

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

**Shelby City Council Agenda
Monday, November 18, 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 November 4, 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 OCTOBER 31, 2024,
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

Traffic Committee—Councilmember Cutlip

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

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

PASSAGE OF ORDINANCE

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

ORDINANCE NO 23-2024

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

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

ORDINANCE NO 28-2024

**AMENDING SECTION 276.04 (FOOD SERVICE/RETAIL
FOOD ESTABLISHMENT LICENSE FEES) OF CHAPTER
276 (DIVISION OF HEALTH) OF THE CODIFIED
ORDINANCES OF THE CITY OF SHELBY**

2ND READING

Moved 2ND

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

ORDINANCE NO 29-2024

**AMENDING SECTION 276.05 (BODY ART APPROVAL
FEES) OF CHAPTER 276 (DIVISION OF HEALTH) OF THE
CODIFIED ORDINANCES OF THE CITY OF SHELBY**

2ND READING

Moved 2ND

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

ORDINANCE NO 30-2024

**AMENDING SECTION 276.07 (PUBLIC SWIMMING POOL
LICENSE FEES) OF CHAPTER 276 (DIVISION OF
HEALTH) OF THE CODIFIED ORDINANCES OF THE CITY
OF SHELBY**

2ND READING

Moved 2ND

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

ORDINANCE NO 31-2024

**AMENDING CHAPTER 452 (PARKING GENERALLY) OF
THE CODIFIED ORDINANCES OF THE CITY OF SHELBY,
OHIO**

1ST READING

Moved 2ND

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

ORDINANCE NO 32-2024

**AMENDING ORDINANCE NO 5-2024 (ANNUAL
APPROPRIATIONS) AND DECLARING AN EMERGENCY**

Motion that the rule requiring that an ordinance be read on three separate occasions be suspended

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

ORDINANCE NO 33-2024

**TRANSFERRING APPROPRIATIONS FOR THE YEAR 2024
AND DECLARING AN EMERGENCY**

Motion that the rule requiring that an ordinance be read on three separate occasions be suspended

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 53-2024

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR FUNDING FROM THE NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION FOR PARTICIPATING IN THE VOLUNTARY NATIONAL RETAIL FOOD REGULATORY PROGRAM STANDARDS (PROGRAM STANDARDS) AND DECLARING AN EMERGENCY

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

Miscellaneous Business

MOTION TO GO INTO EXECUTIVE SESSION FOR THE FOLLOWING PURPOSE

Moved 2ND
Mr. Cutlip Mr. Martin Mr. McLaughlin Mr. Roub Mr. Roberts
PREPARING FOR, CONDUCTING, OR REVIEWING NEGOTIATIONS OR BARGAINING SESSIONS WITH PUBLIC EMPLOYEES CONCERNING THEIR COMPENSATION OR OTHER TERMS AND CONDITIONS OF THEIR EMPLOYMENT

Adjournment at p.m.

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

1st Reading
9/16/2024
2nd Reading
10/7/2024
Postponed
11/18/2024

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
10/17/2024

2nd Reading
10/21/2024

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 Thoroughfare	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
11/4/2024

ORDINANCE NO. 28 - 2024
(Sponsor: Councilman Roberts)

AMENDING SECTION 276.04 (FOOD SERVICE/RETAIL FOOD ESTABLISHMENT LICENSE FEES) OF CHAPTER 276 (DIVISION OF HEALTH) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, in accordance with the Ohio Administrative Code Chapter 901:3-4-03 (Retail Food Establishments- Licensing) and Ohio Administrative Code Chapter 3701-21-02 (Food Service Operation Rules), the Shelby Division of Health has calculated the cost of licensing food service operations and retail food establishments and, as a result, has recommended increases in the Risk Class 1, Risk Class 2, Risk Class 3, Risk Class 4, Vending machine, and Temporary Food Service fees; a decrease in the Mobile Food Service fees with the addition of risk categories for mobile food service operations; and an additional Plan Review Application fee for retail food service establishments and food service operations (when a plan review is required) 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 Codified Ordinance Chapter 276 (Division of Health) of the Codified Ordinances of the City of Shelby be amended as noted above.

