. 1984-1. Passed 1-9-84.)

Except where otherwise provided for, effective January 1, 1997, City personnel shall be allowed 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. 1997-10. Passed 3-10-97.)

CHAPTER 175
Economic Development Committee (Repealed)

(EDITOR'S NOTE: Former Chapter 175 was repealed by Ordinance 2022-29, passed June 14, 2022.)

TITLE ELEVEN - Urban Renewal (Repealed)

(EDITOR'S NOTE: Former Title Eleven was repealed by Ordinance 2022-59, passed December 13, 2022.)

CHAPTER 337 Safety and Equipment

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|--------|--|--------|--|
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CROSS REFERENCES

See sectional histories for similar State law
 Warning devices for commercial vehicles disabled upon freeways -
 see Ohio R.C. 4513.28
 Slow moving vehicle emblem - see OAC Ch. 4501.13
 Motorized bicycle lights and equipment - see Ohio R.C. 4511.521
 Vehicle lighting - see OAC 4501-15
 Use of stop and turn signals - see TRAF. 331.14
 Wheel protectors for commercial vehicles - see TRAF. 339.05
 Vehicles transporting explosives - see TRAF. 339.06
 Towing requirements - see TRAF. 339.07
 Use of studded tires and chains - see TRAF. 339.11
 Bicycle equipment - see TRAF. 373.05 et seq.

337.01 DRIVING UNSAFE VEHICLES.

(a) No person shall drive or move, or cause or knowingly permit to be driven or moved, on any street any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property.

(b) Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.

(c) The provisions of this chapter with respect to equipment on vehicles do not apply to implements of husbandry, road machinery, road rollers or agricultural tractors except as made applicable to such articles of machinery. (ORC 4513.02)

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.99)

337.02 LIGHTED LIGHTS; MEASUREMENT OF DISTANCES AND HEIGHTS.

(a) Every vehicle, other than a motorized bicycle, operated upon a street or highway shall display lighted lights and illuminating devices as required by this chapter during all of the following times:

- (1) The time from sunset to sunrise;
- (2) At any other time when, due to insufficient natural light or unfavorable atmospheric conditions, persons, vehicles, and substantial objects on the street or highway are not discernible at a distance of one thousand feet ahead;
- (3) At any time when the windshield wipers of the vehicle are in use because of precipitation on the windshield.

Every motorized bicycle shall display at such times lighted lights meeting the rules adopted by the Ohio Director of Public Safety under Ohio R.C. 4511.521. No motor vehicle, during any time specified in this section, shall be operated upon a street or highway using only parking lights as illumination.

(b) Whenever in this chapter a requirement is declared as to the distance from which certain lights and devices shall render objects visible, or within which such lights or devices shall be visible, such distance shall be measured upon a straight level unlighted street under normal atmospheric conditions unless a different condition is expressly stated.

(c) Whenever in this chapter a requirement is declared as to the mounted height of lights or devices, it shall mean from the center of such light or device to the level ground upon which the vehicle stands.

(d) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause the operator of a vehicle being operated upon a street or highway to stop the vehicle solely because the officer observes that a violation of subsection (a)(3) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation or summons for a violation of that subsection, or causing the arrest of or commencing a prosecution of a person for a violation of that subsection.

337.09 LIGHTS ON PARKED OR STOPPED VEHICLES.

(a) Except in case of an emergency, whenever a vehicle is parked or stopped upon a roadway open to traffic or shoulder adjacent thereto, whether attended or unattended during the times mentioned in Section 337.02, such vehicle shall be equipped with one or more lights which shall exhibit a white or amber light on the roadway side visible from a distance of 500 feet to the front of such vehicle, and a red light visible from a distance of 500 feet to the rear. No lights need be displayed upon any such vehicle when it is stopped or parked where there is sufficient light to reveal any person or substantial object within a distance of 500 feet upon such street. Any lighted headlights upon a parked vehicle shall be depressed or dimmed.
(ORC 4513.10)

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.99)

337.10 LIGHTS, EMBLEMS AND REFLECTORS ON SLOW-MOVING VEHICLES, FARM MACHINERY, AGRICULTURAL TRACTORS, AND ANIMAL-DRAWN VEHICLES.

(a) Definitions. As used in this section:

- (1) **BOAT TRAILER.** Means any vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.
- (2) **SLOW-MOVING VEHICLE and SMV.** Mean a boat trailer, unit of farm machinery, road construction machinery, or other machinery designed by the manufacturer to operate at a speed of twenty-five miles per hour or less. The term does not include a bicycle, motorized bicycle, electric bicycle, or animal-drawn vehicle. (ORC 4513.11)

(b) Generally.

- (1) At the times specified in Ohio R.C. 4513.03, no person shall operate either of the following vehicles unless it is equipped with and displays the lamps described in subsection (b)(2) of this section.
 - A. A vehicle not specifically required to be equipped with lamps or other lighting devices by Ohio R.C. 4513.03 to 4513.10;
 - B. A vehicle referred to in Ohio R.C. 4513.02(G).
- (2) Vehicles described in subsection (b)(1) of this section shall be equipped with both of the following:
 - A. At least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle;
 - B. Two lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of the vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 feet to 100 feet to the rear when illuminated by the lawful lower beams of headlamps.
- (3) A. At the times specified in Ohio R.C. 4513.03, no person shall operate a multi-wheel agricultural tractor model year 2001 or earlier on a street or highway unless it is equipped with and displays reflectors and illuminated amber lamps so that the extreme left and right projections of the tractor are indicated by all of the following:
 1. Flashing lamps displaying amber light, visible to the front and the rear. The lamps need not flash simultaneously and need not flash in conjunction with any directional signals of the tractor;

2. Amber reflectors, all visible to the front;
3. Red reflectors, all visible to the rear.
- B. Rules adopted by the Ohio Director of Public Safety under Ohio R.C. 4513.111 governing the lamps and reflectors described in subsection (b)(3)A. of this section and their placement correlate with and, as far as possible, conform with paragraphs 4.1.4.1, 4.1.7.1 and 4.1.7.2 respectively of the American Society of Agricultural Engineers Standard ANSI/SAE S279.10 OCT98, Lighting and Marking of Agricultural Equipment on Highways.
- (4) At the times specified in Ohio R.C. 4513.03, no person shall operate a unit of farm machinery model year 2002 or later on a street or highway unless it is equipped with and displays markings and illuminated lamps that meet or exceed the lighting, illumination and marking standards and specifications that are applicable to that type of farm machinery for the unit's model year specified in the American Society of Agricultural Engineers Standard ANSI/SAE S279.10 OCT 98, lighting and marking of agricultural equipment on highways.
- (5) Any unit of farm machinery designed by its manufacturer to operate at a speed of twenty-five miles per hour or greater or any SMV may be equipped with and display a red flashing light that is visible from a distance of not less than 1,000 feet to the rear at all times specified in Ohio R.C. 4513.03. When a double-faced light is used, it shall display amber light to the front and red light to the rear.
- (6) Lights and reflectors required under subsections (b)(3) and (b)(4) of this section and authorized under subsection (b)(5) of this section are in addition to other lights required or permitted by this subsection (b) or Ohio R.C. 4513.17.
- (7) The Ohio Director of Public Safety shall adopt rules in accordance with Ohio R.C. Chapter 119 Code that establish standards and specifications for lamps and reflectors required or authorized by this section. Lamps and reflectors required or authorized by this section shall meet those standards and specifications.
- (8) This subsection (b) does not apply to a bicycle, motorized bicycle, electric bicycle, or animal-drawn vehicle.
- (9) Whoever violates this subsection (b) is guilty of a minor misdemeanor.
(ORC 4513.111)
- (c) Slow-Moving Vehicles.
 - (1) Except as otherwise provided in this section, no person shall operate an SMV on a street or highway as follows:
 - A. At a speed exceeding twenty-five miles per hour;
 - B. Without displaying the triangular SMV emblem mounted in accordance with subsection (c)(2) of this section.
 - (2) The SMV emblem shall be mounted so as to be visible from a distance of not less than 500 feet to the rear. In accordance with Ohio R.C. Chapter 119, the Ohio Director of Public Safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for the SMV emblem correlate with and, so far as possible, conform with those approved by the American Society of Agricultural Engineers.
 - (3) A person may operate an SMV on a street or highway without displaying the triangular SMV emblem when any of the following apply:
 - A. The SMV is being used in actual construction and maintenance work in an area guarded by a flagperson, or where flares are used;

- B. The SMV is operating or traveling within the limits of a construction area designated by the Ohio Director of Transportation, a city engineer, or the county engineer of the several counties, when such construction area is marked in accordance with requirements of the Ohio Director of Transportation and the Manual of Uniform Traffic Control Devices, as set forth in Ohio R.C. 4511.09.
- (4) No person shall display an SMV emblem on any of the following:
 - A. Any vehicle not required to use the SMV emblem by this subsection (c) or Ohio R.C. 4513.113 or 4513.114;
 - B. An SMV being transported upon any other vehicle;
 - C. Any stationary object on the highway.
- (5) No person shall sell, lease, rent or operate an SMV, except a unit designed to be completely mounted on a primary power unit that is manufactured or assembled on or after April 1, 1966, unless it is equipped with an SMV emblem mounting device.
- (6) Whoever violates subsection (c) is guilty of a minor misdemeanor. (ORC 4513.112)
- (d) Farm Machinery and Agricultural Tractors.
 - (1) No person shall sell, lease, rent or operate on a street or highway any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour unless the unit displays both of the following:
 - A. The SMV emblem mounted in accordance with Ohio R.C. 4513.112(B);
 - B. A speed identification symbol that does both of the following:
 - 1. Meets the specifications contained in the American Society of Agricultural Engineers Standard ANSI/SAE S584 JAN2005, Agricultural Equipment: Speed Identification Symbol (SIS);
 - 2. Indicates the maximum speed in miles per hour at which the unit of farm machinery is designed by its manufacturer to operate;
 - (2) No person operating a tractor on a street or highway that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour and that is towing, pulling or otherwise drawing a unit of farm machinery while operating at a speed greater than twenty-five miles per hour shall fail to display both of the following on the unit of farm machinery:
 - A. The SMV emblem;
 - B. The speed identification symbol that matches the speed identification symbol required to be displayed on the agricultural tractor;
 - (3) No person shall operate an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour unless the person possesses documentation published or provided by the manufacturer indicating the maximum speed in miles per hour at which the manufacturer designed the agricultural tractor to operate;
 - (4) Whoever violates this subsection (d) is guilty of a minor misdemeanor. (ORC 4513.113)
- (e) Animal-Drawn Vehicles.
 - (1) Except as otherwise provided in subsection (e)(4) of this section, no person shall operate an animal-drawn vehicle on a street or highway unless it is equipped with and displays, at the times specified in Ohio R.C. 4513.03, both of the following:

- A. At least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of the animal-drawn vehicle;
 - B. Two lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of the animal-drawn vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 feet to one hundred feet to the rear when illuminated by the lawful lower beams of headlamps.
- (2) Except as otherwise provided in subsection (e)(4) of this section, no person shall operate an animal-drawn vehicle on a street or highway unless it is equipped with and displays, at all times, all of the following:
- A. One yellow flashing lamp displaying yellow light that is visible from a distance of not less than 1,000 feet and that is mounted in either of the following positions:
 - 1. On the top most portion of the rear of the animal-drawn vehicle;
 - 2. On the top of the animal-drawn vehicle;
 - B. At least one of the following:
 - 1. An SMV emblem mounted in accordance with Ohio R.C. 4513.112(B);
 - 2. Micro-prism reflective tape that is visible from a distance of not less than 500 feet to the rear when illuminated by the lawful lower beams of headlamps;
 - 3. Both an SMV emblem and micro-prism reflective tape, as specified in this division.
 - C. Lamps and micro-prism reflective tape required by this section shall meet standards and specifications adopted by the Ohio Director of Public Safety under Ohio R.C. 4513.114.
- (3) The Ohio Director of Public Safety, in accordance with Ohio R.C. Chapter 119, shall adopt rules establishing standards and specifications for the position and mounting of the lamps and micro-prism reflective tape required by Ohio R.C. 4513.114. The rules permit the micro-prism reflective tape to be red, amber, white, or silver in color.
- (4)
- A. Subsections (e)(1) and (e)(2) of this section do not apply to the operator of animal-drawn agricultural equipment who is not transporting any livestock or a person other than the operator.
 - B. No operator described in subsection (e)(4)A. of this section shall operate animal-drawn agricultural equipment unless it is equipped with and displays, at all times, the SMV emblem mounted in accordance with Ohio R.C. 4513.112(B).
 - C. As used in subsection (e)(4) of this section, "animal-drawn agricultural equipment" means equipment drawn by the muscular power of an animal that is used solely for agricultural purposes. "Animal-drawn agricultural equipment" includes any of the following:
 - 1. A plow;
 - 2. A manure spreader;
 - 3. A thresher.
- (5) Whoever violates this subsection (e) is guilty of a minor misdemeanor. (ORC 4513.114)

(f) **Strict Liability Offenses.** The offenses established under this section are strict liability offenses, and Ohio R.C. 2901.20 does not apply. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.
(ORC 4513.115)

337.11 SPOTLIGHT AND AUXILIARY LIGHTS.

(a) Any motor vehicle may be equipped with not more than one spotlight and every lighted spotlight shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle, nor more than 100 feet ahead of the vehicle.

(b) Any motor vehicle may be equipped with not more than three State approved auxiliary driving lights mounted on the front of the vehicle, which when used shall conform to State regulations.

(c) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.12)

337.12 COWL, FENDER AND BACK-UP LIGHTS.

(a) Any motor vehicle may be equipped with side cowl or fender lights or lights on each side thereof which shall emit a white or amber light without glare.

(b) Any motor vehicle may be equipped with back-up lights, either separately or in combination with another light. No back-up lights shall be continuously lighted when the motor vehicle is in forward motion.

(c) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.13)

337.13 DISPLAY OF LIGHTED LIGHTS.

(a) At all times mentioned in Section 337.02 at least two State approved lighted lights shall be displayed conforming to State regulations, one near each side of the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles. (ORC 4513.14)

(b) However, on a motorcycle, there shall be displayed at least one and not more than two lighted lights as required herein.

(c) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.14)

337.14 USE OF HEADLIGHT BEAMS.

(a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 337.02, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons, vehicles and substantial objects at a safe distance in advance of the vehicle, except that upon approaching an oncoming vehicle, the lights or beams shall be so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.15)

337.15 LIGHTS OF LESS INTENSITY ON SLOW-MOVING VEHICLES.

(a) Any motor vehicle may be operated under the conditions specified in Section 337.02 when it is equipped with two lighted lights upon the front thereof capable of revealing persons and substantial objects seventy-five feet ahead in lieu of lights required in Section 337.13, provided that such vehicle shall not be operated at a speed in excess of twenty miles per hour.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.16)

337.16 NUMBER OF LIGHTS; LIMITATIONS ON FLASHING, OSCILLATING OR ROTATING LIGHTS.

(a) Whenever a motor vehicle equipped with headlights also is equipped with any auxiliary lights or spotlight or any other light on the front thereof projecting a beam of an intensity greater than 300 candle power, not more than a total of five of any such lights on the front of a vehicle shall be lighted at any one time when the vehicle is upon a highway.

(b) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights or auxiliary driving lights, that projects a beam of light of an intensity greater than 300 candle power, shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

- (c) (1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing.
- (2) The prohibition in subsection (c)(1) of this section does not apply to any of the following:
- A. Emergency vehicles, road service vehicles servicing or towing a disabled vehicle, stationary waste collection vehicles actively collecting garbage, refuse, trash or recyclable materials on the roadside, rural mail delivery vehicles, vehicles as provided in Ohio R.C. 4513.182, highway maintenance vehicles, and similar equipment operated by state or local authorities, provided such vehicles are equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating or rotating amber light;
 - B. Vehicles or machinery permitted by Ohio R.C. 4513.111 to have a flashing red light;
 - C. Farm machinery and vehicles escorting farm machinery, provided such machinery and vehicles are equipped with and display, when used on a street or highway, a flashing, oscillating or rotating amber light. Farm machinery also may display the lights described in Ohio R.C. 4513.111.
 - D. A funeral hearse or funeral escort vehicle, provided that the funeral hearse or funeral escort vehicle is equipped with and displays, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating or rotating purple or amber light;
- (3) Subsection (c)(1) of this section does not apply to animal-drawn vehicles subject to Ohio R.C. 4513.114.

- (d) (1) Except a person operating a public safety vehicle, as defined in Ohio R.C. 4511.01(E), or a school bus, no person shall operate, move, or park upon, or permit to stand within the right-of-way of any public street or highway any vehicle or equipment that is equipped with and displaying a flashing red or a flashing combination red and white light, or an oscillating or rotating red light, or a combination red and white oscillating or rotating light.
- (2) Except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, operating a public safety vehicle when on duty, no person shall operate, move, or park upon, or permit to stand within the right-of-way of any street or highway any vehicle or equipment that is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light, or an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light.

(e) This section does not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles or on vehicles being operated in unfavorable atmospheric conditions in order to enhance their visibility. This section also does not prohibit the simultaneous flashing of turn signals or warning lights either on farm machinery or vehicles escorting farm machinery, when used on a street or highway.

(f) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.17)

337.17 FOCUS AND AIM OF HEADLIGHTS.

(a) No person shall use any lights mentioned in Section 337.02 to 337.16, inclusive, upon any motor vehicle, trailer or semitrailer unless the lights are equipped, mounted and adjusted as to focus and aim in accordance with State regulations.

(b) The headlights on any motor vehicle shall comply with the headlamp color requirements contained in federal motor vehicle safety standard number 108, 49 C.F.R. 571.108. No person shall operate a motor vehicle in violation of this subsection.

(c) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.19)

337.18 MOTOR VEHICLE AND MOTORCYCLE BRAKES.

(a) The following requirements govern as to brake equipment on vehicles:

- (1) Every motor vehicle, other than a motorcycle, when operated upon a street or highway, shall be equipped with brakes adequate to control the movement of and to stop and hold such motor vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, then on such motor vehicles manufactured or assembled after January 1, 1942, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.
- (2) Every motorcycle, when operated upon a street or highway, shall be equipped with at least one adequate brake, which may be operated by hand or by foot.
- (3) Every motorized bicycle shall be equipped with brakes meeting the rules adopted by the Ohio Director of Public Safety under Ohio R.C. 4511.521.

- (4) When operated upon the streets or highways of this Municipality, the following vehicles shall be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle designed to be applied by the driver of the towing motor vehicle from its cab, and also designed and connected so that, in case of a breakaway of the towed vehicle, the brakes shall be automatically applied:
 - A. Except as otherwise provided in this section, every trailer or semitrailer, except a pole trailer, with an empty weight of two thousand pounds or more, manufactured or assembled on or after January 1, 1942;
 - B. Every manufactured home or travel trailer with an empty weight of two thousand pounds or more, manufactured or assembled on or after January 1, 2001.
- (5) Every watercraft trailer with a gross weight or manufacturer's gross vehicle weight rating of three thousand pounds or more that is manufactured or assembled on or after January 1, 2008, shall have separate brakes equipped with hydraulic surge or electrically operated brakes on two wheels.
- (6) In any combination of motor-drawn trailers or semitrailers equipped with brakes, means shall be provided for applying the rearmost brakes in approximate synchronism with the brakes on the towing vehicle, and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost brakes; or both of the above means, capable of being used alternatively, may be employed.
- (7) Every vehicle and combination of vehicles, except motorcycles and motorized bicycles, and except trailers and semitrailers of a gross weight of less than 2,000 pounds, and pole trailers, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other sources of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind.
- (8) The same brake drums, brake shoes and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.
- (9) Every motor vehicle or combination of motor-drawn vehicles shall be capable at all times and under all conditions of loading of being stopped on a dry, smooth, level road free from loose material, upon application of the service or foot brake, within the following specified distances, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

	<u>From a speed of 20 miles per hour</u>	
	<u>Stopping distance</u>	<u>Deceleration in</u>
	<u>in feet</u>	<u>feet per second</u>
		<u>per second</u>
Brakes on all wheels	30	14
Brakes not on all four wheels	40	10.7

- (10) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle. (ORC 4513.20)

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.99)

337.19 HORN, SIREN AND THEFT ALARM SIGNAL.

(a) Every motor vehicle when operated upon a street shall be equipped with a horn which is in good working order and capable of emitting sound audible, under normal conditions, from a distance of not less than 200 feet.

(b) No motor vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle or bell. Any vehicle may be equipped with a theft alarm signal device which shall be so arranged that it cannot be used as an ordinary warning signal. Every emergency or public safety vehicle shall be equipped with a siren, whistle or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the Ohio Director of Public Safety. Such equipment shall not be used except when such vehicle is operated in response to an emergency call or is in the immediate pursuit of an actual or suspected violator of the law, in which case the driver of the emergency or public safety vehicle shall sound such equipment when it is necessary to warn pedestrians and other drivers of the approach thereof.

(c) No person shall use the horn of a motor vehicle except to give warning to other drivers or pedestrians.

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.21)

337.20 MUFFLER; MUFFLER CUTOFF; EXCESSIVE SMOKE, GAS OR NOISE.

(a) Every motor vehicle and motorcycle with an internal combustion engine shall at all times be equipped with a muffler which is in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, by-pass or similar device upon a motor vehicle on a highway. Every motorcycle muffler shall be equipped with baffle plates.

(b) No person shall own, operate or have in the person's possession any motor vehicle or motorcycle equipped with a device for producing excessive smoke or gas, or so equipped as to permit oil or any other chemical to flow into or upon the exhaust pipe or muffler of such vehicle, or equipped in any other way to produce or emit smoke or dangerous or annoying gases from any portion of such vehicle, other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation.

(c) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.22)

337.21 REAR-VIEW MIRROR; CLEAR VIEW TO FRONT, BOTH SIDES AND REAR.

(a) Every motor vehicle and motorcycle shall be equipped with a mirror so located as to reflect to the operator a view of the street to the rear of such vehicle or motorcycle. Operators of vehicles and motorcycles shall have a clear and unobstructed view to the front and to both sides of their vehicles or motorcycles and shall have a clear view to the rear of their vehicles or motorcycles by mirror.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.23)

337.22 WINDSHIELD AND WINDSHIELD WIPER; SIGN OR POSTER THEREON.

(a) No person shall drive any motor vehicle on a street or highway, other than a motorcycle or motorized bicycle, that is not equipped with a windshield.

(b) (1) No person shall drive any motor vehicle, other than a bus, with any sign, poster or other nontransparent material upon the front windshield, sidewings, side or rear windows of such vehicle other than a certificate or other paper required to be displayed by law, except that there may be in the lower left-hand or right-hand corner of the windshield a sign, poster or decal not to exceed four inches in height by six inches in width. No sign, poster or decal shall be displayed in the front windshield in such a manner as to conceal the vehicle identification number for the motor vehicle when in accordance with federal law, that number is located inside the vehicle passenger compartment and so placed as to be readable through the vehicle glazing without moving any part of the vehicle.

(2) Subsection (b)(1) of this section does not apply to a person who is driving a passenger car with an electronic device, including an antenna, electronic tolling or other transponder, camera, directional navigation device, or other similar electronic device located in the front windshield if the device meets both of the following:

A. It does not restrict the vehicle operator's sight lines to the road and highway signs and signals.

B. It does not conceal the vehicle identification number.

(3) Subsection (b)(1) of this section does not apply to a person who is driving a commercial car with an electronic device, including an antenna, electronic tolling or other transponder, camera, directional navigation device, or other similar electronic device located in the front windshield if the device meets both of the following:

A. It does not restrict the vehicle operator's sight lines to the road and highway signs and signals.

B. It is mounted not more than six inches below the upper edge of the windshield and is outside the area swept by the vehicle's windshield wipers.

(c) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield. The device shall be maintained in good working order and so constructed as to be controlled or operated by the operator of the vehicle.

(d) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.24)

337.23 LIMITED LOAD EXTENSION ON LEFT SIDE OF PASSENGER VEHICLE.

(a) No passenger-type vehicle shall be operated on a street with any load carried on such vehicle which extends more than six inches beyond the line of the fenders on the vehicle's left side. (ORC 4513.30)

(b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.99)

337.24 MOTOR VEHICLE STOP LIGHTS.

(a) Every motor vehicle, trailer, semitrailer, and pole trailer when operated upon a street or highway shall be equipped with two or more stop lights, except that passenger cars manufactured or assembled prior to January 1, 1967, motorcycles, and motor-driven cycles shall be equipped with at least one stop light. Stop lights shall be mounted on the rear of the vehicle, actuated upon application of the service brake, and may be incorporated with other rear lights. Such stop lights when actuated shall emit a red light visible from a distance of five hundred feet to the rear, provided that in the case of a train of vehicles only the stop lights on the rear-most vehicle need be visible from the distance specified.

Such stop lights when actuated shall give a steady warning light to the rear of a vehicle or train of vehicles to indicate the intention of the operator to diminish the speed of or stop a vehicle or train of vehicles.

When stop lights are used as required by this section, they shall be constructed or installed so as to provide adequate and reliable illumination and shall conform to the appropriate rules and regulations established under Ohio R.C. 4513.19.

Historical motor vehicles as defined in Ohio R.C. 4503.181, not originally manufactured with stop lights, are not subject to this section.

(b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.071)

337.25 AIR CLEANER REQUIRED.

(a) No person shall operate a motor vehicle with an internal combustion engine unless the carburetion system of the vehicle is protected with an air filter, a flame arresting device, or any other accepted method of protection that is adequate for this purpose. If the original device or system is replaced, it shall be replaced with one that is equal to or better than the original equipment.

(b) This section does not apply to a person doing automotive repair work on a motor vehicle that necessitates this device being removed while the work is performed.

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

337.26 CHILD RESTRAINT SYSTEM USAGE.

(a) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio R.C. 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor safety standards:

- (1) A child who is less than four years of age;
- (2) A child who weighs less than forty pounds.

(b) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased or otherwise under the control of a nursery school, or day-care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

- (1) A child who is less than four years of age;
- (2) A child who weighs less than forty pounds.

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

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

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

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

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

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

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

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

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

337.27 DRIVERS AND PASSENGERS REQUIRED TO WEAR SEAT BELTS.

(a) As used in this section:

- (1) "Automobile" means any commercial tractor, passenger car, commercial car or truck that is required to be factory-equipped with an occupant restraining device for the operator or any passenger by regulations adopted by the United States Secretary of Transportation pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392.
- (2) "Occupant restraining device" means a seat safety belt, shoulder belt, harness or other safety device for restraining a person who is an operator of or passenger in an automobile and that satisfies the minimum Federal vehicle safety standards established by the United States Department of Transportation.
- (3) "Passenger" means any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.
- (4) "Commercial tractor," "passenger car," and "commercial car" have the same meanings as provided in Ohio R.C. 4501.01.
- (5) "Vehicle" and "motor vehicle", as used in the definitions of the terms set forth in subsection (a)(4) hereof, have the same meanings as provided in Chapter 301.

- (6) "Tort action" means a civil action for damages for injury, death, or loss to person or property. "Tort action" includes a product liability claim, as defined in Ohio R.C. 2307.71 and an asbestos claim, as defined in Ohio R.C. 2307.91, but does not include a civil action for damages for breach of contract or another agreement between persons.
- (b) No person shall do either of the following:
- (1) Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted;
 - (2) Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in subsection (b)(3) hereof is wearing all of the available elements of a properly adjusted occupant restraining device;
 - (3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device;
 - (4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form.
- (c)
- (1) Subsection (b)(3) hereof does not apply to a person who is required by Section 337.26 to be secured in a child restraint device or booster seat.
 - (2) Subsection (b)(1) hereof does not apply to a person who is an employee of the United States Postal Service or of a newspaper home delivery service, during any period in which the person is engaged in the operation of an automobile to deliver mail or newspapers to addressees.
 - (3) Subsections (b)(1) and (3) hereof do not apply to a person who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or a chiropractor licensed to practice in this State under Ohio R.C. Chapter 4734 that states the following:
 - A. That the person has a physical impairment that makes use of an occupant restraining device impossible or impractical;
 - B. Whether the physical impairment is temporary, permanent or reasonably expected to be permanent;
 - C. If the physical impairment is temporary, how long the physical impairment is expected to make the use of an occupant restraining device impossible or impractical.
 - (4) Subsections (b)(1) and (3) of this section do not apply to a person who has registered with the Registrar of Motor Vehicles in accordance with subsection (c)(5) of this section.
 - (5) A person who has received an affidavit under subsection (c)(3) of this section stating that the person has a permanent or reasonably expected to be permanent physical impairment that makes use of an occupant restraining device impossible or impracticable may register with the Registrar attesting to that fact. Upon such registration, the Registrar shall make that information available in the law enforcement automated data system. A person included in the database under subsection (c)(5) of this section is not required to have the affidavit obtained in accordance with subsection (c)(3) of this section in their possession while operating or occupying an automobile.

- (6) A physician or chiropractor who issues an affidavit for the purposes of subsection (c)(3) or (4) of this section is immune from civil liability arising from any injury or death sustained by the person who was issued the affidavit due to the failure of the person to wear an occupant restraining device unless the physician or chiropractor, in issuing the affidavit, acted in a manner that constituted willful, wanton or reckless misconduct.
- (7) The Registrar shall adopt rules in accordance with Ohio R.C. Chapter 119, establishing a process for a person to be included in the database under subsection (c)(5) of this section. The information provided and included in the database under subsection (c)(5) of this section is not a public record subject to inspection or copying under Ohio R.C. 149.43.

(d) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of subsection (b) hereof has been or is being committed or for the sole purpose of issuing a ticket, citation or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.

(e) All fines collected for violations of subsection (b) hereof shall be forwarded to the Treasurer of State for deposit as provided in Ohio R.C. 4513.263.

- (f) (1) Subject to subsection (f)(2) of this section, the failure of a person to wear all of the available elements of a properly adjusted occupant restraining device in violation of subsection (b)(1) or (3) or the failure of a person to ensure that each minor who is a passenger of an automobile being operated by that person is wearing all of the available elements of a properly adjusted occupant restraining device, in violation of subsection (b)(2) of this section, shall not be considered or used by the trier of fact in a tort action as evidence of negligence or contributory negligence. But the trier of fact may determine based on evidence admitted consistent with the Ohio rules of evidence that the failure contributed to the harm alleged in the tort action and may diminish a recovery of compensatory damages that represents noneconomic loss, as defined in Ohio R.C. 2307.011 in a tort action that could have been recovered but for the plaintiff's failure to wear all of the available elements of a properly adjusted occupant restraining device. Evidence of that failure shall not be used as a basis for a criminal prosecution of the person other than a prosecution for a violation of this section; and shall not be admissible as evidence in a criminal action involving the person other than a prosecution for a violation of this section.
- (2) If, at the time of an accident involving a passenger car equipped with occupant restraining devices, any occupant of the passenger car who sustained injury or death was not wearing an available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted, then, consistent with the Rules of Evidence, the fact that the occupant was not wearing the available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted is admissible in evidence in relation to any claim for relief in a tort action to the extent that the claim for relief satisfies all of the following:
 - A. It seeks to recover damages for injury or death to the occupant.
 - B. The defendant in question is the manufacturer, designer, distributor or seller of the passenger car.

- C. The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy.
- (g) (1) Whoever violates subsection (b)(1) of this section shall be fined thirty dollars (\$30.00).
- (2) Whoever violates subsection (b)(3) of this section shall be fined twenty dollars (\$20.00).
- (3) Except as otherwise provided in this subsection, whoever violates subsection (b)(4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (b)(4) of this section, whoever violates subsection (b)(4) of this section is guilty of a misdemeanor of the third degree.
(ORC 4513.263)

337.28 USE OF SUNSCREENING, NONTRANSPARENT AND REFLECTORIZED MATERIALS.

(a) Requirements.

- (1) No person shall operate, on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is required to be registered in this State with any suncreening material, or other product or material which has the effect of making the windshield or windows nontransparent or would alter the windows' color, increase its reflectivity, or reduce its light transmittance, unless the product or material satisfies one of the following exceptions:
- A. Any manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) in effect at the time of the manufacture of the motor vehicle until such standard is subsequently repealed or reduced. In "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) "manufacturer" means any person engaged in the manufacturing or assembling of motor vehicles or motor vehicle equipment, including any person importing motor vehicles or motor vehicle equipment for resale. "Federal Motor Vehicle Safety Standard Number 205" (FMVSS), Code of Federal Regulations, Title 49, Part 571, can be obtained online at web site <http://www.gpo.gov>.
- B. Any sunscreening material or other product or material applied to the windshield when used in conjunction with the safety glazing materials of such window, has a light transmittance of not less than seventy per cent plus or minus three per cent and is not red or yellow in color.
- C. Any sunscreening material or other product or material applied to the side windows to the immediate right or left the driver, so long as such material, when used in conjunction with the safety glazing materials of such windows, has a light transmittance of not less than fifty per cent plus or minus three per cent and is not red or yellow in color.

- D. Any sunscreening material or other product or material applied to a window not otherwise listed in subsections (a)(1)A. to C. or E. of this section, except that outside left and right rear view mirrors are required if the suncreening material is applied to the rear window and the sunscreening material, when used in conjunction with the safety glazing material of such window, has a light transmittance of less than fifty per cent plus or minus three per cent.
- E. Any sunscreening material or other product or material applied along the top of the windshield and that does not extend downward beyond the AS-1 line or five inches from the top of the windshield, whichever is closer to the top, is not regulated by this section.
- (2) No person shall install in any motor vehicle any glass or other material that fails to conform to the specifications of this section.
- (3) No used motor vehicle dealer or new motor vehicle dealer, as defined in Ohio R.C. 4517.01, shall sell any motor vehicle that fails to conform to the specifications of this section.
- (4) No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings or rear window.
- (5) No person shall operate on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is required to be registered in this State that is equipped with privacy drapes, louvers, curtains or blinds unless the drapes, louvers, curtains or blinds are open and secure during vehicle operation.
- (6) All motor vehicles, beginning with the 1990 model year, must be equipped with labels identifying sunscreening material. All sunscreening material must indicate the manufacturer's name and the percentage level of light transmission of the material permanently installed between the material and the surface to which the material is applied or affixed. Such label must be legible and must be placed in the lower left-hand corner of the vehicle window when viewed from the outside. (OAC 4501-41-03)
- (b) Exemptions. The provisions of this section do not apply to:
- (1) A motor vehicle registered in this State in the name of a person, or the person's parent, legal guardian or spouse who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or an affidavit signed by an optometrist licensed to practice in this State under Ohio R.C. Chapter 4725 that states that the person has a physical condition that makes it necessary to equip such motor vehicle with sunscreening material which would be of a light transmittance and/or luminous reflectance in violation of this section. Such affidavit shall be in the possession of the person so afflicted or the driver at all times while in the motor vehicle;
- (2) The windows to the rear of the driver in chauffeured limousines as defined herein;
- (3) The windows to the rear of the driver in those vehicles designed and used to transport corpses which include hearses and other vehicles adapted for such use; and
- (4) The manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) in effect at the time of the manufacture of the motor vehicle as provided in subsection (a) hereof. "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205), Code of Federal Regulations, Title 49, Part 571, can be obtained online at web site <http://www.gpo.gov>. (OAC 4501-41-05)

(c) Definitions. As used in this section, certain terms are defined as follows:

- (1) "Motor vehicle" has the same meaning as specified in Section 301.20.
- (2) "Sunscreening material" means products or materials, including film, glazing and perforated sunscreening, which, when applied to the windshield or windows of a motor vehicle, reduce the effects of the sun with respect to light reflectance or transmittance.
- (3) "Transmittance" means the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the product or material, including glazing, to the amount of total light falling on the product or material and the glazing.
- (4) "Windshield" means the front exterior viewing device of a motor vehicle.
- (5) "Window" means any device designed for exterior viewing from a motor vehicle, except the windshield or any roof-mounted viewing device.
- (6) "Manufacturer" unless otherwise specified in this section, means any person who engages in the manufacturing or assembling of sunscreening products or materials or any person who fabricates, laminates or tempers a safety glazing material, incorporating, during the manufacturing process, the capacity to reflect or reduce the transmission of light.
- (7) "Chauffeured limousine" means a motor vehicle that is designed to carry nine or fewer passengers and is operated for hire on an hourly basis pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an arrangement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine at a fixed rate per hour or trip. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing.
(OAC 4501-41-02)

(d) Penalty. Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.241)

337.29 BUMPER HEIGHTS.

(a) Definitions.

