

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

**Shelby City Council Agenda
Monday, June 16, 2025
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 June 2, 2025

Moved _____ 2ND _____

Mr. Cutlip _____ 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 DATED MAY 31, 2025, BE
RECEIVED, PLACED ON FILE, AND POSTED TO THE CITY WEBSITE.**

Moved _____ 2ND _____

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

Utilities & Streets Committee—Councilmember McLaughlin

Community & Economic Development Committee Councilmember Cutlip

Safety Committee—Councilmember Roberts

Reports of City Officials

Steven L. Schag—Mayor

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director—Absent

Joe Gies—Project Coordinator

New Business

Unfinished Business

Smokestack

Legislation

ORDINANCE NO 11-2025

**DETERMINING THAT CERTAIN REAL PROPERTY
OWNED BY THE CITY OF SHELBY BE SOLD AND
DESIGNATING THE COMMUNITY IMPROVEMENT
CORPORATION OF SHELBY, OHIO, INC., AS THE CITY'S
AGENT IN THE SALE OF SAID REAL PROPERTY**

3RD READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 12-2025

**AMENDING CHAPTER 1042 (SEWER REGULATIONS),
SECTION 1042.13 (LIMITATIONS ON WASTEWATER
STRENGTH), (C) LOCAL LIMITS OF THE CODIFIED
ORDINANCES OF THE CITY OF SHELBY, OHIO**

3RD READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 13-2025

**AMENDING SECTION 1044.09 (SEPTAGE RECEIVING
RATE AND FEE SCHEDULE) OF CHAPTER 1044 (SEWER
CHARGES), OF THE CODIFIED ORDINANCES OF THE
CITY OF SHELBY, OHIO**

3RD READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 15-2025

**PROPOSING AN AMENDMENT TO SECTION 53 OF THE
CHARTER OF THE CITY OF SHELBY AND SUBMITTING
SUCH PROPOSED AMENDMENT TO THE ELECTORS**

1ST READING

Moved _____ 2ND _____

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

ORDINANCE NO 17-2025

**AMENDING CHAPTER 1040 (WATER), SECTION 1040.04
RULES, REGULATIONS AND FIXED CHARGES FOR
MUNICIPAL WATER SYSTEM, (h) ADDITIONAL
CHARGES TO CONSUMERS OUTSIDE CITY LIMITS,
RULE 45 OF THE CODIFIED ORDINANCES OF THE CITY
OF SHELBY, OHIO**

2ND READING

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

ORDINANCE NO 18-2025

**AMENDING CHAPTER 446 (SNOWMOBILES, OFF-
HIGHWAY MOTORCYCLES AND ALL-PURPOSE
VEHICLES) OF THE CODIFIED ORDINANCES OF THE
CITY OF SHELBY, OHIO**

1ST READING

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

ORDINANCE NO 19-2025

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

1ST READING

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

RESOLUTION NO 21-2025

**ADOPTING AN ANNUAL REVENUE BUDGET FOR THE
YEAR 2026**

Moved _____ 2ND _____

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

Miscellaneous Business

Adjournment at _____ p.m.

Moved _____ 2ND _____

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

1st Reading
5/19/2025
2nd Reading
6/2/2025

ORDINANCE NO: 11-2025
(Sponsors: Councilmembers Roberts and Roub)

DETERMINING THAT CERTAIN REAL PROPERTY OWNED BY THE CITY OF SHELBY BE SOLD AND DESIGNATING THE COMMUNITY IMPROVEMENT CORPORATION OF SHELBY, OHIO, INC., AS THE CITY'S AGENT IN THE SALE OF SAID REAL PROPERTY.