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

Section 1: That Section 276.04 (Food Service/Retail Food Establishment License Fees) of Chapter 276 (Division of Health) of the Codified Ordinances of the City of Shelby be amended so that said section shall read as follows:

276.04 FOOD SERVICE OPERATION/RETAIL FOOD ESTABLISHMENT LICENSE FEES

The following food service operation/retail food establishment fees are hereby adopted:

- (a) Risk Class 1
 - (1) Businesses under 25,000 square feet: \$120.00 + current state fee
 - (2) Businesses over 25,000 square feet: \$165.00 + current state fee
- (b) Risk Class 2
 - (1) Businesses under 25,000 square feet: \$135.00 + current state fee
 - (2) Businesses over 25,000 square feet: \$180.00 + current state fee
- (c) Risk Class 3
 - (1) Businesses under 25,000 square feet: \$250.00 + current state fee
 - (2) Businesses over 25,000 square feet: \$350.00 + current state fee
- (d) Risk Class 4
 - (1) Businesses under 25,000 square feet: \$300.00 + current state fee
 - (2) Businesses over 25,000 square feet: \$415.00 + current state fee
- (e) Vending machine: \$8.79 + current state fee
- (f) Mobile Food Establishments (high risk): \$84.00 + current state fee
- (g) Mobile Food Establishments (low risk): \$42.00 + current state fee
- (h) Temporary Food Service Operations: \$35.00 + current state fee
- (i) Plan Review Application fees (when a plan review is required): \$150.00

- (j) Level 1 Food Safety Training: \$10.00
- (k) Level II Certification in Food Protection training: \$125.00
- (l) Level II examination only:
 - (1) Shelby City Resident/ Business: \$25.00
 - (2) Non-Shelby City Resident/Business: \$50.00
- (m) Late fee: 25% of local fee

Section 2: That all other Sections of Chapter 276 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
11/4/2024

ORDINANCE NO. 29- 2024
(Sponsor: Councilman Roberts)

AMENDING SECTION 276.05 (BODY ART APPROVAL FEES) OF CHAPTER 276 (DIVISION OF HEALTH) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, in accordance with the Ohio Administrative Code 3701-9-03 (Fees), the Shelby Division of Health has calculated the cost of licensing Body Art Services and, as a result, has recommended increases in the Tattooing Services, Body Piercing Services, Combined Body Art Services, Time Limited Approval for a Specific Event Licensing fees, and an additional Plan Review Application fee (when a plan review is required); 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 Codified Ordinance Chapter 276 (Division of Health) of the Codified Ordinances of the City of Shelby be amended as noted above.

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

Section 1: That Section 276.05 (Body Art Approval Fees) of Chapter 276 (Division of Health) of the Codified Ordinances of the City of Shelby be amended so that said section shall read as follows:

276.05 BODY ART SERVICES LICENSE FEES

The following body art services license fees are hereby adopted:

- (1) Tattooing Services: \$150.00 + current state fee
- (2) Body Piercing Services: \$150.00 + current state fee
- (3) Combined Body Art Services: \$150.00 + current state fee
- (4) Time Limited Approval for a Specific Event \$150.00 + current state fee
- (5) Plan Review Application (when a plan review is required): \$150.00
- (6) Late Fee: 25% of local fee

Section 2: That all other Sections of Chapter 276 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

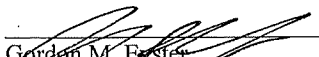
APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

1st Reading
11/4/2024

ORDINANCE NO. 30 - 2024
(Sponsor: Councilman Roberts)

AMENDING SECTION 276.07 (PUBLIC SWIMMING POOL LICENSE FEES) OF CHAPTER 276 (DIVISION OF HEALTH) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, in accordance with the Ohio Administrative Code 3701-31-03 (Fees), the Shelby Division of Health has calculated the cost of licensing Public Swimming Pools and Spas and, as a result, has recommended increases in the Individual Public Swimming Pools and Additional Pool, Spa, or Special Use Pool at the same facility as the first pool licensing 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 Codified Ordinance Chapter 276 (Division of Health) of the Codified Ordinances of the City of Shelby be amended as noted above.