- (1) "Passenger car" means any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle.
- (2) "Multipurpose passenger vehicle" means a motor vehicle with motive power, except a motorcycle, designed to carry ten persons or less, that is constructed either on a truck chassis or with special features for occasional off-road operation.
- (3) "Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property and having a gross vehicle weight rating of 10,000 pounds or less.
- (4) "Manufacturer" has the same meaning as in Ohio R.C. 4501.01.
- (5) "Gross vehicle weight rating" means the manufacturer's gross vehicle weight rating established for the vehicle.
- (6) "Body floor height" means the vertical distance between top of the frame rail and the bottom of the passenger compartment (cab) floor. In the event that the vehicle is a truck body, floor height will be measured by the vertical distance between the passenger compartment (cab) floor and the floor of the truck bed.

- (7) "Bumper height" means the vertical distance between the ground and the highest point of the bottom of the bumper, measured when the vehicle is laden on a level surface with the vehicle tires inflated to the manufacturer's recommended pressure.
- (8) "Frame" means the main longitudinal structural members of the chassis of the vehicle or, for vehicles with unitized body construction, the lowest main longitudinal structural members of the body of the vehicle.
- (9) "Wheel track distance" means the distance on the ground between the center of the tire tread on one side of the vehicle, and the center of the tire tread on the opposite side. (OAC 4501-43-02)

(b) Prohibitions; Application.

- (1) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle, or truck registered in this State that does not conform to the requirements of this section.
- (2) No person shall modify any motor vehicle registered in this State in such a manner as to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body under normal operation, and no person shall disconnect any part of the original suspension system of the vehicle to defeat the safe operation of that system including the installation of inverted, altered or modified suspension system component parts which results in elevation of the height of the vehicle bumper or frame unit which is not in compliance with this section.
- (3) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State without a bumper on the front and rear of the vehicle if such vehicle was equipped with bumpers as standard equipment by the manufacturer.
- (4) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State if the difference in height between the body floor and the top of the frame exceeds four inches.
- (5) Nothing contained in this section shall be construed to prohibit either of the following:
 - A. The installation upon a passenger car, multipurpose passenger vehicle or truck registered in this State of heavy duty equipment, including shock absorbers and overload springs as long as such equipment does not cause the vehicle to be in violation of this section;
 - B. The operation on a street or highway of a passenger car, multipurpose passenger vehicle or truck registered in this State with normal wear to the suspension system if the normal wear does not adversely affect the control of the vehicle.
- (6) This section does not apply to any specially designed or modified passenger car, multipurpose passenger vehicle or truck when operated off a street or highway in races and similar events.
- (7) A specially designed or modified passenger car, multipurpose passenger vehicle or truck which does not conform to this section shall not be operated on a street or highway.
(OAC 4501-43-03)

(c) Specifications.

- (1) The horizontal bumper shall be at least 4.5 inches in vertical height, centered on the vehicle's centerline, and extend no less than the width of the respective wheel track distances. Bumpers shall be horizontal load bearing bumpers and attached to the vehicle frame to effectively transfer impact when engaged.
- (2) Maximum bumper heights shall be determined by the type of vehicle at time of manufacture. If other than a passenger vehicle, the maximum bumper height shall be determined by the gross vehicle weight rating (GVWR) at the time of manufacture. The height shall be measured in terms of the vertical distance between the ground and the bottom of the bumper. Maximum bumper heights are as follows:

	<u>Front (inches)</u>	<u>Rear (inches)</u>
Passenger Vehicles	22	22
All Other Vehicles:		
4,500 lbs. and under GVWR	24	26
4,501 lbs. to 7,500 lbs. GVWR	27	29
7,501 lbs. to 10,000 lbs. GVWR	28	31

- (3) If the body and/or truck bed height is altered the difference in height between the body floor and/or the truck bed floor to the top of the frame rail shall not exceed four inches.
- (4) For any vehicle with bumpers or attaching components which have been modified or altered from the original manufacturer's design in order to conform with the maximum bumper requirements of this section, the bumper height shall be measured from a level surface to the bottom of the vehicle frame rail at the most forward and rearward points of the frame rail. Frame rail height if bumper modified or altered:

	<u>Front (inches)</u>	<u>Rear (inches)</u>
Passenger Vehicles	22	22
All Other Vehicles:		
4,500 lbs. and under GVWR	24	26
4,501 lbs. to 7,500 lbs. GVWR	27	29
7,501 lbs. to 10,000 lbs. GVWR	28	31

- (5) The height restriction in this subsection (c) applies to the distance from the ground to the bottom of the frame rail under any one or more of the following conditions:
 - A. A motor vehicle is not equipped with a front and rear bumper.
 - B. The bumper height relative to the frame rails has been altered.
 - C. A supplemental bumper has been installed or an addition to the original or replacement has been made.
 (OAC 4501-43-04)

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.99)

337.30 DIRECTIONAL SIGNALS REQUIRED.

- (a) (1) No person shall operate any motor vehicle manufactured or assembled on or after January 1, 1954, unless the vehicle is equipped with electrical or mechanical directional signals.
- (2) No person shall operate any motorcycle or motor-driven cycle manufactured or assembled on or after January 1, 1968, unless the vehicle is equipped with electrical or mechanical directional signals.
- (b) "Directional signals" means an electrical or mechanical signal device capable of clearly indicating an intention to turn either to the right or to the left and which shall be visible from both the front and rear.
- (c) All mechanical signal devices shall be self-illuminating devices when in use at the times mentioned in Section 337.02.
- (d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.261)

CHAPTER 385 Small Boat Mooring Harbor

385.01	Rules; permit and fees.	385.03	Enforcement.
385.02	Posting and distribution of regulations.	385.99	Penalty.

CROSS REFERENCES

Director of Service to be head of the Division of Small Boat Mooring
Basin and Harbor of Refuge - see ADM. 147.01
Navigation and equipment - see TRAF. Ch. 381
Licensing and accidents - see TRAF. Ch. 383

385.01 RULES; PERMIT AND FEES.

(a) The following rules and regulations are hereby adopted to govern the use of the small boat mooring harbor by all persons:

- (1) No person shall moor a vessel at a City dock without first obtaining an official permit and berth assignment from the Dock Master, which permit shall at all times be displayed on the vessel in a manner so as to be visible from the adjoining pier or wharf. A fee shall be charged from April 1 through November 30 each year for dockage. The day period in the permit shall extend from noon to noon, and the permit shall reserve the berth for the vessel for the duration of the permit. Fees will be as follows:

Mooring Charges

Seasonal: 2023 Dockage Rates - Resident

20 ft. docks - \$48.00 per ft. = \$ 960.00
24 ft. docks - \$64.00 per ft. = \$1,536.00
30 ft. docks - \$68.00 per ft. = \$2,040.00
32 ft. docks - \$70.00 per ft. = \$2,240.00

Seasonal: 2023 Dockage Rates - Non-Resident*

20 ft. docks - \$50.00 per ft. = \$1,000.00
24 ft. docks - \$66.00 per ft. = \$1,584.00
30 ft. docks - \$72.00 per ft. = \$2,160.00
32 ft. docks - \$74.00 per ft. = \$2,368.00

Less than three (3) hours - \$5.00 flat charge (one per any 24-hour period) rate cannot be deducted for a stay lasting longer than three (3) hours,

Daily fee: \$1.75 per foot with a minimum fee of \$35.00 for dock

Other Charges

Shelter House	\$30.00 non-refundable rental per shelter for resident
	\$35.00 non-refundable rental per shelter for non-resident*
Amphitheater	\$50.00 non-refundable rental for resident
	\$75.00 non-refundable rental for non-resident*

*anyone residing outside the Huron Joint Recreation District

(b) **Discounts.** The Dock Master shall have the power to make such discounts and offer such promotional plans as he shall recommend to Council and for which Council shall give its prior approval.

- (1) The piers and docking spaces are numbered in accordance with the assignment of berthing spaces.
- (2) The word "Dock Master" shall be used herein to indicate any person authorized to represent the City. The words "tenant" or "owner" shall be used to indicate the owner of the boat legally within the harbor or any person who is otherwise using the facilities.
- (3) When a boat enters the harbor, it shall immediately come under the jurisdiction of the Dock Master and shall be berthed or anchored only where ordered and maneuvered as directed by the Dock Master or his assistant. Vessels should be docked in such a manner as to not present a safety hazard, as determined by the Dock Master or his assistant.
- (4) Boats not marked or identified and licensed as required by law will not be permitted within the harbor.
- (5) Tenants shall provide all required information requested by the Dock Master.
- (6) Boats shall be in a seaworthy condition and not constitute a fire hazard or they shall be removed from the harbor. No cooking or fires of any kind will be allowed on the docks.
- (7) No swimming, diving or fishing shall be permitted within the harbor.
- (8) Boats not equipped with approved sewage disposal devices as required by law will not be permitted within the harbor.
- (9) The direct or indirect dumping of sewage in the harbor will be cause for instant removal from the harbor and subject to fine in accordance with the laws of the City and State.
- (10) No refuse or excrement shall be thrown, pumped or discharged overboard. Garbage shall be deposited in containers supplied for the purpose and other debris shall be placed where specified by the Dock Master. Littering of either the docking area or the harbor shall be subject to prosecution under the laws of the City and/or the State.
- (11) Disorderly conduct by a tenant or his visitors that might cause injury to a person, damage to property, disturb the peace and quiet of the harbor or otherwise create a nuisance shall be cause for immediate removal from the harbor of the tenant and his boat.
- (12) Berth fees shall be charged and enforced strictly in accordance with published rates in these rules. All fees for berthing shall be paid in advance and no refunds will be made. No subleasing of berths or transfer of boats between berths will be permitted except as directed by the Dock Master, and no extended stay beyond the permit date will be allowed.
- (13) The City or any of its employees or agents shall not be responsible for any loss on or damage to boats in the harbor. Each owner will be held responsible for damage to other boats in the harbor or for any damage to any structure by him or his guests.

- (14) Dock boxes shall not be permitted.
- (15) No permit shall be required for docking to load or unload passengers or to receive provisions provided the stay is less than fifteen (15) minutes and does not interfere with an assigned berth.
- (16) No permit or fee shall be required of government vessels when, in the judgment of the Dock Master, berthing space is available. Each such vessel shall obtain a berth assignment from the Dock Master.
- (17) No person shall be given a permit to use the City docks as a permanent base for his business operations other than repeated commercial wharfage and common carriers transporting six (6) or less passengers (excluding crew members) through lease arrangements with Council.
- (18) Only minor emergency repairs and repairs to the radio system will be allowed in the boat harbor. All other repairs shall cause the berth permit to be immediately terminated without refund or any fee.
- (19) Beer or intoxicating liquor may be consumed, from paper or plastic containers only, by the holder of a valid small boat mooring harbor permit, his passengers and guests, within the confines of that portion of the small boat mooring harbor known as piers, docks, boardwalk, concrete walk, sidewalk, not including that portion of the walk area contiguous to the Huron River and extending northerly from the small boat mooring harbor. (Ord. 2022-45. Passed 8-23-22.)

385.02 POSTING AND DISTRIBUTION OF REGULATIONS.

These rules and regulations shall be printed and displayed at several prominent places within the immediate area of the harbor and shall be distributed to each tenant at the time the docking permit is issued. (Ord. 1972-22. Passed 3-13-72.)

385.03 ENFORCEMENT.

The Dock Master, or other person in charge of the harbor, shall be responsible for the enforcement of the rules and regulations at all times. (Ord. 1972-22. Passed 3-13-72.)

385.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for misdemeanor classifications and penalties.)

(c) Violation of any statute or ordinance of which an element is operating a motor vehicle, locomotive, watercraft, aircraft or other vehicle while under the influence of alcohol or any drug of abuse, is not a violation of subsection (b) hereof.

(d) If a person appears to an ordinary observer to be intoxicated, it is probable cause to believe that person is voluntarily intoxicated for purposes of subsection (b) hereof.

- (e)
- (1) Whoever violates this section is guilty of disorderly conduct.
 - (2) Except as otherwise provided in subsections (e)(3) and (e)(4), disorderly conduct is a minor misdemeanor.
 - (3) Disorderly conduct is a misdemeanor of the fourth degree if any of the following applies:
 - A. The offender persists in disorderly conduct after reasonable warning or request to desist.
 - B. The offense is committed in the vicinity of a school or in a school safety zone.
 - C. The offense is committed in the presence of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person who is engaged in the person's duties at the scene of a fire, accident, disaster, riot or emergency of any kind.
 - D. The offense is committed in the presence of any emergency facility person who is engaged in the person's duties in an emergency facility.
 - (4) If an offender previously has been convicted of or pleaded guilty to three or more violations of subsection (b) of this section, a violation of subsection (b) of this section is a misdemeanor of the fourth degree.
- (f) As used in this section:
- (1) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Ohio R.C. 2133.21.
 - (2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in Ohio R.C. 2909.04.
 - (3) "Emergency facility" has the same meaning as in Ohio R.C. 2909.04.
 - (4) "Committed in the vicinity of a school" has the same meaning as in Ohio R.C. 2925.01. (ORC 2917.11)

509.04 DISTURBING A LAWFUL MEETING.

(a) No person, with purpose to prevent or disrupt a lawful meeting, procession or gathering, shall do either of the following:

- (1) Do any act which obstructs or interferes with the due conduct of such meeting, procession or gathering;
- (2) (EDITOR'S NOTE: Former subsection (a)(2) was repealed by Ordinance 2022-38, passed July 12, 2022.)

(b) Whoever violates this section is guilty of disturbing a lawful meeting, a misdemeanor of the fourth degree. (ORC 2917.12)

509.05 MISCONDUCT AT AN EMERGENCY.

(a) No person shall knowingly do any of the following:

- (1) Hamper the lawful operations of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person, engaged in the person's duties at the scene of a fire, accident, disaster, riot, or emergency of any kind;

- (2) Hamper the lawful activities of any emergency facility person who is engaged in the person's duties in an emergency facility;
- (3) Fail to obey the lawful order of any law enforcement officer engaged in the law enforcement officer's duties at the scene of or in connection with a fire, accident, disaster, riot, or emergency of any kind.

(b) Nothing in this section shall be construed to limit access or deny information to any news media representative in the lawful exercise of the news media representative's duties.

(c) Whoever violates this section is guilty of misconduct at an emergency. Except as otherwise provided in this subsection, misconduct at an emergency is a misdemeanor of the fourth degree. If a violation of this section creates a risk of physical harm to persons or property, misconduct at an emergency is a misdemeanor of the first degree.

(d) As used in this section:

- (1) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Ohio R.C. 2133.21.
- (2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in Ohio R.C. 2909.04.
- (3) "Emergency facility" has the same meaning as in Ohio R.C. 2909.04.
(ORC 2917.13)

509.06 INDUCING PANIC.

(a) No person shall cause the evacuation of any public place, or otherwise cause serious public inconvenience or alarm, by doing any of the following:

- (1) Initiating or circulating a report or warning of an alleged or impending fire, explosion, crime or other catastrophe, knowing that such report or warning is false;
- (2) Threatening to commit any offense of violence;
- (3) Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm.

(b) Division (a) hereof does not apply to any person conducting an authorized fire or emergency drill.

(c) Whoever violates this section is guilty of inducing panic, a misdemeanor of the first degree. If inducing panic results in physical harm to any person, economic harm of one thousand dollars (\$1,000) or more, if the public place involved in a violation of this section is a school or an institution of higher education, or if the violation pertains to a purported, threatened or actual use of a weapon of mass destruction, inducing panic is a felony and shall be prosecuted under appropriate State law.

(d) Any act that is a violation of this section and any other section of the Codified Ordinances may be prosecuted under this section, the other section, or both sections.

(e) As used in this section:

- (1) "Economic harm" means any of the following:
 - A. All direct, incidental, and consequential pecuniary harm suffered by a victim as a result of criminal conduct. "Economic harm" as described in this division includes, but is not limited to, all of the following:
 - 1. All wages, salaries, or other compensation lost as a result of the criminal conduct;

CHAPTER 513 Drug Abuse Control

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| <p>513.01 Definitions.</p> <p>513.02 Gift of marihuana.</p> <p>513.03 Drug abuse; controlled substance possession or use.</p> <p>513.04 Possessing drug abuse instruments.</p> <p>513.05 Permitting drug abuse.</p> <p>513.06 Illegal cultivation of marihuana.</p> <p>513.07 Possessing or using harmful intoxicants.</p> <p>513.08 Illegally dispensing drug samples.</p> <p>513.09 Controlled substance or prescription labels.</p> | <p>513.10 Hypodermic possession, display and dispensing.</p> <p>513.11 Harmful intoxicants; possessing nitrous oxide in motor vehicle.</p> <p>513.12 Drug paraphernalia.</p> <p>513.121 Marihuana drug paraphernalia.</p> <p>513.13 Counterfeit controlled substances.</p> <p>513.14 Offender may be required to pay for controlled substance tests.</p> <p>513.15 Sale of dextromethorphan.</p> <p>513.99 Penalty.</p> |
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CROSS REFERENCES

See sectional histories for similar State law

Federal prosecution bar to local prosecution - see Ohio R.C. 2925.50, 3719.19

Analysis report and notarized statement as evidence - see Ohio R.C. 2925.51

Criteria for granting probation - see Ohio R.C. 3719.70(B)

Attempted drug abuse offenses - see GEN. OFF. 501.09(e)

Adulterating food with drug of abuse - see GEN. OFF. 537.13

Using weapons while under the influence - see GEN. OFF. 549.03.

513.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words, terms and phrases and their derivatives used in this chapter which are not defined in this section shall have the meanings given to them in the Ohio Revised Code.

- (a) "Administer." Has the same meaning as in Ohio R.C. 3719.01.
- (b) "Adulterate." To cause a drug to be adulterated as described in Ohio R.C. 3715.63.
- (c) "Alcohol and Drug Addiction Services". Has the same meaning as in Ohio R.C. 5119.01.

- (d) "Bulk amount." Of a controlled substance, means any of the following:
- (1) For any compound, mixture, preparation, or substance included in Schedule I, Schedule II, or Schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in subsection (c)(2), (5), or (6) of this definition, whichever of the following is applicable:
 - A. An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I opiate or opium derivative;
 - B. An amount equal to or exceeding ten grams of a compound, mixture, preparation or substance that is or contains any amount of raw or gum opium;
 - C. An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a Schedule I stimulant or depressant;
 - D. An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II opiate or opium derivative;
 - E. An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of phencyclidine;
 - F. An amount equal to or exceeding 120 grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant that is in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq., as amended) and the federal drug abuse control laws, as defined in this section, that is or contains any amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance;
 - G. An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq., as amended) and the federal drug abuse control laws;
 - (2) An amount equal to or exceeding 120 grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid or a Schedule III opiate or opium derivative;
 - (3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III opiate or opium derivative;
 - (4) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule V substance;

- (5) An amount equal to or exceeding 200 solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III anabolic steroid;
- (6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in Schedule III, Schedule IV, or Schedule V, if the defendant is charged with a violation of Ohio R.C. 2925.11 and the sentencing provisions set forth in Ohio R.C. 2925.11(C)(10)(b) and (C)(11) will not apply regarding the defendant and the violation, the bulk amount of the controlled substance for purposes of the violation is the amount specified in division (1), (2), (3), (4), or (5) of this definition for the other Schedule III, Schedule IV, or Schedule V controlled substance that is combined with the fentanyl-related compound.
- (e) "Certified grievance committee." A duly constituted and organized committee of the Ohio State Bar Association or of one or more local bar associations of the state that complies with the criteria set forth in Rule V, Section 6 of the Rules for the Government of the Bar of Ohio.
- (f) "Cocaine." Any of the following:
 - (1) A cocaine salt, isomer or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine.
 - (2) Coca leaves or a salt, compound, derivative or preparation of coca leaves, including ecgonine, a salt, isomer or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine.
 - (3) A salt, compound, derivative or preparation of a substance identified in subsection (e)(1) or (2) of this definition that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.
- (g) "Committed in the vicinity of a juvenile." An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within 100 feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within 100 feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.
- (h) "Committed in the vicinity of a school." An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises.
- (i) "Committed in the vicinity of a substance addiction services provider or a recovering addict". An offense is "committed in the vicinity of a substance addiction services provider or a recovering addict" if either of the following apply:
 - (1) The offender commits the offense on the premises of a substance addiction services provider's facility, including a facility licensed prior to June 29, 2019, under Ohio R.C. 5119.391 to provide methadone treatment or an opioid treatment program licensed on or after that date under Ohio R.C. 5119.37, or within 500 feet of the premises of a substance addiction services provider's facility and the offender knows or should know that the offense is being committed within the vicinity of the substance addiction services provider's facility.

- (2) The offender sells, offers to sell, delivers, or distributes the controlled substance or controlled substance analog to a person who is receiving treatment at the time of the commission of the offense, or received treatment within 30 days prior to the commission of the offense, from a substance addiction services provider and the offender knows that the person is receiving or received that treatment.
- (j) "Controlled substance." Has the same meaning as in Ohio R.C. 3719.01.
- (k) "Controlled substance analog." Has the same meaning as in Ohio R.C. 3719.01.
- (l) "Counterfeit controlled substance." Any of the following:
 - (1) Any drug that bears, or whose container or label bears, a trademark, trade name or other identifying mark used without authorization of the owner of rights to the trademark, trade name or identifying mark.
 - (2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed or distributed by a person other than the person that manufactured, processed, packed or distributed it.
 - (3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance.
 - (4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size and color, or its markings, labeling, packaging, distribution or the price for which it is sold or offered for sale.
- (m) "Cultivate." Includes planting, watering, fertilizing or tilling.
- (n) "Dangerous drug." Has the same meaning as in Ohio R.C. 4729.01.
- (o) "Deception." Has the same meaning as in Ohio R.C. 2913.01.
- (p) "Disciplinary counsel." The disciplinary counsel appointed by the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court under the Rules for the Government of the Bar of Ohio.
- (q) "Dispense." Has the same meaning as in Ohio R.C. 3719.01.
- (r) "Distribute." Has the same meaning as in Ohio R.C. 3719.01.
- (s) "Drug." Has the same meaning as in Ohio R.C. 4729.01.
- (t) "Drug abuse offense." Any of the following:
 - (1) A violation of Ohio R.C. 2913.02(A) that constitutes theft of drugs, or any violation of Ohio R.C. 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36 or 2925.37.
 - (2) A violation of an existing or former law of any municipality, state or of the United States, that is substantially equivalent to any section listed in subsection (r)(1) of this definition.
 - (3) An offense under an existing or former law of any municipality, state or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using or otherwise dealing with a controlled substance is an element.
 - (4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit, any offense under subsection (r)(1), (2) or (3) of this definition.
- (u) "Drug dependent person." Has the same meaning as in Ohio R.C. 3719.011.
- (v) "Drug of abuse." Has the same meaning as in Ohio R.C. 3719.011.
- (w) "Felony drug abuse offense." Any drug abuse offense that would constitute a felony under the laws of this state, any other state or the United States.

- (x) "Fentanyl-related compound." Any of the following:
- (1) Fentanyl;
 - (2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
 - (3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidiny]-N-phenylpropanamide);
 - (4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidiny]-N-phenylpropanamide);
 - (5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidiny]-N-phenylpropanamide);
 - (6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
 - (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidiny]-N-phenylpropanamide);
 - (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidiny]propanamide);
 - (9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidiny]-propanamide);
 - (10) Alfentanil;
 - (11) Carfentanil;
 - (12) Remifentanil;
 - (13) Sufentanil;
 - (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidiny]-N-phenylacetamide); and
 - (15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:
 - A. A chemical scaffold consisting of both of the following:
 1. A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;
 2. An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.
 - B. A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;
 - C. An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and
 - D. The compound has not been approved for medical use by the United States food and drug administration.
- (y) "Harmful intoxicant." Does not include beer or intoxicating liquor, but means any of the following:
- (1) Any compound, mixture, preparation or substance the gas, fumes or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation or other harmful physiological effects, and includes but is not limited to any of the following:
 - A. Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline or other preparation containing a volatile organic solvent.

- B. Any aerosol propellant.
- C. Any fluorocarbon refrigerant.
- D. Any anesthetic gas.
- (2) Gamma Butyrolactone;
- (3) 1,4 Butanediol.
- (z) "Hashish".
 - (1) A resin or a preparation of a resin to which both of the following apply:
 - A. It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.
 - B. It has a delta-9 tetrahydrocannabinol concentration of more than 0.3%.
 - (2) The term does not include a hemp byproduct in the possession of a licensed hemp processor under Ohio R.C. Chapter 928, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under Ohio R.C. 928.03.
- (aa) "Hypodermic." Has the same meaning as in Ohio R.C. 3719.01.
- (bb) "Juvenile." A person under eighteen years of age.
- (cc) "Licensed health professional authorized to prescribe drugs." Has the same meaning as in Ohio R.C. 4729.01.
- (dd) "L.S.D." Lysergic acid diethylamide.
- (ee) "Major drug offender." Has the same meaning as in Ohio R.C. 2929.01.
- (ff) "Mandatory prison term." Has the same meaning as in Ohio R.C. 2929.01.
- (gg) "Manufacture." To plant, cultivate, harvest, process, make, prepare or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis or compounding, or any combination of the same, and includes packaging, repackaging, labeling and other activities incident to production.
- (hh) "Manufacturer." Has the same meaning as in Ohio R.C. 3719.01.
- (ii) "Marihuana." Has the same meaning as in Ohio R.C. 3719.01, except that it does not include hashish.
- (jj) "Methamphetamine." Methamphetamine, any salt, isomer or salt of an isomer of methamphetamine, or any compound, mixture, preparation or substance containing methamphetamine or any salt, isomer or salt of an isomer of methamphetamine.
- (kk) "Minor drug possession offense." Either of the following:
 - (1) A violation of Ohio R.C. 2925.11, as it existed prior to July 1, 1996, or a substantially equivalent municipal ordinance.
 - (2) A violation of Ohio R.C. 2925.11, as it exists on and after July 1, 1996, or a substantially equivalent municipal ordinance, that is a misdemeanor or a felony of the fifth degree.
- (ll) "Official written order." Has the same meaning as in Ohio R.C. 3719.01.
- (mm) "Person." Has the same meaning as in Ohio R.C. 3719.01.
- (nn) "Pharmacist." Has the same meaning as in Ohio R.C. 3719.01.
- (oo) "Pharmacy." Has the same meaning as in Ohio R.C. 3719.01.
- (pp) "Possess" or "possession." Having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.
- (qq) "Premises of a substance addiction services provider's facility". Means the parcel of real property on which any substance addiction service provider's facility is situated.
- (rr) "Prescription." Has the same meaning as in Ohio R.C. 4729.01.

- (ss) "Presumption for a prison term" or "presumption that a prison term shall be imposed." A presumption as described in Ohio R.C. 2929.13(D) that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under Ohio R.C. 2929.11.
- (tt) "Professional license." Any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate or temporary registration that is described in Ohio R.C. 2925.01(W)(1) to (W)(37) and that qualifies a person as a professionally licensed person.
- (uu) "Professionally licensed person." Any of the following:
 - (1) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Ohio R.C. Chapter 4701 and who holds an Ohio permit issued under that chapter;
 - (2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Ohio R.C. Chapter 4703;
 - (3) A person who is registered as a landscape architect under Ohio R.C. Chapter 4703 or who holds a permit as a landscape architect issued under that chapter;
 - (4) A person licensed under Ohio R.C. Chapter 4707;
 - (5) A person who has been issued a certificate of registration as a registered barber under Ohio R.C. Chapter 4709;
 - (6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Ohio R.C. Chapter 4710;
 - (7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Ohio R.C. Chapter 4713;
 - (8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license or a dental hygienist's teacher's certificate under Ohio R.C. Chapter 4715;
 - (9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Ohio R.C. Chapter 4717;
 - (10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Ohio R.C. Chapter 4723;
 - (11) A person who has been licensed to practice optometry or to engage in optical dispensing under Ohio R.C. Chapter 4725;
 - (12) A person licensed to act as a pawnbroker under Ohio R.C. Chapter 4727;
 - (13) A person licensed to act as a precious metals dealer under Ohio R.C. Chapter 4728;
 - (14) A person licensed under Ohio R.C. Chapter 4729 as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;

- (15) A person licensed under Ohio R.C. Chapter 4729 as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;
- (16) A person who is authorized to practice as a physician assistant under Ohio R.C. Chapter 4730;
- (17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Ohio R.C. Chapter 4731 or has been issued a certificate to practice a limited branch of medicine under that chapter;
- (18) A person licensed as a psychologist or school psychologist under Ohio R.C. Chapter 4732;
- (19) A person registered to practice the profession of engineering or surveying under Ohio R.C. Chapter 4733;
- (20) A person who has been issued a license to practice chiropractic under Ohio R.C. Chapter 4734;
- (21) A person licensed to act as a real estate broker or real estate salesperson under Ohio R.C. Chapter 4735;
- (22) A person registered as a registered environmental health specialist under Ohio R.C. Chapter 4736;
- (23) A person licensed to operate or maintain a junkyard under Ohio R.C. Chapter 4737;
- (24) A person who has been issued a motor vehicle salvage dealer's license under Ohio R.C. Chapter 4738;
- (25) A person who has been licensed to act as a steam engineer under Ohio R.C. Chapter 4739;
- (26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Ohio R.C. Chapter 4741;
- (27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Ohio R.C. Chapter 4747;
- (28) A person who has been issued a class A, class B or class C license or who has been registered as an investigator or security guard employee under Ohio R.C. Chapter 4749;
- (29) A person licensed to practice as a nursing home administrator under Ohio R.C. Chapter 4751;
- (30) A person licensed to practice as a speech-language pathologist or audiologist under Ohio R.C. Chapter 4753;
- (31) A person issued a license as an occupational therapist or physical therapist under Ohio R.C. Chapter 4755;
- (32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Ohio R.C. Chapter 4757;
- (33) A person issued a license to practice dietetics under Ohio R.C. Chapter 4759;
- (34) A person who has been issued a license or limited permit to practice respiratory therapy under Ohio R.C. Chapter 4761;
- (35) A person who has been issued a real estate appraiser certificate under Ohio R.C. Chapter 4763;

- (36) A person who has been issued a home inspector license under Ohio R.C. Chapter 4764;
- (37) A person who has been admitted to the bar by order of the Ohio Supreme Court in compliance with its prescribed and published rules.
- (vv) "Public premises." Any hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort.
- (ww) "Sale." Has the same meaning as in Ohio R.C. 3719.01.
- (xx) "Sample drug." A drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.
- (yy) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" or "Schedule V." Have the same meaning as in Ohio R.C. 3719.01.
- (zz) "School." Any school operated by a board of education, any community school established under Ohio R.C. Chapter 3314, or any nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.
- (aaa) "School building." Any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.
- (bbb) "School premises." Either of the following:
 - (1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed.
 - (2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Ohio R.C. Chapter 3314, or the governing body of a nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.
- (ccc) "Standard Pharmaceutical Reference Manual." The current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.
- (ddd) "Substance Addiction Services Provider". Means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following at a facility:
 - (1) Either alcohol addiction services, or drug addiction services, or both such services that are certified by the Ohio Director of Mental Health and Addiction Services under Ohio R.C. 5119.36;
 - (2) Recovery supports that are related to either alcohol addiction services, or drug addiction services, or both such services and paid for with federal, state, or local funds administered by the Ohio Department of Mental Health and Addiction Services or a board of alcohol, drug addiction, and mental health services.

- (eee) "Unit dose." An amount or unit or a compound, mixture or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.
- (fff) "Wholesaler." Has the same meaning as in Ohio R.C. 3719.01.
(ORC 2925.01)

513.02 GIFT OF MARIHUANA.

(a) No person shall knowingly give or offer to make a gift of twenty grams or less of marihuana.

(b) Whoever violates this section is guilty of trafficking in marihuana. Trafficking in marihuana is a minor misdemeanor for the first offense and, for any subsequent offense, it is a misdemeanor of the third degree. If the offense was committed in the vicinity of a school or the vicinity of a juvenile, trafficking in marihuana is a misdemeanor of the third degree.

(c) The court may by order suspend for not more than five years the driver's or commercial driver's license or permit of any person who is convicted of or pleads guilty to any violation of this section. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit in accordance with Ohio R.C. 2925.03(G). If an offender's driver's or commercial driver's license or permit is suspended pursuant to this subsection, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed, may file a motion with the sentencing court requesting termination of the suspension; upon the filing of such a motion and the court's finding of good cause for the termination, the court may terminate the suspension.
(ORC 2925.03)

513.03 DRUG ABUSE; CONTROLLED SUBSTANCE POSSESSION OR USE.

(a) No person shall knowingly obtain, possess or use a controlled substance or a controlled substance analog.

