

6:59pm-The Lord's Prayer & Moment of Silence

Shelby City Council Agenda
Tuesday, January 16, 2024
COUNCIL CHAMBERS
29 MACK AVENUE
Shelby, Ohio
7:00 p.m.

Call to Order and Pledge of Allegiance

Roll Call:

Mr. Roub _____ Mr. Roberts _____ Mr. Cutlip _____ Mr. Martin _____ Mr. McLaughlin _____

Dispense with the Reading of the Journal from January 1, 2024

Moved _____ 2ND _____

Mr. Cutlip _____ Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____

Public Comment

Reports from Standing and Special Committees

Finance & Personnel Committee—Councilmember Martin

**MOTION THAT THE COMBINED FINANCIAL STATEMENT AND THE
CASH/INVESTMENT RECONCILIATION STATEMENT BOTH DATED DECEMBER 31, 2023,
BE RECEIVED, PLACED ON FILE, AND POSTED TO THE CITY WEBSITE.**

Moved _____ 2ND _____

Mr. Cutlip _____ Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____

Utilities & Streets Committee—Councilmember McLaughlin

Safety Committee—Councilmember Roberts

Reports of City Officials

Steven L. Schag—Mayor

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Unfinished Business
Purple Heart Trail

Legislation

ORDINANCE NO 10-2023

**AMENDING SECTIONS 1490.10 (GENERAL EXTERIOR
MAINTENANCE REQUIREMENTS) AND 1490.14 (YARD
AREA MAINTENANCE) OF CHAPTER 1490 (EXTERIOR
PROPERTY MAINTENANCE) OF THE CODIFIED
ORDINANCES OF THE CITY OF SHELBY**

2ND READING

Moved _____ 2ND _____

Mr. Cutlip _____ Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____

AMENDED ORDINANCE NO 36-2023 AMENDING CHAPTER 1042 (SEWER REGULATIONS), SECTION 1042.08 (CONSTRUCTION STANDARDS AND SPECIFICATIONS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO

3RD READING

Moved 2ND
Mr. Cutlip Mr. Martin Mr. McLaughlin Mr. Roub Mr. Roberts

PASSAGE OF ORDINANCE

Moved 2ND
Mr. Cutlip Mr. Martin Mr. McLaughlin Mr. Roub Mr. Roberts

RESOLUTION NO 1-2024 AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE OHIO ENVIRONMENTAL PROTECTION AGENCY MOSQUITO CONTROL GRANT AND DECLARING AN EMERGENCY

Moved 2ND
Mr. Cutlip Mr. Martin Mr. McLaughlin Mr. Roub Mr. Roberts

RESOLUTION NO 2-2024 AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO WAIVE THE LATE PAYMENT CHARGE (PENALTY) FROM RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL UTILITY ACCOUNT HOLDERS FOR THE JANUARY 2024 BILLING PERIOD AND DECLARING AN EMERGENCY

Moved 2ND
Mr. Cutlip Mr. Martin Mr. McLaughlin Mr. Roub Mr. Roberts

RESOLUTION NO 3-2024

**APPROVING THE SPECIFICATIONS AND AUTHORIZING
THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO
ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT
FOR THE NORTHSIDE SUBSTATION NORTH EXPRESS
CIRCUIT VOLTAGE REGULATOR PURCHASE AND
DECLARING AN EMERGENCY**

Moved _____ 2ND _____
Mr. Cutlip _____ Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____

Miscellaneous Business

Adjournment at _____ p.m.
Moved _____ 2ND _____
Mr. Cutlip _____ Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____

1st Reading
3/20/2023

Sent to
Public Works
4/3/2023

ORDINANCE NO. 10-2023
(Sponsors- Councilmembers Roberts and Roub)

AMENDING SECTIONS 1490.10 (GENERAL EXTERIOR MAINTENANCE REQUIREMENTS) AND 1490.14 (YARD AREA MAINTENANCE) OF CHAPTER 1490 (EXTERIOR PROPERTY MAINTENANCE) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, Section 1490.10 and 1490.14 contains regulations for Exterior Property Maintenance in the City of Shelby; and

WHEREAS, Shelby City Council is desirous to amend said regulations; 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 Section 1490.10 and 1490.14 of Chapter 1490 of the Codified Ordinances of the City of Shelby be amended.

