



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, April 23, 2024 @ 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**
- 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. 2024-7 (**third and final reading**) (*submitted by Fire Captain Doug Nash*)
An ordinance repealing, amending and restating Paragraph (a) of Section 143.01 (Creation and Composition) of Chapter 143 (Fire Division) of the Huron Codified Ordinances.
 - V.b** Ordinance No. 2024-8 (**third and final reading**) (*submitted by Erik Engle*)
An ordinance repealing and amending and restating Paragraph (a) under Section 311.02 (Parades and Assemblages) of Chapter 311 (Street Obstructions and Special Uses).
 - V.c** Ordinance No. 2024-9 (**third and final reading**) (*submitted by Erik Engle*)
An ordinance repealing and amending and restating Chapter 711 (Peddlers) of the Huron Codified Ordinances.
 - V.d** Ordinance No. 2024-10 (**third and final reading**) (*submitted by Erik Engle*)
An ordinance repealing Chapter 721 (Taxicabs) of the Huron Codified Ordinances.
 - V.e** Ordinance No. 2024-11 (**third and final reading**) (*submitted by Erik Engle*)
An ordinance repealing and amending and restating Chapter 741 (Home Sales) of the Huron Codified Ordinances.
 - V.f** Ordinance No. 2024-12 (**third and final reading**) (*submitted by Erik Engle*)
An ordinance repealing and amending and restating Chapter 731 (Temporary Stores) of the Huron Codified Ordinances.
 - V.g** Ordinance No. 2024-13 (**third and final reading**) (*submitted by Erik Engle*)
An ordinance repealing and amending and restating Chapter 1323 (Contractors) of the Huron Codified

Ordinances.

VI. New Business

VI.a Amended Resolution No. 65-2023 (*submitted by Erik Engle*)

An amended resolution ratifying the City Manager's execution of Amendment No. 1 to the Subrecipient Grant Agreement between the Ohio Department of Natural Resources and the City of Huron dated October 11, 2023 to reflect a new construction completion date of June 30, 2025, relating to the Lakefront Beach Coastal Planning Project.

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: Erik Engle
RE: Ordinance No. 2024-7 (**third and final reading**) (*submitted by Fire Captain Doug Nash*)
DATE: April 23, 2024

Subject Matter/Background

As submitted by Captain Mike Hohler:

Currently, the Fire Department has 43 active members on the roster. Changing the ordinance or resolution to an unlimited number gives us more flexibility with our part time personnel. The last several years we have had significant swings in membership as the job market for public safety has seen low interest and high turnover. We are fortunate to have the personnel we do and don't want to turn away qualified and interested candidates in the future. Realistically, I don't see our number going over 50 anytime soon but by making an unlimited number this issue shouldn't have to be revisited.

This ordinance will change the cap on roster positions from 40 to as many are needed, as determined by the Fire Chief. A specific number was not chosen to avoid the need to amend this section to meet future needs of the HFD. There have been no changes made to this ordinance since the first reading.

Financial Review

Removing the cap on the number of fire personnel could result in additional costs to hire and purchase equipment for new part-time personnel. However, turnover in part-time staff also increases this cost.

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. 2024-7 on its third and final reading is in order.

[Ordinance No. 2024-7 HFD Section 143.01 Creation and Composition \(3\).docx](#)

ORDINANCE NO. 2024-7
Introduced by Monty Tapp

AN ORDINANCE REPEALING AND AMENDING AND RESTATING PARAGRAPH (a) OF SECTION 143.01 (CREATION AND COMPOSITION) OF CHAPTER 143 (FIRE DIVISION) OF THE HURON CODIFIED ORDINANCES.

WHEREAS, this Council hereby determined the changes and amendments set forth within this Ordinance are in the best interest of the City of Huron and its citizens.

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

SECTION 1. That Paragraph (a) of Section 143.01 (Creation and Composition) of Chapter 143 (Fire Division) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows:

"143.01 CREATION AND COMPOSITION

- (a) There is hereby created a Fire Department of the City, which shall consist of a Fire Chief and a Fire Company of not more than forty men."

shall be and hereby is repealed in its entirety.

SECTION 2. That a new revised and restated Paragraph (a) of Section 143.01 (Creation and Composition) of Chapter 143 (Fire Division) of the Codified Ordinances of the City of Huron, Ohio, shall be amended to read as follows:

"143.01 CREATION AND COMPOSITION

- (a) There is hereby created a Fire Department of the City, which shall consist of a Fire Chief and a Fire Company staffed to meet the fire safety and emergency service needs of the City, as determined by the Fire Chief."

shall be, and hereby is, adopted and thereafter shall be in full force and effect.

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. In accordance with Section 3.06 of the Charter of the City of Huron, Ohio, this Ordinance shall take effect thirty (30) days following its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



TO: Mayor Tapp and City Council
FROM: Erik Engle
RE: Ordinance No. 2024-8 (**third and final reading**) (*submitted by Erik Engle*)
DATE: April 23, 2024

Subject Matter/Background

Ordinance No. 2024-8 makes minor changes to Section 311.02(a) of the Codified Ordinances. The changes proposed include the requirement of a site plan map as part of the application. There is no application fee for a parade/assemblage (which would not change); historically, there are only two (2) annual parade applications submitted. The application process includes the distribution of the application and route to the Huron Police and Parks & Recreation Departments to confirm no scheduling conflicts exist before the permit is issued. There have been no changes made to this ordinance since its first reading.

Financial Review

There is no financial impact relating to this legislation.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion placing Ordinance No. 2024-8 on its third and final reading is in order.

[Ordinance No. 2024-8 Section 311.02\(a\) Parades and Assemblages \(3\).docx](#)

ORDINANCE NO. 2024-8
Introduced by Sam Artino

AN ORDINANCE REPEALING AND AMENDING AND RESTATING PARAGRAPH (a) OF SECTION 311.02 (PARADES AND ASSEMBLAGES) OF CHAPTER 311 (STREET OBSTRUCTIONS AND SPECIAL USES) OF THE HURON CODIFIED ORDINANCES.

WHEREAS, this Council hereby determined the changes and amendments set forth within this Ordinance are in the best interest of the City of Huron and its citizens.

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

SECTION 1. That Paragraph (a) of Section 311.02 (Parades and Assemblages) of Chapter 311 (Street Obstructions and Special Uses) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows:

"311.02 PARADES AND ASSEMBLAGES

- (a) No person, group of persons or organization shall conduct or participate in any parade, assemblage or procession other than a funeral procession upon any street or highway, or block off any street or highway area, without first obtaining a permit from the City Manager. Applications for such permits shall be made on such forms as may be prescribed and shall contain such information as is reasonably necessary to a fair determination of whether a permit should be issued. Applications shall be filed not less than five days before the time intended for such parade, procession or assemblage. The permit may be refused or cancelled if:"

shall be and hereby is repealed in its entirety.

SECTION 2. That a new revised and restated Paragraph (a) of Section 311.02 (Parades and Assemblages) of Chapter 311 (Street Obstructions and Special Uses) of the Codified Ordinances of the City of Huron, Ohio, shall be amended to read as follows:

"311.02 PARADES AND ASSEMBLAGES

- (a) No person, group of persons or organization shall conduct or participate in any parade, assemblage or procession other than a funeral procession upon any street or highway, or block off any street or highway area, without first obtaining a permit from the City Manager, or his authorized designee. Applications for such permits shall be submitted using the corresponding City application form and shall include a site plan of location or parade route and any other information as is reasonably necessary to make a fair determination of whether a permit should be issued. Applications shall be filed not less than five days before the time intended for such parade, procession or assemblage. The permit may be refused or cancelled if:"

shall be, and hereby is, adopted and thereafter shall be in full force and effect.

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. In accordance with Section 3.06 of the Charter of the City of Huron, Ohio, this Ordinance shall take effect thirty (30) days following its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



TO: Mayor Tapp and City Council
FROM: Erik Engle
RE: Ordinance No. 2024-9 **(third and final reading)** *(submitted by Erik Engle)*
DATE: April 23, 2024

Subject Matter/Background

Amendments proposed to Chapter 711 (Peddlers) of the Codified Ordinances include a requirement that the applicant provide information regarding the company, individual solicitor information, specified review through the Huron Police Department of individuals, insurance certification, establishing an application fee and individual solicitor fees, and defining a permit period.

The current code does not include a fee, nor does it specify the term of the permit. Historically, the process has been to run the application through the Huron Police Department, who can search for open\outstanding warrants, and once approved, a permit has been issued for a period ranging from 2 weeks to a month at the discretion of the City.

Based on research of various codes from surrounding municipalities, the Planning & Zoning Department is recommending, as included in this amendment, to include requirements, establish a fee (\$50), establish a permit timeframe (6-month period from date of issuance, or \$100 permit fee for a calendar year). There have been no changes made to this ordinance since the first reading.

Financial Review

The cost to administer this permit has historically been funded through the General Fund. If the fee is established with this amendment, the City will deposit the permit fee in the General Fund.

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. 2024-9 on its third and final reading is in order.

[Ordinance No. 2024-9 Chapter 711 Peddlers \(2\).docx](#)
[Resolution No. 2024-9 Exh A Peddlers Chapter 711.pdf](#)
[Ordinance No. 2024-9 Exh B Chapter 711 Peddlers.docx](#)

ORDINANCE NO. 2024-9
Introduced by Sam Artino

AN ORDINANCE REPEALING AND AMENDING AND RESTATING CHAPTER 711 (PEDDLERS) OF THE HURON CODIFIED ORDINANCES.

WHEREAS, this Council hereby determined the changes and amendments set forth within this Ordinance are in the best interest of the City of Huron and its citizens.

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

SECTION 1. That Chapter 711 (Peddlers) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows (see Exhibit A attached hereto and incorporated herein by reference) shall be and hereby is repealed in its entirety.