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

Section 1: That Section 276.07 (Public Swimming Pool License Fees) of Chapter 276 (Division of Health) of the Codified Ordinances of the City of Shelby be amended so that said section shall read as follows:

276.07 PUBLIC SWIMMING POOL LICENSE FEES

The following public swimming pool license fees are hereby adopted:

- (1) Public Swimming Pool: \$200.00 + current state fee
- (2) Public Spa: \$175.00 + current state fee
- (3) Public Special Use Pool: \$175.00 + current state fee
- (4) Additional Pool, Spa, or Special Use Pool at the same facility as the first pool (highest cost category will be assessed as the first pool): \$85.00 + current state fee
- (5) Late Fee: 25% of local fee

Section 2: That all other Sections of Chapter 276 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

ORDINANCE NO. 31 -2024
(Sponsors: Councilmembers Roub and Roberts)

AMENDING CHAPTER 452 (PARKING 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 Chapter 452 (Parking 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 Chapter 452 (Parking Generally) be amended, repealed, 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 452.01 (Prohibition Against Parking on Streets or Highways) of Chapter 452 (Parking Generally) be amended, repealed or enacted as follows:

452.01 PROHIBITION AGAINST PARKING ON STREETS OR HIGHWAYS.

(a) (1) Upon any street, through-highway, or alley no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the street, through-highway, or alley if it is practicable to stop, park, or leave standing any vehicle off the paved or main traveled part of the street, through-highway, or alley. In every event a clear and unobstructed portion of the highway opposite the standing vehicle shall be left for the free passage of other vehicles, and a clear view of the stopped vehicle shall be available from a distance of 200 feet in each direction upon the street, through-highway, or alley.

(2) This section does not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a street, through-highway, or alley in such manner and to the extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in that position.

(b) 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.
(R.C. § 4511.66)

Section 2: That Section 452.03 (Prohibited Standing or Parking Places) of Chapter 452 (Parking Generally) be amended, repealed or enacted as follows:

452.03 PROHIBITED STANDING OR PARKING PLACES.

(a) No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this title, or while obeying the directions of a police officer or a traffic-control device, in any of the following places:

- (1) On a sidewalk, except as provided in division (b) of this section;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within ten feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within 20 feet of a crosswalk at an intersection;
- (7) Within 30 feet of, and upon the approach to, any flashing beacon, stop sign or traffic-control device;
- (8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by a traffic-control device;
- (9) Within 50 feet of the nearest rail of a railroad crossing;
- (10) Within 20 feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within 75 feet of the entrance when it is properly posted with signs;

(11) Alongside or opposite any street excavation or obstruction when the standing or parking would obstruct traffic;

(12) Alongside any vehicle stopped or parked at the edge or curb of a street;

(13) Upon any bridge or elevated structure upon a highway, or within a highway tunnel;
(R.C. § 4511.68(A)(1)-(13))

(14) At any place where signs prohibit stopping, standing or parking, or where the curbing is painted yellow, or at any place in excess of the maximum time limited by signs;

(15) Within one foot of another parked vehicle;

(16) On the roadway portion of a freeway, expressway or thruway.

(R.C. § 4511.68(A)(15), (16))

(b) A person is permitted, without charge or restriction, to stand or park on a sidewalk a motor-driven cycle or motor scooter that has an engine not larger than one hundred fifty cubic centimeters, a low-speed micromobility device, or a bicycle or electric bicycle, provided that the motor-driven cycle, motor scooter, low-speed micromobility device, bicycle, or electric bicycle does not impede the normal flow of pedestrian traffic. This division does not authorize any person to operate a vehicle in violation of ordinance 432.24.

(c) 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.

(R.C. § 4511.68)

Section 3: That Section 452.04 (Parking Requirements) of Chapter 452 (Parking Generally) be amended as follows:

452.04 PARKING REQUIREMENTS

(a) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with and not more than 12 inches from the right-hand curb, unless it is impossible to approach so close to the curb; in this case the stop shall be made as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise. Local authorities by ordinance may permit angle parking on any roadway under their jurisdiction, except that angle parking shall not be permitted on a state route within the municipality unless an unoccupied roadway width of not less than 25 feet is available for free-moving traffic.