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

Section 1: That Section 1490.10 (General Exterior Maintenance Requirements) of Chapter 1490 (Exterior Property Maintenance) of the Codified Ordinances of the City of Shelby be amended so that said section shall read as follows:

1490.10 GENERAL EXTERIOR MAINTENANCE REQUIREMENTS.

(a) The exterior surfaces of all structures within the city, be the same functional or aesthetic, shall be maintained in good repair. Any exterior part or feature thereof having functional use shall be capable of performing the use for which the part or feature was designed.

(b) The entire yard area contiguous to all structures within the city, extending from the area immediately adjacent to the structure up to and including the lot line in all directions, shall be maintained in a safe, clean, sanitary, and blight free condition.

Section 2: That Section 1490.14 (Yard Area Maintenance) of Chapter 1490 (Exterior Property Maintenance) of the Codified Ordinances of the City of Shelby be amended so that said section shall read as follows:

1490.14 YARD AREA MAINTENANCE.

(a) Refuse.

(1) No furniture, mattresses, household furnishings, rugs, appliances, dilapidated automobiles, or automobile parts shall be placed or stored in any area contiguous to any structure within the city over a period in excess of 24 hours; provided, however, that those items set forth herein which are usually and ordinarily placed for refuse hauling may be so placed for a period of time not to exceed the next regularly scheduled refuse hauling date.

(2) Exterior property areas of all premises shall be kept free of debris, objects, materials or conditions that, in the opinion of the Mayor and/or his or her designee, create a health, accident or fire hazard, are a public nuisance or constitute a blighting or deteriorating influence on the neighborhood. Broken glass, stumps, filth, garbage, trash and debris shall not be permitted on any property.

(b) Vegetation.

(1) Any tree, shrub or part thereof which, as a result of death, decay, breaking, placement or neglect, is a hazard or endangers any person, animal or property, or causes a blighting effect on the neighborhood, shall be trimmed in conformity with Chapter 1026, or removed.

(2) Grass and weeds shall be maintained, controlled and cut in conformity with Chapter 662.

(c) Appurtenant structures.

(1) All structures located in the yard area contiguous to any residential and commercial structure within the city, such as sheds, barns, garages, bins and the like, shall be maintained in good repair in conformity with other provisions of this chapter having regard to foundations, roofs and exterior surfaces.

(2) Any broken, deteriorated or decayed fence, yard enclosure or other device or structure located in the yard area contiguous or any residential or commercial structure within the city shall be repaired or removed.

(d) Automobile parking.

(1) No motor vehicle or trailer shall be parked in any part of the yard area contiguous to a residential or commercial structure within the city, other than that area designated by custom and use as the driveway or parking lot, for a cumulative amount of time greater than six hours in any 48-hour period.

(2) Other than as provided in division (d)(1) hereof, the parking and storage of all motor vehicles, trailers and other equipment shall be in accordance with the provisions of the traffic code as set forth in Part Four of these Codified Ordinances and the Ohio Revised Code.

(e) Ground surface hazards. Holes, cracks excavations, breaks, projections and obstructions at any place on the premises which, in the opinion of the Mayor and/or his or her designee, are a hazard using the premises, shall not be permitted.

Section 3: That all other Sections of Chapter 1490 of the Codified Ordinances of the City of Shelby 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, 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: _____

Steven McLaughlin
Vice President of Council

APPROVED: _____

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

Substitute Ordinance No. 10-2023
(Sponsors: Councilmembers Roberts and Roub)

AMENDING SECTIONS 1490.01 (TITLE AND APPLICATION), 1490.03 (DEFINITIONS), 1490.04 (FINDINGS), 1490.09 (MAINTENANCE RESPONSIBILITY), 1490.10 (GENERAL EXTERIOR MAINTENANCE REQUIREMENTS), 1490.14 (YARD AREA MAINTENANCE), AND 1490.15 (ABANDONED STRUCTURES AND UNOCCUPIED LOTS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, Section 1490.01, 1490.03, 1490.04, 1490.09, 1490.10, 1490.14, and 1490.15 contain regulations for Exterior Property Maintenance in the City of Shelby; and

WHEREAS, Shelby City Council is desirous to amend said regulations; 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 1490.01, 1490.03, 1490.04, 1490.09, 1490.10, 1490.14, and 1490.15 of Chapter 1490 of the Codified Ordinances of the City of Shelby be amended.