SECTION 2. That a new revised and restated Chapter 711 (Peddlers) of the Codified Ordinances of the City of Huron, Ohio, shall be amended to read as follows (see Exhibit "B" attached hereto and incorporated hereby by reference) shall be, and hereby is, adopted and thereafter shall be in full force and effect.

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. In accordance with Section 3.06 of the Charter of the City of Huron, Ohio, this Ordinance shall take effect thirty (30) days following its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

CHAPTER 711

Peddlers

- 711.01 Preamble.**
- 711.02 Definitions.**
- 711.03 License required.**
- 711.04 Application for license.**
- 711.05 Hours regulated.**
- 711.06 License transfer and use.**
- 711.07 Possession and exhibition of license.**
- 711.08 Harassing or annoying prospective customers; trespass.**
- 711.09 Revocation of license.**
- 711.99 Penalty.**

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.61 et seq.
Charitable solicitations - see Ohio R.C. Ch. 1716
License revocation for receiving stolen property - see Ohio R.C. 2961.03; GEN. OFF.
545.18
Frozen desserts - see Ohio R.C. 3717.51 et seq.
Disturbing the peace - see GEN. OFF. 509.03, 509.08
Littering - see GEN. OFF. 521.08
Trespassing- see GEN OFF. 541.05
Temporary stores - see BUS. REG. Ch. 731

711.01 PREAMBLE.

This chapter is passed for the sole purpose of regulating peddlers within the incorporated limits of the City of Huron. The City's interest in regulating peddlers and their wares is limited to the prevention of invasion of privacy of its citizens and the prevention of crime. It is the intent of the City to regulate only the commercial aspects of peddling and not the free speech interests of solicitors or canvassers in the religious, political, charitable, or other protected speech.
(Ord. 2010-9. Passed 4-13-10.)

711.02 DEFINITIONS.

(a) As used in this chapter, "peddler" means any individual, whether a resident of the City or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future; provided, that this definition shall not apply to persons selling by sample only nor to any agricultural articles or products offered for sale by the producer. Exceptions to this definition of the term "peddler" are the following:

- (1) A person making delivery of goods, wares or merchandise theretofore sold by an establishment having a permanent place of business.
- (2) A person making sales of the following items of daily household consumption:
 - A. Baked goods;
 - B. Fruit and vegetables;
 - C. Dairy products.

(b) This chapter is inapplicable to individuals who are exercising their right of free speech in the areas of organized or unorganized religion; political advocacy; appeals for charitable contributions; or other forms of protected speech.
(Ord. 2010-9. Passed 4-13-10.)

711.03 LICENSE REQUIRED.

No peddler shall engage in business within the City limits without first obtaining a license therefor in compliance with the provisions of this chapter. Recognized charitable, civic, religious and philanthropic organizations, and agents or persons employed thereby, are not required to obtain a license. (Ord. 2010-9. Passed 4-13-10.)

711.04 APPLICATION FOR LICENSE.

Application for a license shall be made to the City Manager who, upon being furnished with sufficient proof that the applicant is involved in a legitimate exercise of selling goods or services with a reputable and established firm in this State or another state, shall issue a license for which no fee shall be charged.
(Ord. 2010-9. Passed 4-13-10.)

711.05 HOURS REGULATED.

All business done under a license issued by virtue of this chapter shall be conducted between regular business hours of any given day of the week. This section shall not prohibit any licensee under this chapter from conducting business during non-business hours when calling at the residence of a customer by appointment.
(Ord. 2010-9. Passed 4-13-10.)

711.06 LICENSE TRANSFER AND USE.

No license shall be in any manner assignable or transferable, nor shall any licensee authorize any person other than the one named

therein to do business, nor shall a licensee conduct any other business than is named therein to be transacted.
(Ord. 2010-9. Passed 4-13-10.)

711.07 POSSESSION AND EXHIBITION OF LICENSE.

Any licensee engaged in business within the City shall carry the license and shall produce it for examination whenever requested by any police officer or by any prospective purchaser.
(Ord. 2010-9. Passed 4-13-10.)

711.08 HARASSING OR ANNOYING PROSPECTIVE CUSTOMERS; TRESPASS.

No peddler shall vex, annoy or harass any person by importuning such person to purchase or to look at his goods or wares; nor shall any peddler enter any private house or residence without an invitation from the homeowner or homeowner's designee
(Ord. 2010-9. Passed 4-13-10.)

711.09 REVOCATION OF LICENSE.

Any license issued hereunder may be revoked at any time, should the person to whom it is issued be guilty of violating any applicable State law or any provisions of this chapter or of any fraud, misrepresentation or unlawful act in connection with his business.
(Ord. 2010-9. Passed 4-13-10.)

711.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree. Each sale or attempted sale made by any person in violation of the provisions of this chapter shall be deemed a separate offense.
(Ord. 2010-9. Passed 4-13-10.)

CHAPTER 711 Peddlers

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| <p>711.1 Preamble.</p> <p>711.2 Definitions.</p> <p>711.3 License required.</p> <p>711.4 Application for license.</p> <p>711.5 License Fee.</p> <p>711.6 Expiration of Licence.</p> <p>711.7 Hours regulated.</p> | <p>711.8 License transfer and use.</p> <p>711.9 Possession and exhibition of license.</p> <p>711.10 Harassing or annoying prospective customers; trespass.</p> <p>711.11 Revocation of license.</p> <p>711.99 Penalty.</p> |
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CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.61 et seq.

Charitable solicitations - see Ohio R.C. Ch. 1716

License revocation for receiving stolen property -
see Ohio R.C. 2961.03; GEN. OFF. 545.18

Frozen desserts - see Ohio R.C. 3717.51 et seq.

Disturbing the peace - see GEN. OFF. 509.03, 509.08

Littering - see GEN. OFF. 521.08

Trespassing- see GEN OFF. 541.05

Temporary stores - see BUS. REG. Ch. 731

711.1 PREAMBLE.

This chapter is passed for the sole purpose of regulating peddlers within the incorporated limits of the City of Huron. The City's interest in regulating peddlers and their wares is limited to the prevention of invasion of privacy of its citizens and the prevention of crime. It is the intent of the City to regulate only the commercial aspects of peddling and not the free speech interests of solicitors or canvassers in the religious, political, charitable, or other protected speech.

(Ord. 2010-9. Passed 4-13-10.)

711.2 DEFINITIONS.

(a) As used in this chapter, "peddler" means any individual, whether a resident of the City or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future; provided, that this definition shall not apply to persons selling by sample only nor to any agricultural articles or products offered for sale by the producer. Exceptions to this definition of the term "peddler" are the following:

(1) A person making delivery of goods, wares or merchandise theretofore sold by an establishment having a permanent place of business.

(2) A person making sales of the following items of daily household consumption:

- A. Baked goods;
- B. Fruit and vegetables;
- C. Dairy products.

(b) This chapter is inapplicable to individuals who are exercising their right of free speech in the areas of organized or unorganized religion; political advocacy; appeals for charitable contributions; or other forms of protected speech.

(Ord. 2010-9. Passed 4-13-10.)

711.3 LICENSE REQUIRED.

No peddler shall engage in business within the City limits without first obtaining a license therefor in compliance with the provisions of this chapter. Recognized charitable, civic, religious and philanthropic organizations, and agents or persons employed thereby, are not required to obtain a license.

(Ord. 2010-9. Passed 4-13-10.)

711.4 APPLICATION FOR LICENSE.

Application for a license shall be made to the City Manager, or his authorized designee, on application forms furnished by the City. Each application shall contain the following information, and such other information the City may deem necessary:

- (a) The name, address and telephone number of the corporation or firm which the applicant proposes to represent, and the name, telephone number and email of the person in direct supervision of the solicitor(s).
- (b) The name(s), address(es), telephone number(s) and email address(es) of the person(s) who shall solicit within the City.
- (c) A copy of a valid photo ID provided by each solicitor.
- (d) The make, model and license plate number of the vehicle(s) that solicitors will be using when soliciting within the City.
- (e) Disclosure from each solicitor of having been convicted of a crime, misdemeanor, or the violation of any municipal ordinance, the nature of the offense, and the punishment assessed therefor.
- (f) Consent for the City to perform a search of any outstanding warrants and/or a criminal background check.
- (g) A brief description of the nature of the business and the kinds of goods, services or property to be solicited or offered for sale.
- (h) A Certificate of Liability Insurance demonstrating a minimum combined bodily and property damage coverage in the amount of \$300,000 and naming the City as an additional insured. Liability insurance shall be maintained in full force and effect without interruption, and a copy of any policy changes, including renewal, must be forwarded to the City throughout the term of the registration.

(Ord. 2024-9. Passed 4-23-24.)

711.5 HOURS REGULATED.

A nonrefundable license fee of Fifty Dollars (\$50) shall be paid upon application for a solicitor's license. If a solicitor's license is granted by the City, an additional fee of Ten Dollars (\$10) shall be paid for each person other the applicant who shall solicit within the City under the authority of such solicitor's license.

(Ord. 2024-9. Passed 4-23-24.)

711.6 EXPIRATION OF LICENSE.

Solicitor licenses issued under the provisions of this Chapter shall expire six (6) months from the date of issuance.

(Ord. 2024-9. Passed 4-23-24.)

711.7 HOURS REGULATED.

All business done under a license issued by virtue of this chapter shall be conducted between regular business hours of any given day of the week. This section shall not prohibit any licensee under this chapter from conducting business during non-business hours when calling at the residence of a customer by appointment.

(Ord. 2010-9. Passed 4-13-10)

711.8 LICENSE TRANSFER AND USE.

No license shall be in any manner assignable or transferable, nor shall any licensee authorize any person other than the one named therein to do business, nor shall a licensee conduct any other business than is named therein to be transacted.

