



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 9, 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. 2023-51 (TABLED) (submitted by Erik Engle)

An ordinance establishing a new Section 505.18 (Chickens) under Chapter 505 (Animals and Fowl) of the City of Huron Codified Ordinances.

V.b Ordinance No. 2023-52 (TABLED) (submitted by Erik Engle)

An ordinance establishing a new Section 505.19 (Bees) under Chapter 505 (Animals and Fowl) of the City of Huron Codified Ordinances.

V.c Ordinance No. 2023-55 (TABLED) (submitted by Erik Engle)

An ordinance repealing, amending and restating Section 1123.01(c) (Accessory Uses) under Chapter 1123 (Residence Districts) of the City of Huron Codified Ordinances.

V.d Resolution No. 2023-56 (TABLED) (submitted by Erik Engle)

An ordinance establishing a new Subparagraph (7) under Section 1125.02(a) (Neighborhood Business District) of Chapter 1125 (Non-Residence Districts) of the City of Huron Codified Ordinances.

V.e Ordinance No. 2023-57 (TABLED) (submitted by Erik Engle)

An ordinance amending Section 1123.04 (R-3 Multi-Family Residence District) of Chapter 1123 (Residence Districts) of the Huron Codified Ordinances to establish a new Section 1123.04(f).

V.f Ordinance No. 2024-7 (second 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.g Ordinance No. 2024-8 **(second 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.h Ordinance No. 2024-9 **(second reading)** *(submitted by Erik Engle)*

An ordinance repealing and amending and restating Chapter 711 (Peddlers) of the Huron Codified Ordinances.

V.i Ordinance No. 2024-10 **(second reading)** *(submitted by Erik Engle)*

An ordinance repealing Chapter 721 (Taxicabs) of the Huron Codified Ordinances.

V.j Ordinance No. 2024-11 **(second reading)** *(submitted by Erik Engle)*

An ordinance repealing and amending and restating Chapter 741 (Home Sales) of the Huron Codified Ordinances.

V.k Ordinance No. 2024-12 **(second reading)** *(submitted by Erik Engle)*

An ordinance repealing and amending and restating Chapter 731 (Temporary Stores) of the Huron Codified Ordinances.

V.l Ordinance No. 2024-13 **(second 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 Ordinance No. 2024-14 *(submitted by Cory Swaisgood)*

An ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$2,150,000 to pay costs of improving existing streets in the City, including those within the Old Homestead I, Old Homestead II and Chaska Beach neighborhoods, otherwise known as the 2023 Paving Program.

VI.b Ordinance No. 2024-15 *(submitted by Stuart Hamilton)*

An ordinance amending the Traffic Control Map and Traffic Control File to ban parking on both sides of Berlin Road between Cleveland Road and Tiffin Avenue.

VI.c Ordinance No. 2024-16 *(submitted by Stuart Hamilton)*

An ordinance amending the Traffic Control Map and Traffic Control File regarding installation of two (2) stop signs on Riverside Drive at its intersection with Wheeler Drive, making that intersection a 3-way stop.

VI.d Resolution No. 21-2024 *(submitted by Erik Engle)*

A resolution authorizing an agreement with OHM Advisors for planning and community outreach services relating to the Huron Waterfront Parks Plan Project in the amount of \$67,000.

VI.e Resolution No. 36-2024 *(submitted by Erik Engle)*

A resolution of necessity recommending and approving of inspections of properties City-wide in anticipation of enforcement of property-related ordinances, the International Property Maintenance Code, and the Ohio Building Code.

VI.f Resolution No. 37-2024 *(submitted by Erik Engle)*

A resolution of necessity recommending and approving of inspections of properties City-wide in anticipation of enforcement of sidewalk-related ordinances and Ohio law relating to sidewalks.

VI.g Resolution No. 38-2024 *(submitted by Erik Engle)*

A resolution of necessity recommending and approving of inspections of properties City-wide in anticipation of enforcement of tree-related ordinances and Ohio law relating to trees.

VI.h Resolution No. 39-2024 *(submitted by Stuart Hamilton)*

A resolution authorizing an agreement with OHM Advisors for professional streetscape design and engineering services for streetscape and wayfinding enhancements along South Main Street in the amount of \$223,700.

VI.i Resolution No. 40-2024 *(submitted by Stuart Hamilton)*

A resolution of necessity for inspection and repair of stormwater management infrastructure on Marina Drive.

VI.j Resolution No. 41-2024 (*submitted by Doug Steinwart*)

A resolution ratifying a Capital Budget Request application to Ohio State Congressman Dick Stein for FY2025/2026 State of Ohio Capital Improvement funding for the Huron Municipal Boat Basin Renovation Project in an amount not to exceed \$750,000.

VI.k Resolution No. 42-2024 (*submitted by Doug Steinwart*)

A resolution ratifying a Capital Budget Request application to Ohio State Senator Nathan Manning for FY2025/2026 State of Ohio Capital Improvement funding for the Huron Municipal Boat Basin Renovation Project in an amount not to exceed \$750,000.

VI.l Resolution No. 43-2024 (*submitted by Stuart Hamilton*)

A resolution authorizing an agreement with Ed Burdue & Company, Inc. for the emergency demolition of fire-damaged property located at 304 Center Street, Huron, OH in the amount of \$30,000.00.

VI.m Resolution No. 44-2024 (*submitted by Chief Terry Graham*)

A resolution authorizing submission of a grant application to the Ohio EMA for reimbursement of eligible eclipse-related expenses incurred by the City's first responders.

VI.n Resolution No. 45-2024 (*submitted by Captain Kurt Schafer*)

A resolution authorizing the City Manager to enter into a Client Services Agreement with Medicount Management, Inc. for ambulance billing services for the Huron Fire Department for a period of four (4) years.

VII. City Manager's Discussion

VIII. Mayor's Discussion

IX. For the Good of the Order

X. Executive Session(s)

XI. Adjournment



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2023-51 **(TABLED)** *(submitted by Erik Engle)*
DATE: April 9, 2024

Subject Matter/Background

This ordinance establishes rules and regulations for the keeping of chickens (hens) in single and two-family residential zoning districts. This ordinance further establishes language for a permitting process, penalties, revocation, and appeals.

Performance standards include the following:

1. Allowed by right as an accessory use in the R1/R1-A Residential Single-Family or R2 Residential Single- and Two-Family District.
2. Only allowing up to 6 hens for personal use.
3. Coops or accessory structures housing hens shall be kept at least five (5) feet from the side and rear property lines. All such structures shall be located no less than six (6) feet behind the rearmost wall of the principal structure on the lot. No coops or accessory structures shall be located in the front or side yards.
4. The base surface of a coop and run must not exceed 80 square feet and six feet in height and shall be exempt from the lot coverage restrictions contained in the Zoning Code.
5. The coop and outdoor enclosure must be kept clean, dry and sanitary; free from debris and offensive odors; and devoid of rodents and vermin. It shall be so located that adequate drainage is obtained, normal drying occurs and standing water is not present.
6. There shall be no citywide cap on the number of permits issued. However, the Planning and Zoning Department reserves the right to cap the number of permits pursuant to a recommendation made from either Planning Commission and/or City Council.

AMENDMENTS ADDED SINCE FIRST READING:

New section (b) to allow legal nonconforming use was added, as follows:

(b) Nonconforming Enclosures. The keeping of chickens that was lawfully in existence at the time of the effective date of this ordinance, or amendment thereto, that does not conform to the provisions herein, shall be deemed as legal nonconforming and may remain on a lot of record including the location, size and setbacks of the enclosure, and the numbers of hens; upon any one or more of the events outlined in subsection (1) below, an enclosure shall be deemed fully nonconforming and shall conform to the requirements of this Section 505.18. No legal nonconforming enclosures shall be enlarged, extended, structurally altered, reconstructed, or moved in any manner, except to bring it into full compliance with these regulations. These regulations shall not prohibit the number of chickens kept without the structural modification of its size, location or configuration.

1. An enclosure and run shall lose its legal nonconforming status if any of the following occurs:

- i. such chicken enclosure is damaged to an amount exceeding 50% of the replacement value as determined by at least two construction specialists requested to provide a quote by the City;
 - ii. the structure of the chicken enclosure is altered in any form;
 - iii. the chicken enclosure and run is relocated;
 - iv. the principal use of the property is voluntarily discontinued for a period of at least six (6) months;
 - v. the property in question is sold and/or transferred and recorded legal and/or equitable title transfers to a new owner; or
 - vi. the nonconforming enclosures are determined by the Planning and Zoning Department to be unsafe or in violation of this code and are declared a nuisance.
2. Any chicken enclosure that loses its legal nonconforming status must be brought into compliance with the provisions of this chapter and any other City laws and ordinances by an application for, and issuance of, a chicken keeping permit or by complete removal.
 3. Failure to bring a chicken enclosure into compliance after loss of a legal nonconformity status shall cause the enclosure to be considered illegal. Any violations and/or penalties incurred shall be in accordance with Chapter 1139.01.
 4. Minor repairs and maintenance of legal nonconforming chicken enclosures shall be permitted.

AMENDMENTS ADDED SINCE SECOND READING:

New sentence added to Section 505.18(a)(2) - second sentence, as follows:

Any chicken enclosure in existence at the time of the effective date of this ordinance deemed nonconforming shall be exempt from the permitting process, but must secure a permit upon losing any such legal nonconforming status pursuant to 505.18(d)(1).

Revision to the first sentence of Section 505.18(d) Nonconforming Uses, as follows:

The keeping of chickens that was lawfully in existence at the time of the effective date of this ordinance, or amendment thereto, that does not conform to the provisions herein, shall be deemed as legal nonconforming and may remain on a lot of record including the location, size and setbacks of the enclosure; and the number of chickens, and will become fully nonconforming and shall conform to the requirements of this Section 505.18 upon any one or more of the events outlined in subsection (1), below.

Financial Review

There is no financial impact.

Legal Review

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

Recommendation

This ordinance is currently tabled.

[Ordinance No. 2023-51 Add Section 505.18 Chickens \(3\).docx](#)

[Ordinance No. 2023-51 Exh A \(6\).docx](#)

ORDINANCE NO. 2023-51
Introduced by Mark Claus

AN ORDINANCE AMENDING CHAPTER 505 (ANIMALS AND FOWL) OF THE CODIFIED ORDINANCE OF HURON, OHIO TO ESTABLISH A NEW SECTIONS 505.18 (CHICKENS).

WHEREAS, the Council hereby determined the changes and amendment set forth within this Ordinance, including Exhibit "A", 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 505 (Animals and Fowl) is hereby amended to add new Section 505.18 (Chickens), as attached hereto and made a part hereof as Exhibit "A", 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: _____

Section 505.18 – Chickens

- (a) Notwithstanding any of the foregoing sections, female chickens ("hens," for the purpose of this section), may be kept in the City only in accordance with the following regulations:
1. Zoning districts. Hens may be kept only in an R1/R1-A Residential Single-Family or R2 Residential Single- and Two-Family District.
 2. Application and permit. Before the keeping of hens may occur, a permit shall have first been obtained from the Planning and Zoning Department. Any chicken enclosure in existence at the time of the effective date of this ordinance deemed nonconforming shall be exempt from the permitting process, but must secure a permit upon losing any such legal nonconforming status pursuant to 505.18(d)(1). The permit application must be accompanied by a set fee paid to the City. New permit applications shall include the following information:
 - i. the name, phone number, home address and email address of the applicant;
 - ii. the size and location of the subject property;
 - iii. a proposal containing the number of hens the applicant seeks to keep on the property;
 - iv. a description of any coop or outdoor enclosure providing precise dimensions and the precise location of these enclosures in relation to property lines and adjacent properties, with specifications and drawings;
 - v. the permission of the property owner for the applicant to keep hens, if the applicant is not the owner; and
 - vi. the applicant's permission for Planning and Zoning Department Official to enter the lot to determine whether the permit should be granted and the use maintained.
 3. Inspection. Within 30 days of the Planning Director or their designee receiving the initial application, he or she shall cause the lot to be inspected. The person(s) inspecting the premises shall determine if the lot dimensions in the application are accurate; determine the feasibility of the applicant meeting the remaining criteria in this section; and note whether any extraordinary circumstances exist, such as outstanding property citations or unsanitary property conditions, or such as the applicant's proximity to other approved or proposed coops such that a neighborhood may be adversely impacted, that would militate against the granting of the application. For new permit applications, an inspection of the coop and any fencing shall be conducted within 30 days' notice from the applicant that the coop has been installed. A determination shall be made, within 30 days of the inspection, whether the permit should be issued.
 4. Personal use, limitations. Hens may be kept only for personal use by persons residing in the principal structure on the lot on which the hens are kept. No hens may be kept on a lot containing more than three dwelling units. Residents of no more than one dwelling unit within a structure may keep hens on that lot. No more than six (6) hens shall be allowed on any lot.
 5. Setbacks. Coops or accessory structures housing hens shall be kept at least five (5) feet from the side and rear property lines. All such structures shall be located no less than six (6) feet behind the rearmost wall of the principal structure on the lot. No coops or accessory structures shall be located in the front or side yards.

6. Enclosure. The base surface of a coop and run must not exceed 80 square feet and six feet in height and shall be exempt from the lot coverage restrictions contained in the Zoning Code. Hens shall not be allowed out of these enclosures unless the rear yard of the property is fenced along the rear and side lot lines, and a resident of the property on which the hens are kept is directly monitoring them within the fenced area of the back yard such that the resident is able to immediately return the hens to the cage or coop if necessary. The manufacturer's specifications for the coop, or otherwise adequate drawings including dimensions, shall be submitted for approval together with the application for the permit. Hens shall be kept in a covered, predator-proof coop that is well-ventilated and designed to be accessed for cleaning. The enclosure shall be of uniform and sturdy design and constructed of quality materials. Fencing, if used, shall be securely fastened to posts of reasonable strength firmly set into the ground and shall be stretched tightly between support posts. The enclosure shall be maintained in good repair at all times so as to protect the aesthetics of the neighborhood and to not present a blighted or untidy appearance to the property or to neighbors. Hens shall have access to an outdoor enclosure or run that is adequately fenced to contain the hens on the property, to prevent them from running at large, and to prevent access by predators. The combined area of the coop and run shall allow at least three (3) square feet per hen, and shall otherwise be constructed to provide humane conditions and to ensure the health and well-being of the animals occupying it are not endangered by the manner of keeping or confinement.
 7. Sanitation, slaughtering. The coop and outdoor enclosure must be kept clean, dry and sanitary; free from debris and offensive odors; and devoid of rodents and vermin. It shall be so located that adequate drainage is obtained, normal drying occurs and standing water is not present. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste. All feed must be stored in a rodent-proof container. No hens shall be slaughtered except in accordance with, and only if permitted by, O.R.C. Chapter 918.
 8. Number and transferability. There shall be no citywide cap on the number of permits issued. However, the Planning and Zoning Department reserves the right to cap the number of permits pursuant to a recommendation made from either Planning Commission and/or City Council.
 9. Permit revocation. The Planning Director may revoke a permit at any time if the permit holder materially fails to adhere to the provisions of this section.
 10. Appeal. Any denial of a permit application or revocation of a permit may be appealed to the Board of Zoning Appeals pursuant to Chapter 1139 of the Codified Ordinances.
- (b) Nonconforming Enclosures. The keeping of chickens that was lawfully in existence at the time of the effective date of this ordinance, or amendment thereto, that does not conform to the provisions herein, shall be deemed as legal nonconforming and may remain on a lot of record including the location, size and setbacks of the enclosure and the numbers of hens, and will become fully nonconforming and shall conform to the requirements of this Section 505.18 upon any one or more of the events outlined in subsection (1) below. No legal nonconforming enclosures shall be enlarged, extended, structurally altered, reconstructed, or moved in any manner, except to bring it into full compliance with these regulations. These regulations shall not

prohibit the number of chickens kept without the structural modification of its size, location or configuration.

1. An enclosure and run shall lose its legal nonconforming status if any of the following occurs:
 - i. such chicken enclosure is damaged to an amount exceeding 50% of the replacement value as determined by at least two construction specialists requested to provide a quote by the City;
 - ii. the structure of the chicken enclosure is altered in any form;
 - iii. the chicken enclosure and run is relocated;
 - iv. the principal use of the property is voluntarily discontinued for a period of at least six (6) months;
 - v. the property in question is sold and/or transferred and recorded legal and/or equitable title transfers to a new owner; or
 - vi. the nonconforming enclosures are determined by the Planning and Zoning Department to be unsafe or in violation of this code and are declared a nuisance.
 2. Any chicken enclosure that loses its legal nonconforming status must be brought into compliance with the provisions of this chapter and any other City laws and ordinances by an application for, and issuance of, a chicken keeping permit or by complete removal.
 3. Failure to bring a chicken enclosure into compliance after loss of a legal nonconformity status shall cause the enclosure to be considered illegal. Any violations and/or penalties incurred shall be in accordance with Chapter 1139.01.
 4. Minor repairs and maintenance of legal nonconforming chicken enclosures shall be permitted.
- (c) No exemption granted pursuant to this section shall be construed, nor is it intended by the City as a guaranty or warranty of any kind, whether express or implied to any person, including without limitation the general public, persons residing or passing near the applicant's premises, or the applicant, either in general or individually, as to the danger, or lack thereof, or degree of risk to health or safety of any animal, specifically or generally, or any premises where any animal is maintained or kept pursuant to such exemption.
- (d) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. A separate offense shall be as deemed committed for each day during or on which a violation occurs or continues.



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2023-52 **(TABLED)** *(submitted by Erik Engle)*
DATE: April 9, 2024

Subject Matter/Background

This ordinance establishes rules and regulations for the keeping of bees in all zoning districts, except for the R-3 multi-family residential district. This ordinance further establishes language for a permitting process, penalties, revocation, and appeals.

Performance standards include the following:

1. 1 per 2500 sf; No more than one beehive shall be kept for each 2,500 square feet tract, and no beehive shall be kept on a tract less than 2,500 square feet in area.
2. No beehive shall be kept closer than five feet to any lot line and ten feet to a dwelling or the permitted placement of a dwelling on another parcel, and no beehive shall be kept in a front yard or side street yard. The front of any beehive shall face away from the property line of the residential property closest to the beehive.
3. Regardless of tract size, so long as all lots within a radius of at least 200 feet from any hive, measured from any point on the hives, remain undeveloped, there shall be no limit to the number of colonies. No grandfathering rights shall accrue under this section.
4. No hives are permitted on any tract where the setback requirements cannot be satisfied regardless of tract size.
5. The beekeeper may be exempt from the setback to adjacent lot lines by obtaining written permission from all the adjacent lot owner(s). The setback to public sidewalks and roadways may not be waived.
6. Each beekeeper shall maintain his or her beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism, and occupancy by swarms.

CHANGES MADE SINCE FIRST READING:

Paragraph (b) has been added, as follows:

(b) Nonconforming Hives. The keeping of bees that was lawfully in existence at the time of the effective date of this ordinance, or amendment thereto, that does not conform to the provisions herein, shall be deemed as legal nonconforming and may remain on a lot of record including the location, size and setbacks of the enclosure, and the numbers of hives; upon any one or more of the events outlined in subsection (1) below, a hive shall be deemed fully nonconforming and shall conform to the requirements of this Section 505.19. No legal nonconforming hives shall be enlarged, extended, structurally altered, reconstructed, or moved in any manner, except to bring it into full compliance with these regulations. These regulations shall not prohibit the number of bees kept without the structural modification of its size, location or configuration.

(1) A hive shall lose its legal nonconforming status if any of the following occurs:

- i. Such hive is damaged to an amount exceeding 50% of the replacement value as determined by at least two construction specialists requested to provide a quote by the City;
- ii. The structure of the hive is altered in any form;
- iii. The hives are relocated;
- iv. The principal use of the property is voluntarily discontinued for a period of at least six (6) months;
- v. The property in question is sold and/or transferred and recorded legal and/or equipment title transfers to a new owner; or
- vi. The nonconforming hives are determined by the Planning and Zoning Department to be unsafe or in violation of this code and are declared a nuisance.

(2) Any hive that loses its legal nonconforming status must be brought into compliance with the provisions of this chapter and any other City laws and ordinances by an application for, and issuance of, a bee keeping permit or by complete removal.

(3) Failure to bring a beehive into compliance after loss of a legal nonconformity status shall cause the enclosure to be considered illegal. Any violations and/or penalties incurred shall be in accordance with Chapter 1139.01.

(4) Minor repairs and maintenance of legal nonconforming beehives shall be permitted.

AMENDMENTS ADDED SINCE SECOND READING:

New sentence added to Section 505.18(a)(2) - second sentence, as follows:

Any bee enclosure in existence at the time of the effective date of this ordinance deemed nonconforming shall be exempt from the permitting process, but must secure a permit upon losing any such legal nonconforming status pursuant to 505.19(d)(1).

Financial Review

There is no financial impact.

Legal Review

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

Recommendation

This ordinance is currently tabled.

[Ordinance No. 2023-52 Add Section 505.19 Bees \(3\).docx](#)

[Ordinance No. 2023-52 Exh A \(6\).docx](#)

ORDINANCE NO. 2023-52
Introduced by Mark Claus

AN ORDINANCE AMENDING CHAPTER 505 (ANIMALS AND FOWL) OF THE CODIFIED ORDINANCE OF HURON, OHIO TO ESTABLISH A NEW SECTIONS 505.19 (BEES).

WHEREAS, the Council hereby determined the changes and amendment set forth within this Ordinance, including Exhibit "A", 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 505 (Animals and Fowl) is hereby amended to add new Section 505.19 (Bees), as attached hereto and made a part hereof as Exhibit "A", 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: _____

Section 505.19 – Bees

- (a) Notwithstanding any of the foregoing, bees, and associated hives, may be kept in the City only in accordance with the following regulations:

- (1) Definitions. As used in this section, the following words and terms shall have the meanings ascribed in this section.