WHEREAS, in 2018, the Shelby Fire Department moved from the building located at 10 East Main Street that they have occupied since 1872; and

WHEREAS, on April 7, 2025, the Director of Public Service certified to the Council of the City of Shelby that said parcel is not needed for any municipal purpose; and

WHEREAS, Section 1 of the Charter of the City of Shelby provides that the City may acquire property in fee simple or lesser interest and may sell, convey, lease, hold, manage, and control such property; and

WHEREAS, Ohio Revised Code Section 1724.10 authorizes the Council to designate the Community Improvement Corporation as its agent for the sale of lands which have been determined not to be required by the City for its purposes and allows for the sale of real property that will promote the welfare of the people of the City of Shelby; and

WHEREAS, the sale or transfer of the property with structure(s) described in the attached Exhibit 1 will promote the welfare of the people of the political subdivision; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that this parcel be sold and that the Community Improvement Corporation of Shelby, Ohio, Inc. be designated the agent of the City for the sale of the parcel of land reflected in the attached Exhibit 1.

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

Section 1: That a 6,815 square foot parcel of real estate (surveyed by F. E. Krocka & Associates, Inc., Nathan W. Sautter, Ohio Registered Surveyor No. 8252 on February 13, 2025, and noted as Parcel 1 on Exhibit 1 attached hereto) be sold.

Section 2: That the City designate the Community Improvement Corporation of Shelby, Ohio, Inc. (CIC) as its agent in the sale of the above-described real property in accordance with Ohio Revised Code 1724.10 (B), subject to the following conditions:

- a. The CIC shall have the exclusive right to sell said real property within six (6) months of the effective date of this Ordinance.
- b. The said real property will be in contract to sell within six (6) months of the effective date of this Ordinance. An extension may be granted by Council.
- c. The CIC will retain a sum not greater than six percent (6%) of the sale price, after the deduction of all appraisal fees and all costs related to the sale of the property.
- d. A quit claim shall be used to transfer said real property.
- e. Said real property be sold "as is - where is" with no warranties whatsoever, either expressed or implied.
- f. That the City of Shelby will maintain an ingress/egress and utility easement (surveyed by F. E. Krocka & Associates, Inc., Nathan W. Sautter, Ohio

Registered Surveyor No. 8252 on March 18, 2025, and noted as Exhibit 2 attached hereto).

- g. Terms of sale shall include: A detailed development agreement prepared by the CIC, with a claw back or reversionary clause and first right of refusal.
- h. The city reserves the right to review any and all submissions for purchase to the CIC; and further reserves the right to reject any offer submitted.

Section 3: That the Director of Finance and Public Record deposit the net proceeds from the sale of said real property into the General Fund.

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

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

PASSED: _____

Steven 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
5/19/2025
2nd Reading
6/2/2025

ORDINANCE NO: 12 -2025
(Sponsor: Councilmember McLaughlin)

AMENDING CHAPTER 1042 (SEWER REGULATIONS), SECTION 1042.13 (LIMITATIONS ON WASTEWATER STRENGTH), (C) LOCAL LIMITS OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, the supervision of the Wastewater Treatment Plant is mandated by the Ohio Environmental Protection Agency to manage the city's Industrial Pretreatment Program to regulate industrial wastewater being discharged to the city's wastewater collection system; and

WHEREAS, it is necessary to modify by reduction the allowed strength of Cadmium from a limit of 0.4 mg/l to 0.14 mg/l and Nickel from a limit of 2.0 mg/l to 1.45 mg/l in Chapter 1042 (Sewer Regulations), Section 1042.13 (Limitations On Wastewater Strength), (c) Local Limits to establish the allowed strength of the said pollutant to manage the local limits for the Industrial Pretreatment Program; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that Chapter 1042 (Sewer Regulations), Section 1042.13 (Limitations on Wastewater Strength), (c) Local Limits be amended to establish the permitted strength for cadmium and nickel.

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

Section 1: That Chapter 1042 (Sewer Regulations), Section 1042.13 (Limitations on Wastewater Strength), (c) Local Limits be amended as described below to reflect the permitted strength as established in the city's Industrial Pretreatment Program by the Ohio Environmental Protection Agency.

(c) Local Limits. The Superintendent is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). These pollutant limits are established to protect against Pass Through and Interference.

