



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, September 10, 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. Tabled Legislation

V.a Ordinance No. 2024-24 (**TABLED 6/25/24**) (*submitted by Ed Widman*)

An ordinance amending Sections 185.01, 185.03, 185.04 and 185.06 of the Codified Ordinances of the City of Huron, Ohio, to provide for the levy of an additional 0.75% income tax and up to a 1.74% credit for taxes paid to another municipality beginning January 1, 2025.

VI. Old Business

VI.a Ordinance No. 2024-38 (third and final reading) (*submitted by Stuart Hamilton*)

An ordinance amending Codified Ordinance Section 305.01, Traffic Control Map, and Codified Ordinance Section 305.02, Traffic Control File, regarding removal of the 3-way flashing traffic signal located at the intersection of Mudbrook Road (Route 13) and Riverside Drive within the City of Huron, Ohio.

VII. New Business

VII.a Resolution No. 70-2024 (*submitted by Jack Evans*)

A resolution authorizing an application to the Ohio Public Works Commission (OPWC) SCIP and LTIP Program Year 38, FY 2025 to request grant and/or loan funding relating to the Huron Water Treatment Plant Secondary Intake Project, in an amount not to exceed \$487,500.

VII.b Resolution No. 71-2024 (*submitted by Jack Evans*)

A resolution authorizing an application to the Ohio Public Works Commission (OPWC) SCIP and LTIP

Program Year 38, FY 2025 to request grant and/or loan funding relating to the 2-Million Gallon Elevated Water Tower Project, in an amount not to exceed \$487,500.

VII.c Resolution No. 72-2024 (*submitted by Ed Widman*)

A resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax liens and certifying them to the County Auditor for Tax Year 2025.

VII.d Ordinance No. 2024-42 (**first reading**) (*submitted by Todd Schrader*)

An ordinance repealing, amending and restating Section 541.04 (Criminal Mischief) under Chapter 541 (Property Offenses) of the Huron Codified Ordinances to add new language relating to light trespass.

VIII. City Manager's Discussion

IX. Mayor's Discussion

X. For the Good of the Order

XI. Executive Session(s)

XII. Adjournment



TO: Mayor Tapp and City Council
FROM: Edward Widman
RE: Ordinance No. 2024-24 (**TABLED 6/25/24**) (*submitted by Ed Widman*)
DATE: September 10, 2024

Subject Matter/Background

This ordinance amends the City's tax code in sections 185.01, 185.03, 185.04 and 185.06 of the codified ordinances. The ordinance provides for the levy of an additional income tax of 0.75% beginning January 1, 2025. This legislation also provides for a credit on income earned in other income tax paying jurisdiction, up to 1.75%.

The administration was tasked with researching additional revenue sources following approval of the 2024 budget in December of 2023. The administration is recommending an income tax increase from 1% to 1.75%, allowing for a credit up to 1.75% for residents that work in another income tax paying jurisdiction. Currently, the City does not offer a credit. Over the last few months, the administration has held multiple public meetings to educate residents on the potential income tax increase. Following those meetings, the administrative still feels confident this income tax increase is the best long-term solution for the City's forecasted budget deficits.

This ordinance is expected to go three readings and tabled until after the election on November 5, 2024, if Council puts the income tax increase on the ballot. Resolution 57-2024 is a resolution of necessity to put a City income tax increase on the November ballot.

Financial Review

There is no financial impact to the City for this legislation. If the income tax increase is passed by the voters, the City is expected to receive an additional \$1.8M in income tax revenue per year. The increase is expected to provide long-term budget stabilization for essential services and continue quality of life improvements for City residents. Resolution 57-2024 would put the increase on the November ballot if passed by Council prior to August 7, 2024.

Legal Review

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

Recommendation

This matter has been tabled.

[Ordinance No. 2024-24 Amending Sections 185.01 .03 and .04 of the Codified Ordinances to Increase the Income Tax Rate.docx](#)

ORDINANCE NO. 2024-24
Introduced by Mark Claus

AN ORDINANCE AMENDING SECTIONS 185.01, 185.03, 185.04 AND 185.06 OF THE CODIFIED ORDINANCES OF THE CITY OF HURON, OHIO, TO PROVIDE FOR THE LEVY OF AN ADDITIONAL SEVENTY-FIVE ONE-HUNDREDTHS PERCENT (0.75%) INCOME TAX BEGINNING JANUARY 1, 2025, AND PROVIDING A CREDIT UP TO 1.75% FOR INCOME TAX PAID TO OTHER MUNICIPALITIES; AND DECLARING AN EMERGENCY.

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

Section 1. Section 185.01 of the Codified Ordinances of the City of Huron, Ohio, as established by Ordinance No. 2015-30, passed November 10, 2015, is hereby further amended to read as follows:

“185.01 AUTHORITY TO LEVY TAX; PURPOSE OF TAX.

(A) To provide funds for the purposes of general municipal operations and services, maintenance, new equipment, extension and enlargement of municipal services and facilities, permanent improvements, and capital improvements, the Municipality hereby levies an annual tax on the income of every person residing in or earning or receiving income in the Municipality as measured by each such person's municipal taxable income, all as hereinafter provided.

(B) (1) The annual tax is levied at a rate of 1.75% (one and seventy-five one-hundredths percent). The tax is levied at a uniform rate on all persons residing in or earning or receiving income in the Municipality. The tax is levied on municipal taxable income as hereinafter provided in Section 185.03 of this Chapter and other sections as they may apply.

(2) The funds collected under the provisions of this Chapter 185 shall be applied for the following purposes and in the following order: (i) such part thereof as is necessary to defray all costs of collecting the taxes levied by this Chapter and the cost of administering and enforcing the provisions hereof; (ii) after providing for the allocation of funds set forth in division (B)(2)(i) of this Section, funds shall be set aside, appropriated and paid into the General Bond Retirement Fund or another fund specified by ordinance of the Council, in an amount equal to the annual principal and interest payments due (within that year) on all bonds, notes or other obligations for which income tax revenues have been pledged; (iii) after providing for the allocation of funds set forth in division (B)(2)(i) and (ii) of this Section, not less than seven percent (7%) of the remaining funds shall be set aside, appropriated and paid into the Capital Improvement Fund; and (iv) after providing for the allocation of funds set forth in division (B)(2)(i), (ii), and (iii) of this Section, the balance of the funds remaining shall be used for any purpose as may be determined by ordinance of the Council.

(C) The taxes levied under this Chapter 185 shall be levied in accordance with the provisions and limitations set forth in Chapter 718 of the Ohio Revised Code to the fullest extent required for the Municipality to continue to levy those taxes. The required provisions and limitations of Chapter 718 of the Ohio Revised Code are hereby incorporated into this Chapter 185, and those required provisions or limitations of Chapter 718 of the Ohio Revised Code shall control to the extent there is a conflict between a provision or limitation of this Chapter 185 and an express provision or limitation of Chapter 718 of the Ohio Revised Code.

(D) As used herein, all references in this Chapter 185 to provisions or limitations of Chapter 718 of the Ohio Revised Code and to any Section of that Chapter 718 shall include those provisions or limitations of that Chapter or Section as in effect on January 1, 2016, of any successor statute, and of any

subsequent amendment to that Chapter or Section or a successor statute in effect from time to time to the fullest possible extent required for the Municipality to continue to levy the taxes specified under this Chapter 185. All references in this Chapter 185 to "ORC" are to the Ohio Revised Code."

Section 2. Section 185.03 of the Codified Ordinances of the City of Huron, Ohio, as established by Ordinance No. Ordinance No. 2015-30, passed November 10, 2015, as amended by Ordinance No. 2024-4, passed on February 13, 2024, is hereby further amended to read as follows:

"185.03 IMPOSITION OF TAX.

The income tax levied by the Municipality at a rate of one and seventy-five one-hundredths percent (1.75%) is levied on the municipal taxable income of every person who resides in or who earns or receives income in the Municipality.

Individuals.

(A) For residents, the income tax levied herein shall be on all municipal taxable income, as set forth in Section 185.02(C)(21)(a)(ii)(a).

(B) For nonresidents, the income tax levied herein shall be on all municipal taxable income, as set forth in Section 185.02(C)(21)(a)(ii)(b).

(C) For a person other than an individual, the income tax levied herein shall be on all municipal taxable income, as set forth in Section 185.02(C)(21)(a)(i).

Refundable credit for Nonqualified Deferred Compensation Plan.

(D) (1) As used in this division:

(a) "Nonqualified deferred compensation plan" means a compensation plan described in Section 3121(v)(2)(C) of the Internal Revenue Code.

(b) "Qualifying loss" means the amount of compensation attributable to a taxpayer's nonqualified deferred compensation plan, less the receipt of money and property attributable to distributions from the nonqualified deferred compensation plan. Full loss is sustained if no distribution of money and property is made by the nonqualified deferred compensation plan. The taxpayer sustains a qualifying loss only in the taxable year in which the taxpayer receives the final distribution of money and property pursuant to that nonqualified deferred compensation plan.

(c) (i) "Qualifying tax rate" means the applicable tax rate for the taxable year for the which the taxpayer paid income tax to the Municipality with respect to any portion of the total amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan.

(ii) If different tax rates applied for different taxable years, then the "qualifying tax rate" is a weighted average of those different tax rates. The weighted average shall be based upon the tax paid to the Municipality each year with respect to the nonqualified deferred compensation plan.

(d) "Refundable credit" means the amount of the Municipality's income tax that was paid on the non-distributed portion, if any, of a nonqualified deferred compensation plan.

(2) If, in addition to the income tax levied by the Municipality, a taxpayer has paid tax to other municipal corporations with respect to the nonqualified deferred compensation plan, the amount of the credit that a taxpayer may claim from each municipal corporation shall be calculated on the basis of each municipal corporation's proportionate share of the total municipal corporation income

tax paid by the taxpayer to all municipal corporations with respect to the nonqualified deferred compensation plan.

(3) In no case shall the amount of the credit allowed under this Section exceed the cumulative income tax that a taxpayer has paid to the Municipality for all taxable years with respect to the nonqualified deferred compensation plan.

(4) The credit allowed under this division is allowed only to the extent the taxpayer's qualifying loss is attributable to:

(a) The insolvency or bankruptcy of the employer who had established the nonqualified deferred compensation plan; or

(b) The employee's failure or inability to satisfy all of the employer's terms and conditions necessary to receive the nonqualified deferred compensation.

Domicile.

(E) (1) (a) An individual is presumed to be domiciled in the Municipality for all or part of a taxable year if the individual was domiciled in the Municipality on the last day of the immediately preceding taxable year or if the Tax Administrator reasonably concludes that the individual is domiciled in the Municipality for all or part of the taxable year.

(b) An individual may rebut the presumption of domicile described in division (E)(1)(a) of this Section if the individual establishes by a preponderance of the evidence that the individual was not domiciled in the Municipality for all or part of the taxable year.

(2) For the purpose of determining whether an individual is domiciled in the Municipality for all or part of a taxable year, factors that may be considered include, but are not limited to, the following:

(a) The individual's domicile in other taxable years;

(b) The location at which the individual is registered to vote;

(c) The address on the individual's driver's license;

(d) The location of real estate for which the individual claimed a property tax exemption or reduction allowed on the basis of the individual's residence or domicile;

(e) The location and value of abodes owned or leased by the individual;

(f) Declarations, written or oral, made by the individual regarding the individual's residency;

(g) The primary location at which the individual is employed.

(h) The location of educational institutions attended by the individual's dependents as defined in Section 152 of the Internal Revenue Code, to the extent that tuition paid to such educational institution is based on the residency of the individual or the individual's spouse in the municipal corporation where the educational institution is located;

(i) The number of contact periods the individual has with the Municipality. For the purposes of this division, an individual has one "contact period" with the Municipality if the individual is away overnight from the individual's abode located outside of the Municipality and while away overnight from that abode spends at least some portion, however minimal, of each of two consecutive days in the Municipality.