- A. "Apiary" means any place where one or more colonies or nucleus colony of bees are kept.
- B. "Bees" means any stage of any species of the genus *Apis*.
- C. "Beekeeper" means a person who owns or has charge of one or more colonies of bees.
- D. "Beehive" means any modern frame hive, box hive, box, or any other natural or artificial receptacle, or any part thereof, that may be used as a domicile for bees.
- E. "Colony" means the beehive and its equipment, including bees, combs and brood.
- F. "Beekeeping equipment" means anything used, in the operation of an apiary, such as hive bodies supers, frames, top and bottom boards, hive tools, smoker, gloves, veil, protective clothing, and extracting equipment.
- G. "Tract" means a contiguous parcel or land under common ownership.
- H. "Nuc" or "nucleus colony" means a small hive smaller than the usual hive box designed for a particular purpose.
- I. "Undeveloped property" means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human use occupancy and the grounds maintained in association therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

- (2) Zoning districts. Bees may be kept in all zoning districts.

- (3) Application and permit. Before the keeping of bees may occur, a permit shall first be obtained from the Planning and Zoning Department. Any bee enclosure in existence at the time of the effective date of this ordinance deemed nonconforming shall be exempt from the permitting process, but must secure a permit upon losing any such legal nonconforming status pursuant to 505.19(d)(1). Applications shall be filed with the Planning and Zoning Department. The permit application shall be accompanied by a fee paid to the City. Permit applications shall include the following information:

- A. The name, phone number, home address and email address of the applicant;
- B. The size and location of the subject property;
- C. A proposal containing the number of hives the applicant seeks to keep on the property; and

- D. The permission of the property owner for the applicant to keep bees, if the beekeeper is not the owner.

All applications shall contain a waiver, signed by the applicant, providing permission for any Planning and Zoning Official to enter the property for the purpose of determining the beekeeper's compliance with this section. Permits shall not be transferable.

- (4) Inspection. Within 30 days of the Planning Director or their designee receiving the initial application, they shall cause the lot to be inspected. The person(s) inspecting the premises shall determine if the applicant is in compliance with this code. The person(s) inspecting the premises shall not manipulate any hives during the inspection.

- (5) Regulations.

- A. Beekeeper must file the application pursuant to section (a)(3) of this section.
- B. Beekeeper must abide by O.R.C. Chapter 909, Apiaries.
- C. Beekeeper may not opt out of the annual inspection by the county or state bee inspector as part of the Ohio Department of Agriculture's inspection program.
- D. Each beekeeper shall ensure that a convenient source of water is available to the colony at all times bees remain active outside of the hive. The water source shall be closer to the hives than any neighboring source. The water source may be natural such as a pond, stream, or artificial source. The water source shall be on the beekeeper's property.
- E. Each beekeeper shall ensure that no wax, comb, or other material that might encourage robbing by other bees are left upon the grounds of the apiary tract. Such materials once removed from the site shall be handled and stored in sealed containers or placed within a building or other insect-proof container.
- F. For each beehive permitted to be maintained under this section, there may also be maintained one nuc upon the same apiary tract.
- G. No more than one beehive shall be kept for each 2,500 square feet tract, and no beehive shall be kept on a tract less than 2,500 square feet in area. If an applicant has a greater number of beehives than permitted by this section and possessed those beehives prior to the enactment of this section, then the Planning and Zoning Department may grant the application.
- H. No beehive shall be kept closer than five feet to any lot line and ten feet to a dwelling or the permitted placement of a dwelling on another parcel, and no beehive shall be kept in a front yard or side street yard. The front of any beehive shall face away from the property line of the residential property closest to the beehive.
- I. Regardless of tract size, so long as all lots within a radius of at least 200 feet from any hive, measured from any point on the hives, remain undeveloped, there shall be no limit to the number of colonies. No grandfathering rights shall accrue under this section.

- J. No hives are permitted on any tract where the setback requirements cannot be satisfied regardless of tract size.
 - K. The beekeeper may be exempt from the setback to adjacent lot lines by obtaining written permission from all the adjacent lot owner(s). The setback to public sidewalks and roadways may not be waived.
 - L. Each beekeeper shall maintain their beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism, and occupancy by swarms. It shall not be a defense to this section that a beekeeper's unused equipment attracted a swarm and that the beekeeper is not intentionally keeping bees.
- (6) Permit revocation. The Planning and Zoning Department may revoke a permit at any time if the holder materially fails to adhere to the provisions of this section.
- (7) Appeal. Any denial of a permit application or permit revocation may be appealed to the Board of Building Standards pursuant to Section 1139 of the Codified Ordinances.
- (b) Nonconforming Hives. The keeping of bees that was lawfully in existence at the time of the effective date of this ordinance, or amendment thereto, that does not conform to the provisions herein, shall be deemed as legal nonconforming and may remain on a lot of record including the location, size and setbacks of the enclosure, and the numbers of hives; upon any one or more of the events outlined in subsection (1) below, a hive shall be deemed fully nonconforming and shall conform to the requirements of this Section 505.19. No legal nonconforming hives shall be enlarged, extended, structurally altered, reconstructed, or moved in any manner, except to bring it into full compliance with these regulations. These regulations shall not prohibit the number of bees kept without the structural modification of its size, location or configuration.
- (1) A hive shall lose its legal nonconforming status if any of the following occurs:
- A. Such hive is damaged to an amount exceeding 50% of the replacement value as determined by at least two construction specialists requested to provide a quote by the City;
 - B. The structure of the hive is altered in any form;
 - C. The hives are relocated;
 - D. The principal use of the property is voluntarily discontinued for a period of at least six (6) months;
 - E. The property in question is sold and/or transferred and recorded legal and/or equipment title transfers to a new owner; or
 - F. The nonconforming hives are determined by the Planning and Zoning Department to be unsafe or in violation of this code and are declared a nuisance.
- (2) Any hive that loses its legal nonconforming status must be brought into compliance with the provisions of this chapter and any other City laws and ordinances by an application for, and issuance of, a bee keeping permit or by complete removal.

(3) Failure to bring a beehive into compliance after loss of a legal nonconformity status shall cause the enclosure to be considered illegal. Any violations and/or penalties incurred shall be in accordance with Chapter 1139.01.

(4) Minor repairs and maintenance of legal nonconforming beehives shall be permitted.

No exemption granted pursuant to this section shall be construed, nor is it intended by the City as a guaranty or warranty of any kind, whether express or implied to any person, including without limitation the general public, persons residing or passing near the applicant's premises, or the applicant, either in general or individually, as to the danger, or lack thereof, or degree of risk to health or safety of any animal, specifically or generally, or any premises where any animal is maintained or kept pursuant to such exemption.

(c) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. A separate offense shall be as deemed committed for each day during or on which a violation occurs or continues.



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2023-55 **(TABLED)** *(submitted by Erik Engle)*
DATE: April 9, 2024

Subject Matter/Background

This ordinance establishes the keeping of bees and chickens as uses by right in the single-family and two-family residential districts. It further establishes cross-references to Section 505.18 Chickens and 505.19 Bees for permitting regulations. A redline copy of the changes proposed is attached hereto as Exhibit 1.

Financial Review

There is no financial impact.

Legal Review

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

Recommendation

This ordinance is currently tabled.

[Ordinance No. 2023-55 Amend Section 1123.01\(c\) Chickens and Bees \(1\).docx](#)

ORDINANCE NO. 2023-55
Introduced by Mark Claus

AN ORDINANCE REPEALING AND AMENDING AND RESTATING SECTION 1123.01(c) (ACCESSORY USES) UNDER CHAPTER 1123 (RESIDENCE DISTRICTS) OF THE HURON CODIFIED ORDINANCES.

WHEREAS, this Council hereby determined the changes and amendments set forth within this Ordinance, including Exhibit "B", 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 Section 1123.01(c) (Accessory Uses) under Chapter 1123 (Residence Districts) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows:

"(c) Accessory Uses. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted or conditionally permitted uses may be established, erected or constructed, provided that such accessory uses do not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity, or any billboard, sign or poster other than hereinafter authorized, and not including the boarding of animals or the keeping of fowl or farm animals except in a building at least 100 feet distant from every lot line. Accessory uses may include the following:

- (1) Gardening, the raising of fruits or vegetables, including an incidental roadside stand offering for sale produce grown on the premises, the keeping of domestic or farm animals exclusively for the use of residents of the premises and not for commercial purposes, provided that any heating plant and any structures in which farm animals are kept are located at least 100 feet from every lot line.
- (2) Home occupations, which by definition shall be limited to occupations remunerative in nature carried on in a dwelling solely by persons residing on the premises, such activity not involving the conduct of a retail business or manufacturing business. In connection with such home occupation, there shall be no sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; no commodity shall be sold upon the premises; no parking space or spaces shall be provided or designated to accommodate the home occupation use; no bulk delivery or sending of goods shall be permitted to service the home occupation use, all materials being delivered and sent are required to be so transported within the confines of a normal passenger automobile; not more than twenty-five percent (25%) of the total actual floor area of only one story shall be utilized for such home occupation; there shall be no exterior storage of equipment or materials used in connection with such home occupation; no mechanical or electrical equipment shall be used except such as is permissible for purely domestic or household purposes; no objectionable odor, noise, radio interference or other nuisance shall be created; and no accessory building shall be used for such home occupation. A professional person may use his residence for infrequent consultation,

emergency treatment or performance of religious rites, but not for the general practice of his profession.

- (3) Garages, carports or other parking spaces for the exclusive use of residents of the premises.
- (4) Swimming pools, exclusively for the use of residents and their guests provided that such pool or premises or part thereof whereon such pool is located shall be completely enclosed by a protective fence, wall or other enclosure, not less than four feet in height.
- (5) Real estate, small announcement and professional signs subject to the provisions of Chapter [1126](#), and such other applicable provisions of the Zoning Code.
- (6) Moorages for private pleasure watercraft for the exclusive use of the residents of the premises. Moorage for no more than five pleasure watercraft per dwelling unit is permitted. Rental of moorage or pleasure watercraft in a residential zone is strictly prohibited, as is use by other than blood relatives of the residents of the premises for periods totaling more than ten days in any one calendar year. (Moorage of occupied houseboats, or other lived-in watercraft, is not permitted where the moorage is not a part of a residential site containing a residence with full cooking and sanitary facilities.) Moorage of occupied houseboats or other lived-in watercraft, is not permitted where the occupants of the craft, plus the occupants of the on-shore residence or residences, result in occupation of the site by a number of families in excess of that permitted in that residential zone and the occupants are not blood relatives, for periods in excess of ten days and/or totaling more than twenty days of houseboat unit use in any one calendar year.

(Ord. 1990-20. Passed 11-26-90.)

shall be, and hereby is, repealed in its entirety.

SECTION 2. That new revised and restated Section 1123.01 (Accessory Uses) under Chapter 1123 (Residence Districts) of the Codified Ordinances of the City of Huron, Ohio:

“(c) Accessory Uses. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted or conditionally permitted uses may be established, erected or constructed, provided that such accessory uses do not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity, or any billboard, sign or poster other than hereinafter authorized, and not including the boarding of animals or the keeping of fowl or farm animals except in a building at least 100 feet distant from every lot line; exempt are chickens and bees subject to Chapter 505.18 and Chapter 505.19. Accessory uses may include the following:

- (1) Gardening, the raising of fruits or vegetables, including an incidental roadside stand offering for sale produce grown on the premises, the keeping of domestic or farm animals exclusively for the use of residents of the premises and not for commercial purposes, provided that any heating plant and any structures in which farm animals are kept are located at least 100 feet from every lot line.

- (2) Home occupations, which by definition shall be limited to occupations remunerative in nature carried on in a dwelling solely by persons residing on the premises, such activity not involving the conduct of a retail business or manufacturing business. In connection with such home occupation, there shall be no sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; no commodity shall be sold upon the premises; no parking space or spaces shall be provided or designated to accommodate the home occupation use; no bulk delivery or sending of goods shall be permitted to service the home occupation use, all materials being delivered and sent are required to be so transported within the confines of a normal passenger automobile; not more than twenty-five percent (25%) of the total actual floor area of only one story shall be utilized for such home occupation; there shall be no exterior storage of equipment or materials used in connection with such home occupation; no mechanical or electrical equipment shall be used except such as is permissible for purely domestic or household purposes; no objectionable odor, noise, radio interference or other nuisance shall be created; and no accessory building shall be used for such home occupation. A professional person may use his residence for infrequent consultation, emergency treatment or performance of religious rites, but not for the general practice of his profession.
- (3) Garages, carports or other parking spaces for the exclusive use of residents of the premises.
- (4) Swimming pools, exclusively for the use of residents and their guests provided that such pool or premises or part thereof whereon such pool is located shall be completely enclosed by a protective fence, wall or other enclosure, not less than four feet in height.
- (5) Real estate, small announcement and professional signs subject to the provisions of Chapter [1126](#), and such other applicable provisions of the Zoning Code.
- (6) Moorages for private pleasure watercraft for the exclusive use of the residents of the premises. Moorage for no more than five pleasure watercraft per dwelling unit is permitted. Rental of moorage or pleasure watercraft in a residential zone is strictly prohibited, as is use by other than blood relatives of the residents of the premises for periods totaling more than ten days in any one calendar year. (Moorage of occupied houseboats, or other lived-in watercraft, is not permitted where the moorage is not a part of a residential site containing a residence with full cooking and sanitary facilities.) Moorage of occupied houseboats or other lived-in watercraft, is not permitted where the occupants of the craft, plus the occupants of the on-shore residence or residences, result in occupation of the site by a number of families in excess of that permitted in that residential zone and the occupants are not blood relatives, for periods in excess of ten days and/or totaling more than twenty days of houseboat unit use in any one calendar year.
- (7) Keeping of female chickens (hens) subject to meeting the requirements set forth in Chapter 505.18
- (8) Keeping of bees subject to meeting the requirements set forth in Chapter 505.19."

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: Terri Welkener , Clerk of Council
RE: Resolution No. 2023-56 **(TABLED)** *(submitted by Erik Engle)*
DATE: April 9, 2024

Subject Matter/Background

This ordinance establishes language for the keeping of bees as a use by right in the B-1 Neighborhood Business zone. All other non-residential zones refer back to the B-1 zoning district, thus establishing beekeeping as use by right in all other business and industrial zones.

Financial Review

There is no financial impact.

Legal Review

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

Recommendation

This ordinance is currently tabled.

[Ordinance No. 2023-56 Add New Section 1125.01\(a\)\(7\) \(1\).docx](#)

ORDINANCE NO. 2023-56
Introduced by Mark Claus

AN ORDINANCE AMENDING CHAPTER 1125.01 (B-1 NEIGHBORHOOD BUSINESS DISTRICT) UNDER CHAPTER 1125 (NONRESIDENCE DISTRICTS) OF THE CODIFIED ORDINANCE OF HURON, OHIO TO ESTABLISH A NEW SECTION 1125.01(a)(7).

WHEREAS, the Council hereby determined the changes and amendment set forth within this Ordinance, including Exhibit "A", 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 Section 1125.01 (B-1 Neighborhood Business District) under Chapter 1125 (Nonresidence Districts) is hereby amended to add new Section 1125.01(a)(7), as follows:

"(a)(7) Keeping of bees subject to meeting the requirements set forth in Chapter 505.19."

and 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. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and it is imperative this Ordinance be effective immediately, WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2023-57 **(TABLED)** *(submitted by Erik Engle)*
DATE: April 9, 2024

Subject Matter/Background

This ordinance prohibits the keeping of chickens and bees as uses in the R-3 multi-family residential zone. There have been no changes made to this legislation since its first reading.

Financial Review

There is no financial impact.

Legal Review

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

Recommendation

This ordinance is currently tabled.

[Ordinance No. 2023-57 Add New Section 1123.04\(f\) Chickens and Bees \(2\).docx](#)

ORDINANCE NO. 2023-57
Introduced by Mark Claus

AN ORDINANCE AMENDING SECTION 1123.04 (R-3 MULTI-FAMILY RESIDENCE DISTRICT) OF CHAPTER 1123 (RESIDENCE DISTRICTS) OF THE CODIFIED ORDINANCE OF HURON, OHIO TO ESTABLISH A NEW SECTION 1123.04(f).

WHEREAS, the Council hereby determined the changes and amendment set forth within this Ordinance, including Exhibit "A", 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 Section 1123.04 (R-3 Multi-Family Residence District) of Chapter 1123 (Residence Districts) is hereby amended to add a new Section 1123.04(f), as follows:

"(f) Prohibited Uses. Notwithstanding any of the foregoing section and chapter, the following uses are strictly prohibited in the R-3 zoning district:

- (1) Keeping of chickens;
- (2) Keeping of bees."

and 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. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and it is imperative this Ordinance be effective immediately, WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



TO: Mayor Tapp and City Council
FROM: Erik Engle
RE: Ordinance No. 2024-7 **(second reading)** *(submitted by Fire Captain Doug Nash)*
DATE: April 9, 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 second 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 **(second reading)** *(submitted by Erik Engle)*
DATE: April 9, 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 second 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 **(second reading)** *(submitted by Erik Engle)*
DATE: April 9, 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 second 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

- | | |
|---|--|
| <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 **(second reading)** *(submitted by Erik Engle)*
DATE: April 9, 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 second 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 **(second reading)** *(submitted by Erik Engle)*
DATE: April 9, 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.

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 second reading is in order.

[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 \(1\).docx](#)

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, 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 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) The City shall charge a fee of two dollars (\$2.00) to the applicant.

(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 **(second reading)** *(submitted by Erik Engle)*
DATE: April 9, 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.

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 second 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.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; exceptions.
731.02	License required.		
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.)

731.99 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 (**second reading**) (*submitted by Erik Engle*)
DATE: April 9, 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 \$250. 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 from previous reading; 1323.03(b)(3) changed from \$20,000 or 10% to \$10,000 or amount determined by Service Director

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 second 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_.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.

(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 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.)

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 \$100.00 per trade, but no more than \$250 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: Cory Swaisgood
RE: Ordinance No. 2024-14 (*submitted by Cory Swaisgood*)
DATE: April 9, 2024

Subject Matter/Background

The ordinance will allow the Finance Director to competitively issue 15-year bonds not to exceed a par amount of \$2.15 million. Bonds are being issued for the purpose of paying costs of improving existing streets within Old Homestead I, Old Homestead II and Chaska neighborhoods. As presented during the 2024 budget, the \$2.15 million will pay for the construction cost of the project. The Capital Improvement Fund will support the cost of the design and inspection costs.

The bonds are planned to be priced in May at a 3.50% to 4.50% interest rate.
A copy of the executed Fiscal Officer's Certificate is attached hereto as Exhibit 1.

Financial Review

The Debt Service Fund (Fund 301) will account for the repayment of the bonds over 15 years. The issuance of the bonds and repayment was included in the 2024 budget.

Principal Amount: \$2,150,000
Anticipated Annual Debt Service Payment: \$180,000-\$190,000.
Interest Rate: 3.50%-4.50%

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion adopting Ordinance No. 2024-14 as an emergency measure is in order.

[Ordinance No. 2024-14 Exh 1 Fiscal Officer's Certificate.pdf](#)
[Ordinance No. 2024-14 Bond Ordinance 2023 Paving Program \(3\).docx](#)


FISCAL OFFICER'S CERTIFICATE

TO THE COUNCIL OF THE CITY OF HURON, OHIO:

As fiscal officer of the City of Huron, Ohio, I certify in connection with your proposed issue of bonds in the maximum principal amount of \$2,150,000 (the Bonds) to pay costs of improving existing streets in the City including those within Old Homestead I, Old Homestead II and Chaska neighborhoods by constructing, reconstructing, paving, grading, draining and making other improvements and, in connection therewith, constructing and reconstructing, as necessary, curbs, catch basins and related drainage facilities, together with all necessary related improvements and appurtenances thereto, all as designated in the plans approved or to be approved by Council (the improvement), that:

1. The estimated life or period of usefulness of the improvements is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 20 years, being my estimate of the life or period of usefulness of the improvement. If and to the extent a portion of the proceeds of the Bonds may be determined to be allocated to a class or classes having a maximum maturity of less than 20 years but in excess of five years, then the maximum maturity of the Bonds would still be at least 20 years by reason of a sufficient portion of the proceeds of the Bonds allocated to a class or classes having a maximum maturity or an estimated period of usefulness in excess of 20 years.

Dated: April 5, 2024



Director of Finance
City of Huron, Ohio

ORDINANCE NO. 2024-14

Introduced by Mark Claus

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,150,000 TO PAY COSTS OF IMPROVING EXISTING STREETS IN THE CITY INCLUDING THOSE WITHIN OLD HOMESTEAD I, OLD HOMESTEAD II AND CHASKA BEACH NEIGHBORHOODS BY CONSTRUCTING, RECONSTRUCTING, PAVING, GRADING, DRAINING AND MAKING OTHER IMPROVEMENTS AND, IN CONNECTION THEREWITH, CONSTRUCTING AND RECONSTRUCTING, AS NECESSARY, CURBS, CATCH BASINS AND RELATED DRAINAGE FACILITIES, TOGETHER WITH ALL NECESSARY RELATED IMPROVEMENTS AND APPURTENANCES THERETO, ALL AS DESIGNATED IN THE PLANS APPROVED OR TO BE APPROVED BY COUNCIL, AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 2 is at least five years and the estimated maximum maturity of the Bonds described in Section 2 is 20 years;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Huron, Ohio, that:

Section 1: Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

"Authorized Denominations" means (subject to any limitations in Section 3) the denomination of \$5,000 or any integral multiple thereof.

"Bond proceedings" means, collectively, this Ordinance, the Certificate of Award, the Continuing Disclosure Agreement and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

"Bond Register" means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

"Bond Registrar" means the bank or trust company appointed pursuant to Section 4 as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Bond Registrar Agreement and until a successor Bond Registrar shall have become such pursuant to the provisions of the Bond Registrar Agreement and, thereafter, "Bond Registrar" shall mean the successor Bond Registrar.

"Bond Registrar Agreement" means the Bond Registrar Agreement between the City and the Bond Registrar, as it may be modified from the form on file with the Clerk of Council and signed by the City Manager and the Fiscal Officer in accordance with Section 4.