- (1) No person shall discharge wastewater containing in excess of the following concentrations for any of the enumerated materials, exceeding the following one-day maximums based upon 24-hour average values after a period of nine months has elapsed from the effective date of this chapter:

Local Limits

Pollutant	Concentration
Arsenic	0.02 mg/l
Cadmium	0.14 mg/l
Chromium Hexavalent -	None
Chromium - Total	3.00 mg/l
Copper	1.00 mg/l
Total cyanide	1.00 mg/l
Lead	0.50 mg/l
Mercury	BMP*
Molybdenum	0.50 mg/l
Nickel	1.45 mg/l
Selenium	0.02 mg/l

Silver	1.00 mg/l
Zinc	2.00 mg/l
Fats, Oil & Grease	50 mg/l
BOD5	300 mg/l
Suspended Solids	350 mg/l

* BMP = Best Management Practice

Section 2: That all other language and Sections in Chapter 1042 (Sewer 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: _____

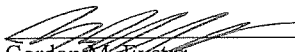
Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

(Ord. 16-2001, passed 5-8-2001; Ord. 33-2001, passed 8-20-2001; Ord. 49-2003, passed 12-1-2003; Ord. 28-2004, passed 9-20-2004; Ord. 18-2005, passed 6-6-2005; Ord. 12-2006, passed 6-5-2006; Ord. 14-2008, passed 5-5-2008; Ord. 31-2008, passed 9-15-2008)

1st Reading
5/19/2025
2nd Reading
4/2/2025

ORDINANCE NO. 13 -2025
(Sponsor: Councilmember McLaughlin)

AMENDING SECTION 1044.09 (SEPTAGE RECEIVING RATE AND FEE SCHEDULE) OF CHAPTER 1044 (SEWER CHARGES), OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, it is necessary to amend Chapter 1044 (Sewer Charges), Section 1044.09 (Septage Receiving Rate and Fee Schedule) to adjust the septage receiving rate schedule for residential and commercial accounts; 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 1044 (Sewer Charges), Section 1044.09 (Septage Receiving Rate and Fee Schedule) be adjusted to establish a new rate schedule for residential and commercial accounts.

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

Section 1: That Chapter 1044 (Sewer Charges), Section 1044.09 (Septage Receiving Rate and Fee Schedule) of the Codified Ordinances of the City of Shelby be adjusted to read as follows:

1044.09 Septage Receiving Rate and Fee Schedule

- (a) Domestic Septage Receiving Rate - \$0.08 per gallon
 - (1) Domestic septage shall be identified as wastewater that is generated from a residential dwelling and such as identified and declared by the Superintendent of the Wastewater Treatment Plant.
- (b) Non-Domestic Septage Receiving Rate - \$0.010 per gallon
 - (1) Non-Domestic septage shall be identified as wastewater that is generated from a commercial dwelling; churches, restaurants, schools, mobile home parks, campgrounds, motels, and such as identified and declared by the Superintendent of the Wastewater Treatment Plant.
- (a) A ten (10%) penalty will be assessed to the account holder for non or late payment pursuant to Section 1044.04 Payment of Charges; Remedy of City for Nonpayment; Surcharges.
- (c) Access Card Fee - \$20.00
- (d) Septage Discharge Permit Fee - \$100.00
- (e) Cleaning Violation Fee - \$20.00 - \$50.00

Section 2: That all other sections of Chapter 1044 (Sewer Charges) 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. Byster
Director of Law

6/2/2025
Postponed

ORDINANCE NO. 15 -2025
(Sponsor: Councilmember McLaughlin)

PROPOSING AN AMENDMENT TO SECTION 53 OF THE CHARTER OF THE CITY OF SHELBY AND SUBMITTING SUCH PROPOSED AMENDMENT TO THE ELECTORS.

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

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

WHEREAS, ORC Section 3513.05 was changed in 2014 requiring candidates for office to file their petition ninety days prior to an election instead of seventy-five; and

WHEREAS, Shelby Charter Section 53 requires seventy-five days; 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 a proposed amendment to Charter Section 53 be passed and submitted to the electors of the City of Shelby.