(Ord. 2010-9. Passed 4-13-10)

711.9 POSSESSION AND EXHIBITION OF LICENSE.

Any licensee engaged in business within the City shall carry the license and shall produce it for examination whenever requested by any police officer or by any prospective purchaser.

(Ord. 2010-9. Passed 4-13-10)

711.10 HARASSING OR ANNOYING PROSPECTIVE CUSTOMERS; TRESPASS.

No peddler shall vex, annoy or harass any person by importuning such person to purchase or to look at his goods or wares; nor shall any peddler enter any private house or residence without an invitation from the homeowner or homeowner's designee.

(Ord. 2010-9. Passed 4-13-10)

711.11 REVOCATION OF LICENSE.

Any license issued hereunder may be revoked at any time, should the person to whom it is issued be guilty of violating any applicable State law or any provisions of this chapter or of any fraud, misrepresentation or unlawful act in connection with his business.

(Ord. 2010-9. Passed 4-13-10)

711.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree. Each sale or attempted sale made by any person in violation of the provisions of this chapter shall be deemed a separate offense.

(Ord. 2010-9. Passed 4-13-10)



TO: Mayor Tapp and City Council
FROM: Erik Engle
RE: Ordinance No. 2024-10 **(third and final reading)** *(submitted by Erik Engle)*
DATE: April 23, 2024

Subject Matter/Background

There is no record of any taxicab permit every being issued, and no permit applications or inquiries have been made. In light of services such as Uber and independent transfer options, this Chapter is obsolete. The Planning & Zoning Department recommends the repeal of this Chapter. A copy of Chapter 721 is attached as Exhibit "A." There have been no changes made to this ordinance since its first reading.

Financial Review

There is no financial impact relating to this legislation.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion placing Ordinance No. 2024-10 on its third and final reading is in order.

[Ordinance No. 2024-10 Repeal Chapter 721 Tax Cabs.docx](#)

[Ordinance No. 2024-10 Exh A Repeal Chapter 721 Taxicabs.pdf](#)

ORDINANCE NO. 2024-10
Introduced by Mark Claus

AN ORDINANCE REPEALING CHAPTER 721 (TAXICABS) OF THE CODIFIED ORDINANCES OF THE CITY OF HURON.

WHEREAS, the City finds the provisions of Chapter 721 are no longer needed; and

WHEREAS, the City does, therefore, wish to repeal Chapter 721 (Taxicabs) of the Codified Ordinances of the City of Huron.

NOW, THEREFORE, be it ordained by the Council of the City of Huron, Ohio:

Section 1: That Council hereby repeals Chapter 721 (Taxicabs) of the Codified Ordinances of the City of Huron.

Section 2: 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 3: That this Ordinance shall take effect and be in force from and after the time period contained in Section 3.06 of the Charter of the City of Huron.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

CHAPTER 721

Taxicabs

- 721.01 Definitions.**
- 721.02 Owner's license required.**
- 721.03 Mechanical inspection certificate.**
- 721.04 Insurance.**
- 721.05 Notice of cancellation of insurance.**
- 721.06 Failure to give notice.**
- 721.07 Taxicab license term.**
- 721.08 Taxicab license fee.**
- 721.09 Application process.**
- 721.10 Lost or misplaced property.**
- 721.11 Revocation of license.**
- 721.12 Nonlicensed operation.**
- 721.13 Required report of accidents.**
- 721.99 Penalty.**

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.22, 715.66
Power to establish stands and fix rates - see Ohio R.C. 715.25
Operation by minor prohibited - see Ohio R.C. 4507.321
Operation and equipment - see TRAF. CODE
Taxicab stands - see TRAF. 351.10

721.01 DEFINITIONS.

"Taxicab" as used in this chapter, means any vehicle propelled by mechanical power, used to carry passengers for hire or fare or offered for hire or fare to the public for transportation, operating within the City, except vehicles used by funeral directors or undertakers in carrying on their business, and ambulances.

Any person owning or having control of the use of one or more taxicabs, used for hire upon the streets of the City, shall be deemed a "taxicab operator" and engaged in the business of operating a taxicab.

"Taxicab driver" means any person who drives or operates a taxicab.

(Ord. 2010-18. Passed 5-25-10.)

721.02 OWNER'S LICENSE REQUIRED.

No person shall engage in the business of operating a taxicab within the corporate limits of the City without first having procured, from the City Manager, and having in full force and effect, a taxicab operator's license. (Ord. 2010-18. Passed 5-25-10.)

721.03 MECHANICAL INSPECTION CERTIFICATE.

The application for license or a renewal thereof shall be accompanied by a certificate from a competent mechanic that the taxicab is in safe operating condition and capable of transporting the number of passengers stated.

(Ord. 2010-18. Passed 5-25-10.)

721.04 INSURANCE.

The application for license shall be accompanied by a policy of liability insurance written by a company authorized to do business in the State of Ohio in the sum of at least one million dollars (\$1,000,000), single limit, for injury or death to one or more persons and for property damage. The policy must be in full force and effect during the operation of any taxicab within the City. (Ord. 2010-18. Passed 5-25-10.)

721.05 NOTICE OF CANCELLATION OF INSURANCE.

Every policy of insurance shall contain a clause obligating the insurer or surety to give the City Manager at least ten days' written notice before the cancellation, expiration, lapse or other termination of the policy. The license granted shall expire upon the termination of the insurance, or upon the termination of the liability of the insurer or surety thereon, in accordance with such notice, unless a new policy of liability insurance, approved as hereinbefore provided, is substituted therefor. (Ord. 2010-18. Passed 5-25-10.)

721.06 FAILURE TO GIVE NOTICE.

Failure to give the notice required shall operate to continue the liability of the insurer or surety for the benefit of persons injured or damaged, as though such policy continued in full force and effect. (Ord. 2010-18. Passed 5-25-10.)

721.07 TAXICAB LICENSE TERM.

The license may be issued by the City Manager upon payment of the license fee, as herein provided, and shall authorize the person to whom it is issued to engage in such business for a period of one year from the date of issue, unless the license is revoked as hereinafter provided.

(Ord. 2010-18. Passed 5-25-10.)

721.08 TAXICAB LICENSE FEE.

A license fee shall be levied on each taxicab operated as follows: fifty dollars (\$50.00) for the first taxicab and twenty dollars (\$20.00) for each additional taxicab.

(Ord. 2010-18. Passed 5-25-10.)

721.09 APPLICATION PROCESS.

An owner of the taxicab must fully complete an application for the license which will include the names and copies of all drivers and

their licenses, including but not limited to copies of the licenses. The City will review the application and retains the option to check, through legitimate state systems, if the drivers are in good standing with the State of Ohio.

(Ord. 2010-18. Passed 5-25-10.)

721.10 LOST OR MISPLACED PROPERTY.

Drivers of taxicabs shall promptly notify the Police Department of all property of value left in such vehicles by passengers, when such property cannot immediately be returned to its lawful owner or the identity of the owner or person having right to possession cannot be ascertained.

(Ord. 2010-18. Passed 5-25-10.)

721.11 REVOCATION OF LICENSE.

(a) The City Manager may revoke the license of any taxicab operator who is convicted of violating any of the terms of this chapter, the Traffic Code or the laws of the State relating to motor vehicles.

(b) Upon revocation of any license issued hereunder, the City Manager shall cause written notice thereof to be served upon the licensee or left at his place of business and it shall be the duty of the licensee to deliver his license to the City Manager. Thereafter no licensee shall engage in the business of operating a taxicab for the remainder of the period covered by such license and no new license shall be issued to the licensee during that period.

(Ord. 2010-18. Passed 5-25-10.)

721.12 NONLICENSED OPERATION.

Taxicabs having no City license and whose place of business is not in the City may bring passengers into the City, but may not pick up any passengers for any destination, or accept any business while within the City.

(Ord. 2010-18. Passed 5-25-10.)

721.13 REQUIRED REPORT OF ACCIDENTS.

Each and every accident involving a taxicab which occurs within the limits of this City shall be reported immediately to the Chief of Police. If requested by him, the taxicab operator shall file, with the Chief of Police, a statement of claims made or judgments obtained against the operator of such business or driver in connection with any such accident.

(Ord. 2010-18. Passed 5-25-10.)

721.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. (Ord. 2010-18. Passed 5-25-10.)



TO: Mayor Tapp and City Council
FROM: Erik Engle
RE: Ordinance No. 2024-11 **(third and final reading)** *(submitted by Erik Engle)*
DATE: April 23, 2024

Subject Matter/Background

The Planning & Zoning department recommends changing the title of Chapter 741 to "Garage Sales" instead of the current "Home Sales." All references to "home sale" in the Chapter have been updated to "garage sale."

The current code limits residents to two (2) garage sales per year (once every 6 months), charges a \$2 permit fee, and limits sale hours to 9am through 9pm, with the number of consecutive days limited to three (3). These sections of the Code have not been updated since the 1970's.

The proposed amendments include allowing up to four (4) sales per year, eliminating the permit fee, and updating the hours for garage sales to 8am to 9pm, as well as adding a reference to the Signage Code regulations.

Changes made since second reading:

- Exhibit B has been revised to reflect the change in permit fee from \$2 to \$0.
- Exhibit B has been revised to remove length of residence and nature of merchandise to be sold from the application.

A redline copy of the changes is attached hereto as Exhibit 1.

Financial Review

The only financial impact on this amendment is eliminating the permit fee. The permit fee is insignificant and the cost of processing a \$2 payment exceeds \$2.

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. 2024-11 on its third and final reading is in order.