(3) All additional applicable factors are provided in the Rules and Regulations.

Businesses.

(F) This division applies to any taxpayer engaged in a business or profession in the Municipality, unless the taxpayer is an individual who is a resident or the taxpayer is an electric company, combined company, or telephone company that is subject to and required to file reports under Chapter 5745. of the ORC.

(1) Except as otherwise provided in divisions (F)(2) and (G) of this Section, net profit from a business or profession conducted both within and without the boundaries of the Municipality shall be considered as having a taxable situs in the Municipality for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(a) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the Municipality during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated.

As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;

(b) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the Municipality to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under Section 185.04(C);

(c) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the Municipality to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed.

(2) (a) If the apportionment factors described in division (F)(1) of this Section do not fairly represent the extent of a taxpayer's business activity in the Municipality, the taxpayer may request, or the Tax Administrator of the Municipality may require, that the taxpayer use, with respect to all or any portion of the income of the taxpayer, an alternative apportionment method involving one or more of the following:

(i) Separate accounting;

(ii) The exclusion of one or more of the factors;

(iii) The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the municipal corporation;

(iv) A modification of one or more of the factors.

(b) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the Tax Administrator denies the request in an assessment issued within the period prescribed by Section 185.12(A).

(c) The Tax Administrator may require a taxpayer to use an alternative apportionment method as described in division (F)(2)(a) of this Section, but only by issuing an assessment to the taxpayer within the period prescribed by Section 185.12(A).

(d) Nothing in division (F)(2) of this Section nullifies or otherwise affects any alternative apportionment arrangement approved by the Tax Administrator or otherwise agreed upon by both the Tax Administrator and taxpayer before January 1, 2016.

(3) As used in division (F)(1)(b) of this Section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:

(a) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:

(i) The employer;

(ii) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;

(iii) A vendor, customer, client, or patient of a person described in (F)(3)(a)(ii) of this Section, or a related member of such a vendor, customer, client, or patient.

(b) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;

(c) Any other location, if the Tax Administrator determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (F) (3)(a) or (b) of this Section solely in order to avoid or reduce the employer's municipal income tax liability. If the Tax Administrator makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the Tax Administrator's determination was unreasonable.

(4) For the purposes of division (F)(1)(c) of this Section, and except as provided in division (G) of this section, receipts from sales and rentals made and services performed shall be situated to a municipal corporation as follows:

(a) Gross receipts from the sale of tangible personal property shall be situated to the municipal corporation in which the sale originated. For the purposes of this division, a sale of property originates in the Municipality if, regardless of where title passes, the property meets any of the following criteria:

(i) The property is shipped to or delivered within the Municipality from a stock of goods located within the Municipality.

(ii) The property is delivered within the Municipality from a location outside the Municipality, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the Municipality and the sales result from such solicitation or promotion.

(iii) The property is shipped from a place within the Municipality to purchasers outside the Municipality, provided that the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.

(b) Gross receipts from the sale of services shall be situated to the Municipality to the extent that such services are performed in the Municipality.

(c) To the extent included in income, gross receipts from the sale of real property located in the Municipality shall be situated to the Municipality.

(d) To the extent included in income, gross receipts from rents and royalties from real property located in the Municipality shall be situated to the Municipality.

(e) Gross receipts from rents and royalties from tangible personal property shall be situated to the Municipality based upon the extent to which the tangible personal property is used in the Municipality.

(5) The net profit received by an individual taxpayer from the rental of real estate owned directly by the individual, or by a disregarded entity owned by the individual, shall be subject to the Municipality's tax only if the property generating the net profit is located in the Municipality or if the individual taxpayer that receives the net profit is a resident of the Municipality. the Municipality shall allow such taxpayers to elect to use separate accounting for the purpose of calculating net profit situated under this division to the municipal corporation in which the property is located.

(6) (a) Commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be situated to the municipal corporation in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to the Municipality, if applicable, based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the Municipality to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.

(b) An individual who is a resident of the Municipality shall report the individual's net profit from all real estate activity on the individual's annual income tax return filed with the Municipality. The individual may claim a credit for taxes the individual paid on such net profit to another municipal corporation to the extent that such a credit is allowed under this Chapter.

(7) When calculating the ratios described in division (F)(1) of this Section for the purposes of that division or division (F)(2) of this Section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.

(8) Intentionally left blank.

(9) Intentionally left blank.

(G) (1) As used in this division:

(a) "Qualifying remote employee or owner" means an individual who is an employee of a taxpayer or who is a partner or member holding an ownership interest in a taxpayer that is treated as a partnership for federal income tax purposes, provided that the individual meets both of the following criteria:

(i) The taxpayer has assigned the individual to a qualifying reporting location.

(ii) The individual is permitted or required to perform services for the taxpayer at a qualifying remote work location.

(b) "Qualifying remote work location" means a permanent or temporary location at which an employee or owner chooses or is required to perform services for the taxpayer, other than a reporting location of the taxpayer or any other location owned or

controlled by a customer or client of the taxpayer. "Qualifying remote work location" may include the residence of an employee or owner and may be located outside of a municipal corporation that imposes an income tax in accordance with this chapter. An employee or owner may have more than one qualifying remote work location during a taxable year.

(c) "Reporting location" means either of the following:

(i) A permanent or temporary place of doing business, such as an office, warehouse, storefront, construction site, or similar location, that is owned or controlled directly or indirectly by the taxpayer;

(ii) Any location in this state owned or controlled by a customer or client of the taxpayer, provided that the taxpayer is required to withhold taxes under Section 185.04 of this Chapter, on qualifying wages paid to an employee for the performance of personal services at that location.

(d) "Qualifying reporting location" means one of the following:

(i) The reporting location in this state at which an employee or owner performs services for the taxpayer on a regular or periodic basis during the taxable year;

(ii) If no reporting location exists in this state for an employee or owner under division (G)(1)(d)(i) of this section, the reporting location in this state at which the employee's or owner's supervisor regularly or periodically reports during the taxable year;

(iii) If no reporting location exists in this state for an employee or owner under division (G)(1)(d)(i) or (ii) of this section, the location that the taxpayer otherwise assigns as the employee's or owner's qualifying reporting location, provided the assignment is made in good faith and is recorded and maintained in the taxpayer's business records. A taxpayer may change the qualifying reporting location designated for an employee or owner under this division at any time.

(2) For tax years ending on or after December 31, 2023, a taxpayer may elect to apply the provisions of this division to the apportionment of its net profit from a business or profession. For taxpayers that make this election, the provisions of division (F) of this section apply to such apportionment except as otherwise provided in this division.

A taxpayer shall make the election allowed under this division in writing on or with the taxpayer's net profit return or, if applicable, a timely filed amended net profit return or a timely filed appeal of an assessment. The election applies to the taxable year for which that return or appeal is filed and for all subsequent taxable years, until the taxpayer revokes the election.

The taxpayer shall make the initial election with the tax administrator of each municipal corporation with which, after applying the apportionment provisions authorized in this division, the taxpayer is required to file a net profit tax return for that taxable year. A taxpayer shall not be required to notify the tax administrator of a municipal corporation in which a qualifying remote employee's or owner's qualifying remote work location is located, unless the taxpayer is otherwise required to file a net profit return with that municipal corporation due to business operations that are unrelated to the employee's or owner's activity at the qualifying remote work location.

After the taxpayer makes the initial election, the election applies to every municipal corporation in which the taxpayer conducts business. The taxpayer shall not be

required to file a net profit return with a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in such municipal corporation.

Nothing in this division prohibits a taxpayer from making a new election under this division after properly revoking a prior election.

(3) For the purpose of calculating the ratios described in division (F)(1) of this section, all of the following apply to a taxpayer that has made the election described in division (G)(2):

(a) For the purpose of division (F)(1)(a) of this section, the average original cost of any tangible personal property used by a qualifying remote employee or owner at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(b) For the purpose of division (F)(1)(b) of this section, any wages, salaries, and other compensation paid during the taxable period to a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(c) For the purpose of division (F)(1)(c) of this section, and notwithstanding division (F)(4) of this section, any gross receipts of the business or profession from services performed during the taxable period by a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(4) Nothing in this division prevents a taxpayer from requesting, or a tax administrator from requiring, that the taxpayer use, with respect to all or a portion of the income of the taxpayer, an alternative apportionment method as described in division (F)(2) of this section. However, a tax administrator shall not require an alternative apportionment method in such a manner that it would require a taxpayer to file a net profit return with a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in that municipal corporation.

(5) Except as otherwise provided in this division, nothing in this division is intended to affect the withholding of taxes on qualifying wages pursuant to Section 185.04 of this Chapter."

Section 3. Section 185.04 of the Codified Ordinances of the City of Huron, Ohio, as established by Ordinance No. Ordinance No. 2015-30, passed November 10, 2015, is hereby further amended to read as follows:

"185.04 COLLECTION AT SOURCE.

Withholding provisions.

(A) Each employer, agent of an employer, or other payer located or doing business in the Municipality shall withhold an income tax from the qualifying wages earned and/or received by each employee in the Municipality. Except for qualifying wages for which withholding is not required under Section 185.03 or division (B)(4) or (6) of this Section, the tax shall be withheld at the rate, specified in Section 185.03 of this Chapter, of one and seventy-five one-hundredths percent (1.75%). An employer, agent of an employer, or other payer shall deduct and withhold the tax from qualifying wages on the date that the employer, agent, or other payer directly, indirectly, or constructively pays the qualifying wages to, or credits the qualifying wages to the benefit of, the employee.

(B) (1) Except as provided in division (B)(2) of this Section, an employer, agent of an employer, or other payer shall remit to the Tax Administrator of the Municipality the greater of the income taxes deducted and withheld or the income taxes required to be deducted and withheld by the employer, agent, or other payer according to the following schedule:

(a) Taxes required to be deducted and withheld shall be remitted monthly to the Tax Administrator if the total taxes deducted and withheld or required to be deducted and withheld by the employer, agent, or other payer on behalf of the Municipality in the preceding calendar year exceeded \$2,399, or if the total amount of taxes deducted and withheld or required to be deducted and withheld on behalf of the Municipality in any month of the preceding calendar quarter exceeded \$200.

Payment under division (B)(1)(a) of this Section shall be made so that the payment is received by the Tax Administrator not later than 15 days after the last day of each month for which the tax was withheld.

(b) Any employer, agent of an employer, or other payer not required to make payments under division (B)(1)(a) of this Section of taxes required to be deducted and withheld shall make quarterly payments to the Tax Administrator not later than the 15th day of the month following the end of each calendar quarter.

(c) Notwithstanding the provisions of (B)(1)(a) and (b) of this Section, taxes required to be deducted and withheld shall be remitted semimonthly to the Tax Administrator if the total taxes deducted and withheld or required to be deducted and withheld on behalf of the Municipality in the preceding calendar year exceeded \$11,999, or if in any month of the preceding calendar year exceeded \$1,000. Payment under division (B)(1)(c) of this Section shall be made so that the payment is received by the Tax Administrator not later than one of the following: (i) if the taxes were deducted and withheld or required to be deducted and withheld during the first fifteen days of a month, the third banking day after the fifteenth day of that month; or (ii) if the taxes were deducted and withheld or required to be deducted and withheld after the fifteenth day of a month and before the first day of the immediately following month, the third banking day after the last day of the month.