(b) Local authorities by ordinance may permit parking of vehicles with the left-hand wheels adjacent to and within 12 inches of the left-hand curb of a one-way roadway.

(c) (1) Except as provided in division (c)(2) of this section, no vehicle shall be stopped or parked on a road or highway with the vehicle facing in a direction other than the direction of travel on that side of the road or highway.

(2) The operator of a motorcycle may back the motorcycle into an angled parking space so that when the motorcycle is parked it is facing in a direction other than the direction of travel on the side of the road or highway.

(3) The operator of a motorcycle may back the motorcycle into a parking space that is located on the side of, and parallel to, a road or highway. The motorcycle may face any direction when so parked. Not more than two motorcycles at a time shall be parked in a parking space as described in division (c)(2) of this section irrespective of whether or not the space is metered.

(d) Notwithstanding any statute or any rule, regulation, resolution or ordinance, air compressors, tractors, trucks and other equipment, while being used in the construction, reconstruction, installation, repair or removal of facilities near, on, over or under a street or highway, may stop, stand or park where necessary in order to perform the work, provided a flagperson is on duty or warning signs or lights are displayed as may be prescribed by the Director of Transportation.

(e) Accessible parking locations and privileges for persons with disabilities that limit or impair the ability to walk, shall be provided and designated by all political subdivisions and by the state and all agencies and instrumentalities thereof at all offices and facilities where parking is provided, whether owned, rented or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of access and shall be reasonably close to exits, entrances, elevators and ramps. All elevated signs posted in accordance with this division and R.C. § 3781.111(C) shall be mounted on a fixed or movable post, and the distance

from the ground to the top edge of the sign shall measure not less than five feet. If a new sign or a replacement sign designating a special parking location is posted on or after October 14, 1999, there also shall be affixed upon the surface of that sign or affixed next to the designating sign a notice that states the fine applicable for the offense of parking a motor vehicle in the special designated parking location if the motor vehicle is not legally entitled to be parked in that location.

(f) (1) No person shall stop, stand or park any motor vehicle at special parking locations provided under division (e) of this section, or at special clearly marked parking locations provided in or on privately owned parking lots, parking garages or other parking areas and designated in accordance with that division, unless one of the following applies:

A. The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removable windshield placard or special license plates; or

B. The motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates.

(2) Any motor vehicle that is parked in a special marked parking location in violation of division (f)(1)A. or (f)(1)B. of this section may be towed or otherwise removed from the parking location by the law enforcement agency of the municipality. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by the municipality for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by the municipality for towing and storing motor vehicles.

(3) If a person is charged with a violation of division (f)(1)A. or (f)(1)B. of this section, it is an affirmative defense to the charge that the person suffered an injury not more than 72 hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in R.C. § 4503.44(A)(1).

(g) No person shall stop, stand, or park any motor vehicle in an area that is commonly known as an access aisle, which area is marked by the diagonal stripes and is located immediately adjacent to an accessible parking location provided under division (e) of this section or at an accessible clearly marked parking location provided in or on a privately owned parking lot, parking garage, or other parking area and designated in accordance with that division.

(h) When a motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a removable windshield placard or a temporary removable windshield placard or special license plates, or when a motor vehicle is being operated by or for the transport of a handicapped person, and is displaying a parking card or special handicapped license plates, the motor vehicle is permitted to park for a period of two hours in excess of the legal parking period permitted by local authorities, except where local ordinances or police rules provide otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.

(i) No owner of an office, facility or parking garage where special parking locations are required to be designated in accordance with division (e) of this section shall fail to properly mark the special parking locations in accordance with that division or fail to maintain the markings of the special locations, including the erection and maintenance of the fixed or movable signs.

(j) Nothing in this section shall be construed to require a person or organization to apply for a removable windshield placard or special license plates if the parking card or special license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.

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

(1) "Person with a disability" means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf or unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary or other handicapping condition.

(2) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in R.C. § 4503.44.

(3) "Accessible license plates" and "removable windshield placard." Any license plates or removable windshield placard or temporary removable windshield placard issued under R.C. § 4503.41 or § 4503.44, and also mean any substantially equivalent license plates or removable

windshield placard or temporary removable windshield placard issued by a state, district, country or sovereignty.