[Ordinance No. 2024-11 Exh B Chapter 741 Garage Sales REDLINE.docx](#)

[Ordinance No. 2024-11 Chapter 741 Garage Sales \(7\).docx](#)

[Ordinance No. 2024-11 Exh A Chapter 741 Home Sales \(1\).pdf](#)

[Ordinance No. 2024-11 Exh B Chapter 741 Garage Sales Revised.docx](#)

CHAPTER 741 Garage Sales

- 41.1 Definitions.
- 741.2 Intent.
- 741.3 Prohibitions
- 741.4 Application; Permit; Fee; Display.
- 741.99 Penalty.

CROSS REFERENCES

Secondhand dealers – see Ohio R.C. Ch. 4737
Receiving stolen property – see GEN. OFF. 545.18
Temporary Stores – see BUS. REG. Ch. 731
Signage Regulations – see Chap 1129

741.01 DEFINITIONS.

"Garage Sale" means a sale of personal property to the general public conducted on any portion of the residence property within a residential zoning district, to include but not be limited to, garage sales, patio sales, yard sales, carport sales, basement sales, porch sales, driveway sales and the like.

(Ordinance No. 2024-11. Passed 4-23-24.)

741.02 INTENT.

It is the intent of this chapter to regulate, restrict and control garage sales conducted on residence premises within residential zoning districts. It is not the intent of this chapter to prevent corporations not for profit, churches, temples or recognized fraternities, sororities, clubs or lodges from conducting garage sales, provided such corporations not for profit, churches, temples, recognized fraternities, sororities, clubs or lodges conduct their sale on real estate owned and/or occupied by such organization.

It is further not the intent of this chapter to prohibit sales conducted by nonconforming businesses located in residential zoning districts.

(Ord. 2024-11. Passed 4-13-24.)

741.03 PROHIBITIONS.

(a) No person, firm or corporation shall conduct garage sales within any residential zoning district in the City without first obtaining a permit from the City.

(b) No person, firm or corporation who has obtained a permit shall violate the rules and regulations as provided within this chapter.

(c) No garage sale shall be conducted by more than one resident.

(d) No garage sale shall be conducted by the same resident or member of his or her family and/or on the same residential property more than four (4) times per calendar year.

(e) No garage sale shall be conducted during hours other than between the hours of 8:00 a.m. and 9:00 p.m. and in no event shall a garage sale last more than three (3) consecutive days.

(f) No garage sale shall offer any merchandise for sale that has been purchased by the resident for purposes of resale at such garage sale. Any new merchandise offered for sale shall be prima-facie evidence as merchandise purchased by the resident for resale at such garage sale.

(g) Refer to Chapter 1129 Sign Regulations for signage regulations.

(h) Prior to and during the conduct of a garage sale, as permitted by this chapter, no person shall place or display any of such property in front of the building setback line and no person shall place or permit any signs advertising, promoting or giving directions to such sale, at any location other than set forth above.

(Ord. 2024-11. Passed 4-23-24.)

741.04 APPLICATION; PERMIT; FEE; DISPLAY.

(a) The City shall provide an application for permits and permit licenses for garage sales. Such application for permit shall include the name of the applicant, who shall be a resident of the City, address, telephone number, date of sale and hours and duration of the sale.

(b) The City shall approve the application and shall regulate the hours of the garage sale license issued to the resident applicant, except no garage sale shall be commenced earlier than 8:00 a.m. nor shall such sale last later than 9:00 p.m.

(c) There is no fee for garage sale permits.

(d) Every licensee conducting a garage sale shall keep the permit certificate posted in a prominent place upon the licensed premise and shall exhibit same upon request.

(Ord. 2024-11. Passed 4-23-24.)

741.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor for the first offense and a misdemeanor of the fourth degree for each subsequent offense.

ORDINANCE NO. 2024-11
Introduced by William Biddlecombe

AN ORDINANCE REPEALING AND AMENDING AND RESTATING CHAPTER 741 (HOME SALES) OF THE HURON CODIFIED ORDINANCES.

WHEREAS, this Council hereby determined the changes and amendments set forth within this Ordinance are in the best interest of the City of Huron and its citizens.

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

SECTION 1. That Chapter 741 (Home Sales) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows (see Exhibit A attached hereto and incorporated herein by reference) shall be and hereby is repealed in its entirety.

SECTION 2. That a new revised and restated Chapter 741 (Garage Sales) of the Codified Ordinances of the City of Huron, Ohio, shall be amended to read as follows (see Exhibit "B" attached hereto and incorporated hereby by reference) shall be, and hereby is, adopted and thereafter shall be in full force and effect.

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. In accordance with Section 3.06 of the Charter of the City of Huron, Ohio, this Ordinance shall take effect thirty (30) days following its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

CHAPTER 741**Home Sales****741.01 DEFINITIONS.**

"Home sale" means a sale of personal property to the general public conducted on any portion of the residence property within a residential zoning district, to include but not be limited to, garage sales, patio sales, yard sales, carport sales, basement sales, porch sales, driveway sales and the like. (Ord. 1974-38. Passed 8-26-74.)

741.02 INTENT.

It is the intent of this chapter to regulate, restrict and control home sales conducted on residence premises within residential zoning districts. It is not the intent of this chapter to prevent corporations not for profit, churches, temples or recognized fraternities, sororities, clubs or lodges from conducting home sales, provided such corporations not for profit, churches, temples, recognized fraternities, sororities, clubs or lodges conduct their sale on real estate owned and/or occupied by such organization.

It is further not the intent of this chapter to prohibit sales conducted by nonconforming businesses located in residential zoning districts. (Ord. 1974-38. Passed 8-26-74.)

741.03 PROHIBITIONS.

(a) No person, firm or corporation shall conduct home sales within any residential zoning district in the City without first obtaining a permit from the Building Official.

(b) No person, firm or corporation who has obtained a permit shall violate the rules and regulations as provided within this chapter.

(c) No home sale shall be conducted by more than one resident.

(d) No home sale shall be conducted by the same resident or member of his or her family and/or on the same residential property more than once each six month period.

(e) No home sale shall be conducted during hours other than between the hours of 9:00 a.m. and 9:00 p.m. and in no event shall a home sale last more than three consecutive days.

(f) No home sale shall offer any merchandise for sale that has been purchased by the resident for purposes of resale at such home sale. Any new merchandise offered for sale shall be prima-facie evidence as merchandise purchased by the resident for resale at such home sale.

(g) A sign, not greater in size than three feet by three feet, may be installed on the property where the sale is being conducted and one sign of the same dimensions may be located off the premises. The signs shall be displayed only during the sale and shall be promptly removed after the sale.

(h) Prior to and during the conduct of a home sale, as permitted by this chapter, no person shall place or display any of such property in front of the building setback line and no person shall place or permit any signs advertising, promoting or giving directions to such sale, at any location other than set forth above. (Ord. 1974-38. Passed 8-26-74.)

741.04 APPLICATION; PERMIT; FEE; DISPLAY.

(a) The City Manager, or his designee, shall provide application for permits and permit licenses for home sales. Such application for permit shall include the name of the applicant, who shall be a resident of the City, address, telephone number, length of residence within the City, nature of merchandise to be offered for sale, date of sale and hours and duration of the sale.

(b) The City Manager, or his designee, shall approve the application and shall regulate the hours of the home sale issued to the resident applicant, except no home sale shall be commenced earlier than 9:00 a.m. nor shall such sale last later than 9:00 p.m.

(c) The City Manager, or his designee, shall charge a fee of two dollars (\$2.00) to the applicant.

(d) Every licensee conducting a home sale shall keep posted in a prominent place, upon the licensed premises, the permit certificate and shall exhibit same upon request.
(Ord. 2004-6. Passed 5-10-04.)

741.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor for the first offense and a misdemeanor of the fourth degree for each subsequent offense.

751.16 LOITERING AND EXTERIOR LIGHTING AND MONITORING REQUIREMENTS.

- (a) It shall be the duty of the operator of a medical marijuana dispensary to:
- (1) Initiate and enforce a no loitering policy within the external boundaries of the parcel of real property upon which the medical marijuana dispensary is located;
 - (2) Post conspicuous signs stating that no loitering is permitted on such property;
 - (3) Monitor the activities of persons on such property by visually inspecting such property or inspecting such property by use of video cameras and monitors; and
 - (4) Provide adequate lighting of the exterior premises to provide for visual inspection or video monitoring and to prohibit loitering. The video cameras and monitors shall operate continuously at all times that the premises is open for business.
- (b) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.
- (Ord. 2018-16. Passed 6-26-18.)

751.17 INJUNCTION.

Any person who operates or causes to be operated a medical marijuana dispensary in violation of this chapter is subject to a suit for injunction as well as prosecution for criminal violations under the Codified Ordinances of the City. (Ord. 2018-16. Passed 6-26-18.)

751.18 EFFECT OF PARTIAL INVALIDITY.

If any section, subsection or clause of this chapter shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected. (Ord. 2018-16. Passed 6-26-18.)

751.19 CHANGE IN INFORMATION.

During the pendency of any application for, or during the term of, any medical marijuana dispensary license, the applicant or licensee shall promptly notify the City Manager in writing of any change in any material information given by the applicant or licensee in the application for such license, including specifically, but without limitation, any change in managers of the medical marijuana dispensary establishment or in the individuals identified in the application pursuant to this chapter; or if any of the events constituting grounds for suspension or revocation pursuant to this chapter occur. (Ord. 2018-16. Passed 6-26-18.)

751.99 PENALTY.

- (a) Violations of this chapter for which no penalty is specified shall be unclassified misdemeanor offenses punishable by fine or imprisonment, as provided in Section 501.99 of the Codified Ordinances of the City of Huron.
- (b) Each day that a medical marijuana dispensary operates in violation of this chapter is a separate offense or violation.
- (Ord. 2018-16. Passed 6-26-18.)