- (b) (1) This section does not apply to the following:
 - A. Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731 and 4741.
 - B. If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration;
 - C. Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act;

- D. Any person who obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs if the prescription was issued for a legitimate medical purpose and not altered, forged or obtained through deception or commission of a theft offense.
As used in subsection (b)(1)D. of this section, "deception" and "theft offense" have the same meanings as in Ohio R.C. 2913.01.
- (2) A. As used in subsection (b)(2) of this section:
1. "Community addiction services provider" has the same meaning as in Ohio R.C. 5119.01.
 2. "Community control sanction" and "drug treatment program" have the same meanings as in Ohio R.C. 2929.01.
 3. "Health care facility" has the same meaning as in Ohio R.C. 2919.16.
 4. "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree.
 5. "Post-release control sanction" has the same meaning as in Ohio R.C. 2967.28.
 6. "Peace officer" has the same meaning as in Ohio R.C. 2935.01.
 7. "Public agency" has the same meaning as in Ohio R.C. 2930.01.
 8. "Qualified individual" means a person who is not on community control or post-release control and is a person acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in subsection (b)(2)B. of this section.
 9. "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility.
- B. Subject to subsection (b)(2)F. of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted or penalized pursuant to this chapter for a minor drug possession offense if all of the following apply:
1. The evidence of the obtaining, possession or use of the controlled substance or controlled substance analog that would be the basis of the offense was obtained as a result of the qualified individual seeking the medical assistance or experiencing an overdose and needing medical assistance.
 2. Subject to subsection (b)(2)G. of this section, within thirty days after seeking or obtaining the medical assistance, the qualified individual seeks and obtains a screening and receives a referral for treatment from a community addiction services provider or a properly credentialed addiction treatment professional.

3. Subject to subsection (b)(2)G. of this section, the qualified individual who obtains a screening and receives a referral for treatment under subsection (b)(2)B.1. of this section, upon the request of any prosecuting attorney, submits documentation to the prosecuting attorney that verifies that the qualified individual satisfied the requirements of that subsection. The documentation shall be limited to the date and time of the screening obtained and referral received.
- C. If a person is found to be in violation of any community control sanction and if the violation is a result of either of the following, the court shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in Ohio R.C. 2929.13, 2929.15, or 2929.25, whichever is applicable, after which the court has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in any of those applicable sections:
1. Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose;
 2. Experiencing a drug overdose and seeking medical assistance for that overdose or being the subject of another person seeking or obtaining medical assistance for that overdose as described in subsection (b)(2)B. of this section.
- D. If a person is found to be in violation of any post-release control sanction and if the violation is a result of either of the following, the court or the parole board shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in Ohio R.C. 2929.141 or 2967.28, whichever is applicable, after which the court or the parole board has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in either of those applicable sections:
1. Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose;
 2. Experiencing a drug overdose and seeking medical assistance for that emergency or being the subject of another person seeking or obtaining medical assistance for that overdose as described in subsection (b)(2)B. of this section.
- E. Nothing in subsection (b)(2)B. of this section shall be construed to do any of the following:
1. Limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regards to a defendant who does not qualify for the protections of subsection (b)(2)B. of this section or with regards to any crime other than a minor drug possession offense committed by a person who qualifies for protection pursuant to subsection (b)(2)B. of this section for a minor drug possession offense;
 2. Limit any seizure of evidence or contraband otherwise permitted by law;

3. Limit or abridge the authority of a peace officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in that division;
 4. Limit, modify or remove any immunity from liability available pursuant to law in effect prior to the effective date of this amendment to any public agency or to an employee of any public agency.
- F. Subsection (b)(2)B. of this section does not apply to any person who twice previously has been granted an immunity under subsection (b)(2)B. of this section. No person shall be granted an immunity under subsection (b)(2)B. of this section more than two times.
- G. Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance Portability and Accountability Act of 1996", 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and regulations promulgated by the United States Department of Health and Human Services to implement the act or the requirements of 42 C.F.R. Part 2.
- (c) Whoever violates subsection (a) hereof is guilty of one of the following:
- (1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in Schedule III, IV, or V, whoever violates subsection (a) hereof is guilty of possession of drugs. Possession of drugs is a misdemeanor if the amount of the drug involved does not exceed the bulk amount. The penalty for the offense shall be determined as follows: possession of drugs is a misdemeanor of the first degree or, if the offender previously has been convicted of a drug abuse offense, a felony and shall be prosecuted under appropriate State law.
 - (2) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates subsection (a) hereof is guilty of possession of marihuana. Possession of marihuana is a misdemeanor if the amount of the drug involved does not exceed 200 grams. The penalty for the offense shall be determined as follows:
 - A. Except as otherwise provided in subsection (c)(2)B. hereof, possession of marihuana is a minor misdemeanor.
 - B. If the amount of the drug involved equals or exceeds 100 grams but is less than 200 grams, possession of marihuana is a misdemeanor of the fourth degree.
 - (3) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates subsection (a) hereof is guilty of possession of hashish. Possession of hashish is a misdemeanor if the amount of the drug involved does not exceed the maximum amount specified in subsection (c)(3)B. hereof. The penalty for the offense shall be determined as follows:
 - A. Except as otherwise provided in subsection (c)(3)B. hereof, possession of hashish is a minor misdemeanor.
 - B. If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one gram but is less than two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.

(d) In addition to any other sanction that is imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.

(e) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness. (ORC 2925.11)

513.04 POSSESSING DRUG ABUSE INSTRUMENTS.

(a) No person shall knowingly make, obtain, possess or use any instrument, article or thing the customary and primary purpose of which is for the administration or use of a dangerous drug, other than marihuana, when the instrument involved is a hypodermic or syringe, whether or not of crude or extemporized manufacture or assembly, and the instrument, article or thing involved has been used by the offender to unlawfully administer or use a dangerous drug, other than marihuana, or to prepare a dangerous drug, other than marihuana, for unlawful administration or use.

(b) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731 and 4741.

(c) Whoever violates this section is guilty of possessing drug abuse instruments, a misdemeanor of the second degree. If the offender previously has been convicted of a drug abuse offense, violation of this section is a misdemeanor of the first degree.

(d) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. (ORC 2925.12)

513.05 PERMITTING DRUG ABUSE.

(a) No person, who is the owner, operator or person in charge of a locomotive, watercraft, aircraft or other vehicle as defined in Ohio R.C. 4501.01(A), shall knowingly permit the vehicle to be used for the commission of a felony drug abuse offense.

(b) No person, who is the owner, lessee or occupant, or who has custody, control or supervision of premises, or real estate, including vacant land, shall knowingly permit the premises, or real estate, including vacant land, to be used for the commission of a felony drug abuse offense by another person.

(c) Whoever violates this section is guilty of permitting drug abuse, a misdemeanor of the first degree. If the felony drug abuse offense in question is a violation of Ohio R.C. 2925.02, 2925.03, 2925.04 or 2925.041 as provided in Ohio R.C. 2925.13, permitting drug abuse is a felony and shall be prosecuted under appropriate State law.

(d) In addition to any other sanction imposed for an offense under this section, the court that sentences a person who is convicted of or pleads guilty to a violation of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.

(e) Any premises or real estate that is permitted to be used in violation of subsection (b) hereof constitutes a nuisance subject to abatement pursuant to Ohio R.C. Chapter 3767. (ORC 2925.13)

513.06 ILLEGAL CULTIVATION OF MARIHUANA.

(a) No person shall knowingly cultivate marihuana.

(b) This section does not apply to any person listed in Ohio R.C. 2925.03(B)(1) to (3) to the extent and under the circumstances described in those divisions.

(c) Whoever commits a violation of subsection (a) hereof is guilty of illegal cultivation of marihuana. Illegal cultivation of marihuana is a misdemeanor if the amount of marihuana involved does not exceed 200 grams.

- (1) Except as otherwise provided in subsection (c)(2) hereof, illegal cultivation of marihuana is a minor misdemeanor, or if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the fourth degree.
- (2) If the amount of marihuana involved equals or exceeds 100 grams but is less than 200 grams, illegal cultivation of marihuana is a misdemeanor of the fourth degree, or if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the third degree.

(d) In addition to any other sanction imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of Ohio R.C. 2925.03. If an offender's driver's or commercial driver's license or permit is suspended in accordance with that division, the offender may request termination of, and the court may terminate, the suspension in accordance with that division.

(e) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in an application for employment, a license, or any other right or privilege or made in connection with the person's appearance as a witness. (ORC 2925.04)

513.07 POSSESSING OR USING HARMFUL INTOXICANTS.

(a) Except for lawful research, clinical, medical, dental or veterinary purposes, no person, with purpose to induce intoxication or similar physiological effects, shall obtain, possess or use a harmful intoxicant.

(b) Whoever violates this section is guilty of abusing harmful intoxicants, a misdemeanor of the first degree. If the offender previously has been convicted of a drug abuse offense, abusing harmful intoxicants is a felony and shall be prosecuted under appropriate State law.

(c) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. (ORC 2925.31)

513.08 ILLEGALLY DISPENSING DRUG SAMPLES.

(a) No person shall knowingly furnish another a sample drug.

(b) Subsection (a) hereof does not apply to manufacturers, wholesalers, pharmacists, owners of pharmacies, licensed health professionals authorized to prescribe drugs, and other persons whose conduct is in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731, and 4741.

(c) Whoever violates this section is guilty of illegal dispensing of drug samples. If the drug involved in the offense is a dangerous drug or a compound, mixture, preparation, or substance included in Schedule III, IV, or V, or is marihuana, the penalty for the offense shall be determined as follows:

- (1) Except as otherwise provided in subsection (c)(2) hereof, illegal dispensing of drug samples is a misdemeanor of the second degree.
- (2) If the offense was committed in the vicinity of a school or in the vicinity of a juvenile, illegal dispensing of drug samples is a misdemeanor of the first degree.

(d) In addition to any other sanction imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. (ORC 2925.36)

513.09 CONTROLLED SUBSTANCE OR PRESCRIPTION LABELS.

(a) As used in this section, "repackager" and "outsourcing facility" have the same meanings as in ORC 4729.01.

Whenever a manufacturer sells a controlled substance, and whenever a wholesaler, repackager, or outsourcing facility sells a controlled substance in a package the wholesaler, repackager or outsourcing facility has prepared, the manufacturer or the wholesaler, repackager or outsourcing facility, as the case may be, shall securely affix to each package in which the controlled substance is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person, except a pharmacist for the purpose of dispensing a controlled substance upon a prescription shall alter, deface or remove any label so affixed.

(b) Except as provided in subsection (c) of this section, when a pharmacist dispenses any controlled substance on a prescription for use by a patient, or supplies a controlled substance to a licensed health professional authorized to prescribe drugs for use by the professional in personally furnishing patients with controlled substances, the pharmacist shall affix to the container in which the controlled substance is dispensed or supplied a label showing the following:

- (1) The name and address of the pharmacy dispensing or supplying the controlled substance;
- (2) The name of the patient for whom the controlled substance is prescribed and, if the patient is an animal, the name of the owner and the species of the animal;
- (3) The name of the prescriber;
- (4) All directions for use stated on the prescription or provided by the prescriber;
- (5) The date on which the controlled substance was dispensed or supplied;
- (6) The name, quantity and strength of the controlled substance and, if applicable, the name of the distributor or manufacturer.

(c) The requirements of subsection (b) of this section do not apply when a controlled substance is prescribed or supplied for administration to an ultimate user who is institutionalized.

(d) A licensed health professional authorized to prescribe drugs who personally furnishes a controlled substance to a patient shall comply with division (A) of ORC 4729.291 with respect to labeling and packaging of the controlled substance.

(e) No person shall alter, deface, or remove any label affixed pursuant to this section as long as any of the original contents remain.

(f) Every label for a schedule II, III or IV controlled substance shall contain the following warning:

"Caution: federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed". (ORC 3719.08)

(g) Whoever violates this section is guilty of a misdemeanor of the first degree. If the offender has previously been convicted of a violation of this section, Ohio R.C. 3719.07 or 3719.08 or a drug abuse offense, such violation is a felony and shall be prosecuted under appropriate State law. (ORC 3719.99)

513.10 HYPODERMIC POSSESSION, DISPLAY AND DISPENSING.

(a) Possession of a hypodermic is authorized for the following:

- (1) A manufacturer or distributor of, or dealer in, hypodermics or medication packaged in hypodermics, and any authorized agent or employee of that manufacturer, distributor or dealer, in the regular course of business;
- (2) Terminal distributor of dangerous drugs, in the regular course of business;
- (3) A person authorized to administer injections, in the regular course of the person's profession or employment;
- (4) A person, when the hypodermic was lawfully obtained and is kept and used for the purpose of self-administration of insulin or other drug prescribed for the treatment of disease by a licensed health professional authorized to prescribe drugs;
- (5) A person whose use of a hypodermic is for legal research, clinical, educational or medicinal purposes;
- (6) A farmer, for the lawful administration of a drug to an animal;
- (7) A person whose use of a hypodermic is for lawful professional, mechanical, trade or craft purposes.

(b) No manufacturer or distributor of, or dealer in, hypodermics or medication packaged in hypodermics, or their authorized agents or employees, and no terminal distributor of dangerous drugs, shall display any hypodermic for sale. No person authorized to possess a hypodermic pursuant to division (a) of this section shall negligently fail to take reasonable precautions to prevent any hypodermic in the person's possession from theft or acquisition by any unauthorized person. (ORC 3719.172)

(c) Whoever violates this section is guilty of a misdemeanor of the third degree. If the offender has previously been convicted of a violation of this section, Ohio R.C. 3719.05, 3719.06, 3719.13, 3719.172(B) or (E), or 3719.31 or a drug abuse offense, a violation is a misdemeanor of the first degree. (ORC 3719.99)

513.11 HARMFUL INTOXICANTS; POSSESSING NITROUS OXIDE IN MOTOR VEHICLE.

(a) As used in this section, "motor vehicle", "street" and "highway" have the same meanings as in Ohio R.C. 4511.01.

(b) Unless authorized under Ohio R.C. Chapter 3719, 4715, 4729, 4731, 4741 or 4765, no person shall possess an open cartridge of nitrous oxide in either of the following circumstances:

- (1) While operating or being a passenger in or on a motor vehicle on a street, highway, or other public or private property open to the public for purposes of vehicular traffic or parking;
- (2) While being in or on a stationary motor vehicle on a street, highway, or other public or private property open to the public for purposes of vehicular traffic or parking.

(c) Whoever violates this section is guilty of possessing nitrous oxide in a motor vehicle, a misdemeanor of the fourth degree.

(d) In addition to any other sanction imposed upon an offender for possessing nitrous oxide in a motor vehicle, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. (ORC 2925.33)

513.12 DRUG PARAPHERNALIA.

(a) As used in this section, "drug paraphernalia" means any equipment, product or material of any kind that is used by the offender, intended by the offender for use or designed for use, in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, a controlled substance in violation of this chapter or Ohio R.C. Chapter 2925. "Drug paraphernalia" includes, but is not limited to, any of the following equipment, products or materials that are used by the offender, intended by the offender for use or designated by the offender for use, in any of the following manners:

- (1) A kit for propagating, cultivating, growing or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived;
- (2) A kit for manufacturing, compounding, converting, producing, processing or preparing a controlled substance;
- (3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine;
- (4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;

- (5) Testing equipment for identifying, or analyzing the strength, effectiveness or purity of, a controlled substance;
- (6) A scale or balance for weighing or measuring a controlled substance;
- (7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, for cutting a controlled substance;
- (8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;
- (9) A blender, bowl, container, spoon or mixing device for compounding a controlled substance;
- (10) A capsule, balloon, envelope or container for packaging small quantities of a controlled substance;
- (11) A container or device for storing or concealing a controlled substance;
- (12) A hypodermic syringe, needle or instrument for parenterally injecting a controlled substance into the human body;
- (13) An object, instrument or device for ingesting, inhaling or otherwise introducing into the human body, marihuana, cocaine, hashish or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic or ceramic pipe, with or without a screen, permanent screen, hashish head or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.

(b) In determining if any equipment, product or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:

- (1) Any statement by the owner, or by anyone in control, of the equipment, product or material, concerning its use;
- (2) The proximity in time or space of the equipment, product or material, or of the act relating to the equipment, product or material, to a violation of any provision of this chapter or Ohio R.C. Chapter 2925;
- (3) The proximity of the equipment, product or material to any controlled substance;
- (4) The existence of any residue of a controlled substance on the equipment, product or material;
- (5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product or material, to deliver it to any person whom the owner or person in control of the equipment, product or material knows intends to use the object to facilitate a violation of any provision of this chapter or Ohio R.C. Chapter 2925. A finding that the owner, or anyone in control, of the equipment, product or material, is not guilty of a violation of any other provision of this chapter or Ohio R.C. Chapter 2925, does not prevent a finding that the equipment, product or material was intended or designed by the offender for use as drug paraphernalia;
- (6) Any oral or written instruction provided with the equipment, product or material concerning its use;
- (7) Any descriptive material accompanying the equipment, product or material and explaining or depicting its use;
- (8) National or local advertising concerning the use of the equipment, product or material;
- (9) The manner and circumstances in which the equipment, product or material is displayed for sale;

- (10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product or material to the total sales of the business enterprise;
 - (11) The existence and scope of legitimate uses of the equipment, product or material in the community;
 - (12) Expert testimony concerning the use of the equipment, product or material.
- (c)
- (1) Subject to subsection (d)(2) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia.
 - (2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product or material will be used as drug paraphernalia.
 - (3) No person shall place an advertisement in any newspaper, magazine, handbill or other publication that is published and printed and circulates primarily within this State, if the person knows that the purpose of the advertisement is to promote the illegal sale in the State of the equipment, product or material that the offender intended or designed for use as drug paraphernalia.
- (d)
- (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731, and 4741. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by Section 513.10.
 - (2) Subsection (c)(1) of this section does not apply to a person's use, or possession with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body marijuana.
- (e) Notwithstanding Ohio R.C. Chapter 2981, any drug paraphernalia that was used, possessed, sold or manufactured in violation of this section shall be seized, after a conviction for that violation shall be forfeited, and upon forfeiture shall be disposed of pursuant to Ohio R.C. 2981.12.
- (f)
- (1) Whoever violates subsection (c)(1) hereof is guilty of illegal use or possession of drug paraphernalia, a misdemeanor of the fourth degree.
 - (2) Except as provided in subsection (f)(3) hereof, whoever violates subsection (c)(2) hereof is guilty of dealing in drug paraphernalia, a misdemeanor of the second degree.
 - (3) Whoever violates subsection (c)(2) hereof by selling drug paraphernalia to a juvenile is guilty of selling drug paraphernalia to juveniles, a misdemeanor of the first degree.
 - (4) Whoever violates subsection (c)(3) hereof is guilty of illegal advertising of drug paraphernalia, a misdemeanor of the second degree.

(g) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38. (ORC 2925.14)

513.121 MARIHUANA DRUG PARAPHERNALIA.

(a) As used in this section, "drug paraphernalia" has the same meaning as in Section 513.12.

(b) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, all factors identified in subsection (b) of Section 513.12.

(c) No person shall knowingly use, or possess with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body marihuana.

(d) This section does not apply to any person identified in subsection (d)(1) of Section 513.12 and it shall not be construed to prohibit the possession or use of a hypodermic as authorized by Section 513.10.

(e) Subsection (e) of Section 513.12 applies with respect to any drug paraphernalia that was used or possessed in violation of this section.

(f) Whoever violates subsection (c) of this section is guilty of illegal use or possession of marihuana drug paraphernalia, a minor misdemeanor.

(g) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38. (ORC 2925.141)

513.13 COUNTERFEIT CONTROLLED SUBSTANCES.

(a) No person shall knowingly possess any counterfeit controlled substance.

(b) Whoever violates this section is guilty of possession of counterfeit controlled substances, a misdemeanor of the first degree. (ORC 2925.37)

(c) The court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. (ORC 2925.37)

513.14 OFFENDER MAY BE REQUIRED TO PAY FOR CONTROLLED SUBSTANCE TESTS.

In addition to the financial sanctions authorized or required under Ohio R.C. 2929.18 and 2929.28 and to any costs otherwise authorized or required under any provision of law, the court imposing sentence upon an offender who is convicted of or pleads guilty to a drug abuse offense may order the offender to pay to the state, municipal, or county law enforcement agencies that handled the investigation and prosecution all of the costs that the state, municipal corporation, or county reasonably incurred in having tests performed under Ohio R.C. 2925.51, or in any other manner on any substance that was the basis of, or involved in, the offense to determine whether the substance contained any amount of a controlled substance if the results of the tests indicate that the substance tested contained any controlled substance. No court shall order an offender under this section to pay the costs of tests performed on a substance if the results of the tests do not indicate that the substance tested contained any controlled substance.

The court shall hold a hearing to determine the amount of costs to be imposed under this section. The court may hold the hearing as part of the sentencing hearing for the offender. (ORC 2925.511)

513.15 SALE OF DEXTROMETHORPHAN.

(a) As used in this section:

- (1) "Dextromethorphan" means the dextrorotatory isomer of 3-methoxy-N-methylmorphinan, including its salts, but not including its racemic or levorotatory forms.
- (2) "Evidence of majority and identity" means a document issued by the federal government or a state, county, or municipal government, or a subdivision or agency of any of the foregoing, including a driver's or commercial driver's license, an identification card issued under Ohio R.C. 4507.50 to 4507.52, a military identification card, or any other form of identification that bears the name, date of birth, description and picture of the person identified.
- (3) "Retailer" means a place of business that offers consumer products for sale to the general public, including a terminal distributor of dangerous drugs that is licensed under Ohio R.C. Chapter 4729 and operated as a pharmacy.

(b) No retailer or employee of a retailer shall knowingly supply, deliver, give or otherwise provide a drug, material, compound, mixture, preparation or substance containing any quantity of dextromethorphan through the sale of any product to a person under eighteen years of age, unless the person has been issued a prescription for the product being purchased.

(c) For purposes of subsection (b) of this section, the person making the sale of a product containing dextromethorphan shall require and obtain evidence of majority and identity from the purchaser, unless from the purchaser's outward appearance the person making the sale would reasonably presume the purchaser to be twenty-five years of age or older. Proof that the person making the sale demanded, was shown, and acted in reasonable reliance on the purchaser's evidence of majority and identity is a defense to any charge of a violation of subsection (b) of this section.

(d) A retailer or employee of a retailer is not liable for damages in a civil action for injury, death or loss to person or property that allegedly arises from an act or omission associated with a failure to prevent the sale of a product containing dextromethorphan to a person under eighteen years of age, unless the act or omission constitutes willful or wanton misconduct.

(e) Whoever violates subsection (b) of this section is guilty of illegally selling dextromethorphan, a minor misdemeanor.
(ORC 2925.62)

513.99 PENALTY.

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

CHAPTER 549 Weapons and Explosives

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| <p>549.01 Definitions.</p> <p>549.02 Carrying concealed weapons.</p> <p>549.03 Using weapons while intoxicated.</p> <p>549.04 Improperly handling firearms in a motor vehicle.</p> <p>549.05 Failure to secure dangerous ordnance.</p> <p>549.06 Unlawful transactions in weapons.</p> <p>549.07 Underage purchase of firearm.</p> <p>549.08 Discharging firearms and bows and arrows prohibited.</p> <p>549.09 Hunting prohibited in the Huron River and Huron River Estuary; hunting with shotgun or bow and arrow.</p> | <p>549.10 Permits to discharge firearms.</p> <p>549.11 Carrying certain weapons prohibited.</p> <p>549.12 Slingshot, bow and arrow or air gun.</p> <p>549.13 Possessing replica firearm in school.</p> <p>549.14 Concealed handgun licenses; possession of revoked or suspended license; additional restrictions; posting signs prohibiting possession.</p> <p>549.99 Penalty.</p> |
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CROSS REFERENCES

See sectional histories for similar State law
 License or permit to possess dangerous ordnance - see
 Ohio R.C. 2923.18
 Hunting prohibited - see GEN. OFF. 505.11
 Reporting gunshot and stab wounds - see GEN. OFF. 525.05(b)
 Property destruction by tear gas device, etc. - see GEN. OFF. 541.04

549.01 DEFINITIONS.

As used in this chapter:

- (a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.
- (b) (1) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable.
- (2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.
- (c) "Handgun" means any of the following:
 - (1) Any firearm that has a short stock and is designed to be held and fired by the use of a single hand;

- (2) Any combination of parts from which a firearm of a type described in subsection (c)(1) of this section can be assembled.
- (d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.
- (e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger.
- (f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall. "Sawed-off firearm" does not include any firearm with an overall length of at least twenty-six inches that is approved for sale by the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives under the "Gun Control Act of 1968", 82 Stat. 1213, 18 U.S.C. 921(a)(3), but that is found by the Bureau not to be regulated under the "National Firearms Act", 68A Stat. 725 (1934), 26 U.S.C. 5845(a).
- (g) "Zip-gun" means any of the following:
- (1) Any firearm of crude and extemporized manufacture;
 - (2) Any device, including without limitation a starter's pistol, that is not designed as a firearm, but that is specially adapted for use as a firearm;
 - (3) Any industrial tool, signalling device or safety device, that is not designed as a firearm, but that as designed is capable of use as such, when possessed, carried or used as a firearm.
- (h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.
- (i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.
- (j) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.
- (k) "Dangerous ordnance" means any of the following, except as provided in subsection (l) hereof:
- (1) Any automatic or sawed-off firearm, zip-gun or ballistic knife;
 - (2) Any explosive device or incendiary device;
 - (3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating or demolitions;
 - (4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;
 - (5) Any firearm muffler or suppressor;
 - (6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.

- (l) "Dangerous ordnance" does not include any of the following:
- (1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder;
 - (2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon unless the firearm is an automatic or sawed-off firearm;
 - (3) Any cannon or other artillery piece that, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;
 - (4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subsection (l)(3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;
 - (5) Dangerous ordnance that is inoperable or inert and cannot readily be rendered operable or activated, and that is kept as a trophy, souvenir, curio or museum piece.
 - (6) Any device that is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(4), as amended, and regulations issued under that Act.
 - (7) Any firearm with an overall length of at least twenty-six inches that is approved for sale by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives under the "Gun Control Act of 1968", 82 Stat. 1213, 18 U.S.C. 921(a)(3), but that is found by the Bureau not to be regulated under the "National Firearms Act", 68A Stat. 725 (1934), 26 U.S.C. 5845(a).
- (m) "Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. "Explosive" includes all materials that have been classified as division 1.1, division 1.2, division 1.3, or division 1.4 explosives by the United States Department of Transportation in its regulations and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuses, fuse igniters, squibs, cordeau detonant fuses, instantaneous fuses, and igniter cords and igniters. "Explosive" does not include "fireworks", as defined in Ohio R.C. 3743.01, or any substance or material otherwise meeting the definition of explosive set forth in this section that is manufactured, sold, possessed, transported, stored or used in any activity described in Ohio R.C. 3743.80, provided the activity is conducted in accordance with all applicable laws, rules and regulations, including, but not limited to, the provisions of Ohio R.C. 3743.80, and the rules of the Fire Marshal adopted pursuant to Ohio R.C. 3737.82.
- (n) (1) "Concealed handgun license" or "license to carry a concealed handgun" means, subject to subsection (n)(2) of this section, a license or temporary emergency license to carry a concealed handgun issued under Ohio R.C. 2923.125 or 2923.1213 or a license to carry a concealed handgun issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69.

- (2) A reference in any provision of the Ohio Revised Code to a concealed handgun license issued under Ohio R.C. 2923.125 or a license to carry a concealed handgun issued under Ohio R.C. 2923.125 means only a license of the type that is specified in that section. A reference in any provision of the Ohio Revised Code to a concealed handgun license issued under Ohio R.C. 2923.1213, a license to carry a concealed handgun issued under Ohio R.C. 2923.1213, or a license to carry a concealed handgun on a temporary emergency basis means only a license of the type that is specified in Ohio R.C. 2923.1213. A reference in any provision of the Ohio Revised Code to a concealed handgun license issued by another state or a license to carry a concealed handgun issued by another state means only a license issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69.
- (o) "Valid concealed handgun license" or "valid license to carry a concealed handgun" means a concealed handgun license that is currently valid, that is not under a suspension under division (A)(1) of Ohio R.C. 2923.128, under Ohio R.C. 2923.1213, or under a suspension provision of the state other than this State in which the license was issued, and that has not been revoked under division (B)(1) of Ohio R.C. 2923.128, under Ohio R.C. 2923.1213 or under a revocation provision of the state other than this State in which the license was issued.
- (p) "Misdemeanor punishable by imprisonment for a term exceeding one year" does not include any of the following:
 - (1) Any federal or state offense pertaining to antitrust violations, unfair trade practices, restraints of trade or other similar offenses relating to the regulation of business practices;
 - (2) Any misdemeanor offense punishable by a term of imprisonment of two years or less.
- (q) "Alien registration number" means the number issued by the United States Citizenship and Immigration Services Agency that is located on the alien's permanent resident card and may also be commonly referred to as the "USCIS number" or the "alien number".
- (r) "Active duty" has the same meaning as defined in 10 U.S.C. 101.
(ORC 2923.11)

549.02 CARRYING CONCEALED WEAPONS.

- (a) No person shall knowingly carry or have, concealed on the person's person or concealed ready at hand, any of the following:
 - (1) A deadly weapon other than a handgun;
 - (2) A handgun other than a dangerous ordnance;
 - (3) A dangerous ordnance.
- (b) No person who has been issued a concealed handgun license, shall do any of the following:
 - (1) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, before or at the time a law enforcement officer asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then is carrying a concealed handgun, provided that it is not a violation of this section if the person fails to disclose that fact to an officer during the stop and the person already has notified another officer of that fact during the same stop;

- (2) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;
 - (3) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the person is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.
- (c) (1) This section does not apply to any of the following:
- A. An officer, agent or employee of this or any other state or the United States, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance, or is authorized to carry handguns and is acting within the scope of the officer's, agent's or employee's duties;
 - B. Any person who is employed in this State, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801 unless the appointing authority of the person has expressly specified that the exemption provided in subsection (c)(1)B. hereof does not apply to the person.
 - C. A person's transportation or storage of a firearm, other than a firearm described in divisions (G) to (M) of Ohio R.C. 2923.11 in a motor vehicle for any lawful purpose if the firearm is not on the actor's person;
 - D. A person's storage or possession of a firearm, other than a firearm described in divisions (G) to (M) of Ohio R.C. 2923.11 in the actor's own home for any lawful purpose.
- (2) Subsection (a)(2) of this section does not apply to any person who has been issued a concealed handgun license that is valid at the time of the alleged carrying or possession of a handgun or who, at the time of the alleged carrying or possession of a handgun, is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1), unless the person knowingly is in a place described in Ohio R.C. 2923.126(B).
- (d) It is an affirmative defense to a charge under subsection (a)(1) of this section of carrying or having control of a weapon other than a handgun and other than a dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following applies:
- (1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of a character or was necessarily carried on in a manner or at a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.

- (2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the actor, a member of the actor's family, or the actor's home, such as would justify a prudent person in going armed.
 - (3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home.
- (e) (1) No person who is charged with a violation of this section shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.
- (2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (b)(1) of this section as it existed prior to June 13, 2022, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.
- (f) (1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this subsection or subsections (f)(2), (5) and (6) of this section, carrying concealed weapons in violation of subsection (a) of this section is a misdemeanor of the first degree. Except as otherwise provided in this subsection or subsections (f)(2), (5) and (6) of this section, if the offender previously has been convicted of a violation of this section or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate State law. Except as otherwise provided in subsections (f)(2), (5) and (6) of this section, if the weapon involved is a firearm and the violation of this section is committed at premises for which a D permit has been issued under Chapter 4303, of the Revised Code or if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate State law.
- (2) A person shall not be arrested for a violation of subsection (a)(2) of this section solely because the person does not promptly produce a valid concealed handgun license. If a person is arrested for a violation of subsection (a)(2) of this section and is convicted of or pleads guilty to the violation, the offender shall be punished as follows:
- A. The offender shall be guilty of a minor misdemeanor if both of the following apply:
 - 1. Within ten days after the arrest, the offender presents a concealed handgun license, which license was valid at the time of the arrest to the law enforcement agency that employs the arresting officer.
 - 2. At the time of the arrest, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.
 - B. The offender shall be guilty of a misdemeanor and shall be fined five hundred dollars (\$500.00) if all of the following apply:
 - 1. The offender previously had been issued a concealed handgun license and that license expired within the two years immediately preceding the arrest.

2. Within forty-five days after the arrest, the offender presents any type of concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in Ohio R.C. 2945.71.
 3. At the time of the commission of the offense, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.
- C. If subsections (f)(2)A. and B. and (f)(5) of this section do not apply, the offender shall be punished under subsection (f)(1) or (6) of this section.
- (3) Carrying concealed weapons in violation of subsection (b)(1) of this section is a misdemeanor of the second degree.
 - (4) Carrying concealed weapons in violation of subsection (b)(2) or (b)(3) hereof is a misdemeanor of the first degree. If the offender has previously been convicted or pleaded guilty to a violation of subsection (b)(2) or (b)(3) hereof or a substantially equivalent municipal ordinance, carrying concealed weapons is a felony and shall be prosecuted under appropriate state law. In addition to any other penalty or sanction imposed for a violation of subsection (b)(2) or (b)(3) hereof, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).
 - (5) If a person being arrested for a violation of subsection (a)(2) of this section is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, and if at the time of the violation the person was not knowingly in a place described in division (B) of Ohio R.C. 2923.126, the officer shall not arrest the person for a violation of that division. If the person is not able to promptly produce a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125 and if the person is not in a place described in division (B) of Ohio R.C. 2923.126, the officer shall issue a citation and the offender shall be assessed a civil penalty of not more than five hundred dollars (\$500.00). The citation shall be automatically dismissed and the civil penalty shall not be assessed if both of the following apply:

- A. Within ten days after the issuance of the citation, the offender presents a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, which were both valid at the time of the issuance of the citation to the law enforcement agency that employs the citing officer.
 - B. At the time of the citation, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.
- (6) If a person being arrested for a violation of subsection (a)(2) of this section is knowingly in a place described in division (B)(5) of Ohio R.C. 2923.126, and is not authorized to carry a handgun or have a handgun concealed on the person's person or concealed ready at hand under that division, the penalty shall be as follows:
- A. Except as otherwise provided in this subsection, if the person produces a valid concealed handgun license within ten days after the arrest and has not previously been convicted or pleaded guilty to a violation of subsection (a)(2) of this section, the person is guilty of a minor misdemeanor;
 - B. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to a violation of subsection (a)(2) of this section, the person is guilty of a misdemeanor of the fourth degree;
 - C. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to two violations of subsection (a)(2) of this section, the person is guilty of a misdemeanor of the third degree;
 - D. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to three or more violations of subsection (a)(2) of this section, or convicted of or pleaded guilty to any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is a dangerous ordnance, the person is guilty of a misdemeanor of the second degree.

(g) If a law enforcement officer stops a person to question the person regarding a possible violation of this section, for a traffic stop, or for any other law enforcement purpose, if the person surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this subsection, division (B) of Ohio R.C. 2923.163 applies.

(h) For purposes of this section, "deadly weapon" or "weapon" does not include any knife, razor, or cutting instrument if the instrument was not used as a weapon.
(ORC 2923.12)

549.03 USING WEAPONS WHILE INTOXICATED.

(a) No person, while under the influence of alcohol or any drug of abuse, shall carry or use any firearm or dangerous ordnance.