(2) If the employer, agent of an employer, or other payer is required to make payments electronically for the purpose of paying federal taxes withheld on payments to employees under Section 6302 of the Internal Revenue Code, 26 C.F.R. 31.6302-1, or any other federal statute or regulation, the payment shall be made by electronic funds transfer to the Tax Administrator of all taxes deducted and withheld on behalf of the Municipality. The payment of tax by electronic funds transfer under this division does not affect an employer's, agent's, or other payer's obligation to file any return as required under this Section.

(3) An employer, agent of an employer, or other payer shall make and file a return showing the amount of tax withheld by the employer, agent, or other payer from the qualifying wages of each employee and remitted to the Tax Administrator. A return filed by an employer, agent, or other payer under this division shall be accepted by the Tax Administrator and the Municipality as the return required of a non-resident employee whose sole income subject to the tax under this Chapter is the qualifying wages reported by the employee's employer, agent of an employer, or other payer.

(4) An employer, agent of an employer, or other payer is not required to withhold the Municipality's income tax with respect to an individual's disqualifying disposition of an incentive stock option if, at the time of the disqualifying disposition, the individual is not an employee of either the corporation with respect to whose stock the option has been issued or of such corporation's successor entity.

(5) (a) An employee is not relieved from liability for a tax by the failure of the employer, agent of an employer, or other payer to withhold the tax as required under this Chapter or by the employer's, agent's, or other payer's exemption from the requirement to withhold the tax.

(b) The failure of an employer, agent of an employer, or other payer to remit to the Municipality the tax withheld relieves the employee from liability for that tax unless the employee colluded with the employer, agent, or other payer in connection with the failure to remit the tax withheld.

(6) Compensation deferred before June 26, 2003, is not subject to the income tax or income tax withholding requirement imposed by this Chapter to the extent the deferred compensation does not constitute qualifying wages at the time the deferred compensation is paid or distributed.

(7) Each employer, agent of an employer, or other payer required to withhold taxes is liable for the payment of that amount required to be withheld, whether or not such taxes have been withheld, and such amount shall be deemed to be held in trust for the Municipality until such time as the withheld amount is remitted to the Tax Administrator.

(8) On or before the last day of February of each year, an employer shall file a withholding reconciliation return with the Tax Administrator listing:

(a) The names, addresses, and social security numbers of all employees from whose qualifying wages the tax levied by this Chapter was withheld or should have been withheld during the preceding calendar year;

(b) The amount of tax withheld, if any, from each such employee, the total amount of qualifying wages paid to such employee during the preceding calendar year;

(c) The name of every other municipal corporation for which tax was withheld or should have been withheld from such employee during the preceding calendar year;

(d) Any other information required for federal income tax reporting purposes on Internal Revenue Service form W-2 or its equivalent form with respect to such employee;

(e) Other information as may be required by the Tax Administrator.

(9) The officer or the employee of the employer, agent of an employer, or other payer with control or direct supervision of or charged with the responsibility for withholding the tax or filing the reports and making payments as required by this Section, shall be personally liable for a failure to file a report or pay the tax due as required by this Section. The dissolution of an employer, agent of an employer, or other payer does not discharge the officer's or employee's liability for a failure of the employer, agent of an employer, or other payer to file returns or pay any tax due.

(10) An employer is required to deduct and withhold the Municipality's income tax on tips and gratuities received by the employer's employees and constituting qualifying wages, but only to the extent that the tips and gratuities are under the employer's control. For the purposes of this division, a tip or gratuity is under the employer's control if the tip or gratuity is paid by the customer to the employer for subsequent remittance to the employee, or if the customer pays the tip or gratuity by credit card, debit card, or other electronic means.

(11) The Tax Administrator shall consider any tax withheld by an employer at the request of an employee, when such tax is not otherwise required to be withheld by this Chapter, to be tax required to be withheld and remitted for the purposes of this Section.

Occasional Entrant - Withholding.

(C) (1) As used in this division:

(a) "Employer" includes a person that is a related member to or of an employer.

(b) "Fixed location" means a permanent place of doing business in this state, such as an office, warehouse, storefront, or similar location owned or controlled by an employer.

(c) "Principal place of work" means the fixed location to which an employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location, "principal place of work" means the worksite location in this state to which the employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location or worksite location, "principal place of work" means the location in this state at which the employee spends the greatest number of days in a calendar year performing services for or on behalf of the employee's employer.

If there is not a single municipal corporation in which the employee spent the "greatest number of days in a calendar year" performing services for or on behalf of the employer, but instead there are two or more municipal corporations in which the employee spent an identical number of days that is greater than the number of days the employee spent in any other municipal corporation, the employer shall allocate any of the employee's qualifying wages subject to division (C)(2)(a)(i) of this Section among those two or more municipal corporations. The allocation shall be made using any fair and reasonable method, including, but not limited to, an equal allocation among such municipal corporations or an allocation based upon the time spent or sales made by the employee in each such municipal corporation. A municipal corporation to which qualifying wages are allocated under this division shall be the employee's "principal place of work" with respect to those qualifying wages for the purposes of this Section.

For the purposes of this division, the location at which an employee spends a particular day shall be determined in accordance with division (C)(2)(b) of this Section, except that "location" shall be substituted for "municipal corporation" wherever "municipal corporation" appears in that division.

(d) "Professional athlete" means an athlete who performs services in a professional athletic event for wages or other remuneration.

(e) "Professional entertainer" means a person who performs services in the professional performing arts for wages or other remuneration on a per-event basis.

(f) "Public figure" means a person of prominence who performs services at discrete events, such as speeches, public appearances, or similar events, for wages or other remuneration on a per-event basis.

(g) "Worksite location" means a construction site or other temporary worksite in this state at which the employer provides services for more than 20 days during the calendar year. "Worksite location" does not include the home of an employee.

(2) (a) Subject to divisions (C)(3), (5), (6), and (7) of this Section, an employer is not required to withhold the Municipality's income tax on qualifying wages paid to an employee for the performance of personal services in the Municipality if the employee performed such services in the Municipality on 20 or fewer days in a calendar year, unless one of the following conditions applies:

(i) The employee's principal place of work is located in the Municipality.

(ii) The employee performed services at one or more presumed worksite locations in the Municipality. For the purposes of this division, "presumed worksite location" means a

construction site or other temporary worksite in the Municipality at which the employer provides or provided services that can reasonably be, or would have been, expected by the employer to last more than 20 days in a calendar year. Services can "reasonably be expected by the employer to last more than 20 days" if either of the following applies at the time the services commence:

(a) The nature of the services is such that it will require more than 20 days of the services to complete the services;

(b) The agreement between the employer and its customer to perform services at a location requires the employer to perform the services at the location for more than 20 days.

(iii) The employee is a resident of the Municipality and has requested that the employer withhold tax from the employee's qualifying wages as provided in Section 185.04.

(iv) The employee is a professional athlete, professional entertainer, or public figure, and the qualifying wages are paid for the performance of services in the employee's capacity as a professional athlete, professional entertainer, or public figure.

(b) For the purposes of division (C)(2)(a) of this Section, an employee shall be considered to have spent a day performing services in the Municipality only if the employee spent more time performing services for or on behalf of the employer in the Municipality than in any other municipal corporation on that day. For the purposes of determining the amount of time an employee spent in a particular location, the time spent performing one or more of the following activities shall be considered to have been spent at the employee's principal place of work:

(i) Traveling to the location at which the employee will first perform services for the employer for the day;

(ii) Traveling from a location at which the employee was performing services for the employer to any other location;

(iii) Traveling from any location to another location in order to pick up or load, for the purpose of transportation or delivery, property that has been purchased, sold, assembled, fabricated, repaired, refurbished, processed, remanufactured, or improved by the employee's employer;

(iv) Transporting or delivering property described in division (C)(2)(b)(iii) of this Section, provided that, upon delivery of the property, the employee does not temporarily or permanently affix the property to real estate owned, used, or controlled by a person other than the employee's employer;

(v) Traveling from the location at which the employee makes the employee's final delivery or pick-up for the day to either the employee's principal place of work or a location at which the employee will not perform services for the employer.

(3) If the principal place of work of an employee is located in another Ohio municipal corporation that imposes an income tax, the exception from withholding requirements described in division (C)(2)(a) of this Section shall apply only if, with respect to the employee's qualifying wages described in that division, the employer withholds and remits tax on such qualifying wages to that municipal corporation.

(4) (a) Except as provided in division (C)(4)(b) of this Section, if, during a calendar year, the number of days an employee spends performing personal services in the Municipality exceeds the 20-day threshold, the employer shall withhold and remit tax to the Municipality for any subsequent

days in that calendar year on which the employer pays qualifying wages to the employee for personal services performed in the Municipality.

(b) An employer required to begin withholding tax for the Municipality under division (C)(4)(a) of this Section may elect to withhold tax for the Municipality for the first 20 days on which the employer paid qualifying wages to the employee for personal services performed in the Municipality.

(5) If an employer's fixed location is in the Municipality and the employer qualifies as a small employer as defined in Section 185.02, the employer shall withhold the income tax imposed under this Chapter on all of the employee's qualifying wages for a taxable year and remit that tax only to the Municipality, regardless of the number of days which the employee worked outside the corporate boundaries of the Municipality.

To determine whether an employer qualifies as a small employer for a taxable year, the employer will be required to provide the Tax Administrator with the employer's federal income tax return for the preceding taxable year.

(6) Divisions (C)(2)(a) and (4) of this Section shall not apply to the extent that the Tax Administrator and an employer enter into an agreement regarding the manner in which the employer shall comply with the requirements of Section 185.04."

Section 4. Section 185.06 of the Codified Ordinances of the City of Huron, Ohio, as established by Ordinance No. Ordinance No. 2015-30, passed November 10, 2015, is hereby further amended to read as follows:

"185.06 CREDIT FOR TAX PAID TO OTHER MUNICIPALITIES.

(A) Every individual taxpayer domiciled in the City who is required to and does pay, or has acknowledged liability for, a municipal tax to another municipality on or measured by the same income, qualifying wages, commissions, net profits or other compensation taxable under this chapter may claim a non-refundable credit upon satisfactory evidence of the tax paid to the other municipality. Subject to division (c) of this section, the credit shall not exceed the tax due the City under this chapter. If the tax rate of the other municipality is less than one and seventy-five one-hundredths percent (1.75%), the credit shall be limited to the tax due at the lower rate.

(B) The City shall grant a credit against its tax on income to a resident of the City who works in a joint economic development zone created under Ohio R.C. 715.691 or a joint economic development district created under Ohio R.C. 715.70, 715.71, or 715.72 to the same extent that it grants a credit against its tax on income to its residents who are employed in another municipal corporation.

(C) If the amount of tax withheld or paid to the other municipality is less than the amount of tax required to be withheld or paid to the other municipality, then for purposes of division (a) of this section, "the income, qualifying wages, commissions, net profits or other compensation" subject to tax in the other municipality shall be limited to the amount computed by dividing the tax withheld or paid to the other municipality by the tax rate for that municipality."

Section 5. Effective January 1, 2025, Sections 185.01, 185.03, 185.04 and 185.06 of the Codified Ordinances of the City of Huron, Ohio, as they have heretofore existed, are hereby repealed. Provided, however, that no provision of this ordinance, including the repeal of Sections 185.01, 185.03, 185.04 and 185.06 of the Codified Ordinances of the City of Huron, Ohio, as they have heretofore existed, shall in any way affect any rights or obligations of the City, any taxpayer, or any other person, official or

entity, with respect to the one percent municipal income tax assessed by Chapter 185 of the Codified Ordinances of the City of Huron, Ohio, as it has heretofore existed and shall remain in effect until January 1, 2025.

