

Real People. Real Possibilities.

AGENDA

Regular Council Meeting 7:00 PM November 28, 2022

Council Members:

Andy Teater Omar Tarazi Les Carrier Tina Cottone Peggy Hale Pete Marsh Cynthia Vermillion President Vice President

Michelle Crandall, City Manager Diane (Dee) Werbrich, Clerk of Council

City Hall, Council Chambers • 3800 Municipal Way, Hilliard, OH 43026



Hilliard City Council established the following five broad Strategic Focus Areas to guide the vision of the City. Under each of these Focus Areas is one significant goal to be prioritized during 2021-2022.

Strategic Focus Area #1 – Excellent, Innovative City Services

• <u>Goal Statement</u> – The City will ensure continued delivery of excellent and innovative services in the years ahead by developing a long-term financial plan focusing on fiscal resilience and sustainability.

Strategic Focus Area #2 – Family-friendly, Engaged Community

• <u>Goal Statement</u> – The City will focus on transparency, public trust and resident involvement by developing and implementing a community engagement and communications plan.

Strategic Focus Area #3 – Distinct, Well-Planned Community

• <u>Goal Statement</u> – The City is committed to implementing a strategy that includes public infrastructure maintenance and delivery of City services that support residents as they maintain properties in our older neighborhoods.

Strategic Focus Area #4 – Quality Commercial Development

• <u>Goal Statement</u> – The City will create and implement an economic development planfocused on the attraction, retention, growth and creation of businesses and jobs that provide a strong tax base and quality development.

Strategic Focus Area #5 – Valued Cultural and Recreational Amenities & Programs

• <u>Goal Statement</u> – The City will meet the community's needs for indoor recreational, health and wellness amenities and programming by engaging strategic partners to plan and build a new community center.



I. Invocation and Pledge of Allegiance

Invocation – Pastor Ben York, Guide Church

The Pledge of Allegiance to the Flag of the United States of America - Scout Troops 33 and 7608

II. Roll Call

III. Approval of Minutes

A. November 14, 2022, Special Executive Session B. November 14, 2022, Regular Meeting

IV. Commission and Board Reports

- Board of Zoning Appeals Destination Hilliard Environmental Sustainability Commission MORPC Planning & Zoning Commission Public Arts Commission Recreation and Parks Advisory Commission Shade Tree Commission Other Boards/Commissions
- Peggy Hale Cynthia Vermillion Pete Marsh City Manager Crandall Peggy Hale Omar Tarazi Les Carrier/Andy Teater Andy Teater President and Vice President

V. <u>Recognition and Special Guests</u> - None

VI. Changes to the Agenda

VII. Consent Agenda

22-R-96 ACCEPTING THE DEDICATION OF RIGHT-OF-WAY AND EASEMENTS FOR PUBLIC AND PRIVATE UTILITIES, CABLE TELEVISION, SERVICE CONNECTIONS AND STORM WATER DRAINAGE FOR SECTION 4 OF THE COURTYARDS AT CARR FARMS.

VIII. Public Comments (Items not on the Agenda)

Public Notice: Any member of the public addressing Council on items not on this agenda are asked to sign the speaker's sign-in form. Each speaker will contain their comments to **3 minutes** and shall conduct themselves in a professional manner.

IX. Business of the Council

A. Ordinances

Second Readings/Public Hearings

Public Notice: Any member of the public addressing Council on the Public Hearing below are asked to sign the speaker's sign-in form so the Clerk will have accurate information about your name and address. Each speaker will contain their comments to **3 minutes** and shall conduct themselves in a professional manner.

22-39 APPROVING AN AMENDMENT TO SECTION 161.36 OF THE CITY'S CODIFIED ORDINANCES REGARDING THE TUITION REIMBURSEMENT PROGRAM.



- 22-40 AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT AND DEED FOR 3.4 ±ACRES ALONG ALTON DARBY CREEK ROAD AND COSGRAY ROAD.
- 22-41 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE CITY'S PURCHASE OF STOP LOSS INSURANCE.

FIRST READINGS

- 22-42 ACCEPTING THE APPLICATION FOR ANNEXATION OF 20.8± ACRES LOCATED IN NORWICH TOWNSHIP, FRANKLIN COUNTY, OHIO, AND ASSIGNING A ZONING CLASSIFICATION TO THE PROPERTY OF R-R, RURAL RESIDENTIAL.
- 22-43 AMENDING CERTAIN SECTIONS OF PART FIVE THE "GENERAL OFFENSES CODE" OF THE CITY'S CODIFIED ORDINANCES TO ALIGN WITH THE OHIO REVISED CODE.
- 22-44 AMENDING CERTAIN SECTIONS OF PART THREE THE "TRAFFIC CODE" OF THE CITY'S CODIFIED ORDINANCES TO ALIGN WITH THE OHIO REVISED CODE.
- 22-45 REPEALING AND REPLACING CHAPTERS 909 AND 913 AND ADOPTING CHAPTER 911 OF THE CITY'S CODIFIED ORDINANCES REGARDING MAINTENANCE AND CONSTRUCTION REQUIREMENTS RELATED TO SIDEWALKS, CURB RAMPS, SHARED-USE PATHS, DRIVEWAY APPROACHES, CURBS AND GUTTERS.
- 22-46 AMENDING EXHIBIT A OF CHAPTER 190 OF THE CITY'S CODIFIED ORDINANCES TO UPDATE THE COMPREHENSIVE FEE SCHEDULE.
- 22-47 AUTHORIZING THE CITY MANAGER TO ENTER INTO A 2023 CONTRACT WITH THE DISTRICT ADVISORY COUNCIL OF THE FRANKLIN COUNTY GENERAL HEALTH DISTRICT FOR PUBLIC HEALTH AND PLUMBING INSPECTION SERVICES.
- 22-48 AUTHORIZING THE RE-APPOINTMENT OF MICHELLE L. CRANDALL AS HILLIARD CITY MANAGER

B. Resolutions

- 22-R-97 APPROVING CHANGES TO THE PLANNED UNIT DEVELOPMENT (PUD) TEXT FOR 0.44± ACRE LOCATED ON THE SOUTHWEST CORNER OF CEMETERY ROAD AND LACON ROAD AS PART OF THE "CEMETERY ROAD PROPERTIES LOCATED BETWEEN LEAP AND LACON ROADS" DEVELOPMENT ("PUD") PLAN AND TEXT TO MODIFY SETBACKS AND OTHER DEVELOPMENT STANDARDS.
- 22-R-98 APPROVING COUNCIL APPOINTMENT TO THE AGING IN PLACE ADVISORY COMMITTEE (APAC).



- X. <u>President's Communication</u>
- XI. <u>Staff Reports</u>
- XII. <u>City Manager Updates</u>
- XIII. Items for Council Discussion

Adjournment



CITY COUNCIL

November 14, 2022 Special Executive Session Minutes

CALL TO ORDER

The meeting was called to order by President Teater at 6:00 PM.

ROLL CALL

Attendee Name:	Title:	Status:
Andy Teater	President	Present
Omar Tarazi	Vice President	Present
Les Carrier	Councilman	Present
Tina Cottone	Councilwoman	Present
Peggy Hale	Councilwoman	Present
Pete Marsh	Councilman	Present
Cynthia Vermillion	Councilwoman	Present

Staff Members Present: City Manager Michelle Crandall, Law Director Phil Hartmann, Economic Development Director David Meadows and Clerk of Council Diane Werbrich

Ms. Vermillion, seconded by Ms. Hale, moved to recess to Executive Session for matters pertaining to the Employment of a Public Personnel and Economic Development Strategies (2.10(1)(a)&(g).

MOVER:	Cynthia Vermillion
SECONDER:	Peggy Hale
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion

EXECUTIVE SESSION

Council recessed to Executive Session at 6:01 PM.

Ms. Vermillion, seconded by Ms. Hale, moved to end the Executive Session.

MOVER:	Cynthia Vermillion
SECONDER:	Peggy Hale
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion

President Teater reconvened the Special/Executive Session at 6:57 PM

ITEMS FOR COUNCIL DISCUSSION

Mr. Marsh, seconded by Ms. Vermillion, moved to adjourn the meeting by Voice Vote.

MOVER:	Pete Marsh
SECONDER:	Cynthia Vermillion
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion

ADJOURNMENT - 6:57 PM

Andy Teater, President City Council Diane Werbrich, MMC Clerk of Council

Approved:



CITY COUNCIL

November 14, 2022 Regular Meeting Minutes

INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation - Joseph Chon Pastor, Cornerstone Christian Fellowship The Pledge of Allegiance to the Flag of the United States of America – Mr. Carrier

ROLL CALL

Attendee Name:	Title:	Status:
Andy Teater	President	Present
Omar Tarazi	Vice President	Present
Les Carrier	Councilman	Present
Tina Cottone	Councilwoman	Present
Peggy Hale	Councilwoman	Present
Pete Marsh	Councilman	Present
Cynthia Vermillion	Councilwoman	Present

Staff Members Present: City Manager Michelle Crandall, Law Director Phil Hartmann, Assistant City Manager Dan Ralley, Finance Director Dave Delande, Deputy Finance Director Greg Tantari, Police Chief Michael Woods, Community Relations Director David Ball, Transportation and Mobility Director Letty Schamp, City Planner John Talentino, Recreation and Parks Director Ed Merritt, Chief People Officer/Human Resource Director Colleen Lemmon and Clerk of Council Diane Werbrich

Due to technical difficulties, there is no audio/video available for the first 15 minutes of this meeting.

APPROVAL OF MINUTES

President Teater asked if there were any changes or corrections to the October 24, 2022, Regular meeting minutes. Hearing none, the minutes are approved as submitted.

STATUS:	Accepted
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion

COMMISSION AND BOARD REPORTS

Board of Zoning Appeals - Ms. Hale announced they have a meeting this week.

Destination Hilliard - Ms. Vermillion stated that the Hilliard Haunt was well attended and drove a lot of traffic to the website and social media sites. She noted hotel occupancy is as expected and some hotels have partnerships with event venues such as Water's Edge. The board decided to offer Samantha full-time work in 2023 because there is a lot to do and a full-time position is needed. DH is planning to do some "trails" next year, such as a "sweet trail" in February, which will drive traffic to local businesses. They plan to have a greater presence at Freedom Fest and Celebration at the Station and is still reviewing the effectiveness of grant money that was issued last year to various entities..

Environmental Sustainability Commission - Mr. Marsh reported 2,042 pounds were collected on November 8, 2022, during the shredding event.

MORPC- No report.

Planning & Zoning, - Ms. Hale reported several new signs were approved and the parking structures at True Pointe were discussed.

Public Arts Commission - No report



Rec & Parks Advisory Commission - Mr. Carrier reported that they met on Wednesday, November 9, 2022 and had a productive meeting regarding aquatics policies.

Shade Tree Commission - No report.

Aging in Place Committee - Ms. Cottone reported the Committee is finalizing the surveys that will be sent out in January.

Other Boards/Commissions - No report.

RECOGNITION AND SPECIAL GUESTS - NONE CHANGES TO THE AGENDA - NONE CONSENT AGENDA - NONE

PUBLIC COMMENTS (ITEMS NOT ON THE AGENDA)

Hayden Kimes, 5190 Norwich Street, Jeff Woodward, 5241 Norwich Street, and Ben Buoni, 5199 Norwich Street, regarding Norwich Street rezoning and the creation of a limited overlay district to maintain the residential character of Norwich Street.

Gusimer Singh, no address given, spoke in favor of 22-R-91.

BUSINESS OF THE COUNCIL

A. Ordinances

SECOND READINGS/PUBLIC HEARINGS

22-37 APPROPRIATING FUNDS FOR THE OPERATING EXPENSES OF THE CITY OF HILLIARD, OHIO FOR THE PERIOD ENDING DECEMBER 31, 2023.

No one in attendance spoke for or against Ordinance 22-37 or 22-38.

STATUS:	Adopted (7-0)
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
President Teater a	nnounced 22-37 passed and will take effect at the earliest time allowable by law.

22-38 APPROVING THE 2023 CAPITAL IMPROVEMENT BUDGET AND APPROPRIATING FUNDS FOR THE CAPITAL IMPROVEMENT EXPENSES OF THE CITY FOR THE PERIOD ENDING DECEMBER 31, 2023.

STATUS:	Adopted (7-0)
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
President Teater a	nnounced 22-38 passed and will take effect at the earliest time allowable by law.

President Teater thanked Administration for a smooth budget process this year.

FIRST READINGS

22-39 APPROVING AN AMENDMENT TO SECTION 161.36 OF THE CITY'S CODIFIED ORDINANCES REGARDING THE TUITION REIMBURSEMENT PROGRAM.

Ms. Lemmon stated this ordinance amends the current language of Section 161.36, Tuition Reimbursement Program. She noted the proposal in the 2023 Operating Budget is to increase tuition reimbursement from \$4,000.00 to \$7,000.00 to help in recruiting and retaining talent. Staff also proposes

3.B

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that instead of inserting \$7,000.00 in the language, that it is referred back to the Operating Budget approved by Council every year, which would alleviate coming back to Council with revisions.

Mr. Carrier asked if Council agrees to what is proposed, could staff raise the amount without coming back to Council. Ms. Lemmon replied that it would refer back to the Operating Budget that Council approves and the tuition reimbursement would be included in that. Mr. Carrier then asked that if Council approves a global amount, would it still be a per person limit. Ms. Lemmon agreed. Mr. Carrier asked how much this increase will cost. Ms. Lemmon replied that currently there are five to six non-union employees that are interested in tuition reimbursement.

Ms. Hale asked if the full tuition reimbursement is not used, does the remainder roll into the following year. Ms. Lemmon replied that funds are allocated when someone wants to go back to school and if the full amount is not used, it is considered unused funds. Ms. Hale asked again if the remaining unused money goes back to the City. Ms. Crandall replied it goes back into the budget and can be reallocated in future operating budgets.

STATUS: SPONSOR: SECONDER:	First Reading Cynthia Vermillion Pete Marsh
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
President Teater announced the second reading/public hearing will be November 28, 2022.	

22-40 AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT AND DEED FOR 3.4± ACRES ALONG ALTON DARBY CREEK ROAD AND COSGRAY ROAD.

Ms. Crandall reported this is the real estate purchase agreement for Norwich Township's future fire station site on the recreation and wellness campus. She noted that it is labeled as a purchase agreement but is for one dollar and is more of the City donating the land to the Township for this purpose.

Mr. Carrier stated it was originally 4 acres and asked why it decreased to 3.4 acres. Ms. Crandall replied 4 acres was an estimate and when they looked at where the Cosgray Extension would go it was adjusted. The City met with the Township Administrator and Fire Chief to discuss the change, who stated it was still more than appropriate space for the station.

Ms. Vermillion asked how the title policy works if they are purchasing the property for one dollar. Mr. Hartmann replied that will be based on what they determined the appraised value is and what they want to insure it for.

STATUS: SPONSOR:	First Reading Peggy Hale	
SECONDER:	Tina Cottone	
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion	
President Teater a	President Teater announced the second reading/public hearing will be November 28, 2022	

22-41 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE CITY'S PURCHASE OF STOP LOSS INSURANCE.

Mr. Delande stated that this is an annual item and pertains to the City's insurance. He reported the City has seen a 35 percent increase in Stop Loss in 2022. The following are the amounts that were covered under our plan: 2021 - \$908,000.00 and the City has seen some significant claims; 2020 - \$900,000.00; 2019 - \$200,00.00; 2018 - \$941,000.00. He reported the City's premiums for those years are as follows: 2018 - \$238,000.00; 2019 - \$375,000; 2020 - \$395,000.00; 2021 - \$637,000.00; 2022 - \$622,000.00 and they are proposing \$840,000.00 for 2023. He noted that every year they review increasing the \$75,000.00 stop loss and ran scenarios for \$100,000.00 and \$125,000.00 with the saving of \$100,000.00



on \$100,000.00. Mr. Delande stated there may be a slight change or decrease by second reading. He noted that every year they review increasing the \$75,000.00 stop loss and ran scenarios for \$100,000.00 and \$125,000.00 with the potential saving of \$100,000.00 on \$100,000.00. Mr. Delande stated there may be a slight change or decrease by second reading.

STATUS:	First Reading
SPONSOR:	Peggy Hale
SECONDER:	Omar Tarazi
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
President Teater announced the second reading/public hearing will be November 28, 2022	

B. Resolutions

<u>22-R-87</u> AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH THE OHIO STATE UNIVERSITY FOR 25,000 SQUARE FEET AT THE CITY'S RECREATION AND WELLNESS CENTER.

President Teater recused himself from 22-R-87 and 22-R-88 and left Chambers at 7:35 PM.

Mr. Ralley explained the basic terms of this agreement would be a 15-year lease with two 5-year options for 25,000 square feet of what will be a 105,000 square foot community center. He noted it would be at \$14.00/square foot or \$350,000.00 annually and a 2 percent escalator in this. The City will see a return on investment for the corn shell expense of approximately \$3 million in just under 9 years. Services that OSU have agreed to house in the facility are: same day immediate care, orthopedic immediate care, mental and behavioral health services, orthopedic and sports medicine providers, arthritis care, integrated health (i.e. acupuncture and therapeutic massage), outpatient rehab, educational resources in health and wellness and they have promised to work with the school district to provide career education and an onsite director. Mr. Ralley explained that this deal has a triple bottom line benefit to the community. It will increase the availability of medical services within the City, particularly in the areas of immediate care and mental health care. Since services will be provided in an integrated fashion it will be unique and different for the community and allow for specialized programming as well as will have a real and lasting impact on the community. He added the partnership will bring the Wexner Medical Health system to the City where they do not currently have a physical presence. In terms of economics, he believes this is an extraordinarily good deal for the City because after the nine year pay back, the community center operation will be effectively subsidized through the lease by more than \$400.000.00 annually. Mr. Ralley mentioned that this does not calculate in the approximately \$100,000.00 in income tax for staff and personnel within this space.

Mr. Ralley reported that in addition, separate from the base lease, there is a common area maintenance charge which cannot be predicted right now and OSU will be putting forward \$250,000.00 toward these common area maintenance expenses, which the City will be drawing from as expenses are incurred.

Ms. Vermillion noted that the language in the discrimination section of the lease is more limited than the City's non-discrimination ordinance and hoped that could be changed to broaden the language to match the City's ordinance. Ms. Crandall replied that they will ask OSU if they are amenable to that and, as she mentioned in her email, will look at that language as the City moves forward with contracts. Mr. Hartmann mentioned that the language may be limited because they may fall under State statute in applying State discrimination.

Mr. Carrier asked if the taxpayers of New Albany paid for the build out of the Heit Center. Mr. Ralley replied New Albany utilized TIF money to build the Heit Center. Mr. Carrier then asked if there is any other project in the City where tax dollars were used from the General Fund to support private/commercial development. Mr. Ralley replied there is nothing he can think of that is similar to this arrangement. Mr. Carrier stated that Mr. Ralley brought forward that the benefit is that they are bringing medical services, payroll and will be integrated in the community center to provide those services. Mr. Ralley agreed and

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replied and ultimately the lease itself will subsidize the operation. Mr. Carrier remarked that is a result of the pay back on the money. He asked if the City took into account what the money would be able to do now in terms of generating income or that type of financial analysis. Mr. Ralley asked if Mr. Carrier was asking whether the use of \$3 million dollars could generate more than what OSU is going to be generating. Mr. Carrier agreed and added over the nine-year payback period is what he is interested in. Mr. Ralley replied that he cannot think of an investment the City could make that would generate more than \$900,000.00 in income tax over a nine year period.

Vice President Tarazi asked how much of \$5.6 million in improvements is staying with the property versus how much OSU can take with them if the lease ends. Mr. Ralley replied the City does not know that information because ultimately those tenant improvements will end up running through the contractual entity building out the building and most will be things that are fixed (lighting, walls, bathrooms, etc.) and not furniture and will be customized for the tenant. Vice President Tarazi asked if medical equipment would be part of that. Mr. Ralley replied that is typically part of that. Vice President Tarazi asked if the two five-year options to renew would be at the same \$14.00 square foot rate. Mr. Ralley replied that there is language in the agreement that it would be based on a market analysis done at the end of the 15-year term.

Ms. Hale asked would that market analysis include the tenant improvements (TI) and not just the corn shell. Mr. Ralley replied that it would not include the TI because they would have already incurred that expense and additional improvement over the 15 years is something they would also incur. Ms. Hale clarified that the renegotiated rate would be on the corn shell. Mr. Ralley agreed.

Ms. Hale asked if OSU leaves and someone else moves in, at that time the new assessment would be based on the corn shell plus the TI. Mr. Ralley replied that would be negotiated and advertised lease rates would contain some amount for TI but is not clear based on the advertisement on how much that is and would be baked into the lease.

STATUS:	Adopted (5-1)	
MOVER:	Pete Marsh	
SECONDER:	Cynthia Vermillion	
AYES:	Tarazi, Cottone, Hale, Marsh, Vermillion	
NAYS:	Les Carrier	
RECUSED:	Andy Teater	
Vice President Ta	Vice President Tarazi announced 22-R-87 passed and will take effect at the earliest time allowable by law.	

<u>22-R-88</u> AUTHORIZING A FEE AMENDMENT TO THE CONTRACT WITH THE PRIME AE GROUP, LLC.

Ms. Crandall reported that this is also related to the Ohio State Wexner Medical Center and their 25,000 square feet of space within the community recreation center. This legislation is for an addition to Prime AE contract, the main architect on the entire campus, to add in the cost for the design engineering services for this portion of the building. She reported that Council may recall when the City entered into the agreement, a health care partner was not identified. This is for the full amount of that which is \$510,000.00 and of this amount the City is responsible for \$146,000.00 which equates to the City's portion of the corn shell and the remaining \$364,000.00 would be OSU's responsibility for their portion of the remaining build out of this site.



STATUS:	Adopted (6-0)
MOVER:	Tina Cottone
SECONDER:	Pete Marsh
AYES:	Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
RECUSED:	Andy Teater
Vice President Tara	azi announced 22-R-88 passed and will take effect at the earliest time allowable by law.

President Teater returned to Chambers at 7:50 PM.

<u>22-R-89</u> AUTHORIZING THE CITY MANAGER TO ENTER INTO A COMMUNITY REINVESTMENT AREA TAX ABATEMENT AGREEMENT WITH 3401 MILL RUN LLC.

Mr. Meadows reported that this legislation would authorize a 50 percent property tax abatement located at 3401 Mill Run Drive. If the City is successful in landing this project, a developer would acquire the property, construct a 15,000 square foot shop/building and a 36,000 square foot technology flex industrial space. He explained there are two pieces of legislation for this and this one is for the property tax abatement portion and the next piece of legislation is an income tax incentive.

STATUS:	Adopted (7-0)
MOVER:	Cynthia Vermillion
SECONDER:	Peggy Hale
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
President Teater announced 22-R-89 passed and will take effect at the earliest time allowable by law.	

22-R-90 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ECONOMIC DEVELOPMENT AGREEMENT WITH THE ECO PLUMBERS, TO RELOCATE AND EXPAND ITS OPERATIONS AT 3401 MILL RUN DRIVE IN HILLIARD.

Mr. Meadows explained that this is structured differently than some other income tax incentives in that there is a fixed amount benefit they would receive each year provided they meet certain payroll benchmarks.

STATUS:	Adopted (7-0)
MOVER:	Cynthia Vermillion
SECONDER:	Pete Marsh
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
President Teater a	nnounced 22-R-90 passed and will take effect at the earliest time allowable by law.

22-R-91 APPROVING CHANGES TO THE PLANNED UNIT DEVELOPMENT (PUD) TEXT FOR ±1.94 ACRES LOCATED ON THE NORTH SIDE OF PARK MILL RUN DRIVE APPROXIMATELY 550 FEET WEST OF FISHINGER BOULEVARD KNOWN AS THE MILL RUN EVENTS CENTER AS PART OF THE MILL RUN DEVELOPMENT ("PUD") PLAN AND TEXT FOR EXPANDED PERMITTED AND CONDITIONAL USES AND MODIFIED DEVELOPMENT STANDARDS.

Mr. Talentino reported that this is for the former TGIFridays property and what is proposed is a PUD text amendment, which would allow a list of permitted uses. They are wanting to use this space as an event center and was previously approved for restaurant use only. The PUD text contains a list of those uses and also establishes minimum setbacks, maximum heights for buildings, architectural standards and parking, loading, site lighting, landscaping and signage will meet the Code. (See attached)

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The Planning Commission unanimously recommended approval of the text and the final development plan.

STATUS:	Adopted (7-0)
MOVER:	Peggy Hale
SECONDER:	Cynthia Vermillion
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion

22-R-92 APPROVING CHANGES TO THE PLANNED UNIT DEVELOPMENT (PUD) TEXT FOR ±1.316 ACRES LOCATED ON THE SOUTH SIDE OF CEMETERY ROAD EAST OF TRUEMAN BOULEVARD KNOWN AS THE BURDGE PROPERTY AS PART OF THE MILL RUN DEVELOPMENT ("PUD") PLAN AND TEXT FOR EXPANDED USES AND MODIFIED DEVELOPMENT STANDARDS.

Mr. Talentino stated this property sits behind the decorative wall at Fishinger and Trueman and the owner of the adjacent property to the east purchased this property because of an enforcement problem. Their intention is to remove the building and install a horticultural garden with a building that could be used for storage or classroom type things. They are going to plant a lot of different trees and the Shade Tree Commission reviewed the different species. (See attached Site Plan)

Ms. Vermillion asked if it would be opened to the public. Mr. Talentino replied that it would be private open spaces and would be by invitation. Ms. Vermillion said that it says public/private gardens. Mr. Talentino replied that the text would allow for public or private and if they want it to be private, that would be appropriate.

Ms. Cottone mentioned that this is a difficult spot to pull in and out of and asked if that has been taken into consideration. Mr. Talentino replied it is the existing access point which they are entitled to have and that there is not a lot of room to maneuver that. He added that this would be a low traffic use. Ms. Cottone stated that she read that there would be a public/private walkway also. Mr. Talentino replied that it would be up to the owner whether it is private or public because it is a privately owned property.

Ms. Hale asked if they wanted to rent this out for private weddings, would they need additional approvals. Mr. Talentino replied that the text does not include events or reception areas but they can hold classes etc.

Mr. Craig Murdick, 1441 Kingsgate Road, the architect for the building, reported that this is a private property and Mrs. Burge's intention is to use it for her own purposes as an informal garden club meeting center.

Mr. Carrier asked what the greenhouse will look like. Mr. Murdick replied that there is not a greenhouse but more of a small gathering space and storage.

President Teater asked if the owner is the property owner to the east of this property. Mr. Murdick replied that the owner's house is directly adjacent to this property. He stated his opinion is they want to control what may happen with that property.

3.B



STATUS:	Adopted (7-0)
MOVER:	Peggy Hale
SECONDER:	Cynthia Vermillion
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
President Teater announced 22-R-92 passed and will take effect at the earliest time allowable by law.	

<u>22-R-93</u> AUTHORIZING THE CITY MANAGER TO GRANT EASEMENTS TO COLUMBUS FIBERNET, LLC FOR ACCESS ACROSS CITY PROPERTY.

Ms. Clodfelder explained a few months ago Columbus Fibernet contacted the City requesting an easement through City-owned property along I-270 between the Darby Glen neighborhood and I-270. The City worked with them to come up with conditions that govern their use of the easement and requirements they would have to meet before, during and after construction in accessing the easement. One of the requirements is they must make repairs to the trails that they cut plus the adjacent areas and install conduit while they are doing their own construction.

Ms. Vermillion asked if this is part of the City's fiber program. Ms. Clodfelder replied no that this was a private company that came in for an easement and the City requested that they install some City-owned fiber while doing their project.

STATUS:	Adopted (7-0)
MOVER:	Pete Marsh
SECONDER:	Cynthia Vermillion
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
President Teater announced 22-R-90 passed and will take effect at the earliest time allowable by law.	

<u>22-R-94</u> AUTHORIZING THE TRANSFER OF FUNDS TO THE CAPITAL IMPROVEMENT FUND.

Mr. Delande reported that this is an annual transfer of funds that the City received payments in lieu of taxes (PILOTS) from the TIFF program, which are transferred to the Capital Fund to replenish and reimburse the Capital Fund for those payments.

STATUS:	Adopted (7-0)
MOVER:	Peggy Hale
SECONDER:	Pete Marsh
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
President Teater announced 22-R-94 passed and will take effect at the earliest time allowable by law.	

<u>22-R-95</u> AUTHORIZING THE TRANSFER OF UNENCUMBERED FUNDS.

Mr. Delande reported that this is the annual amendment transfer of funds within specific funds. He noted that on the summary page, there is no change in the budget, it is shifting and adjusting budget line items to accommodate. Mr. Delande stated there was a severance payment plan in Community Development that came from another Community Development Department position that was not filled. During the City Manager's review there were funds allocated from the General Fund to the City Manager's Fund and was part of the pension increase and Medicare. In the Steelworkers, Council will notice there was a Water Revenue Fund, Sewer Funds, Storm, Utilities, Streets in Rec and Parks and also Facilities. He added the contract was passed this past year and the funds were not appropriated and those were corrected on this amendment. Mr. Delande noted that they are seeing an increase in refunds and those have been adjusted accordingly, which was mostly due to working from home, which will generate an additional \$150,000 income tax refunds. He reiterated this did not increase the funds or the budgets, but just realigned departments.

hilliardohio.gov



Ms. Vermillion asked why the unencumbered funds are so high. Mr. Delande replied there are two months left in the year and this report was through October. There are two more months of payroll and insurance. There are vacation and holiday buyouts as well. The unencumbered balances could change.

Mr. Carrier stated on the pages that were provided today there is \$138 million in unencumbered dollars, \$85 million of that is probably the rec and park bond money so if you subtract the \$85 million from the \$138 million, there still is approximately \$50 million with \$7 million in the reserve fund, \$9.5 million in the General Fund and is unencumbered. For example, in Street Improvements, the City has spent \$1.5 million and there is \$3.3 million sitting there. Mr. Delande replied that is the gas tax and a lot of that fund will be used in 2023 for street improvement. He explained a lot of the Capital Improvements may not have been encumbered and they will be going through those this month and next month. A lot of those unencumbered funds could be Capital items that are not encumbered yet. Mr. Carrier reported the Charter allows Council to rank those funds in the fourth guarter and if they do not do it in the fourth quarter, they have obviously allocated appropriated money for next year's budget and asked what the proper amount of carryover is and what should be moved into a designated fund. Mr. Delande stated when the City gets bond rated, they look at those numbers and it is quite favorable for the City as far as seeing how much available funds the City has. He explained that they try to transfer monies out quarterly and use that for capital projects. Mr. Carrier stated the argument is that the City is also having more revenue as well and asked if there is a way Council can get a clear picture of what is not projected to be used next year. Mr. Delande stated the majority of that will be capital items.

Mr. Delande noted some changes to the Exhibit.

Mr. Carrier, seconded by Mr. Marsh, moved to accept the amendment to the Exhibit as presented by Voice Vote.

STATUS:	Approved (7-0)
MOVER:	Les Carrier
SECONDER:	Pete Marsh
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion

STATUS:	Adopted (7-0)
MOVER:	Cynthia Vermillion
SECONDER:	Peggy Hale
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
President Teater announced 22-R-95 passed and will take effect at the earliest time allowable by law.	

PRESIDENT'S COMMUNICATION

President Teater announced Issue 35 passed November 8,2022, and thanked everyone who volunteered their time and efforts on getting this passed.

STAFF REPORTS - NONE CITY MANAGER UPDATES - NONE

ITEMS FOR COUNCIL DISCUSSION

Ms. Werbrich announced that City offices will be closed November 24-25, 2022, in observation of Thanksgiving.

Mr. Carrier, seconded by Ms. Vermillion, moved to adjourn the meeting by Voice Vote.

3.B



MOVER:	Les Carrier
SECONDER:	Cynthia Vermillion
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion

ADJOURNMENT – 8:20 PM

Andy Teater, President City Council Diane Werbrich, MMC Clerk of Council

Approved:



Council Memo: Legislation (22-R-96)

Subject:The Courtyards at Carr Farms Section 4 Final PlatFrom:Michelle Crandall, City ManagerInitiated by:Carson Combs,Date:November 28, 2022

Executive Summary

The proposal is for the approval of a Final Plat for the Courtyards at Carr Farms Section 4 consisting of 38 single-family lots and 2 reserves on 13.026± acres. This is the last section of the development to be reviewed for a final plat.

Staff Recommendation

Staff recommends that Council adopt this resolution based on the finding that the proposed plat is consistent with the approved Carr Farms PUD Concept Plan.

Background

On July 11, 2016, Council adopted Ordinance No. 16-01 rezoning property and establishing the Carr Farms PUD Concept Plan and Text. The zoning consisted of 157 single-family lots on 79.5± acres. The PUD Concept Plan constitutes the preliminary plat.

On April 12, 2018, the Planning and Zoning Commission approved a 6-month extension of the PUD Concept Plan through March 11, 2019. Through Resolution No. 20-R-95, Council approved modifications to the PUD on November 23, 2020, for an amended plan that included 59 traditional single-family homes and 179 empty-nester homes.

On October 11, 2021, City Council adopted Resolution No. 21-R-62 approving an additional modification to the PUD Concept Plan to include a total of 227 empty-nester homes and 16 townhomes. The Resolution modified the southern portion of the development within Subarea B (Sections 5 and 6).

Throughout 2022, Council has reviewed final plats for the various sections of The Courtyards at Carr Farms (1, 2, 3, 5, and 6). On November 10, 2022, the Planning and Zoning Commission approved the Final Plat for Section 4 consisting of 38 single family empty-nester lots on 13.026 acres, which includes private streets (Reserve Q) and 6.654± acres of open space (Reserve P) with landscape treatments along Leppert Road to be owned and maintained by the Homeowners Association. The applicant has made revisions to address conditions of approval, and *this plat comprises the final section of the development to be platted*.

Financial Impacts

There are no anticipated financial impacts.

Expected Benefits

Approval of this Final Plat will enable the developer to sell the lots providing additional housing options to the public.

Attachments

- P&Z Record of Action Case #PLAT-22-9 November 10, 2022
- P&Z Meeting Minutes (Draft) Case #PLAT-22-9 November 10, 2022

RECORD OF ACTION

Planning & Zoning Commission

City Hall • 3800 Municipal Way • Hilliard, Ohio 43026 and Live-Streaming on YouTube

Thursday, November 10, 2022 | 7:00 pm

CASE 1: PLAT-22-9 - THE COURTYARDS AT CARR FARMS SECTION 4 - EAST SIDE OF LEPPERT ROAD **APPROXIMATELY 2.000 FEET NORTH OF DAVIDSON ROAD**

PARCEL NUMBER: 050-011719

APPLICANT: Epcon Carr Farms LLC, 500 Stonehenge Parkway, Dublin, OH 43017; c/o Sydney Berry, EMH&T, Inc., 5500 New Albany Road, Columbus, OH 43054.

REQUEST: Review and approval of a Final Plat under the provisions of Hilliard Code Section 1188.05 and the Carr Farms PUD Concept Plan for a development consisting of 38 single-family lots on 13.026 acres.

The Planning and Zoning Commission took the following action at this meeting:

MOTION:

Mr. Pannett made a motion to approve a Final Plat under the provisions of Hilliard Code Section 1188.05 and the Carr Farms PUD Concept Plan for a development consisting of 38 single-family lots on 13.026 acres with three conditions:

- 1) That an easement be added between Lots 165 and 166 to provide pedestrian connectivity as identified in the approved PUD Concept Plan;
- 2) That the building line on Lot 164 be amended to demonstrate the minimum 52-foot lot width required by the PUD text; and
- 3) That the Final Plat meet the requirements of the City Engineer for format and content prior to being scheduled on a City Council agenda.

Mr. Gutknecht seconded the motion.

VOTE:

Yes
Yes
Yes
Yes
Excused
Yes
Yes

STATUS:

Case #1: PLAT-22-9 is approved (6-0) with three conditions.

CERTIFICATION:

Carson Combs, Planning Manager November 14, 2022

[END OF RECORD]



Attachment: Planning and Zoning Commission Minutes - draft (11-10-22) (22-R-96 : The Courtyards at Carr Farms Section 4 Final Plat)

Status:	Motion to postpone was approved (6-0).
Mover:	Mr. William Uttley
Seconder:	Mr. Chris Lewie
Ayes:	Chairman Jay Muether, Vice Chair Bevan Schneck, Chris Lewie, Tom Pannett, Eric
	Gutknecht, William Uttley.

CASE 1: PLAT-22-9 – THE COURTYARDS AT CARR FARMS SECTION 4 – EAST SIDE OF LEPPERT ROAD APPROXIMATELY 2,000 FEET NORTH OF DAVIDSON ROAD

PARCEL NUMBER: 050-011719

APPLICANT: Epcon Carr Farms LLC, 500 Stonehenge Parkway, Dublin, OH 43017; c/o Sydney Berry, EMH&T, Inc., 5500 New Albany Road, Columbus, OH 43054.

REQUEST: Review and approval of a Final Plat under the provisions of Hilliard Code Section 1188.05 and the Carr Farms PUD Concept Plan for a development consisting of 38 single-family lots on 13.026 acres.

[Mr. Combs gave the staff report]

BACKGROUND:

The site is 13.026 acres located on the east side of Leppert Road approximately 1,500 feet south of Hayden Run Road. On November 12, 2015, the Planning and Zoning Commission approved the original PUD Concept Plan which consisted of 157 single-family lots on 79.5 acres. On April 12, 2018, The Commission approved a 6-month extension of the original Concept Plan. On September 13, 2018, the Commission approved a modification of the PUD Concept Plan consisting of 59 traditional single-family homes and 179 empty nester homes on 79.45 acres. On April 8, 2021, the Commission approved a Final Plat for The Courtyards at Carr Farms Phase 1 consisting of 47 single-family lots on 24.423 acres, as well as the development's clubhouse area. Later that year on October 11, City Council adopted a resolution (21-R-62) which modified the PUD Concept Plan to include 16 townhouse dwelling units and 50 empty nester homes on 21.44 acres in Subarea "B" consisting of Subarea "B" at the southern end of the development. Final plats for Sections 2, 3, 5, and 6 were reviewed and approved by the Commission earlier this year.

The applicant is now requesting approval of a Final Plat for the last section of the Courtyards at Carr Farms (Section 4) consisting of 38 single-family lots, private streets and one open space reserve on 13.026 acres. This plat within Subarea "A" encompasses portions of the development along Leppert Road that are located north and west of the stream corridor protection zone.

COMMISSION ROLE:

The Commission is to review the proposed final plat for conformance to the provisions of the Courtyards at Carr Farms PUD Concept Plan and Hilliard Code Section 1188.05. Specifically, the Code provides for the granting of a final plat as specified in Chapter 1188 if the plat design and layout conform to the Hilliard Design Manual and conforms to the approved PUD Concept Plan. Following approval of the final plat, the application will be forwarded to City Council for the acceptance of public improvements. At that time, the applicant may submit plat documents to obtain final signatures for recording.

STAFF RECOMMENDATION:

Staff finds that the proposed final plat is consistent with the provisions of the Courtyards at Carr Farms PUD Concept Plan and Code Section 1188.05 as modified in this report. Based on these findings, staff recommends approval of the proposed final plat with the following three conditions:

1) That an easement be added between Lots 165 and 166 to provide pedestrian connectivity as identified in the approved PUD Concept Plan;

7.1.c

- 2) That the building line on Lot 164 be amended to demonstrate the minimum 52-foot lot width required by the PUD text; and
- 3) That the Final Plat meet the requirements of the City Engineer for format and content prior to being scheduled on a City Council agenda.

CONSIDERATIONS:

- *Site Description.* The site consists of the northwestern portion of the Courtyards at Carr Farms PUD within Subarea "A". A maximum of 179 lots are permitted within the subarea, as well as the clubhouse and associated amenities. This section includes 38 single-family lots.
- Development Standards. Standards for single-family courtyard homes include a 120-foot minimum lot depth, minimum 20-foot front yard, minimum 15-foot minimum setback to sidewalk for corner lots, minimum 5-foot side yard, minimum 12.5-foot rear yard from internal property lines, minimum 65-foot building setback from the eastern and southern overall property boundaries, and minimum 1,400-square-foot floor area. The plat complies with these standards.
- *Minimum Lot Width.* Minimum lot width as required in the PUD text is 52 feet for the platted lots. Because of road curvature, Lot 164 as shown on the plat does not meet minimum width at the building line. The applicant has submitted a revised exhibit that complies, and the plat will be modified accordingly prior to City Council review.
- *Landscape Buffers*. The PUD Concept Plan includes mounding and landscaping along the Leppert Road right-of-way that will be installed as part of the development in accordance with the rezoning.
- *Reserve P*. The reserve is 5.654 acres that includes stormwater management facilities as well as the Leppert Road frontage treatment. The reserve will be owned and maintained by the HOA.
- *Reserve* Q. Private streets within the subdivision are denoted as Reserve Q and will also be owned and maintained by an association comprised of the property owners.
- *Multi-Use Path*. A 10-foot path will be installed along Leppert Road within the right-of-way. The adopted development plan includes a path connection from the Leppert Road right-of-way to Piedmont Drive between Lots 165 and 166. The applicant has agreed to revise the plat to include the easement prior to City Council review.

[END OF REPORT | PLAT-22-9]

Mr. Lewie inquired whether Lots 165 and 166 were in the 500-year floodplain. The City Engineer verified that the plat indicated that the properties were in Zone X.

Vice Chair Schneck asked if a multi-use path would be located along Leppert and inquired where it would connect; Mr. Combs clarified that the path along the Leppert right-of-way would be extended to the north property line and that the path system through the reserves would be extended to connect into the Hayden Run system.

Bryan Dougherty, representing Epcon Communities, addressed the Commission and verified that the plat indicated a 500-year floodplain.

With no additional questions or public comment, Mr. Pannett (seconded by Mr. Gutknecht) made a motion for the approval of the proposed final plat with the following three conditions:

- 1) That an easement be added between Lots 165 and 166 to provide pedestrian connectivity as identified in the approved PUD Concept Plan;
- 2) That the building line on Lot 164 be amended to demonstrate the minimum 52-foot lot width required by the PUD text; and
- 3) That the Final Plat meet the requirements of the City Engineer for format and content prior to being scheduled on a City Council agenda.

Status:	Approved (6-0) with three conditions.
Mover:	Mr. Tom Pannett
Seconder:	Mr. Eric Gutknecht
Ayes:	Chairman Jay Muether, Vice Chair Bevan Schneck, Chris Lewie, Tom Pannett, Eric Gutknecht, William Uttley.

CASE 2: PZ-22-60 - VOYLES FAMILY DENTAL - 3511 MAIN STREET

PARCEL NUMBER: 050-002808

APPLICANT: James Voyles, Voyles Family Dental, 3511 Main Street, Hilliard, OH 43026. **REQUEST:** Review and approval of variances under the provisions of Hilliard Code Section 1129.08 to increase the maximum permitted sign height from 7 feet to 9 feet and to reduce the minimum required setback from 7.9 feet to 5 feet for a monument-style ground sign.

[Mr. Combs gave the staff report]

BACKGROUND:

The site is 0.6-acre located on the west side of Main Street approximately 275 feet north of Heritage Club Drive. The property is zoned B-2, Community Business District, which was established with Ordinance 14-29 as part of the full zoning code and map revision in 2014. The site includes a multi-tenant retail building constructed in 1973 that includes the dental practice and the Farmer's Insurance Group office at 3509 Main Street. The property is owned by the applicant/dental practice.