CHAPTER 741 Garage Sales

- 41.1 Definitions.
- 741.2 Intent.
- 741.3 Prohibitions
- 741.4 Application; Permit; Fee; Display.
- 741.99 Penalty.

CROSS REFERENCES

Secondhand dealers – see Ohio R.C. Ch. 4737
Receiving stolen property – see GEN. OFF. 545.18
Temporary Stores – see BUS. REG. Ch. 731
Signage Regulations – see Chap 1129

741.01 DEFINITIONS.

"Garage Sale" means a sale of personal property to the general public conducted on any portion of the residence property within a residential zoning district, to include but not be limited to, garage sales, patio sales, yard sales, carport sales, basement sales, porch sales, driveway sales and the like.
(Ordinance No. 2024-11. Passed 4-23-24.)

741.02 INTENT.

It is the intent of this chapter to regulate, restrict and control garage sales conducted on residence premises within residential zoning districts. It is not the intent of this chapter to prevent corporations not for profit, churches, temples or recognized fraternities, sororities, clubs or lodges from conducting garage sales, provided such corporations not for profit, churches, temples, recognized fraternities, sororities, clubs or lodges conduct their sale on real estate owned and/or occupied by such organization.

It is further not the intent of this chapter to prohibit sales conducted by nonconforming businesses located in residential zoning districts.
(Ord. 2024-11. Passed 4-13-24.)

741.03 PROHIBITIONS.

(a) No person, firm or corporation shall conduct garage sales within any residential zoning district in the City without first obtaining a permit from the City.

(b) No person, firm or corporation who has obtained a permit shall violate the rules and regulations as provided within this chapter.

(c) No garage sale shall be conducted by more than one resident.

(d) No garage sale shall be conducted by the same resident or member of his or her family and/or on the same residential property more than four (4) times per calendar year.

(e) No garage sale shall be conducted during hours other than between the hours of 8:00 a.m. and 9:00 p.m. and in no event shall a garage sale last more than three (3) consecutive days.

(f) No garage sale shall offer any merchandise for sale that has been purchased by the resident for purposes of resale at such garage sale. Any new merchandise offered for sale shall be prima-facie evidence as merchandise purchased by the resident for resale at such garage sale.

(g) Refer to Chapter 1129 Sign Regulations for signage regulations.

(h) Prior to and during the conduct of a garage sale, as permitted by this chapter, no person shall place or display any of such property in front of the building setback line and no person shall place or permit any signs advertising, promoting or giving directions to such sale, at any location other than set forth above.

(Ord. 2024-11. Passed 4-23-24.)

741.04 APPLICATION; PERMIT; FEE; DISPLAY.

(a) The City shall provide an application for permits and permit licenses for garage sales. Such application for permit shall include the name of the applicant, who shall be a resident of the City, address, telephone number, date of sale and hours and duration of the sale.

(b) The City shall approve the application and shall regulate the hours of the garage sale license issued to the resident applicant, except no garage sale shall be commenced earlier than 8:00 a.m. nor shall such sale last later than 9:00 p.m.

(c) There is no fee for garage sale permits.

(d) Every licensee conducting a garage sale shall keep the permit certificate posted in a prominent place upon the licensed premise and shall exhibit same upon request.

(Ord. 2024-11. Passed 4-23-24.)

741.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor for the first offense and a misdemeanor of the fourth degree for each subsequent offense.



TO: Mayor Tapp and City Council
FROM: Erik Engle
RE: Ordinance No. 2024-12 **(third and final reading)** *(submitted by Erik Engle)*
DATE: April 23, 2024

Subject Matter/Background

Historically, applications for the operation of temporary stores have been infrequent. Temporary stores are those that operate for a period of less than 120 days, and the application requires a fee of \$150. Examples of permits issued include pop-up shops, the Market on Main and, most recently, the Airstream Ice Cream vendor on North Main Street. Over the years, the City has requested additional documentation deemed appropriate and necessary (insurance, Health Department Food License, private property owner's consent letter to name a few), but those documents were not codified requirements. In researching various codes from surrounding municipalities, the timeframe and fee are in line, however, the Planning Director recommends additional language to include food trucks in the definition for Temporary Store. There have been no changes made to this ordinance since its first reading.

Based on Council discussion from the last reading, staff has included language exempting the license requirement for short term events on public city owned property if there is already a lease agreement in play.*

Changes made for final reading

*Section 731.06 License Exemptions are included for the final reading.

Financial Review

The City expects the fee of this amendment to outweigh the administrative cost to process the application. The fee will be deposited in the General Fund.

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. 2024-12 on its third and final reading is in order.

[Ordinance No. 2024-12 Chapter 731 Temporary Stores \(2\).docx](#)

[Ordinance No. 2024-12 Exh A Chapter 731 Temporary Stores.pdf](#)

[Resolution_No._2024-12_Exh_B_Chapter_731_Temporary_Stores_final edit_EE.docx](#)

ORDINANCE NO. 2024-12

Introduced by Matt Grieves

AN ORDINANCE REPEALING AND AMENDING AND RESTATING CHAPTER 731 (TEMPORARY STORES) OF THE HURON CODIFIED ORDINANCES.

WHEREAS, this Council hereby determined the changes and amendments set forth within this Ordinance are in the best interest of the City of Huron and its citizens.

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

SECTION 1. That Chapter 731 (Temporary Stores) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows (see Exhibit A attached hereto and incorporated herein by reference) shall be and hereby is repealed in its entirety.

SECTION 2. That a new revised and restated Chapter 731 (Temporary Stores) of the Codified Ordinances of the City of Huron, Ohio, shall be amended to read as follows (see Exhibit "B" attached hereto and incorporated hereby by reference) shall be, and hereby is, adopted and thereafter shall be in full force and effect.

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. In accordance with Section 3.06 of the Charter of the City of Huron, Ohio, this Ordinance shall take effect thirty (30) days following its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

CHAPTER 731

Temporary Stores

731.01 Definition; exceptions.

731.02 License required.

731.03 License application fee.

731.04 Bond in lieu of fee.

731.05 Stores presumed temporary; exceptions.

731.99 Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.64

License revocation for receiving stolen property - see Ohio R.C. 2961.03

Pawnbrokers - see Ohio R.C. Ch. 4727

Secondhand dealers - see Ohio R.C. Ch. 4737

Receiving stolen property - see GEN. OFF. 545.18

Peddlers, solicitors and canvassers - see BUS. REG. Ch. 711

731.01 DEFINITION; EXCEPTIONS.

As used in this chapter, "temporary store" means a store, storeroom, office or other place, opened and maintained for the sale to the public of goods, commodities or merchandise, where the seller or owner of such goods, commodities or merchandise operate such store, storeroom, office or other place, for a period of less than 120 days.

This chapter shall not apply to sales pursuant to the order of any court of competent jurisdiction in the State, or of the United States, nor to any person owning or operating a branch store, provided that such person, or the principal of such person, has been engaged in the same kind of business in the City for a period of more than 120 days prior to the date of opening such branch store. (Ord. 1962-20. Passed 7-23-62.)

731.02 LICENSE REQUIRED.

No person shall operate a temporary store unless licensed as provided herein.
(Ord.1962-20. Passed 7-23-62.)

731.03 LICENSE APPLICATION; FEE.

Application for a license to operate a temporary store shall be made to the City Manager. Upon approval of the application by the City Manager, and after payment of a fee of one hundred fifty dollars (\$150.00), the City Manager shall issue a license to the applicant. Such fee shall be refunded to the applicant if the store proves not to be in fact a temporary store.
(Ord. 1962-20. Passed 7-23-62.)

731.04 BOND IN LIEU OF FEE.

In lieu of payment of the license fee, any person shall, within forty-eight hours after demand, cause to be furnished a bond subject to the approval of the City Manager, in the sum of one hundred and fifty dollars (\$150.00) payable to the City with surety and sureties satisfactory to the City Manager and conditioned upon the fact of continuation in business at the address indicated thereon, for a period of 120 days or more, after the date of opening such business or the payment of such fee; as it is the intent and purpose of this chapter to secure, for the City, full and adequate assurance that the operator of any store which may, in fact, prove to be a temporary store, shall pay directly, or indirectly, through his surety the fee herein provided.
(Ord. 1962-20. Passed 7-23-62.)

731.05 STORES PRESUMED TEMPORARY; EXCEPTIONS.

Any store which is hereafter opened, operated and maintained in the City shall prima-facie be presumed to be a temporary store, but such presumption may be overcome by evidence satisfactory to the City Manager that it is not a temporary store, in which case the City Manager shall not be required to impose such fee or take a bond in lieu of payment thereof.
(Ord. 1962-20. Passed 7-23-62.)

731.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

CHAPTER 731 Temporary Stores

- | | | | |
|--------|--------------------------|--------|----------------------------|
| 731.01 | Definition; exceptions. | 731.05 | Stores presumed temporary; |
| 731.02 | License required. | | exceptions. |
| 731.03 | License application fee. | 731.99 | Penalty. |
| 731.04 | Bond in lieu of fee. | | |

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.64
License revocation for receiving stolen property - see Ohio R.C. 2961.03
Pawnbrokers - see Ohio R.C. Ch. 4727
Secondhand dealers - see Ohio R.C. Ch. 4737
Receiving stolen property - see GEN. OFF. 545.18
Peddlers, solicitors and canvassers - see BUS. REG. Ch. 711

731.01 DEFINITION; EXCEPTIONS.

As used in this chapter, "temporary store" means a store, food truck, storeroom, office or other place, opened and maintained for the sale to the public of goods, commodities or merchandise, where the seller or owner of such goods, commodities or merchandise operate such store, storeroom, office or other place, for a period of less than 120 days.