(b) Whoever violates this section is guilty of using weapons while intoxicated, a misdemeanor of the first degree. (ORC 2923.15)

549.04 IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE.

(a) No person shall knowingly transport or have a firearm in a motor vehicle, unless the person may lawfully possess that firearm under applicable law of this state or the United States, the firearm is unloaded, and the firearm is carried in one of the following ways:

- (1) In a closed package, box or case;
- (2) In a compartment which can be reached only by leaving the vehicle;
- (3) In plain sight and secured in a rack or holder made for the purpose;
- (4) If the firearm is at least twenty-four inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least eighteen inches in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

(b) No person who has been issued a concealed handgun license, or who is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in Ohio R.C. 5503.34, and who is transporting or has a loaded handgun in the motor vehicle or commercial motor vehicle in any manner, shall do any of the following:

- (1) Before or at the time a law enforcement officer asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then possesses or has a loaded handgun in the motor vehicle, provided that it is not a violation of this division if the person fails to disclose that fact to an officer during the stop and the person already has notified another officer of that fact during the same stop;
- (2) Before or at the time an employee of the motor carrier enforcement unit asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then possesses or has a loaded handgun in the commercial motor vehicle, provided that it is not a violation of this division if the person fails to disclose that fact to an employee of the unit during the stop and the person already has notified another employee of the unit of that fact during the same stop;
- (3) Knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer.
- (4) Knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

- (c) (1) This section does not apply to any of the following:
- A. An officer, agent or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's or employee's duties;
 - B. Any person who is employed in this State, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in subsection (c)(1)B. does not apply to the person.
- (2) Subsection (a) of this section does not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, both of the following apply:
- A. The person transporting or possessing the handgun has been issued a concealed handgun license that is valid at the time in question or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1).
 - B. The person transporting or possessing the handgun is not knowingly in a place described in division (B) of Ohio R.C. 2923.126.
- (3) Subsection (a) of this section does not apply to a person if all of the following apply:
- A. The person possesses a valid all-purpose vehicle permit issued under Ohio R.C. 1533.103 by the Chief of the Division of Wildlife.
 - B. The person is on or in an all-purpose vehicle as defined in Ohio R.C. 1531.01 on private or publicly owned lands or on or in a motor vehicle during the open hunting season for a wild quadruped or game bird.
 - C. The person is on or in an all-purpose vehicle as defined in Ohio R.C. 1531.01 or a motor vehicle that is parked on a road that is owned or administered by the Division of Wildlife.
- (d) (1) The affirmative defenses authorized in Section 549.02(d)(1) and (2) are affirmative defenses to a charge under subsection (a) that involves a firearm other than a handgun.
- (2) It is an affirmative defense to a charge under subsection (a) of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that the affirmative defense is not available unless the person, immediately prior to arriving at the actor's own property, did not transport or possess the firearm in a motor vehicle in a manner prohibited by subsection (a) while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.
- (e) (1) No person who is charged with a violation of subsection (a) shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

- (2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (b) of this section as it existed prior to September 30, 2011, and the conduct that was the basis of the violation no longer would be a violation of subsection (b) of this section on or after September 30, 2011, or if a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (a) of this section as the subsection existed prior to June 13, 2022, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.

(f) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of subsection (a) of this section is a misdemeanor of the fourth degree. A violation of subsection (b)(1) or (b)(2) of this section is a misdemeanor of the second degree. A violation of subsection (b)(3) or (4) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of subsection (b)(3) or (4) of this section, a felony and shall be prosecuted under appropriate State law. In addition to any other penalty or sanction imposed for a misdemeanor violation of subsection (b)(3) or (4) of this section, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).

(g) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this subsection, division (B) of Ohio R.C. 2923.163 applies.

(h) As used in this section:

- (1) "Commercial motor vehicle" has the same meaning as in Ohio R.C. 4506.25(A).
- (2) "Motor carrier enforcement unit" means the motor carrier enforcement unit in the Department of Public Safety, Division of State Highway Patrol, that is created by Ohio R.C. 5503.34.
- (3) "Motor vehicle", "street" and "highway" have the same meanings as in Ohio R.C. 4511.01.
- (4) A. "Unloaded" means:
 1. With respect to a firearm other than a firearm described in subsection (h)(4)B. of this section, that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm in question and one of the following applies:
 - a. There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.

- b. Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure.
 - 2. For the purposes of subsection (h)(4)A.1.b. of this section, a “container that provides complete and separate enclosure” includes, but is not limited to, any of the following:
 - a. A package, box or case with multiple compartments, as long as the loaded magazine or speed loader and the firearm in question either are in separate compartments within the package, box, or case, or, if they are in the same compartment, the magazine or speed loader is contained within a separate enclosure in that compartment that does not contain the firearm and that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents or the firearm is contained within a separate enclosure of that nature in that compartment that does not contain the magazine or speed loader;
 - b. A pocket or other enclosure on the person of the person in question that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents.
 - 3. For the purposes of subsection (h)(4)A. of this section, ammunition held in stripper-clips or in en-bloc clips is not considered ammunition that is loaded into a magazine or speed loader.
- B. “Unloaded” means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan.

(i) Subsection (h)(4) of this section does not affect the authority of a person who has been issued a concealed handgun license that is valid at the time in question to have one or more magazines or speed loaders containing ammunition anywhere in a vehicle, without being transported as described in those divisions, so long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any other provision of this chapter. A person who has been issued a concealed handgun license that is valid at the time in question may have one or more magazines or speed loaders containing ammunition anywhere in a vehicle without further restriction, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any provision of this chapter.
(ORC 2923.16)

549.05 FAILURE TO SECURE DANGEROUS ORDNANCE.

- (a) No person, in acquiring, possessing, carrying or using any dangerous ordnance shall negligently fail to take proper precautions:
 - (1) To secure the dangerous ordnance against theft, or against its acquisition or use by any unauthorized or incompetent person;

- (2) To insure the safety of persons and property.

(b) Whoever violates this section is guilty of failure to secure dangerous ordnance, a misdemeanor of the second degree. (ORC 2923.19)

549.06 UNLAWFUL TRANSACTIONS IN WEAPONS.

- (a) No person shall do any of the following:

- (1) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing the transferee to be authorized to acquire dangerous ordnance pursuant to Ohio R.C. 2923.17, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;
- (2) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in the person's possession or under the person's control.

(b) Whoever violates this section is guilty of unlawful transactions in weapons. A violation of subsection (a)(1) hereof is a misdemeanor of the second degree. A violation of subsection (a)(2) hereof is a misdemeanor of the fourth degree. (ORC 2923.20)

549.07 UNDERAGE PURCHASE OF FIREARM.

(a) No person under eighteen years of age shall purchase or attempt to purchase a firearm.

(b) No person under twenty-one years of age shall purchase or attempt to purchase a handgun, provided that this subsection does not apply to the purchase or attempted purchase of a handgun by a person eighteen years of age or older and under twenty-one years of age if either of the following apply:

- (1) The person is a law enforcement officer who is properly appointed or employed as a law enforcement officer and has received firearms training approved by the Ohio Peace Officer Training Council or equivalent firearms training.
- (2) The person is an active or reserve member of the armed services of the United States or the Ohio national guard, or was honorably discharged from military service in the active or reserve armed services of the United States or the Ohio national guard, and the person has received firearms training from the armed services or the national guard or equivalent firearms training.

(c) Whoever violates subsection (a) hereof is guilty of underage purchase of a firearm, a delinquent act that would be a felony of the fourth degree if it could be committed by an adult. Whoever violates subsection (b) hereof is guilty of underage purchase of a handgun, a misdemeanor of the second degree. (ORC 2923.211)

549.08 DISCHARGING FIREARMS AND BOWS AND ARROWS PROHIBITED.

(a) No person shall discharge any rifle, revolver, pistol, shotgun, compressed gas pistol, compressed gas rifle, air pistol, air rifle, bow, arrow, cross-bow or other device designed to shoot, cast, or sling any arrow or similar missile within the corporate limits of the City, except as provided in Sections 549.09 and 549.10. This section does not extend to cases in which such weapons are used in self-defense, in the discharge of official duty or in cases of justifiable homicide. (Ord. 2003-17. Passed 6-23-03.)

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

549.09 HUNTING PROHIBITED IN THE HURON RIVER AND HURON RIVER ESTUARY; HUNTING WITH SHOTGUN OR BOW AND ARROW.

(a) No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms, compressed gas pistol, compressed gas rifle, air pistol, air rifle, bow, arrow, cross-bow or any other means within the Huron River and the Huron River Estuary from the mouth of the Huron River on the north to the corporate limits of the City on the south.

(b) Except as provided in subsection (a) hereof, shotguns discharging multiple pellets or shot or bow and arrow, cross-bow or other device designed to shoot, cast or sling any arrow or similar missile, may be used for the hunting of small game, waterfowl and varmints during the seasons prescribed by the State and Federal law, subject to the restrictions set forth in subsection (d) hereof. (Ord. 2004-23. Passed 10-13-04.)

(c) No person shall discharge a shotgun, bow and arrow, cross-bow or other device designed to shoot, cast or sling any arrow or similar missile while hunting, as permitted in subsection (b) hereof, within 1,000 feet of any dwelling or other building, any public street, right of way, sidewalk, alley, nor from or over any public property, including, but not limited to, the US Army Corps of Engineers Containment Dike Facility (commonly known as the "Spoils Site") and the east pier at the mouth of the Huron River. (Ord. 2022-57. Passed 10-25-22.)

(d) No person shall hunt or trap upon any lands, pond, lake or private waters of another, except water claimed by riparian right of ownership in adjacent lands, or shoot, shoot at, catch, kill, injure or pursue a wild bird, wild waterfowl or wild animal thereon without obtaining written permission from the owner or his authorized agent.

(e) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 2004-23. Passed 10-13-04.)

549.10 PERMITS TO DISCHARGE FIREARMS.

(a) Upon written permission secured from the Chief of Police, firearms may be discharged to destroy varmints, blackbirds or other crop destroying pests by owners or lessees of property within the corporate limits of the City.

(b) Upon written permission secured from the Chief of Police a responsible individual, and civic, sporting and conservation clubs, may establish shooting ranges within the corporate limits for trap shooting, skeet shooting and rifle and pistol target shooting. Any permit so issued shall be subject to revocation in the event the conditions set forth upon the granting of the permit are not complied with. (Ord. 1962-36. Passed 11-26-62.)

549.11 CARRYING CERTAIN WEAPONS PROHIBITED.

(a) No person shall carry on or about his person any weapon known or designated as brass knuckles, billy, slingshot, sandbag, blackjack or other weapon of similar character or any knife fitted with a mechanical device for automatic release of the blade, opening the knife and locking the knife in the open position, commonly known as a switch or automatic spring knife.

(b) This section does not apply to any such weapons designated for use by officers of the law.

(c) Whoever violates this section is guilty of a misdemeanor of the second degree. (Ord. 1962-20. Passed 7-23-62.)

549.12 SLINGSHOT, BOW AND ARROW OR AIR GUN.

(a) No person shall maliciously or recklessly, by hand or by means of a slingshot, bow, air gun or other similar device throw, shoot, cast or sling any stone, arrow, pellet or other similar missile.

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

549.13 POSSESSING REPLICA FIREARM IN SCHOOL.

(a) No person shall knowingly possess an object in a school safety zone if both of the following apply:

- (1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired.
- (2) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.

(b) (1) This section does not apply to any of the following:

- A. An officer, agent, or employee of this or any other state or the United States who is authorized to carry deadly weapons or dangerous ordnance and is acting within the scope of the officer's, agent's, or employee's duties;
- B. A law enforcement officer who is authorized to carry deadly weapons or dangerous ordnance;
- C. A security officer employed by a board of education or governing body of a school during the time that the security officer is on duty pursuant to that contract of employment;
- D. 1. Any person not described in subsections (b)(1)A. to (b)(1)C. of this section who has written authorization from the board of education or governing body of a school to convey deadly weapons or dangerous ordnance into a school safety zone or to possess a deadly weapon or dangerous ordnance in a school safety zone and who conveys or possesses the deadly weapon or dangerous ordnance in accordance with that authorization, provided both of the following apply:
 - a. Either the person has successfully completed the curriculum, instruction, and training established under Ohio R.C. 5502.703, or the person has received a certificate of having satisfactorily completed an approved basic peace officer training program or is a law enforcement officer;

- b. The board or governing body has notified the public, by whatever means the affected school regularly communicates with the public, that the board or governing body has authorized one or more persons to go armed within a school operated by the board or governing authority;
 - 2. A district board or school governing body that authorizes a person under subsection (b)(1)D. of this section shall require that person to submit to an annual criminal records check conducted in the same manner as Ohio R.C. 3319.39 or Ohio R.C. 3319.391.
 - E. Any person who is employed in this state, who is authorized to carry deadly weapons or dangerous ordnance, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in subsection (b)(1)E. of this section does not apply to the person.
- (2) This section does not apply to premises upon which home schooling is conducted. This section also does not apply to a school administrator, teacher or employee who possesses an object that is indistinguishable from a firearm for legitimate school purposes during the course of employment, a student who uses an object that is indistinguishable from a firearm under the direction of a school administrator, teacher or employee, or any other person who, with the express prior approval of a school administrator, possesses an object that is indistinguishable from a firearm for a legitimate purpose, including the use of the object in a ceremonial activity, a play, re-enactment or other dramatic presentation, school safety training, or a ROTC activity or another similar use of the object.
- (3) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if, at the time of that conveyance, attempted conveyance, or possession of the handgun, all of the following apply:
- A. The person does not enter into a school building or onto school premises and is not at a school activity.
 - B. The person has been issued a concealed handgun license that is valid at the time of the conveyance, attempted conveyance, or possession or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1).
 - C. The person is in the school safety zone in accordance with 18 U.S.C. § 922(q)(2)(B).
 - D. The person is not knowingly in a place described in Ohio R.C. 2923.126(B)(1) or (B)(3) to (8).
- (4) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if at the time of that conveyance, attempted conveyance, or possession of the handgun all of the following apply:

- A. The person has been issued a concealed handgun license that is valid at the time of the conveyance, attempted conveyance or possession or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1).
- B. The person leaves the handgun in a motor vehicle.
- C. The handgun does not leave the motor vehicle.
- D. If the person exits the motor vehicle, the person locks the motor vehicle.

(c) Whoever violates this section is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Except as otherwise provided in this division, illegal possession of an object indistinguishable from a firearm in a school safety zone is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal possession of an object indistinguishable from a firearm in a school safety zone is a felony to be prosecuted under appropriate state law.

- (d) (1) In addition to any other penalty imposed upon a person who is convicted of or pleads guilty to a violation of this section, and subject to subsection (d)(2) of this section, if the offender has not attained nineteen years of age, regardless of whether the offender is attending or is enrolled in a school operated by a board of education or for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, of the suspension. If the offender is not a resident of this State, the court shall impose a class four suspension of the nonresident operating privilege of the offender from the range specified in Ohio R.C. 4510.02(A)(4).
- (2) If the offender shows good cause why the court should not suspend one of the types of licenses, permits or privileges specified in subsection (d)(1) of this section or deny the issuance of one of the temporary instruction permits specified in subsection (d)(1) of this section, the court in its discretion may choose not to impose the suspension, revocation or denial required in subsection (d)(1) of this section, but the court, in its discretion, instead may require the offender to perform community service for a number of hours determined by the court.

(e) As used in this section, "object that is indistinguishable from a firearm" means an object made, constructed or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm.
(ORC 2923.122(C) - (G))

549.14 CONCEALED HANDGUN LICENSES; POSSESSION OF REVOKED OR SUSPENDED LICENSE; ADDITIONAL RESTRICTIONS; POSTING SIGNS PROHIBITING POSSESSION.

(a) Possession of a Revoked or Suspended Concealed Handgun License.

- (1) No person, except in the performance of official duties, shall possess a concealed handgun license that was issued and that has been revoked or suspended.
- (2) Whoever violates this subsection (a) is guilty of possessing a revoked or suspended concealed handgun license, a misdemeanor of the third degree.
(ORC 2923.1211(B), (C))

(b) Additional Restrictions. Pursuant to Ohio R.C. 2923.126:

- (1) A concealed handgun license that is issued under Ohio R.C. 2923.125 shall expire five years after the date of issuance. A licensee who has been issued a license under that section shall be granted a grace period of thirty days after the licensee's license expires during which the licensee's license remains valid. Except as provided in subsection (b)(2) and (b)(3) of this section, a licensee who has been issued a concealed handgun license under Ohio R.C. 2923.125 or 2923.1213 may carry a concealed handgun anywhere in this state if the license is valid when the licensee is in actual possession of a concealed handgun. The licensee shall give notice of any change in the licensee's residence address to the sheriff who issued the license within forty-five days after that change.
- (2) A valid concealed handgun license does not authorize the licensee to carry a concealed handgun in any manner prohibited under Ohio R.C. 2923.12(B) or in any manner prohibited under Ohio R.C. 2923.16. A valid license does not authorize the licensee to carry a concealed handgun into any of the following places:
 - A. A police station, sheriff's office, or state highway patrol station, premises controlled by the bureau of criminal identification and investigation; a state correctional institution, jail, workhouse, or other detention facility; any area of an airport passenger terminal that is beyond a passenger or property screening checkpoint or to which access is restricted through security measures by the airport authority or a public agency; or an institution that is maintained, operated, managed, and governed pursuant to Ohio R.C. 5119.14(A) or Ohio R.C. 5123.03(A)(1);
 - B. A school safety zone if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.122;
 - C. A courthouse or another building or structure in which a courtroom is located if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.123;
 - D. Any premises or open air arena for which a D permit has been issued under Ohio R.C. Chapter 4303 if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.121;
 - E. Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle or unless the licensee is carrying the concealed handgun pursuant to a written policy, rule, or other authorization that is adopted by the institution's board of trustees or other governing body and that authorizes specific individuals or classes of individuals to carry a concealed handgun on the premises;
 - F. Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise;
 - G. Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to subsection (b)(2)C. of this section, unless the governing body with authority over the building has enacted a statute, ordinance, or policy that permits a licensee to carry a concealed handgun into the building;

- H. A place in which federal law prohibits the carrying of handguns.
- (3) A. Nothing in this subsection (b) shall negate or restrict a rule, policy, or practice of a private employer that is not a private college, university, or other institution of higher education concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer. Nothing in this subsection (b) shall require a private employer of that nature to adopt a rule, policy, or practice concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer.
- B.
 - 1. A private employer shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises or property of the private employer, including motor vehicles owned by the private employer, unless the private employer acted with malicious purpose. A private employer is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the private employer's decision to permit a licensee to bring, or prohibit a licensee from bringing, a handgun onto the premises or property of the private employer.
 - 2. A political subdivision shall be immune from liability in a civil action, to the extent and in the manner provided in Ohio R.C. Chapter 2744, for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto any premises or property owned, leased, or otherwise under the control of the political subdivision. As used in this division, "political subdivision" has the same meaning as in Ohio R.C. 2744.01.
 - 3. An institution of higher education shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the institution, including motor vehicles owned by the institution, unless the institution acted with malicious purpose. An institution of higher education is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the institution's decision to permit a licensee or class of licensees to bring a handgun onto the premises of the institution.
- C.
 - 1.
 - a. Except as provided in subsection (b)(3)C.2. of this section and Ohio R.C. 2923.1214, the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the state, the United States, or a political subdivision of the state or the United States, may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land

- or those premises. Except as otherwise provided in this division, a person who knowingly violates a posted prohibition of that nature is guilty of criminal trespass in violation of Ohio R.C. 2911.21(A)(4) and is guilty of a misdemeanor of the fourth degree. If a person knowingly violates a posted prohibition of that nature and the posted land or premises primarily was a parking lot or other parking facility, the person is not guilty of criminal trespass under Ohio R.C. 2911.21 or under any other criminal law of this State or criminal law, ordinance, or resolution of a political subdivision of this State, and instead is subject only to a civil cause of action for trespass based on the violation.
- b. If a person knowingly violates a posted prohibition of the nature described in this division and the posted land or premises is a child day-care center, type A family day-care home, or type B family day-care home, unless the person is a licensee who resides in a type A family day-care home or type B family day-care home, the person is guilty of aggravated trespass in violation of Ohio R.C. 2911.211. Except as otherwise provided in this division, the offender is guilty of a misdemeanor of the first degree. If the person previously has been convicted of a violation of this division or any substantially equivalent state law or municipal ordinance, or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, the offender is guilty of a felony to be prosecuted under appropriate state law.
- 2. A landlord may not prohibit or restrict a tenant who is a licensee and who on or after September 9, 2008 enters into a rental agreement with the landlord for the use of residential premises, and the tenant's guest while the tenant is present, from lawfully carrying or possessing a handgun on those residential premises.
 - 3. As used in subsection (b)(3)C. of this section:
 - a. "Residential premises" has the same meaning as in Ohio R.C. 5321.01, except "residential premises" does not include a dwelling unit that is owned or operated by a college or university.
 - b. "Landlord", "tenant", and "rental agreement" have the same meanings as in Ohio R.C. 5321.01.
- (4) A person who holds a valid concealed handgun license issued by another state that is recognized by the Attorney General pursuant to a reciprocity agreement entered into pursuant to Ohio R.C. 109.69 or a person who holds a valid concealed handgun license under the circumstances described in Ohio R.C. 109.69(B) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license under that section that is valid at the time in question.

- (5)
 - A. A peace officer has the same right to carry a concealed handgun in this State as a person who was issued a concealed handgun license under Ohio R.C. 2923.125, provided that the officer when carrying a concealed handgun under authority of this section is carrying validating identification. For purposes of reciprocity with other States, a peace officer shall be considered to be a licensee in this State.
 - B. An active duty member of the armed forces of the United States who is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions as specified in this subsection (b).
 - C. A tactical medical professional who is qualified to carry firearms while on duty under Ohio R.C. 109.771 has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125.
- (6)
 - A. A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to subsection (b)(6)B. of this section and a valid firearms requalification certification issued pursuant to subsection (b)(6)C. of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license issued under that section that is valid at the time in question. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to subsection (b)(6)B. of this section and a valid firearms requalification certification issued pursuant to subsection (b)(6)C. of this section shall be considered to be a licensee in this state.
 - B.
 - 1. Each public agency of this State or of a political subdivision of this State that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the person's service with that agency, satisfies all of the following:
 - a. The person retired in good standing from service as a peace officer with the public agency, and the retirement was not for reasons of mental instability.
 - b. Before retiring from service as a peace officer with that agency, the person was authorized to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and the person had statutory powers of arrest.
 - c. At the time of the person's retirement as a peace officer with that agency, the person was trained and qualified to carry firearms in the performance of the peace officer's duties.

- d. Before retiring from service as a peace officer with that agency, the person was regularly employed as a peace officer for an aggregate of 15 years or more, or, in the alternative, the person retired from service as a peace officer with that agency, after completing any applicable probationary period of that service, due to a service-connected disability, as determined by the agency.
 - 2. A retired peace officer identification card issued to a person under subsection (b)(6)B.1. of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this State from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section. In addition to the required content specified in this subsection, a retired peace officer identification card issued to a person under subsection (b)(6)B.1. of this section may include the firearms requalification certification described in subsection (b)(6)C. of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with subsection (b)(6)B.1. of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in subsection (b)(6)B.1.a. to (b)(6)B.1.d. of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED".
 - 3. A public agency of this state or of a political subdivision of this State may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to subsection (b)(6)B.1. of this section.
- C. 1. If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801. The retired peace officer may be required to pay the cost of the course.

2. If a retired peace officer who satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of subsection (b)(6) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section satisfactorily completes such a firearms requalification program, the retired peace officer shall be issued a firearms requalification certification that identifies the retired peace officer by name, identifies the entity that taught the program, specifies that the retired peace officer successfully completed the program, specifies the date on which the course was successfully completed, and specifies that the requalification is valid for five years year from that date of successful completion. The firearms requalification certification for a retired peace officer may be included in the retired peace officer identification card issued to the retired peace officer under subsection (b)(6)B. of this section.
 3. A retired peace officer who attends a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801 may be required to pay the cost of the program.
- (7) As used in subsection (b)(6) of this section:
- A. "Governing body." Has the same meaning as in Ohio R.C. 154.01.
 - B. "Government facility of this State or a political subdivision of this State" means any of the following:
 1. A building or part of a building that is owned or leased by the government of this State or a political subdivision of this State and where employees of the government of this State or the political subdivision regularly are present for the purpose of performing their official duties as employees of the State or political subdivision;
 2. The office of a deputy registrar serving pursuant to Ohio R.C. Chapter 4503 that is used to perform deputy registrar functions.
 - C. "Qualified retired peace officer" means a person who satisfies all of the following:
 1. The person satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section.
 2. The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
 3. The person is not prohibited by Federal law from receiving firearms.

- D. "Retired peace officer identification card" means an identification card that is issued pursuant to subsection (b)(6)B. of this section to a person who is a retired peace officer.
- E. "Tactical medical professional." Has the same meaning as in Ohio R.C. 109.71.
- F. "Validating identification." Means photographic identification issued by the agency for which an individual serves as a peace officer that identifies the individual as a peace officer of the agency.
(ORC 2923.126)

(c) Posting of Signs Prohibiting Possession. Each person, board, or entity that owns or controls any place or premises identified in Ohio R.C. 2923.126(B) as a place into which a valid license does not authorize the licensee to carry a concealed handgun, or a designee of such a person, board, or entity, shall post in the following one or more conspicuous locations in the premises a sign that contains a statement in substantially the following form: "Unless otherwise authorized by law, pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance onto these premises."
(ORC 2923.1212)

549.99 PENALTY.

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

CODIFIED ORDINANCES OF HURON
PART SEVEN - BUSINESS REGULATION CODE

Chap. 711. Peddlers.

Chap. 713. Community Antenna Television Systems.

Chap. 715. Air Pollution Control. (Repealed)

Chap. 721. Taxicabs.

Chap. 731. Temporary Stores.

Chap. 741. Home Sales.

Chap. 751. Medical Marijuana Dispensary.

Chap. 753. Video Service Provider Fee.

CHAPTER 753
Video Service Provider Fee

753.01 Video Service Provider Fee.

753.01 VIDEO SERVICE PROVIDER FEE.

(a) Council of the City of Huron hereby establishes a VSP Fee that is calculated by applying a VSP Fee Percentage of five percent (5%) to the video service provider's gross revenues as defined in Section 1332.32(B) of the Video Law. For purposes of calculating the VSP Fee, the provider's gross revenues shall include advertising revenues in accordance with Section 1332.32(B)(2)(g) of the Video Law. The VSP Fee Percentage and Video Law gross revenues definition, as modified in this section, shall apply equally to all video service providers and cable television operators providing video service in the City.

(b) The VSP Fee shall be paid by each video service provider providing service in the City on a quarterly basis but not sooner than forty-five (45) days nor later than sixty (60) days after the end of the each calendar quarter. (ORC 1332.32(A))

(c) The City Manager is authorized and directed to provide any video service provider with notice of the VSP Fee Percentage and gross revenues definition as determined by this Council above, which notice shall be given by certified mail, upon receipt of notice from such video service provider that it will begin providing video service in the City pursuant to a state-issued video service authorization. (Ord. 2022-58. Passed 11-22-22.)

CHAPTER 915 Water Regulations and Rates

915.01	Applications for service.	915.15	Meter testing; deposit and refund.
915.02	Connections outside City limits.	915.16	Billing; minimum statement.
915.03	Water tap-in charge.	915.17	Bill payment; delinquency and penalty.
915.04	Service connections.	915.18	Order of bill payment.
915.05	Installation of service pipe.	915.19	Water rates.
915.06	Meter and shut off control; charges and discontinuance.	915.20	Water for sprinkler systems. (Repealed)
915.07	Additions and alterations.	915.21	Multiple users of meters.
915.08	Repairing service connections.	915.22	Tank water sales. (Repealed)
915.09	Notice of discontinuance.	915.23	Delinquent bills to be a lien.
915.10	Access to property.	915.24	Water charge adjustment.
915.11	Meter readings and estimate.	915.99	Penalty.
915.12	Moving meters.		
915.13	Tampering with meter.		
915.14	Meters damaged or stolen.		

CROSS REFERENCES

Power to regulate water system - see Ohio R.C. 715.08, 717.01, 743.01
 Compulsory water connections - see Ohio R.C. 729.06, 743.23
 Weekly deposit of water works money - see Ohio R.C. 743.06
 Water pollution - see Ohio R.C. 743.25
 Division of Utilities - see ADM. Ch. 151
 Backflow prevention - see S.U. & P.S. Ch. 917
 Water system in subdivisions - see P. & Z. 1117.07
 Water mains in subdivisions - see P. & Z. 1119.07
 Water line connections - see BLDG. 1359.05

915.01 APPLICATIONS FOR SERVICE.

Applications for water service shall be made at the office of the Division of Utilities.
 (Ord. 1983-32. Passed 12-5-83.)

915.02 CONNECTIONS OUTSIDE CITY LIMITS.

All service connections and plumbing outside the City limits shall be subject to the same rules as are provided herein for service within the City limits.
 (Ord. 1983-32. Passed 12-5-83.)

915.03 WATER TAP-IN CHARGE.

Water taps (service connections) within the City, including excavations, shall be made only by City personnel after payment of the appropriate charges determined in accordance with this section.

- (a) Property owners, or their authorized agents, desiring service connections laid from the main to the curb, shall make application for such service at the office of the Division of Utilities. Before any new water connection is made to the City water system, there shall be paid into the Water Fund for each residential unit to be served by each connection a sum of three hundred fifty dollars (\$350.00), and for uses other than residential, a tap-in fee based on the size of water service required, as approved by the City Manager, shall be paid in advance in accordance with the following schedule:

<u>TAP SIZE</u>	<u>METER SIZE</u>	<u>TAP CHARGE/FEE</u>
3/4"	5/8" X 3/4"	\$350.00
3/4"	3/4" X 3/4"	500.00
3/4" (Qty 2)	5/8" X 3/4" (Sprinkler)(Qty 2)	700.00
1"	1"	750
1"	1"	- - - plus - - -
3/4"	5/8" X 3/4" (Sprinkler)	750.00
1 1/2"	1 1/2"	1,200.00
2"	2"	1,600.00
3"		3,600.00
4"		6,000.00
6"		9,000.00
8"		12,000.00

- (b) In addition to the charges set forth in subsection (a) hereof, the following additional charges will apply and be payable in advance:
- Materials Charges (at current material pricing).
 - Labor Fee of four hundred fifty dollars (\$450.00) and Equipment/Service Fee of one hundred dollars (\$100.00) for each tap, regardless of size.
- (c) Additional Charges: There is an additional charge of \$200.00 if push required on any tap. (Ord. 2011-6. Passed 2-22-11.)

915.18 ORDER OF BILL PAYMENT.

Accounts for water service shall be paid in the order in which they are contracted.

The Division of Utilities may refuse to accept payment of an account except when each account is paid in the order incurred, to wit: payment of a current account shall not be accepted until all prior accounts for the same premises have been paid.

In the event the City renders a combined bill for water service and refuse collection, the payments received by the City from each consumer shall be applied first to the charge for refuse collection and the balance to the charge for water service. (Ord. 1983-32. Passed 12-5-83.)

915.19 WATER RATES.

Effective January 1, 2023 the following water rates shall be in effect:

- (a) For water bills rendered on and after January 1st, 2023, the sum of the minimum water availability charge by meter size (this charge does not include any water usage) and the water usage rates (consumption) per 100 cubic feet (ccf), regardless of meter size, referenced in Appendix A will be invoiced every three (3) months.
- (b) Non-resident water shall be supplied to customers residing outside the City Limits at the Non-Residents rate set forth in Appendix A, except in those areas covered by separate contracts.
- (c) Door Tag Fee. A water bill becomes past due if not paid by the invoice due date. Twenty-one (21) days after this date, a notification (door tag) will be issued at the property notifying the occupant of intent to disconnect service if payment is not made. When a door tag is issued, the water account will be assessed a fee of twenty-five dollars (\$25.00) to recover costs incurred by the City.
- (d) Non-Sufficient Funds Fee. In the event a payment to the City is returned for any reason, a fee will be assessed to the water account in the amount of fifty dollars (\$50.00) to recover costs incurred by the City.

APPENDIX A

Effective January 1, 2023 the following water rates shall be in affect.

Meter Size (Inches)	Availability Charge	
	Residents	Non-Residents
5/8 x 3/4	\$52.11	\$57.32
3/4	\$52.11	\$57.32
1	\$68.23	\$75.05
1 ½	\$105.12	\$115.63
2	\$140.33	\$154.36
3	\$210.23	\$231.25
4	\$280.12	\$308.13
6	\$420.49	\$462.54
8	\$533.57	\$586.93
10	\$666.98	\$733.68
12	\$800.90	\$880.99

APPENDIX A (CONT.)

Meter Size (Inches)	Availability Charge	
	Residents	Non-Residents
Unit of Consumption Rate per 100 cubic feet (ccf)		
	\$2.73	\$3.00

Effective January 1, 2024 the following water rates shall be in affect.

Meter Size (Inches)	Availability Charge	
	Residents	Non-Residents
5/8 x 3/4	\$54.72	\$60.19
3/4	\$54.72	\$60.19
1	\$71.64	\$78.80
1 ½	\$110.38	\$121.42
2	\$147.35	\$162.09
3	\$220.74	\$242.81
4	\$294.13	\$323.54
6	\$441.51	\$485.66
8	\$560.25	\$616.28
10	\$700.33	\$770.36
12	\$840.95	\$925.05
Unit of Consumption Rate per 100 cubic feet (ccf)		
	\$2.87	\$3.16

Effective January 1, 2025 the following water rates shall be in affect.

Meter Size (Inches)	Availability Charge	
	Residents	Non-Residents
5/8 x 3/4	\$57.46	\$63.21
3/4	\$57.46	\$63.21
1	\$75.22	\$82.74
1 ½	\$115.90	\$127.49
2	\$154.72	\$170.19
3	\$231.78	\$254.96
4	\$308.84	\$339.72
6	\$463.59	\$509.95
8	\$588.26	\$647.09
10	\$735.35	\$808.89
12	\$883.00	\$971.30
Unit of Consumption Rate per 100 cubic feet (ccf)		
	\$3.01	\$3.31

Effective January 1, 2026 the following water rates shall be in affect.

Meter Size (Inches)	Availability Charge	
	Residents	Non-Residents
5/8 x 3/4	\$60.33	\$66.36
3/4	\$60.33	\$66.36
1	\$78.98	\$86.88
1 ½	\$121.70	\$133.87
2	\$162.46	\$178.71
3	\$243.37	\$267.71
4	\$324.28	\$356.71
6	\$486.77	\$535.45
8	\$617.67	\$679.44
10	\$772.12	\$849.33

APPENDIX A (CONT.)

Meter Size (Inches)	Availability Charge	
	Residents	Non-Residents
12	\$927.15	\$1,019.87
Unit of Consumption Rate per 100 cubic (ccf)		
	\$3.16	\$3.48

Effective January 1, 2027 the following water rates shall be in affect.

