

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

Shelby City Council Agenda
Monday, October 21, 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 October 7, 2024

Moved _____ 2ND _____

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

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 SEPTEMBER 30,
2024, BE RECEIVED, PLACED ON FILE, AND POSTED TO THE CITY WEBSITE.**

Moved _____ 2ND _____

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

Utilities & Streets Committee—Councilmember McLaughlin

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

Motion to approve the Clark Avenue Roadway as a Local Landmark per Ordinance 1488.07

Moved _____ 2ND _____

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

Unfinished Business

Legislation

ORDINANCE NO 21-2024

ENACTING SECTION 1296.18 (MINIMUM LOT WIDTH REQUIREMENT) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

3RD READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 23-2024 **AMENDING TITLE FOUR (SUBDIVISION REGULATIONS)
OF THE CODIFIED ORDINANCES OF THE CITY OF
SHELBY**

2ND READING

Moved _____ 2ND _____

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

ORDINANCE NO 24-2024 **AMENDING SECTION 402.01 (MEANING OF WORDS AND
PHRASES) OF CHAPTER 402 (DEFINITIONS) OF THE
CODIFIED ORDINANCES OF THE CITY OF SHELBY,
OHIO**

2ND READING

Moved _____ 2ND _____

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

ORDINANCE NO 25-2024 **AMENDING SECTION 404.07 (IMPOUNDING OF
VEHICLES; REDEMPTION) OF CHAPTER 404
(ENFORCEMENT; IMPOUNDING) OF THE CODIFIED
ORDINANCES OF THE CITY OF SHELBY, OHIO**

2ND READING

Moved _____ 2ND _____

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

ORDINANCE NO 26-2024 **AMENDING SECTION 432.24 (DRIVING UPON
SIDEWALKS, TREE LAWNS OR CURBS) OF CHAPTER 432
(OPERATION GENERALLY) OF THE CODIFIED
ORDINANCES OF THE CITY OF SHELBY, OHIO**

2ND READING

Moved _____ 2ND _____

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

ORDINANCE NO 27-2024

REPEALING SECTION 444.06 (RIDING BICYCLES UPON SIDEWALKS) OF CHAPTER 444 (BICYCLES AND MOTORCYCLES GENERALLY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO

2ND READING

Moved _____ 2ND _____

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

RESOLUTION NO 49-2024

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE FY 25 MARCS (MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM) GRANT FROM THE OHIO DEPARTMENT OF COMMERCE, DIVISION OF STATE FIRE MARSHAL, FOR MARCS RADIO EQUIPMENT FEES AND DECLARING AN EMERGENCY

Moved _____ 2ND _____

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

RESOLUTION NO 50-2024

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ASSIGN THE CITY OF SHELBY, OHIO'S INTEREST IN THE GREENUP POWER SALES CONTRACT AND THE MELDAHL POWER SALES CONTRACT WITH AMERICAN MUNICIPAL POWER, INC. TO THE CITY OF ST. MARY'S, OHIO AND TAKING OTHER ACTIONS IN CONNECTION THEREWITH

Moved _____ 2ND _____

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

RESOLUTION NO 51-2024

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE OF THE CITY OF SHELBY TO ACCEPT THE FORTHCOMING RETIREMENT OF JOHN ENSMAN, SUBMITTED FOR PURPOSES OF INITIATING EARNED RETIREMENT BENEFITS, EFFECTIVE AS OF THE END OF THE WORK DAY ON DECEMBER 31, 2024 AND DECLARING AN EMERGENCY

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

Miscellaneous Business

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

1st Reading
9/16/2024

2nd Reading
10/7/2024

ORDINANCE NO. 21 -2024
(Sponsors: Councilmembers Roberts and Roub)

ENACTING SECTION 1296.18 (MINIMUM LOT WIDTH REQUIREMENT) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, changes in the real estate market and the selling of homes requires an enactment of a new chapter in the Zoning Code of the City of Shelby, Ohio; and

WHEREAS, the Shelby City Planning Commission at its meeting held on August 27, 2024, made a recommendation to the Shelby City Council to enact said section; and

WHEREAS, in accordance with mandates of the Zoning Ordinance for the City of Shelby, a public hearing shall be held concerning the proposed enactment; and

WHEREAS, it is in the public health, safety, morals and general welfare of the citizens of the City of Shelby that Section 1296.18 of Chapter 1296 of the Codified Ordinances of the City of Shelby be enacted.

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

Section 1: That Section 1296.18 (Minimum Lot Width Requirement) of Chapter 1296 (Supplementary Regulations) of the Codified Ordinances of the City of Shelby be enacted so that said section shall read as follows:

1296.18 MINIMUM LOT WIDTH REQUIREMENT.

(a) All buildings except accessory buildings shall be located on a lot that meets the minimum lot width requirement at the minimum building setback line for the zoning district in which the lot is located.

(b) Zero Lot Line - Common Wall Business. When zoning regulations permit a lot split for construction of a common wall business with a "zero lot line setback", then the City Engineer and Zoning Inspector shall approve a preliminary survey plat of such lot providing, said final survey plat will be attached to the deed and contains information to show compliance. Once the City Engineer and Zoning Inspector have approved the preliminary plat the final approval will be given at planning commission with the following requirements:

(1) The size of each resulting parcel must have frontage located on a primary street. Lots that do not have frontage located along a primary street must seek an easement from the contiguous property owner for ingress/egress purposes to access said lot that is being split.

(2) Separate water service lines shall be installed to each unit. The service lines shall have a separate curb type shut-off valve for each unit.

(3) Separate sanitary sewer laterals to each unit shall be installed using a wye with a clean out to be located at the property line or easement line.

(4) Electrical service shall be from a common point and a conduit raceway shall be installed for the conductors serving the unit farthest from the meters.

(5) Separate gas lines shall be installed for each unit.

(6) An easement shall be provided for the installation of telephone and television cables.

(7) An easement of at least five feet in width for each side of the common wall shall be provided for maintenance purposes.

(8) Notice in bold lettering shall advise each owner of the businesses of the responsibility for common maintenance and insurance for the structure.

(c) Zero Lot Line - Common Wall Residences. When zoning regulations permit a lot split for construction of a common wall two family residence with a "zero lot line setback", then the city engineer and zoning inspector shall approve a survey plat of such lot providing said survey plat is attached to the deed and contains information to show compliance with the following requirements:

(1) The size of each resulting parcel, not one of which shall be less than 7,500 square feet in area and have a minimum frontage width of fifty feet.

(2) Separate water service lines shall be installed to each unit from the front property line or the side or rear easement line. The service lines shall have a separate curb type shut-off valve for each unit.

- (3) Separate sanitary sewer laterals to each unit shall be installed using a wye with a clean out to be located at the property line or easement line.
- (4) Electrical service shall be from a common point and a conduit raceway shall be installed for the conductors serving the unit farthest from the meters.
- (5) Separate gas lines shall be installed for each unit.
- (6) An easement shall be provided for the installation of telephone and television cables.
- (7) No driveways having common ownership shall be permitted.
- (8) An easement of at least five feet in width for each side of the two-family residence shall be provided for maintenance of the common wall.
- (9) Notice in bold lettering shall advise each owner of the two-family residence of the responsibility for common maintenance and insurance for the structure.