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

Section 1: That section 1490.01 (Title and Application) of Chapter 1490 (Exterior Property Maintenance) of the Codified Ordinances of the City of Shelby be amended so that section shall read as follows:

§ 1490.01 TITLE AND APPLICATION.

This chapter shall be known as the Exterior Property Maintenance Code of the city. It is strictly limited to the establishment of minimum standards for the maintenance of exterior surfaces and exterior functioning units of all structures and buildings within the city, including outside areas immediately contiguous thereto. No provisions of this chapter shall, in any way, directly or indirectly, be interpreted to interfere with, or to limit the right of, any owner or resident to inhabit real property owned or leased by him or her in such manner and form as he or she may determine appropriate, consonant with other applicable provisions of law. This chapter is directed to obvious visual problems which may occasion incipient blighting conditions within the city. All matters of the interior use, occupancy or habitation of any structure or building within the city are specifically excluded from the provisions of this chapter.

Section 2: That section 1490.03 (Definitions) of Chapter 1490 (Exterior Property Maintenance) of the Codified Ordinances of the City of Shelby be amended so that section shall read as follows:

§ 1490.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) Abandoned. That to which an owner has relinquished all right, title, claim and possession, with the intention of not reclaiming it or resuming its ownership, possession, or enjoyment.

(b) Abandoned structure. Any building, either constructed or in a partially constructed state, which is permitted to remain uninhabitable/uninhabited for a period of at least six months. Examples of elements which shall determine whether or not a structure has been abandoned are any of the following conditions, but such determination shall not necessarily be controlled by these illustrations: premises where a structure is located and windows or doors are broken; or nonworking or disconnected utilities; or where trash is permitted to accumulate; or where grass and weeds are permitted to grow without being mowed; or where further construction is needed to make such premises habitable; or where taxes remain unpaid on such a structure.

(c) Blight.

(1) A parcel that has one or more of the following conditions:

(aa) A structure that is dilapidated, unsanitary, unsafe, or vermin infested and that because of its condition has been designated by an agency that is responsible for the enforcement of housing, building, or fire codes as unfit for human habitation or use;

(bb) The property poses a direct threat to public health or safety in its present condition by reason of environmentally hazardous conditions, solid waste pollution, or contamination;

(cc) Tax or special assessment delinquencies exceeding the fair value of the land that remain unpaid thirty-five days after notice to pay has been mailed.

(2) A parcel that has two or more of the following conditions that, collectively considered, adversely affect surrounding or community property values or entail land use relationships that cannot reasonably be corrected through existing zoning codes or other land use regulations:

(aa) Dilapidation and deterioration;

(bb) Age and obsolescence;

(cc) Inadequate provision for ventilation, light, air, sanitation, or open spaces;

(dd) Unsafe and unsanitary conditions;

(ee) Hazards that endanger lives or properties by fire or other causes;

(ff) Noncompliance with building, housing, or other codes;

(gg) Nonworking or disconnected utilities;

(hh) Is vacant or contains an abandoned structure;

(ii) Excessive dwelling unit density;

(jj) Is located in an area of defective or inadequate street layout;

(kk) Overcrowding of buildings on the land;

(ll) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;

(mm) Vermin infestation;

(nn) Extensive damage or destruction caused by a major disaster when the damage has not been remediated within a reasonable time;

(oo) Identified hazards to health and safety that are conducive to ill health, transmission of disease, juvenile delinquency, or crime;

(pp) Ownership or multiple ownership of a single parcel when the owner, or a majority of the owners of a parcel in the case of multiple ownership, cannot be located.

(d) Deterioration. The condition or appearance characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect or lack of maintenance.

(e) Mixed occupancy. Any building containing one or more dwelling units or rooming units and also having a portion thereof devoted to non-dwelling uses.

(f) Nuisance.

(1) Any public nuisance known at common law or in equity jurisprudence, or as provided by the statutes of the state or ordinances of the city;

(2) Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist;

(3) Unsanitary conditions or anything offensive to the senses or dangerous to health, in violation of this chapter; and

(4) Fire hazards.

(g) Owner.

(1) Any person who, alone or jointly or severally with others, has legal or equitable title to any premises, with or without accompanying actual possession thereof, or has charge, care or control of any dwelling or dwelling unit, as an owner or an agent of the owner, or as a fiduciary, including but not limited to the executor, the administrator, the trustee, the receiver or the guardian of the estate or as a mortgagee in possession, regardless of how the possession was obtained.

