



# City Council Agenda

Monday, December 4, 2023 at 7:00 pm

6550 N. High Street, Worthington, Ohio 43085

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Visitor Comments

## Public Hearings on Legislation

### 5. Ordinance No. 24-2023 – Subdivision – Final Plat – 286 W. South St. – SUB 03-2023

Approving a Final Plat for the Resubdivision of Lot #1 of Weatherburn Subdivision Located at 286 W. South St. and Authorizing Variances (Eric Kmetz)

*Executive Summary:* This Ordinance approves the Final Plat to re-subdivide Lot #1 of Weatherburn Subdivision located at 286 W. South St. and grants variances for lot width for Lot#1B and Lot #1C.

*Recommendation:* Motion to table until January 16, 2024.

### 6. Ordinance No. 26-2023 – 2024 Operating Budget

*Executive Summary:* This Ordinance adopts the City's annual budget for Fiscal Year 2024 and appropriates sums for current operating expenses.

*Recommendation:* Motion to amend, approve as amended.

### 7. Ordinance No. 27-2023 – 2024 Community Group Funding

Amending Ordinance No. 27-2023 (As Amended) to Adjust the Annual Budget by Providing for Appropriations From the General Fund and Convention and Visitor's Bureau Fund Unappropriated Balance's to Pay the Cost of Funding for Community Groups, Cultural Arts Center and Tourism Activities for 2024.

*Executive Summary:* This Ordinance appropriates funds for Community Groups, including the Worthington Historical Society, the Worthington Partnership, the Worthington Chamber of Commerce and the McConnell Arts Center.

*Recommendation:* Motion to amend, approve as amended.

### 8. Ordinance No. 32-2023 – Compensation for Unclassified Employees

Establishing Compensation for Certain Unclassified Positions of the Municipal Service For the Period of January 1, 2024 through December 31, 2024, and Adopting Class Specifications for Said Unclassified Positions.

*Executive Summary:* This Ordinance establishes the salaries for unclassified employees in the City for 2024.

*Recommendation:* Motion to amend; Approve as amended

**9. Resolution No. 67-2023 - Adoption of 2024-2028 Capital Improvements Program (CIP)**

Approving the 2024-2028 Capital Improvements Program for the City of Worthington.

*Executive Summary:* This Resolution adopts the 2024-2028 Capital Improvements Program.

*Recommendation:* Introduce and approve as presented.

## **Consent Agenda**

**10. Ordinance No. 28-2023 - Additional Appropriations – General Fund and Capital Improvement Fund**

Amending Ordinance No. 39-2022 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the General Fund and Capital Improvement Fund.

*Executive Summary:* This legislation appropriates additional funds in the General Fund and the Capital Improvement Fund to provide additional funding for tax collection and income tax refund activity.

*Recommendation:* Approve as presented.

**11. Ordinance No. 31-2023 – Public Health Contract – Columbus Public Health**

Authorizing the City Manager to Execute A Contract Between the City of Columbus Board of Health and the City of Worthington for Health Services.

*Executive Summary:* This Ordinance authorizes the City Manager to enter into a contract with the Columbus Department of Health for the provision of public health services to Worthington.

*Summary:* Approve as presented.

**12. Ordinance No. 33-2023 - Appointment of the Franklin County District Board of Health as the Provider of Plumbing Inspection Services**

Approving the City Manager's Appointment of the Franklin County District Board of Health as the Provider of Plumbing Inspection Services in the City of Worthington.

*Executive Summary:* This is the annual ordinance that authorizes the City Manager to appoint the Franklin County District Board of Health as the provider of plumbing inspection services for the City of Worthington in 2024.

*Recommendation:* Approve as presented.

**13. Ordinance No. 35-2023 – Riverlea Police Protection Contract**

Authorizing the City Manager to Enter into a Contract with the Village of Riverlea for the Provision of Police Protection.

*Executive Summary:* Staff is proposing a 2024 contract in the amount of \$91,391, This represents a 3.5% increase from the 2023 contract.

*Recommendation:* Approve as presented.

**14. Resolution No. 62-2023 – Classified Employee Compensation**

Establishing the Compensation Plan, Assigning Compensation Levels for Positions in the Classified Service, Adopting Class Specifications, Providing for Normal Work Weeks, and Repealing Resolutions No. 55-2022, 20-2023, and 41-2023.



*Executive Summary:* This Resolution establishes the compensation for all classified positions for 2024 consistent with the 2024 budget and collective bargaining agreements.

*Recommendation:* Introduce and approve as presented.

**15. Resolution No. 63-2023 – 2024 Staffing Chart**

Amending the Staffing Chart of the City of Worthington to Reflect the Positions Authorized in the 2024 Operating Budget.

*Executive Summary:* This Resolution adopts a staffing chart for the City for 2024. The number, type, and classification of the position in the document are consistent with the 2024 Budget.

*Recommendation:* Introduce and approve as presented.

**16. Resolution No. 64-2023 - 2024 Emergency Medical Services Fees**

Establishing Rates and Fees for Emergency Medical Transportation Services Provided by the City of Worthington.

*Executive Summary:* This Resolution increases the Emergency Medical Services fees by 2.4% consistent with the Ambulance Inflation Factor adopted by the Federal Medicare program.

*Recommendation:* Approve as presented.

**17. Resolution No. 65-2023 - Custodial Services Contract for Parks & Recreation Facilities**

To Authorize the City Manager to Execute a Custodial Services Contract with Circle Building Services, Inc. for the Worthington Community Center and Griswold Center.

*Executive Summary:* This Resolution authorizes the City Manager to enter into an agreement for custodial services for the Community Center and Griswold Center for 2024 and for extension for up to two additional years.

*Recommendation:* Introduce and approve as presented.

**18. Resolution No. 66-2023 - Re-appointments to Boards & Commission**

Re-appointing Members to Various City Boards and Commissions and Appointing New Members to the Volunteer Peace Officers Dependents Board and the Worthington International Friendship Association

*Executive Summary:* This Resolution appoints members to various Boards and Commissions.

*Recommendation:* Introduce and approve as presented.

**19. Resolution No. 68-2023 - Approving the City Manager's Appointment of Christopher Wilson as Alternate Chief Building Official and Jeff Uroseva as Alternate Plans Examiner**

Approving the City Manager's Appointment of Christopher Wilson as Alternate Chief Building Official and Jeff Uroseva as Alternate Master Plans Examiner for the Division of Building Regulation.

*Executive Summary:* This resolution approves the City Manager's appointment of Christopher Wilson as "Alternate Chief Building Official" and Jeff Uroseva "Alternate Plans Examiner."

&nbsp;

*Recommendation:* Introduce and approve as presented.

**20. End of Consent Agenda**

**Public Hearings on Legislation (Continued)**

## **21. Ordinance No. 30-2023 – Adopting Replacement Pages to the Codified Ordinances**

To Revise the Codified Ordinances of the City of Worthington to Conform to Changes in State Law and Adopting Replacement Pages to the Codified Ordinances.

*Executive Summary:* This Ordinance adopts replacement pages for the Codified Ordinances to incorporate changes to the City Code and State Law since the last update.

*Recommendation:* Approve as presented.

## **22. Ordinance No. 34-2023 – Amending the Municipal Income Tax Code**

To Amend Part Seventeen – Title Two of the Codified Ordinances of the City Regarding Municipal Income Tax.

*Executive Summary:* This Ordinance adopts the amendments to the municipal income tax code as recommended by the Regional Income Tax Agency and required by the General Assembly in House Bill 33.

*Recommendation:* Approve as presented.

## **New Legislation - Ordinance(s)**

### **23. Ordinance No. 37-2023 - Code Change - Parks & Recreation Commission Student Members**

Amending Section 151.03 (Boards and Commissions – Parks & Recreation Commission) of the Codified Ordinances of the City of Worthington and Re-appointing Student Members to the Parks & Recreation Commission.

*Executive Summary:* This Ordinance amends Section 151.03 of the Codified Ordinances to indicate the student members of the Parks & Recreation Commission are to be high school students at the time of the appointment and re-appoints two student members.

*Recommendation:* Introduce for public hearing on December 11, 2023.

### **24. Ordinance No. 38-2023 Appropriation – Capital Equipment & Various Small Projects**

Amending Ordinance No. 26-2023 (As Amended) to Adjust the Annual Budget by Providing for Appropriations From the Capital Improvements Fund and DUI Education Fund Unappropriated Balance to Pay the Cost of the 2024 New and Replacement Equipment Items and for Certain Projects as Identified in the 2024 Five-Year Capital Improvements Program and all Related Expenses and Determining to Proceed with said Projects.

*Executive Summary:* This Ordinance appropriates funds to procure the new and replacement equipment provided in the Capital Improvement Plan (CIP) for Fiscal Year 2024. This Ordinance also appropriates funds for multiple projects identified in the 2024-20278 CIP.

*Recommendation:* Introduce for public hearing on December 11, 2023.

## **Reports of City Officials**

### **25. Policy Item(s)**

#### **a. Request to Bid - Park Overlook Waterline**

*Executive Summary:* Staff is seeking approval to advertise for bid the Park Overlook Drive and Andover Street Water Main Replacement project.

*Recommendation:* Motion to approve.

## **Reports of Council Members**

### **Other Business**

### **Executive Session**

- a. To consider the appointment of a public official(s) .

### **Adjournment**

#### **26. Motion to Adjourn**

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Contact: Grace Brown, Clerk of Council ([grace.brown@worthington.org](mailto:grace.brown@worthington.org)) (614) 436-3100 | Agenda published on 11/30/2023 at 4:21 PM



**STAFF MEMORANDUM**  
**City Council Meeting – December 4, 2023**

Date: November 30, 2023

To: Robyn Stewart, Acting City Manager  
David McCorkle, Assistant City Manager

From: R. Lee Brown, Director of Planning and Building

Subject: Ordinance – Subdivision – Final Plat – 286 W. South St. – SUB 03-2023 - Update

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**EXECUTIVE SUMMARY**

This Ordinance approves the Final Plat for the Resubdivision of Lot #1 of Weatherburn Subdivision located at 286 W. South St. and grants variances for lot width for Lot#1B and Lot #1C.

**UPDATE**

On Monday, November 27, 2023, the applicants met with the neighboring property owners to discuss their plans for the development of three homes on the site. An alternative plan was discussed that would still create three buildable lots that would need variances, however two of those lots would now have frontage on W. South Street with one of those lots being a corner lot, and the third lot having frontage only on Weatherburn Place. The applicants are requesting to table their request until Tuesday, January 16, 2024, so that they can resubmit the required revised materials.

**RECOMMENDATION**

Motion to Table until Tuesday, January 16, 2024.

Staff is recommending **tabling** the application to give the applicants time to submit revised materials.

On September 28, 2023, the Municipal Planning Commission reviewed and recommended **approval** of the Final Plat with variances for the Resubdivision of Lot #1 in Weatherburn Subdivision. To view the meeting, please go to the Video Archives for [September 28, 2023, ARB & MPC Meeting](#).

On June 8, 2023, the Municipal Planning Commission reviewed and **conditionally approved** the Preliminary Plat with the following conditions:

1. Building placement variance requests were not approved as part of the platting process.
2. Any missing items needed for the Preliminary Plat will be needed at the time of Final Plat submission.

To view the meeting, please go to the Video Archives for [June 8, 2023, ARB & MPC Meeting](#).

Staff is recommending **approval** of the application as the proposed lot widths are not out of character and the lots exceed the minimum square footage requirement for lots in the R-10 District. The creation of the two additional lots will provide additional housing options for those wanting to stay or move into Worthington that desire a newly constructed residence.

## **BACKGROUND/DESCRIPTION**

The request before you is a Final Plat to subdivide an existing .88-acres lot that is located at the northwest corner of W. South St. and Weatherburn Pl. The proposal is to create three (3) building lots out of what is currently Lot #1 of Weatherburn Subdivision which was platted in 1986 that created a five (5) lot subdivision with four (4) lots gaining access from a newly constructed cul-de-sac. The subdivision now known as Weatherburn was a Resubdivision of Hoyer's Subdivision that was originally a 36-lot subdivision platted in 1894. The applicant purchased the property on March 14, 2023, and the existing 2,782 sq. ft. one-story home constructed in 1944 is proposed to be demolished as part of the redevelopment of the site. The property is located in the R-10 Zoning District.

## **History:**

- On June 18, 2023, the Municipal Planning Commission **approved** the demolition of an existing 2,782 sq. ft. single-family home that was constructed in 1944.
- On June 18, 2023, the Municipal Planning Commission **conditionally approved** the Preliminary Plat to create two additional lots with the following conditions:
  - Building placement variance requests were not approved as part of the platting process.
  - Any missing items needed for the Preliminary Plat will be needed at the time of Final Plat submission.
- On September 28, 2023, the Municipal Planning Commission recommended **approval** of the Final Plat with variances to City Council.

## **Project Details:**

1. Proposed Lots:
  - a. Lot #1A:
    - i. Lot Area – 17,156 sq. ft.

- ii. Lot Width – 78-feet – Weatherburn Pl.
    - iii. Lot Width – 174-feet – W. South St.
  - b. Lot #1B:
    - i. Lot Area – 10,892 sq. ft.
    - ii. Lot Width – 65-feet
  - c. Lot #1C:
    - i. Lot Area – 10,765 sq. ft.
    - ii. Lot Width – 67-feet
- 2. Proposed Front Setbacks:
  - a. Lot #1A
    - i. Required – 30-feet
    - ii. Proposed – 30-feet plus along W. South St. and 73-feet along Weatherburn Pl.
  - b. Lot #1B
    - i. Required – 30-feet
    - ii. Proposed – 58-feet
      - 1. Larger setback due to an existing platted utility easement for an existing 12-inch sanitary sewer line that runs north to south.
  - c. Lot #1C
    - i. Required – 30-feet
    - ii. Proposed – 58-feet
      - 1. Larger setback due to an existing platted utility easement for an existing 12-inch sanitary sewer line that runs north to south.
- 3. Access Points:
  - a. All access points to the lots will be from Weatherburn Pl. and will be required to receive a Driveway Permit and Right-of-way Permit from the Service & Engineering Department.
    - i. The Service & Engineering Department is asking that the access for Lot #1A (corner lot) be moved north towards the rear property line between Lot #1A and Lot #1B to provide an appropriate distance from the intersection of Weatherburn Pl. and W. South St.
  - b. The existing access point on W. South St. will be removed as part of the subdivision. This area will need to be reseeded, graded and a new curb installed in the area of the existing drive approach.
  - c. A Right-of-way Work Permit and Driveway Permit will be required by the Service & Engineering Dept.
- 4. Sidewalks:
  - a. Sidewalks will be required along the W. South St. frontage that will be 5-feet in width and will connect with the existing sidewalk of 4-feet along Weatherburn Pl.
- 5. Street Trees:
  - a. Twelve (12) street trees are proposed along W. South St. and Weatherburn Pl. Four (4) street trees along Weatherburn Pl. located in the public right-of-

way and eight (8) street trees located on the backside of the new sidewalk that will be located on private property along W. South St.

- i. The location of the existing underground utilities in the area is the reason for the location of the W. South St. street trees being located on the backside of the new sidewalk instead of the tree lawn.
- ii. Utilities:
  1. 21-inch and 24-inch storm sewer
  2. 12-inch sanitary sewer line
  3. 6-inch waterline
- b. The City Arborist has provided the following list of trees that are acceptable street trees:
  - i. Weatherburn Pl.
    1. Norwegian Sunset maple -Acer truncatum x platanoides 'Keithsform'
    2. Hot Wings Maple -Acer tataricum 'GarAnn'
    3. American Hornbeam -Carpinus caroliniana 'Native Flame®', Palisade®, Ball O' Fire™, & Rising Fire®'
    4. Cornelian Cherry Dogwood -Cornus mas
    5. Frontier Elm -Ulmus x Frontier
    6. Golden Rain Tree -Koelreuteria paniculata
    7. Fort McNair Red Horse Chestnut -Aesculus x carnea 'Fort McNair'
    8. Persian ironwood -Parrotia persica
    9. Paperbark Maple -Acer grisium
    10. American yellowwood -Cladrastis kentukea
  - ii. W. South St. – Any of the Weatherburn Pl. trees are acceptable as well as the following larger trees. Larger trees should not to be used in the quantity shown on the Preliminary Plat. Coordination with the City Arborist would be needed.
    1. Main Street® Maple -Acer truncatum 'WF-AT1'
    2. Japanese zelkova - Zelkova serrata
    3. Silver Linden - Tilia tomentosa 'Sterling'
    4. Swamp White Oak -Quercus Bicolor
    5. London planetree - Platanus x acerifolia 'Morton's Circle'
    6. Black Gum -Nyssa sylvatica 'Northern Splendor' or 'Green Gable'
    7. Kentucky Coffeetree - Gymnocladus dioicus 'Espresso'

6. Existing Vegetation:

- a. A Tree Survey was submitted providing detail for every tree larger than 6 caliper inches on the site.
- b. The site also has an abundance of honeysuckle and overgrown vegetation on the site.
- c. There are thirty-eight (38) existing trees on the site that exceed 6 caliper inches on the site. The trees have all been ranked for their condition from Very Good to Poor.

- d. Some of the trees have been shown on the Preliminary Plat to stay as part of the redevelopment of the site.
  - i. 17 trees have been shown to remain on the site.
- e. Tree protection fencing needs to be shown on the plans for the trees that are proposed to stay on the site and be protected during demolition and construction of the new single-family homes.
  - 1. A Tree Protection Plan will be required to be submitted with the Demolition Permit for review and approval.
- f. City Arborist comments:
  - i. Recommends removal of the existing Hackberry Tree and Crabapple Tree on Lot #1A due to their condition and quality.
  - ii. States that the Honey Locust Tree on Lot #1C is in great shape.
    - 1. This is likely the only tree that is impacted by the placement of the proposed new single-family home.

7. Utilities:

- a. There is an existing 12-inch sanitary sewer line that runs north to south that is located in a 10' sanitary sewer easement that is approximately 40-feet from the public right-of-way of Weatherburn Pl.
  - i. Connection to sewer will connect to the existing 12-inch sanitary sewer line that is already on the site.
- b. There is an existing 6-inch waterline on the eastern side of Weatherburn Pl. and a 6-inch waterline along the north side of W. South St.
  - i. To connect to the waterline on Weatherburn Pl. the Service & Engineering Department will require the applicant to bore under the roadway to access the waterline. The applicant will be responsible for any damage related to connection to utilities.
- c. Gas & Electric:
  - i. Gas:
    - 1. Lots #1B and #1C will access the gas main on Weatherburn Pl.
    - 2. Lot #1A will access the gas main on W. South St.
  - ii. Electric:
    - 1. Electric is required to be buried in any new subdivision.
    - 2. The electric is shown to cross under W. South St. at Weatherburn Pl. and run along the frontage of Lot #1A and then run along the western side of Lot #1A, Lot #1B and Lot #1C.
      - a. City staff has asked if AEP could run the powerlines along the western side of the development instead of along the W. South St. frontage. There is a concern that the easement will be in the same location as the proposed street trees on W. South St.
        - i. Clarification is needed.
- d. Stormwater:
  - i. There are two existing catch basins at the intersection of Weatherburn Pl. and W. South St. that connect to a 21-inch storm sewer line.



- ii. The flow of water from the site will be required to be graded to not negatively impact the neighboring properties.
  - iii. Drainage Analysis
    - 1. A Drainage Analysis was submitted by E.P. Ferris and reviewed by the Service & Engineering Dept. and found that the addition of two lots will have minimal impact on the current storm sewer system.
8. A Subdivider's Agreement has been provided as part of the Subdivision process.

**Worthington Planning & Zoning Code:**

**Section 1149.01 Yard, Area and Height for Dwellings & Accessory Structures**

District	Lot Width	Lot Area	Front Setback	Rear Setback	Side	Sum of Side	Height
R-10	80-feet	10,400sq. ft.	30-feet	30-feet	8-feet	20-feet	30-feet

**Land Use Plans:**

Worthington Comprehensive Plan

The 2005 Worthington Comprehensive Plan states that one of the strengths of the Worthington Community is its residential neighborhoods. Encouraging development in existing neighborhoods is important in maintaining the existing housing stock throughout Worthington.

**Staff Analysis:**

- 1. Public Area Payment:
  - a. \$250.00/new dwelling unit – required at the time of applying for a permit to construct the new dwelling units.
- 2. Special Park Fund:
  - a. \$500.00/newly created lot – required prior to the recording the Final Plat.
- 3. Proposed Variances:
  - a. Lot #1B
    - i. Lot Width
      - 1. Required – 80-feet
      - 2. Proposed – 65-feet
        - a. Variance of 15-feet
          - i. The lot widths are not out of character for the area. There are a variety of lot sizes and widths found throughout this quadrant of the City.
- a. Lot #1C
  - ii. Lot Width
    - 1. Required – 80-feet
    - 2. Proposed – 67-feet
      - a. Variance of 13-feet
        - i. The lot widths are not out of character for the area. There are a variety of lot sizes and widths found throughout this quadrant of the City.

4. Tree Protection Plan
  - a. Tree protection fencing needs to be shown on the plans for the trees that are proposed to stay on the site and be protected during demolition and construction of the new single-family homes.
    - i. A Tree Protection Plan will be required to be submitted with the Demolition Permit for review and approval.
5. Since the property is not located in the Architectural Review District, strict adherence to construct the homes as previously shown in the application materials provided as part of the Preliminary Plat is not legally possible by the Municipal Planning Commission and/or City Council.
6. The Municipal Planning Commission and/or City Council cannot legally require the proposed houses to be constructed as previously shown in the information provided as part of the Preliminary Plat. The Commission can review the proposal for compliance with the Subdivision Regulations and any variances as part of the platting process. The applicant previously proposed variances for building setbacks as part of the platting process and the proposed variances related to the setbacks would run with the land.
  - a. The Municipal Planning Commission did not approve setback variances for the proposed new homes as part of the Preliminary Plat approval. The Commission did recommend approval of a variance for lot width for Lot #1B and Lot #1C.
7. The applicant previously made application to demolish the existing single-family home on the site that that was approved on June 8, 2023. The demolition application met the requirements of Section 1153.05.
8. The proposed lot sizes exceed the minimum square footage of 10,400 sq. ft. in size for newly created lots in the R-10 District.
9. Two of the proposed lots to not meet the minimum lot width requirement for newly created lots in the R-10 District; however, the lot widths are not out of character for the area. There are a variety of lot sizes and widths found throughout the City.
  - a. The applicant provided an exhibit that depicts the lots in the surrounding area that do not meet the minimum lot width for newly created parcels in the vicinity of the proposed development.
  - b. The majority of lots in this area were created prior to the adoption of the 1971 Planning & Zoning Code.
  - c. The applicant would technically be able to create three (3) lots with a minimum of 80-feet of frontage without any variances if it was not for the 10' sanitary sewer easement that bisects the eastern portion of the site there could have been two lots on W. South St. and one lot on Weatherburn Pl.
  - d. City staff has provided an exhibit that depicts all the lots in the City that are zoned R-10 that are zoning compliant, lots less than 10,400 sq. ft. and lots that exceed 10,400 sq. ft., but are less than 80-feet in width.
    - i. Total R-10 parcels = 4,677.
      1. 940 parcels are under the current 80-feet in width requirement but meet or exceed the minimum lot size requirement.

- a. Approximately 20% of the parcels do not meet the frontage requirement.
  2. 2,428 parcels are under the required 10,400 sq. ft. lot size requirement.
    - a. Approximately 52% of the parcels do not meet the lot size requirement.
  3. 1,488 parcels are compliant with both lot size requirements and road frontage requirements.
    - a. Approximately 32% of the parcels meet the R-10 requirements found in the Planning & Zoning Code.
  - ii. Please see attached exhibit.
10. Subdivision Process:
- a. Municipal Planning Commission
    - i. Preliminary Plat – [Section 1101.09](#)
      1. MPC conditionally approved the Preliminary Plat.
    - ii. Final Plat – [Section 1101.12](#)
      1. The Municipal Planning Commission shall make a recommendation to City Council.
  - b. City Council
    - i. Council may review the application and may adopt or reject the Subdivision with or without change.
      1. The Ordinance will be introduced by City Council on November 6, 2023, and set for a date for a public hearing on November 20, 2023.
      2. If approved, the Ordinance would have an effective date 20-days after Council passage.
      3. The Final Plat must be recorded by the applicant within 6-months of City Council approval unless such time is extended by Resolution of City Council.

## **ATTACHMENTS**

- Ordinance and Exhibit A & B
- Request to Table
- Application Materials
- Portion of ARB & MPC Meeting Minutes

ORDINANCE NO. 24-2023

Approving a Final Plat for the Resubdivision of Lot #1 of  
Weatherburn Subdivision Located at 286 W. South St. and  
Authorizing Variances (Eric Kmetz)

WHEREAS, a request has been made by Eric Kmetz to subdivide Lot #1 of  
Weatherburn Subdivision located at 286 W. South St.; and,

WHEREAS, the request has received a complete and thorough review by the  
Municipal Planning Commission on June 18, 2023 (Preliminary Plat) and on September  
28, 2023 (Final Plat) and approval has been recommended by the Commission; and,

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of  
Worthington, County of Franklin and State of Ohio:

SECTION 1. That the Final Plat for the Resubdivision of Lot #1 of Weatherburn  
Subdivision located at 286 W. South St., as per Case No. SUB 03-2023, Drawings No.  
SUB 03-2023, dated September 15, 2023, attached hereto as Exhibit "A" be approved.

SECTION 2. That the City Manager is authorized to enter into a Subdivider's  
Agreement with the Developer attached hereto as Exhibit "B".

SECTION 3. That there be and hereby is granted variances from Section 1149.01  
of the Codified Ordinances which requires each newly created lot to have a minimum lot  
width of 80-feet for proposed Lot #1B and Lot #1C.

SECTION 4. That notice of passage of the Ordinance shall be posted in the  
Municipal Administration Building, the Worthington Library, the Griswold Center, and the  
Worthington Community Center and shall set forth the title and effective date of the  
Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council.  
This Ordinance shall take effect and be in force from and after the earliest period allowed  
by law and by the Charter of the City of Worthington, Ohio.

Passed:

\_\_\_\_\_  
President of Council

Attest:

Introduced November 6, 2023  
P.H. November 20, 2023  
Effective

\_\_\_\_\_  
Clerk of Council

# RESUBDIVISION OF LOT NO. 1 OF WEATHERBURN

Situated in the City of Worthington, County of Franklin, and State of Ohio, being known as all of Lot 1 of Weatherburn, a resubdivision of Hoyer's Subdivision, as recorded in Plat Book 65, Page 91, Recorder's Office, Franklin County, Ohio.

## ACCEPTANCE

I, \_\_\_\_\_, owner of the land embraced within this plat, do hereby declare this plat to be his/her free act and deed as said land owner and do hereby accept this Plat.

OWNER

State of Ohio }  
County of Franklin } SS

Before me, a Notary Public in and for said County and State, personally appeared the above named persons, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

In testimony whereof, I have hereunto set my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

NOTARY PUBLIC

My commission expires \_\_\_\_\_

## APPROVALS

Approved this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Clerk, Municipal Planning Commission, Worthington, OH

Approved this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Director of Service and Engineering, Worthington, OH

Approved this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

City Manager, Worthington, OH

Approved and accepted this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ by Ordinance No. \_\_\_\_\_ wherein the place shown hereon is accepted as such by the Council of the City of Worthington, Ohio.

Clerk of Council, Worthington, OH

Approved this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Deputy Auditor

Approved this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Deputy Recorder

Transferred this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

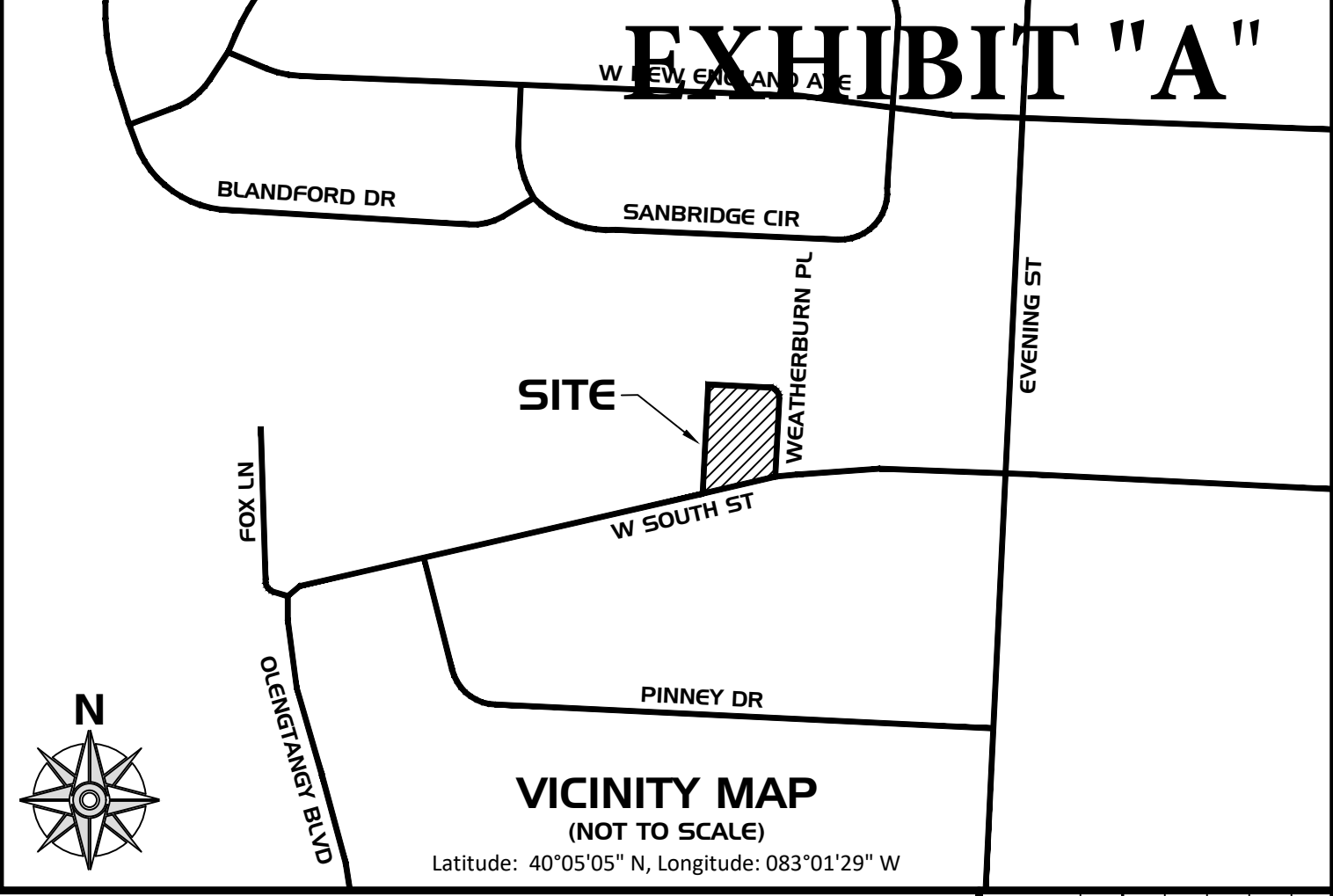
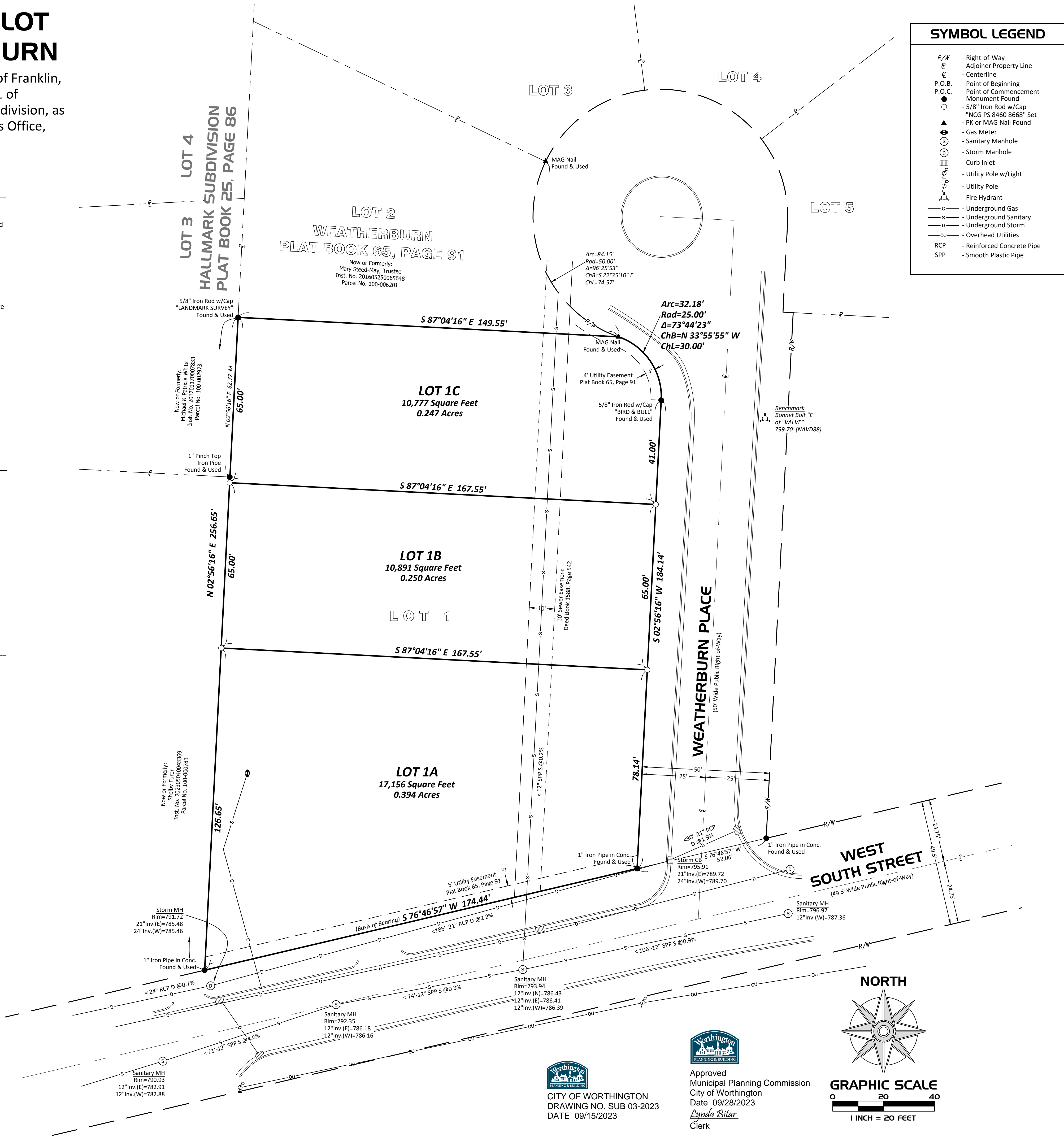
Auditor, Franklin County, OH

Filed for record this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_\_.

Recorded this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ in Plat Book \_\_\_\_\_, Page \_\_\_\_\_.

File No. \_\_\_\_\_ Fee \_\_\_\_\_

Recorder, Franklin County, OH



## OWNER OF RECORD

SK Homes South Street LLC  
Inst. No. 202303140024060  
Parcel No. 100-006200  
286 South Street, Worthington, OH

## LAND AREA

Lot 1A: 17,156 Square Feet, 0.394 Acres  
Lot 1B: 10,891 Square Feet, 0.250 Acres  
Lot 1C: 10,777 Square Feet, 0.247 Acres

Total Land Area: 38,824 Square Feet, 0.8913 Acres

## BASIS OF BEARING

The Basis of Bearing for this survey is Grid North of the Ohio State Plane Coordinate System, South Zone (FIPS Zone 3402), on the North American Datum of 1983(2011) (Epoch 2010.000) using geoid model GEOID18, with a combined scale factor of 1.00002091033112. A GNSS Real Time Kinematic Network survey was used to establish a bearing of South 76°46'57" West for the northerly line of West South Street, and a Northing of 759,688.45 and Easting of 1,821,725.78 (U.S. Survey Feet) for the 1-inch pipe in concrete found at the southeast corner of the surveyed property.

## REFERENCE DOCUMENTS

- Franklin County Auditor's Office Geographic Information System and Tax Maps  
- Plat Book 65, Page 91  
- Plat Book 25, Page 86  
- Inst. No. 202303140024060  
- Documents as shown

## MISCELLANEOUS NOTES

The planting of street trees, on private property, along W. South Street, will be required.

## CERTIFICATION

I hereby certify that this map or plat and the field survey on which it is based were made in accordance with the Minimum Standards for Boundary Surveys in the State of Ohio, Chapter 4733-37 of the Ohio Administrative Code. This plat represents a survey made by me and that the monuments as shown exist, or will be set, as located and that all dimensional and geodetic details are correct.

The field work was completed on July 5, 2023.

Date of Plat or Map: July 7, 2023

Eric S. Jackson, PS Signature Date:  
Ohio Professional Surveyor No. 8668  
ejackson@northcoastgeo.com

**NORTH COAST GEOMATICS**  
Mapping & Surveying - northcoastgeo.com

667 Sunridge Rd  
Fairlawn, OH 44333  
(614) 519-3611

Project No. NCG 3046  
Drafted by: ESJ/LKC

SHEET  
OF

## REVISION HISTORY

DATE: 2023-07-10  
BY: LKC  
COMMENT: GENERAL COMMENTS

## SURVEY PREPARED FOR:

SK HOMES MANAGEMENT, LLC

286 W. SOUTH STREET  
CITY OF WORTHINGTON  
COUNTY OF FRANKLIN  
STATE OF OHIO







Approved  
Municipal Planning Commission  
City of Worthington  
Date 09/28/2023  
Lynda Sitar  
Clerk

# EXHIBIT "B"



CITY OF WORTHINGTON  
DRAWING NO. SUB 03-2023  
DATE 09/15/2023

## SUBDIVIDER'S AGREEMENT

THIS AGREEMENT is executed on this \_\_\_\_ day of \_\_\_\_\_ 2023, by and between SK Homes South Street LLC, an Ohio Limited Liability Company (the "Subdivider") and the City of Worthington, Ohio, an Ohio municipal corporation (the "City"), pursuant to Chapter 1101 of the Codified Ordinances of the City of Worthington and the Final Subdivision Plat for Subdivision of Lot No. 1 of Weatherburn (the "Subdivision").

NOW, THEREFORE, in consideration of the approval of the Subdivision by the Council of the City of Worthington, Ohio, it is hereby agreed as follows:

1. The proposed Subdivision and its ultimate use shall conform to the Subdivision Plat as approved by City Council and the requirements of law, including without limitation, the Planning and Zoning Code and the Building Code of the City of Worthington, except as may be otherwise authorized by proper authority.
2. No transfer of any lot, parcel or tract from said Subdivision shall be made, nor shall any construction work, including grading, be started which may affect the arrangement of streets or other public improvements until approval of the Final Plat is obtained by the Subdivider and the performance bond or irrevocable letter of credit acceptable to the City or certified check guaranteeing the completion of public improvements in accordance with Paragraph V of this Agreement is provided to the City.
3. The Subdivider shall pay the entire cost and shall construct, install or otherwise provide all public improvements necessary to serve the Subdivision as required by Part Eleven – Planning and Zoning Code - Title One – Subdivision Platting Regulations of the Worthington Codified Ordinances, in connection with the Subdivision, under the supervision of the City Engineer, including, at a minimum:
  - a. Sidewalks to be installed along the frontage of W. South Street.
  - b. Landscaping and screening features, and street trees along Weatherburn Place and W. South Street.
4. Prior to beginning any construction work, detailed engineering drawings and specifications shall be furnished to the City by the Subdivider for all of the public improvements to be installed in the Subdivision.
5. The Subdivider shall, in accordance with Section 1101.15 of the Worthington Codified Ordinances, provide to the City a performance bond or irrevocable letter of credit acceptable to the City, or a certified check, in an amount equal to the estimated cost of constructing said improvements, guaranteeing the completion thereof within one year from the date of approval of this Subdivider's Agreement, or such extension of time as may be granted by Council. Said performance bond or letter of credit acceptable to the



City or certified check shall be released upon acceptance of the public improvements by the City and upon the furnishing by the Subdivider of an additional bond or letter of credit acceptable to the City, or a certified check, in an amount equal to ten percent (10%) of the estimated cost of construction, guaranteeing the maintenance of said improvement for a period of one (1) year from the date of acceptance. Said maintenance bond or letter or credit acceptable to the City or certified check shall be released upon satisfactory completion of the one (1) year maintenance period. The Subdivider shall be responsible for the maintenance and care of all subdivision improvements for a period of one (1) year after acceptance of said improvements by the City.

6. The Subdivider shall in accordance with Section 1101.15 of the Worthington Codified Ordinances, deposit with the Finance Director a sum of money as prescribed by the City Engineer to defray the cost of inspection, engineering services, and other expenses, as may be incurred by the City in connection with the inspection of the installation of said public improvements. Should the amount of such deposit be insufficient to pay the cost thereof, the Subdivider shall, immediately upon demand by the City, deposit such additional sums as are estimated to be necessary. Upon completion and acceptance of said improvements, any unexpended balance shall be refunded.
7. The City Engineer shall be notified, in writing, seven (7) days before any construction is begun on said improvements in order that inspection may be provided.
8. The Subdivider shall hold the City of Worthington, its officials, and employees free and harmless from any and all claims for damages of nature arising or growing out of the construction of said public improvements, and shall defend, at its own cost and expense, any suit or action brought against the City of Worthington, or its officials and employees, by reason thereof, until the public improvements have been accepted by the City Council and until the end of the one (1) year maintenance period.
9. The Contractor shall purchase and maintain, during the duration of the Contract, Comprehensive General and Automobile Liability insurance issued to the Contractor and protecting the Contractor from all claims for personal injury, including death, and all claims for destruction of or damage to property, arising out of or in connection with any operations under the Contract Documents, whether such operations be by the Contractor or by any Subcontractor, or anyone directly or indirectly employed by the Contractor or by a Subcontractor. Insurance shall be written with limits of liability of not less than \$500,000.00 for each person and \$1,000,000.00 for each occurrence for all damages arising out of bodily injury, including death at any time resulting therefrom, and not less than \$500,000.00 for all property damages sustained in any one occurrence and shall include coverage for:
  - (a) Claims arising after the Contractor and Subcontractor have completed their work (completed operations and product liabilities coverage).





- (b) Claims arising from the liability assumed by the Contractor under this Contract including third party beneficiary liability coverage.
  - (c) Claims arising from property damage to wires, conduits, pipes, mains, sewers, tanks, tunnels, any similar property and any apparatus in connection therewith beneath the surface of the ground or water, caused by and occurring during the use of mechanical equipment for the purpose of grading land, paving, excavating, drilling, borrowing, filling, backfilling, tunneling, or pile driving.
  - (d) Claims for property damage arising out of collapse of or structural injury to any building or structure due to grading of land, excavating, borrowing, filling, backfilling, tunneling, pile driving, cofferdam work or caisson work.
10. Said insurance shall be maintained in full force and effect during the construction of the Subdivision improvements and shall protect the City, its officials, employees, agents and representatives from claims for damages to property arising in any manner from the negligent or wrongful acts, errors or omissions of the Subdivider or the contractor, their employees, agents, or representatives in the construction of the Subdivision improvements. Certificates of insurance naming the City as an additional insured shall be obtained and filed with the City prior to commencement of construction of the Subdivision improvements. These certificates shall contain a provision that coverage afforded under the policies shall not be cancelled unless at least thirty (30) days prior actual written notice has been given to the City.
11. Any violation of, or noncompliance with, any of the provisions of this Agreement shall constitute a breach of contract and the City shall have the right to stop the work forthwith and hold the bonding company responsible for the completion of said improvements according to the approved plat and this Agreement, or to use the certified check, or the letter of credit for such purpose. The City shall notify the Subdivider, in writing, of any such breaches, violations or noncompliance with any of the provisions or stipulations of this Agreement and shall provide a reasonable time for the Subdivider to remedy the breach, violation or noncompliance before the City shall have the right to stop work and hold the bonding company responsible for completion of said improvements.
12. The acceptance and approval of all required improvements be and hereby is conditioned upon the Subdivider or its authorized agent complying in full with Section 1101.16 of the Worthington Codified Ordinances unless the requirements as applicable to this Subdivision have been modified or deleted by action of Worthington City Council.





13. Upon approval and acceptance of the public improvements, reproducible as-built construction drawings of the public improvements shall be provided by the Subdivider and become the property of the City of Worthington.
14. In consideration whereof, the City of Worthington hereby grants the Subdivider, or its duly authorized agent, the right and privilege to make the improvements provided for herein.
15. This Agreement shall inure to the benefit of and be binding on the heirs, executors, successors or assigns of the Subdivider.
16. This Agreement shall be recorded in the Office of the Franklin County Recorder at the expense of the Developer and shall become a public record of Franklin County, Ohio.

IN WITNESS WHEREOF, the parties to this Agreement have caused it to be executed and subscribed by their duly authorized representatives as of the date first written above.

SK Homes    South    Street    LLC

By\_\_\_\_\_

Print Name\_\_\_\_\_

Its\_\_\_\_\_

CITY OF WORTHINGTON

By\_\_\_\_\_

Print Name\_\_\_\_\_

Approved as to form:

By\_\_\_\_\_

Print Name\_\_\_\_\_

Director of Law  
City of Worthington



Approved  
Municipal Planning Commission  
City of Worthington  
Date 09/28/2023  
Lynda Bitar  
Clerk



**From:** [Eric Kmetz](#)  
**To:** [Brown, Lee](#); [Robinson, David](#)  
**Subject:** [EXTERNAL] Table the Subdivision Application for 286 W. South St  
**Date:** Wednesday, November 29, 2023 1:24:46 PM

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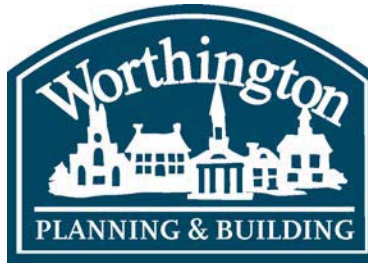
This message is from an external source. **Please exercise caution.** When in doubt, please use the **Phish Alert button** or reach out to [helpdesk@worthington.org](mailto:helpdesk@worthington.org).

Lee,

Per our conversation, please pull my Subdivision Application for 286 W. South St off the City Council agenda and table it until a future date. Soon, I will submit a revised subdivision plan for 286 W. South St that will be consistent with the draft plan that was proposed by the neighborhood during our voluntary meeting this past Monday (Nov. 27).

Please let me know if you need any additional information from me.

Kind regards,  
Eric Kmetz



## MPC APPLICATION SUB 03-2023 286 W. South St.

<b>Plan Type:</b> Subdivision	<b>Project:</b>	<b>App Date:</b> 07/14/2023
<b>Work Class:</b> Final Plat	<b>District:</b> City of Worthington	<b>Exp Date:</b>
<b>Status:</b> In Review		<b>Completed:</b>
<b>Valuation:</b> \$0.00		<b>Approval</b>
<b>Description:</b> This is an application to subdivide a 0.88 acre parcel into three smaller parcels, each of which will be greater than the required minimum parcel size of 10,400 square feet. Due to a large sewer easement that runs across the parcel, a variance is requested to allow the frontage of the parcels to be less than the required 80'. The requested width of these parcels is consistent with the character of the neighborhood. Indeed, with the variance, the width of each of these parcels would be consistent with more than 20% of all residential parcels located in Worthington.		<b>Expire Date:</b>

<b>Parcel:</b> 100-006200	Main	<b>Address:</b> 286 W South St Worthington, OH 43085	Main	<b>Zone:</b> R-10(Low Density Residence)
---------------------------	------	---	------	--

Architect	Owner	Applicant / Owner
Clarke Architects	Megan Schaffernocker	Eric Kmetz
James W Clarke	1149 High Grove Dr	7720 Campus Lane
475 Village Park Dr.	Columbus, OH 43235	Montgomery, OH 45242
Powell, OH 43065	Mobile: (614) 203-1306	Mobile: (859) 307-2026
Business: (614) 791-1200		
Mobile: (614) 271-8420		

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00004617	(Subdivision)Final Plat	\$100.00	\$100.00
Total for Invoice INV-00004617		\$100.00	\$100.00
Grand Total for Plan		\$100.00	\$100.00



Approved  
Municipal Planning Commission  
City of Worthington  
Date 09/28/2023  
*Lynda Bitar*  
Clerk



# 286 W. South St.





RESUBDIVISION OF LOT NO. 1 OF WEATHERBURN

Situated in the City of Worthington, County of Franklin, and State of Ohio, being known as all of Lot 1 of Weatherburn, a resubdivision of Hoyer's Subdivision, as recorded in Plat Book 65, Page 91, Recorder's Office, Franklin County, Ohio.

ACCEPTANCE

I, \_\_\_\_\_, owner of the land embraced within this plat, do hereby declare this plat to be his/her free act and deed as said land owner and do hereby accept this Plat.

OWNER

State of Ohio }  
County of Franklin } SS

Before me, a Notary Public in and for said County and State, personally appeared the above named persons, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

In testimony whereof, I have hereunto set my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

NOTARY PUBLIC

My commission expires \_\_\_\_\_

APPROVALS

Approved this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Clerk, Municipal Planning Commission, Worthington, OH

Approved this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Director of Service and Engineering, Worthington, OH

Approved this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

City Manager, Worthington, OH

Approved and accepted this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ by Ordinance No. \_\_\_\_\_ wherein the place shown hereon is accepted as such by the Council of the City of Worthington, Ohio.

Clerk of Council, Worthington, OH

Approved this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Deputy Auditor

Approved this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Deputy Recorder

Transferred this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

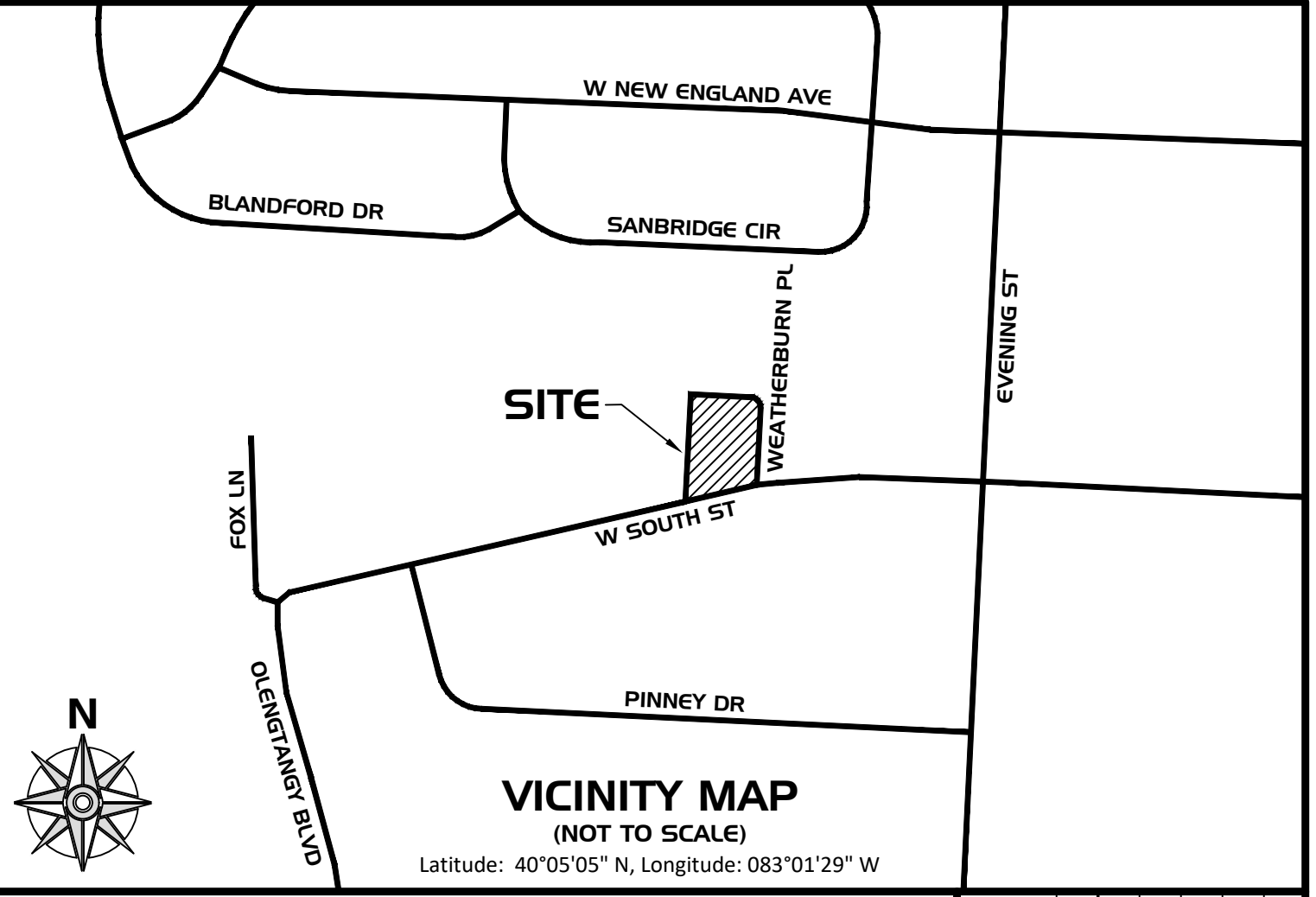
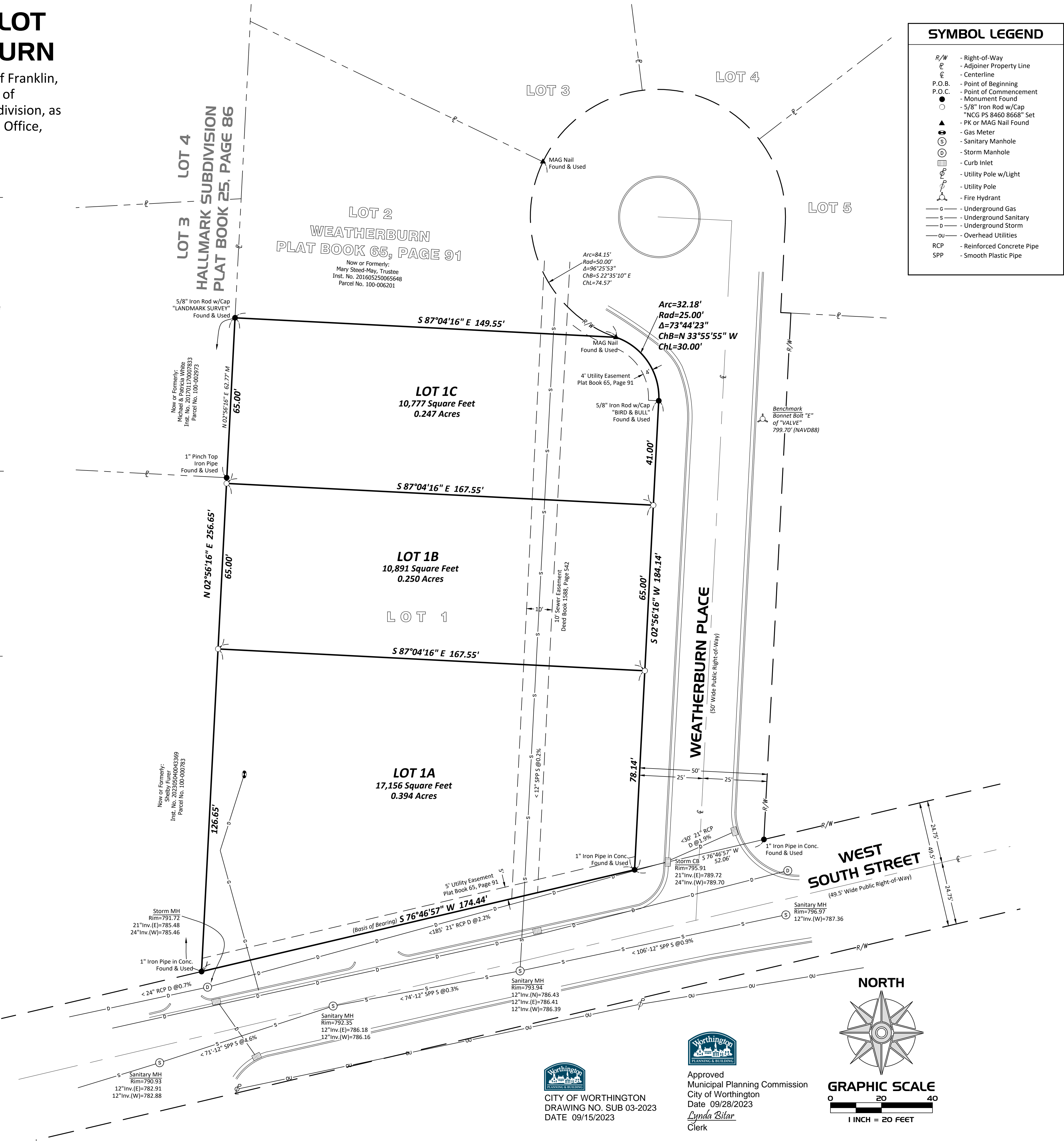
Auditor, Franklin County, OH

Filed for record this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_\_.

Recorded this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ in Plat Book \_\_\_\_\_, Page \_\_\_\_\_.

File No. \_\_\_\_\_ Fee \_\_\_\_\_

Recorder, Franklin County, OH



OWNER OF RECORD

SK Homes South Street LLC  
Inst. No. 202303140024060  
Parcel No. 100-006200  
286 South Street, Worthington, OH

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Lot 1A: 17,156 Square Feet, 0.394 Acres  
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Lot 1C: 10,777 Square Feet, 0.247 Acres  
Total Land Area: 38,824 Square Feet, 0.8913 Acres

BASIS OF BEARING

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REFERENCE DOCUMENTS

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- Plat Book 65, Page 91
- Plat Book 25, Page 86
- Inst. No. 202303140024060
- Documents as shown

MISCELLANEOUS NOTES

The planting of street trees, on private property, along W. South Street, will be required.

CERTIFICATION

I hereby certify that this map or plat and the field survey on which it is based were made in accordance with the Minimum Standards for Boundary Surveys in the State of Ohio, Chapter 4733-37 of the Ohio Administrative Code. This plat represents a survey made by me and that the monuments as shown exist, or will be set, as located and that all dimensional and geodetic details are correct.

The field work was completed on July 5, 2023.

Date of Plat or Map: July 7, 2023

Eric S. Jackson, PS Signature Date:  
Ohio Professional Surveyor No. 8668  
ejackson@northcoastgeo.com

**NORTH COAST GEOMATICS**  
Mapping & Surveying - northcoastgeo.com

667 Sunridge Rd  
Fairlawn, OH 44333  
(614) 519-3611

Project No. NCG 3046  
Drafted by: ESJ/LKC

SHEET  
OF

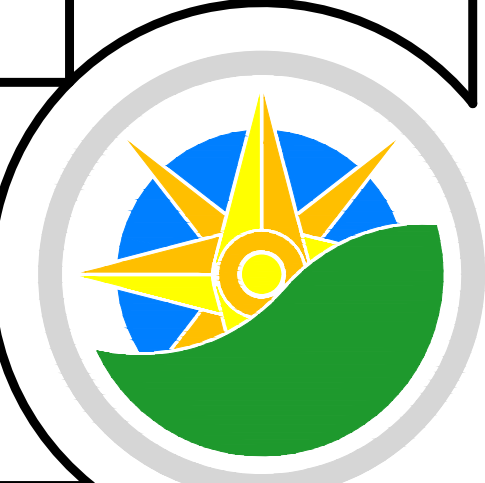
REVISION HISTORY

DATE: 2023-07-10  
BY: LKC  
COMMENT: GENERAL COMMENTS

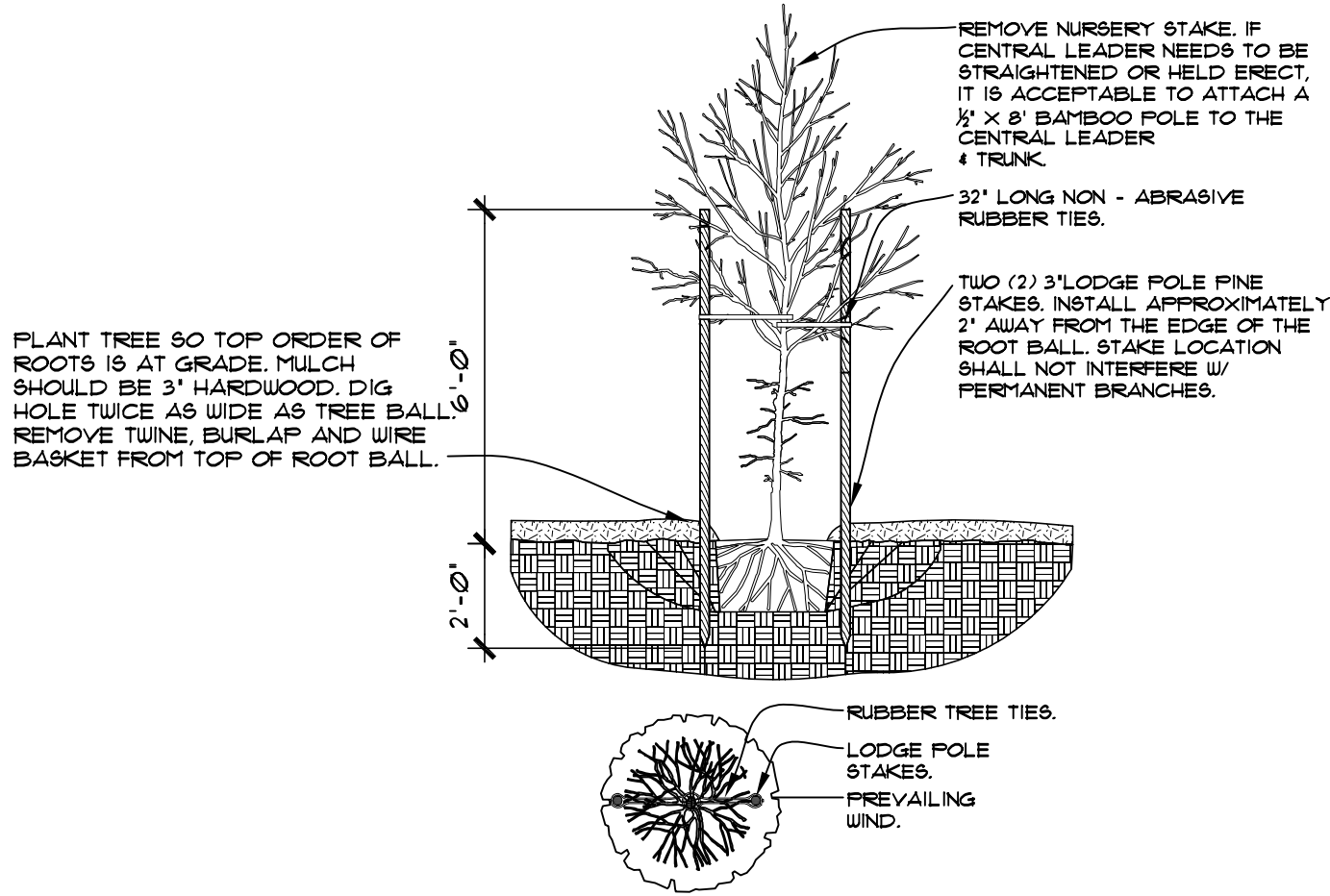
SURVEY PREPARED FOR:

SK HOMES MANAGEMENT, LLC

286 W. SOUTH STREET  
CITY OF WORTHINGTON  
COUNTY OF FRANKLIN  
STATE OF OHIO

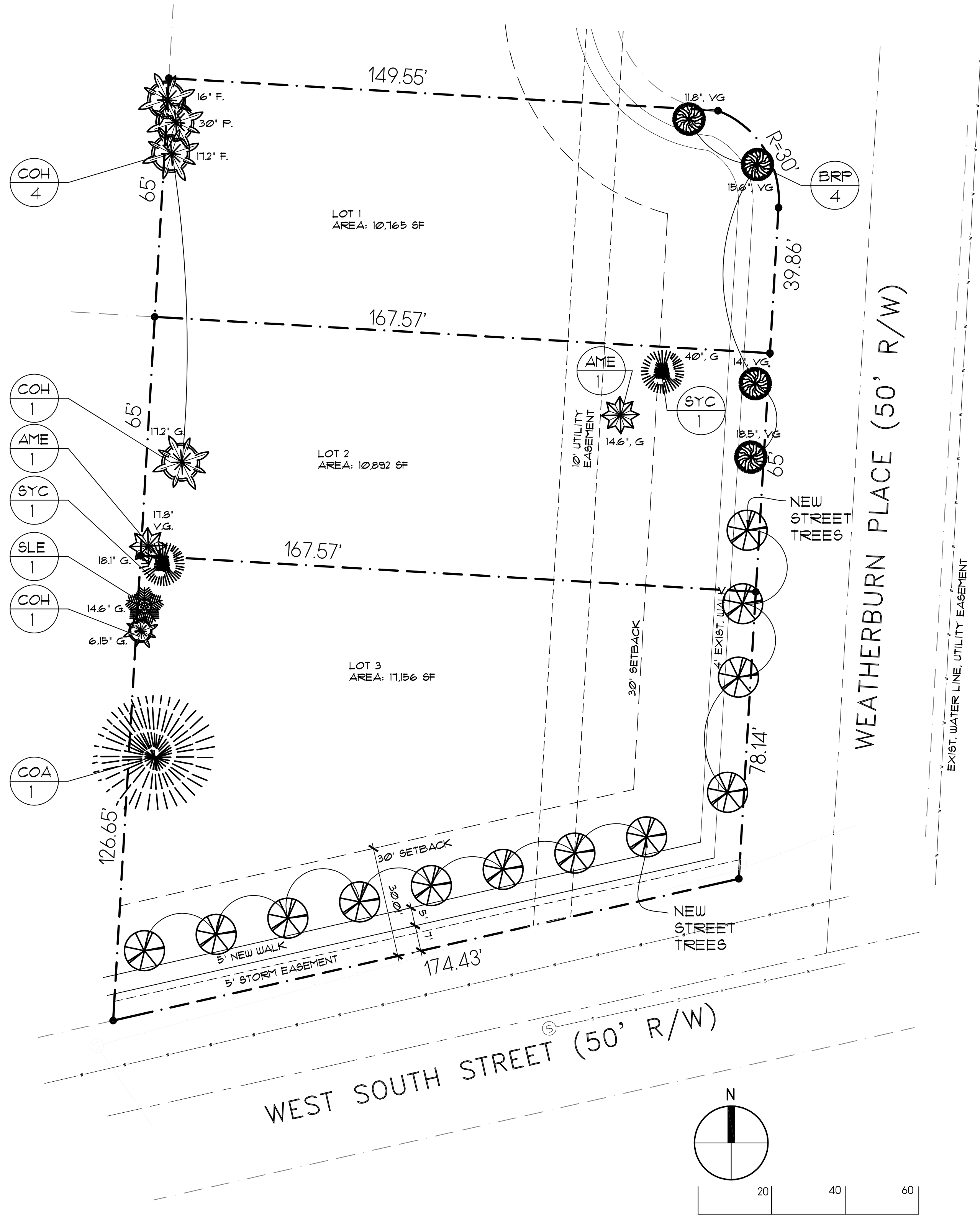






TREE PLANTING DETAIL

N.T.S.



LANDSCAPING SPEC:

SYMBOL	COMMON NAME	QTY	SYMBOL	COMMON NAME	QTY
COH	COMMON HACKBERRY	6	SLE	SLIPPERY ELM	1
BRP	BRADFORD PEAR	5	BLC	BLACK CHERRY	1
BOE	BOX ELDER	1	SIE	SIBERIAN ELM	1
AME	AMERICAN ELM	5	SWC	SWEET CHERRY	1
			HOL	HONEY LOCUST	1
SYC	SYCAMORE	2	BAP	BALSAM POPLAR	1
			HEM	HEMLOCK	1
DOW	DOG WOOD	1	COA	COMMON ASH	1

UNDERGROUND UTILITIES  
CALL TWO WORKING DAYS  
BEFORE YOU DIG  
800-362-2764 or 8-1-1  
www.oups.org  
NON-MEMBERS  
MUST BE CALLED DIRECTLY

SYMBOL	TREE'S CONDITION
V.G.	VERY GOOD
G.	GOOD
F.	FAIR
P.	POOR

NOTE: TREE SIZES ARE X" DIAMETER  
MEASURED FROM 3' ABOVE THE GROUND

CITY OF WORTHINGTON  
DRAWING NO. SUB 03-2023  
DATE 09/15/2023

Approved  
Municipal Planning Commission  
City of Worthington  
Date 09/28/2023  
*Lynda Bitar*  
Clerk

CLARKE ARCHITECTS, INC.  
  
475 Village Park Dr.  
Powell, Ohio 43065-9178  
Office: 614-791-1200  
Mobile: 614-271-8420  
jclarke@clarkearchitects.com

These Drawings and Specifications prepared by Clarke Architects Inc. are instruments of service for use solely with respect to this Project and, unless otherwise provided, Clarke Architects Inc. shall be deemed the author of these documents and shall retain all common law, statutory and other reserved rights, including the copyright. The Architect's Drawings, Specifications or other documents shall not be used by the Owner or others on other projects, for additions to this Project or for completion of this Project by others. No modifications or changes to the drawings shall be permitted.

DATE: MAY, 26 2023

REVISION DATES:

PROJECT:

3 HOUSES  
WEATHERBURN PLACE

PROJECT NUMBER: 202316-H1

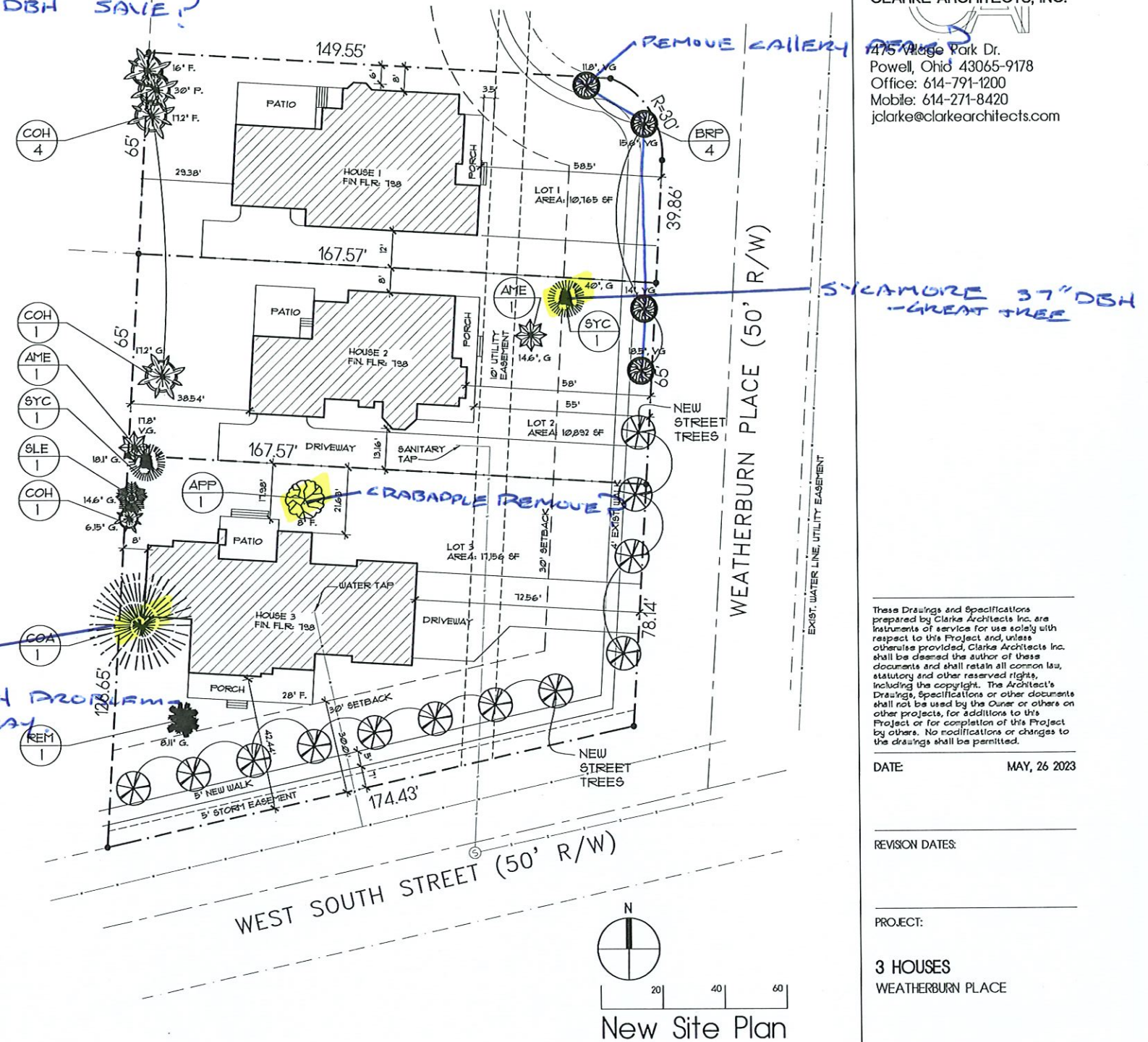
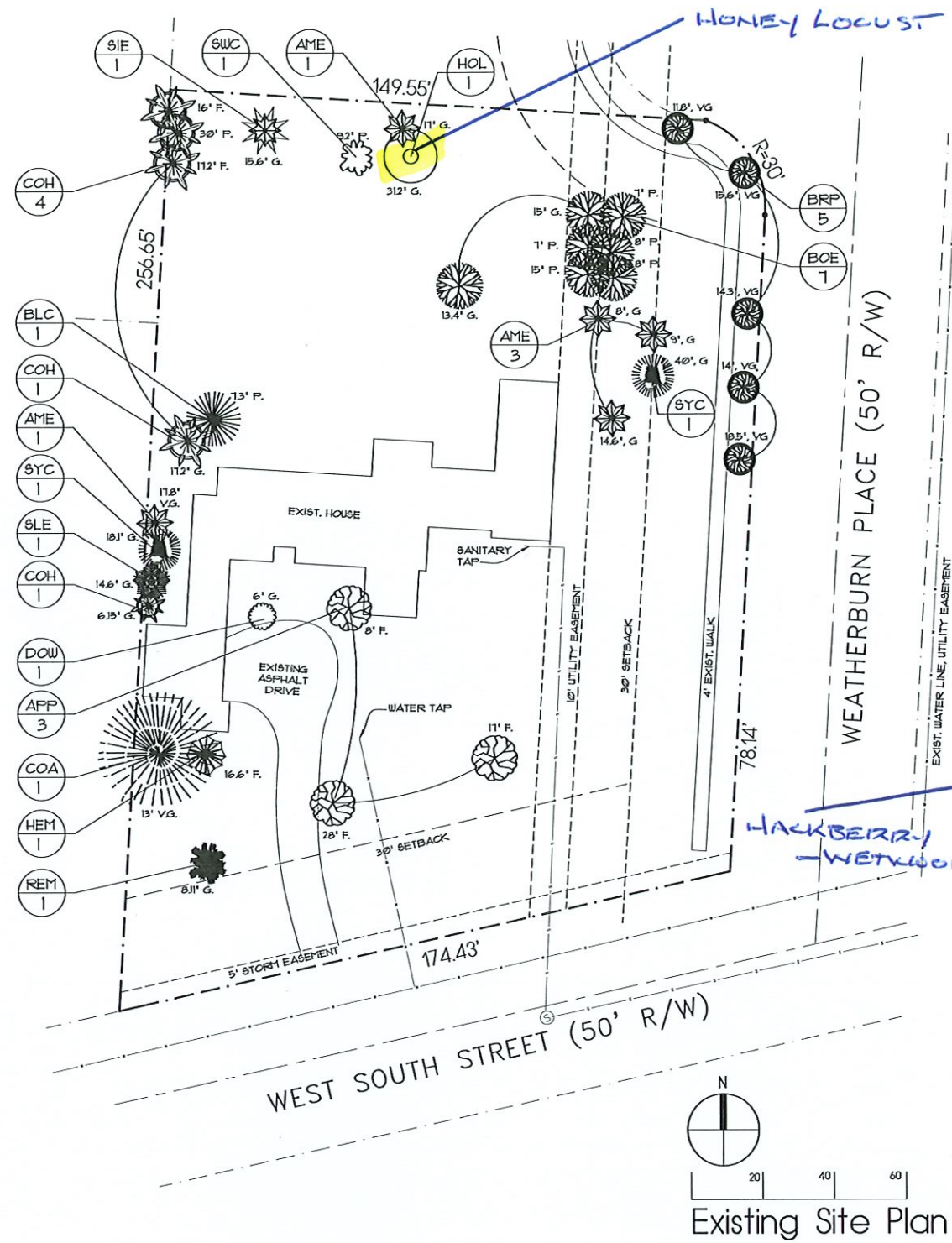
SHEET TITLE:

LANDSCAPE AND  
SCREENING PLANS

SHEET NUMBER:

L2





These Drawings and Specifications prepared by Clarke Architects Inc. are instruments of service for use solely with respect to this Project and, unless otherwise provided, Clarke Architects Inc. shall be deemed the author of these documents and shall retain all common law, statutory and other reserved rights, including copyright. The Architect's Drawings, Specifications and other documents shall not be used by the Owner or others on other projects, for additions to this Project or for completion of this Project by others. No modifications or charges to the drawings shall be permitted.