Section 2: That all other Sections of Chapter 1296 of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

Section 3: 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 4: 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

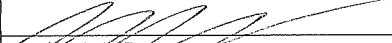
APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

1st Reading
10/7/2024

ORDINANCE NO. 23 -2024
(Sponsors: Councilmembers Roberts and Roub)

AMENDING TITLE FOUR (SUBDIVISION REGULATIONS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, the Subdivision Regulations of the City of Shelby were adopted by the Council of the City of Shelby on June 6, 1983 through Ordinance 17-1983; and

WHEREAS, certain portions of the regulations were amended by the Council of the City of Shelby on February 2, 2004 through Ordinance 1-2004; and

WHEREAS, certain portions of the regulations were amended by the Council of the City of Shelby on July 15, 2019 through Ordinance 13-2019; and

WHEREAS, certain portions of the regulations need to be amended and modified so as to make the regulations, as a whole, more pertinent to the subdivision of today; and

WHEREAS, The Shelby City Planning Commission on August 27, 2024, reviewed the proposed amendments and referred them to the Shelby City Council with their recommendation for adoption.

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

Section 1: That Section 1246.03 (Minor Subdivisions), Section 1246.04 (Major Subdivisions), Section 1248.03 (Street and Utility Improvements) of the Codified Ordinances of the City of Shelby be amended as follows:

1246.03 MINOR SUBDIVISIONS.

(a) *Lots.* All lots shall abut a public or private street or thoroughfare.

(1) *Zoning conformance.* The lot size, width and depth, and the minimum building setback lines, shall conform to any existing zoning regulations.

(2) *Lot width.* The minimum lot width shall be 60 feet at the minimum building setback line.

(3) *Lot depth.* No lot depth shall exceed three and one-half times its width. The width, for this purpose, shall be at the building setback line.

(4) *Minimum building setback lines (from the right-of-way line).*

A.	State highways and major thoroughfares	40 feet
B.	Collector streets	35 feet
C.	All other streets	30 feet
Corner lots shall meet minimum setbacks on both sides abutting the intersecting streets.		

(5) *Side yards.* The minimum building setback from side lot lines shall be five feet.

(6) *Rear yards.* The minimum building setback from the rear lot line shall be 30 feet.

(b) *Storm sewers.*

(1) If the minor subdivision is in an area where a public storm sewer system is not available, the subdivider shall do the grading and provide such drainage structures, including rain water drainage, for each individual building on each lot as required by the City Engineer.

(2) Where a storm sewer system is reasonably accessible and adequate, as determined by the City Engineer, the subdivision shall extend and connect with the storm sewer system and shall do such grading and provide such drainage structures to connect each building on each lot to the

storm sewer system as required by the City Engineer. New storm sewers shall be in conformance with 1246.04(f)(1).

(c) *Water supply and sanitary sewers.* Where public or community water supply and sanitary sewer facilities are not available, individual water wells and sanitary sewer disposal facilities shall be provided for each lot in the subdivision as required by the City Health Commissioner or another agency having jurisdiction. Where sanitary sewers and/or public water service are within a reasonable distance, as determined by the City Engineer, the sanitary sewer and watermain shall be extended by the subdivider to service the Minor Subdivision and shall be in conformance with 1248.03

1246.04 MAJOR SUBDIVISIONS.

(a) *Streets.*

(1) *Arrangement.* The arrangement, character, extent, width and location of all streets shall conform to the Open Space and Thoroughfare Plan and the Parks and Transportation Plan of current adoption (see Subdivision Appendices V and VI following the text of Chapter 1250 of these Subdivision Regulations). The design of the proposed streets shall provide for both the continuation of existing streets and access to adjacent unplatted lands so that the entire area can be served with a coordinated street system.

(2) *Street classifications.*

A. Major arterial thoroughfares shall be planned for the continuation of movement of fast traffic entering or leaving the urban area, or between points of heavy traffic generation, and from one section of a community to another. Major arterials should have few intersections with local streets and collector thoroughfares. These thoroughfares should be spaced at least one and one-half miles apart.

B. Minor arterial thoroughfares should interconnect with and augment the major arterial system. Minor arterials should provide for intra-community trips and movement of traffic from heavy traffic generators to major arterial thoroughfares. Minor arterials should contain few intersections with local streets. These thoroughfares should be spaced at least three-fourths of a mile apart.

C. Collector thoroughfares shall provide a traffic route from local streets to arterial thoroughfares. Collector streets normally contain a relatively large number of intersections with major or minor arterial streets. These streets should be spaced at least one-fourth of a mile apart.

D. Local streets shall provide direct and full access to each lot and shall be laid out so their use by through traffic will be discouraged.

E. Service drives may be required along existing or proposed major or minor arterial streets to provide access to lots along such thoroughfares. Service drives shall be designed to provide a secondary means of access.

(3) *Street right-of-way widths and grades.* See Table 1 following the text of this division

(a).

(4) *Half streets.* Half streets shall be prohibited.

(5) *Cul-de-sacs.* Streets designed to be used as cul-de-sacs shall not be longer than 600 feet and shall be provided at the closed end with a pavement turn-around diameter of at least 100 feet, and a street right-of-way line diameter of at least 120 feet.

(6) *Reserve strips.* Reserve strips controlling access shall be prohibited, except where their control is definitely placed in the city under conditions approved by the City Planning Commission.

(7) *Alignment.*

A. Horizontal.

1. Street jogs. Street jogs with a centerline offset of less than 150 feet shall not be permitted.

2. Intersections. Streets shall be laid out to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle of less than 80 degrees. Whenever possible, four-way intersections of local residential streets should

be avoided, and T-type intersections are to be encouraged. Multiple intersections involving junctions of more than two streets shall be avoided.

3. Intersection approaches. Approaches to street intersections shall provide for a minimum stopping sight distance of 100 feet from the centerline of the street intersected.

B. Vertical. Approaches to intersections shall be reduced to a grade not exceeding 3% for a distance of at least 100 feet.

(8) Street names. No street names shall be used which will duplicate or be confused with the names of existing streets within the city. Street names shall be subject to approval by the City Planning Commission.

(9) Medians. Whenever boulevard streets are proposed, the subdivider or developer shall submit to the City Planning Commission a written agreement for the maintenance of all median strips and the lawn areas and planting therein. Maintenance shall be the responsibility of the developer or an association of homeowners whose lots abut onto the proposed boulevard.

**Table 1
Street Design Standards**

Street Classification	Minimum Right-of-Way	Minimum Pavement Width (ft.) e.	Maximum Degree of Curvature	Minimum Radius of Curvature (ft.)	Maximum Percent of Grade	Minimum Percent of Grade	Minimum Corner Radii(ft) d.
Major Arterial Thoroughfare	100 a.	b.	3	1,910	4.0	0.6	30
Minor Arterial Thoroughfare	80 a.	b.	5	1,150	5.0	0.6	30
Collector Throughfare	60 a.	35	8	717	6.0	0.5	20
Local Street (Commercial or Industrial)	60 a.	35	10	575	7.0	0.5	20
Local Residential (Multiple Family)	50 a.	27	10	575	7.0 c.	0.5	20
Local Residential Streets and Cul-de-Sacs	50 a.	27	20	290	7.0 c.	0.5	20

NOTES TO SCHEDULE:

a. Where a boulevard-type street is proposed, the minimum right-of-way shall be increased by an amount equal to the width of the proposed median.

b. Requirement will vary with design speed and capacity. To be determined by the engineer of jurisdiction.

c. Maximum may be greater due to topography if in accordance with the application of standard engineering practice. To be approved by the City Engineer.

d. Right-of-way line of street.

e. Extra width pavement may be required for parking or turn lanes.

(b) *Easements.*

(1) *Utility easements.* Electric, cable television and telephone lines shall be buried if located at the front of lots. If utilities are located at the side or rear of lots, easements shall be provided for utilities and shall be at least 20 feet wide (ten feet per lot). Utilities may be buried at the side or rear of lots. Electric, cable television and telephone shall be buried, if at front, within a ten-foot easement adjacent to right-of-way.