(2) Any real estate company, firm, corporation, broker or salesman having a listing agreement with the owner of real property for the purpose of the sale of the same, and not having an additional contractual agreement, oral or written, to manage or maintain the same during the continuance of the listing agreement, is specifically exempted from this definition, and does not fall within the purview of §1490.09 establishing maintenance responsibility.

(h) Premises. A lot, plot or parcel of land, including the buildings or structures thereon.

(i) Refuse. All putrescible and nonputrescible solid waste, except body waste, including but not limited to garbage, rubbish, ashes, street cleanings, dead animals and solid market and industrial wastes.

Section 3: That Section 1490.04 (Findings) of Chapter 1490 (Exterior Property Maintenance) of the Codified Ordinances of the City of Shelby be amended so that section shall read as follows:

§ 1490.04 FINDINGS.

It is hereby found and determined that there exist in the city various structures, including outside areas immediately contiguous thereto, which are, or may become in the future, deteriorated or defective with respect to exterior maintenance. It is further found and determined that certain conditions, including but not limited to structural deterioration, lack of maintenance of the exterior of premises, lack of maintenance of a satisfactory appearance of premises, and the existence of exterior fire hazards and unsanitary conditions, constitute an immediate threat to the health, safety, welfare and reasonable comfort of the residents and inhabitants of the city. It is further found and determined that, by reason of lack of maintenance and progressive deterioration, the exterior appearance of certain properties has the further effect of creating blighting conditions and initiating depressed neighborhood groupings, and that if the same is not curtailed and corrected, the conditions are likely to grow, spread and necessitate, in time, the expenditure of large amounts of public funds to correct and eliminate the same, and that by reason of timely regulations and restrictions as herein contained, the growth of the blight may be prevented and the immediate neighborhood and property values thereby maintained.

Section 4: That Section 1490.09 (Maintenance Responsibility) of Chapter 1490 (Exterior Property Maintenance) of the Codified Ordinances of the City of Shelby be amended so that section shall read as follows:

§ 1490.09 MAINTENANCE RESPONSIBILITY.

(a) The owner and manager of every single or multiple-unit structure within the city shall be responsible for maintaining the exterior surfaces of the same in conformity with the provisions of this chapter.

(b) The owner and manager of every multiple-unit structure within the city shall be responsible for maintaining the outside area contiguous thereto in conformity with the provisions of §1490.14.

(c) The owner, manager and any adult resident of a single-dwelling structure within the city shall be responsible for maintaining the outside area immediately contiguous thereto in conformity with the provisions of §1490.14.

(d) Unless expressly provided to the contrary in this chapter, the respective obligations and responsibilities imposed herein upon the owner and manager, as differentiated from those of the residents, shall not be altered or affected by an agreement or contract by and between any of the aforesaid, or between them and other parties.

Section 5: That Section 1490.10 (General Exterior Maintenance Requirements) of Chapter 1490 (Exterior Property Maintenance) of the Codified Ordinances of the City of Shelby be amended so that section shall read as follows:

§ 1490.10 GENERAL EXTERIOR MAINTENANCE REQUIREMENTS.

(a) The exterior surfaces of all structures within the city, be the same functional or aesthetic, shall be maintained in good repair. Any exterior part or feature thereof having functional use shall be capable of performing the use for which the part or feature was designed.

(b) The entire outside area contiguous to all structures within the city, extending from the area immediately adjacent to the structure up to and including the lot line in all directions, shall be maintained in a safe, clean, sanitary, and blight free condition. No junk motor vehicle shall be parked thereon. A junk motor vehicle is a vehicle that meets any of the following criteria and has remained in such condition for a continuous period of fourteen (14) days.

(1) Apparently inoperable;

(2) Does not display a valid license plate;

(3) Partially damaged and/or wrecked including but not limited to any of the following:
missing wheels, tires, engine, transmission, or other mechanical parts;

(4) Partially dismantled or discarded condition.

Section 6: That Section 1490.14 (Yard Area Maintenance) of Chapter 1490 (Exterior Property Maintenance) of the Codified Ordinances of the City of Shelby be amended so that section shall read as follows:

§ 1490.14 OUTSIDE AREA MAINTENANCE.

(a) Refuse.