To the north of the site at 3545 Main Street is AutoZone, which is also zoned B-2. Ten Pin Alley (bowling alley) is located to the rear of the site and is also zoned within the B-2, Commercial Business District. HER Realtors is located at 3499 Main Street to the south of the site and is zoned PUD, Planned Unit Development District as part of the Heritage Lakes PUD commercial area on the west side of Main Street. The Resurrection Evangelical Church is located across Main Street to the east and is zoned B-3, Office/Institutional District.

COMMISSION ROLE:

The Commission is to review the proposal for conformance to the provisions of Code Section 1129.08. Specifically, the Code provides for the granting of variances to the Sign Code under the review criteria as outlined by Section 1129.08(d):

- Whether the property will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- Whether the variance is substantial;
- Whether the essential character of the neighborhood would be substantially altered or whether adjoining property owners would suffer substantial detriment as a result of granting the variance;
- Whether the variance would adversely affect the delivery of governmental services;
- Whether the property owner purchased the property with knowledge of the zoning restrictions;
- Whether the property owner's predicament feasibly can be obviated through some method other than variance; and
- Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Following approval by the Commission, the applicant is responsible for obtaining a sign permit prior to installation that conforms to the requirements and conditions set forth by the Commission.



Resolution: 22-R-96

Page 1 of

Adopted:

Effective:

ACCEPTING THE DEDICATION OF RIGHT-OF-WAY AND EASEMENTS FOR PUBLIC AND PRIVATE UTILITIES, CABLE TELEVISION, SERVICE CONNECTIONS AND STORM WATER DRAINAGE FOR SECTION 4 OF THE COURTYARDS AT CARR FARMS.

WHEREAS, on July 11, 2016, City Council adopted Ordinance 16-01 rezoning 79.5± acres of land on the east side of Leppert Road north of Davidson Road from R-R, Rural Residential District to PUD, Planned Unit Development District as the Carr Farms Development PUD Concept Plan and Text; and

WHEREAS, a 6-month extension of the Carr Farms PUD Concept Plan was approved by the Planning and Zoning Commission on April 12, 2018; and

WHEREAS, City Council approved Resolution No. 20-R-95 to modify the Carr Farms PUD Concept Plan and Text to consist of 59 traditional single-family homes and 179 empty-nester homes on November 23, 2020; and

WHEREAS, on October 11, 2021, City Council adopted Resolution No. 21-R-62 approving a modification of the Carr Farms PUD Concept Plan and Text consisting of 227 empty-nester homes and 16 townhomes on 79.45 acres; and

WHEREAS, upon application by Epcon Carr Farms, LLC. and EMH&T (collectively, the "Owner"), on November 10, 2022, at its regularly scheduled public meeting, the City's Planning and Zoning Commission approved the final plat ("Final Plat") for Phase 4 of The Courtyards at Carr Farms for the development of 38 single-family lots for empty-nester homes on 13.026 ± acres of land (the "Property"); and

WHEREAS, the Owner has offered to dedicate to the City of Hilliard easements for the construction, operation, and maintenance of all public and private utilities, including cable television, above and beneath the surface of the ground, for the construction, operation and where necessary, easements for the construction, operation and maintenance of service connections, and for storm water drainage in, to, and over certain real property described in the Final Plat, attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, this offer of dedication has been made by the Owner in support of the development of the Property depicted on Exhibit "A"; and

WHEREAS, it is in the interest and the benefit of the City of Hilliard, its residents and the public at large that the dedications proposed on Exhibit "A" be accepted by the City of Hilliard.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. The City of Hilliard accepts the dedication of easements for public and private utilities, cable television, service connections and storm water drainage within the Courtyards at Carr Farms Phase 4, as shown on Exhibit "A", attached hereto and incorporated by reference herein.

SECTION 2. The City Engineer is authorized to approve any necessary administrative changes to affect the proper recording of the Final Plat as identified in Exhibit "A" and is authorized to provide the Clerk of Council with a final recorded copy of said plat.

SECTION 3. The Clerk of Council, Chairman of the Planning and Zoning Commission and the City Engineer are authorized to do all acts and to execute all instruments appropriate or necessary to carrying out the terms of the dedication and recording of the Final Plat.

SECTION 4. This Resolution is effective upon its adoption.

ATTEST:

SIGNED:

Diane C. Werbrich, MMC Clerk of Council President of Council

APPROVED AS TO FORM:

Philip K. Hartmann Director of Law

✓ Vote Record - Resolution 22-R-96						
□ Adopted			Yes/Aye	No/Nay	Abstain	Absent
□ Adopted □ Adopted as Amended	Andy Teater					
□ Defeated	Omar Tarazi					
□ Tabled □ Held Over	Les Carrier					
	Tina Cottone					
Positive Recommendation	Peggy Hale					
□ No Recommendation	Pete Marsh					
Referred Back To Committee	Cynthia Vermillion					

CERTIFICATE OF THE CLERK

I, Diane C. Werbrich, Clerk of Council for the City of Hilliard, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. <u>22-R-96</u> passed by the Hilliard City Council on the 28th day of November 2022.

IN TESTIMONY WHEREOF, witness my hand and official seal this 28th day of November 2022.

Diane C. Werbrich, MMC

THE COURTYARDS AT CARR FARMS SECTION 4

Situated in the State of Ohio, County of Franklin, City of Hilliard, and in Virginia Military Survey Number 3453, containing 13.026 acres of land, more or less, said 13.026 acres being comprised of a resudivision of part of Reserve "B" of the subdivision entitled "The Courtyards at Carr Farms Section 1", of record in Plat Book 132, Page 54, and part of that tract of land conveyed to **EPCON CARR FARMS, LLC** by deed of record in Instrument Number 202102250035317, Recorder's Office, Franklin County, Ohio.

The undersigned, EPCON CARR FARMS, LLC, an Ohio limited liability company, by JOEL D. RHOADES, Regional President, owner of the lands platted herein, duly authorized in the premises, does hereby certify that this plat correctly represents its "THE COURTYARDS AT CARR FARMS SECTION 4", a subdivision containing Lots numbered 142 to 179, both inclusive, and areas designated as Reserve "P" and Reserve "Q", does hereby accept this plat of same.

Grantor hereby grants to the City of Hilliard, Ohio, its successors and assigns, easements in, over and under areas designated on this plat as "Easement" (Esmt), "Sanitary Easement" (S.E.), Reserve "Q" or "Storm Water Management Easement" (SWME). Each of the aforementioned designated Easements permits the construction, operation and maintenance of all public and quasi public utilities above, beneath and on the surface of ground and, where necessary, for the construction, operation and maintenance of service connections to all adjacent lots and lands, and for storm water drainage. Within said Reserve "Q", a non-exclusive easement is hereby granted to the City of Hilliard and other Governmental Employees for use in the course of providing Police, Fire, Medical or other Governmental services to Lots and Lands adjacent to said Reserve "Q".

Grantor hereby grants to the City of Hilliard, Ohio, its successors and assigns, an additional easement in, over and through the areas designated on this plat as "Storm Water Management Easement" (SWME), for the purpose of constructing, operating and maintaining major storm water drainage swales and/or other storm water drainage facilities. No altering of grades and no above grade structures, dams, or other obstructions to the flow of storm water runoff are permitted within the Storm Water Management Easement areas as delineated on this plat unless approved by the Hilliard City Engineer.

Epcon Carr Farms, LLC, in recording this plat of The Courtyards at Carr Farms Section 4, has designated a certain area of land as reserve, which may contain but not be limited to, parking, walking, green areas, private streets, sidewalks and common parking areas, all of which are intended for use by the owners of the fee simple titles to the lots and reserve areas in The Courtyards at Carr Farms development. Reserve "Q", is not hereby dedicated for use by the general public but are hereby dedicated to the common use and enjoyment of the owners of the fee simple titles to the lots and reserve areas in the The Courtyards at Carr Farms development as more fully provided in the declaration of covenants, conditions and restrictions applicable to The Courtyards at Carr Farms ("Declaration"). The Declaration will be incorporated and made a part of this plat upon the recording of a supplement and amendment to the Declaration.

The owners of the fee simple titles to Lots numbered 142 to 179, both inclusive, and areas designated as Reserve "P" and Reserve "Q", and to lots and reserve areas in existing and future sections of the The Courtyards at Carr Farms development shall have and are hereby granted a non-exclusive right-of-way and easement for access to and from public streets, in and over said Reserve "Q" to be shared with the owners of the fee simple titles to each other of said Lots numbered 142 to 179, both inclusive, and areas designated as Reserve "P" and Reserve "Q" and with the owners of the fee simple titles to the lots and reserve areas in existing and future sections of the fee simple titles to the lots and reserve areas in existing and future sections of the The Courtyards at Carr Farms development. Said owners of the fee simple titles to said Lots numbered 142 to 179, both inclusive, and areas designated as Reserve "P" and Reserve "P" and Reserve "P" and Reserve "P" and Reserve "Q", shall have a non-exclusive right-of-way and easement in and over similar such access ways to public streets that future sections of the The Courtyards at Carr Farms development may provide.

In Witness Whereof, JOEL D. RHOADES, Regional President of EPCON CARR FARMS, LLC, has hereunto set his hand this ______ day of _____, 20___.

Signed and Acknowledged In the presence of:

EPCON CARR FARMS, LLC

JOEL D. RHOADES, Regional President

STATE OF OHIO COUNTY OF FRANKLIN ss:

Before me, a Notary Public in and for said State, personally appeared JOEL D. RHOADES, Regional President of EPCON CARR FARMS, LLC who acknowledged the signing of the foregoing instrument to be his voluntary act and deed and the voluntary act and deed of said EPCON CARR FARMS, LLC for the uses and purposes expressed herein.

In Witness Thereof, I have hereunto set my hand and affixed my official seal this _____day of ______, 20____.

My commission expires ____

Notary Public,

State of Ohio

CITY OF HILLIARD

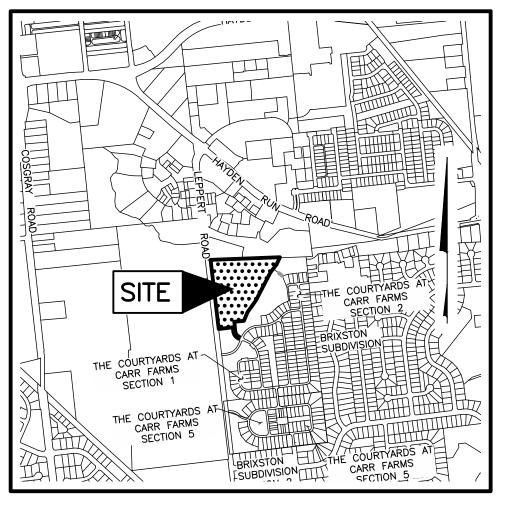
Approved this ____ day of ____,
20__, by the Planning and Zonning
CommissionChairman, Planning and Zoning Commission,
Hilliard, Ohio

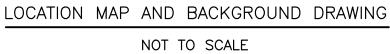
 Approved this _____ day of _____,
 _____,

 20____.
 City Engineer,
 Hilliard, Ohio

Approved and accepted this _____ day of _____, 20__, by Resolution No. ______ wherein all of the easements shown dedicated hereon are accepted, as such, by the Council for the City of Hilliard, Ohio.

	Clerk of Council,	Hilliard, Ohio
Transferred this day of, 20	Auditor,	Franklin County, Ohio
	Deputy Auditor,	Franklin County, Ohio
Filed for record thisday of, 20 atM. Fee \$	Recorder,	Franklin County, Ohio
File No		
Recorded this day of, 20	Deputy Recorder,	Franklin County, Ohio
Plat Book, Pages		





SURVEY DATA:

BASIS OF BEARINGS: The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (2007). Control for bearings was from coordinates of monuments FCGS 5068 and FCGS 5069, having a bearing of North 06° 41' 27" East between said monuments, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

SOURCE OF DATA: The sources of recorded survey data referenced in the plan and text of this plat are the records of the Recorder's Office, Franklin County, Ohio.

IRON PINS: Iron pins, where indicated hereon, unless otherwise noted, are to be set and are iron pipes thirteen sixteenths inch inside diameter, thirty inches long with a plastic plug placed in the top end bearing the initials EMHT INC.

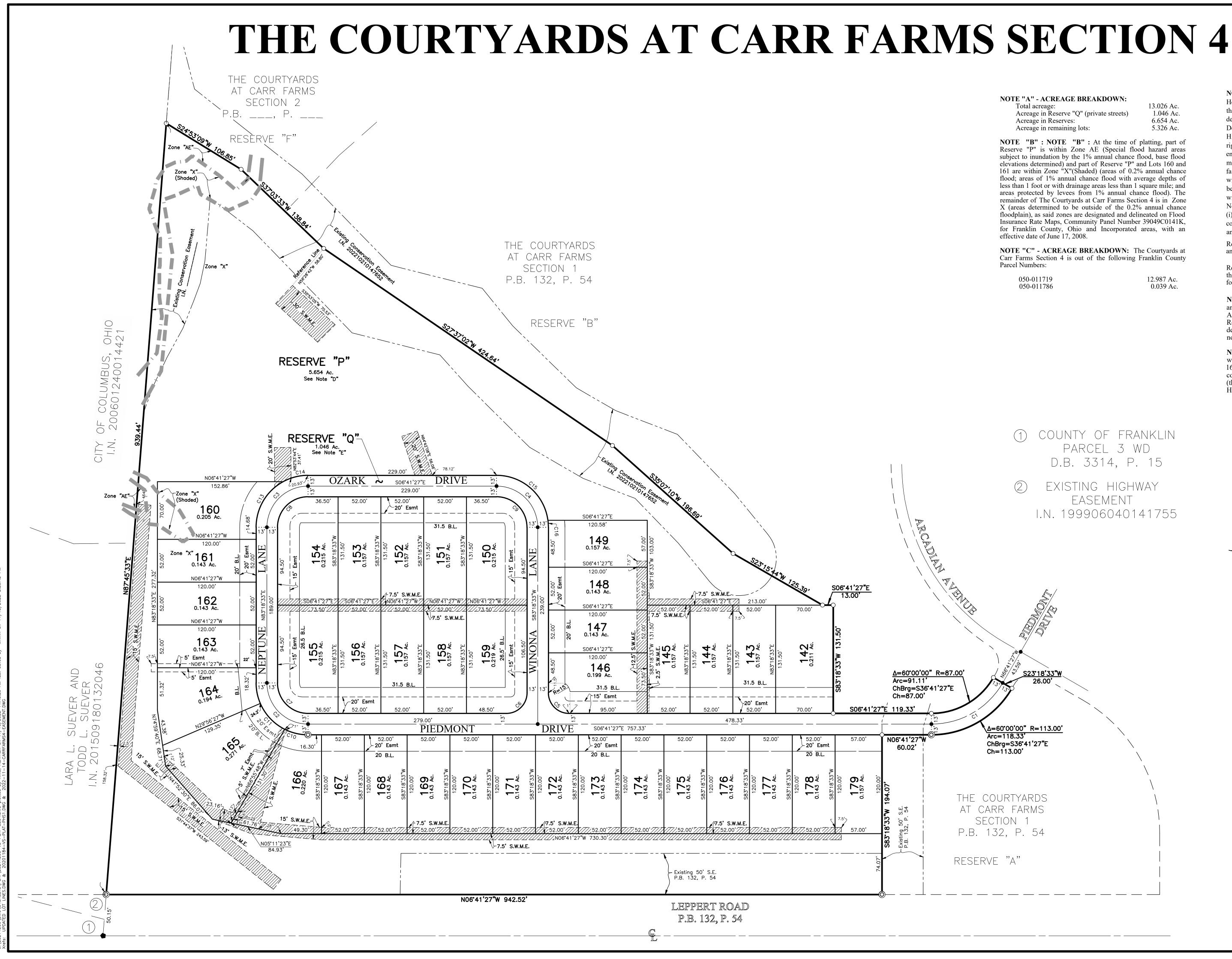
PERMANENT MARKERS: Permanent markers, where indicated hereon, are to be one-inch diameter, thirty-inch long, solid iron pins. Pins are to be set to monument the points indicated, and set with the top end flush with the surface of the ground and then capped with an aluminum cap stamped EMHT INC. Once installed, the top of the cap shall be marked (punched) to record the actual location of the point.

By

Professional Surveyor No. 7865

Date

7.1.a



E "A" - ACREAGE BREAKDOWN:	
Total acreage:	13
Acreage in Reserve "Q" (private streets)	1
Acreage in Reserves:	6
Acreage in remaining lots:	5.

050-011719	12.987 A
050-011786	0.039 A

NOTE "D" - RESERVE "P": The Courtyard at Carr Farms Homeowners' Association, Inc. ("Association") is responsible for the maintenance of designated reserves that are not conveyed or dedicated to the City of Hilliard or a community authority. The Declaration contains a provision that states, after the City of Hilliard provides written notice to the Association and a right-to-cure period, the City of Hilliard shall have the right to enter upon the designated reserves and perform any necessary maintenance work to said designated reserves if the Association fails to timely fulfill its maintenance obligations in accordance with the Declaration. In such an event, the City of Hilliard shall be entitled to recover from the Association its costs associated with performing said necessary maintenance work. Notwithstanding the foregoing, the City of Hilliard may neither (i) enter the clubhouse building or any other amenity facilities constructed within or upon the designated reserves nor (ii) have any obligation to maintain such amenity facilities, if any.

Reserve "P", as designated and delineated hereon, shall be owned and maintained by the Association.

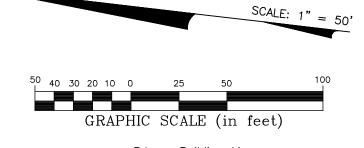
Refer to the recorded operation and maintenance agreement for the post-construction stormwater best management practices and for additional restrictions in Reserve "P".

NOTE "E" - RESERVE "Q": Reserve "Q ", as designated and delineated hereon, shall be owned and maintained by the Association. The street and lanes constructed within said Reserve "Q" will be private streets and lanes which will not be dedicated to the City of Hilliard and the City of Hilliard will not be responsible for the maintenance of said streets.

NOTE "F" - LOTS 165 & 166: Within the limits of the 7' wide easement located along the common lot line to said Lots 165 & 166, a path shall be constructed for the purpose of connecting Piedmont Drive to the path along Leppert Road (through Reserve "P"). Said path will be maintained by the Homeowners Association.

Line	Туре	Legend	
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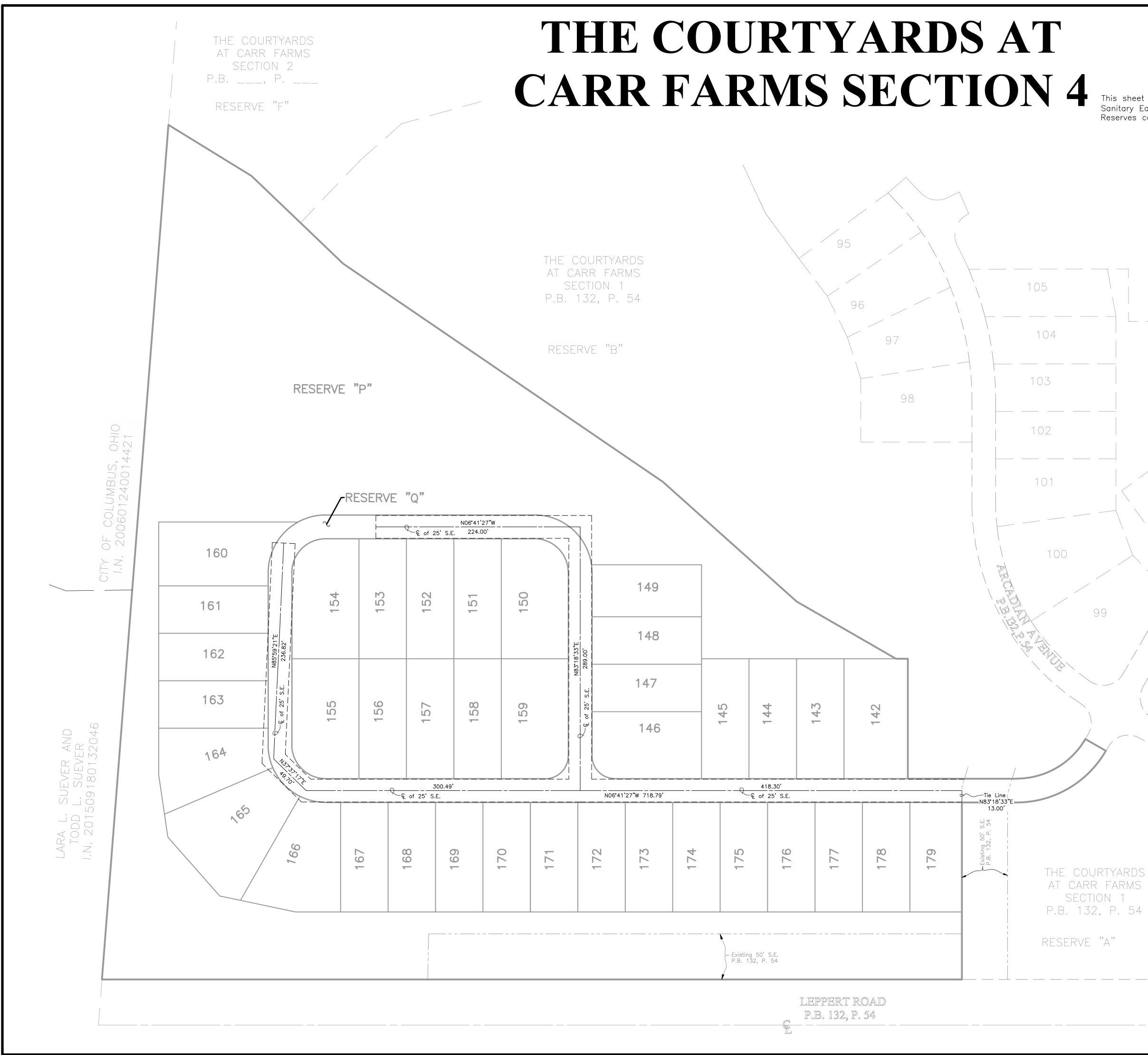
Existing Property Line Existing R/W Line Existing R/W Centerline Existing Easement Line
Subdivision Boundary Line
R/W Centerline Easement Line



B.L. = Building Line Esmt = Easement S.E. = Sanitary Easement (R) = radial to street centerline (NR) = non-radial to street centerline Storm Water Management Easement (SWME).
 See paragraph regarding "Easements" and "Storm Water Management Easements" on sheet 1 for restrictions within this easement.

	CURVE TABLE							
CURVE NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD DISTANCE			
C1	60°00'00"	100.00'	104.72'	S 36°41'27" E	100.00'			
C2	90°00'00"	50.00'	78.54'	S 38°18'33" W	70.71'			
C3	90°00'00"	50.00'	78.54'	N 51°41'27"W	70.71'			
C4	90°00'00"	50.00'	78.54'	N 38°18'33" E	70.71'			
C5	90°00'00"	25.00'	39.27'	S 38°18'33" W	35.36'			
C6	90°00'00"	25.00'	39.27'	S 51°41'27" E	35.36'			
C7	90°00'00"	37.00'	58.12'	S 38°18'33" W	52.33'			
C8	90°00'00"	37.00'	58.12'	N 51°41'27" W	52.33'			
C9	90°00'00"	37.00'	58.12'	N 38°18'33" E	52.33'			
C10	26°39'24"	63.00'	29.31'	S 06°38'15" W	29.05'			
C11	40°05'36"	63.00'	44.09'	S 40°00'45" W	43.19'			
C13	61°25'04"	63.00'	67.53'	N 65°58'55" W	64.35'			
C14	28°34'56"	63.00'	31.43'	N 20°58'55" W	31.10'			
C15	82°14'45"	63.00'	90.43'	N 34°25'55" E	82.87'			
C16	7°45'15"	63.00'	8.53'	N 79°25'55" E	8.52'			

7.1.a





This sheet is to clearly designate and delineate the Sanitary Easement (S.E). All information about Lots and Reserves can be found on Sheet 2 of 3 of this plat.

RF

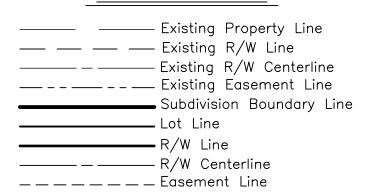
129



GRAPHIC SCALE (in feet)

B.L. = Building Line Esmt = Easement S.E. = Sanitary Easement (R) = radial to street centerline (NR) = non-radial to street centerline = Storm Water Management Easement (SWME). ee paragraph regarding "Easements" and "Storm Water Management Easements" on sheet 1 for estrictions within this easement

Line Type Legend



7.1.a

3



Subject:Amending Language Section 161.36 of the City's Codified OrdinancesFrom:Michelle Crandall, City ManagerInitiated by:Colleen Lemmon, Chief People Officer/HRDate:November 28, 2022

Executive Summary

This ordinance would amend the current language of Section 161.36-Tuition Reimbursement Program of the City's Codified Ordinances.

Staff Recommendation

Staff recommends that Council approves an amendment to the language in Section 161.36 to remove the maximum reimbursement amount of \$4,000. The proposed language would refer to the amount approved annually during the operating budget. This would alleviate the need for this language to be modified in the future to meet the needs of recruitment efforts and the retention of existing employees.

Background

On December 22, 2021, City Council approved legislation repealing and replacing authorized strength with a salary classification and compensation ranges for authorized positions. The same legislation changed the language in Section 161.36 to include the maximum tuition reimbursement to \$4,000. In the 2023 Operating Budget, staff is recommending increasing tuition reimbursement to \$7,000. Increasing the reimbursement amount would assist in attracting and retaining talent.

Financial Impacts

The financial impacts are minimal, with the 2023 proposed operating budget increasing non-union tuition reimbursement from \$4,000 to \$7,000 per year. Currently we are aware of 5-6 non-union employees interested in tuition reimbursement in 2023.

Expected Benefits

Amending the language in Section 161.36 would alleviate the need for this language to be modified in the future to attract and retain talent.

Attachments

N/A



Ordinance: 22-39

Page 1 of

Passed:

Effective:

APPROVING AN AMENDMENT TO SECTION 161.36 OF THE CITY'S CODIFIED ORDINANCES REGARDING THE TUITION REIMBURSEMENT PROGRAM.

WHEREAS, currently, Chapter 161 of the Codified Ordinances of the City provides for the conditions of employment, compensation, classification, and benefits afforded to non-unionized City employees; and

WHEREAS, the City finds it necessary to amend certain language in Code Section 161.36 to remove the limit on the maximum amount available for tuition reimbursement; and

WHEREAS, the amended language will benefit the City, its employees, and attract qualified candidates.

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

SECTION 1. City Council finds that amending the language in Section 161.36, as identified in Exhibit "A", attached hereto and incorporated herein, is in the City's best interest. The changes to Section 161.36, as shown in track changes in the attached Exhibit "A" are approved and shall be incorporated in to the City's Codified Ordinances.

SECTION 2. All other provisions of Chapter 161, not modified herein, remain unchanged and are in full force and effect.

SECTION 3. This Ordinance shall be in effect from and after the earliest time provided for by law.

ATTEST:

SIGNED:

Diane C. Werbrich, MMC Clerk of Council President of Council

APPROVED AS TO FORM:

Philip K. Hartmann Director of Law

✓ Vote Record - Ordinance 22-39					
		Yes/Aye	No/Nay	Abstain	Absent
 Adopted as Amended Passed 	Andy Teater				
□ Defeated	Omar Tarazi				
□ Tabled □ Held Over □ Referred	Les Carrier				
	Tina Cottone				
□ Withdrawn	Peggy Hale				
 First Reading Positive Recommendation No Recommendation 	Pete Marsh				
	Cynthia Vermillion				

161.36 - TUITION REIMBURSEMENT PROGRAM.

Each full-time employee who has a minimum of twelve (12) months of continuous service shall be eligible for tuition reimbursement subject to the following conditions:

- (a) All courses must be pre-approved by the Human Resources Director, who shall consult with the employee's department head in rendering this decision. There must be a direct correlation between the employee's duties and responsibilities and the courses taken. All scheduled times of courses must be taken during non-scheduled working hours. Any situation which, in the discretion of the Human Resources Director, would require an employee's presence on the job shall take complete precedence over any time scheduled for courses.
- (b) If an employee's tuition is paid, off-set or covered by another governmental or private agency or source of scholarship funds, then the employee is not entitled to payment from the City under this benefit unless the employee has tuition fees that he or she must actually personally pay or repay.
- (c) Reimbursement for tuition shall be made when the employee satisfactorily completes a course with a grade of C or better (or pass in a "pass/fail" course) and presents an official certificate or its equivalent and a receipt of payment or copy of the paid bill from the institution confirming completion of the approved course to the Human Resources Director. Reimbursement shall be made within thirty (30) days of the date the employee complies with the provisions of this program.
- (d) Reimbursement shall be granted up to a maximum, as determined annually in the City's operating budget, of \$4,000 per calendar year and shall be for reimbursement of tuition costs only. Reimbursement shall not be granted for books and/or supplies necessary for successful completion of the course.
- (e) All other provisions of tuition reimbursement shall be provided for in an Administrative Order of the City Manager.



Subject:	Real Estate Purchase Agreement with Norwich Township
From:	Michelle Crandall, City Manager
Date:	November 28, 2022

Executive Summary

This legislation authorized the City Manager to enter into real estate agreement with the Board of Trustees of Norwich Township ("Norwich Township") and to execute a deed conveying the 3.4 ±acres of land.

Staff Recommendation

Staff recommends that Council approve this legislation.

Background

On March 8, 2021, City Council adopted Resolution No. 21-R-18, authorizing the City Manager to accept 123 ±acres of land from the Hilliard Development Corporation (the "City Property"). On the City Property, the City's Recreation and Wellness Complex is being developed. Additionally, the City desires to transfer approximately 3.4 ±acres to Norwich Township for Norwich Township to build a new fire station (the "Township Property").

In order to effectuate this transfer, Norwich Township and the City have agreed to a Purchase Agreement which outlines the requirements and conditions of the transfer. The City's contractors are currently working on a legal description of the Township Property and plan to have it completed early next year. Upon completion, the City Manager will execute a limited warranty deed.

Financial Impacts

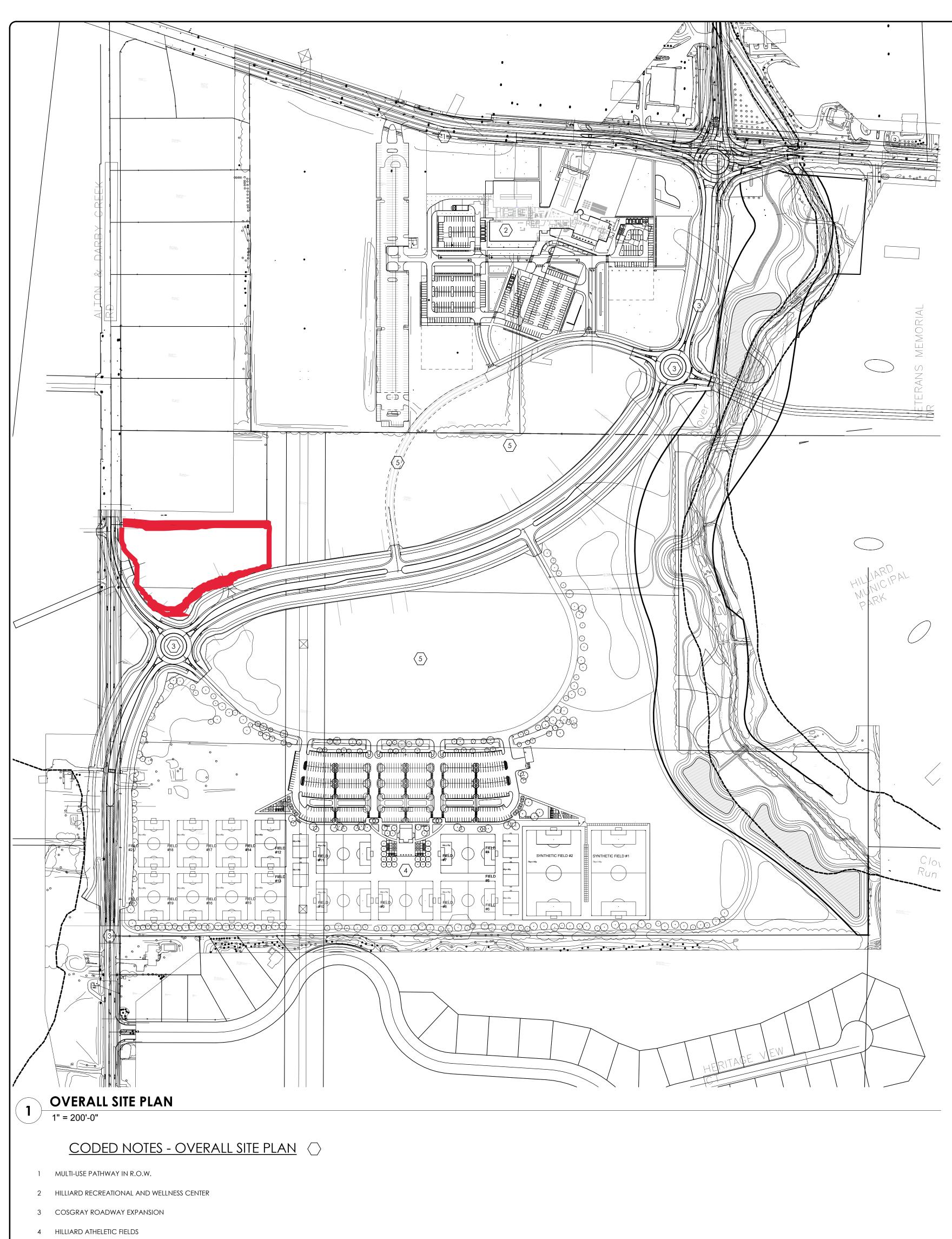
There are no financial impacts.

Expected Benefits

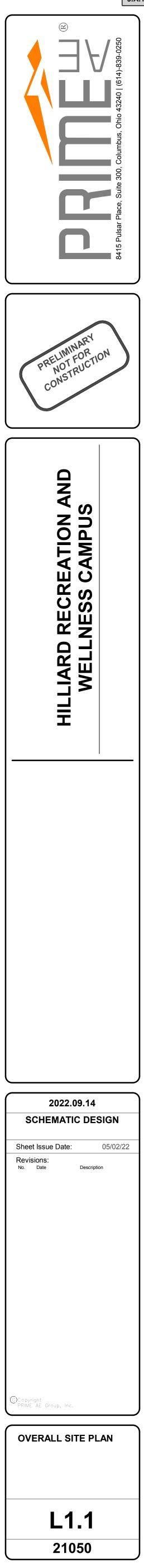
This transfer will enable Norwich Township to build a new fire station in order expand its services.

Attachments

Location of the Township Property



5 <varies>





Ordinance: 22-40

Page 1 of

Passed: Effective:

AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT AND DEED FOR 3.4 ±ACRES ALONG ALTON DARBY CREEK ROAD AND COSGRAY ROAD.

WHEREAS, on March 8, 2021, the City accepted the transfer of 123 ±acres of land from the Hilliard Development Corporation in order to start developing its new Recreation and Wellness campus (the "City Property"); and

WHEREAS, the City desires to transfer 3.4 ±acres from the City Property to the Board of Trustees of Norwich Township so that Norwich Township can build a new fire station; and

WHEREAS, after negotiations between the City and Norwich Township, the Parties have agreed to a Purchase Agreement, attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, pursuant to Section 151.03 of the City's Codified Ordinances, the City Manager has declared this 3.4± acres to be surplus to the needs of the City and transferring it to Norwich Township is in the best interest of the health, safety, and welfare of the City.

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

SECTION 1. The City Manager is authorized to enter into a Real Estate Purchase Agreement with Board of Trustees of Norwich Township, substantially similar to the one attached hereto as Exhibit "A" and incorporated herein, with such changes that are not inconsistent with this Ordinance and not adverse to the City whose signature thereon shall be conclusive evidence that such changes are approved by Council.

SECTION 2. In accordance with the Real Estate Purchase Agreement, the City Manager is authorized to execute a limited warranty deed transferring 3.4 ±acres to the Board of Trustees of Norwich Township.

SECTION 3. The City Manager, City Engineer, and City Law Director are authorized to approve any necessary administrative changes to the deed and to affect the proper form and recording of the 3.4 ±acres to Norwich Township.

SECTION 4. This Ordinance shall be in full force and effect from and after the earliest period provided for by law.

ATTEST:

SIGNED:

Diane C. Werbrich, MMC Clerk of Council

President of Council

APPROVED AS TO FORM:

Philip K. Hartmann Director of Law

✓ Vote Record - Ordinance 22-40					
		Yes/Aye	No/Nay	Abstain	Absent
Adopted as Amended Passed	Andy Teater				
□ Defeated	Omar Tarazi				
	Les Carrier				
□ Held Over □ Referred	Tina Cottone				
	Peggy Hale				
□ First Reading	Pete Marsh				
 Positive Recommendation No Recommendation 	Cynthia Vermillion				

REAL ESTATE PURCHASE AGREEMENT

This Real Property Purchase Agreement (this "Agreement") is by and between the **City of Hilliard**, **Ohio**, an Ohio municipal corporation (hereinafter referred to as the "City" or "Seller"), having an office at 3800 Municipal Way, Hilliard, Ohio 43026, and the **Board of Township Trustees of Norwich Township**, **Franklin County Ohio**, an Ohio township (hereinafter referred to as "Township" or "Purchaser"), with an address of 5181 Northwest Parkway, Hilliard, Ohio 43026. Purchaser and Seller are referred to individually herein as "Party" and collectively as "Parties."

Recitals

WHEREAS, the Seller is the owner of approximately 3.46 acres located along Alton Darby Creek Road in Hilliard, Ohio, Franklin County, part of Parcel Nos. 050-010761 and 050-010763 (the "Property");

WHEREAS, pursuant to the direction of City Council, the City is entering into this Agreement with the Township so that it can construct a new fire station; and

WHEREAS, Purchaser agrees to purchase the Property depicted in Exhibit A, and Seller agrees to sell the Property to Purchaser pursuant to the terms set forth in this Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties covenant, agree and obligate themselves to the forgoing Recitals and as follows:

ARTICLE I SALE AND PURCHASE OF THE PROPERTY

- 1. **Sale:** The City hereby agrees to sell and convey to the Purchaser, and the Purchaser hereby agrees to purchase and obtain from City the Property. The Parties acknowledge and represent that this conveyance of the Property is a voluntary transfer.
- 2. **Price and Consideration:** Purchaser shall pay to the City the sum of One Dollar (\$1.00), and other consideration as stated herein, which sum shall constitute the entire amount of compensation due the City for: (a) the Property and (b) the City's covenants set forth herein.

ARTICLE II CONTINGENCIES

- 3. Contingent Agreement: The Closing in this Agreement shall be completely contingent upon the City's satisfaction or waiver of the contingencies set forth in Article II below, The Parties shall close no later than February 15, 2023, unless otherwise agreed by the Parties. The date upon which the last of the Contingencies set forth in Article II below are either satisfied or waived by the Township in accordance with Article VIII, shall be referred to as the "Contingency Date".
- 4. Contingencies:
 - a. **Council Approval Contingency:** Hilliard City Council approving an Ordinance to authorize the conveyance of the Property to the Township.
 - b. **Zoning Contingency:** Prior to closing, City shall use its best efforts to rezone the Property to a zoning district appropriate for the Township's use of the Property for a fire station and associated uses.
 - c. **Environmental Inspection Contingency:** The Seller has conducted, at Seller's expense, a Phase II environmental assessment Within 5 days of the Parties fully executing this Agreement, Seller shall provide to the Purchaser a complete copy of the Phase II assessment, and any related documents to Purchaser for its review relating to the Property.

d. **Right of Way Contingency**: As required by Paragraph 7 below, the City shall obtain a legal description which will account for the location of the City's right of way along Cosgray Road and Alton Darby Road and will account for Township access to the Property from Cosgray Road and Alton Darby Road.

ARTICLE III EVIDENCE OF TITLE

- 5. Title Commitment: The Purchaser may obtain a commitment (a "Title Commitment") from a title insurance company licensed to do business in the State of Ohio (the "Title Company") to issue an ALTA Owner's Title Insurance Policy (Form 6/17/06) in the full amount of the Purchase Price of the Property (the "Title Policy"). The cost of the Title Policy shall be paid by the Township. The Title Commitment will be certified to the Effective Date and will include copies of all recorded documents evidencing title exceptions raised in Schedule B of the Title Commitment. On or before the date of Closing, the Title Commitment must show in Seller good and insurable title to the Property, free and clear, except for the standard printed exceptions contained in the final form of Schedule B of the Title Policy, and free and clear of all liens, charges, encumbrances and clouds of title, whatsoever, except the following (collectively, the "Permitted Encumbrances"):
 - a. Those created or assumed by the Township; and
 - b. Zoning ordinances, legal highways and public rights-of-way which do not interfere with the practical use of the Property; and
 - c. Real estate taxes which are a lien on the Property but which are not yet due and payable; and
 - d. Easements and restrictions of record acceptable to the Township which do not interfere with the Township's anticipated use of the Property, which shall be reflected in the final form of Schedule B to the Title Policy.

The Title Commitment shall fully and completely disclose all easements, negative or affirmative, rights-of-way, ingress or egress or any other appurtenances to the Property, and shall provide insurance coverage in respect to all of such appurtenant rights. The Title Commitment shall include the results of a special tax search and examination for any financing statements filed of record which may affect the Property. As used herein, Title Company means Stewart Title Company, 259 Schrock Road, Westerville, Ohio 43081.

- 6. **Endorsement at Closing**. At the Closing, the Title Company shall provide the Township with endorsements to the Title Commitment updating the commitment to the Closing Date and showing no change in the state of the title to the Property. After the Closing, the Title Company shall issue a final owner's title insurance policy in the amount of the Purchase Price.
- 7. **Survey**. The City shall, at its own expense, obtain a current survey of the Property, which shall be completed no later than January 31, 2023. The survey shall include a legal description of the Property and shall be certified by the surveyor to the Township and the Title Company. Subject to the approval of the Title Company, the legal description set forth on the survey shall be used in the Title Commitment and policy and in all documents of transfer contemplated hereby. The survey shall be sufficient to waive or insure over any and all questions or survey.
- 8. **Status of Title; Permitted Encumbrances; Objections**. Up and until fifteen (15) days prior to the Closing Date (the "Deadline for Objections"), the Township may provide the City with written objections to the extent that the Title Commitment reveals matters other than the Permitted Encumbrances (the

"Objections") which constitute a monetary lien or which interfere with the Township's use of the Property for its intended purpose. The Township's failure to make written Objections by the Deadline for Objections will constitute a waiver of the Township's right to make Objections. Upon the Township giving the City written notice of Objections, the City may either agree in writing to satisfy the Objections, or in the absence of City's written agreement to satisfy, the Township shall either waive the Objections, five (5) days prior to the Closing or terminate this Agreement. In the event the Objections are not cured or removed, or in the event the City cannot provide satisfactory evidence that the Objections will be cured on or before the Closing Date or that satisfactory endorsements to the Title Policy will be issued in order to satisfy the Objections, the Township shall make its election at Closing, by written notice to the City, to either:

- a. Accept title to the Property, at which point such uncured Objections shall be Permitted Encumbrances hereunder; or
- b. Terminate this Agreement.

The Township's failure to make its election five (5) days prior to Closing shall constitute the Township's election to accept title to the Property, at which point such uncured Objections shall be Permitted Encumbrances hereunder.