(2) *Drainageway easements.* Where a subdivision is traversed by a drainageway (a storm sewer easement or drainage right-of-way), a public easement conforming substantially to the lines of such drainage shall be provided. The easement or right-of-way shall be 15 feet wide, or of such further width as is necessary, and shall generally follow rear and side lot lines.

(c) *Blocks.*

(1) Block lengths shall not exceed 1,320 feet or be less than 400 feet.

(2) Pedestrian walkways, with right-of-way, not more than eight feet wide, may be required across blocks where the City Planning Commission deems that pedestrian access to schools, playgrounds, parks, open space, shopping centers and other community facilities is necessary.

(d) *Lots.*

(1) *Zoning conformance.* The lot size, width and depth, and the minimum building setback lines, shall conform to existing zoning and Health Board regulations of the appropriate jurisdiction. For lots within the city, the following minimum requirements shall be met:

- A. *Lot width.* Sixty feet at minimum building setback line.
- B. *Building setback.*

<i>Yard Type</i>	<i>Setback</i>
1. Front yard	
a. State highways and major thoroughfares	40 feet
b. Collector streets	35 feet
c. All other streets	30 feet
2. Side yards	5 feet
3. Rear yard	30 feet

(2) *Corner lots.* Corner lots shall have extra width to permit the appropriate building setback from, and orientation to, both streets.

(3) *Access to public streets.* The subdivision of land shall provide each lot with frontage on a public or private street.

(4) *Double frontage lots.*

A. Residential lots shall not be laid out so that they have frontage on more than one street, except:

- 1. Where lots are adjacent to the intersection of two streets; or
- 2. Where it is necessary to separate residential developments from arterial thoroughfares.

B. Where double frontage lots are created adjacent to major or minor arterial thoroughfares, a reserve strip 12 feet wide along the major thoroughfare shall be deeded to the appropriate governmental unit. The plat shall state that there shall be no right of access across the reserve strip. The City Planning Commission may require that a ten-foot-wide planting screen be provided along the boundary of the reserve strip.

(5) *Lot depth.* No lot depth shall exceed three and one-half times the lot width. The width, for this purpose, shall be at the building setback line.

(e) *Public sites and open spaces.*

(1) *Public facilities.* The subdivision design may provide land areas for public use as provided in § 1248.04, which areas conform to the City Planning Commission's Open Space and Thoroughfare Plan.

(2) *Natural features.* Natural features, such as scenic views, water bodies and fine groves of trees, shall be given due consideration for their preservation.

(f) *Utilities.*

(1) *Storm drainage.* The design of the subdivision shall provide the necessary means to assure complete drainage in and adjacent to the property to be developed or subdivided.

A. The subdivider or his or her engineer shall submit all drainage calculations along with the improvement plans. A ten-year storm frequency is to be used based on sound engineering judgment with a 25-year hydraulic grade check for storm sewers

B. When necessary, outlet ditches or closed storm sewers of an approved type and size shall be required as part of the construction. If there are easements or rights-of-way to be obtained by the subdivider for construction and future maintenance, these rights-of-way or easements shall be shown on the final plat. Two copies of the easements shall be furnished to the engineer of jurisdiction.

C. Any roadway ditches having a grade in excess of 2% shall have an approved type of ditch using concrete, stone, sod or underground drainage, with sufficient inlets spaced at intervals so as to keep the volume of water at a low level.

D. All storm drain tiles shall be sized per 1246.04(f)(1)(A) with the minimum size being that is required by the engineered calculations. Materials shall be reinforced concrete pipe (ODOT 706.02), corrugated PE smooth lined pipe (ODOT 707.33), PVC solid wall pipe (ODOT 707.45 and 707.48), or an approved equal. Cover requirements shall be per pipe manufacturer specifications and trench requirements shall be per the City of Shelby's "Typical Trench Detail".

E. If the subdivision is in an area where a public storm sewer system is not available, the subdivider shall perform such grading and provide such drainage structures, including rain water drainage, for each individual building on each lot as required by the City Engineer.

F. Where a storm sewer system is reasonably accessible and adequate, as determined by the City Engineer, the subdivision shall extend and connect with the storm sewer system and shall perform the grading and provide such drainage structures to connect each building on each lot to the storm sewer system as required by the City Engineer.

G. All storm drainage under pavement, at a point three feet outside pavement, and under sidewalks and driveways shall require full granular trench backfill.

H. All storm sewer manholes shall be constructed to conform to the State of Ohio, Department of Transportation Standard Drawings or the city Standard Construction Drawings or an approved equal.

I. All catch basins shall be built of concrete cast-in-place or precast concrete. Castings shall be Neenah R-3451 or an approved equal.

J. Each lot shall be provided with a 6" minimum (actual size to be calculated by subdivider's engineer) PVC SDR35 lateral connection that connects into the storm sewer system. Said lateral connection shall be provided for downspout connections and sump pump discharges. Connection to the storm sewer system shall be made with a manufactured fitting or at a drainage structure. Install by a "T" or "Y" connection method if the connection is not made at a drainage structure. The lateral shall be capped and extended to a point 5' beyond the right-of-way and mark with a 4"x4" post. A threaded cap cleanout shall be provided at the right-of-way. Discharges into the street's gutter shall not be permitted.

(2) *Sanitary sewers.*

A. Sanitary sewer facilities shall be designed and constructed by the subdivider, as required for the area in which the proposed subdivision is located, for the proper disposal of wastes for each lot.

B. If a subdivision can be reasonably and adequately served by the extension of an existing public sanitary sewer, as determined by the City Engineer, the subdivider shall provide a system of sanitary sewer mains and a lateral connection for each lot in accordance with § 1248.03.

C. If a subdivision cannot be reasonably or adequately served by the extension or an existing public sanitary sewer, as determined by the City Engineer and the Ohio Environmental Protection Agency, then the City Division of Health or the County Health Department, the City Engineer and the Ohio Environmental Protection Agency may permit the design and construction of a temporary independent sanitary treatment plant providing complete treatment and a house connection for each lot. The temporary treatment plant shall be abandoned when public trunk sewers are installed in that area.

D. If individual sanitary sewer facilities must be installed, they are to be on lots of a size as required by the City Division of Health, the County Health Department and/or the Ohio Environmental Protection Agency, whichever has jurisdiction, provided that such requirements are established by published statute, law or regulation duly enacted.

E. 1. Pretreatment of all industrial waste shall be as prescribed by the city and will require approval by the city for discharge of the effluent into a city sanitary or storm sewer system.

2. If effluent from a wastewater treatment plant is discharged into any public watercourse, approval shall be obtained from the Ohio Department of Health and the Ohio Environmental Protection Agency.

(3) *Water supply.*

A. A water supply system shall be designed and constructed by the subdivider, as required for the area in which the subdivision is located, and a water tap provided for each lot.

B. Where public water supply is within reasonable distance, as determined by the City Engineer, the subdivider shall construct a system of water mains to connect with the public water supply and provide a water tap for each lot.

C. If a subdivision cannot be reasonably served by the extension of an existing public water supply, the Ohio Environmental Protection Agency may permit the installation of a community supply to serve each lot. The subdivider must show reasonable proof that there is a dependable water source available from which this supply can be drawn.

(4) *Individual systems.* Where public or community water supply and sanitary sewer facilities are not available, individual water wells and sanitary disposal facilities shall be provided for each lot in the subdivision if approved by the Ohio Environmental Protection Agency and the City Division of Health or the County Health Department, whichever has jurisdiction.

(g) *Flood plain.*

(1) If any portion of the land within a proposed subdivision may be subject to inundation or flood hazard by storm water, and/or if any portion is within an area designated as flood prone, such fact and that portion shall be clearly indicated on the subdivision plat, provided that the requirements are established by published statute, law or regulation duly enacted.