This chapter shall not apply to sales pursuant to the order of any court of competent jurisdiction in the State, or of the United States, nor to any person owning or operating a branch store, provided that such person, or the principal of such person, has been engaged in the same kind of business in the City for a period of more than 120 days prior to the date of opening such branch store.
(Ord. 2024-12. Passed 4-23-24.)

731.02 LICENSE REQUIRED.

No person shall operate a temporary store unless licensed as provided herein.
(Ord.1962-20. Passed 7-23-62.)

731.03 LICENSE APPLICATION; FEE.

Application for a license to operate a temporary store shall be made to the City by submission of the City's application form. The non-refundable application fee shall be One Hundred Fifty Dollars (\$150.00). Each application shall contain the following information:

- (a) The name, address, phone number and email of the owner of the goods to be sold.
- (b) The address location of the temporary store with a site plan.
- (c) The nature and type of goods to be offered for sale.
- (d) The date when the operation of the temporary store will commence and the date it will end; no longer than a period of 120 consecutive days.
- (e) A copy of any licensing required by the County Health Department, if applicable.
- (f) Proof of authorization from the property owner on which the temporary store is to be located.
- (g) Any additional information deemed required by the City for the review of such license in order to provide and protect the public health, safety and welfare.

731.04 ISSUANCE OF LICENSE; CONDITIONS

When an application for a temporary store has been properly submitted and the application fee paid, a license shall be issued by the City, subject to the following conditions:

- (a) The license period shall be not more than 120 consecutive days.
- (b) The license shall be prominently displayed during operation of the temporary store.
- (c) The location for the temporary store is properly zoned for such operation and has the off-street parking spaces determined to be necessary for the operation of the store according to the standards set by the Zoning Code, or a minimum of three (3) off-street parking spaces if not set by the Zoning Code.
- (d) That the temporary store is to be operated between the hours of 9am and 9pm or sunset, whichever occurs first. The City reserves the right to extend these hours of operation, at its sole discretion.
- (e) Compliance with all other pertinent ordinances of the City, State and health regulations.

(Ord. 2024-12. Passed 4-23-24)

731.05 LICENSE LIMITATIONS; REVOCATION.

A license may not be renewed or the period of operation extended, except as set forth in Section 731.04(d) above. The City may revoke the license for violation of any of the provisions of this Chapter.

(Ord. 2024-12. Passed 4-23-24.)

731.06 LICENSE EXEMPTIONS.

A license may not be required for short-term events on public city-owned property if there is already a lease agreement between the event organizers, third-party vendors, and the City.

(Ord. 2024-12. Passed 4-23-24.)

731.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.



TO: Mayor Tapp and City Council
FROM: Erik Engle
RE: Ordinance No. 2024-13 (**third and final reading**) (*submitted by Erik Engle*)
DATE: April 23, 2024

Subject Matter/Background

Proposed edits to Chapter 1323 include raising the insurance coverage for bodily and property damage to \$1,000,000 (from \$300,000) and requiring the City to be named as an additional insured. This is in line with provisions of Chapter 901 Excavations with regard to contractor requirements for ROW permits, and brings this requirement up-to-date with other municipalities.

Language was also added to specify that only contractors doing work that requires a permit are required to register, as opposed to the current language, which requires all contractors to register.

The maximum annual application fee has been increased to \$100 per trade, with a maximum fee for a single registration being capped at \$200 (no change)**. Historically, this fee was never capped so anyone applying for multiple trades would be subject to the \$100 per trade fee outright. In addition, *the application must provide a surety bond in the amount of a minimum \$10,000 or any other amount decided by staff based on project scope.**

Section 1323.9 (Building Movers) now requires building movers to register just like any other contractor, and posting a bond to be approved by the City. The Planning & Zoning Department has not had any building movers register with the City (to their knowledge), however, if one should register, they would like to have all of the contractor registration requirements and documentation, the \$100 fee and bond requirement in place should that happen. There have been no changes made to this ordinance since its first reading.

***Change made on second reading:**

1323.03(b)(3) changed from \$20,000 or 10% to \$10,000 or amount determined by Service Director

****Change made for third reading:**

1323.04(c) changed from \$250.00 back to the original \$200.00

Financial Review

Fees associated with this amendment will be deposited in the General Fund and used to offset administrative costs to process applications and permits.

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. 2024-13 on its third and final reading is in order.

[Ordinance No. 2024-13 Chapter 1323 Contractors \(1\).docx](#)

[Ordinance No. 2024-13 Exh A Chapter 1323 Contractors.pdf](#)

[Ordinance_No._2024-13_Exh_B_Chapter_1323_Contractors__1_\(3\)_final edit EE.docx](#)

ORDINANCE NO. 2024-13

Introduced by Mark Claus

AN ORDINANCE REPEALING AND AMENDING AND RESTATING CHAPTER 1323 (CONTRACTORS) OF THE HURON CODIFIED ORDINANCES.

WHEREAS, this Council hereby determined the changes and amendments set forth within this Ordinance are in the best interest of the City of Huron and its citizens.

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

SECTION 1. That Chapter 1323 (Contractors) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows (see Exhibit A attached hereto and incorporated herein by reference) shall be and hereby is repealed in its entirety.

SECTION 2. That a new revised and restated Chapter 1323 (Contractors) of the Codified Ordinances of the City of Huron, Ohio, shall be amended to read as follows (see Exhibit "B" attached hereto and incorporated hereby by reference) shall be, and hereby is, adopted and thereafter shall be in full force and effect.

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. In accordance with Section 3.06 of the Charter of the City of Huron, Ohio, this Ordinance shall take effect thirty (30) days following its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

CHAPTER 1323

Contractors

- 1323.01 **Definitions.**
- 1323.02 **Specialty contractors.**
- 1323.03 **Registration of all contractors.**
- 1323.04 **Term, renewal and fees.**
- 1323.05 **Assignment, transfer, use by third persons.**
- 1323.06 **Suspension and revocation.**
- 1323.07 **Bond.**
- 1323.08 **Appeals.**
- 1323.09 **Building movers.**
- 1323.99 **Penalty.**

1323.01 DEFINITIONS.

For purposes of this chapter, the following words and terms shall have the following meanings:

- (a) “Contractor” means an individual corporation, joint venture, or other entity which builds, constructs, repairs, replaces, remodels, alters, or otherwise improves any land or building or any portion thereof. Contractor includes, without limitation, entities considered to be general contractors and actors. Each entity of a joint venture or any other form of cooperative effort is a contractor for the purposes of this chapter. No provision of this chapter shall be interpreted to require that a person, firm or corporation who is an owner or lessee of premises shall be registered to perform work upon such premises owned by such person, firm or corporation. Persons employed by the owner of the property in the capacity of a Building Custodian shall not be required to register or be otherwise subject to any provision of this chapter.
 - (b) “General contractor” means an individual, partnership, corporation, joint venture or other entity which builds, constructs, repairs, replaces, remodels, alters or otherwise improves any land or building or any portion thereof and coordinates other contractors working on the same project.
 - (c) “Specialty contractor” means a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor, as those terms are defined as a licensed trade in Ohio R.C. 4740.01.
 - (d) “Residential work” means any work performed on one, two and three-family dwellings.
 - (e) “Commercial work” means all work governed by the Ohio Building Code.
- (Ord. 2016-12. Passed 7-26-16.)

1323.02 SPECIALTY CONTRACTORS.

Specialty contractors who perform any commercial or residential work within the City must have a valid and unexpired license issued by the Ohio Construction Industry Examining Board pursuant to Ohio R.C. Chapter 4740. (Ord. 2016-12. Passed 7-26-16.)

1323.03 REGISTRATION OF ALL CONTRACTORS.

- (a) All contractors shall register with the City of Huron Zoning Department prior to performing any work in the City. No person shall allow a contractor who has failed to register with the City of Huron Zoning Department to perform any work in the City.
 - (b) A contractor seeking to be registered shall submit the following to the Zoning Department of the City:
 - (1) An application for registration on a form prescribed by the Building Official or his designee;
 - (2) The contractor’s certificate of liability insurance demonstrating a minimum combined bodily and property damage coverage in the amount of \$300,000. Liability insurance coverage shall be maintained in full force and effect and a copy of any policy changes including renewal forwarded to the Zoning Department throughout the term of the registration;
 - (3) Proof of compliance with the State of Ohio’s Workers’ Compensation Laws;
 - (4) Certificate of registration with Regional Income Tax Agency (R.I.T.A.).
 - (5) A copy of the current license issued pursuant to Ohio R.C. Chapter 4740 by the Ohio Construction Industry Examining Board to the contractor or an employee of a contractor, if such a license is required for the contractor’s trade; and
 - (6) A registration fee in an amount established by Section 1323.04.
 - (c) Upon submission of the items required above, the Building Official or his designee, shall issue a registration certificate. The Building Official or his designee may deny an application for registration if the contractor fails to submit any of the items required above, the contractor has previously failed to comply with the applicable requirements of all building codes as adopted by City ordinances or as regulated by the state building code or the City’s construction specifications; or the contractor has at any time violated any provision of this chapter.
- (Ord. 2016-12. Passed 7-26-16.)

1323.04 TERM, RENEWAL AND FEES.

- (a) A registration certificate issued pursuant to Section 1323.03 shall be valid for the calendar year in which it is issued and shall be renewed annually thereafter.
 - (b) A registration certificate issued pursuant to Section 1323.03 may be renewed within 30 days following expiration of the registration certificate upon payment of the fee established by Section 1323.04(c) and proof of continued liability insurance coverage as required by Section 1323.03(b)(2), and a copy of the current license as required by Section 1323.02.
 - (c) Notwithstanding any other fees as set forth in this Chapter, the annual fee for Contractor registration shall be as follows:
 - (1) General Contractor \$100.00
 - (2) Specialty Contractor \$100.00
- (Ord. 2016-12. Passed 7-26-16.)