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 there be submitted to the electors of the City at the election to be held on Tuesday, November 4, 2025, during the regular hours of voting at such date as prescribed by general law, the question of the amendment to Charter Section 53 as noted herein below with language to be deleted shown with strikethroughs and language to be added shown in capitals:

Section 53. Any elector of this municipality save and except as is hereinbefore provided may become a candidate for any elective office herein provided for and have his name printed upon the primary ballot, which ballot shall be printed without party designation, by filing with the board of elections a petition signed by at least two (2) per centum of the total vote cast for mayor at the last municipal general election, provided that a petition for a candidate for councilmember from a ward shall be signed by two (2) per centum of the total vote cast for mayor within that ward in which the candidate seeks to run. Those candidates equal to twice the number of places to be filled in each office, who respectively received the highest number of votes for each office at the primary election, shall have their names printed upon the ballots for the general election, provided that in case of a tie vote at such primary election, all persons receiving such equal number of votes shall have their names printed upon the ballots for the general election, and provided further that in case fewer than twice the number of places to be filled in each office are voted for at such primary election, then all such names voted for shall be placed upon the ballots for the general election. All nominating petitions shall be signed, filed and verified and each candidate's declaration to qualify if nominated and elected shall be filed and verified in the manner prescribed by State law at least ~~seventy-five~~ **NINETY** days prior to the date of holding such primary election. The names of all candidates upon such primary ballots shall be placed under their proper and respective designation indicating the office to be filled and the number to be voted for and in proper rotation as provided for by State law, and such primary election shall be held in the manner prescribed by State law except as herein provided.

Section 2: That the ballot on the proposed Charter amendment, as set forth in Section 1 hereof, for said election shall each be substantially in the following form or similar form as approved by the appropriate election authorities to express the intent and purpose hereof.

PROPOSED CHARTER AMENDMENT
CITY OF SHELBY

A Majority Affirmative Vote is Necessary for Passage

Shall the Charter of the City of Shelby be amended in Section 53 to provide that filing date for candidates for office be changed from seventy-five days to ninety days?

SHALL SECTION 53 OF THE SHELBY CHARTER BE AMENDED:

YES
NO

Section 3: That the Richland County Board of Elections and the Mayor, Clerk of Council, and Director of Law of the City of Shelby are hereby directed and authorized to take all action necessary to submit the above question to the electors of the City at the election held on November 4, 2025.

Section 4: That the Clerk of Council is hereby directed to certify a copy of this Ordinance to the Richland County Board of Elections no later than 4:00 p.m. on the ninetieth day prior to the date of the election.

Section 5: That the Director of Finance and Public Record shall provide notice of this proposed amendment to the Charter in a newspaper of general circulation not less than thirty (30) days prior to the date of the election.

Section 6: That said amendment, if approved by the electors, shall become effective on January 1, 2026.

Section 7: 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 8: 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
6/2/2025

ORDINANCE NO. 17 -2025
(Sponsor: Councilmember McLaughlin)

AMENDING CHAPTER 1040 (WATER), SECTION 1040.04 RULES, REGULATIONS AND FIXED CHARGES FOR MUNICIPAL WATER SYSTEM, (h) ADDITIONAL CHARGES TO CONSUMERS OUTSIDE CITY LIMITS, RULE 45 OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, it is necessary to amend Chapter 1040 (Water), Section 1040.04, Rule 45 to adjust the rate for bulk water service; and

WHEREAS, the bulk water rate was adjusted to \$11.00 per 1,000 gallons in 2020; and

WHEREAS, the current residential base rate for 200 cubic feet (1,496 gallons) of potable water is \$13.11 for residential water customers within the City of Shelby; and

WHEREAS, it is necessary to adjust the bulk water rate to \$12.00 per 1,000 gallons to maintain a comparable bulk water rate to the current base water rate; 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 1040 (Water), Section 1040.04 (Rules, Regulations, and Fixed Charges for Municipal Water System), (h) *Additional charges to consumers outside city limits*, Rule 45 be amended to establish a new rate structure for bulk water service.