ARTICLE IV RESTRICTION OF USE AND DEED

- 9. Restriction of Use: The use of the Property by the Purchaser is restricted to the construction and operation of a fire station and associated uses. The Purchaser shall not permit the Property to be used for any other uses other than a fire station or associated uses and such restrictions shall be stated in the deed from Seller to Purchaser.
- 10. **Deed of Conveyance**: The City, as grantor, shall convey to the Purchaser, at the Closing, good and insurable title in fee simple to the Property by transferable and recordable limited warranty deed under O.R.C. 5302.07, signed by all parties necessary, free and clear of all defects, mortgages, easements, restrictions, reservations, conditions, agreements, liens and encumbrances, except the Permitted Encumbrances.
- 11. **Right of Reversion**. The Parties agree that fee simple ownership in the Property shall revert to the City at no cost if any of the following conditions arise:
 - a. The Township fails to commence construction on the Property within 10 years of the Closing Date; or
 - b. The Township ceases operations at the Property. For purposes of this Section, "ceases operations" means stops providing fire protection and/or emergency medical services from the Property for a period 6 consecutive months.
- 12. **Supplemental Interests**: The City agrees to execute any and all reasonable supplemental instruments or documents necessary to vest the Township with all rights, titles, and interests to the Property.

ARTICLE V CLOSING

- 13. **Closing:** The Parties agree that the purchase and sale of the Property shall be closed (the "Closing") no later than ______, (the "Closing Date"), unless otherwise agreed to in writing by the Parties. Said Closing shall be held at a time and place in Franklin County, Ohio as shall be selected by the City, and agreed to by Purchaser.
- 14. City's Closing Documents: In addition to the deed described in Article IV, at the Closing, the City shall

Page 3 of 9

deliver to the Purchaser: (i) a closing statement showing the Purchase Price and all charges, prorations and/or credits to the City or Seller provided for herein, (ii) all consents, affidavits or other documents reasonably and customarily required by the Title Company to issue the Title Policy, (iii) such evidence of authority as the City or the Title Company reasonably may deem necessary to evidence the authority of the Seller signatory to enter into this Agreement and to consummate the transactions contemplated hereby, and (iv) an affidavit that Seller is not non-resident "aliens", "foreign corporation", "foreign partnership", "foreign trust", or "foreign estate" within the meaning of the Internal Revenue Code and Regulations thereunder.

- 15. **Township's Closing Documents**: At the Closing, the Purchaser shall deliver to the City: (i) the Purchase Price, (ii) a closing statement showing the Purchase Price and all charges, prorations and/or credits to the City or Seller provided for herein, (iii) such evidence of authority as Seller or the Title Company reasonably may deem necessary to evidence the authority of the City's signatory to enter into this Agreement and to consummate the transactions contemplated hereby, and (iv) any other documents reasonably requested by the Title Company.
- 16. **Adjustments at Closing**: At Closing, the Parties shall apportion, adjust, prorate and pay the following items in the manner hereinafter set forth:
 - a. *Real Estate Taxes and Assessments.* The City shall pay all delinquent real estate taxes, together with penalties and interest thereon, all assessments which are a lien against the Property as of the Closing Date (both current and reassessed, whether due or to become due and not yet payable), all unpaid real estate taxes for years prior to Closing, and real estate taxes for the year of Closing, prorated through the Closing Date. The proration of undetermined taxes shall be based upon a three hundred sixty-five (365) day year and on the last available tax rate, giving due regard to applicable exemptions, recently voted millage, change in tax rate or valuation (as a result of this transaction or otherwise), etc., whether or not the same have been certified. It is the intention of the Parties in making this tax proration to give the Township a credit in an amount as close as possible to the amount which the Township will be required to remit to the County Auditor for the period of time preceding the Closing Date hereof.
 - b. CAUV. Purchaser acknowledges that the Property was valued as "Current Agriculture Use Value" ("CAUV") property on the books of the Franklin County Auditor and Treasurer and there is real estate tax recoupment owed and deferred on the Property for removing it from CAUV classification if the Property is no longer deemed a "Qualifying Property". "Qualifying Property" is defined as a property that meets either of the following conditions: 1. The land is acquired by Chapter 1545 park district and is located within the boundaries of that park district; or 2. The land is acquired by a public entity other than a Chapter 1545 park district and is located within the boundaries of the city, local, exempted village, or joint vocational school district that is wholly or partially within the boundaries of that public entity.
 - c. The prorations provided above shall be final at Closing. The City warrants and represents that, to its actual knowledge, (1) all assessments presently constituting a lien are shown on the County Treasurer's records and (2) that neither Seller nor any of its agents, employees or representatives have received written notice, or have actual knowledge of any proposed improvement, any part of the cost of which would or might be assessed against the Property in the future. The covenants and agreements set forth in this Agreement shall not be cancelled by performance under this Agreement, but shall survive the Closing and the delivery of the deed of conveyance hereunder for a period of one (1) year.
 - d. *The Township's Expenses*. The Township shall at the Closing (unless previously paid) pay the following:
 - i. The cost of the Title Commitment and Owner's Title Policy; and
 - ii. The recording fees required for recording the general warranty deed; and

- iii. The fee, if any, charged by the Title Company for closing the transaction contemplated herein.
- e. *Brokers*. The City represents and warrants that they have not dealt with any real estate broker or realtor in connection with the sale of the Property, and that no realtor's or finder's fees, brokerage commissions, or other forms of compensation are due to any realtor or broker in connection with this transaction. The Township represents that it has not dealt with any real estate broker or realtor in connection with the sale of the Property, and that no realtor's or finder's fees, brokerage commissions, or other forms of compensation are due to any realtor or broker in connection with this transaction.
- f. *Real Estate Conveyance Fees.* This transfer to the Township is exempt from the payment of real property conveyance fees pursuant to the Ohio Revised Code. If such conveyance fees are deemed applicable, the Township shall pay the conveyance fees.

ARTICLE VI WARRANTIES AND REPRESENTATIONS OF THE PARTIES

- 17. **Warranties and Representations of Seller:** In addition to any other representation or warranty contained in this Agreement, Seller hereby represents and warrants, to the best of its knowledge, as follows:
 - a. The Seller or any agent, employee or representative of Seller has not received any written notice or notices, from any municipal, county, state or any other governmental agency or body, of any zoning, fire, health, environmental or building violation, or violation of any laws, ordinances, statutes or regulations relating to pollution or environmental standards, which have not heretofore been corrected; and
 - b. The execution, delivery and performance of this Agreement, and the consummation of the transaction contemplated hereby, will not result in any breach of, or constitute any default under, or result in the imposition of any lien or encumbrance against, the Property, under any agreement or other instrument to which Seller is a party or by which Seller or the Property might be bound; and
 - c. The Seller or any agent, employee or representative of Seller has not received any written notice, of any change contemplated in any applicable laws, ordinances, or restrictions, or any judicial or administrative action, or any action by adjacent landowners, which would prevent, limit or in any manner interfere with the Township's proposed use of the Property; and
 - d. Through and until the Closing Date, Seller shall not enter into any easement, new lease or other contract pertaining to the Property, unless otherwise approved herein or in writing by the Township; and
 - e. To the best of Seller's knowledge, there are no hazardous wastes, hazardous substances, or hazardous materials located in, on or about or generated from the Property which may require remediation or which may result in penalties under any applicable law; and
 - f. Seller is not a "Foreign Person" as that term is defined in the Foreign Investment in Property Tax Act.
- 18. **Breach of Warranties by Seller Prior to Closing**: If, during the pendency of this Agreement, the Township determines that any warranty or representation given by the City to the Township under this Agreement was untrue, incorrect, or misleading, in whole or in part, in any material respect, the same shall constitute a default by the City hereunder. In such event, the Township may give written notice

thereof and shall thereafter have the right to terminate this Agreement or the right to pursue in a court of competent jurisdiction a claim for specific performance hereunder.

- 19. "As Is" Condition: The Township acknowledges and agrees that, except as otherwise expressly stated in this Agreement and/or in any documents provided to the Township by the City (i.e., the Deed) at Closing, (a) the City has not made any warranty, guaranty or representation relating to the Property, (b) The Township is relying solely on its own investigation of the Property and not on any information provided or to be provided by Seller, and (c) The Township agrees to accept the Property and acknowledges that the sale thereof as provided for in this Agreement is made by Seller on an "As Is, Where Is and with all faults" basis, except as otherwise expressly stated in this Agreement and/or in any documents provided to the Township by the City (i.e., the Deed) at Closing. For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties, saving and excepting as otherwise expressly stated in this Agreement and/or in any documents provided to the Township by Seller (i.e., the Deed) at Closing, the township hereby remises, releases and forever discharges Seller and its members, managers, agents and employees from any and all obligations, claims, liabilities, suits, costs, expenses, damages, actions and/or causes of action, matured or contingent, known or unknown, which may arise out of, or are in any way or in any manner connected with or related to, in whole or in part, the condition of the Property, including, but not limited to any claims under applicable Environmental Laws, or otherwise. The term "Environmental Laws" shall mean all present and future federal, state and local laws, regulations and ordinances and principles of common law relating to the protection of the environment, public health or public safety, including, but not limited to, the Comprehensive Environmental Response, Compensation, and Liability Act, (42 U.S.C. § 9601, et seq., as amended), the Resource Conservation and Recovery Act (42 U.S.C. § 6901, et seq., as amended), the Clean Water Act (33 U.S.C. § 7401, et seq. as amended), the Safe Drinking Water Act (42 U.S.C. § 300f, et seq., as amended) the Toxic Substances Control Act (15 U.S.C. § 2601, et seq. as amended), any state and local counterparts of such statutes or regulations and any state voluntary cleanup programs, each as amended from time-to-time. The substance of this Section 21 is intended to survive the Closing or earlier termination of this Agreement.
- 20. **Warranties and Representations of the Township**. In addition to any other representation or warranty contained in this Agreement, the Township hereby represents and warrants as follows:
 - a. N/A
- 21. Warranties and Representations Survive Closing. The warranties, representations, covenants and agreements set forth in this Agreement shall not be cancelled by performance under this Agreement, but shall survive the Closing and the delivery of the deed of conveyance hereunder for a period of one (1) year after the Closing Date. All representations and warranties set forth in this Agreement shall be true and correct as of the date hereof and as of the Closing Date, and at Closing, if requested by the Purchaser, the City shall so certify, in writing, in form reasonably requested by the Purchaser.

ARTICLE VII NOTICES

22. **Notices:** Any notices, statements, acknowledgements, consents, approvals, certificates, or requests required to be given on behalf of any party to this Agreement shall be made in writing addressed as follows and sent by (a) registered or certified mail, return receipt requested, and shall be deemed delivered when the return receipt is signed, refused or unclaimed, or (b) by nationally recognized overnight delivery courier service, and shall be deemed delivered the next business day after acceptance by the courier service with instructions for next-business-day delivery:

If to the Seller, to:

City of Hilliard Attn: Law Director 3800 Municipal Way If to the Purchaser, to:

Board of Township Trustees, Norwich Township Attn: Township Administrator 5181 Northwest Parkway Hilliard, OH 43026

ARTICLE VIII GENERAL PROVISIONS

- 23. **Governing Law**. This Agreement is being executed and delivered in the State of Ohio and shall be construed and enforced in accordance with the laws of the State of Ohio. For all litigation, disputes and controversies which may arise out of or in connection with this Agreement, the undersigned hereby waive the right to trial by jury and consent to the jurisdiction of the courts in the State of Ohio.
- 24. **Entire Agreement**. This Agreement constitutes the entire contract between the Parties hereto, and may not be modified except by an instrument in writing signed by the Parties hereto, and supersedes all previous agreements, written or oral, if any, of the Parties.
- 25. Time of Essence. Time is of the essence of this Agreement in all respects.
- 26. **Assignment**. This Agreement shall be binding upon and inure to the benefit of the Parties hereto, their respective heirs, legal representatives, successors and assigns.
- 27. **Waiver**. No waiver of any of the provisions of this Agreement shall be deemed, nor shall the same constitute a waiver of any other provision, whether or not similar, nor shall any such waiver constitute a continuing waiver. No waiver shall be binding, unless executed, in writing, by the Party making the waiver.
- 28. **Headings**. The section headings contained in this Agreement are for convenience only and shall not be considered for any purpose in construing this Agreement.
- 29. **Survival**. The terms and provisions of this Agreement shall survive the delivery of the deed of conveyance hereunder.
- 30. **Counterparts**. This Agreement may be executed in one or more counterparts all of which will be considered one and the same agreement, binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.
- 31. **Day for Performance**. Wherever herein there is a day or time period established for performance and such day or the expiration of such time period is a Saturday, Sunday or legal holiday, then such time for performance shall be automatically extended to the next business day.
- 32. **Severability**. If any provision of this Agreement, or any covenant, obligation or agreement contained herein is determined by a court to be invalid or unenforceable, that determination shall not affect any other provision, covenant, obligation or agreement, each of which shall be construed and enforced as if the invalid or unenforceable portion were not contained herein. That invalidity or unenforceability shall not affect any valid and enforceable application thereof, and each such provision, covenant, obligation or agreement to be effective, operative, made, entered into or taken in the manner and to the full extent permitted by law.

{Seller's signature and acknowledgement on the following page}

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date(s) indicated immediately below their respective signatures.

City of Hilliard, Ohio

Board of Township Trustees of Norwich Township, Franklin County Ohio

Michelle L. Crandall, City Manager

Date

Charles W. Buck

Date

Timothy A. Roberts

Date

Jerry O'Shaughnessy

Date

CERTIFICATE OF AVAILABILITY OF FUNDS

I certify that the amount required to meet the foregoing contract obligation has been lawfully appropriated for such purpose, and is in the treasury or in the process of collection, free from any outstanding obligation or encumbrance.

By:

Paul Lambert, Fiscal Officer Norwich Township, Franklin County, Ohio

EXHIBIT A

 $0138041.0718387 \quad 4860\text{-}8287\text{-}9532v2$



Council Memo: Legislation (22-41)

Subject: 2023 Stop Loss Insurance From: Michelle Crandall, City Manager David Delande, Director of Finance Initiated by: Date: November 28, 2022

Executive Summary

This legislation authorizes the City to purchase a stop-loss insurance policy which provides for payment of health insurance claims that are more than \$75,000 per person covered.

Staff Recommendation

Staff recommends that Council approve this piece of legislation.

Background

Because the City is self-funded for purposes of providing employee health insurance benefits, annually a stop-loss insurance policy is purchased to provide payment of health insurance claims that exceed \$75,000 per person. This legislation proposes the City enter into a contract with Anthem Blue Cross Blue Shield to provide the stop-loss insurance for the period from January 1, 2023, to December 31, 2023 at an annual premium cost not to exceed \$840,348.

Financial Impacts

All monies paid under this contract will be allocated to the various personnel appropriations (Object 51) in the City's 2023 Operating Budget as approved by City Council.

Expected Benefits N/A

Attachments

N/A



Ordinance: 22-41

Page 1 of

Passed: Effective:

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE CITY'S PURCHASE OF STOP LOSS INSURANCE.

WHEREAS, the City of Hilliard is self-funded for purposes of providing employee health insurance benefits; and

WHEREAS, the City annually purchases a stop-loss insurance policy which provides for payment of health insurance claims that are more than \$75,000 per person covered; and

WHEREAS, the City, through its consultant, received renewal quotes for a stop-loss insurance policy; and

WHEREAS, the stop-loss policy previously in effect expires at midnight on December 31, 2022 after which time the City must have a new contract in place; and

WHEREAS, it is in the interest and benefit to the City of Hilliard and the public at large that the stop-loss policy be approved.

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

SECTION 1. The City Manager is authorized and directed to enter into a contract with Anthem Blue Cross Blue Shield to provide insurance coverage described above at an annual premium cost not to exceed \$840,348 for the period from January 1, 2023 to December 31, 2023, on such terms and conditions consistent with the recommendations provided by the City's consultant and as approved by the City's Law Director.

SECTION 2. All monies paid under this contract will be allocated to the various personnel appropriations (Object 51) in the City's 2023 Operating Budget as approved by City Council.

SECTION 3. This Ordinance shall be in full force and effect at the earliest time provided for by law.

ATTEST:

SIGNED:

Diane C. Werbrich, MMC Clerk of Council President of Council

APPROVED AS TO FORM:

Philip K. Hartmann Director of Law

✓ Vote Record - Ordinance 22-41					
		Yes/Aye	No/Nay	Abstain	Absent
 Adopted as Amended Passed Defeated Tabled Held Over Referred Withdrawn First Reading 	Andy Teater				
	Omar Tarazi				
	Les Carrier				
	Tina Cottone				
	Peggy Hale				
	Pete Marsh				
 Positive Recommendation No Recommendation 	Cynthia Vermillion				

9.A.1.3



Council Memo: Legislation (22-42)

Subject:	Annexation of 4701 Leppert Rd
From:	Michelle Crandall, City Manager
Initiated by:	Dan Ralley, Assistant City Manager
Date:	November 28, 2022

Executive Summary

This ordinance would approve the annexation of 4701 Leppert Road into the City of Hilliard and designate it a zoning classification of "R-R", Rural Residential District.

Staff Recommendation

Staff recommends that Council not approve this legislation due to the lack of fiscal benefit to the City if the property were annexed. While the property owner(s) would be responsible for the full cost of utility extension, the City of Hilliard would be responsible for a portion of the long-term maintenance of the utility lines, along with any other costs related to current or future services, such as police protection, fire hydrants maintenance, etc. In addition, as a care facility, demands will be placed on emergency medical services provided by Norwich Township.

Background

On August 15, 2022, the property owners of 4701 Leppert Rd. filed a petition with the Franklin County Commissioners to annex to the City. The property borders the Amazon Web Services property to the north. On August 22, 2022, City Council adopted Resolution No. 22-R-68 which indicated the services that would be available to the Property, if it were to be annexed.

The Hayden Run Sanitary Sub-Trunk, which runs across the Amazon and Bo Jackson sites is now operational. Glenmont would need to extend sanitary sewer from this trunk line up Leppert Rd to service their site. A waterline is currently being extended on the south side of Leppert Rd as part of the Carr Farms subdivision which would provide a source of domestic water for the site.

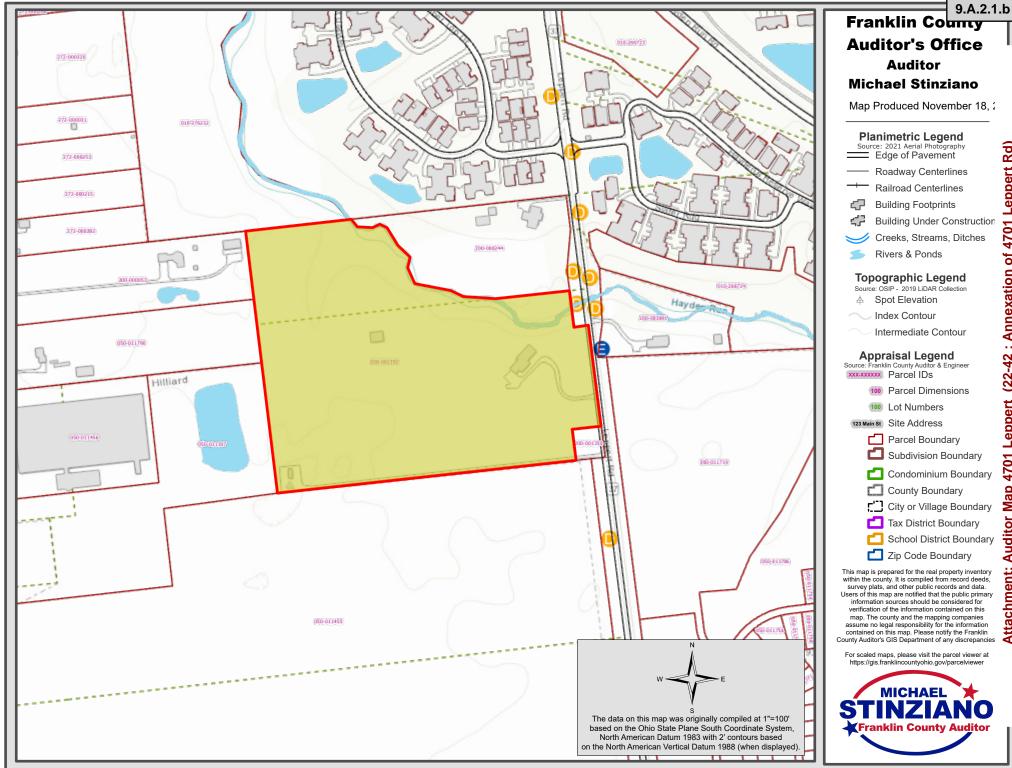
Following adoption of the Resolution, it was filed with the County Commissioners. The Commissioners considered the annexation on September 20, 2022, and approved the petition. The Commissioner's resolution and transcript were received by the Clerk on September 22, 2022. Pursuant to R.C. 709.04, the annexation petition must be introduced to City Council at its next regular meeting following the expiration of 60 days. City Council must accept or reject the petition within 120 days.

Financial Impacts N/A

Expected Benefits N/A

Attachments

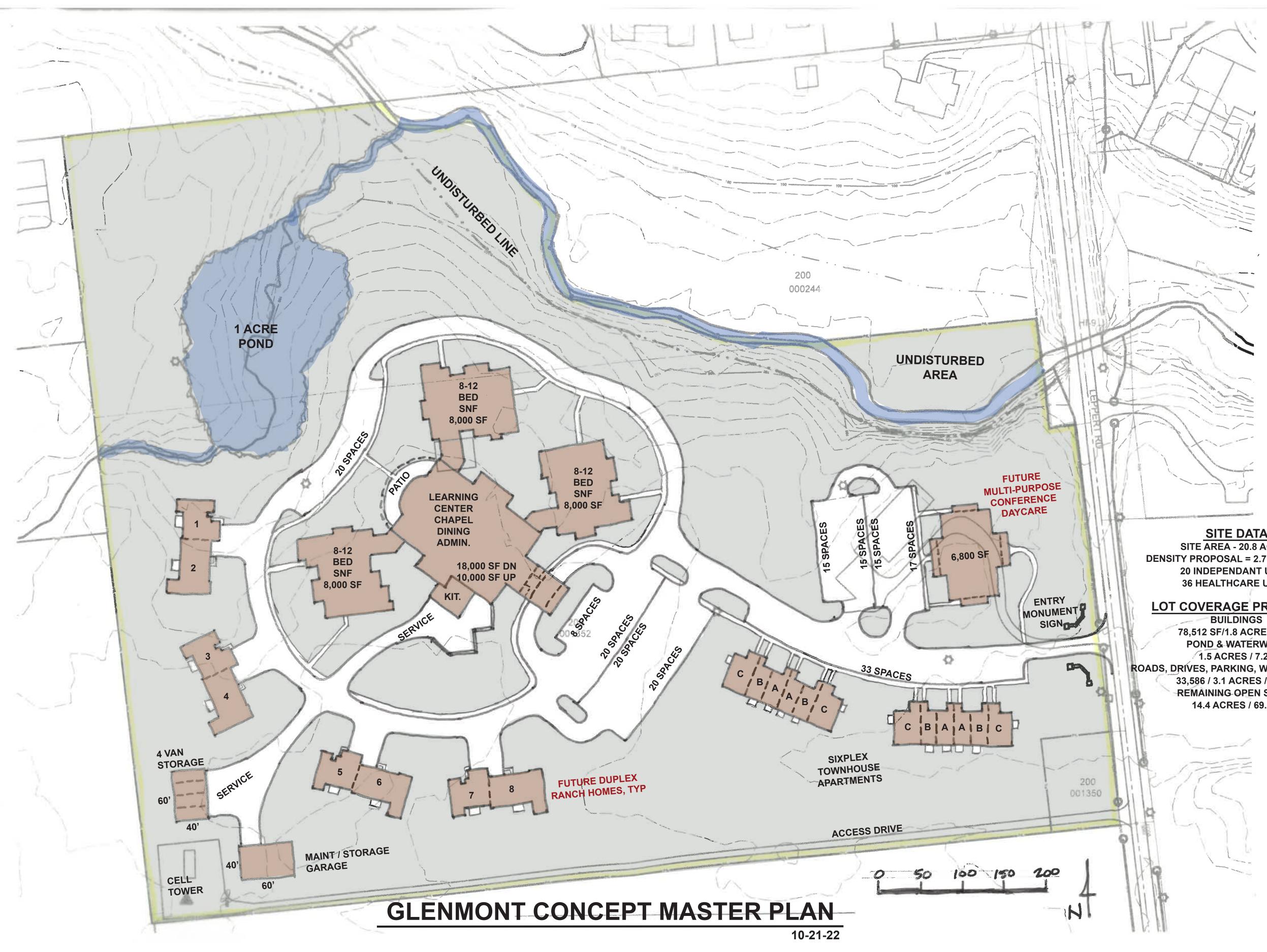
- Auditor Map
- Glenmont Concept Drawing
- Glenmont Project Budget
- Project Overview



Leppert Rd) 4701 4701 Leppert (22-42 : Annexation of Map Auditor chment: Atta

https://gis.franklincountyohio.gov/parcelviewer





9.A.2.1.c

SITE DATA SITE AREA - 20.8 ACRES DENSITY PROPOSAL = 2.7 UNITS/ACRE **20 INDEPENDANT UNITS 36 HEALTHCARE UNITS**

LOT COVERAGE PROPOSED

78,512 SF/1.8 ACRES/ 8.7% POND & WATERWAYS 1.5 ACRES / 7.2% ROADS, DRIVES, PARKING, WALKS, & PATIOS 33,586 / 3.1 ACRES / 14.9% **REMAINING OPEN SPACE** 14.4 ACRES / 69.2%



phone: 614.298.2132

www.bcanet.com

GLENMONT CHRISTIAN SCIENCE NEW CAMPUS MASTER PLAN CONCEPT DESIGN OVERVIEW BUDGET OCTOBER 10, 2022

SITE DEVELOPMENT	\$1.25 mil to \$1.5 mil
6 PLEX APTS 2 bldgs x 6,564 sf x \$185 = \$2.43 mil x 1.25 (contingency & fee) =	\$2.75 mil to \$3.25 mil
DUPLEX RANCH HOME 4 bldgs x (1,291 sf + 1,655 sf) x \$235 = \$2.77 mil x 1.25 (contingency & fee) =	\$3.15 mil to \$3.81 mil
GARAGES 2 bldgs x 2,400 sf x \$125 = \$600,000 mil x 1.25 (contingency & fee) =	\$.68 mil to \$.83 mil
MULTI-PURPOSE BLDG. 6,800 sf x \$275 = \$1.87 mil x 1.25 (contingency & fee) =	\$2.13 mil to \$2.57 mil
SMALL HOUSE CARE HOMES 3 bldgs x 8,000 sf x \$275 = \$6.6 mil x 1.25 (contingency & fee) =	\$7.5 mil to \$9.08 mil
LEARNING CENTER 28,000 sf x \$275 = \$7.7 mil x 1.25 (contingency & fee) =	\$8.75 mil to \$10.59 mil
LANDSCAPING & SITE AMMENITIES \$500,000 allowance x 1.25 (contingency & fee) =	<u>\$.57 mil to \$.69 mil</u>

PROJECT TOTAL

\$26.78 mil to \$32.32 mil



Glenmont Fact Sheet

• Glenmont has been in its current location for 36 years. We have been an integral part of the community.

• Glenmont employs 48-52 employees (varies with our on-call Christian Science nurses)– all pay personal income tax to Hilliard. About 40 percent live in Hilliard.

• Glenmont rents 7 apartments nearby in Hilliard, for their Christian Science nurses. Within these 7 apartments there are, 11 adults (includes a college student attending an in-state college) and 8 children (ages 18 and younger which includes one student who attends high school in Missouri). Glenmont pays the rent for these apartments (thereby paying property taxes) and subsidizes their rent through payroll deductions for these residents.

• We have a wonderful working relationship with Norwich Township Fire and Police. They know us, they know what to expect and how to respond. We have also expressed our gratitude to them at various times with baskets of cookies, etc.

• Since October, 2021, we have had only 8 patients requiring a 911 call due to them passing away. There may have been one or 2 other instances to call them requiring transportation to the hospital or the like? Our patients rarely, if at all, are transferred out to a hospital or other nursing facility. Sometimes they do discharge and go home, without any need for Hilliard officials.

• We hope that our current building can be used in a similar assisted living facility manner or elderly care use.

• The new facility will allow Glenmont to better serve its members as their needs have changed over the last 36 years.

• Our new property will be one with significant green space. It is our goal to create that peaceful and natural environment for our patients, with the least disruption to its current atmosphere.

• There are 3 Christian Science churches in the Columbus area. We serve those church members, along with many church members throughout the state. We also draw patients from the 7 states surrounding, as there is no other Christian Science nursing facility in this 7-state area.



Ordinance: 22-42

Page 1 of

Passed:

Effective:

ACCEPTING THE APPLICATION FOR ANNEXATION OF 20.8± ACRES LOCATED IN NORWICH TOWNSHIP, FRANKLIN COUNTY, OHIO, AND ASSIGNING A ZONING CLASSIFICATION TO THE PROPERTY OF R-R, RURAL RESIDENTIAL.

WHEREAS, on August 15, 2022, pursuant to Ohio Revised Code Section 709.023, the property owner seeking the annexation of 20.8± acres of real property in Norwich Township, Franklin County, Ohio, contiguous to the City of Hilliard, filed a Petition for Annexation of its property to the City of Hilliard with the Board of County Commissioners of Franklin County, Ohio, a copy of which is attached hereto as Exhibit "A", notice of which was duly served upon the City of Hilliard as prescribed by law; and

WHEREAS, pursuant to Ohio Revised Code §709.023(C) the City of Hilliard adopted Resolution No. 22-R-68 on August 22, 2022, which Resolution indicated the type and scope of services the City of Hilliard will provide to the territory upon annexation to the City; and

WHEREAS, on August 23, 2022, a certified copy of Resolution No. 22-R-68 was sent to the Office of the Clerk of the Franklin County Commissioners; and

WHEREAS, the Petition came on for public hearing before the Franklin County Board of Commissioners on September 20, 2022; and

WHEREAS, pursuant to an action of the Franklin County Commissioners after that hearing, the Clerk of the Board of County Commissioners entered on the journal of the Board an order approving the annexation according to law, certified the transcript for the proceeding in connection with the annexation and filed it with the Clerk of Council of the City of Hilliard on September 22, 2022; and

WHEREAS, pursuant to Ohio Revised Code §709.04, the Clerk of Council is required to place the annexation documents before Council at its next regular meeting following the expiration of 60 days from receipt; and

WHEREAS, City Council is required to accept or reject the Petition for Annexation within 120 days thereafter; and

WHEREAS, Section 1104.04 of the City's Codified Ordinances requires that the City assign the newly annexed property a zoning classification that most resembles the property's zoning classification immediately prior to annexation.

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

SECTION 1. The proposed annexation of 20.8± acres from the unincorporated area of Norwich Township, Franklin County, Ohio to the City of Hilliard, a petition for which was filed with the Board of County Commissioners, Franklin County, Ohio on August 15, 2022, and approved by the Board of County Commissioners on September 20, 2022, be and the same is hereby accepted. The petition is **attached** hereto as **Exhibit "A**" and graphically depicts and describes the territory that is the subject of the annexation, which Exhibit is incorporated herein. The certified transcript of the proceedings of the County Commissioners is on file with the Clerk of Council of the City and has been for more than sixty (60) days.

SECTION 2. The 20.8± acres shall be assigned the zoning classification of "R-R" Rural Residential District, which classification most closely resembles the zoning classification prior to the annexation based on minimum lot sizes, minimum lot widths, acreage and dimensions of the 20.8± acres.

SECTION 3. The Clerk of Council is hereby authorized and directed to make three (3) copies of this Ordinance, to each of which shall be attached a copy of the map accompanying the Petition for Annexation, a copy of the transcript of the proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Clerk of Council shall then deliver one copy to the County Auditor, one copy to the County Recorder, and one copy to the Secretary of State and shall file notice of this annexation with the Board of Elections of Franklin County within thirty (30) days after it becomes effective, and further the Clerk of Council shall do all other things with respect to the action taken by this Ordinance as may be required by law.

SECTION 4. This Ordinance shall be in full force and effect from and after the earliest time provided for by law.

ATTEST:

SIGNED:

Diane C. Werbrich, MMC Clerk of Council President of Council

APPROVED AS TO FORM:

Philip K. Hartmann Director of Law

✓ Vote Record - Ordinance 22-42					
 □ Adopted □ Adopted as Amended □ Passed 		Yes/Aye	No/Nay	Abstain	Absent
	Andy Teater				
□ Defeated	Omar Tarazi				
□ Tabled □ Held Over □ Referred	Les Carrier				
	Tina Cottone				
□ Withdrawn	Peggy Hale				
First Reading Restrict Reading	Pete Marsh				
 Positive Recommendation No Recommendation 	Cynthia Vermillion				



Economic Development & Planning Department James Schimmer, Director Application for Annexation Petition Expedited Type 2

Pursuant to ORC §709.023

RECEIVED AUG 1 5 2022 Franklin County Planning Department Franklin County, OH

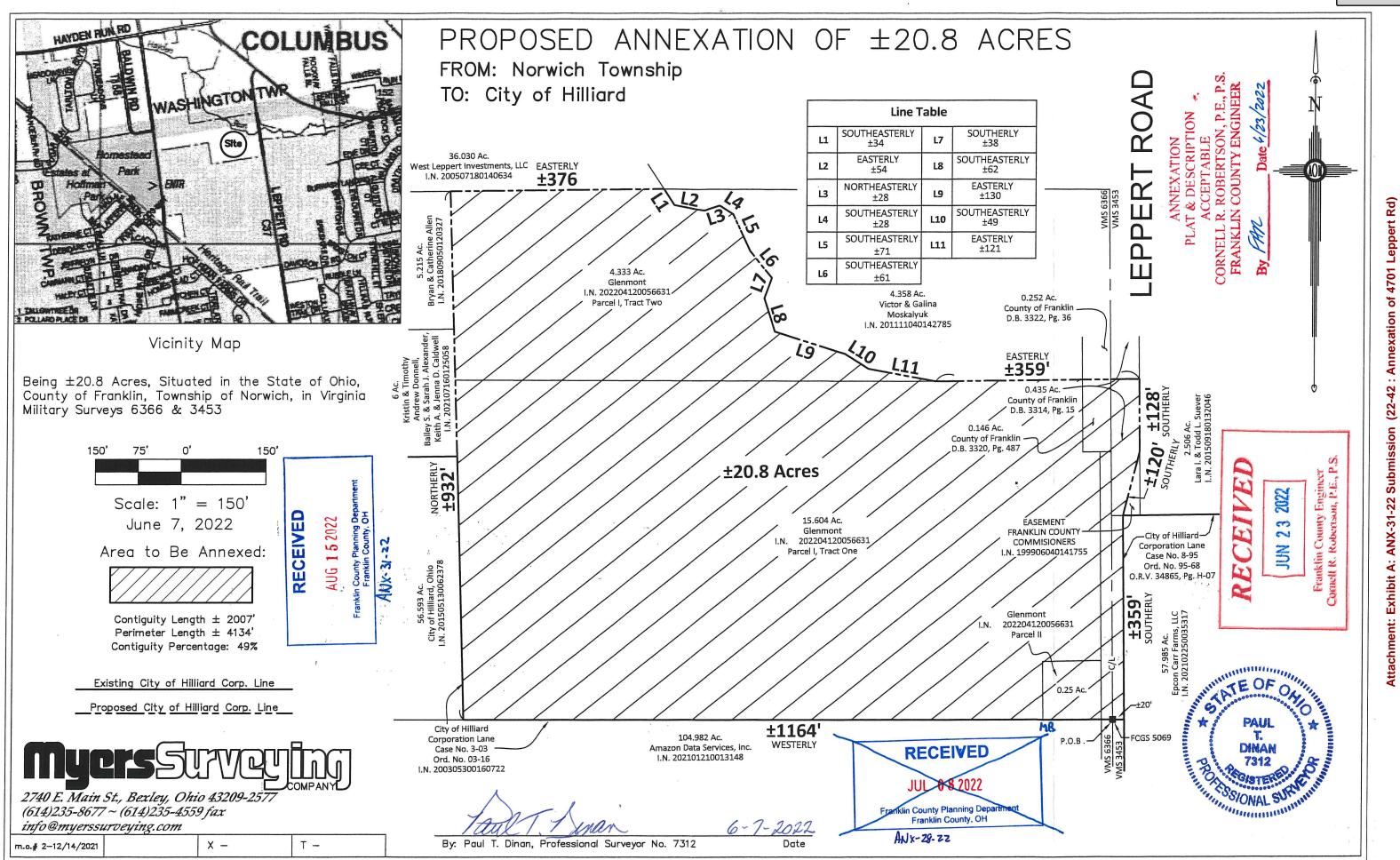
Property Information Site Address: 4701 Leppert Road,	Hilliard Ohio 43026	Staff Use Only Case # ANX- 3/-22
Parcel ID(s): 200-001352-00 200-001350-00	Total Acreage: 20.187	Hearing Date: 9/20/22
From Township: Norwich Township	To Municipality: Hilliard	Date Filed: 8/15/22
Property Owner Information *In the event on Name: Glenmont	경찰 및 것이 가지 않는 것은 것은 것을 가지 않는 것이 있다. 가지 않는 것은 것이 있다. 가지 않는 것은 것이 있다. 가지 않는 것이 있다. 가지 않는 것이 있다. 가지 않는 것이 있다. 가지 가지 않는 것이 있다. 가지 않는 것이 없다. 가지 않는 것이 있다. 가지 않는 것이 없다. 가지 않는	Fee Paid: \$350.00 Receipt #: 22-02450
Address: 4599 Avery Road, Hillia	rd, Ohio 43026	Received By: Matt Brown
		Notification Deadline (5 days):
Phone # Email:	Fax #	Svc Statement Deadline (20 days): 9/6/22
Attorney/Authorized Agent Information Name: Brandon T. Pauley, Esq. Address: 250 South Civic Center 1		Document Submission The following documents must accompany this application on letter-sized 8 1/2" x 11" paper:
Columbus, Ohio 43215		Legal description of the property
Phone # 6142467510	Fax # 6142467511	Fee Payment (checks only) Map/plat of property List of adjacent properties
Email: btpauley@bmdllc.com		

Petitioners Signature

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

Tylin Dorpeli-	8/12/2022		Data
Property Owner	Date /	Property Owner	Date
RPC	8/12/2022		
Attorney or Authorized Agent	Date /	Attorney or Authorized Agent	Date

150 South Front Street, FSL Suite 10, Columbus, Ohio, 43215-7104 Tel: 614-525-3094 Fax: 614-525-7155 Development.FranklinCountyOhio.gov



9.A.2.1.a

PLAT & DESCRIPTION ACCEPTABLE CORNELL R. ROBERTSON, P.E., P.S. FRANKLIN COUNTY ENGINEER By MM Date 4/23/2022	JUN 2 3 2022).A.2.1.a
MyersSurveying	Franklin County Engineer Cornell R. Robertson, e.t., P.S.	
2740 East Main Street		

Bexley, Ohio 43209-2577 (614) 235-8677 Telefax (614) 235-4559 Email: info@myerssurveying.com

June 7, 2022

20.8 ACRES

Situate in the State of Ohio, County of Franklin, Township of Norwich, in Virginia Military Surveys 6366 and 3453, being all of the 15.604 Acre, 4.333 Acre and 0.25 Acre tracts conveyed to Glenmont in Instrument Number 202204120056631, all of the 0.146 Acre tract conveyed to County of Franklin in Deed Book 3320, Page 487, part of the 0.435 Acre tract conveyed to County of Franklin in Deed Book 3314, Page 15 and part of the 57.985 Acre tract conveyed to Epcon Carr Farms, LLC in Instrument Number 202102250035317, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

BEGINNING at Franklin County Engineer's monument box "FCGS 5069", in the centerline of Leppert Road at the southeast corner of said 0.25 Acre tract, in the west line of said 57.985 Acre tract, at the northeast corner of a 104.982 Acre tract conveyed to Amazon Data Systems, Inc. in Instrument Number 202101210013148 and in the existing City of Hilliard Corporation Line, as established by Case No. 3-03, Ordinance No. 03-16, recorded in Instrument Number 200305300160722;

Thence, westerly, along the south lines of said 0.25 Acre and 15.604 Acre tracts, along part of the north line of said 104.982 Acre tract and along said City of Hilliard Corporation Line, approximately 1164 feet to the southwest corner of said 15.604 Acre tract and the southeast corner of a 56.593 Acre tract conveyed to the City of Hilliard, Ohio in Instrument Number 201505130062378;

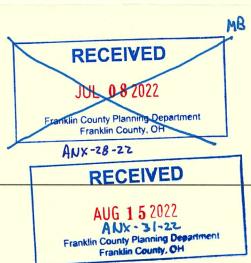
Thence, northerly, along the west lines of said 15.604 Acre and 4.333 Acre tracts, along the east line of said 56.593 Acre tract, along the east line of a 6 Acre tract conveyed to Kristin and Timothy Andrew Donnell, Bailey S. and Sarah J. Alexander, Keith A. and Jenna D. Caldwell, in Instrument Number 202107160125058, along the east line of a 5.215 Acre tract conveyed to Bryan and Catherine Allen in Instrument Number 201809050120327 and partly along said City of Hilliard Corporation Line, approximately 932 feet to the northwest corner of said 4.333 Acre tract, the northeast corner of said 5.215 Acre tract and in the south line of a 36.030 Acre tract conveyed to West Leppert Investments, LLC in Instrument Number 200507180140634;

Thence, easterly, along the north line of said 4.333 Acre tract and along part of the south line of said 36.030 Acre tract, approximately 376 feet to the northeast corner of said 4.333 Acre tract, the northwest corner of a 4.358 Acre tract conveyed to Victor and Galina Moskalyuk in Instrument Number 201111040142785 and in the approximate centerline of a creek;

Thence, along the east line of said 4.333 Acre tract, along the west line of said 4.358 Acre tract and along the approximate centerline of a creek the following eleven (11) courses:

- 1. southeasterly, approximately 34 feet;
- 2. easterly, approximately 54 feet;
- 3. northeasterly, approximately 28 feet;
- 4. southeasterly, approximately 28 feet;
- 5. southeasterly, approximately 71 feet;
- 6. southeasterly, approximately 61 feet;
- 7. southerly, approximately 38 feet;

Page 1



- 8. southeasterly, approximately 62 feet;
- 9. easterly, approximately 130 feet;
- 10. southeasterly, approximately 49 feet
- 11. easterly, approximately 121 feet to the southeast corner of said 4.333 Acre tract, the southwest corner of said 4.358 Acre tract and in the north line of said 15.604 Acre tract;

Thence, easterly, along part of the north line of said 15.604 Acre tract, along the north line of a 0.146 Acre tract conveyed to County of Franklin in Deed Book 3320, Page 487, along the south line of said 4.358 Acre tract, along the south line of a 0.252 Acre tract conveyed to County of Franklin in Deed Book 3322, Page 36 and across a 0.435 Acre tract conveyed to County of Franklin in Deed Book 3314, Page 15, approximately 359 feet to the east line of said 0.435 Acre tract and the west line of a 2.506 Acre tract conveyed to Lara L. and Todd L. Suever in Instrument Number 201509180132046, also being in the east right of way line of Leppert Road;

Thence, southerly, along part of the east line of said 0.435 Acre tract, along part of the west line of said 2.506 Acre tract and along part of the east right of way line of Leppert Road, approximately 128 feet;

Thence, southerly, continuing along part of the east line of said 0.435 Acre tract, continuing along part of the west line of said 2.506 Acre tract and continuing along part of the east right of way line of Leppert Road, approximately 120 feet to the southeast corner of said 0.435 Acre tract, the southwest corner of said 2.506 Acre tract, in the north line of a 57.985 Acre tract conveyed to Epcon Carr Farms, LLC in Instrument Number 202102250035317, also being in the existing City of Hilliard Corporation Line as established by Case Number 8-95, Ordinance Number 95-68 and recorded in Official Record Volume 34865, Page H07;

Thence, southerly, crossing part of said 57.985 Acre tract, along the east right of way line of Leppert Road and along the existing City of Hilliard Corporation Line, approximately 359 feet to the south line of said 0.25 Acre tract extended easterly;

Thence, westerly, crossing part of said 57.985 Acre tract and along the easterly extension of the south line of said 0.25 Acre tract, approximately 20 feet to the **POINT OF BEGINNING, CONTAINING 20.8 ACRES, MORE OR LESS.** This description was prepared from record information only and is not based on a field survey. This description is for annexation purposes only.