(2) Land subject to flooding shall not be platted for residential occupancy or for other such use which may increase the danger to health, life or property, or which may aggravate the flood hazard.

1248.03 STREET AND UTILITY IMPROVEMENTS.

The improvement standards and specifications shall be as follows, except that any variations or additional requirements from these specifications, which may be required because of adverse site characteristics, will be determined by the City Engineer. All materials and construction methods shall be in accordance with the appropriate section of the current edition of the Ohio Department of Transportation specifications, herein abbreviated as ODOT, and Appendix 7, Standard Drawings. All streets and utility improvements, both public and private, shall conform to these specifications:

(a) *Streets and roads.* See Table 1 in § 1246.04.

(1) *Major and minor arterial thoroughfares.* The type and thickness of pavement will vary with design capacity, speed and loading. The developer will be responsible for costs associated with all curb and gutters and necessary pavement widths as required by Table 1, Street Design Standards. Major and minor arterial thoroughfares shall be constructed from plans furnished by the engineer of jurisdiction and to the standards and specifications established therein.

(2) *Collector, commercial and industrial streets.*

A. The type and thickness of pavement shall be as follows (depths are minimum requirements):

1. Ten inches (ODOT 304) limestone aggregate base, bituminous prime and three inches of (ODOT 448-2) asphaltic concrete base surface and one and one-half inches of (ODOT 448-1) asphaltic concrete surface;

2. Four inches of (ODOT 304) limestone aggregate base, seven inches of (ODOT 301) asphaltic concrete base and two inches of (ODOT 448-1) asphaltic concrete surface;

3. Four inches of (ODOT 304) limestone aggregate base, eight inches of (ODOT 452) portland concrete pavement designed to ODOT Pavement Design and Rehabilitation Manual requirements.

B. Six inch underdrains (ODOT 605) shall be installed on both sides of street for options A.1., A.2. and A.3.

(3) *Local residential; cul-de-sacs.*

A. The type and thickness of pavement shall be as follows (depths are minimum requirements):

1. Eight inches (ODOT 304) limestone aggregate base, bituminous prime, one and three-quarter inches of (ODOT 448-2) asphaltic concrete base surface, and one and one-quarter inches (ODOT 448-1) asphaltic concrete surface;

2. Four inches (ODOT 304) limestone aggregate base and six inches of (ODOT 301) asphaltic concrete base and one and one-half inches of (ODOT 448-1) asphaltic concrete surface;

3. Four inches (ODOT 304) limestone aggregate base, seven inches (ODOT 452) portland concrete pavement designed to ODOT Pavement Design and Rehabilitation Manual requirements.

B. Six inch underdrains (ODOT 605) shall be installed on both sides of street for options A.1., A.2. and A.3.

(4) *Pavement drainage.*

A. Roadway ditches having a grade in excess of 2% shall have an approved type gutter using concrete, stone, sod or underground drainage, with sufficient inlet spaces at intervals.

B. All driveways where ditches are used shall be provided with a drive pipe having a minimum diameter of 12 inches final size per developer's design engineer and as approved by the City Engineer and being a minimum of 20 feet long, or at least eight feet longer than the width of the driveway. The invert of the pipe shall be 18 inches below the centerline of the pavement, shall be provided with at least 1' of cover, and shall be RCP per ODOT 706.02, or as approved by the City Engineer.

C. All street pavements shall slope from the crown to each gutter at three-sixteenths of an inch per foot minimum.

D. The subdivider shall show the cross-sections and centerline profile of all existing pavements and intersections and a profile at the stub end for future extensions of pavement and drainage.

(b) *Curbs and gutters.* Integral curbs may be constructed with concrete pavements. Curbs and gutters shall be constructed of portland cement (ODOT 609).

(1) Gutter plate minimum width: 18 inches; minimum thickness: eight and one-half inches.

(2) Minimum curb height: six inches (front); 13 inches (back).

(3) Minimum curb width: six inches.

(4) Type of material: concrete (see Appendix 7, Standard Drawings).

(c) *Driveways.*

(1) Minimum width: 18 feet at curb and ten feet at sidewalk. Minimum apron: four feet on each side of driveway.

(2) Material and thickness shall be extended to the right-of-way line or beyond (depths are minimum requirements):

A. Residential: Six inches plain concrete (ODOT 452)

B. Commercial: Eight inches plain concrete (ODOT 452)

(d) *Sidewalks.* Sidewalk provisions are specified in the required improvements schedule set forth in § 1248.01, Table 2. Sidewalks shall be located one foot inside the street right-of-way lines.

(1) Minimum width: five feet.

(2) Minimum thickness: four inches.

(3) Minimum thickness at driveways: six inches for residential and eight inches for commercial and industrial.

(4) Material: plain portland concrete (ODOT Class QC Misc. or QC1)).

(5) Sidewalks shall be constructed pursuant to R.C. § 729.12 to provide ramped curbing.

(e) *Storm sewer systems.* Storm sewer systems and other drainage improvements shall be in accordance with the standards and specifications of, and subject to approval by, the City Engineer.

(f) *Electric lines.* In all subdivisions, electric current conductors may be buried as per § 1246.04 and as per power supplier specifications. Above ground pads for transformers will be permitted.

(g) *Gas mains.* Gas mains, when proposed, shall be installed in the green belt between the sidewalk and the curb, with a minimum 30-inch cover. Service lines shall be installed with a minimum 18-inch cover as per specifications of Columbia Gas of Ohio, Inc. Locations are to be approved by City Engineer.

(h) *Street name and traffic control signs.* Street name signs (to be provided by the developer) shall be installed at all intersections, and traffic-control signs (to be provided by the city) shall conform to ODOT standards.

(1) Minimum size of sign: six inches high, 18 inches long.

(2) Minimum height above ground: eight feet.

(3) Sign plates: sign plates shall conform to standards set forth by the City Engineer.

(4) Posts: sign posts shall conform to standards set forth by the City Engineer.

(i) *Water supply.*

(1) If the city water supply is not available, a water supply distribution system, if required, shall be designed, located and constructed in accordance with the requirements of the Ohio Environmental Protection Agency and city regulations.

(2) The following minimum standards and specifications shall apply:

A. Main size: eight inches in diameter (minimum).

B. Waterline material shall be as follows:

1. Ductile case iron water main specifications, ANSI-A21.52, Class 2, including mechanical joint fitting (AWWA-specification C153).

2. Polyvinyl chloride (PVC) water main specifications AWWA/ANSI C900 DR18, including mechanical joint fitting (AWWA-specification C153).

C. Fire hydrants shall be installed as follows:

1. Location: At each intersection and a maximum distance of 500 feet between hydrants.

2. Type of hydrant: city standard, with a six-inch gate valve on hydrant lead, per specification AWWA-C502.

D. Valves: 16-inch and larger: butterfly type; smaller than 16-inch: gate type.

E. Depth: four and one-half foot cover over water main (minimum).

F. Tap: One required for each residence as follows:

1. Three-quarter inch diameter, Type K copper, 160 pounds per square inch rating, ASTM D-2737, known as service pipe or municipal pipe that can be flared for use with compression fittings, or other equivalent material approved by the City Engineer.

2. Three-quarter inch corporation stop.

3. Three-quarter inch curb stop and box located at the right-of-way.

4. a. All waterlines shall be constructed in a continuous loop system meeting city and Ohio EPA regulations and specifications by connecting to new or existing water lines so that no line shall be a dead end; or

b. The developer must provide plans and calculations certified by an Ohio registered engineer demonstrating that the proposed extension will cause no decrease of flow or pressure for both domestic and fire flow supply situations from the point of the last documented continuous looping in the existing city's distribution system. Proposed plans must meet City of Shelby and Ohio EPA regulations and specifications.

c. In either case, plans and calculations must be approved by the Deputy Director of Public Services (Utilities Director), Water Superintendent and City Engineer.