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

Section 1: That Chapter 1040 (Water), Section 1040.04 (Rule, Regulations, and Fixed Charges for Municipal Water System), (h) *Additional charges to consumers outside city limits*, Rule 45 of the Codified Ordinances of the City of Shelby be amended to read as follows:

Rule 45

Bulk water is available to individuals having the means to transport such water. Bulk water is sold in 1,000 gallon increments. Persons wishing to purchase bulk water must obtain an access card from the Shelby Municipal Utilities Office, 23 East Main Street. Bulk water is to be loaded at the Shelby Water Treatment Plant, 115 North Gamble Street.

Rates for Bulk Water	<i>Effective September 1, 2025</i>
1,000 gallons	\$12.00

Section 2: That all other sections of Chapter 1040 (Water) and 1040.04 (Rule, Regulations, and Fixed Charges for Municipal Water Service) 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: _____

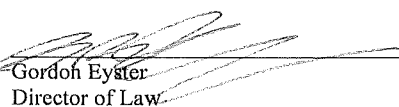
Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon Eyster
Director of Law

ORDINANCE NO. 18 -2025
(Sponsor: Councilmember Roberts)

AMENDING CHAPTER 446 (SNOWMOBILES, OFF-HIGHWAY MOTORCYCLES AND ALL-PURPOSE VEHICLES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, the City of Shelby is an urban area made up primarily of commercial, industrial, residential, municipal service and recreational park areas, with little open space sufficient for the safe and acceptable operation of All-Purpose Vehicles (hereinafter APVs), trail bikes or other motorized recreational vehicles without creating a public nuisance; and

WHEREAS, the use and operation of APVs within the city limits of the City of Shelby has the potential of adversely affecting the public's health, safety and welfare by creating excessive noise, dust and fumes; and

WHEREAS, the use and operation of APVs in the City of Shelby also has the potential of causing physical harm and a negative impact on the environment - specifically land and water quality; and

WHEREAS, it is necessary to establish reasonable and responsible rules and regulations regarding the use of APVs in the City of Shelby; 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 446 of the Codified Ordinances of the City of Shelby be amended.

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

Section 1: That CHAPTER 446 (SNOWMOBILES, OFF-HIGHWAY MOTORCYCLES AND ALL-PURPOSE VEHICLES) of the Codified Ordinances of the City of Shelby be amended by enacting and adding Section 446.045 that shall read as follows:

§ 446.045 OPERATION OF ALL-PURPOSE VEHICLES ON PRIVATE PROPERTY.

(a) For purposes of this section an "All-Purpose Vehicle" shall mean an all-purpose vehicle as defined by section 446.01 of this Chapter.

(b) No all-purpose vehicle shall be operated on any private property within the city unless all of the following conditions and limitations have been complied with by the operator:

- (1) When the operator does not reside on or own the property said vehicle is being operated on, the operator shall possess written permission of the owner of the property;
- (2) The all-purpose vehicle shall not be operated within 100 feet of any public sidewalk or within 120 feet of any public street where a sidewalk does not exist; and
- (3) The all-purpose vehicle shall not be operated within 250 feet of any residential dwelling not on the property upon which the all-purpose vehicle is being operated upon.
- (4) The all-purpose vehicle shall only be operated within the Municipal Limits of the City of Shelby:

- A. Between the hours of 9:00 a.m. and 7:00 p.m. Monday through Friday, and
- B. Between the hours of noon and 7:00 p.m. Saturday, and
- C. Between the hours of noon and 6:00 p.m. on all legal holidays and Sundays;

(5) There shall be no more than three all-purpose vehicles operating on any property at a time;

(6) Noise and/or dust. The operator shall not unreasonably make, cause to be made or continue to be made any noise, or dust which disturbs the reasonable peace of the area within which the operator is operating any all-purpose vehicle.

(c) No owner of the property wherein the all-purpose vehicle is being operated shall recklessly permit an individual to violate division (b)(1) of this section. No owner of property wherein an all-purpose vehicle is being operated shall knowingly permit an individual to violate divisions (b)(2) through (6).