Contiguity = 49%

Myers Surveying Company, Inc.

Paul T. Dinan, Professional Surveyor 7312 PTD/ptd (212142021LeppertRoadAnnexation)



Adjacent Property Owners:

Parcel ID: 200-000244-00 Owner: MOSKALYUK VIKTOR Address: 4777 LEPPERT RD HILLIARD OH 43026-9479

Parcel ID: 050-011455-00

Owner: AMAZON DATA SERVICES INC Address: 4600 COSGRAY RD HILLIARD OH 43026-9479 Notice Address: PO BOX 80416, SEATTLE WA 98108-0416

Parcel ID: 200-003691-00 Owner: SUEVER TODD L & LARA L Address: 4710 LEPPERT RD HILLIARD OH 43026

Parcel ID: 050-011197-00 Owner: CITY OF HILLIARD OHIO Address: 4678 COSGRAY RD HILLIARD OH 43026

Parcel ID: 200-001341-00

Owner: DONNELL KRISTIN, CALDWELL JENNA D, CALDWELL KEITH A, ALEXANDER SARAH J, ALEXANDER BAILEY S, DONNELL TIMOTHY ANDREW Address: 4702 COSGRAY RD HILLIARD OH 43026

Parcel ID: 200-000053-00

Owner: ALLEN BRYAN & ALLEN CATHERINE

Address: 4760 COSGRAY RD HILLIARD OH 43026

Parcel ID: 010-276232-00 WEST LEPPERT INVESTMENTS LLC Notice Address: 140 MILL ST STE A COLUMBUS OH 43230



ANX-31-22

Address: LEPPERT RD REAR HILLIARD OH 43026

Parcel ID: 050-011719-00 EPCON CARR FARMS LLC Notice Address: 500 STONEHENGE PKWY DUBLIN OH 43017 Address: LEPPERT RD HILLIARD OH 43026

4879-3007-7955, v. 1



Council Memo: Legislation (22-43)

Subject:Amending the General Offenses CodeFrom:Michelle Crandall, City ManagerInitiated by:Kelly Clodfelder, Staff AttorneyDate:November 28, 2022

Executive Summary

This Ordinance would approve changes to Part Five of the City's Codified Ordinances - the "General Offenses Code" to address updates adopted by the Ohio General Assembly.

Staff Recommendation

Staff recommends that Council adopt this Ordinance.

Background

On a yearly basis, the City's Codifier, Municode, reviews the City's General Offenses for consistency with the Ohio Revised Code and makes suggestions for amendments to the City's Code. As a result of Municode's review, it was determined that a number of amendments were necessary.

Please see the attached chart outlining all the changes.

Financial Impacts

There are no anticipated financial impacts.

Expected Benefits

The proposed amendments align the City's General Offenses Code with Ohio Revised Code.

Attachments

• 2022 General Offenses Code Amendment Table

Code Number	Code Section	Proposed Change	Reason for Change	ORC Code Section
509.07	Making False Alarms	Revising Definition to include additional actions that qualify as making a false alarm	Change in language in Ohio Revised Code	2917.32
513.01	Definitions (Drug Abuse Control)	Adding and Renumbering definitions	Change in language in Ohio Revised Code	2925.01
517.01	Gambling	Clarifying language within Gambling code and addressing electronic instant bingo	Change in language in Ohio Revised Code	2915.01
517.06	Methods of Conducting a Bingo Game; Prohibitions	Clarifying language regarding electronic instant bingo	Change in language in Ohio Revised Code	2915.09
517.08	Raffles	Simplifying language regarding raffles	Change in language in Ohio Revised Code	2915.092
517.11	Bingo or Game of Chance Records	Adding language regarding electronic instant bingo and detailing the entities that the Attorney General can investigate	Change in language in Ohio Revised Code	2915.10
517.14	Instant Bingo Conduct by a Veteran's or Fraternal Organization	Addressing the use of electronic instant bingo	Change in language in Ohio Revised Code	2915.13
529.07	Open Container Prohibited	Correcting references and permit information	Change in language in Ohio Revised Code	4301.99(A))
533.15	Residential requirements for Sexual Offenders	Updating the locations to which a convicted sexual offender may not live within 1000 feet of	Change in language in Ohio Revised Code	2950.034

Code Number	Code Section	Proposed Change	Reason for Change	ORC Code Section
		Adding a place that a person		
		may not enter and updating	Change in language in	
541.05	Criminal Trespass	degree of offense	Ohio Revised Code	2911.21
545.09	Passing Bad Checks	Amending language regarding what constitutes a violation	Change in language in Ohio Revised Code	2913.11
553.01	Obstructing Streets by Railroad Companies	Amending language to be consistent with Ohio Revised Code	Change in language in Ohio Revised Code	5589.21



Ordinance: 22-43

Page 1 of

Passed:

Effective:

AMENDING CERTAIN SECTIONS OF PART FIVE - THE "GENERAL OFFENSES CODE" OF THE CITY'S CODIFIED ORDINANCES TO ALIGN WITH OHIO REVISED CODE.

WHEREAS, Part Five of the City's Codified Ordinances – the "General Offenses Code" has been reviewed by the City's Codifier, Municide and the Administration in order to address certain changes in the Ohio Revised Code and update/align with the City's current form of government; and

WHEREAS, it is necessary to update the "General Offense Code" to ensure that it corresponds with and does not conflict with Ohio Revised Codes regarding the same or similar topics; and

WHEREAS, it is necessary to update certain sections of the "General Offenses Code" in order to align with the City's change in form of government as well as outdate code sections; and

WHEREAS, the Administration desires to amend the "General Offenses Code", as outlined in Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, the City believes that amending the "General Offenses Code", as identified in Exhibit "A", attached hereto and incorporated herein, promotes the general health, safety, and welfare of the City and its residents.

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

SECTION 1. Council finds that amending Part Five of the City's Codified Ordinances - the "General Offenses Code", as identified in Exhibit "A", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions to the "General Offenses Code", as shown in track changes in the attached Exhibit "A" are approved and shall be incorporated in the City's Codified Ordinances.

SECTION 2. All other provisions of the "General Offenses Code", not modified herein, remain unchanged and are in full force and effect.

SECTION 3. This Ordinance shall be in effect from and after the earliest time provided for by law.

ATTEST:

SIGNED:

Diane C. Werbrich, MMC Clerk of Council **President of Council**

APPROVED AS TO FORM:

Philip K. Hartmann Director of Law

✓ Vote Record - Ordinance 22-43					
		Yes/Aye	No/Nay	Abstain	Absent
 Adopted as Amended Passed Defeated Tabled Held Over Referred Withdrawn First Reading Description Description 	Andy Teater				
	Omar Tarazi				
	Les Carrier				
	Tina Cottone				
	Peggy Hale				
	Pete Marsh				
 Positive Recommendation No Recommendation 	Cynthia Vermillion				

9.A.2.2

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

509.07 MAKING FALSE ALARMS.

- Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime or other catastrophe, knowing that the report or warning is false and likely to cause public inconvenience or alarm;
- (2) Knowingly cause a false alarm of fire or other emergency to be transmitted to or within any organization, public or private, for dealing with emergencies involving a risk of physical harm to persons or property;
- (3) Report to any law enforcement agency an alleged offense or other incident within its concern, knowing that such offense did not occur.
- (4) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime or other catastrophe, knowing that the report or warning is false and likely to impede the operation of a critical infrastructure facility.
- (b) This section does not apply to any person conducting an authorized fire or emergency drill.
- (c) Whoever violates this section is guilty of making false alarms, a misdemeanor of the first degree. If a violation of this section results in economic harm of one thousand dollars (\$1,000) or more, or if a violation of this section pertains to a purported, threatened, or actual use of a weapon of mass destruction, making false alarms is a felony and shall be prosecuted under appropriate State law.
- (d) Any act that is a violation of this section and any other section of the Codified Ordinances may be prosecuted under this section, the other section, or both sections.
- (e) As used in this section:
 - (1) Critical infrastructure facility has the same meaning as in Section 541.05.

(2)Economic harm and weapons of mass destruction have the same meanings in in Section 509.06.

, "economic harm" and "weapon of mass destruction" have the same meanings as in Section 509.06.

(ORC 2917.32)

513.01 DEFINITIONS.

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

- (a) "Administer." Has the same meaning as in ORC 3719.01.
- (b) "Adulterate." To cause a drug to be adulterated as described in ORC 3715.63.
- (c) "Bulk amount." Of a controlled substance, means any of the following:
 - (1) For any compound, mixture, preparation, or substance included in Schedule I, Schedule II, or Schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in subsection (c)(2), (5), or (6) of this definition, whichever of the following is applicable:
 - An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I opiate or opium derivative;

- B. An amount equal to or exceeding ten grams of a compound, mixture, preparation or substance that is or contains any amount of raw or gum opium;
- C. An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a Schedule I stimulant or depressant;
- D. An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II opiate or opium derivative;
- E. An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of phencyclidine;
- F. An amount equal to or exceeding 120 grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant that is in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq., as amended) and the federal drug abuse control laws, as defined in this section, that is or contains any amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance;
- G. An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq., as amended) and the federal drug abuse control laws;
- (2) An amount equal to or exceeding 120 grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid or a Schedule III opiate or opium derivative;
- (3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III opiate or opium derivative;
- (4) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule V substance;
- (5) An amount equal to or exceeding 200 solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III anabolic steroid;
- (6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in Schedule III, Schedule IV, or Schedule V, if the defendant is charged with a violation of ORC 2925.11 and the sentencing provisions set forth in ORC 2925.11(C)(10)(b) and (C)(11) will not apply regarding the defendant and the violation, the bulk amount of the controlled substance for purposes of the violation is the amount specified in subsection (1), (2), (3), (4), or (5) of this definition for the other Schedule III, Schedule IV, or Schedule V controlled substance that is combined with the fentanyl-related compound.
- (d) *"Certified grievance committee."* A duly constituted and organized committee of the Ohio State Bar Association or of one or more local bar associations of the state that complies with the criteria set forth in Rule V, Section 6 of the Rules for the Government of the Bar of Ohio.

- (e) "Cocaine." Any of the following:
 - (1) A cocaine salt, isomer or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine.
 - (2) Coca leaves or a salt, compound, derivative or preparation of coca leaves, including ecgonine, a salt, isomer or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine.
 - (3) A salt, compound, derivative or preparation of a substance identified in subsection (e)(1) or (2) of this definition that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.
- (f) "Committed in the vicinity of a juvenile." An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within 100 feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within 100 feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.
- (g) "Committed in the vicinity of a school." An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises.
- (h) "Committed in the vicinity of a substance addiction services provider or a recovering addict" if either of the following apply:
 - (1) The offender commits the offense on the premises of a substance addiction services provider's facility, including a facility licensed prior to June 29, 2019, under ORC 5119.391 to provide methadone treatment or an opioid treatment program licensed on or after that date under ORC 5119.37, or within 500 feet of the premises of a substance addiction services provider's facility and the offender knows or should know that the offense is being committed within the vicinity of the substance addiction services provider's facility.
 - (2) The offender sells, offers to sell, delivers, or distributes the controlled substance or controlled substance analog to a person who is receiving treatment at the time of the commission of the offense, or received treatment within thirty days prior to the commission of the offense, from a substance addiction services provider and the offender knows that the person is receiving or received that treatment.
- (hi) "Controlled substance." Has the same meaning as in ORC 3719.01.
- (ij) "Controlled substance analog." Has the same meaning as in ORC 3719.01.
- (jk) "Counterfeit controlled substance." Any of the following:
 - (1) Any drug that bears, or whose container or label bears, a trademark, trade name or other identifying mark used without authorization of the owner of rights to the trademark, trade name or identifying mark.
 - (2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed or distributed by a person other than the person that manufactured, processed, packed or distributed it.
 - (3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance.
 - (4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size and color, or its

markings, labeling, packaging, distribution or the price for which it is sold or offered for sale.

- (kl) "Cultivate." Includes planting, watering, fertilizing or tilling.
- (Im) "Dangerous drug." Has the same meaning as in ORC 4729.01.
- (mn) "Deception." Has the same meaning as in ORC 2913.01.
- (o) "Delta-<u>9 tetrahydrocannabinol" has the same meaning as in ORC 928.01.</u>
- (np) "Disciplinary counsel." The disciplinary counsel appointed by the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court under the Rules for the Government of the Bar of Ohio.
- (oq) "Dispense." Has the same meaning as in ORC 3719.01.
- (pr) "Distribute." Has the same meaning as in ORC 3719.01.
- (qs) "Drug." Has the same meaning as in ORC 4729.01.
- (Ft) "Drug abuse offense." Any of the following:
 - A violation of ORC 2913.02(A) that constitutes theft of drugs, or any violation of ORC 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36 or 2925.37.
 - (2) A violation of an existing or former law of any municipality, state or of the United States, that is substantially equivalent to any section listed in subsection (r)(1) of this definition.
 - (3) An offense under an existing or former law of any municipality, state or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using or otherwise dealing with a controlled substance is an element.
 - (4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit, any offense under subsection (r)(1), (2) or (3) of this definition.
- (su) "Drug dependent person." Has the same meaning as in ORC 3719.011.
- (tv) "Drug of abuse." Has the same meaning as in ORC 3719.011.
- (uw) "Felony drug abuse offense." Any drug abuse offense that would constitute a felony under the laws of this state, any other state or the United States.
- (VX) "Fentanyl-related compound." Any of the following:
 - (1) Fentanyl;
 - (2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
 - (3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenyl-propanamide);
 - (4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N-phenylpropanamide);
 - (5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);
 - (6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
 - (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-phenyl-propanamide);
 - (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;

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

(xz) *"Hashish."* The A_resin or a preparation of <u>a</u> the resin-contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract or liquid distillate form to which both of the following apply:

(1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.

"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under ORC ch. 928, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under ORC 928.03.

(yaa) "Hypodermic." Has the same meaning as in ORC 3719.01.

- (zbb) "Juvenile." A person under eighteen years of age.
- (aacc) "Licensed health professional authorized to prescribe drugs." Has the same meaning as in ORC 4729.01.
- (bbdd) "L.S.D." Lysergic acid diethylamide.
- (ecce) "Major drug offender." Has the same meaning as in ORC 2929.01.

(ddff)"Mandatory prison term." Has the same meaning as in ORC 2929.01.

- (eegg) "Manufacture." To plant, cultivate, harvest, process, make, prepare or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis or compounding, or any combination of the same, and includes packaging, repackaging, labeling and other activities incident to production.
- (ffhh) "Manufacturer." Has the same meaning as in ORC 3719.01.
- (ggii) "Marihuana." Has the same meaning as in ORC 3719.01, except that it does not include hashish.
- (hhjj) "Methamphetamine." Methamphetamine, any salt, isomer or salt of an isomer of methamphetamine, or any compound, mixture, preparation or substance containing methamphetamine or any salt, isomer or salt of an isomer of methamphetamine.
- (#kk) "Minor drug possession offense." Either of the following:
 - (1) A violation of ORC 2925.11, as it existed prior to July 1, 1996, or a substantially equivalent municipal ordinance.
 - (2) A violation of ORC 2925.11, as it exists on and after July 1, 1996, or a substantially equivalent municipal ordinance, that is a misdemeanor or a felony of the fifth degree.
- (jiii) "Official written order." Has the same meaning as in ORC 3719.01.
- (kkmm) "Person." Has the same meaning as in ORC 3719.01.
- (Inn) "Pharmacist." Has the same meaning as in ORC 3719.01.
- (mmoo) "Pharmacy." Has the same meaning as in ORC 3719.01.
- (nnpp) "Possess" or "possession." Having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.
- (eeqq) "Prescription." Has the same meaning as in ORC 4729.01.
- (pprr) "Presumption for a prison term" or "presumption that a prison term shall be imposed." A presumption as described in ORC 2929.13(D) that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under ORC 2929.11.
- (qqss) "Professional license." Any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate or temporary registration that is described in ORC 2925.01(W)(1) to (W)(37) and that qualifies a person as a professionally licensed person.
- (rrtt) "Professionally licensed person." Any of the following:
 - A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under ORC Chapter 4701 and who holds an Ohio permit issued under that chapter;

- (2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under ORC Chapter 4703;
- (3) A person who is registered as a landscape architect under ORC Chapter 4703 or who holds a permit as a landscape architect issued under that chapter;
- (4) A person licensed under ORC Chapter 4707;
- A person who has been issued a certificate of registration as a registered barber under ORC Chapter 4709;
- (6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of ORC Chapter 4710;
- (7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under ORC Chapter 4713;
- (8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license or a dental hygienist's teacher's certificate under ORC Chapter 4715;
- (9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under ORC Chapter 4717;
- (10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under ORC Chapter 4723;
- (11) A person who has been licensed to practice optometry or to engage in optical dispensing under ORC Chapter 4725;
- (12) A person licensed to act as a pawnbroker under ORC Chapter 4727;
- (13) A person licensed to act as a precious metals dealer under ORC Chapter 4728;
- (14) A person licensed under ORC Chapter 4729 as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;
- (15) A person licensed under ORC Chapter 4729 as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;
- (16) A person who is authorized to practice as a physician assistant under ORC Chapter 4730;
- (17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under ORC Chapter 4731 or has been issued a certificate to practice a limited branch of medicine under that chapter;
- (18) A person licensed as a psychologist or school psychologist under ORC Chapter 4732;
- (19) A person registered to practice the profession of engineering or surveying under ORC Chapter 4733;
- (20) A person who has been issued a license to practice chiropractic under ORC Chapter 4734;

- (21) A person licensed to act as a real estate broker or real estate salesperson under ORC Chapter 4735;
- (22) A person registered as a registered environmental health specialist under ORC Chapter 4736;
- (23) A person licensed to operate or maintain a junkyard under ORC Chapter 4737;
- (24) A person who has been issued a motor vehicle salvage dealer's license under ORC Chapter 4738;
- (25) A person who has been licensed to act as a steam engineer under ORC Chapter 4739;
- (26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under ORC Chapter 4741;
- (27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under ORC Chapter 4747;
- (28) A person who has been issued a class A, class B or class C license or who has been registered as an investigator or security guard employee under ORC Chapter 4749;
- (29) A person licensed to practice as a nursing home administrator under ORC Chapter 4751;
- (30) A person licensed to practice as a speech-language pathologist or audiologist under ORC Chapter 4753;
- (31) A person issued a license as an occupational therapist or physical therapist under ORC Chapter 4755;
- (32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under ORC Chapter 4757;
- (33) A person issued a license to practice dietetics under ORC Chapter 4759;
- (34) A person who has been issued a license or limited permit to practice respiratory therapy under ORC Chapter 4761;
- (35) A person who has been issued a real estate appraiser certificate under ORC Chapter 4763;
- (36) A person who has been issued a home inspector license under ORC Chapter 4764;
- (37) A person who has been admitted to the bar by order of the Ohio Supreme Court in compliance with its prescribed and published rules.
- (ssuu) "Public premises." Any hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort.
- (#vv) "Sale." Has the same meaning as in ORC 3719.01.
- (uuww) "Sample drug." A drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.
- (wxx) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" or "Schedule V." Have the same meaning as in ORC 3719.01.
- (wwyy) "School." Any school operated by a board of education, any community school established under ORC Chapter 3314, or any nonpublic school for which the State Board of Education prescribes minimum standards under ORC 3301.07, whether or not any instruction,

extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.

- (XXZZ) "School building." Any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.
- (yyaaa) "School premises." Either of the following:
 - (1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed.
 - (2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under ORC Chapter 3314, or the governing body of a nonpublic school for which the State Board of Education prescribes minimum standards under ORC 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.
- (zzbbb) "Standard Pharmaceutical Reference Manual." The current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.
- (aaaccc) "Unit dose." An amount or unit or a compound, mixture or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

(bbbddd) "Wholesaler." Has the same meaning as in ORC 3719.01. (ORC 2925.01)

(Ord. No. 21-31, § 1(Exh. A), 10-25-21.)

517.01 DEFINITIONS.

As used in this chapter:

- (a) "Bookmaking" means the business of receiving or paying off bets.
- (b) "Bet" means the hazarding of anything of value upon the result of an event, undertaking or contingency, but does not include a bona fide business risk.
- (c) "Scheme of chance" means a slot machine unless authorized under ORC Chapter 3772, lottery unless authorized under ORC Chapter 3770, numbers game, pool conducted for profit, or other scheme in which a participate gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit. "Scheme of chance" includes the use of an electronic device to reveal the results of a game entry if valuable consideration is paid, directly or indirectly, for a chance to win a prize. Valuable consideration is deemed to be paid for a chance to win a prize in the following instances:
 - (1) Less than fifty percent of the goods or services sold by a scheme of chance operator in exchange for game entries are used or redeemed by participants at any one location;
 - (2) Less than fifty percent of participants who purchase goods or services at any one location do not accept, use or redeem the goods or services sold or purportely sold;
 - (3) More than fifty percent of prizes at any one location are revealed to participants through an electronic device simulating a game of chance or a "casino game" as defined in ORC 3772.01;

- (4) The good or service sold by a scheme of chance operator in exchange for a game entry cannot be used or redeemed in the manner advertised;
- (5) A participant pays more than fair market value for goods or services offered by a scheme of chance operator in order to receive one or more game entries;
- (6) A participant may use the electronic device to purchase additional game entries;
- (7) A participant may purchase additional game entries by using points or credits won as prizes while using the electronic device;
- (8) A scheme of chance operator pays out in prize money more than twenty percent of the gross revenue received at one location; or
- (9) A participant makes a purchase or exchange in order to obtain any good or service that may be used to facilitate play on the electronic device.

As used in this subsection, "electronic device" means a mechanical, video, digital or electronic machine or device that is capable of displaying information on a screen or other mechanism and that is owned, leased or otherwise possessed by any person conducting a scheme of chance, or by that person's partners, affiliates, subsidiaries or contractors. <u>"Electronic device" does not include an electronic instant bingo system.</u>

- (d) "Game of chance" means poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.
- (e) "Game of chance conducted for profit" means any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo.
- (f) "Gambling device" means any of the following:
 - (1) A book, totalizer or other equipment for recording bets;
 - (2) A ticket, token or other device representing a chance, share or interest in a scheme of chance or evidencing a bet;
 - (3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;
 - (4) Any equipment, device, apparatus or paraphernalia specially designed for gambling purposes;
 - (5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.
- (g) "Gambling offense" means the following:
 - (1) A violation this chapter ORC 2915.02 to 2915.092, 2915.10 or 2915.11;
 - (2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in subsection (g)(1) hereof provision of this chapter or a violation of ORC 2915.06 as it existed prior to July 1, 1996;
 - (3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;
 - (4) A conspiracy or attempt to commit, or complicity in committing an offense under subsection (g)(1), (2) or (3) hereof.
- (h) Except as otherwise provided in this chapter, "charitable organization" means either of the following:
 - An organization that is and has received from the Internal Revenue Service a determination letter that currently is in effect stating that the organization is, exempt from

federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

(2) A volunteer rescue service organization, volunteer firefighter's organization, veteran's organization, fraternal organization, or sporting organization that is exempt from federal, income taxation under subsection 501(c)(4), (c)(7), (c)(8), (c)(10) or (c)(19) of the Internal Revenue Code.

To qualify as a charitable organization, an organization shall have been in continuous existence as such in this State for a period of two years immediately preceding either the making of an application for a bingo license under ORC 2915.08 or the conducting of any game of chance as provided in subsection (D) of ORC 2915.02.

- "Religious organization" means any church, body of communicants or group that is not organized or operated for profit, that gathers in common membership for regular worship and religious observances.
- (j) "Veteran's organization" means any individual post or state headquarters of a national veteran's association or an auxiliary unit of any individual post of a national veteran's association, which post, state headquarters, or auxiliary unit is incorporated as a nonprofit corporation and either has received a letter from the state headquarters of the national veteran's association indicating that the individual post or auxiliary unit is in good standing with the national veteran's association or has received a letter from the national veteran's association indicating that the state headquarters is in good standing with the national veteran's association. As used in this subsection, "national veteran's association" means any veteran's association that has been in continuous existence as such for a period of at least five years and either is incorporated by an act of the United States congress or has a national dues-paying membership of at least five thousand persons.
- (k) "Volunteer firefighter's organization" means any organization of volunteer firefighters, as defined in ORC 146.01, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company and that is recognized or ratified by a county, municipal corporation, or township.
- (I) "Fraternal organization" means any society, order, state headquarters, or association within this State, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge or chapter of a national or state organization, that exists exclusively for the common business of sodality of its members.
- (m) "Volunteer rescue service organization" means any organization of volunteers organized to function as an emergency medical service organization as defined in ORC 4765.01.
- (n) "Charitable bingo game" means any bingo game described in subsection (o)(1) or (2) of this section that is conducted by a charitable organization that has obtained a license pursuant to ORC 2915.08 and the proceeds of which are used for a charitable purpose.
- (o) "Bingo" means either of the following:
 - (1) A game with all of the following characteristics:
 - A. The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that are divided into twenty-five spaces arranged in five horizontal and five vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space.
 - B. The participants cover the space on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator.
 - C. A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically from a receptacle that contains seventy-five objects at the beginning

of each game, each object marked by a different combination of a letter and a number that corresponds to one of the seventy-five possible combinations of a letter and a number that can appear on the bingo cards or sheets.

- D. The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers as described in subsection (o)(1)C. hereof, that a predetermined and preannounced pattern of spaces has been covered on a bingo card or sheet being used by a participant.
- (2) Instant bingo, punch boards electronic instant bingo and raffles.
- (p) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance, a scheme of chance, or a sweepstakes.
- (q) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, selling or redeeming electronic instant bingo tickets, credits, or vouchers, accessing an electronic instant bingo system other than as a participant, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages. "Bingo game operator" does not include a person who is installing, maintaining, updating, or repairing an electronic instant bingo system.
- (r) "Participant" means any person who plays bingo.
- (s) "Bingo session" means a period that includes both of the following:

(1) Not to exceed five continuous hours for the conduct of one or more games described in subsection (o)(1) of this section, instant bingo, and seal cards electronic instant bingo:

- (2) A period for the conduct of instant bingo and seal cards-electronic instant bingo for not more than two hours before and not more than two hours after the period described in subsection (s)(1) of this section.
- (t) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply:
 - (1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to conducting bingo.
 - (2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage.
 - (3) The food and beverages are sold at customary and reasonable prices.
- (u) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or a police officer of a municipal corporation or has successfully completed a peace officer's training course pursuant to ORC 109.71 to 109.79 and who is hired to provide security for the premises on which bingo is conducted.
- (v) "Charitable purpose" means that the net profit of bingo, other than instant bingo or electronic instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:

- (1) Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;
- (2) A veteran's organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least seventy-five percent of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in subsection (B)(12) of ORC 5739.02, is used for awarding scholarships to or for attendance at an institution mentioned in subsection (B)(12) of ORC 5739.02, is donated to a governmental agency, or is used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups, or other bona fide nonprofit organizations, promotion of patriotism, or disaster relief;
- (3) A fraternal organization that has been in continuous existence in this State for fifteen years and that uses the net profit exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals if contributions for such use would qualify as a deductible charitable contribution under subsection 170 of the Internal Revenue Code;
- (4) A volunteer firefighter's organization that uses the net profit for the purposes set forth in subsection (k) of this section.
- (w) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter amended.
- (x) "Youth athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are twenty-one years of age or younger by means of sponsoring, organizing, operating or contributing to the support of an athletic team, club, league or association.
- (y) "Youth athletic park organization" means any organization, not organized for profit, that satisfies both of the following:
 - (1) It owns, operates and maintains playing fields that satisfy both of the following:
 - A. The playing fields are used at least one hundred days per year for athletic activities by one or more organizations not organized for profit, each of which is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are eighteen years of age or younger by means of sponsoring, organizing, operating or contributing to the support of an athletic team, club, league or association;
 - B. The playing fields are not used for any profit-making activity at any time during the year;
 - (2) It uses the proceeds of bingo it conducts exclusively for the operation, maintenance and improvement of its playing fields of the type described in paragraph (1) hereof.
- (z) "Bingo supplies" means bingo cards or sheets; instant bingo tickets or cards; electronic bingo aids; raffle tickets; punch boards; seal cards; instant bingo ticket dispensers; electronic instant bingo systems; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are "bingo supplies" are not gambling devices if sold or otherwise provided, and used, in accordance with this chapter. For purposes of this chapter, "bingo supplies" are not to be considered equipment used to conduct a bingo game.

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- (aa) "Instant bingo" means a form of bingo that shall use folded or banded tickets or paper cards with perforated break-open tabs, a face of which is covered or otherwise hidden from view to conceal a number, letter, or symbol, or set of numbers, letters, or symbols, some of which have been designated in advance as prize winners, and may also include games in which some winners are determined by the random selection of one or more bingo numbers by the use of a seal card or bingo blower. "Instant bingo" also includes a punch board game. In all "instant bingo" the prize amount and structure shall be predetermined. "Instant bingo" does not include electronic instant bingo or any device that is activated by the insertion of a coin, currency, token, or an equivalent, and that contains as one of its components a video display monitor that is capable of displaying numbers, letters, symbols, or characters in winning or losing combinations.
- (bb) "Seal card" means a form of instant bingo that uses instant bingo tickets in conjunction with a board or placard that contains one or more seals that, when removed or opened, reveal predesignated winning numbers, letters, or symbols.
- (cc) "Raffle" means a form of bingo in which the one or more prizes are won by one or more persons who have purchased a raffle ticket. The one or more winners of the raffle are determined by drawing a ticket stub or other detachable section from a receptacle containing ticket stubs or detachable sections corresponding to all tickets sold for the raffle. "Raffle" does not include the drawing of a ticket stub or other detachable section of a ticket purchased to attend a professional sporting event if both of the following apply:
 - (1) The ticket stub or other detachable section is used to select the winner of a free prize given away at the professional sporting event; and
 - (2) The cost of the ticket is the same as the cost of a ticket to the professional sporting event on days when no free prize is given away.
- (dd) "Punch board" means a form of instant bingo that uses a board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle when used in conjunction with instant bingo. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.
- (ee) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.
- (ff) "Net profit" means gross profit minus expenses.
- (gg) "Expenses" means the reasonable amount of gross profit actually expended for all of the following:
 - (1) The purchase or lease of bingo supplies;
 - (2) The annual license fee required under ORC 2915.08;
 - Bank fees and service charges for a bingo session or game account described in ORC 2915.10;
 - (4) Audits and accounting services;
 - (5) Safes;
 - (6) Cash registers;
 - (7) Hiring security personnel;
 - (8) Advertising bingo;
 - (9) Renting premises in which to conduct a bingo session;

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- (10) Tables and chairs;
- (11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;
- (12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;
- (13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the Attorney General under ORC § 2915.08(F)(1) subsection (B)(1) of ORC 2915.08.
- (hh) "Person" has the same meaning as in ORC 1.59 and includes any firm or any other legal entity, however organized.
- (ii) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under ORC 2915.08, 2915.081, or 2915.082 or a charitable gaming license issued by another jurisdiction.
- (jj) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under ORC 2915.08, 2915.081, or 2915.082 or a charitable gaming license issued by another jurisdiction.
- (kk) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:
 - (1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this State;
 - (2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this State.
- (II) "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale.
- (mm)"Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in subsection (o)(1) of this section plus the annual net profit derived from the conduct of bingo described in subsection (o)(2) of this section.
- (nn) "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:
 - (1) It is activated upon the insertion of United States currency.
 - (2) It performs no gaming functions.
 - (3) It does not contain a video display monitor or generate noise.
 - (4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.
 - (5) It does not simulate or display rolling or spinning reels.
 - (6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.
 - (7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.
 - (8) It is not part of an electronic network and is not interactive.

- (oo) (1) "Electronic bingo aid" means an electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:
 - A. It provides a means for a participant to input numbers and letters announced by a bingo caller.
 - B. It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.
 - C. It identifies a winning bingo pattern.
 - (2) "Electronic bingo aid" does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.
- (pp) "Deal of instant bingo tickets" means a single game of instant bingo tickets or a single game of electronic instant bingo tickets, all with the same serial number.
- (qq) (1) "Slot machine" means either of the following:
 - A. Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player who gives the thing of value in the hope of gain;
 - B. Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player to conduct bingo or a scheme or game of chance.
 - (2) "Slot machine" does not include a skill-based amusement machine or an instant bingo ticket dispenser, or an electronic instant bingo system.
- (rr) "Net profit from the proceeds of the sale of instant bingo or electronic instant bingo" means gross profit minus the ordinary, necessary, and reasonable expense expended for the purchase of instant bingo supplies for the purpose of conducting instant bingo or electronic instant bingo, and, in the case of instant bingo or electronic instant bingo conducted by a veteran's, fraternal or sporting organization, minus the payment by that organization of real property taxes, and assessments levied on a premises on which instant bingo or electronic instant bingo is conducted.
- (ss) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and is a charitable organization as defined in this section. A "charitable instant bingo organization" does not include a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal bingo organization" does not include a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran's organization, a fraternal organization, or a sporting organization.
- (tt) "Game flare" means the board or placard, or electronic representation of a board or placard, that accompanies each deal of instant bingo or electronic instant bingo_tickets and that has printed on or affixed to it includes the following information for the game:
 - (1) The name of the game;
 - The manufacturer's name or distinctive logo;
 - (3) The form number;
 - (4) The ticket count;
 - (5) The prize structure, including the number of winning instant bingo tickets by denomination and the respective winning symbol or number combinations for the winning instant bingo tickets;

- (6) The cost per play;
- (7) The serial number of the game.
- (uu) (1) "Skill-based amusement machine" means mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply:
 - A. The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars;
 - B. Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a wholesale value of more than ten dollars;
 - C. Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than ten dollars times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and
 - D. Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.

A card for the purchase of gasoline is a redeemable voucher for purposes of subsection (uu)(1) of this section even if the skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.

- (2) A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:
 - A. The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game;
 - B. Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the player's score;
 - C. The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game.
 - D. The success of any player is or may be determined by a chance event that cannot be altered by player actions.
 - E. The ability of any player to succeed at the game is determined by game features not visible or known to the player.
 - F. The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.
- (3) All of the following apply to any machine that is operated as described in subsection (uu)(1) of this section:
 - A. As used in subsection (uu) of this section, "game" and "play" mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single game, play, contest, competition or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.
 - B. Advance play for a single game, play, contest, competition or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single noncontest, competition or tournament play.

- C. To the extent that the machine is used in a contest, competition or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of redeemable vouchers or merchandise prizes that are stated prior to the start of the contest, competition or tournament.
- (4) For purposes of subsection (uu)(1) of this section, the mere presence of a device, such as a pin-setting, ball-releasing, or scoring mechanism, that does not contribute to or affect the outcome of the play of the game does not make the device a skill-based amusement machine.
- (vv) "Merchandise prize" means any item of value, but shall not include any of the following:
 - (1) Cash, gift cards, or any equivalent thereof;
 - (2) Plays on games of chance, state lottery tickets, or bingo or instant bingo;
 - (3) Firearms, tobacco, or alcoholic beverages; or
 - (4) A redeemable voucher that is redeemable for any of the items listed in subsection (vv)(1),
 (2) or (3) of this section.
- (ww) "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value.
- (xx) "Pool not conducted for profit" means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.
- (yy) "Sporting organization" means a hunting, fishing or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to, the league of Ohio sportsmen, and that has been in continuous existence in this State for a period of three years.
- (zz) "Community action agency" has the same meaning as in ORC 122.66.
- (aaa) (1) "Sweepstakes terminal device" means a mechanical, video, digital or electronic machine or device that is owned, leased or otherwise possessed by any person conducting a sweepstakes, or by that person's partners, affiliates, subsidiaries, or contractors, that is intended to be used by a sweepstakes participant, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device if any of the following apply:
 - A. The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.
 - B. The device utilizes software such that the simulated game influences or determines the winning of or value of the prize.
 - C. The device selects prizes from a predetermined finite pool of entries.
 - D. The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.
 - E. The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.
 - F. The device utilizes software to create a game result.
 - G. The device reveals the prize incrementally, even though the device does not influence the awarding of the prize or the value of any prize awarded.
 - H. The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered.

- (2) As used in this subsection and in Section 517.02:
 - A. "Enter" means the act by which a person becomes eligible to receive any prize offered in a sweepstakes.
 - B. "Entry" means one event from the initial activation of the sweepstakes terminal device until all of the sweepstakes prize results from that activation are revealed.
 - C. "Prize" means any gift, award, gratuity, good, service, credit, reward or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.
 - D. "Sweepstakes terminal device facility" means any location in this Municipality where a sweepstakes terminal device is provided to a sweepstakes participant, except as provided in ORC 2915.02(G).
- (bbb)"Sweepstakes" means any game, contest, advertising scheme or plan, or other promotion where consideration is not required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance. "Sweepstakes" does not include bingo as authorized under this chapter, pari-mutuel wagering as authorized by ORC Chapter 3769, lotteries conducted by the State Lottery Commission as authorized by ORC Chapter 3770, and casino gaming as authorized by ORC Chapter 3772. (ORC 2915.01)
- (ccc)(1) "Electronic instant bingo" means a form of bingo that consists of an electronic or digital representation of instant bingo in which a participant wins a prize if the participant's electronic instant bingo ticket contains a combination of numbers or symbols that was designated in advance as a winning combination, and to which all of the following apply:

(A) Each deal has a predetermined, finite number of winning and losing tickets and a predetermined prize amount and deal structure, provided that there may be multiple winning combinations in each deal and multiple winning tickets.

(B) Each electronic instant bingo ticket within a deal has a unique serial number that is not regenerated.

(C) Each electronic instant bingo ticket within a deal is sold for the same price.

(D) After a participant purchases an electronic instant bingo ticket, the combination of numbers or symbols on the ticket is revealed to the participant.

(E) The reveal of numbers or symbols on the ticket may incorporate an entertainment or bonus theme, provided that the reveal does not include spinning reels that resemble a slot machine.

(F The reveal theme, if any, does not require additional consideration or award any prize other than any predetermined prize associated with the electronic instant bingo ticket.

(2) "Electronic instant bingo" shall not include any of the following:

(A) Any game, entertainment, or bonus theme that replicates or simulates any of the following:

(i) The gambling games of keno, blackjack, roulette, poker, craps, other casino-style table games;

(ii) Horse racing;

(iii) Gambling games offered in this state on slot machines or video lottery terminals. As used in this division, "video lottery terminal" has the same meaning as in ORC 3770.21.

(B) Any device operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more rotating reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to a rest;

(B) Any device that includes a coin or token slot, tray, or hopper and the ability to dispense coins, cash, tokens, or anything of value other than a credit ticket voucher.

(ddd) "Electronic instant bingo system" means both of the following:

(1) A mechanical, electronic, digital, or video device and associated software to which all of the following apply:

(A) It is used by not more than one player at a time to play electronic instant bingo on a single screen that is physically connected to the device;

(B) It is located on the premises of the principal place of business of a veteran's or fraternal organization that holds a type II or type III bingo license to conduct electronic instant bingo at that location issued under ORC 2915.08.

(2) Any associated equipment or software used to manage, monitor, or document any aspect of electronic instant bingo.