DATE: MAY, 26 2023

REVISION DATES:

PROJECT:

3 HOUSES  
WEATHERBURN PLACE

PROJECT NUMBER: 202315-H1

SHEET TITLE:

EXISTING/NEW LANDSCAPE  
PLANS

SHEET NUMBER:

S2

Page 25 of 314

## LANDSCAPING SPEC:

SYMBOL	COMMON NAME	QTY	SYMBOL	COMMON NAME	QTY
COH	COMMON HACKBERRY	6	SLE	SLIPPERY ELM	1
BRP	BRADFORD PEAR	5	BLC	BLACK CHERRY	1
BOE	BOX ELDER	1	SIE	SIBERIAN ELM	1
AME	AMERICAN ELM	5	SWC	SWEET CHERRY	1
APP	APPLE	3	HOL	HONEY LOCUST	1
SYC	SYCAMORE	2	BAP	BALSAM POPLAR	1
REM	RED MAPLE	1	HEM	HEMLOCK	1
DOW	DOG WOOD	1	COA	COMMON ASH	1



SYMBOL	TREE'S CONDITION
V.G.	VERY GOOD
G.	GOOD
F.	FAIR
P.	POOR

NOTE: TREE SIZES ARE X' DIAMETER  
MEASURED FROM 3' ABOVE THE GROUND

Demolition approved with submission of a restoration schedule and tree protection plan.  
Subdivision Preliminary Plat approved with the following amendments: building placement variances not approved; missing items needed for Preliminary Plat needed at time of Final Plat submission.

Approved  
Municipal Planning Commission  
City of Worthington  
Date 06/08/2023  
  
\_\_\_\_\_  
Clerk

CITY OF WORTHINGTON

DRAWINGS NO. DEMO 02-2023  
SUB 02-2023

DATE 05-26-2023



CITY OF WORTHINGTON  
DRAWING NO. SUB 03-2023  
DATE 09/15/2023





CITY OF WORTHINGTON  
DRAWING NO. SUB 03-2023  
DATE 09/15/2023





CITY OF WORTHINGTON  
DRAWING NO. SUB 03-2023  
DATE 09/15/2023



**From:** [Daugherty, Shawn](#)  
**To:** [Brown, Lee](#)  
**Subject:** RE: Street Trees Recommendation  
**Date:** Friday, July 28, 2023 7:55:52 AM

---

No particular order.

## For Weatherburn Pl

Norwegian Sunset maple -Acer truncatum x platanoides 'Keithsform'  
Hot Wings Maple -Acer tataricum 'GarAnn'  
American Hornbeam -Carpinus caroliniana 'Native Flame®', Palisade®, Ball O' Fire™, & Rising Fire®  
Cornelian Cherry Dogwood -Cornus mas  
Frontier Elm -Ulmus x Frontier  
Golden Rain Tree -Koelreuteria paniculata  
Fort McNair Red Horse Chestnut -Aesculus x carnea 'Fort McNair'  
Persian ironwood -Parrotia persica  
Paperbark Maple -Acer grisium  
American yellowwood -Cladrastis kentukea

## For West South St

Anything on Weatherburn list can work as well as the following larger trees (Larger trees not to be used in quantity shown on preliminary plan)

Main Street® Maple -Acer truncatum 'WF-AT1'  
Japanese zelkova - Zelkova serrata  
Silver Linden - Tilia tomentosa 'Sterling'  
Swamp White Oak -Quercus Bicolor  
London planetree - Platanus x acerifolia 'Morton's Circle'  
Black Gum -Nyssa sylvatica 'Northern Splendor' or 'Green Gable'  
Kentucky Coffeetree - Gymnocladus dioicus 'Espresso'

**Shawn Daugherty**  
**City of Worthington Parks Supervisor/Arborist ISA-OH0499**  
Worthington Parks & Recreation Department  
345 E. Wilson Bridge Rd. Worthington, OH 43085 | 614-436-2743 | [worthington.org](http://worthington.org)  
Cell 614-348-4926

---

**From:** Brown, Lee <Lee.Brown@worthington.org>  
**Sent:** Thursday, July 27, 2023 1:48 PM  
**To:** Daugherty, Shawn <Shawn.Daugherty@worthington.org>



CITY OF WORTHINGTON  
DRAWING NO. SUB 03-2023  
DATE 09/15/2023

**Subject:** Street Trees Recommendation

Shawn-

I wanted to see if you had a recommendation for the street trees on W. South St. and Weatherburn. I know you mentioned the idea of removing the existing ones on Weatherburn, but just wanted to touch base.

Thank you,  
Lee

**R. Lee Brown, AICP**

Director

**City of Worthington**

**Planning & Building Department**

374 Highland Avenue

Worthington, Ohio 43085

Main Line: 614.431.2424

Direct Line: 614.781.3539

[www.worthington.org](http://www.worthington.org)



CITY OF WORTHINGTON  
DRAWING NO. SUB 03-2023  
DATE 09/15/2023

# **Drainage Analysis**

For

## **Weatherburn Subdivision Lot Split**

286 W. South Street

Worthington, Ohio

Prepared By:



2130 Quarry Trails Drive 2<sup>nd</sup> Floor  
Columbus, Ohio 43228  
Ph. 614.299.2999

EP Ferris # 1283.001



CITY OF WORTHINGTON  
DRAWING NO. SUB 03-2023  
DATE 09/15/2023

## **INTRODUCTION:**

The following report presents the analysis of the existing storm sewer pipe system following a lot split of lot #1 of the Weatherburn Subdivision. The lot split will create three single family lots at the northwest corner of W. South St. and Weatherburn Place.

## **HYDROLOGIC ANALYSIS:**

All proposed drainage will be directed to the existing drainage system along Weatherburn Place. The storm pipe calculations will use a 2yr. design with a 5 Yr. check.

A runoff coefficient of  $c = 0.65$  was used for the entire drainage area tributary to the storm sewer system. Although the lot split creates an increase in impervious area from 5300 sf to 15000 sf, the runoff coefficient is consistent with the entire drainage area. A time of concentration of 10 minutes was used.

## **PRE-DEVELOPED CONDITIONS:**

The pre-developed condition of the site consists of one single family lot of approximately 0.88 Ac. Currently the site drains from east to west and to the existing storm sewer system along W. South St.

## **POST-DEVELOPED CONDITIONS:**

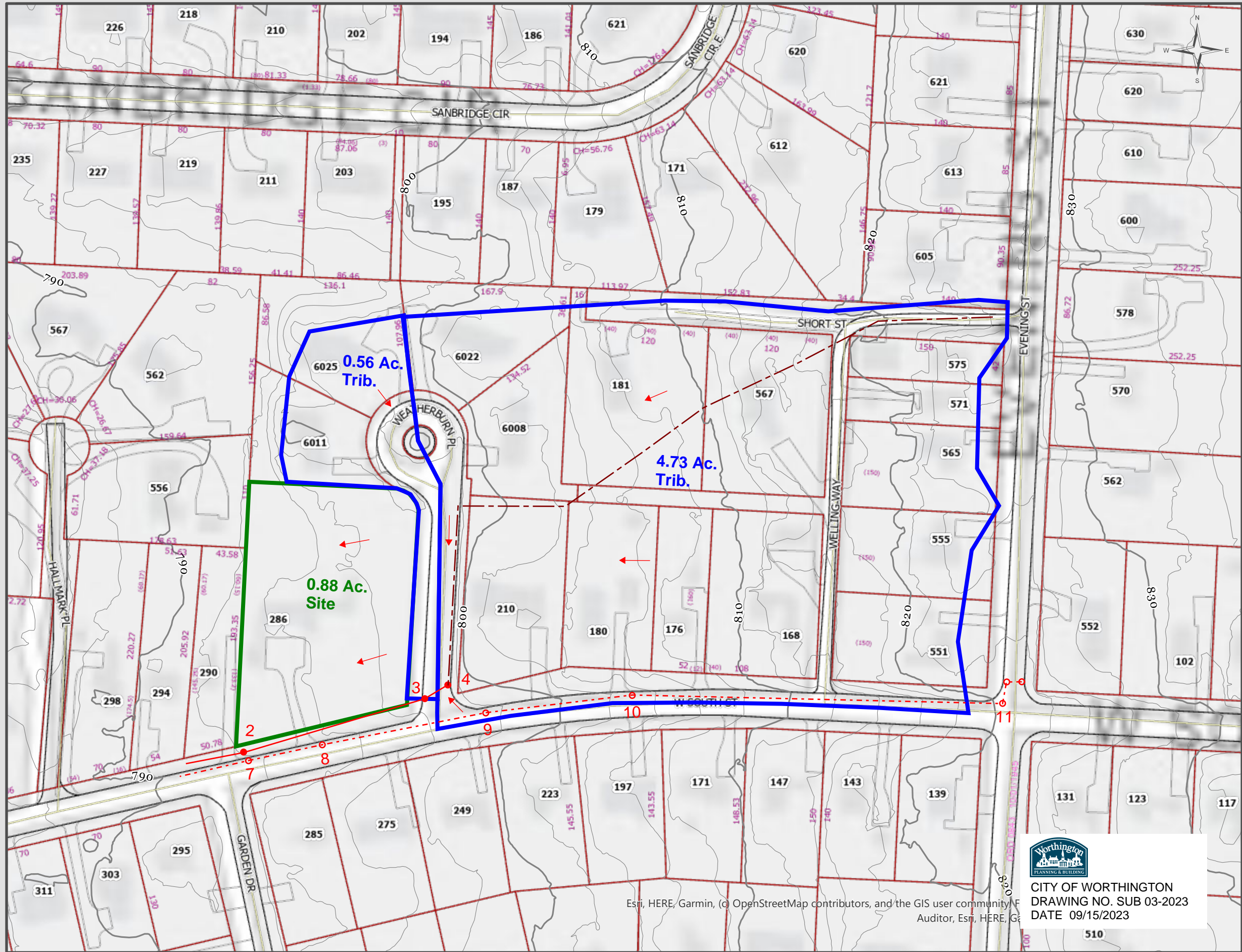
The post developed condition of the site will consist of three single family lots. The three lots combined drain approximately 0.66 Ac. to the existing storm system along Weatherburn Place. The remaining 0.22 Ac. will drain to the W. South St. storm sewer system.

## **SUMMARY:**

The addition of three lots that change the drainage pattern from W. South St. to Weatherburn Place will have a minimal affect of the current storm sewer system. The Weatherburn Place storm sewer (relief sewer) joins the existing W. South St. storm sewer downstream at Mid Dr. and continues as a 24" pipe at 3.3% with an approximate available capacity of 42 cfs at 13 Ft./s. Supporting drainage maps and calculations can be found at the end of this report.







**Planimetric Legend**

Source: 2021 Aerial Photography

- Edge of Pavement
- Roadway Centerlines
- Railroad Centerlines
- Building Footprints
- Building Under Construction
- Creeks, Streams, Ditches
- Rivers & Ponds

**Topographic Legend**

Source: OSIP - 2019 LiDAR Collection

- Index Contour
- Intermediate Contour

**Appraisal Legend**

Source: Franklin County Auditor & Engineer

- Parcel IDs
- Parcel Dimensions
- Lot Numbers
- Site Address
- Parcel Boundary
- Subdivision Boundary
- Condominium Boundary
- County Boundary
- City or Village Boundary
- Tax District Boundary
- School District Boundary
- Zip Code Boundary

The information on this web site is prepared from the real property inventory maintained by the Franklin County Auditor's Office. Users of this data are notified that the primary information source should be consulted for verification of the information contained on this site. The county and vendors assume no legal responsibilities for the information contained on this site. Please notify the Franklin County Auditor's Real Estate Division of any discrepancies.

0 45 90  
ft

The data on this map was originally compiled at 1"=100' based on the Ohio State Plane South Coordinate System, North American Datum 1983 with 2' contours based on the North American Vertical Datum 1988 (when displayed).



**Franklin County**  
**Auditor's Office**  
**Auditor**

**Michael Stinziano**  
Map Produced August 4, 2023

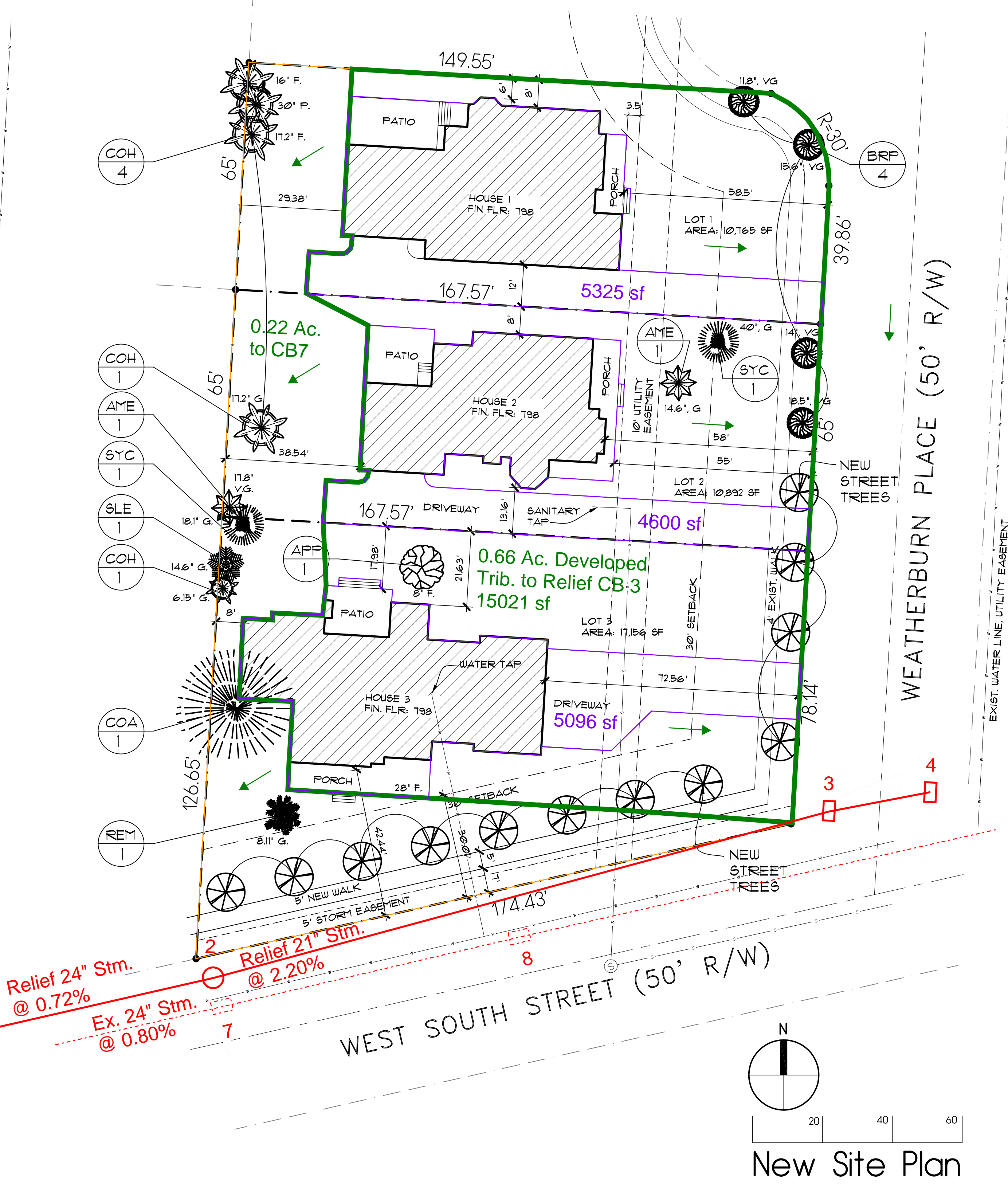
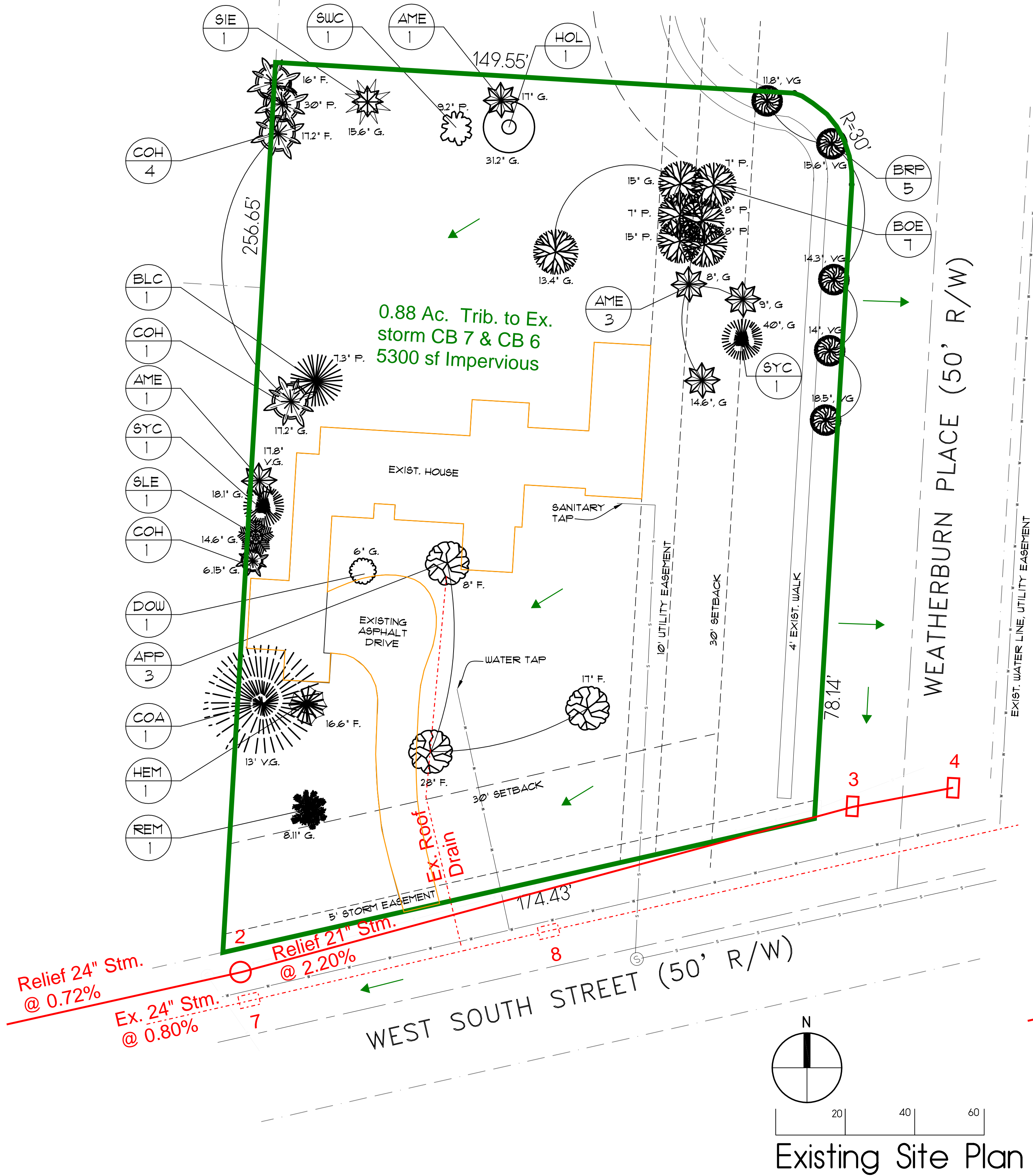
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community  
Auditor, Esri, HERE, G



CITY OF WORTHINGTON  
DRAWING NO. SUB 03-2023  
DATE 09/15/2023



NAME: CLARKE C:\USERS\JIM CLARKE\CLARKEARCHITECTS.COM\CLARKE ARCHITECTS TEAM SITE - DOCUMENTS\RESIDENTIAL\_SERVER\RESIDENTIAL\_NEW\SK HOME MANAGEMENT\3 HOUSES\HOUSE-3STEP\AN3 HOUSES-LANDSCAPE\LANDWG DATE: MAY 26, 2023 TIME: 11:27 AM



LANDSCAPING SPEC:

SYMBOL	COMMON NAME	QTY	SYMBOL	COMMON NAME	QTY
COH	COMMON HACKBERRY	6	SLE	SLIPPERY ELM	1
BRP	BRADFORD PEAR	5	BLC	BLACK CHERRY	1
BOE	BOX ELDER	1	SIE	SIBERIAN ELM	1
AME	AMERICAN ELM	5	SWC	SWEET CHERRY	1
APP	APPLE	3	HOL	HONEY LOCUST	1
SYC	SYCAMORE	2	BAP	BALSAM POPLAR	1
REM	RED MAPLE	1	HEM	HEMLOCK	1
DOW	DOG WOOD	1	COA	COMMON ASH	1

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NON-MEMBERS  
MUST BE CALLED DIRECTLY

SYMBOL	TREE'S CONDITION
V.G.	VERY GOOD
G.	GOOD
F.	FAIR
P.	POOR

NOTE: TREE SIZES ARE X" DIAMETER  
MEASURED FROM 3' ABOVE THE GROUND



Approved  
Municipal Planning Commission  
City of Worthington  
Date: 09/28/2023  
*Lynda Bilar*  
Clerk



CITY OF WORTHINGTON  
DRAWING NO. SUB 03-2023  
DATE: 09/15/2023

CLARKE ARCHITECTS, INC.

475 Village Park Dr.  
Powell, Ohio 43065-9178  
Office: 614-791-1200  
Mobile: 614-271-8420  
jclarke@clarkearchitects.com

These Drawings and Specifications prepared by Clarke Architects Inc. are instruments of service for use solely with respect to this Project and, unless otherwise provided, Clarke Architects Inc. shall be deemed the author of these documents and shall retain all common law, statutory and other reserved rights, including the copyright. The Architect's Drawings, Specifications or other documents shall not be used by the Owner or others on other projects, for additions to this Project or for completion of this Project by others. No modifications or changes to the drawings shall be permitted.

DATE: MAY, 26 2023

REVISION DATES:

PROJECT:

3 HOUSES  
WEATHERBURN PLACE

PROJECT NUMBER: 202316-H1

SHEET TITLE:

EXISTING/NEW LANDSCAPE  
PLANS

SHEET NUMBER:

S2

[illegible]

CITY OF WORTHINGTON  
DRAWING NO. SUB 03-2023  
DATE 09/15/2023



[illegible]

CITY OF WORTHINGTON  
DRAWING NO. SUB 03-2023  
DATE 09/15/2023



Approved  
Municipal Planning Commission  
City of Worthington  
Date 09/28/2023  
Lynda Sitar  
Clerk



CITY OF WORTHINGTON  
DRAWING NO. SUB 03-2023  
DATE 09/15/2023

## SUBDIVIDER'S AGREEMENT

THIS AGREEMENT is executed on this \_\_\_\_ day of \_\_\_\_\_ 2023, by and between SK Homes South Street LLC, an Ohio Limited Liability Company (the "Subdivider") and the City of Worthington, Ohio, an Ohio municipal corporation (the "City"), pursuant to Chapter 1101 of the Codified Ordinances of the City of Worthington and the Final Subdivision Plat for Subdivision of Lot No. 1 of Weatherburn (the "Subdivision").

NOW, THEREFORE, in consideration of the approval of the Subdivision by the Council of the City of Worthington, Ohio, it is hereby agreed as follows:

1. The proposed Subdivision and its ultimate use shall conform to the Subdivision Plat as approved by City Council and the requirements of law, including without limitation, the Planning and Zoning Code and the Building Code of the City of Worthington, except as may be otherwise authorized by proper authority.
2. No transfer of any lot, parcel or tract from said Subdivision shall be made, nor shall any construction work, including grading, be started which may affect the arrangement of streets or other public improvements until approval of the Final Plat is obtained by the Subdivider and the performance bond or irrevocable letter of credit acceptable to the City or certified check guaranteeing the completion of public improvements in accordance with Paragraph V of this Agreement is provided to the City.
3. The Subdivider shall pay the entire cost and shall construct, install or otherwise provide all public improvements necessary to serve the Subdivision as required by Part Eleven – Planning and Zoning Code - Title One – Subdivision Platting Regulations of the Worthington Codified Ordinances, in connection with the Subdivision, under the supervision of the City Engineer, including, at a minimum:
  - a. Sidewalks to be installed along the frontage of W. South Street.
  - b. Landscaping and screening features, and street trees along Weatherburn Place and W. South Street.
4. Prior to beginning any construction work, detailed engineering drawings and specifications shall be furnished to the City by the Subdivider for all of the public improvements to be installed in the Subdivision.
5. The Subdivider shall, in accordance with Section 1101.15 of the Worthington Codified Ordinances, provide to the City a performance bond or irrevocable letter of credit acceptable to the City, or a certified check, in an amount equal to the estimated cost of constructing said improvements, guaranteeing the completion thereof within one year from the date of approval of this Subdivider's Agreement, or such extension of time as may be granted by Council. Said performance bond or letter of credit acceptable to the



City or certified check shall be released upon acceptance of the public improvements by the City and upon the furnishing by the Subdivider of an additional bond or letter of credit acceptable to the City, or a certified check, in an amount equal to ten percent (10%) of the estimated cost of construction, guaranteeing the maintenance of said improvement for a period of one (1) year from the date of acceptance. Said maintenance bond or letter or credit acceptable to the City or certified check shall be released upon satisfactory completion of the one (1) year maintenance period. The Subdivider shall be responsible for the maintenance and care of all subdivision improvements for a period of one (1) year after acceptance of said improvements by the City.

6. The Subdivider shall in accordance with Section 1101.15 of the Worthington Codified Ordinances, deposit with the Finance Director a sum of money as prescribed by the City Engineer to defray the cost of inspection, engineering services, and other expenses, as may be incurred by the City in connection with the inspection of the installation of said public improvements. Should the amount of such deposit be insufficient to pay the cost thereof, the Subdivider shall, immediately upon demand by the City, deposit such additional sums as are estimated to be necessary. Upon completion and acceptance of said improvements, any unexpended balance shall be refunded.
7. The City Engineer shall be notified, in writing, seven (7) days before any construction is begun on said improvements in order that inspection may be provided.
8. The Subdivider shall hold the City of Worthington, its officials, and employees free and harmless from any and all claims for damages of nature arising or growing out of the construction of said public improvements, and shall defend, at its own cost and expense, any suit or action brought against the City of Worthington, or its officials and employees, by reason thereof, until the public improvements have been accepted by the City Council and until the end of the one (1) year maintenance period.
9. The Contractor shall purchase and maintain, during the duration of the Contract, Comprehensive General and Automobile Liability insurance issued to the Contractor and protecting the Contractor from all claims for personal injury, including death, and all claims for destruction of or damage to property, arising out of or in connection with any operations under the Contract Documents, whether such operations be by the Contractor or by any Subcontractor, or anyone directly or indirectly employed by the Contractor or by a Subcontractor. Insurance shall be written with limits of liability of not less than \$500,000.00 for each person and \$1,000,000.00 for each occurrence for all damages arising out of bodily injury, including death at any time resulting therefrom, and not less than \$500,000.00 for all property damages sustained in any one occurrence and shall include coverage for:
  - (a) Claims arising after the Contractor and Subcontractor have completed their work (completed operations and product liabilities coverage).





- (b) Claims arising from the liability assumed by the Contractor under this Contract including third party beneficiary liability coverage.
  - (c) Claims arising from property damage to wires, conduits, pipes, mains, sewers, tanks, tunnels, any similar property and any apparatus in connection therewith beneath the surface of the ground or water, caused by and occurring during the use of mechanical equipment for the purpose of grading land, paving, excavating, drilling, borrowing, filling, backfilling, tunneling, or pile driving.
  - (d) Claims for property damage arising out of collapse of or structural injury to any building or structure due to grading of land, excavating, borrowing, filling, backfilling, tunneling, pile driving, cofferdam work or caisson work.
10. Said insurance shall be maintained in full force and effect during the construction of the Subdivision improvements and shall protect the City, its officials, employees, agents and representatives from claims for damages to property arising in any manner from the negligent or wrongful acts, errors or omissions of the Subdivider or the contractor, their employees, agents, or representatives in the construction of the Subdivision improvements. Certificates of insurance naming the City as an additional insured shall be obtained and filed with the City prior to commencement of construction of the Subdivision improvements. These certificates shall contain a provision that coverage afforded under the policies shall not be cancelled unless at least thirty (30) days prior actual written notice has been given to the City.
11. Any violation of, or noncompliance with, any of the provisions of this Agreement shall constitute a breach of contract and the City shall have the right to stop the work forthwith and hold the bonding company responsible for the completion of said improvements according to the approved plat and this Agreement, or to use the certified check, or the letter of credit for such purpose. The City shall notify the Subdivider, in writing, of any such breaches, violations or noncompliance with any of the provisions or stipulations of this Agreement and shall provide a reasonable time for the Subdivider to remedy the breach, violation or noncompliance before the City shall have the right to stop work and hold the bonding company responsible for completion of said improvements.
12. The acceptance and approval of all required improvements be and hereby is conditioned upon the Subdivider or its authorized agent complying in full with Section 1101.16 of the Worthington Codified Ordinances unless the requirements as applicable to this Subdivision have been modified or deleted by action of Worthington City Council.



13. Upon approval and acceptance of the public improvements, reproducible as-built construction drawings of the public improvements shall be provided by the Subdivider and become the property of the City of Worthington.
14. In consideration whereof, the City of Worthington hereby grants the Subdivider, or its duly authorized agent, the right and privilege to make the improvements provided for herein.
15. This Agreement shall inure to the benefit of and be binding on the heirs, executors, successors or assigns of the Subdivider.
16. This Agreement shall be recorded in the Office of the Franklin County Recorder at the expense of the Developer and shall become a public record of Franklin County, Ohio.

IN WITNESS WHEREOF, the parties to this Agreement have caused it to be executed and subscribed by their duly authorized representatives as of the date first written above.

SK HOMES HOLDINGS, LLC

By\_\_\_\_\_

Print Name\_\_\_\_\_

Its\_\_\_\_\_

CITY OF WORTHINGTON

By\_\_\_\_\_

Print Name\_\_\_\_\_

Approved as to form:

By\_\_\_\_\_

Print Name\_\_\_\_\_

Director of Law  
City of Worthington



Approved  
Municipal Planning Commission  
City of Worthington  
Date 09/28/2023  
Lynda Bitar  
Clerk



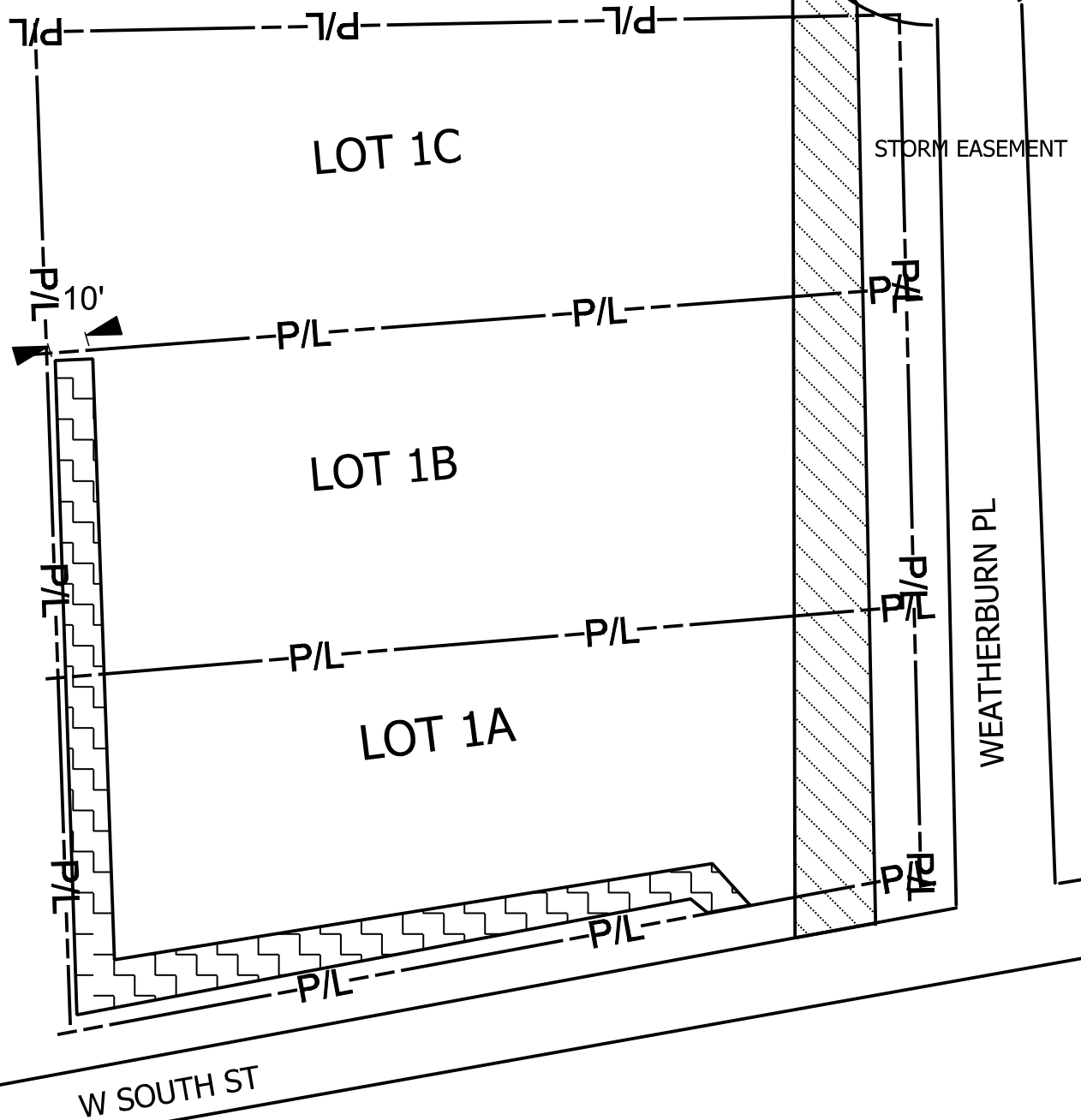
# "EXHIBIT A"



CITY OF WORTHINGTON  
DRAWING NO. SUB 03-2023  
DATE 09/15/2023



Approved  
Municipal Planning Commission  
City of Worthington  
Date 09/28/2023  
Lynda Bitar  
Clerk



DRAWN BY: Mark Plogsted

COUNTY: FRANKLIN

WR#:85930183

CITY/TWP: WORTHINGTON

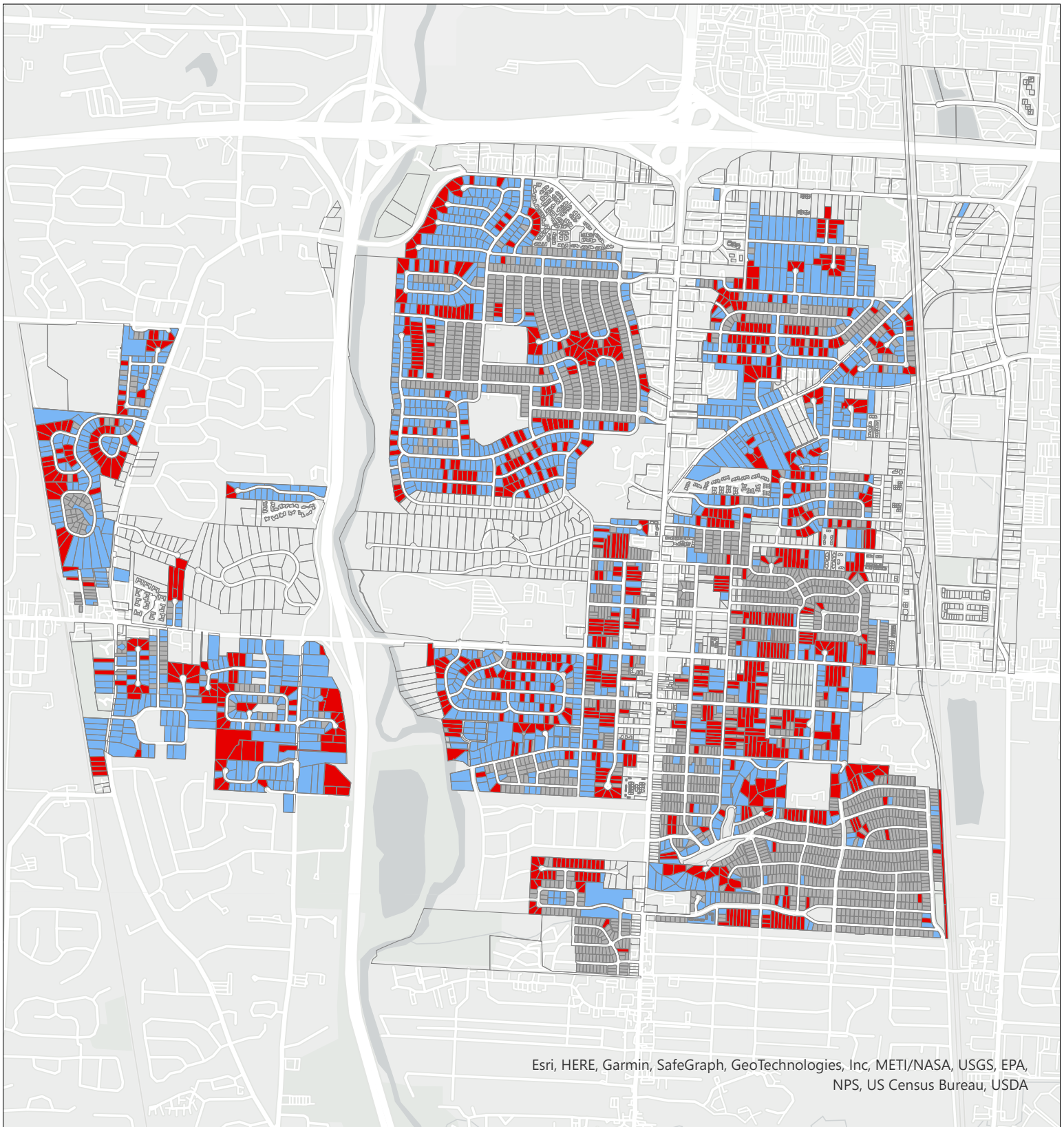
DATE: 9/18/2023

STATE: Ohio

Page 40 of 314  
SCALE: NTS

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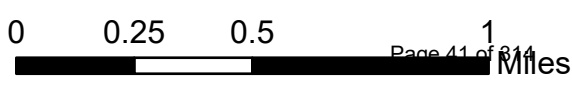


# R-10 ZONED LOTS UNDER 80FT WIDTH

- R-10 < 80ft width & > 10400sf area
- R-10 Zoning < 10400SF area
- R-10 Zoning Compliant
- Parcel



CITY OF WORTHINGTON  
DRAWING NO. SUB 03-2023  
DATE 09/15/2023





PORTION OF THE MINUTES OF THE REGULAR MEETING  
WORTHINGTON ARCHITECTURAL REVIEW BOARD  
WORTHINGTON MUNICIPAL PLANNING COMMISSION

September 28, 2023

The regular meeting of the Worthington Architectural Review Board and the Worthington Municipal Planning Commission was called to order at 7:00 p.m. with the following members present: Mikel Coulter, Chair; Thomas Reis, Vice-Chair; Kathy Holcombe, Secretary; Edwin Hofmann; Susan Hinz; and Damien Healy. Also present were: Katy Brewer, Representative from Worthington City Council; Lee Brown, Director of Planning and Building; and Lynda Bitar, Planning Coordinator. Member David Foust was absent.

**A. Call to Order – 7:00 p.m.**

1. Roll Call
2. Pledge of Allegiance
3. Approval of minutes of the September 14, 2023 meeting

Mr. Reis moved to approve the minutes and Mrs. Holcombe seconded the motion. All Board members voted, “Aye,” and the minutes were approved.

4. Affirmation/swearing in of witnesses

**B. Architectural Review Board – Consent Agenda**

**C. Architectural Review Board – Old Business**

**D. Municipal Planning Commission – Old Business**

**E. Architectural Review Board – New Business**

**F. Municipal Planning Commission – New Business**

**1. Subdivision**

- a. Final Plat – **286 W. South St. (Eric Kmetz) SUB 03-2023**

Mr. Brown reviewed the following from the staff memo:



## **Findings of Fact & Conclusions**

### **Background & Request:**

The request before you is a Final Plat to subdivide an existing .88-acres lot that is located at the northwest corner of W. South St. and Weatherburn Pl. The proposal is to create three (3) building lots out of what is currently Lot #1 of Weatherburn Subdivision which was platted in 1986 that created a five (5) lot subdivision with four (4) lots gaining access from a newly constructed cul-de-sac. The subdivision now known as Weatherburn was a Resubdivision of Hoyer's Subdivision that was originally a 36-lot subdivision platted in 1894. The applicant purchased the property on March 14, 2023, and the existing 2,782 sq. ft. one-story home constructed in 1944 is proposed to be demolished as part of the redevelopment of the site. The property is located in the R-10 Zoning District.

### **History:**

- On June 18, 2023, the Municipal Planning Commission **approved** the demolition of an existing 2,782 sq. ft. single-family home that was constructed in 1944.
- On June 18, 2023, the Municipal Planning Commission **conditionally approved** the Preliminary Plat to create two additional lots with the following conditions:
  - Building placement variance requests were not approved as part of the platting process.
  - Any missing items needed for the Preliminary Plat will be needed at the time of Final Plat submission.

### **Project Details:**

#### **1. Proposed Lots:**

- a. Lot #1A:
  - i. Lot Area – 17,156 sq. ft.
  - ii. Lot Width – 78-feet – Weatherburn Pl.
  - iii. Lot Width – 174-feet – W. South St.
- b. Lot #1B:
  - i. Lot Area – 10,892 sq. ft.
  - ii. Lot Width – 65-feet
- c. Lot #1C:
  - i. Lot Area – 10,765 sq. ft.
  - ii. Lot Width – 67-feet

#### **2. Proposed Front Setbacks:**

- a. Lot #1A
  - i. Required – 30-feet
  - ii. Proposed – 30-feet plus along W. South St. and 73-feet along Weatherburn Pl.
- b. Lot #1B
  - i. Required – 30-feet
  - ii. Proposed – 58-feet
    - 1. Larger setback due to an existing platted utility easement for an existing 12-inch sanitary sewer line that runs north to south.
- c. Lot #1C

- i. Required – 30-feet
  - ii. Proposed – 58-feet
    - 1. Larger setback due to an existing platted utility easement for an existing 12-inch sanitary sewer line that runs north to south.
- 3. Access Points:
  - a. All access points to the lots will be from Weatherburn Pl. and will be required to receive a Driveway Permit and Right-of-way Permit from the Service & Engineering Department.
    - i. The Service & Engineering Department is asking that the access for Lot #1A (corner lot) be moved north towards the rear property line between Lot #1A and Lot #1B to provide an appropriate distance from the intersection of Weatherburn Pl. and W. South St.
  - b. The existing access point on W. South St. will be removed as part of the subdivision. This area will need to be reseeded, graded and a new curb installed in the area of the existing drive approach.
  - c. A Right-of-way Work Permit and Driveway Permit will be required by the Service & Engineering Dept.
- 4. Sidewalks:
  - a. Sidewalks will be required along the W. South St. frontage that will be 5-feet in width and will connect with the existing sidewalk of 4-feet along Weatherburn Pl.
- 5. Street Trees:
  - a. Twelve (12) street trees are proposed along W. South St. and Weatherburn Pl. Four (4) street trees along Weatherburn Pl. located in the public right-of-way and eight (8) street trees located on the backside of the new sidewalk that will be located on private property along W. South St.
    - i. The location of the existing underground utilities in the area is the reason for the location of the W. South St. street trees being located on the backside of the new sidewalk instead of the tree lawn.
    - ii. Utilities:
      - 1. 21-inch and 24-inch storm sewer
      - 2. 12-inch sanitary sewer line
      - 3. 6-inch waterline
  - b. The City Arborist has provided the following list of trees that are acceptable street trees:
    - i. Weatherburn Pl.
      - 1. Norwegian Sunset maple -Acer truncatum x platanoides 'Keithsform'
      - 2. Hot Wings Maple -Acer tataricum 'GarAnn'
      - 3. American Hornbeam -Carpinus caroliniana 'Native Flame®, Palisade®, Ball O' Fire™, & Rising Fire®'
      - 4. Cornelian Cherry Dogwood -Cornus mas
      - 5. Frontier Elm -Ulmus x Frontier
      - 6. Golden Rain Tree -Koelreuteria paniculata
      - 7. Fort McNair Red Horse Chestnut -Aesculus x carnea 'Fort McNair'
      - 8. Persian ironwood -Parrotia persica
      - 9. Paperbark Maple -Acer grisium

10. American yellowwood -*Cladrastis kentukea*
  - ii. W. South St. – Any of the Weatherburn Pl. trees are acceptable as well as the following larger trees. Larger trees should not to be used in the quantity shown on the Preliminary Plat. Coordination with the City Arborist would be needed.
    1. Main Street® Maple -*Acer truncatum* 'WF-AT1'
    2. Japanese zelkova - *Zelkova serrata*
    3. Silver Linden - *Tilia tomentosa* 'Sterling'
    4. Swamp White Oak -*Quercus Bicolor*
    5. London planetree - *Platanus x acerifolia* 'Morton's Circle'
    6. Black Gum -*Nyssa sylvatica* 'Northern Splendor' or 'Green Gable'
    7. Kentucky Coffeetree - *Gymnocladus dioicus* 'Espresso'
6. Existing Vegetation:
- a. A Tree Survey was submitted providing detail for every tree larger than 6 caliper inches on the site.
  - b. The site also has an abundance of honeysuckle and overgrown vegetation on the site.
  - c. There are thirty-eight (38) existing trees on the site that exceed 6 caliper inches on the site. The trees have all been ranked for their condition from Very Good to Poor.
  - d. Some of the trees have been shown on the Preliminary Plat to stay as part of the redevelopment of the site.
    - i. 17 trees have been shown to remain on the site.
  - e. Tree protection fencing needs to be shown on the plans for the trees that are proposed to stay on the site and be protected during demolition and construction of the new single-family homes.
    1. A Tree Protection Plan will be required to be submitted with the Demolition Permit for review and approval.
  - f. City Arborist comments:
    - i. Recommends removal of the existing Hackberry Tree and Crabapple Tree on Lot #1A due to their condition and quality.
    - ii. States that the Honey Locust Tree on Lot #1C is in great shape.
      1. This is likely the only tree that is impacted by the placement of the proposed new single-family home.
7. Utilities:
- a. There is an existing 12-inch sanitary sewer line that runs north to south that is located in a 10' sanitary sewer easement that is approximately 40-feet from the public right-of-way of Weatherburn Pl.
    - i. Connection to sewer will connect to the existing 12-inch sanitary sewer line that is already on the site.
  - b. There is an existing 6-inch waterline on the eastern side of Weatherburn Pl. and a 6-inch waterline along the north side of W. South St.
    - i. To connect to the waterline on Weatherburn Pl. the Service & Engineering Department will require the applicant to bore under the roadway to access the waterline. The applicant will be responsible for any damage related to connection to utilities.
  - c. Gas & Electric:

- i. Gas:
    - 1. Lots #1B and #1C will access the gas main on Weatherburn Pl.
    - 2. Lot #1A will access the gas main on W. South St.
  - ii. Electric:
    - 1. Electric is required to be buried in any new subdivision.
    - 2. The electric is shown to cross under W. South St. at Weatherburn Pl. and run along the frontage of Lot #1A and then run along the western side of Lot #1A, Lot #1B and Lot #1C.
      - a. City staff has asked if AEP could run the powerlines along the western side of the development instead of along the W. South St. frontage. There is a concern that the easement will be in the same location as the proposed street trees on W. South St.
        - i. Clarification is needed.
  - d. Stormwater:
    - i. There are two existing catch basins at the intersection of Weatherburn Pl. and W. South St. that connect to a 21-inch storm sewer line.
    - ii. The flow of water from the site will be required to be graded to not negatively impact the neighboring properties.
    - iii. Drainage Analysis
      - 1. A Drainage Analysis was submitted by E.P. Ferris and reviewed by the Service & Engineering Dept. and found that the addition of two lots will have minimal impact on the current storm sewer system.
8. A Subdivider's Agreement has been provided as part of the Subdivision process.

### **Worthington Planning & Zoning Code:**

#### **Section 1149.01 Yard, Area and Height for Dwellings & Accessory Structures**

<b>District</b>	<b>Lot Width</b>	<b>Lot Area</b>	<b>Front Setback</b>	<b>Rear Setback</b>	<b>Side</b>	<b>Sum of Side</b>	<b>Height</b>
R-10	80-feet	10,400sq. ft.	30-feet	30-feet	8-feet	20-feet	30-feet

### **Land Use Plans:**

#### Worthington Comprehensive Plan

The 2005 Worthington Comprehensive Plan states that one of the strengths of the Worthington Community is its residential neighborhoods. Encouraging development in existing neighborhoods is important in maintaining the existing housing stock throughout Worthington.

### **Staff Analysis:**

- 1. Public Area Payment:
  - a. \$250.00/new dwelling unit – required at the time of applying for a permit to construct the new dwelling units.
- 2. Special Park Fund:
  - a. \$500.00/newly created lot – required prior to the recording the Final Plat.
- 3. Proposed Variances:
  - a. Lot #1B
    - i. Lot Width

1. Required – 80-feet
  2. Proposed – 65-feet
    - a. Variance of 15-feet
      - i. The lot widths are not out of character for the area. There are a variety of lot sizes and widths found throughout this quadrant of the City.
  - a. Lot #1C
    - ii. Lot Width
      1. Required – 80-feet
      2. Proposed – 67-feet
        - a. Variance of 13-feet
          - i. The lot widths are not out of character for the area. There are a variety of lot sizes and widths found throughout this quadrant of the City.
4. Tree Protection Plan
    - a. Tree protection fencing needs to be shown on the plans for the trees that are proposed to stay on the site and be protected during demolition and construction of the new single-family homes.
      - i. A Tree Protection Plan will be required to be submitted with the Demolition Permit for review and approval.
  5. Since the property is not located in the Architectural Review District, strict adherence to construct the homes as previously shown in the application materials provided as part of the Preliminary Plat is not legally possible by the Municipal Planning Commission and/or City Council.
  6. The Municipal Planning Commission and/or City Council cannot legally require the proposed houses to be constructed as previously shown in the information provided as part of the Preliminary Plat. The Commission can review the proposal for compliance with the Subdivision Regulations and any variances as part of the platting process. The applicant previously proposed variances for building setbacks as part of the platting process and the proposed variances related to the setbacks would run with the land.
    - a. The Municipal Planning Commission did not approve setback variances for the proposed new homes as part of the Preliminary Plat approval. The Commission did recommend approval of a variance for lot width for Lot #1B and Lot #1C.
  7. The applicant previously made application to demolish the existing single-family home on the site that that was approved on June 8, 2023. The demolition application met the requirements of Section 1153.05.
  8. The proposed lot sizes exceed the minimum square footage of 10,400 sq. ft. in size for newly created lots in the R-10 District.
  9. Two of the proposed lots do not meet the minimum lot width requirement for newly created lots in the R-10 District; however, the lot widths are not out of character for the area. There are a variety of lot sizes and widths found throughout the City.
    - a. The applicant provided an exhibit that depicts the lots in the surrounding area that do not meet the minimum lot width for newly created parcels in the vicinity of the proposed development.
    - b. The majority of lots in this area were created prior to the adoption of the 1971 Planning & Zoning Code.

- c. The applicant would technically be able to create three (3) lots with a minimum of 80-feet of frontage without any variances if it was not for the 10' sanitary sewer easement that bisects the eastern portion of the site there could have been two lots on W. South St. and one lot on Weatherburn Pl.
  - d. City staff has provided an exhibit that depicts all the lots in the City that are zoned R-10 that are zoning compliant, lots less than 10,400 sq. ft. and lots that exceed 10,400 sq. ft., but are less than 80-feet in width.
    - i. Total R-10 parcels = 4,677.
      - 1. 940 parcels are under the current 80-feet in width requirement but meet or exceed the minimum lot size requirement.
        - a. Approximately 20% of the parcels do not meet the frontage requirement.
      - 2. 2,428 parcels are under the required 10,400 sq. ft. lot size requirement.
        - a. Approximately 52% of the parcels do not meet the lot size requirement.
      - 3. 1,488 parcels are compliant with both lot size requirements and road frontage requirements.
        - a. Approximately 32% of the parcels meet the R-10 requirements found in the Planning & Zoning Code.
    - ii. Please see attached exhibit.
10. Subdivision Process:
- a. Municipal Planning Commission
    - i. Preliminary Plat – [Section 1101.09](#)
      - 1. MPC conditionally approved the Preliminary Plat.
    - ii. Final Plat – [Section 1101.12](#)
      - 1. The Municipal Planning Commission shall make a recommendation to City Council.
  - b. City Council
    - i. Council may review the application and may adopt or reject the Subdivision with or without change.
      - 1. The Ordinance will need to be introduced by City Council and set for a date for a public hearing at a later date.
      - 2. If approved, the Ordinance would have an effective date 20-days after Council passage.
      - 3. The Final Plat must be recorded by the applicant within 6-months of City Council approval unless such time is extended by Resolution of City Council.

### **Recommendations:**

Staff is recommending **approval** of the application as the proposed lot widths are not out of character and the lots exceed the minimum square footage requirement for lots in the R-10 District.

### **Discussion:**

Mr. Coulter: Is the applicant here? Could you come up and state your name and address for the record, and before you state your name and address, there are a number of people that haven't been

sworn in. So, if you have not been sworn in, please stand so we can get you sworn in if you intend on speaking.

Mr. Eric Kmetz: Hello. My name is Eric Kmetz. My address is 7720 Campus Lane, Montgomery, Ohio 45242.

Ms. Megan Schaffernacker: Megan Schaffernacker, I'm in the Worthington community at 1149, Highgrove Drive, a stone's throw away from Kilbourn High School.

Mr. Coulter: If we can start on with you addressing any of the comments that Mr. Brown had made.

Mr. Kmetz: Yes, and I will be brief. I do know the last time I was before this committee; it ran a bit long and hopefully tonight will be slightly different and shorter, but I thank you again for the opportunity to come before you with this variance request, and I thank staff for all the assistance and help that you have provided along the way and your guidance. We came into this house purchase really with the intention of improving what we believe is a blighted corner of this community. We feel that the highest and best use of this .88 parcel lot would be for three parcels. The parcels that we've carved out as Mr. Brown showed, there was a couple of ways you could carve these out, but for that 10-foot easement that runs through the lots, there's really only one way that you can do it and respect the easement and not build on top of that sewer. So, we carved it out in a way that is really consistent with 70% of the lots in Worthington as Mr. Brown showed in that diagram that is on the screen right now. The benefits that's going to bring to this community. First, we're going to be removing a house that no bank will finance. It has foundation issues. It has roof issues. We had to purchase this house in cash. It is a blighted house that has now been approved for demolition. We're going to be bringing in a new sidewalk to this community where a sidewalk currently does not exist. It will help to extend the sidewalk that currently is going towards downtown. We're bringing in new street trees. We'll be burying the utilities which will help to remove some of those unsightly overhead power lines that we see, and we're going to be increasing hopefully the property values in the neighborhood, and it will definitely be increasing the property taxes for this community. Currently, that parcel pays roughly \$10,000 a year in property taxes. The houses that we build we believe each will generate \$20,000 to \$25,000 in property taxes. For three houses, we're looking at \$60,000 to \$75,000 generated in revenue for this community. With 70% of that going to the schools, we're talking about \$50,000 to \$60,000 going to Worthington schools. That will be enough to hire a new teacher if needed. Some residents have expressed concerns with our plan. And why is that? Let me pull out the petition. I think that you have all seen. I'm not sure if this has been passed around yet or not.

Mr. Brown: I will note that the applicant's reference in the petition that we forwarded to the Board last week.

Mr. Kmetz: So, this petition, it's interesting. It really does not object to what we're asking for tonight, which is the lot with variance on lots one C and one B. This petition says that it expresses concerns with a plan to build houses that would completely change the character and aesthetics of the surrounding homes and the neighborhood. That's not before the committee tonight. The house plans that we had presented last week, this committee did not approve. So, at the moment, we could not move forward with the plans that this petition says it has concerns with. Tonight we're talking about a lot split. One that would not be out of character with the surrounding neighborhood. As we've identified, it would be in character with 70% of the neighborhood. The concerns that these residents have about the size of the houses are adequately addressed by Worthington's building code. There are setback requirements in that building code. There's a 30-foot setback requirement on front yards, there's a 30-foot setback requirement on back yards, and there's a collective 20-foot setback requirement on side yards. That creates the boundaries, the limits of the

buildable area on any lot within Worthington. The concerns that the residents have are concerns with Worthington's building code. What they are asking for is not appropriate in this forum. There is a procedure to change building codes in this city. If they believe that houses are too big for lot sizes, there is a procedure to go through to get that approved into the building code. That is the concern that has been expressed the last time we met in front of this committee, and it is the only concern that is addressed in this petition. This was a door-to-door petition. Had they knocked on these doors and asked the people who answered, are you opposed to a parcel, a lot parcel, that is smaller than 80 feet wide on the front yard? They could have stated that in their petition, and it would have been interesting to see how many people would have agreed to oppose that. Not a single house on this petition satisfies that requirement, and that is the only issue that is before this committee tonight. For this petition to be relevant to the issues presented, we would have to wait until and if I were to come back and ask for variances to the building code, which this committee last time said they did not approve. At that time, if I am before you again asking for those variances, the issues presented in this petition would be ripe, and then the merits of this petition could be discussed. That is all we are asking for, is a variance to allow for a front yard smaller than 80 feet wide, and there is nothing in front of this committee tonight that opposes that request. Thank you.

Mr. Coulter: Is there anybody in the audience who wants to speak for against this application?

Mr. Scott Farkas: My name is Scott Farkas. I live at 6025, Weatherburn Place, and I am opposing variances, so unlike what the applicant has stated, there are more issues than just the people opposing the size of the houses. People are opposing the variances, and we did oppose the variances when this application was initially proposed. My wife, Amy, and I have lived on Weatherburn for about 25 years, and we are not opposed to development of the property, but we object to granting waivers. The commission should not be granting waivers to meet the needs or wishes of an applicant, rather the applicant should work within the existing parameters and rules that are set forth in the planning and zoning code to fit residences on that property and lot sizes on that property, which I thought the planning director said there was a way to subdivide the property into three parcels. That one. Am I incorrect that saying that you can't divide the property that way?

Mr. Brown: We have the southern lot, the eastern portion of the lot below the area, about 28 feet in depth, and as you go toward the left, we have a lot of houses in right then, we may have a lot of houses in the area.

Mr. Farkas: But if you subdivided the property into what the minimum is, 10,400 square feet, could you fit three lots in there and meet the setback requirements and without waivers.

Mr. Brown: That is what is on the screen.

Mr. Farkas: That does meet it then. You don't need waivers. So, the applicant could build three homes that way without any waivers. They would just be smaller than what they're asking for, smaller or could they build the same size house?

Mr. Coulter: I think the only house that would be smaller would be the one on the southernmost part, the other two actually could allow for something considerably larger.

Mr. Farkas: No one is requiring the applicant to build houses here or build the size houses they want or build them on the setbacks they're asking for. That's their choice. They want to do it, and God bless them if they can do it, but we don't believe that the waiver should be granted. On page 23 of the staff report, it states that the majority of lots in this area were created prior to the adoption of the 1971 Planning and Zoning Code, and it provides a lot of information on the number of parcels in the city as a whole that are compliant with the zoning codes and those that aren't, and it would be interesting to know what percentage of homes that have been developed since 1971 have been built without variances. On page 19 of the staff report, it discusses approvals that are required



for the right of way permit, the driveway permit, a tree protection plan and a demolition permit, but did not provide information on the approval process or the time frames for those approvals, and we would ask the commission to update residences on those approvals and processes. On page 23 of the staff report, it references the requirement that electric service is required to be buried in any new subdivision, and that there are some concerns that the easement for power lines will be in the same location as proposed street trees and that, quote, clarification is needed, and I would ask that no waivers of this electric service underground requirement should be granted absent extraordinary circumstances, and that prior to approval, the commission should provide clarification regarding how electric service will be provided, and just as a reference point here, there is a 21,276 square foot house located at 410 Tucker Drive that's been in a partial state of completion since 2017, and there's a much smaller house under construction at 100 West South Street where the builder's been granted five one-year extensions, and it also is not completed, and while I have no reason to believe that the applicant will not complete its project in a timely fashion, and I expect it to ensure everyone that it will complete this project in a timely fashion, as a famous coach once said, I see better than I hear, and because no one wants to live through a similarly delayed construction experience, I would ask that the commission institute a completion deadline for the demolition of the existing house on the property, which again, we have no objection to, as well as the completion of the construction of the new houses, and perhaps institute a performance bond to ensure that the houses are completed in a timely fashion as stated by the applicant. On page 21 of the staff report also notes that the applicant will be required to bore under the roadways on Weatherburn and South Street to access the water lines, and will be responsible for any damage related to the connection to the utilities, and while there may or may not be disruption to homeowners on Weatherburn or South Street, which may force residents to park our cars away from our houses and that may or may not occur, and it may disrupt delivery vehicles, solid waste collection, service, landscaping vehicles, and other service vehicles, we would ask that the commission institute duration and completion timeframes for this work, as well as require advanced notice to residents of the work, and perhaps again, a performance bond to ensure the work is completed in a timely fashion, so that we minimize disruption, minimize noise, all that, and on page 21 of the staff report, the service and engineering department found that the addition of two lots will have minimal impact on the current storm sewer system, that would be a good, because we and our neighbors in this area have experienced storm sewer damage, our basement was flooded backflow from storm sewer water a couple of years ago, and the commission should require all work related to drainage be completed prior to the start of construction activities, and ensure that the subdividers agreement protects all neighboring structures against damages related to the work of the project, and lastly, on the subdividers agreement, perhaps the applicant can enlighten the commission and myself, on page 1 it says that the agreement is between the city and SK Homes South Street LLC, but on the signature page, it provides signatures for the city and SK Homes Holdings LLC, and so I thought this might have been a misprint, or maybe one of these entities was out of business and they just forgot to change it, but I noticed that there are several active SK entities with Mr. Eric Kmetz as the agent, and those include SK Homes Holding LLC, SK Homes South Street LLC, SK Homes, Oakborne LLC, SK Homes Management LLC, SK Homes Management LLC, SK Homes Collinwood LLC, SK Homes Green Glade LLC, and SK Homes Heyhurst LLC, and why I have no issues with incorporation's decisions of the applicant or anybody else, the commission should ensure that the names on the subdivision agreement are consistent, and should require Mr. Eric Kmetz also be named a responsible party and not just an agent of the applicant. Thank you.

Mr. Brown: Mr. Coulter, can I jump in a little? One, I appreciate the comments, but half of them you and or even council legally cannot require. It's not in our code requirements. We have permits are good for 18 months. Once they make application, they have up to 18 months. Yes, 410 and the 100 West South Street are two examples out of the 4,700 some houses that we've had okay times with those are two horrible examples, I would agree, but you as a commission do not have the legal ability to do that. The building code allows for 18 months for you to remove the structure for the demolition permit. They'll have 18 months to do the construction. Each lot would have 18 months once their plans are submitted for approval for review and approval, and then if they're not able to do that, they have to go back before a public body where all the neighbors are notified again. Again, the goal is to get in and hopefully get things done. The performance bond, we do not legally have the right to do that. However, with the improvements that are in the right of way, as part of the right of way work permit and the driveway permit with John Moorehead's office, there will be bonds associated with that that will be pulled in. Tom Lindsay, our law director did look over the subdivider's agreement. I can have him look to make sure that the names match with what we're working with, and then the AEP, they've not asked for a variance. This would have to come before this body and on to council for final approval if it was. So as of what was submitted, it's going to be all underground. I don't see there being any deviation in that requirement at all. The only thing I did want to add is as part of their demolition for their building permit, we did want to see the tree protection plan at that point in time where it shows the fencing around them, but I understand the neighbors' concerns. However, a lot of that we legally cannot do.

Mr. Coulter: Cleared up a lot of that for me right off the bat.

Mr. Kmetz: May I just address one? Yeah. I'd just like to address one of it.

Mr. Coulter: Just try to keep it to what we're here for tonight.

Mr. Kmetz: I will. I'm just going to keep it to one question that Mr. Farkas raised. While I don't have a complete answer to that question, I have a partial answer to it. His question was, I would like to know what houses were built since 1971 that needed variances. What year did you say the Weatherburn subdivision was created?

Mr. Farkas: 1986.

Mr. Kmetz: Mr. Farkas is your house in that subdivision?

Mr. Farkas: Yes.

Mr. Kmetz: Every house in that subdivision needed a variance. Specifically, the variance we are asking for. So, Mr. Farkas, to answer your question, when you said you did not approve of any variances, the house you are living in would not exist without the variance that we are asking for tonight.

Mr. Brown: Come to the mic please, we can't go the back and forth.

Mr. Hofmann: Take it outside like adults.

Mr. Coulter: Stop, stop, stop, stop, stop. You've got to go to the mic. This will be the last time.

Mr. Farkas: Okay. Well, in response to what he says, that's true. I wouldn't, the house wouldn't have been built. So, there wouldn't have been a house to purchase. So, I'm not saying, I don't think you should build houses. I just think you should build houses that don't require variances, and no one's requiring you to build three houses either. You're asking for a subdivision, and so the burden is on you to demonstrate why you need variances, why they should be granted, and I'd like to know on what basis the planning commission grants variances so that we know. Okay. Thank you. But again, you're correct. These houses would not have been built, and I wouldn't have purchased one.

Mr. Coulter: All right. Thank you. Is there anybody else in the audience wants to speak for against this application? Come on up. State your name and address, please.

Ms. Linda Rice: I'm Linda Rice, I live at 497 Mid Drive. I have lived there for 50 years. So, I saw this house when it was in its heyday, when it was beautiful. Do you have the picture that shows what the houses on the property would look like?

Mr. Brown: We legally can't tie them to what those houses looked like.

Ms. Rice: You had up there where it showed what it would look like with the houses on it. Didn't you?

Mr. Brown: Not at this meeting.

Mr. Coulter: We're not dealing with architecture tonight.

Mr. Brown: We had proposed layouts.

Mr. Coulter: What they have is where the house would sit within the law. That one.

Ms. Rice: That may be it. What are the things in the middle? Are those the houses?

Mr. Brown: Those are the proposed houses where there is shading.

Ms. Rice: Oh, okay. Okay.

Mr. Coulter: We're not dealing with the houses tonight. We're just dealing with the lots.

Ms. Rice: Well, I just remember the beautiful house and how it has much deteriorated. And I'm so happy to see something being done with it, but I was afraid that he was going to split it up this way. One, two, three. And this looks better. Was there an objection to having the electricity hidden?

Mr. Brown: Code requires that with any new lots being created that it be buried instead of overhead.

Ms. Rice: Well, I'm in favor of that. I don't really have much to say except that everything to the east of there are larger lots and the cul-de-sac is larger lots, and to the west of there are some smaller ones right next to it and then it gets bigger, and so that's all I got to say.

Mr. Coulter: Thank you. Yes, ma'am.

Ms. Shelby Furer: Hi, I'm Shelby Furer. I live at 290 West South Street. So, I am the direct neighbor of the lot or lots in question. So, I spoke in June as well. And I understand like, you know, nothing about like the house structure. And I personally, you know, don't care because that's not really what I'm concerned about. Since I am directly, my property line in the house and question meet, I will, if this is approved, have three people's sort of backyards in my side yard. Like I said in June, I am a new homeowner. This is my first home. I chose Worthington over Clintonville because the lots were slightly larger and it feels a little freer to be honest, right? You know, you don't have those postage stamp backyards. You have a little bit more breathing room. So, for this to be my first home experience and then, you know, now I'm going to essentially end up with what I was trying to avoid to begin with is a bit disheartening personally. I understand also that my lot is one of the undersized lots and I believe I reiterated this or I'm going to reiterate this and I said it in June as well. Had I been here when, you know, they were saying that my lot and the ones to the west of it could have been made smaller, I would have said that that is a bad idea, right? People, people generally speaking do not want to live that close together. Some people do. I would say more people prefer to have a little bit more breathing room in between them. But, you know, the thing that really has stuck with me since the June meeting is, you know, there's whatever policies in place, we can argue back and forth about that and opinions and all of that all day. So, I actually, I went to college for political science. That's what I majored in. So, like governmental organizations and all of that good stuff. So, you know, I am very much of the belief that whether it's City Council and elected officials or somebody that those elected officials appoint in all of the decisions we make in those places of power, we are representing the people of our community that have either chosen us or chosen the person that's chosen us in those decisions that we make. You

know, I think it's pretty apparent that most of us that live within the community, for whatever reason, again, we can argue back and forth all day about what reasons there we should or shouldn't do this. But to me, it is apparent that the community at large does not want these lots to be split the way that they are being proposed to be split. And again, we can hash out the details all we want. But the overwhelming opinion to me is that the people of Worthington, the people that I am neighbors with and myself do not like the proposed plan. And I sincerely hope that all of you as leaders within our community take our opinion seriously and decide not to approve this, because to me that, you know, if I were in your role, I would feel that I need to put my personal feelings aside and say this is what the people in my community want. They do not want this to be approved. So, we need to figure out what we can do to keep the people in our community and our neighbors happy. And that's what's important to me is that my neighbors, myself and the people in our community feel heard, feel empowered and feel like our opinions matter. There are a million other things I could be doing with my Thursday night, but I am here because this is important to me and this is important to the people around me, and I don't want to see it happen in a community that I have just become a part of. So, thank you so much for your time and all you do.

Mr. Coulter: Anybody else would like to speak for against this application? Were you sworn in? Okay, we'll need to get you to re-sworn in.

Mr. Dale Brinkman: I'm Dale Brinkman. We're at 6022 Weatherburn Place. You know, I just wanted to comment on the comments made on when Weatherburn was subdivided in the plot or whatever the plans were approved. My understanding was when those four lots were approved, it was also approved that the lot we're talking about now was going to remain as is. So to now argue, well, Weatherburn got divided, well, yeah, that was approved, but it was approved with this lot remaining as is. So now you're changing. If you approve this, you're also going against what was approved back in 1986 or 85 whenever it was. So anyway, that's my only comment.

Mr. Coulter: All right, thank you for anybody else. I think we've hit just about everyone. Board members. One thing I would like to see, Mr. Brown, if you could pull up the map that has the colorations out of just Weatherburn. Well, there was one that you had in tighter. Now, it's the one that shows the size of the lots in gray and red. Okay, that's it. There was one that I thought I saw that just had Weatherburn on it or if you could blow up that area. Okay, that's good. The thing that caught my eye is there have been comments made about when that street was planned, when it was constructed, when the homes were constructed, and I look at that, I look at all the other lots in the City of Worthington. I personally have five neighbors around my lot. And so, but I appreciate your concern about your lot personally. So, it's not an uncommon thing. But what caught my eye is that the two lots at the end are not in compliance, but yet they were approved. The Board has the responsibility to take a look at every single application on its own standing. There are any number of examples that the members of the board sitting up here with the exception of Mr. Healy because he wasn't on the board then, where we have subdivided lots because they were large, they were sold, people came in and they redeveloped them where they put one, two or three homes on them. So it's not something that's unusual, that's one of the purposes that were up here. If you look at the Board of Zoning Appeals, the last word is appeals. So, it provides people who want to redevelop their property or do something with their own homes have the ability to legally get that approval. We don't take it lightly at all. Nobody is more frustrated than myself about the home on Tucker. We all are, including the city, but there's limitations of what we can do with that. The home on our on South Street, he's had some challenges. They have been working out there the last couple of weeks that I've been very happy to go by and I see the trucks out there. So, we know that something is happening, but when a property takes longer than expected and they go past those deadlines,

they do have to come back for approval and explain why it's taken so long. The examples that Mr. Brown had prepared that showed how other ways that property could be redeveloped, having to do variances. Again, we're not up here to tell somebody how to develop their property. Somebody who's developing that property comes up and shows us what they want to do and then we get into the discussions or what may work, what may not work. And that's how we evaluate it. As far as all of the utilities, stuff like that, we have nothing to do with that. That doesn't fall under our area of responsibility, nor do we want to do that. The only question that I really had was the easement on the west side that you showed. How wide is that easement? Because I didn't see yeah, I get OK. I see it now. That's a 10-foot easement.