Section 6. The 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, and all deliberations of this Council and of any of its committees that resulted in such formal action were held, in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 7. 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 enable the City to timely commence collection of the City's income tax at the increased rate provided for in this ordinance commencing January 1, 2025 and thereby to provide services and permanent improvements critical to the safety and well-being of the residents of the City; wherefore, this ordinance shall be in full force and effect immediately upon its passage.

Passed: _____, 2024

Mayor

Attest: _____
Clerk of Council



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2024-38 (third and final reading) (*submitted by Stuart Hamilton*)
DATE: September 10, 2024

Subject Matter/Background

The Safety Committee met on August 7, 2024 to discuss removal of the existing 3-way blinking traffic light located at the intersection of Mudbrook Road (Route 13) and Riverside Drive. The Committee unanimously recommended that this traffic signal is unnecessary and should be removed. Copies of the DRAFT minutes from the August 7, 2024 meeting of the Safety Committee are attached hereto as Exhibit 1.

There have been no changes made to this legislation since its first reading on August 13, 2024.

Financial Review

There should be no cost impact for 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 adopting Ordinance No. 2024-38 as an emergency measure is in order.

[8-7-24 Safety Committee Minutes DRAFT.docx](#)

[Ordinance No. 2024-38 Traffic Control Map and File - Remove Flashing Light at Mudbrook and Riverside.docx](#)

THE CITY OF HURON, OHIO
Huron Safety Committee
Meeting Minutes
August 7, 2024 – 3:30pm

A meeting of the Council Safety Committee was called to order by Monty Tapp on Wednesday, August 7, 2024 at 3:35pm at Huron City Hall. Committee members in attendance: Monty Tapp, Sam Artino and William Biddlecombe.

Staff in attendance: Police Chief Terry Graham, Captain Mike Hohler and Executive Administrative Assistant /Clerk of Council Terri Welkener.

Old Business

None.

New Business

Resident Request to Make No Turn on Red Effective 24/7 as Opposed to During School Days/ Hours as Currently Posted Due to Safety Concerns Relating to Cars Pulling Into the Crosswalk to Make the Right Turn at US-6 and Main Street.

Mayor Tapp acknowledged Mike Riggle's attendance at the work session and asked him if he wanted to comment.

Mr. Riggle said:

I wish motorists would learn how to stop at every intersection without pulling into those crosswalks. He would really love to see the policeman right there seeing somebody turn right on red.

Mayor Tapp said he understands the situation, and wishes we could have police at every intersection, but we can't. Chief Graham provided some historical data on the current sign. There used to be houses on Huron Street and the Auxiliary Gym was not there. Back when those houses were there, St. Peter's used to have outdoor recess on the parking lot on Main Street. That sign was put in that location (that's the only sign in the entire city prohibiting a right turn on red) with the theory of potentially making a safer turn there because of recess out there. There used to be a day when the Street Department would remove the sign at the end of the school year and put the sign back up at the start of the school year. For the last (approximate) 10 years, it has been up year-round, and it says, "No turn on red 8am-4pm school days only." He has questions because this causes confusion to people because they may not know when school is in session and when it isn't. Most schools are done by 3pm. Why do we still need it from 3-4pm? Why was it 8am-4pm, and why didn't it just say school hours on school days. This creates confusion, especially with our transient and out-of-town people of when school is in session, when was it cancelled because of a water main break... how would anyone know? Recess is no longer held in that parking lot anymore. It is held on the north side of the The Rock Annex Building. The parking lot is now occupied by cars. He doesn't think they need the restriction at all. Why are we saying that intersection is any more dangerous than kitty-corner from that? Why isn't there a restriction on all four corners, and why isn't it done at every intersection in the city? Cars pull up, they come to a legal stop, but not everybody obeys the law. They try to enforce that every time they can. People shouldn't come to a stop within the crosswalk. There is a stop line there. People should be able to come up there and safely make a right turn on red. His suggestion is to get rid of it altogether since they are talking about it.

Mayor Tapp commented that he is not sure why that sign is still there now, but it did make sense when recess was held in the parking lot. From what he understands, that is only sign like that in Huron. Chief Graham confirmed that it is the only “No Right Turn on Red” restriction in the City. Mayor Tapp added that at every other intersection with a legal stop you can turn right on red. In defense of walkers and bicyclers, he told Mr. Riggle that he understands his position and wishes the City had enough police officers that they could watch every intersection, but that is not feasible. Some people obey the law, and some don’t. Sometimes when he is driving, is that sometimes the bicyclers are going out in the crosswalk before they look, too. It’s a double-edged sword – bicyclers have the same laws to abide by. He agrees with Chief Graham that the sign should be gotten rid of altogether. It should be a right turn on red after a legal stop.

Mr. Biddlecombe said he posted the agenda on his Council Facebook page, and overwhelmingly, the comments were against making it a no right turn on red all the time. Just looking at that, and also hearing from Chief Graham... he was going to push to just keep it the way it is, but looking at the Chief’s viewpoint, he would agree that it probably not warranted anymore. Mayor Tapp agreed, saying it makes no sense as it is the only place in Huron that doesn’t allow a turn on red during certain hours – why only at that one corner?

Mr. Artino agreed, saying he doesn’t know why it’s there anymore, either. It was there because of the kids. What they can do if they remove it, is plaster that all over our Facebook page and everything else. At the same time, we could maybe give some warning that the police will be keeping a close eye on that intersection and enforcing any violations. Mayor Tapp thinks people just aren’t aware that they are supposed to stop for the crosswalks near Berlin Road when the lights are going. Chief Graham agreed and said the Mayor’s comments about bicycles brings up a whole other host of issues. There was a time when bicycles in that area weren’t allowed on the sidewalk because that was a business district, and then they had the fatal accident in 1996 at US 6 and Huron Street that changed all of that. Bicycles aren’t even supposed to be in the crosswalk. Bicycles are vehicles and are supposed to follow the rules of the road. Crosswalks are exclusively for pedestrians. The proper way for a bicycle to cross is they have to get off their bike and walk it across the crosswalk. Once the bicyclist brings their feet up onto the pedals, they have now declared themselves a vehicle and vehicles are excluded from being in the crosswalk. We see how often people do that and they do, verbally, stop people and tell them they are not supposed to do that... or they are going across the bridge against traffic in the bike lane. They are not supposed to do that. If you are on one side of Cleveland Rd. W. and you want to go to another place on the same side, why would you go across traffic to have to come back across? They try to educate with proper pedestrian safety and bicycle safety. It is a tough sell. Now we have golf carts in the bike lanes, and they are also working on that educational component. If they could get everyone to follow the law, it would be great. What they will do if the Safety Committee does recommend removal of that sign, is they have a program in their RMS System called Community Watch, which alerts all of them that they have to do some stationary patrols in that area. They can sit at BP, the bank or the Donut Shop to monitor that intersection. BP would probably be better because you could be more in line with the stop line to make sure people are coming to a complete stop before the stop line.

Motion by Mr. Artino that they remove the sign completely and use this as an opportunity to help educate motorists and pedestrians. The motion by second by Mr. Biddlecombe.

Chief Graham asked Mr. Hamilton if they would have to do a journal entry and update the traffic map. Mr. Hamilton answered, yes.

Member of the Safety Committee voted on the motion as follows:

YEAS: Tapp, Artino, Biddlecombe (3)
NAYS: None (0)

There being more than a majority in favor, the motion passed, and a recommendation will be made to Council for complete review of the no turn on red sign at the intersection of US 6 and Main Street.

Discussion Regarding the Removal of 3-Way Flashing Light at the Intersection of Mudbrook Road (Route 13) and Riverside Drive, and Installation of Two Additional Signs to Make the Intersection Safer

Mr. Hamilton explained that as we come into town, we have that one-off, random 3-way flashing amber light. It's one of those lights that has always been there. No one knows why, for sure. It is not used, it is within a 35mph zone, and there are not other flashing yellow lights at any other intersections in town. They consistently must repair the signal box and replace the lightbulbs on these lights to keep them functional. They have verified with ODOT that they would quite happily see them disappear, as they find them confusing. The Street Department and staff are requesting the removal of these flashing lights. Further down, they will be putting in two new high-visibility crosswalks at Forest Hills and Valley View. They are already at 35mph at this point, perhaps it used to be 55mph at some point? Staff is requesting that we update the traffic book and remove these lights. Mr. Biddlecombe thought that the light was there because there wasn't even a stop sign at Riverside at one point. Chief Graham added that they haven't had a crash at that intersection in decades – he can't even remember the last one. He thinks the light does nothing and asked about the double signs. Mr. Hamilton explained that the signs referenced relate to the crosswalks at Valley View and Forest Hills. Chief Graham said they are totally fine with removing the light. They used to have a blinking light at Williams and Cleveland Rd. W., and they ended up removing it, because it was flashing for the stop signs and was yellow for the through traffic. They don't need it and he mentioned to one of the other officers what we were going to talk about at this meeting, and he said he didn't even know the light was there. No one notices it. He would support removing the light altogether.

Motion by Mr. Biddlecombe to remove the 3-way flashing light at the intersection of Mudbrook Road (Route 13) and Riverside Drive.

Members of the Committee voted as follows:

YEAS: Biddlecombe, Artino, Tapp (3)

NAYS: None (0)

There being more than a majority in favor, the motion passed.

Mayor Tapp asked if there was anything new to discuss. Mr. Biddlecombe brought up the request he got from a resident about how traffic coming in from the lake side of Williams to Cleveland Road West thinks it's a 4-way stop and will pull out, and they thought maybe having a "Cross Traffic Does Not Stop" on those stop signs would be helpful. One thing he noticed is that people seem to get confused at that intersection. Chief Graham said he would argue why would they put those there and not at Center and Ohio, as well. He thinks Ohio Street is a more dangerous intersection because they took out a traffic light there. He would recommend that if they think it is prudent to put one there, that they put them on all three. Mr. Biddlecombe said he would agree with that and thinks that would be helpful. The request was made because they see a lot more out-of-state plates coming from the water, and there have been, in their opinion, a lot of near misses. Chief Graham took pictures for Mr. Hamilton when this was first brought up at Council. He thinks the intersection at Cleveland Rd. W. and Williams Street is the most unobscured intersection. Of the three, they have more accidents at Cleveland Rd. W. and Center Street because there are a lot of trees in the boulevard. School time is a mess in there, but of the three, Williams and Cleveland Rd. W. is by far the safest of the three, and safest as qualified by number of accidents. If they think those signs are prudent for Cleveland Rd. W./Williams, he recommends doing them at the Cleveland Rd. W./Center Street and Cleveland Rd. W./Ohio Street, as well. Mr. Hamilton added that from a Streets point of view, any time they

make an intersection that is the same as 50 other intersections in town different, he believes it causes confusion. If you get used to seeing signs that say, "Cross Traffic Does Not Stop," when you don't see one, do they start presuming they are 4-way stops. He thinks it adds a layer of confusion. Chief Graham agreed with Mr. Hamilton, saying our most dangerous intersection was at US 6 and Williams Street when they took the Yield signs out and put Stop signs in. They had over 40 crashes in 3 years, and they haven't had one since they put the Stop signs in. They didn't put Cross Traffic Does Not Stop, and that was, by far, the City's most dangerous intersection. He agreed with Mr. Hamilton, but if the decision is made to add the Cross Traffic Does Not Stop signs, they should be on all three. He would recommend leaving it as is because they didn't do that at their most dangerous intersection. Mr. Artino said they haven't had any issues at that intersection, which was confirmed by Chief Graham. The people that it was really difficult for was the local residents, because they were so used to a running start going through there. Mayor Tapp says he still sees some people treating the Stop sign as a Yield sign. Chief Graham said they have stopped some cars them, and educated people on it, but it's the crashes that have stopped. Is that going to maintain forever? No, but it has astronomically/unbelievably reduced the number of crashes at that intersection. Anybody coming northbound not stopping there is nuts because of the Mesenberg building there; you have to come to a stop to safely clear going out there.