(1) No furniture designed for indoor use, mattresses, household furnishings, rugs, appliances, dilapidated automobiles or automobile parts, or tires shall be placed or stored in any outside area contiguous to any structure within the city over a period in excess of 24 hours; provided, however, that those of the items are set forth herein which are usually and ordinarily placed for refuse hauling may be so placed for a period of time not to exceed the next regularly scheduled refuse hauling date.

(2) Exterior property areas of all premises shall be kept free of debris, objects, materials or conditions that, in the opinion of the Mayor and/or his or her designee, create a health, accident or fire hazard, are a public nuisance or constitute a blighting or deteriorating influence on the neighborhood. Broken glass, stumps, filth, garbage, trash and debris shall not be permitted on any property.

(b) Vegetation.

(1) All trees, shrubs, plants, or parts thereof which, as a result of death, decay, breaking, placement or neglect, is a hazard or endangers any person, animal or property, or causes a blighting effect on the neighborhood, shall be trimmed in conformity with Chapter 1026, and dead, decayed or broken portions thereof shall be removed.

(2) Grass and weeds shall be maintained, controlled and cut in conformity with Chapter 662.

(c) Appurtenant structures.

(1) All structures located in the outside area contiguous to any residential and commercial structure within the city, such as sheds, barns, garages, bins and the like, shall be maintained in good repair in conformity with other provisions of this chapter having regard to foundations, roofs and exterior surfaces.

(2) Any broken, deteriorated, or decayed fence, yard enclosure or other device or structure located in the outside area contiguous or any residential or commercial structure within the city shall be repaired or removed.

(d) Automobile parking.

(1) No motor vehicle or trailer shall be parked in any part of the yard area contiguous to a residential or commercial structure within the city, other than that area designated by custom and use as the driveway or parking lot, for a cumulative amount of time greater than six hours in any 48-hour period. All driveways must comply with 1022.01.

(2) Other than as provided in division (d)(1) hereof, the parking and storage of all motor vehicles, trailers and other equipment shall be in accordance with the provisions of the traffic code as set forth in Part Four of these Codified Ordinances and the Ohio Revised Code, provided that no junk motor vehicle shall be parked thereon. A junk motor vehicle is a vehicle that meets any of the following criteria and has remained in such condition for a continuous period of fourteen (14) days:

A. Apparently inoperable;

B. Does not display a valid license plate;

C. Partially damaged and/or wrecked including but not limited to any of the following: missing wheels, tires, engine, transmission, or other mechanical parts.

(e) Ground surface hazards. Holes, cracks excavations, breaks, projections and obstructions at any place on the premises which, in the opinion of the Mayor and/or his or her designee, are a hazard using the premises, shall not be permitted.

Section 7: That Section 1490.15 (Abandoned Structures and Unoccupied Lots) of Chapter 1490 (Exterior Property Maintenance) of the Codified Ordinances of the City of Shelby be amended so that section shall read as follows:

§ 1490.15 ABANDONED STRUCTURES AND UNOCCUPIED LOTS.

(a) If any structure shall become abandoned, the structure shall be presumed to be a nuisance affecting or endangering surrounding property values and to be detrimental to the public health, safety, convenience, comfort, property or general welfare of the community, and the same shall be abated.

(b) Whenever the Mayor and/or his or her designee shall find any structure to be abandoned within the definition of this section, he or she shall give notice in the same manner as service of a summons in civil action, or by certified mail addressed to the owner of record of the premises at his or her last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods, to abate the abandoned condition within 30 days, by placing the structure in operation in accordance with this section, adapting and using the structure for another use, or razing the structure, removing all debris, any signs, goods, supplies and equipment, and filling depressions to the grade level of the lot; provided, however, that if the structure is in use at the time that notice is given and remains in operation for 90 consecutive days, the provisions of this section shall not apply.

(c) Upon the failure, neglect or refusal of any owner to comply with the notice to abate an abandoned structure, the Mayor and/or his or her designee shall advise the Director of Law of all the facts and the Director of Law shall proceed to exercise on behalf of the city any remedy which shall then be available to it to secure the abatement, including any remedy that pertains to the abatement of a public nuisance, and to recover any damages or enforce any penalties which may be recovered or imposed by the city.

(d) In the case of unoccupied or inoperative structures, whether or not abandoned, the lot upon which any such structure is located, with any other unoccupied lot, shall be maintained in accordance with the provisions of this chapter. Any such lot shall be provided with grass or other appropriate ground cover or landscaping material so as to assure absorption of rainfall and prevent erosion and rapid run-off of surface water. The owner shall cut and maintain all grass or other ground cover and remove all rubbish and weeds from the premises. The parking of motor

vehicles upon the premises shall be prohibited and the Mayor and/or his or her designee may order the owner of the premises to install fencing approved by the Mayor and/or his or her designee, which fencing will be sufficient to block motor vehicle access to the property.