Mr. Brown: Yes, sir.

Mr. Coulter: Her house, the way that it's shown is eight feet off. So, you would be into that easement by two feet. So that's something that were this to be approved is going to have to be addressed not tonight, but later on. There's a solution. We just got to figure out what that solution is.

Mr. Brown: Yes. The house is again, we got to get off. I know. See on the houses. I'm just making a point, but by zoning code, I have to do it. The 10 feet. At least lot one B, lot one C would be in the 30-foot rear yard, lot one A. If the lot is laid out how it is and they're using their setback, it was the 30-foot front on South Street. You're right. They would have to stay at least 10 feet out of that.

Mr. Coulter: That was the only point I was making was just that. Again, we're not talking about that. It's just something that. Those are my comments. Anybody else?

Mr. Reis: I think the applicants proposed lot division makes the most sense in terms of any kind of reasonable, buildable homes on those three lots. So, I think the other options are not advisable. Personally, I have four people that about my property. So, I don't have a problem with that. In my case, so with the neighbor that says she bought her house and she's going to have maybe two and a half more neighbors, and that's part of the living in an area that might be changed. So, I don't have a problem with the applicant's subdivision, and I was thinking that maybe some of the adjacent landowners were concerned about what might be built in terms of, I think I heard somebody saying they were going to build Taj Mahals and it might distract from the other homes that are in the area. I don't see that as a problem, and I think the one homeowner didn't even object to the homes maybe being somewhat large or so. I think the applicant's subdivision is fine and I certainly will be approving it.

Mrs. Holcombe: I agree. And I will be approving it as well. I believe that in 1986, I think I said this at the last meeting that it was very controversial when Weatherburn was built, and the houses were built. People loved them and you get past that, and I understand, and I empathize with the construction that's going to go on for all of the neighbors there. If this allows three more families to be able to move into Worthington, and I believe that's what we were so confined with what we can build now. That this is an opportunity for other people. So while I feel your pain of going through this building. I'm supporting it.

Mr. Hofmann: Yeah, I think I would just remind that we still do live in America. There's still this thing called private property and things that people can utilize. And so, I certainly appreciate the notion of change, and change is usually the fear of losing something, and if I look at the neighborhood and I look at what Worthington is doing right now and if I look at the lot that I live on myself, it's difficult to deny what's being asked here. We're so underbuilt. If we were not underbuilt or if some of the same folks in the audience who come forward and also complain against small or multi-story housing, which could be beneficial as well, it might be a different story, but we are constrained beyond belief, and it is still private property. People are still allowed

to build things, and again, if you want to change the way that works, you do have to change the fundamentals. So, I do feel for the change that's coming for this small neighborhood, but I think in the end, it's reasonable compared to the rest of what's going on inside of Worthington.

Mrs. Hinz: I'd like to add a couple comments that I think this Commission, this Board, our council, not only these people, but everyone who came before do a great job listening to neighbors, but I think they also do a great job listening to the community as a whole, and I think I echo Mrs. Holcombe that this is an opportunity to move forward and address today's concerns. Today we're worried about housing crisis and density and everything else, and what we've heard out of the community, not just you folks here tonight, is that we need more housing options and we need more houses. So, I think this, it's a small dent in the need, but you know, two houses is two more families on top of the one. So, I just wanted to put that on the record for the Commission and for Council going forward that I think the applicant has done a good job balancing the existing conditions and also addressing some of those needs.

Mr. Healy: I think the other board members have summed up my thoughts and feelings exactly, and, you know, various members of Weatherburn Place have been up tonight, and I think, you know, to the one lady's comment, everything going forward is going to be reviewed sensitively to ensure that the community will be satisfied with the finish result. I think that's what is important here. And to your comment about the structure of this board, that's what we're here for.

Mr. Coulter: All right. Is there anybody else in the audience that would like to speak one more time for this application positively or negatively? Could I have a motion, please?

**Motion:**

Mr. Reis moved:

**THAT THE REQUEST BY ERIC KMETZ FOR APPROVAL OF A FINAL PLAT AT 286 W. SOUTH ST., AS PER CASE NO. SUB 03-2023, DRAWINGS NO. SUB 03-2023, DATED SEPTEMBER 15, 2023, BE RECOMMENDED TO CITY COUNCIL FOR APPROVAL BASED ON THE PLANNING GOALS OF THE CITY, AS REFERENCED IN THE LAND USE PLANS AND ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.**

Mrs. Holcombe seconded the motion. Mr. Brown called the roll. Mr. Hofmann, aye; Mrs. Holcombe, aye; Mr. Reis, aye; and Mr. Coulter, aye. The motion was approved.

Mr. Coulter: For those of you who live on Weatherburn, I will let you know and advise you that you will have the opportunity to raise your same issues with Council. So, this is not your last night to express your concerns. And then however it goes down the road, if there are any variances, if this should be approved, that would have to go before the Board of Zoning Appeals, you would again have your opportunity to express any concerns there.

Mr. Brown: Mr. Coulter, again, I wanted to add that once we approve the meeting minutes at our October meeting, we will then introduce this since it's an ordinance that has to be introduced and set for hearing. It will be introduced at City Council on November 6th. It's not discussed at that meeting. It's just setting a hearing date for November 20<sup>th</sup>, and then the options that Council has, they can listen to Planning Commission. They could deny the variances and they could come back with all the lots meeting actual code requirements. So, there's still a couple options that if City Council did not approve it, that if it came back and met, that they could go on.



Mr. Coulter: All right. Thank you. That concludes all of our business for the Municipal Planning Commission. Is there anything else that you want to raise?

#### **G. Other**

Mr. Brown: One thing I have before I turn over to Ms. Brewer is just a reminder that I did sign up everyone for the Chamber luncheon on November 14th. So, you're all registered for that, and with that, I'll turn it over to Ms. Brewer.

Ms. Brewer: Well, we have our next meeting this upcoming Monday, and we are discussing our pay-to-stay ordinance. It basically introduces a tenant's right to assert a tender of rent as an affirmative defense to an eviction action. It's very similar to Columbus's Ordinance. So, we feel that's a really good step for our renters here. We'll hear a variance request for Tilton's signs on Huntley Road as well, and of good note on a Thursday, we're also going to hear the Griswold beer and wine rentals for events. So, Ms. Michael's been pushing for that for a while and that's finally in the works. So, we'll hear that on Monday as well, and that's all I have.

Mr. Coulter: All right. Thank you. Anybody else? Could I have a motion to adjourn?

#### **H. Adjournment**

Mr. Hofmann moved to adjourn the meeting, and Mrs. Holcombe seconded the motion. All Board members voted, "Aye," and the meeting adjourned at 9:12 p.m.



**STAFF MEMORANDUM**  
**City Council Meeting – December 4, 2023**

Date: November 28, 2023

To: Robyn Stewart, Acting City Manager

From: Scott F. Bartter, Finance Director

Subject: Ordinance No. 26-2023 – 2024 Operating Budget

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**EXECUTIVE SUMMARY**

This Ordinance adopts the City's annual budget for Fiscal Year 2024 and appropriates sums for current operating expenses.

**RECOMMENDATION**

Motion to amend to insert the amounts, approve as amended.

**BACKGROUND/DESCRIPTION**

The City Council has held a series of budget workshops over recent weeks. This Ordinance adopts the City's operating budget for Fiscal Year 2024. It was introduced with blanks pending the conclusion of the budget presentations and discussion. The Ordinance needs to be amended to insert the amounts as included in the attached amended Ordinance.

Changes from the City Manager's proposed budget are highlighted in the attachment. The major changes from the proposed budget are:

1. Increase in 911 Dispatch Costs: \$80,000
2. Increase to Special Group Funding: \$52,800
3. Various changes to appropriations in TIF funds
4. Changes in utility and gasoline lines

**FINANCIAL IMPLICATIONS/FUNDING SOURCES**

The proposed 2024 Operating Budget document includes information about the cost

of the City's services and programs and projected revenue sources.

**ATTACHMENTS**

Ordinance No. 26-2023

Ordinance No. 26-2023 (As Amended)

Final vs. Proposed 2024 Budget

ORDINANCE NO. 26-2023

Providing for the Adoption of the Annual Budget for  
the Fiscal Year 2024 and Appropriating Sums for  
Current Operating Expenses.

WHEREAS, pursuant to the provisions of Section 2.07, paragraph 3, of Article II of the Charter of the City of Worthington, Ohio, the City Council is authorized to adopt the Municipal Budget for the Fiscal Year beginning January 1, 2024 and ending December 31, 2024; and,

WHEREAS, the City Manager has submitted a proposed budget with estimates and an explanatory message; and,

WHEREAS, hearings have been held on said Budget estimates as required by Section 4.03 of Article IV of the Charter;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, Franklin County, State of Ohio:

SECTION 1. That the Annual Budget submitted by the City Manager in accordance with the provisions of Section 4.02 of Article IV of the Charter be and the same hereby is adopted by Council.

SECTION 2. To provide operating expenditures for General Government, Department of Service/Engineering, Department of Public Safety, Department of Parks and Recreation, and Department of Planning and Building during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the General Fund:

<u>Account Number</u>	<u>Description</u>	<u>Appropriation</u>
101.1010	Legislative and Clerk: Personal Services All Other	\$
101.1020	Mayor & Mayors Court: Personal Services All Other	\$
101.1030	Department of Administration: Personal Services All Other	\$

ORDINANCE NO. 26-2023

<u>Account Number</u>	<u>Description</u>	<u>Appropriation</u>
101.1040	Department of Personnel: Personal Services All Other	\$
101.1050	Department of Finance & Taxation: Personal Services All Other	\$
101.1060	Department of Law: Personal Services All Other	\$
101.1070	Economic Development: Personal Services All Other	\$
101.1080	Legal Advertising	\$
101.1090	County Auditor Deductions	\$
101.1100	Board of Health	\$
101.1110	Transfers	\$
101.1120	Contractual Services/Refuse	\$
101.1150	Contingency Account	\$
101.1160	Information Technology: Personal Services All Other	\$
101.1170	Lodging Tax	\$

ORDINANCE NO. 26-2023

<u>Account Number</u>	<u>Description</u>	<u>Appropriation</u>
101.1190	Kilbourne Memorial Library	\$
	<b>Total General Government</b>	<b>\$</b>
<b>Department of Safety: Division of Police</b>		
101.2010	Administration: Personal Services All Other	\$
101.2020	Community Service: Personal Services All Other	\$
101.2030	Support Service: Personal Services All Other	\$
	<b>Total Division of Police</b>	<b>\$</b>
<b>Department of Service/Engineering</b>		
101.3010	Administration: Personal Services All Other	\$
101.3040	Buildings & Structures Maint: Personal Services All Other	\$
101.3050	Grounds Maintenance: Personal Services All Other	\$
101.3060	Sanitation	\$



ORDINANCE NO. 26-2023

<u>Account Number</u>	<u>Description</u>	<u>Appropriation</u>
101.3070	Fleet Maintenance: Personal Services All Other	\$
<b>Total Department of Service/Engineering</b>		<hr/> \$
<b>Department of Parks &amp; Recreation</b>		
101.4010	Administration: Personal Services All Other	\$
101.4020	Parks Maintenance: Personal Services All Other	\$
101.4030	Community Center Programs: Personal Services All Other	\$
101.4040	Recreation Programs: Personal Services All Other	\$
101.4050	Senior Citizen Programs: Personal Services All Other	\$
<b>Total Department of Parks &amp; Recreation</b>		<hr/> \$
<b>Department of Planning and Building</b>		
101.5010	Planning and Building: Personal Services All Other	\$
<b>Total Department of Planning and Building</b>		<hr/> \$

ORDINANCE NO. 26-2023

<u>Account Number</u>	<u>Description</u>	<u>Appropriation</u>
<b>Department of Safety: Division of Fire</b>		
101.6060	Administration: Personal Services All Other	\$
101.6070	Operations: Personal Services All Other	\$
101.6080	Training & Prevention: Personal Services All Other	\$
	<b>Total Division of Fire</b>	<hr/> \$
101.7000	Dispatching Services All Other	\$
	<b>TOTAL GENERAL FUND</b>	<hr/> \$

SECTION 3. To provide operating expenditures for the Street Maintenance and Repair Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the Street Maintenance and Repair Fund:

202.2050	Administration: Personal Services All Other	\$
202.2060	Street Maintenance, Construction & Equipment: Personal Services All Other	\$
202.2070	Street Cleaning	\$
202.2080	Street Drainage	\$

ORDINANCE NO. 26-2023

<u>Account Number</u>	<u>Description</u>	<u>Appropriation</u>
202.2090	Traffic Control Systems:	
	Personal Services	\$
	All Other	
	<b>Total Street Maintenance &amp; Repair Fund</b>	<u>\$</u>

SECTION 4. To provide operating expenditures for the State Highway Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the State Highway Fund:

203.0010	State Highway Improvement:	
	Personal Services	\$
	All Other	
	<b>Total State Highway Fund</b>	<u>\$</u>

SECTION 5. To provide operating expenditures for the Water Distribution Fund for the fiscal year ending December 31, 2024, the following appropriations are hereby made in the Water Distribution Fund:

204.6010	Maintenance & Repair:	
	Personal Services	\$
	All Other	
	<b>Total Water Distribution Fund</b>	<u>\$</u>

SECTION 6. To provide operating expenditures for the Sanitary Sewer Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the Sanitary Sewer Fund:

205.7010	Maintenance & Repair:	
	Personal Services	\$
	All Other	
	<b>Total Sanitary Sewer Fund</b>	<u>\$</u>

ORDINANCE NO. 26-2023

<u>Account Number</u>	<u>Description</u>	<u>Appropriation</u>
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SECTION 7. To provide for a transfer from the 27<sup>th</sup> Pay Fund, the following appropriations are hereby made in the 27<sup>th</sup> Pay Fund:

211.1111	27 <sup>th</sup> Pay Fund	\$
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SECTION 8. To provide operating expenditures for the Police Pension Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the Police Pension Fund:

212.1212	Personal Services	\$
<b>Total Police Pension Fund</b>		<hr/> \$

SECTION 9. To provide operating expenditures for the Law Enforcement Trust Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the Law Enforcement Trust Fund:

214.1414	Law Enforcement Trust	\$
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SECTION 10. To provide operating expenditures for the MMVLT Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the MMVLT Fund:

215.8150	Contractual Services	\$
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SECTION 11. To provide operating expenditures for the Enforcement and Education Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the Enforcement and Education Fund:

216.1616	Education Supplies	\$
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ORDINANCE NO. 26-2023

<u>Account Number</u>	<u>Description</u>	<u>Appropriation</u>
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SECTION 12. To provide operating expenditures for the Court Clerk Computer Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the Court Clerk Computer Fund:

218.1818	Computer Supplies	\$
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SECTION 13. To provide operating expenditures for the Economic Development Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the Economic Development Fund:

219.1919	Development Efforts	\$
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SECTION 14. To provide operating expenditures for the Law Enforcement Continuing Education Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the Law Enforcement Continuing Education Fund:

221.2121	Law Enforcement CED	\$
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SECTION 15. To provide operating expenditures for the Special Parks Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the Special Parks Fund:

229.4010	Capital Expenditures	\$
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SECTION 16. To provide operating expenditures for the Sharon Township Joint Economic Development District Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made:

230.3030	Sharon Township JEDD	\$
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SECTION 17. To provide operating expenditures for the Capital Improvements Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the Capital Improvements Fund:

308.8110	Capital Expenditures	\$
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SECTION 18. To provide operating expenditures for the General Bond Retirement Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the General Bond Retirement Fund:

409.9010	Debt Service	\$
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ORDINANCE NO. 26-2023

<u>Account Number</u>	<u>Description</u>	<u>Appropriation</u>
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SECTION 19. To provide operating expenditures for the O.B.B.S. Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the O.B.B.S. Fund:

830.3333	O.B.B.S. Surcharge	\$
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SECTION 20. To provide operating expenditures for the TIF/CRA Funds during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the TIF/CRA Funds:

920.9020	TIF Distribution (Worthington Place – The Heights)	\$
930.9020	TIF Distribution (933 High Street)	\$
935.9020	TIF Distribution (Downtown Worthington)	\$
940.9020	TIF Distribution (Worthington Square)	\$
945.9020	TIF Distribution (W.Dublin Granville Rd)	\$
950.9020	TIF Distribution (350 W. Wilson Bridge Rd.)	\$
955.9020	TIF Distribution (800 Proprietors Rd)	\$
999.9020	PACE Fund (Columbus Finance Authority)	\$

SECTION 21. To provide operating expenditures for the Accrued Acreage Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the Accrued Acreage Fund:

825.2525	Accrued Acreage Fees	\$
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ORDINANCE NO. 26-2023

SECTION 22. Sums expended from the above appropriations which are proper charges against any other department or against any firm, person, or corporation, if repaid within the period covered by such appropriations shall be considered reappointed for such original purpose; provided that the net total of expenditures under any appropriation shall not exceed the original total.

SECTION 23. The City Manager and City department heads are authorized to make expenditures for coffee, snacks, meals, refreshments, and other amenities, except alcohol, where such expenditures of public funds are for the public purpose benefiting the City and funding has been appropriated for such purpose. Such authorized public purposes include, but are not limited to:

- (a) Articles of presentation or events or meetings to which City employees are, and others may be, invited, where such expenditure is for the purpose of expressing the City's appreciation;
- (b) Events or meetings to which City employees are, and others may be, invited, where such expenditure is for the purpose of facilitating the public purpose of a particular event or meeting;
- (c) Events or meetings to which City employees are, and others may be, invited, where such expenditures is for the purpose of promoting or supporting the economic development goals of the City;
- (d) Events or meetings to which City employees are required to attend or participate in as part of the duties of their employment.

This section is intended to authorize the expenditure of public funds for proper public purposes in compliance with applicable law.

SECTION 24. Section 2.07 (11) of the City Charter requires City Council to annually review the investment policy of all funds held by the City. This review was completed as a component of the annual budget process for the fiscal year beginning January 1, 2024 and ending December 31, 2024.

SECTION 25. That this Ordinance shall become effective on the first day of January, 2024, as provided in Section 4.05 of the Charter of the City of Worthington, Ohio.

Passed \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Clerk of Council

ORDINANCE NO. 26-2023 (As Amended)

Providing for the Adoption of the Annual Budget for  
the Fiscal Year 2024 and Appropriating Sums for  
Current Operating Expenses.

WHEREAS, pursuant to the provisions of Section 2.07, paragraph 3, of Article II of the Charter of the City of Worthington, Ohio, the City Council is authorized to adopt the Municipal Budget for the Fiscal Year beginning January 1, 2024 and ending December 31, 2024; and,

WHEREAS, the City Manager has submitted a proposed budget with estimates and an explanatory message; and,

WHEREAS, hearings have been held on said Budget estimates as required by Section 4.03 of Article IV of the Charter;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, Franklin County, State of Ohio:

SECTION 1. That the Annual Budget submitted by the City Manager in accordance with the provisions of Section 4.02 of Article IV of the Charter be and the same hereby is adopted by Council.

SECTION 2. To provide operating expenditures for General Government, Department of Service/Engineering, Department of Public Safety, Department of Parks and Recreation, and Department of Planning and Building during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the General Fund:

<u>Account Number</u>	<u>Description</u>	<u>Appropriation</u>
101.1010	Legislative and Clerk:	
	Personal Services	\$ 81,366
	All Other	\$ 205,320
101.1020	Mayor & Mayor's Court:	
	Personal Services	\$ 167,699
	All Other	\$ 11,080
101.1030	Department of Administration:	
	Personal Services	\$ 896,250
	All Other	\$ 184,005

ORDINANCE NO. 26-2023 (As Amended)

<u>Account Number</u>	<u>Description</u>	<u>Appropriation</u>
101.1040	Department of Personal:	
	Personal Services	\$ 576,574
	All Other	\$ 80,800
101.1050	Department of Finance:	
	Personal Services	\$ 583,896
	All Other	\$ 1,528,400
101.1060	Department of Law:	
	Personal Services	\$ 372,856
	All Other	\$ 481,950
101.1070	Economic Development:	
	Personal Services	\$ 199,431
	All Other	\$ 335,850
101.1080	Legal Advertising	\$ 2,000
101.1090	County Auditor Deductions	\$ 167,700
101.1100	Board of Health	\$ 85,169
101.1110	Transfers	\$ 2,033,000
101.1120	Contractual Services/Refuse	\$ 1,281,500
101.1130	Utilities	0
101.1150	Contingency Account	\$ 50,000
101.1160	Department of Information Technology:	
	Personal Services	\$ 583,057
	All Other	\$ 368,283
101.1170	Lodging Tax	\$ -

ORDINANCE NO. 26-2023 (As Amended)

<u>Account Number</u>	<u>Description</u>	<u>Appropriation</u>
101.1190	Kilbourne Memorial Library	\$ 2,500
<b>Total General Government</b>		<b>\$ 10,278,686</b>
<b>Department of Safety: Division of Police</b>		
101.2010	Administration:	
	Personal Services	\$ 591,238
	All Other	\$ 252,200
101.2020	Community Service:	
	Personal Services	\$ 6,241,072
	All Other	\$ 88,912
101.2030	Support Service:	
	Personal Services	\$ 492,924
<b>Total Division of Police</b>		<b>\$ 7,666,347</b>
<b>Department of Service &amp; Engineering</b>		
101.3010	Administration:	
	Personal Services	\$ 1,143,411
	All Other	\$ 369,365
101.3040	Buildings & Structures Maintenance:	
	Personal Services	\$ 362,648
	All Other	\$ 326,580
101.3050	Grounds Maintenance:	
	Personal Services	\$ 651,339
	All Other	\$ 225,500
101.3060	Sanitation	\$ 27,000
101.3070	Fleet Maintenance:	
	Personal Services	\$ 165,041
	All Other	\$ 158,500

ORDINANCE NO. 26-2023 (As Amended)

<u>Account Number</u>	<u>Description</u>	<u>Appropriation</u>
	<b>Total Department of Service &amp; Engineering</b>	<b>\$ 3,429,384</b>
<b>Department of Parks &amp; Recreation</b>		
101.4010	Administration:	
	Personal Services	\$ 281,984
	All Other	\$ 73,200
101.4020	Parks Maintenance:	
	Personal Services	\$ 995,284
	All Other	\$ 400,670
101.4030	Recreation Operations:	
	Personal Services	\$ 2,532,412
	All Other	\$ 962,110
101.4040	Recreation Programming:	
	Personal Services	\$ 745,039
	All Other	\$ 264,000
101.4050	Senior Center Programs:	
	Personal Services	\$ 320,350
	All Other	\$ -
	<b>Total Department of Parks &amp; Recreation</b>	<b>\$ 6,575,048</b>
<b>Department of Planning &amp; Building</b>		
101.5010	Planning & Building:	
	Personal Services	\$ 867,778
	All Other	\$ 664,700
	<b>Total Department of Planning &amp; Building</b>	<b>\$ 1,532,478</b>
<b>Department of Safety: Division of Fire</b>		
101.6060	Administration:	
	Personal Services	\$ 331,924
	All Other	\$ 186,341

ORDINANCE NO. 26-2023 (As Amended)

<u>Account Number</u>	<u>Description</u>	<u>Appropriation</u>
101.6070	Operations:	
	Personal Services	\$ 6,607,854
	All Other	\$ 381,455
101.6080	Training & Prevention	
	Personal Services	\$ 312,630
	All Other	\$ 45,000
<b>Total Division of Fire</b>		<b>\$ 7,865,204</b>
101.7000	Dispatching Services	\$ -
	All Other	\$ 985,000
<b>Total Dispatching Services</b>		<b>\$ 985,000</b>
<b>TOTAL GENERAL FUND (101)</b>		<b>\$ 38,332,146</b>

SECTION 3. To provide operating expenditures for the Street Maintenance and Repair Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the Street Maintenance and Repair Fund:

202.2050	Administration:	
	Personal Services	\$ 374,074
	All Other	0
202.2060	Street Maintenance, Construction:	
	Personal Services	\$ 211,052
	All Other	\$ 70,000
202.2070	Street Cleaning	0
202.2080	Street Drainage	\$ 7,500
202.2090	Traffic Control Systems:	

ORDINANCE NO. 26-2023 (As Amended)

<u>Account Number</u>	<u>Description</u>	<u>Appropriation</u>
	Personal Services	\$ 132,543
	All Other	\$ 105,900
<b>Total Street Maintenance &amp; Repair Fund (202)</b>		<b>\$ 901,069</b>

SECTION 4. To provide operating expenditures for the State Highway Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the State Highway Fund:

203.0010	State Highway Improvement:	
	Personal Services	\$ 107,657
	All Other	\$ 25,000
<b>Total State Highway Fund (203)</b>		<b>\$ 132,657</b>

SECTION 5. To provide operating expenditures for the Water Distribution Fund for the fiscal year ending December 31, 2024, the following appropriations are hereby made in the Water Distribution Fund:

204.6010	Maintenance & Repair:	
	Personal Services	\$ 57,679
	All Other	\$ 62,500
<b>Total Water Distribution Fund (204)</b>		<b>\$ 120,179</b>

SECTION 6. To provide operating expenditures for the Sanitary Sewer Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the Sanitary Sewer Fund:

205.7010	Maintenance & Repair:	
	Personal Services	\$ 60,679
	All Other	\$ 27,500
<b>Total Sanitary Sewer Fund (205)</b>		<b>\$ 88,179</b>

ORDINANCE NO. 26-2023 (As Amended)

<u>Account Number</u>	<u>Description</u>	<u>Appropriation</u>
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SECTION 7. To provide for a transfer from the 27<sup>th</sup> Pay Fund, the following appropriations are hereby made in the 27<sup>th</sup> Pay Fund:

211.1111	27 <sup>th</sup> Pay Fund	\$ -
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SECTION 8. To provide operating expenditures for the Police Pension Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the Police Pension Fund:

212.1212	Police Pension	\$ 1,100,000
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SECTION 9. To provide operating expenditures for the Law Enforcement Trust Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the Law Enforcement Trust Fund:

214.1414	Law Enforcement Trust	\$ -
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SECTION 10. To provide operating expenditures for the MMVLT Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the MMVLT Fund:

215.8150	Contractual Services	\$ 150,000
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SECTION 11. To provide operating expenditures for the Enforcement and Education Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the Enforcement and Education Fund:

216.1616	Education Supplies	\$ 10,000
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SECTION 12. To provide operating expenditures for the Court Clerk Computer Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the Court Clerk Computer Fund:

218.1818	Computer Supplies	\$ 84,700
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SECTION 13. To provide operating expenditures for the Economic Development Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the Economic Development Fund:

219.1919	Development Efforts	\$ 368,000
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ORDINANCE NO. 26-2023 (As Amended)

SECTION 14. To provide operating expenditures for the Law Enforcement Continuing Education Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the Law Enforcement Continuing Education Fund:

221.2121	Law Enforcement CED	\$	-
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SECTION 15. To provide operating expenditures for the Special Parks Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the Special Parks Fund:

229.4010	Capital Expenditures	\$	15,000
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SECTION 16. To provide operating expenditures for the Sharon Township Joint Economic Development District Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made:

230.3030	Sharon Township JEDD	\$	158,000
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SECTION 17. To provide operating expenditures for the Capital Improvements Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the Capital Improvements Fund:

308.8110	Capital Expenditures	\$	1,986,551
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SECTION 18. To provide operating expenditures for the General Bond Retirement Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the General Bond Retirement Fund:

409.9010	Debt Service	\$	1,381,755
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SECTION 19. To provide operating expenditures for the O.B.B.S. Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the O.B.B.S. Fund:

830.3333	OBBS Surcharge	\$	7,500
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SECTION 20. To provide operating expenditures for the TIF/CRA Funds during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the TIF/CRA Funds:

Account

Number

Description

Appropriation

ORDINANCE NO. 26-2023 (As Amended)

910.9020	TIF Distribution (Worthington Station)	\$	-
920.9020	TIF Distribution (Worthington Place - The Heights)	\$	414,000
930.9020	TIF Distribution (933 High Street)	\$	27,000
935.9020	TIF Distribution (Downtown Worthington)	\$	452,000
940.9020	TIF Distribution (Worthington Square)	\$	28,000
945.9020	TIF Distribution (W Dublin Granville Rd)	\$	2,000
950.9020	TIF Distribution (350 W. Wilson Bridge Rd)	\$	86,500
955.9020	TIF Distribution (800 Proprietors Rd)	\$	41,200
999.9020	PACE Fund (Columbus Finance Authority)	\$	33,000

SECTION 21. To provide operating expenditures for the Accrued Acreage Fund during the fiscal year ending December 31, 2024, the following appropriations are hereby made in the Accrued Acreage Fund:

825.2525	Accrued Acreage Fees	\$	20,000
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SECTION 22. Sums expended from the above appropriations which are proper charges against any other department or against any firm, person, or corporation, if repaid within the period covered by such appropriations shall be considered reappointed for such original purpose; provided that the net total of expenditures under any appropriation shall not exceed the original total.

ORDINANCE NO. 26-2023 (As Amended)

SECTION 23. The City Manager and City department heads are authorized to make expenditures for coffee, snacks, meals, refreshments, and other amenities, except alcohol, where such expenditures of public funds are for the public purpose benefiting the City and funding has been appropriated for such purpose. Such authorized public purposes include, but are not limited to:

- (a) Articles of presentation or events or meetings to which City employees are, and others may be, invited, where such expenditure is for the purpose of expressing the City's appreciation;
- (b) Events or meetings to which City employees are, and others may be, invited, where such expenditure is for the purpose of facilitating the public purpose of a particular event or meeting;
- (c) Events or meetings to which City employees are, and others may be, invited, where such expenditures is for the purpose of promoting or supporting the economic development goals of the City;
- (d) Events or meetings to which City employees are required to attend or participate in as part of the duties of their employment.

This section is intended to authorize the expenditure of public funds for proper public purposes in compliance with applicable law.

SECTION 24. Section 2.07 (11) of the City Charter requires City Council to annually review the investment policy of all funds held by the City. This review was completed as a component of the annual budget process for the fiscal year beginning January 1, 2024 and ending December 31, 2024.

SECTION 25. That this Ordinance shall become effective on the first day of January, 2024, as provided in Section 4.05 of the Charter of the City of Worthington, Ohio.

Passed \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Clerk of Council

PROPOSED 9/8/2023					2024 Proposed Budget	2024 Vs Final Budget Difference
Fund	Dept	Object	Department Title	Object Description		
101	1030	540539	Administration	Water/Sewer	6,200	4,000
101	1030	540570	Administration	Consultants	50,000	1,000
101	1050	540504	Finance	Copy Machine	300	500
101	1070	540537	Economic Devlmt	Electric	14,000	1,000
101	1070	540628	Economic Devlmt	Regional Development	8,000	2,000
			Other - County Auditor			
101	1090	540530	Deductions	Real Estate Tax Refunds	6,000	2,500
				Community Group		
101	1140	540541	Other - Special Groups	Funding	137,200	52,800
101	2010	540504	Police Administration	Copy Machine	2,500	2,000
101	2010	540537	Police Administration	Electric	23,000	2,000
101	2010	540578	Police Administration	Gasoline	55,000	(15,000)
101	3010	540539	S&E Administration	Water/Sewer	8,000	(3,000)
101	3070	540578	S&E Fleet Maintenance	Gasoline	60,000	(20,000)
101	4010	540578	P&R Administration	Gasoline	34,000	(6,000)
101	4020	540537	P&R Parks Maintenance	Electric	53,000	10,000
101	4020	540539	P&R Parks Maintenance	Water/Sewer	30,000	10,000
101	4030	540504	P&R Recreation Operations	Copy Machine	6,000	6,000
101	4030	540536	P&R Recreation Operations	Gas	80,000	8,000
101	4030	540537	P&R Recreation Operations	Electric	201,000	59,000
101	4030	540539	P&R Recreation Operations	Water/Sewer	47,000	23,000
101	5010	540539	Planning & Building	Water/Sewer	8,000	1,000
101	6070	540537	Fire Operations	Electric	28,000	5,000
101	6070	540539	Fire Operations	Water/Sewer	6,000	3,000

101	6070	540578	Fire Operations	Gasoline	56,000	(11,000)
101	7000	540564	Other - Dispatch Services	911 Dispatch Services	750,000	80,000
			Street General	Maintenance		
202	2050	511036	Administration	Supervisor Salary	-	184,826
			Street General	Maintenance		
202	2050	511058	Administration	Technician Salary	252,754	(184,824)
			Street Equipment &			
202	2060	540594	Construction	Street Light Current	55,000	3,000
202	2090	540581	Traffic Control Systems	Traffic Signal Current	30,000	6,000
218	1818	540504	Court Clerk Computer Fund	Copy Machine	400	400
920	9020	540910	Wilson Bridge Rd TIF	TIF Fund Reimbursement	60,000	45,000
930	9020	540528	High St TIF	County Auditor Fees	2,750	7,250
			Downtown Worthington			
935	9020	560982	TIF	School Compensation	275,000	57,000
945	9020	540528	W Dublin Granville Rd TIF	County Auditor Fees	1,500	500
			350 W. Wilson Bridge Rd			
950	9020	540528	TIF	County Auditor Fees	1,200	300
				<b>Total Change</b>		<b>337,252</b>



**STAFF MEMORANDUM**  
**City Council Meeting – December 4, 2023**

Date: November 28, 2023

To: Robyn Stewart, Acting City Manager

From: Scott F. Bartter, Finance Director

Subject: Ordinance No. 27-2023 – 2024 Community Group Funding

---

**EXECUTIVE SUMMARY**

This Ordinance appropriates funds for Community Groups, including the Worthington Historical Society, the Worthington Partnership, the Worthington Chamber of Commerce and the McConnell Arts Center. This legislation was split from the original 2024 budget appropriation Ordinance to provide Council Members who may also be board members of these groups an opportunity to abstain from voting.

**RECOMMENDATION**

Motion to amend, approve as amended.

**BACKGROUND/DESCRIPTION**

This Ordinance will appropriate General Fund funds for various Community Groups as shown below:

Worthington Historical Society	\$45,000
Worthington Partnership	\$85,000
General Community Group Funding	\$40,000
MAC Operating Grant	\$260,000
Arts Grants	\$5,000
Worthington Chamber	\$20,000

The Cultural Arts Center appropriation also includes funds for the McConnell Arts Center building, including HVAC, insurance, and building maintenance.

Additionally, \$75,000 is appropriated from the Convention and Visitor's Bureau (CVB) Fund which will be distributed to the Worthington Partnership to fund tourism activities. This amount includes the estimated amount from 66% of the hotel tax. A \$65,000 transfer from the General Fund to the CVB Fund was appropriated with the original budget Ordinance.

This is a total increase from the City Manager's Proposed Budget of \$52,800 for Community Group funding.

As with the primary budget Ordinance, this Ordinance will be introduced blank and amended at the public hearing to insert final numbers.

**ATTACHMENTS**

Ordinance No. 27-2023

Ordinance No. 27-2023 (As Amended)

ORDINANCE NO. 27-2023

Amending Ordinance No. 27-2023 (As Amended) to Adjust the Annual Budget by Providing for Appropriations From the General Fund and Convention and Visitor's Bureau Fund Unappropriated Balance's to Pay the Cost of Funding for Community Groups, Cultural Arts Center and Tourism Activities for 2024

WHEREAS, the Charter of the City of Worthington, Ohio, provides that City Council may at any time amend or revise the Budget by Ordinance, providing that such amendment does not authorize the expenditure of more revenue than will be available;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That there be and hereby is appropriated from the General Fund and Convention and Visitor's Bureau Fund unappropriated balance to:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
<b><u>General Fund #101</u></b>		
101.1140	Community Groups	\$ 0
101.1180	Cultural Arts Center	\$ 0
<b><u>Convention and Visitor's Bureau Fund #210</u></b>		
210.1170	CVB Activities	\$ 0

SECTION 2. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed

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President of Council



Attest:

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Clerk of Council

Introduced  
P.H.  
Effective

ORDINANCE NO. 27-2023 (As Amended)

Amending Ordinance No. 26-2023 (As Amended) to Adjust the Annual Budget by Providing for Appropriations From the General Fund and Convention and Visitor's Bureau Fund Unappropriated Balance's to Pay the Cost of Funding for Community Groups, Cultural Arts Center and Tourism Activities for 2024

WHEREAS, the Charter of the City of Worthington, Ohio, provides that City Council may at any time amend or revise the Budget by Ordinance, providing that such amendment does not authorize the expenditure of more revenue than will be available;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That there be and hereby is appropriated from the General Fund and Convention and Visitor's Bureau Fund unappropriated balance to:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
<b><u>General Fund #101</u></b>		
101.1140	Community Groups	\$ 190,000
101.1180	Cultural Arts Center	\$ 287,500
<b><u>Convention and Visitor's Bureau Fund #210</u></b>		
210.1170	CVB Activities	\$ 75,000

SECTION 2. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed

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President of Council

Attest:

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Clerk of Council

Introduced  
P.H.  
Effective



**STAFF MEMORANDUM**  
**City Council Meeting – December 4, 2023**

Date: November 09, 2023

To: Robyn Stewart, Acting City Manager

From: Scott F. Bartter, Finance Director

Subject: Ordinance No. 32-2023 – Compensation for Unclassified Employees

---

**EXECUTIVE SUMMARY**

This Ordinance establishes the salaries for unclassified employees in the City for 2024.

**RECOMMENDATION**

Motion to amend; Approve as amended

**BACKGROUND/DESCRIPTION**

This Ordinance establishes compensation for the City's unclassified employees for 2024. Compensation for classified employees is established via a separate Resolution. City positions are classified, except for those positions designated as unclassified by the City's Charter.

The new position of Assistant Law Director has been added to this legislation.

This Ordinance is introduced with blanks and needs to be amended as noted in the attached Ordinance (As Amended). The amounts in the Ordinance are consistent with the amounts included in the 2024 Operating Budget.

**ATTACHMENTS**

Ordinance No. 32-2023

Ordinance No. 32-2023 (As Amended)

ORDINANCE NO. 32-2023

Establishing Compensation for Certain Unclassified Positions of the Municipal Service For the Period of January 1, 2024 through December 31, 2024, and Adopting Class Specifications for Said Unclassified Positions.

WHEREAS, the salaries for unclassified positions of the Municipal Service must be fixed by City Council;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. The salary of the City Manager (Class Specification No. 20) shall be \$\_\_\_\_\_.

SECTION 2. The salary of the Director of Finance (Class Specification No. 22) shall not exceed \$\_\_\_\_\_.

SECTION 3. The salary of the Director of Parks and Recreation (Class Specification No. 24) shall not exceed \$\_\_\_\_\_.

SECTION 4. The salary of the Director of Public Service and Engineering / City Engineer (Class Specification No. 31) shall not exceed \$\_\_\_\_\_.

SECTION 5. The salary of the Assistant to the City Manager/Personnel Director (Class Specification No. 27) shall not exceed \$\_\_\_\_\_.

SECTION 6. The salary of the Assistant City Manager (Class Specification No. 30) shall not exceed \$\_\_\_\_\_.

SECTION 7. The salary of the Court Clerk (Class Specification No. 52) shall not exceed \$\_\_\_\_\_.

SECTION 8. The salary of the Assistant to the City Manager/Information Technology Director (Class Specification No. 244) shall not exceed \$\_\_\_\_\_.

SECTION 9. The compensation rate for the Clerk of Council shall be not less than \$25.00 per meeting. In lieu of monetary compensation, the Clerk of Council may be granted compensatory time.

ORDINANCE NO. 32-2023

SECTION 10. The salary of the Assistant to the City Manager/Communications Director (Class Specification No. 202) shall not exceed \$\_\_\_\_\_.

SECTION 11. The salary of the Chief Building Inspector (Class Specification No. 223) shall not exceed \$\_\_\_\_\_.

SECTION 12. The salary of the Director of Law (Class Specification No. 226) shall not exceed \$\_\_\_\_\_.

SECTION 13. The salary of the Assistant City Manager/Economic Development Director (Class Specification No. 229) shall not exceed \$\_\_\_\_\_.

SECTION 14. The salary of the Director of Planning and Building (Class Specification No. 236) shall not exceed \$\_\_\_\_\_.

SECTION 15. The salary of the Administrative Assistant/Finance Manager (Class Specification No. 243) shall not exceed \$\_\_\_\_\_.

SECTION 16. The salary of the Deputy Director of Safety/Fire Chief (Class Specification No. 180) shall not exceed \$\_\_\_\_\_.

SECTION 17. The salary of the Deputy Director of Safety/Police Chief (Class Specification No. 122) shall not exceed \$\_\_\_\_\_.

SECTION 18. The salary of the Assistant Director/Parks and Recreation Superintendent (Class Specification No. 253) shall not exceed \$\_\_\_\_\_.

SECTION 19. The salary of the Assistant Law Director (Class Specification No. 263) shall not exceed \$\_\_\_\_\_.

SECTION 20. The provisions of this ordinance supersede Ordinance No. 41-2022, as Amended, passed December 5, 2022, as it pertains to positions specified in Sections 1 through 18, for the period of January 1, 2024 through December 31, 2024.

SECTION 21. That Ordinance No. 41-2022 as Amended be and the same is hereby repealed.

SECTION 22. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed

by law and by the Charter of the City of Worthington, Ohio.

Passed \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Clerk of Council

ORDINANCE NO. 32-2023 As Amended

Establishing Compensation for Certain Unclassified Positions of the Municipal Service For the Period of January 1, 2024 through December 31, 2024, and Adopting Class Specifications for Said Unclassified Positions.

WHEREAS, the salaries for unclassified positions of the Municipal Service must be fixed by City Council;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. The salary of the City Manager (Class Specification No. 20) shall be \$182,782.

SECTION 2. The salary of the Director of Finance (Class Specification No. 22) shall not exceed \$134,550.

SECTION 3. The salary of the Director of Parks and Recreation (Class Specification No. 24) shall not exceed \$134,550.

SECTION 4. The salary of the Director of Public Service and Engineering / City Engineer (Class Specification No. 31) shall not exceed \$134,550.

SECTION 5. The salary of the Assistant to the City Manager/Personnel Director (Class Specification No. 27) shall not exceed \$108,675.

SECTION 6. The salary of the Assistant City Manager (Class Specification No. 30) shall not exceed \$149,972.

SECTION 7. The salary of the Court Clerk (Class Specification No. 52) shall not exceed \$69,630.

SECTION 8. The salary of the Assistant to the City Manager/Information Technology Director (Class Specification No. 244) shall not exceed \$146,146.

SECTION 9. The compensation rate for the Clerk of Council shall be not less than \$25.00 per meeting. In lieu of monetary compensation, the Clerk of Council may be granted compensatory time.



## ORDINANCE NO. 32-2023

SECTION 10. The salary of the Assistant to the City Manager/Communications Director (Class Specification No. 202) shall not exceed \$93,150.

SECTION 11. The salary of the Chief Building Inspector (Class Specification No. 223) shall not exceed \$117,695.

SECTION 12. The salary of the Director of Law (Class Specification No. 226) shall not exceed \$146,146.

SECTION 13. The salary of the Assistant City Manager/Economic Development Director (Class Specification No. 229) shall not exceed \$134,550.

SECTION 14. The salary of the Director of Planning and Building (Class Specification No. 236) shall not exceed \$128,796.

SECTION 15. The salary of the Administrative Assistant/Finance Manager (Class Specification No. 243) shall not exceed \$91,340.

SECTION 16. The salary of the Deputy Director of Safety/Fire Chief (Class Specification No. 180) shall not exceed \$144,799.

SECTION 17. The salary of the Deputy Director of Safety/Police Chief (Class Specification No. 122) shall not exceed \$144,799.

SECTION 18. The salary of the Assistant Director/Parks and Recreation Superintendent (Class Specification No. 253) shall not exceed \$103,037.

SECTION 19. The salary of the Assistant Law Director (Class Specification No. 263) shall not exceed \$103,037.

SECTION 20. The salary of the Administrative Assistant/Service Department (Class Specification No. 167) shall not exceed \$84,279.

SECTION 21. The provisions of this ordinance supersede Ordinance No. 41-2022, as Amended, passed December 5, 2022, as it pertains to positions specified in Sections 1 through 18, for the period of January 1, 2024 through December 31, 2024.

SECTION 22. That Ordinance No. 41-2022 as Amended be and the same is hereby repealed.

SECTION 23. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council.

This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Clerk of Council



**STAFF MEMORANDUM**  
**City Council Meeting – December 4th, 2023**

Date: November 29, 2023

To: Robyn Stewart, Acting City Manager

From: Scott F. Bartter, Finance Director

Subject: Resolution – Adoption of 2024-2028 Capital Improvements Program (CIP)

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**EXECUTIVE SUMMARY**

This Resolution adopts the 2024-2028 Capital Improvements Program.

**RECOMMENDATION**

Introduce and Approve as Presented.

**BACKGROUND/DESCRIPTION**

The Proposed 2024-2028 Capital Improvements Program (CIP) was distributed to City Council on October 2 and was discussed on October 16. The 2024-2028 Capital Improvements Program is now presented for approval. There have been no modifications to this document since it was first distributed in October.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)**

The CIP document outlines the financial implications and funding sources related to the 2024-2028 Capital Improvements Program (CIP).

**ATTACHMENT(S)**

Resolution No. 67-2023

RESOLUTION NO. 67-2023

Approving the 2024-2028 Capital Improvements  
Program for the City of Worthington.

WHEREAS, staff has prepared and presented to Worthington City Council the Five-Year Capital Improvement Program for their consideration; and,

WHEREAS, the Five-Year Capital Improvement Program provides a planning tool to assist Worthington City Council in maintaining our capital infrastructure; and,

WHEREAS, City Council approves each project in this document with specific funding legislation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That City Council does hereby adopt the 2024-2028 Capital Improvements Program attached hereto.

SECTION 2. That the Clerk of Council be and hereby is instructed to record this Resolution in the appropriate record book.

Adopted \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council



**STAFF MEMORANDUM**  
**City Council Meeting – December 4, 2023**

Date: November 30, 2023

To: Robyn Stewart, Acting City Manager

From: Scott F. Bartter, Finance Director

Subject: Additional Appropriations – General Fund and Capital Improvement Fund

---

**EXECUTIVE SUMMARY**

This legislation appropriates additional funds in the General Fund and the Capital Improvement Fund to provide additional funding for tax collection and income tax refund activity.

**RECOMMENDATION**

Approve as presented.

**FINANCIAL IMPLICATIONS**

Increases appropriations in the General Fund by \$167,200  
Increases appropriations in the Capital Improvement Fund by \$37,800

**BACKGROUND/DESCRIPTION**

The City allocates costs to administer the City's income tax and provide for income tax refunds between both the General Fund and the Capital Improvement Fund. The split generally matches the 80/20 split of the income tax revenue generated by the tax. The budget for income tax administration is set based upon estimated income tax revenue. Because 2024 income tax revenue is currently 10% over the estimate, additional funds are needed in the income tax collection expense lines.

Starting with the 2022 budget, the City added additional funding in the General Fund to provide for income tax refunds. This increase was in anticipation of work from home refunds, where tax is withheld by an employer to the City of Worthington – but the employee is spending a portion of their time working from a home outside the City. Year to date refunds in 2023 as of October 31<sup>st</sup> is \$703,226 and the original appropriation will not be sufficient for December refunds. The chart below shows refunds as of October 31<sup>st</sup> since 2009 and includes refunds as a percentage of collections.

		<b><u>Refunds as of 10/31</u></b>	<b><u>Total Collections</u></b>	<b><u>Refunds % of Collections</u></b>
2009	\$	421,410	\$ 13,247,615.76	3.18%
2010	\$	956,055	\$ 13,178,591.86	7.25%
2011	\$	472,359	\$ 16,502,247.56	2.86%
2012	\$	719,622	\$ 17,921,471.41	4.02%
2013	\$	487,971	\$ 18,945,075.41	2.58%
2014	\$	593,725	\$ 19,584,029.33	3.03%
2015	\$	572,003	\$ 19,888,410.39	2.88%
2016	\$	613,293	\$ 20,800,911.41	2.95%
2017	\$	554,440	\$ 22,594,900.63	2.45%
2018	\$	467,440	\$ 22,457,268.12	2.08%
2019	\$	640,919	\$ 22,527,722.00	2.85%
2020	\$	569,171	\$ 22,295,842.00	2.55%
2021	\$	370,598	\$ 26,136,575.00	1.42%
2022	\$	574,152	\$ 27,890,841.00	2.06%
2023	\$	703,726	\$ 28,443,115.85	2.47%

## **ATTACHMENTS**

Ordonnance No. 28-2023

ORDINANCE NO. 28-2023

Amending Ordinance No. 39-2022 (As Amended) to  
Adjust the Annual Budget by Providing for an  
Appropriation from the General Fund and Capital  
Improvement Fund.

WHEREAS, the Charter of the City of Worthington, Ohio, provides that City Council may at any time amend or revise the Budget by Ordinance, providing that such amendment does not authorize the expenditure of more revenue than will be available;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That there be and hereby is appropriated from the General Fund and Capital Improvement Fund.

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
<b><u>General Fund #101</u></b>		
101.1050.540517	Tax Collection	\$ 63,200.00
101.1050.540586	Income Tax Refunds	\$ 104,000.00
Total General Fund		\$ 167,200.00
<b><u>Capital Improvement Fund #308</u></b>		
308.8110.540517	Tax Collection	\$ 11,800.00
308.8110.540586	Income Tax Refunds	\$ 26,000.00
Total Capital Improvement Fund		\$ 37,800.00

SECTION 2. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Clerk of Council

Introduced  
P.H







**STAFF MEMORANDUM**  
**City Council Meeting – December 4, 2023**

Date: November 30, 2023

To: Robyn Stewart, Acting City Manager

From: Scott F. Bartter, Finance Director

Subject: Ordinance No. 31-2023 – Public Health Contract – Columbus Public Health

---

**EXECUTIVE SUMMARY**

This Ordinance authorizes the City Manager to enter into a contract with the Columbus Department of Health for the provision of public health services to Worthington.

**RECOMMENDATION**

Approve as Presented

**BACKGROUND/DESCRIPTION**

The City has contracted with Columbus Public Health (CPH) for public health services for many years. We have a good working relationship and they are very responsible to City staff and the public. CPH provides such services as restaurant, pool and school inspections; mosquito trapping, testing and fogging; support services for prevention of and response to drug and alcohol addiction; residential sewage disposal inspections; and assistance with public health questions and issues raised by residents. Additionally, Worthington residents have access to the poison control and immunization clinics offered by Columbus Public Health.

**FINANCIAL IMPLICATIONS**

The 2024 contract price is consistent with the anticipated 5% increase.

**ATTACHMENTS**

Ordinance No. XX-2023

ORDINANCE NO. 31-2023

Authorizing the City Manager to Execute A  
Contract Between the City of Columbus Board of  
Health and the City of Worthington for Health  
Services.

WHEREAS, the City of Columbus Board of Health has indicated its intention to provide health services for the City of Worthington during calendar year 2024; and,

WHEREAS, the provision and maintenance of health services within the City of Worthington is a municipal service requiring uninterrupted service; and,

WHEREAS, the City Manager has received a proposed contract for the provision of health services to the City of Worthington by the City of Columbus Health Department;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That the City Manager be and hereby is authorized and directed to enter into a contract with the City of Columbus Board of Health for the purpose of providing health services to the City of Worthington, said service to commence January 1, 2024, and remain in full force and effect until December 31, 2024.

SECTION 2. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington Ohio.

Passed \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Clerk of Council



**STAFF MEMORANDUM**  
**City Council Meeting – December 4, 2023**

Date: November 30, 2023

To: Robyn Stewart, Acting City Manager  
David McCorkle, Assistant City Manager & Economic Development Director

From: R. Lee Brown, Director of Planning & Building

Subject: Ordinance No. 33-2023 - Appointment of the Franklin County District Board of Health as the Provider of Plumbing Inspection Services

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**EXECUTIVE SUMMARY**

This is the annual ordinance that authorizes the City Manager to appoint the Franklin County District Board of Health as the provider of plumbing inspection services for the City of Worthington in 2024.

**RECOMMENDATION**

Approve as presented.

**BACKGROUND/DESCRIPTION**

The City utilizes Franklin County District Board of Health to provide plumbing inspection services which are scheduled through the City's Department of Planning & Building. The City annual authorizes an ordinance which continues the services for the next year.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)**

The cost of the service is paid by the applicants for building/plumbing permits via the permit fees. There is not a change in fees proposed for 2024.

**ATTACHMENT(S)**

- Ordinance No. 33-2023
- Contract

ORDINANCE NO. 33-2023

Approving the City Manager's Appointment of the Franklin County District Board of Health as the Provider of Plumbing Inspection Services in the City of Worthington.

WHEREAS, it is necessary and desirable to provide the inhabitants of Worthington with plumbing inspection services; and,

WHEREAS, the Franklin County General Health District Advisory Council shall have the right to provide such inspection services, charge and receive from the City of Worthington payment for said services in accordance with the contracts and provisions therein set forth for reimbursement at a rate of sixty (60%) of all plumbing inspection fees collected by the City of Worthington; at the same inspection fee as now charged by the Franklin County District Board of Health; and,

WHEREAS, the City Manager has received a proposed contract for the provision of plumbing inspection services to the City of Worthington by the Franklin County District Board of Health;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That the City Manager be and hereby is authorized and directed to enter into a contract with the Franklin County District Board of Health for the purpose of providing plumbing inspection services in the City of Worthington, said service to commence January 1, 2024, and remain in full force and effect until December 31, 2024.

SECTION 2. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington Ohio.

Passed

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President of Council

Attest:

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Clerk of Council

Introduced  
P.H.  
Effective

## **PLUMBING AND MEDICAL GAS SERVICES CONTRACT**

Between  
FRANKLIN COUNTY BOARD OF HEALTH  
And  
CITY OF WORTHINGTON

This Plumbing and Medical Gas Services Contract (the "Contract") entered into by and between the City of Worthington (hereafter referred to as "City"), with its principal address being 6550 North High Street, Worthington OH 43085 and the Board of Health of the Franklin County Public Health (hereafter referred to as "Board" or "FCPH") for 2024 Public Health Plumbing and Medical Gas Services (the "Services") under the approval of Resolution No. 23-158, dated September 12, 2023.

WHEREAS, FCPH is a general health district as defined by Ohio Revised Code ("ORC") Section 3709.01.

WHEREAS, the City is a city health district, as defined by ORC Section 3709.01.

WHEREAS, ORC Section 3709.281 authorizes cities in Franklin County, Ohio to contract with the Board to provide the Services to and within the City.

WHEREAS, The City has determined that FCPH is organized and equipped to adequately provide the Services that are the subject of this Contract. Pursuant to ORC Section 3709.281 and Ohio Administrative Code Section 1301:3-3-04, FCPH may perform plumbing and medical gas inspection services that the City may perform.

NOW THEREFORE, for the mutual considerations herein specified, the City and FCPH, hereby agree to the terms and conditions, as follows:

### **SECTION 1 – PLUMBING AND MEDICAL GAS SERVICES AND FEES**

#### **1.01 Plumbing Services and Fees**

The City, through its Building Department, shall receive all plumbing plans, collect and retain fees for plumbing plan review, and conduct plumbing plan review. The City's Building Department is also responsible for issuing plumbing permits and collecting permit fees upon successful completion of plan review. The fees to be charged by the City shall be the most current fee charged by FCPH. The City shall pay FCPH sixty (60) percent of all plumbing permit fees collected by the City. The City shall provide FCPH monthly statements of all permits issued, and permit fees collected. FCPH shall invoice the City for sixty (60) percent of the permit fees collected by the City based on the City's monthly statements. The City shall pay the invoiced amount, within thirty (30) days after receipt of the invoice.

FCPH shall conduct inspections for all plumbing installations within the City. Inspectors shall be state certified Plumbing Inspectors and Plumbing Plans Examiners by the Ohio Board of Building Standards.

#### 1.02 Medical Gas Services and Fees

FCPH shall receive all medical gas plans and shall provide plan review and inspections for all medical gas installations within the City. FCPH will issue permits, collect, and retain fees for such medical gas plans and permits. Inspectors shall be certified by the American Society of Safety Engineers (ASSE) and the Ohio Board of Building Standard as Medical Gas Inspectors.

### **SECTION 2 – TERM AND TERMINATION**

The term of this Contract shall begin on January 1, 2024, and end on December 31, 2024, subject to the termination provisions herein. Either party to this Contract shall have the right to terminate the Contract upon 120 days written notice. This Contract shall not have any renewal terms.

### **SECTION 3 – ENFORCEMENT**

The City's attorney shall be responsible for any litigation involving enforcement of the Ohio Plumbing Code related to the Services within the corporate limits of the City.

### **SECTION 4 – NOTICE**

All notices and other communications which may or are required to be given hereunder shall be in writing and shall be deemed duly given if personally delivered, or sent by overnight express courier, or sent by United States mail, registered or certified, return receipt requested, postage prepaid, to the address set forth hereunder or to such other address as the other party hereto may designate in written notice transmitted in accordance with this provision. If either overnight express courier or United States mail delivery is not available or delivery is uncertain, then notices may be given by fax or by e-mail. Notice shall be sent to the following addresses:

To the City:

City of Worthington  
Attention: City Manager  
6550 North Hight Street  
Worthington, Ohio 43085

To FCPH:

Franklin County Public Health  
Attention: Health Commissioner  
280 East Broad Street  
Columbus, Ohio 43215

### **SECTION 5 – GOVERNING LAW AND VENUE**

This Contract and any claims arising in any way out of this Contract shall be governed by the laws of the State of Ohio. Any litigation arising out of or relating in any way to this Contract or the performance hereunder shall be brought only in an Ohio court of Franklin County Public Health Plumbing and Medical Gas Services Contract (2024)  
City of Worthington Contract Template  
FCPO Approved 1.17.23



competent jurisdiction in Franklin County, Ohio, and the City hereby irrevocably consents to such jurisdiction.

#### **SECTION 6 – ACTUAL LIABILITIES**

Each party to this Contract shall be responsible for any liability, claim, loss, damage or expenses, including without limitation, reasonable attorney fees, arising from its negligent acts or omissions in connection with its performance of this Contract, or its failure to comply with the terms of this Contract, as determined by a court of competent jurisdiction. Nothing in this section shall be construed as an obligation of either party to defend, hold harmless, or indemnify any other party, entity, or individual, even for claims that are the result of negligent acts or omissions of such other party.

[SIGNATURE PAGE TO FOLLOW]

**IN WITNESS WHEREOF**, the parties to this Contract have hereunto set their hands and seals and have executed this Contract the day and year written below.

FRANKLIN COUNTY PUBLIC HEALTH

\_\_\_\_\_  
Joe Mazzola, MPA  
Health Commissioner  
Date

CITY OF WORTHINGTON

\_\_\_\_\_  
Robyn Stewart  
Acting City Manager  
Date

APPROVED AS TO FORM:

\_\_\_\_\_  
Robin Moorhead  
Assistant Prosecuting Attorney  
Franklin County, Ohio  
Date

\_\_\_\_\_  
Tom Lindsey, Law Director  
City of Worthington  
Date

**FINANCIAL CERTIFICATE**

It is hereby certified that the amount required to meet the Contract obligation, payment of expenditure for the above has been lawfully appropriated, authorized or directed for such purpose and is in the treasury or in the process of collection to the credit of the proper fund and is free from any obligation or certificated now outstanding.

\_\_\_\_\_  
Scott Bartter, Finance Director  
City of Worthington

\_\_\_\_\_  
Date



**STAFF MEMORANDUM**  
**City Council Meeting – December 4, 2023**

Date: November 30, 2023

To: Robyn Stewart, Acting City Manager

From: Scott F. Bartter, Finance Director

Subject: Ordinance No. 35-2023 – Riverlea Police Protection Contract

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**EXECUTIVE SUMMARY**

Staff is proposing a 2024 contract in the amount of \$91,391, this represents a 3.5% increase from the 2023 contract.

**RECOMMENDATION**

Approve as presented.

**BACKGROUND/DESCRIPTION**

The Village of Riverlea contracts with the City of Worthington for approximately 22 hours of police protection services per week. Based upon a forty (40) hour work week, this equates to 55% of the cost of one full time police officer.

The proposed 3.5% increase in the contract reflects the 2024 3.5% wage increase for FOP members.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES**

2024 General Fund Revenue of \$91,391

**ATTACHMENTS**

Ordinance No. 35-2023

ORDINANCE NO. 35-2023

Authorizing the City Manager to Enter into a  
Contract with the Village of Riverlea for the  
Provision of Police Protection.

WHEREAS, the provision of services for police protection is necessary for the safety and security of the Village of Riverlea; and,

WHEREAS, the Village of Riverlea, Ohio, has agreed to enter into a contract with the City of Worthington for police protection services;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That the City Manager be and hereby is authorized and directed to enter into a contract with the Village of Riverlea to provide police protection services.

SECTION 2. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Clerk of Council



**STAFF MEMORANDUM**  
**City Council Meeting – December 4, 2023**

Date: November 28, 2023

To: Robyn Stewart, Acting City Manager

From: Scott F. Bartter, Finance Director

Subject: Resolution No. 62-2023 – Classified Employee Compensation

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**EXECUTIVE SUMMARY**

This Resolution establishes the compensation for all classified positions for 2024 consistent with the 2024 budget and collective bargaining agreements.

**RECOMMENDATION**

Introduce and Approve as Presented

**BACKGROUND/DESCRIPTION**

The 2024 proposed operating budget has funded a three and one half (3.5%) wage increase for all part-time and full-time employees, except members of the IAFF. The IAFF contract will expire at year end and 2024 rates will be negotiated with the 2024-2026 contract.

**FINANCIAL IMPLCIATIONS/FUNDING SOURCES**

Classified positions are funded out of the General Fund, Street Maintenance & Repair Fund, State Highway Improvement Fund, Water Fund and Sanitary Sewer Fund.

Along with establishing compensation for all classified positions for 2024, this Resolution continues the “Premium Pay” of an additional \$2.00 per hour for lifeguards, previously authorized with the adoption of Resolution 67-2021.

Additionally, staff is also recommending a “Premium Pay” of an additional \$1.25 per hour for Part-time Customer Service Staff under job specification number 204. With

the premium pay, the Step A pay for this job would be \$15.21/hour.

Finally, this Resolution makes a number of changes in the Division of Service and Engineering, including:

- Adding the position of GIS Administrator at Range 18
- Adding Engineering Project Supervisor at Range 19

Both of these changes are reclassifications of current positions and not net-new.

#### **ATTACHMENTS**

Resolution No. 62-2023

2024 Classified Employee Compensation Plan



## RESOLUTION NO. 62-2023

Establishing the Compensation Plan, Assigning Compensation Levels for Positions in the Classified Service, Adopting Class Specifications, Providing for Normal Work Weeks, and Repealing Resolutions No. 55-2022, 20-2023, and 41-2023.

WHEREAS, Section 139.05 of the Codified Ordinances of the City of Worthington provides for submission of a Compensation Plan to Council by the City Manager; and,

WHEREAS, it has been deemed necessary and proper that a revised Compensation Plan for Classified Personnel be considered; and,

WHEREAS, Council has fully considered such revised Compensation Plan; and,

WHEREAS, Council may approve said Compensation Plan or otherwise prescribe compensation policy by resolution;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Worthington, County of Franklin, State of Ohio:

SECTION 1. That the annual, bi-weekly, and hourly rates of compensation as indicated on the Compensation Plan which is attached hereto and made a part hereof, shall be the plan of compensation for all positions in the Classified Service of the City. Said plan shall be identified by the number of this resolution. Salary rates shall be identified by the number of this resolution. Salary rates are based on twenty-six (26) pay periods each year. In converting from annual to hourly rates for part-time service, full time service shall be considered as 2080 hours per year except for part-time firefighters. Full time service for 56-hour employees of the Worthington Division of Fire shall be considered as 2,756 hours per year.

SECTION 2. That the normal workweek for full time employees shall be forty (40) hours except for the Division of Fire and Emergency Medical Services where the normal workweek shall be 56 hours for Battalion Chiefs, Lieutenants, Firefighters, and Firefighter/Paramedics.

SECTION 3. Positions in the Classified Service are hereby assigned to the following ranges of the Compensation Plan.

RESOLUTION NO. XX-2023

Classified <u>Position</u>	Class Specification <u>No.</u>	<u>Range</u>
Police Captain	123	34
Assistant Chief - Operations	181	33
Assistant Chief – EMS & Community Risk	258	33
Police Lieutenant	124	32
Battalion Chief	256	30A
Fire Lieutenant	184	29A
Fire Prevention Lieutenant	184a	29B
Police Sergeant	125	27
Recreation Superintendent	111	26
Maintenance Superintendent	151	25
Assistant City Engineer	144	25
Assistant Building Inspector	145	24
Fleet Manager	148	24
Eng/GIS Manager	222	22
Police Officer	129	20A
Part-Time Court Liaison	130	20B
Finance Assistant	64	20
Senior Center Manager	168	20
Planning Coordinator	164	20
Operations Support Manager	239	20
Parks Manager	166	20
Systems Engineer	237	20
Recreation Programs Manager	254	20
Recreation Operations Manager	255	20
Firefighter	186	19A
Firefighter/Paramedic	188	19A
Fire Inspector/Prevention Officer	196	19B
Engineering Project Supervisor	265	19
Maintenance Supervisor	152	19
Building Maintenance Technician	214	19
Parks Supervisor	104	19
GIS Administrator	266	18
Field Inspector/Building and Zoning	146	17
Field Inspector	191	17
Marketing and Outreach Supervisor	232	17
Parks Crew Leader	246	17
Recreation Supervisor - General	113	17
Recreation Supervisor - Aquatics	207	17
Recreation Supervisor - Fitness	210	17
Recreation Supervisor - Senior Fitness	224	17
Recreation Supervisor – Pre-School	233	17

<u>Classified Position</u>	<u>Class Specification No.</u>	<u>Range</u>
Recreation Supervisor - Senior	234	17
Customer Service Supervisor	257	17
IT Technician	205	17
Traffic Signal Technician	154	16
GIS Analyst	242	16
HR Manager	69	16
City Clerk	44	16
Fleet Maintenance Technician	192	16
Maintenance Technician	157	15
Parks Technician	105	15
Animal Warden	133	15
Aquatics Assistant	208	15
Project Supervisor	212	15
Building Maintenance Assistant	225	15
Building Custodian II	153a	14
Finance Analyst	70	14
Help Desk Specialist	245	14
Finance Specialist	259	14
Human Resources Specialist	261	14
Support Services Technician	252	12
Secretary	135	12
Operations Support Technician	260	12
Recreation Coordinator	213	12
Marketing and Outreach Coordinator	231	12
Parks & Recreation Custodian	215	12
Assistant City Clerk	203	12
Management Assistant	250	12
Permit Technician/Paralegal	227	12
Planning & Bldg. Asst.	247	12
Part-Time Communications Specialist	238	11
Part-Time Public Service Coordinator	264	11
Part-Time Secretary	136	10
Part-Time Code Enforcement Officer	240	10
Part-Time Deputy Court Clerk	53	10
Building Custodian	153	9
Crossing Guards	134	1T
Seasonal Workers	158	2T
Part-Time Parks Maintenance Staff	251	2T
Summer Programs Coordinator	193	3T
Summer Specialist	197	4T
Summer Leader II	108	5T
Summer Leader I	110	6T

<u>Classified Position</u>	<u>Class Specification No.</u>	<u>Range</u>
Part-Time Custodian	156	7T
Part-Time Parks & Recreation Custodian	216	7T
Student Intern	143,194,195	8T
Part-Time Firefighter	249	9T
Part-Time Support Staff	199	1P
Part-Time Lifeguard	209	1P/2P/3P
Part-Time Fitness Attendant	211	1P
Part-Time Customer Service Staff	204	1P/2P
Part-Time Child Care Attendant	218	1P
Part-Time General Instructor	200	2P
Part-Time Child Care Coordinator	217	2P
Part-Time Specialized Staff	201	3P
Part-Time Specialized Staff II	241	4P
Junior Leader	220	5P
Dispatching Attendant	221	5P

**Special Compensation Rates:**

Building Official - Compensation at the rate of \$60.00 per hour.

SECTION 4. On and after January 1, 2024, all employees will receive compensation at the range and step within that range as reflected in this resolution and the attached compensation plan.

SECTION 5. Annual step rate increases for regular employees may, when properly recommended by procedures established by Administrative Regulation 2.2, be granted on the current merit increase anniversary date or the anniversary date of the most recent promotion.

SECTION 6. All new employees shall remain for a period of one year in the step and range at which they were hired. This one-year period shall be the probationary period.

SECTION 7. Class specifications for these Classified Positions are as in the Master List retained in the Personnel Office and are hereby reaffirmed.

SECTION 8. Hourly rated employees shall be assigned to the step within the new range prescribed by this resolution, which is nearest their current pay rate.

SECTION 9. Part-time Lifeguards designated as a Special Event Lifeguard for a specific event shall be compensated at pay range 3P.

SECTION 10. Part-time staff designated as private swim instructor, corporate fitness instructor or personal trainer shall be compensated at \$36.22 per hour as assigned

for these specific duties.

SECTION 11. There shall be a Review Board consisting of the City Manager, Director of Finance, and the President of City Council, whose duty it shall be to review questioned cases of transfers from the existing compensation plan to the compensation plan in this resolution.

SECTION 12. All employees in the classifications of Full-time and Part-time Support Services Technician are authorized to receive, in addition to their regular wage, eight-five cents (\$0.85) per hour shift differential for all hours worked in second and third shifts (3:00 PM – 7:00 AM). Special or adjusted regular schedules that begin prior to 3:00 PM shall not be paid a shift differential, however, additional hours worked past a special or adjusted regular schedule will be paid a shift differential. Shift differential shall be paid in a lump sum during the second pay of January for the prior year.

SECTION 13. The City Manager is hereby authorized to pay part-time staff designated as part-time lifeguard or head lifeguard and paid under Class Specification Number 209 additional compensation up to an additional two-dollars (\$2.00) per hour over the rates established in this Resolution. This premium pay shall not apply to special event lifeguards as described in Section 10 of this Resolution.

SECTION 14. The City Manager is hereby authorized to pay part-time staff designated as part-time customer service staff and paid under Class Specification Number 204 additional compensation up to an additional one-dollar and twenty-five cents (\$1.25) per hour over the rates established in this Resolution.

SECTION 15. That the additional compensation provided in Sections 13 and 14 of this Resolution shall only be in effect through December 31, 2024, and may be discontinued prior to December 31, 2024 at the City Manager's discretion.

SECTION 16. The pay range assigned to this resolution shall be effective on January 1, 2024, and replaces all prior legislation relating to compensation of City Employees in the Classified Service

SECTION 17. That Resolution No. 55-2022, 20-2023 and 41-2023 be and the same are hereby repealed.