Mayor Tapp agreed that you do have to pull up at some intersections to be able to see. Chief Graham added that they didn't put in a "Crossing Traffic Does Not Stop" after the fatal accident at US 6 and Huron Street. Mayor Tapp agreed that it may be confusing if they add the signs to a few but don't do it at the other 10. Mr. Biddlecombe said it makes sense and he thinks part of the issues is because it is now a stop at Main Street, there is such a short area there, people put their signal on in preparation to turn onto Main Street, but they are still within the area of Williams Street, so people on Williams Street think they are going to turn, and they don't. Chief Graham said to remember that a turn signal does not alleviate your responsibility to yield from a stop sign. The stop sign law says you shall yield to all traffic, both legal and illegal. Everyone know, especially when pulling out of Commerce Plaza, that you don't trust the turn signal. You wait until they turn or have gone by.

Mayor Tapp asked if anyone had anything else to discuss.

Chief Graham said that when the journal entry goes through to remove the no turn on red sign, that's when he will put the Community Watch on there to verify that people are stopping at the stop line. Mr. Biddlecombe asked if Council must pass legislation, which was confirmed by Mr. Hamilton.

Motion by Mr. Biddlecombe to adjourn the meeting. All in favor.

The Safety Committee meeting was adjourned at 3:58pm

Adopted: _____

Terri S. Welkener

ORDINANCE NO. 2024-38
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 REMOVAL OF THE 3-WAY FLASHING TRAFFIC LIGHT AT THE INTERSECTION OF MUDBROOK ROAD (ROUTE 13) AND RIVERSIDE DRIVE WITHIN THE CITY OF HURON, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, on August 7, 2024, the Safety Committee made a recommendation to Council to remove the 3-way flashing traffic light at the intersection of Mudbrook Road (Route 13) and Riverside 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:

Removal of the 3-way flashing traffic light at the intersection of Mudbrook Road (Route 13) and Riverside Drive.

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

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

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

SECTION 4. 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: Jack Evans
RE: Resolution No. 70-2024 (*submitted by Jack Evans*)
DATE: September 10, 2024

Subject Matter/Background

Staff are actively chasing funding sources to help pay for this project. The deadline for the grant application submission is September 13, 2024. This is a combination application, with \$325,000 being a grant, and the balance being a low interest loan.

Financial Review

If awarded, this will reduce the City's local portion of the project through a grant and low interest loan.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion to adopt Resolution No. 70-2024 is in order.

[Resolution No. 70-2024 OPWC Loan-Grant Application Secondary Water Intake \\$487,500 FY 2026.doc](#)
[Resolution No. 70-2024 Exh A OPWC FY26 Round 39 Application.pdf](#)

RESOLUTION NO. 70-2024

Introduced by Joel Hagy

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION (OPWC), SCIP AND LTIP PROGRAM YEAR 38, FY 2025 GRANT AND/OR LOAN RELATING TO THE HURON WATER TREATMENT PLANT SECONDARY INTAKE PROJECT IN THE AGGREGATE AMOUNT OF FOUR HUNDRED EIGHTY-SEVEN THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$487,500.00); AND FURTHER AUTHORIZING THE CITY MANAGER TO ACCEPT SAID GRANT AND/OR LOAN AWARD IN AN AGGREGATE AMOUNT NOT TO EXCEED FOUR HUNDRED EIGHTY-SEVEN THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$487,500.00), SHOULD THE APPLICATION BE SUCCESSFUL.

WHEREAS, the City of Huron desires to seek grant/loan funding from the Ohio Public Works Commission (OPWC), SCIP and LTIP Program Year 39, FY 2026 to partially subsidize the Huron Water Treatment Plant Secondary Intake Project (referred to as the "Project"); and

WHEREAS, the Projects meets basic eligibility requirements for project funding as it has a direct relationship to water supply capital infrastructure; and

WHEREAS, the City of Huron has the authority to apply for financial assistance and to administer the amounts received from OPWC; 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 authorizes and directs the City Manager to submit a grant application through the Ohio Public Works Commission (OPWC) SCIP and LTIP Program Year 39, FY 2026 to become eligible for potential grant and/or loan funding assistance relating to the Huron Water Treatment Plant Secondary Intake Project in the aggregate amount of Four Hundred Eighty-Seven Thousand Five Hundred and xx/100 Dollars (\$487,500.00). A copy of the financial assistance application materials is attached hereto as Exhibit "A."

SECTION 2. That if grant and/or loan funds are awarded, authorization is given to the City Manager to execute any agreement(s) with OPWC to be eligible for funding under the program, and to accept the grant and/or loan award of up to Four Hundred Eighty-Seven Thousand Five Hundred and xx/100 Dollars (\$487,500.00).

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

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

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



State of Ohio
Public Works Commission
Application for Financial Assistance

IMPORTANT: Please consult "Instructions for Financial Assistance for Capital Infrastructure Projects" for guidance in completion of this form.

Applicant

Applicant: _____ Subdivision Code: _____

District Number: _____ County: _____ Date: _____

Contact: _____ Phone: _____
(The individual who will be available during business hours and who can best answer or coordinate the response to questions)

Email: _____ FAX: _____

Project

Project Name: _____ Zip Code: _____

Subdivision Type	Project Type	Funding Request Summary
(Select one)	(Select single largest component by \$)	(Automatically populates from page 2)
<input type="checkbox"/> 1. County	<input type="checkbox"/> 1. Road	Total Project Cost: _____ 0 .00
<input type="checkbox"/> 2. City	<input type="checkbox"/> 2. Bridge/Culvert	1. Grant: _____ 0 .00
<input type="checkbox"/> 3. Township	<input type="checkbox"/> 3. Water Supply	2. Loan: _____ 0 .00
<input type="checkbox"/> 4. Village	<input type="checkbox"/> 4. Wastewater	3. Loan Assistance/ Credit Enhancement: _____ 0 .00
<input type="checkbox"/> 5. Water (6119 Water District)	<input type="checkbox"/> 5. Solid Waste	
	<input type="checkbox"/> 6. Stormwater	Funding Requested: _____ 0 .00

District Recommendation (To be completed by the District Committee)

Funding Type Requested	SCIP Loan - Rate: _____ % Term: _____ Yrs	Amount: _____ .00
(Select one)		
<input type="checkbox"/> State Capital Improvement Program	RLP Loan - Rate: _____ % Term: _____ Yrs	Amount: _____ .00
<input type="checkbox"/> Local Transportation Improvement Program	Grant:	Amount: _____ .00
<input type="checkbox"/> Revolving Loan Program	LTIP:	Amount: _____ .00
<input type="checkbox"/> Small Government Program	Loan Assistance / Credit Enhancement:	Amount: _____ .00
District SG Priority: _____		

For OPWC Use Only

STATUS	Grant Amount: _____ .00	Loan Type: <input type="checkbox"/> SCIP <input type="checkbox"/> RLP
Project Number: _____	Loan Amount: _____ .00	Date Construction End: _____
_____	Total Funding: _____ .00	Date Maturity: _____
Release Date: _____	Local Participation: _____ %	Rate: _____ %
OPWC Approval: _____	OPWC Participation: _____ %	Term: _____ Yrs

1.0 Project Financial Information (All Costs Rounded to Nearest Dollar)

1.1 Project Estimated Costs

Engineering Services

Preliminary Design:	_____	.00	
Final Design:	_____	.00	
Construction Administration:	_____	.00	
Total Engineering Services:	a.) _____	0 .00	_____ 0 %
Right of Way:	b.) _____	.00	
Construction:	c.) _____	.00	
Materials Purchased Directly:	d.) _____	.00	
Permits, Advertising, Legal:	e.) _____	.00	
Construction Contingencies:	f.) _____	.00	_____ 0 %
Total Estimated Costs:	g.) _____	0 .00	

1.2 Project Financial Resources

Local Resources

Local In-Kind or Force Account:	a.) _____	.00	
Local Revenues:	b.) _____	.00	
Other Public Revenues:	c.) _____	.00	
ODOT / FHWA PID: _____	d.) _____	.00	
USDA Rural Development:	e.) _____	.00	
OEPA / OWDA:	f.) _____	.00	
CDBG:	g.) _____	.00	
<input type="checkbox"/> County Entitlement or Community Dev. "Formula"			
<input type="checkbox"/> Department of Development			
Other: _____	h.) _____	.00	
Subtotal Local Resources:	i.) _____	0 .00	_____ 0 %

OPWC Funds (Check all requested and enter Amount)

Grant: _____ 0 % of OPWC Funds	j.) _____	.00	
Loan: _____ 0 % of OPWC Funds	k.) _____	.00	
Loan Assistance / Credit Enhancement:	l.) _____	.00	
Subtotal OPWC Funds:	m.) _____	0 .00	_____ 0 %
Total Financial Resources:	n.) _____	0 .00	_____ 100 %

1.3 Availability of Local Funds

Attach a statement signed by the Chief Financial Officer listed in section 5.2 certifying all local resources required for the project will be available on or before the earliest date listed in the Project Schedule section. The OPWC Agreement will not be released until the local resources are certified. Failure to meet local share may result in termination of the project. Applicant needs to provide written confirmation for funds coming from other funding sources.

2.0 Repair / Replacement or New / Expansion

2.1 Total Portion of Project Repair / Replacement:	_____ .00	<u>0</u> %
2.2 Total Portion of Project New / Expansion:	_____ .00	<u>0</u> %
2.3 Total Project:	<u>0</u> .00	<u>100</u> %

3.0 Project Schedule

3.1 Engineering / Design / Right of Way	Begin Date: _____	End Date: _____
3.2 Bid Advertisement and Award	Begin Date: _____	End Date: _____
3.3 Construction	Begin Date: _____	End Date: _____

Construction cannot begin prior to release of executed Project Agreement and issuance of Notice to Proceed.

Failure to meet project schedule may result in termination of agreement for approved projects. Modification of dates must be requested in writing by project official of record and approved by the Commission once the Project Agreement has been executed.

4.0 Project Information

If the project is multi-jurisdictional, information must be consolidated in this section.

4.1 Useful Life / Cost Estimate / Age of Infrastructure

Project Useful Life: _____ Years Age: _____ (Year built or year of last major improvement)

Attach Registered Professional Engineer's statement, with seal or stamp and signature confirming the project's useful life indicated above and detailed cost estimate.

4.2 User Information

Road or Bridge: Current ADT _____ Year _____ Projected ADT _____ Year _____

Water / Wastewater: Based on monthly usage of 4,500 gallons per household; attach current ordinances.

Residential Water Rate Current \$ _____ Proposed \$ _____

Number of households served: _____

Residential Wastewater Rate Current \$ _____ Proposed \$ _____

Number of households served: _____

Stormwater: Number of households served: _____

4.3 Project Description

A: SPECIFIC LOCATION (Supply a written location description that includes the project termini; a map does not replace this requirement.) 500 character limit.

B: PROJECT COMPONENTS (Describe the specific work to be completed; the engineer's estimate does not replace this requirement) 1,000 character limit.

C: PHYSICAL DIMENSIONS (Describe the physical dimensions of the existing facility and the proposed facility. Include length, width, quantity and sizes, mgd capacity, etc in detail.) 500 character limit.

5.0 Project Officials

Changes in Project Officials must be submitted in writing from an officer of record.