5. Larger taps shall be approved by the Water Division and installed at the expense of the developer.

(j) *Sanitary sewers.*

(1) If the city sanitary sewer is not available, a sanitary sewer collection system, if required, shall be designed, located and constructed in accordance with the requirements of the Ohio Environmental Protection Agency and city regulations.

(2) The following minimum standards and specifications shall apply:

A. Main size: eight-inch diameter.

B. Material: PVC pipe, current ASTM C-425.

C. Pipe joints: premium current ASTM C-425.

D. House tap: one required for each lot to the right-of-way line, as follows:

1. Six-inch diameter minimum.

2. Installed by a "T" or "Y" connection method.

E. Manholes:

1. Wall sections: four-foot minimum diameter precast concrete, ASTM Designation C-478;
2. Joints between sections: ASTM Designation C-443;
3. Frame and cover: as approved by the City Engineer, or other approved equivalent;
4. Maximum distance between manholes: 400 feet (see Appendix 7, Standard Drawings).

(k) *Testing of water and sewer lines.* Testing of water lines and sanitary sewer lines after installation shall be done by the subdivider in accordance with the procedures and requirements of the City Engineer.

Section 2: That all other Sections of Title Four (Subdivision Regulations) of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

Section 3: 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 4: 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
10/7/2024

ORDINANCE NO. 24-2024
(Sponsors: Councilmembers Roub and Roberts)

AMENDING SECTION 402.01 (MEANING OF WORDS AND PHRASES) OF CHAPTER 402 (DEFINITIONS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, a review and update of parking and parking associated ordinances has made it necessary to modify Section 402.01 (Meaning of Words and Phrases) of Chapter 402 (Definitions) of the Codified Ordinances of the City of Shelby so as to provide more efficient enforcement and application of parking and traffic ordinances; 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 402.01 (Meaning of Words and Phrases) of Chapter 402 (Definitions) be amended and/or modified.

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

Section 1: That Section 402.01 (Meaning of Words and Phrases) of Chapter 402 (Definitions) be amended as follows:

402.01 MEANING OF WORDS AND PHRASES.

Except as otherwise provided, the definitions set forth in R.C. §4501.01 shall apply to this traffic code and the penal laws of the municipality. Except as otherwise provided, the following words and phrases, when used in this traffic code, shall have the meanings respectively ascribed to them in this chapter.

(a) "Agricultural tractor." Every self-propelled vehicle designed or used for drawing other vehicles or wheeled machinery but having no provision for carrying loads independently of such other vehicles and used principally for agricultural purposes.

(b) "Alley." A street or highway intended to provide access to the rear or side of lots or buildings in urban districts, and not intended for the purpose of through vehicular traffic, and any street or highway that has been declared an "alley" by the legislative authority of the municipality in which the street or highway is located.

(c) "Arterial street." Any United States or state numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

(d) "Bicycle." Means every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power, upon which a person may ride and that has two or more wheels, any of which is more than 14 inches in diameter.

(e) "Bus." Every motor vehicle designed for carrying more than nine passengers and used for the transportation of persons other than in a ridesharing arrangement, and every motor vehicle, automobile for hire or funeral car, other than a taxicab or motor vehicle used in a ridesharing arrangement, designed and used for the transportation of persons for compensation.

(f) "Business district." The territory fronting upon a street or highway, including the street or highway, between successive intersections within the municipality, where 50% or more of the frontage between successive intersections is occupied by buildings in use for business, or within or outside the municipality where 50% or more of the frontage for a distance of 300 feet or more is occupied by buildings in use for business, and the character of the territory is indicated by official traffic-control devices.

(g) "Chauffeured limousine." A motor vehicle that is designed to carry nine or fewer passengers and is operated for hire on an hourly basis pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an agreement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine at a fixed rate per hour or trip. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing.
(R.C. § 4501.01(LL))

(h) "Child day-care center" and "type A family day-care home." These terms shall have the same meanings as set forth in R.C. §5104.01.

(i) "Commercial tractor." Every motor vehicle having motive power designed or used for drawing other vehicles, and not so constructed as to carry any load thereon or designed or

used for drawing other vehicles while carrying a portion of the other vehicles, or the load thereon, or both.

(j) "Controlled-access highway." Every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right or access to or from the same except at certain points only and in a manner as may be determined by the public authority having jurisdiction over the street or highway.

(k) "Crosswalk."

(1) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;

(2) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;

(3) Notwithstanding the foregoing provisions of this definition, there shall not be a "crosswalk" where the legislative authority has placed signs indicating no crossing.

(l) "Driver" or "operator." Any person who drives or is in actual physical control of a vehicle.

(m) "Emergency vehicle." Emergency vehicles of municipal, township or county departments or public utility corporations, when identified as such as required by law, the Director of Public Safety or local authorities, and motor vehicles when commandeered by a police officer.

(n) "Explosives." Any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by a detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, such that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb. Manufactured articles shall not be held to be "explosives" when the individual units contain explosives in limited quantities of a nature or in such packing that it is impossible to procure a simultaneous or a destructive explosion of the units, to the injury of life, limb or property by fire, friction, concussion, percussion or by a detonator, such as fixed ammunition for small arms, firecrackers or safety fuse matches.

(o) "Expressway." A divided arterial highway for through traffic with full or partial control of access with an excess of 50% of all crossroads separated in grade.

(p) "Flammable liquid." Any liquid which has a flash point of 70°F or less, as determined by a tagliabue or equivalent closed cup test device.

(q) "Freeway." A divided multi-lane highway for through traffic with crossroads separated in grade and with full control of access.

(r) "Funeral escort vehicle." Any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.

(s) "Gross weight." The weight of a vehicle plus the weight of any load thereon.

(t) "Intersection."

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(2) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway shall be regarded as a separate intersection. If an intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways shall be regarded as a separate intersection.

(3) The junction of an alley with a street or highway, or with another alley, shall not constitute an intersection.

(u) "Laned highway." A highway, the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

(v) "Local authorities." Every county, municipal and other local board or body having authority to adopt police regulations under the Constitution and laws of this state.

(w) "Motor vehicle." Every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work, and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers 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 25 miles per hour or less.

(x) "Motorcycle." Every motor vehicle other than a tractor having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including but not limited to motor vehicles known as "motor-driven cycle", "motor scooter" or "motorcycle" without regard to weight or brake horsepower.

(y) "Motorized bicycle." Any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled and is equipped with a helper motor of not more than 50 cubic centimeters piston displacement which produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than 20 miles per hour on a level surface.

(z) "Motorized wheelchair." Any self-propelled vehicle designed for, and used by, a person with a disability and that is incapable of a speed in excess of eight miles per hour.

(aa) "Multi-wheel agricultural tractor." A type of agricultural tractor that has two or more wheels or tires on each side of one axle at the rear of the tractor, is designed or used for drawing other vehicles or wheeled machinery, has no provision for carrying loads independently of the drawn vehicles or machinery, and is used principally for agricultural purposes.

(bb) "Operate." To cause or have caused movement of a vehicle.

(cc) "Parking" or "parked." The standing of a vehicle upon a street, road, alley, highway or public ground, whether accompanied or unaccompanied by a driver, but does not include the temporary standing of a vehicle for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

(1996 Code, § 402.26)

(dd) "Pedestrian." Any natural person afoot.

(ee) "Person." Every natural person, firm, partnership, association or corporation.

(ff) "Pole trailer." Every trailer or semitrailer attached to the towing vehicle by means of a reach, pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(gg) "Police officer." Every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.