517.06 METHODS OF CONDUCTING A BINGO GAME; PROHIBITIONS.

- (a) No charitable organization that conducts bingo shall fail to do any of the following:
 - (1) Own all of the equipment used to conduct bingo or lease that equipment from a charitable organization that is licensed to conduct bingo, or from the landlord of a premises where bingo is conducted, for a rental rate that is not more than is customary and reasonable for that equipment;
 - (2) Use, or give, donate, or otherwise transfer, all of the net profit derived from bingo, other than instant bingo, described in division (O)(1) of ORC 2915.01 for a charitable purpose listed in its license application and described in Section 517.01(v), or distribute all of the net profit from the proceeds of the sale of instant bingo or electronic instant bingo_as stated in its license application and in accordance with ORC 2915.101, as applicable.
- (b) No charitable organization that conducts a bingo game described in Section 517.01(o)(1) shall fail to do any of the following:
 - (1) Conduct the bingo game on premises that are owned by the charitable organization, on premises that are owned by another charitable organization and leased from that charitable organization for a rental rate not in excess of the lesser of six hundred dollars (\$600.00) per bingo session or forty-five percent of the gross receipts of the bingo session, on premises that are leased from a person other than a charitable organization for a rental rate that is not more than is customary and reasonable for premises that are similar in location, size, and quality but not in excess of four hundred fifty dollars (\$450.00) per bingo session, or on premises that are owned by a person other than a charitable organization, that are leased from that person by another charitable organization, and that are subleased from that other charitable organization by the charitable organization for a rental rate not in excess of four hundred fifty dollars (\$450.00) per bingo session. No charitable organization is required to pay property taxes or assessments on premises that the charitable organization leases from another person to

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conduct bingo sessions. If the charitable organization leases from a person other than a charitable organization the premises on which it conducts bingo sessions, the lessor of the premises shall provide the premises to the organization and shall not provide the organization with bingo game operators, security personnel, concessions or concession operators, bingo supplies, or any other type of service. A charitable organization shall not lease or sublease premises that it owns or leases to more than three other charitable organizations per calendar week for conducting bingo sessions on the premises. A person that is not a charitable organization shall not lease premises that it owns, leases, or otherwise is empowered to lease to more than three charitable organizations per calendar week for conducting bingo sessions on the premises or conducting bingo sessions on the premises is empowered to lease to more than three charitable organizations per calendar week for conducting bingo sessions on the premises is empowered to lease to more than three charitable organizations per calendar week for conducting bingo sessions on the premises is empowered to lease to more than three charitable organizations per calendar week for conducting bingo sessions on the premises is empowered to lease to more than three charitable organizations per calendar week for conducting bingo sessions on the premises is empowered to lease to more than three charitable organizations per calendar week for conducting bingo sessions on the premises. In no case shall more than nine bingo sessions be conducted on any premises in any calendar week;

- (2) Display its license conspicuously at the premises where the bingo session is conducted;
- (3) Conduct the bingo session in accordance with the definition of bingo set forth in Section 517.01(o)(1).
- (c) No charitable organization that conducts a bingo game described in Section 517.01(o)(1) shall do any of the following:
 - (1) Pay any compensation to a bingo game operator for operating a bingo session that is conducted by the charitable organization or for preparing, selling, or serving food or beverages at the site of the bingo session, permit any auxiliary unit or society of the charitable organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at a bingo session conducted by the charitable organization, or permit any auxiliary unit or society of the charitable organization to prepare, sell, or serve food or beverages at a bingo session conducted by the charitable organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;
 - (2) Pay consulting fees to any person for any services performed in relation to the bingo session;
 - (3) Pay concession fees to any person who provides refreshments to the participants in the bingo session;
 - (4) Except as otherwise provided in subsection (c)(4) of this section, conduct more than three bingo sessions in any seven-day period. A volunteer firefighter's organization or a volunteer rescue service organization that conducts not more than five bingo sessions in a calendar year may conduct more than three bingo sessions in a seven-day period after notifying the Attorney General when it will conduct the sessions;
 - Pay out more than six thousand dollars (\$6,000) in prizes for bingo games described in Section 517.01(o)(1) during any bingo session that is conducted by the charitable organization.
 "Prizes" does not include awards from the conduct of instant bingo;
 - Conduct a bingo session at any time during the eight-hour period between two a.m. and ten (6) a.m., at any time during, or within ten hours of, a bingo game conducted for amusement only pursuant to ORC 2915.12, at any premises not specified on its license, or on any day of the week or during any time period not specified on its license. Subsection (c)(6) of this section does not prohibit the sale of instant bingo tickets beginning at nine a.m. for a bingo session that begins at ten a.m. If circumstances make it impractical for the charitable organization to conduct a bingo session at the premises, or on the day of the week or at the time, specified on its license or if a charitable organization wants to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license, the charitable organization may apply in writing to the Attorney General for an amended license, pursuant to subsection (F) of ORC 2915.08(J). A charitable organization may apply twice in each calendar year for an amended license to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license. If the amended license is granted, the organization may conduct bingo sessions at the premises, on the day of the week, and at the time specified on its amended license;

- (7) Permit any person whom the charitable organization knows, or should have known, is under the age of eighteen to work as a bingo game operator;
- Permit any person whom the charitable organization knows, or should have known, has been (8) convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator;
- Permit the lessor of the premises on which the bingo session is conducted, if the lessor is not a (9) charitable organization, to provide the charitable organization with bingo game operators, security personnel, concessions, bingo supplies, or any other type of service;
- (10) Purchase or lease bingo supplies from any person except a distributor issued a license under ORC 2915.081;
- (11) A. Use or permit the use of electronic bingo aids except under the following circumstances:
 - 1. For any single participant, not more than ninety bingo faces can be played using an electronic bingo aid or aids.
 - The charitable organization shall provide a participant using an electronic bingo aid 2. with corresponding paper bingo cards or sheets.
 - 3. The total price of bingo faces played with an electronic bingo aid shall be equal to the total price of the same number of bingo faces played with a paper bingo card or sheet sold at the same bingo session but without an electronic bingo aid.
 - 4. An electronic bingo aid cannot be part of an electronic network other than a network that includes only bingo aids and devices that are located on the premises at which the bingo is being conducted or be interactive with any device not located on the premises at which the bingo is being conducted.
 - An electronic bingo aid cannot be used to participate in bingo that is conducted at a 5. location other than the location at which the bingo session is conducted and at which the electronic bingo aid is used.
 - An electronic bingo aid cannot be used to provide for the input of numbers and 6. letters announced by a bingo caller other than the bingo caller who physically calls the numbers and letters at the location at which the bingo session is conducted and at which the electronic bingo aid is used.
 - The Attorney General may adopt rules in accordance with ORC Chapter 119 that govern Β. the use of electronic bingo aids. The rules may include a requirement that an electronic bingo aid be capable of being audited by the Attorney General to verify the number of bingo cards or sheets played during each bingo session.
- (12) Permit any person the charitable organization knows, or should have known, to be under eighteen years of age to play bingo described in Section 517.01(o)(1).
- (d) (1) Except as otherwise provided in subsection (d)(3) hereof, no charitable organization shall provide to a bingo game operator, and no bingo game operator shall receive or accept, any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting bingo or providing other work or labor at the site of bingo during a bingo session.
 - Except as otherwise provided in subsection (d)(3) hereof, no charitable organization shall (2) provide to a bingo game operator any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting instant bingo, electronic instant bingo, or both other than at a bingo session at the site of instant bingo, electronic instant bingo, or both other than at a bingo session.
 - Nothing in subsection (d) hereof prohibits an employee of a fraternal organization, (3) veteran's organization, or sporting organization from selling instant bingo tickets or cards to the organization's members or invited guests, as long as no portion of the employee's compensation is paid from any receipts of bingo.

- (e) Notwithstanding subsection (b)(1) of this section, a charitable organization that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to another charitable organization or other charitable organizations for the conducting of bingo sessions so that more than two bingo sessions are conducted per calendar week on the premises, and a person that is not a charitable organization and that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to charitable organizations for the conducting of more than two bingo sessions per calendar week on the premises, may continue to lease the premises to those charitable organizations, provided that no more than four sessions are conducted per calendar week, that the lessor organization or person has notified the Attorney General in writing of the organizations that will conduct the sessions and the days of the week and the times of the day on which the sessions was filed with the Attorney General prior to December 6, 1977, and that each organization that will conduct the sessions was issued a license to conduct bingo games by the Attorney General prior to December 6, 1977.
- (f) This section does not prohibit a bingo licensed charitable organization or a game operator from giving any person an instant bingo ticket as a prize.
- (g) Except as otherwise provided in this subsection, whoever violates subsection (a)(1) or (2), (b)(1), (2), or (3), (c)(1) to (11) or (d) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of a violation of subsection (a)(1) or (2), (b)(1), (2) or (3), (c)(1) to (11), or (d) of this section, a violation of subsection (a)(1) or (2), (b)(1), (2) or (3) or (c)(1) to (11) or (d) of this section is a misdemeanor of the first degree. Whoever violates subsection (c)(12) of this section is guilty of a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection, a violation of subsection (c)(12) is a felony and shall be prosecuted under appropriate State law. (ORC 2915.09)

517.08 RAFFLES.

- (a) (1) Subject to subsection (a)(2) of this section, a charitable organization, a public school, a chartered nonpublic school, a community school, or a veteran's organization, fraternal organization, or sporting organization a person or entity_that is exempt from federal income taxation under subsection 501(a) and is described in subsection 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code may conduct a raffle to raise money for the organization or school person or entity_and does not need a license to conduct bingo in order to conduct a raffle drawing that is not for profit.
 - (2) If a charitable organization person or entity_that is described in subsection (a)(1) of this section, but that is not also described in subsection 501(c)(3) of the Internal Revenue Code, conducts a raffle, the charitable organization person or entity_shall distribute at least fifty percent of the net profit from the raffle to a charitable purpose described in Section 517.01(v) or to a department or agency of the federal government, the state, or any political subdivision.
- (b) Except as provided in subsection (a) or (b) of this section, no person shall conduct a raffle drawing that is for profit or a raffle drawing that is not for profit.
- (c) Whoever violates subsection (b) of this section is guilty of illegal conduct of a raffle. Except as otherwise provided in this subsection, illegal conduct of a raffle is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (b) of this section, illegal conduct of a raffle is a felony and shall be prosecuted under appropriate State law. (ORC 2915.092)

517.11 BINGO OR GAME OF CHANCE RECORDS.

(a) No charitable organization that conducts bingo or a game of chance pursuant to Section 517.02(d), shall fail to maintain the following records for at least three years from the date on which the bingo or game of chance is conducted:

- (1) An itemized list of the gross receipts of each bingo session, each game of instant bingo by serial number, each electronic instant bingo game by serial number, each raffle, each punch board game, and each game of chance, and an itemized list of the gross profits of each game of instant bingo by serial number and each electronic instant bingo game by serial number;
- (2) An itemized list of all expenses, other than prizes, that are incurred in conducting bingo or instant bingo, the name of each person to whom the expenses are paid, and a receipt for all of the expenses;
- (3) A list of all prizes awarded during each bingo session, each raffle, each punch board game, and each game of chance conducted by the charitable organization, the total prizes awarded from each game of instant bingo by serial number, and the name, address, and social security number of all persons who are winners of prizes of six hundred dollars (\$600.00) or more in value;
- (4) An itemized list of the recipients of the net profit of the bingo or game of chance, including the name and address of each recipient to whom the money is distributed, and if the organization uses the net profit of bingo, or the money or assets received from a game of chance, for any charitable or other purpose set forth in Section 517.01(v), Section 517.02(d), or ORC 2915.101, a list of each purpose and an itemized list of each expenditure for each purpose;
- (5) The number of persons who participate in any bingo session or game of chance that is conducted by the charitable organization;
- (6) A list of receipts from the sale of food and beverages by the charitable organization or one of its auxiliary units or societies, if the receipts were excluded from "gross receipts" Section 517.01(t);
- (7) An itemized list of all expenses incurred at each bingo session, each raffle, each punch board game, or each game of instant bingo or electronic instant bingo conducted by the charitable organization in the sale of food and beverages by the charitable organization or by an auxiliary unit or society of the charitable organization, the name of each person to whom the expenses are paid, and a receipt for all of the expenses.
- (b) A charitable organization shall keep the records that it is required to maintain pursuant to subsection (a) of this section at its principal place of business in this State or at its headquarters in this State and shall notify the Attorney General of the location at which those records are kept.
- (c) The gross profit from each bingo session or game described in Section 517.01(o)(1) or (2) shall be deposited into a checking account devoted exclusively to the bingo session or game. Payments for allowable expenses incurred in conducting the bingo session or game and payments to recipients of some or all of the net profit of the bingo session or game shall be made only by checks or electronic fund transfers drawn on the bingo session or game account.
- (d) Each charitable organization shall conduct and record an inventory of all of its bingo supplies as of the first day of November of each year.
- (e) The Attorney General may adopt rules in accordance with ORC Chapter 119 that establish standards of accounting, record keeping, and reporting to ensure that gross receipts from bingo or games of chance are properly accounted for.
- (f) A distributor shall maintain, for a period of three years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing to another person bingo supplies for use in this State. The record shall include all of the following for each instance:
 - (1) The name of the manufacturer from which the distributor purchased the bingo supplies and the date of the purchase;
 - (2) The name and address of the charitable organization or other distributor to which the bingo supplies were sold or otherwise provided;
 - (3) A description that clearly identifies the bingo supplies;

- (4) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each charitable organization.
- (g) A manufacturer shall maintain, for a period of three years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing bingo supplies for use in this State. The record shall include all of the following for each instance:
 - (1) The name and address of the distributor to whom the bingo supplies were sold or otherwise provided;
 - (2) A description that clearly identifies the bingo supplies, including serial numbers;
 - (3) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each distributor.
- (h) The Attorney General, or any law enforcement agency, may do all of the following:
 - (1) Investigate any charitable organization, distributor, or manufacturer or any officer, agent, trustee, member, or employee of the organization, distributor, or manufacturer;
 - (2) Examine the accounts and records of the charitable_organization, distributor, or manufacturer or of any officer, agent, trustee, member, or employee of the organization, distributor, or manufacturer;
 - (3) Conduct inspections, audits, and observations of bingo or games of chance;
 - (4) Conduct inspections of the premises where bingo or games of chance are conducted or where bingo supplies are manufactured or distributed;
 - (5) Take any other necessary and reasonable action to determine if a violation of any provision of this chapter has occurred and to determine whether Section 517.12 has been complied with.

If any law enforcement agency has reasonable grounds to believe that a charitable organization, distributor, or manufacturer or an officer, agent, trustee, member, or employee of the organization, distributor, or manufacturer has violated any provision of this chapter, the law enforcement agency may proceed by action in the proper court to enforce this chapter, provided that the law enforcement agency shall give written notice to the Attorney General when commencing an action as described in this subsection.

- (i) No person shall destroy, alter, conceal, withhold, or deny access to any accounts or records of a charitable organization, distributor, or manufacturer that have been requested for examination, or obstruct, impede, or interfere with any inspection, audit, or observation of bingo or a game of chance, or of premises where bingo or a game of chance is conducted, or of premises where bingo supplies are manufactured or distributed, _refuse to comply with any reasonable request of, or obstruct, impede, or interfere with any other reasonable action undertaken by, the Attorney General or a law enforcement agency pursuant to subsection (h) of this section.
- (j) Whoever violates subsection (a) or (i) of this section is guilty of a misdemeanor of the first degree. (ORC 2915.10)

517.14 INSTANT BINGO CONDUCT BY A VETERAN'S OR FRATERNAL ORGANIZATION.

- (a) A Subject to the requirements of ORC 2915.14 and 2915.15 concerning electronic instant bingo, a veteran's organization, a fraternal organization, or a sporting organization authorized to conduct a bingo session pursuant to this chapter ORC 2915.01 to 2915.12 may conduct instant bingo, electronic instant bingo, or both, other than at a bingo session under a type III license issued under ORC 2915.08, if all of the following apply:
 - (1) The veteran's organization, fraternal organization or sporting organization limits the sale of instant bingo_or electronic instant bingo to twelve hours during any day, provided that the sale does not begin earlier than ten a.m. and ends not later than two a.m.

- (2) The veteran's organization, fraternal organization or a sporting organization limits the sale of instant bingo or electronic instant bingo to its own premises and to its own members and invited guests.
- (3) The veteran's organization, fraternal organization, or sporting organization is raising money for an organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this State, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this State and executes a written contract with that organization as required in subsection (b) of this section.
- (b) If a veteran's organization, fraternal organization, or sporting organization authorized to conduct instant bingo or electronic instant bingo pursuant to subsection (a) of this section is raising money for another organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this State, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this State, the veteran's organization, fraternal organization, or sporting organization shall execute a written contract with the organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this State, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this State in order to conduct instant bingo or electronic instant bingo. That contract shall include a statement of the percentage of the net proceeds that the veteran's, fraternal or sporting organization will be distributing to the organization that is described in subsection 509(a)(1), 509(a)(2) or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this State, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this State.
 - (c) (1) If a veteran's organization, fraternal organization or a sporting organization authorized to conduct instant bingo or electronic instant bingo pursuant to subsection (a) of this section has been issued a liquor permit under ORC Chapter 4303, that permit may be subject to suspension, revocation, or cancellation if the veteran's organization, fraternal organization, or a sporting organization violates a provision of this chapter or ORC Chapter 2915.
 - (2) No veteran's organization, fraternal organization, or a sporting organization that enters into a written contract pursuant to subsection (b) of this section shall violate any provision of this chapter or ORC Chapter 2915, or permit, aid, or abet any other person in violating any provision of this chapter or ORC Chapter 2915.
- (d) A veteran's organization, fraternal organization, or a sporting organization shall give all required proceeds earned from the conduct of instant bingo or electronic instant bingo to the organization with which the veteran's organization, fraternal organization, or a sporting organization has entered into a written contract.
- (e) Whoever violates this section is guilty of illegal instant bingo or electronic instant bingo conduct. Except as otherwise provided in this subsection, illegal instant bingo or electronic instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal instant bingo or electronic instant bingo conduct is a felony and shall be prosecuted under appropriate State law. (ORC 2915.13)

529.07 OPEN CONTAINER PROHIBITED.

- (a) As used in this section:
 - (1) "Chauffeured limousine" means a vehicle registered under ORC 4503.24.
 - (2) "Street," "highway" and "motor vehicle" have the same meanings as in ORC 4511.01.

- (b) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:
 - (1) In a State liquor store;
 - (2) Except as provided in subsection (c) or (j) hereof, on the premises of the holder of any permit issued by the Division of Liquor Control;
 - (3) In any other public place;
 - (4) Except as provided in subsection (d) or (e) hereof, while operating or being a passenger in or on a motor vehicle on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking;
 - (5) Except as provided in subsection (d) or (e) hereof, while being in or on a stationary motor vehicle on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking.
 - (c) (1) A person may have in the person's possession an opened container of any of the following:
 - A. Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-2(f), A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5b, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D8, E, F, F-2, F-5, F-7 or F-8 permit;
 - B. Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit, wine served as a tasting sample by an A-2, S-1, or S-2 permit holder or S-permit holder for consumption on the premises of a farmers market for which an F-10 permit has been issued, or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;
 - C. Beer or intoxicating liquor consumed on the premises of a convention facility as provided in ORC 4303.201;
 - D. Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the Liquor Control Commission;
 - E. Spirituous liquor to be consumed for purposes of a tasting sample, as defined in ORC 4301.171.
 - (2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this section, "music festival" means a series of outdoor live musical performances, extending for a period of at least three consecutive days and located on an area of land of at least forty acres.
 - (3) A. A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of wine that was not purchased from the holder of the D-2 permit if the premises for which the D-2 permit is issued is an outdoor performing arts center, the person is attending an orchestral performance, and the holder of the D-2 permit grants permission for the possession and consumption of wine in certain predesignated areas of the premises during the period for which the D-2 permit is issued.
 - B. As used in subsection (c)(3)A. of this section:
 - 1. "Orchestral performance" means a concert comprised of a group of not fewer than forty musicians playing various musical instruments.
 - 2. "Outdoor performing arts center" means an outdoor performing arts center that is located on not less than one hundred fifty acres of land and that is open for performances from the first day of April to the last day of October of each year.

- (4) A person may have in the person's possession an opened or unopened container of beer or intoxicating liquor at an outdoor location at which the person is attending an orchestral performance as defined in subsection (c)(3)B.1. hereof if the person with supervision and control over the performance grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of that outdoor location.
- (5) A person may have in the person's possession on an F-9 liquor permit premises an opened or unopened container of beer or intoxicating liquor that was not purchased from the holder of the F-9 permit if the person is attending either of the following:
 - A. An orchestral performance and the F-9 permit holder grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of the premises during the period for which the F-9 permit is issued;
 - B. An outdoor performing arts event or orchestral performance that is free of charge and the F-9 permit holder annually hosts not less than twenty-five other events or performances that are free of charge on the permit premises.

As used in subsection (c)(5) hereof, "orchestral performance" has the same meaning as in subsection (c)(3)B. of this section.

- (6) A. A person may have in the person's possession on the property of an outdoor motorsports facility an opened or unopened container of beer or intoxicating liquor that was not purchased from the owner of the facility if both of the following apply:
 - 1. The person is attending a racing event at the facility; and
 - The owner of the facility grants permission for the possession and consumption of beer or intoxicating liquor on the property of the facility;
 - B. As used in subsection (c)(6)A. of this section:
 - 1. "Racing event" means a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations.
 - 2. "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply:
 - a. It is two and four-tenths miles or more in length.
 - b. It is located on two hundred acres or more of land.
 - c. The primary business of the owner of the facility is the hosting and promoting of racing events.
 - d. The holder of a D-1, D-2 or D-3 permit is located on the property of the facility.
- (7) A. A person may have in the person's possession an opened container of beer or intoxicating liquor at an outdoor location within an outdoor refreshment area created under ORC 4301.82, if the opened container of beer or intoxicating liquor was purchased from an A-1, A-1-A, A-1c, A-2, A-2f, D class or F class permit holder to which both of the following apply:
 - 1. The permit holder's premises is located within the outdoor refreshment area.
 - 2. The permit held by the permit holder has an outdoor refreshment area designation.
 - B. Subsection (c)(7) of this section does not authorize a person to do either of the following:

- 1. Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere;
- 2. Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle within an outdoor refreshment area, unless the possession is otherwise authorized under subsection (d) or (e) of this section.
- C. As used in subsection (c)(7) of this section, "D class permit holder" does not include a D-6 or D-8 permit holder.
- (8) A. A person may have in the person's possession on the property of a market, within a defined F-8 permit premises, an opened container of beer or intoxicating liquor that was purchased from a D permit premises that is located immediately adjacent to the market if both of the following apply:
 - 1. The market grants permission for the possession and consumption of beer and intoxicating liquor within the defined F-8 permit premises;
 - 2. The market is hosting an event pursuant to an F-8 permit and the market has notified the Division of Liquor Control about the event in accordance with subsection (A)(3) of ORC 4303.208.
 - B. As used in subsection (c)(8) of this section, market means a market, for which an F-8 permit is held, that has been in operation since 1860.
- (d) This section does not apply to a person who pays all or a portion of the fee imposed for the use of a chauffeured limousine pursuant to a prearranged contract, or the guest of such a person, when all of the following apply:
 - (1) The person or guest is a passenger in the limousine;
 - (2) The person or guest is located in the limousine, but is not occupying a seat in the front compartment of the limousine where the operator of the limousine is located;
 - (3) The limousine is located on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.
- (e) An opened bottle of wine that was purchased from the holder of a permit that authorizes the sale of wine for consumption on the premises where sold is not an opened container for the purposes of this section if both of the following apply:
 - (1) The opened bottle of wine is securely resealed by the permit holder or an employee of the permit holder before the bottle is removed from the premises. The bottle shall be secured in such a manner that it is visibly apparent if the bottle has been subsequently opened or tampered with.
 - (2) The opened bottle of wine that is resealed in accordance with subsection (e)(1) of this section is stored in the trunk of a motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat or in an area not normally occupied by the driver or passengers and not easily accessible by the driver.
 - (f) (1) Except if an ordinance or resolution is enacted or adopted under subsection (f)(2) of this section, this section does not apply to a person who, pursuant to a prearranged contract, is a passenger riding on a commercial quadricycle when all of the following apply:
 - A. The person is not occupying a seat in the front of the commercial quadricycle where the operator is steering or braking.
 - B. The commercial quadricycle is being operated on a street, highway or other public or private property open to the public for purposes of vehicular travel or parking.

Attachment: Exhibit A.Amending General Offenses Code (2022) (22-43 : Amending the General Offenses Code)

- C. The person has in their possession on the commercial quadricycle an opened container of beer or wine.
- D. The person has in their possession on the commercial quadricycle not more than either thirty-six ounces of beer or eighteen ounces of wine.
- (2) The legislative authority of a municipal corporation or township may enact an ordinance or adopt a resolution, as applicable, that prohibits a passenger riding on a commercial quadricycle from possessing an opened container or beer or wine.
- (3) As used in this section, "commercial quadricycle" means a vehicle that has fully-operative pedals for propulsion entirely by human power and that meets all of the following requirements:
 - A. It has four wheels and is operated in a manner similar to a bicycle.
 - B. It has at least five seats for passengers.
 - C. It is designed to be powered by the pedaling of the operator and the passengers.
 - D. It is used for commercial purposes.
 - E. It is operated by the vehicle owner or an employee of the owner.
- (g) This section does not apply to a person that has in the person's possession an opened container of beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D liquor permit holder that is located in the market.

As used in subsection (g) of this section, "market" means an establishment that:

- (1) Leases space in the market to individual vendors, not less than fifty percent of which are retail food establishments or food service operations licensed under ORC Chapter 3717;
- (2) Has an indoor sales floor area of not less than twenty-two thousand square feet;
- (3) Hosts a farmer's market on each Saturday from April through December. (ORC 4301.62)

(h) (1) As used in this section, "alcoholic beverage" has the same meaning as in ORC 4303.185.

- (2) An alcoholic beverage in a closed container being transported under ORC 4303.185 to its final destination is not an opened container for the purposes of this section if the closed container is securely sealed in such a manner that it is visibly apparent if the closed container has been subsequently opened or tampered with after sealing. (ORC 4301.62H)
- (hi) This section does not apply to a person who has in the person's possession an opened container of beer or intoxicating liquor in a public-use airport, as described in ORC 4303.181(D)(2)(a)(iii) when both of the following apply:
 - (1) Consumption of the opened container of beer or intoxicating liquor occurs in the area of the airport terminal that is restricted to persons taking flights to and from the airport; and
 - (2) The consumption is authorized under ORC 4303.181(D)(2)(a). (ORC 4301.62)

(j) This section does not apply to a person that has in the person's possession an opened container of homemade beer or wine that is served in accordance with ORC 4301.201E.

(ik) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4301.99(A))

(Ord. No. 21-31 , § 1(Exh. A), 10-25-21.)

533.15 RESIDENTIAL REQUIREMENTS FOR SEXUAL OFFENDERS.

(a) No person who has been convicted of, is convicted of, has pleaded guilty to, or pleads guilty to either:

- (1) A sexually oriented offense that is not a registration-exempt sexually oriented offense for a crime committed against a child; or
- (2) A child-victim oriented offense;

and who has been classified as either a sexual predator or as a sexually oriented offender as to either subsection (a)(1) or (2) hereof, shall establish a residence or occupy residential premises within 1,000 feet of any school premises, licensed day care facility, preschool, children's crisis care facility premises, residential infant care center premises, or City-owned or operated public park.

- (b) If a person to whom subsection (a) hereof applies violates the provisions of subsection (a) by establishing a residence or occupying residential premises within 1,000 feet of any school premises, licensed day care facility, preschool, children's crisis care facility premises, residential infant care center premises, or City-owned or operated public park located within the City, the Director of Law has a cause of action for injunctive relief against the person. The City shall not be required to prove irreparable harm in order to obtain the relief.
- (c) The provisions of the Ohio Revised Code which are now or hereafter in effect concerning the definition, determination, registration or classification of a person who has been convicted of, is convicted of, has plead guilty to, or pleads guilty to either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense and has been classified as a sexual predator, are hereby adopted.
- (d) The determinations and intent articulated in ORC 2950.02 are hereby adopted.

(ORC 2950.034)

541.05 CRIMINAL TRESPASS.

- (a) No person, without privilege to do so, shall do any of the following:
 - (1) Knowingly enter or remain on the land or premises of another;
 - (2) Knowingly enter or remain on the land or premises of another, the use of which is lawfully restricted to certain persons, purposes, modes or hours, when the offender knows the offender is in violation of any such restriction or is reckless in that regard;
 - (3) Recklessly enter or remain on the land or premises of another, as to which notice against unauthorized access or presence is given by actual communication to the offender, or in a manner prescribed by law, or by posting in a manner reasonably calculated to come to the attention of potential intruders, or by fencing or other enclosure manifestly designed to restrict access;
 - (4) Being on the land or premises of another, negligently fail or refuse to leave upon being notified by signage posted in a conspicuous place or otherwise being notified to do so by the owner or occupant, or the agent or servant of either.
 - (5) Knowingly enter or remain on a critical infrastructure facility.
- (b) It is no defense to a charge under this section that the land or premises involved was owned, controlled or in custody of a public agency.
- (c) It is no defense to a charge under this section that the offender was authorized to enter or remain on the land or premises involved when such authorization was secured by deception.
 - (d) (1) Whoever violates this section is guilty of criminal trespass. Criminal trespass in violation of division (a)(1), (2), (3), or (4) of this section is a misdemeanor of the fourth degree. Criminal trespass in violation of division (A)(5) of this section is a misdemeanor of the first degree..
 - (2) Notwithstanding Section 501.99, if the person, in committing the violation of this section, used a snowmobile, off-highway motorcycle, or all-purpose vehicle, the court shall impose a fine of two times the usual amount imposed for the violation.

- (3) If an offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent municipal ordinance, or state law, and the offender, in committing each violation, used a snowmobile, off-highway motorcycle, or allpurpose vehicle, the court, in addition to or independent of all other penalties imposed for the violation, may impound the certificate of registration of that snowmobile or off-highway motorcycle or the certificate of registration and license plate of that all-purpose vehicle for not less than sixty days. In such a case, ORC 4519.47 applies.
- (e) As used in this section:
 - (1) "All-purpose vehicle," "off-highway motorcycle" and "snowmobile" have the same meaning as in Section 375.01 of the Traffic Code.
 - (2) *"Land or premises"* includes any land, building, structure, or place belonging to, controlled by, or in custody of another, and any separate enclosure or room, or portion thereof.
 - (3) "Production operation," "well," and "well pad" have the same meanings as in ORC 1509.01.
 - (4) "Critical infrastructure facility" means:

(a) One of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with signs that are reasonably likely to come to the attention of potential intruders and that indicate entry is forbidden without site authorization:

(i) A petroleum or alumina refinery;

(ii) An electric generating facility, substation, switching station, electrical control center, or electric transmission and distribution lines and associated equipment;

(iii) A chemical, polymer, or rubber manufacturing facility;

(iv) A water intake structure, water treatment facility, wastewater facility, drainage facility, water management facility, or any similar water or sewage treatment system and its water and sewage piping;

(v) A natural gas company facility or interstate natural gas pipeline, including a pipeline interconnection, a natural gas compressor station and associated facilities, city gate or town border station, metering station, above-ground piping, regulator station, valve site, delivery station, fabricated assembly, or any other part of a natural gas storage facility involved in the gathering, storage, transmission, or distribution of gas;

(vi) A telecommunications central switching office or remote switching facility or an equivalent network facility that serves a similar purpose;

(vii) Wireline or wireless telecommunications infrastructure, including telecommunications towers and telephone poles and lines, including fiber optic lines;

(viii) A port, trucking terminal, or other freight transportation facility;

(ix) A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or natural gas liquids;

(x) A transmission facility used by a federally licensed radio or television station;

(xi) A steel-making facility that uses an electric arc furnace to make steel;

(xii) A facility identified and regulated by the United States department of homeland security's chemical facility anti-terrorism standards program under 6 C.F.R. part 27;

(xiii) A dam that is regulated by the state or federal government;

(xiv) A crude oil or refined products storage and distribution facility, including valve sites, pipeline interconnections, pump station, metering station, below- or above-ground pipeline, or piping and truck loading or off-loading facility;

(xv) A video service network and broadband infrastructure, including associated buildings and facilities, video service headends, towers, utility poles, and utility lines such as fiber optic lines. As used in this division, "video service network" has the same meaning as in ORC 1332.21.

(xvi) Any above-ground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, or other storage facility;

(xvii) Any above-ground portion of a well, well pad, or production operation;

(xviii) A laydown area or construction site for pipe and other equipment intended for use on an interstate or intrastate natural gas or crude oil pipeline;

(xix) Any mining operation, including any processing equipment, batching operation, or support facility for that mining operation.

(b) With respect to a video service network or broadband or wireless telecommunications infrastructure, the above-ground portion of a facility installed in a public right-of-way on a utility pole or in a conduit;

- (c) Any railroad property;
- (d) An electronic asset of any of the following:
- (i) An electric light company that is a public utility under ORC 4905.02;
- (ii) An electric cooperative, as defined in ORC 4928.01;
- (iii) A municipal electric utility, as defined in ORC 4928.01;
- (iv) A natural gas company that is a public utility under ORC 4905.02;
- (v) A telephone company that is a public utility under ORC 4905.02;

(vi) A video service provider, including a cable operator, as those terms are defined in ORC 1332.21.

(5) "Electronic asset" includes, but is not limited to, the hardware, software, and data of a programmable electronic device; all communications, operations, and customer data networks; and the contents of those data networks.

(ORC 2911.21)

545.09 PASSING BAD CHECKS.

- (a) As used in this section:
 - (1) "Check" includes any form of debit from a demand deposit account, including, but not limited to any of the following:
 - A. A check, bill of exchange, draft, order of withdrawal, or similar negotiable or nonnegotiable instrument;
 - B. An electronic check, electronic transaction, debit card transaction, check card transaction, substitute check, web check, or any form of automated clearing house transaction.
 - (2) "Issue a check" means causing any form of debit from a demand deposit account.
- (b) No person, with purpose to defraud, shall issue or transfer or cause to be issued or transferred a check or other negotiable instrument, knowing that it will be dishonored or knowing that a person has ordered or will order stop payment on the check or other negotiable instrument.
- (c) For purposes of this section, a person who issues or transfers a check or other negotiable instrument is presumed to know that it will be dishonored, if either of the following occurs:
 - (1) The drawer had no account with the drawee at the time of issue or the stated date, whichever is later.

(2) The check or other negotiable instrument was properly refused payment for insufficient funds upon presentment within thirty days after issue or the stated date, whichever is later, and the liability of the drawer, indorser or any party who may be liable thereon is not discharged by payment or satisfaction within ten days after receiving notice of dishonor.

(d) For purposes of this section, a person who issues or transfers a check, bill of exchange or other draft is presumed to have the purpose to defraud if the drawer fails to comply with ORC 1349.16 by doing any of the following when opening a checking account intended for personal, family or household purposes at a financial institution:

(1) Falsely stating that the drawer has not been issued a valid driver's or commercial driver's license or identification card issued under ORC 4507.50;

(2) Furnishing such license or card, or another identification document that contains false information;

(3) Making a false statement with respect to the drawer's current address or any additional relevant information reasonably required by the financial institution.

(d) (e) In determining the value of the payment for purposes of subsection (e) (f) of this section, the court may aggregate all checks and other negotiable instruments that the offender issued or transferred or caused to be issued or transferred in violation of subsection (a) of this section within a period of one hundred eighty consecutive days.

(e) (f)-Whoever violates this section is guilty of passing bad checks. Except as otherwise provided in this subsection, passing bad checks is a misdemeanor of the first degree. If the check or checks or other negotiable instrument or instruments are issued or transferred to a single vendor or single other person for the payment of one thousand dollars (\$1,000) or more or if the check or checks or other negotiable instrument or instruments are issued or transferred to multiple vendors or persons for the payment of one thousand five hundred dollars (\$1,500) or more, passing bad checks is a felony and shall be prosecuted under appropriate State law. (ORC 2913.11)

553.01 OBSTRUCTING STREETS BY RAILROAD COMPANIES.

- (a) No railroad company shall obstruct, or permit or cause to be obstructed a public street, road, or highway, by permitting a railroad car, locomotive, or other obstruction to remain upon or across it for longer than five minutes, to the hindrance or inconvenience of travelers or a person passing along or upon such street, road, or highway., conductor or other train crewman in charge shall obstruct, or permit or cause to be obstructed a public street, road or highway by permitting a railroad car, locomotive or other obstruction to remain stopped on or across it for longer than ten minutes, to the hindrance or inconvenience of travelers or a person passing along or upon such struction to remain stopped on or across it for longer than ten minutes, to the hindrance or inconvenience of travelers or a person passing along or on such street, road or highway. No railroad company, conductor or other train crewman in charge shall fail, at the end of each ten minute period of obstruction of a public street, road or highway, to cause such railroad car, locomotive or other obstruction to be removed for sufficient time, not less than three minutes, to allow the passage of persons and vehicles waiting to cross.
- (b) At the end of each five-minute period of obstruction of a public street, road, or highway, each railroad company shall cause such railroad car, locomotive, or other obstruction to be removed for sufficient time, not less than three minutes, to allow the passage of persons and vehicles waiting to cross.
- (c)_(b)-This section does not apply to obstruction of a public street, road or highway by a continuously moving through train or caused by circumstances wholly beyond the control of the railroad company, but does apply to other obstructions, including without limitation those caused by stopped trains and trains engaged in switching, loading or unloading operations.
- (d)_(e) Upon the filing of an affidavit or complaint for violation of this section, summons shall be issued to the conductor or train crewman in charge by personal service upon him or them of a citation or to the railroad company pursuant to ORC 2935.10(B) which summons shall be served on the regular ticket or freight agent of the company in Franklin County

(e) (d) Whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 5589.21)

(1980 Code 79.01)



Council Memo: Legislation (22-44)

Subject:Amending the City's Traffic CodeFrom:Michelle Crandall, City ManagerInitiated by:Kelly Clodfelder, Staff AttorneyDate:November 28, 2022

Executive Summary

This Ordinance would approve changes to Part Three of the City's Codified Ordinances - the "Traffic Code" to address updates adopted by the Ohio General Assembly.

Staff Recommendation

Staff recommends that Council adopt this Ordinance.

Background

The City generally incorporates sections of the Ohio Revised Code into its own Traffic Code. Therefore, on a yearly basis, the City's Codifier, Municode, reviews the City's Traffic Code for consistency with the Ohio Revised Code and makes suggestions for amendments to the City's Code.

Please see attached table outlining all changes.

Financial Impacts

There are no anticipated financial impacts.

Expected Benefits

The proposed amendments align City Code with changes made to Ohio Revised Code.

Attachments

• 2022 Traffic Code Changes Table

Code Number	Code Section	Proposed Change	Reason for Change	ORC Code Section
			Clarifies part of Ohio	
			Revised Code that the	
	Abandoned Junk Motor	Adding reference to Ohio	section is being	
301.011	Vehicle	Revised Code	aligned	4513.63 4513.601 4511 454
		Removing language regarding		
		the requirements of a towing		
		service or storage facility to		
	Private Tow-Away	search the BMV in order to find	Change in language in	
303.082	Zones	an owner	Ohio Revised Code	4513.601
	Report of Vehicle			
	Failing to Yield Right-of			
	Way to Public Safety	Clarifying language regarding	Change in language in	
331.211	Vehicle	license plates	Ohio Revised Code	4511.454
		Providing an exception to the use		
	Driving Upon	of electric bicycle if being		
	Sidewalks, Street	operated on a sidewalk be an	Change in language in	
331.37	Lawns or Curbs	law enforcement officer	Ohio Revised Code	4511.711 4511.21 4507.02 4507.213
	Maximum Speed	Expanding the definition of		
	Limits; Assured Clear	school with regard to school	Change in language in	
333.03	Distance Ahead	zone speeds	Ohio Revised Code	4511.21
		Expanding the type of		
	Permitting Operation	documents that need to be		
	Without Valid License;	surrendered when obtaining an	Change in language in	
	One License Permitted	Ohio driver's license	Ohio Revised Code	4507.02
		Expanding the type of		
	Ohio Driver's License	documents that need to be		
	Required for In State	surrendered when obtaining an	Change in language in	
335.021	Residents	Ohio driver's license	Ohio Revised Code	4507.213
		Adding additional language		
		regarding an application for an		
		Ohio driver' license or	Change in language in	
335.04	Certain Acts Prohibited	identification card	Ohio Revised Code	4507.30

9.A.2.3.b

Code Number	Code Section	Proposed Change	Reason for Change	ORC Code Section
	Display of License			(e)
	Plates and Validation			po
	Stickers or Temporary		Change in language in	ں د
335.09	License Registration	Fixing grammatical error	Ohio Revised Code	4503.21
	Lights On Slow-Moving	Amending language regarding		11
	Vehicles; Emblem	requirements for slow moving	Change in language in	4511.11; 4513.112; 4513.113 🎽
337.10	Required	vehicles	Ohio Revised Code	4513.114; 4513.115 😇
	Number of Lights;			the
	Limitations on			bu
	Flashing, Oscillating, or	Making an exception of lights for	Change in language in	di
337.16	Rotating Lights	animal-drawn vehicles	Ohio Revised Code	4513.17 <mark>ខ</mark>
	Operation of Personal			
	Delivery Device on			44
	Sidewalks and	Amending definition for Personal	Change in language in	(22)
371.13	Crosswalks	Delivery Device	Ohio Revised Code	4511.513 👱
		Providing an exception to the use		ab
		of electric bicycle if being		E E E E E E E E E E E E E E E E E E E
		operated on a sidewalk be an	Change in language in	B
373.10	Electric Bicycles	law enforcement officer	Ohio Revised Code	4511.522



Ordinance: 22-44

Page 1 of

Passed: Effective:

AMENDING CERTAIN SECTIONS OF PART THREE - THE "TRAFFIC CODE" OF THE CITY'S CODIFIED ORDINANCES TO ALIGN WITH OHIO REVISED CODE.

WHEREAS, Part Three of the City's Codified Ordinances – the "Traffic Code" has been reviewed by the City's Codifier, Municide in order to address certain changes in the Ohio Revised Code; and

WHEREAS, it is necessary to update the "Traffic Code" to ensure that it corresponds with and does not conflict with Ohio Revised Codes regarding the same or similar topics; and

WHEREAS, the Administration desires to amend the "Traffic Code", as outlined in Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, the City believes that amending the "Traffic Code", as identified in Exhibit "A", attached hereto and incorporated herein, promotes the general health, safety, and welfare of the City and its residents.

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

SECTION 1. Council finds that amending Part Three of the City's Codified Ordinances - the "Traffic Code", as identified in Exhibit "A", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions to the "Traffic Code", as shown in track changes in the attached Exhibit "A" are approved and shall be incorporated in the City's Codified Ordinances.

SECTION 2. All other provisions of the "Traffic Code", not modified herein, remain unchanged and are in full force and effect.

SECTION 3. This Ordinance shall be in effect from and after the earliest time provided for by law.

ATTEST:

SIGNED:

Diane C. Werbrich, MMC Clerk of Council President of Council

APPROVED AS TO FORM:

Philip K. Hartmann Director of Law

✓ Vote Record - Ordinance 22-44									
□ Adopted			Yes/Aye	No/Nay	Abstain	Absent			
Adopted as Amended Passed	Andy Teater								
□ Defeated	Omar Tarazi								
	Les Carrier								
□ Held Over □ Referred	Tina Cottone								
□ Withdrawn	Peggy Hale								
□ First Reading	Pete Marsh								
 Positive Recommendation No Recommendation 	Cynthia Vermillion								

9.A.2.3

301.011 ABANDONED JUNK MOTOR VEHICLE.

"Abandoned Junk Motor Vehicle" means any motor vehicle which meets all of the following requirements:

- (a) Left on private property for forty-eight hours or longer without the permission of the person having the right to possession of the private property, on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway, for forty-eight hours or longer;
- (b) Three years old, or older;
- (c) Extensively damaged, such damage including but not limited to any of the following; missing wheels, tires, motor, or transmission;
- (d) Apparently inoperable; and
- (e) Having a fair market value of one thousand five hundred dollars (\$1,500) or less.

(ORC 4513.63)

(Ord. 19-02. Passed 12-12-19.)

303.082 PRIVATE TOW-AWAY ZONES.

- (a) The owner of a private property may establish a private tow-away zone, but may do so only if all of the following conditions are satisfied:
 - (1) The owner of the private property posts on the property a sign, that is at least eighteen inches by twenty-four inches in size, that is visible from all entrances to the property, and that includes all of the following information:
 - A. A statement that the property is a tow-away zone;
 - B. A description of persons authorized to park on the property. If the property is a residential property, the owner of the private property may include on the sign a statement that only tenants and guests may park in the private tow-away zone, subject to the terms of the property owner. If the property is a commercial property, the owner of the private property may include on the sign a statement that only customers may park in the private tow-away zone. In all cases, if it is not apparent which persons may park in the private tow-away zone, the owner of the private property shall include on the sign the address of the property on which the private tow-away zone is located, or the name of the business that is located on the property designated as a private tow-away zone.
 - C. If the private tow-away zone is not enforceable at all times, the times during which the parking restrictions are enforced;
 - D. The telephone number and the address of the place from which a towed vehicle may be recovered at any time during the day or night;
 - E. A statement that the failure to recover a towed vehicle may result in the loss of title to the vehicle as provided in subsection (B) of ORC 4505.101.

In order to comply with the requirements of subsection (a)(1) of this section, the owner of a private property may modify an existing sign by affixing to the existing sign stickers or an addendum in lieu of replacing the sign.

- (2) A towing service ensures that a vehicle towed under this section is taken to a location from which it may be recovered that complies with all of the following:
 - A. It is located within twenty-five linear miles of the location of the private tow-away zone, unless it is not practicable to take the vehicle to a place of storage within twenty-five linear miles.
 - B. It is well-lighted.