5.1 Chief Executive Officer (Person authorized in legislation to sign project agreements)

Name: _____

Title: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

FAX: _____

E-Mail: _____

5.2 Chief Financial Officer (Can not also serve as CEO)

Name: _____

Title: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

FAX: _____

E-Mail: _____

5.3 Project Manager

Name: _____

Title: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

FAX: _____

E-Mail: _____

6.0 Attachments / Completeness review

Confirm in the boxes below that each item listed is attached (Check each box)

- ☐ A certified copy of the legislation by the governing body of the applicant authorizing a designated official to sign and submit this application and execute contracts. This individual should sign under 7.0, Applicant Certification, below.
- ☐ A certification signed by the applicant's chief financial officer stating the amount of all local share funds required for the project will be available on or before the dates listed in the Project Schedule section. If the application involves a request for loan (RLP or SCIP), a certification signed by the CFO which identifies a specific revenue source for repaying the loan also must be attached. Both certifications can be accomplished in the same letter.
- ☐ A registered professional engineer's detailed cost estimate and useful life statement, as required in 164-1-13, 164-1-14, and 164-1-16 of the Ohio Administrative Code. Estimates shall contain an engineer's seal or stamp and signature.
- ☐ A cooperative agreement (if the project involves more than one subdivision or district) which identifies the fiscal and administrative responsibilities of each participant.
- ☐ Farmland Preservation Review - The Governor's Executive Order 98-III, "Ohio Farmland Protection Policy" requires the Commission to establish guidelines on how it will take protection of productive agricultural and grazing land into account in its funding decision making process. Please include a Farm Land Preservation statement for projects that have an impact on farmland.
- ☐ Capital Improvements Report. CIR Required by O.R.C. Chapter 164.06 on standard form.
- ☐ Supporting Documentation: Materials such as additional project description, photographs, economic impact (temporary and/or full time jobs likely to be created as a result of the project), accident reports, impact on school zones, and other information to assist your district committee in ranking your project. Be sure to include supplements which may be required by your local District Public Works Integrating Committee.

7.0 Applicant Certification

The undersigned certifies: (1) he/she is legally authorized to request and accept financial assistance from the Ohio Public Works Commission as identified in the attached legislation; (2) to the best of his/her knowledge and belief, all representations that are part of this application are true and correct; (3) all official documents and commitments of the applicant that are part of this application have been duly authorized by the governing body of the applicant; and, (4) should the requested financial assistance be provided, that in the execution of this project, the applicant will comply with all assurances required by Ohio Law, including those involving Buy Ohio and prevailing wages.

Applicant certifies that physical construction on the project as defined in the application has NOT begun, and will not begin until a Project Agreement for this project has been executed with the Ohio Public Works Commission. Action to the contrary will result in termination of the agreement and withdrawal of Ohio Public Works Commission funding from the project.

Certifying Representative (Printed form, Type or Print Name and Title)

Original Signature / Date Signed



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Resolution No. 71-2024 (*submitted by Jack Evans*)
DATE: September 10, 2024

Subject Matter/Background

Staff are actively chasing funding sources to help pay for the 2-Million Gallon Elevated Water Tower Project. The deadline for the grant application submission is September 13, 2024. This a combination application, with \$325,000 being a grant, and the balance being a low interest loan.

Financial Review

If awarded, this will reduce the City's local portion of the project through a grant and low interest loan.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion to adopt Resolution No. 71-2024 is in order.

[Resolution No. 71-2024 OPWC Loan-Grant Application 2 Mill Gallon Water Tower \\$487,500 FY 2026.doc](#)
[Resolution No. 71-2024 Exh A OPWC FY26 Round 39 Application.pdf](#)

RESOLUTION NO. 71-2024
Introduced by Matt Grieves

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION (OPWC), SCIP AND LTIP PROGRAM YEAR 38, FY 2025 GRANT AND/OR LOAN RELATING TO THE 2-MILLION-GALLON ELEVATED WATER TOWER PROJECT IN THE AGGREGATE AMOUNT OF FOUR HUNDRED EIGHTY-SEVEN THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$487,500.00); AND FURTHER AUTHORIZING THE CITY MANAGER TO ACCEPT SAID GRANT AND/OR LOAN AWARD IN AN AGGREGATE AMOUNT NOT TO EXCEED FOUR HUNDRED EIGHTY-SEVEN THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$487,500.00), SHOULD THE APPLICATION BE SUCCESSFUL.

WHEREAS, the City of Huron desires to seek grant/loan funding from the Ohio Public Works Commission (OPWC), SCIP and LTIP Program Year 39, FY 2026 to partially subsidize the 2-Million Gallon Elevated Water Tower Project (referred to as the "Project"); and

WHEREAS, the Projects meets basic eligibility requirements for project funding as it has a direct relationship to water supply capital infrastructure; and

WHEREAS, the City of Huron has the authority to apply for financial assistance and to administer the amounts received from OPWC; 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 authorizes and directs the City Manager to submit a grant application through the Ohio Public Works Commission (OPWC) SCIP and LTIP Program Year 39, FY 2026 to become eligible for potential grant and/or loan funding assistance relating to the 2-Million Gallon Elevated Water Tower Project in the aggregate amount of Four Hundred Eighty-Seven Thousand Five Hundred and xx/100 Dollars (\$487,500.00). A copy of the financial assistance application materials is attached hereto as Exhibit "A."

SECTION 2. That if grant and/or loan funds are awarded, authorization is given to the City Manager to execute any agreement(s) with OPWC to be eligible for funding under the program, and to accept the grant and/or loan award of up Four Hundred Eighty-Seven Thousand Five Hundred and xx/100 Dollars (\$487,500.00)

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

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

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



State of Ohio
Public Works Commission
Application for Financial Assistance

IMPORTANT: Please consult "Instructions for Financial Assistance for Capital Infrastructure Projects" for guidance in completion of this form.

Applicant

Applicant: _____ Subdivision Code: _____

District Number: _____ County: _____ Date: _____

Contact: _____ Phone: _____
(The individual who will be available during business hours and who can best answer or coordinate the response to questions)

Email: _____ FAX: _____

Project

Project Name: _____ Zip Code: _____

Subdivision Type	Project Type	Funding Request Summary
(Select one)	(Select single largest component by \$)	(Automatically populates from page 2)
<input type="checkbox"/> 1. County	<input type="checkbox"/> 1. Road	Total Project Cost: _____ 0 .00
<input type="checkbox"/> 2. City	<input type="checkbox"/> 2. Bridge/Culvert	1. Grant: _____ 0 .00
<input type="checkbox"/> 3. Township	<input type="checkbox"/> 3. Water Supply	2. Loan: _____ 0 .00
<input type="checkbox"/> 4. Village	<input type="checkbox"/> 4. Wastewater	3. Loan Assistance/ Credit Enhancement: _____ 0 .00
<input type="checkbox"/> 5. Water (6119 Water District)	<input type="checkbox"/> 5. Solid Waste	
	<input type="checkbox"/> 6. Stormwater	Funding Requested: _____ 0 .00

District Recommendation (To be completed by the District Committee)

Funding Type Requested	SCIP Loan - Rate: _____ % Term: _____ Yrs	Amount: _____ .00
(Select one)		
<input type="checkbox"/> State Capital Improvement Program	RLP Loan - Rate: _____ % Term: _____ Yrs	Amount: _____ .00
<input type="checkbox"/> Local Transportation Improvement Program	Grant:	Amount: _____ .00
<input type="checkbox"/> Revolving Loan Program	LTIP:	Amount: _____ .00
<input type="checkbox"/> Small Government Program	Loan Assistance / Credit Enhancement:	Amount: _____ .00
District SG Priority: _____		

For OPWC Use Only

STATUS	Grant Amount: _____ .00	Loan Type: <input type="checkbox"/> SCIP <input type="checkbox"/> RLP
Project Number: _____	Loan Amount: _____ .00	Date Construction End: _____
_____	Total Funding: _____ .00	Date Maturity: _____
Release Date: _____	Local Participation: _____ %	Rate: _____ %
OPWC Approval: _____	OPWC Participation: _____ %	Term: _____ Yrs

1.0 Project Financial Information (All Costs Rounded to Nearest Dollar)

1.1 Project Estimated Costs

Engineering Services

Preliminary Design:	_____	.00	
Final Design:	_____	.00	
Construction Administration:	_____	.00	
Total Engineering Services:	a.) _____	0 .00	_____ 0 %
Right of Way:	b.) _____	.00	
Construction:	c.) _____	.00	
Materials Purchased Directly:	d.) _____	.00	
Permits, Advertising, Legal:	e.) _____	.00	
Construction Contingencies:	f.) _____	.00	_____ 0 %
Total Estimated Costs:	g.) _____	0 .00	

1.2 Project Financial Resources

Local Resources

Local In-Kind or Force Account:	a.) _____	.00	
Local Revenues:	b.) _____	.00	
Other Public Revenues:	c.) _____	.00	
ODOT / FHWA PID: _____	d.) _____	.00	
USDA Rural Development:	e.) _____	.00	
OEPA / OWDA:	f.) _____	.00	
CDBG:	g.) _____	.00	
<input type="checkbox"/> County Entitlement or Community Dev. "Formula"			
<input type="checkbox"/> Department of Development			
Other: _____	h.) _____	.00	
Subtotal Local Resources:	i.) _____	0 .00	_____ 0 %

OPWC Funds (Check all requested and enter Amount)

Grant: _____ 0 % of OPWC Funds	j.) _____	.00	
Loan: _____ 0 % of OPWC Funds	k.) _____	.00	
Loan Assistance / Credit Enhancement:	l.) _____	.00	
Subtotal OPWC Funds:	m.) _____	0 .00	_____ 0 %
Total Financial Resources:	n.) _____	0 .00	_____ 100 %

1.3 Availability of Local Funds

Attach a statement signed by the Chief Financial Officer listed in section 5.2 certifying all local resources required for the project will be available on or before the earliest date listed in the Project Schedule section. The OPWC Agreement will not be released until the local resources are certified. Failure to meet local share may result in termination of the project. Applicant needs to provide written confirmation for funds coming from other funding sources.

2.0 Repair / Replacement or New / Expansion

2.1 Total Portion of Project Repair / Replacement:	_____ .00	<u>0</u> %
2.2 Total Portion of Project New / Expansion:	_____ .00	<u>0</u> %
2.3 Total Project:	<u>0</u> .00	<u>100</u> %

3.0 Project Schedule

3.1 Engineering / Design / Right of Way	Begin Date: _____	End Date: _____
3.2 Bid Advertisement and Award	Begin Date: _____	End Date: _____
3.3 Construction	Begin Date: _____	End Date: _____

Construction cannot begin prior to release of executed Project Agreement and issuance of Notice to Proceed.

Failure to meet project schedule may result in termination of agreement for approved projects. Modification of dates must be requested in writing by project official of record and approved by the Commission once the Project Agreement has been executed.

4.0 Project Information

If the project is multi-jurisdictional, information must be consolidated in this section.

4.1 Useful Life / Cost Estimate / Age of Infrastructure

Project Useful Life: _____ Years Age: _____ (Year built or year of last major improvement)

Attach Registered Professional Engineer's statement, with seal or stamp and signature confirming the project's useful life indicated above and detailed cost estimate.

4.2 User Information

Road or Bridge: Current ADT _____ Year _____ Projected ADT _____ Year _____

Water / Wastewater: Based on monthly usage of 4,500 gallons per household; attach current ordinances.

Residential Water Rate Current \$ _____ Proposed \$ _____

Number of households served: _____

Residential Wastewater Rate Current \$ _____ Proposed \$ _____

Number of households served: _____

Stormwater: Number of households served: _____

4.3 Project Description

A: SPECIFIC LOCATION (Supply a written location description that includes the project termini; a map does not replace this requirement.) 500 character limit.

