

**3:30pm Finance & Personal Committee**

**Shelby City Council Agenda**  
**Monday, June 15, 2015**  
**COUNCIL CHAMBERS**  
**29 MACK AVENUE**  
**Shelby, Ohio**  
**7:00 p.m.**

**Call to Order and Pledge of Allegiance**

**Roll Call:**

Mrs. Carlisle \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**Dispense with Reading of Journal from June 1, 2015**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mrs. Carlisle \_\_\_\_\_ Mr. Roberts \_\_\_\_\_

**Public Comment**

Terry Carter—First Call 211 Service

**Reports from Standing and Special Committees**

Finance & Personal Committee—Pat Carlisle

Safety Committee—Derrin Roberts

Utilities & Streets Committee—Nathan Martin

**Reports of City Officials**

Steven L. Schag—Mayor

Jeff Fenner—Asst. Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

**New Business**

**Unfinished Business**

Live streaming of council meetings

**Legislation**

**ORDINANCE NO 16-2015**

**PROPOSING AN AMENDMENT TO SECTION 52 OF THE  
CHARTER OF THE CITY OF SHELBY AND SUBMITTING  
SUCH PROPOSED AMENDMENT TO THE ELECTORS**

**2ND READING**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mrs. Carlisle \_\_\_\_\_ Mr. Roberts \_\_\_\_\_

**ORDINANCE NO 17-2015**

**AMENDING SECTION 618.17 (KEEPING OF LIVESTOCK)  
OF THE CODIFIED ORDINANCES OF THE CITY OF  
SHELBY**

**2ND READING**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mrs. Carlisle \_\_\_\_\_ Mr. Roberts \_\_\_\_\_

**ORDINANCE NO 18-2015**

**AMENDING SECTION 618.18 (LOCATION AND CARE OF  
BARN, COOPS, PENS, OR BARNYARD IN PROXIMITY  
TO RESIDENCES AND BUSINESSES) OF THE CODIFIED  
ORDINANCES OF THE CITY OF SHELBY**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mrs. Carlisle \_\_\_\_\_ Mr. Roberts \_\_\_\_\_

**ORDINANCE NO 19-2015**

**AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES IN CONFLICT THEREWITH AND DECLARING AN EMERGENCY**

**Motion that the rules requiring that an ordinance be read on three separate occasions be suspended**  
Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mrs. Carlisle \_\_\_\_\_ Mr. Roberts \_\_\_\_\_

**PASSAGE OF ORDINANCE**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mrs. Carlisle \_\_\_\_\_ Mr. Roberts \_\_\_\_\_

**ORDINANCE NO 20-2015**

**AMENDING SECTION 1468.02 (CONTRACTOR REGISTRATION AND REQUIREMENTS) AND SECTION 1468.06 (EXEMPTION) OF CHAPTER 1468 (CONTRACTOR REGISTRATION) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY**

**1ST READING**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mrs. Carlisle \_\_\_\_\_ Mr. Roberts \_\_\_\_\_

**RESOLUTION NO 21-2015**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE PURCHASE OF A DUMP TRUCK FOR THE SHELBY SERVICE DEPARTMENT**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mrs. Carlisle \_\_\_\_\_ Mr. Roberts \_\_\_\_\_

**Miscellaneous Business**

**Adjournment** at \_\_\_\_\_ p.m.

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mrs. Carlisle \_\_\_\_\_ Mr. Roberts \_\_\_\_\_

6/1/2015

ORDINANCE NO. 16 - 2015  
(Sponsor: Councilmember Gates)

PROPOSING AN AMENDMENT TO SECTION 52 OF THE CHARTER OF THE CITY OF SHELBY AND SUBMITTING SUCH PROPOSED AMENDMENT TO THE ELECTORS.

WHEREAS, under the authority of Article XVIII, Section 7 of the Ohio Constitution, the City of Shelby adopted a Charter which became effective on January 1, 1922; and

WHEREAS, Section 123 of said Charter provides for the amendment thereof and the submission of proposed amendments to the electors of the City; and

WHEREAS, Chapter 52 establishing the Mayor's ability to form a Civil Service Commission; and

WHEREAS, The ability to make "lateral transfers" gives the City of Shelby greater flexibility in making original appointments to the positions of police officer and firefighter; and

WHEREAS, In order to make lateral transfers, it is necessary to amend the Charter of the City of Shelby; and

WHEREAS, It is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that an amendment to Charter Section 52 be submitted to the electorate.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A TWO-THIRDS MAJORITY ELECTED THERETO CONCURRING:

Section 1: That there be submitted to the electors of the City at the election to be held on Tuesday, November 3, 2015, during the regular hours of voting at such date as prescribed by general law, the question of the amendment to Charter Section 52 as noted herein below with language to be deleted shown with strikethroughs and language to be added shown in capitals:

SECTION 52. (A) There ~~may~~ SHALL be a Civil Service Commission, with the powers and duties conferred or imposed by the law upon municipal civil service commissions, and the Mayor with the advice and consent of the Council ~~may~~ SHALL form a Civil Service Commission. MEMBERS OF THE CIVIL SERVICE COMMISSION IN OFFICE AT THE TIME OF THE ADOPTION OF THIS SECTION SHALL CONTINUE IN OFFICE UNTIL THE EXPIRATION OF THEIR TERMS.

(B) IN THE CASE OF APPOINTMENT OF ANY PERSON TO THE ENTRY-LEVEL POSITION OF POLICE OFFICER, THE DIRECTOR OF PUBLIC SAFETY MAY APPOINT PERSONS WHO HAVE OBTAINED AND MAINTAINED BASIC OHIO PEACE OFFICER CERTIFICATION (OR EQUIVALENT) AND WHO ARE EMPLOYED BY ANOTHER JURISDICTION AS A POLICE OFFICER, DEPUTY SHERIFF, OR STATE HIGHWAY PATROL OFFICER TO SUCH POSITION WITHOUT FIRST ADMINISTERING A COMPETITIVE EXAMINATION. IN THE CASE OF APPOINTMENT OF ANY PERSON TO THE ENTRY-LEVEL POSITION OF FIREFIGHTER, THE DIRECTOR OF PUBLIC SAFETY MAY APPOINT PERSONS WHO HAVE OBTAINED AND MAINTAINED OHIO PROFESSIONAL FIREFIGHTER CERTIFICATION AND OHIO PARAMEDIC CERTIFICATION (OR EQUIVALENT) AND WHO ARE EMPLOYED BY ANOTHER JURISDICTION AS A FIREFIGHTER TO SUCH POSITION WITHOUT FIRST ADMINISTERING A COMPETITIVE EXAMINATION. IN LIEU OF A COMPETITIVE EXAMINATION, THE DIRECTOR OF PUBLIC SAFETY MAY ASSESS THE MERIT AND FITNESS OF ANY SUCH APPLICANT SO QUALIFIED BY REVIEW OF HIS OR HER RECORD WHILE EMPLOYED AS A LAW ENFORCEMENT OFFICER OR FIREFIGHTER. THE SELECTION PROCEDURES AND SELECTION CRITERIA APPLICABLE TO SUCH PERSONS APPOINTED WITHOUT



6/11/2015

**ORDINANCE NO. 17-2015**  
**Sponsor: Councilmember Carlisle**

**AMENDING SECTION 618.17 (KEEPING OF LIVESTOCK) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, it has become apparent through public comment and police records that Section 618.17 needs amending to clarify the spirit of Ordinance 15-2009 passed June 1, 2009; and

WHEREAS, it is necessary to amend Section 618.17 to provide additional guidelines for raising of livestock within the city limits; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that Section 618.17 be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THERETO CONCURRING:

Section 1: Section 618.17 (Keeping of Livestock) shall be amended as follows:

- (a) No person shall keep, harbor, or maintain any horse, pony, cattle, sheep, hog, goat, llama, alpaca or other hooved animal in the city, except that the keeping, harboring, or maintaining of any such animal may be located on one acre or more.
- (b) No person shall keep, harbor, or maintain any rabbit, hare, pika, or animal of the order Lagomorpha, except that the keeping, harboring or maintaining of any such animal may be located on one acre or more.
- (c) No person shall keep, harbor, or maintain any chicken, turkey, geese, duck, pheasant, quail, or other fowl in the city, except that the keeping, harboring, or maintaining of any such fowl may be located on one acre or more.
- (d) Recognized agricultural education programs and projects such as FFA and 4H are exempt from the one acre requirement as long as the program project is supervised by school personnel or extension service personnel, housed on school property, or housed on private property for a period less than one year for the purpose of showing and selling at the county fair. Proper housing that is safe, healthy, and secure for the animals in all weather conditions must be maintained as recommended by the supervision personnel from the school or extension service.
- (e) Furthermore, persons who depend upon livestock mentioned in divisions (a), (b), and (c) to supplement their incomes or diets are exempt from the one acre requirement. At no time shall the combined total number of livestock listed in divisions (a), (b), and (c) on private property regardless of species exceed ten livestock, with no more than two from division (a). Proper housing that is safe, healthy, and secure for the animals in all weather conditions must be maintained, and all barns, coops, pens, barnyard, and enclosures cannot be an eyesore or diminish the comfort and enjoyment of neighboring and adjacent properties.
- (f) Divisions (a), (b) and (c) shall not apply to shows or exhibits duly permitted and approved by the Police Department and/or Health Department as part of a community event. However, no permit shall be approved where it is proposed to offer the animals for sale.
- (g) Persons currently owning, keeping, or harboring livestock mentioned in divisions (a), (b), and (c) of this section or exceeding a combined total number of ten shall have 60 days from the effective date of this section to comply by moving the animals to appropriately-sized parcels.