"Bonds" means, collectively, the Serial Bonds and the Term Bonds, each as is designated as such in the Certificate of Award.

“Book entry form” or “book entry system” means a form or system under which (a) the ownership of book entry interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry and (b) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds “immobilized” in the custody of the Depository or its agent. The book entry maintained by others than the City is the record that identifies the owners of book entry interests in those Bonds and that principal and interest.

“Certificate of Award” means the certificate authorized by Section 6(a), to be signed by the Fiscal Officer, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

“Closing Date” means the date of physical delivery of, and payment of the purchase price for, the Bonds.

“Code” means the Internal Revenue Code of 1986, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“Continuing Disclosure Agreement” means the agreement authorized by Section 6(c), to be substantially in the form on file with the Clerk of Council, made by the City for the benefit of holders and beneficial owners of the Bonds in accordance with the Rule.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of book entry interests in Bonds or the principal of and interest on Bonds, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Fiscal Officer” means the Director of Finance of the City.

“Interest Payment Dates” means, unless otherwise determined by the Fiscal Officer in the Certificate of Award, June 1 and December 1 of each year that the Bonds are outstanding, commencing December 1, 2024.

“Original Purchaser” means the original purchaser of the Bonds designated by the Fiscal Officer in the Certificate of Award.

“Participant” means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies, and clearing corporations.

“Principal Payment Dates” means, unless otherwise determined by the Fiscal Officer in the Certificate of Award, December 1 in each of the years from and including 2025 to and including

2039, provided that in no case shall the total number of Principal Payment Dates exceed the maximum maturity of the Bonds referred to in the preambles hereto.

"Rule" means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

"SEC" means the Securities and Exchange Commission.

"Serial Bonds" means those Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

"Term Bonds" means those Bonds designated as such and maturing on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 2: Authorized Principal Amount and Purpose; Application of Proceeds. This Council determines that it is necessary and in the best interest of the City to issue bonds of the City in one lot in the maximum principal amount of \$2,150,000 (the Bonds) to pay costs of improving existing streets in the City including those within Old Homestead I, Old Homestead II and Chaska Beach neighborhoods by constructing, reconstructing, paving, grading, draining and making other improvements and, in connection therewith, constructing and reconstructing, as necessary, curbs, catch basins and related drainage facilities, together with all necessary related improvements and appurtenances thereto, all as designated in the plans approved or to be approved by Council, including the payment of expenses related to the issuance of the Bonds.

The aggregate principal amount of Bonds to be issued shall not exceed \$2,150,000 and shall be issued in an amount determined by the Fiscal Officer in the Certificate of Award to be the aggregate principal amount of Bonds required to be issued, taking into account any premium above or discount from the aggregate principal amount of the Bonds at which they are sold to the Original Purchaser, in order to effect the purpose for which the Bonds are to be issued, including the payment of any expenses properly allocable to the issuance of the Bonds.

The proceeds from the sale of the Bonds (except any premium and accrued interest) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Bonds are being issued. Any portion of those proceeds representing premium and accrued interest (after the payment of costs of issuance) shall be paid into the Bond Retirement Fund.

Section 3: Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in the Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as provided in the Certificate of Award, provided that their dated date shall not be more than 60 days prior to the Closing Date.

(a) Interest Rates and Interest Payment Dates. The Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360-day year consisting of 12 30-day months) as shall be determined by the Fiscal Officer in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements (as hereinafter defined and described) on the Principal Payment Dates in principal amounts as shall be determined by the Fiscal Officer, subject to subsection (c) of this Section, in the Certificate of Award, consistent with the Fiscal Officer's determination of the best interest of and financial advantages to the City.

Consistent with the foregoing and in accordance with the Fiscal Officer's determination of the best interest of and financial advantages to the City, the Fiscal Officer shall specify in the Certificate of Award (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date, and (ii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (Mandatory Redemption Dates) and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date, shall be such that (i) the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other such fiscal year and (ii) the true interest cost of the Bonds does not exceed 8%.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the office of the Bond Registrar designated in the Certificate of Award or, if not so designated, then at the principal corporate trust office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Fiscal Officer, in the name and on behalf of the City, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those dates, for which provision is made in the Certificate of Award (such dates and amounts being the Mandatory Sinking Fund Redemption Requirements).

The aggregate of the money to be deposited with the Bond Registrar for payment of principal of and interest on any Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that date the principal amount of Term Bonds payable on that date pursuant to Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Fiscal Officer, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered. That option shall be exercised by the City on or before the 45th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Fiscal Officer, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Fiscal Officer, also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Fiscal Officer, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Bonds of the maturities, if any, specified in the Certificate of Award shall be subject to redemption by and at the sole option of the City, in whole or in part in integral multiples of \$5,000, on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus

accrued interest to the redemption date, to be determined by the Fiscal Officer in the Certificate of Award; provided that the redemption price for any optional redemption date shall not be greater than 102%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Fiscal Officer to the Bond Registrar, given upon the direction of this Council through a resolution or an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities selected by the City. If fewer than all of the Bonds of a single maturity are to be redeemed, the selection of Bonds of that maturity to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (a) for payment of the redemption price of the \$5,000 unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (b) for issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination or Denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (a) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (b) the redemption price to be paid, (c) the date fixed for redemption, and (d) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds, provided that any interest earned on the money so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption.

Section 4: Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the City Manager and the Fiscal Officer, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Fiscal Officer, shall be numbered as determined by the Fiscal Officer in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to the provisions of Chapter 133 of the Revised Code and this Ordinance.

The Huntington National Bank is appointed to act as the initial Bond Registrar; provided, however, that the Fiscal Officer is authorized to appoint a different Bond Registrar in the Certificate of Award after determining that such bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose. The City Manager and the Fiscal Officer shall sign and deliver, in the name and on behalf of the City, the Bond Registrar Agreement between the City and the Bond Registrar, in substantially the form as is now on file with the Clerk of Council. The Bond Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Registrar Agreement or amendments thereto. The Fiscal Officer shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Bond Registrar Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Fiscal Officer on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

Section 5: Registration; Transfer and Exchange; Book Entry System.

(a) Bond Registrar. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at the office satisfactory to the Fiscal Officer and the Bond Registrar. Subject to the provisions of Section 6, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the office of the Bond Registrar designated in the Certificate of Award or, if not so designated, then at the principal corporate trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the designated office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds

to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the Fiscal Officer determines in the Certificate of Award that it is in the best interest of and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the following provisions of this Section.

The Bonds may be issued to a Depository for use in a book entry system and, if and so long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository or its designated agent which may be the Bond Registrar; (ii) the book entry interest owners of Bonds in book entry form shall not have any right to receive Bonds in the form of physical securities or certificates; (iii) ownership of book entry interests in Bonds in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Fiscal Officer may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Fiscal Officer does not or is unable to do so, the Fiscal Officer, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form to be authenticated by the Bond Registrar and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Fiscal Officer is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Fiscal Officer determines to be necessary in connection with a book entry system for the Bonds.

Section 6: Award and Sale of the Bonds.

(a) Original Purchaser Designated in Certificate of Award. The Bonds shall be sold to the Original Purchaser at a purchase price, not less than 97% of their aggregate principal amount, to be determined by the Fiscal Officer in the Certificate of Award, plus accrued interest on the Bonds from their date to the Closing Date, and shall be awarded by the Fiscal Officer with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law and the provisions of this Ordinance. The Fiscal Officer is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The Fiscal Officer shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. The City Manager, the Fiscal Officer, the Law Director, the Clerk of Council and other City officials, as appropriate, each are authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

(b) Primary Offering Disclosure – Official Statement. The City Manager and the Fiscal Officer, on behalf of the City and in their official capacities, are authorized to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, an official statement in connection with the original issuance of the Bonds, (ii) determine, and to certify or otherwise represent, when the official statement is to be “deemed final” (except for permitted omissions) by the City or is a final official statement for purposes of SEC Rule 15c2-12(b)(1), (3) and (4), (iii) use and distribute, or authorize the use and distribution of, that official statement and any supplements thereto in connection with the original issuance of the Bonds and (iv) complete and sign that official statement as so approved together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of that official statement as they deem necessary or appropriate.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The Fiscal Officer is authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the form as is now on file with the Clerk of Council. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement.

The Fiscal Officer is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Fiscal Officer shall consult with and obtain legal advice from, as appropriate, the Law Director and/or bond or other qualified independent special counsel selected by the City. The Fiscal Officer, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(d) Municipal Advisor; Application for Rating or Bond Insurance; Financing Costs. If, in the judgment of the Fiscal Officer, the (i) engagement of the services of a municipal advisor or (ii) filing of an application for (A) a rating on the Bonds by one or more nationally-recognized rating agencies, or (B) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to this City, the Fiscal Officer is authorized to engage a municipal advisor and prepare and to submit those applications, to provide to each such agency or company such information as may be

required for the purpose, and to provide further for the payment of the fees of a municipal advisor or the cost of obtaining each such rating or policy, except to the extent paid by the Bond Registrar in accordance with the Certificate of Award and/or the Bond Registrar Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or to be appropriated for that purpose. The Fiscal Officer is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the Fiscal Officer determines to be necessary in connection with the engagement of a municipal advisor or of obtaining that bond insurance.

The expenditure of the amounts necessary to engage a municipal advisor and/or secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Bonds, except to the extent paid by the Bond Registrar in accordance with the Certificate of Award and/or the Bond Registrar Agreement, and the Fiscal Officer is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 7: Provisions for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due. In each year the amount of the tax shall be reduced by the amount of lawfully available municipal income taxes appropriated and to be applied to the payment of the debt charges on the Bonds in compliance with the following covenant. To the extent necessary, the debt charges on the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Sections 133.05(B)(7) and 5705.51(A)(5) and (D) of the Revised Code, to appropriate annually from such municipal income taxes such amounts, and to continue to levy and collect such municipal income taxes in such amounts, as are necessary to meet such annual debt charges. Nothing in this section in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Bonds.

Section 8: Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Section 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code), or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest thereon will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to

the governmental purposes of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Fiscal Officer, or any other officer of the City having responsibility for the issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation of the Bonds as "qualified tax-exempt obligations"), choice, consent, approval or waiver on behalf of the City with respect to the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

Section 9: Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance and a signed copy of the Certificate of Award to the Erie County Auditor.

Section 10: Retention of Bond and Disclosure Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond and disclosure counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Bonds and the rendering of the necessary legal opinions upon the delivery of the Bonds. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Fiscal Officer is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Bonds, if available, and otherwise from available moneys in the General Fund.

Section 11: Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property

taxing power (as described in Section 7) of the City are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

Section 12: Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken in open meetings of this Council or committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 13: Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of this City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds, which is necessary to enable the City to enter into contracts for the improvement which is needed to provide for the health and safety of the residents of the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

Monty Tapp, Mayor

Attest: _____
Clerk of Council

Adopted: _____



TO: Mayor Tapp and City Council
FROM: Stuart Hamilton , Service Director
RE: Ordinance No. 2024-15 (*submitted by Stuart Hamilton*)
DATE: April 9, 2024

Subject Matter/Background

The Safety Committee was requested to look at a parking change in Berlin Road North. It was requested that we make one side parking, and the other side non parking. Currently, while there is nothing in the Traffic Control Map about parking on Berlin Road North, there are No Parking signs posted.

Safety Committee discussed this issue with attending Resident feedback and voted to deny this request. Instead, they voted to update the Traffic Control Map to allow NO parking on Berlin Road North. The main reasoning is that the roadway is only 19ft wide, and parking in the street restricts access for larger vehicles and emergency access. It was also believed that if parking was allowed on this road, it would become overflow (FREE) parking for Nickel Plate Beach.

Financial Review

There is no financial impact relating to this resolution, other than the purchase of signs, which are included in the Streets Department's 2024 budget.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion adopting Ordinance No. 2024-15 as an emergency measure is in order.

[Ordinance No. 2024-15 Traffic Control Map No Parking on Berlin Rd.docx](#)

ORDINANCE NO. 2024-15
Introduced by Mark Claus

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 305.01, TRAFFIC CONTROL MAP, AND CODIFIED ORDINANCE SECTION 305.02, TRAFFIC CONTROL FILE, REGARDING BANNING PARKING ON BOTH SIDES OF BERLIN ROAD BETWEEN US 6 (CLEVELAND ROAD) AND TIFFIN AVENUE WITHIN THE CITY OF HURON, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, on March 26, 2024, the Safety Committee made a recommendation to Council to ban parking on both sides of Berlin Road located north of US-6 (Cleveland Road).

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

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

No parking allowed on either side of Berlin Road located north of US-6 (Cleveland Road).

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

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

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

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and for the further reason that, in order to effectively control traffic within the municipality, it is imperative this Ordinance be effective immediately; WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its adoption and upon posting of the authorized traffic control signals and devices to regulate, warn or guide traffic in accordance with the provisions of this Ordinance.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



TO: Mayor Tapp and City Council
FROM: Stuart Hamilton , Service Director
RE: Ordinance No. 2024-16 (*submitted by Stuart Hamilton*)
DATE: April 9, 2024

Subject Matter/Background

After receiving resident requests/complaints about traffic on the bend of Riverside Drive by Wheeler Drive, the Safety Committee discussed the issue at its March 26th meeting. Due to the close proximity of drive entrances and children at play to this partially blind bend, it was decided that adding two stop signs to Riverside Drive at Wheeler would address these safety concerns. This will effectively turn this area into a three-way stop, slowing traffic.

Financial Review

There is no financial impact relating to this resolution, other than the purchase of signs, which are included in the Streets Department's 2024 budget.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion adopting Ordinance No. 2024-16 as an emergency measure is in order.

[Ordinance No. 2024-16 Traffic Control Map and File Stop Signs on Riverside at Wheeler \(1\).docx](#)

ORDINANCE NO. 2024-16
Introduced by William Biddlecombe

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 305.01, TRAFFIC CONTROL MAP, AND CODIFIED ORDINANCE SECTION 305.02, TRAFFIC CONTROL FILE, REGARDING INSTALLATION OF TWO (2) STOP SIGNS ON RIVERSIDE DRIVE AT ITS INTERSECTION WITH WHEELER DRIVE WITHIN THE CITY OF HURON, OHIO, MAKING THAT INTERSECTION A 3-WAY STOP; AND DECLARING AN EMERGENCY

WHEREAS, on March 26, 2024, the Safety Committee made a recommendation to Council to place two (2) stop signs on Riverside Drive (one in each direction) at its intersection with Wheeler Drive within the City of Huron, Ohio.

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

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

Placement of two (2) stop signs on Riverside Drive at its intersection with Wheeler Drive, making that intersection a 3-way stop.

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

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

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

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and for the further reason that, in order to effectively control traffic within the municipality, it is imperative this Ordinance be effective immediately; WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its adoption and upon posting of the authorized traffic control signals and devices to regulate, warn or guide traffic in accordance with the provisions of this Ordinance.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



TO: Mayor Tapp and City Council
FROM: Erik Engle
RE: Resolution No. 21-2024 (*submitted by Erik Engle*)
DATE: April 9, 2024

Subject Matter/Background

This resolution will authorize OHM to complete the work for the Waterfront Parks Planning initiative. The planning area will generally cover Public Works Beach, Lakefront Park, and Main Street Beach/Showboat property. Overall, the scope of the plan will address and include extensive public outreach, multi-use corridor connectivity/streetscape enhancements, park amenity programming, environmental nearshore habitat restoration best practices, and implementation recommendations with an emphasis on future funding sources.

Financial Review

The total cost for the planning study is \$67,000. The plan funding is split 50/50 (\$33,500) between the Coastal Management Assistance Grant administered through ODNR and City capital funds.

The Capital Improvement Fund (Fund 401) will record the grant award and expenses of this contract.

Account: 401-3400-55102

Amount: \$67,000

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 21-2024 is in order.

[Resolution No. 21-2024 OHM Advisors Huron Waterfront Parks Plan \\$67,000 \(1\).docx](#)

[Resolution No. 21-2024 Exh A Huron Waterfront Parks Plan \\$67,000.pdf](#)

RESOLUTION NO. 21-2024

Introduced by Joel Hagy

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL AND ENTER INTO AN AGREEMENT WITH OHM ADVISORS FOR PROFESSIONAL PLANNING AND COMMUNITY OUTREACH SERVICES RELATING TO THE HURON WATERFRONT PARKS PLAN PROJECT IN THE AMOUNT OF SIXTY-SEVEN THOUSAND AND XX/100 (\$67,000.00)

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

SECTION 1. That the City Manager shall be, and he hereby is, authorized and directed to accept the proposal and enter into an agreement with OHM Advisors for professional planning and community outreach services relating to the Huron Waterfront Parks Plan in the amount of Sixty-Seven Thousand and XX/100 Dollars (\$67,000.00), a copy of which agreement is attached hereto as Exhibit A and incorporated herein by reference.

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

SECTION 3. That this Resolution shall be in full force and effect from and immediately after its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



April 3, 2024

Mr. Stuart Hamilton, Service Director
City of Huron
417 Main Street
Huron, OH 44839

RE: **Huron Waterfront Parks Plan
#24032**

Dear Mr. Hamilton:

Thank you for the opportunity to partner with the City of Huron (Huron, Client) in developing an action plan for the waterfront parks of Huron. Huron is a special place, distinctly geared to the joys of being at the waterfront while also being a true year-round community. OHM Advisors (OHM, Consultant) is excited to help you develop and act on a plan for the waterfront parks, continuing to make Huron a great hometown and a place to visit.

We have prepared this letter proposal based on the information provided and discussions with you and the staff. Based on our discussion of the proposed scope, this proposal represents our understanding of the project, with the work plan, schedule, and cost of services.

Project Understanding

The Huron waterfront is a special and unique asset for the community that should be cherished and sustained. The popularity and use of the waterfront are increasing each year with fishing, boating, beaches, parks, and recreational trails. The city has already put efforts towards improving the Boat Basin and Main Street to improve access and experience for all users, but now the shift focuses on the lakefront parks and trail access.

Work Plan

Phase #1: Launch & Investigate

- 1.1 Project Kick-Off: OHM will host a kickoff work session to familiarize the team with key planning and development issues, develop a steering committee structure, invite members, and finalize project logistics and schedules.
- 1.2 Document & Plans Review: As part of this task, the team will collect and assemble all relevant past plans and work related to the parks and proposed trails within the study area (Exhibit C). Additionally, the team will gather data to create base maps of the proposed parks and study areas. The data will be compiled and organized to create maps using AutoCAD and GIS software.
- 1.3 Field Tour & Analysis: In coordination with task 1.4, the OHM team will conduct a field tour of the study area. The city team and steering committee members will be invited to participate to provide their



background information. This task intends to confirm information and data shared with the OHM team to date.

- 1.4 SC1 Meeting: OHM will facilitate a kickoff meeting with the steering committee to review the project work plan and schedule. This will ensure all participants understand the schedule and deliverables resulting from each task. The consultant team will also present an existing conditions analysis (to date), which will help conduct an open and transparent discussion to identify issues, opportunities, and big ideas.
- Meetings:
 - ▾ Project Kick-Off
 - ▾ Field Tour
 - ▾ Steering Committee Meeting #1
- Deliverables:
 - ▾ Updated Project Schedule
 - ▾ Project Basemap

Phase #2: Understanding The Context

- 2.1 Existing Conditions Analysis: During this task, the consultant team will evaluate the existing parks and study area conditions for potential trail configurations, building off the data already collected and assembled. An overview analysis will be conducted on the current condition of the lakefront shoreline. The outcomes of this task will aid in the overall development of the plan and serve as the foundation.
- 2.2 SC2 Meeting: The OHM team will present and discuss all the findings and analysis through phase one and task 2.1 with the committee. Further discussions and evaluations will be facilitated during the meeting to allow the consultant team to understand design intent better. OHM will also present draft survey questions to be included as part of task 3.1. These questions are intended to understand better community desires and usage of the existing park spaces now and for the future. Finally, the committee will review and give input on a stakeholder list, who will be engaged in Phase 3.
- 2.3 Field Confirmation: A site reconnaissance of the parks and study area for trail configurations will be conducted. Feedback provided by the project team and steering committee will be further investigated while in the field, with considerations given to existing park features, programs, and conditions. The team will also explore potential conflict zones or specific difficulties to consider.
- 2.4 Park Program Development: Based on the outcomes of the phase one and phase two tasks, OHM will develop a design concept plan for Centennial Park and Public Works Beach Park, with recommendations given for the remaining waterfront park spaces. The concepts will include graphics and character imagery to communicate intent.
- 2.5 Trail Configuration – Draft: Based on the outcomes of the phase one and phase two tasks, OHM will develop a draft trail configuration plan connecting community assets to the lakefront parks and existing active transportation routes in Huron.
- Meetings:
 - ▾ Steering Committee Meeting #2
 - ▾ Field Tour
- Deliverables:
 - ▾ Existing Conditions Memorandum
 - ▾ Draft Park Program & Concepts
 - ▾ Draft Trail Configuration Map(s)



Phase #3: Listening Session #1

- 3.1 Community Survey: Based on the input in task 2.2, the consultant team will develop a digital community survey that will ask specific questions related to the current and future use of the park spaces and active transportation network in Huron. The intention is to gather input to help the consultant team further develop the proposed park plans, recommendations, and trail alignments. Marketing materials will be created for the client team and steering committee to assist in distributing.
- 3.2 Discovery Workshop: Following the launch of the community survey, OHM will host a discovery workshop to showcase initial recommendations and gather in-person feedback. Members of the steering committee, stakeholders, and community residents will be welcome to attend and participate.
- 3.3 Stakeholder Focus Group: OHM will conduct one focus group session with stakeholders identified and confirmed by the client team and steering committee. The purpose of these sessions is to engage further specific groups and individuals who are or would be impacted by the proposed improvements to the park and trails.
- 3.4 City Council Meeting #1: OHM will present a project update to members of the City Council in a work session.
- Meetings:
 - ▼ Discovery Workshop
 - ▼ Stakeholder Focus Group Session
 - ▼ City Council Meeting Attendance
- Deliverables:
 - ▼ Digital Community Survey
 - ▼ Survey Marketing Flyers (8.5" x 11") and Postcards (4"x6")