(l) Penalty.

(1) Whoever violates division (a) or (c) of this section is guilty of a minor misdemeanor.

(2) A. Whoever violates division (f)(1)A. or (f)(1)B. of this section is guilty of a misdemeanor and shall be punished as provided in division (1)(2)A. and (1)(2)B. of this section. Except as otherwise provided in division (1)(2)A. of this section, an offender who violates division (f)(1)A. or (f)(1)B. of this section shall be fined not less than \$250 nor more than \$500. An offender who violates division (f)(1)A. or (f)(1)B. of this section shall be fined not more than \$100 if the offender, prior to sentencing, proves either of the following to the satisfaction of the court:

1. At the time of the violation of division (f)(1)A. of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a removable windshield placard that then was valid or special license plates that then were valid but the offender or the person neglected to display the placard or license plates as described in division (f)(1)A. of this section.

2. At the time of the violation of division (f)(1)B. of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a parking card that then was valid or special handicapped license plates that then were valid but the offender or the person neglected to display the card or license plates as described in division (f)(1)B. of this section.

B. In no case shall an offender who violates division (f)(1)A. or (f)(1)B. be sentenced to any term of imprisonment.

C. An arrest or conviction for a violation of division (f)(1)A. or (f)(1)B. of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license or other right or privilege, or made in connection with the person's appearance as a witness.

D. The Clerk of the Court shall pay every fine collected under division (1)(2) of this section to the municipality. Except as provided in division (1)(2) of this section, the municipality shall use the fine moneys it receives under division (1)(2) of this section to pay the expenses it incurs in complying with the signage and notice requirements contained in division (e) of this section. The municipality may use up to 50% of each fine it receives under division (1)(2) of this section to pay the costs of educational, advocacy, support and assistive technology programs for persons with disabilities, and for public improvements within the municipality that benefit or assist persons with disabilities, if governmental agencies or nonprofit organizations offer the programs.

(3) Whoever violates division (i) of this section shall be punished as follows:

A. Except as otherwise provided in division (1)(3) of this section, the offender shall be issued a warning.

B. If the offender previously has been convicted of or pleaded guilty to a violation of division (i) of this section or of a municipal ordinance that is substantially equivalent to that division, the offender shall not be issued a warning but shall be fined not more than \$25 for each parking location that is not properly marked or whose markings are not properly maintained. (R.C. § 4511.69)

Section 4: That Section 452.05 (Willfully Leaving Vehicles on Public Property) of Chapter 452 (Parking Generally) be amended as follows:

452.05 WILLFULLY LEAVING VEHICLES ON PUBLIC PROPERTY.

(a) The Police Chief of the municipality may order into storage any motor vehicle, including an abandoned junk motor vehicle as defined in R.C. § 4513.63, that:

(1) Has come into the possession of the Police Chief as a result of the Police Chief's duties; or

(2) Has been left 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 hours or longer without notification to the Police Chief of the reasons for leaving the motor vehicle in such place, except that when such motor vehicle constitutes an obstruction to traffic, it may be ordered into storage immediately unless either of the following applies:

A. The vehicle was involved in an accident and is subject to section 4513.66 of the Revised Code;

B. The vehicle is a commercial motor vehicle. If the vehicle is a commercial motor

vehicle, the Police Chief shall allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the Chief of Police. If the Chief of Police determines that the vehicle cannot be removed within the specified period of time, the Chief of Police shall order the removal of the vehicle.

Subject to division (c) of this section, the Chief of Police shall designate the place of storage of any motor vehicle so ordered removed.

(b) If the Chief of Police issues an order under division (a) of this section and arranges for the removal of a motor vehicle by a towing service, the towing service shall deliver the motor vehicle to the location designated by the Chief of Police not more than 2 hours after the time it is removed.

(c) (1) The Police Chief shall cause a search to be made of the records of the Bureau of Motor Vehicles to ascertain the owner and any lienholder of a motor vehicle ordered into storage by the Police Chief, within five business days of the removal of the vehicle. Upon obtaining such identity, shall send or cause to be sent notice to the owner or lienholder at his or her last known address by certified or express mail with return receipt requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt. The notice shall inform the owner or lienholder that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten days of the date of mailing of the notice.