(d) Whoever violates this section is guilty of a minor misdemeanor on the first offense; on the second offense within one year after conviction of the first offense the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the second offense within one year the person shall be guilty of a misdemeanor of the third degree.

(e) When an operator of an all-purpose vehicle is arrested twice within two years for this offense, the all-purpose vehicle shall be impounded.

(f) This section does not apply to a person operating an all-purpose vehicle under the following circumstances:

- (1) Medical or health emergencies;
- (2) Grass cutting or field plowing;
- (3) Snow plowing;
- (4) Commercial establishments who build, sell, or repair all-purpose vehicles or any agricultural related activity;
- (5) Moving the all-purpose vehicle onto a trailer for purposes of transportation or removing said all-purpose vehicle from a trailer for parking or storage purposes;
- (6) Repairing such all-purpose vehicle in an enclosed structure.

(g) As used in this section legal holiday means any federal or state holiday wherein the U.S. Postal Service does not deliver mail.

Section 2: That all other sections of Chapter 446 (SNOWMOBILES, OFF-HIGHWAY MOTORCYCLES AND ALL-PURPOSE VEHICLES) 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: _____

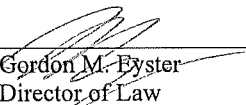
Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

ORDINANCE NO. 19 -2025
(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, added, 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 452.11 (Bus Stops and Taxicab Stands) of Chapter 452 (Parking Generally) be repealed.

452.11 BUS STOPS AND TAXICAB STANDS.

REPEALED

Section 2: That Section 452.12 (Parking in Alleys and Narrow Streets; Exceptions) of Chapter 452 (Parking Generally) be repealed.

452.12 PARKING IN ALLEYS AND NARROW STREETS; EXCEPTIONS.

REPEALED

Section 3: That Section 452.13 (Parking Oversize Vehicles) of Chapter 452 (Parking Generally) be amended by replacement as follows:

452.13 PARKING OVERSIZE VEHICLES.

No person shall park a motor vehicle with dual rear wheels, or having in excess of one ton carrying capacity, a trailer, semitrailer, commercial tractor, wrecker, boat, or recreational vehicle, any motor vehicle that is not licensed (such as a bulldozer or backhoe or similar construction equipment), or any non-motorized accessory including, but not limited to a snow plow, trailer, dumpster, or movable storage unit, on a street, through-highway, or alley at any time in front of or alongside of property used exclusively for residential purposes, except in case of breakdown or disrepair of such vehicle not exceeding twenty-four consecutive hours, for loading or unloading purposes, or reasonably immediate use on an active construction or repair site.

Section 4: That Section 452.14 (Snow Emergencies on Streets) of Chapter 452 (Parking Generally) be amended as follows:

452.14 SNOW EMERGENCIES ON STREETS.

(a) In order to facilitate the cleaning of certain streets and to expedite the free flow of vehicular traffic, motor vehicles shall not be parked on the streets designated herein at such times as the records of the National Weather Service indicate that two inches of snow have fallen and there is a prospect of a further snowfall. All motor vehicles parked prior to the time weather conditions prohibit parking must be removed by the owners or operators. Any motor vehicle parked in violation of this section shall be removed by order of the Director of Public Safety and Service or designee and shall subject the owner or operator to penalties provided in this traffic code as well as any impounding fees and storage costs.

(b) It shall be the responsibility of the owners or operators of motor vehicles to ascertain whether weather conditions require the removal of their motor vehicles from the streets designated and to remove all motor vehicles parked in violation of the provisions of this section or any other ordinances of the city. While the city will make every effort to inform the public of the existence of weather conditions requiring the removal of parked motor vehicles from the streets designated herein, the owners and operators of motor vehicles parked in these areas shall have full responsibility to determine existing weather conditions and to remove parked motor

vehicles if the weather conditions are such as to require their removal under the terms of this section.

(c) After the records of the National Weather Service indicate that two inches of snow have fallen and there is a prospect of further snowfall, the Director of Public Safety and Service or designee shall order the removal of all vehicles parked on the streets designated herein which have not been removed by the owners or operators thereof. The vehicles shall be removed as provided in §404.07.