Phase #4: Plan Framework

- 4.1 Park Concept Development: Based on the feedback in Phase 3, the consultant team will update the proposed park concepts and improvements.
- 4.2 Trail Configuration: Based on the feedback in Phase 3, the consultant team will update and develop a proposed trail configuration plan for the study area. This plan will include recommendations on facility types.
- 4.3 SC3 Meeting: The OHM team will present the updated park concepts, recommendations, and trail configurations to the steering committee for review and feedback. The group will also discuss how the plan will be shared for public and stakeholder input for Phase 5.
- Meetings:
 - ▼ Steering Committee Meeting #3
- Deliverables:
 - ▼ Updated Draft Park Program & Concepts
 - ▼ Updated Draft Trail Configuration Map



Phase #5: Listening Session #2

- 5.1 Pop-Up Survey: Based on the input from task 4.4, a digital community survey will be created and launched that will include the plan concepts, recommendations, and trail configurations for feedback. Accompanying the survey will be a series of 24" x 36" project boards that will provide additional context to the plan's recommendations. The intent of the survey is for the community to respond to and gather feedback from the community.
- 5.2 SC4 Meeting: Following the closing of the pop-up survey in task 5.1, OHM will review information with the steering committee for additional input and development. The meeting will be interactive, to further advance the recommendations.
- 5.3 City Council Meeting #2: OHM will present a project update to members of City Council in a work session.
- Meetings:
 - ▶ Steering Committee Meeting #4
 - ▶ City Council Meeting Attendance
- Deliverables:
 - ▶ Digital Community Survey
 - ▶ Survey Marketing Flyers and Postcards
 - ▶ 24"x36" foam core boards with park and trail recommendations (up to 6)

Phase #6: Finalize & Ignite

- 6.1 Final Plan Development: The OHM team will develop final recommendations for the parks and trail configurations within the study area in a report containing the analysis and results from past engagement activities.
- 6.2 Phasing/Implementation Plan: In coordination with the final plan development, the consultant team will develop associated opinions of cost, proposed phasing and timeframes, and a list of funding sources for implementing the plan recommendations.
- 6.3 SC5 Meeting: The OHM team will share the final plan document to the steering committee before the proposed meeting date and conduct the meeting to review the plan details and recommendations. A specific discussion will occur concerning phasing, implementation, and next steps.
- 6.4 Public Open House (Public Reveal): OHM and the client team will host a public open house to reveal the final plan recommendations. This open house intends to inform and build excitement for the plan's implementation.
- 6.5 Final Waterfront Parks Plan: Following tasks 6.3 and 6.4, the project team will make any final updates to the plan document and provide a final PDF copy for adoption.
- 6.6 City Council Presentation/Adoption: In collaboration with the client team, OHM will present the final plan document to the City Council for adoption.
- Meetings:
 - ▶ Steering Committee Meeting #5 (Virtual meeting)
 - ▶ Public Open House
 - ▶ City Council Presentation
- Deliverables:
 - ▶ Draft Waterfront Parks Plan
 - ▶ Final Waterfront Park Plan (One digital PDF copy and two hardbound copies)



Schedule

The following table outlines the phase durations for major project milestones. It is anticipated that the project will take a total of 8-9 months to complete, projected to be completed by December 2024 assuming an April 2024 kickoff:

Phase	PHASE DURATION (In Months)
Phase One	1-2
Phase Two	2-3
Phase Three	3-5
Phase Four	4-5
Phase Five	6-8
Phase Six	8-9

Compensation

OHM Advisors will provide the above-outlined professional services in accordance with the following fee schedule. Our professional services will be performed on a lump sum, billed on a monthly, percent complete basis.

Phase	Cost
Phase One – Launch & Investigate	\$8,000
Phase Two – Understanding The Context	\$15,000
Phase Three – Listening Session #1	\$9,000
Phase Four – Plan Framework	\$13,000
Phase Five – Listening Session #2	\$8,000
Phase Six – Finalize & Ignite	\$13,000
Reimbursable Expenses (budget)	\$1,000
Total:	\$67,000

Reimbursable expenses cover other direct costs, including but not limited to printing, reprographics, courier/shipping services, mileage, and travel expenses. These will be invoiced per the standard terms and conditions. A budget amount is indicated above as a suggested amount; this may be adjusted as expenses are incurred.



Clarifications and Assumptions

- ▼ The Standard Terms and Conditions contained in the Annual Engineer contract (as approved by Council Legislation) shall also apply to this contract.
- ▼ All other work not listed above is excluded from this proposal but can be added as an additional service, if requested.
- ▼ If additional labor effort is required, due to additional meetings not described in the Work Plan, change in schedule, Client-directed changes to the design that are departures from the design direction or scope of work and require rework of information completed in previous submissions, OHM Advisors will negotiate an amendment with the Client for additional services. OHM will not proceed with additional services, without written authorization to proceed from the Client.
- ▼ All deliverables will be submitted electronically in CADD, GIS, and/or PDF format, as applicable.
- ▼ Force Majeure: In the event either party is delayed or prevented from performing this Agreement due to any cause beyond its reasonable control, including but not limited to, strike, labor or civil unrest or dispute, embargo, blockage, work stoppage, protest, pandemics, or acts of God, such delay shall be excused during the continuance of such delay, and the period of performance shall be extended to such extent as may be reasonable to perform after the cause of delay has been removed. In the event any such delay continues for a period of more than thirty (30) days, either party may terminate the Agreement upon written notice to the other party. In the event of any such termination, The Owner shall pay OHM for work performed through the effective date of termination.

Client Responsibilities

- ▼ Client will provide a single point of contact to OHM Advisors who is knowledgeable about the project needs and desired outcomes.
- ▼ Client will provide the following, if available, to assist us with the project: prior as-builts and existing plans, plat maps, site surveys indicating site boundaries, existing topography, access to structures, easements and utility line information, utility availability, building information, etc.



Authorization and Acceptance

Thank you for giving us the opportunity to be of service! If this proposal is acceptable to you, your signature on this letter, with a copy returned to us will serve as our authorization to proceed. Upon execution, this Proposal, the attached Exhibit 'B', Standard Terms & Conditions, and the other attachments will form our agreement. This proposal is valid for 30 days.

If you have any questions or comments, please get in touch with me at 440.759.2843. We look forward to working with you on this project.

Sincerely,
OHM Advisors

Authorization to Proceed:

Arthur Schmidt, IV Principal & Project Manager
Arthur.schmidt@ohm-advisors.com
D: 216.865.1342 C: 440.759.2843

Signature

Date

Russ Critelli, Principal
Russ.Critelli@ohm-advisors.com
C: 216.704.4025

Printed Name

Title

Attachments: Exhibit 'A' Project Study Area

Exhibit A

SECTION 8. PROJECT AREA DIAGRAM





TO: Mayor Tapp and City Council
FROM: Erik Engle
RE: Resolution No. 36-2024 (*submitted by Erik Engle*)
DATE: April 9, 2024

Subject Matter/Background

Pursuant to code requirements, the Zoning Department inspects potential violations and works with homeowners to correct said violations. In the event residents do not comply after notification has been received, the city may take further action to complete the work in order to achieve full code compliance. The work being charged to the homeowner is typically minor; for example, cutting grass or towing a vehicle. Resolution No. 36-2024 authorizes the cost of the work to be recouped by placing the amount on property owner's tax duplicate for the following year.

Financial Review

Resolution 36-2024 will authorize the City to certify actual charges incurred by the City to the County Auditor related to remediation of noncompliant conditions under Chapter 521 (Health, Safety and Sanitation), Chapter 523 (Junk Vehicles), and Chapter 557 (Grass, Weeds and Vegetation) of the codified ordinances. The amount certified to the Auditor will recoup these costs and be placed on the property's tax duplicate for the following year.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 36-2024 is in order.

[Resolution No. 36-2024 Resolution of Necessity Bldg Maintenance \(3\).docx](#)

RESOLUTION NO. 36-2024

Introduced by Joel Hagy

A RESOLUTION OF NECESSITY RECOMMENDING AND APPROVING OF INSPECTIONS OF PROPERTIES CITY-WIDE IN ANTICIPATION OF ENFORCEMENT OF PROPERTY-RELATED ORDINANCES, THE INTERNATIONAL PROPERTY MAINTENANCE CODE, AND THE OHIO BUILDING CODE.

WHEREAS, the Codified Ordinances of the City of Huron ("City") provide for the adoption and enforcement of building code, property maintenance, and zoning regulations and enforcement thereof; and

WHEREAS, through its Codified Ordinances, the City has adopted the Ohio Building Code, the Residential Code of Ohio, and the International Property Maintenance Code to establish rules and regulations affecting the construction, alteration, removal, demolition, equipment, use, occupancy, location, repair, and maintenance, of property within the City; and

WHEREAS, the City also has adopted a comprehensive zoning code to promote and protect the public health, safety, convenience, comfort, prosperity, and general welfare of the City and its residents; and

WHEREAS, City-wide property inspections shall be undertaken to investigate possible zoning and property maintenance violations within the City to ensure compliance with existing Codified Ordinances, the International Property Maintenance Code, and the Ohio Building Code, and in anticipation of enforcement of said Ordinances and Codes;

WHEREAS, the City will pursue enforcement efforts, including but not limited to certification of actual charges to ensure compliance to the Erie County Auditor at a later date if and as applicable.

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

SECTION 1. That this Council hereby recommends and approves City-wide property inspections to investigate possible zoning and property maintenance violations within the City of Huron to ensure compliance with existing Codified Ordinances, the International Property Maintenance Code, and the Ohio Building Code, and in anticipation of enforcement of said Ordinances and Codes.

SECTION 2. That the property conditions of certain properties in the City of Huron may require remediation of noncompliant conditions to ensure the health and safety of the citizens of the City of Huron, Ohio.

SECTION 3. The Building and Zoning Department shall advise relevant property owners in writing, when and as required by City Ordinances, of any noncompliance after such inspection(s) are performed, and an opportunity to remedy any violations shall be afforded consistent with relevant City Ordinances.

SECTION 4. 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.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



TO: Mayor Tapp and City Council
FROM: Erik Engle
RE: Resolution No. 37-2024 (*submitted by Erik Engle*)
DATE: April 9, 2024

Subject Matter/Background

Resolution 37-2024 will authorize the first legislative step in the process related to the Sidewalk Assessment for 2025, where staff has identified District 3 (as the next designated area to be inspected and assessed, as necessary). Upon adoption, administration will proceed with the assessment process as outlined in the ORC. As with all assessment projects, notification and due process rights are required prior to the consideration of the subsequent legislative steps that must be adopted before the assessment list can be certified to the County Auditor.

Financial Review

The City budgeted \$100,000 for sidewalk and tree repair in 2024 out of the Property Maintenance Fund. If costs are incurred by the City to repair sidewalks and/or trees, the City will request reimbursement from the property owner. The property owner may elect to have the total cost, plus interest, added to the property tax bill over 4 years. If elected, the City will certify the costs to the County Auditor in accordance with City ordinances and State law. The amount certified to the Auditor will recoup these costs and be placed on the property's tax duplicate for the following year.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 37-2024 is in order.

[Resolution No. 37-2024 Resolution of Necessity Sidewalks \(4\).docx](#)
[Resolution No. 37-2024 Exh A District 3 Map.pdf](#)

RESOLUTION NO. 37-2024
Introduced by Joel Hagy

A RESOLUTION OF NECESSITY RECOMMENDING AND APPROVING OF INSPECTIONS OF PROPERTIES CITY-WIDE IN ANTICIPATION OF ENFORCEMENT OF SIDEWALK-RELATED ORDINANCES AND OHIO LAW RELATING TO SIDEWALKS.

WHEREAS, Section 521.06 of the Codified Ordinances of the City of Huron ("City") requires owners and or persons in charge of property within the City to construct, repair, and maintain sidewalks for the safe usage by pedestrians in accordance with City standards and as set forth in the Codified Ordinances; and

WHEREAS, the Codified Ordinances of the City permit the City to order the construction, maintenance, or repair of sidewalks not conforming with City standards and for the enforcement thereof; and

WHEREAS, City-wide property inspections shall be undertaken to investigate the condition of sidewalks within District 3 (as shown in the diagram attached hereto as "Exhibit A" and incorporated herein by reference) the City to ensure compliance with existing Codified Ordinances and Ohio law;

WHEREAS, the City will pursue enforcement efforts, including but not limited to, later legislation requiring maintenance, repair, or replacement of sidewalks within District 3, and certification of actual charges to ensure compliance to the Erie County Auditor at a later date if and as applicable.

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

SECTION 1. That this Council hereby recommends and approves City-wide property inspections to investigate the condition of sidewalks within District 3 (as shown in the diagram attached hereto as "Exhibit A" and incorporated herein by reference) the City of Huron to ensure compliance with existing Codified Ordinances and Ohio law, and in anticipation of enforcement of said Ordinances and Ohio law.

SECTION 2. That the condition of sidewalks pertaining to certain properties in the City of Huron may require remediation of noncompliant conditions to ensure the health and safety of the citizens of the City of Huron, Ohio.

SECTION 3. The Building and Zoning Department shall advise relevant property owners in writing, when and as required by City Ordinances, of any noncompliance after such inspection(s) are performed, and an opportunity to remedy any violations shall be afforded consistent with relevant City Ordinances.

SECTION 4. 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.

SECTION 5. That this Resolution shall be in full force and effect from and immediately following its adoption.

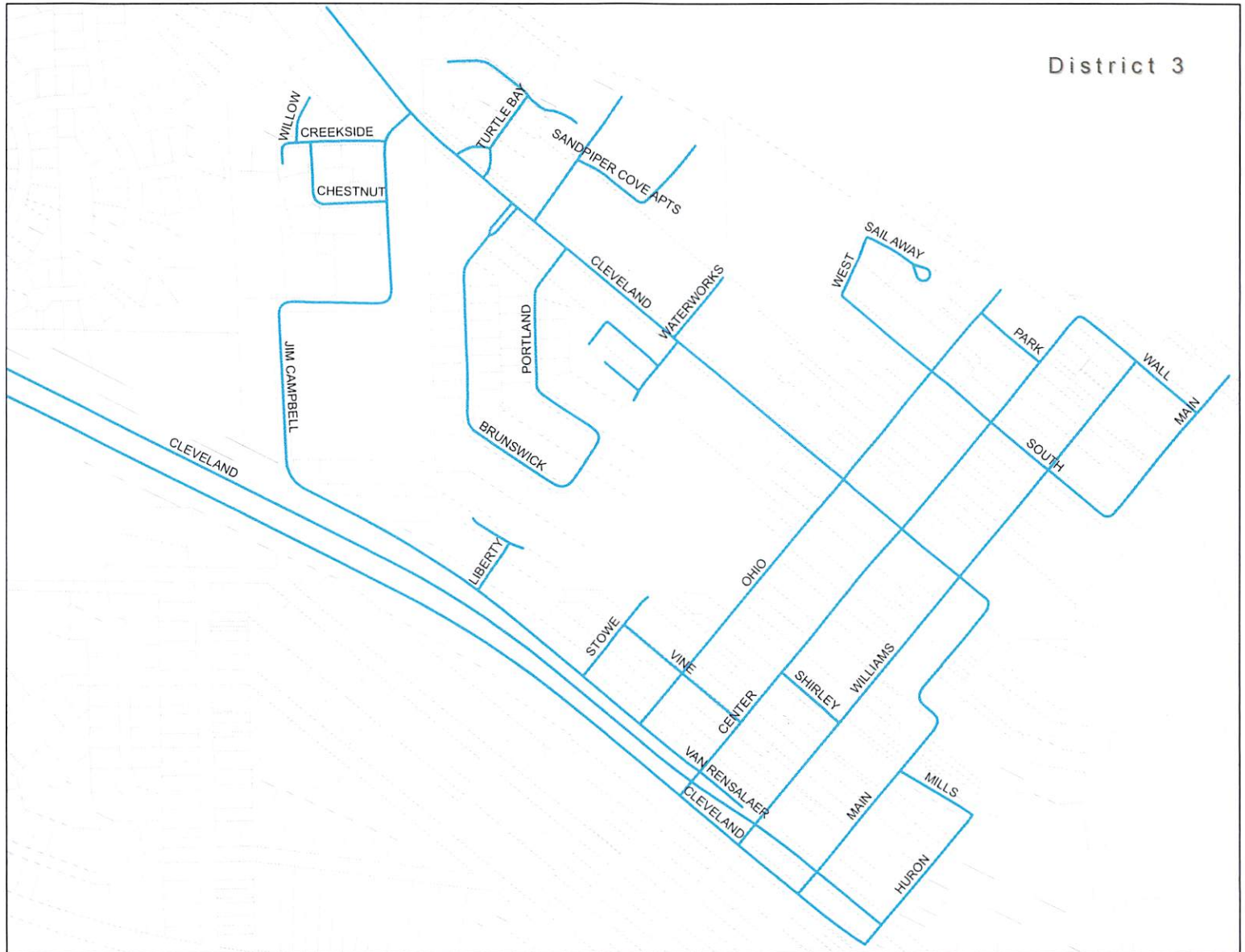
Monty Tapp, Mayor

ATTEST:

Clerk of Council

ADOPTED:

District 3





TO: Mayor Tapp and City Council
FROM: Erik Engle
RE: Resolution No. 38-2024 (*submitted by Erik Engle*)
DATE: April 9, 2024

Subject Matter/Background

Resolution 38-2024 will authorize the first legislative step in the process related to the Tree Assessment for 2025, where staff has identified District 3 as the next designated area to be inspected and assessed, as necessary. Upon adoption, administration will proceed with the assessment process as outlined in the ORC. As with all assessment projects, notification and due process rights are required prior to the consideration of the subsequent legislative steps that must be adopted before the assessment list can be certified to the County Auditor.

Financial Review

The City budgeted \$100,000 for sidewalk and tree repair in 2024 out of the Property Maintenance Fund. If costs are incurred by the City to repair sidewalks and/or trees, the City will request reimbursement from the property owner. The property owner may elect to have the total cost, plus interest, added to the property tax bill over 4 years. If elected, the City will certify the costs to the County Auditor in accordance with City ordinances and State law. The amount certified to the Auditor will recoup these costs and be placed on the property's tax duplicate for the following year.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 38-2024 is in order.

[Resolution No. 38-2024 Resolution of Necessity Trees \(3\).docx](#)
[Resolution No. 38-2024 Exh A District 3 Map.pdf](#)

RESOLUTION NO. 38-2024
Introduced by William Biddlecombe

A RESOLUTION OF NECESSITY RECOMMENDING AND APPROVING OF INSPECTIONS OF PROPERTIES CITY-WIDE IN ANTICIPATION OF ENFORCEMENT OF TREE-RELATED ORDINANCES AND OHIO LAW RELATING TO TREES.

WHEREAS, the City of Huron ("City") has adopted tree-related ordinances, including Section 521.15 (Duty to Maintain Trees in Tree Law) and Chapter 907 (Trees), for the purpose of controlling the blight and disease of shade trees within public rights-of-way, and for the planting, maintaining, trimming, removing, preservation, and/or replacement of trees in and along streets, alleys, and public grounds and places; and

WHEREAS, City-wide property inspections shall be undertaken to investigate the condition of trees within District 3 (as shown on the diagram attached hereto as Exhibit "A" and incorporated herein by reference) in the City of Huron to ensure compliance with existing Codified Ordinances and Ohio law;

WHEREAS, the City will pursue enforcement efforts, including but not limited to, later legislation requiring care and maintenance to, or replacement of, various trees within District 3, and certification of actual charges to ensure compliance to the Erie County Auditor at a later date if and as applicable.

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

SECTION 1. That this Council hereby recommends and approves City-wide property inspections to investigate the condition of trees within District 3 (as shown on the diagram attached hereto as Exhibit "A" and incorporated herein by reference) in the City of Huron to ensure compliance with existing Codified Ordinances and Ohio law, and in anticipation of enforcement of said Ordinances and Ohio law.

SECTION 2. That the condition of trees pertaining to certain properties in the City of Huron may require remediation of noncompliant conditions to ensure the health and safety of the citizens of the City of Huron, Ohio.

SECTION 3. That the Building and Zoning Department shall advise relevant property owners in writing, when and as required by City Ordinances, of any noncompliance after such inspection(s) are performed, and an opportunity to remedy any violations shall be afforded consistent with relevant City Ordinances.

SECTION 4. 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.

SECTION 5. That this Resolution shall be in full force and effect from and immediately following its adoption.