(hh) "Predicate motor vehicle or traffic offense." Any of the following:

(1) A violation of R.C. § 4511.03, § 4511.051, § 4511.12, § 4511.132, § 4511.16, § 4511.20, § 4511.201, § 4511.21, § 4511.211, § 4511.213, § 4511.22, § 4511.23, § 4511.25, § 4511.26, § 4511.27, § 4511.28, § 4511.29, § 4511.30, § 4511.31, § 4511.32, § 4511.33, § 4511.34, § 4511.35, § 4511.36, § 4511.37, § 4511.38, § 4511.39, § 4511.40, § 4511.41, § 4511.42, § 4511.43, § 4511.431, § 4511.432, § 4511.44, § 4511.441, § 4511.451, § 4511.452, § 4511.46, § 4511.47, § 4511.48, § 4511.481, § 4511.49, § 4511.50, § 4511.511, § 4511.53, § 4511.54, § 4511.55, § 4511.56, § 4511.57, § 4511.58, § 4511.59, § 4511.60, § 4511.61, § 4511.64, § 4511.66, § 4511.661, § 4511.68, § 4511.70, § 4511.701, § 4511.71, § 4511.711, § 4511.712, § 4511.713, § 4511.72, § 4511.73, § 4511.763, § 4511.771, § 4511.78 or § 4511.84;

(2) A violation of R.C. § 4511.17(A)(2), § 4511.51(A) through (D) or § 4511.74(A);

(3) A violation of any provision of R.C. §§ 4511.01 through 4511.76 for which no penalty otherwise is provided in the section that contains the provision violated;

(4) A violation of a municipal ordinance that is substantially equivalent to any section or provision set forth or described in division (1), (2) or (3) of this definition.

(ii) "Private road or driveway." Every way or place in private ownership used for vehicular travel by the owner, and those having express or implied permission from the owner, but not by other persons.

(jj) "Public safety vehicle." Any of the following:

(1) Ambulances, including private ambulance companies under contract to a municipality, township or county, and private ambulances and nontransport vehicles bearing license plates issued under R.C. § 4503.49;

(2) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the state;

(3) Any motor vehicle when properly identified as required by the Director of Public Safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The State Fire Marshal shall be

designated by the Director of Public Safety as the certifying agency for all public safety vehicles described herein;

(4) Vehicles used by fire departments, including motor vehicles when used by volunteer firefighters responding to emergency calls in the fire department service when identified as required by the Director of Public Safety;

(5) Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a "public safety vehicle", shall be considered such a vehicle when transporting an ill or injured person to a hospital, regardless of whether the vehicle has already passed a hospital;

(6) Vehicles used by the Motor Carrier Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission as specified in R.C. § 5503.34.

(kk) "Railroad." A carrier of persons or property operating upon rails placed principally on a private right-of-way.

(ll) "Railroad sign or signal." Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(mm) "Railroad train." A steam engine or an electric or other motor, with or without cars coupled thereto, operated by a railroad.

(nn) "Residence district." The territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of 300 feet or more, the frontage is improved with residences or residences and buildings in use for business.

(oo) "Ridesharing arrangement." Includes the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver, and includes "ridesharing arrangements" known as carpools, vanpools and buspools.

(pp) "Right-of-way." Either of the following, as the context requires:

(1) The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it, he or she is moving, in preference to another vehicle or pedestrian approaching from a different direction into its, his or her path;

(2) A general term denoting land, property or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, "right-of-way" includes the roadway, shoulders or berm, ditch and slopes extending to the right-of-way limits under the control of the state or local authority.

(qq) "Road service vehicle." Wreckers, utility repair vehicles and state, county and municipal service vehicles equipped with visual signals by means of flashing, rotating or oscillating lights.

(rr) "Roadway." That portion of a highway improved, designed or ordinarily used for vehicular travel, except the berm or shoulder. If a highway includes two or more separate roadways, the term "roadway" means any roadway separately, but not all the roadways collectively.

(ss) "Rural mail delivery vehicle." Every vehicle used to deliver United States mail on a rural mail delivery route.

(tt) "Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or marked or indicated by adequate signs so as to be plainly visible at all times.

(uu) "School bus." Every bus designed for carrying more than nine passengers which is owned by a public, private or governmental agency or institution of learning, and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function; provided, "school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of a municipality, or within those limits and the territorial limits of municipalities immediately contiguous to the municipality, nor a common passenger carrier certified by the Public Utilities Commission unless the bus is devoted exclusively to the transportation of children to and from a school session or a school function, and "school bus" does not include a van or bus used by a licensed child day-care center or type A family day-care home to transport children from the child day-care center or type A family day-care home to a school if the van or bus does not have more than 15 children in the van or bus at any time.

(vv) "Semitrailer." Every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle.

(ww) "Sidewalk." That portion of a street between the curb lines, or the lateral line of a roadway, and the adjacent property lines, intended for the use of pedestrians.

(xx) "State highway." A highway under the jurisdiction of the Department of Transportation, outside the limits of municipalities, provided that the authority conferred upon the Director of Transportation in R.C. § 5511.01 to erect state highway route markers and signs directing traffic shall not be modified by R.C. §§ 4511.01 through § 4511.79 and § 4511.99.

(yy) "State route." Every highway which is designated with an official state route number and so marked.

(zz) "Stop." When required, means a complete cessation of movement.
(1996 Code, § 402.45)

(aaa) "Stop intersection." Any intersection at one or more entrances of which stop signs are erected.

(bbb) "Stopping" or "standing." When prohibited, means any halting of a vehicle, even momentarily, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device.
(1996 Code, § 402.47)

(ccc) "Street" or "highway." The entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.

(ddd) "Through highway." Every street or highway as provided in R.C. § 4511.65, or a substantially equivalent municipal ordinance.

(eee) "Thruway." A through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.

(fff) "Traffic." Pedestrians, ridden or herded animals, vehicles and other devices, either singly or together, while using any highway for purposes of travel.

(ggg) "Traffic-control devices." All flagpersons, signs, signals, markings and devices placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic, including signs denoting names of streets and highways.

(hhh) "Traffic-control signal." Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop, to proceed, to change direction or not to change direction.

(iii) "Trailer." Every vehicle designed or used for carrying persons or property wholly on its own structure, and for being drawn by a motor vehicle, including any vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type, such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed greater than 25 miles per hour and a 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 more than ten miles or at a speed of more than 25 miles per hour.

(jjj) "Truck." Every motor vehicle, except trailers and semitrailers, designed and used to carry property.

(kkk) "Urban district." The territory contiguous to and including any street or highway which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of one-quarter of a mile or more, and the character of the territory is indicated by official traffic-control devices.

(lll) "Vehicle." Every device, including a motorized bicycle, in, upon or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks or any device, other than a bicycle, that is moved by human power.
(R.C. § 4511.01)

(mmm) "Electric bicycle" means a "class 1 electric bicycle," a "class 2 electric bicycle," or a "class 3 electric bicycle" as defined in this section.

(nnn) "Class 1 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour.

(ooo) "Class 2 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that may provide assistance regardless of whether the rider is pedaling and is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour.

(ppp) "Class 3 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that provides assistance only

when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour.

(qqq) "Low-speed micromobility device" means a device weighing less than one hundred pounds that has handlebars, is propelled by an electric motor or human power, and has an attainable speed on a paved level surface of not more than twenty miles per hour when propelled by the electric motor.