(d) Whoever violates any of the provisions of this section, with respect to failure to remove parked motor vehicles when the weather conditions described in this section require their removal, shall be deemed to be illegally parked and shall be subject to the penalties provided in this traffic code. In addition, when a motor vehicle is towed to a motor vehicle pound, the motor vehicle may be recovered only upon payment of the towing and storage charges imposed.

(e) The Police Department shall use reasonable means of disseminating information as to the existence of weather conditions requiring removal of parked motor vehicles from the areas designated. The dissemination of this information, however, shall not relieve owners or operators of motor vehicles from the responsibility of ascertaining the existence of weather conditions requiring the removal of parked motor vehicles from the areas designated.

(f) The streets where parking is prohibited after two inches of snow have fallen, and when there is a prospect of further snowfall, are:

(1) The streets within the business district, as defined in §402.01, including the whole of any street wherein the boundary of the business district is the centerline of the street.

(2) Interior parking on any areas designated as boulevards; including, but not limited to: Grand Boulevard, West Park Drive, and Williams Court.

(3) Any cul-de-sac.

(4) Streets designated as Major Arterial, Minor Arterial, and Collector Streets, as defined in Subdivision Regulation 1246.04, provided those streets allow regular, on-street parking:

(a) Collector Streets:

(1) Smiley Ave from west Corp Limit to east Corp Limit

(2) Shelby Ave from Smiley Ave to State Street

Section 5: That Section 452.15 (Snow Emergencies on Municipal Parking Lots) of Chapter 452 (Parking Generally) be amended as follows:

452.15 MUNICIPAL PARKING LOTS AND SNOW EMERGENCIES IN MUNICIPAL PARKING LOTS

(a) Any City owned or leased off-street parking lot shall be under the general supervisions and management of the Mayor/Safety-Service Director, and he/she is authorized and directed to make and promulgate such rules and regulations, including minimum operating hours of the lots, in conformity with the provisions of this section, as may be necessary and desirable for the proper operation and administration of such facilities.

(b) Parking in the lots shall be available for use, unless otherwise designated.

(c) Signage identifying the lots as Municipal Parking Lots and the rules of the lots shall be conspicuously posted at all entrances to each lot, and where there is special parking designated, it shall also be marked and conspicuously posted.

(d) Municipal parking lots are located in the following areas:

(1) City Hall – See full legal description at Book 1803, Pages 364-365 of Richland County Recorder's Records.

(2) Hitching Grounds – See full legal description at Volume 121, Page 117 of Richland County Recorder's Records.

(e) In order to facilitate the cleaning of municipal parking lots and to expedite the free flow of vehicular traffic, motor vehicles shall not be parked on municipal parking lots at such times as the records of the National Weather Service indicate that two inches of snow have fallen and there is a prospect of a further snowfall. All motor vehicles parked prior to the time that weather conditions prohibit parking shall be removed by the owners or operators thereof. Any motor vehicle parked in violation of this section may be removed by order of the Director of Public Safety and Service or designee and shall subject the owner or operator thereof to the penalties provided in this traffic code as well as to any impounding fees and storage costs.

(f) It shall be the responsibility of the owners or operators of motor vehicles to ascertain whether or not weather conditions require the removal of their motor vehicles from the parking lots designated and to remove all motor vehicles parked in violation of the provisions of this

section or any other ordinances of the city. While the city will make every effort to inform the public of the existence of weather conditions requiring the removal of parked motor vehicles from the parking lots designated herein, the owners and operators of motor vehicles parked in these areas shall have full responsibility to determine existing weather conditions and to remove parked motor vehicles if the weather conditions are such as to require their removal under the provision of this section.

(g) After the records of the National Weather Service indicate that two inches of snow have fallen and there is a prospect of further snowfall, the Director of Public Safety and Service or designee may order the removal of all vehicles parked on municipal parking lots which have not been removed by the owners or operators thereof. The vehicles may be removed as provided in §404.07.