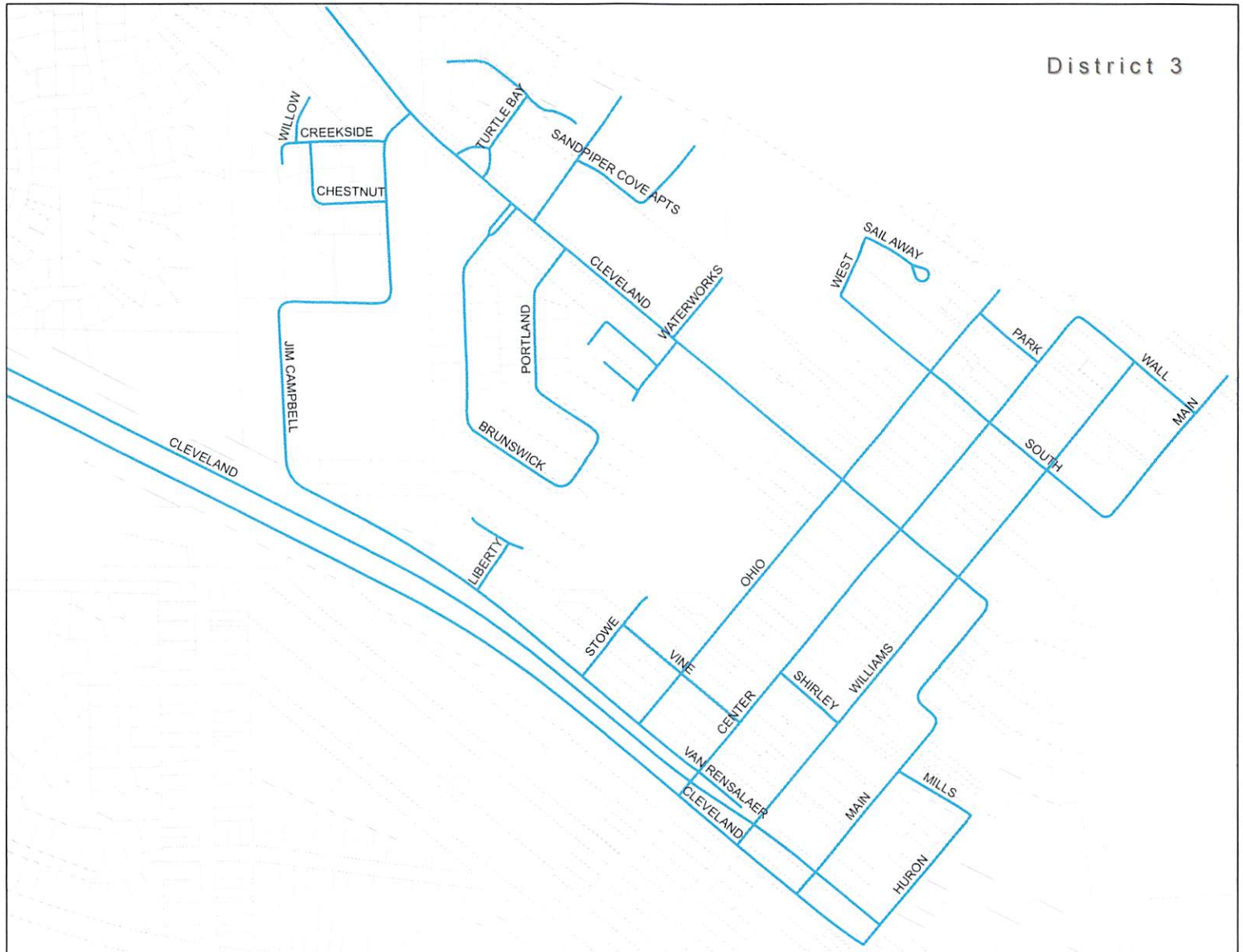
Monty Tapp, Mayor

ATTEST:

Clerk of Council

ADOPTED:

District 3





TO: Mayor Tapp and City Council
FROM: Erik Engle
RE: Resolution No. 39-2024 (*submitted by Stuart Hamilton*)
DATE: April 9, 2024

Subject Matter/Background

In 2023, the City carried out its Main Street Plan, laying out a vision for the future. This legislation is taking this plan and starting to make it a reality by redesigning the look and feel of South Main Street from Cleveland Road to Bogart. This will include conceptual drawings through design and bidding services, stakeholder outreach, Council presentations and everything in between. The cost for these services is \$223,700 and the projected schedule is to return to Council with a contract award for Construction in Spring of 2025.

Financial Review

The City will utilize American Rescue Plan Act (ARPA) funds, as budgeted, to pay for these services from OHM.

Amount: \$223,700
Account: \$227-7900-55102

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 39-2024 is in order.

[Resolution No. 39-2024 OHM Advisors S Main Street Streetscape Design Copy \(1\).docx](#)
[Resolution No. 39-2024 Exh A OHM South Main Streetscape \\$223,700.pdf](#)

RESOLUTION NO. 39-2024
Introduced by William Biddlecombe

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL AND ENTER INTO AN AGREEMENT WITH OHM ADVISORS FOR PROFESSIONAL STREETScape DESIGN AND ENGINEERING SERVICES FOR STREETScape AND WAYFINDING ENHANCEMENTS ALONG SOUTH MAIN STREET IN THE AMOUNT OF TWO HUNDRED TWENTY-THREE THOUSAND SEVEN HUNDRED AND XX/100 (\$223,700.00)

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

SECTION 1. That the City Manager shall be, and he hereby is, authorized and directed to accept the proposal and enter into an agreement with OHM Advisors for professional streetscape design and engineering services for streetscape and wayfinding enhancements along South Main Street in the amount of Two Hundred Twenty-Three Thousand Seven Hundred and XX/100 Dollars (\$223,700.00), a copy of which agreement is attached hereto as Exhibit A and incorporated herein by reference.

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

SECTION 3. That this Resolution shall be in full force and effect from and immediately after its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



April 3, 2024

City of Huron
Stuart Hamilton – Service Director
417 Main Street
Huron, OH 44839

RE: South Main Street Streetscape Engineering Services
CoPID 118507
Proposal #24033

Dear Mr. Hamilton,

OHM Advisors (OHM, Consultant) is excited to see the City of Huron (City, Client) proceeding with implementing the recommendations from the Main Street Corridor plan, through the South Main Street Streetscape project. We have prepared this letter proposal based on the information provided and discussions with the City staff. Based on our discussions of the proposed scope, this proposal represents our understanding of the project, with work plan, schedule, and cost of services.

Project Understanding

- Engineering design for the South Main Street Streetscape and roadway improvements based on the concept derived from the Main Street Corridor Plan. The general streetscape improvements include:
 - Enhanced pedestrian pavement, including a shared use path, and decorative amenity strip.
 - Enhanced crosswalks and intersections.
 - Roadway curb adjustments, including bump outs for on-street parking.
 - New storm structures based on roadway curb adjustments.
 - Decorative lighting.
 - New access drives.
 - Pavement markings.
 - Wayfinding and signage.
 - Landscaping.
- Improvements are limited to the pedestrian streetscape with adjustments to roadway curb, new storm sewer structures, decorative lighting, access drives, pavement markings, and roadway resurfacing
- The project will be an ODOT LPA delivery, and locally let by City of Huron

Work Plan

Per the RFQ Project Details and Project Package from February 2024, OHM Advisors (OHM, Consultant), Guide Studio (Guide, Subconsultant), and CTL Engineering (CTL, Subconsultant) will perform the following scope of work for the South Main Street Streetscape:



Task #1: Topographic Surveying

- Limits of Survey: As shown on Exhibit 'A': Project Limits.
- Project Control and Benchmarks:
 - GPS Site Control Points: Ohio State Plane Coordinate System, North Zone, (2011)
 - Vertical Benchmarks: North American Vertical Datum of 1988 (NAVD 88)
- Existing Planimetric and Topographic Features:
 - Curb, walk, and pavement locations and material.
 - Existing building and structure locations.
 - Vegetation: Trees (larger than 12" in wooded areas), stumps, shrubs / shrub beds, brush lines, wood lines, and landscaped areas.
- Existing Utilities (gas, electric, telephone, water, storm, or sanitary sewer, etc)
 - SUE Level C: field observation of lines marked by OHIO811 (OUPS) Utility Members, utility poles, overhead wires, valves, hydrants, pull boxes, cleanouts, drainage and sewer structures, and inverts elevations
 - SUE Level D: Record Plan Information
 - Obtained from provided construction or as-built drawings.
 - Obtained from design OUPS ticket
 - Scaled and "best-fit" into the survey base map
 - Existing Sewer Network
 - Flowline elevations and connectivity of existing storm and sanitary structures and pipes
 - Existing Surface
 - Based on spot elevations and break lines (crown/edge of pavement, curb lines, top/toe of slopes, drainage swales, retaining walls etc.)
- Property Line Verification (this work will be performed assuming the current deeds and survey drawings provided by the client are correct. A boundary survey and new legal description as defined by Ohio Administrative Code (OAC) 4733-37 are not required):
 - Review the existing deeds and/or survey drawings provided by the client.
 - Recover the existing boundary monuments noted in the deeds and/or survey drawings. Set wood lath near or on the recovered monuments.
 - Identify and advise the client of any possible encroachments or occupation by adjoining property owners.
- Meetings: None.
- Deliverables: Existing Conditions survey provided in an AutoCAD Civil 3D 2018 and PDF format for use in design.

Task #2: Geotechnical Engineering (CTL)

CTL will perform the following scope of work:

- Prepare a site-specific safety plan for SME's field work.
- Stake/mark the boring locations and determine their surface elevations.
- Contact OUPS to locate and mark public utilities.
- Mobilize a drill rig to drill 6 Standard Penetration Test (SPT) borings, with borings extending to depths up to 10 feet.
- Record groundwater levels in the boring during and immediately after drilling. At completion, the boreholes will be backfilled with auger cuttings.
- Perform laboratory tests including:
 - Visual soil classification.
 - Moisture content and hand penetrometer tests.
 - Up to six soil index tests.



- Interpret the soil and groundwater conditions, perform engineering calculations, and develop engineering recommendations.
- Meetings: None.
- Deliverables: PDF of Geotechnical Findings and Recommendations Report, including:
 - Descriptions of the site conditions and project information, including testing programs.
 - Descriptions of the soil and groundwater conditions encountered in the borings.
 - Recommendations for site preparation and earthwork.
 - A discussion of geotechnical-related construction considerations.
 - Boring logs and a boring location diagram.

Task #3: Preliminary Engineering

- Preparation of ODOT LPA Scope of Services form for the project.
- Based on the Main Street Corridor Study, OHM will develop two streetscape and roadway improvements refined concepts. The concept packages will include:
 - Typical streetscape section and material plan sheets with graphic character imagery to convey design intent for City review and input. Streetscape elements include the shared use path, sidewalks, curb relocation and bump outs, drive aprons, on-street parking, enhanced crosswalks, decorative intersections, pavement materials, landscaping, site furnishings, and roadway & decorative lighting. The developed streetscape palette shall coordinate with the existing streetscape elements of the recently completed North Main Street improvements.
- The concept packages will be refined based on City feedback to develop the preferred Preliminary Design Plan package.
- The plan package will include preliminary roadway design, including preliminary utility relocation plan and drainage calculations/BMP design, as required.
- The plan package will include preliminary roadway lighting design, including photometrics.
- Preliminary Design Plan development including: Title Sheet, Schematic Plan, Typical Sections, Plan and Profiles, Lighting Plan, Landscape Plan, and material graphic boards.
- Preparation of Preliminary Design level construction cost estimate.
- Internal Review/QAQC.
- Submittal of Preliminary Design Plans to private utility companies for initial coordination of impacts/conflicts with their facilities for purposes of conflict resolution.
- The OHM team will present the developed preliminary design plan graphics at a public open house for community feedback, and to the stakeholder group (local businesses). At the conclusion of the engagement meetings, the results will be summarized graphically to inform the streetscape design.
- Project design review meetings to be scheduled at the project kick-off meeting and set bi-weekly for the duration of the design process.
- Meetings:
 - (1) in-person project kick-off meeting with the City.
 - (2) in-person progress review meetings with the City.
 - (2) virtual progress review meetings with the City.
 - (1) in-person public meeting and (1) in-person stakeholder meeting (local businesses).
- Deliverables:
 - Streetscape and Roadway Concepts, including typical streetscape section and material plan sheet graphic package.



- Preliminary design plans and associated construction cost estimate.
- Public open house advertisement fliers (digital and hardcopy) for the City's distribution to the public.
- Summary of public open house and steering committee meeting results.

Task #4: Preliminary Wayfinding and Signage (Guide)

- Based on the Main Street Corridor Study, the Guide will develop up to three concepts for the streetscape wayfinding and signage, including corridor gateway features. Wayfinding and signage shall be developed to coordinate with previous planning study recommendations.
- Meetings:
 - (1) in-person project kick-off meeting with the City.
 - (1) in-person and (2) virtual design review meetings with the City.
- Deliverables:
 - Preliminary wayfinding and signage conceptual package.

Task #5: Combined Stage 1/2 Plan Documents

- OHM will develop the streetscape plan documents based on City review and feedback of the Preliminary Engineering documents. The combined state 1/2 plan documents shall include the following plan sheets:
 - Title Sheet (Standard Construction Drawings, Supplemental Specs, Special Provisions)
 - Schematic Plan
 - Typical Sections
 - General Notes
 - Maintenance of Traffic
 - General Summary
 - General Summary and Subsummaries
 - Plan and Profiles
 - Cross Sections
 - Miscellaneous Details
 - Traffic Control
 - Lighting Plan
 - Landscape Plan
- Drainage calculations / BMP design.
- Plan and Quantity Updates per City and/or regulatory review comments
- Internal Review/QAQC.
- Submittal of Final Design Plans to private utility companies for final coordination of impacts/conflicts with their facilities for purposes of potential relocation.
- Meetings: (2) in-person progress/page turn review meetings and (10) virtual progress review meetings with the City.
- Deliverables: Combined stage 1/2 plan documents.



Task #6: Combined Stage 1/2 Wayfinding and Signage Plan Documents

- Guide will develop the wayfinding and signage documents based on City review and feedback of the Preliminary Engineering documents. The combined stage 1/2 plan documents shall include the following plan sheets:
 - Wayfinding and Signage Plan
 - Wayfinding and Signage Details
- Meetings:
 - (1) in-person and (2) virtual design review meetings with the City.
- Deliverables: Documents for inclusion in the Combined stage 1/2 plan documents.

Task #7: Stage 3 and Final Plan Tracings Documents

- OHM will update the combined stage 1/2 plan documents based on City and regulatory review comments.
- Preparation of Final Design level construction cost estimate and Bid Form.
 - Finalize Estimated Quantities for construction.
 - Final Evaluation and estimate of unit price costs for use with public bidding requirements.
 - Delivery of engineer's estimate of construction costs.
 - Delivery of official bid form.
- Meetings: (2) virtual design review meetings with the City.
- Deliverables:
 - Stage 3 and Final Plan Tracings documents.
 - Estimated quantities and tabulated engineer's estimate of construction costs.
 - Bid Form.

Task #8: Bidding and Award Services

- Bid document reproduction, distribution, and tracking will be via third party print shop.
- OHM will attend pre-bid meeting, answer bidding requests for information (RFI's), and prepare clarification documents.
- Post-Bid Activities
 - Evaluation of bids and contractor qualifications.
 - Pre-Award Meeting to review all bid items with apparent low bidder.
 - Recommendation of Award Letter to the City.
- Preparation and Submission of the ODOT LPA Award Packet
 - LPA Agreement Attachment (2)
 - Contractor C-92 Forms
 - Bid Opening Form
 - Official Bid Tab
 - City Council Resolution to Award
 - Proof of Project Advertisement
- Contract Documents
 - OHM will prepare (3) three copies of contract documents for execution, bonding, insurance etc.
 - OHM will prepare the notice of commencement for signature(s).



Clarifications and Assumptions

- The Standard Terms and Conditions contained in the Annual Engineer contract (as approved by Council Legislation) shall also apply to this contract.
- Owner-directed changes to the design that are departures from the design direction and require rework of information completed in previous submissions will be cause for request for additional services.
- Engineering services proposal excludes design of the following, but can be added as an additional service, if authorized:
 - Railroad pedestrian crossing.
 - Water main or service line replacement.
 - Sanitary sewer main or service line replacement.
 - Pre-construction and construction services.
- The plans will be developed using AutoCAD Civil3D software. All deliverables will be submitted in electronic format to the City.
- Invoices will be submitted monthly.
- Force Majeure: In the event either party is delayed or prevented from performing this Agreement due to any cause beyond its reasonable control, including but not limited to, strike, labor or civil unrest or dispute, embargo, blockage, work stoppage, protest, pandemics, or acts of God, such delay shall be excused during the continuance of such delay, and the period of performance shall be extended to such extent as may be reasonable to perform after the cause of delay has been removed. In the event any such delay continues for a period of more than thirty (30) days, either party may terminate the Agreement upon written notice to the other party. In the event of any such termination, The Owner shall pay OHM for work performed through the effective date of termination.

Compensation and Schedule

The Base Fee services will be provided for the following lump sum fees by task, per consultant:

Task #	Consultant	Description	Fee	Schedule
1	OHM	Surveying	\$ 15,000	April – May 2024
2	CTL	Geotechnical Engineering	\$ 8,000	April – May 2024
3	OHM	Preliminary Engineering	\$ 37,400	May – June 2024
4	Guide Studio	Preliminary Wayfinding and Signage	\$ 11,200	May – June 2024
5	OHM	Combined Stage 1/2 Plan Documents	\$ 107,500	July – November 2024
6	Guide Studio	Combined Stage 1/2 Wayfinding and Signage Documents	\$ 12,600	July – November 2024
7	OHM	Stage 3 and Final Plan Tracings Documents	\$ 21,700	December – January 2025
8	OHM	Bidding and Award Services	\$ 10,300	February - April 2025
Total Fee:			\$ 223,700	



Authorization

If you find this proposal to be acceptable, your signature on this letter, with a copy returned to us will serve as our authorization to proceed. Upon execution, this Proposal, Standard Terms and Conditions contained in the Annual Engineer Contractor, and the other attachments will form our agreement. This proposal is valid for 30 days.

Sincerely,

OHM Advisors

Authorization to Proceed

Jeremy Hinte, PLA, ASLA, Senior Project
Manager

Jeremy.hinte@ohm-advisors.com

D: 216.865.1337 C: 216.339.7412

Russ Critelli, PE, PMP, Principal

Russ.critelli@ohm-advisors.com

C: 216.704.4025

Signature

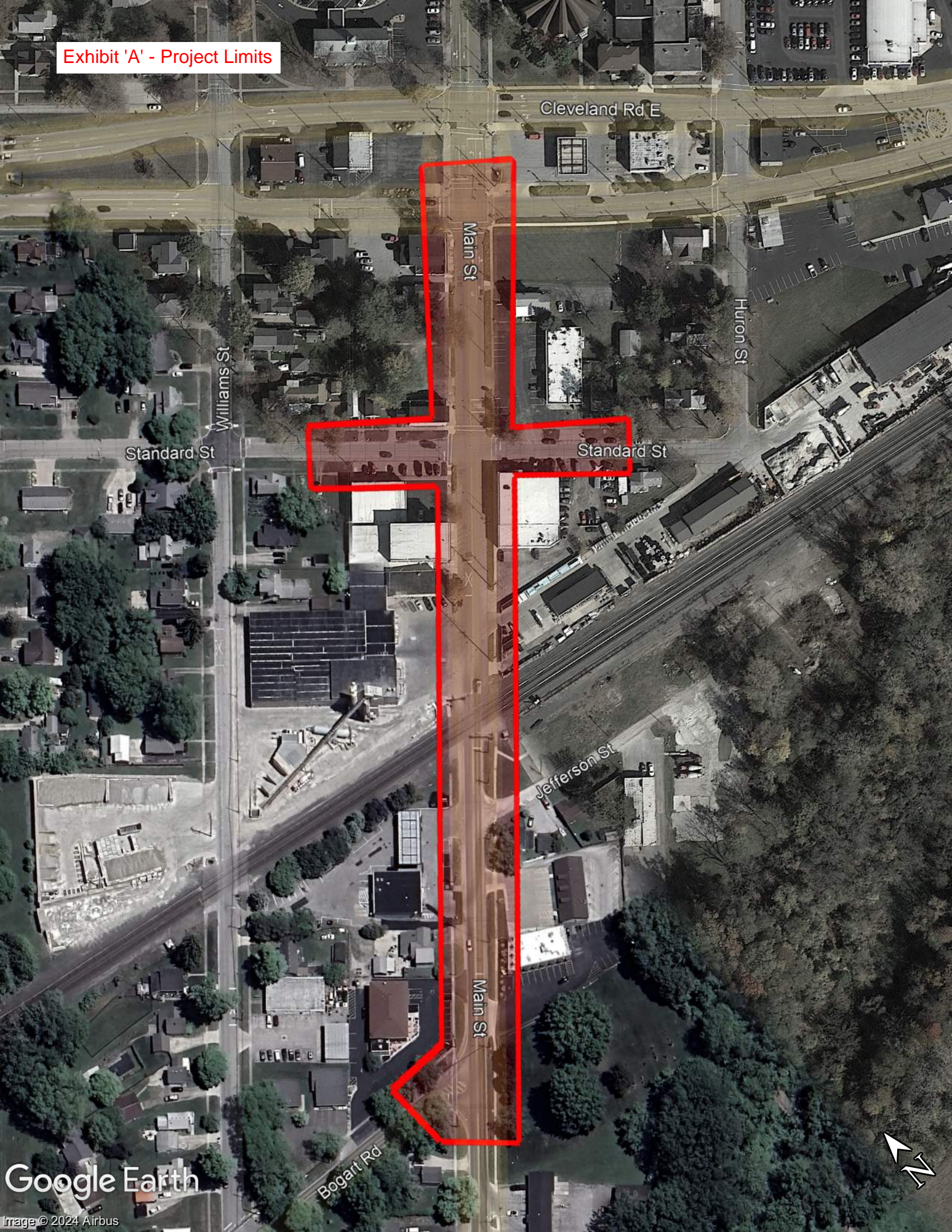
Date

Printed Name

Title

Attachments: Exhibit 'A' – Project Limits

Exhibit 'A' - Project Limits





TO: Mayor Tapp and City Council
FROM: Stuart Hamilton , Service Director
RE: Resolution No. 40-2024 (*submitted by Stuart Hamilton*)
DATE: April 9, 2024

Subject Matter/Background

On 10/5/23, a report was made of standing water that was backing up into a resident's yard and ultimately their house. After a visual inspection, it was found that the driveway on 1234 Marina Drive was repaired in the past, and they driveway culvert was not replaced. Without this culvert, stormwater will not be able to flow to the nearest catch basin and join the storm system. We also collect photographs of damage to the neighbor's house due to this floodwater.

In October of 2023, a Violation letter was issues to the property owner of 1324 Marina Dr, giving them 90 days to rectify the situation.

After visiting with the owner, they stated that they were going to garnish quotes and complete the work themselves. However, up until this point in time, no work has been carried out or quotes have been received. At this point, the City will carry out this work and are requesting a Resolution of Necessity allowing it to put a Lien on the property to recoup the cost.

Financial Review

The City will recover all expenses paid by the City through the property's tax bill, if necessary.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 58-2024 is in order.