Meter Size (Inches)	Availability Charge	
	Residents	Non-Residents
5/8 x 3/4	\$63.35	\$69.69
3/4	\$63.35	\$69.69
1	\$82.93	\$91.22
1 ½	\$127.79	\$140.57
2	\$170.58	\$187.64
3	\$255.54	\$281.09
4	\$340.49	\$374.54
6	\$511.11	\$562.22
8	\$648.55	\$713.41
10	\$810.72	\$891.80
12	\$973.51	\$1,070.86
Unit of Consumption Rate per 100 cubic feet (ccf)		
	\$3.32	\$3.65

APPENDIX A (CONT.)

Effective January 1, 2028 the following water rates shall be in affect.

Meter Size (Inches)	Availability Charge	
	Residents	Non-Residents
5/8 x 3/4	\$66.52	\$73.17
3/4	\$66.52	\$73.17
1	\$87.08	\$95.79
1 ½	\$134.18	\$147.60
2	\$179.11	\$197.02
3	\$268.32	\$295.15
4	\$357.51	\$393.26
6	\$536.67	\$590.34
8	\$680.98	\$749.08
10	\$851.26	\$936.39
12	\$1,022.19	\$1,124.41
Unit of Consumption Rate per 100 cubic feet (ccf)		
	\$3.49	\$3.84

Effective January 1, 2029 the following water rates shall be in affect.

Meter Size (Inches)	Availability Charge	
	Residents	Non-Residents
5/8 x 3/4	\$69.85	\$76.84
3/4	\$69.85	\$76.84
1	\$91.43	\$100.57
1 ½	\$140.89	\$154.98
2	\$188.07	\$206.88
3	\$281.74	\$309.91
4	\$375.39	\$412.93
6	\$563.50	\$619.85
8	\$715.03	\$786.53

APPENDIX A (CONT.)

Meter Size (Inches)	Availability Charge	
	Residents	Non-Residents
10	\$893.82	\$983.20
12	\$1,073.30	\$1,180.63
Unit of Consumption Rate per 100 cubic feet (ccf)		
	\$3.66	\$4.03

Effective January 1, 2030 the following water rates shall be in affect.

Meter Size (Inches)	Availability Charge	
	Residents	Non-Residents
5/8 x 3/4	\$73.34	\$80.67
3/4	\$73.34	\$80.67
1	\$96.00	\$105.60
1 ½	\$147.93	\$162.72
2	\$197.47	\$217.22
3	\$295.83	\$325.41
4	\$394.16	\$433.58
6	\$591.68	\$650.85
8	\$750.78	\$825.86
10	\$938.51	\$1,032.37
12	\$1,126.97	\$1,239.67
Unit of Consumption Rate per 100 cubic feet (ccf)		
	\$3.84	\$4.22

APPENDIX A (CONT.)

Effective January 1, 2031 the following water rates shall be in affect.

Meter Size (Inches)	Availability Charge	
	Residents	Non-Residents
5/8 x 3/4	\$77.01	\$84.71
3/4	\$77.01	\$84.71
1	\$100.80	\$110.88
1 ½	\$155.33	\$170.86
2	\$207.34	\$228.07
3	\$310.62	\$341.68
4	\$413.87	\$455.26
6	\$621.26	\$683.39
8	\$788.32	\$867.15
10	\$985.44	\$1,083.98
12	\$1,183.32	\$1,301.65
Unit of Consumption Rate per 100 cubic feet (ccf)		
	\$4.03	\$4.43

Effective January 1, 2032 the following water rates shall be in affect.

Meter Size (Inches)	Availability Charge	
	Residents	Non-Residents
5/8 x 3/4	\$80.86	\$88.95
3/4	\$80.86	\$88.95
1	\$105.84	\$116.42
1 ½	\$163.10	\$179.42
2	\$217.71	\$239.48

APPENDIX A (CONT.)

Meter Size (Inches)	Availability Charge	
	Residents	Non-Residents
3	\$326.15	\$358.77
4	\$434.56	\$478.02
6	\$652.32	\$717.55
8	\$827.74	\$910.51
10	\$1,034.71	\$1,138.18
12	\$1,242.49	\$1,366.74
Unit of Consumption Rate per 100 cubic feet (ccf)		
	\$4.23	\$4.65

(Ord. 2022-55. Passed 11-8-22.)

915.20 WATER FOR SPRINKLER SYSTEMS. (REPEALED)

(EDITOR'S NOTE: Former Section 915.20 was repealed by Ordinance 2022-55, passed November 8, 2022.)

915.21 MULTIPLE USERS OF METERS.

Effective January 1, 2023, in the case of multiple units being supplied by a single water meter, where the water system is such that it is not possible to meter each dwelling, the owner shall be billed for all availability charges and water used in the building and shall be responsible for payment of all invoices for all water consumed. In this multiple units being supplied by a single meter scenario, the first line item on the invoice shall be an availability charge based on the actual size of the meter supplying the property, and the remaining line items on the invoice will be for the additional units charged at the "standard" availability charge which would be at the 5/8-3/4 meter size. (Ord. 2022-55. Passed 11-8-22.)

915.22 TANK WATER SALES. (REPEALED)

(EDITOR'S NOTE: Former Section 915.22 was repealed by Ordinance 2022-55, passed November 8, 2022.)

915.23 DELINQUENT BILLS TO BE A LIEN.

Water bills levied by or pursuant to Sections 915.16 through 915.22 that become delinquent as provided by the terms of such sections shall be subject to all available collection procedures including but not limited to being made a lien upon the premises served and if not paid within sixty days, may be certified to the Erie County Auditor who shall place the same on the tax duplicate of the County with interest and penalties allowed by law and to be collected as other taxes are collected. (Ord. 2012-12. Passed 5-8-12.)

915.24 WATER CHARGE ADJUSTMENT.

In instances where a leak occurs in a consumer water service between the water meter setting and the building and where it does not appear that the owner or the user of the property could be reasonably expected to know of the leak or to have had a fair chance to stop the same:

- (a) The owner's or user's water charges for the calendar quarter may be adjusted, upon approval of the Director of Service, and a reading made based upon the meter reading for the corresponding calendar quarter of the preceding year; or
- (b) Where the meter reading for the corresponding calendar quarter of the preceding year is not obtainable the adjustments in water charges are to be based upon the reading for the next following calendar quarter for that consumer based upon the approval of the Director of Service.

Fifty percent of the overage due to leakage in the water service shall form the basis for adjustment of the water charge.

(Ord. 1983-32. Passed 12-5-83.)

915.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 1983-32. Passed 12-5-83.)

CHAPTER 1126 Special Provisions

1126.01	Off-street parking and loading regulations. (Repealed)	1126.11	Planned Office Development Project Overlay Zone.
1126.02	Motels and motor hotels.	1126.12	The Western Planned Commercial Strip Shopping Center Overlay Zone.
1126.03	Sign regulations. (Repealed)	1126.121	Basin District Overlay Zone. (Repealed)
1126.04	Service stations and garages.	1126.13	Landscape requirements. (Repealed)
1126.05	Planned development projects.	1126.14	Regulations governing adult cabarets and adult oriented businesses and their employees.
1126.06	Performance standards.	1126.15	Self-service storage and mini-storage.
1126.07	Planned mobile home residential developments.	1126.16	Medical marijuana retail dispensaries.
1126.08	Bed and Breakfast Residence Overlay Zone.	1126.17	Regulations for Industrial Greenhouses.
1126.09	Planned Industrial Development Project Overlay Zone.	1126.18	Solar structures.
1126.10	River Park Planned Industrial Development Project Overlay Zone.		

CROSS REFERENCES

Automotive repair defined - see P. & Z. 1121.07
 Motel and motor hotel defined - see P. & Z. 1121.05
 Sign defined - see P. & Z. 1121.04
 Conformance with performance standards - see P. & Z. 1121.06(p)
 Nonconformity of performance standards - see P. & Z. 1121.07(e)

1126.01 OFF-STREET PARKING AND LOADING REGULATIONS. (REPEALED)

(EDITOR'S NOTE: Former Section 1126.01 was repealed by Ordinance 2017-13.)

1126.02 MOTELS AND MOTOR HOTELS.

(a) General Requirements. Motels shall comply with all area and yard requirements prescribed for such uses in the district in which located.

The buildings, or cabins in any tourist camp, or motel or motor hotel, together with any nonaccessory buildings already on the lot, shall not occupy in the aggregate more than twenty-five percent (25%) of the area of the lot. All areas used for automobile access and parking shall comply with the applicable provisions of this Zoning Ordinance.

No vehicular entrance to or exit from any motel or motor hotel, wherever such may be located, shall be within 100 feet on both sides of a street of any school, public playground, church, hospital, library or institution for dependents or for children, measured from lot lines extended, except where such property is in another block or another street which the premises in question do not abut.

All areas not used for access, parking, circulation, buildings and service shall be completely and permanently landscaped and the entire site maintained in good condition.

(b) Enlargement; Board Approval. Any enlargement or extension to any existing motel shall require application for a zoning certificate, as if it were a new establishment.

No enlargements or extensions to any motel shall be permitted unless the existing one is made to conform substantially with all the requirements for new construction for such an establishment. (Ord. 1990-20. Passed 11-26-90.)

1126.03 SIGN REGULATIONS. (REPEALED)

(EDITOR'S NOTE: Former Section 1126.03 was repealed by Ordinance 2017-13.)

1126.04 SERVICE STATIONS AND GARAGES.

(a) Entrance; Distance Requirements. No gasoline filling station, parking lot for twenty-five or more motor vehicles or parking garage or automotive repair shop shall have an entrance or exit for vehicles within 100 feet on both sides of a street of any school, public playground, church, hospital, public library or institution for dependents or for children, measured from lot lines extended, except where such property is in another block or on another street which the lot in question does not abut.

(b) Oil Draining, Etc. No gasoline filling station or public garage shall be permitted where any oil draining pit or visible appliance for any such purpose, other than filling caps, is located within ten feet of any street lot line or within twenty-five feet of any R District, except where such appliance or pit is within a building. (Ord. 1990-20. Passed 11-26-90.)

1126.05 PLANNED DEVELOPMENT PROJECTS.

(a) General Provisions. The owner of a tract of land containing not less than the minimum area required in this section may submit to the Planning Commission for review a preliminary plan for the use and development of such tract of land for:

- (1) A planned shopping center, provided the tract is located in a B-3 Zone, or is located where a shopping area is indicated on the long-range plan map of the Policies Plan.
- (2) A residential planned development project, provided that the tract is located in an R District, or is located at or near where a new residential area is indicated on the long-range plan map of the Policies Plan.
- (3) A planned office center, or special "boardwalk" commercial center, as specified herein. A planned industrial, office or office/research park, provided that the tract is located in an M District, or is located where a development of this nature is indicated on the long-range plan map of the Policies Plan.

In accepting such a plan for review, the Commission shall be satisfied that the proponents of the development project are financially able to carry out the project; that they intend to start construction within one year of approval of the project by Council, or of the effective date of any necessary change in zoning, whichever is later; and intend to complete the development within a reasonable time as determined by the Commission.

NOTE: The next printed page is page 97.

(h) Enforcement and Penalties.

- (1) The City Manager or designee is authorized and directed to perform all acts necessary and appropriate to enforce and to give effect to this section.
- (2) Any penalty provided for as part of the industrial greenhouse site plan approval pursuant to Section 1126.05(f) of these Codified Ordinances shall supersede the penalties provide for in this section. To the extent there is no penalty set forth in the site plan approval, the following apply:
 - (i) The City shall order facility owner or management to shut off all interior grow lighting until the violations are corrected to the satisfaction of the City Manager or designee.
 - (ii) If the owner fails to comply as set forth in (i), the City Manager or designee shall suspend or revoke the owner's zoning permit and shut down the Facility until the violations are corrected to the satisfaction of the City Manager or designee.
 - (iii) The owner shall pay a civil penalty of \$1,000 per day for each day a violation exists until corrected.
- (3) In addition to the foregoing, every person, corporation or firm who violates any provision of this section shall be guilty of a misdemeanor of the first degree. Each and every day during which a violation continues shall be deemed a separate offense.
- (4) Nothing in section (h)(2) above or Section 1126.05 of these Codified Ordinances prohibits the City from seeking such other penalties and remedies as are provided by Ohio law, including, but not limited to, seeking a court order to declare the property a public nuisance and order the nuisance abated or other action to abate or remove a violation.
(Ord. 2019-9. Passed 7-23-19.)

1126.18 SOLAR STRUCTURES.

(a) Purpose. It is the purpose of this chapter to regulate the construction, modification, operation and abandonment by discontinuation of use of solar energy systems in the City of Huron, subject to reasonable conditions that will protect the public health, safety, and welfare while preserving the enjoyment of private property, promoting orderly land use, and development; allowing the safe, effective, and efficient use of solar energy systems. Solar energy systems shall be considered a permitted use in any zoning district, subject to the requirements of any other applicable chapter of this Code.

(b) Definitions.

- (1) "Abandonment" means choosing to give up or discontinue use of the solar energy generation system in whole or part.
- (2) "Alternating-current (ac) module" means a complete, environmentally protected unit consisting of solar cells, optics, inverter, and other components, exclusive of tracker, designed to generate ac power when exposed to sunlight.
- (3) "Applicant" means the person or entity filing an application under this Chapter.
- (4) "Array" means a mechanically integrated assembly of modules or panels with a support structure and foundation, tracker, and other components, as required, to form a direct-current power producing unit.
- (5) "Facility owner" means the entity or entities having equity interest in the solar energy facility, including their respective successors and assigns.

- (6) "Ground mount" means a solar electrical system that is mounted directly to ground mounted structure instead of solely on a building wall or roof.
- (7) "Operator" means the entity responsible for the day-to-day operation and maintenance of the solar energy system.
- (8) "Solar cell" means the basic photovoltaic device that generates electricity when exposed to light.
- (9) "Solar energy system (active or passive)" means the equipment, assembly or building construction and requisite hardware that provides and is used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, generating, electricity, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced from a nonrenewable resource. Such systems include Passive Solar Energy Systems that capture the Sun's energy in building design and construction components; Solar Thermal Energy Systems that convert sunlight to heat as in a hot water tank or swimming pool; and Photovoltaic Solar Energy Systems that convert sunlight to electricity.
- (10) "Solar panel" means one of any type of assembly that produces energy, either electrical, heat or hot water for use or distribution include PV (Photovoltaic) an electrical device consisting of an array of connected solar cells, heat collectors and interstitial spaces including trombe panels, or hydronic panels for water heating systems.
- (11) "Solar photovoltaic systems" means the total components and subsystems that, in combination convert solar energy into electrical energy suitable for connection to utilization load.

(c) Applicability.

- (1) No person shall construct, erect, maintain, extend, or remove a solar system in any zoning district in the City without compliance with the provisions of this chapter and applicable related requirements of the entire ordinance.
- (2) Solar energy systems constructed prior to the effective date of this chapter shall not be required to meet the requirements of this code; unless any physical condition or modification renders such system un-repairable or un-usable. If any pre-existing solar energy system is damaged or destroyed such an extent that is cannot be returned to original service, or any such damage or modification creates an unsafe condition it shall be replaced or removed in conformity to this chapter and pursuant to Section 1121.07.
- (3) Like-kind replacements of panels shall require applicable electrical or general building permits.
- (4) Like-kind replacements of entire ground-mount solar energy systems shall require proper zoning approval and applicable electrical/building permits. Existing installations shall provide emergency disconnect locations to the City of Huron Building Department.

(d) Contents of Application.

- (1) Solar structures shall only be an accessory use in residential (R) and commercial (B) zoning districts. Ground-mounted solar panels are a conditional accessory use at any residential or non-residential building, excluding Industrial (I) zones, where they are permitted by right. In all districts, solar equipment including solar panels, may be located on the roof in compliance with all requirements of this Code including building height and screening, after approval by the Design Review Board. Nothing in this regulation shall preclude standalone systems for small accessory lighting, ventilation or battery storage systems either roof or ground-mounted not to exceed twelve (12) square feet.
- (2) An application for a solar energy system shall be approved in compliance with the standards and criteria of this Chapter and shall include:
 - A. A narrative describing the proposed solar energy system including the approximate generating capacity of the project and the number, manufacturer, and model of the solar panels to be installed, their individual generating capacity and a description of ancillary systems.
 - B. A site plan to scale of the subject property showing the planned location of the solar panels, setback lines, proposed and existing ancillary equipment buildings, and structures. For systems with more than thirty-five percent (35%) of roof area facing the street, elevation(s) shall be provided to scale.
 - C. Certified approval from the Homeowners Association (HOA) and/or an approval letter from the HOA legal representative, if applicable.

(e) Design and Performance Standards.

- (1) Lighting. Solar energy systems shall be lit only if required by an applicable authority. Lighting of other parts of the solar energy systems, such as appurtenant structures shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting structures.
- (2) Appearance and Signage. The factory or original equipment manufacturer identification and/or logo are permitted. Required signage and emergency services disconnect placard shall be appropriate warning signs (Danger-High Voltage or Caution-Electrical Shock Hazard or any other recognized safety precaution signage) installed at the base of the solar array.
- (3) Construction Codes. To extent applicable, the solar system shall comply with the Ohio Building Code and any other applicable building and fire codes.
- (4) Electrical Codes. Permit applications for solar energy systems shall be accompanied by a line-drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for determination that the manner of installation conforms to all relevant and applicable local, state, and national codes, including the current national electric code NEC (NFPA 70). Solar energy systems interconnected to local utility shall have/ provide surge and lightning arrestors. All solar energy systems shall be grounded to reduce lightning strikes. All electrical lines and utility wires shall be buried underground.

- (5) Utility Notification. Permits for solar energy systems shall not be issued until evidence has been provided that the utility company approves the customer's intent to install an interconnected customer-owned generator. Applicant shall supply the letter of approval from the utility company at the time of application.
- (6) Completion. A solar energy system installation shall commence within six months of the issuance of the zoning permit and shall be completed and operational within one year from the date of commencement of installation. Commencement of installation shall be the date the solar panels are placed into position. If the solar energy system is not completed within the stated time period, the facility owner or operator or the landowner shall be required, at his or their expense, to complete decommissioning of the site within 180 days without exception.
- (7) Solar Access Easements. Ohio R.C. 5301.63 sets forth the requirements for solar access, for the purpose of ensuring adequate access of solar energy collection devices to sunlight, any person may grant a solar access easement. Such easements shall be in writing and subject to the same conveyance and recording requirements as other easements. Any instrument creating a solar easement shall be recorded in the Erie County Recorder's Office.
- (8) Installation. Solar Panels must be installed in accordance with the manufacturer's design and operation standards, as well as all local county, state, and federal guidelines. Reasonable access for emergency response shall be provided to all solar systems and components including a twenty-four (24) inches clear area around all flat-roof or ground-mounted solar array(s).
- (9) Roof-Mounted. Roof-mounted solar energy systems shall be permitted in all zoning districts provided the roof-mounted solar system meets all other requirements of the zoning and building regulations, including design review, and all applicable local and state fire and building codes. Pitched roof-mounted arrays shall be parallel to the roof. The distance between the roof and the uppermost portion of the solar panels shall not exceed eighteen (18) inches. Pitched-roof-mounted solar systems shall not be located within twelve (12) inches of the edge of the roof. Roof-mounted panels on a flat roof shall not project vertically more than five (5) feet from the surface of the roof and shall be buffered as prescribed by the Zoning Code.
- (10) Ground-Mounted.
 - A. Ground-mounted solar panels located on the ground or attached to a framework located on the ground shall not exceed fifteen (15) feet in height above the adjacent grade.
 - B. All related mechanical equipment, other than the actual photoelectric panels shall be fully buffered from the adjacent properties by fencing and/or by evergreen plantings as prescribe by city ordinance and must be maintained and effective through the life of the system. Buffering shall permit work access to panel and shall conform to Chapter 1131.
 - C. Ground-mounted solar panel arrays shall not exceed thirty percent (30%) of the remaining rear yard area within the setbacks defined by other chapters of the Zoning Code.

- D. Non-Residential. Ground-mounted solar energy systems shall be permitted by right in all Industrial (I) Zones. Any proposed ground-mounted solar energy system may be located within any yard subject to applicable setback requirements for accessory structures and front setback requirements for principal structures within the designated I District.
- E. Residential. No ground installations are permitted by right. Any proposed ground-mounted solar panels are conditional uses based on full compliance with this Zoning Code and approval from the Board of Building and Zoning Appeals.
- (i) If approved, ground-mounted solar energy systems shall not be permitted in the front or side yard of a residential property. It shall be permitted in the rear yard of a residence. Such equipment shall be subject to the applicable rear yard coverage regulations and setbacks for accessory structures in residential districts as set forth in Section 1121.06 or other prevailing chapters of the Zoning Code.
- F. Commercial and Retail Business. No ground installations are permitted by right in Business (B) Zones. Any proposed ground-mounted solar panels are conditional uses based on full compliance with this Zoning Code and approval from the Board of Building and Zoning Appeals.
- (i) If approved, ground-mounted solar energy systems shall not be permitted in the front or side yard of a residential property. It shall be permitted in the rear yard of a residence. Such equipment shall be subject to the applicable rear yard coverage regulations and setbacks for accessory structures in residential districts as set forth in Section 1121.06 and/or other prevailing chapters of the Zoning Code.
- (f) Fees. See Chapter 1321 for the fee schedule pertaining to conditional use, accessory structures, and electrical fees.
- (g) Abandonment.
- (1) At such a time a solar energy system is scheduled to be abandoned or operation is to be discontinued, the applicant will notify the Building Official and Planning Department of the proposed date of abandonment or discontinuation of use. If applicant fails to notify either department, then in that event the provisions contained under subsection (g)(2) herein below shall apply.
- (2) Upon abandonment or discontinuation of use, the owner shall physically remove the solar energy system within 180 days from the date of abandonment or discontinuation of use. This period may be extended sixty (60) days at the request of the owner but only upon the approval of the Building Official. "Physically remove" shall include, but not be limited to:

- A. Removal of the solar energy system and related above grade structures.
 - B. Restoration of the location of the solar energy system to its natural condition, except that any landscaping, grading may remain in the after-conditions.
- (3) In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous six-month period. After the six-month period of inoperability, the Building Official shall issue a Notice of Abandonment to the owner and operator of the solar energy system and, if residential, the property owner. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from Notice receipt time. The Building Official shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the solar energy system has not been abandoned.
- (4) If the owner fails to respond to the Notice of Abandonment or if after review by the Building Official it is determined that the solar energy system has been abandoned or use discontinued, the owner of the solar energy system shall remove the system at the owner's sole expense within sixty (60) days of receipt of the Notice of Abandonment. An extension may be granted to the applicant for just cause by the Building Official.

(h) Severability. Should any section, subdivision, clause, or phrase of this chapter be declared by the courts to be invalid, the validity of the chapter as a whole, or in part, shall not be affected other than the part invalidated.

(i) Penalty. See Section 1139.01 for Zoning Code violations.
(Ord. 2022-60. Passed 1-10-23.)

CHAPTER 1135
Flood Hazard Zoning/Flood Damage Reduction

1135.01	General provisions.	1135.04	Use and development standards for flood hazard reduction.
1135.02	Definitions.	1135.05	Appeals and variances.
1135.03	Administration.	1135.06	Enforcement.

CROSS REFERENCES

Flood control bonds; public capital improvements - see Ohio Const., Art. VIII, Sec. 21; Ohio R.C. 129.70 et seq.
 County Commission flood control aid to governmental units - see Ohio R.C. 307.77
 Basis of zoning districts - see Ohio R.C. 713.10
 Marking flood areas - see Ohio R.C. 1521.14

1135.01 GENERAL PROVISIONS.

(a) Statutory Authorization. ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the City Council of Huron, State of Ohio, does ordain as follows:

(b) Findings of Fact. The City of Huron has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

(c) Statement of Purpose. It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and
- (4) Generally undertaken at the expense of the general public;
- (5) Minimize prolonged business interruptions;
- (6) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

- (7) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- (8) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (9) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (10) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- (11) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (12) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (13) Meet community participation requirements of the National Flood Insurance Program.

(d) Methods of Reducing Flood Loss. In order to accomplish its purposes, these regulations include methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

(e) Lands to Which These Regulations Apply. These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Huron as identified in Section 1135.01(f), including any additional areas of special flood hazard annexed by the City of Huron.

(f) Basis for Establishing the Areas of Special Flood Hazard. For the purposes of these regulations, the following studies and/or maps are adopted:

- (1) Flood Insurance Study Erie County, Ohio and Incorporated Areas, and Flood Insurance Rate Map Erie County, Ohio and Incorporated Areas, both effective September 1, 2022.
- (2) Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
- (3) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Huron as required by Section 1135.04(c) Subdivisions and Other New Developments.

Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the City of Huron Planning and Zoning Department, 417 Main Street, Huron, Ohio.

(g) Abrogation and Greater Restrictions. These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance the more restrictive shall be followed. These regulations are not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(h) Interpretation. Within the interpretation and application of these regulations, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

(i) Warning and Disclaimer of Liability. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Huron, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

(j) Severability. Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid. (Ord. 2022-32. Passed 7-26-22.)

1135.02 DEFINITIONS.

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

Accessory Structure

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Appeal

A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one percent (1 %) chance annual flood or one hundred (100) year flood.

Base (100-Year) Flood Elevation (BFE)

The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the lowest adjacent natural grade elevation plus the depth number (from 1 to 3 feet).

Basement

Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Coastal high hazard area

An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast, and any other area subject to high velocity wave action from storms or seismic sources. A coastal high hazard area is identified on a community's FIRM by the designation of zone VE.

Conservation Easement

A legally binding document recorded with the intent to preserve land for future generations by restricting or conditioning certain rights or uses, such as the right to subdivide or develop the property, to protect conservation values, such as the preservation of agricultural and forestry lands and the protection of water quality.

Development

Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Enclosure Below the Lowest Floor

See "Lowest Floor."

Executive Order 11988 (Floodplain Management)

Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

Federal Emergency Management Agency (FEMA)

The agency with the overall responsibility for administering the National Flood Insurance Program.

Fill

A deposit of earth material placed by artificial means.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters, and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM)

Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

Flood Insurance Rate Map (FIRM)

An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

Flood Insurance Risk Zones

Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

Zone A:

Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are not determined.

Zones A1-30 and Zone AE:

Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are determined.

Zone AO:

Special flood hazard areas inundated by the 100-year flood in any given year; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.

Zone AH:

Special flood hazard areas inundated by the 100-year flood in any given year; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

Zone A99:

Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

Zone B and Zone X (shaded):

Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

Zone C and Zone X (unshaded):

Areas determined to be outside the 500-year floodplain.

Zone V

Coastal special flood hazard area subject to a 100-year flood from velocity hazard (wave action); base flood elevations are not determined.

Zone VE and V1-30

Coastal special flood hazard area subject to a 100-year from velocity hazard (wave action); base flood elevations are determined.

Flood Insurance Study (FIS)

The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

Floodproofing

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood Protection Elevation

The Flood Protection Elevation, or FPE, is the base flood elevation plus two (2) feet of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

Floodway

A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one-half (0.5) foot at any point within the community.

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

Freeboard

A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

Historic structure

Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- (3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
- (4) Individually listed on the inventory of historic places maintained by Huron's historic preservation program, which program is certified by the Ohio Historic Preservation Office.

Hydrologic and hydraulic engineering analysis

An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

Letter of Map Change (LOMC)

A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

Letter of Map Amendment (LOMA)

A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

Letter of Map Revision (LOMR)

A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

Conditional Letter of Map Revision (CLOMR)

A comment by FEMA regarding a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

Limit of Moderate Wave Action (LiMWA)

A line shown on a Flood Insurance Rate Map to indicate the inland limit of the one and one-half (1.5) feet breaking wave height during the base flood.

Lowest floor

The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

Manufactured home

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 4781 of the Ohio Revised Code.

Mean sea level

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Manufactured home park

As specified in the Ohio Adm. Code 4781-12-01(K), a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.

Moderate Wave Action Area (MoWA)

A special flood hazard area subject to the potential for breaking wave heights of greater than or equal to one and one-half (1.5) feet, but less than three (3) feet, where the primary source of flooding is storm surges, seiches. A MoWA is an area within zone AE on a FIRM that is between the inland limit of zone VE and a Limit of Moderate Wave Action, where identified. (Also known as "Coastal A Zone").

National Flood Insurance Program (NFIP)

The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

New construction

Structures for which the "start of construction" commenced on or after the effective date of a floodplain regulation adopted by the City of Huron and includes any subsequent improvements to such structures.

For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM April 3, 1978 or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

Person

Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Rev. Code 111.15(A)(2) as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

Recreational vehicle

A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Registered Professional Architect

A person registered to engage in the practice of architecture pursuant to Ohio Rev. Code 4703.01 and 4703.19.

Registered Professional Engineer

A person registered as a professional engineer pursuant to Ohio Rev. Code Chapter 4733.

Registered Professional Surveyor

A person registered as a professional surveyor pursuant to Ohio Rev. Code Chapter 4733.

Riparian Buffer

A riparian buffer is a vegetated area (usually forested) near a stream, which helps shade and partially protect a stream from the impact of adjacent land uses. Riparian buffers play a key role in enhancing water quality in associated streams, rivers, and lakes, thus providing environmental benefits.

Special Flood Hazard Area

Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1 30, A99, or V, VE. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

Start of construction

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

Structure

A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to the 'before damaged' condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Substantial damage also means flood related damage sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

SWPPP

Stormwater Pollution Prevention Plan (SWPPP) is a site-specific, written document signed by a developer that (1) identifies all of the activities and conditions at their site that could cause water pollution, and (2) details the steps the facility will take to prevent the discharge of any unpermitted pollution.

Variance

A grant of relief from the standards of these regulations.

Violation

The failure of a structure or other development to be fully compliant with these regulations.
(Ord. 2022-32. Passed 7-26-22.)

1135.03 ADMINISTRATION.

(a) **Designation of the Floodplain Administrator.** The Planning Director or their designee is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

(b) **Duties and Responsibilities of the Floodplain Administrator.** The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- (1) Evaluate applications for permits to develop in special flood hazard areas.
- (2) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.

- (3) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- (4) Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- (5) Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, floodproofing certificates, VE-zone construction certifications, variances, and records of enforcement actions taken for violations of these regulations.
- (6) Enforce the provisions of these regulations.
- (7) Provide information, testimony, or other evidence as needed during variance hearings.
- (8) Coordinate map maintenance activities and FEMA follow-up.
- (9) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

(c) Floodplain Development Permits. It shall be unlawful for any person to begin construction or other development activity including but not limited to filling, grading, construction, alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1135.01(f), until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

(d) Application Required. An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- (1) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- (2) Elevation of the existing, natural ground where structures are proposed.
- (3) Elevation of the lowest floor, including basement, of all proposed structures.
- (4) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.

- (5) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 - A. Floodproofing certification for non-residential floodproofed structure as required in Section 1135.04(e).
 - B. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1135.04(e) are designed to automatically equalize hydrostatic flood forces.
 - C. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1135.04(i)(3).
 - D. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one-half (0.5) foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1135.04(i)(2).
 - E. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1135.04(i)(1).
 - F. Generation of base flood elevation(s) for subdivision and other new developments as required by Section 1135.04(c).
 - G. Certification of structural design and methods of construction for VE zone construction as required by Section 1135.04(j)(1)
 - H. Certification of breakaway wall design, when applicable, as provided in Section 1135.04(j)(1)
 - (6) A Floodplain Development Permit Application Fee set by the Schedule of Fees adopted by the City of Huron. The following applicable fees shall be included with the application as follow:
 - A. Single-family residential lots - \$100.00
 - B. All other lots - \$300.00
- (e) Review and Approval of a Floodplain Development Permit Application.
- (1) Review.
 - A. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in subsection (d) has been received by the Floodplain Administrator.
 - B. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

(2) Approval.

- A. Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If the Floodplain Administrator is satisfied that the development proposed in the floodplain development application conforms to the requirements of this ordinance, the Floodplain Administrator shall issue the permit. All floodplain development permits shall be conditional upon the commencement of work within 180 days. A floodplain development permit shall expire 180 days after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

(f) Inspections. The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

(g) Post-Construction Certifications Required. The following as-built certifications are required after a floodplain development permit has been issued:

- (1) For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered professional surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
- (2) For all development activities subject to the standards of Section 1135.03(k)(1) a Letter of Map Revision.
- (3) For new or substantially improved nonresidential structures that have been floodproofed in lieu of elevation, where allowed, the applicant shall supply a completed Floodproofing Certificate for Non-Residential Structures completed by a registered professional engineer or architect together with associated documentation.

(h) Revoking a Floodplain Development Permit. A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 1135.05 of these regulations.

(i) Exemption from Filing a Development Permit. An application for a floodplain development permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than two thousand five hundred dollars (\$2500).

(j) State and Federal Development.

- (1) Development that is funded, financed, undertaken, or preempted by state agencies shall comply with minimum NFIP criteria.

- (2) Before awarding funding or financing or granting a license, permit, or other authorization for a development that is or is to be located within a 100-year floodplain, a state agency shall require the applicant to demonstrate to the satisfaction of the agency that the development will comply with minimum NFIP criteria and any applicable local floodplain management resolution or ordinance as required by Ohio Revised Code Section 1521.13. This includes, but is not limited to:
- A. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Commerce and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 4781-12.
 - B. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
 - C. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
 - D. Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 - Floodplain Management.

Each federal agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget request reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of EO 11988.

(k) Map Maintenance Activities. To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City of Huron flood maps, studies and other data identified in Section 1135.01(f) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

- (1) Requirement to Submit New Technical Data.
- A. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 - 1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - 2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - 3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - 4. Subdivision or other new development proposals requiring the establishment of base flood elevations in accordance with Section 1135.04(c).
 - B. It is the responsibility of the applicant to have technical data, required in accordance with Section 1135.03(k)(1), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

- C. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - 1. Proposed floodway encroachments that increase the base flood elevation; and
 - 2. Proposed development which increases the base flood elevation by more than one foot in riverine areas where FEMA has provided base flood elevations but no floodway.
 - D. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1135.03(k)(1)(A).
- (2) Right to Submit New Technical Data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the City Manager of Huron and may be submitted at any time.
 - (3) Annexation/ Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Huron have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Huron's Flood Insurance Rate Map accurately represent the City of Huron boundaries, include within such notification a copy of a map of the City of Huron suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Huron has assumed or relinquished floodplain management regulatory authority.
- (l) Data Use and Flood Map Interpretation. The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:
 - (1) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
 - (2) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
 - (3) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1135.05, Appeals and Variances.