(h) In addition to the penalties provided in this traffic code, when a motor vehicle is towed to a motor vehicle pound, the motor vehicle may be removed only upon the payment of the towing and storage charges imposed.

(i) The Police Department shall use reasonable means of disseminating information as to the existence of weather conditions requiring removal of parked motor vehicles from the areas designated. The dissemination of this information, however, shall not relieve owners or operators of motor vehicles from the responsibility of ascertaining the existence of weather conditions requiring the removal of parked motor vehicles from the areas designated.

Section 6: That Section 452.16 (Parking or Stopping in Fire or Snow Removal Lanes) of Chapter 452 (Parking Generally) be repealed.

452.16 PARKING OR STOPPING IN FIRE OR SNOW REMOVAL LANES.

REPEALED

Section 7: That Section 452.18 (Waiver) of Chapter 452 (Parking Generally) be amended as follows:

452.18 WAIVER.

Any person charged with a violation of any provision of this chapter for which payment of a prescribed fine may be made, may pay the sum in the manner prescribed on the issued traffic or parking ticket. The payment shall be deemed a plea of guilty, waiver of court appearance and acknowledgment of conviction of the alleged offense and may be accepted in full satisfaction of the prescribed penalty for the alleged violation. Payment of the prescribed fine need not be accepted when laws prescribe that a certain number of such offenses shall require court appearance.

Section 8: That Section 452.19 (Parking, Event Permit Required) of Chapter 452 (Parking Generally) be enacted.

452.19 PARKING, EVENT PERMIT REQUIRED

(a) No person shall block or occupy right-of-way parking on any city street, through-highway, or alley by any means, nor close or restrict or obstruct any section or portion of any city street, through-highway, or alley by any means for the purpose of any special event, without first obtaining a permit therefore from the Director of Public Safety.

(b) Applications for such permits shall be made on such forms as may be prescribed by the City and shall contain such information as is reasonably necessary to make a fair determination of whether a permit should or should not be issued. Applications shall be filed not less than 72 hours before the time intended for the special event. The period for which the permit is active shall not exceed 12 hours for parking restrictions and 72 hours for road closures, nor shall additional permits for the same requestor, business, location, or event exceed more than three instances in a calendar year.

(c) Applications for such permits shall be accompanied by a permit fee prescribed by the Traffic Commission, and shall be paid upon approval and receipt of the permit.

(d) The permit may be denied or cancelled if:

(1) The permit is not filed a minimum of 72 hours before the start of the event;

(2) The time, place, size or conduct of the event would interfere with the public convenience and safe use of the streets, through-highways or alleys;

(3) The number of parking spaces requested or required would unreasonably deny access to such a number of business as to interfere with commerce and services;

(4) The event would require the diversion of so great a number of police officers that would deny normal police protection to the municipality, or require a greater number of physical barricades than is reasonable or available;

(5) The event would unreasonably interfere with the movement of police, fire, or EMS services to other areas of the municipality;

(6) The event would unreasonably interfere with another event for which a permit has already been issued;

(7) The information contained in the application is found to be false, misleading or incomplete in any material detail;

(e) The permit, or any order accompanying it, may limit or prescribe reasonable conditions, including hours and areas permitted to be occupied.

Section 9: 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 10: 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 11: 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. 21-2025
(Sponsors: Councilmembers McLaughlin & Martin)

ADOPTING AN ANNUAL REVENUE BUDGET FOR THE YEAR 2026.

WHEREAS, the Director of Finance and Public Record has submitted a revenue budget for the year 2026, to the Council of the City of Shelby; and

WHEREAS, it is in the interest of the public health, safety, and general welfare of the citizens of the City of Shelby that the revenue budget for the year 2026 be adopted.

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

Section 1: That the revenue budget for the year 2026 has been submitted to City Council by the Director of Finance and Public Record, and the same is hereby adopted.

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

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

PASSED: _____

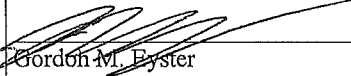
Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law