

# The City Record

Official Municipal Bulletin - Shelby Ohio

Legislative Update 2019



## Current Council

[Mayor Steven Schag](#), President of Council, (419) 347-5131

[Finance Director Steven Lifer](#), Clerk of Council, (419) 342-5885

[Law Director Gordon Eyster](#) (419) 342-4261

## Councilmembers:

**At-Large:** [Steven McLaughlin](#), (419) 566-8528 - [stevemclaughlin@shelbycity.oh.gov](mailto:stevemclaughlin@shelbycity.oh.gov)

**First Ward:** [Charles Roub Jr.](#), (419)347-6676 - [charlesroub@shelbycity.oh.gov](mailto:charlesroub@shelbycity.oh.gov)

**Second Ward:** [Derrin Roberts](#), (419) 961-3116 - [derrinroberts@shelbycity.oh.gov](mailto:derrinroberts@shelbycity.oh.gov)

**Third Ward:** [Garland John Gates](#), (419) 347-3337 - [garlandgates@shelbycity.oh.gov](mailto:garlandgates@shelbycity.oh.gov)

**Fourth Ward:** [Nathan Martin](#), (567) 275-2525 - [nathanmartin@shelbycity.oh.gov](mailto:nathanmartin@shelbycity.oh.gov)

**ORDINANCE NO. 26-2018**  
**(Sponsor: Councilmember Gates)**

**CORRECTING AN ERROR ON THE SHELBY ZONING DISTRICTS MAP.**

WHEREAS, the official Zoning Districts Map of the City of Shelby contains an error in that it places the property at 100 North Gamble Street in the R-2 Residential District; however, said property has been used for commercial purposes since circa 1960; 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 said error be corrected.

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

Section 1: That the official Zoning Districts Map of the City of Shelby be corrected to place the property located at 100 North Gamble Street (Richland County Parcel Numbers: 046-08-104-13-000 and 046-08-104-12-000) in the B-3 Highway Service Business District.

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 Section 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.

1st Reading  
10/15/2018

2nd Reading  
11/5/2018

Referred to  
Planning Comm  
11/19/2018

passed  
1-7-19

12/3/2018

AMENDED ORDINANCE NO. 31-2018

(Sponsors: Councilmen Roub, McLaughlin, Martin, and Roberts)

ENACTING CHAPTER 625 OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY (PROHIBITION OF MEDICAL MARIJUANA PROCESSING, CULTIVATION, AND RETAIL DISTRIBUTION WITHIN THE CITY OF SHELBY)

WHEREAS, Substitute H. B. 523 was signed into law by Governor Kasich and became effective on September 8, 2016; and

WHEREAS, pursuant to Home Rule authority found in Article XVIII of the Constitution of the State of Ohio, the city Charter, and the Ohio Revised Code, municipalities have the inherent power to enact among others, zoning, and business regulations that further the health, safety and peace of its citizens by restricting, prohibiting and/or regulating certain businesses; and

WHEREAS, it has been affirmed by ORC 3796.29 that municipalities may adopt restrictions including prohibition against cultivators, processors, and distributors of medical marijuana within their jurisdictions, or limiting the number thereof; and

WHEREAS, marijuana (cannabis) remains classified as a Schedule I controlled substance under the Federal Controlled Substances Act, making it a violation of federal law to possess, manufacture, or distribute marijuana; and

WHEREAS, because the manufacture, possession, and distribution of marijuana are prohibited under federal law, banks, and other financial service providers are prohibited from conducting business from known marijuana enterprises; and

WHEREAS, the inability to bank the large amounts of cash resulting from sales, and the large amounts of cash carried by customers invites the opportunity for crimes such as robbery, burglary, theft, money laundering, tax evasion, and other crimes; and

WHEREAS, due to the above threats to the public health, safety, and the general welfare of the citizens of the City of Shelby, Ohio, and the continued federal classification as a Schedule I drug the cultivation, processing, and retail dispensing of marijuana for medical purposes shall not be permitted within the City of Shelby.