(2) The owner or lienholder of the motor vehicle may reclaim it upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement. Upon presentation of proof of ownership evidenced as provided above, the owner of the motor vehicle also may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval fee established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code if the owner retrieves the personal items after hours, unless the towing service or storage facility fails to provide the notice required under division (B)(3) of section 4513.69 of the Revised Code, if applicable. However, the owner shall not do either of the following:

A. Retrieve any personal item that has been determined by the Chief of Police to be necessary to a criminal investigation;

B. Retrieve any personal item from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability.

For purposes of division (c)(2) of this section, "personal items" do not include any items that are attached to the vehicle.

(3) If the owner or lienholder of the motor vehicle reclaims it after a search of the records of the Bureau has been conducted and after notice has been sent to the owner or lienholder as described in this section, and the search was conducted by the owner of the place of storage or the owner's employee, and the notice was sent to the motor vehicle owner by the owner of the place of storage or the owner's employee, the owner or lienholder shall pay to the place of storage a processing fee of \$25, in addition to any expenses or charges incurred in the removal and storage of the vehicle.

(d) If the owner or lienholder makes no claim to the motor vehicle within ten days of the date of mailing the notice, and if the vehicle is to be disposed of at public auction as provided in R.C. § 4513.62, the Police Chief, without charge to any party, shall file with the Clerk of Courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of R.C. § 4513.61. Upon presentation of the affidavit, the Clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the Police Chief. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in R.C. § 4513.62, the Police Chief shall execute in triplicate an affidavit, as prescribed by the registrar of motor vehicles, describing the motor vehicle and the manner in which it was disposed, and that all requirements of R.C. § 4513.61 have been complied with. The Police Chief shall retain the original of the affidavit for his or her records and shall furnish two copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the Clerk of Courts, within 30 days of the presentation, will issue to such owner a salvage certificate of title, free and clear of all liens and encumbrances.

(e) Whenever a motor vehicle salvage dealer or other facility receives such an affidavit for the disposal of a motor vehicle as provided in this section, the dealer or facility is not required to obtain a state certificate of title to the motor vehicle in the dealer's or facility's own name if the

vehicle is dismantled or destroyed and both copies of the affidavit are delivered to the Clerk of Courts.

(f) No towing service or storage facility shall fail to comply with this section.
(R.C. § 4513.61)

Section 5: That Section 452.061 (Vehicle Left on Private Residential or Private Agricultural Property Without the Permission of Person Having Right to Possession of the Property) be added under Chapter 452 (Parking Generally) as follows:

452.061 VEHICLE LEFT ON PRIVATE RESIDENTIAL OR PRIVATE AGRICULTURAL PROPERTY WITHOUT THE PERMISSION OF PERSON HAVING RIGHT TO POSSESSION OF PROPERTY

(a)(1) The Chief of Police, within the chief's respective territorial jurisdiction, upon complaint of any person adversely affected, may order into storage any motor vehicle, other than an abandoned junk motor vehicle as defined in section 4513.63 of the Revised Code, that has been left on private residential or private agricultural property for at least four hours without the permission of the person having the right to the possession of the property.

(2) A towing service towing a motor vehicle under division (a)(1) of this section shall remove the motor vehicle in accordance with that division. The towing service shall deliver the motor vehicle to the location designated by the chief not more than two hours after the time it is removed from the private property, unless the towing service is unable to deliver the motor vehicle within two hours due to an uncontrollable force, natural disaster, or other event that is not within the power of the towing service.

(3) Subject to division (b) of this section, the owner of a motor vehicle that has been removed pursuant to this division may recover the vehicle only in accordance with division (d) of this section.

(4) As used in this section, "private residential property" means private property on which is located one or more structures that are used as a home, residence, or sleeping place by one or more persons, if no more than three separate households are maintained in the structure or structures. "Private residential property" does not include any private property on which is located one or more structures that are used as a home, residence, or sleeping place by two or more persons, if more than three separate households are maintained in the structure or structures.