- (4) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.
- (m) Use of Preliminary Flood Insurance Rate Map and/or Flood Insurance Study Data.
- (1) Zone A:
Within Zone A areas designated on an effective FIRM, data from the preliminary FIRM and/or FIS shall reasonably utilized as best available data.
When all appeals have been resolved and a notice of final food elevation determination has been provided in a Letter of Final Determination (LFD), BFE and floodway data from the preliminary FIRM and/or FIS shall be used for regulating development.
- (2) Zones AE, A1-30, AH, AO, VE, and V1-30:
BFE and floodway data from a preliminary FIS or FIRM restudy are not required to be used in lieu of BFE and floodway data contained in an existing effective FIS and FIRM. However,
Where BFEs increase in a restudied area, communities have the responsibility to ensure that new or substantially improved structures are protected. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data in instances where BFEs increase and floodways are revised to ensure that the health, safety, and property of their citizens are protected.
Where BFEs decrease, preliminary FIS or FIRM data should not be used to regulate floodplain development until the LFD has been issued or until all appeals have been resolved.
- (3) If a preliminary FIRM or FIS has designated floodways where none had previously existed, communities should reasonably utilize this data in lieu of applying the encroachment performance standard of Section 1135.04(i)(2) since the data in the draft or preliminary FIS represents the best data available.
- (4) Zones B, C, and X:
Use of BFE and floodway data from a preliminary FIRM or FIS are not required for areas designated as Zone B, C, or X on the effective FIRM which are being revised to Zone AE, A1-30, AH, AO, VE, or V1-30. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data to ensure that the health, safety, and property of their citizens are protected.
- (n) Substantial Damage Determinations. Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:
- (1) Determine whether damaged structures are located in special flood hazard areas;
- (2) Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and

- (3) Require owners of substantially damaged structures to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.
- (4) Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims. (Ord. 2022-32. Passed 7-26-22.)

1135.04 USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION.

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1135.01(f), 1135.03(l)(1), or 1135.03(m):

- (a) Use Regulations.
 - (1) Permitted Uses. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the City of Huron are allowed provided they meet the provisions of these regulations.
- (b) Water and Wastewater Systems. The following standards apply to all water supply, sanitary sewerage and waste disposal systems in the absence of any more restrictive standard provided under the Ohio Revised Code or applicable state rules:
 - (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
 - (2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
 - (3) On-site waste disposal systems (septic systems) shall be located to avoid impairment to or contamination from them during flooding.
- (c) Subdivisions and Other New Developments.
 - (1) All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
 - (2) All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
 - (3) All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and
 - (4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least fifty (50) lots or five (5) acres, whichever is less.

- (5) The applicant shall meet the requirement to submit technical data to FEMA in Section 1135.03(k)(1)(A)(d) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1135.04(c)(4).
- (d) Residential Structures. The requirements of Section 1135.04(d) apply to new construction of residential structures and to substantial improvements of residential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1135.03(m).
- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (Section 1135.04(d)(1)) and construction materials resistant to flood damage (Section 1135.04(d)(2)) are satisfied.
- (2) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
- (3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. In areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two (2) feet above the highest adjacent natural grade.
- (5) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings to allow the automatic equalization of hydrostatic pressure may have an enclosure below the lowest floor provided the enclosure meets the following standards:
- A. Be used only for the parking of vehicles, building access, or storage; and
 - B. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - C. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (6) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors.

- (7) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 1135.04(d).
- (8) In AO and AH Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
- (e) **Nonresidential Structures.** The requirements of Section 1135.04(e) apply to new construction and to substantial improvements of nonresidential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1135.03(m).
 - (1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1135.04(d)(1) - (3) and (5)-(7).
 - (2) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
 - A. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - C. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 1135.04(e)(2)(A) and (B).
 - (3) In areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two (2) feet above the highest adjacent natural grade.
- (f) **Accessory Structures.** Structures that are 600 square feet or less which are used for parking and storage only are exempt from elevation or dry floodproofing standards within zones A, A1-30, AE, AO, and AH designated on the community's FIRM. Such structures must meet the following standards:
 - (1) They shall not be used for human habitation;
 - (2) They shall be constructed of flood resistant materials;
 - (3) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
 - (4) They shall be firmly anchored to prevent flotation;
 - (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
 - (6) They shall meet the opening requirements of Section 1135.04(d)(5)(C)

- (g) Recreational Vehicles. Recreational vehicles on sites within zones A, A1-A30, AE, AO, or AH must meet at least one of the following standards:
- (1) They shall not be located on sites in special flood hazard areas for more than 180 days, or
 - (2) They must be fully licensed and ready for highway use, or
 - (3) They must be placed on the site pursuant to a floodplain development permit issued under Sections 1135.03(c) and (d), and meet all standards of Section 1135.04(d).
- (h) Gas or Liquid Storage Tanks.
- (1) Within zone A, A1-A30, AE, AO, or AH, new or substantially improved above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.
 - (2) In zones V or VE, new or substantially improved above ground gas or liquid storage tanks shall be elevated with the bottom of the lowest horizontal supporting member above BFE on the landward side of buildings.
 - (3) In zones V or VE, new or substantially improved underground gas or liquid storage tanks must be installed below the lowest eroded ground elevation.
- (i) Assurance of Flood Carrying Capacity. Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:
- (1) Development in Floodways.
 - A. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
 - B. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 1. Meet the requirements to submit technical data in Section 1135.03(k)(1);
 2. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 3. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
 4. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
 5. Concurrence of the City Manager of Huron and the Chief Executive Officer of any other communities impacted by the proposed actions.

- (2) Development in Riverine Areas with Base Flood Elevations but No Floodways.
- A. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than one-half (0.5) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
 - B. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - 1. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 - 2. Section 1135.04(i)(1)(B), items (a) and (c)-(e).
- (3) Alterations of a Watercourse. For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:
- A. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
 - B. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
 - C. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the City of Huron specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.

- D. The applicant shall meet the requirements to submit technical data in Section 1135.03(k)(1)(A) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.
- (j) Development Standards for Coastal High Hazard Areas [and MoWA areas]. The requirements of Section 1135.04(j) apply to development in coastal high hazard areas designated zone V or VE on the community's effective FIRM and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1135.03(m). The requirements of Section 1135.04(j) also apply to development in Moderate Wave Action areas, within zone AE between a Limit of Moderate Wave Action and the landward limit of zone V or VE designated on the community's effective FIRM, or between a Limit of Moderate Wave Action and the offshore limit of the community's jurisdiction where zone V or VE is not designated on the community's effective FIRM.
- (1) All new construction and substantial improvements shall be elevated on pilings or columns that may be armored as necessary to withstand Lake Erie ice forces so that:
- A. The bottom of the lowest horizontal structural member supporting the lowest floor (excluding the pilings or columns) is elevated to or above the flood protection elevation, and
 - B. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.
 - 1. Water loading values shall be those associated with the base flood.
 - 2. Wind loading values shall be those defined according to American Society of Civil Engineers 7-13 Minimum design loads and associated criteria for buildings and other structures, or current version adopted by Ohio Board of Building Standards.
 - 3. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of Section 1135.04(j)(1)(A) and (B).
- (2) All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.
- A. For the purpose of Section 1135.04(j)(2), a breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot.

- B. Use of breakaway walls which exceed a design safe loading resistance of twenty (20) pounds per square foot (either by design or where so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet all of the following conditions:
 - 1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 - 2. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values shall be those associated with the base flood. Wind loading values shall be those defined according to American Society of Civil Engineers 7-16 Minimum design loads and associated criteria for buildings and other structures, or equivalent standard.
- C. All space enclosed by breakaway walls, open wood lattice-work, or insect screening below the lowest floor shall be used solely for parking of vehicles, building access, or storage.
- (3) The use of fill or redistributed existing fill, placed after the initial identification of Zones V, VE or V1-30 on the community's FIRM, for structural support of buildings is prohibited.
- (4) Alteration of sand dunes that will increase potential flood damage is prohibited.
- (5) Placement or substantial improvement of manufactured homes must comply with Section 11350.4(j)(1) through (5).
- (6) Recreational vehicles must either:
 - A. Be on site for fewer than 180 consecutive days;
 - B. Be fully licensed and ready for highway use; or
 - C. Comply with Section 1135.04(j)(1) through (5)
- (k) Riparian Buffer. For the purposes of flood damage prevention, erosion control, and stormwater management, a riparian buffer of a minimum of thirty (30) feet shall be maintained for all waterways identified as Special Flood Hazard Areas. The Riparian Buffer shall be preserved to the best extent possible by maintaining or improving the native vegetative landscape with little to no soil compaction. The requirements of Section 1135.04(k) apply to any construction and/or development adjacent to a floodway/waterway.
 - (1) Permitted construction activities/uses within the thirty (30) feet buffer shall include the following:
 - A. Roads, bridges, pedestrian paths, bicycle paths, multi-use paths, levees, and utilities
 - 1. The right-of-way shall be the minimum width need to allow for maintenance access and installation.
 - 2. The angle of a stream crossing shall be designed to minimize clearing within the buffer limits.
 - 3. When constructing, the area cleared shall be limited to the area required for construction and adequate maintenance access.

- B. Stormwater management facilities.
 - 1. Stormwater detention and retention ponds shall be permitted to encroach the riparian buffer only after applicable city and county departments have determined that the stormwater management facilities are either necessary for flood control or significantly improve the water quality or habitat in the stream.
 - 2. When constructing stormwater management facilities within the riparian buffer, the cleared area shall be limited to only the area required for construction and adequate maintenance access shall be provided.
 - 3. Material dredged or otherwise removed from a stormwater management facility shall be permanently stored outside of the buffer area.
- C. Waterway restoration projects, facilities, and related activities/uses.
- D. Removal of individual damaged or diseased trees.
- E. Other timber cutting techniques under the advice and guidance of Ohio Department of Natural Resources (ODNR) Division of Forestry if necessary to preserve the buffer forest from extensive pest infestation, disease infestation, or threat from fire.
- F. Reforestation when deemed necessary by ODNR Division of Forestry to ensure the preservation and propagation of the buffer area.
- G. Fencing provided that destruction of existing vegetation is minimal and that it does not impede flood water flow.
- H. Marinas developed in accordance with the following requirements:
 - 1. Submission of an environmental impact study including measures to mitigate potential negative impact on the adjacent waters, including but not limited to: i. Measures to prevent leakage or spills of fuels, lubricants, wastewater and other potential pollutants into the public waters; ii. Assurances that impact on wetlands and other related sensitive areas have been avoided.
 - 2. Submission of a site plan, that is consistent with local regulations, for review by the planning board which includes locations of rest rooms, buildings, parking areas and all related support facilities with assurances that these facilities shall be permanently available to the project.
 - 3. Receipt of proper permits from Ohio Department of Natural Resources (ODNR) and/or the Army Corp of Engineers if applicable
- I. Water dependent uses and structures including, but not limited to docks, wharves, boat ramps, etc. All water dependent uses and structures shall be permitted in accordance with the following requirements:
 - 1. The use is in keeping with the purpose and intent of this chapter.
 - 2. The least impacting route and methodology for the use have been selected as the best practicable alternative.

3. Canopies and seasonal covers extend only over the boat slips and shall be removed during the non-boating season.
 4. Receipt of proper permits from Ohio Department of Natural Resources (ODNR) and/or the Army Corp of Engineers if applicable
- (2) Restricted construction activities/uses within the thirty (30) feet buffer shall include the following:
- A. Construction of buildings or principal structures.
 - B. In-line storm water detention facilities.
 - C. Clearing of existing vegetation, except as otherwise permitted in these regulations.
 - D. Soil disturbance by grading, stripping, or other practices.
 - E. Filling or dumping.
 - F. Use, storage, or application of pesticides, except for spot spraying of noxious weeds or non-native species consistent with recommendations of ODNR.
 - G. Storage of equipment, junk, or scraps.
 - H. Storage or operation of motorized vehicles, except for maintenance and emergency use approved by the City of Huron Planning Department.
- (3) Exceptions and Nonconforming Structures.
- A. All existing structures/features permitted within the buffer area before or at the time of adoption of this section are permitted to remain as nonconforming structures.
 - B. Any nonconforming building or structure that has been damaged by natural elements, may be restored, but not to an extent greater than the original floor area which existed at the time of the damage.
 - C. Any nonconforming building or structure may be maintained, repaired, or altered as long as activities conform to the requirements of this section and requirements of this Flood Damage Reduction Ordinance.
 - D. A nonconforming structure shall not be extended or enlarged, except in conformity with this section or when required to do so by law or ordinance or when the change does not compound the existing violation.
 - E. A nonconforming structure shall not be moved in whole or in part to any other location within the Riparian Buffer area.
 - F. All nonconforming buildings and structures must still meet all other requirements as detailed in this Flood Damage Reduction Ordinance.
 - G. Agricultural cultivation or silviculture operations.
 - H. Upon adoption, should Section 1135.04(k) cause any undue hardship, rendering a parcel completely unbuildable, Planning Department staff will determine any adjustments to the buffer area required for construction.

(4) Riparian Buffer Conservation Easement Requirement for Subdivisions.

- A. All Special Flood Hazard Areas (SFHA's) and Riparian Buffer areas for parcels subdivided after the adoption of this section shall be upheld through a Conservation Easement which is required to be submitted for approval by the Planning and Zoning Department. The Conservation Easement shall ensure the purpose of designating the Premises as a conservation area and to ensure a portion of the Premises is constructed as a wetland and preserved to be protected in a natural, scenic, aquatic, open and wooded condition, as suitable habitat for wild flora and fauna of all types, and is maintained in a natural and undisturbed state, that is subject to certain federal and state laws and regulations due to the presence of waters of the United States located thereon, and allowing for the adoption and recordation of a Declaration of Conservation Easement or like instrument as an encumbrance to the Premises, which shall be recorded in the land records and shall continue in perpetuity.
- B. The extent of the Special Flood Hazard Area and Riparian Buffer shall be clearly delineated on the preliminary plat, stormwater conservation plan, and final plat. Other requirements to be shown include the following:
1. Extent of any Riparian Buffer on the subject property
 2. Labels indicating the Riparian Buffer area and SFHA
 3. Provide a note to reference any Conservation Easement governing all Riparian Buffer areas stating: "The Conservation Easement shown hereon restricts disturbance and use of the area pursuant to Section 1135.04 of the Flood Damage Reduction Ordinance. There shall be no clearing, grading, construction, filling, or disturbance of existing vegetation except as approved by Engineering and Planning Departments.
- C. Temporary boundary markers shall be installed by the owner/operator along the perimeter of the Riparian Buffer prior to final approval of any required Stormwater Pollution Prevention Plan (SWPPP).
(Ord. 2022-32. Passed 7-26-22.)

1135.05 APPEALS AND VARIANCES.

(a) Appeals Board Established.

- (1) The Board of Building and Zoning Appeals of the City of Huron shall hear and decide any and all appeals or variances from these regulations.
- (2) The Appeals Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of all official actions. Records of the Appeals Board shall be kept and filed in the City of Huron Planning and Zoning Department, 417 Main Street, Huron, Ohio.

(b) Powers and Duties.

- (1) The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.

- (2) Authorize variances in accordance with Section 1135.05(d) of these regulations.

(c) Appeals. Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within five (5) days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

(d) Variances. Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(1) Application for a Variance.

- A. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.
- B. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.
- C. All applications for a floodplain variance shall be accompanied by the fee established by the City Council for appearances before the Board. The fee for a floodplain variance shall be three hundred dollars (\$300.00).

(2) Public Hearing. At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

- A. The danger that materials may be swept onto other lands to the injury of others.
- B. The danger to life and property due to flooding or erosion damage.
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- D. The importance of the services provided by the proposed facility to the community.

- E. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
- F. The necessity to the facility of a waterfront location, where applicable.
- G. The compatibility of the proposed use with existing and anticipated development.
- H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- I. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(3) Variances shall only be issued upon:

- A. A showing of good and sufficient cause.
- B. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
- C. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
- D. A determination that the structure or other development is protected by methods to minimize flood damages.
- E. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

(4) Other Conditions for Variances.

- A. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 1135.05(d) have been fully considered. As the lot size increases beyond one half acre, the technical justification required for issuing the variance increases.

- C. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(e) Procedure at Hearings.

- (1) All testimony shall be given under oath.
- (2) A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
- (3) The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
- (4) The administrator may present evidence or testimony in opposition to the appeal or variance.
- (5) All witnesses shall be subject to cross-examination by the adverse party or their counsel.
- (6) Evidence that is not admitted may be proffered and shall become part of the record for appeal.
- (7) The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
- (8) The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

(f) Appeal to the Court. Those aggrieved by the decision of the Appeals Board may appeal such decision to the Erie County Court of Common Pleas, pursuant to Ohio Rev. Code Chapter 2506. (Ord. 2022-32. Passed 7-26-22.)

1135.06 ENFORCEMENT.

(a) Compliance Required.

- (1) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1135.03(i).
- (2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1135.06(c).
- (3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 1135.06(c).

(b) Notice of Violation. Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- (1) Be put in writing on an appropriate form;
- (2) Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will affect compliance with the provisions of these regulations;
- (3) Specify a reasonable time for performance;
- (4) Advise the owner, operator, or occupant of the right to appeal;
- (5) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

(c) Violations and Penalties. Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a fourth degree (4th) misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Huron. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Huron from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Huron shall prosecute any violation of these regulations in accordance with the penalties stated herein. (Ord. 2022-32. Passed 7-26-22.)

CHAPTER 1315 Storm Water Management

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CROSS REFERENCES

Plans and fees under Ohio Building Code - see BLDG. 1301.10

1315.01 DEFINITIONS.

As used in this chapter:

- (a) **APPROVING AUTHORITY:** The official responsible for administering the applicable program(s).
- (b) **BEST MANAGEMENT PRACTICE (BMP):** Any practice or combination of practices that is determined to be the most effective, practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by nonpoint sources of pollution to a level compatible with water quality goals. BMPs may include structural practices, conservation practices and operation and maintenance procedures.
- (c) **CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC):** A person that has subscribed to the Code of Ethics and have met the requirements established by the CPESC Council of Certified Professional In Erosion and Sediment Control, Inc. to be a Certified Professional in Erosion and Sediment Control.

- (d) **CHANNEL:** A natural stream that conveys water, or a ditch or channel excavated for the natural flow of water.
- (e) **CONCENTRATED STORM WATER RUNOFF:** Surface water runoff which converges and flows primarily through water conveyance features such as swales, gullies, waterways, channels or storm sewers, and which exceeds the maximum specified flow rates of filters or perimeter controls intended to control sheet flow.
- (f) **CONSERVATION:** The wise use and management of natural resources.
- (g) **CONSTRUCTION GENERAL PERMIT:** The most recent General National Pollutant Discharge Elimination System (NPDES) permit for authorization of stormwater discharges associated with construction activities by Ohio EPA (Permit #OHC000005 and all its successors).
- (h) **CUT AND FILL SLOPES:** A portion of land surface or area from which soil material is excavated and/or filled.
- (i) **DENUDED AREA:** A portion of land surface on which the vegetation or other soil stabilization features have been removed, destroyed or covered, and which may result in or contribute to erosion and sedimentation.
- (j) **DETENTION BASIN:** A storm water management pond that remains dry between storm events. Storm water management ponds include a properly engineered/designed volume which is dedicated to the temporary storage and slow release of runoff waters.
- (k) **DEVELOPMENT AREA:** Any tract, lot, or parcel of land, or combination of tracts, lots or parcels of land, which are in one ownership, or are contiguous and in diverse ownership, where earth-disturbing activity is to be performed.
- (l) **DITCH:** An excavation, either dug or natural, for the purpose of drainage or irrigation, and having intermittent flow.
- (m) **DUMPING:** The grading, pushing, piling, throwing, unloading or placing of soil or other material.
- (n) **EARTH DISTURBING ACTIVITY:** Any grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed.
- (o) **EARTH MATERIAL:** Soil, sediment, rock, sand, gravel, and organic material or residue associated with or attached to the soil.
- (p) **EROSION:** The process by which the land surface is worn away by the action of water, wind, ice or gravity.
- (q) **EXISTING:** In existence at the time of the passage of these regulations.
- (r) **FREQUENCY STORM:** A rainfall event of a magnitude having a specified average recurrence interval and is calculated with Natural Resources Conservation Service, USDA Type II twenty-four hour curves or depth-duration frequency curves.
- (s) **GRADING:** Earth disturbing activity such as excavation, stripping, cutting, filling, stockpiling, or any combination thereof.
- (t) **GRUBBING:** Removing, clearing or scalping material such as roots, stumps or sod.
- (u) **LARGER COMMON PLAN OF DEVELOPMENT OR SALE:** A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.
- (v) **LANDSLIDE:** The rapid mass movement of soil and rock material downhill under the influence of gravity in which the movement of the soil mass occurs along an interior surface of sliding.

- (w) **LOCAL COUNTY SWCD:** The local county Soil and Water Conservation District.
- (x) **NATURAL RESOURCES CONSERVATION SERVICE (NRCS):** An agency of the United States Department of Agriculture, formerly known as the Soil Conservation Service (SCS).
- (y) **NPDES PERMIT:** A National Pollutant Discharge Elimination System Permit issued by Ohio EPA under the authority of the USEPA, and derived from the Federal Clean Water Act.
- (z) **OHIO EPA:** The Ohio Environmental Protection Agency.
- (aa) **ORDINARY HIGH WATER MARK:** The point of the bank or shore to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- (bb) **OUTFALL:** An area where water flows from a structure such as a conduit, storm sewer, improved channel or drain, and the area immediately beyond the structure which is impacted by the velocity of flow in the structure.
- (cc) **PERSON:** Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, township, county, state agency, the federal government, or any combination thereof.
- (dd) **PROFESSIONAL ENGINEER:** A person registered in the State of Ohio as a Professional Engineer, with specific education and experience in water resources engineering, acting in strict conformance with the Code of Ethics of the Ohio Board of Registration for Engineers and Surveyors.
- (ee) **QUALIFIED INSPECTION PERSONNEL:** A person knowledgeable in the principles and practice of erosion and sediment controls, who possesses the skills to assess all conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activity.
- (ff) **REDEVELOPMENT:** The demolition or removal of existing structures or land uses and construction of new ones.
- (gg) **RETENTION BASIN:** A storm water management pond that maintains a permanent pool of water. These storm water management ponds include a properly engineered/designed volume dedicated to the temporary storage and slow release of runoff waters.
- (hh) **RIPARIAN AREA:** Naturally vegetated land adjacent to watercourses which, if appropriately sized, helps to stabilize streambanks, limit erosion, reduce flood flows, and/or filter and settle out runoff pollutants, or which performs other functions consistent with the purposes of these regulations.
- (ii) **RIPARIAN SETBACK:** Those lands within the Community which are alongside streams where earth disturbing activities will not take place and natural vegetation will not be removed.
- (jj) **SEDIMENT:** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity or ice, and has come to rest on the earth's surface either on dry land or in a body of water.
- (kk) **SEDIMENT SETTLING POND:** A temporary Sediment Pond that releases runoff at a controlled rate. It is designed to slowly release runoff, detaining it long enough to allow most of the sediment to settle out of the water. The outlet structure is usually a designed pipe riser and barrel. The entire structure is removed after construction. Permanent storm water detention structures can be modified to function as temporary Sediment Basins.

- (ll) **SEDIMENT CONTROL:** The limiting of sediment being transported by controlling erosion or detaining sediment-laden water and, allowing the sediment to settle out.
- (mm) **SEDIMENT BARRIER:** A sediment control device such as a geotextile Silt Fence or a grass Filter Strip, usually capable of controlling only small flow rates. (Straw bale barriers are not acceptable.)
- (nn) **SEDIMENT POLLUTION:** A failure to use management or conservation practices to control wind or water erosion of the soil and to minimize the degradation of water resources by soil sediment in conjunction with land grading, excavating, filling, or other soil disturbing activities on land used or being developed for commercial, industrial, residential, or other purposes.
- (oo) **SENSITIVE AREA:** An area or water resource that requires special management because of its susceptibility to sediment pollution, or because of its importance to the well-being of the surrounding communities, region, or the state and includes, but is not limited to, the following:
 - (1) Ponds, wetlands or small lakes with less than five (5) acres of surface area;
 - (2) Small streams with gradients less than ten (10) feet per mile with average annual flows of less than three and one-half (3.5) feet per second containing sand or gravel bottoms.
 - (3) Drainage areas of a locally or Ohio designated Scenic River.
 - (4) Riparian and wetland areas.
- (pp) **SETTLING POND:** A runoff detention structure, such as a Sediment Basin or Sediment Trap, which detains sediment-laden runoff, allowing sediment to settle out.
- (qq) **SHEET FLOW:** Water runoff in a thin uniform layer or rills and which is of small enough quantity to be treated by sediment barriers.
- (rr) **SLIP:** A landslide as defined under "Landslides."
- (ss) **SLOUGHING:** A slip or downward movement of an extended layer of soil resulting from the undermining action of water or the earth disturbing activity of man.
- (tt) **SOIL:** Unconsolidated erodible earth material consisting of minerals and/or organics.
- (uu) **SOIL CONSERVATION SERVICE, USDA:** The federal agency now titled the "Natural Resources Conservation Service," which is an agency of the United States Department of Agriculture.
- (vv) **SOIL EROSION AND SEDIMENT CONTROL PLAN:** A written and/or drawn soil erosion and sediment pollution control plan to minimize erosion and prevent off-site sedimentation throughout all earth disturbing activities on a development area.
- (ww) **SOIL EROSION AND SEDIMENT CONTROL PRACTICES:** Conservation measures used to control sediment pollution and including structural practices, vegetative practices and management techniques.
- (xx) **SOIL STABILIZATION:** Vegetative or structural soil cover that controls erosion, and includes permanent and temporary seeding, mulch, sod, pavement, etc.
- (yy) **SOIL SURVEY:** The official soil survey produced by the Natural Resources Conservation Service, USDA in cooperation with the Division of Soil and Water Conservation, ODNR and the local Board of County Commissioners.
- (zz) **STORM WATER CONTROL STRUCTURE:** Practice used to control accelerated storm water runoff from development areas.

- (aaa) **STORM WATER CONVEYANCE:** All storm sewers, channels, streams, ponds, lakes, etc., used for conveying concentrated storm water runoff, or for storing storm water runoff.
- (bbb) **STORM WATER POLLUTION PREVENTION PLAN (SWP3):** The plan required by Ohio EPA to meet the requirements of its National Pollutant Discharge Elimination System (NPDES) Permit program for construction activities.
- (ccc) **STREAM:** A body of water running or flowing on the earth's surface, or a channel with a defined bed and banks in which such flow occurs. Flow may be seasonally intermittent.
- (ddd) **UNSTABLE SOIL:** A portion of land surface or area which is prone to slipping, sloughing or landslides, or is identified by Natural Resources Conservation Service methodology as having a low soil strength.
- (eee) **USEPA:** The United States Environmental Protection agency.
- (fff) **WASTEWATER:** Any water that is contaminated with gasoline, fuel oil, hydrocarbon based chemicals, paint, paint washing liquids or other paint wastes, sanitary wastes, or any other Ohio EPA regulated contaminants.
- (ggg) **WATERCOURSE:** Any natural, perennial, or intermittent channel with a defined bed and banks, stream, river or brook.
- (hhh) **WATER RESOURCES:** All streams, lakes, ponds, wetlands, water courses, waterways, drainage systems, and all other bodies or accumulations of surface water, either natural or artificial, which are situated wholly or partly within, or border upon this state, or are within its jurisdiction, except those private waters which do not combine or affect a junction with natural surface waters.
- (iii) **WETLAND:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (40 Codified Federal Register (CFR) 232, as amended). Wetlands shall be delineated by a site survey approved by the Community using delineation protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time of application of this regulation. If a conflict exists between the delineation protocols of these two agencies, the delineation protocol that results in the most inclusive area of wetlands shall apply.
- (jjj) **WETLAND SETBACK:** Those lands adjacent to wetlands where earth disturbing activities will not take place and natural vegetation will not be removed.
- (kkk) **WINTER:** October 1 to April 1 of each year.
(Ord. 2022-17. Passed 3-22-22.)

1315.02 PURPOSE.

(a) The intent of this regulation is to establish consistent technically feasible and operationally practical standards to achieve a level of storm water management, and erosion and sediment control that will minimize damage to public and private property and the degradation of water resources, and will promote and maintain the health, safety, and welfare of the residents of the Community.

- (b) This regulation further intends, but is not limited, to:
- (1) Allow development while minimizing increases in downstream flooding, erosion, and sedimentation.
 - (2) Reduce damage to receiving water resources and drainage systems that are caused by new development or redevelopment activities.
 - (3) Control storm water runoff resulting from soil disturbing activities.
 - (4) Assure that development site owners control the volume and rate of storm water runoff originating from their property so that surface water and ground water are protected, soil erosion is controlled, and flooding potential is not increased.
 - (5) Preserve to the maximum extent practicable the natural drainage characteristics of the building site and minimize the need to construct, repair, and replace enclosed storm drain systems.
 - (6) Preserve to the maximum extent practicable natural infiltration and groundwater recharge, and maintain subsurface flow that replenishes water resources, wetlands, and wells.
 - (7) Assure that storm water controls are incorporated into site planning and design at the earliest possible stage.
 - (8) Prevent unnecessary stripping of vegetation and loss of soil, especially adjacent to water resources and wetlands.
 - (9) Reduce the need for costly maintenance and repairs to roads, embankments, sewage systems, ditches, water resources, wetlands, and storm water management practices that are the result of inadequate soil erosion, sediment and storm water control.
 - (10) Reduce the long-term expense of remedial projects needed to address problems caused by inadequate storm water, erosion and sediment control.
 - (11) Require the construction of storm water management practices that serve multiple purposes including flood control, soil erosion and sediment control, and require water quality protection; and encourage such practices that promote recreation and habitat preservation.
 - (12) Ensure that all storm water management, soil erosion and sediment control practices are properly designed, constructed, and maintained.
(Ord. 2022-17. Passed 3-22-22.)

1315.03 DISCLAIMER OF LIABILITY.

Neither submission of a plan under the provisions herein, nor compliance with the provisions of these regulations, shall relieve any person or entity from responsibility for damage to any person or property that is otherwise imposed by law.
(Ord. 2022-17. Passed 3-22-22.)

1315.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

(a) Where this chapter imposes a greater restriction upon land than is imposed or required by other Community provisions of law, ordinance, contract or deed, the provisions of this ordinance shall prevail.

(b) If a court of competent jurisdiction declares any clause, section, or provision of these regulations invalid or unconstitutional, the validity of the remainder shall not be affected thereby.

(c) These regulations shall not be construed as authorizing any person to maintain a private or public nuisance on their property. Compliance with the provisions of this regulation shall not be a defense in any action to abate such nuisance.

(d) Failure of the Community to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the owner from the responsibility for the condition or damage resulting there from, and shall not result in the Community, its officers, employees, or agents being responsible for any condition or damage resulting there from. (Ord. 2022-17. Passed 3-22-22.)

1315.05 EFFECTIVE DATE.

This chapter and its regulations shall become effective upon their passage. (Ord. 2022-17. Passed 3-22-22.)

1315.06 SCOPE.

This chapter applies to development areas having new or relocated projects involving highways, underground cables, pipelines, subdivisions, industrial projects, commercial projects, building activities on farms, redevelopment of urban areas and all other land uses not specifically exempted. This ordinance does not apply to:

- (a) Land disturbing activities related to producing agricultural crops or Silviculture operations regulated by the Ohio Agricultural Sediment Pollution Abatement Rules (1501: 15-3-01 to 1501: 15-3-09 of the Ohio Administrative Code) and existing at the time of passage of this regulation.
- (b) Coal surface mining operations regulated by Chapter 1513 of the Ohio Revised Code and existing at the time of passage of this regulation.
- (c) Other surface mining operations regulated by Chapter 1514 of the Ohio Revised Code and existing at the time of passage of this regulation. (Ord. 2022-17. Passed 3-22-22.)

1315.07 CONSULTATIONS.

In implementing these regulations, the Community Engineer or other Community officials may consult with the local county SWCD, state and federal agencies and other technical experts as necessary. Any costs associated with such consultations may be assessed to the applicant or his or her designated representative. (Ord. 2022-17. Passed 3-22-22.)

1315.08 CONSTRUCTION SITE CONSERVATION PLAN.

In order to control storm water damage and sediment pollution of water resources, wetlands, riparian areas, other natural areas, and public and private lands, the owner of each development area shall be responsible for developing a comprehensive Construction Site Conservation Plan. This plan will address storm water management (volume and peak rate of runoff), soil erosion, sediment and other wastes control. This plan must contain a description of controls appropriate for each construction operation covered by these regulations, and the operator must implement the planned controls in a timely manner. The plan and BMPs used to satisfy the conditions of these regulations shall meet the standards and specifications in the current edition of the Ohio Rain Water and Land Development manual. The plan must make use of the practices that preserve the existing natural condition to the Maximum Extent Practicable. The plan shall identify the subcontractors engaged in activities that could impact storm water runoff. The Construction Site Conservation Plan shall contain signatures from all of the identified subcontractors indicating that they have been informed and understand their roles and responsibilities in complying with the Construction Site Conservation Plan.

- (a) **Development Sites Under One (1) Acre in Size:** Individual development sites that are larger than 8,000 square feet and smaller than one (1) acre (43,560 square feet) in total size of disturbed area, can submit abbreviated soil erosion and sediment control plans with the topography plan for the requested permit(s). The abbreviated plan must cover the following items, in addition to any other items from this chapter that are required by the City Engineer.
- (1) **Storm Water Issues:** A statement as to how the increased storm water runoff that will be caused by the planned development project will be handled. The statement must identify the Best Management Practices (BMP'S) the new construction project will include in order to address storm water runoff.
 - (2) **Redevelopment:** Owners of development sites that were created by demolishing an older existing structure can request, in writing, that the City Engineer exempt them from the storm water issues if the total soil surface area being made impermeable is the same or less than the total soil surface area that was impermeable due to the structure(s) being torn down and removed. For a previously developed area, one or a combination of the following two conditions shall be met; (1) a twenty percent (20%) net reduction of the site's volumetric runoff coefficient through impervious area reduction with soil restoration or replacing impervious roof are with green roof area, or (2) treatment of twenty percent (20%) of the WQv (Water Quality Volume) for the previously developed area using a practice meeting table 4a/4b (1315.12(e)) requirements.

Where there is a combination of redeveloped areas and new development, a weighted approach shall be used with the following equation:

$$WQv = P * A * [(Rv1*0.2) + (Rv2 - Rv1)] / 12 \text{ (Equation 3)}$$

where

- | | | |
|-----------------|---|--|
| P | = | 0.90 inches |
| A | = | area draining into the BMP in acres |
| Rv ₁ | = | volumetric runoff coefficient for existing conditions (current site impervious area) |
| Rv ₂ | = | volumetric runoff coefficient for proposed conditions (post-construction site impervious area) |

Post-construction practices shall be located to treat impervious areas most likely to generate the highest pollutant load, such as parking lots or roadways, rather than areas predicted to be cleaner such as rooftops.

- (3) **Riparian and Wetland Setbacks:** All riparian and wetland setback areas will be identified in the plan and in the field before construction starts.
- (4) **Soil Erosion and Sediment Issues:** A sketch of the entire development site must be submitted that identifies the location of:
 - A. All existing and planned impervious areas, storm water inlets, drainage swales, wetlands, streams, conservation easements and other natural features to be saved and protected on the property.