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

Section 1: That Chapter 625 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

**"625.01 DEFINITIONS.**

- (a) "Academic medical center" has the same meaning as in section 4731.297 of the Ohio Revised Code.
- (b) "Marijuana" has the same meaning as defined in section 3719.01 of the Ohio Revised Code.
- (c) Medical marijuana has the same meaning as found in 3796.01 of the Ohio Revised Code.
- (d) "State university" has the same means as in section 3345.011 of the Ohio Revised Code.
- (e) Manufacture has the same meaning as found in 2925.01 of the Ohio Revised Code.
- (f) Cultivate has the same meaning as found in 2925.01 of the Ohio Revised Code.
- (g) Dispense has the same meaning as found in 2925.01 of the Ohio Revised Code.

Passed  
1-7-19

**625.02 CULTIVATION, PROCESSING, OR RETAIL DISPENSING OF MEDICAL MARIJUANA PROHIBITED.**

(a) The cultivation, manufacture, or retail dispensing of medical marijuana within the City of Shelby is prohibited.

(b) This section does not prohibit research related to marijuana at a state university, academic medical center, or private research and development organizations as part of a research protocol as approved by an institutional review board or equivalent entity, if otherwise permitted by State law or rule, or local ordinance.

(c) Whoever violates section (a) is guilty of a misdemeanor of the fourth degree. Each day of violation shall constitute a separate offense.”

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 Section 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.

AMENDED ORDINANCE NO. 32-2018

(Sponsors: Councilmen Roub, McLaughlin, Martin, and Roberts)

ENACTING SECTION 1296.17 OF THE ORDINANCES OF THE CITY OF SHELBY (PROHIBITION OF MEDICAL MARIJUANA PROCESSING, CULTIVATION, AND RETAIL DISTRIBUTION WITHIN THE CITY OF SHELBY)

WHEREAS, Substitute H. B. 523 was signed into law by Governor Kasich and became effective on September 8, 2016; and

WHEREAS, pursuant to Home Rule authority found in Article XVIII of the Constitution of the State of Ohio, the city Charter, and the Ohio Revised Code, municipalities have the inherent power to enact among others, zoning, and business regulations that further the health, safety and peace of its citizens by restricting, prohibiting and/or regulating certain businesses; and

WHEREAS, it has been affirmed by ORC 3796.29 that municipalities may adopt restrictions including prohibition against cultivators, processors, and distributors of medical marijuana within their jurisdictions, or limiting the number thereof; and

WHEREAS, marijuana (cannabis) remains classified as a Schedule I controlled substance under the Federal Controlled Substances Act, making it a violation of federal law to possess, manufacture, or distribute marijuana; and

WHEREAS, because the manufacture, possession, and distribution of marijuana are prohibited under federal law, banks, and other financial service providers are prohibited from conducting business from known marijuana enterprises; and

*Passed  
1-7-19*

WHEREAS, the inability to bank the large amounts of cash resulting from sales, and the large amounts of cash carried by customers invites the opportunity for crimes such as robbery, burglary, theft, money laundering, tax evasion, and other crimes; and

WHEREAS, due to the above threats to the public health, safety, and the general welfare of the citizens of the City of Shelby, Ohio, and the continued federal classification as a Schedule I drug the cultivation, processing, and retail dispensing of marijuana for medical purposes shall not be permitted within the City of Shelby.

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

Section 1: That Section 1296.17 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

**\* 1296.17 CULTIVATION, PROCESSING, OR RETAIL DISPENSING OF MEDICAL MARIJUANA IS PROHIBITED IN ALL ZONING DISTRICTS.**

- (a) The cultivation, manufacture, or retail dispensing of medical marijuana shall be a prohibited use in all zoning districts of the City of Shelby.
- (b) Use of property in violation of this section shall constitute a nuisance.
- (c) In addition to other penalties provided by law, the Director of Law shall be authorized to institute civil proceedings in a court of competent jurisdiction to enjoin violations of this Section; for monetary damages arising from violations of this Section; and to take all actions necessary to secure enforcement of any injunction and collect upon any award, judgment, or fine in contempt levied in relation to a violation of this Section."
- (d) Cultivate, manufacture, and dispense have the same meaning as found in 2925.01 of the Ohio Revised Code.