(b) If the owner or operator of a motor vehicle that has been ordered into storage pursuant to division (a)(1) of this section arrives after the motor vehicle has been prepared for removal, but prior to its actual removal from the property, the towing service shall give the owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the motor vehicle established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code, in order to obtain release of the motor vehicle. However, if the vehicle is within a municipal corporation and the municipal corporation has established a vehicle removal fee, the towing service shall give the owner or operator oral or written notification that the owner or operator may pay not more than one-half of that fee to obtain release of the motor vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the transaction.

Upon payment of the applicable fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the motor vehicle to the owner or operator. Upon its release, the owner or operator immediately shall move it so that it is not on the private residential or private agricultural property without the permission of the person having the right to possession of the property, or is not at the garage or place of storage without the permission of the owner, whichever is applicable.

(c)(1) The Chief of Police shall maintain a record of motor vehicles that the chief orders into storage pursuant to division (a)(1) of this section. The record shall include an entry for each such motor vehicle that identifies the motor vehicle's license number, make, model, and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. The chief shall provide any information in the record that pertains to a particular motor vehicle to any person who, either in person or pursuant to a

telephone call, identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.

(2) Any person who registers a complaint that is the basis of a chief's order for the removal and storage of a motor vehicle under division (a)(1) of this section shall provide the identity of the law enforcement agency with which the complaint was registered to any person who identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.

(d)(1) The owner or lienholder of a motor vehicle that is ordered into storage pursuant to division (a)(1) of this section may reclaim it upon both of the following:

A. Payment of all applicable fees established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code or, if the vehicle was towed within a municipal corporation that has established fees for vehicle removal and storage, payment of all applicable fees established by the municipal corporation.

B. Presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement. When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written notice that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under section 4513.611 of the Revised Code.

(2) Upon presentation of proof of ownership as required under division (d)(1)(B) of this section, the owner of a motor vehicle that is ordered into storage under division (a)(1) of this section may retrieve any personal items from the motor vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval fee established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code if the owner retrieves the personal items after hours, unless the towing service or storage facility fails to provide the notice required under division (B)(3) of section 4513.69 of the Revised Code, if applicable. The owner of a motor vehicle shall not do either of the following:

A. Retrieve any personal item that has been determined by the chief, as applicable, to be necessary to a criminal investigation;

B. Retrieve any personal item from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability.

For purposes of division (d)(2) of this section, "personal items" do not include any items that are attached to the motor vehicle.

(3) If a motor vehicle that is ordered into storage pursuant to division (a)(1) of this section remains unclaimed by the owner for thirty days, the procedures established by sections 4513.61 and 4513.62 of the Revised Code apply.

(e)(1) No person shall remove, or cause the removal of, any motor vehicle from any private residential or private agricultural property other than in accordance with division (a)(1) of this section or sections 4513.61 to 4513.65 of the Revised Code.

(2) No towing service or storage facility shall fail to comply with the requirements of this section.

(f) This section does not apply to any private residential or private agricultural property that is established as a private tow-away zone in accordance with section 4513.601 of the Revised Code.

(g) Whoever violates division (e) of this section is guilty of a minor misdemeanor.

Section 6: That Section 452.07 (Unattended Motor Vehicles) of Chapter 452 (Parking Generally) be amended as follows:

452.07 UNATTENDED MOTOR VEHICLES

(a) (1) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the parking brake, and, when the motor vehicle is standing upon any grade, turning the front wheels to the curb or side of the highway.

(2) The requirements of this section relating to the stopping of the engine, locking of the ignition, and removing the key from the ignition of a motor vehicle do not apply to any of the following:

- A. A motor vehicle that is parked on residential property;
- B. A motor vehicle that is locked, regardless of where it is parked;
- C. An emergency vehicle;
- D. A public safety vehicle

(b) 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. (R.C. § 4511.661)

Section 7: That Section 452.10 (Passenger Zones and Loading Zones) of Chapter 452 (Parking Generally) be amended as follows:

452.10 PASSENGER ZONES AND LOADING ZONES.

(a) No driver of a vehicle shall stop, stand or park the vehicle for a period of time longer than is necessary for the expeditious loading or unloading of passengers in any place marked as a passenger zone.