Adopted \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest:

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Clerk of Council

## 2024 COMPENSATION PLAN

Range	Period	Step A	Step B	Step C	Step D
9	Hourly	23.9986	25.9382	27.9375	30.2119
	Biweekly	1,919.89	2,075.06	2,235.00	2,416.95
	Annual	49,917.05	53,951.50	58,109.91	62,840.82
10	Hourly	24.9627	26.9675	29.1663	31.4944
	Biweekly	1,997.01	2,157.40	2,333.30	2,519.55
	Annual	51,922.33	56,092.33	60,665.82	65,508.29
11	Hourly	25.9382	28.0422	30.2119	32.6584
	Biweekly	2,075.06	2,243.38	2,416.95	2,612.67
	Annual	53,951.50	58,327.77	62,840.82	67,929.44
12	Hourly	26.9675	29.1663	31.4944	33.9596
	Biweekly	2,157.40	2,333.30	2,519.55	2,716.77
	Annual	56,092.34	60,665.82	65,508.28	70,636.06
13	Hourly	28.1408	30.4092	32.8090	35.4392
	Biweekly	2,251.26	2,432.74	2,624.72	2,835.14
	Annual	58,532.85	63,251.12	68,242.76	73,713.56
14	Hourly	29.1663	30.4092	32.8090	36.6680
	Biweekly	2,333.30	2,432.74	2,624.72	2,933.44
	Annual	60,665.82	63,251.12	68,242.76	76,269.35
14A	Hourly	33.9596	36.6680		
	Biweekly	2,716.77	2,933.44		
	Annual	70,636.05	76,269.35		
15	Hourly	30.2119	32.6584	35.2452	38.0361
	Biweekly	2,416.95	2,612.67	2,819.62	3,042.89
	Annual	62,840.80	67,929.44	73,310.12	79,115.14
16	Hourly	31.4944	33.9596	36.6680	39.6429
	Biweekly	2,519.55	2,716.77	2,933.44	3,171.43
	Annual	65,508.28	70,636.06	76,269.35	82,457.28
17	Hourly	32.6584	35.2452	38.0361	41.1592
	Biweekly	2,612.67	2,819.62	3,042.89	3,292.74
	Annual	67,929.44	73,310.12	79,115.14	85,611.17

## 2024 COMPENSATION PLAN

Range	Period	Step A	Step B	Step C	Step D
17A	Hourly	39.4367	41.4943		
	Biweekly	3,154.94	3,319.54		
	Annual	82,028.43	86,308.15		
18	Hourly	33.9596	36.5352	39.6429	42.7469
	Biweekly	2,716.77	2,922.82	3,171.43	3,419.76
	Annual	70,636.06	75,993.27	82,457.28	88,913.65
19	Hourly	35.2452	38.0361	41.1592	44.4284
	Biweekly	2,819.62	3,042.89	3,292.74	3,554.27
	Annual	73,310.12	79,115.14	85,611.17	92,411.02
19A	Hourly	23.1636	26.9350	29.0093	31.1859
	Biweekly	2,455.34	2,855.11	3,074.99	3,305.71
	Annual	63,838.92	74,232.90	79,949.66	85,948.37
19B	Hourly	30.6918	35.6889	38.4373	41.3213
	Biweekly	2,455.34	2,855.11	3,074.99	3,305.71
	Annual	63,838.92	74,232.90	79,949.66	85,948.37
20	Hourly	35.4392	38.2200	41.3242	46.4333
	Biweekly	2,835.14	3,057.60	3,305.94	3,714.66
	Annual	73,713.56	79,497.68	85,954.38	96,581.20
20A	Hourly	35.1184	41.4267	44.4938	52.0654
	Biweekly	2,809.47	3,314.13	3,559.50	4,165.23
	Annual	73,046.27	86,167.45	92,547.06	108,295.96
20B	Hourly	33.3231	34.8749		
	Biweekly	2,665.85	2,789.99		
	Annual	69,312.14	72,539.83		
21	Hourly	36.6680	39.6429	42.7469	46.1891
	Biweekly	2,933.44	3,171.43	3,419.75	3,695.12
	Annual	76,269.35	82,457.28	88,913.61	96,073.23
22	Hourly	38.7500	41.3242	44.6439	48.1944
	Biweekly	3,100.00	3,305.94	3,571.52	3,855.55
	Annual	80,599.96	85,954.38	92,859.39	100,244.37



## 2024 COMPENSATION PLAN

Range	Period	Step A	Step B	Step C	Step D
23	Hourly	39.6429	42.7469	46.1891	50.4054
	Biweekly	3,171.43	3,419.76	3,695.12	4,032.43
	Annual	82,457.28	88,913.65	96,073.23	104,843.27
24	Hourly	41.1592	44.4284	47.9972	51.8106
	Biweekly	3,292.74	3,554.27	3,839.77	4,144.85
	Annual	85,611.17	92,411.02	99,834.10	107,766.13
25	Hourly	42.7469	46.1891	49.9254	53.8818
	Biweekly	3,419.76	3,695.12	3,994.03	4,310.54
	Annual	88,913.65	96,073.23	103,844.79	112,074.05
26	Hourly	44.4284	47.9972	51.8106	55.9529
	Biweekly	3,554.27	3,839.77	4,144.85	4,476.23
	Annual	92,411.02	99,834.10	107,766.13	116,381.93
27	Hourly	55.1851	59.3568		
	Biweekly	4,414.80	4,748.54		
	Annual	114,784.92	123,462.06		
28	Hourly	46.4333	50.1341	53.8818	58.4842
	Biweekly	3,714.66	4,010.72	4,310.54	4,678.74
	Annual	96,581.20	104,278.84	112,074.05	121,647.19
29	Hourly	47.9972	51.8106	55.9529	60.4238
	Biweekly	3,839.77	4,144.85	4,476.23	4,833.91
	Annual	99,834.10	107,766.13	116,381.93	125,681.54
29A	Hourly	33.3678	34.9282		
	Biweekly	3,536.99	3,702.39		
	Annual	91,961.64	96,262.18		
29B	Hourly	44.2123	46.2799		
	Biweekly	3,536.99	3,702.39		
	Annual	91,961.64	96,262.18		
30	Hourly	49.9254	53.8818	58.2031	62.8594
	Biweekly	3,994.03	4,310.54	4,656.25	5,028.75
	Annual	103,844.79	112,074.05	121,062.52	130,747.54

## 2024 COMPENSATION PLAN

<u>Range</u>	<u>Period</u>	<u>Step A</u>	<u>Step B</u>	<u>Step C</u>	<u>Step D</u>
30A	Hourly	36.3247	38.4210		
	Biweekly	3,850.42	4,072.63		
	Annual	100,110.81	105,888.37		
31	Hourly	51.8106	55.9529	60.4238	65.2564
	Biweekly	4,144.85	4,476.23	4,833.91	5,220.51
	Annual	107,766.13	116,381.93	125,681.54	135,733.33
31A	Hourly	58.2637	59.4785	60.8181	
	Biweekly	4,661.09	4,758.28	4,865.44	
	Annual	121,188.42	123,715.20	126,501.56	
32	Hourly	63.3051	65.6717		
	Biweekly	5,064.41	5,253.73		
	Annual	131,674.63	136,597.08		
33	Hourly	57.4036	60.8478		
	Biweekly	4,592.29	4,867.82		
	Annual	119,399.58	126,563.44		
34	Hourly	62.2111	64.6989		
	Biweekly	4,976.88	5,175.91		
	Annual	129,398.99	134,573.65		
35	Hourly	62.6624	67.6754		
	Biweekly	5,012.99	5,414.03		
	Annual	130,337.79	140,764.80		
36	Hourly	64.4831	69.6146		
	Biweekly	5,158.65	5,569.16		
	Annual	134,124.79	144,798.27		

## 2024 COMPENSATION PLAN

<u>Range</u>	<u>Period</u>	<u>Step A</u>	<u>Step B</u>	<u>Step C</u>	<u>Step D</u>
1T	Hourly	20.70			
2T	Hourly	15.54			
3T	Hourly	23.33	24.39		
4T	Hourly	19.20	20.22		
5T	Hourly	17.12			
6T	Hourly	14.50			
7T	Hourly	16.08			
8T	Hourly	17.92	21.42		
9T	Hourly	18.63	22.77		
1P	Hourly	13.96	15.94	17.95	
2P	Hourly	17.95	19.95	21.96	
3P	Hourly	22.94	24.92	26.89	
4P	Hourly	30.26	32.20		
5P	Hourly	10.45			



**STAFF MEMORANDUM**  
**City Council Meeting – December 4, 2023**

Date: November 27, 2023

To: Robyn Stewart, Acting City Manager

From: Scott F. Bartter, Finance Director

Subject: Resolution No. 63-2023 – 2024 Staffing Chart

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**EXECUTIVE SUMMARY**

This Resolution adopts a staffing chart for the City for 2024. The number, type and classification of the position in the document are consistent with the 2024 Budget.

**RECOMMENDATION**

Introduce and Approve as Presented

**BACKGROUND/DESCRIPTION**

The 2024 Operating Budget funds an increase of two full-time positions and an additional one part-time position. The additional funding is for the following positions:

- Department of Law – Assistant Law Director
- Division of Fire – Fire Inspector
- Department of Service and Engineering – Part-time public service coordinator

Other modifications from the 2023 Staffing Chart include: a return to one Court Clerk and one Executive Assistant. These two positions were temporarily increased as we transitioned from the retirement of long-time employees. Additionally, three Firefighters were added in the Division of Fire as a result of receiving a SAFER grant.

For part-time employees in the Division of Parks and Recreation, all hours from 2022 (the last full year) were totaled and divided by 2080 to get a full-time

equivalent. This number continues to increase as we move further away from the COVID shutdown.

**ATTACHMENTS**

Resolution 63-2023

2024 Staffing Chart

RESOLUTION NO. 63-2023

Amending the Staffing Chart of the City of Worthington to  
Reflect the Positions Authorized in the 2024 Operating  
Budget.

WHEREAS, City Council has adopted the 2024 Operating Budget for all departments and divisions of the City; and,

WHEREAS, it is desirable and necessary to amend the Staffing Chart of the City to correspond to the wishes of City Council as expressed in the 2024 Operating Budget;

NOW THEREFORE, BE IT RESOLVED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That the Staffing Chart of the City of Worthington be and the same is hereby amended as per the Staffing Chart attached hereto and made a part hereof.

SECTION 2. That the Clerk be and hereby is instructed to record this resolution in the appropriate record book.

Adopted

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Clerk of Council

	Unit /Title	2021 FTE	2022 FTE	2023 FTE	2024 FTE
<b>Safety Department - Division of Police</b>					
1	Deputy Director of Safety/Police Chief	1	1	1	1
2	Lieutenants	2	2	2	2
3	Sergeants	5	5	5	5
4	Patrol Officers	25	25	25	25
5	Communication Technicians	0	0	0	0
6	Secretary	2	2	2	2
7	Operations Support Manager	1	1	1	1
8	Support Services Technician	2	2	2	2
9	Part-time Support Service Technician	0.5	0.5	0.5	0.5
10	School Resource Officer	0	0	0	0
11	Crossing Guards (5 positions)	1.5	1.5	1.5	1.5
12	Part-time Court Liaison	0.5	0.5	0.5	0.5
13	Part-time Communication Technicians	0.0	0.0	0.0	0.0
<b>Total</b>		<b>40.5</b>	<b>40.5</b>	<b>40.5</b>	<b>40.5</b>
<b>Planning &amp; Building Department</b>					
1	Director	1	1	1	1
2	Field Inspector/Building & Zoning	1	1	1	1
3	Chief Building Inspector	1	1	1	1
4	Planning Coordinator	1	1	1	1
5	Planning and Building Assistant	1	1	1	1
6	Permit Technician/Paralegal	0	1	1	1
7	PT Code Enforcement Officer	0.5	0.5	0.5	0.5
<b>Total</b>		<b>5.5</b>	<b>6.5</b>	<b>6.5</b>	<b>6.5</b>
<b>Finance Department</b>					
1	Director	1	1	1	1
2	Finance Manager	1	1	1	1
3	Finance Assistant	1	1	1	1
4	Finance Specialist	1	1	1	1
<b>Total</b>		<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>
<b>Court Clerk</b>					
1	Court Clerk	1	2	2	1
2	Part-time Court Clerk	0.5	0.5	0.5	0.5
<b>Total</b>		<b>1.5</b>	<b>2.5</b>	<b>2.5</b>	<b>1.5</b>
<b>Public Service/Engineering Department</b>					
1	Director/City Engineer	1	1	1	1
2	Secretary	1	1	1	1
3	Mechanic	1	0	0	0
4	Fleet Manager	1	1	1	1
5	Field Inspector/Capital Improvements	1	1	1	1
6	Assistant City Engineer	0	0	0	1
7	Engineering Project Supervisor	0	0	0	1
8	Eng/GIS Manager	1	1	1	0
9	GIS Administrator	0	0	0	1
10	GIS Analyst	1	1	1	0
11	Fleet Maintenance Technician	1	2	2	2
12	Maintenance Superintendent	1	1	1	1
13	Maintenance Supervisor	4	4	4	4
14	Maintenance Technician	7	8	8	8

	Unit /Title	2021 FTE	2022 FTE	2023 FTE	2024 FTE
15	Signal Technician	1	1	1	1
16	Custodian	1.5	1.5	1.5	1.5
17	Seasonal Workers (6 positions)	0.5	0.5	0.5	0.5
18	Administrative Assistant	1	1	1	0
19	Part-Time Public Service Coordinator	0	0	0	0.5
<b>Total</b>		<b>24</b>	<b>25</b>	<b>25</b>	<b>25.5</b>

#### **Administration**

1	City Manager	1	1	1	1
2	Assistant City Manager	1	1	1	1
3	Assistant to the City Manager/Personnel Director	1	1	1	1
4	Human Resources Specialist	0	1	1	1
5	Management Assistant	1	1	1	1
6	Executive Assistant to the City Manager/City Clerk	1	2	2	1
7	Student Intern	0.25	0.25	0.25	0.5
8	Assistant to the City Manager/IT Director	1	1	1	1
9	Administrative Assistant/Communications Director	1	1	1	1
10	Information Technology Technician	1	1	1	1
11	Ass't City Manager/Economic Development Director	1	1	1	1
12	Systems Engineer	1	1	1	1
13	Help Desk Specialist	1	1	1	1
<b>Total</b>		<b>11.25</b>	<b>13.25</b>	<b>13.25</b>	<b>12.5</b>

#### **Safety Department - Division of Fire**

1	Deputy Director of Safety/Fire Chief	1	1	1	1
2	Assistant Chief - Operations	1	1	1	1
3	Ass't Chief of EMS & Community Risk Reduction	0	1	1	1
4	Batallion Chiefs	3	3	3	3
5	Lieutenants	6	6	6	6
6	Firefighters	24	24	24	27
7	Operations Support Technician	1	1	1	1
8	Fire Prevention Lieutenant	1	1	1	1
9	Fire Inspector/Prevention Officer	0	0	0	1
10	Part-time Social Service Coordinator	0	0	0.5	0.5
11	Part-time Firefighters	4	4	4	4
<b>Total</b>		<b>41</b>	<b>42</b>	<b>42.5</b>	<b>46.5</b>

#### **Parks and Recreation Department**

1	Director	1	1	1	1
2	Secretary	0	0	0	0
3	Summer Assistants	*	*	*	*
4	Seasonal Workers/ Part-time Maintenance (5 positio	*	*	*	*
5	Ass't Director/Parks and Recreation Superintendent	1	1	1	1
6	Parks Manager	1	1	1	1
7	Parks Supervisor	1	1	1	1
8	Parks Crew Leader	1	1	1	1
9	Parks Technician	4	4	4	4
10	Program Supervisors	0	0	0	0
11	Senior Center Manager	1	0	0	0
12	Recreation Program Manager	0	1	1	1
13	Recreation Operations Manager	0	1	1	1



	Unit /Title	2021 FTE	2022 FTE	2023 FTE	2024 FTE
14	Recreation Supervisor - Griswold Center	2	1	1	1
15	Recreation Supervisor - Community Center	4	4	4	4
16	Marketing & Outreach Supervisor	1	1	1	1
17	Customer Service Supervisor	0	1	1	1
18	Building Maintenance Technician	1	1	1	1
19	Project Supervisor	1	1	1	1
20	Marketing & Outreach Coordinator	1	0	0	0
21	Customer Service Coodinator	2	0	0	0
22	Recreation Coodinator	0	2	2	2
23	Parks & Recreation Custodian	0	0	0	0
24	Building Maintenance Assistant	1	1	1	1
25	Parks & Recreation Part-Time (2 Year lag)	36.25	11	17.5	27.2
<b>Total</b>		<b>59.25</b>	<b>34</b>	<b>40.5</b>	<b>50.2</b>
<b>Law Department</b>					
1	Director	1	1	1	1
2	Assistant Director of Law	0	0	0	1
3	Paralegal	1	0	0	0
<b>Total</b>		<b>2</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Grand Totals</b>		<b>189.00</b>	<b>168.75</b>	<b>175.75</b>	<b>189.20</b>

FTE Staffing Chart part-time positions are calculated using a base of 2080 full-time hours effective with 2014 Staffing Chart. Fire Dept part-time positions are calculated on a base of 2756 full-time hours.



**STAFF MEMORANDUM**  
**City Council Meeting – December 4, 2023**

Date: November 20, 2023

To: Robyn Stewart, Acting City Manager

From: Scott F. Bartter, Finance Director

Subject: 2024 Emergency Medical Services Fees

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**EXECUTIVE SUMMARY**

This Resolution increases the Emergency Medical Services fees by 2.4% consistent with the Ambulance Inflation Factor adopted by the Federal Medicare program.

**RECOMMENDATION**

Approve as Presented

**BACKGROUND/DESCRIPTION**

The City of Worthington maintains a fee structure for emergency medical services, this fee structure establishes fees under three types of services:

- Basic Life Support (BLS) – examples may include responding to a trip or fall
- Advanced Life Support 1 (ALS1) – examples may include providing oxygen or intravenous fluids
- Advanced Life Support 2 (ALS2) – examples may include responding to a heart attack or stroke event

Historically, the City has made fee increases commensurate with the Annual Ambulance Inflation Factor adopted by the Federal Medicare program.

The Ambulance Inflation Factor was recently released for 2024 showing a 2.4% increase. This Resolution sets the EMS fees for 2024 to reflect this change. The changes are outlined below.

	BLS	ALS 1	ALS 2	Mileage
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<b>Prior to 4/1/2021</b>	\$ 640.00	\$ 812.00	\$ 1,102.00	\$ 12.85
<b>Effective 4/1/2021</b>	\$ 675.00	\$ 853.00	\$ 1,160.00	\$ 15.50
<b>Effective 1/1/2022</b>	\$ 709.00	\$ 896.50	\$ 1,219.00	\$ 15.50
<b>Effective 1/1/2023</b>	\$ 771.00	\$ 974.50	\$ 1,325.00	\$ 15.50
<b>Effective 1/1/2024</b>	\$ 789.50	\$ 998.00	\$ 1,357.00	\$ 15.50

Mileage rates would remain unchanged.

## **ATTACHMENTS**

Resolution 64-2023

## RESOLUTION NO. 64-2023

### Establishing Rates and Fees for Emergency Medical Transportation Services Provided by the City of Worthington.

WHEREAS, City Council enacted Chapter 953 of the Codified Ordinances of the City providing for fees for emergency medical services delivered by the City's Division of Fire and Emergency Medical Services; and,

WHEREAS, Chapter 953 of the Codified Ordinances states City Council may by Resolution establish fees for emergency medical services; and,

WHEREAS, City Council has established the rates and fees for emergency medical service transports in accordance with Chapter 953 and wishes to revise those rates for 2024 consistent with the Annual Ambulance Inflation Factor adopted by the federal Medicare program; and,

WHEREAS, the current fees for emergency medical services were most recently updated for 2023; and,

WHEREAS, the Annual Ambulance Inflation Factor increase for 2024 is 2.4%.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That the following fees and mileage charges are established for the provision of emergency medical transportation services provided by the City's Division of Fire and Emergency Medical Services on and after January 1, 2024:

#### **Basic Fees**

1. All transportation services classified as basic life support - \$789.50 per transport
2. All transportation services classified as advanced life support, class 1 - \$998.00 per transport.
3. All transportation services classified as advanced life support, class 2 - \$1,357.00 per transport.

#### **Mileage**

Transports shall be billed at the rate of \$15.50 per mile in addition to the basic fees.

SECTION 2. That the Clerk be and hereby is instructed to record this Resolution in full in the appropriate resolution book.

Adopted

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President of Council

Attest:

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Clerk of Council



**STAFF MEMORANDUM**  
**City Council Meeting – December 4, 2023**

Date: November 29, 2023

To: Robyn Stewart, Acting City Manager

From: Darren Hurley, Parks & Recreation Director

Subject: Resolution Authorizing P&R Custodial Services Agreement

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**EXECUTIVE SUMMARY**

This Resolution authorizes the City Manager to enter into an agreement for custodial services for the Community Center and Griswold Center for 2024 and for extension for up to two additional years.

**RECOMMENDATION**

Introduce and Approve as Presented.

**BACKGROUND/DESCRIPTION**

The Parks and Recreation Department solicited proposals for Contracted Custodial Services at the Community Center and Griswold Center prior to awarding a contract to Circle Building Services, Inc. in 2022. After renewing in 2023, staff are pleased with the services provided to date and are recommending we renew the agreement another time for 2024 with Circle Building Services, Inc. This Resolution also authorizes the City Manager to extend the contract for up to two additional years.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES**

The monthly cost for custodial services at the Community Center will be \$13,574 and at the Griswold Center will be \$2,676. This is a three and a half percent increase over the 2023 contract to account for the addition of one extra night of cleaning at the Griswold Center (going from five nights a week to six) and a small cost of living adjustment overall.

The 2024 Operating Budget as proposed has sufficient funding to cover the expenses of the contract.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES**

Resolution No. 65-2023

RESOLUTION NO. 65-2024

To Authorize the City Manager to Execute a Custodial Services Contract with Circle Building Services, Inc. for the Worthington Community Center and Griswold Center.

WHEREAS, the Parks and Recreation Department has previously solicited proposals and awarded a contract for custodial services at the Worthington Community Center and Griswold Center; and,

WHEREAS, the Parks and Recreation Department has been pleased with the services provided by Circle Building Services, Inc.; and,

WHEREAS, staff are recommending Circle Building Services, Inc. be awarded a custodial services contract for the Community Center and Griswold Center cleaning for 2024 with the right to extend the contract for up to two additional years; and,

WHEREAS, funds are available in the 2024 Operating Budget for the custodial services to be provided and services are needed between January 1 and December 31, 2024, as the current contract expires December 31, 2023.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Municipality of Worthington, County of Franklin and State of Ohio as follows:

SECTION 1. That the City Manager be authorized and directed to execute a Custodial Services Contract with Circle Building Services, Inc. for the cleaning of the Community Center and Griswold Center from January 1, 2024, to December 31, 2024 with the right to extend the contract for up to two additional years.

SECTION 2. That the Clerk of Council be and hereby is instructed to record this Resolution in the appropriate record book.

Adopted \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Clerk of Council



RESOLUTION NO. 66-2023

Re-appointing Members to Various City Boards and Commissions and Appointing New Members to the Volunteer Peace Officers Dependents Board and the Worthington International Friendship Association.

WHEREAS, the Municipal Planning Commission, Architectural Review Board, Parks and Recreation Commission, Volunteer Firefighters Dependents Board, Volunteer Peace Officers Dependents Board, Personnel Appeals Board, and the Worthington International Friendship Association have members whose terms are expiring at the end of this year; and,

WHEREAS, the members to be re-appointed have expressed a desire to continue their service; and,

WHEREAS, City Council desires to re-appoint these members to new terms; and,

WHEREAS, City Council desires to appoint one new member to the Volunteer Peace Officers Dependents Board and three new members to the Worthington International Friendship Association.

NOW THEREFORE, BE IT RESOLVED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That David Foust is hereby re-appointed to the Municipal Planning Commission, each for a three-year term commencing January 1, 2024.

SECTION 2. That Damien Healy and Susan Hinz is hereby re-appointed to the Architectural Review Board, each for a one-year term commencing January 1, 2024.

SECTION 3. That Cynthia Crane is hereby re-appointed to the Board of Zoning Appeals for a three-year term commencing January 1, 2024.

SECTION 4. That Alan McKnight and Michelle Miller are hereby re-appointed to the Parks and Recreation Commission, each for a two-year term commencing January 1, 2024.

SECTION 5. That Robyn Stewart and Beth Kowalczyk are hereby re-appointed to the Volunteer Firefighters Dependents Board, each for a one-year term commencing January 1, 2024.

SECTION 6. That Robyn Stewart is hereby re-appointed and Rebecca Hermann is hereby appointed to the Volunteer Peace Officers Dependents Board, each for a one-year term commencing January 1, 2024.

SECTION 7. That Wade Duym, Christina Clark, Jeff Fickell, Lora Mitchell and Gretchen Turner are hereby re-appointed and Linda Karr, Carrie Harris and Ty Nithauz are hereby appointed to the Worthington International Friendship Association, each for a three-year term commencing January 1, 2024.

SECTION 8. That the Clerk be and hereby is instructed to record this Resolution in the appropriate record book upon its adoption.

Adopted \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest

\_\_\_\_\_  
Clerk of Council



**STAFF MEMORANDUM**  
**City Council Meeting – December 4, 2023**

Date: November 1, 2023

To: Robyn Stewart, Acting City Manager  
David McCorkle, Assistant City Manager & Economic Development Director

From: R. Lee Brown, Director of Planning & Building

Subject: Resolution Approving the City Manager's Appointment of Christopher Wilson as Alternate Chief Building Official and Jeff Uroseva as Alternate Plans Examiner

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**EXECUTIVE SUMMARY**

This resolution approves the City Manager's appointment of Christopher Wilson as "Alternate Chief Building Official" and Jeff Uroseva "Alternate Plans Examiner."

**RECOMMENDATION**

Introduce and Approved as Presented.

**BACKGROUND/DESCRIPTION**

The appointment of an alternate chief building official and alternate master plans examiner is required by the Ohio Building Code. Christopher Wilson is a Certified Chief Building Official and Jeff Uroseva is a Master Plans Examiner.

**ATTACHMENT(S)**

- Resolution No. 68-2023
- Contract

RESOLUTION NO. 68-2023

Approving the City Manager's Appointment of Christopher Wilson as Alternate Chief Building Official and Jeff Uroseva as Alternate Master Plans Examiner for the Division of Building Regulation.

BE IT RESOLVED by the Council of the City of Worthington, County of Franklin, State of Ohio:

SECTION 1. That pursuant to provisions of the Charter of the City of Worthington, Ohio, the appointment by the City Manager of Christopher Wilson as Alternate Chief Building Official and Jeff Uroseva as Alternate Master Plans Examiner.

SECTION 2. That this appointment shall be for the period of January 1, 2024, through December 31, 2024.

SECTION 3. That the Clerk be and hereby is instructed to record this Resolution in the appropriate Resolution Book.

Adopted

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Clerk of Council

**AMENDMENT ONE**  
**PROFESSIONAL SERVICES AGREEMENT**  
**BETWEEN CITY OF WORTHINGTON, OHIO**  
**AND SAFEbuilt OHIO, LLC**

**This Amendment is entered into to amend the Professional Services Agreement** previously entered into on May 22, 2018, by and between City of Worthington, Ohio, (Municipality) and SAFEbuilt Ohio, LLC, a wholly owned subsidiary of SAFEbuilt, LLC, (Consultant). Municipality and Consultant shall be jointly referred to as the “Parties”.

**Amendment Effective Date:** Amendment shall be effective the 1<sup>st</sup> (first) day of the month following full execution by both Parties.

**RECITALS AND REPRESENTATIONS**

Parties entered into a Professional Services Agreement (Agreement), by which both Parties established the terms and conditions for service delivery on May 22, 2018; and

Parties hereto now desire to amend the Agreement as set forth herein; and

**NOW, THEREFORE**

Agreement is hereby amended as set forth below:

- A. Agreement, Exhibit A - List of Services is hereby amended by adding Back-Up Chief Building Official/Master Plan Examiner Services as described in Exhibit B. Exhibit B is attached and herein incorporated by reference.
- ✓ Municipality will provide a forty-eight (48) hour advance notice to Consultant when services are needed

- B. Agreement, Exhibit A, 4. Fee Schedule shall be replaced with and read in its entirety as follows:

4. FEE SCHEDULE

- ✓ Beginning January 01, 2024 and annually thereafter, the hourly and flat rates listed shall be increased based upon the annual increase in the Department of Labor, Bureau of Labor Statistics or successor thereof, Consumer Price Index (United States City Average, All Items (CPI-U), Not Seasonally adjusted, All Urban Consumers, referred to herein as the “CPI”) for the Municipality or, if not reported for the Municipality the CPI for cities of a similar size within the applicable region from the previous calendar year, such increase, however, not to exceed 4% per annum. The increase will become effective upon publication of the applicable CPI data. If the index decreases, the rates listed shall remain unchanged.
- ✓ Consultant fees for Services provided pursuant to this Agreement will be as follows:

<b>Service Fee Schedule:</b>	
Inspection Services	\$85.00 per hour – one (1) hour minimum
Chief Building Official/Master Plan Examiner Services	Monthly Retainer: \$400.00  Hourly Rate: \$110.00 – one (1) hour minimum If we exceed the monthly retainer in any given month, we will begin charging the hourly rate.
Hourly inspection time tracked will start when Consultant checks in at Municipality or first inspection site. Time tracked will end when the inspector completes the last scheduled inspection or leaves Municipal office. Time tracked will include travel time between inspection sites and all administrative work related to inspection support.	

**All other provisions of the original Agreement shall remain in effect, to the extent not modified by Amendment.**

IN WITNESS HEREOF, the undersigned have caused this Amendment to be executed in their respective names on the dates hereinafter enumerated.

\_\_\_\_\_  
Gary Amato, CAO  
SAFEbuilt Ohio, LLC

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature  
City of Worthington, Ohio

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name & Title  
City of Worthington, Ohio

## ***EXHIBIT B***

### ***CITY OF WORTHINGTON*** **POSITION DESCRIPTION**

<b>POSITION TITLE:</b>	<b>CHIEF BUILDING INSPECTOR</b>	<b>CLASS:</b> 223
Department:	Planning and Building	Title Originated: 2002
Date:	February 4, 2013	Title Revised:
Reports To:	Director of Planning and Building	Updated: 2006

#### **General Statement of Duties:**

Under the direction of the Director of Planning and Building, the Chief Building Inspector administers the enforcement of the Building and Zoning regulations of the City. The Chief Building inspector is responsible for the review of plans for compliance with building and zoning regulations, issuance of permits and performing field inspections to confirm compliance. The Chief Building Inspector serves as the Chief Building Official and Plans Examiner for the City as set forth in the Ohio Building Code. The Chief Building Inspector serves as the office manager for the Division of Building and supervises field inspectors and the permit clerk.

#### **Essential Functions of the Position:**

Review building plans under the jurisdiction of the Ohio Board of Building Standards for compliance with the Ohio Building Code, City of Worthington zoning regulations and local building amendments.

Review building plans under the jurisdiction of the Residential Building Code of the City of Worthington for compliance with the building code and City of Worthington zoning regulations.

Meet with designers, contractors and owners to discuss proposed projects, applications for permits and construction plans to assist in compliance with building and zoning regulations.

Enforce the City of Worthington Property Maintenance Code.

Assist in the prosecution of violators of the Codified Ordinances of the City of Worthington.

Function as the Clerk to the Board of Zoning Appeals.

Represent the City before the Ohio Board of Building Appeals.

Administer the issuance of permits, collection of fees, issuance of receipts, and depositing of funds with the Department of Finance.

Track building permit applications from the time of receipt to issuance of permits to assure timely service to the customers of the Division of Building Regulation. Prepare reports as requested concerning permit processing time.

Review building and zoning codes on an on-going basis for compatibility with current construction methods and standards and make recommendations to update building and zoning codes when appropriate.

Conduct field inspections on an as-needed basis to assure compliance with applicable ordinances and regulations.

Schedules and supervises Division of Building staff.

### **Knowledge, Skills and Abilities:**

Extensive knowledge of Ohio Basic Building Code.

Extensive knowledge of building design and construction practices, procedures, principals, and methods.

Ability to review and evaluate residential and commercial building construction plans and specifications and determine compliance with provisions of applicable codes, regulations and ordinances.

Ability to organize work, set priorities, meet critical deadlines, and follow up on assignments.

Ability to establish and maintain effective working relationships with the public, business representatives, contractors, and other city employees.

Ability to communicate technical information verbally and in writing.

Ability to utilize computer technology.

### **Minimum Requirements of the Position:**

Graduation from an accredited college or university with a bachelor's degree in Architecture or Engineering. Registered in the State of Ohio as a Licensed Architect or Professional Engineer.

Holder of a current certificate of competency with the Ohio Board of Building Standards as a Building Official, Master Plans Examiner, Building Inspector and Residential Building Official or the ability to obtain interim certifications within 90 days of hire and all four certifications within two years of hire.

The characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

This job description does not list all of the duties or functions of the job. The individual in this position may be asked by supervisors to perform other duties. The City has the right to revise this job description at any time.

Job description updated by City Council in 2006. Format/minor language modifications authorized by Resolution No. 05-2013.





**STAFF MEMORANDUM**  
**City Council Meeting – December 4, 2023**

Date: November 29, 2023

To: Robyn Stewart, Acting City Manager

From: Tom Lindsey, Law Director  
Grace Brown, City Clerk

Subject: Ordinance No. 30-2023 – Adopting Replacement Pages to the Codified Ordinances

---

**EXECUTIVE SUMMARY**

This Ordinance adopts replacement pages for the Codified Ordinances to incorporate changes to the City Code and State Law since the last update.

**RECOMMENDATION**

Approve as presented.

**BACKGROUND/DESCRIPTION**

This Ordinance approves replacement pages for the Codified Ordinances of the City. This is typically done annually and incorporates all ordinances amending provisions of Code that were enacted since the last recodification and changes in state law. These pages contain changes related to City Council adopted changes to the Code as well as required state law changes related to the criminal and traffic codes.

A summary of the state law changes is detailed in Appendix A of the Ordinance.

**ATTACHMENTS**

Ordinance No. 30-2023  
Code Replacement Pages Part 1&2

## ORDINANCE NO. 30-2023

To Revise the Codified Ordinances of the City of Worthington to Conform to Changes in State Law and Adopting Replacement Pages to the Codified Ordinances.

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and,

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and,

WHEREAS, the Walter H. Drane Company has prepared a supplement to the Codified Ordinances containing such new material;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, Franklin County, State of Ohio:

SECTION 1. That the ordinances of the City of Worthington, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2023 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

SECTION 2. That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law:

### Traffic Code

- 337.10 Lights, Emblems, and Reflectors on Slow-Moving Vehicles, Farm Machinery, Agricultural Tractors, and Animal-Drawn Vehicles. (Amended)
- 337.16 Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights. (Amended)

### General Offenses Code

- 513.01 Drug Abuse Control Definitions. (Amended)
- 529.01 Liquor Control Definitions. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 549.02 Carrying Concealed Weapons. (Amended)
- 549.04 Improperly Handling Firearms in a Motor Vehicle. (Amended)
- 549.10 Possessing Replica Firearm in School. (Amended)
- 549.12 Concealed Handgun Licenses; Possession of Revoked or Suspended License; Additional Restrictions; Posting Signs Prohibiting Possession. (Added)

SECTION 3. That the complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances. A summary of the amendments to such sections is hereby attached to this ordinance as Appendix A.

SECTION 4. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington Ohio.

## APPENDIX A

### Summary of 2023 Model Amendments

#### Traffic Code

337.10 Lights, Emblems, and Reflectors on Slow-Moving Vehicles, Farm Machinery, Agricultural Tractors, and Animal-Drawn Vehicles. (Adds definitions, clarifies regulations generally, and for specific slow-moving vehicles, farm machinery, agricultural tractors and animal-drawn vehicles.)

337.16 Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights. (Amends regulations for flashing lights in subsections (c) and (d).)

#### General Offenses Code

513.01 Drug Abuse Control Definitions. (Adds definitions for “alcohol and drug addiction services”, “committed in the vicinity of a substance addiction services provider or a recovering addict” and “premises of a substance addiction services provider’s facility”. Re-letters the previous definitions.)

529.01 Liquor Control Definitions. (Amends definition of “wine” to include cider, with exceptions.)

529.07 Open Container Prohibited. (Amends subsection (b)(2) to include reference to subsection (j). Adds new subsection (i) to exclude homemade beer or wine. Re-letters previous subsection (i) as (j).)

549.02 Carrying Concealed Weapons. (Amends regulations in subsections (b)(1), (c)(2), (e), (f)(2), (3), (4) regarding a concealed handgun licensee’s duty to carry the license and notify a law enforcement officer if the licensee is carrying a concealed handgun.)

549.04 Improperly Handling Firearms in a Motor Vehicle. (Amends regulations in subsections (b)(1), (2), (c)(2)A., (e)(2), (f), (h), (i) regarding carrying concealed weapons in a vehicle.)

549.10 Possessing Replica Firearm in School. (Revises section to comply with amended ORC 2913.11.) (Amends subsection (b) regarding exceptions.)

549.12 Concealed Handgun Licenses; Possession of Revoked or Suspended License; Additional Restrictions; Posting Signs Prohibiting Possession. (Adds additional concealed handgun regulations.)

**CODIFIED  
ORDINANCES  
OF THE  
CITY OF  
WORTHINGTON  
OHIO**

Local legislation current through January 1, 2023

State legislation current through June 28, 2022

CERTIFICATION

We, David W. Robinson, Council President, and D. Kay Thress, Council Clerk, of Worthington, Ohio, pursuant to Charter Section 2.18 and Ohio Revised Code 731.23 and 731.42, hereby certify that the general and permanent ordinances of the City of Worthington, Ohio, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes are correctly set forth and constitute the Codified Ordinances of the City of Worthington, Ohio, 1990, as amended to January 1, 2023.

/s/ David W. Robinson  
Council President

/s/ D. Kay Thress  
Council Clerk

Codified, edited and prepared for  
publication by  
THE WALTER H. DRANE COMPANY  
Cleveland, Ohio

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## CITY OF WORTHINGTON

## ROSTER OF OFFICIALS

(2023)

COUNCIL

David W. Robinson, President  
 Katherine Brewer, President Pro-Tem  
 Peter Bucher  
 Rebecca Hermann  
 Beth Kowalczyk  
 Bonnie D. Michael  
 Douglas K. Smith

OFFICIALS

Robyn M. Stewart	Acting City Manager
David McCorkle	Assistant City Manager/Economic Development Director
Lori A. Trego	Assistant to the City Manager/Personnel Director
Anne Brown	Assistant to the City Manager/Communications Director
D. Kay Thress	City Clerk/Clerk of Council
Grace Brown	City Clerk
Anne Brown	Director of Communications
Scott Bartter	Director of Finance
Gene Oliver	Director of IT
Tom Lindsey	Director of Law
Darren Hurley	Director of Parks and Recreation
Lori Trego	Director of Personnel
R. Lee Brown	Director of Planning and Building
John Moorehead	Director of Public Service and Engineering
Mark Zambito	Chief of Fire and Emergency Medical Services
Vacant	Chief of Police

JUDICIAL

Scott D. Holmes, Mayor

The publisher  
expresses his appreciation  
to

MICHAEL E. MINISTER  
Director of Law

DAVID B. ELDER  
City Manager

PAUL J. FELDMAN  
Assistant City Manager

JANICE YARRINGTON  
City Clerk/Clerk of Council

and to all other City officials  
who gave their time and counsel  
in the 1990 recodification  
of the City's ordinances  
and the current update.

## GENERAL INDEX

**EDITOR'S NOTE:** References are to individual code sections. As additional aids for locating material, users are directed to:

- (a) The Comparative Section Table, which indicates in the Codified Ordinances the disposition of the ordinances or resolutions integrated therein.
- (b) The Table of Contents preceding each component code, and the sectional analysis preceding each chapter.
- (c) The cross references to related material following the chapter analysis.

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38-2018	7-16-18	955.01 to 955.12, 955.99			
39-2018	7-16-18	1501.01 to 1501.03, 1501.09, 1501.99; repeals 1501.04, 1501.08			
44-2018	9-17-18	765.01 to 765.05			
50-2018	11-19-18	151.02			
51-2018	11-19-18	1123.762, 1147.01			
14-2019	5-20-19	539.01 to 539.12; Repeals 541.08			
15-2019	5-6-19	1301.05 to 1301.07, 1305.01, 1305.06 to 1305.09, 1311.01, 1311.02, 1311.07			
16-2019	5-6-19	1125.02, 1129.05, 1173.05			
10-2020	5-18-20	1123.30(b), 1123.73			
11-2020	6-15-20	1174.05(c)(2)B.			
15-2020	3-16-20	507.01			
31-2020	7-20-20	929.01			
03-2021	1-19-21	121.01, 121.05 to 121.07, 121.11, 121.12			
10-2021	4-19-21	1147.01			
16-2021	6-8-21	529.07			
32-2021	7-19-21	539.01, 539.09, 539.13			
43-2021	9-7-21	109.02, 109.12			
46-2021	10-4-21	903.11			
47-2021	10-4-21	757.03			

**121.05 REGULAR MEETINGS; RECESS.**

(a) Regular meetings of Council shall be held in the Council Chambers at 7:00 p.m. on the first, second and third Monday of each month or, if such day is a legal holiday, at 7:00 p.m. on the following day. (Ord. 05-2022. Passed 3-7-22.)

(b) Council may, by a vote of a majority of a quorum present at a regular meeting, change the day of holding the next subsequent regular meeting, or recess any regular meeting to continue at a future date. No such recess shall continue beyond the date of the next regular meeting of Council.

(c) In case of an emergency, such as inclement weather or other unforeseen circumstances, or the absence of sufficient business to warrant a meeting being held, a regular meeting may be cancelled by the Clerk of Council upon the joint request of the President of Council and the President Pro Tem. The business that was to be conducted at the cancelled meeting shall be presented at the next regular meeting of Council or at a special meeting.

(d) The time or location of a regular meeting may be changed by the Clerk of Council upon the joint request of the President of Council and the President Pro Tem at least twenty-four hours in advance of the regularly scheduled time. The Clerk of Council shall deliver notice of the new time or location to each member of Council in person or by telephone, email, text, or other electronic delivery at least twenty-four hours before the new time set for the meeting. The Clerk of Council shall post notice of the new time or location at the City building and on the City's website and provide it to the news media that have requested notification. (Ord. 03-2021. Passed 1-19-21.)

**121.06 SPECIAL MEETINGS; NOTICE AND SERVICE.**

(a) A special meeting of Council shall be called by the Clerk of Council on written request of the President of Council, the City Manager, or any three members of Council. Such request shall state the date, time, place, and purpose for which the meeting is called and the Clerk of Council shall, in the notice of the meeting, include such date, time, place, and purpose. No other subject may be considered than that specified in the notice except by vote of five members of Council present at such special meeting.

(b) The Clerk of Council shall deliver the notice of any special meeting of Council to each member of Council in person or cause it to be delivered to the member's usual place of residence at least twenty-four hours before the time set for convening the special meeting.

(c) The Clerk of Council shall post the notice of the special meeting at the City building and on the City's website and provide it to the news media that have requested notification.

(d) Any member of Council may waive, in writing, notice of any special meeting. The attendance by a member at any special meeting shall be deemed a waiver of any required notice required.

(e) In case of an emergency, such as inclement weather or other unforeseen circumstances, or the absence of sufficient business to warrant a meeting being held, a special meeting may be cancelled by the Clerk of Council only upon the request of the person or persons that requested the special meeting.

(f) In the event of an emergency requiring immediate official action as determined in the sole and final judgment of the person or persons requesting the special meeting, notice of a special meeting may be provided by telephone, email, text, or other electronic delivery at least eight hours before the time set for the meeting. No other subject may be considered than the purpose specified in the notice.

(g) The requirements of actual notice of any special meeting shall have been complied with if the Clerk of Council makes a reasonable attempt at such notice. No action by City Council shall be invalid for lack of actual notice provided there was a reasonable attempt at actual notice by the Clerk of Council.

(Ord. 03-2021. Passed 1-19-21.)

#### **121.07 QUORUM.**

A majority of all the members elected to Council shall constitute a quorum for the transaction of business at any regular or special meeting of Council. If, at the time fixed for the opening of any such meeting, a quorum is not present, those who are present may adjourn.

(Ord. 03-2021. Passed 1-19-21.)

#### **121.08 AGENDA FOR REGULAR MEETINGS.**

The agenda of business to be considered at each regular meeting of Council shall be prepared by the City Manager after consultation with the President of Council and made available to each member of Council by 10:00 a.m. of the Saturday preceding the meeting. The documents relating to each agenda item shall accompany the agenda and shall also be made available at the time indicated at the City Hall. A copy of the agenda, without the supporting documents, shall be delivered to each department head and made available in the Council Chambers for the use of citizens and representatives of the press who attend the meeting.

#### **121.09 PRESIDING OFFICER.**

At the time fixed for the convening of a regular or special meeting of Council the President of Council shall assume the chair and call the meeting to order.

#### **121.10 ABSENCE OF CLERK OF COUNCIL.**

If at the time set for the opening of a meeting of Council the Clerk of Council is not present, the President of Council shall appoint some qualified administrative officer or employee of the City who is present to serve as Clerk of Council pro tempore.

#### **121.11 PETITIONS.**

All persons who desire to present problems, petitions or grievances to Council may do so by presenting their views in writing to the Clerk of Council, prior to regular meetings, or by registering their names, addresses and subject matter on a form provided at each Council meeting, to enable the President of Council to allocate appropriate time for oral presentations. The President of Council may limit the number of speakers to be heard and the length of time to be devoted to any single problem. (Ord. 03-2021. Passed 1-19-21.)

#### **121.12 REPORTS.**

The Mayor shall report to Council in writing at least quarterly concerning the duties with which the Mayor is charged. The City Manager shall report to Council in writing at each meeting.

## CHAPTER 337 Safety and Equipment

- |        |  |        |  |
|--------|--|--------|--|
| 337.01 | Driving unsafe vehicles.   | 337.16 | Number of lights; limitations on flashing, oscillating or rotating lights. |
| 337.02 | Lighted lights; measurement of distances and heights.  | 337.17 | Focus and aim of headlights.   |
| 337.03 | Headlights on motor vehicles and motorcycles.  | 337.18 | Motor vehicle and motorcycle brakes.                                       |
| 337.04 | Tail light; illumination of rear license plate.  | 337.19 | Horn, siren and theft alarm signal.  |
| 337.05 | Rear red reflectors.   | 337.20 | Muffler; muffler cutout; excessive smoke, gas or noise.                    |
| 337.06 | Safety lighting on commercial vehicles.  | 337.21 | Rear-view mirror; clear view to front, both sides and rear.                |
| 337.07 | Obscured lights on vehicles in combination.  | 337.22 | Windshield and windshield wiper; sign or poster thereon.                   |
| 337.08 | Red light or red flag on extended loads.   | 337.23 | Limited load extension on left side of passenger vehicle.                  |
| 337.09 | Lights on parked or stopped vehicles.  | 337.24 | Motor vehicle stop lights.   |
| 337.10 | Lights, emblems, and reflectors on slow-moving vehicles, farm machinery, agricultural tractors, and animal-drawn vehicles. | 337.25 | Air cleaner required.  |
| 337.11 | Spotlight and auxiliary lights.  | 337.26 | Child restraint system usage.  |
| 337.12 | Cowl, fender and back-up lights.   | 337.27 | Drivers and passengers required to wear seat belts.                        |
| 337.13 | Display of lighted lights.   | 337.28 | Use of sunscreening, nontransparent and reflectorized materials.           |
| 337.14 | Use of headlight beams.  | 337.29 | Bumper heights.  |
| 337.15 | Lights of less intensity on slow-moving vehicles.  | 337.30 | Directional signals required.  |

### CROSS REFERENCES

See sectional histories for similar State law  
 Warning devices for commercial vehicles disabled upon freeways -  
     see Ohio R.C. 4513.28  
 Slow moving vehicle emblem - see OAC Ch. 4501.13  
 Motorized bicycle lights and equipment - see Ohio R.C. 4511.521  
 Vehicle lighting - see OAC 4501-15  
 Use of stop and turn signals - see TRAF. 331.14  
 Wheel protectors for commercial vehicles - see TRAF. 339.05  
 Vehicles transporting explosives - see TRAF. 339.06  
 Towing requirements - see TRAF. 339.07  
 Use of studded tires and chains - see TRAF. 339.11  
 Bicycle equipment - see TRAF. 373.05 et seq.

**337.01 DRIVING UNSAFE VEHICLES.**

(a) No person shall drive or move, or cause or knowingly permit to be driven or moved, on any street any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property.

(b) Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.

(c) The provisions of this chapter with respect to equipment on vehicles do not apply to implements of husbandry, road machinery, road rollers or agricultural tractors except as made applicable to such articles of machinery. (ORC 4513.02)

(d) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.99)

**337.02 LIGHTED LIGHTS; MEASUREMENT OF DISTANCES AND HEIGHTS.**

(a) Every vehicle, other than a motorized bicycle, operated upon a street or highway shall display lighted lights and illuminating devices as required by this chapter during all of the following times:

- (1) The time from sunset to sunrise;
- (2) At any other time when, due to insufficient natural light or unfavorable atmospheric conditions, persons, vehicles, and substantial objects on the street or highway are not discernible at a distance of one thousand feet ahead;
- (3) At any time when the windshield wipers of the vehicle are in use because of precipitation on the windshield.

Every motorized bicycle shall display at such times lighted lights meeting the rules adopted by the Ohio Director of Public Safety under Ohio R.C. 4511.521. No motor vehicle, during any time specified in this section, shall be operated upon a street or highway using only parking lights as illumination.

(b) Whenever in this chapter a requirement is declared as to the distance from which certain lights and devices shall render objects visible, or within which such lights or devices shall be visible, such distance shall be measured upon a straight level unlighted street under normal atmospheric conditions unless a different condition is expressly stated.

(c) Whenever in this chapter a requirement is declared as to the mounted height of lights or devices, it shall mean from the center of such light or device to the level ground upon which the vehicle stands.

(d) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause the operator of a vehicle being operated upon a street or highway to stop the vehicle solely because the officer observes that a violation of subsection (a)(3) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation or summons for a violation of that subsection, or causing the arrest of or commencing a prosecution of a person for a violation of that subsection.

**337.09 LIGHTS ON PARKED OR STOPPED VEHICLES.**

(a) Except in case of an emergency, whenever a vehicle is parked or stopped upon a roadway open to traffic or shoulder adjacent thereto, whether attended or unattended during the times mentioned in Section 337.02, such vehicle shall be equipped with one or more lights which shall exhibit a white or amber light on the roadway side visible from a distance of 500 feet to the front of such vehicle, and a red light visible from a distance of 500 feet to the rear. No lights need be displayed upon any such vehicle when it is stopped or parked where there is sufficient light to reveal any person or substantial object within a distance of 500 feet upon such street. Any lighted headlights upon a parked vehicle shall be depressed or dimmed. (ORC 4513.10)

(b) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.99)

**337.10 LIGHTS, EMBLEMS AND REFLECTORS ON SLOW-MOVING VEHICLES, FARM MACHINERY, AGRICULTURAL TRACTORS, AND ANIMAL-DRAWN VEHICLES.**

(a) Definitions. As used in this section:

- (1) **BOAT TRAILER.** Means any vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.
- (2) **SLOW-MOVING VEHICLE and SMV.** Mean a boat trailer, unit of farm machinery, road construction machinery, or other machinery designed by the manufacturer to operate at a speed of twenty-five miles per hour or less. The term does not include a bicycle, motorized bicycle, electric bicycle, or animal-drawn vehicle. (ORC 4513.11)

(b) Generally.

- (1) At the times specified in Ohio R.C. 4513.03, no person shall operate either of the following vehicles unless it is equipped with and displays the lamps described in subsection (b)(2) of this section.
  - A. A vehicle not specifically required to be equipped with lamps or other lighting devices by Ohio R.C. 4513.03 to 4513.10;
  - B. A vehicle referred to in Ohio R.C. 4513.02(G).
- (2) Vehicles described in subsection (b)(1) of this section shall be equipped with both of the following:
  - A. At least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle;
  - B. Two lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of the vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 feet to 100 feet to the rear when illuminated by the lawful lower beams of headlamps.
- (3) A. At the times specified in Ohio R.C. 4513.03, no person shall operate a multi-wheel agricultural tractor model year 2001 or earlier on a street or highway unless it is equipped with and displays reflectors and illuminated amber lamps so that the extreme left and right projections of the tractor are indicated by all of the following:
  1. Flashing lamps displaying amber light, visible to the front and the rear. The lamps need not flash simultaneously and need not flash in conjunction with any directional signals of the tractor;

2. Amber reflectors, all visible to the front;
3. Red reflectors, all visible to the rear.
- B. Rules adopted by the Ohio Director of Public Safety under Ohio R.C. 4513.111 governing the lamps and reflectors described in subsection (b)(3)A. of this section and their placement correlate with and, as far as possible, conform with paragraphs 4.1.4.1, 4.1.7.1 and 4.1.7.2 respectively of the American Society of Agricultural Engineers Standard ANSI/ASAE S279.10 OCT98, Lighting and Marking of Agricultural Equipment on Highways.
- (4) At the times specified in Ohio R.C. 4513.03, no person shall operate a unit of farm machinery model year 2002 or later on a street or highway unless it is equipped with and displays markings and illuminated lamps that meet or exceed the lighting, illumination and marking standards and specifications that are applicable to that type of farm machinery for the unit's model year specified in the American Society of Agricultural Engineers Standard ANSI/ASAE S279.10 OCT 98, lighting and marking of agricultural equipment on highways.
- (5) Any unit of farm machinery designed by its manufacturer to operate at a speed of twenty-five miles per hour or greater or any SMV may be equipped with and display a red flashing light that is visible from a distance of not less than 1,000 feet to the rear at all times specified in Ohio R.C. 4513.03. When a double-faced light is used, it shall display amber light to the front and red light to the rear.
- (6) Lights and reflectors required under subsections (b)(3) and (b)(4) of this section and authorized under subsection (b)(5) of this section are in addition to other lights required or permitted by this subsection (b) or Ohio R.C. 4513.17.
- (7) The Ohio Director of Public Safety shall adopt rules in accordance with Ohio R.C. Chapter 119 Code that establish standards and specifications for lamps and reflectors required or authorized by this section. Lamps and reflectors required or authorized by this section shall meet those standards and specifications.
- (8) This subsection (b) does not apply to a bicycle, motorized bicycle, electric bicycle, or animal-drawn vehicle.
- (9) Whoever violates this subsection (b) is guilty of a minor misdemeanor. (ORC 4513.111)
- (c) Slow-Moving Vehicles.
  - (1) Except as otherwise provided in this section, no person shall operate an SMV on a street or highway as follows:
    - A. At a speed exceeding twenty-five miles per hour;
    - B. Without displaying the triangular SMV emblem mounted in accordance with subsection (c)(2) of this section.
  - (2) The SMV emblem shall be mounted so as to be visible from a distance of not less than 500 feet to the rear. In accordance with Ohio R.C. Chapter 119, the Ohio Director of Public Safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for the SMV emblem correlate with and, so far as possible, conform with those approved by the American Society of Agricultural Engineers.
  - (3) A person may operate an SMV on a street or highway without displaying the triangular SMV emblem when any of the following apply:

- A. The SMV is being used in actual construction and maintenance work in an area guarded by a flagperson, or where flares are used;
  - B. The SMV is operating or traveling within the limits of a construction area designated by the Ohio Director of Transportation, a city engineer, or the county engineer of the several counties, when such construction area is marked in accordance with requirements of the Ohio Director of Transportation and the Manual of Uniform Traffic Control Devices, as set forth in Ohio R.C. 4511.09.
- (4) No person shall display an SMV emblem on any of the following:
    - A. Any vehicle not required to use the SMV emblem by this subsection (c) or Ohio R.C. 4513.113 or 4513.114;
    - B. An SMV being transported upon any other vehicle;
    - C. Any stationary object on the highway.
  - (5) No person shall sell, lease, rent or operate an SMV, except a unit designed to be completely mounted on a primary power unit that is manufactured or assembled on or after April 1, 1966, unless it is equipped with an SMV emblem mounting device.
  - (6) Whoever violates subsection (c) is guilty of a minor misdemeanor. (ORC 4513.112)
- (d) Farm Machinery and Agricultural Tractors.
- (1) No person shall sell, lease, rent or operate on a street or highway any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour unless the unit displays both of the following:
    - A. The SMV emblem mounted in accordance with Ohio R.C. 4513.112(B);
    - B. A speed identification symbol that does both of the following:
      - 1. Meets the specifications contained in the American Society of Agricultural Engineers Standard ANSI/ASAE S584 JAN2005, Agricultural Equipment: Speed Identification Symbol (SIS);
      - 2. Indicates the maximum speed in miles per hour at which the unit of farm machinery is designed by its manufacturer to operate;
  - (2) No person operating a tractor on a street or highway that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour and that is towing, pulling or otherwise drawing a unit of farm machinery while operating at a speed greater than twenty-five miles per hour shall fail to display both of the following on the unit of farm machinery:
    - A. The SMV emblem;
    - B. The speed identification symbol that matches the speed identification symbol required to be displayed on the agricultural tractor;
  - (3) No person shall operate an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour unless the person possesses documentation published or provided by the manufacturer indicating the maximum speed in miles per hour at which the manufacturer designed the agricultural tractor to operate;
  - (4) Whoever violates this subsection (d) is guilty of a minor misdemeanor. (ORC 4513.113)



(e) Animal-Drawn Vehicles.

- (1) Except as otherwise provided in subsection (e)(4) of this section, no person shall operate an animal-drawn vehicle on a street or highway unless it is equipped with and displays, at the times specified in Ohio R.C. 4513.03, both of the following:
  - A. At least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of the animal-drawn vehicle;
  - B. Two lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of the animal-drawn vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 feet to one hundred feet to the rear when illuminated by the lawful lower beams of headlamps.
- (2) Except as otherwise provided in subsection (e)(4) of this section, no person shall operate an animal-drawn vehicle on a street or highway unless it is equipped with and displays, at all times, all of the following:
  - A. One yellow flashing lamp displaying yellow light that is visible from a distance of not less than 1,000 feet and that is mounted in either of the following positions:
    1. On the top most portion of the rear of the animal-drawn vehicle;
    2. On the top of the animal-drawn vehicle;
  - B. At least one of the following:
    1. An SMV emblem mounted in accordance with Ohio R.C. 4513.112(B);
    2. Micro-prism reflective tape that is visible from a distance of not less than 500 feet to the rear when illuminated by the lawful lower beams of headlamps;
    3. Both an SMV emblem and micro-prism reflective tape, as specified in this division.
  - C. Lamps and micro-prism reflective tape required by this section shall meet standards and specifications adopted by the Ohio Director of Public Safety under Ohio R.C. 4513.114.
- (3) The Ohio Director of Public Safety, in accordance with Ohio R.C. Chapter 119, shall adopt rules establishing standards and specifications for the position and mounting of the lamps and micro-prism reflective tape required by Ohio R.C. 4513.114. The rules permit the micro-prism reflective tape to be red, amber, white, or silver in color.
- (4)
  - A. Subsections (e)(1) and (e)(2) of this section do not apply to the operator of animal-drawn agricultural equipment who is not transporting any livestock or a person other than the operator.
  - B. No operator described in subsection (e)(4)A. of this section shall operate animal-drawn agricultural equipment unless it is equipped with and displays, at all times, the SMV emblem mounted in accordance with Ohio R.C. 4513.112(B).
  - C. As used in subsection (e)(4) of this section, "animal-drawn agricultural equipment" means equipment drawn by the muscular power of an animal that is used solely for agricultural purposes. "Animal-drawn agricultural equipment" includes any of the following:
    1. A plow;
    2. A manure spreader;
    3. A thresher.

- (5) Whoever violates this subsection (e) is guilty of a minor misdemeanor.  
(ORC 4513.114)

(f) **Strict Liability Offenses.** The offenses established under this section are strict liability offenses, and Ohio R.C. 2901.20 does not apply. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.  
(ORC 4513.115)

### **337.11 SPOTLIGHT AND AUXILIARY LIGHTS.**

(a) Any motor vehicle may be equipped with not more than one spotlight and every lighted spotlight shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle, nor more than 100 feet ahead of the vehicle.

(b) Any motor vehicle may be equipped with not more than three State approved auxiliary driving lights mounted on the front of the vehicle, which when used shall conform to State regulations.

(c) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.12)

### **337.12 COWL, FENDER AND BACK-UP LIGHTS.**

(a) Any motor vehicle may be equipped with side cowl or fender lights or lights on each side thereof which shall emit a white or amber light without glare.

(b) Any motor vehicle may be equipped with back-up lights, either separately or in combination with another light. No back-up lights shall be continuously lighted when the motor vehicle is in forward motion.

(c) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.13)

### **337.13 DISPLAY OF LIGHTED LIGHTS.**

(a) At all times mentioned in Section 337.02 at least two State approved lighted lights shall be displayed conforming to State regulations, one near each side of the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles. (ORC 4513.14)

(b) However, on a motorcycle, there shall be displayed at least one and not more than two lighted lights as required herein.

(c) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.14)

### **337.14 USE OF HEADLIGHT BEAMS.**

(a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 337.02, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons, vehicles and substantial objects at a safe distance in advance of the vehicle, except that upon approaching an oncoming vehicle, the lights or beams shall be so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

(b) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.15)

**337.15 LIGHTS OF LESS INTENSITY ON SLOW-MOVING VEHICLES.**

(a) Any motor vehicle may be operated under the conditions specified in Section 337.02 when it is equipped with two lighted lights upon the front thereof capable of revealing persons and substantial objects seventy-five feet ahead in lieu of lights required in Section 337.13, provided that such vehicle shall not be operated at a speed in excess of twenty miles per hour.

(b) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.16)

**337.16 NUMBER OF LIGHTS; LIMITATIONS ON FLASHING, OSCILLATING OR ROTATING LIGHTS.**

(a) Whenever a motor vehicle equipped with headlights also is equipped with any auxiliary lights or spotlight or any other light on the front thereof projecting a beam of an intensity greater than 300 candle power, not more than a total of five of any such lights on the front of a vehicle shall be lighted at any one time when the vehicle is upon a highway.

(b) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights or auxiliary driving lights, that projects a beam of light of an intensity greater than 300 candle power, shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

- (c) (1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing.
- (2) The prohibition in subsection (c)(1) of this section does not apply to any of the following:
- A. Emergency vehicles, road service vehicles servicing or towing a disabled vehicle, stationary waste collection vehicles actively collecting garbage, refuse, trash or recyclable materials on the roadside, rural mail delivery vehicles, vehicles as provided in Ohio R.C. 4513.182, highway maintenance vehicles, and similar equipment operated by state or local authorities, provided such vehicles are equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating or rotating amber light;
  - B. Vehicles or machinery permitted by Ohio R.C. 4513.111 to have a flashing red light;
  - C. Farm machinery and vehicles escorting farm machinery, provided such machinery and vehicles are equipped with and display, when used on a street or highway, a flashing, oscillating or rotating amber light. Farm machinery also may display the lights described in Ohio R.C. 4513.111.
  - D. A funeral hearse or funeral escort vehicle, provided that the funeral hearse or funeral escort vehicle is equipped with and displays, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating or rotating purple or amber light;
- (3) Subsection (c)(1) of this section does not apply to animal-drawn vehicles subject to Ohio R.C. 4513.114.

- (d) (1) Except a person operating a public safety vehicle, as defined in Ohio R.C. 4511.01(E), or a school bus, no person shall operate, move, or park upon, or permit to stand within the right-of-way of any public street or highway any vehicle or equipment that is equipped with and displaying a flashing red or a flashing combination red and white light, or an oscillating or rotating red light, or a combination red and white oscillating or rotating light.
- (2) Except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, operating a public safety vehicle when on duty, no person shall operate, move, or park upon, or permit to stand within the right-of-way of any street or highway any vehicle or equipment that is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light, or an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light.

(e) This section does not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles or on vehicles being operated in unfavorable atmospheric conditions in order to enhance their visibility. This section also does not prohibit the simultaneous flashing of turn signals or warning lights either on farm machinery or vehicles escorting farm machinery, when used on a street or highway.

(f) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.17)

### **337.17 FOCUS AND AIM OF HEADLIGHTS.**

(a) No person shall use any lights mentioned in Section 337.02 to 337.16, inclusive, upon any motor vehicle, trailer or semitrailer unless the lights are equipped, mounted and adjusted as to focus and aim in accordance with State regulations.

(b) The headlights on any motor vehicle shall comply with the headlamp color requirements contained in federal motor vehicle safety standard number 108, 49 C.F.R. 571.108. No person shall operate a motor vehicle in violation of this subsection.

(c) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.19)

### **337.18 MOTOR VEHICLE AND MOTORCYCLE BRAKES.**

(a) The following requirements govern as to brake equipment on vehicles:

- (1) Every motor vehicle, other than a motorcycle, when operated upon a street or highway, shall be equipped with brakes adequate to control the movement of and to stop and hold such motor vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, then on such motor vehicles manufactured or assembled after January 1, 1942, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.
- (2) Every motorcycle, when operated upon a street or highway, shall be equipped with at least one adequate brake, which may be operated by hand or by foot.

- (3) Every motorized bicycle shall be equipped with brakes meeting the rules adopted by the Ohio Director of Public Safety under Ohio R.C. 4511.521.
- (4) When operated upon the streets or highways of this Municipality, the following vehicles shall be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle designed to be applied by the driver of the towing motor vehicle from its cab, and also designed and connected so that, in case of a breakaway of the towed vehicle, the brakes shall be automatically applied:
  - A. Except as otherwise provided in this section, every trailer or semitrailer, except a pole trailer, with an empty weight of two thousand pounds or more, manufactured or assembled on or after January 1, 1942;
  - B. Every manufactured home or travel trailer with an empty weight of two thousand pounds or more, manufactured or assembled on or after January 1, 2001.
- (5) Every watercraft trailer with a gross weight or manufacturer's gross vehicle weight rating of three thousand pounds or more that is manufactured or assembled on or after January 1, 2008, shall have separate brakes equipped with hydraulic surge or electrically operated brakes on two wheels.
- (6) In any combination of motor-drawn trailers or semitrailers equipped with brakes, means shall be provided for applying the rearmost brakes in approximate synchronism with the brakes on the towing vehicle, and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost brakes; or both of the above means, capable of being used alternatively, may be employed.
- (7) Every vehicle and combination of vehicles, except motorcycles and motorized bicycles, and except trailers and semitrailers of a gross weight of less than 2,000 pounds, and pole trailers, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other sources of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind.
- (8) The same brake drums, brake shoes and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

- (9) Every motor vehicle or combination of motor-drawn vehicles shall be capable at all times and under all conditions of loading of being stopped on a dry, smooth, level road free from loose material, upon application of the service or foot brake, within the following specified distances, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

<u>From a speed of 20 miles per hour</u>		
	<u>Stopping distance</u>	<u>Deceleration in</u>
	<u>in feet</u>	<u>feet per second</u>
		<u>per second</u>
Brakes on all wheels	30	14
Brakes not on all four wheels	40	10.7

- (10) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle. (ORC 4513.20)

- (b) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.99)

### **337.19 HORN, SIREN AND THEFT ALARM SIGNAL.**

- (a) Every motor vehicle when operated upon a street shall be equipped with a horn which is in good working order and capable of emitting sound audible, under normal conditions, from a distance of not less than 200 feet.

(b) No motor vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle or bell. Any vehicle may be equipped with a theft alarm signal device which shall be so arranged that it cannot be used as an ordinary warning signal. Every emergency or public safety vehicle shall be equipped with a siren, whistle or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the Ohio Director of Public Safety. Such equipment shall not be used except when such vehicle is operated in response to an emergency call or is in the immediate pursuit of an actual or suspected violator of the law, in which case the driver of the emergency or public safety vehicle shall sound such equipment when it is necessary to warn pedestrians and other drivers of the approach thereof.

- (c) No person shall use the horn of a motor vehicle except to give warning to other drivers or pedestrians.

- (d) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.21)

### **337.20 MUFFLER; MUFFLER CUTOUT; EXCESSIVE SMOKE, GAS OR NOISE.**

- (a) Every motor vehicle and motorcycle with an internal combustion engine shall at all times be equipped with a muffler which is in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, by-pass or similar device upon a motor vehicle on a highway. Every motorcycle muffler shall be equipped with baffle plates.

(b) No person shall own, operate or have in the person's possession any motor vehicle or motorcycle equipped with a device for producing excessive smoke or gas, or so equipped as to permit oil or any other chemical to flow into or upon the exhaust pipe or muffler of such vehicle, or equipped in any other way to produce or emit smoke or dangerous or annoying gases from any portion of such vehicle, other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation.

(c) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.22)

**337.21 REAR-VIEW MIRROR; CLEAR VIEW TO FRONT, BOTH SIDES  
AND REAR.**

(a) Every motor vehicle and motorcycle shall be equipped with a mirror so located as to reflect to the operator a view of the street to the rear of such vehicle or motorcycle. Operators of vehicles and motorcycles shall have a clear and unobstructed view to the front and to both sides of their vehicles or motorcycles and shall have a clear view to the rear of their vehicles or motorcycles by mirror.

(b) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.23)

**337.22 WINDSHIELD AND WINDSHIELD WIPER; SIGN OR  
POSTER THEREON.**

(a) No person shall drive any motor vehicle on a street or highway, other than a motorcycle or motorized bicycle, that is not equipped with a windshield.

- (b) (1) No person shall drive any motor vehicle, other than a bus, with any sign, poster or other nontransparent material upon the front windshield, sidewings, side or rear windows of such vehicle other than a certificate or other paper required to be displayed by law, except that there may be in the lower left-hand or right-hand corner of the windshield a sign, poster or decal not to exceed four inches in height by six inches in width. No sign, poster or decal shall be displayed in the front windshield in such a manner as to conceal the vehicle identification number for the motor vehicle when in accordance with federal law, that number is located inside the vehicle passenger compartment and so placed as to be readable through the vehicle glazing without moving any part of the vehicle.
- (2) Subsection (b)(1) of this section does not apply to a person who is driving a passenger car with an electronic device, including an antenna, electronic tolling or other transponder, camera, directional navigation device, or other similar electronic device located in the front windshield if the device meets both of the following:
- A. It does not restrict the vehicle operator's sight lines to the road and highway signs and signals.
- B. It does not conceal the vehicle identification number.
- (3) Subsection (b)(1) of this section does not apply to a person who is driving a commercial car with an electronic device, including an antenna, electronic tolling or other transponder, camera, directional navigation device, or other similar electronic device located in the front windshield if the device meets both of the following:
- A. It does not restrict the vehicle operator's sight lines to the road and highway signs and signals.

- B. It is mounted not more than six inches below the upper edge of the windshield and is outside the area swept by the vehicle's windshield wipers.

(c) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield. The device shall be maintained in good working order and so constructed as to be controlled or operated by the operator of the vehicle.

(d) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.24)

### **337.23 LIMITED LOAD EXTENSION ON LEFT SIDE OF PASSENGER VEHICLE.**

(a) No passenger-type vehicle shall be operated on a street with any load carried on such vehicle which extends more than six inches beyond the line of the fenders on the vehicle's left side. (ORC 4513.30)

(b) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.99)

### **337.24 MOTOR VEHICLE STOP LIGHTS.**

(a) Every motor vehicle, trailer, semitrailer, and pole trailer when operated upon a street or highway shall be equipped with two or more stop lights, except that passenger cars manufactured or assembled prior to January 1, 1967, motorcycles, and motor-driven cycles shall be equipped with at least one stop light. Stop lights shall be mounted on the rear of the vehicle, actuated upon application of the service brake, and may be incorporated with other rear lights. Such stop lights when actuated shall emit a red light visible from a distance of five hundred feet to the rear, provided that in the case of a train of vehicles only the stop lights on the rear-most vehicle need be visible from the distance specified.

Such stop lights when actuated shall give a steady warning light to the rear of a vehicle or train of vehicles to indicate the intention of the operator to diminish the speed of or stop a vehicle or train of vehicles.

When stop lights are used as required by this section, they shall be constructed or installed so as to provide adequate and reliable illumination and shall conform to the appropriate rules and regulations established under Ohio R.C. 4513.19.

Historical motor vehicles as defined in Ohio R.C. 4503.181, not originally manufactured with stop lights, are not subject to this section.

(b) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.071)

### **337.25 AIR CLEANER REQUIRED.**

(a) No person shall operate a motor vehicle with an internal combustion engine unless the carburetion system of the vehicle is protected with an air filter, a flame arresting device, or any other accepted method of protection that is adequate for this purpose. If the original device or system is replaced, it shall be replaced with one that is equal to or better than the original equipment.



(b) This section does not apply to a person doing automotive repair work on a motor vehicle that necessitates this device being removed while the work is performed.

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

### **337.26 CHILD RESTRAINT SYSTEM USAGE.**

(a) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio R.C. 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor safety standards:

- (1) A child who is less than four years of age;
- (2) A child who weighs less than forty pounds.

(b) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased or otherwise under the control of a nursery school, or day-care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

- (1) A child who is less than four years of age;
- (2) A child who weighs less than forty pounds.

(c) When any child who is less than eight years of age and less than four feet nine inches in height, who is not required by subsection (a) or (b) of this section to be secured in a child restraint system, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio R.C. 4511.01 or a vehicle that is regulated under Ohio R.C. 5104.011, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions on a booster seat that meets federal motor vehicle safety standards.

(d) When any child who is at least eight years of age but not older than fifteen years of age and who is not otherwise required by subsection (a), (b) or (c) hereof to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio R.C. 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in Ohio R.C. 4513.263.

(e) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of subsection (c) or (d) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of subsection (c) or (d) of this section or causing the arrest of or commencing a prosecution of a person for a violation of subsection (c) or (d) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of subsection (c) or (d) of this section has been or is being committed.

(f) The Ohio Director of Public Safety shall adopt such rules as are necessary to carry out this section.

(g) The failure of an operator of a motor vehicle to secure a child in a child restraint system, a booster seat or an occupant restraining device as required by this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.

(h) This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would be required to be restrained under this section. This section does not apply to a person operating a motor vehicle who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or a chiropractor licensed to practice in this State under Ohio R.C. Chapter 4734 that states that the child who otherwise would be required to be restrained under this section has a physical impairment that makes use of a child restraint system, booster seat or an occupant restraining device impossible or impractical, provided that the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendations of the physician or chiropractor as noted on the affidavit.

(i) Nothing in this section shall be construed to require any person to carry with the person the birth certificate of a child to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation or summons issued for violating this section.

(j) Whoever violates subsection (a), (b), (c) or (d) of this section shall be punished as follows, provided that the failure of an operator of a motor vehicle to secure more than one child in a child restraint system, booster seat, or occupant restraining device as required by this section that occurred at the same time, on the same day, and at the same location is deemed to be a single violation of this section:

- (1) Except as otherwise provided in subsection (j)(2) of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars (\$25.00) nor more than seventy-five dollars (\$75.00).
- (2) If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a), (b), (c) or (d) of this section or of a state law or municipal ordinance that is substantially similar to any of those subsections, the offender is guilty of a misdemeanor of the fourth degree.  
(ORC 4511.81)

### **337.27 DRIVERS AND PASSENGERS REQUIRED TO WEAR SEAT BELTS.**

(a) As used in this section:

- (1) "Automobile" means any commercial tractor, passenger car, commercial car or truck that is required to be factory-equipped with an occupant restraining device for the operator or any passenger by regulations adopted by the United States Secretary of Transportation pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392.
- (2) "Occupant restraining device" means a seat safety belt, shoulder belt, harness or other safety device for restraining a person who is an operator of or passenger in an automobile and that satisfies the minimum Federal vehicle safety standards established by the United States Department of Transportation.

- (3) "Passenger" means any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.
  - (4) "Commercial tractor," "passenger car," and "commercial car" have the same meanings as provided in Ohio R.C. 4501.01.
  - (5) "Vehicle" and "motor vehicle", as used in the definitions of the terms set forth in subsection (a)(4) hereof, have the same meanings as provided in Chapter 301.
  - (6) "Tort action" means a civil action for damages for injury, death, or loss to person or property. "Tort action" includes a product liability claim, as defined in Ohio R.C. 2307.71 and an asbestos claim, as defined in Ohio R.C. 2307.91, but does not include a civil action for damages for breach of contract or another agreement between persons.
- (b) No person shall do either of the following:
- (1) Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted;
  - (2) Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in subsection (b)(3) hereof is wearing all of the available elements of a properly adjusted occupant restraining device;
  - (3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device;
  - (4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form.
- (c)
- (1) Subsection (b)(3) hereof does not apply to a person who is required by Section 337.26 to be secured in a child restraint device or booster seat.
  - (2) Subsection (b)(1) hereof does not apply to a person who is an employee of the United States Postal Service or of a newspaper home delivery service, during any period in which the person is engaged in the operation of an automobile to deliver mail or newspapers to addressees.
  - (3) Subsections (b)(1) and (3) hereof do not apply to a person who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or a chiropractor licensed to practice in this State under Ohio R.C. Chapter 4734 that states the following:
    - A. That the person has a physical impairment that makes use of an occupant restraining device impossible or impractical;
    - B. Whether the physical impairment is temporary, permanent or reasonably expected to be permanent;
    - C. If the physical impairment is temporary, how long the physical impairment is expected to make the use of an occupant restraining device impossible or impractical.
  - (4) Subsections (b)(1) and (3) of this section do not apply to a person who has registered with the Registrar of Motor Vehicles in accordance with subsection (c)(5) of this section.