- C. It is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available in the municipal corporation or township in which the private tow-away zone is located.
- (b) (1) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with subsection (a) of this section, without the consent of the owner of the private property or in violation of any posted parking condition or regulation, the owner of the private property may cause the removal of the vehicle by a towing service. The towing service shall remove the vehicle in accordance with this section. The vehicle owner and the operator of the vehicle are considered to have consented to the removal and storage of the vehicle, to the payment of the applicable fees established by the Public Service Commission in rules adopted under ORC 4921.25, and to the right of a towing service to obtain title to the vehicle if it remains unclaimed as provided in ORC 4505.101. The owner or lienholder of a vehicle that has been removed under this section, subject to subsection (c) of this section, may recover the vehicle in accordance with subsection (g) of this section.
 - (2) If a municipal corporation requires tow trucks and tow truck operators to be licensed, no owner of a private property located within the municipal corporation shall cause the removal and storage of any vehicle pursuant to subsection (b) of this section by an unlicensed tow truck or unlicensed tow truck operator.
 - (3) No towing service shall remove a vehicle from a private tow-away zone except pursuant to a written contract for the removal of vehicles entered into with the owner of the private property on which the private tow-away zone is located.
- (c) If the owner or operator of a vehicle that is being removed under authority of subsection (b) of this section, arrives after the vehicle has been prepared for removal, but prior to the actual removal from the property, the towing service shall give the vehicle owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the vehicle established by the Public Service Commission in rules adopted under ORC 4921.25, in order to obtain release of the vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the transaction. Upon payment of that fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the vehicle to the owner or operator. Upon its release the owner or operator immediately shall move the vehicle so that the vehicle is not parked on the private property established as a private tow-away zone without the consent of the owner of the private property or in violation of any posted parking condition or regulation.
 - (d) (1) Prior to towing a vehicle under subsection (b) of this section, a towing service shall make all reasonable efforts to take as many photographs as necessary to evidence that the vehicle is clearly parked on private property in violation of a private tow-away zone established under subsection (a) of this section.

The towing service shall record the time and date of the photographs taken under this section. The towing service shall retain the photographs and the record of the time and date, in electronic or printed form, for at least thirty days after the date on which the vehicle is recovered by the owner or lienholder or at least two years after the date on which the vehicle was towed, whichever is earlier.

- (2) A towing service shall deliver a vehicle towed under subsection (b) of this section to the location from which it may be recovered not more than two hours after the time it was removed from the private tow-away zone, unless the towing service is unable to deliver the motor vehicle within two hours due to an uncontrollable force, natural disaster, or other event that is not within the power of the towing service.
- (e) (1) If an owner of a private property that is established as a private tow-away zone in accordance with subsection (a) of this section causes the removal of a vehicle from that property by a towing service under subsection (b) of this section, the towing service, within two hours of

removing the vehicle, shall provide notice to the Police Department concerning all of the following:

- A. The vehicle's license number, make, model and color;
- B. The location from which the vehicle was removed;
- C. The date and time the vehicle was removed;
- D. The telephone number of the person from whom the vehicle may be recovered;
- E. The address of the place from which the vehicle may be recovered.
- (2) The Chief of Police shall maintain a record of any vehicle removed from private property in the Chief's jurisdiction that is established as a private tow-away zone of which the Chief has received notice under this section. The record shall include all information submitted by the towing service. The Chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator or lienholder of the vehicle, and requests information pertaining to the vehicle.
- (f) (1) When a vehicle is removed from private property in accordance with this section, within three days of the removal, the towing service or storage facility from which the vehicle may be recovered shall cause a search to be made of the records of the Bureau of Motor Vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle. The Registrar of Motor Vehicles shall insure that such information is provided in a timely manner. Subject to subsection (f)(4) of this section, the towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows:
 - A. Within five business days after the Registrar of Motor Vehicles provides the identity of the owner and any lienholder of the motor vehicle, if the vehicle remains unclaimed, to the owner's and lienholder's last known address by certified or express mail with return receipt requested or by a commercial carrier service utilizing any form of delivery requiring a signed receipt;
 - B. If the vehicle remains unclaimed thirty days after the first notice is sent, in the manner required under subsection (f)(1)A. of this section;
 - C. If the vehicle remains unclaimed forty-five days after the first notice is sent, in the manner required under subsection (f)(1)A. of this section.
 - (2) Sixty days after any notice sent pursuant to subsection (f)(1) of this section is received, as evidenced by a receipt signed by any person, or the towing service or storage facility has been notified that delivery was not possible, the towing service or storage facility, if authorized under subsection (B) of ORC 4505.101, may initiate the process for obtaining a certificate of title to the motor vehicle as provided in that section.
 - (3) A towing service or storage facility that does not receive a signed receipt of notice, or a notification that delivery was not possible, shall not obtain, and shall not attempt to obtain, a certificate of title to the motor vehicle under subsection (B) of ORC 4505.101.
 - (4) With respect to a vehicle concerning which a towing service or storage facility is not eligible to obtain title under ORC 4505.101, the towing service or storage facility need only comply with the initial notice required under subsection (f)(1)A. of this section.
- (g) (1) The owner or lienholder of a vehicle that is removed under subsection (b) of this section may reclaim it upon both of the following:
 - Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle or a lease agreement;
 - B. Payment of the following fees:

- All applicable fees established by the Public Utilities Commission in rules adopted under ORC 4921.25, except that the lienholder of a vehicle may retrieve the vehicle without paying any storage fee for the period of time that the vehicle was in the possession of the towing service or storage facility prior to the date the lienholder received the notice sent under subsection (f)(1)A. of this section;
- 2. If notice has been sent to the owner and lienholder as described in subsection (f) of this section, a processing fee of twenty-five dollars (\$25.00).
- (2) A towing service or storage facility in possession of a vehicle that is removed under authority of subsection (b) of this section shall show the vehicle owner, operator or lienholder who contests the removal of the vehicle all photographs taken under subsection (d) of this section. Upon request, the towing service or storage facility shall provide a copy of all photographs in the medium in which the photographs are stored, whether paper, electronic, or otherwise.
- (3) When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written notice that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under ORC 4513.611.
- (4) Upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle or a lease agreement, the owner of a vehicle that is removed under authority of subsection (b) of this section may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. The owner of the vehicle shall not retrieve any personal items from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability. For purposes of subsection (g)(4) of this section, "personal items" do not include any items that are attached to the vehicle.
- (h) No person shall remove, or cause the removal of any vehicle from private property that is established as a private tow-away zone under this section, or store such a vehicle other than in accordance with this section, or otherwise fail to comply with any applicable requirement of this section.
- (i) This section does not affect or limit the operation of ORC 4513.60 or ORC 4513.61 to 4613.65 as they relate to property other than private property that is established as a private tow-away zone under subsection (a) of this section.
- (j) Whoever violates subsection (h) of this section is guilty of a minor misdemeanor.
- (k) As used in this section, "owner of a private property" or "owner of the private property" includes, with respect to a private property, any of the following:
 - (1) Any person who holds title to the property;
 - (2) Any person who is a lessee or sublessee with respect to a lease or sublease agreement for the property;
 - (3) A person who is authorized to manage the property;
 - (4) A duly authorized agent of any person listed in subsections (k)(1) to (3) of this section.

(ORC 4513.601)

331.211 REPORT OF VEHICLE FAILING TO YIELD RIGHT-OF-WAY TO PUBLIC SAFETY VEHICLE.

(a) When the failure of a motor vehicle operator to yield the right-of-way to a public safety vehicle as required by Section 331.21(a) impedes the ability of the public safety vehicle to respond to an emergency, any emergency personnel in the public safety vehicle may report the license plate

- (b) (1) Upon receipt of a report under subsection (a) of this section, the law enforcement agency may conduct an investigation to attempt to determine or confirm the identity of the operator of the vehicle at the time of the alleged violation.
 - (2) If the identity of the operator at the time of an alleged violation of Section 331.21(a) is established, the law enforcement agency has probable cause to issue either a written warning or a citation for that violation, and the agency shall issue a written warning or a citation to the operator.
 - (3) If the identity of the operator of the vehicle at the time of the alleged violation cannot be established, the law enforcement agency may issue a warning to the person who owned the vehicle at the time of the alleged violation. However, in the case of a leased or rented vehicle, the law enforcement agency shall issue the written warning to the person who leased or rented the vehicle at the time of the alleged violation.
- (c) (1) Whoever violates Section 331.21(a) based on a report filed under subsection (a) of this section is guilty of a minor misdemeanor and shall be fined one hundred fifty dollars (\$150.00).
 - (2) If a person who is issued a citation for a violation of Section 331.21(a) based on a report filed under subsection (a) of this section does not enter a written plea of guilty and does not waive the person's right to contest the citation but instead appears in person in the proper court to answer the charge, the trier of fact cannot find beyond a reasonable doubt that the person committed that violation unless the emergency personnel who filed the report appears in person in the court and testifies.
- (d) As used in this section:
 - (1) "License plate" includes any temporary motor vehicle license placard registration issued under ORC 4503.182 or similar law of another jurisdiction.
 - (2) "Public safety vehicle" does not include an unmarked public safety vehicle or a vehicle used by a public law enforcement officer or other person sworn to enforce the criminal and traffic laws of the State or a vehicle used by the Motor Carrier Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission. (ORC 4511.454)

331.37 DRIVING UPON SIDEWALKS, STREET LAWNS OR CURBS.

- (a) No person shall drive any vehicle, other than a bicycle or an electric bicycle if the motor is not engaged, upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. This prohibition does not apply to a law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, using an electric bicycle with the motor engaged while in the performance of the officer's duties. This prohibition does not apply to a law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, using an electric bicycle with the motor engaged while in the performance of the officer's duties. (ORC 4511.711)
- (b) No person shall drive a vehicle on a street lawn area or the curb of a street, except upon a permanent or duly authorized temporary driveway or when otherwise lawfully authorized.
- (c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.711)

333.03 MAXIMUM SPEED LIMITS; ASSURED CLEAR DISTANCE AHEAD.

- (a) No person shall operate a motor vehicle at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface and width of the street or highway and any other conditions, and no person shall drive any motor vehicle in and upon any street or highway at a greater speed than will permit the person to bring it to a stop within the assured clear distance ahead.
- (b) It is prima facie lawful, in the absence of a lower limit declared or established pursuant to ORC 4511.21 by the Ohio Director of Transportation or Council, for the operator of a motor vehicle to operate the same at a speed not exceeding the following:
 - (1) A. Twenty miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when twenty miles per hour school speed limit signs are erected; except, that on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by subsection (b)(4) hereof and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by subsection (b)(7) hereof. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the manual and specifications for a uniform system of traffic control devices shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed limit is in effect.
 - B. As used in this section, "school" means all of the following:

(i) a Any school chartered under ORC 3301.16;

(ii) Any and any nonchartered school that during the preceding year filed with the Department of Education in compliance with rule 3301-35-08 of the Ohio Administrative Code, a copy of the school's report for the parents of the school's pupils certifying that the school meets Ohio minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone;

(iii) Any special elementary school that in writing requests the county engineer to create a school zone at the location of the school. upon receipt of such written request, the county engineer shall create a school zone at that location by erecting appropriate signs; and

(iv) Any preschool education program operated by an educational service center that is located on a street or highway with a speed limit of forty-five miles per hour or more, when the educational service center in writing requests that the county engineer of the county in which the program is located create a school zone at the location of that program. Upon receipt of such a written request, the county engineer shall create a school zone at that location by erecting the appropriate signs.

C. As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway. Upon request from the Municipality for streets and highways under its jurisdiction, the Ohio Director of Transportation may extend the traditional school zone boundaries. The distances in subsections (b)(1)C.1. to 3. hereof shall not exceed 300 feet per approach per direction and are bounded by whichever of the following distances or combinations thereof the Director approves as most appropriate:

- 1. The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of 300 feet on each approach direction;
- 2. The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of 300 feet on each approach direction;
- 3. The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of 300 feet on each approach direction of highway;

Nothing in this section shall be construed to invalidate the Director's initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in subsections (b)(1)A. and C. hereof.

- D. As used in this subsection, "crosswalk" has the meaning given that term in Section 301.09. The Director may, upon request by resolution of Council, and upon submission by the Municipality of such engineering, traffic and other information as the Director considers necessary, designate a school zone on any portion of a State route lying within the Municipality that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than 1,320 feet. Such a school zone shall include the distance encompassed by the crosswalk and extending 300 feet on each approach direction of the State route;
- (2) Twenty-five miles per hour in all other portions of the Municipality, except on State routes outside business districts, through highways outside business districts and alleys;
- (3) Thirty-five miles per hour on all State routes or through highways within the Municipality outside business districts, except as provided in subsections (b)(4) and (5) hereof;
- (4) Fifty miles per hour on controlled-access highways and expressways within the Municipality, except as provided in subsections (b)(8) to (b)(12) of this section;
- (5) Fifty miles per hour on State routes within the Municipality outside urban districts unless a lower prima facie speed is established as further provided in this section;
- (6) Fifteen miles per hour on all alleys within the Municipality;
- (7) Fifty-five miles per hour on freeways with paved shoulders inside the Municipality other than freeways as provided in subsection (b)(10) and (12);
- (8) Sixty miles per hour on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in subsections (b)(9) and (10) of this section;
- (9) Sixty-five miles per hour on all rural expressways without traffic control signals;
- (10) Seventy miles per hour on all rural freeways;
- (11) Fifty-five miles per hour on all portions of freeways or expressways in congested areas as determined by the Director and that are located within a municipal corporation or within an interstate freeway outerbelt, except as provided in subsection (b)(12) of this section;
- (12) Sixty-five miles per hour on all portions of freeways or expressways without traffic control signals in urbanized areas.
- (c) It is prima facie unlawful for any person to exceed any of the speed limitations in subsection (b)(1)A. to (b)(6) hereof, or any declared or established pursuant to this section by the Director or local authorities and it is unlawful for any person to exceed any of the speed limitations in subsection (d) hereof. No person shall be convicted of more than one violation of this section for the same conduct,

Attachment: Exhibit A.Amending Traffic Code (2022) (22-44 : Amending the City's Traffic Code)

Attachment: Exhibit A.Amending Traffic Code (2022) (22-44 : Amending the City's Traffic Code)

although violations of more than one provision of this section may be charged in the alternative in a single affidavit.

- (d) No person shall operate a motor vehicle upon a street or highway as follows:
 - (1) At a speed exceeding fifty-five miles per hour, except upon a highway, expressway or freeway as provided in subsection (b)(8), (9), (10) and (12) hereof;
 - (2) At a speed exceeding sixty miles per hour upon a highway as provided in subsection (b)(8) hereof;
 - (3) At a speed exceeding sixty-five miles per hour upon an expressway as provided in subsection (b)(9) hereof, or upon a freeway as provided in subsection (b)(12) of this section, except upon a freeway as provided in subsection (b)(10) hereof;
 - (4) At a speed exceeding seventy miles per hour upon a freeway as provided in subsection (b)(10) hereof;
 - (5) At a speed exceeding the posted speed limit upon a highway, expressway or freeway for which the Director has determined and declared a speed limit pursuant to ORC 4511.21(I)(2) or (L)(2).
- (e) In every charge of violation of this section the affidavit and warrant shall specify the time, place and speed at which the defendant is alleged to have driven, and in charges made in reliance upon subsection (c) hereof also the speed which subsections (b)(1)A. to (b)(6) hereof, or a limit declared or established pursuant to this section declares is prima facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.
- (f) When a speed in excess of both a prima facie limitation and a limitation in subsection (d) hereof is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both subsections (b)(1)A. to (b)(6) hereof, or of a limit declared or established pursuant to this section by the Director or local authorities, and of the limitation in subsection (d) hereof. If the court finds a violation of subsection (b)(1)A. to (b)(6) hereof, or a limit declared or established pursuant to this section has occurred, it shall enter a judgment of conviction under such subsection and dismiss the charge under subsection (d) hereof. If it finds no violation of subsections (b)(1)A. to (b)(6) hereof or a limit declared or established pursuant to this section and dismiss the charge under subsection (d) hereof. If it finds no violation of subsections (b)(1)A. to (b)(6) hereof or a limit declared or established pursuant to this section, it shall then consider whether the evidence supports a conviction under subsection (d) hereof.
- (g) Points shall be assessed for violation of a limitation under subsection (d) hereof in accordance with ORC 4510.036.
- (h) Whenever, in accordance with ORC 4511.21 or this section, the speed limitations as established herein have been altered, either higher or lower, and the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on such signs. It is prima facie unlawful for any person to exceed the speed limits posted upon such signs.
- (i) As used in this section:
 - (1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101.
 - (2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.
 - (3) *"Noncommercial bus"* includes but is not limited to a school bus, or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.

Attachment: Exhibit A.Amending Traffic Code (2022) (22-44 : Amending the City's Traffic Code)

- (4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the Director.
- (5) *"Rural"* means an area outside urbanized areas and outside of a business or urban district, and areas that extend within urbanized areas where the roadway characteristics remain mostly unchanged from those outside the urbanized areas.
- (6) "Urbanized area" has the same meaning as in 23 U.S.C. 101.
- (7) *"Divided"* means a roadway having two or more travel lanes for vehicles moving in opposite directions and that is separated by a median of more than four feet, excluding turn lanes.
- (j) (1) A violation of any provision of this section is one of the following:
 - A. Except as otherwise provided in subsections (j)(1)B., (1)C., (2) and (3) of this section, a minor misdemeanor;
 - B. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of ORC 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;
 - C. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of ORC 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.
 - (2) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of ORC 4511.21 or of any provision of a municipal ordinance that is substantially similar to ORC 4511.21 and operated a motor vehicle faster than thirty-five miles an hour in a business district of a municipal corporation, faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.
 - (3) Notwithstanding subsection (j)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with ORC 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this subsection and if the court determines that the offender is an indigent person and unable to pay the fine.
 - (4) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.21)

335.02 PERMITTING OPERATION WITHOUT VALID LICENSE; ONE LICENSE PERMITTED.

- (a) No person shall permit the operation of a motor vehicle upon any public or private property used by the public for purposes of vehicular travel or parking knowing the operator does not have a valid driver's license issued to the operator by the Registrar of Motor Vehicles under ORC Chapter 4507 or a valid commercial driver's license issued under ORC Chapter 4506.
- (b) No person shall receive a driver's license, or a motorcycle operator's endorsement of a driver's or commercial driver's license, temporary instruction permit, or identification card unless and until he

surrenders to the Registrar or a deputy registrar all valid licenses, temporary instruction permits, and identification cards issued to him by another jurisdiction recognized by the State of Ohio. No person shall be permitted to have possess more than one valid license, temporary instruction permit, or identification card at any time. (ORC 4507.02)

- (c) (1) Except as otherwise provided in this subsection, whoever violates subsection (a) hereof is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to ORC 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to ORC 2929.26; notwithstanding subsection (A)(2)(a) of ORC 2929.28, the offender may be fined up to one thousand dollars (\$1,000) and, notwithstanding subsection (A)(3) of ORC 2929.27, the offender may be ordered pursuant to subsection (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under subsection (A) of ORC 2705.02 that may be filed in the underlying case. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of ORC 4507.02 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.
 - (2) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree. (ORC 4507.02; 4507.99)

335.021 OHIO DRIVER'S LICENSE REQUIRED FOR IN STATE RESIDENTS.

- (a) Any person who becomes a resident of this State, within thirty days of becoming a resident, shall surrender any driver's license, temporary instruction permit, or identification card issued by another state to the Registrar of Motor Vehicles or a Deputy Registrar. If such a person intends to operate a motor vehicle upon the public roads or highways, the person shall apply for a temporary instruction permit or driver's license in this State. If the person fails to apply for a temporary instruction permit or driver's license within thirty days of becoming a resident, the person shall not operate any motor vehicle in this Municipality under a license or permit issued by another state.
- (b) (1) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.
 - (2) The offense established under subsection (b)(1) of this section is a strict liability offense and strict liability is a culpable mental state for purposes of ORC 2901.20. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.
- (c) For purposes of subsection (a) of this section, "resident" means any person to whom any of the following applies:
 - (1) The person maintains their principal residence in this State and does not reside in this State as a result of the person's active service in the United States Armed Forces.
 - (2) The person is determined by the Registrar of Motor Vehicles to be a resident in accordance with standards adopted by the Registrar under ORC 4507.01. (ORC 4507.213)

335.04 CERTAIN ACTS PROHIBITED.

- (a) No person shall do any of the following:
 - Display, or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended or altered;

- (2) Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto to use any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;
- (3) Display or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit not issued to the person so displaying the same;
- (4) Fail to surrender to the Registrar of Motor Vehicles, upon the Registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit that has been suspended or canceled;
- (5) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit, or any renewal, reprint or duplicate thereof, knowingly conceal a material fact, or present any physician's statement required under ORC 4507.08 or 4507.081 when knowing the same to be false or fictitious.
- (b) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 4507.30)

335.09 DISPLAY OF LICENSE PLATES AND VALIDATION STICKERS OR TEMPORARY LICENSE REGISTRATION.

- (a) (1) No person who is the owner or operator of a motor vehicle shall fail to display in plain view on the rear of the motor vehicle a license plate that displays the distinctive number and registration mark assigned to the motor vehicle by the Ohio Director of Public Safety, including any county identification sticker and any validation sticker when required by and issued under ORC 4503.19 and 4503.191. However, a commercial tractor shall display the license plate and validation sticker on the front of the commercial tractor.
 - (2) A license plate shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs their its visibility.
 - (3) No person to whom a temporary license placard motor vehicle or registration windshield sticker has been issued for the use of a motor vehicle under ORC 4503.182, and no operator of that motor vehicle, shall fail to display the temporary motor vehicle license registration placard in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle. - or fail to display the windshield sticker in plain view on the rear window of the motor vehicle. No temporary license placard or windshield sticker shall be covered by any material that obstructs its visibility.
 - (4) No person shall cover a temporary motor vehicle license registration by any material that obstructs its visibility.
- (b) Whoever violates this section is guilty of a minor misdemeanor
- (c) The offenses established under subsection (a) of this section is are a strict liability offenses and ORC 2901.20 does not apply. The designation of this these offenses as a strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is are not a strict liability offenses.

(Ord. No. 21-30 , § 1(Exh. A), 10-25-21.)

State law reference(s)—Display of license plates and validation stickers or temporary license registration, ORC 4503.21.

337.10 LIGHTS ON SLOW-MOVING VEHICLES; EMBLEM REQUIRED.

(a) *Definitions*. As used in this section:

(1) Boat trailer means any vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twentyfive miles per hour or less.

(2) *Slow-moving vehicle* and *SMV* mean a boat trailer, unit of farm machinery, road construction machinery, or other machinery designed by the manufacturer to operate at a speed of twenty-five miles per hour or less. "Slow-moving vehicle" and "SMV" do not include a bicycle, motorized bicycle, electric bicycle, or animal-drawn vehicle.

(b) Requirements for SMVs.

(1) Except as otherwise provided, no person shall operate an SMV on a street or highway as follows:

a. At a speed exceeding twenty-five miles per hour;

b. Without displaying the triangular SMV emblem mounted in accordance with division (b)(2) of this section.

(2) The SMV emblem shall be mounted so as to be visible from a distance of not less than five hundred feet to the rear. In accordance with ORC ch. 119, the director of public safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for the SMV emblem shall correlate with and, so far as possible, conform with those approved by the American society of agricultural engineers.

(3) A person may operate an SMV on a street or highway without displaying the triangular SMV emblem when any of the following apply:

a. The SMV is being used in actual construction and maintenance work in an area guarded by a flagperson, or where flares are used.

b. The SMV is operating or traveling within the limits of a construction area designated by the director of transportation, a city engineer, or the county engineer of the several counties, when such construction area is marked in accordance with requirements of the director and the manual of uniform traffic control devices, as set forth in ORC 4511.09.

(4) No person shall display an SMV emblem on any of the following:

<u>a. Any vehicle not required to use the SMV emblem by this subsection or subsections</u> (c) or (d) of this section;

b. An SMV being transported upon any other vehicle;

c. Any stationary object on the highway.

(5) No person shall sell, lease, rent, or operate an SMV, except a unit designed to be completely mounted on a primary power unit that is manufactured or assembled on or after April 1, 1966, unless it is equipped with an SMV emblem mounting device.

(6) Whoever violates this subsection is guilty of a minor misdemeanor.

(c) Farm machinery.

(1) No person shall sell, lease, rent, or operate on a street or highway any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour unless the unit displays both of the following:

a. The SMV emblem mounted in accordance with division (b)(2) of this section.

b. A speed identification symbol that does both of the following:

<u>i. Meets the specifications contained in the American society of agricultural engineers standard ANSI/ASAE S584 JAN2005, agricultural equipment: speed identification symbol (SIS);</u>

ii. Indicates the maximum speed in miles per hour at which the unit of farm machinery is designed by its manufacturer to operate.

(2) No person operating a tractor on a street or highway that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour and that is towing, pulling, or otherwise drawing a unit of farm machinery while operating at a speed greater than twenty-five miles per hour shall fail to display both of the following on the unit of farm machinery:

a. The SMV emblem;

b. The speed identification symbol that matches the speed identification symbol required to be displayed on the agricultural tractor.

(3) No person shall operate an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour unless the person possesses documentation published or provided by the manufacturer indicating the maximum speed in miles per hour at which the manufacturer designed the agricultural tractor to operate.

(4) Whoever violates this subsection is guilty of a minor misdemeanor.

(d) Animal-drawn vehicles.

(1) Except as otherwise provided in division (d)(4) of this section, no person shall operate an animal-drawn vehicle on a street or highway unless it is equipped with and displays, at the times specified in ORC 4513.03, both of the following:

a. At least one lamp displaying a white light visible from a distance of not less than one thousand feet to the front of the animal-drawn vehicle;

b. Two lamps displaying red light visible from a distance of not less than one thousand feet to the rear of the animal-drawn vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand feet to the rear and two red reflectors visible from all distances of six hundred feet to one hundred feet to the rear when illuminated by the lawful lower beams of headlamps.

(2) Except as otherwise provided in division (d) (4) of this section, no person shall operate an animal-drawn vehicle on a street or highway unless it is equipped with and displays, at all times, all of the following:

a. One yellow flashing lamp displaying yellow light that is visible from a distance of not less than one thousand feet and that is mounted in either of the following positions:

i. On the top most portion of the rear of the animal-drawn vehicle;

ii. On the top of the animal-drawn vehicle.

b. At least one of the following:

(i) An SMV emblem mounted in accordance with division (b)(2)of this section;

(ii) Micro-prism reflective tape that is visible from a distance of not less than five hundred feet to the rear when illuminated by the lawful lower beams of headlamps;

(iii) Both an SMV emblem and micro-prism reflective tape, as specified in this division.

Lamps and micro-prism reflective tape required by this division shall meet standards and specifications adopted by the director of public safety under this section.

(3) The Ohio director of public safety, in accordance with ORC ch. 119, shall adopt rules establishing standards and specifications for the position and mounting of the lamps and micro-prism reflective tape required by this section. The rules shall only permit the micro-prism reflective tape to be red, amber, white, or silver in color.

(4) a. Divisions (1) and (2) of this section do not apply to the operator of animal-drawn agricultural equipment who is not transporting any livestock or a person other than the operator.

b. No operator described in division (d)(1) of this section shall operate animaldrawn agricultural equipment unless it is equipped with and displays, at all times, the SMV emblem mounted in accordance with division (b)(2) of this section.

c. As used in this division (d)(4), "animal-drawn agricultural equipment" means equipment drawn by the muscular power of an animal that is used solely for agricultural purposes. "Animal-drawn agricultural equipment" includes any of the following:

(i) A plow;

(ii) A manure spreader.

(iii) A thresher.

(5) Whoever violates this division is guilty of a minor misdemeanor.

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

(R.C. 4513.11, ORC 4513.112, ORC 4513.113, ORC 4513.114, ORC 4513.115)

(a) All vehicles other than bicycles, including animal-drawn vehicles and vehicles referred to in Section 337.01(c), not specifically required to be equipped with lights or other lighting devices by Sections 337.02 to 337.09, shall at all times specified in Section 337.02, be equipped with at least one light displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle, and also shall be equipped with two lights displaying red light visible from a distance of not less than 1,000 feet to the rear of the vehicle, or as an alternative, one light displaying a red light visible from a distance of 600 feet to 100 feet to the rear when illuminated by the lawful lower beams of headlights.

Lights and reflectors required or authorized by this section shall meet standards adopted by the Ohio Director of Public Safety.

(b) All boat trailers, farm machinery and other machinery, including all road construction machinery, upon a street or highway, except when being used in actual construction and maintenance work in an area guarded by a flagperson, or where flares are used, or when operating or traveling within the limits of a construction area designated by the Ohio Director of Transportation, or the Municipal or County Engineer, when such construction area is marked in accordance with requirements of the Director and the Manual of Uniform Traffic Control Devices, as set forth in ORC 4511.09, which is designed for operation at a speed of twenty five miles per hour or less shall be operated at a speed not exceeding twenty-five miles per hour, and shall display a triangular slow-moving vehicle emblem (SMV). The emblem shall be mounted so as to be visible from a distance of not less than 500 feet to the rear. The Ohio Director of Public Safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for SMV emblems referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Society of Agricultural Engineers.

A unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour may be operated on a street or highway at a speed greater than twenty-five miles per hour provided it is operated in accordance with this section.

As used in this subsection (b), "machinery" does not include any vehicle designed to be drawn by an animal.

- (c) The use of the SMV emblem shall be restricted to animal-drawn vehicles, and to the slow-moving vehicles specified in subsection (b) hereof operating or traveling within the limits of the highway. Its use on slow-moving vehicles being transported upon other types of vehicles or on any other type of vehicle or stationary object on the highway is prohibited.
 - (d) (1) No person shall sell, lease, rent or operate any boat trailer, farm machinery or other machinery defined as a slow-moving vehicle in subsection (b) hereof, except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after April 1, 1966, unless the vehicle is equipped with a slow-moving vehicle emblem mounting device as specified in subsection (b) hereof.
 - (2) No person shall sell, lease, rent, or operate on a street or highway any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twentyfive miles per hour unless the unit displays a slow-moving vehicle emblem as specified in subsection (b) of this section and a speed identification symbol that meets the specifications contained in the American Society of Agricultural Engineers Standard ANSI/ASAE S584 JAN2005, agricultural equipment; speed identification symbol (SIS).
- (e) Any boat trailer, farm machinery, or other machinery defined as a slow-moving vehicle in subsection (b) of this section, in addition to the use of the slow-moving vehicle emblem, and any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour, in addition to the display of a speed identification symbol may be equipped with a red flashing light that shall be visible from a distance of not less than one thousand feet to the rear at all times specified in Section 337.02. When a double-faced light is used, it shall display amber light to the front and red light to the rear.

In addition to the lights described in this subsection, farm machinery and motor vehicles escorting farm machinery may display a flashing, oscillating or rotating amber light, as permitted by Section 337.16, and also may display simultaneously flashing turn signals or warning lights, as permitted by that section.

- (f) Every animal-drawn vehicle upon a street or highway shall at all times be equipped in one of the following ways:
 - (1) With a slow-moving vehicle emblem complying with subsection (b) hereof;
 - (2) With alternate reflective material complying with rules adopted under this subsection (f);
 - (3) With both a slow-moving vehicle emblem and alternate reflective material as specified in this subsection (f).

The Ohio Director of Public Safety, subject to ORC Chapter 119, shall adopt rules establishing standards and specifications for the position of mounting of the alternate reflective material authorized by this subsection (f). The rules shall permit, as a minimum, the alternate reflective material to be black, gray or silver in color. The alternate reflective material shall be mounted on the animal-drawn vehicle so as to be visible at all times specified in Section 337.02, from a distance of not less than 500 feet to the rear when illuminated by the lawful lower beams of headlamps.

(g) Every unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour shall display a slow-moving vehicle emblem and a speed identification symbol that meets the specifications contained in the American Society of Agricultural Engineers Standard ANSI/ASAE S584 JAN2005, agricultural equipment; speed identification symbol (SIS) when the unit is operated upon a street or highway, irrespective of the speed at which the unit is operated on the street or highway. The speed identification symbol shall indicate the maximum speed in miles per hour at which the unit of farm machinery is designed by its manufacturer to operate. The display of the speed identification symbol shall be in accordance with the standard prescribed in this subsection.

If an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour is being operated on a street or highway at a speed greater than twenty-five

miles per hour and is towing, pulling or otherwise drawing a unit of farm machinery, the unit of farm machinery shall display a slow-moving vehicle emblem and a speed identification symbol that is the same as the speed identification symbol that is displayed on the agricultural tractor.

- (h) When an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty five miles per hour is being operated on a street or highway at a speed greater than twentyfive miles per hour, the operator shall possess some documentation published or provided by the manufacturer indicating the maximum speed in miles per hour at which the manufacturer designed the agricultural tractor to operate.
- (i) As used in this section, "boat trailer" means any vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.
- (i) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.11)

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

- (a) Whenever a motor vehicle equipped with headlights also is equipped with any auxiliary lights or spotlight or any other light on the front thereof projecting a beam of an intensity greater than 300 candle power, not more than a total of five of any such lights on the front of a vehicle shall be lighted at any one time when the vehicle is upon a highway.
- (b) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights or auxiliary driving lights, that projects a beam of light of an intensity greater than 300 candle power, shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.
 - (c) (1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. This prohibition does not apply to emergency vehicles, road service vehicles servicing or towing a disabled vehicle, stationary waste collection vehicles actively collecting garbage, refuse, trash or recyclable materials on the roadside, rural mail delivery vehicles, vehicles transporting preschool children as provided in ORC 4513.182, highway maintenance vehicles, funeral hearses, funeral escort vehicles and similar equipment operated by the Department or local authorities, which shall be equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating or rotating amber light, but shall not display a flashing, oscillating or rotating light of any other color, nor to vehicles or machinery permitted by Section 337.10 to have a flashing red light.
 - (2) When used on a street or highway, farm machinery and vehicles escorting farm machinery may be equipped with and display a flashing, oscillating, or rotating amber light, and the prohibition contained in subsection (c)(1) hereof does not apply to such machinery or vehicles. Farm machinery also may display the lights described in Section 337.10.

(3) Division (C)(1) of this section does not apply to animal-drawn vehicles subject to ORC 4513.114.

(d) Except a person operating a public safety vehicle, as defined in Section 301.27, or a school bus, no person shall operate, move or park upon or permit to stand within the right-of-way of any public street or highway any vehicle or equipment that is equipped with and displaying a flashing red or a flashing combination red and white light, or an oscillating or rotating red light, or a combination red and white oscillating or rotating light; and except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the State or Municipality, operating a public safety vehicle when on duty, no person shall operate, move or park upon, or permit to stand within the right-of-way of any street or highway any vehicle or equipment that is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light, or an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light.

- (e) This section does not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles or on vehicles being operated in unfavorable atmospheric conditions in order to enhance their visibility. This section also does not prohibit the simultaneous flashing of turn signals or warning lights either on farm machinery or vehicles escorting farm machinery, when used on a street or highway.
- (f) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.17)

371.13 OPERATION OF PERSONAL DELIVERY DEVICE ON SIDEWALKS AND CROSSWALKS.

- (a) As used in this section:
 - (1) "*Eligible entity*" means a corporation, partnership, association, firm, sole proprietorship, or other entity engaged in business.
 - (2) "Personal delivery device" means an electrically powered device to which all of the following apply:
 - A. The device is intended primarily to transport property on sidewalks and crosswalks.
 - B. The device weighs less than five hundred and fifty ninety pounds excluding any property being carried in the device.
 - C. The device has a maximum speed of ten miles per hour.
 - D. The device is equipped with technology that enables the operation of the device with active control or monitoring by a person, without active control or monitoring by a person, or both with or without active control or monitoring by a person.
 - (3) "Personal delivery device operator" means an agent of an eligible entity who exercises direct physical control over, or monitoring of, the navigation and operation of a personal delivery device. "Personal delivery device operator" does not include, with respect to a delivery or other service rendered by a personal delivery device, the person who requests the delivery or service. "Personal delivery device operator" also does not include a person who only arranges for and dispatches a personal delivery device for a delivery or other service.
- (b) An eligible entity may operate a personal delivery device on sidewalks and crosswalks so long as all of the following requirements are met:
 - (1) The personal delivery device is operated in accordance with all regulations, if any, established by each local authority within which the personal delivery device is operated.
 - (2) A personal delivery device operator is actively controlling or monitoring the navigation and operation of the personal delivery device.
 - (3) The eligible entity maintains an insurance policy that includes general liability coverage of not less than one hundred thousand dollars for damages arising from the operation of the personal delivery device by the eligible entity and any agent of the eligible entity.
 - (4) The device is equipped with all of the following:
 - A. A marker that clearly identifies the name and contact information of the eligible entity operating the personal delivery device and a unique identification number;
 - B. A braking system that enables the personal delivery device to come to a controlled stop;
 - C. If the personal delivery device is being operated between sunset and sunrise, a light on both the front and rear of the personal delivery device that is visible in clear weather from a distance of at least five hundred feet to the front and rear of the personal delivery device when directly in front of low beams of headlights on a motor vehicle.
- (c) No personal delivery device operator shall allow a personal delivery device to do any of the following:
 - (1) Fail to comply with traffic or pedestrian control devices and signals;

- (2) Unreasonably interfere with pedestrians or traffic;
- (3) Transport any hazardous material that would require a permit issued by the public utilities commission;
- (4) Operate on a street or highway, except when crossing the street or highway within a crosswalk.
- (d) A personal delivery device has all of the rights and obligations applicable to a pedestrian under the same circumstances, except that a personal delivery device shall yield the right-of-way to human pedestrians on sidewalks and crosswalks.
 - (e) (1) No person shall operate a personal delivery device unless the person is authorized to do so under this section and complies with the requirements of this section.
 - (2) An eligible entity is responsible for both of the following:
 - A. Any violation of this section that is committed by a personal delivery device operator; and
 - B. Any other circumstance, including a technological malfunction, in which a personal delivery device operates in a manner prohibited by subsections (c)(1) to (4) of this section.

(ORC 4511.513)

(Ord. No. 21-30, § 1(Exh. A), 10-25-21.)

State law reference(s)—Operation of personal delivery device on sidewalks and crosswalks, ORC 4511.513.

373.10 ELECTRIC BICYCLES.

- (a) (1) The operation of a class 1 electric bicycle, a class 2 electric bicycle, or a class 3 electric bicycle is permitted on a path set aside for the exclusive use of bicycles or on a shared-use path, unless the Municipality by resolution, ordinance, or rule prohibits the use of a class 1 electric bicycle or class 2 electric bicycle on such a path.
 - (2) No person shall operate a class 1 electric bicycle, a class 2 electric bicycle or a class 3 electric bicycle on a path that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use, unless the Municipality by resolution, ordinance or rule authorizes the use of a class 1 electric bicycle, a class 2 electric bicycle, or a class 3 electric bicycle on such a path.
 - (3) Subsections (1) and (2) of this section do not apply to a law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, using an electric bicycle while in the performance of the officer's duties.
- (b) (1) No person under sixteen years of age shall operate a class 3 electric bicycle; however, a person under sixteen years of age may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.
 - (2) No person shall operate or be a passenger on a class 3 electric bicycle unless the person is wearing a protective helmet that meets the standards established by the Consumer Product Safety Commission or the American Society for Testing and Materials.
- (c) (1) Except as otherwise provided in this subsection, whoever operates an electric bicycle in a manner that is prohibited under subsection (a) of this section and whoever violates subsection (b) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offense previously has been convicted of the offense.

predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(2) The offenses established under subsection (c)(1) of this section are strict liability offenses and strict liability is a culpable mental state for purposes of ORC 2901.20. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(Ord. No. 21-30 , § 1(Exh. A), 10-25-21)

State law reference(s)—Electric bicycles; labels; compliance with federal regulations; permitted use; violations, ORC 4511.522.



Subject:	Code Amendments - Chapters 909, 911, 913
From:	Michelle Crandall, City Manager
Initiated by:	Letty Schamp, Transportation & Mobility Director
	Kelly Clodfelder, Staff Attorney, Law Department
Date:	November 28, 2022

Executive Summary

This ordinance provides changes and additions to several chapters of City Code that related to sidewalks, gutters, and construction specifications, as summarized below:

- Repeals Chapter 909 Repair and Maintenance of Sidewalks and Gutters in its entirety and replaces it with Chapter 909 Sidewalks, Curb Ramps, and Shared-Use Paths.
- Adds a new Chapter 911 Driveway Approach, Curb and Gutter.
- Repeals Chapter 913 Construction Specifications in its entirety and replaces it with Chapter 913 Design and Construction Specifications.

Staff Recommendation

Staff recommends that Council adopt this piece of legislation to clarify property owner and city responsibilities for various types of infrastructure located in the public right-of-way that serves individual properties and the general public, including sidewalks, shared-use paths, driveway approaches, curb, and gutter.

Background

The City of Hilliard is in the process of developing a Sidewalk Maintenance and Repair Program (the "Program") to pro-actively repair or replace sidewalks citywide. Changes are required to Chapter 909 of City code to clarify responsibilities of property owners and the City prior to implementation of the Program. Chapter 909 was expanded to also address other infrastructure that is part of the City's active transportation network, such as shared-use paths and curb ramps.

Presently, Chapter 909 also includes property owner responsibility for gutters along the street. Gutter responsibility was removed from Chapter 909 and has been combined with driveway approaches, curb and gutter to form a new Chapter 911. Chapter 911 clarifies property owner responsibility and city responsibility for this infrastructure.

Chapter 913 pertains to construction specifications. The information in this chapter was out of date and not consistent with current City of Hilliard Engineering Design Guidelines, City of Hilliard standard drawings, and commonly used Construction and Material Specifications by the City of Columbus and the Ohio Department of Transportation. Specific construction specifications are being removed from Chapter 913 of City Code and the above documents are incorporated by reference.

Financial Impacts

There are no anticipated financial impacts.

Expected Benefits

The code amendments will ensure the City and its residents understand the exact responsibilities for construction, maintenance, repair, and routine care for sidewalks, curb ramps, shared-use paths, driveway approaches, curb and gutter as well as the specifications for design and construction of this infrastructure located in the public right-of-way.

Attachments

• Summary of Responsibility and Exceptions-Chapter 909 and 911

Summary of Responsibility and Exceptions

Chapter 909 Sidewalks, Curb Ramps, and Shared-Use Paths

Infrastructure Type	Responsibility	Exceptions
Sidewalk	Property Owner	Damage by street trees,
		utilities, or roadside drainage
		on uncurbed streets
Shared-Use Path	City	Damage by property owner
		activities
Curb Ramps	City	None
Enhanced Portion of	City	None
Walkway (Streetscape		
Elements)		

Chapter 911 Driveway Approach, Curb and Gutter

Infrastructure Type	Responsibility	Exceptions
Driveway Approach	Property Owner	City is reconstructing street
		and requires new approach
Curb & Gutter in front of	Property Owner	City is reconstructing or
Driveway Approach		resurfacing the street and
		replacement/repair is
		required for proper drainage
Curb & Gutter outside limits	City	Damage by property owner
of Driveway Approach		activities



Ordinance: 22-45

Page 1 of

Effective:

REPEALING AND REPLACING CHAPTERS 909 AND 913 AND ADOPTING CHAPTER 911 OF THE CITY'S CODIFIED ORDINANCES REGARDING MAINTENANCE AND CONSTRUCTION REQUIREMENTS RELATED TO SIDEWALKS, CURB RAMPS, SHARED-USE PATHS, DRIVEWAY APPROACHES, CURBS AND GUTTERS.

WHEREAS, the City of Hilliard in the process of developing a Sidewalk Maintenance Program; and

WHEREAS, in order to move forward with the Program, a review of the City's Codified Ordinances was necessary in order to address and clarify property owner and City responsibilities as it relates to the construction and maintenance of various types of infrastructure; and

WHEREAS, upon review, City staff determined that it was necessary to repeal and replace Chapters 909 and 913, as well as adopt a new Chapter 911; and

WHEREAS, the City believes that amending the City's Codified Ordinances, as identified in Exhibits "A", "B", and "C", attached hereto and incorporated herein, promotes the general health, safety, and welfare of the City and its residents.

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

SECTION 1. City Council finds that repealing and replacing Chapter 909 of the City's Codified Ordinances, as shown in Exhibit "A" is in the City's best interest. Chapter 909, as shown in Exhibit "A" is approved and shall be incorporated into the City's Codified Ordinances.