(b) No driver of a vehicle shall stop, stand or park the vehicle for a period of time longer than is necessary for the expeditious loading or unloading of passengers, or for the unloading and delivery or pick-up and loading of materials, in any place marked as a loading zone. In no case shall the stop for loading and for unloading of materials exceed 30 minutes.

Section 8: That all other Sections of Chapter 452 (Parking Generally) 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. Byrster
Director of Law

ORDINANCE NO. 32 - 2024
(Sponsors: Councilmembers McLaughlin & Martin)

AMENDING ORDINANCE NO.: 5-2024 (ANNUAL APPROPRIATIONS) AND DECLARING AN EMERGENCY.

WHEREAS, on March 18, 2024, the Council of the City of Shelby passed its Annual Appropriations Ordinance as required by the Ohio Revised Code §5705.38; and

WHEREAS, it is necessary to increase several line items within the 2024 appropriations and to fund said line items with previously unappropriated monies; 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 these additional appropriations be made effective so as to balance the books for the calendar year 2024 and so as to fund necessary expenditure and/or projects.

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

Section 1: The Ordinance No.: 5-2024 (Annual Appropriations) is hereby amended as follows:

THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURES

220-TRS-468	TRANSFER-FIRE INCOME TAX	\$ 100,000.00
239-COM-501	COMPUTER SUPPORT	\$ 16,000.00
703-FEF-515	EQUIPMENT	\$ 14,000.00
706-USF-646	UTILITY PAYMENTS	\$ 10,000.00

Section 2: That all other portions of Ordinance No.: 5-2024, not modified expressly herein, 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 is hereby deemed to be an emergency so as to meet the ongoing contractual and/or monetary obligations of the City of Shelby Ohio 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

ORDINANCE NO: 33 -2024
(Sponsors: Councilmembers McLaughlin & Martin)

TRANSFERRING APPROPRIATIONS FOR THE YEAR 2024 AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary to transfer funds from one line item to another within the existing 2024 budget; and

WHEREAS, these transfers be made effective so as to balance the books for the calendar year 2024 and so as to fund necessary expenditures and/or projects; 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 these funds be transferred.

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

Section 1: That the Director of Finance shall be and is hereby authorized and directed to make the following transfers:

FROM	101-CRT-530	OFFICE EQUIPMENT	\$ 7,000.00
	101-CRT-478	COURT APPOINTED ATTORNEYS	\$ 5,000.00
	101-MIS-652	HISTORIC PRESERVATION	\$ 10,000.00
	101-ECD-546	ECONOMIC DEVELOPMENT	\$ 3,000.00
	400-MFG-519	CHEMICALS	\$ 7,000.00
	400-MFG-501	COMPUTER SUPPORT	\$ 3,000.00
	600-DIS-551	UNDERGROUND DIST SUPPLIES	\$ 13,000.00
	600-DIS-550	OVERHEAD DIST SUPPLIES	\$ 12,000.00
TO	101-CRT-501	COMPUTER SUPPORT	\$ 12,000.00
	101-ENG-500	ENGINEERING	\$ 13,000.00
	400-MFG-526	DIESEL FUEL	\$ 10,000.00
	600-DIS-552	TRANSFORMERS, POLE MOUNT	\$ 10,000.00
	600-DIS-575	SAFETY RELATED	\$ 15,000.00

Section 2: That all other portions of Ordinance No. 5-2024, not modified herein, 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 is hereby deemed to be an emergency so as to meet the ongoing contractual and/or monetary obligations of the City of Shelby, Ohio 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. 53 -2024

(Sponsor: Councilman Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR FUNDING FROM THE NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION FOR PARTICIPATING IN THE VOLUNTARY NATIONAL RETAIL FOOD REGULATORY PROGRAM STANDARDS (PROGRAM STANDARDS) AND DECLARING AN EMERGENCY.

WHEREAS, the National Environmental Health Association provides financial assistance for activities towards meeting the program standards; and

WHEREAS, the City of Shelby Health Department desires financial assistance under said Program for its efforts to provide environmental public health, disease prevention, and education; 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 funding.

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 from National Environmental Health Association Retail Flexible Funding Model (NEHA-RFFM).

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

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

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

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

PASSED: _____

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