- (5) A person who has received an affidavit under subsection (c)(3) of this section stating that the person has a permanent or reasonably expected to be permanent physical impairment that makes use of an occupant restraining device impossible or impracticable may register with the Registrar attesting to that fact. Upon such registration, the Registrar shall make that information available in the law enforcement automated data system. A person included in the database under subsection (c)(5) of this section is not required to have the affidavit obtained in accordance with subsection (c)(3) of this section in their possession while operating or occupying an automobile.
- (6) A physician or chiropractor who issues an affidavit for the purposes of subsection (c)(3) or (4) of this section is immune from civil liability arising from any injury or death sustained by the person who was issued the affidavit due to the failure of the person to wear an occupant restraining device unless the physician or chiropractor, in issuing the affidavit, acted in a manner that constituted willful, wanton or reckless misconduct.
- (7) The Registrar shall adopt rules in accordance with Ohio R.C. Chapter 119, establishing a process for a person to be included in the database under subsection (c)(5) of this section. The information provided and included in the database under subsection (c)(5) of this section is not a public record subject to inspection or copying under Ohio R.C. 149.43.

(d) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of subsection (b) hereof has been or is being committed or for the sole purpose of issuing a ticket, citation or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.

(e) All fines collected for violations of subsection (b) hereof shall be forwarded to the Treasurer of State for deposit as provided in Ohio R.C. 4513.263.

- (f) (1) Subject to subsection (f)(2) of this section, the failure of a person to wear all of the available elements of a properly adjusted occupant restraining device in violation of subsection (b)(1) or (3) or the failure of a person to ensure that each minor who is a passenger of an automobile being operated by that person is wearing all of the available elements of a properly adjusted occupant restraining device in violation of subsection (b)(2) of this section shall not be considered or used by the trier of fact in a tort action as evidence of negligence or contributory negligence. But, the trier of fact may determine based on evidence admitted consistent with the Ohio rules of evidence that the failure contributed to the harm alleged in the tort action and may diminish a recovery of compensatory damages that represents noneconomic loss, as defined in Ohio R.C. 2307.011, in a tort action that could have been recovered but for the plaintiff's failure to wear all of the available elements of a properly adjusted occupant restraining device. Evidence of that failure shall not be used as a basis for a criminal prosecution of the person other than a prosecution for a violation of this section; and shall not be admissible as evidence in a criminal action involving the person other than a prosecution for a violation of this section.

- (2) If, at the time of an accident involving a passenger car equipped with occupant restraining devices, any occupant of the passenger car who sustained injury or death was not wearing an available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted, then, consistent with the Rules of Evidence, the fact that the occupant was not wearing the available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted is admissible in evidence in relation to any claim for relief in a tort action to the extent that the claim for relief satisfies all of the following:
- A. It seeks to recover damages for injury or death to the occupant.
  - B. The defendant in question is the manufacturer, designer, distributor or seller of the passenger car.
  - C. The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy.
- (g) (1) Whoever violates subsection (b)(1) of this section shall be fined thirty dollars (\$30.00).
- (2) Whoever violates subsection (b)(3) of this section shall be fined twenty dollars (\$20.00).
- (3) Except as otherwise provided in this subsection, whoever violates subsection (b)(4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (b)(4) of this section, whoever violates subsection (b)(4) of this section is guilty of a misdemeanor of the third degree.  
(ORC 4513.263)

### **337.28 USE OF SUNSCREENING, NONTRANSPARENT AND REFLECTORIZED MATERIALS.**

(a) Requirements.

- (1) No person shall operate, on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is required to be registered in this State with any sunscreening material, or other product or material which has the effect of making the windshield or windows nontransparent or would alter the windows' color, increase its reflectivity, or reduce its light transmittance, unless the product or material satisfies one of the following exceptions:
- A. Any manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) in effect at the time of the manufacture of the motor vehicle until such standard is subsequently repealed or reduced. In "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) "manufacturer" means any person engaged in the manufacturing or assembling of motor vehicles or motor vehicle equipment, including any person importing motor vehicles or motor vehicle equipment for resale. "Federal Motor Vehicle Safety Standard Number 205" (FMVSS), Code of Federal Regulations, Title 49, Part 571, can be obtained online at web site <http://www.gpo.gov>.

- B. Any sunscreening material or other product or material applied to the windshield when used in conjunction with the safety glazing materials of such window, has a light transmittance of not less than seventy per cent plus or minus three per cent and is not red or yellow in color.
  - C. Any sunscreening material or other product or material applied to the side windows to the immediate right or left of the driver, so long as such material, when used in conjunction with the safety glazing materials of such windows, has a light transmittance of not less than fifty per cent plus or minus three per cent and is not red or yellow in color.
  - D. Any sunscreening material or other product or material applied to a window not otherwise listed in subsections (a)(1)A. to C. or E. of this section, except that outside left and right rear view mirrors are required if the sunscreening material is applied to the rear window and the sunscreening material, when used in conjunction with the safety glazing material of such window, has a light transmittance of less than fifty per cent plus or minus three per cent.
  - E. Any sunscreening material or other product or material applied along the top of the windshield and that does not extend downward beyond the AS-1 line or five inches from the top of the windshield, whichever is closer to the top, is not regulated by this section.
- (2) No person shall install in any motor vehicle any glass or other material that fails to conform to the specifications of this section.
  - (3) No used motor vehicle dealer or new motor vehicle dealer, as defined in Ohio R.C. 4517.01, shall sell any motor vehicle that fails to conform to the specifications of this section.
  - (4) No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings or rear window.
  - (5) No person shall operate on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is required to be registered in this State that is equipped with privacy drapes, louvers, curtains or blinds unless the drapes, louvers, curtains or blinds are open and secure during vehicle operation.
  - (6) All motor vehicles, beginning with the 1990 model year, must be equipped with labels identifying suncreening material. All sunscreening material must indicate the manufacturer's name and the percentage level of light transmission of the material permanently installed between the material and the surface to which the material is applied or affixed. Such label must be legible and must be placed in the lower left-hand corner of the vehicle window when viewed from the outside. (OAC 4501-41-03)
- (b) Exemptions. The provisions of this section do not apply to:
- (1) A motor vehicle registered in this State in the name of a person, or the person's parent, legal guardian or spouse who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or an affidavit signed by an optometrist licensed to practice in this State under Ohio R.C. Chapter 4725 that states that the person has a physical condition that makes it necessary to equip such motor vehicle with sunscreening material which would be of a light transmittance and/or luminous reflectance in violation of this section. Such affidavit shall be in the possession of the person so afflicted or the driver at all times while in the motor vehicle;

- (2) The windows to the rear of the driver in chauffeured limousines as defined herein;
- (3) The windows to the rear of the driver in those vehicles designed and used to transport corpses which include hearses and other vehicles adapted for such use; and
- (4) The manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) in effect at the time of the manufacture of the motor vehicle as provided in subsection (a) hereof. "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205), Code of Federal Regulations, Title 49, Part 571, can be obtained online at web site <http://www.gpo.gov>. (OAC 4501-41-05)

(c) Definitions. As used in this section, certain terms are defined as follows:

- (1) "Motor vehicle" has the same meaning as specified in Section 301.20.
- (2) "Sunscreening material" means products or materials, including film, glazing and perforated sunscreening, which, when applied to the windshield or windows of a motor vehicle, reduce the effects of the sun with respect to light reflectance or transmittance.
- (3) "Transmittance" means the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the product or material, including glazing, to the amount of total light falling on the product or material and the glazing.
- (4) "Windshield" means the front exterior viewing device of a motor vehicle.
- (5) "Window" means any device designed for exterior viewing from a motor vehicle, except the windshield or any roof-mounted viewing device.
- (6) "Manufacturer" unless otherwise specified in this section, means any person who engages in the manufacturing or assembling of sunscreening products or materials or any person who fabricates, laminates or tempers a safety glazing material, incorporating, during the manufacturing process, the capacity to reflect or reduce the transmission of light.
- (7) "Chauffeured limousine" means a motor vehicle that is designed to carry nine or fewer passengers and is operated for hire on an hourly basis pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an arrangement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine at a fixed rate per hour or trip. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing.  
(OAC 4501-41-02)

(d) Penalty. Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.241)

### **337.29 BUMPER HEIGHTS.**

(a) Definitions.

- (1) "Passenger car" means any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle.

- (2) "Multipurpose passenger vehicle" means a motor vehicle with motive power, except a motorcycle, designed to carry ten persons or less, that is constructed either on a truck chassis or with special features for occasional off-road operation.
- (3) "Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property and having a gross vehicle weight rating of 10,000 pounds or less.
- (4) "Manufacturer" has the same meaning as in Ohio R.C. 4501.01.
- (5) "Gross vehicle weight rating" means the manufacturer's gross vehicle weight rating established for the vehicle.
- (6) "Body floor height" means the vertical distance between top of the frame rail and the bottom of the passenger compartment (cab) floor. In the event that the vehicle is a truck body, floor height will be measured by the vertical distance between the passenger compartment (cab) floor and the floor of the truck bed.
- (7) "Bumper height" means the vertical distance between the ground and the highest point of the bottom of the bumper, measured when the vehicle is laden on a level surface with the vehicle tires inflated to the manufacturer's recommended pressure.
- (8) "Frame" means the main longitudinal structural members of the chassis of the vehicle or, for vehicles with unitized body construction, the lowest main longitudinal structural members of the body of the vehicle.
- (9) "Wheel track distance" means the distance on the ground between the center of the tire tread on one side of the vehicle, and the center of the tire tread on the opposite side. (OAC 4501-43-02)

(b) Prohibitions; Application.

- (1) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle, or truck registered in this State that does not conform to the requirements of this section.
- (2) No person shall modify any motor vehicle registered in this State in such a manner as to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body under normal operation, and no person shall disconnect any part of the original suspension system of the vehicle to defeat the safe operation of that system including the installation of inverted, altered or modified suspension system component parts which results in elevation of the height of the vehicle bumper or frame unit which is not in compliance with this section.
- (3) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State without a bumper on the front and rear of the vehicle if such vehicle was equipped with bumpers as standard equipment by the manufacturer.
- (4) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State if the difference in height between the body floor and the top of the frame exceeds four inches.
- (5) Nothing contained in this section shall be construed to prohibit either of the following:
  - A. The installation upon a passenger car, multipurpose passenger vehicle or truck registered in this State of heavy duty equipment, including shock absorbers and overload springs as long as such equipment does not cause the vehicle to be in violation of this section;



- B. The operation on a street or highway of a passenger car, multipurpose passenger vehicle or truck registered in this State with normal wear to the suspension system if the normal wear does not adversely affect the control of the vehicle.
- (6) This section does not apply to any specially designed or modified passenger car, multipurpose passenger vehicle or truck when operated off a street or highway in races and similar events.
- (7) A specially designed or modified passenger car, multipurpose passenger vehicle or truck which does not conform to this section shall not be operated on a street or highway.  
(OAC 4501-43-03)

(c) Specifications.

- (1) The horizontal bumper shall be at least 4.5 inches in vertical height, centered on the vehicle's centerline, and extend no less than the width of the respective wheel track distances. Bumpers shall be horizontal load bearing bumpers and attached to the vehicle frame to effectively transfer impact when engaged.
- (2) Maximum bumper heights shall be determined by the type of vehicle at time of manufacture. If other than a passenger vehicle, the maximum bumper height shall be determined by the gross vehicle weight rating (GVWR) at the time of manufacture. The height shall be measured in terms of the vertical distance between the ground and the bottom of the bumper. Maximum bumper heights are as follows:

	<u>Front (inches)</u>	<u>Rear (inches)</u>
Passenger Vehicles	22	22
All Other Vehicles:		
4,500 lbs. and under GVWR	24	26
4,501 lbs. to 7,500 lbs. GVWR	27	29
7,501 lbs. to 10,000 lbs. GVWR	28	31

- (3) If the body and/or truck bed height is altered the difference in height between the body floor and/or the truck bed floor to the top of the frame rail shall not exceed four inches.
- (4) For any vehicle with bumpers or attaching components which have been modified or altered from the original manufacturer's design in order to conform with the maximum bumper requirements of this section, the bumper height shall be measured from a level surface to the bottom of the vehicle frame rail at the most forward and rearward points of the frame rail. Frame rail height if bumper modified or altered:

	<u>Front (inches)</u>	<u>Rear (inches)</u>
Passenger Vehicles	22	22
All Other Vehicles:		
4,500 lbs. and under GVWR	24	26
4,501 lbs. to 7,500 lbs. GVWR	27	29
7,501 lbs. to 10,000 lbs. GVWR	28	31

- (5) The height restriction in this subsection (c) applies to the distance from the ground to the bottom of the frame rail under any one or more of the following conditions:

- A. A motor vehicle is not equipped with a front and rear bumper.
  - B. The bumper height relative to the frame rails has been altered.
  - C. A supplemental bumper has been installed or an addition to the original or replacement has been made.
- (OAC 4501-43-04)

- (d) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.99)

**337.30 DIRECTIONAL SIGNALS REQUIRED.**

- (a) (1) No person shall operate any motor vehicle manufactured or assembled on or after January 1, 1954, unless the vehicle is equipped with electrical or mechanical directional signals.
- (2) No person shall operate any motorcycle or motor-driven cycle manufactured or assembled on or after January 1, 1968, unless the vehicle is equipped with electrical or mechanical directional signals.

(b) "Directional signals" means an electrical or mechanical signal device capable of clearly indicating an intention to turn either to the right or to the left and which shall be visible from both the front and rear.

(c) All mechanical signal devices shall be self-illuminating devices when in use at the times mentioned in Section 337.02.

- (d) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.261)

CODIFIED ORDINANCES OF WORTHINGTON  
PART FIVE - GENERAL OFFENSES CODE

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- Chap. 501. General Provisions and Penalty.
- Chap. 503. Alarm Systems.
- Chap. 505. Animals and Fowl.
- Chap. 507. Civil Disorders.
- Chap. 509. Disorderly Conduct and Peace Disturbance.
- Chap. 513. Drug Abuse Control.
- Chap. 515. Drug Paraphernalia.
- Chap. 517. Gambling.
- Chap. 521. Health, Safety and Sanitation.
- Chap. 525. Law Enforcement and Public Office.
- Chap. 527. Smoking Prohibitions.
- Chap. 529. Liquor Control.
- Chap. 531. Minors.
- Chap. 533. Obscenity and Sex Offenses.
- Chap. 537. Offenses Against Persons.
- Chap. 539. Discriminatory Practices, Civil Rights, Disclosure.
- Chap. 541. Property Offenses.
- Chap. 545. Theft and Fraud.
- Chap. 549. Weapons and Explosives.
- Chap. 551. Fireworks.
- Chap. 553. Railroads.

**CHAPTER 505**  
**Animals and Fowl**

<b>505.01</b>	<b>Dogs and other animals running at large.</b>	<b>505.09</b>	<b>Barking or howling dogs.</b>
<b>505.02</b>	<b>Impounding and disposition.</b>	<b>505.10</b>	<b>Animal bites; reports and quarantine.</b>
<b>505.021</b>	<b>Fees for animal removal.</b>	<b>505.11</b>	<b>Hunting and trapping.</b>
<b>505.03</b>	<b>Annual registration of dogs; tags required.</b>	<b>505.12</b>	<b>Coloring rabbits or baby poultry; sale or display of poultry.</b>
<b>505.04</b>	<b>Abandoning animals.</b>	<b>505.13</b>	<b>Report of escape of exotic or dangerous animal.</b>
<b>505.05</b>	<b>Killing or injuring animals.</b>	<b>505.14</b>	<b>Dangerous and vicious animals.</b>
<b>505.06</b>	<b>Poisoning animals.</b>	<b>505.15</b>	<b>Prohibited animals.</b>
<b>505.07</b>	<b>Cruelty to animals generally.</b>	<b>505.16</b>	<b>Feeding of deer prohibited.</b>
<b>505.071</b>	<b>Cruelty to companion animals.</b>	<b>505.99</b>	<b>Penalty.</b>
<b>505.08</b>	<b>Nuisance conditions prohibited.</b>		

**CROSS REFERENCES**

See sectional histories for similar State law  
Owner or keeper liable for damages - see Ohio R.C 951.10  
Dog registration - see Ohio R.C. 955.01

**505.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE.**

(a) No person being the owner or having charge of cattle, horses, swine, cats, sheep, geese, ducks, goats, turkeys, chickens or other fowl or animals shall permit them to run at large upon any public place, or upon any unenclosed lands or upon the premises of another. (ORC 951.02)

(b) No owner, keeper or harbinger of any female dog shall permit it to go beyond the premises of the owner, keeper or harbinger at any time the dog is in heat, unless the dog is properly in leash.

(c) No owner, keeper or harbinger of any dog shall fail at any time to keep it either physically confined or restrained upon the premises of the owner, keeper or harbinger by a leash, tether, adequate fence, supervision or secure enclosure to prevent escape, or under reasonable control of some person. (ORC 955.22)

(d) The running at large of any such animal in or upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section. (ORC 951.02)

(e) Whoever violates this subsection (a) hereof is guilty of a misdemeanor of the fourth degree. (ORC 951.99)

- (f) (1) Whoever violates subsection (b) or (c) hereof is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.
- (2) In addition to the penalties prescribed in subsection (f)(1) hereof, if the offender is guilty of a violation of subsection (b) or (c) hereof, the court may order the offender to personally supervise the dog that he owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both. (ORC 955.99)

### **505.02 IMPOUNDING AND DISPOSITION.**

(a) Animals and fowl found at large in the City may be taken up by any police officer or animal control officer and placed in the City pound. If the animal is licensed and wears a registration tag, the police or animal control officer shall notify the registered owner to appear at the Police Department and receive a citation for violation of Section 505.01. The owner may then remove the animal from the pound on payment to the City of a pound fee of fifteen dollars (\$15.00) for impounding and four dollars (\$4.00) for each day or fraction thereof that the animal is in the pound for care and feeding. He shall nevertheless appear and answer the citation in court. If the animal is not claimed within a reasonable time, it shall be turned over to the County humane society for care and disposition. All animals which are not licensed, or whose owners cannot be readily ascertained, may be turned over at once to the County humane society to be disposed of as provided in its regulations. When an owner acknowledges ownership of an unlicensed animal, whether turned over to the County humane society or not, he shall receive a citation as provided above and shall answer before the court. If he claims the animal, he shall pay the lawful license fee if any, the City pound charges provided above, and any fees or charges which may be lawfully imposed by the County humane society. (Ord. 18-2006. Passed 5-1-06.)

(b) No person shall interfere with, break open, destroy or injure a pound erected by authority of law, or set at liberty any animal impounded therein.

(c) Whoever violates this section is guilty of a minor misdemeanor.  
(Ord. 94-73. Passed 12-10-73.)

### **505.021 FEES FOR ANIMAL REMOVAL.**

Whoever requests that the City remove and dispose of a wild animal from a trap within the City shall pay a fee of twenty-five dollars (\$25.00) per animal for such service.  
(Ord. 18-2006. Passed 5-1-06.)

### **505.03 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.**

(a) Except for guide dogs registered under Ohio R.C. 955.011 and dogs kept by an institution or organization for teaching and research purposes under Ohio R.C. 955.16, no person shall own, keep or harbor a dog more than three months of age without annually registering such dog with the County Auditor. Failure of any dog at any time to wear a valid registration tag shall be prima-facie evidence of lack of registration and subject such dog to impounding and disposition as provided by Ohio R.C. 955.16.

(b) Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense. (ORC 955.99(D)).

### **505.04 ABANDONING ANIMALS.**

(a) No owner or keeper of a dog, cat or other domestic animal shall abandon such animal. (ORC 959.01)

- (2) "Menacing fashion" means that an animal would cause any person being chased or approached to reasonably believe that the animal will cause physical injury to that person.
- (3) "Police dog" means a dog that has been trained, and is used, to assist one or more law enforcement officers in the performance of their official duties.
- (4) "Vicious animal":
  - A. Means an animal that, without provocation and subject to subsection (a)(4)B. hereof, meets any of the following:
    - 1. Has killed or caused physical injury to any person; or
    - 2. Has killed another animal owned by or belonging to any person.
  - B. Does not include either of the following:
    - 1. A police dog that has killed or caused injury to any person or animal while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties; or
    - 2. An animal that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense in the occupied dwelling of the owner, keeper or harbinger of the animal.
- (5) "Without provocation" means that the animal was not teased, tormented or abused by a person or another animal, or that the animal was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the animal as a means of carrying out such activity.

(b) No owner, keeper or harbinger of a dangerous animal shall fail to do either of the following:

- (1) While that animal is on the premises of the owner, keeper or harbinger, securely confine it at all times in a building, locked pen, locked fenced yard or other locked enclosure except that a dangerous dog may, in the alternative, be tied with a leash or tether so that the animal is adequately restrained; or
- (2) While that animal is off the premises of the owner, keeper or harbinger, keep it on a leash or tether that is not more than six feet in length and additionally do at least one of the following:
  - A. Keep that animal confined in a building, locked pen, locked fenced yard or other locked enclosure;
  - B. Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie or affix the leash or tether to the ground or stationary object or fixture so that the animal is adequately restrained and station such a person in close enough proximity to that dog so as to prevent it from causing injury to any person; or
  - C. Muzzle that animal.

(c) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense.

Additionally, the court may order the offender to personally supervise the dangerous animal that he owns, keeps or harbors, to cause that animal to complete obedience training, or to do both, and the court may order the offender to obtain liability insurance with an insurer authorized to write liability insurance in Ohio providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than one hundred thousand dollars (\$100,000) because of damage or bodily injury to or death of a person caused by the dangerous animal.

(d) No person shall possess, harbor or keep a vicious animal. If an animal, which becomes a vicious animal, is not immediately removed from the City, the court shall order the vicious animal to be removed from the City or to be humanely destroyed by a licensed veterinarian, the animal warden or the humane society.

(e) Any person who owns, harbors or keeps a dangerous animal, which becomes a vicious animal, shall be guilty of a misdemeanor of the first degree.  
(Ord. 88-87. Passed 11-9-87.)

#### **505.15 PROHIBITED ANIMALS.**

(a) No person shall possess, harbor, transport, buy or sell in the City, except for educational or experimental use by schools, any of the following animals:

- (1) Poisonous insects, amphibians, reptiles or fish, including those whose poison has been removed or neutralized;
- (2) Maneating fish; or
- (3) Any animal or a species feral by nature in its usual state, except for hamsters, gerbils, guinea pigs, chinchillas, domestic rabbits, white mice and white rats, nonpoisonous reptiles and amphibians, which are caged.

(b) Whoever violates this section is guilty of a misdemeanor of the second degree and the prohibited animal shall be removed from the City or humanely destroyed by a licensed veterinarian, the animal warden or the humane society.  
(Ord. 88-87. Passed 11-9-87.)

#### **505.16 FEEDING OF DEER PROHIBITED.**

(a) Feeding Deer Prohibited.

- (1) No person shall purposely feed or make food available for consumption by deer on private or public property within the City.
- (2) No person shall recklessly feed or make food available for consumption by deer on private or public property within the City.

(b) Definitions.

- (1) For the purposes of this section, feeding or making food available for consumption shall include the act of placing or permitting to be placed on the ground, or within five feet of the ground, any device or any fruits, grains, minerals, plants, salt licks, vegetables, seeds, nuts, hay, or any other edible materials that may reasonably be expected to result in consumption by deer, unless such items are screened or otherwise protected from deer consumption.
- (2) The presumption that the placement of any fruits, grains, minerals, plants, salt licks, vegetables, seeds, nuts, hay, or any other edible materials is for consumption by deer shall not apply to the following:

- A. Naturally growing materials, including but not limited to fruit, grain, nuts, seeds, hay, and vegetables.
- B. Planted materials growing in gardens and lawns, as ornamental plants, or shrubs, standing crops.
- C. Residue from lawns, gardens and other vegetable materials maintained as a compost or mulch pile.
- D. Unmodified, commercially purchased bird or squirrel feeders or their equivalent.

(c) Removal Required. Each property owner or person having control of the property shall have the duty to remove any device or materials placed on the owner's property in violation of this section. Alternatively, a property owner or person having control of the property may modify such a device or make other changes to the property that prevent deer from having access to the materials or feeding from the device.

(d) Exceptions to Prohibitions.

- (1) The prohibitions in this section shall not apply to any health department employee, law enforcement officer, or state or federal game official acting within the scope of his or her official duties.
- (2) The prohibitions in this section shall not apply to feeding that is authorized in writing by the City Manager on an emergency basis, or authorized as part of a deer management program.

(e) Violations.

- (1) Any person who violates subsection (a)(1) of this section is guilty of a minor misdemeanor for the first offense. For the second and subsequent violations of subsection (a)(1), the violator shall be deemed guilty of a misdemeanor of the fourth degree.
- (2) Any person who violates subsection (a)(2) of this section is guilty of a minor misdemeanor.
- (3) Each day that a violation continues shall be deemed a separate offense.
- (4) It shall not be an element of the offense and the prosecution shall not be required to prove that any food was actually consumed by a deer.
- (5) In addition to filing criminal charges, the City may initiate a civil action in an appropriate court for injunctive and other relief for a violation of this section. (Ord. 11-2022. Passed 5-9-22.)

**505.99 PENALTY.**

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)



## CHAPTER 513 Drug Abuse Control

<b>513.01</b>	<b>Definitions.</b>	<b>513.09</b>	<b>Controlled substance or prescription labels.</b>
<b>513.02</b>	<b>Gift of marihuana.</b>	<b>513.10</b>	<b>Hypodermic possession, display and dispensing.</b>
<b>513.03</b>	<b>Drug abuse; controlled substance possession or use.</b>	<b>513.11</b>	<b>Harmful intoxicants; possessing nitrous oxide in motor vehicle.</b>
<b>513.04</b>	<b>Possessing drug abuse instruments.</b>	<b>513.12</b>	<b>Drug paraphernalia.</b>
<b>513.05</b>	<b>Permitting drug abuse.</b>	<b>513.121</b>	<b>Marihuana drug paraphernalia.</b>
<b>513.06</b>	<b>Illegal cultivation of marihuana.</b>	<b>513.13</b>	<b>Counterfeit controlled substances.</b>
<b>513.07</b>	<b>Possessing or using harmful intoxicants.</b>	<b>513.14</b>	<b>Sale of dextromethorphan.</b>
<b>513.08</b>	<b>Illegally dispensing drug samples.</b>	<b>513.99</b>	<b>Penalty.</b>

### CROSS REFERENCES

See sectional histories for similar State law  
 Federal prosecution bar to local prosecution - see Ohio R.C. 2925.50, 3719.19  
 Analysis report and notarized statement as evidence - see Ohio R.C. 2925.51  
 Criteria for granting probation - see Ohio R.C. 3719.70(B)  
 Adulterating food with drug of abuse - see GEN. OFF. 537.13  
 Using weapons while under the influence - see GEN. OFF. 549.03.

### **513.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words, terms and phrases and their derivatives used in this chapter which are not defined in this section shall have the meanings given to them in the Ohio Revised Code.

- (a) "Administer." Has the same meaning as in Ohio R.C. 3719.01.
- (b) "Adulterate." To cause a drug to be adulterated as described in Ohio R.C. 3715.63.
- (c) "Alcohol and Drug Addiction Services". Has the same meaning as in Ohio R.C. 5119.01.

- (d) "Bulk amount." Of a controlled substance, means any of the following:
- (1) For any compound, mixture, preparation, or substance included in Schedule I, Schedule II, or Schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in subsection (c)(2), (5), or (6) of this definition, whichever of the following is applicable:
    - A. An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I opiate or opium derivative;
    - B. An amount equal to or exceeding ten grams of a compound, mixture, preparation or substance that is or contains any amount of raw or gum opium;
    - C. An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a Schedule I stimulant or depressant;
    - D. An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II opiate or opium derivative;
    - E. An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of phencyclidine;
    - F. An amount equal to or exceeding 120 grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant that is in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq., as amended) and the federal drug abuse control laws, as defined in this section, that is or contains any amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance;
    - G. An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq., as amended) and the federal drug abuse control laws;
  - (2) An amount equal to or exceeding 120 grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid or a Schedule III opiate or opium derivative;
  - (3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III opiate or opium derivative;
  - (4) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule V substance;

- (5) An amount equal to or exceeding 200 solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III anabolic steroid;
- (6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in Schedule III, Schedule IV, or Schedule V, if the defendant is charged with a violation of Ohio R.C. 2925.11 and the sentencing provisions set forth in Ohio R.C. 2925.11(C)(10)(b) and (C)(11) will not apply regarding the defendant and the violation, the bulk amount of the controlled substance for purposes of the violation is the amount specified in division (1), (2), (3), (4), or (5) of this definition for the other Schedule III, Schedule IV, or Schedule V controlled substance that is combined with the fentanyl-related compound.
- (e) "Certified grievance committee." A duly constituted and organized committee of the Ohio State Bar Association or of one or more local bar associations of the state that complies with the criteria set forth in Rule V, Section 6 of the Rules for the Government of the Bar of Ohio.
- (f) "Cocaine." Any of the following:
  - (1) A cocaine salt, isomer or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine.
  - (2) Coca leaves or a salt, compound, derivative or preparation of coca leaves, including ecgonine, a salt, isomer or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine.
  - (3) A salt, compound, derivative or preparation of a substance identified in subsection (e)(1) or (2) of this definition that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.
- (g) "Committed in the vicinity of a juvenile." An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within 100 feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within 100 feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.
- (h) "Committed in the vicinity of a school." An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises.
- (i) "Committed in the vicinity of a substance addiction services provider or a recovering addict". An offense is "committed in the vicinity of a substance addiction services provider or a recovering addict" if either of the following apply:
  - (1) The offender commits the offense on the premises of a substance addiction services provider's facility, including a facility licensed prior to June 29, 2019, under Ohio R.C. 5119.391 to provide methadone treatment or an opioid treatment program licensed on or after that date under Ohio R.C. 5119.37, or within 500 feet of the premises of a substance addiction services provider's facility and the offender knows or should know that the offense is being committed within the vicinity of the substance addiction services provider's facility.

- (2) The offender sells, offers to sell, delivers, or distributes the controlled substance or controlled substance analog to a person who is receiving treatment at the time of the commission of the offense, or received treatment within 30 days prior to the commission of the offense, from a substance addiction services provider and the offender knows that the person is receiving or received that treatment.
- (j) "Controlled substance." Has the same meaning as in Ohio R.C. 3719.01.
- (k) "Controlled substance analog." Has the same meaning as in Ohio R.C. 3719.01.
- (l) "Counterfeit controlled substance." Any of the following:
- (1) Any drug that bears, or whose container or label bears, a trademark, trade name or other identifying mark used without authorization of the owner of rights to the trademark, trade name or identifying mark.
  - (2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed or distributed by a person other than the person that manufactured, processed, packed or distributed it.
  - (3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance.
  - (4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size and color, or its markings, labeling, packaging, distribution or the price for which it is sold or offered for sale.
- (m) "Cultivate." Includes planting, watering, fertilizing or tilling.
- (n) "Dangerous drug." Has the same meaning as in Ohio R.C. 4729.01.
- (o) "Deception." Has the same meaning as in Ohio R.C. 2913.01.
- (p) "Disciplinary counsel." The disciplinary counsel appointed by the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court under the Rules for the Government of the Bar of Ohio.
- (q) "Dispense." Has the same meaning as in Ohio R.C. 3719.01.
- (r) "Distribute." Has the same meaning as in Ohio R.C. 3719.01.
- (s) "Drug." Has the same meaning as in Ohio R.C. 4729.01.
- (t) "Drug abuse offense." Any of the following:
- (1) A violation of Ohio R.C. 2913.02(A) that constitutes theft of drugs, or any violation of Ohio R.C. 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36 or 2925.37.
  - (2) A violation of an existing or former law of any municipality, state or of the United States, that is substantially equivalent to any section listed in subsection (r)(1) of this definition.
  - (3) An offense under an existing or former law of any municipality, state or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using or otherwise dealing with a controlled substance is an element.
  - (4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit, any offense under subsection (r)(1), (2) or (3) of this definition.
- (u) "Drug dependent person." Has the same meaning as in Ohio R.C. 3719.011.
- (v) "Drug of abuse." Has the same meaning as in Ohio R.C. 3719.011.
- (w) "Felony drug abuse offense." Any drug abuse offense that would constitute a felony under the laws of this state, any other state or the United States.

- (x) "Fentanyl-related compound." Any of the following:
- (1) Fentanyl;
  - (2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
  - (3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide);
  - (4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidyl)-N-phenylpropanamide);
  - (5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidyl]-N-phenylpropanamide);
  - (6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
  - (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidyl]-N-phenylpropanamide);
  - (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidyl]propanamide);
  - (9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidyl]-propanamide);
  - (10) Alfentanil;
  - (11) Carfentanil;
  - (12) Remifentanyl;
  - (13) Sufentanil;
  - (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidyl]-N-phenylacetamide); and
  - (15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:
    - A. A chemical scaffold consisting of both of the following:
      1. A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;
      2. An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.
    - B. A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;
    - C. An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and
    - D. The compound has not been approved for medical use by the United States food and drug administration.
- (y) "Harmful intoxicant." Does not include beer or intoxicating liquor, but means any of the following:
- (1) Any compound, mixture, preparation or substance the gas, fumes or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation or other harmful physiological effects, and includes but is not limited to any of the following:
    - A. Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline or other preparation containing a volatile organic solvent.

- B. Any aerosol propellant.
  - C. Any fluorocarbon refrigerant.
  - D. Any anesthetic gas.
- (2) Gamma Butyrolactone;
- (3) 1,4 Butanediol.
- (z) "Hashish".
  - (1) A resin or a preparation of a resin to which both of the following apply:
    - A. It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.
    - B. It has a delta-9 tetrahydrocannabinol concentration of more than 0.3%.
  - (2) The term does not include a hemp byproduct in the possession of a licensed hemp processor under Ohio R.C. Chapter 928, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under Ohio R.C. 928.03.
- (aa) "Hypodermic." Has the same meaning as in Ohio R.C. 3719.01.
- (bb) "Juvenile." A person under eighteen years of age.
- (cc) "Licensed health professional authorized to prescribe drugs." Has the same meaning as in Ohio R.C. 4729.01.
- (dd) "L.S.D." Lysergic acid diethylamide.
- (ee) "Major drug offender." Has the same meaning as in Ohio R.C. 2929.01.
- (ff) "Mandatory prison term." Has the same meaning as in Ohio R.C. 2929.01.
- (gg) "Manufacture." To plant, cultivate, harvest, process, make, prepare or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis or compounding, or any combination of the same, and includes packaging, repackaging, labeling and other activities incident to production.
- (hh) "Manufacturer." Has the same meaning as in Ohio R.C. 3719.01.
- (ii) "Marihuana." Has the same meaning as in Ohio R.C. 3719.01, except that it does not include hashish.
- (jj) "Methamphetamine." Methamphetamine, any salt, isomer or salt of an isomer of methamphetamine, or any compound, mixture, preparation or substance containing methamphetamine or any salt, isomer or salt of an isomer of methamphetamine.
- (kk) "Minor drug possession offense." Either of the following:
  - (1) A violation of Ohio R.C. 2925.11, as it existed prior to July 1, 1996, or a substantially equivalent municipal ordinance.
  - (2) A violation of Ohio R.C. 2925.11, as it exists on and after July 1, 1996, or a substantially equivalent municipal ordinance, that is a misdemeanor or a felony of the fifth degree.
- (ll) "Official written order." Has the same meaning as in Ohio R.C. 3719.01.
- (mm) "Person." Has the same meaning as in Ohio R.C. 3719.01.
- (nn) "Pharmacist." Has the same meaning as in Ohio R.C. 3719.01.
- (oo) "Pharmacy." Has the same meaning as in Ohio R.C. 3719.01.
- (pp) "Possess" or "possession." Having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.
- (qq) "Premises of a substance addiction services provider's facility". Means the parcel of real property on which any substance addiction service provider's facility is situated.
- (rr) "Prescription." Has the same meaning as in Ohio R.C. 4729.01.

- (ss) "Presumption for a prison term" or "presumption that a prison term shall be imposed." A presumption as described in Ohio R.C. 2929.13(D) that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under Ohio R.C. 2929.11.
- (tt) "Professional license." Any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate or temporary registration that is described in Ohio R.C. 2925.01(W)(1) to (W)(37) and that qualifies a person as a professionally licensed person.
- (uu) "Professionally licensed person." Any of the following:
  - (1) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Ohio R.C. Chapter 4701 and who holds an Ohio permit issued under that chapter;
  - (2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Ohio R.C. Chapter 4703;
  - (3) A person who is registered as a landscape architect under Ohio R.C. Chapter 4703 or who holds a permit as a landscape architect issued under that chapter;
  - (4) A person licensed under Ohio R.C. Chapter 4707;
  - (5) A person who has been issued a certificate of registration as a registered barber under Ohio R.C. Chapter 4709;
  - (6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Ohio R.C. Chapter 4710;
  - (7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Ohio R.C. Chapter 4713;
  - (8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license or a dental hygienist's teacher's certificate under Ohio R.C. Chapter 4715;
  - (9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Ohio R.C. Chapter 4717;
  - (10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Ohio R.C. Chapter 4723;
  - (11) A person who has been licensed to practice optometry or to engage in optical dispensing under Ohio R.C. Chapter 4725;
  - (12) A person licensed to act as a pawnbroker under Ohio R.C. Chapter 4727;
  - (13) A person licensed to act as a precious metals dealer under Ohio R.C. Chapter 4728;
  - (14) A person licensed under Ohio R.C. Chapter 4729 as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;

- (15) A person licensed under Ohio R.C. Chapter 4729 as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;
- (16) A person who is authorized to practice as a physician assistant under Ohio R.C. Chapter 4730;
- (17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Ohio R.C. Chapter 4731 or has been issued a certificate to practice a limited branch of medicine under that chapter;
- (18) A person licensed as a psychologist or school psychologist under Ohio R.C. Chapter 4732;
- (19) A person registered to practice the profession of engineering or surveying under Ohio R.C. Chapter 4733;
- (20) A person who has been issued a license to practice chiropractic under Ohio R.C. Chapter 4734;
- (21) A person licensed to act as a real estate broker or real estate salesperson under Ohio R.C. Chapter 4735;
- (22) A person registered as a registered environmental health specialist under Ohio R.C. Chapter 4736;
- (23) A person licensed to operate or maintain a junkyard under Ohio R.C. Chapter 4737;
- (24) A person who has been issued a motor vehicle salvage dealer's license under Ohio R.C. Chapter 4738;
- (25) A person who has been licensed to act as a steam engineer under Ohio R.C. Chapter 4739;
- (26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Ohio R.C. Chapter 4741;
- (27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Ohio R.C. Chapter 4747;
- (28) A person who has been issued a class A, class B or class C license or who has been registered as an investigator or security guard employee under Ohio R.C. Chapter 4749;
- (29) A person licensed to practice as a nursing home administrator under Ohio R.C. Chapter 4751;
- (30) A person licensed to practice as a speech-language pathologist or audiologist under Ohio R.C. Chapter 4753;
- (31) A person issued a license as an occupational therapist or physical therapist under Ohio R.C. Chapter 4755;
- (32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Ohio R.C. Chapter 4757;
- (33) A person issued a license to practice dietetics under Ohio R.C. Chapter 4759;
- (34) A person who has been issued a license or limited permit to practice respiratory therapy under Ohio R.C. Chapter 4761;
- (35) A person who has been issued a real estate appraiser certificate under Ohio R.C. Chapter 4763;



- (36) A person who has been issued a home inspector license under Ohio R.C. Chapter 4764;
- (37) A person who has been admitted to the bar by order of the Ohio Supreme Court in compliance with its prescribed and published rules.
- (vv) "Public premises." Any hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort.
- (ww) "Sale." Has the same meaning as in Ohio R.C. 3719.01.
- (xx) "Sample drug." A drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.
- (yy) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" or "Schedule V." Have the same meaning as in Ohio R.C. 3719.01.
- (zz) "School." Any school operated by a board of education, any community school established under Ohio R.C. Chapter 3314, or any nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.
- (aaa) "School building." Any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.
- (bbb) "School premises." Either of the following:
  - (1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed.
  - (2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Ohio R.C. Chapter 3314, or the governing body of a nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.
- (ccc) "Standard Pharmaceutical Reference Manual." The current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.
- (ddd) "Substance Addiction Services Provider". Means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following at a facility:
  - (1) Either alcohol addiction services, or drug addiction services, or both such services that are certified by the Ohio Director of Mental Health and Addiction Services under Ohio R.C. 5119.36;
  - (2) Recovery supports that are related to either alcohol addiction services, or drug addiction services, or both such services and paid for with federal, state, or local funds administered by the Ohio Department of Mental Health and Addiction Services or a board of alcohol, drug addiction, and mental health services.
- (eee) "Unit dose." An amount or unit or a compound, mixture or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

- (fff) "Wholesaler." Has the same meaning as in Ohio R.C. 3719.01.  
(ORC 2925.01)

**513.02 GIFT OF MARIHUANA.**

(a) No person shall knowingly give or offer to make a gift of twenty grams or less of marihuana.

(b) Whoever violates this section is guilty of trafficking in marihuana. Trafficking in marihuana is a minor misdemeanor for the first offense and, for any subsequent offense, it is a misdemeanor of the third degree. If the offense was committed in the vicinity of a school or the vicinity of a juvenile, trafficking in marihuana is a misdemeanor of the third degree.

(c) The court may by order suspend for not more than five years the driver's or commercial driver's license or permit of any person who is convicted of or pleads guilty to any violation of this section. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If an offender's driver's or commercial driver's license or permit is suspended pursuant to this subsection, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed, may file a motion with the sentencing court requesting termination of the suspension; upon the filing of such a motion and the court's finding of good cause for the termination, the court may terminate the suspension.  
(ORC 2925.03)

**513.03 DRUG ABUSE; CONTROLLED SUBSTANCE POSSESSION OR USE.**

(a) No person shall knowingly obtain, possess or use a controlled substance or a controlled substance analog.

- (b) (1) This section does not apply to the following:
- A. Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731 and 4741.
  - B. If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration;
  - C. Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act;
  - D. Any person who obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs if the prescription was issued for a legitimate medical purpose and not altered, forged or obtained through deception or commission of a theft offense.  
As used in subsection (b)(1)D. of this section, "deception" and "theft offense" have the same meanings as in Ohio R.C. 2913.01.
- (2) A. As used in subsection (b)(2) of this section:

1. "Community addiction services provider" has the same meaning as in Ohio R.C. 5119.01.
  2. "Community control sanction" and "drug treatment program" have the same meanings as in Ohio R.C. 2929.01.
  3. "Health care facility" has the same meaning as in Ohio R.C. 2919.16.
  4. "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree.
  5. "Post-release control sanction" has the same meaning as in Ohio R.C. 2967.28.
  6. "Peace officer" has the same meaning as in Ohio R.C. 2935.01.
  7. "Public agency" has the same meaning as in Ohio R.C. 2930.01.
  8. "Qualified individual" means a person who is not on community control or post-release control and is a person acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in subsection (b)(2)B. of this section.
  9. "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility.
- B. Subject to subsection (b)(2)F. of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted or penalized pursuant to this chapter for a minor drug possession offense if all of the following apply:
1. The evidence of the obtaining, possession or use of the controlled substance or controlled substance analog that would be the basis of the offense was obtained as a result of the qualified individual seeking the medical assistance or experiencing an overdose and needing medical assistance.
  2. Subject to subsection (b)(2)G. of this section, within thirty days after seeking or obtaining the medical assistance, the qualified individual seeks and obtains a screening and receives a referral for treatment from a community addiction services provider or a properly credentialed addiction treatment professional.
  3. Subject to subsection (b)(2)G. of this section, the qualified individual who obtains a screening and receives a referral for treatment under subsection (b)(2)B.1. of this section, upon the request of any prosecuting attorney, submits documentation to the prosecuting attorney that verifies that the qualified individual satisfied the requirements of that subsection. The documentation shall be limited to the date and time of the screening obtained and referral received.

- C. If a person is found to be in violation of any community control sanction and if the violation is a result of either of the following, the court shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in Ohio R.C. 2929.13, 2929.15, or 2929.25, whichever is applicable, after which the court has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in any of those applicable sections:
1. Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose;
  2. Experiencing a drug overdose and seeking medical assistance for that overdose or being the subject of another person seeking or obtaining medical assistance for that overdose as described in subsection (b)(2)B. of this section.
- D. If a person is found to be in violation of any post-release control sanction and if the violation is a result of either of the following, the court or the parole board shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in Ohio R.C. 2929.141 or 2967.28, whichever is applicable, after which the court or the parole board has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in either of those applicable sections:
1. Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose;
  2. Experiencing a drug overdose and seeking medical assistance for that emergency or being the subject of another person seeking or obtaining medical assistance for that overdose as described in subsection (b)(2)B. of this section.
- E. Nothing in subsection (b)(2)B. of this section shall be construed to do any of the following:
1. Limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regards to a defendant who does not qualify for the protections of subsection (b)(2)B. of this section or with regards to any crime other than a minor drug possession offense committed by a person who qualifies for protection pursuant to subsection (b)(2)B. of this section for a minor drug possession offense;
  2. Limit any seizure of evidence or contraband otherwise permitted by law;
  3. Limit or abridge the authority of a peace officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in that division;
  4. Limit, modify or remove any immunity from liability available pursuant to law in effect prior to the effective date of this amendment to any public agency or to an employee of any public agency.
- F. Subsection (b)(2)B. of this section does not apply to any person who twice previously has been granted an immunity under subsection (b)(2)B. of this section. No person shall be granted an immunity under subsection (b)(2)B. of this section more than two times.

G. Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance Portability and Accountability Act of 1996", 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and regulations promulgated by the United States Department of Health and Human Services to implement the act or the requirements of 42 C.F.R. Part 2.

(c) Whoever violates subsection (a) hereof is guilty of one of the following:

- (1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in Schedule III, IV, or V, whoever violates subsection (a) hereof is guilty of possession of drugs. Possession of drugs is a misdemeanor if the amount of the drug involved does not exceed the bulk amount. The penalty for the offense shall be determined as follows: possession of drugs is a misdemeanor of the first degree or, if the offender previously has been convicted of a drug abuse offense, a felony and shall be prosecuted under appropriate State law.
- (2) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates subsection (a) hereof is guilty of possession of marihuana. Possession of marihuana is a misdemeanor if the amount of the drug involved does not exceed 200 grams. The penalty for the offense shall be determined as follows:
  - A. Except as otherwise provided in subsection (c)(2)B. hereof, possession of marihuana is a minor misdemeanor.
  - B. If the amount of the drug involved equals or exceeds 100 grams but is less than 200 grams, possession of marihuana is a misdemeanor of the fourth degree.
- (3) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates subsection (a) hereof is guilty of possession of hashish. Possession of hashish is a misdemeanor if the amount of the drug involved does not exceed the maximum amount specified in subsection (c)(3)B. hereof. The penalty for the offense shall be determined as follows:
  - A. Except as otherwise provided in subsection (c)(3)B. hereof, possession of hashish is a minor misdemeanor.
  - B. If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one gram but is less than two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.

(d) In addition to any other sanction that is imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.

(e) Arrest or conviction for a minor misdemeanor violation 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 about the person's criminal record, including 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. (ORC 2925.11)

**513.04 POSSESSING DRUG ABUSE INSTRUMENTS.**

(a) No person shall knowingly make, obtain, possess or use any instrument, article or thing the customary and primary purpose of which is for the administration or use of a dangerous drug, other than marihuana, when the instrument involved is a hypodermic or syringe, whether or not of crude or extemporized manufacture or assembly, and the instrument, article or thing involved has been used by the offender to unlawfully administer or use a dangerous drug, other than marihuana, or to prepare a dangerous drug, other than marihuana, for unlawful administration or use.

(b) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731 and 4741.

(c) Whoever violates this section is guilty of possessing drug abuse instruments, a misdemeanor of the second degree. If the offender previously has been convicted of a drug abuse offense, violation of this section is a misdemeanor of the first degree.

(d) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. (ORC 2925.12)

**513.05 PERMITTING DRUG ABUSE.**

(a) No person, who is the owner, operator or person in charge of a locomotive, watercraft, aircraft or other vehicle as defined in Ohio R.C. 4501.01(A), shall knowingly permit the vehicle to be used for the commission of a felony drug abuse offense.

(b) No person, who is the owner, lessee or occupant, or who has custody, control or supervision of premises, or real estate, including vacant land, shall knowingly permit the premises, or real estate, including vacant land, to be used for the commission of a felony drug abuse offense by another person.

(c) Whoever violates this section is guilty of permitting drug abuse, a misdemeanor of the first degree. If the felony drug abuse offense in question is a violation of Ohio R.C. 2925.02, 2925.03, 2925.04 or 2925.041 as provided in Ohio R.C. 2925.13, permitting drug abuse is a felony and shall be prosecuted under appropriate State law.

(d) In addition to any other sanction imposed for an offense under this section, the court that sentences a person who is convicted of or pleads guilty to a violation of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.

(e) Any premises or real estate that is permitted to be used in violation of subsection (b) hereof constitutes a nuisance subject to abatement pursuant to Ohio R.C. Chapter 3767. (ORC 2925.13)

**CHAPTER 525**  
**Law Enforcement and Public Office**

<b>525.01</b>	<b>Definitions.</b>	<b>525.11</b>	<b>Soliciting or receiving improper compensation.</b>
<b>525.02</b>	<b>Falsification.</b>	<b>525.12</b>	<b>Dereliction of duty.</b>
<b>525.03</b>	<b>Impersonation of peace officer.</b>	<b>525.13</b>	<b>Interfering with civil rights.</b>
<b>525.04</b>	<b>Compounding a crime.</b>	<b>525.14</b>	<b>Unauthorized display of law enforcement emblems on motor vehicles.</b>
<b>525.05</b>	<b>Failure to report a crime, injury or knowledge of death.</b>	<b>525.15</b>	<b>Acts in contempt of court.</b>
<b>525.06</b>	<b>Failure to aid a law enforcement officer.</b>	<b>525.16</b>	<b>Wearing insignia falsely.</b>
<b>525.07</b>	<b>Obstructing official business.</b>	<b>525.17</b>	<b>Assaulting police dog or horse or an assistance dog.</b>
<b>525.08</b>	<b>Obstructing justice.</b>	<b>525.18</b>	<b>False allegation of peace officer misconduct.</b>
<b>525.09</b>	<b>Resisting arrest.</b>	<b>525.19</b>	<b>Refusal to disclose personal information in public place.</b>
<b>525.10</b>	<b>Having an unlawful interest in a public contract.</b>	<b>525.20</b>	<b>Interference with conduct of an election.</b>
		<b>525.21</b>	<b>Harassment of an election official.</b>
		<b>525.99</b>	<b>Penalty.</b>

**CROSS REFERENCES**

See sectional histories for similar State law  
 Law enforcement officer defined - see GEN. OFF. 501.01(k)  
 Misconduct at an emergency - see GEN. OFF. 509.05  
 Making false alarms - see GEN. OFF. 509.07  
 Personating an officer to defraud - see GEN. OFF. 545.16

**525.01 DEFINITIONS.**

As used in this chapter:

- (a) "Public official" means any elected or appointed officer, or employee, or agent of the State or any political subdivision thereof, whether in a temporary or permanent capacity, and includes, but is not limited to, legislators, judges and law enforcement officers. "Public official" does not include an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under Ohio R.C. 187.01.
- (b) "Public servant" means any of the following:
  - (1) Any public official;
  - (2) Any person performing ad hoc a governmental function, including, but not limited to, a juror, member of a temporary commission, master, arbitrator, advisor or consultant;

- (3) A person who is a candidate for public office, whether or not the person is elected or appointed to the office for which the person is a candidate. A person is a candidate for purposes of this subsection if the person has been nominated according to law for election or appointment to public office, or if the person has filed a petition or petitions as required by law to have the person's name placed on the ballot in a primary, general or special election, or if the person campaigns as a write-in candidate in any primary, general or special election. "Public servant" does not include an employee, officer, or governor- appointed member of the board of directors of the nonprofit corporation formed under Ohio R.C. 187.01.
- (c) "Party official" means any person who holds an elective or appointive post in a political party in the United States or this State, by virtue of which the person directs, conducts or participates in directing or conducting party affairs at any level of responsibility.
- (d) "Official proceeding" means any proceeding before a legislative, judicial, administrative or other governmental agency or official authorized to take evidence under oath, and includes any proceeding before a referee, hearing examiner, commissioner, notary or other person taking testimony or a deposition in connection with an official proceeding.
- (e) "Detention" means arrest, confinement in any vehicle subsequent to an arrest, confinement in any public or private facility for custody of persons charged with or convicted of a crime in this State or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this State or another state or under the laws of the United States; hospitalization, institutionalization or confinement in any public or private facility that is ordered pursuant to or under the authority of Ohio R.C. 2945.37, 2945.371, 2945.38, 2945.39 or 2945.40, 2945.401 or 2945.402; confinement in any vehicle for transportation to or from any facility of any of those natures; detention for extradition or deportation, except as provided in this subsection, supervision by any employee of any facility of any of those natures; that is incidental to hospitalization, institutionalization or confinement in the facility but that occurs outside the facility; supervision by an employee of the Department of Rehabilitation and Correction of a person on any type of release from a State correctional institution; or confinement in any vehicle, airplane, or place while being returned from outside of this State into this State by a private person or entity pursuant to a contract entered into under Ohio R.C. 311.29(E) or Ohio R.C. 5149.03(B). For a person confined in a county jail who participates in a county jail industry program pursuant to Ohio R.C. 5147.30, "detention" includes time spent at an assigned work site and going to and from the work site.
- (f) "Detention facility" means any public or private place used for the confinement of a person charged with or convicted of any crime in this State or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this State or another state or under the laws of the United States.
- (g) "Valuable thing or valuable benefit" includes, but is not limited to, a contribution. This inclusion does not indicate or imply that a contribution was not included in those terms before September 17, 1986.
- (h) "Campaign committee," "contribution," "political action committee," "legislative campaign fund" and "political party" have the same meanings as in Ohio R.C. 3517.01.
- (i) "Provider agreement" has the same meaning as in Ohio R.C. 5164.01.
- (j) "Election official" and "polling place" have the same meanings as in Ohio R.C. 3501.01.



- (k) "Telecommunication" has the same meaning as in section 2913.01 of the Ohio Revised Code and without limitation shall include, but not be limited to, any email, voicemail, fax, text, instant message, communication over or through any social media platform, and any other form of digital, electronic, or telephonic communication.
- (l) "Telecommunications device" has the same meaning as in section 2913.01 of the Ohio Revised Code.
- (m) "Communication" shall include, any other method of communication not set forth in subsection (k) including, but not limited to, any communication via U.S. Mail, private mail service, private delivery service, by in-person conduct, or through any other method intended to communicate with an election official.  
(Ord. 35-2022. Passed 10-17-22.)

#### **525.02 FALSIFICATION.**

(a) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies:

- (1) The statement is made in any official proceeding.
- (2) The statement is made with purpose to incriminate another.
- (3) The statement is made with purpose to mislead a public official in performing the public official's official function.
- (4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio works first; prevention, retention and contingency benefits and services; disability financial assistance; retirement benefits or health care coverage from a state retirement system; economic development assistance as defined in Ohio R.C. 9.66; or other benefits administered by a governmental agency or paid out of a public treasury.
- (5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release or provider agreement.
- (6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths.
- (7) The statement is in writing on or in connection with a report or return that is required or authorized by law.
- (8) The statement is in writing, and is made with purpose to induce another to extend credit to or employ the offender, or to confer any degree, diploma, certificate of attainment, award of excellence or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to that person's detriment.
- (9) The statement is made with purpose to commit or facilitate the commission of a theft offense.
- (10) The statement is knowingly made to a probate court in connection with any action, proceeding or other matter within its jurisdiction, either orally or in a written document, including, but not limited to, an application, petition, complaint or other pleading, or an inventory, account or report.
- (11) The statement is made on an account, form, record, stamp, label or other writing that is required by law.
- (12) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the Secretary of State, a county recorder, or the clerk of a court of record.
- (13) The statement is required under Ohio R.C. 5743.71 in connection with the person's purchase of cigarettes or tobacco products in a delivery sale.

(b) It is no defense to a charge under subsection (a)(6) hereof that the oath or affirmation was administered or taken in an irregular manner.

(c) If contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false, but only that one or the other was false.

- (d) (1) Whoever violates any provision of subsection (a)(1) to (8) or (10) to (13) hereof is guilty of falsification, a misdemeanor of the first degree.
- (2) Whoever violates subsection (a)(9) hereof is guilty of falsification in a theft offense, a misdemeanor of the first degree. If the value of the property or services stolen is one thousand dollars (\$1,000) or more, falsification in a theft offense is a felony and shall be prosecuted under appropriate State law.

(e) A person who violates this section is liable in a civil action to any person harmed by the violation for injury, death, or loss to person or property incurred as a result of the commission of the offense and for reasonable attorney's fees, court costs, and other expenses incurred as a result of prosecuting the civil action commenced under this section. A civil action under this section is not the exclusive remedy of a person who incurs injury, death, or loss to person or property as a result of a violation of this section.  
(ORC 2921.13)

#### **525.03 IMPERSONATION OF PEACE OFFICER.**

(a) As used in this section:

- (1) "Peace officer" means a sheriff, deputy sheriff, marshal, deputy marshal, member of the organized police department of a municipal corporation or township constable who is employed by a political subdivision of this State; a member of a police force employed by a metropolitan housing authority under Ohio R.C. 3735.31(D); a member of a police force employed by a regional transit authority under Ohio R.C. 306.35(Y), a State university law enforcement officer appointed under Ohio R.C. 3345.04; a veterans' home police officer appointed under Ohio R.C. 5907.02; a special police officer employed by a port authority under Ohio R.C. 4582.04 or 4582.28; an officer, agent, or employee of the State or any of its agencies, instrumentalities or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within limits of that statutory duty and authority; or a State highway patrol trooper whose primary duties are to preserve the peace, to protect life and property and to enforce the laws, ordinances or rules of the State or any of its political subdivisions.
- (2) "Private police officer" means any security guard, special police officer, private detective or other person who is privately employed in a police capacity.
- (3) "Federal law enforcement officer" means an employee of the United States who serves in a position the duties of which are primarily the investigation, apprehension or detention of individuals suspected or convicted of offenses under the criminal laws of the United States.
- (4) "Investigator of the Bureau of Criminal Identification and Investigation" has the same meaning as in Ohio R.C. 2903.11.

- C. If the violation did not result in the death of the police dog or horse or the assistance dog that was the subject of the violation and if, as a result of that dog or horse being the subject of the violation, the dog or horse needs further training or retraining to be able to continue in the capacity of a police dog or horse or an assistance dog, the cost of any further training or retraining of that dog or horse by a law enforcement officer or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog;
- D. If the violation resulted in the death of the assistance dog that was the subject of the violation or resulted in serious physical harm to the police dog or horse or the assistance dog or horse that was the subject of the violation to the extent that the dog or horse needs to be replaced on either a temporary or a permanent basis, the cost of replacing that dog or horse and of any further training of a new police dog or horse or a new assistance dog by a law enforcement officer or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog, which replacement or training is required because of the death of or the serious physical harm to the dog or horse that was the subject of the violation.

(f) This section does not apply to a licensed veterinarian whose conduct is in accordance with Ohio R.C. Chapter 4741.

(g) This section only applies to an offender who knows or should know at the time of the violation that the police dog or horse or assistance dog that is the subject of a violation under this section is a police dog or horse or assistance dog.

(h) As used in this section:

- (1) "Physical harm" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.
- (2) "Police dog or horse" means a dog or horse that has been trained, and may be used, to assist law enforcement officers in the performance of their official duties.
- (3) "Serious physical harm" means any of the following:
  - A. Any physical harm that carries a substantial risk of death;
  - B. Any physical harm that causes permanent maiming or that involves some temporary, substantial maiming;
  - C. Any physical harm that causes acute pain of a duration that results in substantial suffering.
- (4) "Assistance dog", "blind", and "mobility impaired person" have the same meanings as in Ohio R.C. 955.011.  
(ORC 2921.321)

#### **525.18 FALSE ALLEGATION OF PEACE OFFICER MISCONDUCT.**

(a) As used in this section, "peace officer" has the same meaning as in Ohio R.C. 2935.01.

(b) No person shall knowingly file a complaint against a peace officer that alleges that the peace officer engaged in misconduct in the performance of the officer's duties if the person knows that the allegation is false.

(c) Whoever violates this section is guilty of making a false allegation of peace officer misconduct, a misdemeanor of the first degree.  
(ORC 2921.15)

**525.19 REFUSAL TO DISCLOSE PERSONAL INFORMATION IN PUBLIC PLACE.**

(a) No person who is in a public place shall refuse to disclose the person's name, address, or date of birth, when requested by a law enforcement officer who reasonably suspects either of the following:

- (1) The person is committing, has committed, or is about to commit a criminal offense.
- (2) The person witnessed any of the following:
  - A. An offense of violence that would constitute a felony under the laws of this State;
  - B. A felony offense that causes or results in, or creates a substantial risk of, serious physical harm to another person or to property;
  - C. Any attempt or conspiracy to commit, or complicity in committing, any offense identified in subsection (a)(2)A. or B. of this section;
  - D. Any conduct reasonably indicating that any offense identified in subsection (a)(2)A. or B. of this section or any attempt, conspiracy, or complicity described in subsection (a)(2)C. of this section has been, is being, or is about to be committed.

(b) Whoever violates this section is guilty of failure to disclose one's personal information, a misdemeanor of the fourth degree.

(c) Nothing in this section requires a person to answer any questions beyond that person's name, address, or date of birth. Nothing in this section authorizes a law enforcement officer to arrest a person for not providing any information beyond that person's name, address, or date of birth or for refusing to describe the offense observed.

(d) It is not a violation of this section to refuse to answer a question that would reveal a person's age or date of birth if age is an element of the crime that the person is suspected of committing. (ORC 2921.29)

**525.20 INTERFERENCE WITH CONDUCT OF AN ELECTION.**

(a) No person shall do any of the following:

- (1) Attempt to intimidate an election official with the intent to influence them in their official duties, or prevent an election official from performing the official's duties;
- (2) Tear down, remove, or destroy any of the registration lists or sample ballots furnished by the board of elections at the polling place with knowledge that the person's actions may interfere with the election;
- (3) Loiter in or about a registration or polling place during registration or the casting and counting of ballots after being asked to leave, with the intent to hinder, delay, or interfere with the conduct of the registration or election;
- (4) Remove from the voting place the pencils, cards of instruction, supplies, or other conveniences furnished to enable the voter to mark the voter's ballot with the intent to hinder, delay, or interfere with the conduct of the registration or election.

(b) "Intimidate" shall mean an act or statement that places any person in reasonable apprehension that death, serious bodily injury, sexual assault, or a felony against the election official's family or property will occur.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree. For a violation of subsection (a)(1), the court shall impose a mandatory term of imprisonment of at least three (3) days, which shall not be suspended. (Ord. 35-2022. Passed 10-17-22.)

#### **525.21 HARASSMENT OF AN ELECTION OFFICIAL.**

(a) No person shall knowingly make or cause to be made a telecommunication to an election official that threatens to inflict serious physical injury upon or commit a felony against the election official or their property or that harasses an election official with the intent to unlawfully influence such person regarding or in connection with such person's duties or responsibilities regarding any past, current, or future general, primary, or special election.

(b) No person shall knowingly engage in conduct or any form of communication or knowingly encourage another to engage in such conduct or communication that threatens to inflict serious physical injury upon or commit a felony against an election official or harasses an election official with the intent to unlawfully influence such person regarding or in connection with such person's duties or responsibilities regarding any past, current, or future general, primary, or special election.

(c) No person shall knowingly make or cause to be made a telecommunication that threatens to inflict serious physical injury upon or commit a felony against an election official's immediate family, parents, grandparents, grandchildren, or any member of the election official's household or their property, or that harasses such individuals, with the intent to unlawfully influence the election official in their duties or responsibilities regarding any past, current, or future general, primary, or special election.

(d) No person shall knowingly engage in conduct or any form of communication or knowingly encourage another to engage in such conduct or communication that threatens to inflict serious physical injury upon or commit a felony against an election official's immediate family, parents, grandparents, grandchildren, or any member of the election official's household or that harasses such individuals with the intent to unlawfully influence the official regarding or in connection with the election official's duties or responsibilities regarding any past, current, or future general, primary, or special election.

(e) "Harassment" means insulting by abusive words or gestures in a manner intended and likely to provoke a violent response or that makes a reasonable person feel distressed.

(f) Whoever violates this section is guilty of a misdemeanor of the first degree. The court shall impose a mandatory term of imprisonment of at least three (3) days, which shall not be suspended. (Ord. 35-2022. Passed 10-17-22.)

#### **525.99 PENALTY.**

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

## CHAPTER 529 Liquor Control

529.01	Definitions.	529.06	Low-alcohol beverages: sale to and purchase by underage persons prohibited.
529.02	Sales to and use by underage persons; securing public accommodations.	529.07	Open container prohibited.
529.021	Purchase by minor; misrepresentation.	529.08	Hours of sale or consumption.
529.03	Sales to intoxicated persons.	529.09	Possession by minors; parents' liability.
529.04	Liquor consumption in motor vehicle.	529.10	Intoxicants on City-owned property.
529.05	Permit required.	529.99	Penalty.

### CROSS REFERENCES

See sectional histories for similar State law  
 Prohibiting sale of intoxicating liquor on Sunday - see Ohio R.C. 4301.22(D)  
 Local option - see Ohio R.C. 4301.32 et seq., 4303.29  
 Disorderly conduct; intoxication - see GEN. OFF. 509.03  
 Using weapons while intoxicated - see GEN. OFF. 549.03

### 529.01 DEFINITIONS.

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

- (a) "Alcohol". Ethyl alcohol, whether rectified or diluted with water or not, whatever its origin may be, and includes synthetic ethyl alcohol. The term does not include denatured alcohol and wood alcohol.
- (b) "At Retail". For use or consumption by the purchaser and not for resale.
- (c) "Beer".
  - (1) Includes all beverages brewed or fermented wholly or in part from malt products and containing one-half of one percent (0.5%) or more of alcohol by volume.
  - (2) Beer, regardless of the percent of alcohol by volume, is not intoxicating liquor for purposes of this code, the Ohio Revised Code, or any rules adopted under it.
- (d) "Cider". All liquids that are fit to use for beverage purposes that contain one-half of one percent (0.5%) of alcohol by volume, but not more than six percent (6%) of alcohol by weight that are made through the normal alcoholic fermentation of the juice of sound, ripe apples, including, without limitation, flavored, sparkling, or carbonated cider and cider made from pure condensed apple must.

- (e) "Club". A corporation or association of individuals organized in good faith for social, recreational, benevolent, charitable, fraternal, political, patriotic, or athletic purposes, which is the owner, lessor, or occupant of a permanent building or part of a permanent building operated solely for such purposes, membership in which entails the prepayment of regular dues, and includes the place so operated.
- (f) "Community Facility". Means either of the following:
  - (1) Any convention, sports or entertainment facility or complex, or any combination of these, that is used by or accessible to the general public and that is owned or operated in whole or in part by the state, a state agency, or a political subdivision of the state or that is leased from, or located on property owned by or leased from, the state, a state agency, a political subdivision of the state, or a convention facilities authority created pursuant to Ohio R.C. 351.02;
  - (2) An area designated as a community entertainment district pursuant to Ohio R.C. 4301.80.
- (g) "Controlled Access Alcohol and Beverage Cabinet". A closed container, either refrigerated, in whole or in part, or nonrefrigerated, access to the interior of which is restricted by means of a device that requires the use of a key, magnetic card, or similar device and from which beer, intoxicating liquor, other beverages or food may be sold.
- (h) "Hotel". The same meaning as in Ohio R.C. 3731.01, subject to the exceptions mentioned in Ohio R.C. 3731.03.
- (i) "Intoxicating Liquor" and "Liquor". All liquids and compounds, other than beer, containing one half of one percent (0.5%) or more of alcohol by volume which are fit to use for beverage purposes, from whatever source and by whatever process produced, by whatever name called, and whether they are medicated, proprietary, or patented. The terms include cider and alcohol, and all solids and confections which contain one-half of one percent (0.5%) or more of alcohol by volume.
- (j) "Low-Alcohol Beverage". Any brewed or fermented malt product or any product made from the fermented juices of grapes, fruits, or other agricultural products that contains either no alcohol or less than one-half of one percent (0.5%) of alcohol by volume. The beverages described in this definition do not include a soft drink such as root beer, birch beer, or ginger beer.
- (k) "Manufacture". All processes by which beer or intoxicating liquor is produced, whether by distillation, rectifying, fortifying, blending, fermentation, brewing, or in any other manner.
- (l) "Manufacturer". Any person engaged in the business of manufacturing beer or intoxicating liquor.
- (m) "Mixed Beverages". Include bottled and prepared cordials, cocktails, highballs, and solids and confections that are obtained by mixing any type of whiskey, neutral spirits, brandy, gin or other distilled spirits with, or over, carbonated or plain water, pure juices from flowers and plants, and other flavoring materials. The completed product shall contain not less than one-half of one percent (0.5%) of alcohol by volume and not more than twenty-one percent (21%) of alcohol by volume. The phrase includes the contents of a pod.
- (n) "Nightclub". A place habitually operated for profit, where food is served for consumption on the premises, and one or more forms of amusement are provided or permitted for a consideration that may be in the form of a cover charge or may be included in the price of the food and beverages, or both, purchased by patrons.
- (o) "Person". Includes firms and corporations.
- (p) "Pharmacy". An establishment as defined in Ohio R.C. 4729.01, that is under the management or control of a licensed pharmacist in accordance with Ohio R.C. 4729.27.

- (q) "POD". Means a sealed capsule made from plastic, glass, aluminum, or a combination thereof to which all of the following apply:
- (1) The capsule contains intoxicating liquor of more than twenty-one percent (21%) of alcohol by volume.
  - (2) The capsule also contains a concentrated flavoring mixture.
  - (3) The contents of the capsule are not readily accessible or intended for consumption unless certain manufacturer's processing instructions are followed.
  - (4) The instructions include releasing the contents of the capsule through a machine specifically designed to process the contents.
  - (5) After being properly processed according to the manufacturer's instructions, the final product produced from the capsule contains not less than one-half of one percent (0.5%) of alcohol by volume and not more than twenty-one percent (21%) of alcohol by volume.
- (r) "Restaurant". A place located in a permanent building provided with space and accommodations wherein, in consideration of the payment of money, hot meals are habitually prepared, sold, and served at noon and evening, as the principal business of the place. The term does not include pharmacies, confectionery stores, lunch stands, nightclubs, and filling stations.
- (s) "Sale" and "Sell". The exchange, barter, gift, offer for sale, sale, distribution, and delivery of any kind, and the transfer of title or possession of beer and intoxicating liquor either by constructive or actual delivery by any means or devices whatever, including the sale of beer or intoxicating liquor by means of a controlled access alcohol and beverage cabinet pursuant to Ohio R.C. 4301.21. Such terms do not include the mere solicitation of orders for beer or intoxicating liquor from the holders of permits issued by the Division of Liquor Control authorizing the sale of the beer or intoxicating liquor, but no solicitor shall solicit any orders until the solicitor has been registered with the Division pursuant to Ohio R.C. 4303.25.
- (t) "Sales Area or Territory". An exclusive geographic area or territory that is assigned to a particular A or B permit holder and that either has one or more political subdivisions as its boundaries or consists of an area of land with readily identifiable geographic boundaries. The term does not include, however, any particular retail location in an exclusive geographic area or territory that had been assigned to another A or B permit holder before April 9, 2001.
- (u) "Sealed Container". Any container having a capacity of not more than 128 fluid ounces, the opening of which is closed to prevent the entrance of air.
- (v) "Spirituous Liquor". All intoxicating liquors containing more than twenty-one percent (21%) of alcohol by volume. The phrase does not include the contents of a pod.
- (w) "Vehicle". All means of transportation by land, by water, or by air, and everything made use of in any way for such transportation.
- (x) "Wholesale Distributor" and "Distributor". A person engaged in the business of selling to retail dealers for purposes of resale.
- (y) "Wine". All liquids fit to use for beverage purposes containing not less than one-half of one percent (0.5%) of alcohol by volume and not more than twenty-one percent (21%) of alcohol by volume, that is made from the fermented juices of grapes, fruits, or other agricultural products. The term includes cider, except as used in Ohio R.C. 4301.13, 4301.421, 4301.422, 4301.432, and 4301.44, and, for purposes of determining the rate of the tax that applies, Ohio R.C. 4301.43(B), the term does not include cider.  
(ORC 4301.01, 4301.244)



**529.02 SALES TO AND USE BY UNDERAGE PERSONS; SECURING PUBLIC ACCOMMODATIONS.**

(a) Except as otherwise provided in this chapter or Ohio R.C. Chapter 4301, no person shall sell beer or intoxicating liquor to an underage person, or shall buy beer or intoxicating liquor for an underage person, or shall furnish it to, an underage person, unless given by a physician in the regular line of his practice or given for established religious purposes, or unless the underage person is supervised by a parent, spouse who is not an underage person or legal guardian.

In proceedings before the Liquor Control Commission, no permit holder, or no employee or agent of a permit holder, charged with a violation of this subsection shall be charged, for the same offense, with a violation of Ohio R.C. 4301.22(A)(1).

(b) No person who is the owner or occupant of any public or private place shall knowingly allow any underage person to remain in or on the place while possessing or consuming beer or intoxicating liquor, unless the intoxicating liquor or beer is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person or legal guardian and the parent, spouse who is not an underage person or legal guardian is present at the time of the person's possession or consumption of the beer or intoxicating liquor.

An owner of a public or private place is not liable for acts or omissions in violation of this subsection that are committed by a lessee of that place, unless the owner authorizes or acquiesces in the lessee's acts or omissions.