SECTION 2. City Council finds that adopted Chapter 911, as shown on Exhibit "B", is in the City's best interest. Chapter 911, as shown in Exhibit "B" is approved and shall be incorporated into the City's Codified Ordinances.

SECTION 3. City Council finds that repealing and replacing Chapter 913 of the City's Codified Ordinances, as shown in Exhibit "C" is in the City's best interest. Chapter 913, as shown in Exhibit "C" is approved and shall be incorporated into the City's Codified Ordinances.

SECTION 4. This Ordinance shall be in effect from and after the earliest time provided for by law.

ATTEST:

SIGNED:

Diane C. Werbrich, MMC Clerk of Council President of Council

APPROVED AS TO FORM:

Philip K. Hartmann Director of Law

✓ Vote Record - Ordinance 22-45						
 Adopted Adopted as Amended 			Yes/Aye	No/Nay	Abstain	Absent
	Andy Teater					
□ Defeated	Omar Tarazi					
□ Tabled □ Held Over	Les Carrier					
	Tina Cottone					
Withdrawn	Peggy Hale					
□ First Reading	Pete Marsh					
 Positive Recommendation No Recommendation 	Cynthia Vermillion					

CHAPTER 909 SIDEWALKS, CURB RAMPS, AND SHARED-USE PATHS

909.01 Authority.

Chapter 909 of the Hilliard City Code and the provisions of section 729.01 of the Ohio Revised Code, require property owners to be responsible for the maintenance, repair, and if necessary, replacement of that portion of sidewalk abutting their property line against any public street or alley in order that publicly accessible sidewalks be maintained in a safe condition.

909.02 Responsibility.

The construction, maintenance, and repair of sidewalks, curb ramps, and shared-use paths are divided into specific responsibility:

- (a) Existing Sidewalk. Existing sidewalks within publicly dedicated right-of-way for public streets and alleys are the responsibility of the abutting property owner for all required maintenance, repair and replacement activities, and all associated costs thereof to maintain a safe access for pedestrian movement.
- (b) Existing Curb Ramps. Existing curb ramps constructed within publicly dedicated right-of-way are the responsibility of the City to repair and replace as required, including the inclined ramp, landing area, and transition section of sidewalk. Such repairs shall be performed by the City.
- (c) Existing Asphalt and Concrete Shared Use Paths (SUP). Property owners, whose individual properties front an asphalt or concrete SUP, which is eight foot or greater in width, that has been constructed as part of the designated City trail and pathway network, are not responsible for repair and replacement of the asphalt or concrete SUP unless damaged by activities on the private property. The property owner shall not cut the SUP or bore under the SUP without obtaining a permit and proper inspection.
- (d) New Development. All new developments within the City shall include the design and construction of sidewalks, curb ramps, and shared-use paths that meet the current Public Right-of-Way Accessibility Guidelines (PROWAG) and conform to City requirements. Sidewalks and ramps shall be provided within the public right-of-way along both sides of all public streets, and along private streets and parking areas per the City's Complete Streets Policy and per City specifications. Shared-use paths shall be provided along all Thoroughfare Plan streets as "frontage improvements" with all new development.
 - (1) Single-family residential development. Residential subdivisions shall include the construction of all required curb ramps per plan as part of the initial infrastructure construction, prior to the acceptance of the public improvements by the City. The City will inspect and approve forms for curb ramps prior to the placement of concrete; final inspection of curb ramps shall occur after completion of construction on the adjacent corner lot. The construction of sidewalk fronting residential lots may be deferred until the construction of the associated residence on any lot; however, in no circumstance shall the construction of the walk be deferred for a period exceeding thirty months from the date of acceptance of public improvements for that development section. If a lot is left undeveloped for greater than thirty months after acceptance of the public improvements, the Developer shall build the sidewalk in front of each undeveloped lot to ensure a connected sidewalk network. In such circumstances, if the sidewalk is damaged by future construction activity on the lot, the sidewalk shall be replaced upon completion of building on the lot.

- (2) Multi-family residential development. Sidewalks and curb ramps shown on approved plans may be constructed in phases in association with the construction of specific buildings, and are to be completed, inspected, and approved by the City prior to the occupancy of any adjacent building.
- (3) Commercial and mixed-use developments. Sidewalks shown on approved plans are to be constructed, inspected, and approved by the City prior to the occupancy of any new facility associated with the development.
- (e) Re-Development of Existing Property or Lots. Any property or lot in which the existing building or structure is removed and replaced with a new structure or expanded more than fifty percent of its existing size shall include the design and construction of sidewalks and, if on a corner lot, curb ramps that meet the requirements of subsection (d) hereof. The sidewalk shall be situated horizontally and vertically in a manner to allow for connection to adjacent lots, typically located one foot inside the public right-of-way. Any property or lot that is situated along a Thoroughfare Plan street shall provide a shared-use path in lieu of a sidewalk unless otherwise approved by the City Engineer.
- (f) Street Tree Damage. Sidewalk within existing public right-of-way or public access easements that has been damaged by the root system of a City street tree existing within the street tree planting area between the sidewalks and pavement edge shall be the responsibility of the City for necessary repair and replacement. If the repair requires significant tree roots to be cut away so that, in the opinion of the City Operations Administrator overseeing the Forestry and Horticulture departments, the tree will not survive and must be removed, the City shall have the tree removed and replace the tree with a new tree of appropriate species as recommended by the City Shade Tree Commission.
- (g) Enhanced Walkway Areas. Property owners, whose individual properties abut an enhanced walkway that has been constructed by the City as part of an area streetscape enhancement project, are not responsible for the repair and replacement of the enhanced portion of the walkway. Enhanced walkways include brick and paver sidewalks, ornamental tree gratings and castings, or other hardscape elements that are located between the curb and the pedestrian accessible route.
- (h) Utility Boxes and Appurtenances. Private and public owners of utility access structures including meter pits, utility valve boxes, communication pull boxes, manholes, etc. that protrude more than ½-inch above the adjacent sidewalk surface are responsible for adjusting such appurtenance to be flush with the sidewalk section and if necessary, replacement of the sidewalk section.
- (i) Routine Maintenance and Care. Property owners are responsible for the routine maintenance and care of sidewalks, curb ramps, and shared-use paths at all locations where the property is adjacent to the public right-of-way. This includes removal of snow, ice, vegetation, and debris.

909.03 Design and construction specifications.

All public and private sidewalks, curb ramps, and shared-use paths shall be designed and constructed in conformance with the current City Design and Construction Specifications as authorized under Section 913.01 of the City Code and be in conformance with current Federal PROWAG requirements.

(a) Width. Sidewalks shall be a minimum width of five feet for all new construction. For retrofit situations or when physical conditions exist that prohibit the construction of a five-foot wide sidewalk, a four-foot-wide minimum width may be used, subject to the approval of the City Engineer. Shared-use paths shall be a minimum width of eight feet in the public right-of-way and ten feet in open space or public easement. If sidewalks or shared-use paths are located immediately adjacent to a curb, travel lane, building face, fence, railing, or other hazard or vertical element, the width shall be increased by a minimum of two feet unless otherwise directed by the City Engineer.

Attachment: Exhibit A.Chapter 909 (22-45 : Code Amendments - Chapters 909, 911, 913)

(b) Materials and Specifications. Sidewalks shall be constructed using a minimum of four inches of Class C concrete and a minimum of four inches of compacted aggregate base over compacted subgrade. Within the limits of driveways, concrete shall be 6 inches. Pavement build-up for asphalt shared-use paths shall be per City of Hilliard standard drawings. All materials and construction methods used shall be in accordance with the specifications of the current edition of the City of Columbus or the current edition of the Ohio Department of Transportation (ODOT) Construction and Materials Specifications, whichever are stricter.

909.04 Maintenance and repair criteria for sidewalks.

The City shall apply the following criteria singly, or in combination, in the determination of whether sidewalks shall be repaired or replaced.

- (a) Adjoining sections or parts thereof whose edges differ vertically by more than one-half inch.
- (b) Adjoining sections with open joints greater than one-half of an inch in width.
- (c) Sections that are cracked so that pieces are missing or loose.
- (d) Sections sloping away from the street unless so constructed by design.
- (e) Sections with cross-slopes exceeding three-fourths inches vertical per one foot horizontal (6.25% maximum).
- (f) Sidewalk without a continuous unobstructed width of 4 feet.
- (g) Sections that cause an abrupt change in the longitudinal grade of the sidewalk.
- (h) Sections with deteriorating surfaces presenting loose aggregate.
- (i) Sections containing structures such as cellar doors, grates, water boxes, meter pits, which protrude above the sidewalk more than one-half inch so that they present a tripping hazard.
- (j) Sidewalk constructed without approval of the City.
- (k) Other conditions causing an unsafe surface in the opinion of the authorized City personnel.

909.05 Sidewalk Maintenance and Repair Program.

The City Manager may elect to initiate and administer an annual Sidewalk Maintenance and Repair Program as to protect the health, safety, and welfare of the public, and to permit all property owners with identified sidewalk deficiencies requiring such repair, to electively opt in to be included and subsequently invoiced for the costs associated with the City contracting to complete repairs adjacent to their respective properties within the public right-of-way.

909.06 General purpose.

If a Sidewalk Maintenance and Repair Program is initiated, the City shall conduct annual evaluations of the condition of existing sidewalks within public rights-of-way for the purpose of determining the presence of specific sidewalk deficiencies requiring repair per the criteria established in Section 909.04 of these regulations. The community shall be sub-divided into sidewalk evaluation zones; however, any property in the City may be inspected for sidewalk deficiencies at any given time.

The City Manager or designee shall provide notification to repair and replace sidewalks in writing, including the address of the property, the reason why a repair or replacement is needed, repair methods and payment requirements. Should the owner fail to contact the City Manager or designee within thirty (30) days of notification, the property will be included in the City's Sidewalk Maintenance and Repair Program (OPT IN).

909.06 Repairs by property owner (OPT OUT).

Property owners that elect to opt out of the City Sidewalk Maintenance and Repair Program and make the required repairs identified in the notice from the City by themselves or by hiring a contractor to work on their behalf are responsible for following all current City right-of-way and construction policy, criteria, and specifications as follows:

- (a) Timeframe. A property owner must have the required repairs completed by the date established in the notice. A property owner shall have a minimum of 30 days to complete repairs.
- (b) Permits. The property owner, or their contractor, is responsible for completing and submitting the required public sidewalk permits to work within the right-of-way.
- (c) Inspections. The property owner, or their contractor, is responsible for scheduling the required construction inspections for the necessary sidewalk repair work, including the initial sidewalk forms inspection and final finished inspection.

909.07 Failure to complete repairs.

If a property owner fails to complete the required repair of deficient sections of sidewalk which abut his or her property in accordance with the timeframe prescribed by the written notification, the property owner will by default opt-in to the City Sidewalk Maintenance and Repair Program. The City Manager is authorized and directed to cause or contract such repairs or replacement and bill the owner at the rate stated within the written notification provided to the owner which shall include material, labor, equipment, and administrative costs. If the owner fails to pay the bill within thirty (30) days of the date on the city's bill, the rate shall be charged against the real estate upon which the sidewalk is located and shall be a lien upon such real estate.

909.09 Appeal process.

- (a) Written Appeal. The property owner may appeal the City's notice requiring the identified repairs to be made to sidewalk abutting their property by submitting a written request for further evaluation to the City.
- (b) Re-evaluation by Engineer. Upon receipt of a written appeal, a meeting will be established between the property owner and City representatives at the identified property to review the findings of the initial inspection explain the evaluation criteria with the property owner and answer any questions regarding the required work.

909.99 Penalty.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor.

CHAPTER 911 DRIVEWAY APPROACH, CURB AND GUTTER

911.01 Authority.

Chapter 911 of the Hilliard City Code and the provisions of section 729.01 of the Ohio Revised Code, require property owners to be responsible for the maintenance, repair, and if necessary, replacement of the driveway approach and the curb and gutter in front of the driveway approach.

911.02 Responsibility.

- (a) Driveway Approach. Property owners are responsible for maintenance, repair, and replacement of the driveway approach unless the City is reconstructing and/or changing the grade of the street and requires the reconstruction of driveway approaches.
- (b) Curb and Gutter in front of Driveway Approach. Property owners are responsible for the maintenance, repair, and replacement of the curb and gutter between the street and the driveway approach unless the City is reconstructing or resurfacing the street and requires the replacement of the curb and gutter in front of the driveway approach to ensure proper street drainage.
- (c) Curb and Gutter outside the limits of Driveway Approach. The City is responsible for maintenance, repair, and replacement of curb and gutter located outside the limits of the driveway approach unless the damage or disrepair is a result of actions by the property owner or construction activities on the private property. Curb and gutter shall be inspected and repaired as part of normal street maintenance or rehabilitation activities. Curb and gutter will only be repaired or replaced outside of normal street maintenance or rehabilitation activities if there is a safety hazard or the condition of the curb and gutter impacts normal routing of storm water drainage.
- (d) The City Manager or designee may direct such owner to perform replacement or repair as needed to ensure the safe passage of vehicles and storm water drainage along the city's streets and alleys. The City Manager's or designee's notification to repair or replace a driveway approach or curb and gutter in front of a driveway approach shall be in writing, include the address of the property, the reason why a repair or replacement is needed, repair methods and permit requirements.

911.03 Design and construction specifications.

All driveway approaches, curb, and gutter shall conform to the standard construction drawings on file with the City of Hilliard as authorized under Section 913.01 of the City Code, and the following:

- (a) Location. The driveway approach shall be located so that all portions thereof shall come within the limits of property lines extended to the existing curb or pavement, unless the City Engineer authorizes a different location. In cases where water hydrants, light standards, telephone poles or other existing structures conflict with the location decided upon, the City Engineer may require such structure to be removed, provided that removal is practicable. The property owner shall be responsible for all costs associated with the removal and/or relocation of conflicting structures.
- (b) Removal of Curb at Driveway Approach. The minimum length of removal of existing curb shall be twenty (20) feet. In cutting the existing curb, care shall be taken so that the cut is vertical and at right angles to the line of curb. Five (5) feet shall be the minimum length of the block or blocks of curb left in place; otherwise a full block of existing curb shall be removed and replaced. Replaced work shall conform in all respects in character and kind with existing work.

- (c) Driveway Approach Material. All driveways located on curbed streets shall be constructed with concrete from the back of the curb line to the right-of-way line per City of Hilliard standard construction drawings for residential or commercial driveways. Concrete type and thickness shall meet all requirements of Hilliard's applicable standard construction drawings. On uncurbed streets, driveway approaches may be paved with asphalt in lieu of concrete, subject to the approval of the City Engineer. Driveways constructed with concrete on uncurbed streets must construct a joint two (2) feet from the edge of the street the entire width of the driveway.
- (d) Sidewalk across Driveway Approach. Where concrete sidewalks are in place in front of the property, that portion of the driveway crossing the sidewalk section shall be constructed in accordance with the City of Hilliard standard construction drawings for residential or commercial driveways and meet all requirements of the Public Right-of-Way Accessibility Guidelines (PROWAG). Residential, commercial, and mixed-use driveways shall be built in a manner that maintains the sidewalk or shared-use path grade through the driveway without the use of curb ramps, unless otherwise approved or directed by the City Engineer.
- (e) Sidewalk Adjacent to Curb at Driveway Approach. Where the sidewalk is adjacent to the curb, the City Engineer may approve field adjustments to the standard construction drawing as are necessary to prevent damage to the street, curb or sidewalk for construction of a driveway approach and provide for as smooth an entrance as possible, provided that a 5-foot minimum ADA-compliant pedestrian accessible route is maintained across all driveways.
- (f) Driveway Approach Width.
 - (1) In a residential zoning district, a driveway approach shall be no less than ten (10) feet and no greater than twenty (20) feet in width at the right-of-way line. The driveway approach shall be no less than sixteen (16) feet and no greater than twenty-six (26) feet at the curb line.
 - (2) In a mixed-use or commercial zoning district where sidewalks or shared-use paths are present, a driveway approach shall be no less than twenty-two (22) feet and no greater than thirty (30) feet in width at the right-of-way line unless otherwise approved by the City Engineer; the driveway approach shall be no greater than forty-five (45) feet at the curb line. If the driveway is expected to meet minimum signal warrant requirements, the driveway approach width may be increased to accommodate turn lanes, subject to the approval of the City Engineer.
 - (3) In industrial districts where no sidewalks or shared-use paths are present or planned, a driveway approach may be designed to accommodate the appropriate truck turning movements up to a maximum of forty feet at the right-of-way line.
 - (4) Landscaped medians shall not be provided in a driveway approach or in the adjacent driveway unless approved by the City Engineer to control access and/or restrict turning movements.
- (g) Driveway Approach Slope. Driveway approach slopes shall not exceed eight percent (8%). The slope of a residential driveway on private property shall not exceed ten percent (10%).

911.04 Maintenance and repair criteria.

The City shall apply the following criteria singly, or in combination, in the determination of whether driveway approaches, curb and gutter shall be repaired or replaced.

- (a) Adjoining sections or parts thereof whose edges differ vertically by more than one inch.
- (b) Adjoining sections with open joints greater than one inch in width.
- (c) Sections that are cracked so that pieces are missing or loose.
- (d) Sections with deteriorating surfaces presenting loose aggregate.
- (e) Gutter sections obstruct the normal flow of storm water.

(f) Curb sections no longer support the adjacent ground or pavement.

911.05 Permits and inspection.

Property owners are responsible for following all current City right-of-way and construction policy, criteria, and specifications as follows:

- (a) Timeframe. A property owner must have the required repairs completed by the date established in the notice. A property owner shall have a minimum of 30 days to complete repairs.
- (b) Permits. The property owner, or their contractor, is responsible for completing and submitting the required curb and driveway approach permit to work within the right-of-way.
- (c) Inspections. The property owner, or their contractor, is responsible for scheduling the required construction inspections for the necessary driveway approach, curb, and gutter work, including the initial concrete form inspection and final finished inspection.

911.06 Failure to complete repairs.

If a property owner fails to complete needed repairs within thirty (30) days, the City Manager is authorized and directed to cause or contract such repairs or replacement and bill the owner at the rate stated within the written notification provided to the owner. If the owner fails to pay the bill within thirty (30) days of the date on the city's bill, the rate shall be charged against the real estate upon which the driveway gutter is located and shall be a lien upon such real estate.

911.99 Penalty.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor.

CHAPTER 913 DESIGN AND CONSTRUCTION SPECIFICATIONS¹

913.01 SPECIFICATIONS INCORPORATED BY REFERENCE.

All public infrastructure shall be designed and constructed to the specifications indicated on the Standard Construction Drawings and procedures identified in the Design Manual for the City of Hilliard unless otherwise approved by the City Engineer. If specifications are not indicated by the City of Hilliard, all work shall be done in accordance with the current edition of the City of Columbus, Department of Public Service, Division of Design and Construction Standard Drawings and the related City of Columbus Construction and Materials Specifications or the current edition of the Ohio Department of Transportation (ODOT) Standard Construction Drawings and the related Construction and Materials Specifications, whichever is stricter.

913.02 TEMPORARY CONSTRUCTION SITE ENTRANCES.

(a) Damage Prevention to Curb. Before proceeding with the construction, enlargement, alteration, repair or removal of any building or other structure in which it is desired or may be necessary to drive across the curb, tree lawn or sidewalk, the permit holder shall cut the curb for a sufficient width at the location of the contemplated permanent driveway so as to prevent damage to the remainder of the curb.

(b) Tile Installation. If there is no curbing, a tile of sufficient size, but no less than ten (10) inches in diameter shall be installed to prevent storm water backup in the ditch.

(c) Stone or Gravel Driveway. The curb, tree lawn, and/or tile shall be covered with crushed stone or gravel to the level of the existing road for a width sufficient to allow trucks carrying building supplies to pass over and for a minimum distance of seventy feet (70'). Thereafter once installed, no vehicle shall be driven across the curb, tree lawn, sidewalk or ditch except by way of the curb cut and temporary driveway.

(d) Construction Inspector Supervision. All the work shall be done under the supervision and to the satisfaction of the Construction Inspector, who shall have the authority to determine the width, depth and manner of cutting the curb or laying tile and the type of protection of the sidewalk, share-use path or tree lawn

(e) Public Right of Way Accessibility. All actions shall be taken, as may be necessary, to prevent the formation of ruts, depressions or other obstacles or hazards to pedestrian travel along the tree lawn, sidewalk, or shared-use path. Sidewalks and/or shared-use paths shall be maintained and accessible in accordance with the Public Right-of-Way Accessibility Guidelines (PROWAG) throughout construction. If a sidewalk panel or shared-use path needs to be removed to install utilities, the sidewalk panel or shared-use path shall be replaced to maintain accessibility in a temporary manner to a width equal to the width that was removed within one week of removal. When the structure is completed, the driveway shall be completed in compliance with this section.

(f) Public Infrastructure Damage and Repair. Public Infrastructure shall be replaced or repaired in an area of sufficient size to ensure proper compaction and constructability as directed by the City Engineer.

913.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor.

¹Cross reference(s)—Subdivision construction standards, Ch. 1190.



Subject:	Update to the Comprehensive Fee Schedule
From:	Michelle Crandall, City Manager
Initiated by:	Dan Ralley, Assistant City Manager
Date:	November 28, 2022

Executive Summary

This legislation makes amendments and updates to user fees contained in Chapter 190 of the City's Codified Ordinances. This Chapter primarily covers permit fees for Community Development, including building, engineering and planning. In addition to clerical and administrative changes that correspond to legislation previously approved by City Council, amendments are being proposed to update the City's Right of Way fees.

Staff Recommendation

Staff recommends that Council adopt this legislation.

Background

Chapter 190 was created in 2016 in order to create a master list of user fees for the City. Exhibit One attached to this legislation lists the full fee schedule with proposed additions or changes highlighted in blue, deletions with strike out in red, and existing fees that are not proposed for changes in black.

Fees were last adjusted in early 2021 concurrent with the implementation of new permitting software. The proposed adjustments reflect ordinance changes that have been made since early 2021, some general administrative clean-up, as well as an adjustments to the City's Right of Way permit fees.

A summary of the list of the significant changes is as follows:

- City Council previously approved legislation that changed the process for collecting alarm information and eliminated the requirement to register alarm systems every two years.
- The Transient Vendor License fee was eliminated as part of code changes to canvassing, peddler and solicitor license regulations.

• Legislation allowing for the private use of the Right of Way and establishing a permit fee was previously adopted by City Council but the fee was not updated in Chapter 190.

- Right of Way permits for construction are proposed for adjustment to increase the permit fee based on the number of conduit that are proposed for installation as well as the overall distance of the project.
- Annual Certificate of Registration to occupy the Right of Way are proposed to be increased to better align with neighboring jurisdictions.
- Level B Site plans need to be explicitly listed in the fee schedule rather than being handed as part of Final Development Plan fees because under some circumstances final development plans are not required.
- Variance and Temporary Use fees for Old Hilliard are proposed for minor adjustment to better cover the administrative costs of these requests.

Financial Impacts

Regularly reviewing and updating user fees is an important part of City Council's goal to maintain fiscal sustainability. Staff believes that the proposed fee changes will also assist the City in better controlling the use of the Right of Way and align fees with the City's overall expenses managing Right of Way activities.

Expected Benefits

Updating the City's fee schedule will help ensure that permit revenues are covering the cost of services and will assist with the City's management of the Right of Way.

Attachments

N/A



Ordinance: 22-46

Page 1 of

Passed:

Effective:

AMENDING EXHIBIT A OF CHAPTER 190 OF THE CITY'S CODIFIED ORDINANCES TO UPDATE THE COMPREHENSIVE FEE SCHEDULE.

WHEREAS, Chapter 190 of City's Codified Ordinances contains various fees, including fees for the various permits, inspections, zoning applications, code enforcement and municipal services offered by the City (collectively, "municipal services"); and

WHEREAS, for the convenience of the public and the City, the comprehensive fee schedule for municipal services in Chapter 190 is subject to annual review by City Council; and

WHEREAS, it is a goal of City Council to sustain City finances thru the collection and updating of certain fees and other revenues in order to maintain a high level of municipal services; and

WHEREAS, as shown on "Exhibit One", attached hereto and incorporated herein, the amendments are in the best interest of the City and its residents.

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

SECTION 1. City Council authorizes the acceptance of applications and issuance of permits for the items listed in Exhibit A of Chapter 190, as identified in "Exhibit One", attached hereto and incorporated herein, and finds that amending the fees listed in Exhibit A of Chapter 190 is in the City's best interests. The changes and additions to Exhibit A of Chapter 190, as shown and identified in track changes on the attached Exhibit One, are approved.

SECTION 2. All other provisions of Chapter 190, not modified herein, remain unchanged and are in full force and effect.

SECTION 3. This Ordinance shall be in effect from and after the earliest period provided by law.

ATTEST:

SIGNED:

Diane C. Werbrich, MMC Clerk of Council President of Council

APPROVED AS TO FORM:

Philip K. Hartmann Director of Law

✓ Vote Record - Ordinance 22-46						
			Yes/Aye	No/Nay	Abstain	Absent
Adopted as Amended Passed	Andy Teater					
□ Defeated	Omar Tarazi					
	Les Carrier					
□ Held Over □ Referred	Tina Cottone					
□ Withdrawn	Peggy Hale					
□ First Reading	Pete Marsh					
 Positive Recommendation No Recommendation 	Cynthia Vermillion					

9.A.2.5

DIVISION	DESCRIPTION	DETAILS / UNIT	FEE
Building	Change of Contractor		\$50
Building	DEMO Permit		\$100
Building	DEMO Permit (building permit)		\$100.00
Building	First 2000 sq ft	2 inspections	\$175.00
Building	Each additional 1000 sq ft or fraction thereof up to 50,000 sq ft		\$50.00
Building	Each additional 1000 sq ft or fraction thereof greater than 50,000 sq ft		\$20.00
Building	Temporary Service		\$80.00
Building	Service Change or Upgrade		\$80.00
Building	Each additional 500sf or fraction thereof		\$15.00
Building	Sprinkler – Up to 50,000 sq ft		\$200 plus \$50 per 1000 sf or
			fraction thereof over 2000 sq ft
Building	Sprinkler - Over 50000 sq ft		\$20 per 1000sq ft
Building	Fire Alarm – Up to 50,000 sq ft		\$175 plus \$30 for each 1000 sq ft or fraction thereof over 2000 sq ft
Building	Fire Alarm – Over 50,000 sq ft		\$15 per 1000 sq ft
Building	Commercial Hood – Type 1		\$175 per hood
Building	Commercial Hood – Type 2		\$75 per hood
Building	Hood Suppression		\$100 per system
Building	First 2000 sq ft	2 inspections	\$175.00
Building	Each additional 1000 sq ft or fraction thereof up to 50,000 sq ft		\$60.00
Building	Each additional 1000 sq ft or fraction thereof above 50,000 sq ft		\$25.00
Building	Alteration to A/C or furnace - Commercial	1 inspection	\$100 per unit
Building	Refrigeration	1 inspection	\$100.00
Building	Replacement A/C or furnace - Commercial	1 inspection	\$80
Building	First 2000 sq ft	2 inspections	\$175.00
Building	Each additional 500 sq ft or fraction thereof		\$20.00
Building	Replacement or Alteration to A/C or furnace (per unit) - Residential	1 inspection	\$60.00
Building	Admn - After Hours Inspection (by City Staff only)		\$150.00
Building	Admn - After Hours Inspection (by contracted inspector)		\$450.00
Building	Contractors Registration - annual fee per trade		\$100.00

DIVISION	DESCRIPTION	DETAILS / UNIT	FEE
Building	Gas Line Permit	Residential	\$75.00
Building	Gas Line Permit first 100' or fraction thereof	Commercial	\$100
Building	Gas Line Permit – each additional 100'	Commercial	\$25
Building	Public Sidewalk-exact replacement only	1 inspection & ROW	\$75.00
		check	
Building	Roofing - Commercial		\$150.00
Building	Roofing - Residential Single Family		\$75.00
Building	Working without contractor's registration		double registration fee
Building	Working without proper permit		double permit fee
Building	0 - 4000 sq ft (round up to next 100 sq ft)		
			minimum of \$100
Building	4001-10000 sq ft (round up to next 100 sf)		\$.15/sf
Building	10001–25000 sq ft (round up to next 100 sf)		\$.10/sf
Building	Each add 1000 sf or fraction thereof		\$.06/sf
Building	0-1000 sf (round up to the next 100 sf)		
			minimum of \$50
Building	1001 – 3000 sf (round up to next 100 sf)		\$0.20
Building	3001 – 6000 sf (round up to next 100 sf)		\$0.10
Building	0-4000 sf (round up to next 100 sf)		
			minimum of \$150
Building	4001 – 10000 sf (round up to next 100 sf)		\$.18/sf
Building	10001 – 25000 sf (round up to next 100 sf)		\$.12/sf
Building	Each additional 1000 sf or fraction thereof		\$.06/sf
Building	Temporary Occupancy		\$75
Building	Temporary Structure		\$200.00
Building	Extension of Temporary Structure		\$50.00
Building	Tents over 400 sf.		\$75.00
Building	Certificate of Occupancy for An Existing Building		\$100.00
Building	Reinspection Fee	per reinspection	75 -\$125.00

DIVISION	DESCRIPTION	DETAILS / UNIT	FEE
Building	State Surcharge of 1% (Residential)	where applicable (Bldg., Misc., Elec, HVAC)	1%
Building	State Surcharge of 3% (Commercial)	where applicable (Bldg., Misc., Elec, HVAC)	3%
Council	Annexation Review - >25 acres	pymt. due prior to any Council legislation introduced	\$750.00
Council	Annexation Review - >ten acres but ≤ 25 acres	pymt. due prior to any Council legislation introduced	\$625.00
Council	Annexation Review - Less than ten acres	pymt. due prior to any Council legislation introduced	\$500.00
Engineering	Curb, Driveway and Sidewalk	1 inspection	\$100.00
Engineering	Private Driveway Expansion		\$75.00
Engineering	Private Driveway Other (only if over 30" above grade)		\$75.00
Engineering	Private Sidewalk (only if over 30" above grade)		\$75.00
Engineering	Public Improvement Plan Review Fee		4%
Engineering	Private Improvement Plan Review Fee	4% of cost of public improvements	2%
Engineering	Public Improvement Inspection Fee	10% of cost of public improvements	10%
Engineering	Repair/Replace Sanitary Lateral		\$75
Engineering	Fire hydrant bulk water		\$50 plus metering charges collected by the City of Columbus
Engineering	Sewer commodities charge charges imposed by City (Ordinance 06-86) of Columbus for Hilliard residents	10 % of sanitary sewer commodity	10%

DIVISION	DESCRIPTION	DETAILS / UNIT	FEE
Engineering	Water commodities charge imposed by	14.25% of water	14.25%
	City of (Ordinance 06-86) Columbus for Hilliard residents	commodity charges	
Engineering	Floodplain Development Permit	Addt'l costs as may be	\$200.00
		required - Sec.	
		1323.02(g)	
Engineering	Floodplain Letter of Interpretation		\$100.00
Engineering	Rights-of-Way Certificate of Registration	Initial Registration	\$2,000.00
Engineering	Rights-of-Way Construction Permits	/per 1/4 mile per conduit (where applicable) for six months	\$100.00
	Rights-of-Way Construction Permit Extension	50% of original permit fees	
Engineering	Rights-of-Way Minor Maintenance		\$50.00
Engineering	Small Cell Facility Collocation Request for Consent	/per small cell facility	\$250.00
		collocation request	
Engineering	Wireless Support Structure Request for Consent	/per small cell facility	\$250.00
		collocation request	
Engineering	Yearly Rights-of-Way Occupancy Fee (Section 907.08.1)	Linear distance measured	
		per conduit per year	
		Less than 1 mile	\$10,000
		1 mile to 15 miles	\$20,000
		16 miles to 50 miles	\$30,000
		Over 50 miles	\$40,000
Engineering	Collocation Yearly Fee (on City's owned Wireless Support Structure)	per collocation	\$200.00
HPD	Alarm Permits (Section 709.02(c))	Per 2 years	\$25.00
HPD	Alarm Permits - Waived for permit holders sixty-five years of age & older per- 709.02)		\$0.00
HPD	Fireworks Permit	plus cost of investigation	\$50 + costs

DIVISION	DESCRIPTION	DETAILS / UNIT	FEE
HPD	Transient Vendors License (Section 745.05)	per year	\$50-
HPD	Canvasser, Peddler, Solicitor License	per year	\$50
Operations	Solid Waste Collection Fees (see Section 975.06(b) and c for senior citizens and hardship cases)	50% per residential unit of amount charged to City	50%
Planning	Fence		\$75.00
Planning	Electrical signs		\$150.00
Planning	Nonelectrical signs		\$100.00
Planning	Temporary Signs (except Community Activity Signs, per 1191.10(e))		\$35.00
Planning	Hotels, Motels permits ≤100 rooms - annual fee		\$250.00
Planning	Hotels, Motels permits PLUS \$2 each room over 100 rooms - annual fee		\$2.00
Planning	Hotels, Motels re-inspections - \$100 ea visit + charges inncurred by City		\$100 ea visit + Costs
Planning	Zoning Confirmation Letter		\$50.00
Planning	Massage Establishment	\$150 every 2 years	\$150.00
Planning	Massage Establishment Notification of New Employee	each new employee	\$50.00
Planning	Private use of Public ROW or Public Property		\$75.00
Planning	Commercial, Industrial or Institutional	per unit	\$100.00
Planning	Mobile Home park	per unit	\$100.00
Planning	Multi-family 4+ family	per shell	\$300.00
Planning	Residential 1,2,3 family	per unit	\$100.00
Planning	Administrative Appeal - Within Old Hilliard District	Old Hilliard	\$200.00
Planning	Administrative Appeal - Single Family Development		\$300.00
Planning	All Other Reviews incl. minor architect. change	Old Hilliard	\$100.00
Planning	Conditional Use - Within Old Hilliard District	Old Hilliard	\$250.00
Planning	Conditional Use - Single Family Development		\$500.00
Planning	Conditional Use - All Others		\$700.00
Planning	Final Plat - Commercial/Industrial Base	base	\$1,500.00
Planning	Final Plat - Commercial/Industrial Plus per acre	base + per acre	\$20.00
Planning	Final Plat - Residential BASE	base	\$900.00

DIVISION	DESCRIPTION	DETAILS / UNIT	FEE
Planning	Final Plat - Residential BASE + Each additional lot >50	base + each additional lot	\$20.00
Planning	Level B Site Plan - Expansion less than 25% of existing building		\$100.00
Planning	Level B Site Plan - Expansion more than 25% of existing building		\$1000.00
Planning	First request Table/Postponement w/in Old Hilliard District		\$100.00
Planning	First request Table/Postponement - Existing Single Family		\$100.00
Planning	First request Table/Postponement - All Others		same as original fee
Planning	Second Table/Postponement w/in Old Hilliard District		\$200.00
Planning	Second Table/Postponement - Existing Single Family		\$200.00
Planning	Second Table/Postponement - All Others		1.5 times original application fee
Planning	Third plus Table/Postponement	Old Hilliard	\$300.00
Planning	Third plus Table/Postponement	Existing Single Family	\$300.00
Planning	Third plus Table/Postponement	All Others	twice original application fee
Planning	Graphics Variance Application Fee -Within Old Hilliard District - one sign		\$150.00
Planning	Graphics Variance Application Fee - Single Sign Variance	Not in Old Hilliard	\$200.00
Planning	Graphics Variance Application Fee - Graphics Plan or Package - 2-3 signs	Any District	\$500.00
Planning	Graphics Variance Application Fee - Graphics Plan or Package-4 or more signs	Any District	\$750.00
Planning	Graphics - erection of sign prior to obtaining permit (any district)	Any District	twice sign permit fee
Planning	Landscape Plan review base \$250 if less than 5 acres	base (less than 5 acres)	\$250.00
Planning	Landscape Plan review base + \$25 per acre if over 5 acres but less than 20 acres		\$25.00
Planning	Landscape Plan review- over 20 acres		\$650.00
Planning	Limited Overlay		\$850.00
Planning	Lot Split - Commercial/Industrial		\$750.00
Planning	Lot Split - Residential		\$300.00

DIVISION	DESCRIPTION	DETAILS / UNIT	FEE
Planning	PUD/HCD Final Development Plan		\$1,000.00
Planning	Parking Lot Alteration/Expansion		\$250.00
Planning	Preliminary Plat - Residential (base)		\$650.00
Planning	Preliminary Plat - Residential-each additional lot >100 lots	base plus \$20 per lot over 100 lots	\$20.00
Planning	Preliminary Plat - Commercial/Industrial base		\$1,500.00
Planning	Preliminary Plat -Commercial/Industrial base plus per acre	base plus @20 per acre	\$20.00
Planning	PUD/HCD Modification: Commercial		\$600.00
Planning	PUD/HCD Modification: Residential		\$350.00
Planning	Rezoning - Preliminary Plan (PUD/PND/ Old Hilliard District)		\$2,100.00
Planning	Rezoning - Single Family <5 acres (If five or more acres, fee for "all other zoning districts" applies.)		\$1,100.00
Planning	Rezoning - All other zoning districts		\$3,100.00
Planning	Temporary Use (BZA) - Within Old Hilliard District		200 -\$250
Planning	Temporary Use (BZA) - All Areas Except Old Hilliard		\$300.00
Planning	Variance - Within Old Hilliard District		200 \$250
Planning	Variance - Single Family Development		\$300.00
Planning	Variance - All Others		\$1,000.00
Planning	Sexually Oriented Bus. Employee License	initial fee	\$100.00
Planning	Sexually Oriented Bus. Employee License	per year	\$50.00
Planning	Sexually Oriented Business License	initial fee	\$300.00
Planning	Sexually Oriented Business License	per year	\$150.00
Planning	Sexually Oriented Business Operator's License	initial fee	\$250.00
Planning	Sexually Oriented Business Operator's License	per year	\$100.00
Utilities	Fire Line Charge - based on Fire Line Tap Size	.75 Inch	\$490.05
Utilities	Fire Line Charge - based on Fire Line Tap Size	1 Inch	\$955.65
Utilities	Fire Line Charge - based on Fire Line Tap Size	1.5 Inch	\$1,767.90
Utilities	Fire Line Charge - based on Fire Line Tap Size	2 Inch	\$3,093.75

DIVISION	DESCRIPTION	DETAILS / UNIT	FEE
Utilities	Fire Line Charge - based on Fire Line Tap Size	3 Inch	\$5,104.65
Utilities	Fire Line Charge - based on Fire Line Tap Size	4 Inch	\$7,657.05
Utilities	Fire Line Charge - based on Fire Line Tap Size	6 Inch	\$15,314.10
Utilities	Fire Line Charge - based on Fire Line Tap Size	8 Inch	\$26,799.60
Utilities	Fire Line Charge - based on Fire Line Tap Size	10 Inch	\$40,199.40
Utilities	Fire Line Charge - based on Fire Line Tap Size	12 Inch	\$50,249.25
Utilities	Fire Line Charge - based on Fire Line Tap Size	16 Inch	\$55,274.10
Utilities	Private Sewage Disposal Permit	per application	\$25.00
Utilities	Sewage System Capacity Charge-based on Domestic Water Tap size	.75 Inch	\$2,199.00
Utilities	Sewage System Capacity Charge-based on Domestic Water Tap size	1 Inch	\$4,508.00
Utilities	Sewage System Capacity Charge-based on Domestic Water Tap size	1.5 Inch	\$9,016.00
Utilities	Sewage System Capacity Charge-based on Domestic Water Tap size	2 Inch	\$15,778.00
Utilities	Sewage System Capacity Charge-based on Domestic Water Tap size	3 Inch	\$31,556.00
Utilities	Sewage System Capacity Charge-based on Domestic Water Tap size	4 Inch	\$47,333.00
Utilities	Sewage System Capacity Charge-based on Domestic Water Tap size	6 Inch	\$104,134.00
Utilities	Sewage System Capacity Charge-based on Domestic Water Tap size	8 Inch	\$182,234.00
Utilities	Sewage System Capacity Charge-based on Domestic Water Tap size	10 Inch	\$282,463.00
Utilities	Sewage System Capacity Charge-based on Domestic Water Tap size	12 Inch	\$395,448.00
Utilities	Sewage System Capacity Charge-based on Domestic Water Tap size	16 Inch	\$434,992.00
Utilities	Sewer Tap Fee - 1st tap in building/shell	1st tap in building/shell	\$250.00
Utilities	Sewer Tap Fee- each tap after the first in a building/shell	ea. tap after 1st in building/shell	\$150.00
Utilities	Sewer Tap Frontage Fees- Measured as determined in Section 949.27		\$10 per front ft.
Utilities	Water Main Front Foot Connection Charge-	per front foot	\$10 per front ft.
Utilities	Water Shortages - Reinstatement fee		\$25.00
Utilities	Water System Capacity Charge-based on Domestic Water Tap size	.75 Inch	\$3,267.00
Utilities	Water System Capacity Charge-based on Domestic Water Tap size	1 Inch	\$6,371.00
Utilities	Water System Capacity Charge-based on Domestic Water Tap size	1.5 Inch	\$11,786.00
Utilities	Water System Capacity Charge-based on Domestic Water Tap size	2 Inch	\$20,635.00
Utilities	Water System Capacity Charge-based on Domestic Water Tap size	3 Inch	\$34,031.00
Utilities	Water System Capacity Charge-based on Domestic Water Tap size	4 Inch	\$51,047.00

DIVISION	DESCRIPTION	DETAILS / UNIT	FEE
Utilities	Water System Capacity Charge-based on Domestic Water Tap size	6 Inch	\$102,094.00
Utilities	Water System Capacity Charge-based on Domestic Water Tap size	8 Inch	\$178,664.00
Utilities	Water System Capacity Charge-based on Domestic Water Tap size	10 Inch	\$267,996.00
Utilities	Water System Capacity Charge-based on Domestic Water Tap size	12 Inch	\$334,995.00
Utilities	Water System Capacity Charge-based on Domestic Water Tap size	16 Inch	\$368,494.00
Utilities	Water Tap Permit	per tap	\$100.00



Council Memo: Legislation (22-47)

Subject:	Authorizing 2023 FCPH Contract
From:	Michelle Crandall, City Manager
Date:	November 28, 2022

Executive Summary

This legislation would approve the agreement with Franklin County Board of Health ("FCPH") for public health and plumbing services for 2023.

Staff Recommendation

Staff recommends that City Council approve this legislation.

Background

Article IX of the Charter provides that City Council may either establish a Board of Health or enter into a contract with a health district. FCPH is a health district as defined by R.C. 3709.01 and provides public health services to all but two (2) jurisdictions in Franklin County. The public health services provided to the City include food service licensing and inspection, public swimming pool licensing, rabies surveillance, smoke free workplace enforcement and education, opiate crisis programs and education, vaccine administration services, and safe sleep & infant mortality prevention initiatives.

In addition to providing public health services, the City's Building Standards Division does not currently have staff certified to inspect plumbing. Therefore, this Agreement also provides for the Board of Health to provide plumbing inspection services.

The City contracts separately with FCPH for mosquito spraying services.

The City is requesting emergency passage of this Ordinance at second reading in order to ensure there is no interruption in services provided by FCPH to the City.

Financial Impacts

The agreement provides that Board of Health's fee is based on a per capita rate of \$9.5596. Using population estimate for the City of approximately 37,094, the 2023 fee is \$356,087.56. This represents a decrease of \$255.52 over the previous year's contract.