- (h) No person shall raise, breed, or hatch any livestock mentioned in divisions (a), (b), and (c) in a residence or business where any person resides or works, except that the business be solely an operation properly licensed and designed for raising, breeding or hatching the livestock.
- (i) No owner, keeper, harborer or person having charge of any livestock shall allow the animal to escape or permit the animal to run at large on any public thoroughfare or public land or any private premises. When made aware that an animal has escaped, the owner, keeper, harborer or person having charge of the animal must immediately catch and confine the animal. Nothing in this section shall limit any such owner, keeper, harborer or person having charge from any other civil or criminal penalty as provided by law.
- (j) No owner, keeper, or harborer or person having charge of any livestock shall permit the animal to graze, scratch, dig or otherwise damage any lawn, tree, shrub, plant, building or other public or private property other than the property of the owner or person having charge of the animal. This section shall not apply to private property onto which the owner or person having charge of any animal has permission of the owner or occupier of the property authorizing the entry or the animal onto the property.
- (k) Complaints of improper nutrition, lacking veterinarian care, abuse or neglect of any animal in the section will be investigated by the Health Department, Police Department, and/or County Humane Society and reported to the proper authorities.
- (l) Any person, non-profit organization, firm, or corporation violating any provision of this section is guilty of a minor misdemeanor. Subsequent offenses shall be a misdemeanor of the fourth degree.

Section 2: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code 121.22, and the Charter of the City of Shelby, Ohio.

Section 3: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
 Steven D. McLaughlin  
 Vice President of Council

ATTEST: \_\_\_\_\_  
 Jeff D. Fenner  
 Director of Finance

\_\_\_\_\_  
 Steven L. Schag  
 Mayor

Prepared by:

\_\_\_\_\_  
 Gordon M. Eyster  
 Director of Law

ORDINANCE NO. 18 -2015  
Sponsor: Councilmember Carlisle

**AMENDING SECTION 618.18 (LOCATION AND CARE OF BARNS, COOPS, PENS, OR BARNYARD IN PROXIMITY TO RESIDENCES AND BUSINESSES) OF CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, council passed Ordinance 15-2009 on June 1, 2009 because of escalating complaints about livestock inside the city; and

WHEREAS, there appears to be increased urban farming and livestock inside the city limits generating more complaints; and

WHEREAS, it in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that Section 618.18 be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THERETO CONCURRING:

Section 1: Section 618.18 (Location and Care of Barns, Coops, Pens, or Barnyard in Proximity to Residences and Businesses) shall be amended as follows:

- (a) No person shall construct, use, or maintain a barn, coop, pen, or barnyard within 60 feet of any structure intended for human habitation or place of business, nor at any place in such manner that the same becomes offensive or such that the contents thereof are discharged or run upon another's premises, or into any street, alley, waterway or right of way of the city. Enclosures attached to residences or attached garages shall not be used at any time to keep, harbor, or maintain any livestock listed in Section 618.17 divisions (a), (b), and (c). All structures for keeping, harboring, or maintaining any livestock shall be such as to provide the best possible enclosure for the safety, health, containment, and welfare of the animals.
- (b) The areas where livestock are kept, including but not limited to barns, coops, pens, or barnyard must be daily cleaned of manure and soiled bedding to prevent insect, rodent, or vermin infestations and odors. All manure and soiled bedding shall be removed from the premise weekly to a location outside of the city. Composting of small amounts or fertilizing small areas is permitted as long as no complaints arise. Complaints will be investigated by the police department, and/or health department, and/or county humane society. Findings and remedies will be reported to proper authorities.
- (c) Any person, non-profit organization, firm, or corporation violating any provision of his section is guilty of a minor misdemeanor. Subsequent offenses shall be a misdemeanor of the fourth degree.

Section 2: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code 121.22, and the Charter of the City of Shelby, Ohio.