[Resolution No. 40-2024 Resolution of Necessity Marina Drive Stormwater \(2\).docx](#)

[Resolution No. 40-2024 Exh A Franklin Sanitation Invoice 1234 Marina Dr \\$4,135.00.pdf](#)

RESOLUTION NO. 40-2024
Introduced by Matt Grieves

A RESOLUTION OF NECESSITY RECOMMENDING AND APPROVING OF INSPECTION OF PROPERTY LOCATED AT 1234 MARINA DRIVE, HURON, OH 44839 (ERIE COUNTY, OHIO PPN: 42-00035.000) IN ANTICIPATION OF ENFORCEMENT OF STORMWATER MANAGEMENT-RELATED ORDINANCES AND OHIO LAW; ORDERING THE REPAIR OF SAID VIOLATIONS; ORDERING CERTIFICATION OF THE EXPENSES AND LABOR COSTS INCURRED TO THE ERIE COUNTY, OHIO AUDITOR TO BE PLACED UPON THE TAX DUPLICATE AS A LIEN UPON SUCH LAND; AND DECLARING AN EMERGENCY.

WHEREAS, a report was made by a resident of the City of Huron regarding water that was backing up into their yard and ultimately, their house; and

WHEREAS, after a visual inspection by the Service Director pursuant to Section 905.01(a) of the Huron Codified Ordinances, it was determined that the driveway at 1234 Marina Drive, Huron, OH 44839 (Erie County, Ohio PPN: 42-00035.000) (hereinafter, the "Property") was repaired in the past, which repairs did not include replacement of a previously existing culvert pipe drain; and

WHEREAS, without this culvert, stormwater is not able to flow to the nearest catch basin to join the stormwater system;

WHEREAS, a Violation Letter was issued to the owner of the Property in October 2023 pursuant to Section 905.02 of the Huron Codified Ordinances, giving them ninety (90) days to rectify the situation; and

WHEREAS, as of this date, no work has been carried out and no quotes obtained by the owner of the Property have been received by the City, as promised by the Property owner; and

WHEREAS, the City desires to move forward with replacement of a 6" culvert drainpipe under the driveway of the Property, as set forth on the estimate prepared by Franklin Sanitation, LLC, with future legislation anticipated to certify actual charges to ensure compliance to the Erie County Auditor at a later date, if and as applicable.

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

SECTION 1. That this Council acknowledges the Service Director's inspection to investigate the condition of the driveway located at 1234 Marina Drive in the City of Huron (Erie County, Ohio PPN: 42-00035.000) to ensure compliance with existing Codified Ordinances and Ohio law, and in anticipation of enforcement of said Ordinances and Ohio law.

SECTION 2. That the condition of said Property in the City of Huron requires remediation of noncompliant conditions to ensure the health and safety of the citizens of the City of Huron, Ohio.

SECTION 3. That the City of Huron has advised the Property owner, in writing, as required by City Ordinances, of any noncompliance after such inspection was performed, and such Property owner has been afforded the opportunity to remedy any violation(s) consistent with relevant City Ordinances.

SECTION 4. That this Council hereby approves the plans, specifications, and/or estimated costs of the proposed construction or repair of the driveway culvert, as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 5. That Council hereby orders that since the Property owner has failed to comply with the notice to replace the culvert drainpipe within 90 days of service of the violation, the Service Director through the Building and Zoning Department shall cause the driveway culvert to be repaired and the expenses and labor costs incurred in making the repair will be entered upon the tax duplicate as a lien upon such land pursuant to Section 905.08(a)(2) of the Codified Ordinances of the City of Huron.

SECTION 6. 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.

SECTION 7. That this Resolution shall be in full force and effect from and immediately following its adoption.

Monty Tapp, Mayor

ATTEST:

Clerk of Council

ADOPTED:

ESTIMATE

Franklin Sanitation LLC
1611 Rye Beach Rd
Huron, OH 44839

franklinsanitationllc@gmail.com
+1 (419) 433-5169
www.franklinsanitation.com



City of Huron*

Bill to
City of Huron
502 Main St
Huron, OH 44839 USA

Ship to
City of Huron
Marina Drive
Huron, OH 44839

Estimate details

Estimate no.: 1467
Estimate date: 01/30/2024
Expiration date: 02/29/2024

#	Product or service	SKU	Qty	Rate	Amount
1.	TGA-Sales (Sewer/Drains) Estimate to cut concrete and install new 6" pipe under driveway for culvert. PRICE INCLUDES: Labor, mini-excavator Concrete removal and replacement 6" pipe Stone		1	\$4,135.00	\$4,135.00

Total **\$4,135.00**

Note to customer

NOTE: ROUGH GRADE TO OUR BEST. NO SEEDING IN PRICE.

SCHEDULING WILL BE DONE ONCE DOWN PAYMENT HAS BEEN MADE. IF TOTAL PRICE OVER \$2,000, SUBJECT TO CREDIT CARD FEES.

IF THIS IS NOT AN EMERGENCY DIG, JOBS ARE BEING SCHEDULED OUT 6-8 WEEKS.

Expiry date 02/29/2024



TO: Mayor Tapp and City Council
FROM: Doug Steinwart , Operations Manager
RE: Resolution No. 41-2024 (*submitted by Doug Steinwart*)
DATE: April 9, 2024

Subject Matter/Background

This legislation will allow staff to apply through Ohio Congressman Dick Stein's office for FY 2025/2026 Ohio Capital Improvements funding relating to the Huron Municipal Boat Basin Renovation Project in the amount of \$750,000 and accepts said grant funds if awarded.

Financial Review

If awarded, the City will continue to explore other grants and utilize municipal debt financing, if debt capacity limits allow, on the Huron Municipal Boat Basin Renovation Project. Any debt will be paid back through marina sales.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 41-2024 is in order.

[Resolution No. 41-2024 Dick Stein Capital Budget Request Boat Basin \\$750,000 \(1\).docx](#)

RESOLUTION NO. 41-2024

Introduced by Matt Grieves

A RESOLUTION RATIFYING SUBMISSION OF A CAPITAL BUDGET REQUEST APPLICATION TO OHIO STATE REPRESENTATIVE DICK STEIN FOR FY25 STATE OF OHIO CAPITAL IMPROVEMENT BILL FUNDING RELATING TO THE HURON MUNICIPAL BOAT BASIN RENOVATION PROJECT IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED FIFTY THOUSAND AND XX/100 DOLLARS (\$750,000.00); AND FURTHER AUTHORIZING THE CITY MANAGER TO ACCEPT SAID GRANT AWARD(S) IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED FIFTY THOUSAND AND XX/100 DOLLARS (\$750,000.00), SHOULD THE APPLICATION BE SUCCESSFUL.

WHEREAS, the City of Huron has made a Capital Budget Request Application to Ohio State representative Dick Stein for FY25 State of Ohio Capital Improvement Bill funding relating to the Huron Municipal Boat Basin Renovation Project (the "Project"); and

WHEREAS, the City meets basic eligibility requirements for funding; and

WHEREAS, the City of Huron has the authority to apply for financial assistance and to administer the amounts received from FY25 State of Ohio Capital Improvement Bill funding; and

WHEREAS, the City of Huron must direct and authorize the City Manager, Matthew Lasko, to act as the Authorized Representative for the application and Project, if awarded.

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

SECTION 1. That the Council of the City of Huron hereby ratifies submission of a Capital Budget Request to Ohio State Representative Dick Stein for FY25 State of Ohio Capital Improvement Bill funding assistance relating to the Huron Municipal Boat Basin Renovation Project in an amount not to exceed Seven Hundred Fifty Thousand and xx/100 Dollars (\$750,000.00).

SECTION 2. If grant funds are awarded, the City Manager is further authorized and directed to execute an agreement for and on behalf of the City of Huron, Ohio with the FY25 State of Ohio Capital Improvement Bill funding in an amount not to exceed Seven Hundred Fifty Thousand and xx/100 Dollars (\$750,000.00), and which agreement shall be on deposit with the Clerk of Council.

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

SECTION 4. That this Resolution shall go into effect and be in full force and effect immediately upon its passage.

Monty Tapp, Mayor

ATTEST: _____
Council Clerk

ADOPTED: _____



TO: Mayor Tapp and City Council
FROM: Doug Steinwart , Operations Manager
RE: Resolution No. 42-2024 (*submitted by Doug Steinwart*)
DATE: April 9, 2024

Subject Matter/Background

This legislation will allow staff to apply through Ohio Senator Nathan Manning's office for FY 2025/2026 Ohio Capital Improvement funding relating to the Huron Municipal Boat Basin Renovation Project in the amount of \$750,000 and accepts said grant funds if awarded.

Financial Review

If awarded, the City will continue to explore other grants and utilize municipal debt financing, if debt capacity limits allow, on the Huron Municipal Boat Basin Renovation Project. Any debt will be paid back through marina sales.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 42-2024 is in order.

[Resolution No. 42-2024 Senator Manning Capital Budget Request Boat Basin \\$750,000 \(2\).docx](#)

RESOLUTION NO. 42-2024

Introduced by Matt Grieves

A RESOLUTION RATIFYING SUBMISSION OF A CAPITAL BUDGET REQUEST APPLICATION TO OHIO STATE SENATOR NATHAN MANNING FOR FY25 STATE OF OHIO CAPITAL IMPROVEMENT BILL FUNDING RELATING TO THE HURON MUNICIPAL BOAT BASIN RENOVATION PROJECT IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED FIFTY THOUSAND AND XX/100 DOLLARS (\$750,000.00); AND FURTHER AUTHORIZING THE CITY MANAGER TO ACCEPT SAID GRANT AWARD(S) IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED FIFTY THOUSAND AND XX/100 DOLLARS (\$750,000.00), SHOULD THE APPLICATION BE SUCCESSFUL.

WHEREAS, the City of Huron has made a Capital Budget Request Application to Ohio State Senator Nathan Manning for FY25 State of Ohio Capital Improvement Bill funding relating to the Huron Municipal Boat Basin Renovation Project (the "Project"); and

WHEREAS, the City meets basic eligibility requirements for funding; and

WHEREAS, the City of Huron has the authority to apply for financial assistance and to administer the amounts received from FY25 State of Ohio Capital Improvement Bill funding; and

WHEREAS, the City of Huron must direct and authorize the City Manager, Matthew Lasko, to act as the Authorized Representative for the application and Project, if awarded.

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

SECTION 1. That the Council of the City of Huron hereby ratifies submission of a Capital Budget Request to Ohio State Senator Nathan Manning for FY25 State of Ohio Capital Improvement Bill funding assistance relating to the Huron Municipal Boat Basin Renovation Project in an amount not to exceed Seven Hundred Fifty Thousand and xx/100 Dollars (\$750,000.00).

SECTION 2. If grant funds are awarded, the City Manager is further authorized and directed to execute an agreement for and on behalf of the City of Huron, Ohio with the FY25 State of Ohio Capital Improvement Bill funding in an amount not to exceed Seven Hundred Fifty Thousand and xx/100 Dollars (\$750,000.00), and which agreement shall be on deposit with the Clerk of Council.

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

SECTION 4. That this Resolution shall go into effect and be in full force and effect immediately upon its passage.

Monty Tapp, Mayor

ATTEST: _____
Council Clerk

ADOPTED: _____



TO: Mayor Tapp and City Council
FROM: Stuart Hamilton , Service Director
RE: Resolution No. 43-2024 (*submitted by Stuart Hamilton*)
DATE: April 9, 2024

Subject Matter/Background

A house fire occurred at 304 Center St, the night of April 1st, 2024. The fire burned into the next day. Once the fire had been extinguished, the Building Official and Fire Chief inspected the structure and condemned it as structurally unsound and ordered it to be demolished as soon as possible due to safety concerns. Calls were made to find demolition availability, and Ed Burdue & Co. were first to respond with immediate availability. They were authorized to start demolition same day. Therefor we are seeking ratification of the demolition agreement.

Financial Review

The City will put a lien on the property to recoup the costs of the demolition. However, the property is currently delinquent on utility and property taxes payments. This will be paid out of the Property Maintenance 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 adopting Resolution No. 43-2024 is in order.

[Resolution No. 43-2024 Ed Burdue Demolish 304 Center Rd \\$30,000 \(1\).docx](#)

[Resolution No. 43-2024 Exh A Ed Burdue Demolition of 304 Center Street \\$30,000.pdf](#)

RESOLUTION NO. 43-2024

Introduced by Joe Dike

A RESOLUTION RATIFYING THE CITY MANAGER'S ACCEPTANCE OF A PROPOSAL WITH ED BURDUE & CO., LLC FOR DEMOLITION OF THE STRUCTURE(S) LOCATED AT 304 CENTER STREET, HURON, OHIO (ERIE COUNTY, OHIO PPN: 42-01608.000) IN AN AMOUNT NOT TO EXCEED THIRTY THOUSAND AND 00/100 DOLLARS (\$30,000.00).

WHEREAS, the residence structure located at 304 Center Street, Huron, OH 44839 (hereinafter, the "Property") was damaged by a house fire that started on April 1, 2024; and

WHEREAS, on April 2, 2024, Building Official John Zimmerman inspected the Property after the fire was extinguished, and determined that the structure had suffered extensive damage and was a hazard to the neighborhood and the City of Huron, in general; and

WHEREAS, Building Official John Zimmerman recommended that the entire structure be secured and razed as quickly as possible; and

WHEREAS, the City accepted the Proposal of Ed Burdue & Co., LLC to demolish the Property, which demolition began immediately on April 2, 2024; and

WHEREAS, this Council deems the demolition necessary and beneficial to the City to protect the health, safety and welfare of the public, and desires to ratify said proposal accordingly.

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

SECTION 1. That the City Manager's acceptance of a proposal with Ed Burdue & Co., LLC for demolition services relating to property located at 304 Center Street, Huron, OH 44839 in an amount not to exceed Thirty Thousand Dollars and 00/100 (\$30,000.00) is hereby ratified. A copy of the Proposal is attached hereto as Exhibit "A" and incorporated herein by reference.

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

SECTION 3. That this Resolution shall be in full force and effect from and immediately after its adoption.

Monty Tapp, Mayor

ATTEST:

Clerk of Council

ADOPTED:

Ed Burdue & Co. LLC
Excavating & Demolition Contractors
3025 Venice Rd.
Sandusky, Ohio 44870
Phone (419) 625-8121
Fax (419) 625-1330
An Equal Opportunity Employer

Proposal

April 3, 2024

To: City of Huron
417 Main St.
Huron, Ohio 44839

RE: Demolition of property – 302 Center St.

All work performed shall be in strict accordance with all current Federal, State, EPA and OSHA Regulations.

- 1.) Obtain demolition permit (if required)
- 2.) File 10 day notification of demolition with OEPA
- 3.) Cap sanitary sewer
- 4.) Demolish burned house structure (called in by Huron Fire Dept.)
- 5.) Remove all concrete sidewalks, foundations, floors
- 6.) **Backfill area with clean compactable fill.**
- 7.) Grade all surrounding area.
- 8.) Spread topsoil, seed, fertilizer and mulch.

Notes:

All work per City of Huron Specifications

Utilities to be disconnected by others (except sanitary sewer)

References and completed projects upon request

All workers have 10 day and supervisors have 30 day OSHA certifications

Insurance coverage of \$5,000,000.00 liability and workers compensation certificate will be provided upon request.

This quote may be withdrawn by Ed Burdue & Co. LLC if not accepted within 30 days.

This is a non-prevailing wage project.

This is an approx. estimate due to the quantity of backfill to be imported for the basement area. This was an emergency teardown and no observance was able to be made due to the burned structure.

Price: \$30,000.00

Thirty Thousand and 00/1100 dollars

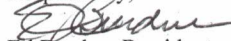
Payment Terms:

Net 30 days

Please sign proposal, if accepted and return.

If any questions, please call me at your earliest convenience.

Respectfully,


Ed Burdue, President
Ed Burdue & Co. LLC

Accepted By:

Signature: _____

Date: _____



TO: Mayor Tapp and City Council
FROM: Terry Graham
RE: Resolution No. 44-2024 (*submitted by Chief Terry Graham*)
DATE: April 9, 2024

Subject Matter/Background

The Ohio EMA has been granted funding from the Ohio legislature to reimburse county Emergency Management Agencies and first responders for eligible eclipse-related expenses. Eligible costs are limited to activities related to EOC operations and overtime for first responders and EMA staff.

Resolution 44-2024 authorizes submission of an application to the Ohio EMA by the City's Designated Agent Police Chief Terry Graham in an amount up to \$15,000. Overtime expenses for the City's Police and Fire Departments are not expected to go over that amount. While priority is given to Erie County due to it falling in the path of totality, the Ohio EMA's appropriation is still only \$1 Million, so eligible costs may not be fully reimbursed.

Financial Review

If awarded, the funds will offset Police and Fire's overtime expenses for the eclipse, which is currently budgeted out of their everyday operating budget.

Legal Review

The matter has been reviewed, follows normal legislative process and is properly before you.

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 44-2024 is in order.

[Resolution No. 44-2024 EMA Funding Eclipse Expenses \\$15,000 \(1\).docx](#)

RESOLUTION NO. 44-2024

Introduced by Sam Artino

A RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE OHIO EMERGENCY MANAGEMENT AGENCY FOR REIMBURSEMENT FUNDING FOR ELIGIBLE ECLIPSE-RELATED EXPENSES INCURRED BY THE CITY IN AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND AND XX/100 DOLLARS (\$15,000.00); AND FURTHER AUTHORIZING THE CITY MANAGER TO APPOINT THE CITY OF HURON POLICE CHIEF TERRY GRAHAM AS THE AUTHORIZED AGENT FOR THE CITY TO SUBMIT THE GRANT APPLICATION AND RECEIVE SAID FUNDS IN AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND AND XX/100 DOLLARS (\$15,000.00), IF THE GRANT IS AWARDED.

WHEREAS, the Ohio Emergency Management Agency ("Ohio EMA") has been granted funding from the Ohio Legislature to reimburse county Emergency Management Agencies and first responders within each county for eligible eclipse-related expenses; and

WHEREAS, eligible eclipse-related expenses are limited to activities related to traffic control and security operations, including equipment necessary to perform eligible work, and overtime for first responders, which may include certain dispatchers and public works employees while performing eclipse-related traffic control functions, between April 6 through April 9, 2024; and

WHEREAS, The City of Huron ("City") desires to seek grant funding from the Ohio EMA for reimbursement of eligible eclipse-related expenses; and

WHEREAS, the City meets basic eligibility requirements for funding, as the City is located within a priority county;

WHEREAS, the City has the authority to apply for financial assistance and to administer the amounts received from the Ohio EMA; and

WHEREAS, the City must direct and authorize the City Manager, Matthew Lasko, to appoint a person to serve as the Authorized Agent for the City to submit the application to the Ohio EMA for eligible eclipse-related expenses incurred by the City and to receive funds from the Ohio EMA, if the grant is awarded; and

WHEREAS, the City desires to have the City of Huron Police Chief Terry Graham appointed as the Authorized Agent for the City to submit the application to the Ohio EMA for reimbursement of eligible eclipse-related expenses and receive funds from the Ohio EMA, if the grant is awarded.

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

SECTION 1. That the Council of the City of Huron hereby authorizes the City Manager to appoint the City of Huron Police Chief Terry Graham as the Authorized Agent for the City to submit a grant application to the Ohio EMA for reimbursement of eligible eclipse-related expenses incurred by the City's in an amount not to exceed Fifteen Thousand and xx/100 Dollars (\$15,000.00).

SECTION 2. The City Manager is further authorized and directed to appoint the City of Huron Police Chief Terry Graham as the Authorized Agent for the City to receive from the Ohio EMA any grant funds awarded for reimbursement of eligible eclipse-related expenses incurred by the City in an amount not to exceed Fifteen Thousand and xx/100 Dollars (\$15,000.00).

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

SECTION 4. That this Resolution shall go into effect and be in full force and effect immediately upon its passage.

Monty Tapp, Mayor

ATTEST: _____
Council Clerk

ADOPTED: _____



TO: Mayor Tapp and City Council
FROM: Cory Swaisgood
RE: Resolution No. 45-2024 (*submitted by Captain Kurt Schafer*)
DATE: April 9, 2024

Subject Matter/Background

As submitted by Captain Kurt Schafer:

The third-party EMS billing company the City currently uses (Med 3000) gave the City and many other pre-hospital medical providers notification they would no longer provide service as of February of 2025. We were advised to start looking for a different EMS billing company. They were then breached by a cyber-attack and lost all ability to receive and bill out any EMS calls since February 18th. This expedited the need for us to find a new Billing company. After a brief search between myself and Cory we decided to proceed with this new billing company. The new company is called Medicount Management, Inc.

In exchange for the provision of billing services, the City will pay Medicount a base rate fee of 4.75% of the gross amount collected for emergency medical services, plus additional expenses and third-party costs directly incurred in performing the billing services. A flat fee of \$15 will be invoiced for Treat Non-Transport or Non-Transport if The City chooses to bill a patient for emergency medical services. The Client Services Agreement is for a period of four (4) years, and will automatically renew for successive 1-year terms, with each successive renewal term having a 0.25% increase in the base rate fee.

Financial Review

The base rate fee of 4.75% is lower than the current billing company's fee of 5.75%. The Fire Department spends approximately \$25,000 a year on EMS billing services. The new contract with Medicount is expected to cost the Fire Department approximately \$4,400 a year less than with the prior company. Medicount is also the billing vendor for all other communities in Erie County. Relationships are already established with local healthcare facilities making this a smooth transition for the Fire Department.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 45-2024 is in order.

[Resolution No. 45-2024 Medicount Ambulance Billing Agreement 4yr \(1\).docx](#)
[Resolution No. 45-2024 Exh A Medicount Client Services Agreement.pdf](#)

RESOLUTION NO. 45-2024
Introduced by Monty Tapp

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A 4-YEAR CLIENT SERVICES AGREEMENT WITH MEDICOUNT MANAGEMENT, INC. FOR PROVISION OF AMBULANCE BILLING SERVICES FOR THE HURON FIRE DEPARTMENT.

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

SECTION 1: That the City Manager is authorized and directed to enter into a four (4)-year Client Services Agreement with Medicount Management, Inc. for the provision of ambulance/EMS billing services for the Huron Fire Department. A copy of the Client Services Agreement is attached hereto as Exhibit "A" and incorporated hereby by reference.