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 Section 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.

**ORDINANCE NO. 2 -2019**  
**(Sponsor – Councilmembers Martin and Gates)**

**AUTHORIZING THE MAYOR OF THE CITY OF SHELBY TO ENTER INTO CONTRACTS WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 2492, AND DECLARING AN EMERGENCY.**

WHEREAS, City Council and the Administration have conducted extensive negotiations with the International Association of Firefighters, Local 2492, as the bargaining representatives for certain employees of the Fire Department; and

WHEREAS, such negotiations have provided a tentative agreement between the parties; and

WHEREAS, City Council and the Administration have reviewed such proposal and desire to ratify and adopt such agreement(s).

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the Mayor is hereby authorized and directed to enter into agreement(s) with the International Association of Firefighters, Local 2492 on behalf of certain employees of the Fire Department, a copy of the agreement(s) is/are attached hereto and made a part hereof as though fully rewritten herein.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with all legal requirements.

Section 3: That any and all ordinances in conflict with the express provisions of this Agreement are superseded by this Agreement.

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, Ohio.

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  
1-7-19*

**RESOLUTION NO. 1-2019**  
**(Sponsor: Councilmembers Gates and Roberts)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE 2019 MOSQUITO CONTROL GRANT FOR THE CONTROL OF MOSQUITOES AND DECLARING AN EMERGENCY.**

WHEREAS, the Ohio Environmental Protection Agency provides financial assistance for the controlling of mosquitoes through the Mosquito Control Grant; and

WHEREAS, the City of Shelby Health Department desires financial assistance under the Mosquito Control Grant Program for controlling of mosquitoes; 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 the Mayor as Director of Public Safety of City of Shelby apply for a Mosquito Control Grant.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the City of Shelby Council approves an application for financial assistance for the controlling of mosquitoes.

Section 2: That the Mayor as Director of Public Safety is hereby authorized and directed to execute and file an application with the Ohio Environmental Protection Agency and to provide all information and documentation required to become eligible for possible funding assistance.

Section 3: That the City of Shelby does agree to obligate the funds required to satisfactorily complete the proposed project.

Section 4: 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 5: That this Resolution is hereby deemed to be an emergency and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

*Passed  
1-7-19*

**RESOLUTION NO. 2-2019**  
**(Sponsor: Councilmember Martin)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE RIGHTS OF EASEMENT FOR THE NORTH BROADWAY STORM SEWER PROJECT.**

WHEREAS, it has become necessary to install storm sewer lines on the City's system; and

WHEREAS, in order to complete the project, it is necessary to secure rights of easement across private property; 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 the Mayor as Director of Public Service be authorized to acquire rights of easement for the installation of a storm sewer line.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the Mayor as Director of Public Service is hereby authorized to acquire rights of easement for the installation of a storm sewer line for the North Broadway Storm Sewer Project as prepared by Nathan Sautter, Ohio Registered Surveyor No. 8252 on December 5, 2018.

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 is hereby deemed to be an emergency, and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

*Passed  
1-7-19*



RESOLUTION NO. 3 -2019  
(Sponsor- Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER WITH NORTH BAY CONSTRUCTION, INC FOR THE WASTE WATER TREATMENT PLANT IMPROVEMENT PROJECT IN THE AMOUNT OF THIRTY-THREE THOUSAND NINE HUNDRED FIFTY-TWO AND 04/100 DOLLARS (\$33,952.04) AS AN INCREASE.**

WHEREAS, the City of Shelby has entered into a contract with North Bay Construction, Inc. for the Waste Water Treatment Plant Improvement Project, and said contract provides for a written change order; and

WHEREAS, it has become necessary to make additions to the Waste Water Treatment Plant Expansion Project and adjust the contract as detailed in the attached Change Order #26; 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 this change order be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL FOR 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 enter into Contract Change Order with North Bay Construction, Inc. for the total amount of Thirty-Three Thousand Nine Hundred Fifty-Two and 04/100 Dollars (\$33,952.04) as an increase.

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  
1-7-19*