Section 3: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven D. McLaughlin  
Vice President of Council



**ORDINANCE NO.: 19 -2015**  
**(Sponsor – Councilmember Carlisle)**

**AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES IN CONFLICT THEREWITH AND DECLARING AN EMERGENCY.**

WHEREAS, American Legal Publishing Corporation has completed its annual updating and revision of the Codified Ordinances of the City; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council since the date of the previous updating and revision of the Codified Ordinances (January 6, 2014) and have been included in the Codified Ordinances of the City; and

WHEREAS, certain changes were made in the Codified Ordinances to bring City law into conformity with State law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, A MAJORITY ELECTED THERETO CONCURRING:

Section 1. That the editing, arrangement and numbering or renumbering of the following ordinances and parts of ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

Ord. No.	Date	C.O. Section
3-2006	3-20-2006	240.04
1-2014	5-5-2014	220.01
2-2014	3-3-2014	1466.04, 1466.09, 1466.12
3-2014	3-17-2014	TSO III
8-2014	5-19-2014	888.11
10-2014	4-21-2014	TSO VI
11-2014	6-2-2014	1044.07
13-2014	7-7-2014	TSO III
14-2014	7-21-2014	236.07
15-2014	9-2-2014	442.10
17-2014	10-6-2014	1044.07
19-2014	11-17-2014	1060.02
20-2014	2-17-2015	1488.01-1488.09, 1488.99 Ch. 1488 Appx. A, Appx. B
22-2014	12-15-2014	880.10
23-2014	1-5-2014	TSO III
26-2014	1-20-2015	TSO.VI
27-2014	2-17-2015	276.04

Section 2: That pursuant to Section 17 of the City Charter and Ohio R.C. 731.23, the Clerk of Council shall cause to be published a copy of this ordinance, together with a summary of the new matter contained in the Codified Ordinances hereby approved, adopted and enacted, which summary is attached hereto as Exhibit A. Such publication shall be made within ten (10) days of the adoption of this ordinance and shall be made in a newspaper of general circulation in the City.

Section 3: That all ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the new matter adopted in Section 2 of this ordinance are hereby repealed as of the effective date of this ordinance except as follows:

- (a) The enactment of such sections and subsections shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of

such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and recodification.

(b) The repeal provided above shall not affect any legislation enacted subsequent to January 2, 2012.

Section 4: That all meetings and hearings concerning the adoption of this ordinance have been in compliance with Section 220.01 of the Codified Ordinances, Ohio R.C. 121.22 and the City Charter.

Section 5: That this ordinance is hereby deemed to be an emergency measure necessary for the maintenance of the public health, safety, morals and general welfare of all citizens of Shelby and for the additional reason that it is immediately necessary to have an up-to-date Code of Ordinances, one which is consistent with State law, as required by the Ohio Constitution, with which to administer the affairs of the City and enforce law and order, wherefore this ordinance, and the Codified Ordinances hereby approved, adopted and enacted, shall be in full force and effect immediately from and after its passage and approval by the Mayor and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven D. McLaughlin  
Vice President of Council

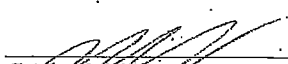
APPROVED:

ATTEST: \_\_\_\_\_

Jeff D. Fenner  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

  
\_\_\_\_\_  
Gordon M. Byster  
Director of Law

ORDINANCE NO. 20 -2015  
(Sponsor - Councilmembers Gates and Martin)

AMENDING SECTION 1468.02 (CONTRACTOR REGISTRATION AND REQUIREMENTS) AND SECTION 1468.06 (EXEMPTION) OF CHAPTER 1468 (CONTRACTOR REGISTRATION) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS: On June 21, 2010, Council enacted Chapter 1468 of the Codified Ordinances of the City of Shelby to require contractor registration; and

WHEREAS: It is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that Sections 1468.02 and 1468.06 of said chapter be amended to allow for situations that were not considered at the time of enactment in 2010.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SHELBY, A MAJORITY ELECTED THERETO CONCURRING:

Section 1: That Section 1468.02 of the Codified Ordinances of the City of Shelby be amended to read as follows:

**1468.02 CONTRACTOR REGISTRATION AND REQUIREMENTS.**

(a) Any contractor, general contractor or subcontractor engaged in contracting, construction, alteration, repair, replacement or removal or demolition of buildings or structures, as business for profit in the city shall, before performing any work within the corporation limits of Shelby, register with the Mayor as Director of Public Service as set forth herein.