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

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

Monty Tapp, Mayor

ATTEST:

Clerk of Council

ADOPTED:

CLIENT SERVICES AGREEMENT

This Client Services Agreement (“Agreement”) entered into as of the ____ day of _____, 2024 (the “Effective Date”) by and between Medicount Management, Inc. (“Medicount”) and **CITY OF HURON FIRE DEPARTMENT, ERIE COUNTY, OHIO** (“EMS Agency”). Medicount and EMS Agency are individually a “Party” and collectively the “Parties”.

WHEREAS, EMS Agency provides emergency medical services (“EM Services”); and

WHEREAS, EMS Agency desires to retain Medicount to provide billing services for such EM Services pursuant to the terms and conditions in this Agreement.

NOW, THEREFORE, it is agreed between the Parties as follows:

1. **Billing Services.** Subject to the terms and conditions of this Agreement, EMS Agency hereby appoints Medicount as its exclusive billing agent for EM Services during the Term (defined hereafter). Medicount will provide EMS Agency with the billing services described in this Agreement and in **Exhibit A**, which is attached hereto and incorporated herein, as the same may be modified by the Parties from time to time (“Billing Services”).
2. **EMS Agency Obligations.** To facilitate the performance of the Billing Services, EMS Agency shall cooperate with Medicount and will fulfill the obligations outlined in this Agreement and in **Exhibit B**, which is attached hereto and incorporated herein, as the same may be modified by the Parties from time to time.
3. **Legal Compliance.** Notwithstanding anything to the contrary contained herein, EMS Agency acknowledges that it has read, understands, and will comply with all applicable local, state and federal laws, rules and regulations now existing or existing in the future (“Laws”) in submitting any claim and will provide Medicount with accurate and complete information for the submission of any claim on its behalf, including but not limited to the signature requirements outlined in this Agreement. Medicount will not accept any orders or demands from EMS Agency that it reasonably believes are not in compliance with applicable Laws and any submission of such orders or demands are grounds for immediate termination of this Agreement.
4. **Compensation.**
 - a. In exchange for the provision of the Billing Services, EMS Agency shall pay Medicount:
 - (i) a base rate fee equal to **4.75%** of the gross amount collected by Medicount and/or EMS Agency for EM Services (less refunds, “offsets” and deductions incurred by Medicount or EMS Agency for expenses and/or processing fees (including credit card processing fees) incurred in collecting monies owed for EM Services); (ii) if applicable,

the Flat Fee described in Section 4(c); plus (iii) any additional fees set forth herein or in any exhibit or addenda attached hereto, including but not limited to Third Party Costs defined in Section 4(b) and audit response rates described on Exhibit B (collectively, “Medicount Compensation”).

- b. EMS Agency will reimburse Medicount for all reasonable expenses and third party costs directly incurred in performing the Billing Services, including, but not limited to: (i) any fees assessed by governmental agencies or insurance providers for required provider numbers, licensing, certification, and recertification applications; (ii) any significant increases in the United States Postal Service rates or shipping rates; (iii) any ePCR billing software license fees or hardware purchased for use by EMS Agency that is charged to or paid by Medicount (collectively, “Third Party Costs”). Third Party Costs shall be invoiced monthly by Medicount to EMS Agency as costs are incurred and such Third-Party Costs will be reasonably substantiated by Medicount upon EMS Agency’s request.
- c. EMS Agency agrees to pay Medicount a flat fee if either of the following occur:
 - i. If EMS Agency chooses to bill a patient for EM Services which involve a Treat Non-Transport or a Non-Transport, such bills will be invoiced at a flat fee of \$15.00 per call, regardless of the charge amount and amount collected.
 - ii. If EMS Agency bills a healthcare facility or prison/jail facility for EM Services which transport a patient between two healthcare facilities or transport an incarcerated individual to a healthcare facility and the facility has been billed directly and does not pay for the billed charges after 90 days from the bill’s date, EMS Agency shall pay Medicount a flat fee of \$15.00 per call regardless of the charge amount and the amount collected.

5. Collection of Funds.

- a. Medicount will process all payments it receives from patients, third-party payors, or other billed parties for EM Services. Medicount will remit such funds to the EMS Agency according to the terms and conditions of this Agreement. In the event EMS Agency receives payments directly from insurance companies, billed parties, and governmental agencies for EM Services, EMS Agency shall keep records of all payments received and shall immediately notify Medicount of the payor, amount of payment, and patient identification.
- b. Funds for the EM Services may be remitted to either EMS Agency or Medicount, with Medicare and Medicaid remitting payments directly to the EMS Agency daily and funds from insurance companies and other payors paid directly to Medicount. EMS Agency acknowledges that the Medicount Compensation is due on all funds received by either Medicount or EMS Agency for EM Services. Medicount will provide a monthly statement

to the EMS Agency setting forth the total funds received by EMS Agency and Medicount through the end of the prior calendar month and the Medicount Compensation (including Third Party Costs) due thereon. Medicount is hereby authorized to deduct the Medicount Compensation due from EMS Agency funds paid directly to Medicount. All remaining funds shall be remitted to EMS Agency monthly by ACH no later than the 28th day of each calendar month.

- c. EMS Agency authorizes Medicount to accept the following types of payments from patients for EM Services: checks, electronic checks, and ACHs, as well as the following credit cards – MasterCard, Visa, Discover, and American Express. A credit card processing fee is assessed to the patient and insurance provider, as applicable.
 - d. EMS Agency acknowledges that Paid to Patient Claims (“PDPTs”) are insurance claim payments paid directly to a resident/patient for the EM Service. If EMS Agency has chosen an insurance only billing policy and does not invoice a resident/patient for the EM Service and the resident/patient receives a PDPT from the applicable insurance company, Medicount may invoice the resident/patient an amount equal to the PDPT.
6. **Reporting.** Medicount will provide EMS Agency with commercially reasonable, Internet based access to review standard billing reports. Additional reports will be provided on an ad hoc basis to EMS Agency as requested at no additional cost unless the requested reports are outside the EMS billing business’s ordinary course.
7. **Security.**
- a. The Parties acknowledge that certain information provided by EMS Agency to Medicount may contain Protected Health Information (“PHI”) as defined under the Health Insurance Portability and Accountability Act (“HIPAA”) and the Health Information Technology for Clinical Health Act (“HITECH Act”). In providing Billing Services, Medicount is acting as a Business Associate as defined under HIPAA. Accordingly, the Parties shall be subject to and shall execute the Business Associate Addendum attached hereto as **Exhibit C.**
 - b. EMS Agency agrees that it shall be responsible for the maintenance of PHI maintained and stored by the EMS Agency in accordance with applicable Laws. To the extent that Medicount provides any collection devices to assist in the provision of Billing Services hereunder, EMS Agency shall be responsible for its users’ activity. EMS Agency shall immediately notify Medicount of, and use its best efforts to curtail, any of the following events (collectively a “Security Breach Event”): (i) any unauthorized use of any password or account or a known or suspected breach of security; (ii) any copying or distribution of any PHI; (iii) any use of false identity information to gain access to any of the Billing Services; or (iv) any loss or theft of any hardware device on which a user has access to PHI or other information relevant to the Billing Services. If any Security Breach Event involves PHI and other personally identifiable information, EMS Agency shall comply

with applicable notification requirements including, but not limited to, the breach notification requirements under the HITECH Act and any other notification requirements mandated by applicable Laws. To the extent that any patient requests and requires identity theft protection in connection with the disclosure of any PHI or personally identifiable information resulting from any Security Breach Event, the EMS Agency shall be responsible for all costs related to such protection.

8. **Record Retention.** Upon any termination of this Agreement, Medicount will make available to EMS Agency Billing Services records including, but not limited to, all patient information, monthly summaries, quarterly summaries, insurance information, insurance provider numbers, and any other records for a complete and secure download in the format in which such records are maintained by Medicount. EMS Agency hereby acknowledges that such records may be maintained by Medicount in SQL or other formats and if EMS Agency requests that such records be produced in some other format, EMS Agency shall be responsible for such costs. Such records shall be maintained and archived in accordance with Medicount's record retention policy and/or the applicable policy of any third party document storage provider.
9. **Exclusionary Rule Warranty.** EMS Agency acknowledges the Department of Health & Human Services Office of Inspector General ("OIG") has authority to exclude individuals and entities from federally funded health care programs (the "Exclusionary Rule"). OIG maintains and publishes a List of Excluded Individuals/Entities ("LEIE") who are excluded from participation in Medicare, Medicaid, and other federal health care programs. EMS Agency represents and warrants that it (a) has checked LEIE to confirm that none of its employees or agents is listed on LEIE or is otherwise prohibited from participating in federal health care programs; (b) will check LEIE monthly to confirm that none of its employees or agents has been added to LEIE or is otherwise prohibited from participating in federal health care programs; (c) will check LEIE before hiring any new employee to ensure the candidate is not listed on LEIE or is otherwise prohibited from participating in federal health care programs.
10. **Term; Termination.**
 - a. This Agreement shall commence upon the Effective Date and shall continue for a period of **Four (4) years** (the "Initial Term"). Unless formally extended by written agreement signed by both Parties prior to the termination of the Initial Term or any Renewal Term, this Agreement shall automatically renew for successive one (1) year terms (each a "Renewal Term") unless either Party provides written notice to the other Party of its intent not to renew the Agreement not less than one hundred eighty (180) days prior to the end of the Initial Term or the Renewal Term then in effect. Upon the commencement of the first Renewal Term, the base rate fee identified in Section 4(a)(i) shall increase by .25% over the initial base rate then in effect. For each successive Renewal Term, the base rate fee shall increase by .25% over the rate for the immediately prior Renewal Term. The Initial Term and any Renewal Terms are collectively the "Term".

- b. This Agreement may be terminated (i) upon a material breach by either Party if such breaching party fails to cure a payment default within thirty (30) days of written notice of such default; (ii) upon sixty (60) days written notice of any other material default which is not cured within such sixty (60) day period; and (iii) The EMS Agency agrees that unhappiness, lack of desired utility, or the desire for a specific feature does not constitute a material breach and is not sufficient grounds for delayed payment or termination; (iv) as otherwise provided in this Agreement”.
11. **Effect of Termination; Wind Down Period.** Upon any termination of this Agreement or its expiration, all rights, duties, and obligations of the Parties shall cease effective as the of termination or expiration date, except as provided in this Section 11. Medicount may continue providing Billing Services to work any claims billed before the termination for up to six months. Upon termination or expiration hereof, Medicount may continue providing patient and insurance company receivable services for One hundred eighty (180) days (the “Wind Down Period”) to collect all EMS Agency’s accounts receivable relating to EM Services rendered before the termination date (“Existing Accounts Receivable”). During the Wind Down Period, Medicount shall continue to receive the Medicount Compensation and EMS Agency shall cooperate and assist Medicount by timely reporting payments received by EMS Agency related to the Existing Accounts Receivable. Upon expiration of the Wind-Down Period, Medicount shall prepare a final accounting of all monies received by it or EMS Agency for EM Services and Existing Accounts Receivable and shall invoice EMS Agency for any fees or monies due to Medicount. EMS Agency may negotiate with Medicount for additional transitional services or the provision of additional data after the date of termination at EMS Agency’s expense. Following termination or expiration hereof, the Parties shall remain bound by any confidentiality obligations outlined in this Agreement.
12. **Contractor Relationship.** Medicount is acting as an independent contractor for EMS Agency, and it is not, nor shall it act as, an EMS Agency employee. Nothing in this Agreement shall be construed to create any partnership between the Parties.
13. **Notice.** Any notice given under this Agreement shall be in writing and delivered to the Party by certified, registered, or express mail, return receipt requested, to the address set forth under each Party’s signature. Either Party may change the address to which notice or payment shall be sent by written notice of same.
14. **Miscellaneous.**
- a. **Entire Agreement; Amendments.** This Agreement, including all exhibits, states the entire Agreement between the parties concerning the subject matter and supersedes all prior written and verbal understanding of the Parties concerning it. Any amendments or changes to this Agreement must be made in writing and executed by the Parties.

- b. Governing Law; Venue. This Agreement shall be deemed governed by and construed in accordance with the laws of the State of Ohio without reference to any conflict of law provisions. The Parties agree that any dispute arising out of or related to this Agreement shall be resolved in the state or federal courts located in the counties or counties where EMS Agency operates.
- c. Assignment. The EMS Agency may not assign this Agreement in whole or in part without the express written consent of Medicount. Medicount may assign this Agreement as part of a merger, consolidation, sale or transfer of all or substantially all of its assets.
- d. Severability. All provisions and parts of this Agreement are severable from the other.
- e. Counterparts. This Agreement may be executed in one or more counterparts, each of which when executed and delivered shall be an original, and all of which when executed shall constitute one and the same instrument. Signatures delivered by email in PDF format will be effective.

IN WITNESS, OF WHICH, the Parties executed this Agreement as of the Effective Date.

EMS AGENCY:

CITY OF HURON FIRE DEPARTMENT

MEDICOUNT MANAGEMENT, INC.

By: _____

By: _____

Print Name: _____

Print Name: Joseph A. Newcomb

Title: _____

Title: President

Date: _____

Date: _____

Address:

Address: 10361 Spartan Drive
Cincinnati, OH 45215

EXHIBIT A

BILLING SERVICES PROVIDED BY MEDICOUNT

1. **Responsibilities of Medicount.** Medicount's provision of the Billing Services in no way negates the responsibility of EMS Agency to comply with its billing policies, applicable Laws, and this Agreement.
 - a. Medicount will assist EMS Agency, as necessary, to complete and submit credentialing applications to Medicare, Medicaid, and any third-party payor for the group and individual provider numbers when required for billing purposes.
 - b. Medicount will review the billing policies of EMS Agency and assist with development of policies and procedures in accordance with applicable Laws.
 - c. Medicount shall, if required, develop and maintain electronic data interfaces directly with EMS Agency's hospital service sites (to the extent permitted by such sites) to collect patient demographic data. EMS Agency will use its best efforts to cooperate with and otherwise assist Medicount in developing and maintaining such interfaces, including, but not limited to, communicating directly with hospital information technology staff, administration, and other staff members to authorize and otherwise enable the system.
 - d. Medicount will provide basic training to EMS Agency management personnel to facilitate the Billing Services upon commencement of the Agreement and thereafter as agreed to by the Parties.
 - e. Medicount will promptly process patient encounter information submitted by the EMS Agency and use the following using the Centers for Medicare and Medicaid Services ("CMS") Adopted Standards and Code Sets. Medicount will bill for EMS Services within guidelines established by EMS Agency and the insurance or third-party payor to whom the claim is submitted, provided in all cases such Billing Services will be in accordance with applicable Law, any billing policy adopted by EMS Agency, and this Agreement.
 - f. Medicount will use commercially reasonable efforts to accurately enter into its billing system all procedural and demographic data necessary for the patient third-party billing, provided, however, that EMS Agency shall remain responsible for providing accurate and complete information to Medicount.
 - g. Medicount will submit claims using the most effective means available for each payor. Electronic filing will be used to the extent available and when mandated.
 - h. Medicount will communicate with patients and third-party payors on a regular monthly cycle based on EMS Agency guidelines. Up to three (3) attempts will be made to

communicate with patients where there is inadequate information for EM Services billing purposes. Medicount may use automatic dialing systems to obtain missing insurance information and other information needed to process the billing claim for EMS Agency. Medicount shall exercise its sole discretion as to the form and substance of any automatic-dialing-system dialogue.

- i. Medicount will provide toll-free phone lines and customer service staff to respond to patient inquiries and otherwise assist patients with copayments, insurance claims, and other related matters.
 - j. Medicount will correspond with third-party payors to resolve any coding misinterpretations or other issues that may arise during claims processing and settlement and otherwise remain current on payors' claim-information requirements.
 - k. Medicount will advise EMS Agency on how to promote public awareness about the billing process, establishing rates, payor participation, and other topics as mutually agreed.
 - l. Medicount will undergo an annual SSAE 21 SOC 1 Type 2 audit and provide results to the EMS Agency upon request.
 - m. Medicount will respond to requests for information from attorneys representing patients using ChartSwap.
2. **Amendment of Exhibit.** The Parties may amend this Exhibit A from time to time upon mutual written Agreement.

EXHIBIT B
RESPONSIBILITIES OF EMS AGENCY

- 1. Responsibilities of EMS Agency.** The responsibilities listed on this Exhibit B is in no way a limitation of the requirement that EMS Agency comply with its billing policies, applicable Laws, and this Agreement.
- a. EMS Agency will identify one administrative and one clinical representative to whom Medicount may address all matters related to Billing Services and this Agreement. Such representatives will have the power to bind the EMS Agency and will timely respond to questions and additional document requests of Medicount.
 - b. EMS Agency represents and warrants that all information provided to Medicount shall be accurate and complete. EMS Agency shall be solely responsible for information accuracy, and Medicount shall have no obligation to verify the accuracy of information provided by the EMS Agency.
 - c. EMS Agency will establish and enforce written policies and procedures in relation to the Billing Services, which will in all cases comply with applicable Laws and this Agreement.
 - i. **If the EMS Agency wishes to avail itself to the Medicare ALS Assessment rule, the EMS Agency will provide Medicount with applicable dispatch and treatment protocols to allow Medicount to make appropriate billing decisions.**
 - ii. **If Medicount does not receive such dispatch and treatment protocols, it will not be able to avail the EMS Agency to the Medicare “ALS Assessment rule.” In this case, ALS level billing decisions will be based on ALS services rendered.**
 - iii. **In all cases, ALS services must still be medically necessary, which is why treatment protocols are also important.**
 - d. EMS Agency will provide Medicount with all information and otherwise complete and obtain signatures (patient, crew, physician or other authorized individuals) on all documents, charts, and other information needed to enable Medicount to submit claims on behalf of EMS Agency in compliance with applicable Laws. EMS Agency represents and warrants that it will obtain, at a minimum, the information and forms described in this Section (d), which no way limits EMS Agency’s requirement to provide accurate and complete information in accordance with applicable Laws. EMS Agency agrees that Medicount may rely upon the existence of patient and crew signatures, or other authorizations submitted to Medicount in conformance with applicable Laws, including those rules specified on **Exhibit F** and otherwise described in this Agreement.

- i. Patient's complete name, gender, address, phone number, social security number (if available), and date of birth;
- ii. Information pertaining to the EM Services run including, but not limited to, nature of the call, incident location and zip code, squad assessment, treatment and narrative, crew-member identifiers and training levels, receiving hospital, and transport mileage;
- iii. Insurance information includes the patient's primary and secondary insurances, payor address(es), group, guarantor identification number, primary insured's name, social security number, relationship to the patient, address, date of birth, and gender, if available.
- iv. Assignment of Benefits form with required signatures;
- v. Medical information releases with required signatures;
- vi. Advance Beneficiary Notice of Noncoverage form with required signatures ;
- vii. Certificate of Medical Necessity form with required signatures;
- viii. If required, physician signatures on medical charts and other necessary medical documents that meet Medicare guidelines; and
- ix. Crew Signatures and/or Signature Log

<p style="text-align: center;"><u>ALL SIGNATURES (PATIENT & CREW) PER MEDICARE RULES MUST BE LEGIBLE</u></p>

- e. EMS Agency will use their best efforts to document the diagnosis or medical condition that supports the medical necessity of a patient's services if one exists. Medicount shall not be responsible for claim denials, partial payments, or payment reductions resulting from EM Services that are not deemed **Medically Necessary** by third-party payors.
- f. EMS Agency will assist Medicount in resolving issues and otherwise facilitating the exchange of information between Medicount and any hospitals, labs, or other entities necessary to support claims' submission and will timely provide any information requested by patients or third-party payors.
- g. When applicable, the EMS Agency will timely refund any overpayments to patients or insurance providers or authorize Medicount to make such refunds on EMS Agency's behalf.
- h. Before, or contemporaneously with, execution of this Agreement, EMS Agency will provide to Medicount any information required to enable Medicount to establish claims and payments processing with Medicare, Medicaid, insurance companies, and third-party payors, including but not limited to any insurance provider numbers issued to EMS Agency, copies of EMS Agency certifications, copies of any applicable driver licenses, licensed EM Services vehicle titles, licensures from the State Department of Health, any provider applications completed or currently in process by any provider, and any other information necessary for credentialing.

- i. EMS Agency will assist Medicount with EMS Agency's Medicare and Medicaid applications and revalidations in a timely manner. EMS Agency will promptly forward all correspondence from Medicare, Medicaid, insurance companies, and other third-party payors to Medicount. EMS Agency will provide Medicount with timely notice of any new payment contracts, HMO or PPO relationships, or other contracts so that Medicount may accommodate changes as necessary.
- j. EMS Agency shall provide Medicount with at least thirty (30) days' advance written notice of any EM Services changes and any applicable BLS, ALS, ALS2, and mileage rate changes. No rate change shall be applicable until the EMS Agency has received written confirmation from Medicount acknowledging the rate change notice. Upon such rate change, the EMS Agency agrees to monitor relevant Medicount reports to confirm that the rate changes are implemented. Medicount shall not be responsible for any losses, payment delays, or lost revenue resulting from the EMS Agency's failure to follow the above policy.
- k. EMS Agency agrees to abide by Medicount's Patient Hardship Policy attached hereto as **Exhibit D** unless the EMS Agency has its own written policy, which Medicount will follow.
- l. EMS Agency shall review and audit Medicount's billing reports monthly to verify the accuracy of the reports including, but not limited to, implementation of rate changes, the number of runs and mileage submitted to Medicount, information sufficient to determine ALS and BLS coding, and any other information submitted to Medicount for billing purposes. EMS Agency shall promptly report any errors to Medicount, but in any event no later than ninety (90) days following the submission of the run to Medicount by EMS Agency. The EMS Agency shall reconcile its bank accounts for the deposit of monthly EMS payments with reports made available to the EMS Agency through Medicount's Customer Portal. The EMS Agency shall promptly report any discrepancy or deposit not reflected on Medicount's statement to ensure a proper accounting and appropriate accrediting of patient accounts. Such notice shall be provided in writing within thirty (30) days of the bank statement date. To the extent possible, Medicount shall submit or resubmit any paperwork necessary to correct such errors. If the EMS Agency fails to identify and notify Medicount of any errors within ninety (90) days following the run(s) submission, EMS Agency waives any claim it may have against Medicount for such errors.
- m. EMS Agency shall use Medicount's Write Off Policy attached hereto as **Exhibit E** unless Medicount has received and acknowledged receipt of a policy EMS Agency which dictates how write offs are handled.