- B. All existing and planned temporary and permanent conservation practices for the site. Residential lots shall include at a minimum the following:
1. Soil erosion and sediment control BMPs, and;
 2. Construction Entrance, and;
 3. Temporary Grass Seeding with two (2) tons per acre of straw mulch, and;
 4. Storm Drain Inlet Protection around every storm yard inlet on the site or accepting drainage from the site, and;
 5. Silt Fence protection for any stream located on or close to the site and lacking an adequate vegetative buffer, and;
 6. Silt Fence to prevent sediment discharge into street storm sewer inlets where no centralized sediment control exists for the drainage area that includes the lot, and;
 7. Construction fence to protect any conservation easements, riparian setbacks and wetland setbacks from encroachment by construction activities.
- (b) Development Sites One (1) Acre In Size or Larger: All developments that have a larger common plan of development or sale equal to or larger than one (1) acre in size of disturbed area are subject to this ordinance and shall follow all of the requirements set forth in this ordinance.
- (1) Description of the Plan of Construction: The following information shall be included in the Construction Site Conservation Plan:
- A. Site Description:
1. A description of the prior land uses of the site.
 2. A description of the nature and type of construction activity (e.g., low density residential, shopping mall, highway, etc.).
 3. A description of the total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavating, filling or grading, including off-site borrow, fill or spoil areas and off-site utility installation areas).
 4. An estimate of the impervious area and percent imperviousness created by the construction activity.
 5. The types of soils within, or affected by, the development area, and the location of all highly erodible or unstable soils as determined by the most current edition of the soil survey of the county, by the Natural Resources Conservation Service (NRCS),
 6. An onsite, detailed Soils Engineering Report if required by the Community Engineer.
 7. The name and/or location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water and the major river watersheds in which it is located.
- B. A vicinity sketch locating:
1. The larger common plan of development or sale
 2. The development area
 3. All pertinent surrounding natural features within 200 feet of the development site including, but not limited to:

- a. Water resources such as wetlands, springs, lakes, ponds, rivers and streams (including intermittent streams with a defined bed and bank)
 - b. Conservation Easements
 - c. Other sensitive natural resources
 - d. The sensitive areas receiving runoff from the development
- 4. All off-site borrow or spoil areas
- 5. All off-site utility installation areas that are related to the planned project
- C. The existing and proposed topography shown in the appropriate contour intervals as approved by the Community Engineer (generally one-foot contours are used).
- D. The location and description of existing and proposed drainage patterns and facilities, including any allied drainage facilities beyond the development area and the larger common plan of development or sale.
- E. Existing and proposed watershed boundary lines, direction of flow and watershed acreage.
- F. The person or entity responsible for continued maintenance of all vegetative and/or mechanical BMPs for both the construction and post-construction phases of the development.
- G. Long-term maintenance requirements and schedules of all BMPs for both the construction and post-construction phases of the development.
- H. Long-term maintenance inspection schedules.
- I. The person or entity financially responsible for conducting the inspections of, and the maintenance of, permanent storm water conveyance and storage structures and all other conservation practices.
- J. The method of ensuring that funding will be available to conduct the long-term maintenance and inspections of all permanent storm water, soil erosion and sediment control and water quality practices.
- K. The location of any existing or planned riparian and/or wetland setback areas on the property.
- L. The plan must clearly describe, for each major construction activity, the appropriate BMPs and the general timing (or sequence) during the construction process of when the measures will be implemented; and, who (which contractor) will be responsible for implementation (e.g., Contractor A will clear, grub and install perimeter controls and Contractor B will maintain perimeter controls until final stabilization; Contractor C will conduct and document the scheduled inspections.)
- M. Location and description of any storm water discharges associated with dedicated asphalt and concrete plants covered by this regulation and the Best Management Practices to address pollutants in these storm water discharges.

- (2) Construction Site Conservation Plan Elements: the Construction Site Conservation Plan shall include, at a minimum, the following information:
- A. The Construction Site Conservation Plan shall include a map showing the location of:
1. The limits of earth disturbing activity including excavations, filling, grading or clearing.
 2. Drainage patterns during major phases of construction.
 3. The location of each proposed soil erosion and sediment control BMP, including:
 - a. Permanent soil erosion control practices to be left in place after construction operations have been completed (e.g. level spreaders, permanent erosion control matting, gabions, rock lined channels, etc.),
 - b. Areas likely to require temporary stabilization during the course of site development,
 - c. Designated construction entrances where vehicles will access the construction site,
 - d. In-stream activities including stream crossings,
 - e. Areas designated for the storage or disposal of solid, sanitary and toxic wastes,
 - f. Dumpsters,
 - g. Cement truck washout,
 - h. Fuel tanks
 - i. BMPs that divert runoff away from disturbed areas and steep slopes where practicable including rock check dams, pipe slope drains, diversions to direct flow away from exposed soils, and protective grading practices,
 - j. Sediment settling ponds drawn to scale.
 4. Existing and proposed locations of buildings, roads, parking facilities and utilities.
 5. Boundaries of wetlands and stream channels the owner intends to fill or relocate for which the owner is seeking approval from the US Army Corps of Engineers and/or Ohio EPA.
- B. The Construction Site Conservation Plan shall include a list of soil erosion and sediment control BMPs being used and the standards and specifications, including detailed drawings, for each BMPs. This list shall include:
1. Methods of controlling the flow of runoff from disturbed areas so as to prevent or minimize erosion.
 2. Identification of the Structural Practices to be used to control erosion and trap sediment from a site remaining disturbed for more than fourteen (14) days. A description shall be included of how each selected control will store runoff so as to let sediments settle out and/or divert flows away from exposed soils or act to limit runoff from exposed areas.
 3. Identification for each Structural Practice of its size, detail drawings, maintenance requirements and design calculations.

4. The type and amount of plant seed, live plants, fertilizer, agricultural ground limestone and mulch to be used. Specification of soil testing requirements for fertility and lime requirements will be included. Specification for the use of perennial grass seed will also be included.
 5. Settling ponds will be identified with basic dimensions and the calculations for size and volume.
 6. Detailed drawings and installation requirements of all other structural control BMPs.
 7. Any other soil erosion and sediment control related BMPs and items that are required by the Community Engineer.
 8. For developments where the overall plan does not call for centralized sediment control capable of controlling multiple individual lots, a detail drawing of a project specific typical individual lot showing standard individual lot soil erosion and sediment control practices and the sequence and timing of BMP installation for the individual lots. This does not remove or eliminate the responsibility to designate and install specific soil erosion and sediment control practices for the storm water discharges.
- C. The Construction Site Conservation Plan shall include the scheduling, phasing, and coordination of construction operations and erosion and sediment control BMPs, including vegetative plantings and mulch.
- (3) The Construction Site Conservation Plan shall include a description of the Storm Water Management (SWM) practices to be used on the site. The SWM element of the Plan shall include, at a minimum, the following:
- A. A map showing the location, drawn to scale, of permanent SWM conveyance, detention and retention structures, other SWM control structures and the SWM easements.
 - B. A general description of the SWM strategy proposed to meet this chapter.
 - C. Design calculations for all permanent SWM conveyance, detention and retention structures, and other SWM control structures.
 - D. A minimum of one green infrastructure/infiltration stormwater control measure (SCM) to be included on the Construction Site Conservation Plan or any combination of green infrastructure and infiltration practices to be installed on site when feasible. This includes, but is not limited to, bioretention areas/cells, infiltration basins, infiltration trenches, and permeable pavement. Any site exemption to this requirement is to be determined by the Community Engineer pending a review of valid site restrictions provided by the developer. For permeability requirements, refer to Section 1315.12(e) Table 4b - Infiltration Post-Construction Practices with Maximum Drain Times or 1317.09 Table 2.
 - E. For redevelopment projects/previously developed area requirements, refer to Section 1315.08(a)(2) of this chapter
 - F. Any other SWM related items required by the Community Engineer. (Ord. 2022-17. Passed 3-22-22.)

1315.09 EASEMENTS.

Future access to floodplains, flood control facilities, runoff drainage ditches and channels, runoff storage facilities, storm sewers and other drainage ways and structures, as required by the Community Engineer, shall be secured by means of easements.

- (a) The easements shall be recorded in the name of the Community and, in single-family residential developments, the homeowners association.
- (b) Such easements shall be not less than twenty-five (25) feet in width, in addition to the width of the ditch, channel, or other facility it is to serve. Access easements of this type shall be provided on one (1) side of the flood control or storm drainage ditch, channel, or similar type facility.
- (c) Access along the initial drainage system shall be by means of easements. Such easements shall be not less than twenty-five (25) feet in width, with a minimum ten (10) foot width on either side of the centerline.
- (d) Access adjacent to storage facilities shall consist of a twenty-five (25) foot easement in the case of detention (dry) basins, and a twenty-five (25) foot easement with a twenty-five (25)-foot level bench in the case of retention (wet) basins, measured from the top of the bank, and shall include the storage facility itself.
- (e) Easements for the emergency flow ways shall be a minimum of twenty-five (25) feet in width, or larger if required by the Community Engineer.
- (f) Flood control or storm drainage easements containing underground facilities shall have a minimum width of twenty-five (25) feet.
- (g) The easements shall be restricted against the planting within said easement of trees, shrubbery or plantings with woody growth characteristics, and against the construction therein of buildings, accessory buildings, fences, walls or any other obstructions to the free flow of storm water and the movement of inspectors and maintenance equipment and also restricted against the changing of final grade from that described by the grading plan.
(Ord. 2022-17. Passed 3-22-22.)

1315.10 MAINTENANCE.

Any portion of the permanent drainage and soil erosion systems, including on-site and off-site storage facilities that are constructed by the owner, will be continuously maintained into perpetuity.

- (a) Maintenance plans shall be provided by the permittee to both the Community Engineer and the post- construction operator of the BMP (including homeowner associations) upon completion of construction activities and prior to the Community Engineer giving final approval for the completed construction.
- (b) Single Family and Multi-family Residential Developments: A Homeowners' Association shall be created and placed in title of the affected lands and shall be continuously responsible for post-construction maintenance and inspections into perpetuity unless such maintenance and inspections become officially accepted by the Community.
- (c) Apartment, Commercial and Industrial Developments: The plans will clearly state that the owner of the property shall be continuously responsible for post-construction maintenance and inspections into perpetuity unless the Community officially accepts such maintenance and inspections.

- (d) **Maintenance Design:** All temporary and permanent soil erosion and sediment control practices shall be designed and constructed to minimize maintenance requirements. Multi-use facilities incorporating assets such as aesthetics and recreation may be incorporated into the design of the drainage facilities. All permanent drainage, soil erosion, sediment control, water quality management systems and BMPs, including on-site and off-site structures and vegetation that are constructed or planted, must be inspected and maintained into perpetuity by the responsible party designated in the plans. Inspections and maintenance will be incorporated periodically throughout the year to ensure that the facilities are properly operational.
- (e) **Perpetual Maintenance Inspections:** One (1) inspection with a written report will be performed each year. The written report will be given to the Community Engineer by May 1 of each and every year after the Best Management Practice (BMP) has been completed.
 - (1) **Structures that require a permit from the Ohio Division of Water:** A written and stamped report from a professional engineer on the status of all structural BMPs that require a permit from the Ohio Department of Natural Resources (ODNR) Division of Water. This applies to all BMPs that require a permit either at the time of construction or fall under the jurisdiction of the ODNR Division of Water at any time after construction is completed.
 - (2) **Easements:** A written report from an inspector on the status of all storm water management easements for each project shall be submitted to the Community Engineer by May 1 of each year into perpetuity. These reports will document if restricted plantings, fences and structures are on the easement and will identify the location of the noted easement restriction violations.
 - (3) **Best Management Practices (BMPs) that do not have a high risk for loss of life, bodily injury, or damage to structures or infrastructure related to imminent failure as determined by the Community Engineer:** A written and stamped report from a professional engineer, landscape architect or Certified Professional In Erosion and Sediment Control (CPESC) on the status of permanent soil erosion, sediment control, water quality management systems and the status of the related easements shall be submitted to the Community Engineer by May 1 of each year into perpetuity.
 - (4) **BMPs that have a potential loss of Life:** A written and stamped report covering the status of all BMPs that have a potential for loss of life, bodily injury, or damage to structures or infrastructure will be prepared by a professional engineer or other individual possessing a valid state license that authorizes them to design the same type of BMP for construction.
(Ord. 2022-17. Passed 3-22-22.)

1315.11 MINIMUM STANDARDS.

In order to control sediment pollution of water resources, the owner or person responsible for the development area shall use conservation planning and practices to maintain the level of conservation established in the following standards.

- (a) The plan shall include measures that control the flow of runoff from disturbed areas so as to prevent soil erosion from occurring.

- (b) Structural Practices shall be used to control erosion and trap sediment from areas remaining disturbed for more than fourteen (14) days.
- (c) Sediment Barriers: Sheet flow runoff from denuded areas shall be intercepted by Silt Fence or Diversions to protect adjacent properties and water resources from sediment. Where intended to provide sediment control, Silt Fence shall be placed on a level contour. The relationship between the maximum drainage areas to Silt Fence for a particular slope is shown in the table below (placing silt fence in a parallel series does not extend the size of the drainage area).

Table 1: Silt Fence Applicability

Maximum drainage area (in acres) to Range of slope for a particular drainage area	
100 linear feet of Silt Fence	(in percent)
0.5	< 2%
0.25	≥ 2% but < 20%
0.125	≥ 20% but < 50%

- This does not preclude the use of other sediment barriers designed to control sheet flow runoff. The total runoff flow treated by a sediment barrier shall not exceed the design capacity for that sediment barrier. Straw Bale Barriers are not acceptable.
- (d) Storm Water Diversion Practices: Storm water diversion practices shall be used to keep runoff away from disturbed areas and steep slopes where practicable. Such practices, which include Swales, Dikes or Berms, Pipe Slope Drains and Diversions, may receive storm water runoff from areas up to ten (10) acres. Storm water diversion practices alone are not considered a sediment control practice unless those are used in conjunction with a sediment settling pond.
 - (e) All sediment control practices must be capable of ponding runoff in order to be considered functional.
 - (f) Clearing and Grubbing will be done in two (2) or more phases. The first phase will include only those locations necessary to install the perimeter soil erosion, sediment and storm water control BMPs. After the perimeter controls are in place and functioning, the remaining phase(s) of clearing and grubbing may continue.
 - (g) Timing of Sediment Trapping Practices: Sediment control practices shall be functional throughout all phases of up slope earth disturbing activity. Settling facilities, perimeter controls and other practices intended to trap sediment shall be implemented prior to grading and within seven (7) days from the start of grubbing. They shall continue to function until the up slope development area is permanently restabilized. As construction progresses and the topography is altered, appropriate controls must be constructed or existing controls altered to address the changing drainage patterns.
 - (h) Stabilization of Denuded Areas: Disturbed areas must be stabilized as specified in the tables below, or according to the Ohio EPA NPDES Storm Water Permit Rules, whichever is most restrictive:

Table 2: Permanent Stabilization

Area requiring permanent stabilization	Time frame to apply erosion controls
Any areas that will lie dormant for one year or more	Within seven days of the most recent disturbance
Any areas within 50 feet of a surface water of the state and at final grade	Within two days of reaching final grade
Other areas at final grade	Within seven days of reaching final grade within that area

Table 3: Temporary Stabilization

Area requiring temporary stabilization	Time frame to apply erosion controls
Any disturbed areas within 50 feet of a surface water of the state and not at final grade	Within two days of the most recent disturbance if the area will remain idle for more than 14 days
Any disturbed areas that will be dormant for more than 14 days but less than one year, and not within 50 feet of a surface water of the state	Within seven days of the most recent disturbance within the area For residential subdivisions, disturbed areas must be stabilized at least seven days prior to transfer of permit coverage for the individual lot(s).
Disturbed areas that will be idle over winter	Prior to the onset of winter weather

- (i) **Sediment Settling Ponds:** A sediment settling pond is required for any one of the following conditions:

- Concentrated storm water runoff (e.g., storm sewer or ditch);
- Runoff from drainage areas, which exceed the design capacity of silt fence or other sediment barriers;
- Runoff from drainage areas that exceed the design capacity of inlet protection;
- Runoff from common drainage locations with ten (10) or more acres of disturbed land.

Alternative controls can be used if the owner can show, in writing, that the Ohio EPA approved the use of alternatives that the owner demonstrated to be equivalent in effectiveness to a sediment settling pond.

- (1) Where storm sewer drainage areas include ten (10) or more acres disturbed at one time, a temporary (or permanent) sediment settling pond must be provided until final stabilization of the site. In single-family residential construction, final stabilization is after the houses are built and permanent landscaping is done.

- A. It is recommended that for drainage locations of less than ten (10) acres, smaller sediment settling basins and/or sediment traps be used.
- (2) Each facility's storage capacity shall be no less than 1800 cubic feet of dewatering zone area per acre of total contributing drainage area and 1000 cubic feet per disturbed acre of sediment storage zone area. The storage volume will be measured from the bottom of the basin to the top of the primary (principle) spillway.
 - (3) Permanent storm water management ponds that are designed to trap sediment during construction shall be designed to provide for a slow release of sediment-laden water. The draw down time must be at least forty-eight (48) hours, or meet the criteria in the Ohio Rainwater and Land Development manual whichever is most stringent.
 - (4) The design configuration between inlet(s) and the outlet of settling ponds must provide at least two units of length for each one unit of width ($> 2:1$ length to width ratio); a length to width ratio of 4:1 is recommended.
 - (5) The depth of the dewatering zone of the sediment settling pond must be less than or equal to five (5) feet.
 - (6) Sediment must be removed from the sediment settling ponds when the design capacity has been reduced by forty percent (40%).
 - (7) Public safety, especially as it relates to children, must be considered in the design. Alternative sediment controls must be used where site limitations would preclude a safe design.
 - (8) Temporary sediment settling ponds will not be constructed in any stream channel.
- (j) Storm Sewer Inlet Protection:
- (1) All storm sewer inlets that accept water runoff from the development area shall be protected so that sediment-laden water will not enter the storm sewer, unless the storm drain system drains to a Sediment Settling Pond and is exempted in writing by the Community Engineer. In areas where construction will be ongoing, such as subdivisions, the storm sewer protection shall be maintained until all up slope areas reach final stabilization, as determined by the Community Engineer.
 - (2) All inlets receiving runoff from drainage areas of one or more acres will require a sediment settling pond.
 - (3) At the end of this period the site owner shall hydraulically clean the storm sewers to the satisfaction of the Community Engineer. All sediments shall be removed from the system and shall not be flushed downstream.
- (k) Storm Sewer and Other Drainage Outlets: All storm sewers, footer drains, roof gutter drains and all other drains will be outletted at the bottom of the slope. The slope below the outlet will be able to control the water being drained through the storm sewer or other drains without causing erosion of the stream or channel banks or channel bottom or other areas that the water is outletted on.
- (l) Working Near, Or Crossing Streams and Wetlands:
- (1) Construction vehicles shall avoid water resources, wetlands, riparian areas, and their setbacks. If construction vehicles must cross these areas during construction, an approved temporary crossing shall be constructed. Streams, including intermittent streams with a defined bed and banks, shall be restabilized immediately after in-channel work is completed, interrupted, or stopped. Erodible materials will not be used in making stream crossings.

- (2) No soil, rock, debris, or any other material shall be dumped or placed into a water resource or into such proximity that it may slough, slip, or erode into a water resource unless such dumping or placing is authorized by the approving authority and, when applicable, the US Army Corps Of Engineers and Ohio EPA, for such purposes as, but not limited to, constructing bridges, culverts, and erosion or sediment control structures.
 - (3) If construction activities disturb areas adjacent to streams, structural practices shall be designed and implemented on site to protect the adjacent streams from the impacts of sediment runoff.
 - (4) No temporary or permanent sediment controls will be constructed in a stream channel.
 - (5) Streams and wetland setbacks required by the community will be implemented. As a minimum a setback of twenty-five (25) feet, as measured from the ordinary high water mark of the surface water, will be maintained in its natural state as a permanent buffer.
- (m) Construction Entrance:
- (1) Measures shall be taken to prevent soil transport onto public roads, or surfaces where runoff is not checked by sediment controls.
 - (2) Stone with geotextile construction entrance(s) shall be implemented as required by the Community Engineer and the Ohio EPA. These will be planned and installed according to the requirements in the most recent edition of the Ohio Rainwater and Land Development manual.
 - (3) Where soil is transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day, or more frequently, in order to ensure public safety. Soil shall be removed from paved surfaces by shoveling or sweeping. Street washing shall be allowed only after shoveling or sweeping has removed most of the sediment and street sewer inlet protection is properly installed unless end of sewer sediment ponds exist and are properly functioning.
 - (4) Erodible material ramps in streets will not be used to enable equipment to cross curbs. Non-erosive materials (e.g. wood and stone) can be used.
- (n) Unstable Soils:
- (1) Unstable soils will be as determined by the local county Soil Survey or by a detailed soils report.
 - (2) The Community Engineer may require detailed soil reports when deemed necessary.
 - (3) Unstable soils prone to slipping or land sliding shall not be graded, excavated, filled or have loads imposed upon them unless the work is performed in accordance with a qualified professional engineer's recommendations to correct, eliminate, or adequately address the problems.
- (o) Cut And Fill Slopes: Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion and slippage. Consideration shall be given to the length and steepness of the slope, soil type, up slope drainage area, groundwater conditions and slope stabilization. The minimum final unreinforced soil slopes will have a horizontal to vertical ratio of 2:1 (the horizontal will be two (2) times the vertical).

- (p) Stabilization of Outfalls and Channels: Outfalls and constructed or modified channels shall be designed and constructed to withstand the expected velocity of flow from the planned post-development frequency storm without eroding. The planned post-construction velocity and flow shall include the entire contributing watershed. Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel to provide non-erosive velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.
- (q) Establishment of Permanent Vegetation: A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until ground cover is achieved which, in the opinion of the Community Engineer, has eighty percent (80%) vegetative density over the entire disturbed area and provides adequate cover, and is mature enough to satisfactorily control soil erosion and survive adverse weather conditions.
- (r) Disposition of Temporary Practices: All temporary soil erosion and sediment control practices shall be disposed of immediately after final site stabilization is achieved or after the temporary practices are no longer needed, unless otherwise required by the Community Engineer. Trapped sediment shall be permanently stabilized to prevent further erosion. The Construction Maintenance Guarantee shall not be released by the Community until all temporary soil erosion and sediment control practices that are no longer needed have been removed, properly disposed of and any trapped sediment has been stabilized.
- (s) Underground Utility Construction: The construction of underground utility lines, pipes, etc. shall be subject to the following criteria:
 - (1) Trenches shall remain open for no more than five (5) days.
 - (2) There shall be no turbid discharges to surface waters resulting from dewatering activities. If trench or ground water contains sediment, it must pass through a sediment settling pond or other equally effective sediment control device, prior to being discharged from the construction site or to waters of the state.
 - (3) When discharging clean ground water care must be taken to ensure that it does not become pollutant laden by crossing over disturbed soils or other pollutant sources.
- (t) Inspections:
 - (1) If inspections or other information indicates a control has been used inappropriately or incorrectly or it has failed, it must be replaced or modified for the site conditions.
 - (2) The owner of the development area shall have the site inspected for soil erosion, sediment control and other environmental concerns every seven (7) calendar days, and within twenty-four (24) hours of a one-half (0.5) inch or greater rainfall event until the Community Engineer certifies the site as being stable. The Community Engineer certification does not relieve the permittee from meeting the Ohio EPA NPDES inspection requirements.
 - (3) The inspection frequency may be reduced to at least once every month if the entire site is temporarily stabilized or runoff is unlikely due to weather conditions (e.g., the site is covered with snow, ice, or the ground is frozen.) A waiver of inspection requirements is available until one month before thawing conditions are expected to result in a discharge if all of the

following conditions are met: the project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e., more than one month); land disturbance activities have been suspended; and the beginning and ending dates of the waiver period are documented. Once a definable area has been fully stabilized, you may mark this on your plans and no further inspection requirements apply to that portion of the site.

- (4) Following each inspection, a checklist must be completed and signed by the qualified inspection personnel representative. At a minimum, the inspection report must include: i) the inspection date; ii) names, titles, and qualifications of personnel making the inspection; iii) weather information for the period since the last inspection including the timing, duration, and depth of any storms; iv) weather information and a description of any discharges occurring at the time of the inspection; v) location(s) of discharges of sediment or other pollutants from the site; vi) location(s) of BMPs that need to be maintained; vii) location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; viii) location(s) where additional BMPs are needed that did not exist at the time of the inspection; and, ix) corrective action required including any necessary changes to the Comprehensive Storm Water Management Plan and implementation dates.
- (5) The inspection log will include the date and actions taken to correct problems noted in past inspection logs.
- (6) If the construction site is subject to Ohio EPA's National Pollutant Discharge Elimination System (NPDES) permit for construction activity, a copy of all of the required inspection sheets will be submitted to the Community Engineer within three (3) working days of the date that the inspection was conducted.
- (7) Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system.
- (8) Erosion and sediment controls identified in the Storm Water Pollution Prevention Plan shall be observed to ensure that they are operating correctly.
- (9) Discharge locations shall be inspected to ascertain whether erosion and sediment control measures are effective in preventing significant impacts to the receiving waters.
- (10) Locations where vehicles enter or exit the site shall be inspected for evidence of off-site vehicle tracking.
- (11) Sensitive areas including riparian and wetland setbacks shall be observed to ensure that they remain well marked and undisturbed.
- (12) If the inspection reveals that a control practice is in need of repair or maintenance, with the exception of sediment settling ponds, it must be repaired or maintained within three (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.
- (13) If any inspection reveals that a control practice fails to perform its intended function and that another, more appropriate control practice is required, the Construction Site Conservation Plan must be amended and the new control practice must be installed within ten (10) days of the inspection.

- (14) If the inspection reveals that a control practice has not been implemented in the time required by this chapter it must be installed within ten (10) days from the date of inspection.
- (15) If the inspection reveals that a planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.
- (u) Control of Materials and Debris: Site management practices shall be implemented to prevent toxic materials, hazardous materials, or other debris from entering the Community's and state's water resources or wetlands. These practices shall include, but are not limited to, the following:
 - (1) A covered dumpster shall be made available for the proper disposal of construction site waste materials, garbage, plaster, drywall, grout, gypsum and etc. A second covered dumpster will be provided for the proper disposal of toxic and hazardous wastes.
 - (2) The washing of excess concrete material into a street, catch basin, or other public facility or natural resource shall not occur. A designated area for concrete washouts shall be made available and used for all concrete washouts.
 - (3) All fuel tanks and drums shall be stored in a marked storage area. A dike shall be constructed around this storage area with a minimum capacity equal to one hundred ten percent (110%) of the volume of the largest container in the storage area. All additional requirements of the local fire authority must be followed. If the fuel tanks have a self-contained "dike," the plug will be kept in the "dike" tank at all times.
 - (4) Any toxic or hazardous wastes and/or contaminated soils must be disposed of according to all applicable environmental laws and statutes. Local health districts and Ohio EPA can provide guidance on these issues.
 - (5) On a site with a prior industrial land use or a site that is contaminated with gasoline, fuel oil, hydrocarbon-based chemicals or other Ohio EPA regulated contaminants, the storm water is considered wastewater. A permit from Ohio EPA is required to address these sites.
 - (6) Proper permits shall be obtained for development projects on solid waste landfill sites.
 - (7) Paint, paint washing liquids, excess paints and other paint wastes are considered solid wastes and shall be disposed of in accordance with applicable state regulations. Appropriate handling of these wastes shall occur at the site so as to prevent the discharge of these wastes into surface or ground waters.
 - A. Water based paint washing liquids and small quantities of excess water based paints may be disposed of by flushing down a connected sanitary sewer but may not be disposed of in an on-lot disposal system.
 - B. All other paints, paint thinners, and paint cleaning materials will be disposed of in the site's hazardous waste disposal dumpster.
 - (8) Restroom facilities will be provided for site workers at all times that workers are present on the site and during all phases of the construction.
 - (9) All required permits from appropriate federal, state, or local agencies are required to develop land with a previous industrial or commercial use or another use that may have led to soil contamination by a regulated pollutant.

- (v) Pre-winter Stabilization: If the development area will, or is planned to remain, active through the winter months, the owner of the development area shall hold a Pre-Winter Stabilization Meeting. The meeting will be held before October 1. The owner shall invite the operator, developer, engineer, contractor, Community Engineer and anyone else requested by the Community Engineer to the meeting.
- (w) Storm Water Basins:
- (1) Pool Geometry: The minimum length-to-width ratio for the pond is 3:1 (the length will be three (3) times the width).
 - (2) Riser in Embankment: The riser shall be located within the embankment for purposes of maintenance access. Access to the riser will be by manholes.
 - (3) Water Drains: Each retention basin shall have a drainpipe that can completely drain the pond. The drain shall have an elbow within the pond to prevent sediment deposition from plugging the drain.
 - (4) Adjustable Gate Valves: Both the storm water management and water quality basin drains shall have adjustable gate valves. Valves shall be located inside the riser at a point where they will remain dry and can be operated in a safe and convenient manner. During the annual inspections the valves shall be fully opened and closed at least once, and the certifying official shall attest to this on the inspection form. To prevent vandalism, the handwheel shall be chained to a ringbolt or manhole step.
 - (5) Principal Spillway: Each principal spillway shall be designed in accordance with the NRCS standards and specifications for the office serving the county. Each principal spillway shall have the capacity to pass the 100-year design storm flow. The inlet or riser size for the pipe drops shall be designed so that the flow through the structure goes from weir flow control to pipe flow control without going into orifice control in the riser. The crest elevation of the primary spillway shall be no less than one foot below the emergency spillway crest. Premium joint pipe is required and a removable trash rack shall be installed at each location. Anti-seep collars shall be provided for all pipe conduits through an embankment.
 - (6) Emergency Spillway: An emergency spillway shall be provided on each storm water management basin. Emergency spillways shall convey flood flows safely past the embankment, and shall be designed in accordance with NRCS standards and specifications for the office serving the local county. Emergency spillways shall have a 100-year design storm capacity unless exempted in writing by the Community Engineer.
 - (7) Embankments: Each dam embankment shall be designed in accordance with the NRCS standards and specifications for the office serving the county that the project is located in. Anti-seep collars shall be provided for all pipe conduits through an embankment.
 - (8) Safety Features:
 - A. The primary spillway opening shall not permit access to the public and other non-maintenance personnel.
 - B. The perimeter of all water pool areas that are deeper than three (3) feet shall be surrounded by benches that meet the following:

1. A safety bench, with a maximum slope of three percent (3%), which extends outward, on dry land, from the shoreline. This bench will be a minimum of twenty-five (25) feet wide to provide for the safety of individuals and maintenance vehicles that are adjacent to the water pool. The safety bench may be landscaped, without the use of structures, to prevent access to the water pool.
 2. Side slopes between the safety bench and the aquatic bench shall not be steeper than 3:1 (3 feet horizontal for every 1 foot vertical).
 3. An aquatic bench that extends inward from the shoreline far enough to ensure public safety and has a maximum depth of fifteen (15) inches below the normal water surface elevations. The aquatic bench may be landscaped to prevent access to the deeper water pool.
 4. Side slopes beyond the aquatic bench and below the permanent water level shall not be steeper than 2:1 (2 feet horizontal for every 1 foot vertical).
 5. The contours of the pond will be designed and managed to eliminate drop-offs and other hazards.
 6. Side slopes getting to the pond shall not exceed 3:1 and shall terminate on a safety bench.
 7. Soil erosion and sediment control practices used to satisfy these standards shall meet the standards and specifications in the current edition of the Ohio Rainwater and Land Development manual, NRCS Field Office Technical Guide for the local county or the Ohio EPA, whichever is most stringent.
- (x) These standards are general guidelines and shall not limit the right of the Community Engineer to impose at any time additional, more stringent requirements, nor shall the standards limit the right of the Community Engineer to waive, in writing, individual requirements.
- (y) Soil limitations shall be determined by using the current edition of the county soil survey written by the NRCS, USDA.
- (z) Methods for controlling increases in storm water runoff peaks and volumes may include, but are not limited to:
- (1) Retarding flow velocities by increasing friction; for example, grassed road ditches rather than paved street gutters where practical, discharging roof water to vegetated areas, or grass and rock-lined drainage channels.
 - (2) Grading and use of grade control structures to provide a level of control in flow paths and stream gradients.
 - (3) Induced infiltration of increased storm water runoff into soil, where practical; for example, constructing special infiltration areas where soils are suitable, retaining topsoil for all areas to be vegetated, or providing good infiltration areas with proper emergency overflow facilities.
 - (4) Provisions for detention and retention, for example, permanent retention ponds and lakes, dry detention basins, and subsurface detention tanks.
(Ord. 2022-17. Passed 3-22-22.)

**1315.12 STREAM CHANNEL, FLOODPLAIN EROSION DESIGN CRITERIA,
AND INFILTRATION POST CONSTRUCTION PRACTICES
WITH MAXIMUM DRAIN TIMES .**

(a) **Runoff Rate:** The peak runoff rate from the development area shall not be greater after development than it was before development. The applicant shall provide calculations proving no increase in the runoff rates from the one (1), two (2), five (5), ten (10), twenty-five (25), fifty (50) and one hundred (100) year storms.

(b) **Runoff Volume:** Increases in the runoff volume shall be offset by further restricting runoff rates. Based on the increase in runoff volume, the applicant shall determine the critical storm for the development area. The runoff rate from the critical storm shall be restricted to the one (1) year pre- development storm runoff rate. The critical storm shall be calculated as follows:

- (1) Determine the total volume of runoff from a one-year frequency, twenty-four hour storm, occurring on the development area before and after development.
- (2) From the volumes in paragraph (1) determine the percent of increase in volume of runoff due to development according to the equation $(Q \text{ after} \div \text{the } Q \text{ before}) \times 100$ and, using this percentage, select the critical storm from this table:

Table 4: Critical Storm Selection

The Percentage Increase in Volume Of Runoff is:		
Equal To Or Greater Than	And Less Than	The 24-hour "Critical Storm" For Discharge Will Be
0	10	1 Year
10	20	2 Years
20	50	5 Years
50	100	10 Years
100	250	25 Years
250	500	50 Years
500	---	100 Years

(c) Detention Or Retention Basin Exemption For Redevelopment Or For Expansion Of Existing Facilities:

- (1) For any development regulated by this ordinance, the construction of a detention or retention basin may not be required for the development if the post-development peak discharge for a 100 year frequency twenty-four (24) hour storm increases the existing peak discharge by one (1) cubic foot per second or less using the TR-55 method of calculation or other method approved by the Community Engineer. The Community Engineer can waive this requirement if existing storm sewers and drainage structures can safely handle the expected increase in flow.
- (2) Only one (1) exemption will be allowed per parcel. Any subsequent expansion must provide for detention or retention and must include the previously exempted area.