(b) Requirements. A contractor, general contractor, or subcontractor seeking to be registered shall submit the following to the Mayor as Director of Public Service:

(1) A certificate of liability insurance in the amount not less than \$100,000 per person or \$300,000 per occurrence for bodily injury, and \$50,000 per accident for property damage (except automobile), for any and all losses to persons by reason of any negligence on the part of himself or his agents or employees while engaged in the performance of construction work in the city. Failure on the part of the contractor to maintain this insurance coverage on a continuous basis will result in automatic cancellation of the registration/license. Provision will be made by the contractor to have his insurance company give the city at least 15 days prior written notice in the event of cancellation or non-renewal of this insurance coverage.

(2) Proof of compliance with the State of Ohio's Workers Compensation Laws.

(3) Certificate of registration with the City of Shelby's Income Tax Division.

(4) A current copy of his or her license issued pursuant to R.C. Chapter 4740 by the OCIEB (Ohio Construction Industry Examining Board) to the contractor or an employee of said contractor, if such a license is required for the contractor's trade or certificate issued pursuant to R.C. Section 3737.65 by the Ohio Fire Marshal.

(5) A registration fee of \$50 for the initial registration and \$25 for any renewal.

Upon submission of the items required above, the Mayor as Director of Public Service shall issue a registration certificate. The Mayor as Director of Public Service may deny the application if the contractor fails to submit any of the items required above.

(c) No person, firm or corporation shall knowingly allow a contractor, general contractor or subcontractor who has failed to register with the Mayor as Director of Public Service to perform any work in the city.

Section 2: That Section 1468.06 of the Codified Ordinances of the City of Shelby be amended to read as follows:

1468.06 EXEMPTIONS.

The following are exempt from the registration requirements of Section 1468.02:

(a) *Homeowners.* No provision of registration shall be interpreted to require that the owner of a one-family dwelling or a member of his or her immediate family who does work on said dwelling shall be registered to perform work upon the premises occupied, or to be occupied, by the owner thereof as such owner's established residence.

(b) *Government agencies, private industry maintenance and public utilities.* Provision of registration shall not apply to federal, state, county or municipal governmental agencies, to public utilities furnishing services to the city under municipal utilities franchise agreement, or to industrial, commercial or institutional organizations or firms wherein a maintenance department, doing work within the provisions of the Building Codes, is provided, except that should work covered by the Building Code be contracted with outside contractors, then such contractors shall be registered in the city as provided herein.

(c) *Owners of rental properties.* No provision of registration shall be interpreted to require that the owner of a residential rental property be registered as a contractor in order to perform work on property owned by him or her:

(d) *Members of certain recognized religious orders.* In lieu of compliance with Sections 1468(b)(1) and 1468(b)(2), a member of a recognized religious order that does not believe in the need to have medical, bodily injury, property damage, or any type of liability may sign a waiver and release of liability form by which the signer assumes all risks and liabilities that may occur during construction, within the City of Shelby, of any project by him/her or his/her company including, but not limited to, death, bodily injury, damage to surrounding and neighboring properties, theft, and/or loss; furthermore, said signer waives, releases, and discharges from any and all liability, including but not limited to the City of Shelby, 43 West Main Street, Shelby, OH 44875 and/or its directors, officers, employees, representatives, and agents from liability arising from the negligence or fault of the entities or persons released, for my death, disability, personal injury, property damage, property theft, or actions of any kind which may hereafter occur to me or my employees; furthermore, said signer shall indemnify, hold harmless, and promise not to sue the entities or persons mentioned in the aforementioned paragraph from any and all liabilities or claims made as a result, whether caused by the negligence, accidental or otherwise, during construction of this project.

Section 3: That all other sections of Chapter 1468 shall remain in full force and effect.

Section 4: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby.

Section 5: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven D. McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
Jeff D. Fenner  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

\_\_\_\_\_  
Gordon M. Eyster  
Director of Law

RESOLUTION NO. 21-2015  
(Sponsor- Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE PURCHASE OF A DUMP TRUCK FOR THE SHELBY SERVICE DEPARTMENT.**

WHEREAS, the ongoing operations of the Shelby Service Department requires the purchase of a new dump truck; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that said dump truck be purchased as soon as possible.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the Mayor as Director of Public Service shall be and is hereby authorized to advertise for bids and enter into a contract for the purchase of a dump truck for the ongoing operation of the Service Department.

Section 2: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 3: That this Resolution shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven D. McLaughlin  
Vice President of Council


APPROVED:

ATTEST: \_\_\_\_\_

Jeffrey D. Fenner  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

  
\_\_\_\_\_  
Gordon M. Byster  
Director of Law