(c) No person shall engage or use accommodations at a hotel, inn, cabin, campground or restaurant when he knows or has reason to know either of the following:

- (1) That beer or intoxicating liquor will be consumed by an underage person on the premises of the accommodations that the person engages or uses, unless the person engaging or using the accommodations is the spouse of the underage person and is not an underage person, or is the parent or legal guardian of all of the underage persons, who consume beer or intoxicating liquor on the premises and that person is on the premises at all times when beer or intoxicating liquor is being consumed by an underage person;
- (2) That a drug of abuse will be consumed on the premises of the accommodations by any person, except a person who obtained the drug of abuse pursuant to a prescription issued by a practitioner and has the drug of abuse in the original container in which it was dispensed to the person.

- (d) (1) No person is required to permit the engagement of accommodations at any hotel, inn, cabin or campground by an underage person or for an underage person, if the person engaging the accommodations knows or has reason to know that the underage person is intoxicated, or that the underage person possesses any beer or intoxicating liquor and is not supervised by a parent, spouse who is not an underage person or legal guardian who is or will be present at all times when the beer or intoxicating liquor is being consumed by the underage person.

**529.03 SALES TO INTOXICATED PERSONS.**

(a) No permit holder and no agent or employee of a permit holder shall sell or furnish beer or intoxicating liquor to an intoxicated person. (ORC 4301.22)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4301.99)

**529.04 LIQUOR CONSUMPTION IN MOTOR VEHICLE.**

(a) No person shall consume any beer or intoxicating liquor in a motor vehicle. This section does not apply to persons described in Section 529.07(d). (ORC 4301.64)

(b) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the second degree.

(c) If an offender who violates this section was under the age of eighteen years at the time of the offense, the court, in addition to any other penalties it imposes upon the offender, shall suspend the offender's temporary instruction permit, probationary driver's license, or driver's license for a period of not less than six months and not more than one year. In lieu of suspending the offender's temporary instruction permit, probationary driver's license or driver's license, the court may instead require the offender to perform community service for a number of hours to be determined by the court. If the offender is fifteen years and six months of age or older and has not been issued a temporary instruction permit or probationary driver's license, the offender shall not be eligible to be issued such a license or permit for a period of six months. If the offender has not attained the age of fifteen years and six months, the offender shall not be eligible to be issued a temporary instruction permit until the offender attains the age of sixteen years. (ORC 4301.99)

**529.05 PERMIT REQUIRED.**

(a) No person personally or by the person's clerk, agent or employee shall manufacture, manufacture for sale, offer, keep or possess for sale, furnish or sell, or solicit the purchase or sale of any beer or intoxicating liquor in this Municipality, or transport, import or cause to be transported or imported any beer, intoxicating liquor or alcohol on or into this Municipality for delivery, use or sale, unless the person has fully complied with Ohio R.C. Chapters 4301 and 4303 or is the holder of a permit issued by the Division of Liquor Control and in force at the time. (ORC 4303.25)

(b) Whoever violates this section is guilty of a minor misdemeanor.

**529.06 LOW-ALCOHOL BEVERAGES: SALE TO AND PURCHASE BY UNDERAGE PERSONS PROHIBITED.**

(a) As used in this section, "underage person" means a person under eighteen years of age.

(b) No underage person shall purchase any low-alcohol beverage.

(c) No underage person shall order, pay for, share the cost of, or attempt to purchase any low-alcohol beverage.

(d) No person shall knowingly furnish any false information as to the name, age, or other identification of any underage person for the purpose of obtaining or with the intent to obtain any low-alcohol beverage for an underage person, by purchase or as a gift.

(e) No underage person shall knowingly show or give false information concerning his name, age, or other identification for the purpose of purchasing or otherwise obtaining any low-alcohol beverage in any place in this Municipality.

(f) No person shall sell or furnish any low-alcohol beverage to, or buy any low-alcohol beverage for, an underage person, unless given by a physician in the regular line of his practice or given for established religious purposes, or unless the underage person is accompanied by a parent, spouse who is not an underage person, or legal guardian.

(g) No person who is the owner or occupant of any public or private place shall knowingly allow any underage person to remain in or on the place while possessing or consuming any low-alcohol beverage, unless the low-alcohol beverage is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person, or legal guardian, and the parent, spouse who is not an underage person, or legal guardian is present when the person possesses or consumes the low-alcohol beverage.

An owner of a public or private place is not liable for acts or omissions in violation of this division that are committed by a lessee of that place, unless the owner authorizes or acquiesces in the lessee's acts or omissions.

(h) No underage person shall knowingly possess or consume any low-alcohol beverage in any public or private place, unless he is accompanied by a parent, spouse who is not an underage person, or legal guardian, or unless the low-alcohol beverage is given by a physician in the regular line of his practice or given for established religious purposes.

(i) No parent, spouse who is not an underage person, or legal guardian of an underage person shall knowingly permit the underage person to violate this section.  
(ORC 4301.631)

(j) Whoever violates any provision of this section for which no other penalty is provided is guilty of a misdemeanor of the fourth degree.

(k) Whoever violates subsection (b) hereof shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). The court imposing a fine for a violation of subsection (b) hereof may order that the fine be paid by the performance of public work at a reasonable hourly rate established by the court. The court shall designate the time within which the public work shall be completed. (ORC 4301.99)

#### **529.07 OPEN CONTAINER PROHIBITED.**

(a) As used in this section:

- (1) "Chauffeured limousine" means a vehicle registered under Ohio R.C. 4503.24.
- (2) "Street," "highway" and "motor vehicle" have the same meanings as in Ohio R.C. 4511.01.

(b) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:

- (1) In a State liquor store;
- (2) Except as provided in subsection (c) or (i) hereof, on the premises of the holder of any permit issued by the Division of Liquor Control;
- (3) In any other public place;

- (h) (1) As used in this section, "alcoholic beverage" has the same meaning as in Ohio R.C. 4303.185.
- (2) An alcoholic beverage in a closed container being transported under Ohio R.C. 4303.185 to its final destination is not an opened container for the purposes of this section if the closed container is securely sealed in such a manner that it is visibly apparent if the closed container has been subsequently opened or tampered with after sealing.  
(ORC 4301.62)

(i) This section does not apply to a person that has in the person's possession an opened container of homemade beer or wine that is served in accordance with Ohio R.C. 4301.201(E). (ORC 4301.62)

(j) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4301.99(A))

#### **529.08 HOURS OF SALE OR CONSUMPTION.**

(a) This rule shall apply to the retail sale of beer, wine, mixed beverages, or spirituous liquor.

(b) No beer, wine, mixed beverages, or spirituous liquor shall be sold or delivered by an A-1, A-1c, A-2, B-1, B-2, B-4, B-5, C-1, C-2, C-2X, D-1, D-2, D-2X, D-3 when issued without a D-3A, D-3X, D-4, D-5H, D-5K, D-8, F, F-1, F-2, F-3, F-4, F-5, F-6, F-7, F-8, F-9, G or I permit holder:

- (1) From Monday to Saturday between the hours of one a.m. and five thirty a.m.
- (2) On Sunday between the hours of one a.m. and Sunday midnight, unless statutorily authorized otherwise.
- (3) Consumption of beer, wine, mixed beverages, or spirituous liquor is also prohibited during the above hours upon the premises of the above permit holders who are authorized by their permit to sell beer, wine, mixed beverages, or spirituous liquor for on-premises consumption.

(c) No beer, wine, mixed beverages, or spirituous liquid shall be sold or delivered by an A-1A, D-3 when issued with a D-3A, D-4A, D-5, D-5A, D-5B, D-5C, D-5D, D-5E, D-5F, D-5G, D-5I, D-5J, D-5L, D-5m, D-5n, D-5o, or D-7 permit holder:

- (1) From Monday to Saturday between the hours of two thirty a.m. and five thirty a.m.
- (2) On Sunday between the hours of two thirty a.m. and Sunday midnight, unless statutorily authorized otherwise.
- (3) Consumption of beer, wine, mixed beverages, or spirituous liquor is also prohibited during the above hours upon the premises of the above permit holders who are authorized by their permit to sell beer, wine, mixed beverages or spirituous liquor for on-premises consumption.

(d) Permit holders authorized to sell beer, wine, mixed beverages, or spirituous liquor at retail who are not specifically identified in subsection (b) or (c) above shall be subject to the provisions of subsection (b), unless statutorily authorized otherwise.

(e) The hours on Sunday during which sales, delivery, or consumption of alcoholic beverages may take place are established by statute, but in no event shall they begin prior to five thirty a.m. (OAC 4301:1-1-49)

- (f) Whoever violates this section is guilty of a minor misdemeanor.

**529.09 POSSESSION BY MINORS; PARENTS' LIABILITY.**

(a) No person under the age of twenty-one years shall knowingly possess, control or consume any beer or intoxicating liquor, in any public or private place, unless he is accompanied by a parent or legal guardian, or unless the beer or intoxicating liquor is given by a physician in the regular line of his practice or given for established religious purposes.  
(Ord. 104-89. Passed 12-11-89.)

(b) No person being the parent or legal guardian of a person under the age of twenty-one years shall knowingly permit such person under the age of twenty-one years to violate any provision of this chapter.

(c) No person being the owner or occupant of any property located within the City shall knowingly allow any person under the age of twenty-one years to remain on such property while in the possession of intoxicating liquor or beer or while consuming intoxicating liquor or beer, unless it is given by a parent or legal guardian and that parent or legal guardian is present at the time of possession or consumption.

(d) No person shall engage or permit engagement of accommodations at a hotel, motel, inn, campground or other hostelry under circumstances in which he knows or has reason to know that intoxicating liquor, beer or drugs of abuse will be consumed by persons under the age of twenty-one years on the premises of such accommodations. It shall be a complete defense to a violation of this subsection involving alcohol only that the person is the parent or legal guardian to all such persons under the age of twenty-one years. Notice of the provisions of this subsection and the penalties attendant to violation of this subsection shall be conspicuously posted in at least one location on the premises of all hotels, motels, inns, campgrounds and other hostelries in this City.

(e) Whoever violates any provision of this section is guilty of a misdemeanor of the fourth degree.

**529.10 INTOXICANTS ON CITY-OWNED PROPERTY.**

(a) No person shall take any alcohol, intoxicating liquor, beer or low-alcohol beverage into or upon City-owned property unless it is approved pursuant to Administrative Regulation prescribed by the City Manager or his designee pursuant to Section 131.02.

(b) Whoever violates this section is guilty of a minor misdemeanor.  
(Ord. 33-2011. Passed 10-3-11.)

**529.99 PENALTY.**

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

**CHAPTER 537**  
**Offenses Against Persons**

<b>537.01</b>	<b>Negligent homicide.</b>	<b>537.13</b>	<b>Adulterating of or</b>
<b>537.02</b>	<b>Vehicular homicide and</b>		<b>furnishing adulterated food</b>
	<b>manslaughter.</b>		<b>or confection.</b>
<b>537.021</b>	<b>Vehicular assault in a</b>	<b>537.14</b>	<b>Domestic violence.</b>
	<b>construction zone.</b>	<b>537.15</b>	<b>Temporary protection order.</b>
<b>537.03</b>	<b>Assault.</b>	<b>537.16</b>	<b>Illegal distribution of</b>
<b>537.04</b>	<b>Negligent assault.</b>		<b>cigarettes, other tobacco</b>
<b>537.05</b>	<b>Aggravated menacing.</b>		<b>products, or alternate</b>
<b>537.051</b>	<b>Menacing by stalking.</b>		<b>nicotine products;</b>
<b>537.06</b>	<b>Menacing.</b>		<b>transaction scans.</b>
<b>537.07</b>	<b>Endangering children.</b>	<b>537.17</b>	<b>Reserved.</b>
<b>537.08</b>	<b>Unlawful restraint.</b>	<b>537.18</b>	<b>Contributing to unruliness</b>
<b>537.09</b>	<b>Coercion.</b>		<b>or delinquency of a child.</b>
<b>537.10</b>	<b>Telecommunication</b>	<b>537.19</b>	<b>Failing to provide for</b>
	<b>harassment.</b>		<b>functionally impaired person.</b>
<b>537.11</b>	<b>Threatening or harassing</b>	<b>537.20</b>	<b>Abortion offenses.</b>
	<b>telephone calls.</b>	<b>537.21</b>	<b>Hazing prohibited.</b>
<b>537.12</b>	<b>Misuse of 9-1-1 system.</b>	<b>537.99</b>	<b>Penalty.</b>

**CROSS REFERENCES**

See sectional histories for similar State law

Physical harm to persons defined - see GEN. OFF. 501.01 (c), (e)

Fighting; provoking violent response - see GEN. OFF. 509.03

**537.01 NEGLIGENT HOMICIDE.**

(a) No person shall negligently cause the death of another or the unlawful termination of another's pregnancy by means of a deadly weapon or dangerous ordnance as defined in Section 549.01.

(b) Whoever violates this section is guilty of negligent homicide, a misdemeanor of the first degree. (ORC 2903.05)

**537.02 VEHICULAR HOMICIDE AND MANSLAUGHTER.**

(a) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall cause the death of another or the unlawful termination of another's pregnancy in any of the following ways:

(1) A. Negligently;

- B. As the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a speeding offense, provided that this subsection applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in subsection (d) of this section.
- (2) As the proximate result of committing a violation of any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor.
- (b) (1) Whoever violates subsection (a)(1) of this section is guilty of vehicular homicide. Except as otherwise provided in this subsection, vehicular homicide is a misdemeanor of the first degree. Vehicular homicide is a felony and shall be prosecuted under appropriate State law if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under Ohio R.C. 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter or assault offense. The court shall impose a mandatory jail term on the offender when required by Ohio R.C. 2903.06(E).
- (2) Whoever violates subsection (a)(2) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this subsection, vehicular manslaughter is a misdemeanor of the second degree. Vehicular manslaughter is a misdemeanor of the first degree if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under Ohio R.C. 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.
- (c) The court shall impose a mandatory jail term of at least fifteen days on an offender who is convicted of or pleads guilty to a violation of subsection (a)(1)B. of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99. The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of subsection (a)(1)A. hereof if either of the following applies:
- (1) The offender previously has been convicted of or pleaded guilty to a violation of this section or Ohio R.C. 2903.06 or 2903.08.

**537.13 ADULTERATING OF OR FURNISHING ADULTERATED FOOD OR CONFECTION.**

(a) No person shall do either of the following, knowingly or having reasonable cause to believe that any person may suffer physical harm or be seriously inconvenienced or annoyed thereby:

- (1) Place a pin, needle, razor blade, glass, laxative, drug of abuse, or other harmful or hazardous object or substance in any food or confection;
- (2) Furnish to any person any food or confection which has been adulterated in violation of subsection (a)(1) hereof. (ORC 3716.11)

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.  
(ORC 3716.99(C))

**537.14 DOMESTIC VIOLENCE.**

(a) No person shall knowingly cause or attempt to cause physical harm to a family or household member.

(b) No person shall recklessly cause serious physical harm to a family or household member.

(c) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.

(d) No person shall knowingly cause or attempt to cause physical harm to an intimate partner.

(e) No person shall recklessly cause serious physical harm to an intimate partner.

(f) No person, by threat of force, shall knowingly cause an intimate partner to believe that the offender will cause imminent physical harm to the intimate partner.

- (g)
- (1) Whoever violates divisions (a), (b), or (c) of this section is guilty of domestic violence and whoever violates divisions (d), (e), or (f) of this section is guilty of intimate partner violence. The court shall sentence the offender as provided in divisions (g)(2) to (g)(5).
  - (2) Except as otherwise provided in subsection (g)(3) to (5) of this section, a violation of subsection (c) or (f) of this section is a misdemeanor of the fourth degree, and a violation of subsection (a), (b), (d), or (e) of this section is a misdemeanor of the first degree.
  - (3) Except as otherwise provided in subsection (g)(4) of this section, if the offender previously has pleaded guilty to or been convicted of domestic violence or intimate partner violence, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to domestic violence or intimate partner violence, a violation of Ohio R.C. 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 if the victim of the violation was a family or household member or intimate partner at the time of the violation, a violation of an existing or former municipal ordinance or law of this or any



other state or the United States that is substantially similar to any of those sections if the victim of the violation was a family or household member or intimate partner at the time of the commission of the violation, or any offense of violence if the victim of the offense was a family or household member at the time of the commission of the offense, a violation of subsection (c) or (f) of this section is a misdemeanor of the second degree.

- (4) If the offender previously has pleaded guilty to or been convicted of two or more offenses of domestic violence or two or more violations or offenses of the type described in subsection (g)(3) of this section involving a person who was a family or household member or intimate partner at the time of the violations or offenses, a violation of subsection (c) or (f) of this section is a misdemeanor of the first degree.
- (5) Except as otherwise provided in subsection (g)(3) or (4) of this section, if the offender knew that the victim of the violation was pregnant at the time of the violation, a violation of subsection (c) or (f) of this section is a misdemeanor of the third degree.

(h) This section shall not apply to circumstances which, by law, would be felony violations under Ohio R.C. 2919.25 or other applicable state law.

(i) Notwithstanding any provision of law to the contrary, no court or unit of local government shall charge any fee, cost, deposit, or money in connection with the filing of charges against a person alleging that the person violated this section or in connection with the prosecution of any charges so filed.

(j) As used in this section:

(1) "Family or household member" means any of the following:

A. Any of the following who is residing or has resided with the offender:

- 1. A spouse, a person living as a spouse or a former spouse of the offender;
- 2. A parent, a foster parent or a child of the offender, or another person related by consanguinity or affinity to the offender;
- 3. A parent, or a child of a spouse, person living as a spouse, or former spouse of the offender; or another person related by consanguinity or affinity to a spouse, person living as a spouse or former spouse of the offender.

B. The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.

- (2) "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question.
- (3) "Intimate partner" means a person with whom the offender is, or has been, in a dating relationship but who does not meet the definition of a family or household member.
- (4) "Dating relationship" means a relationship between individuals who have, or who have had, a relationship of a romantic or intimate nature. "Dating relationship" does not include a casual acquaintanceship or ordinary fraternization in a business or social context.

(k) The same relief available under the Ohio Revised Code for filing a complaint for violation of Ohio R.C. 2919.25 shall be available for filing a complaint for violation of this section. (Ord. 34-2022. Passed 10-3-22.)

**537.15 TEMPORARY PROTECTION ORDER.**

- (a) No person shall recklessly violate the terms of any of the following:
- (1) A protection order issued or consent agreement approved pursuant to Ohio R.C. 2919.26 or 3113.31;
  - (2) A protection order issued pursuant to Ohio R.C. 2151.34, 2903.213 or 2903.214;
  - (3) A protection order issued by a court of another state.
- (b)
- (1) Whoever violates this section is guilty of violating a protection order.
  - (2) Except as otherwise provided in subsection (b)(3) of this section, violating a protection order is a misdemeanor of the first degree.
  - (3) Violating a protection order is a felony and shall be prosecuted under State law if the offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for any of the following:
    - A. A violation of a protection order issued or consent agreement approved pursuant to Ohio R.C. 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31;
    - B. Two or more violations of Ohio R.C. 2903.21, 2903.211, 2903.22, or 2911.211 or any combination of those offenses that involved the same person who is the subject of the protection order or consent agreement;
    - C. One or more violations of this section.
  - (4) If the offender violates a protection order or consent agreement while committing a felony offense, violating a protection order is a felony and shall be prosecuted under appropriate state law.
  - (5) If the protection order violated by the offender was an order issued pursuant to Ohio R.C. 2151.34 or 2903.214 that required electronic monitoring of the offender pursuant to that section, the court may require in addition to any other sentence imposed upon the offender that the offender be electronically monitored for a period not exceeding five years by a law enforcement agency designated by the court. If the court requires under this subsection that the offender be electronically monitored, unless the court determines that the offender is indigent, the court shall order that the offender pay the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device. If the court determines that the offender is indigent and subject to the maximum amount allowable and the rules promulgated by the Attorney General under Ohio R.C. 2903.214, the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device may be paid out of funds from the reparations fund created pursuant to Ohio R.C. 2743.191. The total amount paid from the reparations fund created pursuant to Ohio R.C. 2743.191 for electronic monitoring under this section and Ohio R.C. 2151.34 and 2903.214 shall not exceed three hundred thousand dollars per year.

(c) It is an affirmative defense to a charge under subsection (a)(3) of this section that the protection order issued by a court of another state does not comply with the requirements specified in 18 U.S.C. 2265(b) for a protection order that must be accorded full faith and credit by a court of this State or that it is not entitled to full faith and credit under 18 U.S.C. 2265(c).

(d) In a prosecution for a violation of this section, it is not necessary for the prosecution to prove that the protection order or consent agreement was served on the defendant if the prosecution proves that the defendant was shown the protection order or consent agreement or a copy of either or a judge, magistrate, or law enforcement officer informed the defendant that a protection order or consent agreement had been issued, and proves that the defendant recklessly violated the terms of the order or agreement.

(e) As used in this section, "protection order issued by a court of another state" means an injunction or another order issued by a criminal court of another state for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person, including a temporary order, and means an injunction or order of that nature issued by a civil court of another state, including a temporary order and a final order issued in an independent action or as a pendente lite order in a proceeding for other relief, if the court issued it in response to a complaint, petition or motion filed by or on behalf of a person seeking protection. "Protection order issued by a court of another state" does not include an order for support or for custody of a child. (ORC 2919.27)

**537.16 ILLEGAL DISTRIBUTION OF CIGARETTES, OTHER TOBACCO PRODUCTS, OR ALTERNATE NICOTINE PRODUCTS; TRANSACTION SCANS.**

**(a) Illegal Distribution of Cigarettes, Other Tobacco Products, or Alternative Nicotine Products.**

**(1) As used in this section:**

- A. "Age verification." A service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes) that compares information available from a commercially available database, or aggregate of databases, that regularly are used by government and businesses for the purpose of age and identity verification to personal information provided during an internet sale or other remote method of sale to establish that the purchaser is twenty-one years of age or older.
- B. "Alternative nicotine product."
  - 1. Subject to subsection (a)(1)B.2. of this section, an electronic smoking device, vapor product, or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving, or inhaling.
  - 2. The phrase does not include any of the following:
    - a. Any cigarette or other tobacco product;
    - b. Any product that is a "drug" as that term is defined in 21 U.S.C. 321(g)(1);
    - c. Any product that is a "device" as that term is defined in 21 U.S.C. 321(h);
    - d. Any product that is a "combination product" as described in 21 U.S.C. 353(g).
- C. "Cigarette." Includes clove cigarettes and hand-rolled cigarettes.

- D. "Distribute." Means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes.
  - E. "Electronic smoking device." Means any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including an electronic cigarette, electronic cigar, electronic hookah, vaping pen, or electronic pipe. The phrase includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).
  - F. "Proof of age." Means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under Ohio R.C. 4507.50 to 4507.52 that shows that a person is eighteen years of age or older.
  - G. "Tobacco product." Means any product that is made or derived from tobacco or that contains any form of nicotine, if it is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, an electronic smoking device, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. The phrase also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, blunt or hemp wraps, and liquids used in electronic smoking devices, whether or not they contain nicotine. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).
  - H. "Vapor product." Means a product, other than a cigarette or other tobacco product as defined in Ohio R.C. Chapter 5743, that contains or is made or derived from nicotine and that is intended and marketed for human consumption, including by smoking, inhaling, snorting, or sniffing. The phrase includes any component, part, or additive that is intended for use in an electronic smoking device, a mechanical heating element, battery, or electronic circuit and is used to deliver the product. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g). The phrase includes any product containing nicotine, regardless of concentration.
  - I. "Vending machine." Has the same meaning as "coin machine" in Ohio R.C. 2913.01.
- (2) No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, no agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, and no other person shall do any of the following:

- A. Give, sell, or otherwise distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to any person under twenty-one years of age;
  - B. Give away, sell, or distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes in any place that does not have posted in a conspicuous place a legibly printed sign in letters at least one-half inch high stating that giving, selling, or otherwise distributing cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under twenty-one years of age is prohibited by law;
  - C. Knowingly furnish any false information regarding the name, age, or other identification of any person under twenty-one years of age with purpose to obtain cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes for that person;
  - D. Manufacture, sell, or distribute in this state any pack or other container of cigarettes containing fewer than twenty cigarettes or any package of roll-your-own tobacco containing less than six-tenths of one ounce of tobacco;
  - E. Sell cigarettes or alternative nicotine products in a smaller quantity than that placed in the pack or other container by the manufacturer;
  - F. Give, sell, or otherwise distribute alternative nicotine products, papers used to roll cigarettes, or tobacco products other than cigarettes over the internet or through another remote method without age verification.
- (3) No person shall sell or offer to sell cigarettes, other tobacco products, or alternative nicotine products by or from a vending machine, except in the following locations:
- A. An area within a factory, business, office, or other place not open to the general public;
  - B. An area to which persons under twenty-one years of age are not generally permitted access;
  - C. Any other place not identified in subsection (a)(3)A. or B. of this section, upon all of the following conditions:
    - 1. The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes, other tobacco product, and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person.
    - 2. The vending machine is inaccessible to the public when the place is closed.
    - 3. A clearly visible notice is posted in the area where the vending machine is located that states the following in letters that are legibly printed and at least one-half inch high: "It is illegal for any person under the age of twenty-one to purchase tobacco or alternative nicotine products."

- (4) The following are affirmative defenses to a charge under subsection (a)(2)A. of this section:
- A. The person under twenty-one years of age was accompanied by a parent, spouse who is twenty-one years of age or older, or legal guardian of the person under twenty-one years of age.
  - B. The person who gave, sold, or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under twenty-one years of age under subsection (a)(2)A. of this section is a parent, spouse who is twenty-one years of age or older, or legal guardian of the person under twenty-one years of age.
- (5) It is not a violation of subsection (a)(2)A. or B. of this section for a person to give or otherwise distribute to a person under twenty-one years of age cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes while the person under twenty-one years of age is participating in a research protocol if all of the following apply:
- A. The parent, guardian, or legal custodian of the person under twenty-one years of age has consented in writing to the person under twenty-one years of age participating in the research protocol.
  - B. An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol.
  - C. The person under twenty-one years of age is participating in the research protocol at the facility or location specified in the research protocol.
- (6) A. Whoever violates subsection (a)(2)A., B., D., E., or F. or (a)(3) of this section is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of subsection (a)(2)A., B., D., E., or F. or (a)(3) of this section or a substantially equivalent state law or municipal ordinance, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.
- B. Whoever violates subsection (a)(2)C. of this section is guilty of permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of subsection (a)(2)C. of this section or a substantially equivalent state law or municipal ordinance, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.
- (7) Any cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes that are given, sold, or otherwise distributed to a person under twenty-one years of age in violation of this section and that are used, possessed, purchased, or received by a person under twenty-one years of age in violation of Ohio R.C. 2151.87 are subject to seizure and forfeiture as contraband under Ohio R.C. Chapter 2981.  
(ORC 2927.02)

(b) Transaction Scan.

- (1) For the purpose of this subsection (b) and subsection (c) of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
  - A. "Card holder." Any person who presents a driver's or commercial driver's license or an identification card to a seller, or an agent or employee of a seller, to purchase or receive cigarettes, other tobacco products, or alternative nicotine products from a seller, agent or employee.
  - B. "Identification card." An identification card issued under Ohio R.C. 4507.50 to 4507.52.
  - C. "Seller." A seller of cigarettes, other tobacco products, or alternative nicotine products and includes any person whose gift of or other distribution of cigarettes, other tobacco products, or alternative nicotine products is subject to the prohibitions of subsection (a) of this section.
  - D. "Transaction scan." The process by which a seller or an agent or employee of a seller checks, by means of a transaction scan device, the validity of a driver's or commercial driver's license or an identification card that is presented as a condition for purchasing or receiving cigarettes, other tobacco products, or alternative nicotine products.
  - E. "Transaction scan device." Any commercial device or combination of devices used at a point of sale that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver's or commercial driver's license or an identification card.
- (2)
  - A. A seller or an agent or employee of a seller may perform a transaction scan by means of a transaction scan device to check the validity of a driver's or commercial driver's license or identification card presented by a card holder as a condition for selling, giving away or otherwise distributing to the card holder cigarettes, other tobacco products, or alternative nicotine products.
  - B. If the information deciphered by the transaction scan performed under subsection (b)(2)A. of this section fails to match the information printed on the driver's or commercial driver's license or identification card presented by the card holder, or if the transaction scan indicates that the information so printed is false or fraudulent, neither the seller nor any agent or employee of the seller shall sell, give away or otherwise distribute any cigarettes, other tobacco products, or alternative nicotine products to the card holder.
  - C. Subsection (b)(2)A. of this section does not preclude a seller or an agent or employee of a seller from using a transaction scan device to check the validity of a document other than a driver's or commercial driver's license or identification card, if the document includes a bar code or magnetic strip that may be scanned by the device, as a condition for selling, giving away or otherwise distributing cigarettes, other tobacco products, or alternative nicotine products to the person presenting the document.
- (3) Rules adopted by the Registrar of Motor Vehicles under Ohio R.C. 4301.61(C) apply to the use of transaction scan devices for purposes of this subsection (b) and subsection (c) of this section.

- (4) A. No seller or agent or employee of a seller shall electronically or mechanically record or maintain any information derived from a transaction scan, except for the following:
    - 1. The name and date of birth of the person listed on the driver's or commercial driver's license or identification card presented by the card holder;
    - 2. The expiration date and identification number of the driver's or commercial driver's license or identification card presented by the card holder.
  - B. No seller or agent or employee of a seller shall use the information that is derived from a transaction scan or that is permitted to be recorded and maintained under subsection (b)(4)A. of this section, except for purposes of subsection (c) of this section.
  - C. No seller or agent or employee of a seller shall use a transaction scan device for a purpose other than the purpose specified in subsection (c)(2)A. of this section.
  - D. No seller or agent or employee of a seller shall sell or otherwise disseminate the information derived from a transaction scan to any third party, including but not limited to selling or otherwise disseminating that information for any marketing, advertising or promotional activities, but a seller or agent or employee of a seller may release that information pursuant to a court order or as specifically authorized by subsection (c) of this section or another section of these Codified Ordinances or the Ohio Revised Code.
- (5) Nothing in this subsection (b) or subsection (c) of this section relieves a seller or an agent or employee of a seller of any responsibility to comply with any other applicable local, state or federal laws or rules governing the sale, giving away or other distribution of cigarettes, other tobacco products, or alternative nicotine products.
  - (6) Whoever violates subsection (b)(2)B. or (b)(4) of this section is guilty of engaging in an illegal tobacco product or alternative nicotine product transaction scan, and the court may impose upon the offender a civil penalty of up to one thousand dollars (\$1,000) for each violation. The Clerk of the Court shall pay each collected civil penalty to the County Treasurer for deposit into the County Treasury.  
(ORC 2927.021)

(c) Affirmative Defenses.

- (1) A seller or an agent or employee of a seller may not be found guilty of a charge of a violation of subsection (a) of this section in which the age of the purchaser or other recipient of cigarettes, other tobacco products, or alternative nicotine products is an element of the alleged violation, if the seller, agent or employee raises and proves as an affirmative defense that all of the following occurred:
  - A. A card holder attempting to purchase or receive cigarettes, other tobacco products, or alternative nicotine products presented a driver's or commercial driver's license or an identification card.
  - B. A transaction scan of the driver's or commercial driver's license or identification card that the card holder presented indicated that the license or card was valid.



- C. The cigarettes, other tobacco products, or alternative nicotine products were sold, given away or otherwise distributed to the card holder in reasonable reliance upon the identification presented and the completed transaction scan.
- (2) In determining whether a seller or an agent or employee of a seller has proven the affirmative defense provided by subsection (c)(1) of this section, the trier of fact in the action for the alleged violation of subsection (a) of this section shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of subsection (a) of this section. For purposes of subsection (c)(1)C. of this section, the trier of fact shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller or an agent or employee of a seller from exercising reasonable diligence to determine, the following:
- A. Whether a person to whom the seller or agent or employee of a seller sells, gives away or otherwise distributes cigarettes, other tobacco products, or alternative nicotine products is twenty-one years of age or older;
- B. Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder.
- (3) In any criminal action in which the affirmative defense provided by subsection (c)(1) of this section is raised, the Registrar of Motor Vehicles or a Deputy Registrar who issued an identification card under Ohio R.C. 4507.50 to 4507.52 shall be permitted to submit certified copies of the records of that issuance in lieu of the testimony of the personnel of or contractors with the Bureau of Motor Vehicles in the action.  
(ORC 2927.022)
- (d) Shipment of Tobacco Products.
- (1) As used in this subsection (d):
- A. "Authorized recipient of tobacco products" means a person who is:
1. Licensed as a cigarette wholesale dealer under Ohio R.C. 5743.15;
  2. Licensed as a retail dealer as long as the person purchases cigarettes with the appropriate tax stamp affixed;
  3. An export warehouse proprietor as defined in Section 5702 of the Internal Revenue Code;
  4. An operator of a customs bonded warehouse under 19 U.S.C. 1311 or 19 U.S.C. 1555;
  5. An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;
  6. A department, agency, instrumentality, or political subdivision of the federal government or of this state;
  7. A person having a consent for consumer shipment issued by the Tax Commissioner under Ohio R.C. 5743.71.
- B. "Motor carrier." Has the same meaning as in Ohio R.C. 4923.01.
- (2) The purpose of this division (d) is to prevent the sale of cigarettes to minors and to ensure compliance with the Master Settlement Agreement, as defined in Ohio R.C. 1346.01.

- (3) A. No person shall cause to be shipped any cigarettes to any person in this municipality other than an authorized recipient of tobacco products.
  - B. No motor carrier or other person shall knowingly transport cigarettes to any person in this municipality that the carrier or other person reasonably believes is not an authorized recipient of tobacco products. If cigarettes are transported to a home or residence, it shall be presumed that the motor carrier or other person knew that the person to whom the cigarettes were delivered was not an authorized recipient of tobacco products.
- (4) No person engaged in the business of selling cigarettes who ships or causes to be shipped cigarettes to any person in this municipality in any container or wrapping other than the original container or wrapping of the cigarettes shall fail to plainly and visibly mark the exterior of the container or wrapping in which the cigarettes are shipped with the words "cigarettes."
- (5) A court shall impose a fine of up to one thousand dollars (\$1,000) for each violation of subsection (d)(3)A., (d)(3)B. or (d)(4) of this section.  
(ORC 2927.023)
- (e) Furnishing False Information to Obtain Tobacco Products.
  - (1) No person who is eighteen years of age or older but younger than twenty-one years of age shall knowingly furnish false information concerning that person's name, age, or other identification for the purpose of obtaining tobacco products.
  - (2) Whoever violates subsection (e)(1) of this section is guilty of furnishing false information to obtain tobacco products. Except as otherwise provided in this division, furnishing false information to obtain tobacco products is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (e)(1) of this section or a substantially equivalent state law or municipal ordinance, furnishing false information to obtain tobacco products is a misdemeanor of the third degree.  
(ORC 2927.024)

**537.17 RESERVED.**

(Editor's note: This section was formerly 537.17 Criminal Child Enticement, based on Ohio R.C. 2905.05, Criminal Child Enticement. The Ohio Supreme Court held that Ohio R.C. 2905.05(A) was unconstitutionally overbroad in violation of the First Amendment. See *State v. Romage*, 138 Ohio St. 3d. 390 (2014).)

**537.18 CONTRIBUTING TO UNRULINESS OR DELINQUENCY OF A CHILD.**

- (a) As used in this section:
- (1) "Delinquent child" has the same meaning as in Ohio R.C. 2152.02.
  - (2) "Unruly child" has the same meaning as in Ohio R.C. 2151.022.
- (b) No person, including a parent, guardian or other custodian of a child, shall do any of the following:
- (1) Aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court becoming an unruly child or a delinquent child;
  - (2) Act in a way tending to cause a child or a ward of the juvenile court to become an unruly child or a delinquent child;
  - (3) Act in a way that contributes to an adjudication of the child as a delinquent child based on the child's violation of a court order adjudicating the child an unruly child for being an habitual truant;
  - (4) If the person is the parent, guardian, or custodian of a child who has the duties under Ohio R.C. Chapters 2152 and 2950 to register, register a new residence address, and periodically verify a residence address and, if applicable, to send a notice of intent to reside, and if the child is not emancipated, as defined in Ohio R.C. 2919.121, fail to ensure that the child complies with those duties under Ohio R.C. Chapters 2152 and 2950.
- (c) Whoever violates this section is guilty of contributing to the unruliness or delinquency of a child, a misdemeanor of the first degree. Each day of violation of this section is a separate offense. (ORC 2919.24)

**537.19 FAILING TO PROVIDE FOR FUNCTIONALLY IMPAIRED PERSON.**

- (a) No caretaker shall knowingly fail to provide a functionally impaired person under his care with any treatment, care, goods or service that is necessary to maintain the health or safety of the functionally impaired person when this failure results in physical harm or serious physical harm to the functionally impaired person.

## CHAPTER 549 Weapons and Explosives

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| <p><b>549.01</b> Definitions.</p> <p><b>549.02</b> Carrying concealed weapons.</p> <p><b>549.03</b> Using weapons while intoxicated.</p> <p><b>549.04</b> Improperly handling firearms in a motor vehicle.</p> <p><b>549.05</b> Failure to secure dangerous ordnance.</p> <p><b>549.06</b> Unlawful transactions in weapons.</p> <p><b>549.07</b> Underage purchase of firearm.</p> <p><b>549.08</b> Discharging firearms.</p> | <p><b>549.09</b> Throwing or shooting missiles.</p> <p><b>549.10</b> Possessing replica firearms in school.</p> <p><b>549.11</b> Defacing identification marks of a firearm; possessing a defaced firearm.</p> <p><b>549.12</b> Concealed handgun licenses; possession of revoked or suspended license; additional restrictions; posting signs prohibiting possession.</p> <p><b>549.99</b> Penalty.</p> |
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### CROSS REFERENCES

See sectional histories for similar State law  
 License or permit to possess dangerous ordnance - see  
     Ohio R.C. 2923.18  
 Hunting prohibited - see GEN. OFF. 505.11  
 Reporting gunshot and stab wounds - see GEN. OFF. 525.05(b)  
 Property destruction by tear gas device, etc. - see GEN.  
     OFF. 541.04

### **549.01 DEFINITIONS.**

As used in this chapter:

- (a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.
- (b)
  - (1) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable.
  - (2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.
- (c) "Handgun" means any of the following:
  - (1) Any firearm that has a short stock and is designed to be held and fired by the use of a single hand;
  - (2) Any combination of parts from which a firearm of a type described in subsection (c)(1) of this section can be assembled.

- (d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.
- (e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger.
- (f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall. "Sawed-off firearm" does not include any firearm with an overall length of at least twenty-six inches that is approved for sale by the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives under the "Gun Control Act of 1968", 82 Stat. 1213, 18 U.S.C. 921(a)(3), but that is found by the Bureau not to be regulated under the "National Firearms Act", 68A Stat. 725 (1934), 26 U.S.C. 5845(a).
- (g) "Zip-gun" means any of the following:
  - (1) Any firearm of crude and extemporized manufacture;
  - (2) Any device, including without limitation a starter's pistol, that is not designed as a firearm, but that is specially adapted for use as a firearm;
  - (3) Any industrial tool, signalling device or safety device, that is not designed as a firearm, but that as designed is capable of use as such, when possessed, carried or used as a firearm.
- (h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.
- (i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.
- (j) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.
- (k) "Dangerous ordnance" means any of the following, except as provided in subsection (l) hereof:
  - (1) Any automatic or sawed-off firearm, zip-gun or ballistic knife;
  - (2) Any explosive device or incendiary device;
  - (3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating or demolitions;
  - (4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;
  - (5) Any firearm muffler or suppressor;
  - (6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.

- (l) "Dangerous ordnance" does not include any of the following:
- (1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder;
  - (2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon unless the firearm is an automatic or sawed-off firearm;
  - (3) Any cannon or other artillery piece that, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;
  - (4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subsection (l)(3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;
  - (5) Dangerous ordnance that is inoperable or inert and cannot readily be rendered operable or activated, and that is kept as a trophy, souvenir, curio or museum piece.
  - (6) Any device that is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(4), as amended, and regulations issued under that Act.
  - (7) Any firearm with an overall length of at least twenty-six inches that is approved for sale by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives under the "Gun Control Act of 1968", 82 Stat. 1213, 18 U.S.C. 921(a)(3), but that is found by the Bureau not to be regulated under the "National Firearms Act", 68A Stat. 725 (1934), 26 U.S.C. 5845(a).
- (m) "Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. "Explosive" includes all materials that have been classified as division 1.1, division 1.2, division 1.3, or division 1.4 explosives by the United States Department of Transportation in its regulations and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuses, fuse igniters, squibs, cordeau detonant fuses, instantaneous fuses, and igniter cords and igniters. "Explosive" does not include "fireworks", as defined in Ohio R.C. 3743.01, or any substance or material otherwise meeting the definition of explosive set forth in this section that is manufactured, sold, possessed, transported, stored or used in any activity described in Ohio R.C. 3743.80, provided the activity is conducted in accordance with all applicable laws, rules and regulations, including, but not limited to, the provisions of Ohio R.C. 3743.80, and the rules of the Fire Marshal adopted pursuant to Ohio R.C. 3737.82.
- (n) (1) "Concealed handgun license" or "license to carry a concealed handgun" means, subject to subsection (n)(2) of this section, a license or temporary emergency license to carry a concealed handgun issued under Ohio R.C. 2923.125 or 2923.1213 or a license to carry a concealed handgun issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69.

- (2) A reference in any provision of the Ohio Revised Code to a concealed handgun license issued under Ohio R.C. 2923.125 or a license to carry a concealed handgun issued under Ohio R.C. 2923.125 means only a license of the type that is specified in that section. A reference in any provision of the Ohio Revised Code to a concealed handgun license issued under Ohio R.C. 2923.1213, a license to carry a concealed handgun issued under Ohio R.C. 2923.1213, or a license to carry a concealed handgun on a temporary emergency basis means only a license of the type that is specified in Ohio R.C. 2923.1213. A reference in any provision of the Ohio Revised Code to a concealed handgun license issued by another state or a license to carry a concealed handgun issued by another state means only a license issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69.
- (o) "Valid concealed handgun license" or "valid license to carry a concealed handgun" means a concealed handgun license that is currently valid, that is not under a suspension under division (A)(1) of Ohio R.C. 2923.128, under Ohio R.C. 2923.1213, or under a suspension provision of the state other than this State in which the license was issued, and that has not been revoked under division (B)(1) of Ohio R.C. 2923.128, under Ohio R.C. 2923.1213 or under a revocation provision of the state other than this State in which the license was issued.
- (p) "Misdemeanor punishable by imprisonment for a term exceeding one year" does not include any of the following:
  - (1) Any federal or state offense pertaining to antitrust violations, unfair trade practices, restraints of trade or other similar offenses relating to the regulation of business practices;
  - (2) Any misdemeanor offense punishable by a term of imprisonment of two years or less.
- (q) "Alien registration number" means the number issued by the United States Citizenship and Immigration Services Agency that is located on the alien's permanent resident card and may also be commonly referred to as the "USCIS number" or the "alien number".
- (r) "Active duty" has the same meaning as defined in 10 U.S.C. 101.  
(ORC 2923.11)

#### **549.02 CARRYING CONCEALED WEAPONS.**

- (a) No person shall knowingly carry or have, concealed on the person's person or concealed ready at hand, any of the following:
  - (1) A deadly weapon other than a handgun;
  - (2) A handgun other than a dangerous ordnance;
  - (3) A dangerous ordnance.
- (b) No person who has been issued a concealed handgun license, shall do any of the following:
  - (1) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, before or at the time a law enforcement officer asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then is carrying a concealed handgun, provided that it is not a violation of this section if the person fails to disclose that fact to an officer during the stop and the person already has notified another officer of that fact during the same stop;

- (2) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;
  - (3) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the person is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.
- (c) (1) This section does not apply to any of the following:
- A. An officer, agent or employee or this or any other state or the United States, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance, or is authorized to carry handguns and is acting within the scope of the officer's, agent's or employee's duties;
  - B. Any person who is employed in this State, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801 unless the appointing authority of the person has expressly specified that the exemption provided in subsection (c)(1)B. hereof does not apply to the person.
  - C. A person's transportation or storage of a firearm, other than a firearm described in divisions (G) to (M) of Ohio R.C. 2923.11 in a motor vehicle for any lawful purpose if the firearm is not on the actor's person;
  - D. A person's storage or possession of a firearm, other than a firearm described in divisions (G) to (M) of Ohio R.C. 2923.11 in the actor's own home for any lawful purpose.
- (2) Subsection (a)(2) of this section does not apply to any person who has been issued a concealed handgun license that is valid at the time of the alleged carrying or possession of a handgun or who, at the time of the alleged carrying or possession of a handgun, is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1), unless the person knowingly is in a place described in Ohio R.C. 2923.126(B).
- (d) It is an affirmative defense to a charge under subsection (a)(1) of this section of carrying or having control of a weapon other than a handgun and other than a dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following applies:
- (1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of a character or was necessarily carried on in a manner or at a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.



- (2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the actor, a member of the actor's family, or the actor's home, such as would justify a prudent person in going armed.
  - (3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home.
- (e)
  - (1) No person who is charged with a violation of this section shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.
  - (2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (b)(1) of this section as it existed prior to June 13, 2022, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.
- (f)
  - (1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this subsection or subsections (f)(2), (5) and (6) of this section, carrying concealed weapons in violation of subsection (a) of this section is a misdemeanor of the first degree. Except as otherwise provided in this subsection or subsections (f)(2), (5) and (6) of this section, if the offender previously has been convicted of a violation of this section or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate State law. Except as otherwise provided in subsections (f)(2), (5) and (6) of this section, if the weapon involved is a firearm and the violation of this section is committed at premises for which a D permit has been issued under Chapter 4303, of the Revised Code or if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate State law.
  - (2) A person shall not be arrested for a violation of subsection (a)(2) of this section solely because the person does not promptly produce a valid concealed handgun license. If a person is arrested for a violation of subsection (a)(2) of this section and is convicted of or pleads guilty to the violation, the offender shall be punished as follows:
    - A. The offender shall be guilty of a minor misdemeanor if both of the following apply:
      - 1. Within ten days after the arrest, the offender presents a concealed handgun license, which license was valid at the time of the arrest to the law enforcement agency that employs the arresting officer.
      - 2. At the time of the arrest, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.
    - B. The offender shall be guilty of a misdemeanor and shall be fined five hundred dollars (\$500.00) if all of the following apply:
      - 1. The offender previously had been issued a concealed handgun license and that license expired within the two years immediately preceding the arrest.

2. Within forty-five days after the arrest, the offender presents any type of concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in Ohio R.C. 2945.71.
  3. At the time of the commission of the offense, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.
- C. If subsections (f)(2)A. and B. and (f)(5) of this section do not apply, the offender shall be punished under subsection (f)(1) or (6) of this section.
- (3) Carrying concealed weapons in violation of subsection (b)(1) of this section is a misdemeanor of the second degree.
  - (4) Carrying concealed weapons in violation of subsection (b)(2) or (b)(3) hereof is a misdemeanor of the first degree. If the offender has previously been convicted or pleaded guilty to a violation of subsection (b)(2) or (b)(3) hereof or a substantially equivalent municipal ordinance, carrying concealed weapons is a felony and shall be prosecuted under appropriate state law. In addition to any other penalty or sanction imposed for a violation of subsection (b)(2) or (b)(3) hereof, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).
  - (5) If a person being arrested for a violation of subsection (a)(2) of this section is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, and if at the time of the violation the person was not knowingly in a place described in division (B) of Ohio R.C. 2923.126, the officer shall not arrest the person for a violation of that division. If the person is not able to promptly produce a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125 and if the person is not in a place described in division (B) of Ohio R.C. 2923.126, the officer shall issue a citation and the offender shall be assessed a civil penalty of not more than five hundred dollars (\$500.00). The citation shall be automatically dismissed and the civil penalty shall not be assessed if both of the following apply:

- A. Within ten days after the issuance of the citation, the offender presents a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, which were both valid at the time of the issuance of the citation to the law enforcement agency that employs the citing officer.
  - B. At the time of the citation, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.
- (6) If a person being arrested for a violation of subsection (a)(2) of this section is knowingly in a place described in division (B)(5) of Ohio R.C. 2923.126, and is not authorized to carry a handgun or have a handgun concealed on the person's person or concealed ready at hand under that division, the penalty shall be as follows:
- A. Except as otherwise provided in this subsection, if the person produces a valid concealed handgun license within ten days after the arrest and has not previously been convicted or pleaded guilty to a violation of subsection (a)(2) of this section, the person is guilty of a minor misdemeanor;
  - B. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to a violation of subsection (a)(2) of this section, the person is guilty of a misdemeanor of the fourth degree;
  - C. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to two violations of subsection (a)(2) of this section, the person is guilty of a misdemeanor of the third degree;
  - D. Except as otherwise provided in this subsection, if the person has previously been convicted of or pleaded guilty to three or more violations of subsection (a)(2) of this section, or convicted of or pleaded guilty to any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is a dangerous ordnance, the person is guilty of a misdemeanor of the second degree.

(g) If a law enforcement officer stops a person to question the person regarding a possible violation of this section, for a traffic stop, or for any other law enforcement purpose, if the person surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this subsection, division (B) of Ohio R.C. 2923.163 applies.

(h) For purposes of this section, "deadly weapon" or "weapon" does not include any knife, razor, or cutting instrument if the instrument was not used as a weapon.  
(ORC 2923.12)

**549.03 USING WEAPONS WHILE INTOXICATED.**

(a) No person, while under the influence of alcohol or any drug of abuse, shall carry or use any firearm or dangerous ordnance.

(b) Whoever violates this section is guilty of using weapons while intoxicated, a misdemeanor of the first degree. (ORC 2923.15)

**549.04 IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE.**

(a) No person shall knowingly transport or have a firearm in a motor vehicle, unless the person may lawfully possess that firearm under applicable law of this state or the United States, the firearm is unloaded, and the firearm is carried in one of the following ways:

- (1) In a closed package, box or case;
- (2) In a compartment which can be reached only by leaving the vehicle;
- (3) In plain sight and secured in a rack or holder made for the purpose;
- (4) If the firearm is at least twenty-four inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least eighteen inches in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

(b) No person who has been issued a concealed handgun license, or who is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in Ohio R.C. 5503.34, and who is transporting or has a loaded handgun in the motor vehicle or commercial motor vehicle in any manner, shall do any of the following:

- (1) Before or at the time a law enforcement officer asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then possesses or has a loaded handgun in the motor vehicle, provided that it is not a violation of this division if the person fails to disclose that fact to an officer during the stop and the person already has notified another officer of that fact during the same stop;
- (2) Before or at the time an employee of the motor carrier enforcement unit asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then possesses or has a loaded handgun in the commercial motor vehicle, provided that it is not a violation of this division if the person fails to disclose that fact to an employee of the unit during the stop and the person already has notified another employee of the unit of that fact during the same stop;
- (3) Knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer.
- (4) Knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

- (c) (1) This section does not apply to any of the following:
  - A. An officer, agent or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's or employee's duties;
  - B. Any person who is employed in this State, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in subsection (c)(1)B. does not apply to the person.
- (2) Subsection (a) of this section does not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, both of the following apply:
  - A. The person transporting or possessing the handgun has been issued a concealed handgun license that is valid at the time in question or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1).
  - B. The person transporting or possessing the handgun is not knowingly in a place described in division (B) of Ohio R.C. 2923.126.
- (3) Subsection (a) of this section does not apply to a person if all of the following apply:
  - A. The person possesses a valid all-purpose vehicle permit issued under Ohio R.C. 1533.103 by the Chief of the Division of Wildlife.
  - B. The person is on or in an all-purpose vehicle as defined in Ohio R.C. 1531.01 on private or publicly owned lands or on or in a motor vehicle during the open hunting season for a wild quadruped or game bird.
  - C. The person is on or in an all-purpose vehicle as defined in Ohio R.C. 1531.01 or a motor vehicle that is parked on a road that is owned or administered by the Division of Wildlife.
- (d) (1) The affirmative defenses authorized in Section 549.02(d)(1) and (2) are affirmative defenses to a charge under subsection (a) that involves a firearm other than a handgun.
- (2) It is an affirmative defense to a charge under subsection (a) of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that the affirmative defense is not available unless the person, immediately prior to arriving at the actor's own property, did not transport or possess the firearm in a motor vehicle in a manner prohibited by subsection (a) while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.
- (e) (1) No person who is charged with a violation of subsection (a) shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

- (2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (b) of this section as it existed prior to September 30, 2011, and the conduct that was the basis of the violation no longer would be a violation of subsection (b) of this section on or after September 30, 2011, or if a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (a) of this section as the subsection existed prior to June 13, 2022, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.

(f) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of subsection (a) of this section is a misdemeanor of the fourth degree. A violation of subsection (b)(1) or (b)(2) of this section is a misdemeanor of the second degree. A violation of subsection (b)(3) or (4) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of subsection (b)(3) or (4) of this section, a felony and shall be prosecuted under appropriate State law. In addition to any other penalty or sanction imposed for a misdemeanor violation of subsection (b)(3) or (4) of this section, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).

(g) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this subsection, division (B) of Ohio R.C. 2923.163 applies.

(h) As used in this section:

- (1) "Commercial motor vehicle" has the same meaning as in Ohio R.C. 4506.25(A).
- (2) "Motor carrier enforcement unit" means the motor carrier enforcement unit in the Department of Public Safety, Division of State Highway Patrol, that is created by Ohio R.C. 5503.34.
- (3) "Motor vehicle", "street" and "highway" have the same meanings as in Ohio R.C. 4511.01.
- (4) A. "Unloaded" means:
  1. With respect to a firearm other than a firearm described in subsection (h)(4)B. of this section, that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm in question and one of the following applies:
    - a. There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.
    - b. Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure.

2. For the purposes of subsection (h)(4)A. 1.b. of this section, a "container that provides complete and separate enclosure" includes, but is not limited to, any of the following:
    - a. A package, box or case with multiple compartments, as long as the loaded magazine or speed loader and the firearm in question either are in separate compartments within the package, box, or case, or, if they are in the same compartment, the magazine or speed loader is contained within a separate enclosure in that compartment that does not contain the firearm and that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents or the firearm is contained within a separate enclosure of that nature in that compartment that does not contain the magazine or speed loader;
    - b. A pocket or other enclosure on the person of the person in question that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents.
  3. For the purposes of subsection (h)(4)A. of this section, ammunition held in stripper-clips or in en-bloc clips is not considered ammunition that is loaded into a magazine or speed loader.
- B. "Unloaded" means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan.

(i) Subsection (h)(4) of this section does not affect the authority of a person who has been issued a concealed handgun license that is valid at the time in question to have one or more magazines or speed loaders containing ammunition anywhere in a vehicle, without being transported as described in those divisions, so long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any other provision of this chapter. A person who has been issued a concealed handgun license that is valid at the time in question may have one or more magazines or speed loaders containing ammunition anywhere in a vehicle without further restriction, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any provision of this chapter.  
(ORC 2923.16)

#### **549.05 FAILURE TO SECURE DANGEROUS ORDNANCE.**

(a) No person, in acquiring, possessing, carrying or using any dangerous ordnance shall negligently fail to take proper precautions:

- (1) To secure the dangerous ordnance against theft, or against its acquisition or use by any unauthorized or incompetent person;
- (2) To insure the safety of persons and property.

(b) Whoever violates this section is guilty of failure to secure dangerous ordnance, a misdemeanor of the second degree. (ORC 2923.19)

**549.06 UNLAWFUL TRANSACTIONS IN WEAPONS.**

(a) No person shall do any of the following:

- (1) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing the transferee to be authorized to acquire dangerous ordnance pursuant to Ohio R.C. 2923.17, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;
- (2) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in the person's possession or under the person's control.

(b) Whoever violates this section is guilty of unlawful transactions in weapons. A violation of subsection (a)(1) hereof is a misdemeanor of the second degree. A violation of subsection (a)(2) hereof is a misdemeanor of the fourth degree. (ORC 2923.20)

**549.07 UNDERAGE PURCHASE OF FIREARM.**

(a) No person under eighteen years of age shall purchase or attempt to purchase a firearm.

(b) No person under twenty-one years of age shall purchase or attempt to purchase a handgun, provided that this subsection does not apply to the purchase or attempted purchase of a handgun by a person eighteen years of age or older and under twenty-one years of age if either of the following apply:

- (1) The person is a law enforcement officer who is properly appointed or employed as a law enforcement officer and has received firearms training approved by the Ohio Peace Officer Training Council or equivalent firearms training.
- (2) The person is an active or reserve member of the armed services of the United States or the Ohio national guard, or was honorably discharged from military service in the active or reserve armed services of the United States or the Ohio national guard, and the person has received firearms training from the armed services or the national guard or equivalent firearms training.

(c) Whoever violates subsection (a) hereof is guilty of underage purchase of a firearm, a delinquent act that would be a felony of the fourth degree if it could be committed by an adult. Whoever violates subsection (b) hereof is guilty of underage purchase of a handgun, a misdemeanor of the second degree. (ORC 2923.211)

**549.08 DISCHARGING FIREARMS OR AIR GUNS.**

(a) No person shall discharge any firearm or air gun in the City, with the following exceptions:

- (1) Police officers in the discharge of their duties;
- (2) Target practice under the supervision of a competent adult instructor at a time and place which is approved by the Director of Safety;



- (3) Ceremonial occasions, such as Memorial Day and Fourth of July, and athletic events, provided that the firearms are not loaded to expel or propel a projectile or projectiles and that they are discharged by a competent person at a time and place having received prior approval by the Director of Safety. (Ord. 88-89. Passed 10-10-89.)

(b) This section does not apply when firearms are used in self defense, in the discharge of official duty or when otherwise lawfully authorized.

- (c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

**549.09 THROWING OR SHOOTING MISSILES.**

(a) No person shall throw, shoot or propel an arrow, missile, pellet, stone, metal or other similar substance capable of causing physical harm to persons or property, in or on any public place, in or on the property of another, or from any private property into or onto any public place or the property of another. This section does not apply to supervised archery ranges or instruction nor when otherwise lawfully authorized.

- (b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

**549.10 POSSESSING REPLICA FIREARM IN SCHOOL.**

(a) No person shall knowingly possess an object in a school safety zone if both of the following apply:

- (1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired.
- (2) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.

- (b) (1) This section does not apply to any of the following:

- A. An officer, agent, or employee of this or any other state or the United States who is authorized to carry deadly weapons or dangerous ordnance and is acting within the scope of the officer's, agent's, or employee's duties;
- B. A law enforcement officer who is authorized to carry deadly weapons or dangerous ordnance;
- C. A security officer employed by a board of education or governing body of a school during the time that the security officer is on duty pursuant to that contract of employment;
- D. 1. Any person not described in subsections (b)(1)A. to (b)(1)C. of this section who has written authorization from the board of education or governing body of a school to convey deadly weapons or dangerous ordnance into a school safety zone or to possess a deadly weapon or dangerous ordnance in a school safety zone and who conveys or possesses the deadly weapon or dangerous ordnance in accordance with that authorization, provided both of the following apply:
  - a. Either the person has successfully completed the curriculum, instruction, and training established under Ohio R.C. 5502.703, or the person has received a certificate of having satisfactorily completed an approved basic peace officer training program or is a law enforcement officer;

- b. The board or governing body has notified the public, by whatever means the affected school regularly communicates with the public, that the board or governing body has authorized one or more persons to go armed within a school operated by the board or governing authority;
- 2. A district board or school governing body that authorizes a person under subsection (b)(1)D. of this section shall require that person to submit to an annual criminal records check conducted in the same manner as Ohio R.C. 3319.39 or Ohio R.C. 3319.391.
- E. Any person who is employed in this state, who is authorized to carry deadly weapons or dangerous ordnance, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in subsection (b)(1)E. of this section does not apply to the person.
- (2) This section does not apply to premises upon which home schooling is conducted. This section also does not apply to a school administrator, teacher or employee who possesses an object that is indistinguishable from a firearm for legitimate school purposes during the course of employment, a student who uses an object that is indistinguishable from a firearm under the direction of a school administrator, teacher or employee, or any other person who, with the express prior approval of a school administrator, possesses an object that is indistinguishable from a firearm for a legitimate purpose, including the use of the object in a ceremonial activity, a play, re-enactment or other dramatic presentation, school safety training, or a ROTC activity or another similar use of the object.
- (3) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if, at the time of that conveyance, attempted conveyance, or possession of the handgun, all of the following apply:
  - A. The person does not enter into a school building or onto school premises and is not at a school activity.
  - B. The person has been issued a concealed handgun license that is valid at the time of the conveyance, attempted conveyance, or possession or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1).
  - C. The person is in the school safety zone in accordance with 18 U.S.C. § 922(q)(2)(B).
  - D. The person is not knowingly in a place described in Ohio R.C. 2923.126(B)(1) or (B)(3) to (8).
- (4) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if at the time of that conveyance, attempted conveyance, or possession of the handgun all of the following apply:

- A. The person has been issued a concealed handgun license that is valid at the time of the conveyance, attempted conveyance or possession or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1).
- B. The person leaves the handgun in a motor vehicle.
- C. The handgun does not leave the motor vehicle.
- D. If the person exits the motor vehicle, the person locks the motor vehicle.

(c) Whoever violates this section is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Except as otherwise provided in this division, illegal possession of an object indistinguishable from a firearm in a school safety zone is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal possession of an object indistinguishable from a firearm in a school safety zone is a felony to be prosecuted under appropriate state law.

- (d)
  - (1) In addition to any other penalty imposed upon a person who is convicted of or pleads guilty to a violation of this section, and subject to subsection (d)(2) of this section, if the offender has not attained nineteen years of age, regardless of whether the offender is attending or is enrolled in a school operated by a board of education or for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, of the suspension. If the offender is not a resident of this State, the court shall impose a class four suspension of the nonresident operating privilege of the offender from the range specified in Ohio R.C. 4510.02(A)(4).
  - (2) If the offender shows good cause why the court should not suspend one of the types of licenses, permits or privileges specified in subsection (d)(1) of this section or deny the issuance of one of the temporary instruction permits specified in subsection (d)(1) of this section, the court in its discretion may choose not to impose the suspension, revocation or denial required in subsection (d)(1) of this section, but the court, in its discretion, instead may require the offender to perform community service for a number of hours determined by the court.

(e) As used in this section, "object that is indistinguishable from a firearm" means an object made, constructed or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm.  
(ORC 2923.122(C) - (G))

#### **549.11 DEFACING IDENTIFICATION MARKS OF A FIREARM; POSSESSING A DEFACED FIREARM.**

- (a) No person shall do either of the following:
  - (1) Change, alter, remove, or obliterate the name of the manufacturer, model, manufacturer's serial number, or other mark or identification on a firearm.
  - (2) Possess a firearm knowing or having reasonable cause to believe that the name of the manufacturer, model, manufacturer's serial number, or other mark of identification on the firearm has been changed, altered, removed, or obliterated.

- (b) (1) Whoever violates subsection (a)(1) of this section is guilty of defacing identification marks of a firearm. Except as otherwise provided in this subsection, defacing identification marks of a firearm is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a)(1) of this section, defacing identification marks of a firearm is a felony and shall be prosecuted under appropriate State law.
- (2) Whoever violates subsection (a)(2) of this section is guilty of possessing a defaced firearm. Except as otherwise provided in this subsection, possessing a defaced firearm is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a)(2) of this section, possessing a defaced firearm is a felony and shall be prosecuted under appropriate State law.  
(ORC 2923.201)

**549.12 CONCEALED HANDGUN LICENSES; POSSESSION OF REVOKED OR SUSPENDED LICENSE; ADDITIONAL RESTRICTIONS; POSTING SIGNS PROHIBITING POSSESSION.**

- (a) Possession of a Revoked or Suspended Concealed Handgun License.
  - (1) No person, except in the performance of official duties, shall possess a concealed handgun license that was issued and that has been revoked or suspended.
  - (2) Whoever violates this subsection (a) is guilty of possessing a revoked or suspended concealed handgun license, a misdemeanor of the third degree.  
(ORC 2923.1211(B), (C))
- (b) Additional Restrictions. Pursuant to Ohio R.C. 2923.126:
  - (1) A concealed handgun license that is issued under Ohio R.C. 2923.125 shall expire five years after the date of issuance. A licensee who has been issued a license under that section shall be granted a grace period of thirty days after the licensee's license expires during which the licensee's license remains valid. Except as provided in subsection (b)(2) and (b)(3) of this section, a licensee who has been issued a concealed handgun license under Ohio R.C. 2923.125 or 2923.1213 may carry a concealed handgun anywhere in this state if the license is valid when the licensee is in actual possession of a concealed handgun. The licensee shall give notice of any change in the licensee's residence address to the sheriff who issued the license within forty-five days after that change.
  - (2) A valid concealed handgun license does not authorize the licensee to carry a concealed handgun in any manner prohibited under Ohio R.C. 2923.12(B) or in any manner prohibited under Ohio R.C. 2923.16. A valid license does not authorize the licensee to carry a concealed handgun into any of the following places:
    - A. A police station, sheriff's office, or state highway patrol station, premises controlled by the bureau of criminal identification and investigation; a state correctional institution, jail, workhouse, or other detention facility; any area of an airport passenger terminal that is beyond a passenger or property screening checkpoint or to which access is restricted through security measures by the airport authority or a public agency; or an institution that is maintained, operated, managed, and governed pursuant to Ohio R.C. 5119.14(A) or Ohio R.C. 5123.03(A)(1);

- B. A school safety zone if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.122;
  - C. A courthouse or another building or structure in which a courtroom is located if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.123;
  - D. Any premises or open air arena for which a D permit has been issued under Ohio R.C. Chapter 4303 if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.121;
  - E. Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle or unless the licensee is carrying the concealed handgun pursuant to a written policy, rule, or other authorization that is adopted by the institution's board of trustees or other governing body and that authorizes specific individuals or classes of individuals to carry a concealed handgun on the premises;
  - F. Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise;
  - G. Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to subsection (b)(2)C. of this section, unless the governing body with authority over the building has enacted a statute, ordinance, or policy that permits a licensee to carry a concealed handgun into the building;
  - H. A place in which federal law prohibits the carrying of handguns.
- (3) A. Nothing in this subsection (b) shall negate or restrict a rule, policy, or practice of a private employer that is not a private college, university, or other institution of higher education concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer. Nothing in this subsection (b) shall require a private employer of that nature to adopt a rule, policy, or practice concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer.
- B. 1. A private employer shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises or property of the private employer, including motor vehicles owned by the private employer, unless the private employer acted with malicious purpose. A private employer is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the private employer's decision to permit a licensee to bring, or prohibit a licensee from bringing, a handgun onto the premises or property of the private employer.

2. A political subdivision shall be immune from liability in a civil action, to the extent and in the manner provided in Ohio R.C. Chapter 2744, for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto any premises or property owned, leased, or otherwise under the control of the political subdivision. As used in this division, "political subdivision" has the same meaning as in Ohio R.C. 2744.01.
  3. An institution of higher education shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the institution, including motor vehicles owned by the institution, unless the institution acted with malicious purpose. An institution of higher education is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the institution's decision to permit a licensee or class of licensees to bring a handgun onto the premises of the institution.
- C. 1. a. Except as provided in subsection (b)(3)C.2. of this section and Ohio R.C. 2923.1214, the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the state, the United States, or a political subdivision of the state or the United States, may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those premises. Except as otherwise provided in this division, a person who knowingly violates a posted prohibition of that nature is guilty of criminal trespass in violation of Ohio R.C. 2911.21(A)(4) and is guilty of a misdemeanor of the fourth degree. If a person knowingly violates a posted prohibition of that nature and the posted land or premises primarily was a parking lot or other parking facility, the person is not guilty of criminal trespass under Ohio R.C. 2911.21 or under any other criminal law of this State or criminal law, ordinance, or resolution of a political subdivision of this State, and instead is subject only to a civil cause of action for trespass based on the violation.

- b. If a person knowingly violates a posted prohibition of the nature described in this division and the posted land or premises is a child day-care center, type A family day-care home, or type B family day-care home, unless the person is a licensee who resides in a type A family day-care home or type B family day-care home, the person is guilty of aggravated trespass in violation of Ohio R.C. 2911.211. Except as otherwise provided in this division, the offender is guilty of a misdemeanor of the first degree. If the person previously has been convicted of a violation of this division or any substantially equivalent state law or municipal ordinance, or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, the offender is guilty of a felony to be prosecuted under appropriate state law.
- 2. A landlord may not prohibit or restrict a tenant who is a licensee and who on or after September 9, 2008 enters into a rental agreement with the landlord for the use of residential premises, and the tenant's guest while the tenant is present, from lawfully carrying or possessing a handgun on those residential premises.
- 3. As used in subsection (b)(3)C. of this section:
  - a. "Residential premises" has the same meaning as in Ohio R.C. 5321.01, except "residential premises" does not include a dwelling unit that is owned or operated by a college or university.
  - b. "Landlord", "tenant", and "rental agreement" have the same meanings as in Ohio R.C. 5321.01.
- (4) A person who holds a valid concealed handgun license issued by another state that is recognized by the Attorney General pursuant to a reciprocity agreement entered into pursuant to Ohio R.C. 109.69 or a person who holds a valid concealed handgun license under the circumstances described in Ohio R.C. 109.69(B) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license under that section that is valid at the time in question.
- (5) A. A peace officer has the same right to carry a concealed handgun in this State as a person who was issued a concealed handgun license under Ohio R.C. 2923.125, provided that the officer when carrying a concealed handgun under authority of this section is carrying validating identification. For purposes of reciprocity with other States, a peace officer shall be considered to be a licensee in this State.

- B. An active duty member of the armed forces of the United States who is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions as specified in this subsection (b).
- C. A tactical medical professional who is qualified to carry firearms while on duty under Ohio R.C. 109.771 has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125.
- (6) A. A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to subsection (b)(6)B. of this section and a valid firearms requalification certification issued pursuant to subsection (b)(6)C. of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license issued under that section that is valid at the time in question. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to subsection (b)(6)B. of this section and a valid firearms requalification certification issued pursuant to subsection (b)(6)C. of this section shall be considered to be a licensee in this state.
- B. 1. Each public agency of this State or of a political subdivision of this State that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the person's service with that agency, satisfies all of the following:
  - a. The person retired in good standing from service as a peace officer with the public agency, and the retirement was not for reasons of mental instability.
  - b. Before retiring from service as a peace officer with that agency, the person was authorized to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and the person had statutory powers of arrest.
  - c. At the time of the person's retirement as a peace officer with that agency, the person was trained and qualified to carry firearms in the performance of the peace officer's duties.



- d. Before retiring from service as a peace officer with that agency, the person was regularly employed as a peace officer for an aggregate of 15 years or more, or, in the alternative, the person retired from service as a peace officer with that agency, after completing any applicable probationary period of that service, due to a service-connected disability, as determined by the agency.
  - 2. A retired peace officer identification card issued to a person under subsection (b)(6)B.1. of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this State from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section. In addition to the required content specified in this subsection, a retired peace officer identification card issued to a person under subsection (b)(6)B.1. of this section may include the firearms requalification certification described in subsection (b)(6)C. of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with subsection (b)(6)B.1. of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in subsection (b)(6)B.1.a. to (b)(6)B.1.d. of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED".
  - 3. A public agency of this state or of a political subdivision of this State may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to subsection (b)(6)B.1. of this section.
- C. 1. If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801. The retired peace officer may be required to pay the cost of the course.

2. If a retired peace officer who satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of subsection (b)(6) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section satisfactorily completes such a firearms requalification program, the retired peace officer shall be issued a firearms requalification certification that identifies the retired peace officer by name, identifies the entity that taught the program, specifies that the retired peace officer successfully completed the program, specifies the date on which the course was successfully completed, and specifies that the requalification is valid for five years year from that date of successful completion. The firearms requalification certification for a retired peace officer may be included in the retired peace officer identification card issued to the retired peace officer under subsection (b)(6)B. of this section.
  3. A retired peace officer who attends a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801 may be required to pay the cost of the program.
- (7) As used in subsection (b)(6) of this section:
- A. "Governing body." Has the same meaning as in Ohio R.C. 154.01.
  - B. "Government facility of this State or a political subdivision of this State" means any of the following:
    1. A building or part of a building that is owned or leased by the government of this State or a political subdivision of this State and where employees of the government of this State or the political subdivision regularly are present for the purpose of performing their official duties as employees of the State or political subdivision;
    2. The office of a deputy registrar serving pursuant to Ohio R.C. Chapter 4503 that is used to perform deputy registrar functions.
  - C. "Qualified retired peace officer" means a person who satisfies all of the following:
    1. The person satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section.
    2. The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
    3. The person is not prohibited by Federal law from receiving firearms.

- D. "Retired peace officer identification card" means an identification card that is issued pursuant to subsection (b)(6)B. of this section to a person who is a retired peace officer.
- E. "Tactical medical professional." Has the same meaning as in Ohio R.C. 109.71.
- F. "Validating identification." Means photographic identification issued by the agency for which an individual serves as a peace officer that identifies the individual as a peace officer of the agency. (ORC 2923.126)

(c) Posting of Signs Prohibiting Possession. Each person, board, or entity that owns or controls any place or premises identified in Ohio R.C. 2923.126(B) as a place into which a valid license does not authorize the licensee to carry a concealed handgun, or a designee of such a person, board, or entity, shall post in the following one or more conspicuous locations in the premises a sign that contains a statement in substantially the following form: "Unless otherwise authorized by law, pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance onto these premises."  
(ORC 2923.1212)

**549.99 PENALTY.**

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

## CHAPTER 551 Fireworks

<b>551.01</b>	<b>Definitions.</b>	<b>551.04</b>	<b>Possession, sale, or discharge prohibited.</b>
<b>551.02</b>	<b>Public exhibition permit required.</b>	<b>551.05</b>	<b>Exceptions.</b>
<b>551.03</b>	<b>Unlawful conduct by exhibitor.</b>	<b>551.99</b>	<b>Penalty.</b>

### 551.01 DEFINITIONS.

As used in this chapter:

- (a) "Beer" and "intoxicating liquor" have the same meanings as in Ohio Revised Code Section 4301.01.
- (b) "Booby trap" means a small tube that has a string protruding from both ends, that has a friction-sensitive composition and that is ignited by pulling the ends of the string.
- (c) "Cigarette load" means a small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.
- (d)
  - (1) "1.3 G fireworks" means display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.3" in Title 49, Code of Federal Regulations.
  - (2) "1.4 G fireworks" means consumer fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.4" in Title 49, Code of Federal Regulations.
- (e) "Controlled substance" has the same meaning as in Ohio Revised Code Section 3719.01.
- (f) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, except ordinary matches and except as provided in Ohio Revised Code Section 3743.80. "Fireworks" do not include wire sparklers, toy caps for use in toy pistols, toy canes, toy guns, novelties, trick noisemakers, or other devices not containing more than an average of twenty-five hundredths (0.25) grains (sixteen (16) mg) of explosive composition per cap, provided they are so constructed that the hand cannot come in contact with the cap when it is in place for explosion.
- (g) "Highway" means any public street, road, alley, way, lane, or other public thoroughfare.
- (h) "Licensed exhibitor of fireworks" or "licensed exhibitor" means a person licensed pursuant to Ohio Revised Code Sections 3743.50 to 3743.55.
- (i) "Licensed manufacturer of fireworks" or "licensed manufacturer" means a person licensed pursuant to Ohio Revised Code Sections 3743.02 to 3743.08.