Additionally, for plumbing inspections, the City will forward 60% of all plumbing inspection fees collected by the City to FCPH. The amount for plumbing inspections is set by the county and varies whether residential or commercial and the number of inspections.

Expected Benefits

By contracting with FCPH, in addition to providing the City with necessary plumbing inspections, the City's residents and businesses have access to numerous tools, programs, and services.

Attachments

N/A



Ordinance: 22-47

Page 1 of

Passed: Effective:

AUTHORIZING THE CITY MANAGER TO ENTER INTO A 2023 CONTRACT WITH THE DISTRICT ADVISORY COUNCIL OF THE FRANKLIN COUNTY GENERAL HEALTH DISTRICT FOR PUBLIC HEALTH AND PLUMBING INSPECTION SERVICES.

WHEREAS, Ohio Revised Code Section 3709.08 authorizes the chief executive of a city, with the approval of a majority of the members of the legislative authority of a city, to enter into a contract with the chairman of the district advisory council for the provision of public health services to the city; and

WHEREAS, the District Advisory Council of the Franklin County General Health District (the "Board of Health") has sent the City of Hilliard a proposed contract for public health services with the City of Hilliard for 2023, a copy of which is attached as Exhibit "A" (the "Contract"); and

WHEREAS, the City's Department of Community Development, Building Standards Division staff is not certified to inspect plumbing, and the Contract terms include the Board of Health providing plumbing inspection services, which services it is certified to provide; and

WHEREAS, the cost of the public services provided by the Board of Health is based upon a per capita rate of \$9.5996 which is multiplied by a population estimate for the City of Hilliard of approximately 37,094; and

WHEREAS, for providing plumbing inspection services, the Contract provides that the City will remit 60% of all plumbing inspection fees collected by the City to the Board of Health; and

WHEREAS, sufficient funds were appropriated in the 2023 Operating Budget for the Contract; and

WHEREAS, in order to ensure the Contract no interruption of services and that the Contract is entered into on January 1, 2023, the City is requesting emergency passage of this Ordinance.

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

SECTION 1. The City Manager is hereby authorized and directed to execute the 2023 Health Services Agreement with the District Advisory Council of the Franklin County General Health District, a copy of which is **attached** hereto as **Exhibit "A,"** and incorporated herein by reference.

SECTION 2. All costs associated with the services provided in the Health Services Contract shall be paid in accordance with the authorization granted in the City's 2023 operating budget, which shall not exceed \$356,087.56.

SECTION 3. In order to ensure that services provided by the Board of Health are not interrupted and that the Contract can be entered into on January 1, 2023, this Ordinance is declared to be emergency measure and it shall be effective upon its adoption.

ATTEST:

SIGNED:

President of Council

Philip K. Hartmann Director of Law

✓ Vote Record - Ordinance 22-47					
		Yes/Aye	No/Nay	Abstain	Absent
 Adopted as Amended Passed 	Andy Teater				
□ Defeated	Omar Tarazi				
	Les Carrier				
□ Held Over □ Referred	Tina Cottone				
□ Withdrawn	Peggy Hale				
□ First Reading	Pete Marsh				
 Positive Recommendation No Recommendation 	Cynthia Vermillion				

CONTRACT Between FRANKLIN COUNTY BOARD OF HEALTH And

CITY OF HILLIARD

This contract entered into by and between the City of Hilliard (hereafter referred to as "City"), with its principal address being 3800 Municipal Way, Hilliard, Ohio 43026, and the Board of Health of the Franklin County General Health District (hereafter referred to as "Board" or "Franklin County Public Health") for 2023 Public Health Services under the approval of Resolution No. 22-158, dated September 13, 2022.

The Board is a general health district as defined under Ohio Revised Code (ORC) Section 3709.01.

ORC Section 3709.08 authorizes cities in Franklin County to contract with the Board to provide public health services to and within the City.

The District Advisory Council (hereafter referred to as "Council") of the Franklin County General Health District, created by ORC 3709.03, after giving due notice by publication as required by law, held a public meeting on March 28, 2022, at which by a majority vote of members representing the Council voted affirmatively to provide public health services to the cities in Franklin County, and did authorize the Chairman of the Council to enter into a contract with the Mayor of each city to provide public health services therein.

The Board is engaged in the governance of providing public health services as described in this contract and the Scope of Work, attached hereto and incorporated herein as Exhibit A, and has the knowledge, skills and resources to provide such services in accordance with the terms and conditions of Ohio law and this contract.

Pursuant to Revised Code 3709.08(C), the contract was submitted to the State of Ohio's director of health. The Board is organized and equipped to provide the services and shall have the powers and shall perform all the duties required of the board of health or the authority having the duties of a board of health within the City.

The City is willing to contract with the Board for such services in accordance with the terms and condition of Ohio law and this Contract.

SECTION 1 – SERVICES

The Board shall, for the consideration hereinafter stated, furnish to the City, and inhabitants thereof, all such public health services as are furnished to all villages and townships and the inhabitants thereof, of Franklin County, Ohio. Said services shall include all services as allowed by law according to the most current version of the Ohio Revised Code and as listed in Exhibit A. Said services shall include the minimum standards and optimal achievable standards for boards of health and local health departments pursuant to Ohio Revised Code Section 3701.342. Said services shall include enforcement

of all rules and regulations as allowed by law according to the most current version of the Ohio Administrative Code and the enforcement of the following Franklin County Public Health Regulations:

- (100) Definitions
- (103) Plumbing and Medical Gas for Commercial, Public and Residential Buildings and Places
- (104) Rabies Control
- (105) Approval of Building Plans
- (106) Sewage Treatment Systems
- (199) Administration and Enforcement

And, the current version of the above-described regulations of Franklin County Public Health shall apply to and be enforceable within the jurisdiction of the Franklin County General Health District and the City.

The City Attorney shall be responsible for any litigation involving enforcement of Health Regulations within the corporate limits of said political subdivision.

This contract and any claims arising in any way out of this contract shall be governed by the laws of the State of Ohio. Any litigation arising out of or relating in any way to this contract or the performance hereunder shall be brought only in an Ohio court of competent jurisdiction in Franklin County, Ohio, and the City hereby irrevocably consents to such jurisdiction.

SECTION 2 – TERM

Said public health services shall be furnished beginning January 1, 2023 and ending December 31, 2023 provided, however, that either party to this agreement shall have the right to cancel the same upon four (4) months written notice and the parties hereto may, by mutual written agreement, modify the terms of this agreement.

SECTION 3 - COMMUNICATION

The Board will provide ongoing communication with the Mayor/City Manager and his or her designees through notification at least quarterly. This communication will provide information on timely public health topics, upcoming events and featured services. Reports and other information about direct services that are being provided to the City will be provided upon request.

SECTION 4 – PUBLIC HEALTH PAYMENT, FEES & CHARGES

The City, Ohio shall pay the Board for said public health services furnished to the City and the inhabitants thereof, such sum or sums of money based on a per capita rate as would be charged against municipal corporations composing the Franklin County General Health District at a per capita rate of \$9.5996.

Said sums of money shall be paid to the Board in installments of 50% of the total contract amount in January 2023 and 50% of the total contract amount in June 2023 through the process of withholding the installment amounts from the semi-annual real estate tax settlement distribution to be received by the City and transferred to the Board by the Settlement Officer of the Franklin County Auditor. The sum for 2023 shall not exceed \$356,087.56, notwithstanding any fee established pursuant to the sections set forth below.

In any instance where the Board expends funds to abate a nuisance pursuant to Section 1, above, within the City, the Board may invoice the City for the costs of such nuisance abatement. Further, the City shall pay, in addition to those sums set forth in Section 5, above, to the Board the cost to abate the nuisance.

The Board agrees to certify such nuisance abatement costs to the Franklin County Auditor to be recorded as a lien upon the property and shall reimburse all funds recovered under such a lien to the City.

SECTION 5 - PLUMBING INSPECTION SERVICES AND FEES

The Board shall, for the consideration hereinafter stated, furnish to the City, all plumbing and medical gas inspections as are furnished to all inhabitants within the general health district of Franklin County. Inspectors are to be state certified Plumbing Inspectors and Plumbing Plans Examiners by the Ohio Board of Building Standards and certified by the American Society of Safety Engineers (ASSE) as Medical Gas Inspectors.

The City, through its Building Department, shall issue permits and collect fees for such plumbing and medical gas permits. The fee to be charged shall be the most current fee charged by the Board. The City shall forward sixty (60) percent of all plumbing and medical gas permit fees collected by them to the Board upon receiving monthly statements of the amount due from the Board. The City shall pay said amount, within thirty (30) days after receipt of said statement.

SECTION 6 - APPROVAL

This contract is approved by a majority of the members of the legislative authority of the City, pursuant to the provisions of Ordinance _____ dated

The City has determined that Franklin County Public Health is organized and equipped to adequately provide the service that is the subject of this contract.

Attachment: Exhibit A.2023 FCPH Contract (22-47 : Authorizing 2023 FCPH Contract)

IN WITNESS WHEREOF, the parties to this agreement have hereunto set their hands and seals and have executed this agreement the day and year written below.

	DISTRICT ADVISORY COUNCIL OF THE FRANKLIN COUNTY GENERAL HEALTH DISTR	CT
	Chairperson	Date
	FRANKLIN COUNTY PUBLIC HEALTH	
	Joe Mazzola, MPA	Date
	Health Commissioner THE CITY OF HILLIARD, OHIO	
	Michelle Crandall, City Manager	Date
APPROVED AS TO FORM:		
G. Gary Tyack Prosecuting Attorney Franklin County, Ohio		
Assistant Prosperuting Attorney	Deta	
Assistant Prosecuting Attorney Attorney for the District Advisory Council of the Franklin County G	Date eneral Health District	

Date

FINANCIAL CERTIFICATE

It is hereby certified that the amount required to meet the contract agreement, obligation, payment of expenditure for the above has been lawfully appropriated, authorized or directed for such purpose and is in the treasury or in the process of collection to the credit of the proper fund and is free from any obligation or certificated now outstanding.

Fiscal Officer City of Hilliard, Ohio	Do	ate
City of Hilliara, Onio		

EXHIBIT A SCOPE OF WORK

Franklin County Public Health ("Board"), hereby agrees to provide health services for the City for the calendar year 2023 as set forth below ("Services").

• The Board shall have full authority to be and act as the public health authority for the City

• The Services described in the schedule listed below in this Exhibit will be provided by the Board to the City.

• The Services will include all necessary medical, nursing, sanitary, laboratory and such other health services as are required by the Statutes of the State of Ohio.

The followings specific services shall be a part of the Services provided under this Contract:

List of Functions, Programs and Services
Administrative Services:
Administration
Budget, Accounts Payable, Accounts Receivable
Communication & Marketing
Grant Writing & Management
Records Management
Reports - Financial & Statistical
Data Services:
Community Health Assessment
Health Data
Environmental Health:
Body Art Business Approval, Inspection and Education
Food Service Operation Licensing, Inspection & Education
Healthy Homes (Lead, Radon) Inspection & Education
Vector Control Education
Public Health Nuisance Enforcement & Education
Plumbing & Medical Gas Inspections
Public Swimming Pool & Spa Licensing, Inspection & Education
Rabies Surveillance - Animal bite investigation and follow up
Retail Food Establishment Licensing, Inspection & Education
School Facilities Inspection & Education
Sewage Treatment System Permitting, Inspection & Education
Smoke Free Workplace Enforcement & Education
Solid Waste, Construction and Demolition Facility, Transfer Station
Inspection & Enforcement
Sustainability Education and Efforts
Temporary Park Camp Licensing, Enforcement & Inspection
Water Quality Permitting, Testing & Education
Emergency Preparedness:
Community Outreach and Education

Injury Prever	ntion/Opiate Crisis Programs & Education
Public Healt	h Emergency Preparedness
Planning an	d Cities' Readiness Initiative activities
Epidemiology,	Surveillance, Investigation Services:
Reportable	Infectious Disease investigation and follow-up(excluding
HIV/AIDS; ST	D; TB)
Disease Out	break Management
Health Promotio	วท:
Community I	Health Action Teams
Farm to Scho	ool Program
Nutrition & Pl	nysical Activity Education Programs
Safe Routes	o Schools
Tobacco Use	Prevention, Education & Cessation Program
Health Systems	& Planning:
Community H	lealth Improvement Plan
Data & Inforn	nation Technology
Public Health	Accreditation
Immunization S	ervices:
Childhood ar	nd Adult Vaccine Administration Services
Occupational I	tealth:
Immunization	s and screenings - Fee for Service
Maternal & Chi	ld Health:
Bureau for Ch	nildren with Medical Handicaps (BCMH) Public Health
Nursing Servic	
Safe Sleep &	Infant Mortality Prevention Initiatives & Education

The Board maintains a range of grant funded programs for citizens throughout the County who are income qualified.

THE BOARD RESERVES THE RIGHT TO AMEND THIS EXHIBIT AT ANYTIME PRIOR TO AUTHORIZATION OF THE CITY COUNCIL AND THE BOARD OF HEAL TH ANNUALLY.



Council Memo: Legislation (22-48)

Subject:	Authorizing Contract with City Manager
From:	Michelle Crandall, City Manager
Date:	November 28, 2022

Executive Summary

This Ordinance appoints Michelle L. Crandall as City Manager for a new term beginning January 1, 2023. In order to be effective prior to January 1st, the Ordinance will need to be passed by emergency at second reading at City's Council December 12th regular Council meeting.



Ordinance: 22-48

Page 1 of

Passed: Effective:

AUTHORIZING THE RE-APPOINTMENT OF MICHELLE L. CRANDALL AS HILLIARD CITY MANAGER

WHEREAS, Article IV of the City's Charter provides for the appointment of a City Manager; and

WHEREAS, by the passage of Ordinance No. 19-23, City Council appointed Michelle L. Crandall as the City's first City Manager; and

WHEREAS, Ordinance No. 19-23 also authorized an employment agreement between the City and Ms. Crandall, which expires on December 31, 2022; and

WHEREAS, emergency passage of this Ordinance is requested at second reading to ensure that Ms. Crandall's re-appointment begins upon the expiration of her current appointment.

NOW, THEREFORE, BE IT ORDAINED, by at least two-thirds of the Council of the City of Hilliard, Ohio that:

SECTION 1. Hilliard City Council hereby re-appoints Michelle L. Crandall as City Manager and authorizes an employment agreement, in substantially the same form as the one attached hereto as Exhibit "A", with changes not inconsistent with this Ordinance and not substantially adverse to the City.

SECTION 2. This Ordinance is passed as an emergency measure pursuant to Section 3.05 of the Charter because it is necessary for the immediate preservation of the public peace, health, safety, or general welfare of the City as determined by City Council. Specially, the emergency is necessary to ensure that Ms. Crandall's re-appointment begins upon the expiration of her current appointment that expires on December 31, 2022. This Ordinance is effective immediately upon passage.

ATTEST:

SIGNED:

Diane C. Werbrich, MMC Clerk of Council President of Council

APPROVED AS TO FORM:

Philip K. Hartmann Director of Law

✓ Vote Record - Ordinance 22-48					
□ Adopted		Yes/Aye	No/Nay	Abstain	Absent
Adopted as Amended Passed	Andy Teater				
□ Defeated	Omar Tarazi				
	Les Carrier				
Held Over Referred	Tina Cottone				
□ Withdrawn	Peggy Hale				
□ First Reading	Pete Marsh				
 Positive Recommendation No Recommendation 	Cynthia Vermillion				

9.A.2.7



Council Memo: Legislation (22-R-97)

Subject:PUD Modification - Properties between Leap & Lacon - Colorado Mtn SportsFrom:Michelle Crandall, City ManagerInitiated by:John Talentino, City PlannerDate:November 28, 2022

Executive Summary

This is a request to modify the PUD Development Text standards for the "Cemetery Road Properties Located Between Leap and Lacon Roads" PUD. The proposed modifications would change setbacks and other development standards for the Colorado Mountain Sports site, which was rezoned by Council from B-1 to PUD (Ordinance No. 22-31, effective November 26, 2022). The proposed text modifications will allow the business to move forward with a Final Development Plan application.

Staff Recommendation

Staff recommends that the proposed PUD text modification be approved to provide for more consistent and uniform application of the Zoning Code. The proposed reduction of setbacks will allow for development that is consistent with development along Lacon Road and allow the properties to be appropriately developed.

Background

In 1980 the 0.195-acre tract was rezoned from R-2, Low Density Residential District to B-1, Neighborhood Business District (Ordinance No. 80-38) to construct a retail store. Surrounding properties were zoned to the B-5 Commercial Planned District in March 1991 which was known as "Cemetery Road Properties Located Between Leap and Lacon Roads." The development plan/text for the commercial district was created through the assistance of MORPC. The B-5 designation was changed to PUD in 2014 as part of the full rewrite of the Code; however, the corner parcel maintained the B-1 zoning. The applicant requested rezoning to be included as part of the PUD, and on August 21, 2022, the Planning and Zoning Commission forwarded a positive recommendation to Council (6-0) for the request and Council approved the rezoning through Ordinance No. 22-31 on September 26, 2022. In August the Planning and Zoning Commission approved minor development text changes along with their zoning recommendation that are now before Council for consideration.

Financial Impacts

Approval of the PUD modification has no financial impact.

Expected Benefits

The proposed PUD Development Text modifications will allow for consistent development setbacks that will be appropriate to the size of properties along the Lacon Road frontage.

Attachments

- Planning and Zoning Commission Record of Action (August 11, 2022)
- Planning and Zoning Commission Minutes (August 11, 2022)
- Exhibit A: "Cemetery Road Properties Located Between Leap & Lacon Roads" PUD Development Text – August 11, 2022

RECORD OF ACTION

Planning & Zoning Commission

City Hall • 3800 Municipal Way • Hilliard, Ohio 43026 and Live-Streaming on YouTube

Thursday, August 11, 2022 | 7:00 pm

CASE 6: PZ-22-43 – COLORADO MOUNTAIN SPORTS – 4445 Cemetery Road PARCEL NUMBER: 050-002824

APPLICANT: Cemetery Rd Holdings LLC, c/o Eric Bahgat, 4445 Cemetery Road, Hilliard, OH 43026. **REQUEST:** Review and approval of an application to rezone Lot 231 of Easthill Acres from B-1 to PUD under the provisions of Hilliard Code Chapter 1117; a modification of the Cemetery Road Properties Located Between Leap and Lacon Roads PUD by adding Lot 231 of Easthill Acres to the PUD, and revising development standards under the provisions of Hilliard Code Section 1117.08.

The Planning and Zoning Commission took the following action at this meeting:

MOTION 1 (REZONING):

Vice Chair Schneck made a motion to approve an application to rezone Lot 231 of Easthill Acres from B-1 to PUD under the provisions of Hilliard Code Chapter 1117.

Mr. Pannett seconded the motion.

VOTE:

Chairman Muether	Yes
Vice Chair Schneck	Yes
Mr. Gutknecht	Absent
Mr. Lewie	Yes
Ms. Nixon	Yes
Mr. Pannett	Yes
Mr. Uttley	Yes

STATUS:

Case #6: The rezoning request for PZ-22-43 was approved (6-0). A positive recommendation will be forwarded to City Council for the proposed rezoning.



MOTION 2 (PUD TEXT MODIFICATION):

Vice Chair Schneck made a motion to approve a modification of the "Cemetery Road Properties Located Between Leap and Lacon Roads" PUD by adding Lot 231 of Easthill Acres to the PUD, and revising development standards under the provisions of Hilliard Code Section 1117.08 with one condition:

1) That a revised PUD Development Text meeting the conditions of Planning and Zoning Commission approval is submitted prior to being scheduled on any Council agenda.

Chairman Muether seconded the motion.

VOTE:

Chairman Muether	Yes
Vice Chair Schneck	Yes
Mr. Gutknecht	Absent
Mr. Lewie	Yes
Ms. Nixon	Yes
Mr. Pannett	Yes
Mr. Uttley	Yes

STATUS:

Case #6: The PUD text modification for PZ-22-43 was approved (6-0) with one condition. A positive recommendation will be forwarded to City Council.

CERTIFICATION:

Carson Combs, Planning Manager/Acting Clerk August 12, 2022

[END OF RECORD]

- That plans be revised to include the installation of the public sidewalk along Edwards Farm Drive to Davidson Road as required by Code and that street trees be installed to the satisfaction of the City Forester;
- 3) That the applicant provide a pedestrian access easement, if necessary, along Davidson Road for pedestrian connectivity to the satisfaction of the City Engineer;
- 4) That no additional access points be permitted north of this site and that any potential utility provider access is shared with the existing curbcut;
- 5) That an additional matching screenwall be located at the southwest corner of the building adjacent to the generator yard to screen from I-270; and
- 6) That all replacement tree calliper inches as required by Code be provided and that additional evergreeen screening be provided in front of the retention pond along Edwards Farm Road and at the southeast corner of the perimeter fencing to visually screen the length of the generator yard from rights-of-way to the satisfaction of the Planning Director.

Status:	Motion failed and the application was denied (3-3).			
Mover:	Vice Chair Bevan Schneck			
Seconder:	Chairman Jay Muether			
Ayes:	Chairman Jay Muether, Vice Chair Bevan Schneck, Bill Uttley.			
Nays:	Tom Pannett, Chris Lewie, Tracey Nixon			

Mr. Johnson inquired whether additional conditions as suggested could be added; Ms. Clodfelder said that a reconsideration to rehear the case would need to be made and that could not occur until the next meeting due to notification requirements.

CASE 6: PZ-22-43 – COLORADO MOUNTAIN SPORTS – 4445 Cemetery Road

PARCEL NUMBER: 050-002824

APPLICANT: Cemetery Rd Holdings LLC, c/o Eric Bahgat, 4445 Cemetery Road, Hilliard, OH 43026. **REQUEST:** Review and approval of an application to rezone Lot 231 of Easthill Acres from B-1 to PUD under the provisions of Hilliard Code Chapter 1117; a modification of the Cemetery Road Properties Located Between Leap and Lacon Roads PUD by adding Lot 231 of Easthill Acres to the PUD, and revising development standards under the provisions of Hilliard Code Section 1117.08.

[Mr. Talentino gave the staff report]

BACKGROUND:

The site consists of approximately 0.44-acre located at the southwest corner of Cemetery Road and Lacon Road and includes Lot 230 and Lot 231 of the Easthill Acres subdivision plat. The Lots were combined within the last two years and the new parcel now has two zoning classifications. The northern half of the site is zoned B-1, Neighborhood Business District, and the southern half is zoned PUD. The site has an existing 3,861-square-foot retail building. Franklin County Auditor records indicate that the building was constructed in 1980. To the west are commercial properties zoned PUD, Planned Unit Development. To the south are single-family residences zoned PUD. To the east, across Lacon Road, are commercial properties zoned M-1, Restricted Industrial District. To the north, across Cemetery Road, are a church zoned B-3, Office/Institutional District, and commercial properties zoned B-2, Community Business District.

The applicant is requesting approval to rezone the northern half of the site from B-1 to PUD; to modify the Cemetery Road Properties Located Between Leap and Lacon Roads PUD by adding the northern half of the site; and to permit a 2-story, 3,240-square-foot addition to the existing Colorado Mountain Sports building.

COMMISSION ROLE:

The Commission is to review the proposed rezoning and PUD modification for conformance to the provisions of Hilliard Code Chapter 1117 and forward a recommendation for each to City Council. The Commission is to review the proposed PUD Final Development Plan modification for conformance to the provisions of the proposed PUD Concept Plan.

STAFF RECOMMENDATION: MOTION 1 (REZONING)

Staff finds that the proposal to rezone the property consisting of Lot 231 of Easthill Acres subdivision is consistent with the Hilliard Comprehensive Plan concerning land use. Based on this finding, staff recommends that the Commission forward a positive recommendation to Council concerning the proposed rezoning.

STAFF RECOMMENDATION: MOTION 2 (PUD TEXT MODIFICATION)

Staff finds that the proposed PUD modification is consistent with the approved PUD Concept Plan for the adjacent properties to the west and south which permits retail and other commercial uses. Staff finds that the proposed PUD modification will result in the subject property being in conformance with the provisions of the PUD Concept Plan. Staff finds that such modification is not in conflict with the general health, safety and welfare of the public. Based on these findings, staff recommends approval of the proposed PUD modification with the following condition:

1) That a revised PUD Development Text meeting the conditions of Planning and Zoning Commission approval is submitted prior to being scheduled on any Council agenda.

CONSIDERATIONS:

- The Zoning Code requires a minimum lot width of 60 feet and a minimum lot area of 7,500 square feet in the B-1 zoning district. The site has approximately 60 feet of frontage along Cemetery Road, and approximately 100 feet of frontage along Lacon Road. The site has two existing access points, one on Cemetery Road and one on Lacon Road.
- The Thoroughfare Plan classifies Cemetery Road as a Major Arterial (four-lane roadway with either a center left turn lane or separate left turn lanes at driveways and intersections) with a designated right-of-way of 100 feet plus additional right-of-way for turn lanes at driveways and intersections. There is currently 40 feet of right-of-way from centerline along the site's Cemetery Road frontage. The ultimate right-of-way line is 50 feet from centerline along Cemetery Road. The plans must be revised to show the ultimate right-of-way 50 feet from centerline along Cemetery Road.
- Franklin County Recorder's Office information indicates that in 2017, the City acquired a sliver of additional right-of-way at the corner of Cemetery Road and Lacon Road for street improvements. The deed was transferred on December 7, 2017.

Thoroughfare Plan Issues

• The Thoroughfare Plan identifies Cemetery Road between Leap Road and Britton Parkway as a Major Arterial (four-lane roadway with 2 through lanes in each direction and either a center left-turn lane or separate left-turn lanes at driveways and intersections) with a minimum 100-foot-wide right-of-way. The site has 40 feet of right-of-way from centerline along its Cemetery Road frontage. An additional 10 feet of right-of-way along Cemetery Road is need to conform to the Thoroughfare Plan.

Comprehensive Plan Issues

• The Comprehensive Plan recommends that site for Neighborhood Retail uses, small-scale commercial mixed-use center intended to serve the daily needs of residents and employment centers with a mile radius. The maximum recommended tenant size is 20,000 square feet. Second or third floor uses may include retail, commercial, or residential uses. Parking shall be to the side or rear of the development, and excellent ped/bike access should be provided to all surrounding uses. These retail developments

should have a distinct street presence and highly attractive and memorable architecture. Public space and landmarks such as a plaza, small green, fountain, esplanade, or even a clock tower should be included in the development to provide places for area residents to gather and socialize, and to define the character of the development.

• The proposal is to rezone the northern half of the site from B-1 to PUD.

Approved PUD Development Text

- The approved Cemetery Road Properties Located Between Leap and Lacon Roads PUD text lists the following permitted uses: hotels except for economy stay hotels which shall be prohibited; offices (including those for executive, administrative, medical and similar professional activities); general retail businesses with less than 15,000 square feet of usable floor area; personal services; commercial schools and studios (including art, dance, martial arts, and music); training centers (including corporate, engineering, and sales); bars, taverns and restaurants serving alcoholic beverages; and restaurants without drive-through facilities. Conditional uses include: general retail business with 15,000 square feet or more usable floor area; and restaurants with drive-through facilities.
- The approved PUD text specifies the following minimum building setbacks: 75 feet from the Park Mill Run Drive right-of-way line, 20 feet from the side property lines, and 20 feet from the rear property line. Minimum setbacks for the parking lot are: 30 feet from the Park Mill Run Drive right-of-way line, 10 feet from the side property lines, and 10 feet from the rear property line. The side and rear building setbacks shall be increased by two feet for each foot of additional building height above 45 feet.

	b
Section 5.6.5.d.	Changes to the following minimum building setbacks:
	20 feet from the Lacon Road right-of-way for commercial uses.
	30 feet from the Lacon Road and Lacon Circle rights-of-way for single-
	family residential uses.
	10 feet from the side property line for properties with frontage on Lacon Road
	or Lacon Circle.
	10 feet from the rear property line.
	50 feet from all residential zoning districts.
Section 5.6.5.e.	Specifies the minimum vehicular use area setbacks as follows:
	20 feet from any public right-of-way.
	20 feet from any residential use.
	10 feet from any non-residential use.
Section 5.6.7.c.	Specifies that air conditioning, ventilation, and heating equipment shall not be
	visible from adjacent properties or rights-of-way.

Proposed PUD Modifications

• If the proposed PUD modification is approved, then a PUD Final Development Plan application demonstrating conformance to the provisions of the PUD development text would be required to be reviewed by the Planning and Zoning Commission.

[END OF REPORT | PZ-22-43]

Mr. Eric Bahgat, the applicant said that he had nothing to add and that he agreed with the conditions listed in the report.

Vice Chair Schneck, seconded by Mr. Pannett, made a motion to approve an application to rezone Lot 231 of Easthill Acres from B-1 to PUD under the provisions of Hilliard Code Chapter 1117.

Status:	Approved as requested (6-0). A positive recommendation will be forwarded to City					
	Council					
Mover:	Vice Chair Bevan Schneck					
Seconder:	Chairman Jay Muether					
Ayes:	Chairman Jay Muether, Vice Chair Bevan Schneck, Tom Pannett, Chris Lewie,					
-	Tracey Nixon, Bill Uttley.					

Vice Chair Schneck, seconded by Chairman Muether, made a motion to approve a modification of the "Cemetery Road Properties Located Between Leap and Lacon Roads" PUD by adding Lot 231 of Easthill Acres to the PUD, and revising development standards under the provisions of Hilliard Code Section 1117.08 with one condition:

1) That a revised PUD Development Text meeting the conditions of Planning and Zoning Commission approval is submitted prior to being scheduled on any Council agenda.

Status:	Approved as requested (6-0). A positive recommendation will be forwarded to City Council				
Mover:	Vice Chair Bevan Schneck				
Seconder:	Chairman Jay Muether				
Ayes:	Chairman Jay Muether, Vice Chair Bevan Schneck, Tom Pannett, Chris Lewie,				
	Tracey Nixon, Bill Uttley.				

CASE 7: PZ-22-44 – THE GREYSON AT HICKORY CHASE – 4400 Mountain Laurel Drive PARCEL NUMBER: 050-011436, 050-011437

APPLICANT: Paul Fingerst, The Greyson at Hickory Chase, 4400 Mountain Laurel Drive, Hilliard, OH 43026; Troy Richards, Landscapes by Terra, Inc., 11201 Watkins California Road, Marysville, OH 43040. **REQUEST:** Review and approval of a revised final development plan under the provisions of Hilliard Code Chapter 1131 and the Ansmil PUD Development Text (Subarea E1) for the installation of a revised entry feature and pedestrian plaza with food truck lane.

[Mr. Combs gave the staff report]

BACKGROUND:

The site is 23.6 acres located along the east side of Leap Road approximately 800 feet north of Anson Drive. The Commission approved a final development plan for the site in January of 2016 (Case #15-0232LC) for the construction of 492 apartment units on the western portion of Subarea E1 within the Ansmil PUD. A sign variance request was approved by the Commission on October 12, 2017 to permit the extended use of feather banners and a sandwich board for marketing. Approval for exterior lighting was also granted at the May 2019 meeting (19-0432LC) for the installation of decorative lighting along the Leap Road entrance drive. The applicant is now requesting approval to modify landscape elements for the main entrance at Leap Road to permit a food truck service drive, associated outdoor patio/seating area and upgraded landscaping.

COMMISSION ROLE:

The Commission is to review the proposed entry feature proposal as a revised final development plan under the provisions of Hilliard Code Chapter 1131 and the Ansmil PUD Development Plan and Text.

STAFF RECOMMENDATION:

Staff finds that the proposed landscaping and entrance elements will provide an significant upgrade to the entrance for the development. The incorporation of food trucks and outdoor seating will encourage pedestrian



Resolution: 22-R-97

Page 1 of

Adopted:

Effective:

APPROVING CHANGES TO THE PLANNED UNIT DEVELOPMENT (PUD) TEXT FOR ±0.44-ACRE LOCATED ON THE SOUTHWEST CORNER OF CEMETERY ROAD AND LACON ROAD AS PART OF THE "CEMETERY ROAD PROPERTIES LOCATED BETWEEN LEAP AND LACON ROADS" DEVELOPMENT ("PUD") PLAN AND TEXT TO MODIFY SETBACKS AND OTHER DEVELOPMENT STANDARDS.

WHEREAS, Cemetery Road Holdings, LLC. (the "Owner") owns approximately ±0.44 acre at the southwest corner of Cemetery Road and Lacon Road at 4445 Cemetery Road, identified as Parcel #050-002824 by the Franklin County Auditor's Office; and

WHEREAS, a portion of the Property was rezoned from R-2, Low Density Residential District to B-1, Neighborhood Business District by City Council on August 18, 1980 (Ordinance No. 80-38) to permit the construction of a retail sports clothing store and office; and

WHEREAS, City Council adopted Ordinance 91-03, effective March 13, 1991, to rezone adjacent properties located at 4461-4599 Cemetery Road and 3827-4424 Lacon Road from R-2, Low Density Residential District to B-5, Commercial Planned Development District; and

WHEREAS, the B-5, Commercial Planned Development District adjacent to the Property included the development plan text known as "*Cemetery Road Properties Located Between Leap and Lacon Roads*" prepared by the Mid-Ohio Regional Planning Commission (MORPC); and

WHEREAS, City Council adopted Ordinance No. 14-29 on October 27, 2014, enacting a new Zoning Code that reclassified the adjacent properties at 4461-4599 Cemetery Road and 3827-4424 Lacon Road from B-5, Commercial Planned Development District to PUD, Planned Unit Development District; and

WHEREAS, City Council adopted Ordinance 22-31 on September 26, 2022, to rezone a 0.195-acre portion of the property from B-1, Neighborhood Business District to PUD, Planned Unit Development District (which became effective on November 26, 2022); and

WHEREAS, the Owner at 4445 Cemetery Road submitted application number PZ-22-43 to the City's Planning and Zoning Commission on July 6, 2022, to amend the PUD development text; and

WHEREAS, on August 11, 2022, following its duly advertised public hearing, the Planning and Zoning Commission voted 7-0 to forward a positive recommendation to City Council regarding proposed PUD text modifications as depicted and described as Exhibit "A", attached hereto and incorporated herein (the "PUD Development Text"); and

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

SECTION 1. The *"Cemetery Road Properties Located Between Leap and Lacon Roads"* PUD Development Text is hereby amended to modify setbacks and development standards.

SECTION 2. The amended development text, attached hereto as Exhibit "A" and incorporated herein by reference, is approved and shall hereafter be referred to as the *"Cemetery Road Properties Located Between Leap and Lacon Roads*" PUD Development Text.

SECTION 3. This Resolution is effective upon its adoption.

ATTEST:

Diane C. Werbrich, MMC Clerk of Council President of Council

APPROVED AS TO FORM:

Philip K. Hartmann Director of Law

✓ Vote Record - Resolution 22-R-97						
□ Adopted			Yes/Aye	No/Nay	Abstain	Absent
□ Adopted □ Adopted as Amended	Andy Teater					
□ Defeated	Omar Tarazi					
□ Tabled □ Held Over	Les Carrier					
□ Heid Over □ Withdrawn	Tina Cottone					
Positive Recommendation	Peggy Hale					
□ No Recommendation	Pete Marsh					
Referred Back To Committee	Cynthia Vermillion					

CERTIFICATE OF THE CLERK

I, Diane C. Werbrich, Clerk of Council for the City of Hilliard, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. <u>22-R-97</u> passed by the Hilliard City Council on the 28th day of November 2022.

IN TESTIMONY WHEREOF, witness my hand and official seal this 28th day of November 2022.

Diane C. Werbrich, MMC

5.5 Area and Visibility

Visibility along the northern boundary of the subject site is excellent given this is a lineal segment of Cemetery Road that is free from major obstacles. Long-range visibility is somewhat hampered by the Cemetery Road underpass that is east of the site.

Intersections are found at Leap and Cemetery, Brown Park Drive and Cemetery, and Lacon and Cemetery.

The number of curb cuts along the northern side of Cemetery Road supports the access drive restriction for the subject site.

5.6 Proposed Development

The following narrative provides a description of those elements of the rezoning application that can be addressed at this time. As it has been previously stated, this application is the first step in the development review process for the subject properties. Details such as building configuration, etc., will be resolved prior to zoning clearance.

5.6.1 Permitted Uses

The proposed use of the subject site is as a commercial, office or mixed use development that is a single component and developed as a complex of structures or a single structure.

The following uses are included in this application as proposed uses:

- a. Retail business.
- b. Retail goods.
- c. Personal services.
- d. Business services.
- e. Offices and banks.
- f. Restaurants, except fast-food restaurants (as defined in item 3 below).

The following definitions apply only to the property located at 4657 Cemetery Road:

- 1. Full service restaurant: establishments engaged in providing food services to patrons who order and are served while seated (i.e. waiter/waitress service) and pay after eating.
- Limited service restaurant: establishments primarily engaged in providing food services where patrons generally order or select and pay before eating. Food may be consumed on premises, taken out, delivered to the customer's location, or provided through one drive-up window.
- 3. Fast-food restaurant: all establishments that do not meet the definition of Full service or Limited service restaurant.
- g. Accessory uses.
- h. Gasoline service stations, except automotive repair.
- i. Child care facilities.

November 17, 2015 August 11, 2022

5.6.2 Prohibited Uses

The following uses are prohibited:

- a. Taverns.
- b. Adult entertainment.
- c. Convenience grocery.
- d. Video arcades.
- e. Fast-food restaurants.
- f. Roof-mounted satellite ground stations.
- g. Off-premises signage (billboards).
- h. Automotive repair.

5.6.3 Access

Access to the subject site is indicated on the Site Plan and shall only be provided by the following means. Actual pavement width and number of lanes shall meet the standards established by the City Engineer prior to issuance of any building permit.

- a. An access drive shall be provided opposite Brown Park Drive
- b. One access drive shall be provided along Lacon Road.
- c. Access shall be provided to Leap Road through extension of a private access drive.

All existing residential driveways located on the subject site shall be removed prior to issuance of any building permit. The curb and sidewalk shall be replaced at each of these locations and shall meet the City's design standards.

5.6.4 Screening, Buffering, and Landscaping

The Landscape Ordinance requirements will apply to the subject site. Specifically, the following provisions are proposed:

- a. An eight-foot wood privacy fence shall be installed along the property line adjacent to all residential properties. The building setback shall remain at 50 feet in these locations. Together this should provide a suitable screen for neighboring residents.
- b. Existing vegetation along Tudor Ditch on the subject site shall be maintained where such maintenance does not interfere with stormwater

drainage. Any area along the property line where such vegetation does not exist, four-foot evergreen shrubs shall be planted every four feet to provide a screen, except where such planting interferes with stormwater drainage.

5.6.5 Development Standards

The following development standards apply to the subject site.

- a. <u>Double Frontage Lots</u> Any double frontage lots that will be developed on the subject site shall not have individual lot access directly onto a public road or right-of-way. Limited curb cuts shall be provided on-site to provide internal access only.
- b. <u>Parking</u> There shall be no on-street parking either along public rights-of-way or within the subject site.
- c. <u>Building Height</u> All buildings and structures shall not exceed two stories in height.
- d. <u>Building Setbacks</u> The minimum building setbacks shall be 50 feet from the Cemetery Road right-of-way, 50 20 feet from the Lacon Road right-of-way for commercial uses, 30 feet from the Lacon Road and Lacon Circle rights-of-way for single-family residential uses, 10 feet from the side property line for properties with frontage on Lacon Road or Lacon Circle, 10 feet from the rear property line, and 50 feet from all residential zoning districts.
- e. <u>Vehicular Use Area Setbacks</u> The minimum vehicular use area setbacks shall be 20 feet from any public right-of-way and 20 feet from any single-family residential use. Vehicular use area interior and perimeter landscaping shall be consistent with the provisions of Hilliard Zoning Code.

5.6.6 Signage

Signage and shall meet the requirements of the Hilliard graphics code and shall compliment the architectural treatment of the development. Corporate logos and trademarks shall not occupy more than 50 percent of the sign area of each individual sign.

5.6.7 Architectural Considerations

The architectural character of the development should build upon the themes found in the greater Cemetery Road corridor, in particular the Mill Run development, Brown Commerce Park, and U.S. Post Office. In addition:

a. <u>Rear Treatment</u> – The rear treatment of the south facing building exteriors that are visible from any adjacent residential property, Lacon Road, and Tudor Ditch shall at a minimum be painted to compliment the structure's architectural treatment,

unless painting interferes with the material used to face such wall and such material does not visually set such wall apart from the other exterior walls.

- b. <u>Building Exterior</u> Building exterior shall be comprised of brick, stone or similar materials that compliment the architectural treatment of each structure. If more than one structure or building is present on the subject site, all structures and buildings shall compliment on another relative to their building exteriors.
- c. <u>Roofs</u> Roofs should be pitched to portray a residential character for all buildings. Air conditioning, ventilation, and heating equipment shall not be visible from adjacent residential properties or rights-of-way.



Council Memo: Legislation (22-R-98)

Subject:APAC AppointmentFrom:Michelle Crandall, City ManagerInitiated by:Diane Werbrich, Clerk of CouncilDate:November 28, 2022

Executive Summary

This legislation appoints a member to the City's Age-in-Place Advisory Committee (APAC).

Staff Recommendation

Staff recommends that City Council adopt this Resolution.

Background

By the passage of Ordinance No. 22-09, passed on March 14, 2022, City Council created the APAC to advise City Council on matters affecting older adult residents and creating an age-friendly community. City Council appointed initial members to the APAC on May 9, 2022.

Lynn Tramontano was appointed to a term expiring May 13, 2024, but has resigned her appointment. Resumes for the position were received and City Council desires to appoint ______ to fill the unexpired term.

Financial Impacts

There are no anticipated financial impacts.

Expected Benefits

The appointment ensures that the APAC has a full membership.

Attachments

N/A



Resolution: 22-R-98

Adopted:

Effective:

Page 1 of

APPROVING COUNCIL APPOINTMENT TO THE AGING IN PLACE ADVISORY COMMITTEE (APAC).

WHEREAS, Section 149.08 provides that Council shall appoint members to the City's Aging in Place Advisory Committee; and

WHEREAS, Lynn Tramontano was appointed to a term on the APAC expiring May 13, 2024; and

WHEREAS, due to Ms. Tramontano's resignation, City Council needs to appoint in order to fill the unexpired term; and

WHEREAS, _____ has express a desire to be appointed.

NOW, THERFORE, BE IT RESOLVED, by the Council of the City of Hilliard, Ohio, that:

SECTION 1. ______ is hereby appointed to the Aging in Place Advisory Committee to fulfill an unexpired term through May 13, 2024; and

SECTION 2. This Resolution is effective upon its adoption.

ATTEST:

SIGNED:

Diane C. Werbrich, MMC Clerk of Council President of Council

APPROVED AS TO FORM:

Philip K. Hartmann Director of Law

✓ Vote Record - Resolution 22-R-98						
□ Adopted			Yes/Aye	No/Nay	Abstain	Absent
□ Adopted as Amended	Andy Teater					
□ Defeated	Omar Tarazi					
□ Tabled □ Held Over	Les Carrier					
	Tina Cottone					
Positive Recommendation	Peggy Hale					
□ No Recommendation	Pete Marsh					
Referred Back To Committee	Cynthia Vermillion					

CERTIFICATE OF THE CLERK

I, Diane C. Werbrich, Clerk of Council for the City of Hilliard, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. <u>22-R-98</u> passed by the Hilliard City Council on the 28th day of November 2022.

IN TESTIMONY WHEREOF, witness my hand and official seal this 28th day of November 2022.

Diane C. Werbrich, MMC

9.B.2