1323.05 ASSIGNMENT, TRANSFER, USE BY THIRD PERSONS.

A registered contractor shall not assign, transfer or allow any other person to use its registration certificate for any purpose.

(Ord. 2016-12. Passed 7-26-16.)

1323.06 SUSPENSION AND REVOCATION.

(a) The Building Official or his designee may immediately suspend or revoke a registration certificate or deny renewal of a registration certificate if:

- (1) The contractor fails to comply with the applicable requirements of all building codes as adopted by City ordinance or as regulated by the State.
- (2) The contractor's license issued by the Ohio Construction Industry Examining Board is suspended or revoked.
- (3) The holder of the license issued by the Ohio Construction Industry Examining Board becomes disassociated with the contractor and a license of another employee of the contractor is not submitted to the Zoning Official within 90 days after the disassociation.
- (4) The contractor fails to maintain liability insurance coverage as required pursuant to Section 1323.03(b)(2).
- (5) The contractor violates any provision of this chapter.

(b) An order of the Building Official or his designee suspending or revoking a contractor's registration certificate shall be effective upon written notice served upon the contractor. (Ord. 2016-12. Passed 7-26-16.)

1323.07 BOND.

When evidence discloses that the registrant has refused, failed or neglected to correct or abate violations of any applicable standards or ordinance in performance of work done pursuant to a Certificate of Registration within a reasonable time after having been notified by the Building Official, the Building Official or his designee may require the registrant to furnish a performance bond in the amount of ten thousand dollars (\$10,000) guaranteeing full and faithful compliance by the applicant with all provisions of any applicable standards or ordinance of the City whenever the applicant for registration named as the principal on such bond refuses, neglects or fails to correct or abate such violation within a reasonable time set by the Building Official or his designee.

(Ord. 2016-12. Passed 7-26-16.)

1323.08 APPEALS.

In the event the application for a certificate is not approved, or in the event any certificate issued under this chapter is revoked, the applicant shall be notified of the refusal or revocation in writing and such notice shall be sent by certified mail to the applicant at the address of the applicant as set forth in the application for a certificate. The applicant shall have thirty days after receipt of such notice to appeal such refusal or revocation. Such appeal shall be perfected by filing a written notice of the appeal with the Huron City Council. Thereupon, the applicant shall have not less than ten days' notice of the date and place of the hearing. The appeal shall be heard by the Huron City Council, who shall have the power after such hearing to either affirm or overrule the decision of the Building Official. The Huron City Council shall cause notice of his/her decision to be sent by certified mail to the applicant at the address of the applicant as set forth in the application within thirty days of the date of the hearing.

(Ord. 2016-12. Passed 7-26-16.)

1323.09 BUILDING MOVERS.

(a) No person shall move any building within the limits of the City without paying an annual registration fee of twenty-five dollars (\$25.00) and posting a bond with good and sufficient sureties to be approved by the City Manager. The bond shall provide that the party will pay any and all damages which may happen to any tree, pavement, street, or sidewalk or any public building or structure, and all damages resulting to any person whomsoever which may be caused by the carelessness or negligence of the person so licensed, or by his agent, employees, or workmen while engaged in the removing of any building in the streets, alleys or public ways of the City. The bond shall provide also that the mover will save and indemnify and keep harmless the City against all liabilities, judgments, costs and expenses which may accrue against the City in consequence of the granting of the permit and will in all things strictly comply with the conditions of the permit.

(b) Permit for Each Job. Upon payment of the registration fee and the execution of the bond to the acceptance of the City Manager, the mover shall in each and every instance, before removing any building, obtain a permit from the City Manager or his authorized agent, stating specifically all the conditions, prescribing the route to be taken, the building proposed to be removed, and the site to which the building is to be removed, and limiting the time for the removal of any such building.

(c) Signals and Lights. Any person having such permit shall, while engaged in the removal of any buildings in the public streets, alleys and public ways of the City and while occupying or using the streets, alleys and public ways for that purpose, cause a red light to be placed in a conspicuous place in the front and rear of the building and obstruction, and the capstan used in moving the same, from dark until sunrise on each night during the time the building and obstruction remains in the streets, alleys and highways of the City.

(d) Delay in Moving; Penalty. The owner of any building, or the contractor for its removal, either or both, who shall suffer the same to be or remain in any of the streets, alleys, highways or upon any of the public grounds of the City for any time longer than may be specified in the permit, unavoidable delays excepted, shall be fined, in accordance with Section 1323.99, and shall forfeit his permit, and there shall be a like penalty for each 24 hours that the same shall be continued, and such buildings shall be deemed a nuisance.

(Ord. 2016-12. Passed 7-26-16.)

1323.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be fined not more than five hundred dollars (\$500.00). Each day's violation shall constitute a separate offense.

(Ord. 2016-12. Passed 7-26-16.)

CHAPTER 1323 Contractors

1323.01	Definitions.	1323.06	Suspension and revocation.
1323.02	Specialty contractors.	1323.07	Bond.
1323.03	Registration of all contractors.	1323.08	Appeals.
1323.04	Term, renewal and fees.	1323.09	Building movers.
1323.05	Assignment, transfer, use by third persons.	1323.99	Penalty.

CROSS REFERENCES

Permit Fee; Deposit Required – See Section 901.03

1323.01 DEFINITIONS.

For purposes of this chapter, the following words and terms shall have the following meanings:

(a) “Contractor” means an individual corporation, joint venture, or other entity which builds, constructs, repairs, replaces, remodels, alters, or otherwise improves any land or building or any portion thereof. Contractor includes, without limitation, entities considered to be general contractors and actors. Each entity of a joint venture or any other form of cooperative effort is a contractor for the purposes of this chapter. No provision of this chapter shall be interpreted to require that a person, firm or corporation who is an owner or lessee of premises shall be registered to perform work upon such premises owned by such person, firm or corporation. Persons employed by the owner of the property in the capacity of a Building Custodian shall not be required to register or be otherwise subject to any provision of this chapter.

(b) “General contractor” means an individual, partnership, corporation, joint venture or other entity which builds, constructs, repairs, replaces, remodels, alters or otherwise improves any land or building or any portion thereof and coordinates other contractors working on the same project.

(c) “Specialty contractor” means a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor, as those terms are defined as a licensed trade in Ohio R.C. 4740.01.

(d) “Residential work” means any work performed on one, two and three-family dwellings.

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(Ord. 2016-12. Passed 7-26-16.)

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(a) All contractors shall register with the City of Huron Zoning Department prior to performing any work in the City which requires a permit. No person shall allow a contractor who has failed to register with the City of Huron Zoning Department to perform any work for which a permit is required in the City.

(b) A contractor seeking to be registered shall submit the following to the Zoning Department of the City:

- (1) An application for registration on a form prescribed by the City.
 - (2) Contractors shall provide a certificate of liability insurance demonstrating minimum combined bodily and property damage coverage in the amount of One Million Dollars (\$1,000,000.00) and name the City as an additional insured.
 - (3) Excavating, Utility, Sewer Builders, Sidewalk/Concrete, Tree Service and House Moving Contractors shall provide a surety bond of a minimum \$10,000 or any other amount deemed appropriate by the Service Director, or his or her designee. Such surety bond shall be issued by a surety company authorized to do business in this State conditioned that the person, firm or corporation shall guarantee proper execution and completion in accordance with the applicable City specifications and/or regulations of the work authorized by any permit issued under the license or licenses and shall completely restore to its designee, any street, alley, public grounds, pavement, sidewalk, sewer or any other structure or service which may have been opened or disturbed by the person, firm or corporations and shall in all things strictly comply with the conditions and provisions of the City of Huron Ordinances and with the provisions of any permit issued pursuant thereto. Liability insurance coverage shall be maintained in full force and effect and a copy of any policy changes, including renewal, shall be forwarded to the Zoning Department throughout the term of the registration.
 - (4) Proof of compliance with the State of Ohio's Workers' Compensation Laws.
 - (5) Certificate of registration with Regional Income Tax Agency (R.I.T.A.).
 - (6) A copy of the current license issued pursuant to Ohio R.C. Chapter 4740 by the Ohio Construction Industry Examining Board to the contractor or an employee of a contractor, if such a license is required for the contractor's trade.
 - (7) A registration fee in an amount established by Section 1323.04.
- (c) Upon submission of the items required above, the City shall issue a registration certificate. The City may deny an application for registration if the contractor fails to submit any of the items required above, the contractor has previously failed to comply with the applicable requirements of all building codes as adopted by City ordinances or as regulated by the state building code or the City's construction specifications; or the contractor has at any time violated any provision of this chapter.
(Ord. 2024-13. Passed 4-23-24.)

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- (a) A registration certificate issued pursuant to Section 1323.03 shall be valid for the calendar year in which it is issued and shall be renewed annually thereafter.
- (b) A registration certificate issued pursuant to Section 1323.03 may be renewed within 30 days following expiration of the registration certificate upon payment of the fee established by Section 1323.04(c) and proof of continued liability insurance coverage as required by Section 1323.03(b)(2), and a copy of the current license as required by Section 1323.02.
- (c) Notwithstanding any other fees as set forth in this Chapter, the annual fee for Contractor registration shall be \$100.00 per trade, but no more than \$200 for each registration.
(Ord. 2024-13. Passed 4-23-24.)

1323.05 ASSIGNMENT, TRANSFER, USE BY THIRD PERSONS.

A registered contractor shall not assign, transfer or allow any other person to use its registration certificate for any purpose.

(Ord. 2016-12. Passed 7-26-16.)

1323.06 SUSPENSION AND REVOCATION.

(a) The Building Official or his designee may immediately suspend or revoke a registration certificate or deny renewal of a registration certificate if:

(1) The contractor fails to comply with the applicable requirements of all building codes as adopted by City ordinance or as regulated by the State.