Section 8: That all other Sections of Chapter 1490 of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

Section 9: 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 10: 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 McLaughlin
Vice President of Council

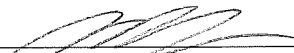
APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

1st Reading
12/18/2023

2nd Reading
1/1/2024

AMENDED ORDINANCE NO. 36-2023
(Sponsor: Councilmember Martin)

AMENDING CHAPTER 1042 (SEWER REGULATIONS), SECTION 1042.08 (CONSTRUCTION STANDARDS AND SPECIFICATIONS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, Chapter 1042 (Sewer Regulations), Section 1042.08 (Construction Standards and Specifications) needs to be amended to list the most current installation standards and specifications for sewer laterals and specify the responsible parties for permitting and overseeing the sewer lateral installation; and

WHEREAS, the Service Department, Division of Sewer Maintenance has provided the updated information for the most current method and materials required for the proper installation of sewer laterals; 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 Chapter 1042 (Sewer Regulations), Section 1042.08 (Construction Standards and Specifications) be amended to list the most current installation standards and specifications for sewer laterals.

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

Section 1: That Chapter 1042 (Sewer Regulations), Section 1042.08 (Construction Standards and Specifications) be amended to read as follows:

(a) Sewer laterals shall not be less than six inches in diameter. All joints shall be watertight.

(1) Sewer laterals from the main to the owner's residence shall be of the following material:

A. PVC sewer pipe manufactured in accordance with the most current revision of ASTM Designation D 3034 (SDR 35) or approved equal as determined by the Director of Public Service or his or her designee.

(2) The appropriate Fernco flexible coupling or approved equivalent adaptor shall be used to connect different pipe materials.

(b) Whenever possible, the house sewer lateral shall be brought to the building at an elevation below the basement floor. For each building there shall be a separate sewer connection constructed of a six-inch minimum SDR 35 bell and spigot pipe with a gasket, or approved equal as determined by the Director of Public Service or his or her designee, which shall extend from the main sewer to within five feet of the building, at which point a Fernco transition fitting or approved equal as determined by the Director of Public Service or his or her designee, shall be installed and connected to Schedule 40 pipe. Glued fittings are not permitted. A cleanout shall be installed on the sewer lateral next to the outside wall or installed inside the structure flush with the finished floor.

(c) No building sewer lateral laid parallel to any bearing wall shall be installed within three feet of the wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The house sewer lateral shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.

(d) Sewer laterals shall have a minimum slope of one-eighth inch per foot laid to a straight line and grade. Connections to the public sewer main shall be made at wye (or tee used if drop in from top only) fittings installed for this purpose. If a wye or tee fitting is not available, connection into the public sewer shall be made by using an approved flexible watertight coupling (Fernco or approved equal). The contractor is responsible for the installation of the sewer lateral and shall make arrangements with the City Building Inspector, the Superintendent of Service Department, or his or her designee to inspect the sewer tap upon the completion of the installation. Long radius bends shall be used, as required, at the wye or tee fittings. The pipe shall be laid on six inches of crushed stone bedding material conforming to size No. 57 or 67 of Table 703-1 of the State of Ohio Department of Transportation *Construction and Material Specifications*.

(e) After the bedding material is placed in the bottom of the trench, the pipe shall be laid in the bedding material with care being taken to ensure that the bottom of the pipe is resting on the

bedding material for its full length. The pipe shall then be adjusted to the proper elevation by adding or removing bedding material as required.

(f) No backfilling over completed work shall be done without the permission of the Superintendent of Service Department or his or her designee.

(g) After the piping installation is approved by the Superintendent of Service Department or his or her designee, it shall be backfilled to a depth of at least six inches above the top of the pipe with 57 or 67 size limestone conforming to that specified for bedding material. This initial backfill shall be thoroughly tamped to the satisfaction of the Superintendent of Service Department or his or her designee with precaution taken so that no misalignment and no change in grade will occur during the backfilling operation. The balance of the trench located outside of pavement limits shall be backfilled with the excavated materials free of large stones or lumps of soil.