B: PROJECT COMPONENTS (Describe the specific work to be completed; the engineer's estimate does not replace this requirement) 1,000 character limit.

C: PHYSICAL DIMENSIONS (Describe the physical dimensions of the existing facility and the proposed facility. Include length, width, quantity and sizes, mgd capacity, etc in detail.) 500 character limit.

5.0 Project Officials

Changes in Project Officials must be submitted in writing from an officer of record.

5.1 Chief Executive Officer (Person authorized in legislation to sign project agreements)

Name: _____

Title: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

FAX: _____

E-Mail: _____

5.2 Chief Financial Officer (Can not also serve as CEO)

Name: _____

Title: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

FAX: _____

E-Mail: _____

5.3 Project Manager

Name: _____

Title: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

FAX: _____

E-Mail: _____

6.0 Attachments / Completeness review

Confirm in the boxes below that each item listed is attached (Check each box)

- ☐ A certified copy of the legislation by the governing body of the applicant authorizing a designated official to sign and submit this application and execute contracts. This individual should sign under 7.0, Applicant Certification, below.
- ☐ A certification signed by the applicant's chief financial officer stating the amount of all local share funds required for the project will be available on or before the dates listed in the Project Schedule section. If the application involves a request for loan (RLP or SCIP), a certification signed by the CFO which identifies a specific revenue source for repaying the loan also must be attached. Both certifications can be accomplished in the same letter.
- ☐ A registered professional engineer's detailed cost estimate and useful life statement, as required in 164-1-13, 164-1-14, and 164-1-16 of the Ohio Administrative Code. Estimates shall contain an engineer's seal or stamp and signature.
- ☐ A cooperative agreement (if the project involves more than one subdivision or district) which identifies the fiscal and administrative responsibilities of each participant.
- ☐ Farmland Preservation Review - The Governor's Executive Order 98-III, "Ohio Farmland Protection Policy" requires the Commission to establish guidelines on how it will take protection of productive agricultural and grazing land into account in its funding decision making process. Please include a Farm Land Preservation statement for projects that have an impact on farmland.
- ☐ Capital Improvements Report. CIR Required by O.R.C. Chapter 164.06 on standard form.
- ☐ Supporting Documentation: Materials such as additional project description, photographs, economic impact (temporary and/or full time jobs likely to be created as a result of the project), accident reports, impact on school zones, and other information to assist your district committee in ranking your project. Be sure to include supplements which may be required by your local District Public Works Integrating Committee.

7.0 Applicant Certification

The undersigned certifies: (1) he/she is legally authorized to request and accept financial assistance from the Ohio Public Works Commission as identified in the attached legislation; (2) to the best of his/her knowledge and belief, all representations that are part of this application are true and correct; (3) all official documents and commitments of the applicant that are part of this application have been duly authorized by the governing body of the applicant; and, (4) should the requested financial assistance be provided, that in the execution of this project, the applicant will comply with all assurances required by Ohio Law, including those involving Buy Ohio and prevailing wages.

Applicant certifies that physical construction on the project as defined in the application has NOT begun, and will not begin until a Project Agreement for this project has been executed with the Ohio Public Works Commission. Action to the contrary will result in termination of the agreement and withdrawal of Ohio Public Works Commission funding from the project.

Certifying Representative (Printed form, Type or Print Name and Title)

Original Signature / Date Signed



TO: Mayor Tapp and City Council
FROM: Edward Widman
RE: Resolution No. 72-2024 (*submitted by Ed Widman*)
DATE: September 10, 2024

Subject Matter/Background

Financial Review

As part of the annual Tax Budget process, the Budget Commission provides each municipality with estimated property taxes and local government fund revenues for the following year. In accordance with the Ohio Revised Code, Council is required to approve the tax levy rates and certify a copy of the approval to the County Auditor by the end of September. The 2025 tax rates and revenue estimates are included in Schedule A attached hereto. The estimated millage has not changed from prior years. Taxes from the inside millage (General Fund, Fire Pension, Police Pension) are anticipated to increase by \$17,230 in total from 2024. The Fire Levy is anticipated to increase by \$19,669 from 2024.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion to adopt Resolution No. 72-2024 is in order.

[Resolution No. 72-2024 Certify Tax Levies to County Auditor \(2\).docx](#)

RESOLUTION NO. 72-2024

Introduced by Joel Hagy

**A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY
THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY AUDITOR; AND DECLARING AN
EMERGENCY**

(City Council)

Revised Code Secs. 5705.34, 5705.35

*The City Council of Huron, Erie County, Ohio met in regular session on the
10th day of September, 2024 in Council Chambers at Huron City Hall*

with the following members present:

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

Mr. Hagy moved the adoption of the following Resolution:

WHEREAS, the City Council of **HURON**, Erie County, Ohio, in accordance with the provisions of law, has previously adopted a tax budget for the next succeeding fiscal year commencing on January 1st, 2025; and

WHEREAS, The Budget Commission of Erie County, Ohio has certified its action thereon to this Board together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Board, and what part thereof is without, and what part within the ten-mill tax limitation.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of **Huron**, Erie County, Ohio that the amounts and rates as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, that there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten-mill limitation as follows:

SCHEDULE A
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED
BY THE BUDGET COMMISSION, AND THE COUNTY AUDITOR'S ESTIMATED TAX RATES

FUND	Amount to be derived from levies outside	Approved by Budget Commission inside	County Auditor's Estimate of Tax rate to be levied		
	10mill limit	10mill limit	Inside 10mill limit	Outside 10mill limit	
	Column II	Column IV	V	VI	
General Fund		374,035	1.40		
Police Pension		80,150	0.30		
Fire Pension		53,434	0.20		
Fire Levy	626,146			3.00	
Fund					
Fund					
Fund					
Fund					
TOTAL	626,146	507,619	1.90	3.00	

SCHEDULE B
LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	Maximum Rate	County Auditors Estimate of yield of levy (Carry to schedule A, Column II)
GENERAL FUND:		
Current expense levy authorized by voters on _____ 19 for not to exceed years.		
Current expense levy authorized by voters on _____ 19 for not to exceed years.		
Current expense levy authorized by voters on _____ 19 for not to exceed years.		
Current expense levy authorized by voters on _____ 19 for not to exceed years.		
Current expense levy authorized by voters on _____ 19 for not to exceed years.		
Total General Fund outside 10 mill limitation:		

SCHEDULE B (continued)
LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	Maximum Rate	County Auditor's Estimate of yield of levy (carry to Schedule A, Column II)
Fire levy authorized by voters on November 2, 2004. and continuing.	3.00	626,146
Current expense levy authorized by voters on _ for not to exceed _____ years.		
Current expense levy authorized by voters on _____ 19 for not to exceed _____ years.		
Current expense levy authorized by voters on _____ 19 for not to exceed _____ years.		

and be it further

RESOLVED, that the Clerk of this Board be, and is hereby directed, to certify a copy of this Resolution to the County Auditor of said County; and be it further

RESOLVED, that this Resolution is hereby declared to be an emergency measure, necessary for the public health, safety and welfare and for the further reason that the funds to be derived from the tax levies hereby provided are necessary for the fiscal operation of the City for the year 2025; **WHEREFORE**, in accordance with Section 3.09 of the Charter of the City of Huron, Ohio, the Resolution shall be in full force and effect immediately following its adoption.

Mayor Tapp directed the Clerk of Council to call the roll on adoption of Resolution No. 72-2024. The vote resulted as follows:

**YEAS: Joel Hagy, William Biddlecombe, Sam Artino, Mark Claus,
Monty Tapp, Joe Dike, Matt Grieves (7)**

NAYS: None (0)

Adopted this 10th day of September, 2024:

Clerk of the City Council of
HURON
Erie County, OHIO

Mayor Monty Tapp
HURON
Erie County, OHIO

CERTIFICATE TO COPY

ORIGINAL ON FILE

The State of Ohio, Erie County, ss

I, Terri S. Welkener, Clerk of the City Council of the City of Huron, in said County, and in whose custody the files and records of said Board are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing Resolution No. 72-2024 is taken and copied from the original Resolution No. 72-2024 now on file, that the foregoing has been compared by me with said original document, and that the same is a true and correct copy thereof.

Witness my signature, this 11th day of September, 2024.

Terri S. Welkener, Clerk of the City Council of

Huron
Erie County, Ohio

A copy of this resolution must be certified to the County Auditor before the first day of October in each year,
or at such later date as may be approved by the Board of Tax Appeals.



TO: Mayor Tapp and City Council
FROM: Todd Schrader
RE: Ordinance No. 2024-42 (**first reading**) (*submitted by Todd Schrader*)
DATE: September 10, 2024

Subject Matter/Background

The City has received complaints over the past several years from residents having issues with their neighbors relating to light trespass onto their property. Ordinance No. 2024-42 would establish a criminal mischief offense for light trespass that encroaches on neighboring properties based on a reasonableness standard. Council held a work session on this issue on August 27, 2024, which resulted in Council asking the Law Director to draft legislation based on an existing ordinance currently in use by the City of Lakewood.

A related ordinance will come before Council in the near future with recommended changes to the building and planning codes that will include requirements, such as shielding and placement.

Financial Review

There is no financial impact relating to this ordinance.

Legal Review

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

Recommendation

If Council is agreement with the request, a motion placing Ordinance No. 2024-42 on its first reading is in order.

[Ordinance No. 2024-42 REDLINE Section 541.04 Criminal Mischief.pdf](#)

[Ordinance No. 2024-42 Section 541.04 Criminal Mischief Repeal Amend Restate Light Trespass \(1\).docx](#)

[Ordinance No. 2024-42 Exh A Section 541.04 Light Trespass Amendment.docx](#)

[Ordinance No. 2024-42 Exh B Section 541.04 Light Trespass Amendment.docx](#)

(a)

541.04. CRIMINAL MISCHIEF.

No person shall:

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- (1) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with either of the following:
 - A. The property of another;
 - B. One's own residential real property with the purpose to decrease the value of or enjoyment of the residential real property, if both of the following apply:
 1. The residential real property is subject to a mortgage.
 2. The person has been served with a summons and complaint in a pending residential mortgage loan foreclosure action relating to that real property. As used in this subsection, "pending" includes the time between judgment entry and confirmation of sale.
- (2) With purpose to interfere with the use or enjoyment of property of another employ a tear gas device, stink bomb, smoke generator or other device releasing a substance that is harmful or offensive to persons exposed, or that tends to cause public alarm;
- (3) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with a bench mark, triangulation station, boundary marker or other survey station, monument or marker.
- (4) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with any safety device, the property of another or the property of the offender when required or placed for the safety of others, so as to destroy or diminish its effectiveness or availability for its intended purpose;
- (5) With purpose to interfere with the use or enjoyment of the property of another, set a fire on the land of another or place personal property that has been set on fire on the land of another, which fire or personal property is outside and apart from any building, other structure or personal property that is on that land.
- (6) Without privilege to do so, and with intent to impair the functioning of any computer, computer system, computer network, computer software, or computer program, all as defined in Ohio R.C. 2909.01, knowingly do any of the following:
 - A. In any manner or by any means, including, but not limited to, computer hacking, alter, damage, destroy, or modify a computer, computer system, computer network, computer software, or computer program or data contained in a computer, computer system, computer network, computer software, or computer program;
 - B. Introduce a computer contaminant into a computer, computer system, computer network, computer software or computer program.

(7) Without privilege to do so, knowingly destroy or improperly tamper with a critical infrastructure facility.

~~(7)(8) Without privilege to do so, with purpose to interfere with the use of or enjoyment of the property of another, maintain a light nuisance originating from a residential property by causing light to unreasonably shine, glare, reflect, or direct onto the property of another.~~

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(b)

As used in this section:

- (1) "Critical Infrastructure Facility". Has the same meaning as in Ohio R.C. 2911.21.
- (2) "Improperly Tamper". Means to change the physical location or the physical condition of the property.