(2) The contractor's license issued by the Ohio Construction Industry Examining Board is suspended or revoked.

(3) The holder of the license issued by the Ohio Construction Industry Examining Board becomes disassociated with the contractor and a license of another employee of the contractor is not submitted to the Zoning Official within 90 days after the disassociation.

(4) The contractor fails to maintain liability insurance coverage as required pursuant to Section 1323.03(b)(2).

(5) The contractor violates any provision of this chapter.

(b) An order of the Building Official or his designee suspending or revoking a contractor's registration certificate shall be effective upon written notice served upon the contractor. (Ord. 2016-12. Passed 7-26-16.)

1323.07 BOND.

When evidence discloses that the registrant has refused, failed or neglected to correct or abate violations of any applicable standards or ordinance in performance of work done pursuant to a Certificate of Registration within a reasonable time after having been notified by the Building Official, the Building Official or his designee may require the registrant to furnish a performance bond in the amount of ten thousand dollars (\$10,000) guaranteeing full and faithful compliance by the applicant with all provisions of any applicable standards or ordinance of the City whenever the applicant for registration named as the principal on such bond refuses, neglects or fails to correct or abate such violation within a reasonable time set by the Building Official or his designee.

(Ord. 2016-12. Passed 7-26-16.)

1323.08 APPEALS.

In the event the application for a certificate is not approved, or in the event any certificate issued under this chapter is revoked, the applicant shall be notified of the refusal or revocation in writing and such notice shall be sent by certified mail to the applicant at the address of the applicant as set forth in the application for a certificate. The applicant shall have thirty days after receipt of such notice to appeal such refusal or revocation. Such appeal shall be perfected by filing a written notice of the appeal with the Huron City Council. Thereupon, the applicant shall have not less than ten days' notice of the date and place of the hearing. The appeal shall be heard by the Huron City Council, who shall have the power after such hearing to either affirm or overrule the decision of the Building Official. The Huron City Council shall cause notice of his/her decision to be sent by certified mail to the applicant at the address of the applicant as set forth in the application within thirty days of the date of the hearing.

(Ord. 2016-12. Passed 7-26-16.)

1323.09 BUILDING MOVERS.

(a) No person shall move any building within the limits of the City without being registered with the City as a Contractor and posting a bond with good and sufficient sureties to be approved by the City. The bond shall provide that the party will pay any and all damages which may happen to any tree, pavement,

street, or sidewalk or any public building or structure, and all damages resulting to any person whomsoever which may be caused by the carelessness or negligence of the person so licensed, or by his agent, employees, or workmen while engaged in the removing of any building in the streets, alleys or public ways of the City. The bond shall provide also that the mover will save and indemnify and keep harmless the City against all liabilities, judgments, costs and expenses which may accrue against the City in consequence of the granting of the permit and will in all things strictly comply with the conditions of the permit.

(b) Permit for Each Job. Upon being issued a Contractor Registration Certificate and the execution of the bond to the acceptance of the City, the mover shall in each and every instance, before removing any building, obtain a permit from the City stating specifically all the conditions, prescribing the route to be taken, the building proposed to be removed, and the site to which the building is to be removed, and limiting the time for the removal of any such building.

(c) Signals and Lights. Any person having such permit shall, while engaged in the removal of any buildings in the public streets, alleys and public ways of the City and while occupying or using the streets, alleys and public ways for that purpose, cause a red light to be placed in a conspicuous place in the front and rear of the building and obstruction, and the capstan used in moving the same, from dark until sunrise on each night during the time the building and obstruction remains in the streets, alleys and highways of the City.

(d) Delay in Moving; Penalty. The owner of any building, or the contractor for its removal, either or both, who shall suffer the same to be or remain in any of the streets, alleys, highways or upon any of the public grounds of the City for any time longer than may be specified in the permit, unavoidable delays excepted, shall be fined, in accordance with Section 1323.99, and shall forfeit his permit, and there shall be a like penalty for each 24 hours that the same shall be continued, and such buildings shall be deemed a nuisance.

(Ord. 2024-13. Passed 4-23-24.)

1323.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be fined not more than five hundred dollars (\$500.00). Each day's violation shall constitute a separate offense.

(Ord. 2016-12. Passed 7-26-16.)



TO: Mayor Tapp and City Council
FROM: Erik Engle
RE: Amended Resolution No. 65-2023 (*submitted by Erik Engle*)
DATE: April 23, 2024

Subject Matter/Background

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

The City was notified that it had been approved for \$35,000 in grant funding, representing 50% of the total project cost of \$70,000. The City is responsible for the remaining \$35,000, which must be funded using non-federal funds. Resolution No. 65-2023, adopted on October 10, 2023, authorized the City Manager to accept such funding.

Due to delays in NOAA funding disbursement, Both ODNR and the City of Huron desire to extend the construction completion date in the Subrecipient Grant Agreement dated October 11, 2023 to June 30, 2025. This Amended Resolution No. 65-2024 ratifies the City Manager's execution of Amendment No. 1 to the Subrecipient Grant Agreement to reflect this change.

Financial Review

The composition and source of 1:1 match funding in the amount of \$35,000 will be pulled from the City of Huron's Capital Improvement Fund. There is no cost associated with Amendment No. 1.

Legal Review

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

Recommendation

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

[AMENDED Resolution No. 65-2023 CMAG Grant Acceptance \\$35,000 Lakefront Beach Coastal Planning \(2\).docx](#)
[AMENDED Resolution No. 65-2024 Exh A Subrecipient Grant Agreement CMAG.pdf](#)
[CZ22B 306-09_AgrAmnd_NCE_FullyExecuted.pdf](#)

AMENDED
RESOLUTION NO. 65-2023
Introduced by Matt Grieves

AN AMENDED RESOLUTION RATIFYING THE CITY MANAGER'S EXECUTION OF AMENDMENT NO. 1 TO THE SUBRECIPIENT GRANT AGREEMENT BETWEEN THE OHIO DEPARTMENT OF NATURAL RESOURCES AND THE CITY OF HURON AUTHORIZED BY RESOLUTION NO. 65-2023 ADOPTED ON OCTOBER 10, 2023, AS
FOLLOWS:

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

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

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

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

WHEREAS, both parties desire to extend the construction completion date in the Subrecipient Grant Agreement to June 30, 2025; and

WHEREAS, Resolution No. 65-2023, adopted on October 10, 2023, must be amended to reflect the new construction completion date of June 30, 2025.

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

SECTION 1: That the City Manager be, and he hereby is, authorized to accept the funding award from the Department of Natural Resources Coastal Management Assistance Grant Program pursuant to the application authorized by Resolution No. 81-2021 adopted on November 23, 2021, in an amount not to exceed Thirty-Five Thousand and xx/100 Dollars (\$35,000.00), authorizing the City Manager to enter into a Subrecipient Grant Agreement between the Ohio Department of Natural Resources and the City of Huron dated October 11, 2023 (the "Agreement"), a copy of which is attached hereto as Exhibit "A", and ratifying the City Manager's execution of Amendment No. 1 to the Agreement, as set forth in Exhibit "B" 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:

SUBRECIPIENT GRANT AGREEMENT

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

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

Total Award Committed to Subrecipient: \$35,000.00

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

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

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

The parties therefore agree as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[SIGNATURE PAGE FOLLOWS]

Subrecipient Grant Agreement between ODNR
and City of Huron
DNRHCZ22B 306-09
Legal Contract ID # 2023-0529

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

SUBRECIPIENT

City of Huron

By: 

Printed Name: MATT LASKO

Title: CITY MANAGER

Date: 10/3/2023

OHIO DEPARTMENT OF NATURAL RESOURCES

Office of Coastal Management

By: 

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

Title: Chief Office of Coastal Management

Date: October 11, 2023

**AMENDMENT NO. 01
TO THE SUBRECIPIENT GRANT AGREEMENT
BETWEEN THE OHIO DEPARTMENT OF NATURAL RESOURCES
AND City of Huron**

WHEREAS the Ohio Department of Natural Resources ("ODNR") and the City of Huron entered into a Subrecipient Grant Agreement dated October 11, 2023, for the purpose of funding a design plan for connectivity of two public parks in the City of Huron, DNRHCZ22B 306-09. (the "Agreement"); and

WHEREAS both parties desire to extend the end date of the original agreement to allow for additional time to complete the work.

NOW THEREFORE, in consideration of the mutual benefits to be derived and respective obligations assumed, ODNR and the City of Huron agree to this Amendment No. 01 to modify the Agreement as follows:

Paragraph No. 6 is deleted and replaced with the following:

Period of Performance. This Agreement shall be effective as of July 1, 2023. ODNR shall not be responsible for any costs incurred by the Subrecipient prior to the date this Agreement becomes effective. The Project shall be completed by June 30, 2025, unless modified by the mutual, written consent of both parties before that date or otherwise terminated as provided herein. This Agreement shall terminate on June 30, 2025, unless modified by the mutual, written consent of both parties before that date or otherwise terminated as provided herein.

Paragraph 7 is deleted and replaced with the following:

Budget Period. The budget period for this Agreement is July 1, 2022, through June 30, 2025.

Exhibit C is deleted and replaced with the attached Amended Exhibit C.

All other terms and conditions of the Agreement not modified herein shall remain in full force and effect.

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

THE CITY OF HURON

OHIO DEPARTMENT OF NATURAL RESOURCES

OFFICE OF COASTAL MANAGEMENT

By: _____

Printed Name: Matthew Lasko

Title: City Manager

Date: 4/8/2024

DocuSigned by:
Scudder D. Mackey
By: _____
3ADDE6076AB44F4...

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

Title: Chief of Office of Coastal Management

Date: April 17, 2024