(h) All excavations within the limits of street pavement, alleys, parking areas or public drives shall be backfilled with gravel consisting of two feet of 57 size limestone, followed by a top coat of compacted 304 limestone to subgrade. Gravel backfill shall meet with the approval of the Superintendent of Service Department or his or her designee prior to its installation. Pavement shall be replaced in accordance with Standard Drawing No. 2 on file in the office of the Director of Finance and Public Record. The contractor shall be responsible for all the expenses accrued for the pavement replacement.

(i) All excavations shall be adequately guarded with barricades and lights to protect the public from hazard.

(j) Whenever possible, sewer laterals shall be installed ten feet apart from any other utility infrastructure; including water service lines, underground electric lines, natural gas lines, cable, fiber, and telecommunication lines.

(k) Whenever possible, any sewer lateral that crosses over other underground infrastructure shall be placed eighteen inches above the other infrastructure.

(3) Wherever a force sanitary sewer main is installed, the property owner connecting to the force main shall be responsible for their mechanical pump and sewer lateral up to and including the connection to the municipally owned sewer main.

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.

PASSED: _____

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon Eyster
Director of Law

RESOLUTION NO. 1-2024
(Sponsors: Councilmembers Roberts and Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE OHIO ENVIRONMENTAL PROTECTION AGENCY MOSQUITO CONTROL GRANT AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Environmental Protection Agency provides financial assistance for health department purposes through the Mosquito Control Grant; and

WHEREAS, the City of Shelby Health Department desires financial assistance under the Mosquito Control Grant Program to control the mosquito population; 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 control of Mosquitos through the Ohio Environmental Protection Agency Mosquito Control Grant.

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 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 4: That this Resolution is hereby deemed to be an emergency so as to meet the January 31, 2024 deadline 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: _____

Steven McLaughlin
Vice President of Council

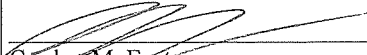
APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 2 -2024
(Sponsor: Councilmember McLaughlin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO WAIVE THE LATE PAYMENT CHARGE (PENALTY) FROM RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL UTILITY ACCOUNT HOLDERS FOR THE JANUARY 2024 BILLING PERIOD AND DECLARING AN EMERGENCY.

WHEREAS, the readiness of the new utilities billing software system has delayed the mailing date for the January utilities bill which may cause utility account holders to incur a late penalty charge on their utility bill; 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 waive the late payment charge (penalty) from residential, commercial, and industrial utility account holders for the January 2024 billing period.

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 Mayor as Director of Public Service is hereby authorized to waive the late payment charge (penalty) from residential, commercial, and industrial utility account holders for the January 2024 billing period.

Section 2: That this authorization shall be for these utilities as stated in the codified ordinances: Chapter 1040 (Water), Chapter 1044 (Sewer Charges), and Chapter 1050 (Electricity).

Section 3: 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 4: 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: _____

Steven McLaughlin
Vice President of Council

APPROVED: _____

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 3 -2024
(Sponsor: Councilmember McLaughlin)

APPROVING THE SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE NORTHSIDE SUBSTATION NORTH EXPRESS CIRCUIT VOLTAGE REGULATOR PURCHASE AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby and AEP OnSite Partners have entered into an agreement for the installation of a 10 megawatt battery energy storage system; and

WHEREAS, a Load Flow Study completed by GPD engineers for the battery energy storage system determined the voltage regulators on the North Express circuit located at the Northside Substation would need to be upgraded to accept the flow of energy from the 10 megawatt battery energy storage system, the 1,800 kilowatt solar array, and the two 1,800 kilowatt diesel generators; and

WHEREAS, the plans and specifications have been completed for the required circuit voltage regulators to allow the uninterrupted flow of energy from the aforementioned resources to the Northside Substation, North Express circuit; 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 equipment improvements be made to the Northside Substation, North Express circuit voltage regulators.

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 Mayor as Director of Public Service is hereby authorized to accept the plans and bid specifications for the Northside Substation, North Express circuit voltage regulator purchase.

Section 2: That the Mayor as Director of Public Service is hereby authorized to advertise for bids and enter into a contract for the Northside Substation, North Express circuit voltage regulator purchase.

Section 3: 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 4: That this Resolution is hereby deemed to be an emergency due to the anticipated lead time for the said equipment purchase 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: _____

Steven McLaughlin
Vice President of Council


APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Byster
Director of Law