- n. EMS Agency will grant Medicount full access to its ePCR software to enable Medicount to assist in solving any issues that may arise.
 - o. In the event of an outside audit request, EMS Agency agrees to reimburse Medicount at the hourly rate of \$150.00 per hour plus reasonable expenses incurred by Medicount in responding to such audit, including but not limited to the cost of document reproduction and legal fees.
2. **Amendment of Exhibit.** The Parties may amend Exhibit B from time to time upon mutual written Agreement.

EXHIBIT C
Business Associate Addendum

This Addendum is effective on the ____ day of _____ 2024 (the “Effective Date”) and is made part of the Client Services Agreement (“Agreement”) by and between **CITY OF HURON FIRE DEPARTMENT** (“EMS Agency”) and **MEDICOUNT MANAGEMENT, INC.** (“Business Associate”) dated of even date herewith.

1. **Definitions.** Capitalized terms not otherwise defined in the Agreement shall have the meanings given to them in the Security, Breach Notification, and Enforcement Rules (the “HIPAA Rules”) as contained in Title 45, Parts 160 and 164 of the Code of Federal Regulations as the same may be amended, restated, supplemented or replaced (“CFR”) and are incorporated herein by reference.
2. **Prohibition on Unauthorized Use or Disclosure of Protected Health Information.** Business Associate acknowledges that any Protected Health Information (“PHI”) provided to Business Associate by EMS Agency or any PHI created, maintained or transmitted by Business Associate or any authorized subcontractor or agent in connection with providing services to, or on behalf of EMS Agency, shall be subject to this Addendum. Business Associate shall not use or disclose any PHI it receives, creates, maintains or transmits, except as permitted or required by the Agreement or as otherwise required by law or authorized in writing by EMS Agency, and then only if such use or disclosure would not violate the Privacy Rule if used or disclosed by EMS Agency. Business Associate shall comply with: (a) the HIPAA Rules as if Business Associate was a Covered Provider under such rules; (b) state laws, rules and regulations that apply to PHI and that are not preempted by the HIPAA Rules or the Employee Retirement Income Security Act of 1974 (“ERISA”) as amended; and (c) EMS Agency’s Health Information Privacy and Security Policies and Procedures as the same may be amended, restated, supplements or replaced.
3. **Use and Disclosure of Protected Health Information.** Except as otherwise permitted herein, Business Associate shall use and disclose PHI only to the extent necessary to satisfy Business Associate’s obligations under the Agreement or as required by law.
4. **Business Associate’s Operations.** Business Associate also may use PHI it creates for or receives from EMS Agency to the extent necessary for Business Associate’s proper management and administration or to carry out Business Associate’s legal responsibilities under the Agreement and hereunder. Business Associate may disclose PHI as necessary for such purposes only if:
 - a. The disclosure is required by law; or
 - b. Business Associate obtains reasonable assurance, evidenced by a written contract, from any person or organization to which Business Associate will disclose PHI that

such person or organization agrees to abide by the terms and conditions of this Addendum and specifically to: (i) hold such PHI in confidence and use or further disclose it only for the purpose for which Business Associate disclosed it to the person or organization or as required by law; and (ii) notify Business Associate (who shall then promptly notify EMS Agency) of any instance of which the person or organization becomes aware that the confidentiality of such PHI was breached.

5. **Data Aggregation Services.** Business Associate may use PHI to provide Data Aggregation Services related to EMS Agency's emergency medical services. Notwithstanding the preceding, Business Associate hereby acknowledges that it may not sell any PHI except as otherwise permitted under the HIPAA Rules.
6. **PHI Safeguards.** Business Associate shall develop, implement, maintain, and use appropriate administrative, technical, and physical safeguards to prevent the improper use or disclosure of any PHI received from or on behalf of EMS Agency.
7. **Electronic Health Information Security and Integrity.** Business Associate shall develop, implement, maintain, and use appropriate administrative, technical, and physical security measures and safeguards in compliance with the HIPAA Rules and other applicable laws and regulations to preserve the integrity and confidentiality of all electronically-maintained or transmitted PHI that Business Associate creates, maintains, transmits and/or receives from or on behalf of EMS Agency pertaining to an Individual. Business Associate shall document and keep these security measures current.
8. **Subcontractors and Agents.** Business Associate shall require each subcontractor or agent to whom it may provide PHI or Health Information received from or on behalf of EMS Agency or who otherwise create, receive, maintain, or transmit PHI on behalf of Business Associate to agree to the same restrictions, conditions, and requirements as to the protection of such PHI as are imposed on Business Associate by this Addendum.
9. **Access to PHI by Individuals.** Business Associate agrees to provide access, at the request of EMS Agency and during normal business hours, to PHI in a Designated Record Set to EMS Agency or, as directed by EMS Agency, to an Individual or an Individual's designee in order to meet the requirements of Section 164.524 of the CFR provided that EMS Agency delivers to Business Associate a written notice at least five (5) business days before the date on which access is requested. Subject to such notice requirements, Business Associate shall permit an Individual or an Individual's designee to inspect and copy PHI pertaining to such Individual in Business Associate's custody or control. Business Associate shall establish procedures for access to the PHI maintained by Business Associate in Designated Record Sets in the time and manner designated by EMS Agency to enable EMS Agency to fulfill its obligations under the HIPAA Rules. Business Associate shall produce PHI in electronic format if Individual requests such PHI to be delivered in such format and the PHI is readily producible in such format.

10. **Accounting to EMS Agency and Government Agencies.** Unless otherwise protected or prohibited from discovery or disclosure by law, Business Associate shall make its internal practices, books, and records relating to the use and disclosure of PHI received from or on behalf of EMS Agency or created, maintained, or transmitted by Business Associate available to EMS Agency and to the Secretary or its designee for the purpose of providing an accounting of disclosures to an Individual or an Individual's designee or determining Business Associate's compliance with the HIPAA Rules. Business Associate shall have a reasonable time within which to comply with a written request for such access to PHI and in no case will Business Associate be required to provide access earlier than at least five (5) business days before the receipt of written notice of the requested access date unless otherwise designated by the Secretary.
11. **Accounting to Individuals.** Business Associate agrees to maintain necessary and sufficient documentation of disclosures of PHI as would be required for EMS Agency to respond to a request by an Individual for an accounting of such disclosures in accordance with 45 CFR Section 164.528. Upon the request of EMS Agency, Business Associate shall provide documentation made by this Agreement to permit EMS Agency to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with Title 45, Part 164, Section 164.528 of the HIPAA Rules. Business Associate shall have a reasonable time within which to comply with such a request from EMS Agency and in no case shall Business Associate be required to provide such documentation in less than five (5) business days of Business Associate's receipt of such request. Except as provided for in this Agreement, if Business Associate receives a request for access to PHI, an amendment of PHI, an accounting of disclosure, or other similar requests directly from an Individual, Business Associate will redirect the Individual to the EMS Agency.
12. **Correction of Health Information/ Restriction on Disclosure.** Business Associate shall, upon receipt of notice from EMS Agency, promptly amend or correct PHI received from or on behalf of EMS Agency. Business Associate shall promptly identify and provide notice of such amendment to all agents and subcontractors who create, maintain, or rely on the PHI that is the subject of the amendment. Business Associate further agrees to comply with any restrictions on the disclosure of an Individual's PHI subject to the applicable limits under the HIPAA Rules.
13. **Minimum Necessary Determination.** Business Associate shall use its professional judgment to determine the minimum amount and type of PHI necessary to fulfill its obligations under the Agreement. Business Associate represents that it will request only the minimum necessary PHI in connection with its performance of duties under this Agreement. Business Associate acknowledges that EMS Agency will rely on its determination for compliance with the minimum necessary standards under Title 45, Parts 160 and 164 of the CFR.

14. **Reporting.** Business Associate shall report to EMS Agency any unauthorized use or disclosure of PHI of which it becomes aware that is not provided for in this Agreement, including breaches of unsecured PHI and any security incident. Business Associate shall report such unauthorized use or disclosure to EMS Agency's Privacy Official no later than 10 business days after Business Associate learns of such breach or security incident. Business Associate's report shall at minimum: (a) state the nature of the unauthorized use or disclosure of PHI; (b) identify the PHI used or disclosed; (c) identify the unauthorized user or recipient of the disclosure; (d) indicate what Business Associate has done or will do to mitigate any deleterious effect of the unauthorized use or disclosure; (e) indicate what corrective action Business Associate has taken or shall take to prevent future similar unauthorized use or disclosure; and (f) provide such other information, including a written report, as reasonably requested by EMS Agency's Privacy Official.

15. **Obligations of EMS Agency.**

- (a) EMS Agency shall notify Business Associate of any limitations in the privacy practices of EMS Agency under 45 CFR Section 164.520, to the extent that such limitation may affect Business Associate's use or disclosure of PHI.
- (b) EMS Agency shall notify Business Associate of any changes in, or revocation of, the permission by an Individual to use or disclose his or her PHI, to the extent that such changes may affect Business Associate's use or disclosure of PHI;
- (c) EMS Agency shall notify Business Associate of any restriction on the use or disclosure of PHI that EMS Agency has agreed to or is required to abide by under 45 CFR Section 162.522, to the extent that such restriction may affect Business Associate's use or disclosure of PHI.

16. **Right to Terminate for Breach.** Notwithstanding any other provision of this Agreement, EMS Agency shall have the right to terminate the Agreement if it determines, in its sole discretion, that Business Associate has violated a material term of this Addendum or any provision of Title 45, Parts 160 and 164 of the CFR. EMS Agency may exercise this right by providing written notice to the Business Associate of termination, with such notice stating the violation that provides the basis for the termination. Any such termination shall be effective immediately or at such other date specified by EMS Agency in its written notice.

17. **Return or Destruction of Health Information.** Upon termination, cancellation, expiration, or another conclusion of this Agreement, Business Associate, concerning PHI receipt from EMS Agency, or created, maintained, or received by Business Associate on behalf of EMS Agency, shall:

- (a) Retain only that PHI necessary for Business Associate to continue its proper management and administration or to carry out its legal responsibility.
- (b) Return to EMS Agency or, if agreed to by EMS Agency, destroy the remaining PHI maintained by Business Associate in any form;
- (c) Continue to use appropriate safeguards and comply with the HIPAA Rules with respect to electronic PHI to prevent use or disclosure of the PHI other than as provided for in this Section, for as long as Business Associate retains the PHI;
- (d) Not use or disclose the PHI retained by Business Associate other than for the purposes for which such PHI was retained and subject to the same conditions set out herein that applied before termination;
- (e) Return to EMS Agency the retained PHI when Business Associate no longer needs it for its proper management and administration or to carry out its legal responsibilities; and
- (f) Transmit the PHI to another EMS Agency Business Associate at termination as requested by the EMS Agency.

18. **Continuing Obligations.** Business Associate's obligation to protect PHI received from or on behalf of EMS Agency shall be continuous and shall survive any termination, cancellation, expiration, or other conclusions of the Agreement.

19. **Automatic Amendment.** Upon the effective date of any amendment to the HIPAA Rules, the Agreement shall automatically be amended such that the obligations imposed on Business Associate as a Business Associate remains in compliance with such regulations.

IN WITNESS, WHEREOF, the Parties have executed this Addendum as of the Effective Date

EMS AGENCY:
CITY OF HURON FIRE DEPARTMENT

BUSINESS ASSOCIATE:
MEDICOUNT MANAGEMENT, INC.

By: _____ ?

By: _____

Print Name: _____ ?

Print Name: Joseph A. Newcomb

Title: _____ ?

Title: President

EXHIBIT D

PATIENT HARDSHIP POLICY (if applicable)

To establish a billing policy that allows for the waiver of ambulance transport fees based on established Department of Health and Human Services Poverty Guidelines, and to abide by decisions made by the United States Department of Health and Human Services, Centers for Medicare & Medicaid Services, and the Office of Inspector General (OIG).

SCOPE:

This policy pertains to all individuals transported by clients of Medicount Management, Inc. (MMI).

PROCEDURE:

1. Patients who are unable to pay their co-pays or deductibles or who are uninsured and unable to make payments may request a financial hardship review of their transport fee. Patients, or their designee, must complete an “EMS Hardship Waiver Form” which form requires inclusion of documentation to verify necessity of waiver.
2. The waiver application will be forwarded to the patient or patient’s representative for completion & return to Medicount. The ultimate determination will be noted on the form and in the patient’s account and transmitted by letter to the patient.

GUIDELINES:

1. If insurance information is provided, insurance must be billed out before a waiver request is approved or denied.
2. Payment plans will be set up so that the provided credit card is automatically charged the agreed to amount on a monthly basis.
3. A minimum \$50 per month payment plan will be implemented when possible.
4. A patient who provides a letter of approval of financial assistance from a medical facility will be approved by MMI for the same reduction amount unless the EMS Agency’s policy regarding write offs provides otherwise
5. A balance of approximately \$100 or less may be written off based on the patient’s economic circumstances.

Financial hardship determinations will be based on the following schedule (excluding collection clients):

2024 Poverty Guidelines: 48 Contiguous States (all states except Alaska and Hawaii)

Per Year												
Household/ Family Size	50%	75%	100%	125%	130%	133%	135%	138%	150%	175%	180%	185%
1	7,530.00	11,295.00	15,060.00	18,825.00	19,578.00	20,029.80	20,331.00	20,782.80	22,590.00	26,355.00	27,108.00	27,861.00
2	10,220.00	15,330.00	20,440.00	25,550.00	26,572.00	27,185.20	27,594.00	28,207.20	30,660.00	35,770.00	36,792.00	37,814.00
3	12,910.00	19,365.00	25,820.00	32,275.00	33,566.00	34,340.60	34,857.00	35,631.60	38,730.00	45,185.00	46,476.00	47,767.00
4	15,600.00	23,400.00	31,200.00	39,000.00	40,560.00	41,496.00	42,120.00	43,056.00	46,800.00	54,600.00	56,160.00	57,720.00
5	18,290.00	27,435.00	36,580.00	45,725.00	47,554.00	48,651.40	49,383.00	50,480.40	54,870.00	64,015.00	65,844.00	67,673.00
6	20,980.00	31,470.00	41,960.00	52,450.00	54,548.00	55,806.80	56,646.00	57,904.80	62,940.00	73,430.00	75,528.00	77,626.00
7	23,670.00	35,505.00	47,340.00	59,175.00	61,542.00	62,962.20	63,909.00	65,329.20	71,010.00	82,845.00	85,212.00	87,579.00
8	26,360.00	39,540.00	52,720.00	65,900.00	68,536.00	70,117.60	71,172.00	72,753.60	79,080.00	92,260.00	94,896.00	97,532.00
9	29,050.00	43,575.00	58,100.00	72,625.00	75,530.00	77,273.00	78,435.00	80,178.00	87,150.00	101,675.00	104,580.00	107,485.00
10	31,740.00	47,610.00	63,480.00	79,350.00	82,524.00	84,428.40	85,698.00	87,602.40	95,220.00	111,090.00	114,264.00	117,438.00
11	34,430.00	51,645.00	68,860.00	86,075.00	89,518.00	91,583.80	92,961.00	95,026.80	103,290.00	120,505.00	123,948.00	127,391.00
12	37,120.00	55,680.00	74,240.00	92,800.00	96,512.00	98,739.20	100,224.00	102,451.20	111,360.00	129,920.00	133,632.00	137,344.00
13	39,810.00	59,715.00	79,620.00	99,525.00	103,506.00	105,894.60	107,487.00	109,875.60	119,430.00	139,335.00	143,316.00	147,297.00
14	42,500.00	63,750.00	85,000.00	106,250.00	110,500.00	113,050.00	114,750.00	117,300.00	127,500.00	148,750.00	153,000.00	157,250.00

Household/ Family Size	200%	225%	250%	275%	300%	325%	350%	375%	400%	500%	600%	700%
1	30,120.00	33,885.00	37,650.00	41,415.00	45,180.00	48,945.00	52,710.00	56,475.00	60,240.00	75,300.00	90,360.00	105,420.00
2	40,880.00	45,990.00	51,100.00	56,210.00	61,320.00	66,430.00	71,540.00	76,650.00	81,760.00	102,200.00	122,640.00	143,080.00
3	51,640.00	58,095.00	64,550.00	71,005.00	77,460.00	83,915.00	90,370.00	96,825.00	103,280.00	129,100.00	154,920.00	180,740.00
4	62,400.00	70,200.00	78,000.00	85,800.00	93,600.00	101,400.00	109,200.00	117,000.00	124,800.00	156,000.00	187,200.00	218,400.00
5	73,160.00	82,305.00	91,450.00	100,595.00	109,740.00	118,885.00	128,030.00	137,175.00	146,320.00	182,900.00	219,480.00	256,060.00
6	83,920.00	94,410.00	104,900.00	115,390.00	125,880.00	136,370.00	146,860.00	157,350.00	167,840.00	209,800.00	251,760.00	293,720.00
7	94,680.00	106,515.00	118,350.00	130,185.00	142,020.00	153,855.00	165,690.00	177,525.00	189,360.00	236,700.00	284,040.00	331,380.00
8	105,440.00	118,620.00	131,800.00	144,980.00	158,160.00	171,340.00	184,520.00	197,700.00	210,880.00	263,600.00	316,320.00	369,040.00
9	116,200.00	130,725.00	145,250.00	159,775.00	174,300.00	188,825.00	203,350.00	217,875.00	232,400.00	290,500.00	348,600.00	406,700.00
10	126,960.00	142,830.00	158,700.00	174,570.00	190,440.00	206,310.00	222,180.00	238,050.00	253,920.00	317,400.00	380,880.00	444,360.00
11	137,720.00	154,935.00	172,150.00	189,365.00	206,580.00	223,795.00	241,010.00	258,225.00	275,440.00	344,300.00	413,160.00	482,020.00
12	148,480.00	167,040.00	185,600.00	204,160.00	222,720.00	241,280.00	259,840.00	278,400.00	296,960.00	371,200.00	445,440.00	519,680.00
13	159,240.00	179,145.00	199,050.00	218,955.00	238,860.00	258,765.00	278,670.00	298,575.00	318,480.00	398,100.00	477,720.00	557,340.00
14	170,000.00	191,250.00	212,500.00	233,750.00	255,000.00	276,250.00	297,500.00	318,750.00	340,000.00	425,000.00	510,000.00	595,000.00

EXHIBIT E

MEDICOUNT MANAGEMENT, INC. WRITE-OFF POLICY

Revenue Cycle Management requires that claim receivables be written off after certain procedures have been followed. Following are Medicount Management, Inc.'s (MMI) guidelines for writing off a claim. Please note, writing off a claim is considered the last resort as uncollectible claims serve neither party.

A patient account will be written off if the following criteria are met:

1. **If all three:** No name, no address, no phone - write off immediately.
2. The account is submitted to a collection agency.
3. The patient account has gone through MMI's claims processing procedures:
 - a. Attempt to obtain patient insurance information from the hospital; electronically, face sheets, spreadsheets.
 - b. Run the patient through MMI's hospital patient database and all other available databases.
 - c. Send registration letter to patient requesting insurance information.
 - d. Attempt to contact the patient by telephone.
 - e. Send patient three (3) statements.
 - f. If any statements are returned, try to determine patient's correct address. If not available, no further statements need be sent.
 - g. Patient's insurance (primary, secondary, other) has paid out the maximum allowable under all policies and guidelines and no further amount is due.
 - h. The patient has not entered into an approved financial hardship plan.
 - i. If the balance is less than \$30 and "a" to "h" above have been met.

EXHIBIT F



CMS Signature Requirements

For medical review purposes, Medicare requires that services provided/ordered be authenticated by the author. The method used shall be a hand written or an electronic signature. Stamp signatures are not acceptable.

HANDWRITTEN SIGNATURE

A handwritten signature is a mark or sign by an individual on a document to signify knowledge, approval, acceptance or obligation.

- If the signature is **illegible**, ACs, MACs, PSCs, ZPICs and CERT shall consider evidence in a signature log or attestation statement to determine the identity of the author of a medical record entry.
- If the signature is **missing from an order**, ACs, MACs, PSCs, ZPICs and CERT **shall disregard the order** during the review of the claim.
- If the signature is **missing from any other medical documentation**, ACs, MACs, PSCs, ZPICs and CERT shall accept a signature attestation from the author of the medical record entry.

SIGNATURE LOG

A signature log lists the typed or printed name of the author associated with initials or an illegible signature. The signature log might be included on the actual page where the initials or illegible signature are used or might be a separate document. The provider should also list his/her credentials in the log.

SIGNATURE ATTESTATION STATEMENT

An attestation statement may be submitted to authenticate an illegible or missing signature on medical documentation. In order to be considered valid for Medicare medical review purposes, an attestation statement must be signed and dated by the author of the medical record entry and must contain sufficient information to identify the beneficiary.

Reviewers will consider all attestations that meet CMS requirements regardless of the date the attestation was created, except in those cases where the regulations or policy indicate that a signature must be in place prior to a given event or a given date.

The following page contains an acceptable form that suppliers may use as an attestation statement. However, CMS and CGS are neither requiring nor instructing suppliers to use this form or format.

ELECTRONIC SIGNATURES

Due to the potential for misuse or abuse with alternate signature methods, providers should use a system and software products which are protected against modification, etc., and should apply administrative procedures which are adequate and correspond to recognized standards and laws. The individual whose name is on the alternate signature method and the provider bears the responsibility for the authenticity of the information being attested to.

Please refer to the CMS Pub. 100-08, *Medicare Program Integrity Manual*, Chapter Three – Section 3.3.2.4 for additional information concerning signature requirements.



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