(d) Where the Community Engineer determines that site constraints exist in a manner that compromises the intent of this ordinance to improve the management of storm water runoff as established in this section, practical alternatives may be used to result in an improvement of water quality and/or a reduction of storm water runoff. Such alternatives must be in keeping with the intent and likely cost of those measures that would otherwise be required to meet the objectives of this section. When possible, all practical alternatives shall be implemented within the drainage area of the proposed development project. Practical alternatives can include, but are not limited to:

- (1) Fees shall be paid in an amount specified by the Community Engineer. These fees shall be applied by the Community to storm water management practices that reduce existing storm water runoff.
- (2) Implementation of off-site storm water management practices.
- (3) Watershed or stream restoration.
- (4) Retrofitting of an existing storm water management practice.
- (5) Other practices approved by the Community Engineer in keeping with the intent of this section.

(e) Table 4b: Infiltration Post Construction Practices with Maximum Drain Times

Table 4b Infiltration Post-Construction Practices with Maximum Drain Times

Infiltration Practices	Maximum Drain Time of WQv
Bioretention Area/Cell ^{1,2}	24 hours
Infiltration Basin ²	24 hours
Infiltration Trench ³	48 hours
Permeable Pavement - Infiltration ³	48 hours
Underground Storage - Infiltration ^{3,4}	48 hours

1. Bioretention soil media shall have a permeability of approximately 1 - 4 in/hr. Meeting the soil media specifications in the Rainwater and Land Development manual is considered compliant with this requirement. Bioretention cells must have underdrains unless in-situ condition allow for the WQv (surface ponding) plus the bioretention soil (to a depth of 24 inches) to drain completely within 48 hours.

2. Infiltrating practices with the WQv stored aboveground (bioretention, infiltration basin) shall fully drain the WQv within 24 hours to minimize nuisance effects to standing water and to promote vigorous communities of appropriate vegetation.
3. Subsurface practices designed to fully infiltrate the WQv (infiltration trench, permeable pavement with infiltration, underground storage with infiltration) shall empty within 48 hours to recover storage for subsequent storm events.
4. Underground storage systems with infiltration must have adequate pretreatment of suspended sediments included in the design and documented in the SWP3 in order to minimize clogging of the infiltrating surface. Pretreatment shall concentrate sediment in a location where it can be readily removed. Examples include media filters situated upstream of the storage or other suitable alternative approved by Ohio EPA. For infiltrating underground systems, pretreatment shall be eighty percent (80%) effective at capturing total suspended solids according to the testing protocol established in the Alternative Post-Construction BMP Testing Protocol.
(Ord. 2022-17. Passed 3-22-22.)

1315.13 COMPLIANCE WITH OTHER RULES AND REGULATIONS.

(a) Ohio Dam Safety Laws: The provisions of the Ohio Dam Safety Laws shall be followed. Proof of compliance with the Ohio Dam Safety Law administered by the ODNR Division of Water shall be, but is not limited to, a copy of the ODNR Division of Water permit number or a copy of the project approval letter from the ODNR Division of Water or a letter from the site owner explaining why the Ohio Dam Safety Law is not applicable. The written proof will be provided to the Community Engineer before a construction permit will be issued.

(b) NPDES Permits: The provisions of the National Pollutant Discharge Elimination System (NPDES) Permits, issued by the Ohio EPA, shall be followed. Proof of compliance shall be, but is not limited to, a copy of the Ohio EPA NPDES Permit number or a letter from the site owner explaining why the NPDES Permit is not applicable. The written proof will be provided to the Community Engineer before a construction permit will be issued.

(c) Federal and State Wetland Permits: The provisions of the U.S. Army Corps of Engineers dredge and fill permits for federally-protected wetlands shall be followed. The provisions of Ohio EPA's Isolated Wetlands Permits shall also be followed. Wetlands and other waters of the United States shall be delineated by protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time of the application of these regulations. Written proof of compliance with both permit programs will be provided to the Community Engineer before a construction permit will be issued. Proof of compliance shall be, but is not limited to, the following:

A copy of the U.S. Army Corps of Engineers Individual Permit, if required for the project, showing project approval and any restrictions that apply to site activities; or a site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable Nationwide Permit; or a letter from the site owner verifying that a qualified professional has surveyed the site and found no wetlands or other waters of the United States. Such a letter shall be noted on site plans submitted to the Community. (Ord. 2022-17. Passed 3-22-22.)

1315.14 VIOLATIONS.

No person shall violate, or cause, or knowingly permit to be violated, any of the provisions of these regulations, or fail to comply with any such provisions or with any lawful requirements of any public authority made pursuant to these regulations, or knowingly use or cause or permit the use of any lands in violation of these regulations or in violation of any permit granted under these regulations. (Ord. 2022-17. Passed 3-22-22.)

1315.15 CONSTRUCTION AND MAINTENANCE GUARANTEE.

(a) All permanent storm water, soil erosion, other wastes control, and water quality practices not specifically waived by the Community shall be constructed prior to the granting of the Final Plat Approval. Upon the request of the owner, the Community may defer the construction or installation of a permanent storm water, soil erosion, sediment, or other wastes control or water quality practice prior to the approval of the final plat where, in the Community Engineer's judgment, such proper construction or installation is not immediately necessary for the protection of the public health and safety; and where the prior installation or construction of such improvement would constitute an undue hardship on the owner because in the case of new vegetation or weather conditions, or because in the case of concrete, building construction could cause cracking and excessive wear and tear on new structures. In such event, the Community shall require a Security Bond, Escrow Account, Certified Check or Cash to guarantee that such deferred improvements will be properly constructed or installed within an agreed specified time, but not to exceed six (6) months after the filing of such final plat.

(b) The owner will provide a maintenance guarantee for all permanent improvements, and soil erosion, wastes controls, and water quality practices.

(c) The Community shall require a Security Bond, Escrow Account, Certified Check or Cash to guarantee that the planned temporary and permanent soil erosion, sediment, and other wastes controls and water quality practices will be constructed and removed in a timely manner, as determined by the Community Engineer.

(1) The Guarantee. The guarantee of both performance and maintenance will be in the form of a Security Bond, Escrow Account, Verified Check or Cash. The Security Bond, Escrow Account, Verified Check or Cash will be used by the Community to complete any guaranteed construction or removal of improvements or temporary and permanent soil erosion, sediment, and other wastes control practices that are not adequately completed, maintained or removed by the owner in a timely manner, as determined by the Community Engineer. The Security Bond, Escrow Account, Verified Check or Cash will be in the total amount of both the performance guarantee and the maintenance guarantee. Ohio municipalities and counties may require performance bonds or other guarantees for water management improvement as stated in the Ohio R.C. Chapter 711.101.

A. Security Bond, Escrow Account, Verified Check or Cash shall be deposited with the Community prior to review by the Community Engineer and/or its consultants to cover professional services of the Community Engineer, Building Commissioner, Zoning Inspector and/or other experts required by the Community Engineer, Community Council, Mayor or Review Boards.

- B. No soil disturbing activities shall be permitted until a Security Bond, Escrow Account, Verified Check or Cash has been posted to the satisfaction of the Community Engineer sufficient for the Community to perform the obligations otherwise to be performed by the owner or person responsible for the development area as stated in this regulation, and to allow all work to be performed as needed in the event that the owner or person responsible for the development area fails to comply with the provisions of this regulation. The Security Bond, Escrow Account, Verified Check or Cash shall be released only after all work required by this regulation has been completed to the satisfaction of the Community Engineer and all permit and inspection fees required by these regulations have been paid in full.
 - C. No project subject to this regulation shall commence without the Construction Site Conservation Plan having been approved by the Community Engineer.
- (2) Performance Guarantee. The furnishing of a performance guarantee will be maintained in an amount of not less than one hundred twenty percent (120%) of the estimate approved by the Community Engineer, of installation of the deferred improvements.
 - (3) Maintenance Guarantee. The maintenance guarantee shall be maintained for a period of not less than two (2) years after final acceptance of the storm water, soil erosion, sediment, and other wastes control practices in an amount equal to twenty percent (20%) of the estimate approved by the Community Engineer, of the construction and, where necessary, removal of such practices.
 - (4) Time Extension. The Community Engineer may extend for cause the time allowed for the installation of the improvements for which the performance guarantee has been provided with the receipt of a written request from the owner.
 - (5) Completion. Upon completion of the construction of improvements or temporary and/or permanent, soil erosion, sediment, and other wastes control practices and the removal of the temporary soil erosion, sediment, and other wastes control practices for which the performance guarantee has been provided the owner shall notify the Community Engineer of this fact.
 - (6) Inspection. The Community will not release the Security Bond, Escrow Account, Verified Check or Cash guarantee until the Community Engineer has inspected the site to ensure that the guaranteed item(s) have been completed and/or removed.
 - (7) Slow Release Devices. Performance and maintenance guarantees will be maintained on the temporary sediment removal slow release devices installed in detention and retention basins until the entire site has reached final soil stabilization. Final stabilization in single-family residential developments is when ninety percent (90%) of the homes are constructed with their lawns completely installed and any remaining unbuilt lots having been permanently stabilized with a uniform ground cover at a growth density of eighty percent (80%) or better.

- (8) Release. The Construction Maintenance Guarantee shall not be released by the Community until all temporary soil erosion and sediment control practices that are no longer needed have been removed, properly disposed of and any trapped sediment has been stabilized.
(Ord. 2022-17. Passed 3-22-22.)

1315.16 APPLICATION PROCEDURES FOR CONSTRUCTION CONSERVATION PLANS (CCP).

(a) This plan will be combined with the Post-Construction Water Quality plans that have also been developed for the site.

(b) Plans developed by the site owners and approved by the Community in accordance with this regulation do not relieve the site owner of responsibility for obtaining and complying with all other necessary permits and/or approvals from federal, state, county, and local agencies and departments. If requirements vary, the most stringent requirement shall be followed. Plans submitted to the Community Engineer for review and approval shall be accompanied by all other required permits and documentation relevant to the project, including but not limited to the permits required and issued by the US Army Corps of Engineers, Ohio EPA and ODNR Division of Water.

(c) Three (3) sets of the plans and necessary data required by this regulation shall be submitted to the Community Engineer with text material being submitted on eight and one-half by eleven (8.5 by 11) inch paper and drawings on no larger than twenty-four by thirty-six (24 by 36) inch sized paper. Submittals shall include:

- (1) At the preliminary plan approval request, the preliminary plans only need to show all of the following existing and planned features: streams, water bodies, wetlands, riparian and wetland setback areas, permanent BMPs and storm water management detention and retention basins.
- (2) At the improvement plan approval request, the entire Comprehensive Storm Water Management Plan must be submitted.

(d) The Community Engineer shall review the plans, and shall approve or return these with comments and recommendations for revisions within thirty (30) working days after receipt of the plan as described above. A plan rejected because of deficiencies shall receive a report stating specific problems. At the time of receipt of a revised plan, another thirty (30) day review period shall begin.

(e) Approved plans shall remain valid for two (2) years from the date of approval. After two (2) years the plan(s) approval automatically expires.

(f) No soil disturbing activity shall begin before all necessary local, county, state and federal permits have been granted to the owner or operator.

(g) The Community will do construction inspections until the site reaches final stabilization as determined by the Community Engineer.
(Ord. 2022-17. Passed 3-22-22.)

1315.17 RESERVED.**1315.18 RESERVED.****1315.99 PENALTY.**

(a) Whoever violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the first degree and shall be fined no more than one thousand dollars (\$1,000.00) or imprisoned for no more than one hundred eighty (180) days, or both, for each offense.

(b) A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(c) Upon notice from the Community Engineer, or designated representative, that work is being performed contrary to this regulation, such work shall immediately stop. Such notice shall be in writing and shall be given to the owner or person responsible for the development area, or person performing the work, and shall state the conditions under which such work may be resumed; provided, however, in instances where immediate action is deemed necessary for public safety or the public interest, the Community Engineer may require that work be stopped upon verbal order pending issuance of the written order.

(d) The imposition of any other penalties provided herein shall not preclude the Community, by or through its Law Director and/or any of their assistants, from instituting an appropriate action or proceeding in a Court of Proper Jurisdiction to prevent an unlawful development or to restrain, correct or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, or ordinances, rules or regulations or the orders of the Community Engineer.
(Ord. 2022-17. Passed 3-22-22.)

1321.11 ELECTRICAL FEES.

(a) Prior to the installation of any electrical wiring in a residential, commercial, or industrial building or structure, a permit shall be obtained from the Building Official. Electrical permit and inspection fees to be paid shall be in accordance with the following schedule:

(1) Residential: (one, two and three family dwellings)

New construction, major remodeling & major additions (per dwelling unit) Includes three inspections - additional inspections - \$100 each	\$200.00
Additions, remodeling...(other than major)	\$175.00
Service entrance only (change)	\$100.00
Additional meters (each)	\$100.00
Re-inspections: each re-inspection made necessary by incompetent, incomplete, or negligent work (per inspection)	\$100.00
The penalty for starting work without the required permit shall be 200% of the permit fee plus the required fee.	

(2) Commercial/industrial: (workshop, factories, apartments over three suites, condominiums, mercantile, offices, etc.)

New construction, major remodeling, and major additions (Includes four inspections-additional inspections-\$100 each)	\$500.00
Additions and remodeling...(other than major) (Includes three inspections-additional inspections-\$100 each)	\$250.00
Service entrance only (change)	\$100.00
Additional meters (each)	\$100.00
Re-inspections: each re-inspection made necessary by incompetent, incomplete, or negligent work (per inspection)	\$100.00

The penalty for starting work without the required permit shall be 200% of the permit fee plus the required fee.

(b) Fire Demand Certificate. Any building or structure in which the electrical wiring has been damaged or rendered defective by fire, shall have a fire demand certificate posted in it by the Building Official, specifying what portion or portions of the electrical wiring shall be repaired or replaced.

(c) Disconnecting Current. The Chief of the Fire Division, the Building Official, or any other competent person delegated by either of them shall have the authority to cause the turning off of all electrical currents or to cut or disconnect, in cases of emergency, any wires where such electrical currents are dangerous to life or property or where such wires may interfere with the work or progress of the Fire Division.

(d) Service Entrance Equipment. Service entrance equipment shall be a minimum of 100 ampere capacity per family in single or multiple dwellings either of the automatic breaker or the safety-type fuse switch. (Ord. 2020-12. Passed 6-23-20.)

1321.12 MISCELLANEOUS FEES.

(a) Fees for an application for appeal before the Board of Building and Zoning Appeals as required by Section 1131.02 shall be one hundred fifty dollars (\$150.00).

(b) Fees for a site development plan reviewed by the Planning Commission as required by Section 1313.04 shall be one hundred fifty dollars (\$150.00).

(c) Fees for an amendment or re-districting as required by Section 1131.03 shall be two hundred fifty dollars (\$250.00).

(d) Fees for the issuance of a permit for a sign, including a portable or temporary sign, shall be as follows:

Sq. Ft.	Base Fee	Area Fee
50 sq. ft. or less	\$100.00	.25 per sq. ft.
51 - 200 sq. ft.	\$150.00	.25 per sq. ft.
over 200 sq. ft.	\$200.00	.25 per sq. ft.

(e) Fees for a floodplain development permit application as required by Section 1135.03(d)(6) shall be the following:

- (1) Single-family residential lots - one hundred dollars (\$100.00)
- (2) All other lots - three hundred dollars (\$300.00)

(f) The fee for a floodplain variance shall be three hundred dollars (\$300.00). (Ord. 2022-35. Passed 7-26-22.)

1321.13 ZONING FEES,

- (a) Residential Structure: \$100.00 + .05/sq ft
- (b) Additions to Structure: \$75.00 + .05/sq ft
- (c) Accessory Building: Under 200 sq ft \$25.00
Over 200 sq Ft \$25.00 + .05/sq ft
- (d) Pools: \$75.00
- (e) Porch / Deck: \$25.00
- (f) Fence: \$25.00 + .20 per lineal ft of fence
- (g) Commercial Structure: \$200.00 + .05/sq ft
- (h) Commercial Addition: \$150.00 + .05/sq ft
- (i) Parking Lots: \$100.00 + .05/sq ft

(Ord. 2012-33. Passed 7-24-12.)

1321.14 ADMINISTRATIVE FEES.

Notwithstanding other fees identified in Chapter 1321 et seq., there shall be a fifteen percent (15%) administrative surcharge added to fees for services identified in Section 1321.06. (Ord. 2016-11. Passed 7-26-16.)

CHAPTER 1519 Fireworks

1519.01	Definitions.	1519.05	Application.
1519.02	Public exhibition permit required; fee; bond; records.	1519.06	Safety requirements for fireworks showroom structures.
1519.03	Unlawful conduct by exhibitor.	1519.07	Purchase, use, and local regulation of consumer-grade fireworks.
1519.04	Possession, sale or discharge prohibited; exceptions.	1519.99	Penalty.

CROSS REFERENCES

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

1519.01 DEFINITIONS.

As used in this chapter:

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

- (e) "Controlled substance" has the same meaning as in section 3719.01 of the Ohio Revised Code.
- (f) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, except ordinary matches and except as provided in section 3743.80 of the Ohio Revised Code.
- (g) "Fireworks plant" means all buildings and other structures in which the manufacturing of fireworks, or the storage or sale of manufactured fireworks by a manufacturer, takes place.
- (h) "Fountain device" means a specific type of 1.4G firework that meets all of the following criteria:
 - (1) It is nonaerial and nonreport producing.
 - (2) It is recognized and manufactured in accordance with sections 3.1.1 and 3.5 of APA standard 87-1 (2001 edition).
 - (3) It is a ground-based or hand-held sparkler with one or more tubes containing a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition, with or without additional effects that may include a colored flame, audible crackling effect, audible whistle effect, or smoke.
 - (4) It contains not more than seventy-five grams of the nonexplosive pyrotechnic mixture in any individual tube and not more than five hundred grams or less for multiple tubes.
- (i) "Highway" means any public street, road, alley, way, lane, or other public thoroughfare.
- (j) "Licensed exhibitor of fireworks" or "licensed exhibitor" means a person licensed pursuant to sections 3743.50 to 3743.55 of the Ohio Revised Code.
- (k) "Licensed fountain device retailer" or "licensed retailer" means a person licensed pursuant to section 3743.26 of the Ohio Revised Code.
- (l) "Licensed manufacturer of fireworks" or "licensed manufacturer" means a person licensed pursuant to sections 3743.02 to 3743.08 of the Ohio Revised Code.
- (m) "Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed pursuant to sections 3743.15 to 3743.21 of the Ohio Revised Code.
- (n) "List of licensed exhibitors" means the list required by division (C) of section 3743.51 of the Ohio Revised Code.
- (o) "List of licensed manufacturers" means the list required by division (C) of section 3743.03 of the Ohio Revised Code.
- (p) "List of licensed wholesalers" means the list required by division (C) of section 3743.16 of the Ohio Revised Code.
- (q) "Manufacturing of fireworks" means the making of fireworks from raw materials, none of which in and of themselves constitute a fireworks, or the processing of fireworks.
- (r) "Navigable waters" means any body of water susceptible of being used in its ordinary condition as a highway of commerce over which trade and travel is or may be conducted in the customary modes, but does not include a body of water that is not capable of navigation by barges, tugboats, and other large vessels.
- (s) "Novelties and trick noisemakers" include the following items:
 - (1) Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers, and snappers;
 - (2) Snakes or glow worms;
 - (3) Smoke devices;
 - (4) Trick matches.

- (t) "Party popper" means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling a string protruding from the item, and from which paper streamers are expelled when the item is ignited.
- (u) "Processing of fireworks" means the making of fireworks from materials all or part of which in and of themselves constitute a fireworks, but does not include the mere packaging or repackaging of fireworks.
- (v) "Railroad" means any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs, and sidings installed and primarily used in serving a mine, quarry, or plant.
- (w) "Retail sale" or "sell at retail" means a sale of fireworks to a purchaser who intends to use the fireworks, and not resell them.
- (x) "Smoke device" means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.
- (y) "Snake or glow worm" means a device that consists of a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning, which ash expands in length as the pellet burns.
- (z) "Snapper" means a small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that, when dropped, implodes.
- (aa) "Trick match" means a kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.
- (bb) "Wire sparkler" means a sparkler consisting of a wire or stick coated with a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than one hundred grams of this mixture.
- (cc) "Wholesale sale" or "sell at wholesale" means a sale of fireworks to a purchaser who intends to resell the fireworks so purchased.
- (dd) "Licensed premises" means the real estate upon which a licensed manufacturer or wholesaler of fireworks conducts business.
- (ee) "Licensed building" means a building on the licensed premises of a licensed manufacturer or wholesaler of fireworks that is approved for occupancy by the building official having jurisdiction.
- (ff) "Fireworks incident" means any action or omission that occurs at a fireworks exhibition, that results in injury or death, or a substantial risk of injury or death, to any person, and that involves either of the following:
 - (1) The handling or other use, or the results of the handling or other use, of fireworks or associated equipment or other materials;
 - (2) The failure of any person to comply with any applicable requirement imposed by this chapter or any applicable rule adopted under this chapter.
- (gg) "Discharge site" means an area immediately surrounding the mortars used to fire aerial shells.
- (hh) "Fireworks incident site" means a discharge site or other location at a fireworks exhibition where a fireworks incident occurs, a location where an injury or death associated with a fireworks incident occurs, or a location where evidence of a fireworks incident or an injury or death associated with a fireworks incident is found.

- (ii) "Storage location" means a single parcel or contiguous parcels of real estate approved by the state fire marshal pursuant to division (I) of section 3743.04 of the Ohio Revised Code or division (F) of section 3743.17 of the Ohio Revised Code that are separate from a licensed premises containing a retail showroom, and which parcel or parcels a licensed manufacturer or wholesaler of fireworks may use only for the distribution, possession, and storage of fireworks in accordance with this chapter.
(ORC 3743.01; Ord. 2022-31. Passed 6-14-22.)

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

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

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

(b) Before a permit is signed and issued to a licensed exhibitor of fireworks, the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall inspect the premises on which the exhibition will take place and shall determine that, in fact, the applicant for the permit is a licensed exhibitor of fireworks. Each applicant shall show the applicant's license as an exhibitor of fireworks to the Fire Chief or Fire Prevention Officer.

The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall give approval to conduct a public fireworks exhibition only if satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) and that the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke the permit for noncompliance with the rules.
(ORC 3743.54)

(c) The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the applicant pays a permit fee of One Hundred Twenty Five dollars (\$125.00) plus any necessary costs of investigation of the applicant and of inspecting the premises on which the exhibition will be conducted.

Each exhibitor shall provide an indemnity bond in the amount of at least one million dollars (\$1,000,000), with surety satisfactory to the Fire Chief or Fire Prevention Officer and to Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, conditioned for the payment of all final judgments that may be rendered against the exhibitor on account of injury, death or loss to persons or property emanating from the fireworks exhibition, or proof of insurance coverage of at least one million dollars (\$1,000,000) for liability arising from injury, death or loss to persons or property emanating from the fireworks exhibition. The Legislative Authority may require the exhibitor to provide an indemnity bond or proof of insurance coverage in amounts greater than those required by this subsection. The Fire Chief or Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this subsection.

- (d)
 - (1) Each permit for a fireworks exhibition issued by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall contain a distinct number, designate the Municipality, and identify the certified Fire Safety Inspector, Fire Chief or Fire Prevention Officer who will be present before, during, and after the exhibition, where appropriate. A copy of each permit issued shall be forwarded by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, issuing it to the Fire Marshal, who shall keep a record of the permits received. A permit is not transferable or assignable.
 - (2) The Fire Chief, Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall keep a record of issued permits for fireworks exhibitions. In this list, the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall list the name of the exhibitor, the exhibitor's license number, the premises on which the exhibition will be conducted, the date and time of the exhibition and the number of the permit issued to the exhibitor for the exhibition.

(e) The governing authority having jurisdiction in the location where an exhibition is to take place shall require that a certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer be present before, during, and after the exhibition, and shall require the certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer to inspect the premises where the exhibition is to take place and determine whether the exhibition is in compliance with this chapter and Ohio R.C. Chapter 3743. (ORC 3743.54; Ord. 2022-31. Passed 6-14-22.)

1519.03 UNLAWFUL CONDUCT BY EXHIBITOR.

(a) No licensed exhibitor of fireworks shall fail to comply with the applicable requirements of the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) or to comply with Divisions (C) and (D) of that section.

(b) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to Section 1519.02 or if a permit so secured is revoked by the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement official or a designee of such Police Chief or other similar law enforcement official pursuant to that section.

(c) No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition other than in accordance with Ohio R.C. 3743.54 and 3743.55.

(d) No licensed exhibitor of fireworks or other person associated with the conduct of a fireworks exhibition shall have possession or control of, or be under the influence of, any intoxicating liquor, beer or controlled substance while on the premises on which the exhibition is being conducted.

(e) No licensed exhibitor of fireworks shall permit an employee to assist the licensed exhibitor in conducting fireworks exhibitions unless the employee is registered with the Fire Marshal under Ohio R.C. 3743.56. (ORC 3743.64; Ord. 2022-31. Passed 6-14-22.)

1519.04 POSSESSION, SALE, AND USE RESTRICTIONS.

(a) No person shall possess fireworks in this Municipality or shall possess for sale or sell fireworks in this Municipality, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 to 3743.21, a shipping permit holder as authorized by Ohio R.C. 3743.40, a licensed fountain device retailer as authorized by Ohio R.C. 3743.27, a person as authorized by Ohio R.C. 3743.44 to 3743.45 and Section 1519.07, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55 and Section 1519.02 and except as provided in Section 1519.05.

(b) Except as provided in Sections 1519.05 and 1519.07, and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 and Section 1519.02, no person shall discharge, ignite or explode any fireworks in this Municipality.

(c) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

(d) No person shall sell fireworks of any kind to a person under eighteen years of age. No person under eighteen years of age shall enter a fireworks sales showroom unless that person is accompanied by a parent, legal guardian, or other responsible adult. No person under eighteen years of age shall touch or possess fireworks on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises.

(e) Except as otherwise provided in Ohio R.C. 3743.44, no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.

(f) No person shall negligently discharge, ignite, or explode fireworks while in possession or control of, or under the influence of, any intoxicating liquor, beer, or controlled substance.

(g) No person shall negligently discharge, ignite, or explode fireworks on the property of another person without that person's permission to use fireworks on that property.
(ORC 3743.65; Ord. 2022-31. Passed 6-14-22.)

1519.05 APPLICATION.

This chapter does not prohibit or apply to the following:

- (a) The manufacture, sale, possession, transportation, storage or use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation or highway use;
- (b) The manufacture, sale, possession, transportation, storage or use of fuses, torpedoes or other signals necessary for the safe operation of railroads;
- (c) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals or for ceremonial purposes;
- (d) The manufacture for, the transportation, storage, possession or use by, or the sale to the armed forces of the United States and the militia of this state, as recognized by the Adjutant General of Ohio, of pyrotechnic devices;
- (e) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;
- (f) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms or model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models;
- (g) The manufacture, sale, possession, transportation, storage or use of wire sparklers.
- (h) The conduct of radio-controlled special effect exhibitions that use an explosive black powder charge of not more than one-quarter pound per charge, and that are not connected in any manner to propellant charges, provided that the exhibition complies with all of following:
 - (1) No explosive aerial display is conducted in the exhibition;
 - (2) The exhibition is separated from spectators by not less than two hundred feet;
 - (3) The person conducting the exhibition complies with regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and the United States Department of Transportation with respect to the storage and transport of the explosive black powder used in the exhibition.

(ORC 3743.80; Ord. 2022-31. Passed 6-14-22.)

1519.06 SAFETY REQUIREMENTS FOR FIREWORKS SHOWROOM STRUCTURES.

- (a)
 - (1) Except as described in subsection (a)(2) of this section, all retail sales of 1.4G fireworks by a licensed manufacturer or wholesaler shall only occur from an approved retail sales showroom on a licensed premises or from a representative sample showroom as described in this section on a licensed premises. For the purposes of this section, a retail sale includes the transfer of the possession of the 1.4G fireworks from the licensed manufacturer or wholesaler to the purchaser of the fireworks.
 - (2) Sales of 1.4G fireworks to a licensed exhibitor for a properly permitted exhibition shall occur in accordance with the provisions of the Ohio Revised Code and rules adopted by the State Fire Marshal under Ohio R.C. Chapter 119. Such rules shall specify, at a minimum, that the licensed exhibitor holds a license under Ohio R.C. 3743.51, that the exhibitor possesses a valid exhibition permit issued in accordance with Ohio R.C. 3743.54, and that the fireworks shipped are to be used at the specifically permitted exhibition.
- (b) All wholesale sales of fireworks by a licensed manufacturer or wholesaler shall only occur from a licensed premises to persons who intend to resell the fireworks purchased at wholesale. A wholesale sale by a licensed manufacturer or wholesaler may occur as follows:
 - (1) The direct sale and shipment of fireworks to a person outside of this state;
 - (2) From an approved retail sales showroom as described in this section;
 - (3) From a representative sample showroom as described in this section;
 - (4) By delivery of wholesale fireworks to a purchaser at a licensed premises outside of a structure or building on that premises. All other portions of the wholesale sales transaction may occur at any location on a licensed premises.
 - (5) Any other method as described in rules adopted by the Fire Marshal under Ohio R.C. Chapter 119.
- (c)
 - (1) A licensed manufacturer or wholesaler shall only sell 1.4G fireworks from a representative sample showroom or a retail sales showroom. Each licensed premises shall only contain one sales structure.
 - (2) A representative sample showroom shall consist of a structure constructed and maintained in accordance with the Nonresidential Building Code adopted under Ohio R.C. Chapter 3781 and the Fire Code adopted under Ohio R.C. 3737.82 for a use and occupancy group that permits mercantile sales. A representative sample showroom shall not contain any pyrotechnics, pyrotechnic materials, fireworks, explosives, explosive materials, or any similar hazardous materials or substances. A representative sample showroom shall be used only for the public viewing of fireworks product representations, including paper materials, packaging materials, catalogs, photographs, or other similar product depictions. The delivery of product to a purchaser of fireworks at a licensed premises that has a representative sample structure shall not occur inside any structure on a licensed premises. Such product delivery shall occur on the licensed premises in a manner prescribed by rules adopted by the State Fire Marshal pursuant to Ohio R.C. Chapter 119.

- (3) If a manufacturer or wholesaler elects to conduct sales from a retail sales showroom, the showroom structures, to which the public may have any access and in which employees are required to work, on all licensed premises, shall comply with the following safety requirements:
- A. A fireworks showroom that is constructed or upon which expansion is undertaken on and after June 30, 1997, shall be equipped with interlinked fire detection, fire suppression, smoke exhaust, and smoke evacuation systems that are approved by the Superintendent of Industrial Compliance in the Department of Commerce.
 - B.
 - 1. A fireworks showroom that first begins to operate on or after June 30, 1997, or that resumes operations at any time after a period of inactive status or licensure greater than one year, and to which the public has access for retail purposes shall not exceed 7,500 square feet in floor area.
 - 2. A fireworks showroom that, through construction of a new showroom, expansion of an existing showroom, or similar means, first exceeds 5,000 square feet, to which the public has access for retail purposes, after February 7, 2022, shall be equipped with a sprinkler system that meets the criteria for sprinkler systems in extra hazard (group 2) occupancies under "NFPA 13, Standard for the Installation of Sprinkler Systems (2019 Edition)".
 - 3. Notwithstanding subsection (d) of this section, the State Fire Marshal may provide a variance to the requirements of subsection (c)(3)B.2. of this section pursuant to Ohio R.C. 3743.59 for a sprinkler system that matches or exceeds the degree of safety provided by a sprinkler system that meets the criteria for sprinkler systems in extra hazard (group 2) occupancies under "NFPA 13, Standard for the Installation of Sprinkler Systems (2019 Edition)".
 - C. A newly constructed or an existing fireworks showroom structure that exists on September 23, 2008, but that, on or after September 23, 2008, is altered or added to in a manner requiring the submission of plans, drawings, specifications, or data pursuant to Ohio R.C. 3791.04, shall comply with a graphic floor plan layout that is approved by the State Fire Marshal and Superintendent of Industrial Compliance showing width of aisles, parallel arrangement of aisles to exits, number of exits per wall, maximum occupancy load, evacuation plan for occupants, height of storage or display of merchandise, and other information as may be required by the State Fire Marshal and Superintendent of Industrial Compliance.
 - D. A fireworks showroom structure that exists on June 30, 1997, shall be in compliance on or after June 30, 1997, with floor plans showing occupancy load limits and internal circulation and egress patterns that are approved by the State Fire Marshal and Superintendent of Industrial Compliance, and that are submitted under seal as required by Ohio R.C. 3791.04.

(d) The safety requirements established in subsection (c) of this section are not subject to any variance, waiver, or exclusion pursuant to this chapter or any applicable building code. (ORC 3743.25; Ord. 22-31. Passed 6-14-22.)

1519.07 PURCHASE, USE, AND LOCAL REGULATION OF CONSUMER-GRADE FIREWORKS.

(a) Any person who intends to obtain possession in this Municipality of 1.4G fireworks shall obtain possession of the 1.4G fireworks only from a licensed retailer, licensed manufacturer, or licensed wholesaler and shall be subject to this subsection.

(b) Any person authorized under this section to possess 1.4G fireworks in this Municipality may discharge, ignite, or explode those fireworks on private property, with authorization from the property owner, on the following days each year:

- (1) The first day of January;
- (2) Chinese new year's day;
- (3) The fifth day of May;
- (4) The last Monday in May, and the Saturday and Sunday immediately preceding that day;
- (5) The nineteenth day of June;
- (6) The third, fourth, and fifth days of July;
- (7) The first Friday, Saturday, and Sunday before and after the fourth day of July;
- (8) The first Monday of September, and the Saturday and Sunday immediately preceding that day;
- (9) Diwali;
- (10) The thirty-first day of December.

(c) Fireworks discharged, ignited, or exploded pursuant to this section shall not be considered a public exhibition.

(d) Pursuant to Ohio R.C. 3743.45(D)(1), the Municipality is authorized to restrict the dates and times a person may discharge, ignite, or explode fireworks purchased pursuant to this section.

(e) This section does not limit the enforcement of any ordinance, resolution, or statute that regulates noise, disturbance of the peace, or disorderly conduct, including but not limited to Chapter 509 of the Codified Ordinances.

(ORC 3743.45; Ord. 2022-31. Passed 6-14-22.)

1519.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree for a first offense and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both.

(ORC 3743.99(C); Ord. 2022-31. Passed 6-14-22.)

ORDINANCE NO. 2023-5
Introduced by Matt Grieves

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 January 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

337.10 Lights, Emblems, and Reflectors on Slow-Moving Vehicles, Farm Machinery, Agricultural Tractors, and Animal-Drawn Vehicles. (Amended)

337.16 Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights. (Amended)

General Offenses Code

513.01 Drug Abuse Control Definitions. (Amended)

549.02 Carrying Concealed Weapons. (Amended)

549.04 Improperly Handling Firearms in a Motor Vehicle. (Amended)

549.13 Possessing Replica Firearm in School. (Amended)

549.14 Concealed Handgun Licenses; Possession of Revoked or Suspended License; Additional Restrictions; Posting Signs Prohibiting Possession. (Added)

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.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

Adopted: _____