Section 2: That all other Sections of Chapter 402 (Definitions) of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

Section 3: 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 4: 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
10/7/2024

ORDINANCE NO. 25 -2024
(Sponsors: Councilmembers Roub and Roberts)

AMENDING SECTION 404.07 (IMPOUNDING OF VEHICLES; REDEMPTION) OF CHAPTER 404 (ENFORCEMENT; IMPOUNDING) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, a review and update of parking and parking associated ordinances has made it necessary to modify Section 404.07 (Impounding of Vehicles; Redemption) of Chapter 404 (Enforcement; Impounding) of the Codified Ordinances of the City of Shelby so as to provide more efficient enforcement and application of parking ordinances; 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 404.07 (Impounding of Vehicles; Redemption) of Chapter 404 (Enforcement; Impounding) be amended and/or modified.

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

Section 1: That Section 404.07 (Impounding of Vehicles; Redemption) of Chapter 404 (Enforcement; Impounding) be amended as follows:

404.07 IMPOUNDING OF VEHICLES; REDEMPTION

(a) The Director of Public Safety is hereby authorized to create an automotive vehicle pound to which automobiles and other automotive vehicles may be removed by police officers in the manner hereinafter provided.

(b) Police officers are authorized to provide for the removal and impounding of a vehicle under the following circumstances:

(1) When any vehicle is left unattended upon any street, through-highway, alley, bridge, or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations;

(2) When any motor vehicle, including an abandoned junk motor vehicle, as defined in R.C. §4513.63, is left on private residential property, as defined in R.C. §4513.60, or on private agricultural property, for at least four consecutive hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for 48 consecutive hours or longer, without notification to the Police Chief of the reasons for leaving the vehicle in the place, except that when such a motor vehicle constitutes an obstruction to traffic, it may be ordered into storage immediately;

(3) When any vehicle has been stolen or operated without the consent of the owner;

(4) When any vehicle displays illegal license plates or fails to display the current lawfully required license plates;

(5) When any vehicle has been used in or connected with the commission of a felony;

(6) When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provisions of this traffic code whereby its continued operation would constitute a condition hazardous to life, limb or property;

(7) When any vehicle is left unattended due to the removal of an ill, injured or arrested operator;

(8) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision;

(9) When any vehicle has been operated by any person who is driving without a lawful license or while his or her license has been suspended or revoked;

(10) When any vehicle is found for which two or more citation tags for violations of this traffic code have been issued and the owner or operator thereof has failed to respond to the citation tags as lawfully required.

(11) When two or more parking citations have been issued in a continuous time period under Section 452.03.

(c) A reasonable fee to cover the cost of removal, in addition to a reasonable storage fee for each day or fraction of a day any impounded vehicle is stored, shall be assessed against the owner or any other person claiming the impounded vehicle.

(d) Any vehicle removed under authority of division (a)(2) of this section shall be ordered into storage and/or disposed of as provided under R.C. §4513.60 et seq. Any other vehicle removed under authority of this section shall be ordered into storage and the Police Department shall forthwith notify the registered vehicle owner of the fact of the removal and impounding, reasons therefor and the place of storage. Any person desiring to redeem an impounded vehicle shall appear at the Police Department to furnish satisfactory evidence of identity and ownership or right to possession. Prior to issuance of a release form, the claimant, owner or operator shall either pay the amount due for any fines for violations on account of which the vehicle was impounded or, as the court may require, post a bond in an amount set by the court, to appear to answer to the violations. The pound operator shall release the vehicle upon the receipt of the release form and payment of all towage and storage charges.

(e) In case protest is made against the payment of any impounding or storage fee, the police officer or person in charge of the impounded vehicle, upon satisfactory evidence of the identity and ownership of the person claiming the impounded vehicle, and upon the furnishing of a bond in an amount as set by rule of court by the owner or driver of the vehicle, to the satisfaction of the Clerk of Courts, conditioned upon the owner or driver appearing before the court to answer to the violation on account of which the vehicle had been impounded, shall surrender the impounded vehicle to the claimant, and it shall thereupon be the duty of the police officer having knowledge of the facts forthwith to institute the proper proceedings in the court, charging the owner or driver of the vehicle with the violation for which the vehicle was impounded.

(f) Vehicles impounded pursuant to this section which are unclaimed shall be disposed of pursuant to R.C. §737.32 et seq. or §4513.62.

(g) No owner or operator shall remove an impounded vehicle from the place of storage without complying with the above procedure. Possession of a vehicle which has been impounded and unlawfully taken from the place of storage, by the owner or operator, shall constitute prima facie evidence that it was so removed by the owner or operator.

Section 2: That all other Sections of Chapter 404 (Enforcement; Impounding) of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

Section 3: 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 4: 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
10/7/2024

ORDINANCE NO. 26-2024
(Sponsors: Councilmembers Roub and Roberts)

AMENDING SECTION 432.24 (DRIVING UPON SIDEWALKS, TREE LAWNS OR CURBS) OF CHAPTER 432 (OPERATION GENERALLY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, a review and update of parking and parking associated ordinances has made it necessary to modify Section 432.24 (Driving Upon Sidewalks, tree lawns or curbs) of Chapter 432 (Operation Generally) of the Codified Ordinances of the City of Shelby so as to provide more efficient enforcement and application of parking and traffic ordinances; 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 432.24 (Driving Upon Sidewalks, tree lawns or curbs) of Chapter 432 (Operation Generally) be amended and/or modified.

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

Section 1: That Section 432.24 (Driving Upon Sidewalks, tree lawns or curbs) of Chapter 432 (Operation Generally) be amended as follows:

432.24 DRIVING UPON SIDEWALKS, TREE LAWNS OR CURBS

- (a) (1) 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.
- (2) 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.
- (3) Nothing in this section shall be construed as prohibiting local authorities from regulating the operation of bicycles or electric bicycles, except that no local authority may require that bicycles or electric bicycles be operated on sidewalks.
- (b) (1) Except as otherwise provided in this division, 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.
- (2) 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 penalty established under section 4511.991 of the Revised Code (R.C. §4511.711)
- (c) No person shall drive a vehicle on a tree lawn area or the curb of a street, except upon a permanent or duly authorized temporary driveway or when otherwise lawfully authorized.

Section 2: That all other Sections of Chapter 432 (Operation Generally) of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

Section 3: 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 4: 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

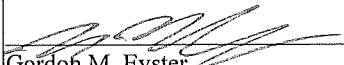
APPROVED:

ATTEST:

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

1st Reading
10/17/2024

ORDINANCE NO. 27-2024
(Sponsors: Councilmembers Roub and Roberts)

REPEALING SECTION 444.06 (RIDING BICYCLES UPON SIDEWALKS) OF CHAPTER 444 (BICYCLES AND MOTORCYCLES GENERALLY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, a review and update of parking and parking associated ordinances has made it necessary to modify Section 444.06 (Riding Bicycles Upon Sidewalks) of Chapter 444 (Bicycles and Motorcycles Generally) of the Codified Ordinances of the City of Shelby so as to provide more efficient enforcement and application of parking and traffic ordinances; and

WHEREAS, a conflict between Section 432.24 (Driving Upon Sidewalks, Tree Lawns or Curbs) of Chapter 432 (Operation Generally) exists with Section 444.06 (Riding Bicycles Upon Sidewalks) of Chapter 444 (Bicycles and Motorcycles Generally) in that the former prohibits an ordinance requiring bicycles to be ridden on sidewalks, supported by Section 4511.171 of the Ohio Revised Code; 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 444.06 (Riding Bicycles Upon Sidewalks) of Chapter 444 (Bicycles and Motorcycles Generally) be repealed.