- (j) "Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed pursuant to Ohio Revised Code Sections 3743.15 to 3743.21.
- (k) "Novelties and trick noisemakers" include the following items:
  - (1) Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers and snappers;
  - (2) Snakes or glow worms;
  - (3) Smoke devices;
  - (4) Trick matches.
- (l) "Party popper" means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling string protruding from the item, and from which paper streamers are expelled when the item is ignited.
- (m) "Smoke device" means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.
- (n) "Snake or glow worm" means a device that consists of a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning, which ash expands in length as the pellet burns.
- (o) "Snapper" means a small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that, when dropped, implodes.
- (p) "Trick match" means a kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.
- (q) "Wire sparkler" means a sparkler consisting of a wire or stick coated with a non-explosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than one hundred grams of this mixture.  
(Ord. 16-2022. Passed 6-6-22.)

#### **551.02 PUBLIC EXHIBITION PERMIT REQUIRED.**

(a) A licensed exhibitor of fireworks who wishes to conduct a public fireworks exhibition within the City shall apply for approval to conduct the exhibition to the Fire Chief and the Police Chief.

The required approval shall be evidenced by the Fire Chief or Fire Prevention Officer and the Police Chief, or a designee of the Police Chief, signing a permit for the exhibition, the form for which shall be prescribed by the State Fire Marshal. Any exhibitor of fireworks who wishes to conduct a public fireworks exhibition may obtain a copy of the form from the Fire Marshal or, if it is available, from the Fire Chief, Fire Prevention Officer or Police Chief.

(b) Before a permit is signed and issued to a licensed exhibitor of fireworks, the Fire Chief or Fire Prevention Officer in consultation with the Police Chief, or a designee of the Police Chief, shall inspect the premises on which the exhibition will take place and shall determine that, in fact, the applicant for the permit is a licensed exhibitor of fireworks. Each applicant shall show the applicant's license as an exhibitor of fireworks to the Fire Chief or Fire Prevention Officer.

The Fire Chief or Fire Prevention Officer and the Police Chief, or a designee of the Police Chief, shall give approval to conduct a public fireworks exhibition only if satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the Fire Marshal pursuant to Ohio Revised Code Section 3743.53(B) and (E) and that the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or Fire Prevention Officer in consultation with the Police Chief, or a designee of the Police Chief, may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke the permit for noncompliance with the rules.

(c) The Fire Chief or Fire Prevention Officer and the Police Chief, or a designee of the Police Chief, shall not issue a permit until the applicant pays a permit fee of twenty-five dollars (\$25.00) plus any necessary costs of investigation of the applicant and of inspecting the premises on which the exhibition will be conducted.

Each exhibitor shall provide an indemnity bond in the amount of at least one million dollars (\$1,000,000), with surety satisfactory to the Fire Chief or Fire Prevention Officer and to Police Chief, or a designee of the Police Chief, conditioned for the payment of all final judgments that may be rendered against the exhibitor on account of injury, death or loss to persons or property emanating from the fireworks exhibition, or proof of insurance coverage of at least one million dollars (\$1,000,000) for liability arising from injury, death or loss to persons or property emanating from the fireworks exhibition. The Fire Chief or Fire Prevention Officer and Police Chief, or a designee of the Police Chief, shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this subsection.

- (d) (1) Each permit for a fireworks exhibition issued by the Fire Chief or Fire Prevention Officer and by the Police Chief, or a designee of such Police, shall contain a distinct number, designate the City, and identify the certified Fire Safety Inspector, Fire Chief or Fire Prevention Officer who will be present before, during, and after the exhibition, where appropriate. A copy of each permit issued shall be forwarded by the Fire Chief or Fire Prevention Officer and by the Police Chief, or a designee of the Police Chief, issuing it to the Fire Marshal, who shall keep a record of the permits received. A permit is not transferable or assignable.
- (2) The Fire Chief, Fire Prevention Officer and Police Chief, or a designee of the Police Chief, shall keep a record of issued permits for fireworks exhibitions. In this list, the Fire Chief, Fire Prevention Officer, Police Chief, or a designee of the Police Chief, shall list the name of the exhibitor, the exhibitor's license number, the premises on which the exhibition will be conducted, the date and time of the exhibition and the number of the permit issued to the exhibitor for the exhibition.  
(Ord. 16-2022. Passed 6-6-22.)

#### **551.03 UNLAWFUL CONDUCT BY EXHIBITOR.**

(a) No licensed exhibitor of fireworks shall fail to comply with the applicable requirements of the rules adopted by the Fire Marshal pursuant to Ohio Revised Code Section 3743.53(B) and (E) or to comply with Divisions (C) and (D) of that section.

(b) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to Section 551.02 of this Chapter or if a permit so secured is revoked by the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement official or a designee of such Police Chief or other similar law enforcement official pursuant to that section.

(c) No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition other than in accordance with Ohio Revised Code Sections 3743.54 and 3743.55.

(d) No licensed exhibitor of fireworks or other person associated with the conduct of a fireworks exhibition shall have possession or control of, or be under the influence of, any intoxicating liquor, beer or controlled substance while on the premises on which the exhibition is being conducted.

(e) No licensed exhibitor of fireworks shall permit an employee to assist the licensed exhibitor in conducting fireworks exhibitions unless the employee is registered with the Fire Marshal under Ohio Revised Code Section 3743.56.  
(Ord. 16-2022. Passed 6-6-22.)

#### **551.04 POSSESSION, SALE, OR DISCHARGE PROHIBITED.**

(a) No person shall possess fireworks with the intent to discharge, ignite or explode the fireworks in the City, except a licensed exhibitor of fireworks as authorized by Ohio Revised Code Sections 3743.50 to 3743.55, and Section 551.02 of this Chapter, and except as provided in Section 551.05 of this Chapter.

(b) No person shall possess for sale or sell fireworks in this City, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 to 3743.21, a shipping permit holder as authorized by Ohio Revised Code Section 3743.40, or a licensed exhibitor of fireworks as authorized by Ohio Revised Code Sections 3743.50 to 3743.55, and Section 551.02 of this Chapter, and except as provided in Section 551.05 of this Chapter.

(c) Except as provided in Section 551.05 of this Chapter and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio Revised Code Sections 3743.50 to 3743.55 and Section 551.02 of this Chapter, no person shall discharge, ignite or explode any fireworks in this City.

(d) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

(e) No person shall sell fireworks of any kind to a person under eighteen years of age. No person under eighteen years of age shall enter a fireworks sales showroom unless that person is accompanied by a parent, legal guardian, or other responsible adult. No person under eighteen years of age shall touch or possess fireworks on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises.

(f) Except as otherwise provided in Ohio R.C. § 3743.44, no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks in this City.

(g) In a prosecution under subsection (a), it is not necessary to allege or prove that the offender did discharge, ignite or explode any fireworks in the City.  
(Ord. 16-2022. Passed 6-6-22.)

#### **551.05 EXCEPTIONS.**

This chapter does not prohibit or apply to the following:

- (a) The manufacture, sale, possession, transportation, storage, or use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation, or highway use;
- (b) The manufacture, sale, possession, transportation, storage, or use of fusees, torpedoes, or other signals necessary for the safe operation of railroads;
- (c) The manufacture, sale, possession, transportation, storage, or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals or for ceremonial purposes;

- (d) The manufacture for, the transportation, storage, possession, or use by, or sale to the armed forces of the United States and the militia of this state, as recognized by the adjutant general of Ohio, of pyrotechnic devices;
- (e) The manufacture, sale, possession, transportation, storage, or use of toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage, or use of those caps;
- (f) The manufacture, sale, possession, transportation, storage, or use of novelties and trick noisemakers, auto burglar alarms, or model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models;
- (g) The manufacture, sale, possession, transportation, storage, or use of wire sparklers.
- (h) The conduct of radio-controlled special effect exhibitions that use an explosive black powder charge of not more than one-quarter pound per charge, and that are not connected in any manner to propellant charges, provided that the exhibition complies with all of following:
  - (1) No explosive aerial display is conducted in the exhibition;
  - (2) The exhibition is separated from spectators by not less than two hundred feet;
  - (3) The person conducting the exhibition complies with regulations of the bureau of alcohol, tobacco, and firearms of the United States department of the treasury and the United States department of transportation with respect to the storage and transport of the explosive black powder used in the exhibition. (Ord. 16-2022. Passed 6-6-22.)

**551.99 PENALTY.**

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree for a first offense and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both.  
(Ord. 16-2022. Passed 6-6-22.)





**STAFF MEMORANDUM**  
**City Council Meeting – December 4, 2023**

Date: November 30, 2023

To: Robyn Stewart, Acting City Manager

From: Tom Lindsey, Law Director  
Scott Bartter, Finance Director

Subject: Ordinance No. 34-2023 – Amending the Municipal Income Tax Code

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**EXECUTIVE SUMMARY**

This Ordinance adopts the amendments to the municipal income tax code as recommended by the Regional Income Tax Agency and required by the General Assembly in House Bill 33.

**RECOMMENDATION**

Approve as presented.

**BACKGROUND/DESCRIPTION**

House Bill (H.B.) 33 of the 135<sup>th</sup> General Assembly, the State's general appropriations bill for the biennium, included a number of amendments to Chapter 718 of the Ohio Revised Code and required that municipalities amend their municipal income tax ordinances to conform to the changes. The Ohio Legislative Service Commission's Final Analysis describing those amendments is attached.

Staff has prepared the proposed Ordinance amending the applicable sections of the City's municipal income tax code based on recommendations by the Regional Income Tax Agency.

**ATTACHMENTS**

Ordinance No. 34-2023

Legislative Service Commission Final Analysis of H.B. 33

ORDINANCE NO. 34-2020

To Amend Part Seventeen – Title Two of the Codified  
Ordinances of the City Regarding Municipal Income Tax.

WHEREAS, House Bill (H.B.) 33 of the 135<sup>th</sup> General Assembly, the State's general appropriations bill for the biennium, included a number of amendments to Chapter 718 of the Ohio Revised Code and required that municipalities amend their municipal income tax ordinances to conform to the changes.; and

WHEREAS, this Ordinance amends the applicable sections of the City's municipal income tax code as required by H.B. 33 and recommended by the Regional Income Tax Agency;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That Section 1716.01(F) of the Codified Ordinances is hereby amended to read as follows:

(F) This division applies to any taxpayer engaged in a business or profession in the City, unless the taxpayer is an individual who resides in the City or the taxpayer is an electric company, combined company, or telephone company that is subject to and required to file reports under Chapter 5745. of the ORC.

(1) Except as otherwise provided in division (F)(2) and (G) of this section, net profit from a business or profession conducted both within and without the boundaries of the City shall be considered as having a taxable situs in the City for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(a) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the City during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated.

As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;

(b) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the City to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under Section 1717.01(C);

(c) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the City to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed.

(2) (a) If the apportionment factors described in division (F)(1) of this section do not fairly represent the extent of a taxpayer's business activity in the City, the taxpayer may request, or the Tax Administrator of the City may require, that the taxpayer use, with respect to all or any portion of the income of the taxpayer, an alternative apportionment method involving one or more of the following:

- (i) Separate accounting;
- (ii) The exclusion of one or more of the factors;
- (iii) The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the municipal corporation;
- (iv) A modification of one or more of the factors.

(b) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the Tax Administrator denies the request in an assessment issued within the period prescribed by Section 1719.01(A).

(c) The Tax Administrator may require a taxpayer to use an alternative apportionment method as described in division (F)(2)(a) of this section, but only by issuing an assessment to the taxpayer within the period prescribed by Section 1719.01(A).

(d) Nothing in division (F)(2) of this section nullifies or otherwise affects any alternative apportionment arrangement approved by the Tax Administrator or otherwise agreed upon by both the Tax Administrator and taxpayer before January 1, 2016.

(3) As used in division (F)(1)(b) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:

(a) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:

- (i) The employer;
- (ii) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;
- (iii) A vendor, customer, client, or patient of a person described in division (F)(3)(a)(ii) of this section, or a related member of such a vendor, customer, client, or patient.

(b) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;

(c) Any other location, if the Tax Administrator determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (F) (3)(a) or (b) of this section solely in order to avoid or reduce the employer's municipal income tax liability. If the Tax Administrator makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the Tax Administrator's determination was unreasonable.

(4) For the purposes of division (F)(1)(c) of this section, and except as provided in division (G) of this section, receipts from sales and rentals made and services performed shall be situated to a municipal corporation as follows:

(a) Gross receipts from the sale of tangible personal property shall be situated to the municipal corporation in which the sale originated. For the purposes of this division, a sale of property originates in the City if, regardless of where title passes, the property meets any of the following criteria:

(i) The property is shipped to or delivered within the City from a stock of goods located within the City.

(ii) The property is delivered within the City from a location outside the City, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the City and the sales result from such solicitation or promotion.

(iii) The property is shipped from a place within the City to purchasers outside the City, provided that the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.

(b) Gross receipts from the sale of services shall be situated to the City to the extent that such services are performed in the City.

(c) To the extent included in income, gross receipts from the sale of real property located in the City shall be situated to the City.

(d) To the extent included in income, gross receipts from rents and royalties from real property located in the City shall be situated to the City.

(e) Gross receipts from rents and royalties from tangible personal property shall be situated to the City based upon the extent to which the tangible personal property is used in the City.

(5) The net profit received by an individual taxpayer from the rental of real estate owned directly by the individual, or by a disregarded entity owned by the individual, shall be subject to the City's tax only if the property generating the net profit is located in the City or if the individual taxpayer that receives the net profit is a resident of the City. The City shall allow such taxpayers to elect to use separate accounting for the purpose of calculating net profit situated under this division to the municipal corporation in which the property is located.

(6)(a) Commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be situated to the municipal corporation in which the

real estate is located. Net profit reported by the real estate agent or broker shall be allocated to the City, if applicable, based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the City to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.

(b) An individual who is a resident of the City shall report the individual's net profit from all real estate activity on the individual's annual tax return for the City. The individual may claim a credit for taxes the individual paid on such net profit to another municipal corporation to the extent that such a credit is allowed under the City's income tax ordinance.

(7) When calculating the ratios described in division (F)(1) of this section for the purposes of that division or division (F)(2) of this section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.

~~(8) — Left intentionally blank.~~

SECTION 2. That Section 1716.01 of the Codified Ordinances is hereby amended to add subsection (G) to read as follows:

(G)(1) As used in this division:

(a) "Qualifying remote employee or owner" means an individual who is an employee of a taxpayer or who is a partner or member holding an ownership interest in a taxpayer that is treated as a partnership for federal income tax purposes, provided that the individual meets both of the following criteria:

(i) The taxpayer has assigned the individual to a qualifying reporting location.

(ii) The individual is permitted or required to perform services for the taxpayer at a qualifying remote work location.

(b) "Qualifying remote work location" means a permanent or temporary location at which an employee or owner chooses or is required to perform services for the taxpayer, other than a reporting location of the taxpayer or any other location owned or controlled by a customer or client of the taxpayer. "Qualifying remote work location" may include the residence of an employee or owner and may be located outside of a municipal corporation that imposes an income tax in accordance with this chapter. An employee or owner may have more than one qualifying remote work location during a taxable year.

(c) "Reporting location" means either of the following:

(i) A permanent or temporary place of doing business, such as an office, warehouse, storefront, construction site, or similar location, that is owned or controlled directly or indirectly by the taxpayer;

(ii) Any location in this state owned or controlled by a customer or client of the taxpayer, provided that the taxpayer is required to withhold taxes under Section 1717.01, on qualifying wages paid to an employee for the performance of personal services at that location.

(d) "Qualifying reporting location" means one of the following:

(i) The reporting location in this state at which an employee or owner performs services for the taxpayer on a regular or periodic basis during the taxable year;

(ii) If no reporting location exists in this state for an employee or owner under division (G)(1)(d)(i) of this section, the reporting location in this state at which the employee's or owner's supervisor regularly or periodically reports during the taxable year;

(iii) If no reporting location exists in this state for an employee or owner under division (G)(1)(d)(i) or (ii) of this section, the location that the taxpayer otherwise assigns as the employee's or owner's qualifying reporting location, provided the assignment is made in good faith and is recorded and maintained in the taxpayer's business records. A taxpayer may change the qualifying reporting location designated for an employee or owner under this division at any time.

(2) For tax years ending on or after December 31, 2023, a taxpayer may elect to apply the provisions of this division to the apportionment of its net profit from a business or profession. For taxpayers that make this election, the provisions of division (F) of this section apply to such apportionment except as otherwise provided in this division.

A taxpayer shall make the election allowed under this division in writing on or with the taxpayer's net profit return or, if applicable, a timely filed amended net profit return or a timely filed appeal of an assessment. The election applies to the taxable year for which that return or appeal is filed and for all subsequent taxable years, until the taxpayer revokes the election.

The taxpayer shall make the initial election with the tax administrator of each municipal corporation with which, after applying the apportionment provisions authorized in this division, the taxpayer is required to file a net profit tax return for that taxable year. A taxpayer shall not be required to notify the tax administrator of a municipal corporation in which a qualifying remote employee's or owner's qualifying remote work location is located, unless the taxpayer is otherwise required to file a net profit return with that municipal corporation due to business operations that are unrelated to the employee's or owner's activity at the qualifying remote work location.

After the taxpayer makes the initial election, the election applies to every municipal corporation in which the taxpayer conducts business. The taxpayer shall not be required to file a net profit return with a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in such municipal corporation.

Nothing in this division prohibits a taxpayer from making a new election under this division after properly revoking a prior election.

(3) For the purpose of calculating the ratios described in division (F)(1) of this section, all of the following apply to a taxpayer that has made the election described in division (G)(2):

(a) For the purpose of division (F)(1)(a) of this section, the average original cost of any tangible personal property used by a qualifying remote employee or owner at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(b) For the purpose of division (F)(1)(b) of this section, any wages, salaries, and other compensation paid during the taxable period to a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(c) For the purpose of division (F)(1)(c) of this section, and notwithstanding division (F)(4) of this section, any gross receipts of the business or profession from services performed during the taxable period by a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(4) Nothing in this division prevents a taxpayer from requesting, or a tax administrator from requiring, that the taxpayer use, with respect to all or a portion of the income of the taxpayer, an alternative apportionment method as described in division (F)(2) of this section. However, a tax administrator shall not require an alternative apportionment method in such a manner that it would require a taxpayer to file a net profit return with a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in that municipal corporation.

(5) Except as otherwise provided in this division, nothing in this division is intended to affect the withholding of taxes on qualifying wages pursuant to Section 1717.01.

SECTION 3. That Section 1718.01(G) of the Codified Ordinances is hereby amended to read as follows:

(G)(1)(a) Except as otherwise provided in this Part Seventeen - Title Two, each individual income tax return required to be filed under this section shall be completed and filed as required by the Tax Administrator on or before the date prescribed for the filing of state individual income tax returns under division (G) of Section 5747.08 of the ORC. The taxpayer shall complete and file the return or notice on forms prescribed by the Tax Administrator or on generic forms, together with remittance made payable to the City. No remittance is required if the net amount due is ten dollars or less.

(b) Except as otherwise provided in this Part Seventeen - Title Two, each annual net profit return required to be filed under this section by a taxpayer that is not an individual shall be completed and filed as required by the Tax Administrator on or before the fifteenth day (15th) of the fourth month following the end of the taxpayer's taxable year. The taxpayer shall complete and file the return or notice on forms prescribed by the Tax Administrator or on generic forms, together with remittance made payable to the City. No remittance is required if the net amount due is ten dollars or less.

(2) Any taxpayer that has duly requested an automatic six-month extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of the City's income tax return. The extended due date of the City's income tax return shall be the 15th day of the tenth month after the last day of the taxable year to which the return relates. For tax years ending on or after January 1, 2023, the extended due date of the City's income tax return for a taxpayer that is not an individual shall be the 15<sup>th</sup> day of the eleventh month after the last day of the taxable year to which the return relates. An extension of time to file under this division is not an extension of the time to pay any tax due unless the Tax Administrator grants an extension of that date.

(a) A copy of the federal extension request shall be included with the filing of the City's income tax return.

(b) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may submit a written request that the Tax Administrator grant the taxpayer a six-month extension of the date for filing the taxpayer's City income tax return. If the request is received by the Tax Administrator on or before the date the City income tax return is due, the Tax Administrator shall grant the taxpayer's requested extension.

(3) If the state tax commissioner extends for all taxpayers the date for filing state income tax returns under division (G) of Section 5747.08 of the ORC, a taxpayer shall automatically receive an extension for the filing of the City's income tax return. The extended due date of the City's income tax return shall be the same as the extended due date of the state income tax return.

(4) If the Tax Administrator considers it necessary in order to ensure the payment of the tax imposed by the City, the Tax Administrator may require taxpayers to file returns and make payments otherwise than as provided in this division, including taxpayers not otherwise required to file annual returns.

(5) If a taxpayer receives an extension for the filing of a municipal income tax return under division (G)(2), (3), or (4) of this section, the tax administrator shall not make any inquiry or send any notice to the taxpayer with regard to the return on or before the date the taxpayer files the return or on or before the extended due date to file the return, whichever occurs first.

If a tax administrator violates division (G)(5) of this section, the municipal corporation shall reimburse the taxpayer for any reasonable costs incurred to respond to such inquiry or notice, up to \$150.

Division (G)(5) of this section does not apply to an extension received under division (G)(2) of this section if the tax administrator has actual knowledge that the taxpayer failed to file for a federal extension as required to receive the extension under division (G)(2) of this section or failed to file for an extension under division (G)(2)(b) of this section.

(6) To the extent that any provision in this division (G) of this section conflicts with any provision in divisions (N), (O), (P), or (Q) of this section, the provisions in divisions (N), (O), (P), or (Q) prevail.



SECTION 4. That Section 1720.01 of the Codified Ordinances is hereby amended to read as follows:

(C) Should any taxpayer, employer, agent of the employer, or other payer for any reason fails, in whole or in part, to make timely and full payment or remittance of income tax, estimated income tax, or withholding tax or to file timely with the City any return required to be filed, the following penalties and interest shall apply:

(1) Interest shall be imposed at the rate described in division (A) of this section, per annum, on all unpaid income tax, unpaid estimated income tax, and unpaid withholding tax.

(2) (a) With respect to unpaid income tax and unpaid estimated income tax, the City may impose a penalty equal to fifteen percent (15%) of the amount not timely paid.

(b) With respect to any unpaid withholding tax, the City may impose a penalty not exceeding fifty percent (50%) of the amount not timely paid.

(3)(a) **For tax years ending on or before December 31, 2022, with** ~~With~~ respect to returns other than estimated income tax returns, the City may impose a penalty of \$25 for each failure to timely file each return, regardless of the liability shown thereon for each month, or any fraction thereof, during which the return remains unfiled regardless of the liability shown thereon. The penalty shall not exceed \$150 for each failure.

**(b) For tax years ending on or after January 1, 2023, with respect to returns other than estimated income tax returns, The City may impose a penalty not exceeding \$25 for each failure to timely file each return, regardless of the liability shown thereon, except that the City shall abate or refund the penalty assessed on a taxpayer's first failure to timely file a return after the taxpayer files that return.**

SECTION 5. That Council hereby waives the requirement of Section 731.19 of the Ohio Revised Code that this Ordinance contain the entire sections of the Codified Ordinances that are being amended.

SECTION 6. That the Council hereby finds that this Ordinance was deliberated upon and passed in open meetings in compliance with Section 121.22 of the Ohio Revised Code and the Charter of the City of Worthington, Ohio.

SECTION 7. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.



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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**H.B. 33**  
**135<sup>th</sup> General Assembly**

## Final Analysis

[Click here for LSC's fiscal analyses of H.B. 33](#)

**Primary Sponsor:** Rep. Edwards

**Effective date:** Operating appropriations effective July 4, 2023. Most other provisions effective October 3, 2023. Some provisions effective on other dates. Contains item vetoes.

Amanda Goodman, Attorney  
Samuel Duling, Research Analyst, and LSC staff

REVISED VERSION\*

## SUMMARY

This analysis is arranged by state agency in alphabetical order. Items that do not directly involve an agency are located under the agency that has regulatory authority over the item, or otherwise deals with the subject matter of the item. There is a chapter addressing changes to various boards and commissions.

Separate segments at the end address items affecting local government, revisions to the 9-1-1 emergency service law, revisions to adjudication procedures under the Administrative Procedure Act (R.C. Chapter 119), which apply across state government, and authority for state agencies to make electronic notifications and conduct meetings by electronic means.

The analysis concludes with a note on effective dates, expiration, and other administrative matters.

Within each agency and category, a summary of the items appears first (in the form of dot points) followed by a more detailed discussion.

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\* This version corrects the description of the act's abolishment of the State Adoption Assistance Loan Fund (page 369). It also revises the discussion of the partial veto in the act's ODM doula program provisions (page 439).

cap on the federal deduction for state and local taxes. It also requires OAGI, for purposes of the credit, to be calculated by first deducting the business income deduction described above.

In other words, for purposes of the resident income tax credit for taxes paid to other states, the act includes taxes paid to those states on account of the resident taxpayer's ownership of a PTE that paid taxes to the other jurisdiction on behalf of the taxpayer, either as part of a composite return or as part of a tax designed to avoid the \$10,000 state and local tax deduction cap. But, the tax liability against which that credit is applied is first reduced because it is calculated with an OAGI that has been reduced by the business income deduction.

The act applies these changes to taxable years ending on or after January 1, 2023. Taxpayers may, however, apply them to taxable years ending on or after January 1, 2022, by filing an amended or original return for that year.

### **Eliminate quarterly employer reconciliation return**

(R.C. 5747.07 and 5747.072; Section 803.60)

The act removes the requirement that employers who withhold and remit employee income taxes on a partial weekly basis, i.e., two times in a single week, file quarterly withholding reconciliation returns. Instead, these employers will only be required to file the annual reconciliation returns required for other employers under continuing law starting on January 1, 2024. Reconciliation returns allow an employer to calculate and pay any required employee withholding that was not remitted in the preceding period.

Under continuing law, employers are required to remit employee withholding on a partial weekly basis if they withhold and accumulate a significant amount of it. Employers with smaller accumulated withholding may remit it monthly or quarterly.

## **Municipal income taxes**

### **Exemption for minors' income**

(R.C. 718.01(C)(15); Section 803.10)

The act requires municipal corporations to exempt the income of individuals under 18 years of age from municipal income taxation. The exemption applies to taxable years beginning on or after January 1, 2024. Under prior law, only municipal corporations that authorized such an exemption before 2016 were authorized to grant such an exemption.

### **Net operating loss deduction cross-reference**

(R.C. 718.01; Section 803.10)

The act corrects an erroneous cross-reference in the municipal income tax law governing the deduction of net operating loss (NOL). From 2018-2022, a business was allowed to deduct 50% of its NOL from its taxable net profits. Beginning in 2023, the 50% limitation is discontinued and a business may deduct the full amount of its NOL. The act's correction clarifies that the 50% limitation ceases to apply in 2023. The act requires municipalities that levy an income tax to incorporate this cross-reference change into their municipal tax ordinances and apply it to taxable years beginning in 2023.

## **Net profits apportionment for remote employees**

(R.C. 718.02, 718.021, 718.82, and 718.821; R.C. 718.021 (718.17); Section 803.240)

Under continuing law, municipal corporations may impose an income tax on the net profit of businesses operating within their jurisdictions. When determining the portion of a business' total net profit that is taxable by a particular municipality, the business uses a three-factor formula based on the business' payroll, sales, and property.

The act allows businesses with employees who work remotely to use a modified version of this apportionment formula. Instead of apportioning the payroll earned, sales made, or property used by a remote employee to that employee's remote work location, the employer may instead apportion those amounts to a designated "reporting location." This alternative is available both to businesses that file returns with municipal tax administrators and businesses that elect to file a single return covering all municipal corporations with the Tax Commissioner.

Under continuing law, an employee's payroll is generally only included in the existing apportionment formula if the employee performs services at a location "owned, controlled, or used by, rented to, or under the possession of" the employer, or a vendor or customer of the employer.

### **Designating a reporting location**

To use the act's modified apportionment formula, the business must assign a remote employee to a designated reporting location, which is any location owned or controlled by the employer or, in some circumstances, by a customer of the employer.<sup>160</sup> An employee's designated reporting location will be (a) the location at which the employee works on a regular or periodic basis, (b) if no such location exists, the location at which the employee's supervisor works on a regular or periodic basis, or (c) if neither such locations exist, any reporting location designated by the employer, provided that the designation is made in good faith and is reflected in the employer's business records.

A business can change a remote employee's designated reporting location at any time. If the business is a pass-through entity, e.g., a partnership or LLC, it can also designate a reporting location for any of its equity owners who work remotely.

### **Election**

A business that wishes to use the act's modified apportionment formula must make an election to do so with each municipality in which it is required to file a net profits tax return or, if the business has elected to file a single return with the Tax Commissioner, with the Commissioner. The election can be made on the business' net profit return, timely filed amended return, or a timely filed appeal of an assessment. Once the election is made, it applies to each municipality in which the business operates and to all future taxable years, until it is revoked.

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<sup>160</sup> A customer location qualifies only if it is located in a municipality to which the employer is required to withhold income taxes on employee wages, due to one or more employees providing services at that location. R.C. 718.021(A)(3)(b).

## **Application of continuing formula and effective date**

Aside from the apportionment of payroll, sales, and property attributable to remote employees, all other aspects of continuing law's apportionment formula will continue to apply to a business that makes the election allowed under the act. The business can still request to use an alternative apportionment method, as under the continuing apportionment formula, although the act specifies that the business cannot be compelled to use an alternative method that would require it to file a return with a municipality solely because an employee is working remotely in that municipality.

The act applies to taxable years ending on or after December 31, 2023.

## **Prohibited inquiries and notices**

(R.C. 718.05 and 718.85; Section 803.100)

The act limits when a municipal tax administrator or the Tax Commissioner may make inquiries or send notices to taxpayers whose income tax filing deadline has been extended. Under continuing law, taxpayers generally report and remit municipal income tax to municipal tax administrators, but a business that owes taxes on its net profits may elect to report and remit municipal net profits taxes to TAX, which then disperses payments to each municipality to which such tax is owed.

Under continuing law, the due date of a taxpayer's municipal income tax return, whether filed with a municipality or the Tax Commissioner, may be extended under various circumstances, including any of the following:

- The taxpayer has requested an extension of the deadline to file the taxpayer's federal income tax return.
- The taxpayer has requested an extension of the deadline to file the taxpayer's municipal income tax return from the municipal tax administrator or Commissioner.
- The Commissioner extends the state income tax filing deadline for all taxpayers.

When a taxpayer receives an extension, the act prohibits a municipal tax administrator or the Commissioner from sending any inquiry or notice regarding the municipal return until after either the taxpayer files the return or the extended due date passes. If a tax administrator sends a prohibited inquiry or notice, the municipality must reimburse the taxpayer for any reasonable costs incurred in responding to it, up to \$150.

The act's new limitations apply to taxable years ending on or after January 1, 2023. The limitations do not apply, and a municipal tax administrator or the Commissioner may send an otherwise prohibited inquiry or notice, if either has actual knowledge that the taxpayer did not actually file for a federal or municipal income tax extension.

## **Penalty limitations**

(R.C. 718.27 and 718.89; Section 803.100)

The act limits the penalty a municipal corporation or the Tax Commissioner may impose for the failure to timely file a municipal income tax return. Previously, a municipal corporation

could impose a penalty of \$25 for each month a taxpayer failed to file a required income tax or withholding return, up to \$150 for each return. The Commissioner could impose the same monthly penalty on those unfiled returns as well as on unfiled estimated tax declarations. The act reduces these penalties to a one-time \$25 penalty. The act also exempts a taxpayer's first failure to timely file from the penalty, requiring the municipal corporation or Commissioner to either refund or abate the penalty after the taxpayer files the late return. These changes also apply to taxable years ending on or after January 1, 2023.

### **Extension for businesses**

(R.C. 718.05(G)(2) and 718.85(D)(1); Section 803.100)

The act provides an additional, automatic one-month filing extension for municipal income tax returns where a business entity has received a six-month federal extension, bringing the full duration of the extension to seven months beginning in taxable years ending on or after January 1, 2023. The previous extended deadline for individuals and business entities was the same as the extended federal deadline.

### **Net profits tax reports and notifications**

(R.C. 718.80 and 718.84; Section 803.80)

Under continuing law, a business that operates in multiple municipalities, and is therefore subject to multiple municipal income taxes, may elect to have TAX serve as the sole administrator for those taxes. For electing taxpayers, a single municipal net profit tax return is filed through the Ohio Business Gateway for processing by TAX, which handles all administrative functions for those returns, including distributing payments to the municipalities, billing, assessment, collections, audits, and appeals. The act modifies, as described below, the reporting and notification requirements associated with this state-administered municipal net profits tax.

#### **TAX's municipal income tax report**

The act requires that twice a year, in May and December, TAX provide information to municipalities on any businesses that had net profits apportioned to the municipality, as reported to TAX, in the preceding five or seven months only, as applicable. (Net profits apportionable to the municipality, e.g., earned in the municipality, are generally subject to the municipality's income tax.) Under prior law, this twice-per-year notification, which had been done in May and November, was required to list information for businesses that had net profits apportioned to the municipality in any prior year. This change applies to reports required to be filed after October 3, 2023.

#### **Rate decrease notification**

Under continuing law, by January 31 of each year, a municipal corporation levying an income tax must certify the rate of the tax to TAX. If the municipality increases the rate after that date, the municipality must notify TAX of the increase at least 60 days before it goes into effect. The act requires a municipality to notify TAX, within the same 60-day notice period, when there is any change in its municipal income tax rate, including a decrease.



**STAFF MEMORANDUM**  
**City Council Meeting – December 4, 2023**

Date: November 30, 2023

To: Worthington City Council

From: Robyn Stewart, Acting City Manager

Subject: ORDINANCE NO. 37-2023– CODE CHANGE – PARKS & RECREATION  
COMMISSION STUDENT MEMBERS

---

**EXECUTIVE SUMMARY**

This Ordinance amends Section 151.03 of the Codified Ordinances to indicate the student members of the Parks & Recreation Commission are to be high school students at the time of the appointment and re-appoints two student members.

**RECOMMENDATION**

Introduce for Public Hearing on December 11, 2023.

**BACKGROUND/DESCRIPTION**

Currently, Section 151.03 of the Codified Ordinances indicates the two student members of the Parks & Recreation Commission are to be residents of the City of Worthington and enrolled as juniors in high school at the time of their appointment or be in an equivalent grade in a district-approved home school program. This Ordinance drops the specific reference to being juniors and instead allows the appointees to be enrolled in high school or an equivalent grade in a district-approved home school program. This provides for a broader range of students that can be considered for appointment.

This Ordinance also re-appoints two current student members, C.J. Carpenter to a term expiring on December 31, 2025, and Noah Barnard to a term expiring on December 31, 2024.

**ATTACHMENT(S)**

Ordinance No. 37-2023



## ORDINANCE NO. 37-2023

Amending Section 151.03 (Boards and Commissions – Parks & Recreation Commission) of the Codified Ordinances of the City of Worthington and Re-appointing Student Members to the Parks & Recreation Commission

WHEREAS, it is the wish of the City Council to amend the Administrative Code to provide more flexibility in the age of the student members of the Parks & Recreation Commission; and,

WHEREAS, Section 151.03(a) of the Codified Ordinances of the City of Worthington indicates student members are to be enrolled as juniors in high school at the time of their appointment or be in an equivalent grade in a district-approved home school program; and,

WHEREAS, City Council desires to be able to appoint any students enrolled in high school at the time of their appointment or be in an equivalent grade in a district-approved home school program; and,

WHEREAS, City Council desires to re-appoint the two current student members of the Parks & Recreation Commission.

NOW THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That Section 151.03(a) of the Codified Ordinances of the City of Worthington be and the same is hereby amended to read as follows:

### 151.03 PARKS AND RECREATION COMMISSION

(a) Members; Term. There is hereby established a Parks & Recreation Commission to be composed of nine voting members including two students who are residents of the City of Worthington and are enrolled ~~as juniors~~ in high school at the time of their appointment or who are in an equivalent grade in a district-approved home school program. All members of the Parks and Recreation Commission shall be appointed by Worthington City Council for terms of one to two years as Council shall determine and specify at the time of making such appointment, each term commencing on January 1.

SECTION 2. That Christian (C.J.) Carpenter is hereby re-appointed as a student representative to the Parks and Recreation Commission to a term expiring on December 31, 2025.

SECTION 3. That Noah Barnard is hereby re-appointed as a student representative to the Parks and Recreation Commission to a term expiring on December 31, 2024.



SECTION 4. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington Ohio.

Passed \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest

Introduced  
P.H.  
Effective

\_\_\_\_\_  
Clerk of Council



**STAFF MEMORANDUM**  
**City Council Meeting – December 4, 2023**

Date: November 27, 2023

To: Robyn Stewart, Acting City Manager

From: Scott F. Bartter, Finance Director

Subject: Ordinance -2023 – Appropriation – Capital Equipment & Various Small Projects

---

**EXECUTIVE SUMMARY**

This Ordinance appropriates funds to procure the new and replacement equipment provided in the Capital Improvement Plan (CIP) for Fiscal Year 2024. This Ordinance also appropriates funds for multiple projects identified in the 2024-20278 CIP.

**RECOMMENDATION**

Introduce for Public Hearing on December 11, 2023.

**BACKGROUND/DESCRIPTION**

In addition to appropriating funds for the 2024 New and Replacement Equipment program, this Ordinance appropriates funds for the Capital Improvement Program projects listed below. Funding for additional projects, where expenses are expected to exceed the \$50,000 competitive bid threshold will be appropriated throughout the year. The projects funded with this Ordinance are:

1. 2024 Building Improvement Program
2. Community Center Sidewalk Replacement
3. Fire Hydrant Replacement and Painting
4. Olentangy River Road Trail Maintenance
5. Community Center Floor Refinishing
6. Central Business District Streetscape Improvements
7. Community Center Maintenance

8. Community Wayfinding Signage
9. LED Park Lighting
10. 2024 Traffic Signal Program
11. W. Wilson Bridge Waterline Design
12. Griswold Center Improvements
13. Park Court Resurfacing

## **ATTACHMENTS**

Ordinance No. 38-2023

## ORDINANCE NO. 38-2023

Amending Ordinance No. 26-2023 (As Amended) to Adjust the Annual Budget by Providing for Appropriations From the Capital Improvements Fund and DUI Education Fund Unappropriated Balance to Pay the Cost of the 2024 New and Replacement Equipment Items and for Certain Projects as Identified in the 2024 Five-Year Capital Improvements Program and all Related Expenses and Determining to Proceed with said Projects.

WHEREAS, the Charter of the City of Worthington, Ohio, provides that City Council may at any time amend or revise the Budget by Ordinance, providing that such amendment does not authorize the expenditure of more revenue than will be available;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.8120.533479 the sum of One Million Seven Hundred Sixty-One Thousand Nine Hundred Dollars (\$1,761,900.00) to pay the cost of 2024 New and Replacement Equipment items on the list attached hereto. The amounts shown are estimates with final costs to be within 10% of each item.

SECTION 2. That there be and hereby is appropriated from the DUI Education Fund Unappropriated Balance to Account No. 216.1616.533479 the sum of Five-Thousand Dollars (\$5,000.00) to pay the cost of replacement speed lasers from the 2024 New and Replacement Equipment list. The amounts shown are estimates with final costs to be within 10% of this item.

SECTION 3. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.3010.533480 the sum of Two Hundred Thousand Dollars (\$200,000.00) to pay the cost of the 2024 Building Improvement Program and all Related Expenses (Project No. 750-24).

SECTION 4. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.4010.533469 the sum of Seventeen Thousand Five Hundred Dollars (\$17,500.00) to pay the cost of replacing sidewalk and approaches outside the Community Center and all related Expenses (Project No. 740-23).

## ORDINANCE NO. XX-2023

SECTION 5. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.3010.533391 the sum of Thirty-Five Thousand Dollars (\$35,000.00) to pay the cost of the Fire Hydrant Replacement and Painting and all Related Expenses (Project No. 661-18).

SECTION 6. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.4010.533481 the sum of Twenty-One Thousand Dollars (\$21,000.00) to pay the cost of the maintenance of the Olentangy River Road Trail and all related Expenses (Project No. 751-24).

SECTION 7. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.4010.533482 the sum of Forty-Nine Thousand Dollars (\$49,000.00) to pay the cost of refinishing the Community Center wood floors in the south gym, fitness studio and community room and all Related Expenses (Project No. 752-24).

SECTION 8. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.3010.533483 the sum of Fifty Thousand Dollars (\$50,000.00) to pay the cost of CBD Streetscape Improvements and all Related Expenses (Project No. 753-24).

SECTION 9. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.4010.533484 the sum of Twenty-Three Thousand Dollars (\$23,000.00) to pay the cost of flooring replacement in restrooms, vending area, upgrade lighting control panel and HVAC improvements to Trane Chiller and all Related Expenses (Project No. 754-24).

SECTION 10. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.5010.533347 the sum of Forty Thousand Dollars (\$40,000.00) to pay the cost of the Community Wayfinding Signage and all Related Expenses (Project No. 619-15).

SECTION 11. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.4010.533485 the sum of Forty Thousand Dollars (\$40,000.00) to pay the cost of LED lighting upgrades at Indianola Park, Olentangy Parklands and Wilson Hill Park and all Related Expenses (Project No. 755-24).

SECTION 12. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.8150.533452 the sum of Sixty-Two Thousand Dollars (\$62,000.00) to pay the cost of the Traffic Signal Improvement Program and all Related Expenses (Project No. 724-22).

ORDINANCE NO. XX-2023

SECTION 13. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.8160.533473 the sum of Eighty-Three Thousand Dollars (\$83,000.00) to pay the cost of the design of the Water Line Improvements from Old Wilson Bridge to the Worthington Mall Entrance and all Related Expenses (Project No. 744-23).

SECTION 14. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.4010.533486 the sum of Seventy-Five Thousand Dollars (\$75,000.00) to pay the cost of Griswold Center renovations to the kitchen, restrooms and the second floor and all Related Expenses (Project No. 756-24).

SECTION 15. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.4010.533487 the sum of Ninety-One Thousand Dollars (\$91,000.00) to pay the cost of resurfacing multiple tennis and basketball courts within our Parks System and all Related Expenses (Project No. 757-24).

SECTION 16. For purposes of Section 2.21 of the Charter of the City, this ordinance shall be considered an “Ordinance Determining to Proceed” with the Projects, notwithstanding future actions of this Council, which may be necessary or appropriate in order to comply with other requirements of law.

SECTION 17. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed

---

President of Council

Attest:

---

Clerk of Council

Introduced  
P.H.  
Effective



**STAFF MEMORANDUM**  
**City Council Meeting – December 4, 2023**

Date: November 30, 2023

To: Robyn Stewart, Acting City Manager

From: John Moorehead, Director of Service and Engineering

Subject: Park Overlook Water Line – Permission to Bid

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**EXECUTIVE SUMMARY**

Staff is seeking approval to advertise for bid the Park Overlook Drive and Andover Street Water Main Replacement project.

**STAFF RECOMMENDATION**

Motion to approve.

**BACKGROUND/DESCRIPTION**

In 2020 Strand Associates was engaged to prepare a comprehensive study of Worthington's water system. That study evaluated the condition of our public water main inventory by considering age, material, history of breaks, and relative importance to the community. The study identified and prioritized 49 separate water main replacement projects. Park Overlook's water main is the 2<sup>nd</sup> of those projects the City will be undertaking.

EMH&T was retained in 2022 for engineering design and construction administration. Construction plans are complete and have been approved by all regulatory agencies. Staff is now seeking permission to advertise the project for bid.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)**

The 2023 CIP budget included \$1,348,000 for the Park Overlook water line improvements. The Engineer's cost estimate for this project is \$1,163,184.

**ATTACHMENT(S)**

Park Overlook Drive and Andover Street Water Main Construction Plans

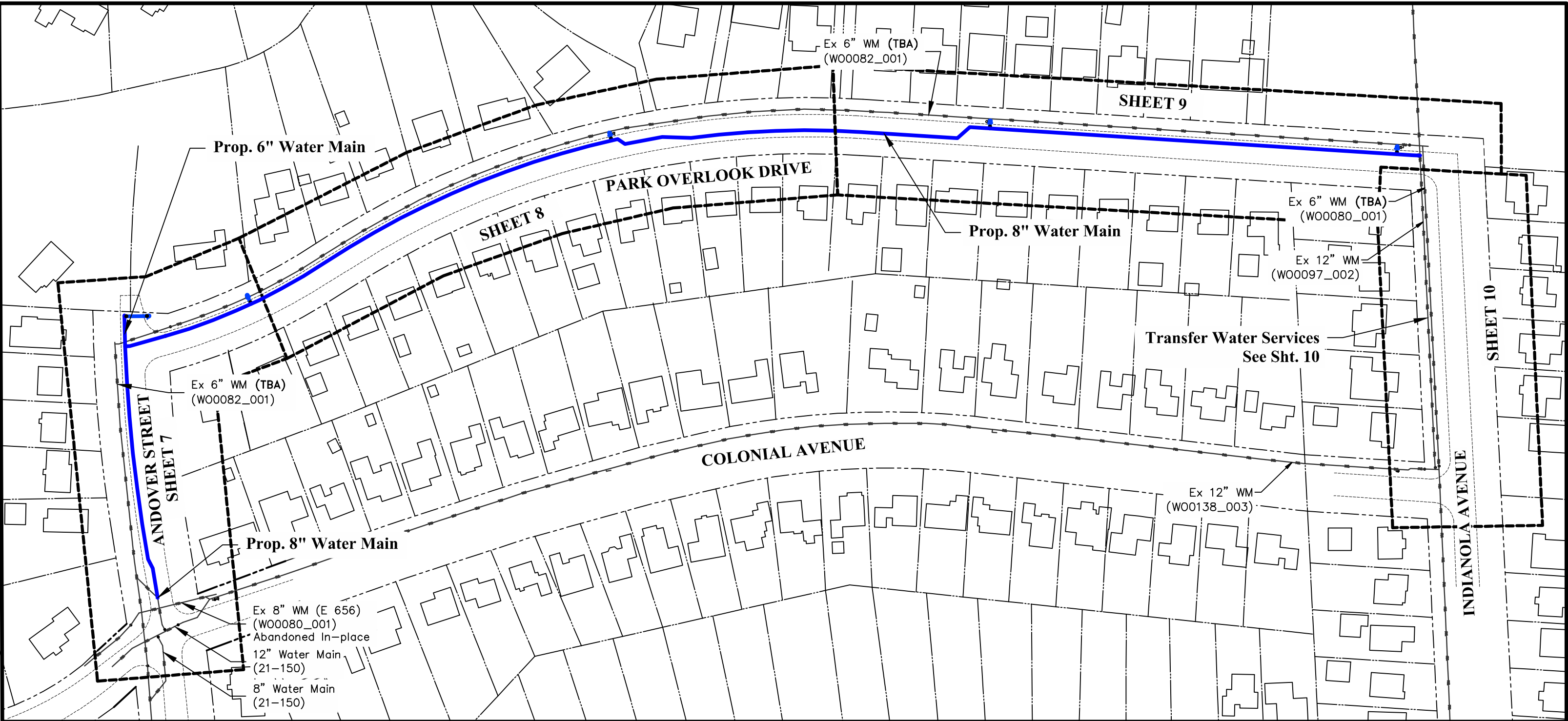
Summary of Estimated Construction Costs



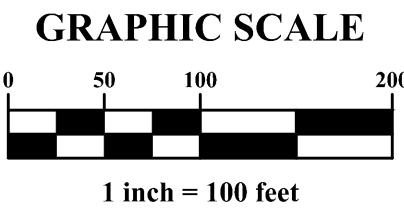
CITY OF WORTHINGTON, FRANKLIN COUNTY, OHIO  
WATER MAIN REPLACEMENT  
FOR  
PARK OVERLOOK DRIVE  
AND ANDOVER STREET  
8-INCH WATER MAIN  
2023

SHEET INDEX

Title Sheet .....	1
Bench Mark & Control Plan .....	2
General Notes .....	3-4
Legend & Estimate of Quantities .....	5
Water Line Coordinate Sheet .....	6
Plan & Profile .....	7-10
Sediment & Erosion Control Notes & Details .....	11
Sediment & Erosion Control Site Plan .....	12
Maintenance of Traffic Notes .....	13
Maintenance of Traffic Plan .....	14
Restoration Plan .....	15-16



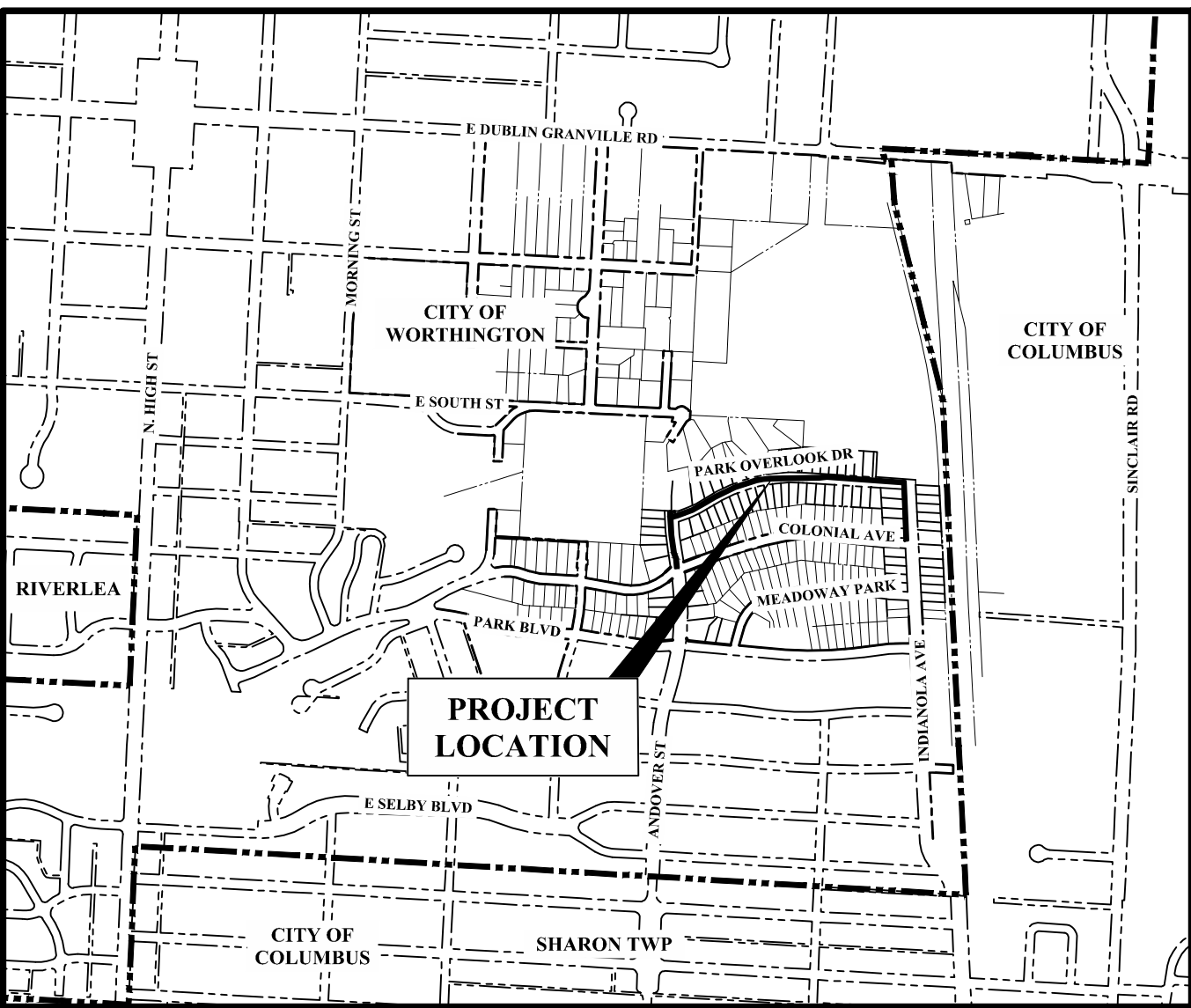
INDEX MAP  
Scale: 1" = 100'



**OWNER**  
City of Worthington  
Department of Service & Engineering  
380 Highland Avenue  
Worthington, Ohio 43085  
Office: 614-431-2425  
Fax: 614-785-1885

**ENGINEER**  
EMH&T, Inc.  
Shane Spencer, PE  
5500 New Albany Road  
Columbus, Ohio 43054  
Tel: (614) 775-4500  
Email: sspencer@emht.com

STANDARD CONSTRUCTION DRAWINGS				
The Standard Construction Drawings listed on these plans are to be considered a part thereof.				
CITY OF COLUMBUS				
L-1001	L-2201B	L-6311	L-6637C	1441
L-1003	L-6306	L-6312	L-6640	2010
L-1004	L-6309A	L-6316A	L-7001	2160
L-1701A	L-6309B	L-6316B	L-7102B	2161
L-1701B	L-6309E	L-6320	L-7601	2179
L-2201A	L-6310	L-6637A	L-9901	2300



LOCATION MAP  
Not to Scale

CITY OF WORTHINGTON APPROVAL

The "CITY OF WORTHINGTON" signatures below signify only concurrence with the purpose and general location of the project. All technical details remain the responsibility of the Engineer preparing the plans.

*Robyn M. Stewart*  
City Manager, City of Worthington, Ohio

5/15/23  
Date

*Sh. Ulbrich*  
Director of Service and Engineering, City of Worthington, Ohio

5-15-23  
Date

CITY OF COLUMBUS APPROVAL

Approval on the part of the City of Columbus is given pursuant to the provisions of the Water Service Agreement between City of Worthington and the City of Columbus, Ohio, on April 09, 2008 and all subsequent amendments thereof.

*John J. Newman*  
Administrator, Division of Water  
City of Columbus

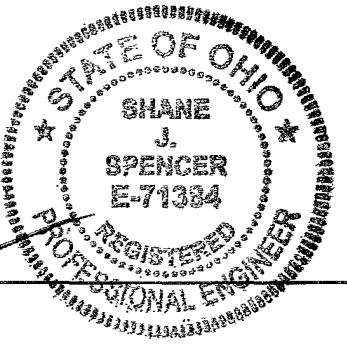
5-30-23  
Date

*Kristen L. Atkins by Amy*  
Director, Department of Public Utilities City of Columbus

5-31-2023  
Date

PREPARED BY:

**EMH&T**  
Evans, Mechwart, Hambleton & Tilton, Inc.  
Engineers • Surveyors • Planners • Scientists  
5500 New Albany Road, Columbus, OH 43054  
Phone: 614.775.4500 Toll Free: 888.775.3648  
emht.com



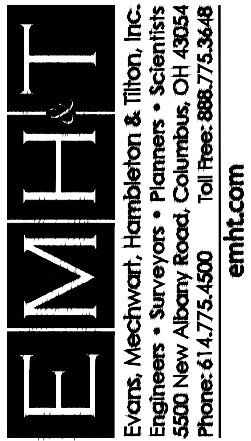
*Shane J. Spencer*  
Registered Engineer No. 71384

5/1/2023  
Date



CITY OF WORTHINGTON

CITY OF WORTHINGTON, FRANKLIN COUNTY, OHIO  
FOR  
WATER MAIN REPLACEMENT  
PARK OVERLOOK DRIVE AND ANDOVER  
STREET 8-INCH WATER MAIN  
TITLE SHEET



DATE  
May, 2023

SCALE  
As Noted

JOB NO.  
2022-1025

SHEET  
1/16



J:\2022\1025\Draw\04Sheets\Water\2022\1025-02IndexMap.dwg, Last Saved By: cblank, 5/10/2023 12:14 PM Last Printed By: Banks, Annalisa, 5/10/2023 12:19 PM  
3 Years: 2016-08-02-05-REPR-F, 2016-08-02-05-REPR-F, 2016-08-02-05-REPR-F, 2016-08-02-05-REPR-F, 2016-08-02-05-REPR-F, 2016-08-02-05-REPR-F, 2016-08-02-05-REPR-F, 2016-08-02-05-REPR-F, 2016-08-02-05-REPR-F, 2016-08-02-05-REPR-F



U.S. Survey Foot				
Points	Northing (Ground)	Easting (Ground)	Elevation	Description
8	759106.466	1827245.012	892.92	1157 #8 IRSw/cap
201	759117.851	1827839.860	900.50	1052 #201 IPFw/cap
204	759057.064	1827952.474	900.99	1152 #204 IPSw/cap
205	758573.101	1827945.291	898.63	1152 #205 IPSw/cap
206	758847.624	1826521.414	886.28	1165 #206 MAGS
207	758467.310	1826562.629	882.41	1152 #207 IPSw/cap
404	759071	1827920	901.58	1185 BM#4 BMS
405	758572	1827948	898.40	1185 BM#5 BMS
406	758828	1826560	886.65	1185 BM#6 BMS
407	758584	1826624	884.85	1185 BM#7 BMS

Vertical Datum

The elevations shown on this map are based on the North American Vertical Datum of 1988. Said elevations are based upon positional solutions derived from RTK GNSS observations using the Ohio Department of Transportation's Ohio Real Time Network equipment and software. Elevations were then transferred by conventional leveling procedures to the permanent benchmarks listed hereon.

Horizontal Control

The coordinates shown on this map are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (2011). Said coordinates are based upon positional solutions derived from RTK GNSS observations using the Ohio Department of Transportation's Ohio Real Time Network equipment and software. A portion of the centerline of Park Overlook Drive, having a bearing of North 86° 22' 28" West and monumented as shown hereon, is designated as the "basis of bearings" for this survey.

BENCH MARKS  
(NAVD 1988)

BM#4

Railroad spike set on the south side of a power pole located on the north side of the intersection of Park Overlook Drive and Indianola Avenue.  
Elev. = 901.58

BM#5

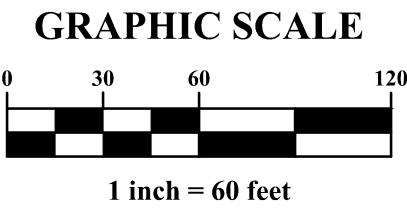
Chiseled "square" on top of the curb located 11 feet (+/-) northeast from the corner of the driveway to 5721 Indianola Ave.  
Elev. = 898.40

BM#6

Chiseled "X" on the west side of the rim of a sanitary manhole located on the southeast corner of the intersection of Andover Avenue and Park Overlook Drive.  
Elev. = 886.65

BM#7

Chiseled "X" on the south flange bolt of a fire hydrant located on the north side of Colonial Avenue, being the first fire hydrant at the intersection of Avondale Avenue and Colonial Avenue.  
Elev. = 884.85



REVISIONS

MARK	DATE	DESCRIPTION

CITY OF WORTHINGTON

PARK OVERLOOK DRIVE AND ANDOVER STREET 8-INCH WATER MAIN BENCH MARK & CONTROL PLAN

CITY OF WORTHINGTON, FRANKLIN COUNTY, OHIO  
FOR  
WATER MAIN REPLACEMENT

EMHT

Earth & Mechanical Consultants & Engineers, Inc.  
Engineers • Surveyors • Planners • Scientists  
5900 New Albany Road, Columbus, OH 43254  
Phone: 614.775.5500    Fax: 614.775.5501    emht.com

DATE

May, 2023

SCALE

1" = 60'

JOB NO.

2022-1025

SHEET

2/16



GENERAL NOTES:

SPECIFICATIONS

The current City of Columbus "Construction and Material Specifications" (CMSC) together with the requirements of the City of Worthington, Ohio, including all supplements thereto, in force on the date of the contract, shall govern all materials and workmanship involved in the improvements shown on these plans except as such specifications are modified by the following specifications, or by the construction details set forth herein, in the case of any conflict among the specifications, the greater requirement shall take precedence (as determined by the sole discretion of the City of Worthington Engineer) unless directed otherwise by the City of Worthington Engineer.

SAFETY

The Contractor and Sub-contractors shall be solely responsible for complying with all federal, state and local safety requirements, together with exercising precautions at all times for the protection of persons (including employees) and property. It is the sole responsibility of the Contractor and Sub-contractors to initiate, maintain and supervise all safety requirements, precautions and programs in connection with the work.

MODIFICATIONS

Any modifications to the specification or to the plan as shown on these drawings must have written approval from the City of Worthington Engineering Department.

SITE VISIT

The Contractor shall perform field reconnaissance to become acquainted with the existing site conditions and the potential effects upon the scope of work.

PERMITS

The Contractor shall secure and pay for all permits and government fees, licenses, and inspections necessary for the proper execution and completion of the improvements shown on the plans.

PRE-CONSTRUCTION MEETING

A pre-construction conference involving a representative of the City of Worthington, the Principal Contractor, and all available Sub-Contractors will be held prior to the start of construction.

During the conference the Contractor shall submit his construction schedule, 24-hour emergency contacts, proposed schedule for controlling siltation and erosion, and for temporary and permanent seeding for the project.

CONSTRUCTION SEQUENCE

The Contractor shall be responsible for the submittal of an outline of the Construction Sequence of the construction as proposed by the Contractor for approval by the City of Worthington. The Construction Sequence shall include, but not be limited to, the sequencing of the maintenance of traffic, the setting of sedimentation and erosion control, seeding, mulching and sodding and the cleanup after construction. The Construction Sequence will be submitted to the City at the Pre-Construction Meeting.

STOP WORK

The City may direct the Contractor to halt any work that presents a risk to public safety or is not in compliance with the approved plans, these standards, accepted standards within the trade or the Worthington Codified Ordinances.

WARRANTY

The one (1) year warranty period on all workmanship and materials used by the Contractor, and/or its subcontractors, shall begin after the Contractor schedules a final inspection with the City and the City approves all work.

INSPECTION

The City of Worthington will provide all construction inspection for this project. No work shall be commenced until arrangements have been made with the City of Worthington Engineer for inspection services. The Resident Representative shall be notified a minimum of 48 hours in advance of any site activities.

ELEVATION DATUM

Elevations shown on these plans are based on NAVD 88 Datum.

SURVEY MARKERS

The Contractor shall carefully preserve bench marks, property corners, reference points, and stakes. Any bench mark, property corner, or survey marker damaged or disturbed by the Contractor shall be reset by an Ohio Registered Surveyor at the Contractor's expense.

STATIONING

All stationing refers to the water main centerline stationing unless otherwise noted on the plans.

PROHIBITED CONSTRUCTION ACTIVITIES

The Contractor shall not use construction proceedings, activities or operations that may unnecessarily impact the natural environment or the public health and safety. Prohibited construction proceedings, activities or operations include, but are not limited to:

- (a) Disposing of excess or unsuitable excavated material in wetlands or floodplains, even with the permission of the property owner.
- (a) Indiscriminate, arbitrary, or capricious operation of equipment in any stream corridors, any wetlands, any surface waters, or outside the easement limits.
- (b) Pumping of sediment-laden water from trenches or other excavations into any surface waters, any stream corridors, any wetlands or storm drains.
- (c) Discharging pollutants such as chemicals, fuel, lubricants, bituminous materials, raw sewage, and other harmful waste into or alongside of rivers, streams, impoundments or into natural or man-made channels leading thereto.
- (d) Permanent or unspecified alteration of flow line of a stream.
- (e) Damaging vegetation outside of the construction area.
- (f) Disposal of trees, brush and other debris in any stream corridors, on wetlands, and surface water, or at unspecified locations.
- (g) Open burning of project debris without a permit.
- (h) Storing construction equipment and vehicles and/or stock piling construction materials on property, public or private, not previously specified by the City Engineer for said purpose.

WORK WITHIN RIGHT-OF-WAY

In addition to the direct requirements of the contract specifications, the Contractor shall observe and conform to the specific requirements of all Right-of-Way, including easements, covenants, rights-of-entry, or action filed in court in accordance with the code of the applicable governing agency. The cost of the operations necessary to fulfill such requirements shall be included in the price bid for the various items of the contract unless specific provision is made in the contract specifications for such cost under specific items of the contract.

Ingress and egress shall be maintained at all times to public and private property. Access to all adjoining properties shall be maintained at all times.

No materials, including pipe, shall be stored within the public right-of-way or within one hundred (100) feet of any intersecting street or driveway. During non-working hours, storage of equipment shall comply with these same requirements. Compliance with these requirements along with additional provisions of the contract specifications shall not relieve the contractor of their legal responsibility to maintain job safety.

EASEMENTS

Approval of this plan is contingent upon all easements required for the construction of the water main being secured and recorded by the City of Worthington. No work which requires an easement will be allowed to proceed until all easements have been recorded.

WORK LIMITS

The Contractor is responsible for containing all performed work, equipment, materials, vehicles, etc. used for the construction of the water main within the right-of-way of the streets, roadways, permanent easements and temporary construction easements, as shown on these plans. The installation and operation of all maintenance of traffic features required for construction may be placed inside and/or outside of the work limits. The Contractor shall be responsible for the cost of restoration of any area outside of the right-of-way, permanent easement and temporary construction easements to it's former condition, or better, and to the satisfaction of the Property Owner and/or the City Worthington Engineer.

WORK HOURS

General work hours for this project shall be in accordance with CMSC Sections 105.06 and 105.07.

SECURING EXCAVATIONS & TRENCHES FOR NON-WORKING HOURS

Excavations and trenches over 24 inches deep shall be securely plated or backfilled during non-working hours.

SANITARY FACILITIES

The Contractor shall furnish and maintain sanitary facilities for the workers and inspectors for the duration of the work on the project site. Cost shall be included in the price bid for the various items.

MAIL SERVICE

The Contractor shall be responsible for maintaining mail service in the construction area. Prior to disturbing any mail boxes, the Contractor shall contact the Postal Authorities and shall temporarily relocate mail boxes in accordance with Postal requirements. The Contractor shall restore mail boxes to their original condition and location. Cost to be included in the price bid for the various items.

TRASH COLLECTION SERVICE

The Contractor shall contact the City of Worthington for current collection date each week prior to starting work and be responsible for maintaining a 20 foot wide clear area for trash can placement in the front of each lot for trash collection service in the construction area on the designated trash day. Cost to be included in the price bid for the various items.

SIGNS, MAILBOXES, FENCES, ETC.

The Contractor shall be responsible for restoring all signs, mailboxes, fences, guardrail, shrubs, property, drainage structures, or other physical features disturbed or damaged during construction, whether shown on the plans or not, to their original or better condition and location and to the satisfaction of the Property Owner and the City of Worthington, unless otherwise noted on the plans. Cost to be included in the price bid for the various items.

TRACKING OF MUD

Any mud tracked or deposition of building materials or debris upon public right-of-way shall be cleaned off immediately. The Contractor shall reimburse the City at the rate of 2.5 times the actual cost of labor, materials, and equipment for any work done by the City to clean streets as a result of the Contractor's failure to clean them in a timely manner.

DUST CONTROL

The Contractor shall be responsible for providing dust control measures in accordance with Item 616. Dust control operations shall be performed on a periodic basis and/or as directed by the City to alleviate or prevent the dust nuisance originating within the project work limits. Calcium Chloride on areas to be seeded and mulched will not be permitted. The cost for all dust control measures shall be included in the price bid for the water main items.

NON-RUBBER TIRED VEHICLES

No non-rubber tired vehicles shall not be moved on City streets, existing private roadways or parking lots. Exceptions may be granted by the City of Worthington, for public roadways only, where short distances and special circumstances are involved. Granting of exceptions must be in writing, and any damage must be repaired by the Contractor to the satisfaction of the City of Worthington.

ADDITIONAL COMPENSATION

The Contractor shall furnish all labor, materials, tools, equipment, services, and related accessories for a complete project as shown and described in the plans and specifications. The price for all items of work and/or materials shown on the plans for which no specific unit price is given shall be bid as per plan and the costs distributed among items of bid shall be in proportion to the work shown. The City Engineer shall be satisfied with the plans and conditions as shown. No additional compensation will be paid to the Contractor for compliance with the plans, specifications, or special provisions.

CONTRACT WORK PERFORMED BY THE CITY

In the event that it becomes necessary for the City to perform work of an immediate nature (such as the placement of barricades or replacement of signs or other warning or protective devices) required of the Contractor by this contract because of failure or refusal of the Contractor to perform such work, the Contractor shall reimburse the City at the rate of 2.5 times the actual cost of labor, materials and equipment necessary to perform such work. The City of Worthington shall be reimbursed by the Contractor by way of a deduction from the Contractor's net payment under the Contract.

PROPERTY OWNER NOTIFICATION

The Contractor shall notify all landowners effected by the construction and adjacent landowners a minimum of one week in advance of work on or adjacent to their property. The Contractor shall coordinate with the City of Worthington for approval of the notification.

CITY NOTIFICATION

The Contractor shall provide a written list of 24 hour emergency numbers to the City of Worthington. The Contractor shall notify the City of Worthington Engineering Department 614-431-2425 and shall fax to the City of Worthington Service Department, 614-785-1885, at least 72 working hours (excluding weekends and holidays) in advance of the anticipated start of work requiring inspection, testing, or approval by the City of Worthington Engineer. This notification shall be made prior to commencing any land disturbing on any part of the site. This includes site clearing, grubbing, excavation and any earth moving.

MAINTENANCE OF TRAFFIC

The Contractor must notify the Worthington Division of Police at (614) 885-4463 and the Worthington Schools Department of Transportation at (614) 450-6600 prior to any road closure or potential major disruption of traffic such as work near an arterial intersection or work requiring one lane of traffic on an arterial. Unless otherwise provided for in the contract, the cost of all work associated with maintaining traffic shall be included in the unit price bid for Item 614 Maintaining Traffic.

See Sheet 13 for MOT notes.

SAWCUT PAVEMENT

The pavement shall be saw cut to full depth in neat, straight lines. Pavement shall be recut to neat, straight lines if pavement is damaged beyond the original sawcut during construction. Cost for saw cutting shall be included in the price bid for Item 801, 8" Water Pipe, with 801.13 Backfill.

PAVEMENT REPLACEMENT

All pavement replacement in roadways, driveways and parking lots shall be constructed in accordance to City of Columbus Standard Drawing 1441, except as modified on the plans. The cost of pavement replacement shall be included in the unit price bid for Item 259, Permanent Pavement Replacement, Type I.

GRASSY AREA RESTORATION

Grassy areas within commercial street right-of-way will be considered urban in character and seeded as per Item 659 of the CMSC, Class 1 Lawn Mixture. Use of wood fiber mulch is required for final mulching and straw or compost mulch will not be permitted. Grassy areas within residential street right-of-way will be restored with sod. The Contractor is responsible for leveling, reseeded, and mulching or reseeded any settled areas for a period of one year after project completion.

CONCRETE WALKS

All existing concrete sidewalks being replaced with new concrete sidewalks shall be removed at an existing joint and replaced per standard drawing 2300. Install expansion joint where new concrete adjoins existing sidewalk.

All existing concrete sidewalks not scheduled for replacement but being crossed by the installation of traffic items, electrical conduit, piping, etc. shall be fully removed at an existing joint and replaced per standard drawing 2300 unless noted otherwise. Payment shall be included in the price bid for Item 608-Concrete Walk.

NEW CURB RADIUS

Intersection corners or horizontal curves shall match the existing radius unless noted other wise.

EXPOSE EXISTING UTILITIES

The Contractor shall be responsible to expose all existing underground utilities, sewers and structures where the proposed water main improvement is to be connected to, or cross over or under prior to construction. The Contractor shall be responsible for notifying the Project Engineer and the City of Worthington of any conflicts of elevation between the proposed water main and existing utilities, sewers and structures, other than the existing water main that is to be abandoned, prior to the start of construction. The Contractor shall repair/restore any damage to an existing utility main and/or service line at the Contractor's own expense.

GAS SERVICE VALVES ADJUSTED TO GRADE

The Contractor shall contact Columbia Gas (614) 460-2244 to coordinate the adjustment of gas service valves.

COLUMBIA GAS DAMAGE PREVENTION CENTER

For information concerning Columbia Gas lines or equipment, or if damage occurs to gas lines or equipment, the Contractor can call the Columbia Gas damage prevention center at (614) 280-7372 or toll-free at (866) 632-6243.

REPLACEMENT OF DRAIN TILES AND STORM SEWERS

All drain tile and storm sewers damaged, disturbed, or removed as a result of the Contractor's operations shall be replaced with the same quality pipe or better. Replaced drain tile shall be laid on compacted bedding equal in density to surrounding stratum, maintaining the same grade as the original pipe, and shall be placed at the time of the backfill operation. These requirements shall be followed unless specifically directed by the City of Worthington Engineering Department. The cost of this work shall be included in the unit price bid for the various improvement items.

MAINTAIN DRAINAGE

The flow in all sewers, drains, field tiles and watercourses encountered shall be maintained by the Contractor. Whenever such watercourses and drains are disturbed or destroyed during the prosecution of the work, they shall be restored by the Contractor to a condition satisfactory to the City Engineer.

EXISTING UTILITIES

The identity and location of the existing underground utility facilities know to be located in the construction area have been shown on the plans as accurately as provided by the Owner of the underground utility. The City of Worthington and/or Engineer assumes no responsibility to the accuracy or the depths of the underground facilities shown on the plans.

Investigation, location, support, protection and restoration of all existing utilities and appurtenances shall be the responsibility of the Contractor. This work includes maintenance of adequate depth on all existing utility facilities. The Contractor is responsible to identify and coordinate field stakeout of all locations of possible grade conflicts with existing utilities prior to construction.

The Contractor is responsible for coordinating the relocation and/or protection of any utilities as required by the plan with the owner of the affected utility. Private utility manholes within the limits of the work shall be adjusted to grade by the respective utility. The cost of this work shall be included in the price bid for the project improvements.