- (3) "Safety Device". Means any fire extinguisher, fire hose, or fire axe, or any fire escape, emergency exit, or emergency escape equipment, or any life line, life-saving ring, life preserver, or life boat or raft, or any alarm, light, flare, signal, sign, or notice intended to warn of danger or emergency, or intended for other safety purposes, or any guard railing or safety barricade, or any traffic sign or signal, or any railroad grade crossing sign, signal, or gate, or any first aid or survival equipment, or any other device, apparatus, or equipment intended for protecting or preserving the safety of persons or property.

(c) Whoever violates this section is guilty of criminal mischief, and shall be punished as provided in subsection (c)(2), (c)(3), or (c)(4) of this section.

(1) Except as otherwise provided in this subsection, criminal mischief committed in violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), ~~or (a)(5) or (a)(8)~~ of this section is a misdemeanor of the third degree. Except as otherwise provided in this division, if the violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), ~~or (a)(5), or (a)(8)~~ of this section creates a risk of physical harm to any person, criminal mischief committed in violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), ~~or (a)(5), or (a)(8)~~ of this section is a misdemeanor of the first degree. If the property involved in the violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) of this section is an aircraft, an aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, any other equipment, implement, or material used or intended to be used in the operation of an aircraft, or any cargo carried or intended to be carried in an aircraft and if the violation creates any risk of physical harm to any person, or if the aircraft in question is an occupied aircraft, criminal mischief committed in violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) of this section is a felony to be prosecuted under appropriate state law.

(2) Except as otherwise provided in this subsection, criminal mischief committed in violation of subsection (a)(6) of this section is a misdemeanor of the first degree. If the value of the computer, computer system, computer network, computer software, computer program, or data involved in the violation of subsection (a)(6) of this section or the loss to the victim resulting from the violation is one thousand dollars (\$1,000) or more, or if the computer, computer system, computer network, computer software, computer program, or data involved in the violation of subsection (a)(6) is used or intended to be used in the operation of an aircraft and the violation creates any risk of physical harm to any person, or if the aircraft in question is an occupied aircraft, criminal mischief committed in violation of subsection (a)(6) of this section is a felony to be prosecuted under appropriate state law.

(3) Criminal mischief committed in violation of subsection (a)(7) of this section is a felony to be prosecuted under appropriate state law.

(ORC 2909.07)

ORDINANCE NO. 2024-42
Introduced by Matt Grieves

AN ORDINANCE REPEALING AND REPLACING SECTION 541.04 (CRIMINAL MISCHIEF) OF CHAPTER 541 (PROPERTY OFFENSES) 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 Section 541.04 (Criminal Mischief) of Chapter 541 (Property Offenses) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as set forth on 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 Section 541.04 (Criminal Mischief) of Chapter 541 (Property Offenses) of the Codified Ordinances of the City of Huron, Ohio, shall be amended to read as set forth on Exhibit B attached hereto and incorporated herein, 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. 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: _____

541.04 CRIMINAL MISCHIEF.

(a) No person shall:

(1) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with either of the following:

A. The property of another;

B. One's own residential real property with the purpose to decrease the value of or enjoyment of the residential real property, if both of the following apply:

1. The residential real property is subject to a mortgage.

2. The person has been served with a summons and complaint in a pending residential mortgage loan foreclosure action relating to that real property. As used in this subsection, "pending" includes the time between judgment entry and confirmation of sale.

(2) With purpose to interfere with the use or enjoyment of property of another employ a tear gas device, stink bomb, smoke generator or other device releasing a substance that is harmful or offensive to persons exposed, or that tends to cause public alarm;

(3) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with a bench mark, triangulation station, boundary marker or other survey station, monument or marker.

(4) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with any safety device, the property of another or the property of the offender when required or placed for the safety of others, so as to destroy or diminish its effectiveness or availability for its intended purpose;

(5) With purpose to interfere with the use or enjoyment of the property of another, set a fire on the land of another or place personal property that has been set on fire on the land of another, which fire or personal property is outside and apart from any building, other structure or personal property that is on that land.

(6) Without privilege to do so, and with intent to impair the functioning of any computer, computer system, computer network, computer software, or computer program, all as defined in Ohio R.C. 2909.01, knowingly do any of the following:

A. In any manner or by any means, including, but not limited to, computer hacking, alter, damage, destroy, or modify a computer, computer system, computer network, computer software, or computer program or data contained in a computer, computer system, computer network, computer software, or computer program;

B. Introduce a computer contaminant into a computer, computer system, computer network, computer software or computer program.

(7) Without privilege to do so, knowingly destroy or improperly tamper with a critical infrastructure facility.

(b) As used in this section:

(1) "Critical Infrastructure Facility". Has the same meaning as in Ohio R.C. 2911.21.

(2) "Improperly Tamper". Means to change the physical location or the physical condition of the property.

(3) "Safety Device". Means any fire extinguisher, fire hose, or fire axe, or any fire escape, emergency exit, or emergency escape equipment, or any life line, life-saving ring, life preserver, or life boat or raft, or any alarm, light, flare, signal, sign, or notice intended to warn of danger or emergency, or intended for other safety purposes, or any guard railing or safety barricade, or any traffic sign or signal, or any railroad grade crossing sign, signal, or gate, or any first aid or survival equipment, or any other device, apparatus, or equipment intended for protecting or preserving the safety of persons or property.

(c) (1) Whoever violates this section is guilty of criminal mischief, and shall be punished as provided in subsection (c) (2), (c) (3), or (c) (4) of this section.

(2) Except as otherwise provided in this subsection, criminal mischief committed in violation of subsection (a) (1), (a) (2), (a) (3), (a) (4), or (a) (5) of this section is a misdemeanor of the third degree. Except as otherwise provided in this division, if the violation of subsection (a) (1), (a) (2), (a) (3), (a) (4), or (a) (5) of this section creates a risk of physical harm to any person, criminal mischief committed in violation of subsection (a) (1), (a) (2), (a) (3), (a) (4), or (a) (5) of this section is a misdemeanor of the first degree. If the property involved in the violation of subsection (a) (1), (a) (2), (a) (3), (a) (4), or (a) (5) of this section is an aircraft, an aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, any other equipment, implement, or material used or intended to be used in the operation of an aircraft, or any cargo carried or intended to be carried in an aircraft and if the violation creates any risk of physical harm to any person, or if the aircraft in question is an occupied aircraft, criminal mischief committed in violation of subsection (a) (1), (a) (2), (a) (3), (a) (4), or (a) (5) of this section is a felony to be prosecuted under appropriate state law.

(3) Except as otherwise provided in this subsection, criminal mischief committed in violation of subsection (a) (6) of this section is a misdemeanor of the first degree. If the value of the computer, computer system, computer network, computer software, computer program, or data involved in the violation of subsection (a) (6) of this section or the loss to the victim resulting from the violation is one thousand dollars (\$1,000) or more, or if the computer, computer system, computer network, computer software, computer program, or data involved in the violation of subsection (a) (6) is used or intended to be used in the operation of an aircraft and the violation creates any risk of physical harm to any person, or if the aircraft in question is an occupied aircraft, criminal mischief committed in violation of subsection (a) (6) of this section is a felony to be prosecuted under appropriate state law.

(4) Criminal mischief committed in violation of subsection (a)(7) of this section is a felony to be prosecuted under appropriate state law.

(ORC 2909.07)

541.04. CRIMINAL MISCHIEF.

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 - 1. The residential real property is subject to a mortgage.
 - 2. The person has been served with a summons and complaint in a pending residential mortgage loan foreclosure action relating to that real property. As used in this subsection, “pending” includes the time between judgment entry and confirmation of sale.
 - (2) With purpose to interfere with the use or enjoyment of property of another employ a tear gas device, stink bomb, smoke generator or other device releasing a substance that is harmful or offensive to persons exposed, or that tends to cause public alarm;
 - (3) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with a benchmark, triangulation station, boundary marker or other survey station, monument or marker.
 - (4) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with any safety device, the property of another or the property of the offender when required or placed for the safety of others, so as to destroy or diminish its effectiveness or availability for its intended purpose;
 - (5) With purpose to interfere with the use or enjoyment of the property of another, set a fire on the land of another or place personal property that has been set on fire on the land of another, which fire or personal property is outside and apart from any building, other structure or personal property that is on that land.
 - (6) Without privilege to do so, and with intent to impair the functioning of any computer, computer system, computer network, computer software, or computer program, all as defined in Ohio R.C. 2909.01, knowingly do any of the following:
 - A. In any manner or by any means, including, but not limited to, computer hacking, alter, damage, destroy, or modify a computer, computer system, computer network, computer software, or computer program or data contained in a computer, computer system, computer network, computer software, or computer program;
 - B. Introduce a computer contaminant into a computer, computer system, computer network, computer software or computer program.
 - (7) Without privilege to do so, knowingly destroy or improperly tamper with a critical infrastructure facility.
 - (8) Without privilege to do so, with purpose to interfere with the use of or enjoyment of the property of another, maintain a light nuisance originating from a residential property by causing light to unreasonably shine, glare, reflect, or direct onto the property of another.
- (b) As used in this section:
 - (1) “Critical Infrastructure Facility”. Has the same meaning as in Ohio R.C. 2911.21.
 - (2) “Improperly Tamper”. Means to change the physical location or the physical condition of the property.

EXHIBIT “B”

- (3) “Safety Device”. Means any fire extinguisher, fire hose, or fire axe, or any fire escape, emergency exit, or emergency escape equipment, or any life line, life-saving ring, life preserver, or life boat or raft, or any alarm, light, flare, signal, sign, or notice intended to warn of danger or emergency, or intended for other safety purposes, or any guard railing or safety barricade, or any traffic sign or signal, or any railroad grade crossing sign, signal, or gate, or any first aid or survival equipment, or any other device, apparatus, or equipment intended for protecting or preserving the safety of persons or property.

- (c) Whoever violates this section is guilty of criminal mischief and shall be punished as provided in subsection (c)(2), (c)(3), or (c)(4) of this section.

- (1) Except as otherwise provided in this subsection, criminal mischief committed in violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5) or (a)(8) of this section is a misdemeanor of the third degree. Except as otherwise provided in this division, if the violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), or (a)(8) of this section creates a risk of physical harm to any person, criminal mischief committed in violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), or (a)(8) of this section is a misdemeanor of the first degree. If the property involved in the violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) of this section is an aircraft, an aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, any other equipment, implement, or material used or intended to be used in the operation of an aircraft, or any cargo carried or intended to be carried in an aircraft and if the violation creates any risk of physical harm to any person, or if the aircraft in question is an occupied aircraft, criminal mischief committed in violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) of this section is a felony to be prosecuted under appropriate state law.

- (2) Except as otherwise provided in this subsection, criminal mischief committed in violation of subsection (a)(6) of this section is a misdemeanor of the first degree. If the value of the computer, computer system, computer network, computer software, computer program, or data involved in the violation of subsection (a)(6) of this section or the loss to the victim resulting from the violation is one thousand dollars (\$1,000) or more, or if the computer, computer system, computer network, computer software, computer program, or data involved in the violation of subsection (a)(6) is used or intended to be used in the operation of an aircraft and the violation creates any risk of physical harm to any person, or if the aircraft in question is an occupied aircraft, criminal mischief committed in violation of subsection (a)(6) of this section is a felony to be prosecuted under appropriate state law.

- (3) Criminal mischief committed in violation of subsection (a)(7) of this section is a felony to be prosecuted under appropriate state law.

(ORC 2909.07)