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

Section 1: That Section 444.06 (Riding Bicycles Upon Sidewalks) of Chapter 444 (Bicycles and Motorcycles Generally) be repealed:

444.06 RIDING BICYCLES UPON SIDEWALKS.
REPEALED

Section 2: That all other Sections of Chapter 444 (Bicycles and Motorcycles Generally) of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

Section 3: 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 4: 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

RESOLUTION NO. 49 -2024
(Sponsors: Councilmembers Martin & Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE FY 25 MARCS (MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM) GRANT FROM THE OHIO DEPARTMENT OF COMMERCE, DIVISION OF STATE FIRE MARSHAL, FOR MARCS RADIO EQUIPMENT FEES AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Department of Commerce, Division of State Fire Marshal, provides financial assistance for MARCS Radio Equipment and fees through the FY 25 MARCS Grant; and

WHEREAS, the City of Shelby Fire Department desires financial assistance under the FY 25 MARCS Grant for MARCS Radio Equipment fees; 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 the FY 25 MARCS 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 MARCS Radio Equipment fees.

Section 2: That the Mayor as Director of Public Safety is hereby authorized and directed to execute and file an application with the Ohio Department of Commerce, Division of State Fire Marshal, 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 and become eligible for reimbursement under the terms of the FY 25 MARCS Grant.

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: _____

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. 50 -2024
(Sponsor: Councilmember McLaughlin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ASSIGN THE CITY OF SHELBY, OHIO'S INTEREST IN THE GREENUP POWER SALES CONTRACT AND THE MELDAHL POWER SALES CONTRACT WITH AMERICAN MUNICIPAL POWER, INC. TO THE CITY OF ST. MARYS, OHIO AND TAKING OTHER ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the City of Shelby, Ohio (hereinafter "Municipality") owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its customers; and

WHEREAS, in order to satisfy the electric power and energy requirements of its electric utility system, Municipality has purchased economical and reliable power and energy from, or arranged by, American Municipal Power, Inc. (hereinafter, "AMP"), of which Municipality is a Member; and

WHEREAS, Municipality, along with other AMP Members (collectively, "Participants"), entered into a Power Sales Contract ("Greenup PSC") regarding the American Municipal Power Greenup Hydroelectric Facility ("Greenup Project") dated November 1, 2009; and

WHEREAS, Municipality, along with other Participants entered into a Power Sales Contract ("Meldahl PSC") regarding American Municipal Power Meldahl Hydroelectric Project ("Meldahl Project") dated March 1, 2009; and

WHEREAS, in order to obtain such sources of electric capacity and energy, each Participant in the Greenup Project purchases its Project Share (as defined in the Greenup PSC) in the AMP Entitlement (as defined in the Greenup PSC) from AMP; and

WHEREAS, in order to obtain such sources of electricity capacity and energy, each Participant in the Meldahl Project purchases its Project Share (as defined in the Meldahl PSC) from AMP; and

WHEREAS, Municipality's Project Share in the Greenup Project under the Greenup PSC is 1.1% (366 kW) of the AMP Entitlement and Municipality's Project Share in the Meldahl Project under the Meldahl PSC is 0.53% (559 kW); and

WHEREAS, Municipality desires to assign its entire Project Share of the Greenup Project under the Greenup PSC totaling 1.1% (366 kW) (the "Greenup Assigned Share") and desires to assign its entire Project Share of the Meldahl Project under the Meldahl PSC, totaling 0.53% (559 kW) (the "Meldahl Assigned Share" and collectively, the Greenup Assigned Share and the Meldahl Assigned Share shall be the "Assigned Shares") to the City of St. Marys, Ohio ("Assignee"), who desires to become a Participant under the Meldahl PSC and under the Greenup PSC, along with all of Municipality's other rights and obligations associated with each of the Assigned Shares, respectively (collectively, the "Shelby Assignment"); and

WHEREAS, upon effectuation of the Shelby Assignment, Municipality will no longer have Project Share or be a Participant under the Greenup PSC and under the Meldahl PSC; and

WHEREAS, AMP, on behalf of itself and on behalf of the remaining Participants of the Meldahl Project and Greenup Project, has waived or will waive, upon the effectiveness of this Resolution and certain other prerequisites, the right of first refusal to assume Municipality's rights under the Greenup PSC and the Meldahl PSC with respect to each of the Assigned Shares; and

WHEREAS, AMP, on behalf of itself and on behalf of the remaining Participants, has consented or, upon the effectiveness of this Resolution and certain other prerequisites will consent to the Shelby Assignment; and

WHEREAS, Municipality, AMP, and St. Marys desire to enter into an Assignment and Assumption Agreement ("Assignment Agreement"), which sets forth the parties' respective rights and obligations with regard to the Shelby Assignment; 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 assign the Municipality's total participating project shares of the Greenup Hydroelectric Facility and the Meldahl Hydroelectric Facility as stated in the AMP Power Sales Agreement to the City of St. Marys, Ohio.

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

Section 1: That the Shelby Assignment for the Greenup Hydroelectric Facility and the Meldahl Hydroelectric Facility to the City of St. Marys, Ohio are hereby authorized and the Assignment Agreement substantially in Exhibit A attached hereto by reference and made a part hereof is approved, and the Mayor as Director of Public Service is hereby authorized to execute and deliver the Assignment Agreement with such changes as the Mayor, Director of Public Service may approve as neither inconsistent with this Resolution nor materially detrimental to Municipality, their execution of the Assignment Agreement to be conclusive evidence of such approval.

Section 2: That it is found and determined that all formal actions of this City Council concerning and relating to the passage of this Resolution were taken in conformance with the applicable open meetings laws and that all deliberations of the City Council that resulted in those formal actions were in compliance with all legal requirements including any applicable open meetings requirements.

Section 3: If any section, subsection, paragraph, clause or provision or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

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 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

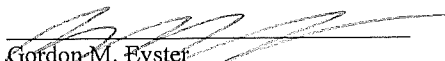
APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

RESOLUTION NO. 51 -2024
(Sponsor: Councilmember McLaughlin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE OF THE CITY OF SHELBY TO ACCEPT THE FORTHCOMING RETIREMENT OF JOHN ENSMAN, SUBMITTED FOR PURPOSES OF INITIATING EARNED RETIREMENT BENEFITS, EFFECTIVE AS OF THE END OF THE WORK DAY ON DECEMBER 31, 2024 AND DECLARING AN EMERGENCY.

WHEREAS, John Ensman serves as the Director of Utilities/Deputy Director of Public Service for the City of Shelby and intends to retire on December 31, 2024 for purposes of initiating earned retirement benefits contingent upon his rehiring on January 3, 2025; and

WHEREAS, Section 145.381 of the Ohio Revised Code sets forth the process to rehire certain public employees to the same position such individual held following retirement for purposes of initiating earned retirement benefits; and

WHEREAS, the Council shall follow the procedures set forth in Section 145.381 of the Ohio Revised Code with respect to John Ensman's retirement and desired re-employment; 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 of City of Shelby to accept John Ensman's retirement for purposes of initiating earned retirement benefits contingent upon approval by Council to rehire him and that the Council consider retaining his services as Director of Utilities/Deputy Director of Public Service.

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 be authorized and instructed to place a notice of a public hearing to be held between 15 and 30 days prior to John Ensman's intended reemployment date of January 3, 2025 in the Shelby Daily Globe and on the City's website, no later than November 4, 2024, with such notice to specify the date of the public hearing as determined by the Council and communicated to the Mayor which reads substantially as follows:

PUBLIC NOTICE

The City of Shelby City Council hereby gives public notice in accordance with Section 145.381 of the Ohio Revised Code that John Ensman, who is currently employed by the City as Director of Utilities/Deputy Director of Public Service, will be retiring effective December 31, 2024 and seeking re-employment with City of Shelby in the same position following his service retirement.

The City Council will hold a special public meeting to satisfy Section 145.381 of the Ohio Revised Code to conduct a discussion of re-employing the above-named person at a special meeting to be held on December __, 2024 at 7:00 p.m., in the Shelby Justice Center, 29 Mack Avenue, Shelby, OH 44875.

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: _____

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