Utility poles within the influence of the earthwork operations shall be reinforced by the utility company prior to these construction activities. Notification of the utility company prior to construction shall be the responsibility of the Contractor.

Abandonment (Capping, Etc.) of existing utility facilities (American Electric Power, Aspire Energy, AT&T Ohio, Charter Communications, Columbia Gas, Columbus Fiberlink, Centurylink, etc.) shall be performed by the respective utility company. Upon completion of same, the Contractor shall be responsible to remove any or all the necessary utility as required by the plan improvements. The cost of all removal along with the proper disposal thereof should be included in the price bid for the project improvement.

When unknown or incorrectly located underground utilities are encountered during construction, the Contractor shall immediately notify the City Engineer.

The Contractor shall cause notice to be given to the Ohio Utilities Protection Service (Telephone 800-362-2764, toll-free) and to the owners of the underground utilities who are not members of a registered underground protection service in accordance with Section 153.64 of the Revised Code. The above mentioned notice shall be given at least 48 hours prior to start of construction. The following utilities and Owners are located within the work limits of this project:

UTILITY	OWNER	TELEPHONE
Traffic Facilities,	City of Worthington	Office: (614) 431-2425
Sanitary Sewer,	Engineering Department	Fax: (614) 785-1885
Storm Sewer &	380 Highland Avenue	
Water:	Worthington, Ohio 43085	
Gas:	Columbia Gas of Ohio	
	Rob Caldwell	Office: (614) 818-2104
	Field Engineering	Email: rcaldwell@nsource.com
	3550 Johnny Appleseed Ct.	
	Columbus, Ohio 43231	
	Damage Prevention:	(866) 632-6243
Communication:	Charter Communications	
	Travis Conrad	Office: (614) 481-5274
	3760 Interchange Road	Email: Travis.Conrad@charter.com
	Columbus, Ohio 43204	
Fiber Optic Cable:	AT&T	
	Steven Connell	
	111 N. 4th Street	Cell: (614) 312-2095
	Columbus, Ohio 43215	Email: sc2732@att.com
	AT&T Repair Service:	(888) 611-4466
	Damage Prevention:	(937) 296-3929
Fiber Optic Cable:	Crown Castle Fiber	
	Jon Tarnowski	
	2 Easton Oval - Suite 425	Cell: (614) 940-2462
	Columbus, Ohio 43219	Email: jon.tarnowski@crowncastle.com
Electric:	American Electric Power (Distribution)	
	Paul Paxton	Office: (614) 883-6831
	700 Morrison Road	Email: ptpaxton@aep.com
	Gahanna, Ohio 43230	
	AEP Solution Center:	(800) 277-2177

All private utility relocation (gas, electric, phone, etc.) will be the responsibility of the utility owners. The Contractor is responsible for coordinating the relocation and/or protection of any utilities as required by the plan with the owner of the affected utility.

SEDIMENT & EROSION CONTROL

Sediment and erosion control shall be provided per the requirements of the City of Columbus, CMSC Item 207, and the Standards and Specifications of the "Rainwater and Land Development" manual of ODN.R. Details and additional notes have been provided on Sheets 11-12 in an effort to help the Contractor provide erosion and sedimentation control. The details shown on the plan shall be considered a minimum. Additional or alternate details may be found in the S.C.S. Manual "Water Management and Sediment Control for Urbanizing Areas" and in the O.D.N.R. Manual "Rainwater and Land Development." The Contractor shall be solely responsible for providing necessary and adequate measures for proper control of erosion and sediment runoff from the site along with proper maintenance and inspection in compliance with the NPDES General Permit for Stormwater Discharges Associated with Construction Activity.

All land disturbing activities shall be subject to inspection and site investigation by the City of Worthington and/or the Ohio EPA. Sediment and erosion control measures shall be installed per NPDES permit regulations, and/or as directed by the City of Worthington Engineer, and are to be maintained until such time that they are no longer required by the permit and/or the City of Worthington Engineer. Failure to comply with these regulations shall be subject to legal enforcement action.

Primary sediment and erosion control practices are mandated by regulations to be in place prior to the beginning of the construction activity. The Contractor shall provide sediment control at all points where storm water runoff leaves the project including waterways, overland sheet flow, and before storm water runoff enters the storm sewers. All denuded areas shall have soil stabilization applied within seven (7) days of completion of grading operations if said areas are to remain undisturbed for more than forty-five (45) days.

It shall be the responsibility of the Contractor to inspect and maintain the sediment and erosion control features used on this project. The Contractor is responsible to keep all storm sewer inlets protected from excessive amounts of sediments using adequate filtering devices. Any silt, mud or other sediment material that enters the storm or sanitary sewer systems shall be cleaned out immediately.

The site shall be inspected periodically and within 24 hours of a rainfall event. Records of these inspections shall be kept and made available to jurisdictional agencies if requested. Any sediment or debris which has reduced the efficiency of a structure shall be removed immediately. Should a structure or sediment and erosion control feature become damaged, the Contractor shall repair or replace it at no additional cost to the City of Worthington. All cost for sediment and erosion control, including maintenance and cleaning, shall be included in the price bid for CMSC Item 207, Sediment and Erosion Control, Complete.

TREE PRESERVATION AND CLEARING AND GRUBBING

All trees, whether shown or not shown on the plans, are to be preserved unless their removal is necessary for the construction of the water main and their removal has been designated on the plan. If a tree is not shown or designated on the plan, but is needed to be removed, written approval must be obtained from the City of Worthington prior to removal. Trees removed by any of the preceding requirements shall be sized and paid for per CMSC Item 201, Tree Removed, (size).

All trees and stumps removed shall include stump removal to 6 inches below grade. The Contractor shall use special precautions to avoid damage to all other trees that are not to be removed. All brush and trees and stumps 12 inches and smaller shall be removed under the lump sum bid for CMSC Item 201, Clearing and Grubbing.

PRUNING

Branches or growth that interferes with the free construction of the project may be removed from trees/bushes that are to be saved by the use of pruning tools with prior approval from the City of Worthington and the property owner. All pruning tools used and methods employed shall meet the approval of the City of Worthington. The branches shall be removed with a good clean cut made flush with the parent trunk or if having a good healthy lateral branch, the cut shall be a good clean slanting cut close to and beyond the healthy branch. All

pruning cuts shall be painted with an accepted pruning preservation. The cost of all work and expenses connected with tree pruning shall be included in the price bid for CMSC Item 201, Clearing and Grubbing. No extra payment shall be made.

Trees damaged, destroyed or removed that were not designated for removal or approved by the Engineer or City of Worthington for removal shall be replaced at the Contractor's expense. If suitable replacement cannot be determined, compensation by the Contractor for unauthorized tree removal shall include sufficient additional landscaping as determined by the City of Worthington and the property owner.

SOIL STOCKPILES

The Contractor shall be responsible for keeping all soil stockpiles, including trench excavation stockpiles, protected from erosion. The areas surrounding the stockpiles are to be protected from sediment with the use of perimeter control devices such as earth or straw bale devices or silt fences. These perimeter control devices shall be maintained for the duration of the project. All work shall be contained within the project easements with no damage to trees remaining within the easements. Cost of restoration of stockpile areas to be included in the price bid for Item 659, Seeding and Mulching (including Water and Fertilizer).

DEWATERING

The Contractor shall furnish and operate suitable pumping equipment of such capacity adequate to dewater the trench should ground water be encountered. The trench shall be sufficiently dewatered such that the placement of bedding and the laying and joining of pipe and/or fittings is made on firm dry ground.

The Contractor shall convey all trench water to a natural drainage channel or storm sewer without damage to property or existing facilities. The Contractor shall be responsible to place and maintain the necessary erosion control and sediment control measures to filter the dewatering discharge. Direct discharge of sediment laden water to storm sewer or a receiving stream is a violation of the Ohio EPA; the Contractor will be held liable for the violation and subsequent fines.

The cost of any dewatering operations, including all labor, equipment and materials, required for the construction of the water main shall be included in the price bid for Item 801 8" Water Pipe And Fittings.

CLEAN-UP

The Contractor shall be responsible for the immediate cleanup of any debris, mud or dirt tracked or spilled on City and/or public streets or private drives whether inside or outside the project area. The Contractor is responsible for the cost of any services contracted and/or completed by the City of Worthington in the clean up of any tracking or spillage anytime during project construction. The Engineer may require the Contractor to perform weekly street cleaning if excessive amounts of dirt and mud are left along the street. This may include removal by sweeping, power cleaning, or manual methods. The cost of this work shall be included in the price bid for the various items.

DISPOSAL OF EXCESS EXCAVATION

All debris, rubble, unusable materials, and items not salvaged by the City shall become the property of the Contractor and shall be removed from the site by the Contractor and disposed of in accordance with all current laws, rules and regulations. The Contractor shall dispose of all excess excavation off-site. The proposed off-site disposal location shall be approved by the City of Worthington Engineer. The Contractor shall provide the City Engineer a copy of the signed, written agreement between the Contractor and the off-site Landowner before such disposal occurs. This written agreement shall clearly state the purpose of the agreement and indicate the Landowner's permission for such use.

GRADE CHANGES

If it is determined that the elevation of the existing waterline, or existing appurtenance to be connected to, differs from the elevation shown on the plan, the Designer Engineer shall be notified before starting construction of any portion of the proposed water main which will be affected by the variance in the existing elevations.

If it is determined that the proposed water main will intersect an existing underground utility if constructed as shown on the plan, the Designer Engineer shall be notified before starting construction of any portion of the proposed water main which would be affected by the interference with an existing facility.

Grades and elevations shown on the plans shall not be revised under any circumstances without first obtaining written approval from the City.

CITY OF COLUMBUS WATER NOTES:

The City of Columbus Construction and Material Specifications, 2018 edition and all revisions, including all supplements thereto, shall govern all construction items that are a part of this plan, unless otherwise noted.

All water main materials and installations shall be in accordance with the current rules and regulations of the City of Columbus, Division of Water. All City of Columbus, Division of Water Standard Drawings shall apply to the project, unless otherwise noted.

For any emergencies involving the water distribution system, please contact the Division of Water Distribution Maintenance Office at 614-645-7788.

All brass fittings associated with water work, including repairs to the existing system, shall conform to the revised allowable lead extraction limit per the updated NSF/ANSI 61 Standard. The Division of Water's Approved Materials List has been updated to reflect this requirement.

It shall be unlawful for any person to perform any work on City of Columbus water main systems without first securing license to engage in such work, as indicated in Columbus City Code Section 1103.02 and 1103.06. This work includes all attachments, additions to or alterations in any city service pipe or appurtenances (including water service lines and taps). This requirement may be met by utilization of a subcontractor who holds a City of Columbus Water Contractor License or a Combined Water/Sewer Contractor License to perform this work. Utilization of a subcontractor must meet the licensing requirements of City of Columbus Building Code, in particular Section 4114.119 and 4114.529.

The Contractor shall obtain the proper hydrant permit(s), and pay any applicable fees, for any approved hydrant usage deemed necessary for work under this improvement. Permits must be obtained from the respective hydrant owner (municipality or township) prior to contacting the Division of Water Permit Office (645-7330). The contractor shall adhere to all rules & regulations governing said permit and must have the original permit in site anytime in which the hydrant is in use. Permits may be obtained by accessing <http://portal.columbus.gov/permits/>.

The chart below identifies the locations in which PVC piping is permitted for use on this project:

STREET NAME	DESCRIPTION OF LIMITS	SIZE OF WATER MAIN	LINEAR FOOTAGE OF PIPE
ANDOVER STREET	FROM COLONIAL AVENUE TO PARK OVERLOOK DRIVE	6" & 8"	35'/275'
PARK OVERLOOK DRIVE	FROM ANDOVER STREET TO INDIANOLA AVENUE	8"	1435'

PVC pipe may only be used as an alternate for 6 and 8-inch ductile iron water mains, and shall not be used for hydrant leads or water taps.

Continuity testing shall be performed for any tracer wire installed on the PVC pipe. After installation of the tracer wire, testing of the tracer wire shall be performed with a low frequency tracer signal. Tracer wire shall be installed as per 801.07. Continuity testing shall be witnessed and documented by the inspector. The tracer wire test report shall be submitted to the DOW engineer, and shall also be included in any chlorination request submittals.

These design plans have assumed ductile iron as the baseline pipe material for design. All fittings, deflections, and other design elements are based off of the ductile iron standards. If PVC piping is to be utilized in the permitted locations for construction, a formal plan revision shall be submitted for review and approval regarding any changes to the design plans.

All water mains shall be cleaned and flushed, and any water main 12-inch and larger must be properly pigged, in accordance with section 801.15 of the City of Columbus, Construction and Material Specifications.

All water mains shall be pressure tested in accordance with section 801.16 of the City of Columbus, Construction and Material Specifications. The City may not approve any test lasting less than two hours, regardless of the amount of leakage.

All water mains shall be disinfected in accordance with section 801.17 of the City of Columbus Construction and Material Specifications. Special attention is directed to applicable sections of A.W.W.A. C-651. When the water mains are ready for disinfection, the City of Worthington shall submit a written request for chlorination of the mains that need disinfected, three (3) sets of "as-built" plans (full size sheets only), the as-built survey coordinates, water service reports and a pressure test to the City of Columbus, Division of Water. The contractor shall be responsible for all costs associated with the disinfection of all water mains constructed under this plan.

(Continued, See Sheet 4)

REVISIONS

MARK	DATE	DESCRIPTION



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GENERAL NOTES (Continued)

Any section of water main that is longer than 20 feet in length shall be chlorinated. Hand swabbing methods will only be permitted for sections less than or equal to 20 feet in length. Use unscented household bleach for hand swabbing of pipe and fittings. Please note that cut-in-tees, sleeves, and any other required fittings or piping shall be taken into account and are included in the total length of the section (cut to cut).

Only one connection to an existing water main is permitted before disinfection of a new water main has been completed. All other connections must be made after the main has been disinfected.

Where indicated on the plans, the existing water main shall be abandoned; and any existing water service lines off this main shall be transferred to the new water main. Prior to abandonment of the existing water main, the proposed water main shall be pigged (if required), tested, chlorinated and put in service and then the existing water service lines shall be transferred. The Contractor shall maintain water service to all properties during construction of the new water main and shall notify all customers affected by the transfer of water service lines. To ensure that all existing water service lines are transferred to the new main, no water main shall be abandoned until the new water main has been put in service; all affected water service lines have been transferred; and the existing water main to be abandoned has been shut down for 24 hours. All visible valve boxes, fire hydrants, and water tap boxes on the water main to be abandoned, which will no longer be in service, shall be removed. All water mains to be abandoned shall be made water tight. The required surface restoration shall be paid for under the appropriate bid item(s).

No water service connection permits shall be issued or connections made to any water taps until water mains have been disinfected by the City of Columbus, Division of Water. When a 3-inch or larger tap is to occur on a 20-inch or larger water main, the Contractor shall notify the Division of Water Operations Control Center at (614)–645–7168 twenty-four (24) hours in advance of performing the tap.

Water tap boxes shall be placed 1’ from the edge of the proposed or existing sidewalk between the sidewalk and the curb, or 2 feet inside the right-of-way or easement line when no sidewalk is present or proposed. Refer to Standard Drawing L–9901 for additional information.

When performing water service line transfers, the Contractor shall flush the water tap prior to connecting to the existing service line.

Maintain eighteen (18) inches vertical and ten (10) feet horizontal separation between any sanitary or storm sewer piping and all proposed water mains.

When crossing the existing water main, and Low Strength Mortar (Item 613) is to be used as backfill, the Contractor shall provide Size No. 57 Crushed Carbonate Stone (CCS) 1 foot below to 1 foot above the existing water main.

If during excavation, the polyethylene encasement on the existing water main becomes damaged, the contractor shall repair the polyethylene encasement per manufacturer’s specifications and DOW Standard Drawings L–1003 and L–1004, at their own expense. Ensure that the entire exposed area is covered with new polyethylene encasement and securely taped, prior to backfilling.

Contractor shall adhere to the requirements of the Ohio Administrative Code Chapter 3745–83–02 Water Disruption of Service Rule. Excavate pits sufficiently below the area to be connected to in order to maintain water levels below the water main. If water from the pit enters the existing main, contact Division of Water immediately. Ensure that sufficiently sized pumps are utilized to remove water from the trench and backup pumps are kept on site for redundancy.

SURVEY COORDINATES

Item Special – Survey Coordinates shall include all material, equipment, and labor necessary to obtain horizontal and vertical (northing, easting, and centerline of pipe elevation) survey coordinates for the water main improvements. The survey coordinates shall be obtained for the completed water main construction and shall include all valves, tees, crosses, bends, horizontal deflections, plugs, reducers, tapping sleeves, fire hydrants, air releases, curb stops, tracer wire boxes, and casing pipe termini. Additional survey coordinates are required on the water main every 200 feet where no fitting or other water main structure is being installed within that length of the improvement. Survey Coordinates shall include all material, equipment, and labor necessary to obtain horizontal and vertical (northing, easting, and elevation) survey coordinates for the water main improvements. The survey coordinates shall be obtained for the completed water main construction and shall include all valves, tees, crosses, bends, horizontal deflections, plugs, reducers, tapping sleeves, fire hydrants, air releases, curb stops, and casing pipe termini. Additional survey coordinates are required on the water main every 200 feet where no fitting or other water main structure is being installed within that length of the improvement.

All survey coordinates shall be referenced to the applicable County Engineer’s Monuments, and shall be based on the North American Datum of 1983 (NAD 83) with the (NSRS2011) adjustment, with further reference made to the Ohio State Plane South Coordinate System (grid), South Zone, with elevations based on NAVD 88 datum. All coordinates (northing, easting, and centerline of pipe elevation) shall be referenced to the nearest hundredth (N xxxxxx.xx, E xxxxxx.xx, C/L Elev. xxx.xx). All survey coordinates shall be accurate to within 1.0 foot horizontal and a tenth of a foot (0.10) or less vertical.

The coordinates shall be documented to the Municipality Engineer or designated representative in digital spreadsheet form and shall include the applicable item, station, Northing, Easting, and Centerline of pipe elevation. Coordinates shall be submitted to the Municipality Engineer or designated representative on a bi-weekly basis. Coordinates shall also be required to be submitted to the Division of Water as part of the request for chlorination.

Lump sum payment is full compensation for all work involved in obtaining and documenting the survey coordinates as described in this specification.

SPECIAL NOTES

All water main valve boxes, water tap boxes, test stations, pitometer tap structures, meter pit covers, and other surface utility structures within the disturbed area shall be adjusted to grade. Any of these structures located within pavement, driveways, or other traveled areas, whether existing or proposed, shall be equipped with a traffic rated, heavy duty valve box and/or cover in accordance with the Standard Drawings. Existing water tap boxes to remain that are encountered within the project limits shall be cleaned out, centered over the curb stop, and adjusted to the proposed grade.

Where new conduit is proposed to cross an existing or proposed water main or water tap/service line, a minimum of 12-inches of vertical clearance shall be maintained between the conduit and the water main or tap/service line. A minimum of 3-feet of horizontal clearance (out to out) is required at locations where the conduit is parallel to the water main and at locations of water main thrust blocks.

A minimum of 3 feet of horizontal clearance (out to out) shall be maintained between all existing water mains and foundations for poles, pull boxes, push button pedestals, and any other miscellaneous electrical structure.

A minimum of 4 feet of cover is required prior to pressure testing any water main. A sufficient amount of backfill shall be installed to provide the adequate restraint in areas where required.

The proposed water main shall be located a minimum distance of twenty (20) feet away from any structure, overhang or footer.

During construction, the Contractor shall use extreme caution not to damage the existing water mains due to minimal cover.

The Contractor shall coordinate his work such that no water customer will have their service disrupted more than two (2) times throughout the duration of this project.

LEAD WATER TAPS

If a lead water tap is encountered and is neither damaged nor part of a planned relocation/replacement, the Contractor shall report the presence of the lead tap to the Division of Water Distribution Maintenance Group at 614–645–7788.

If a lead tap is either damaged during construction or is part of a planned water tap relocation/replacement, the Contractor shall take the following steps:

- If damaged, immediately contact Lew Flenister, Division of Water, (614–645–7028), to request the shut off of the existing curb stop. If Lew cannot be reached, contact The Division of Water Distribution Engineering Office at 614–645–7677 to request the shut off.
- Contractor shall expose the owner’s side of the water service to confirm the material. The Inspector shall be present for this.

- If the customer’s private service material is lead, stop work and notify the Division of Water Distribution Engineering Office (614–645–7677) immediately. If the material is not lead, the contractor shall replace the lead tap (from existing corporation stop to curb stop) and reinstate service to the customer. Partial repairs of the lead tap are NOT permitted.
- Refer to Division of Water Standard Drawings L–7102C and L–9901 for information on water tap relocations, placing new curb stops, and relocating curb boxes.

CITY OF WORTHINGTON WATER NOTES

INTERRUPTION OF WATER SERVICE

The Contractor shall give written notice to all affected property owners at least 24 hours, but not more than 72 hours prior to any temporary interruption of water service. Interruption of water service shall be held to a minimum and shall be approved by the City of Worthington Engineering Department.

EXISTING VALVES

All existing valves shall be operated by City of Columbus, Division of Water personnel only, as stated in Chapter 1113 of the Columbus City Code.

HAND SWABBING

The Contractor shall hand swab all pipes and fittings that are not otherwise disinfected. The amount of chlorine to be used during hand swabbing operations will be determined by the Engineer.

EXISTING PLUGS, CAPS, ETC.

Plugs and caps removed from existing water mains shall be delivered to the City of Worthington, Engineering Department, 380 Highland Ave. Worthington, Ohio 43085 unless otherwise directed by the City. No additional payment will be made for this delivery.

FIRE HYDRANTS

Fire hydrants shall conform to applicable sections of Item 809 of the Columbus Construction and Material Specifications. Work shall consist of removing the existing hydrant, installing new 6” pipe and fitting as required to locate the fire hydrant 2 feet from back of curb or 8 feet off edge of pavement, setting hydrant and blocking as required. All 6” pipe shall be installed at 4’–0” minimum cover. Hydrant extensions shall be provided per Item 810, as required. Fire hydrants shall be adjusted to proper grade and faced in the proper direction. When a hydrant is located fifteen (15) feet or more from the “Typical Hydrant Setting” valve location (see L–6409 & L–6637), an additional valve shall be installed, and restrained, within two (2) feet of the hydrant.

No two (2) adjacent fire hydrants shall be taken out of service concurrently.

All proposed hydrants shall be new and are restricted to American Darling or Clow only. The other requirements of standard drawing L–6637 & L–6409 shall apply.

All work associated with the hydrants shall be paid under the Item 809 Fire Hydrant.

WATER SERVICES

Where and as shown on the plans, the water services shall be extended from the normal locations of the permanent box and curb stop to its terminus point with Copper Type K and a temporary box set at the end of the extension. All water service boxes shall be placed as per plan and shall not be located otherwise without permission of the City. Refer to Standard Drawing L–9901 for additional information.

BACKFILL TESTING

Where said results indicate that the trench backfill does not meet the compaction requirements of Item 801.13 of the Construction and Material Specifications (CMSC), all backfill material shall be removed, replaced, and re-tested until compaction meets said requirements of Item 801.13. The Contractor shall be responsible for all costs included for this re-work.

SUPPLEMENTAL PROJECT NOTES

STAGING AREA

A specific staging area has not been provided/identified in the project area. The Contractor is solely responsible to determine their means and methods associated with the necessity of storing of materials and equipment for the project. Staging of materials within the public streets shall be constrained to street closure limitations defined in the plans. Staging of pipe behind the curb along the proposed alignment will be permitted. The staging/storing of any material or equipment shall not preclude access to individual properties.

LONG AND SHORT WATER TAP INSTALLATIONS/WATER SERVICE LINE TRANSFERS

Where long water service lines are specified, i.e. water service lines are on the opposite side of the street from the proposed water tap, the taps shall be installed by trenchless methods unless otherwise approved by the Engineer. When water taps are installed by trenchless methods and cross an existing storm and/or sanitary sewer, the contractor shall verify the condition of the sewer(s) by video inspection methods following the tap installations. Costs associated with the video inspection work shall be included in the cost of the bid item for Item Special– Video Inspection of Sewers.

For water service line transfers specified as short, the taps may be installed by open-cut methods. All work required to install the water taps and perform the water service line transfers shall remain within the Right-of-Way. The Contractor shall flush each tap prior to making the service line transfer.

NEW VALVE BOX ADJUSTMENTS

Riser rings will not be permitted on any newly installed valve boxes to bring valves to final grade. The Contractor shall ensure that the boxes are installed at the correct grade for final paving operations and that their paving contractor installs pavement correctly at lids during paving operations. Valve lids are not permitted to set above final grade and shall be a maximum of  $\frac{1}{4}$ ” below final grade.

ITEM 809 – FIRE HYDRANT REMOVED, AS PER PLAN

For all existing fire hydrants to be removed as part of this project, the Contractor shall take care to excavate, unbolt the hydrant at the base 90 degree elbow, and deliver the hydrant in one piece to the City of Worthington Engineering Department, 380 Highland Ave. Worthington, Ohio 43085. The Contractor shall exercise caution when removing and transporting the removed hydrants for delivery to the City. The Contractor shall coordinate the time and specific location to leave the hydrants with the department. No additional payment will be made for this delivery.

No existing fire hydrants shall be removed or taken out of service until the new water mains are in service and the new fire hydrants are accepted by the City of Worthington Fire Department.

ITEM SPECIAL – VIDEO INSPECTION OF SEWERS

When water taps are installed by trenchless methods and cross an existing storm sewer and/or sanitary sewer, the Contractor shall verify the condition of the sewer(s) by video inspection methods following the tap installations. The purpose is to confirm whether any damages occurred to the sewer during tap installation. Sewers that are deep, and where no potential damages are expected, are not required to undergo video inspection. However, these locations shall be coordinated with the Construction Administrator and the City to ensure that all parties are in agreement. Adherence to the City of Columbus Division of Sewerage and Drainage’s “Spec Section SS–5 – Sewer Video Recording and Inspection” is NOT required. The inspector shall be present to witness the video inspection. Costs associated with the video inspection work shall be included in the cost of this bid item and paid for on a linear foot basis. If blockages in the sewer prevent adequate video inspection from occurring, the Contractor shall notify the Construction Administrator and submit a cost to clean the sewer prior to video inspection. If damages are found to be present due to the tap installation, DOW will not reimburse the Contractor for that location. A contingency quantity has been included for this item and shall be utilized as directed by the Engineer.

ITEM SPECIAL – LOCATING EXISTING WATER SERVICES

Existing water service curb boxes have been shown on the plans either in the field verified location or as indicated by record plans and/or water service tap cards. Services where the water service has not been field located during design have been indicated as WTNF. This item is being established to address payment to the Contractor to perform additional investigations to locate services indicated as WTNF. This item shall include all labor, materials and equipment necessary to physically locate the unverified curb box locations. These shall be located prior to initiating water line installation on a specific street. Should the field verified location differ significantly from the plan location, the City shall be notified immediately. Minor restoration shall be considered incidental to this item however significant restoration associated with pavement repairs or in conjunction with the actual service transfer will be paid under the appropriate restoration item. Compensation for this item shall be by the hour, while active investigation is occurring. Authorization for performance of this item shall only occur after direct authorization by the City.

PROJECT ALTERNATES

There are two alternates defined for this project.

ALTERNATE 1

The installation of new sidewalk along the north side of Park Overlook Drive, west of Indiana Avenue has been defined as Alternate 1. Removal of topsoil along with minor excavation and grading to install the sidewalk and ensure positive drainage shall be considered incidental to the price bid per square foot of sidewalk.

ALTERNATE 2

Installation of the “mainline” 6-inch and 8-inch waterline with PVC pipe has been defined as Alternate 2. The use of PVC pipe is not a Contractor option and must be an alternate selected by the City of Worthington. Additional requirements associated with PVC pipe installation shall be considered incidental to the price bid for this alternate.

ALTERNATE 3

Alternate 3 shall consist of completing a full width 1  $\frac{1}{2}$ ” pavement mill and asphalt overlay along Park Overlook Drive and Andover Street within the limits of the trench impacts. The final limits of the mill and overlay will be defined by the City prior to milling operations. If this alternate is accepted, the surface course of the asphalt over the full-depth trench repair shall be paid for under Item 441 Asphalt Surface Course, Type 1 P084–22. The Contractor may elect to complete the full depth pavement repair either before or after pavement planing operations. If the full depth repair is placed before the milling, the repair shall be completed to the level of the existing adjacent pavement and will be milled with the entirety of the street. A line item has been provided to realize any cost savings associated with operations where the full depth repair is completed after milling operations.

CITY OF WORTHINGTON

CITY OF WORTHINGTON, FRANKLIN COUNTY, OHIO  
FOR  
WATER MAIN REPLACEMENT  
PARK OVERLOOK DRIVE AND ANDOVER  
STREET 8-INCH WATER MAIN  
GENERAL NOTES

**EMHT**  
Bryan A. Mackinnon, P.E., Registered Professional Engineer  
Engineers - Surveyors - Planners - Scientists  
5500 New Albany Road, Columbus, OH 43254  
Phone: 614.775.5500 Fax: 614.775.5500  
emht.com

DATE

May, 2023

SCALE

None




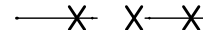






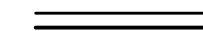
JOB NO.

2022-1025

SHEET


4/16

\*Denotes Contingency Item  
SPEC - Indicates supplemental specification/ item note

LEGEND - PROPOSED	
	Proposed Water Main and Valve
	Proposed Fire Hydrant
	Proposed Water Service
	Existing Water Main To Be Abandoned
	Proposed Easement
	Asphalt Pavement Replacement
	Concrete Sidewalk Replacement
	Concrete Drive Replacement
	Asphalt Drive Replacement
	Gravel Drive Replacement
	Curb and Gutter Replacement

REVISIONS		
MARK	DATE	DESCRIPTION
△	11/3/23	Added Temporary Pavement, Fire Hydrant Removed, and Bid Alternate 3 to quantities

**PARK OVERLOOK DRIVE AND ANDOVER  
STREET 8-INCH WATER MAIN  
LEGEND & ESTIMATE OF QUANTITIES**

 Evans, Mechwart, Hornbake & Thon, Inc. Engineers • Surveyors • Planners • Scientists 5500 New Albany Road, Columbus, OH 32504 Phone 614/752-7777 • Fax 614/752-7776 <a href="http://www.emht.com">www.emht.com</a>	
DATE	May, 2023
SCALE	None
JOB NO.	2022-1025
SHEET	5/16



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ITEM SPECIAL - SURVEY COORDINATES				AS-BUILT		
SHEET	DESCRIPTION	STATION (WM)	OFFSET	NORTHING	EASTING	C/L ELEV.
ANDOVER STREET & PARK OVERLOOK DRIVE						
7	Begin WM	2+00.00	—			
7	8" 11.25' Vert Bend	2+22.61	—			
7	8" 11.25' Horz Bend	2+32.00	—			
7	8" 11.25' Horz Bend, PC	2+42.90	—			
7	8" 11.25' Vert Bend	2+61.91	—			
7	Curb Box, ¾" Water Tap (5765 Andover St.)	2+97.17	Lt. 25.12'			
7	Curb Box, ¾" Water Tap (5771 Andover St.)	3+35.09	Lt. 24.85'			
7	Curb Box, ¾" Water Tap (5779 Andover St.)	3+79.31	Lt. 24.53'			
7	Curb Box, ¾" Water Tap (5785 Andover St.)	4+44.62	Lt. 24.68'			
7	8"x8" Tee, Horz Joint Defl, PC	4+71.75	—			
7	8" 11.25' Horz Bend	4+76.75	—			
7	8" Valve, Horz Joint Defl, PC	5+16.25	—			
PARK OVERLOOK DRIVE						
7	Curb Box, ¾" Water Tap (415 Park Overlook Dr.)	5+41.92	Rt. 29.46'			
7	Curb Box, ¾" Water Tap (418 Park Overlook Dr.)	5+53.92	Lt. 16.47'			
7	Curb Box, ¾" Water Tap (423 Park Overlook Dr.)	5+99.79	Rt. 29.79'			
7	8" x 6" Anchor Tee	6+14.12	—			
7	6" Valve	6+14.12	Lt. 2.00'			
7	Fire Hydrant	6+14.12	Lt. 9.92'			
7	Curb Box, ¾" Water Tap (433 Park Overlook Dr.)	6+51.44	Rt. 30.15'			
7	Curb Box, ¾" Water Tap (430 Park Overlook Dr.)	6+66.43	Lt. 15.59'			
8	8" Horz Defl, PC	7+04.22	—			
8	Curb Box, ¾" Water Tap (439 Park Overlook Dr.)	7+04.72	Rt. 30.95'			
8	Curb Box, ¾" Water Tap (438 Park Overlook Dr.)	7+43.84	Lt. 14.58'			
8	Curb Box, ¾" Water Tap (435 Park Overlook Dr.)	7+51.44	Rt. 31.12'			
8	Curb Box, ¾" Water Tap (451 Park Overlook Dr.)	8+05.81	Rt. 31.24'			
8	Curb Box, ¾" Water Tap (444 Park Overlook Dr.)	8+07.80	Lt. 13.89'			
8	8" Vert Defl	8+50.30	—			
8	Curb Box, ¾" Water Tap (452 Park Overlook Dr.)	8+69.96	Lt. 13.73'			
8	Curb Box, ¾" Water Tap (457 Park Overlook Dr.)	8+71.95	Rt. 31.72'			
8	Curb Box, ¾" Water Tap (463 Park Overlook Dr.)	9+07.31	Rt. 31.62'			
8	Curb Box, ¾" Water Tap (462 Park Overlook Dr.)	9+30.60	Lt. 15.49'			
8	Curb Box, ¾" Water Tap (469 Park Overlook Dr.)	9+76.67	Rt. 31.82'			
8	Curb Box, ¾" Water Tap (468 Park Overlook Dr.)	9+85.11	Lt. 15.75'			
8	Curb Box, ¾" Water Tap (475 Park Overlook Dr.)	10+33.83	Rt. 31.13'			
8	8" x 6" Anchor Tee	10+38.44	—			
8	6" Valve	10+38.44	Lt. 2.00'			
8	Fire Hydrant	10+38.44	Lt. 8.00'			
8	8" 45' Horz Bend, PT	10+45.38	—			
8	8" 45' Horz Bend	10+54.67	—			
8	Curb Box, ¾" Water Tap (483 Park Overlook Dr.)	10+88.36	Rt. 24.03'			
8	Curb Box, ¾" Water Tap (476 Park Overlook Dr.)	10+92.29	Lt. 23.87'			
8	8" 11.25' Horz Bend	10+95.16	—			
8	Curb Box, ¾" Water Tap (482 Park Overlook Dr.)	11+20.41	Lt. 28.40'			
8	8" 11.25' Horz Bend, PC	11+26.00				
8	Curb Box, ¾" Water Tap (488 Park Overlook Dr.)	11+36.56	Lt. 29.01'			
8	Curb Box, ¾" Water Tap (489 Park Overlook Dr.)	11+41.60	Rt. 18.95'			
8	Curb Box, ¾" Water Tap (495 Park Overlook Dr.)	11+92.79	Rt. 18.97'			
8	Curb Box, ¾" Water Tap (494 Park Overlook Dr.)	11+98.75	Lt. 28.42'			
8	Curb Box, ¾" Water Tap (500 Park Overlook Dr.)	12+29.21	Lt. 28.21'			
8	Curb Box, ¾" Water Tap (503 Park Overlook Dr.)	12+49.57	Rt. 18.80'			
8	Curb Box, ¾" Water Tap (506 Park Overlook Dr.)	12+76.66	Lt. 27.51'			
8	Curb Box, ¾" Water Tap (509 Park Overlook Dr.)	12+99.32	Rt. 18.03'			
9	8" Horz Defl, PT	13+07.66	—			
9	Curb Box, ¾" Water Tap (512 Park Overlook Dr.)	13+38.86	Lt. 26.82'			
9	Curb Box, ¾" Water Tap (517 Park Overlook Dr.)	13+51.66	Rt. 18.44'			
9	Curb Box, ¾" Water Tap (518 Park Overlook Dr.)	13+92.56	Lt. 26.73'			
9	Curb Box, ¾" Water Tap (523 Park Overlook Dr.)	14+06.74	Rt. 18.53'			
9	8" 45' Horz Bend	14+10.93	—			
9	8" 45' Horz Bend	14+28.61	—			
9	8" x 6" Anchor Tee	14+49.87	—			
9	6" Valve	14+49.87	Lt. 2.0'			
9	Fire Hydrant	14+49.87	Lt. 8.0'			
9	Curb Box, ¾" Water Tap (524 Park Overlook Dr.)	14+57.88	Lt. 14.30'			
9	Curb Box, ¾" Water Tap (531 Park Overlook Dr.)	14+76.10	Rt. 31.18'			
9	Curb Box, ¾" Water Tap (532 Park Overlook Dr.)	15+03.35	Lt. 14.29'			
9	Curb Box, ¾" Water Tap (539 Park Overlook Dr.)	15+15.29	Rt. 31.26'			
9	Curb Box, ¾" Water Tap (538 Park Overlook Dr.)	15+53.94	Lt. 14.24'			

ITEM SPECIAL - SURVEY COORDINATES				AS-BUILT		
SHEET	DESCRIPTION	STATION (WM)	OFFSET	NORTHING	EASTING	C/L ELEV.
PARK OVERLOOK DRIVE						
9	Curb Box, ¾" Water Tap (547 Park Overlook Dr.)	15+76.46	Rt. 31.26'			
9	Curb Box, ¾" Water Tap (546 Park Overlook Dr.)	16+04.30	Lt. 14.23'			
9	Curb Box, ¾" Water Tap (553 Park Overlook Dr.)	16+26.62	Rt. 31.09'			
9	Curb Box, ¾" Water Tap (554 Park Overlook Dr.)	16+54.36	Lt. 14.38'			
9	Curb Box, ¾" Water Tap (561 Park Overlook Dr.)	16+83.54	Rt. 31.37'			
9	Curb Box, ¾" Water Tap (560 Park Overlook Dr.)	17+05.50	Lt. 14.40'			
9	Curb Box, ¾" Water Tap (567 Park Overlook Dr.)	17+34.75	Rt. 31.30'			
9	8" x 6" Anchor Tee	18+85.03	—			
9	6" Valve	18+85.03	Lt. 2.00'			
9	Fire Hydrant	18+85.03	Lt. 8.00'			
9	8" Horz Defl	19+01.87	—			
9	8" Valve, Horz Defl	19+07.87	—			
9	12" x 8" Tee (Cut-In) End WM	19+09.87	—			
INDIANOLA AVENUE						
10	12" 90° Horz Bend	30+00.00	Rt. 4.08'			
10	Curb Box, ¾" Water Tap (5744 Indianola Ave.)	30+41.89	Rt. 44.78'			
10	Curb Box, ¾" Water Tap (584 Colonial Ave.)	30+46.65	Lt. 5.70'			
10	Curb Box, ¾" Water Tap (5759 Indianola Ave.)	30+98.83	Lt. 5.77'			
10	Curb Box, ¾" Water Tap (5752 Indianola Ave.)	31+00.87	Rt. 44.72'			
10	Curb Box, ¾" Water Tap (5760 Indianola Ave.)	31+35.13	Rt. 44.44'			
10	Curb Box, ¾" Water Tap (5765 Indianola Ave.)	31+69.70	Lt. 5.94'			
10	Curb Box, ¾" Water Tap (5768 Indianola Ave.)	32+06.66	Rt. 44.51'			
10	Curb Box, ¾" Water Tap (5773 Indianola Ave.)	32+09.94	Lt. 5.84'			
10	Curb Box, ¾" Water Tap (5776 Indianola Ave.)	32+40.92	Rt. 44.24'			
10	Curb Box, ¾" Water Tap (5781 Indianola Ave.)	32+83.91	Lt. 5.75'			
10	Curb Box, ¾" Water Tap (5782 Indianola Ave.)	32+86.26	Rt. 44.36'			
ANDOVER STREET						
7	8"x8" Tee, Horz Joint Defl, PT	20+00.00	—			
7	8"x6" Reducer	20+05.00	—			
7	Curb Box, ¾" Water Tap (5791 Andover St.)	20+13.20	Lt. 24.16'			
7	Corp Stop, ¾" Water Tap (410 Park Overlook Dr.)	20+29.99	—			
7	8" x 6" Anchor Tee	20+32.00	—			
7	6" Valve	20+32.00	Lt. 2.0'			
7	Fire Hydrant	20+32.00	Lt. 8.2'			
7	6" Plug & Thurst Blocking End WM	20+33.00	—			
7	Curb Box, ¾" Water Tap (410 Park Overlook Dr.)	20+41.53	Lt. 23.86'			

REVISIONS		DATE	DESCRIPTION				
MARK							

CITY OF WORTHINGTON

CITY OF WORTHINGTON, FRANKLIN COUNTY, OHIO  
FOR  
WATER MAIN REPLACEMENT  
PARK OVERLOOK DRIVE AND ANDOVER STREET 8-INCH WATER MAIN  
WATER LINE COORDINATE SHEET

EMHT

Eric M. Hight, Inc.

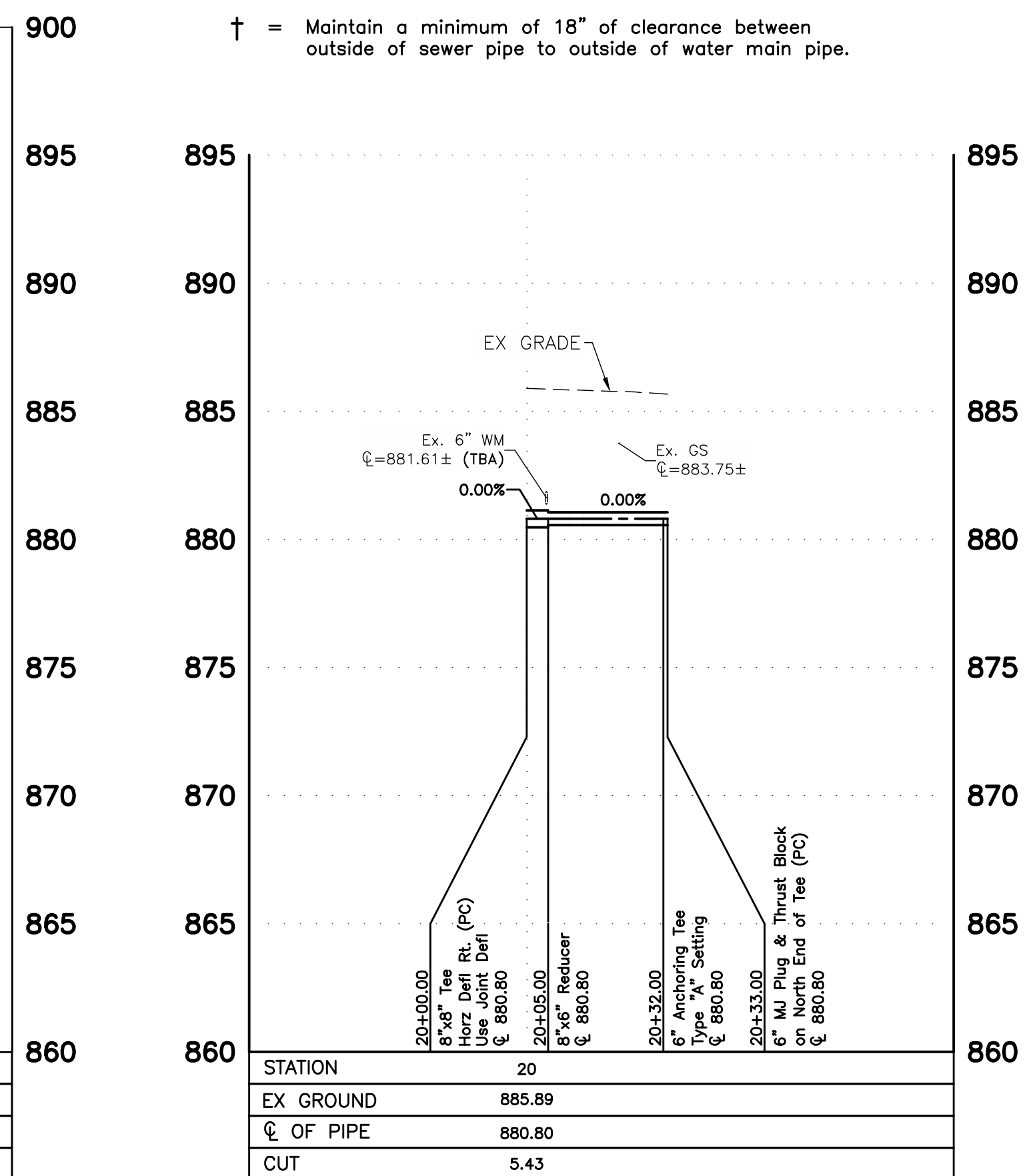
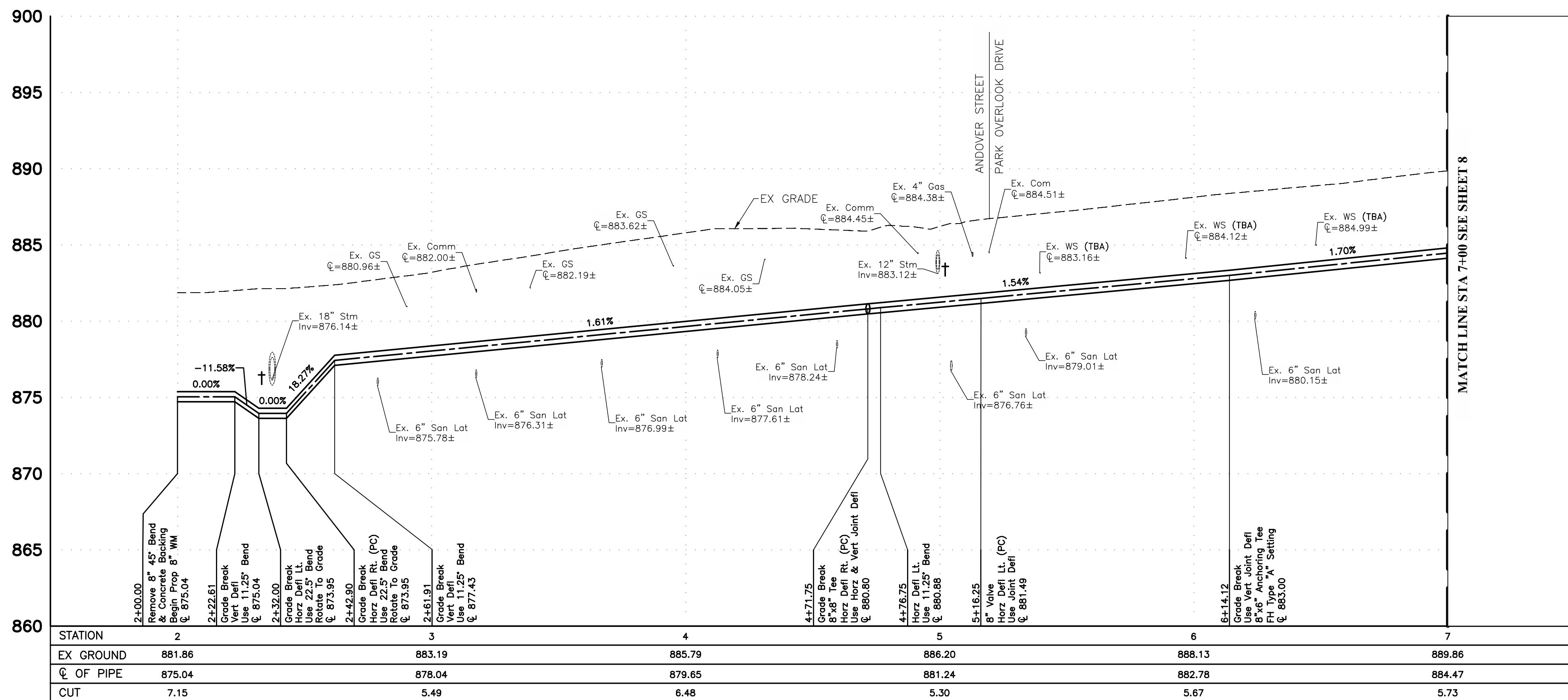
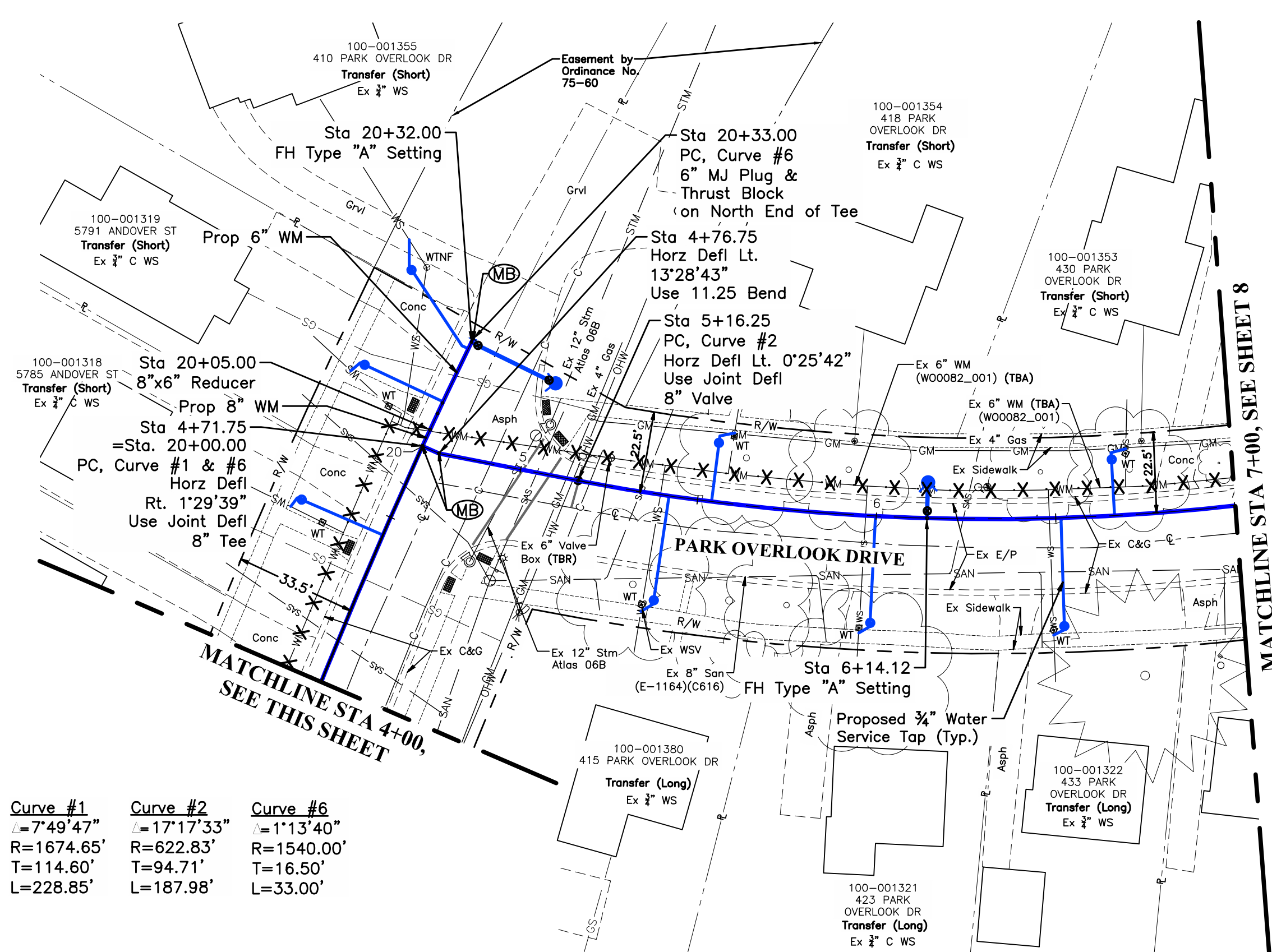
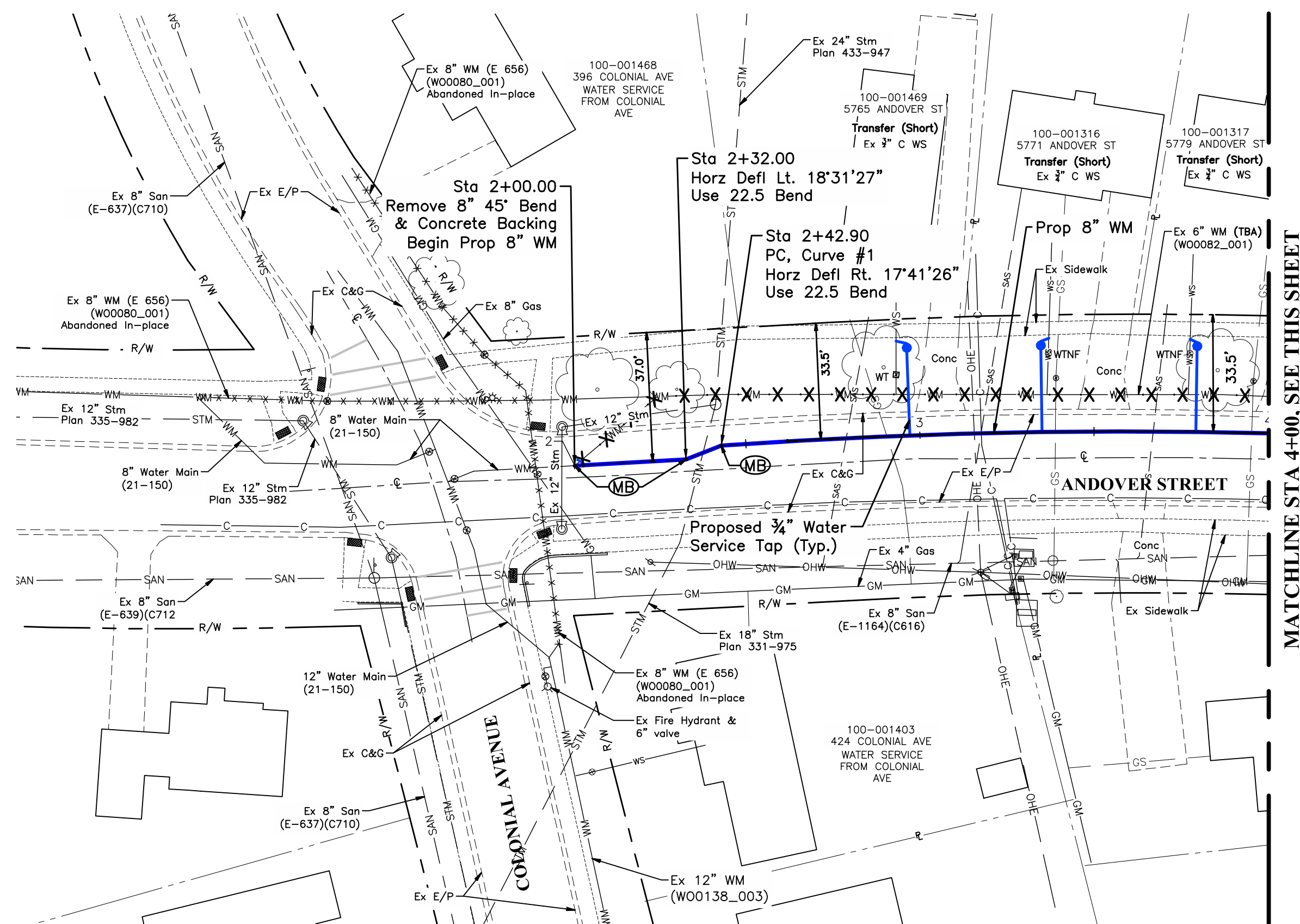
Engineers • Surveyors • Planners • Scientists

5900 New Albany Road, Columbus, OH 43254

Phone: 614.775.5500    Fax: 614.775.5501    emht.com

DATE	May, 2023
SCALE	None
JOB NO.	2022-1025
SHEET	6/16

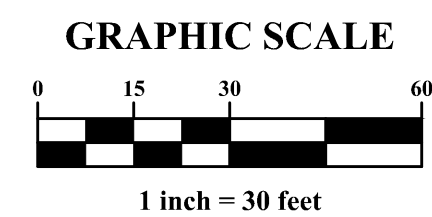




NOTES:

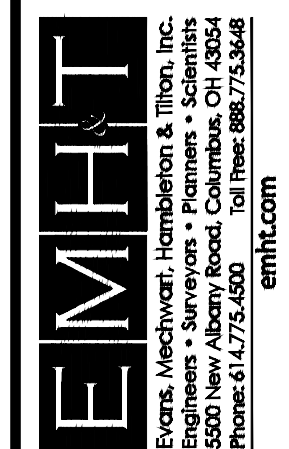
- 1 All Backfill shall be per CMSC 801.13.
- 2 Existing sanitary sewer service lines and natural gas service lines are shown based on the best available information. In some project locations, there is no available information on these service lines. The Contractor shall proceed with caution when excavating through areas where service locations are not identified. Should a service line be encountered that is in conflict with the proposed design, then the Engineer shall be notified immediately.

(MB) = The Contractor shall install marker balls, 3M EMS XR/ID Ball Marker Model 1423 or equivalent, where indicated on the plan. Backfill at least 6 inches above the water line before placing the marker ball. The marker ball shall be placed at a depth of 48 inches below grade. Maintain at least 4 feet of separation between each marker ball, and, where possible, tie off the marker ball to a facility or stake using the built in tabs. Cost for supplying and installing the marker balls shall be considered incidental to the water main. No separate payment is to be made for these installations.

[illegible]

CITY OF WORTHINGTON

CITY OF WORTHINGTON, FRANKLIN COUNTY, OHIO  
WATER MAIN REPLACEMENT  
FOR  
**PARK OVERLOOK DRIVE AND ANDOVER  
STREET 8-INCH WATER MAIN  
PLAN & PROFILE**



DATE
May, 2023
SCALE
Horiz: 1" = 30' Vert: 1" = 5'
JOB NO.
2022-1025
SHEET

7/16













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EROSION & SEDIMENT CONTROL NOTES

Prior to Construction Operations in a particular area, all sedimentation and erosion control features shall be in place. Field adjustments with respect to locations and dimensions may be made by the Engineer.

The Contractor shall place inlet and channel protection for erosion control immediately after construction of the inlets or channels which are not tributary to a sediment basin or dam.

It may become necessary to remove portions of the barrier during construction to facilitate the grading operations in certain areas. However, the barrier shall be in place in the evening or during any inclement weather.

All soil stockpiles, including trench excavation stockpiles shall be protected from erosion by perimeter control devices such as silt fences. These perimeter controls shall be maintained throughout the life of the project. Excavated materials shall not be stored on existing public roadway pavements. This includes excess or unusable excavated soil.

The limits of seeding and mulching are all areas within the work limits. Those areas disturbed outside the seeding limits shall be seeded and mulched at the Contractor's expense.

CMSC Item 207 – Construction Seeding: Any area which will be left dormant (undisturbed) for more than 14 days shall be seeded within 7 days of terminated work. If permanent seeding is not applied at this time, construction seeding shall be done which shall consist of fertilizing, watering and seeding at the rates indicated under Items 207 and 659.

Seeding has been assumed to be at work limits or 5' outside right-of-way, whichever is greater. All areas not designated to be seeded shall remain under natural ground cover. Those areas disturbed outside the seeding limits shall be seeded and mulched at the Contractor's expense.

The Requirements of CMSC Item 659 shall govern the construction of this work, except as noted. This work shall consist of all labor, equipment and materials necessary to permanently seed disturbed areas.

**MAINTENANCE:** It is the Contractor's responsibility to maintain the sediment control features used on this project. The Contractor shall inspect at a minimum of every seven days and within 24 hours of a one-half inch (0.5") or greater rain event. Records of these inspections shall be kept and made available to jurisdictional agencies if requested. Any sediment or debris which has reduced the efficiency of a structure shall be removed immediately. Should a structure or feature become damaged, the Contractor shall repair or replace at no additional cost to the City. Not all details shown on this sheet may be required for this project.

**SCHEDULE:** The Contractor shall provide a schedule of operations to the City of Worthington. Sedimentation and erosion control features shall be placed in accordance with this schedule.

The Contractor shall be responsible to ensure that off-site tracking of sediments by vehicles and equipment is minimized. All off-site sediment shall be cleaned up daily. Construction and maintenance of stabilized construction entrances are a part of that responsibility.

The Contractor shall be responsible to ensure that no solid or liquid waste is discharged into stormwater runoff. Sediment-laden water shall be filtered through the use of sediment filtering fences or sedimentation basins prior to discharge to surface waters. Concrete trucks will not be allowed to wash out or discharge surplus concrete into or along-side rivers, streams, and creeks or into natural or man-made channels or swales leading thereto. Concrete truck wash water and surplus concrete shall be confined to areas approved by the Engineer; after solidifying, these waste materials shall be removed from the site.

The Contractor shall be responsible to have the current "Plan", including this narrative, immediately available or posted on the site.

The Contractor shall be responsible to delineate, on the "Plan", all erosion and sedimentation control work actually performed; and to amend the "Plan" as required as a result of his work.

The Contractor shall be responsible to perform the required maintenance procedures and document them as required by the General Permit and the "Plan".

CONSTRUCTION SEQUENCE:

1. Install perimeter controls, such as sediment fence, and inlet protection, as shown on the plans.
2. Begin utility improvements.
3. Pump muddy water from excavated utility trench into filter fabric bag.
4. Ensure disturbed areas that will remain idle for more than 14 days are stabilized.
5. Permanently stabilize site.

EROSION & SEDIMENT CONTROL PRACTICES SUBJECT TO FIELD MODIFICATION AT THE DIRECTION OF THE CITY OF WORTHINGTON AND/OR OHIO EPA

EROSION & SEDIMENT CONTROL NARRATIVE

**PLAN DESIGNER:** EMH&T, Inc.  
Shane Spencer, P.E.  
5500 New Albany Road  
Columbus, Ohio 43054  
Tel: 614-775-4500  
Fax: 614-775-4800  
Email: sspencer@emht.com

**OWNER:** City of Worthington  
John Morehead, P.E.  
380 Highland Ave.  
Worthington, OH 43085  
Tel: 614-431-2425  
Email: john.moorehead@worthington.org

PROJECT DESCRIPTION:

Installation of 8" water main and appurtenances to replace an existing 6" water main.

EXISTING SITE CONDITIONS:

The site currently consists of an existing roadway, right-of-way within a residential area.

AREAS OF DISTURBANCE:

The project limits disturbed for a water main installation will be approximately 0.85 ac.

RECEIVING STREAM:

The site runoff drains to storm sewers and ditches to Rush Run, Tributary to The Olentangy River.

ADJACENT AREAS:

The project is surrounded by residential properties, School Property, and commercial property.

CRITICAL AREAS:

None

EROSION AND SEDIMENT MEASURES:

Erosion and sediment will be controlled by the use of filter bags, temporary and permanent seeding applications, and inlet protection at existing storm sewer structures.

PERMANENT STABILIZATION MAINTENANCE:

All disturbed areas shall be seeded and mulched. All erosion control devices are to be inspected by the construction superintendent daily and after rainfalls. Any damaged facilities are to be replaced/repaired immediately as may be necessary.

SITE CONTACT:

City of Worthington  
John Morehead  
380 Highland Ave.  
Worthington, OH 43085  
Tel: 614-431-2425  
Email: john.moorehead@worthington.org

CONTRACTOR RESPONSIBILITY:

Details have been provided on the plans in an effort to help the Contractor provide erosion and sedimentation control. The details shown on the plan shall be considered a minimum. Additional or alternate details may be found in the Ohio EPA Manual "Rainwater and Land Development". The Contractor shall be solely responsible for providing necessary and adequate measures for proper control of erosion and sediment runoff from the site along with proper maintenance and inspection in compliance with the NPDES General Permit for Storm Water Discharges Associated with Construction Activity.

The Contractor shall provide sediment control at all points where storm water runoff leaves the project including waterways, overland sheet flow, and storm sewers. Erosion and sediment control shall be provided as per the design requirements of the City of Worthington and the Standards and Specifications of the "Rainwater and Land Development" manual of the ODN.

Erosion control measures are to be installed per NPDES permit regulations or as directed by the City Engineer, and are to be maintained until such time that they are no longer required by the permit and the City Engineer. Cost for erosion and sedimentation control shall be included in the price bid for "Temporary Soil Erosion & Sediment Control".

All land disturbing activities shall be subject to inspection and site investigation by the City of Worthington and/or the Ohio EPA. Failure to comply with these regulations is subject to legal enforcement action.

The Contractor is responsible to notify the City of Worthington 48 hours prior to commencement of initial site land disturbance on any site of one or more acres. This includes site clearing, grubbing and any earth moving. Primary erosion and sediment control practices are mandated by regulations to be in place from the beginning of the construction activity.

All denuded areas shall have soil stabilization applied within seven (7) days for of completion of grading operations if said areas are to remain undisturbed for more than fourteen (14) days but less than one year.

Soil stabilization shall be applied within two (2) days for disturbances within fifty (50) feet of a stream if said areas are to remain undisturbed for more than fourteen (14) days but less than one year.

DISPOSAL OF EXCESS EXCAVATION

The Contractor shall dispose of all excess excavation at an offsite location. For disposal outside the limits of the project, the Contractor shall provide a copy of the signed, written agreement between the Contractor and the off-site Landowner before such disposal occurs. This written agreement shall clearly state the purpose of the agreement and indicate the Landowner's permission for such use.

WASTE DISPOSAL

Containers shall be provided for the proper collection of all waste material. Construction and demolition debris (CD&D) must be disposed of in accordance with Ohio Revised Code 3714 at an approved Ohio EPA CD&D landfill. Temporary sanitary water facilities additionally must be provided and maintained. Dumpsters shall be closed or covered when not in use (non-operating hours) to limit the temporarily stored waste to storm water exposure and ensuring that no liquid wastes or wastes saturated with significant materials are allowed to be accumulated in trash dumpsters.

CONSTRUCTION CHEMICALS

The storage and mixing of chemicals shall be performed in a designated area away from watercourses and storm sewer inlets. Chemical containers shall be properly stored on-site to ensure that they are not exposed to rain events. Empty containers shall be properly disposed of off-site at an approved facility. Equipment maintenance and refueling areas are to be located away from storm water conveyance channels and surface waters. A Spill Prevention Control and Countermeasure Plan (SPCC) must be provided by the Contractor if on-site temporary fuel tanks exceed 660 gallons or if the combined storage is above 1320 gallons.

CONCRETE WASHOUT AREAS

Concrete trucks shall have a designated wash-pit or sump with no potential for discharge to ensure that the concrete wash shall not enter storm drains and waters of the state.

CONTAMINATED SOILS

If substances such as oil, diesel fuel, hydraulic fluid, antifreeze, etc. are spilled, leaked, or released onto the soil, the soil should be dug up and disposed of at licensed sanitary landfill or other approved petroleum contaminated soil remediation facility. In the event there are large extensive areas of contaminated soils additional measures above and beyond the conditions of Ohio EPA's General Construction Standard will be required. Depending on the extent of contamination, additional treatment and/or collection and disposal may be required. Hazardous substances spilled or released into the soil shall be dug up and disposed of at a licensed sanitary landfill.

DUST CONTROL

Manufactured dust suppressants shall be applied at the manufactures specifications. Water trucks can additionally be used. Manufactured products shall be applied in a manner to not result in discharges to waters of the state. The suppressants shall not be applied if precipitation is noted in the short term forecast.

CLEAN HARD FILL

No construction related waste materials are to be buried on-site.

OPEN BURNING

No materials may be burned which contain rubber, grease, asphalt, or petroleum products such as tires, cars, auto parts, plastics or plastic coated wire. Open burning is not allowed in restricted areas. Restricted areas are defined as: 1) within corporation limits; 2) within 1000 feet outside a municipal corporation having a population of 1000 to 10,000; and 3) a one mile zone outside of a corporation of 10, 000 or more. Outside a restricted area, no open burning can take place within a 1000 feet of an inhabited building located off the property where the fire is set. Open burning is permissible in a restricted area for the following activities: heating tar, welding and acetylene torches, smudge pots and similar occupational needs, and heating for warmth or outdoor barbecues. Outside of restricted areas, open burning is permissible for landscape wastes, land-clearing wastes, and agricultural wastes.

OFF-SITE TRAFFIC

Temporary construction drives or the existing paved drives shall be utilized to assist with the prevention of off-site tracking of mud. Accumulated mud tracked beyond the limits of the project shall be removed on an as needed basis by the contractor. Collected mud shall be incorporated into the disturbance activities associated with the site and appropriately stabilized.

PROCESS WASTE WATER/LEACHATE MANAGEMENT

All contractors shall be made aware that Ohio EPA's Construction General Permit only allows the discharge of storm water. Other waste streams/discharges including but not limited to vehicle and/or equipment washing, leachate associated with on-site waste disposal, concrete wash outs, etc are a process wastewater. They are not authorized for discharge under the General Storm Water Permit associated with Construction Activities. All process wastewaters must be collected and properly disposed at an approved disposal facility. In the event there are leachate outbreaks associated with onsite disposal, measures must be taken to isolate this discharge for collection and proper disposal. Investigative measures and corrective actions must be implemented to identify and eliminate the source of all leachate outbreaks.

Construction personnel, including subcontractors who may use or handle hazardous or toxic materials, shall be made aware of the following general guidelines regarding disposal and handling of hazardous and construction wastes:

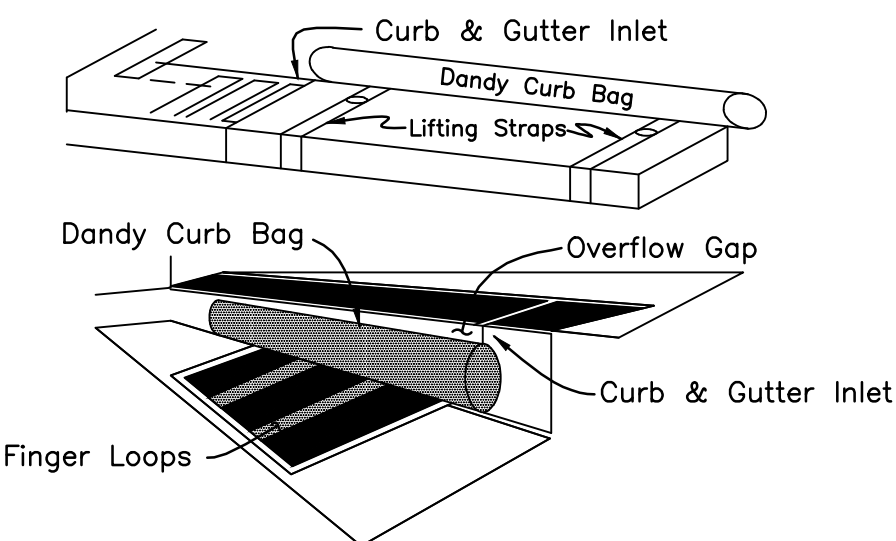
- Prevent spills
- Use products up
- Follow label directions for disposal
- Remove lids from empty bottles and cans when disposing in trash
- Recycle wastes whenever possible
- Don't pour into waterways, combined sewers, storm drains or onto the ground
- Don't pour down the sink, floor drain or septic tanks
- Don't bury chemicals or containers
- Don't burn chemicals or containers
- Don't mix chemicals together

SPILLS AND SPILL REPORTING

Spills on pavement shall be absorbed with sawdust or kitty litter and disposed of with the trash at a licensed sanitary landfill. Hazardous or industrial wastes such as most solvents, gasoline, oil-based paints, and cement curing compounds require special handling. All spills which contact waters of the state must be reported to Ohio EPA at (1-800-282-9378).

Releases or spill of 25 gallons or more of petroleum must be reported to the following agencies within 30 minutes of discovery of the the release or spill:

- (1) Ohio EPA (at 1-800-282-9378)
- (2) National Response Center (800-424-8802)

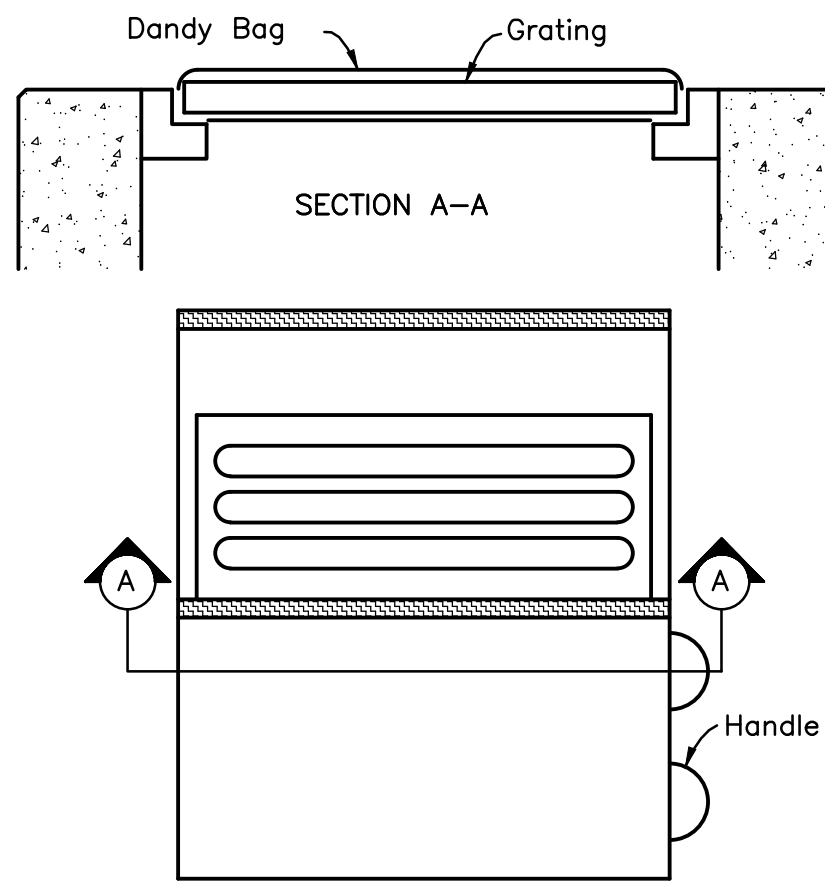


**INSTALLATION:**  
Stand grate on end. Slide the Dandy Curb Bag on with Dam on top of the grate. Pull all excess down. Lay unit on its side. Carefully tuck flap in. Press Velcro strips together. Install the unit making sure front edge of grate is inserted in frame first then lower back into place. Press Velcro dots together which are located under lifting straps. This insures straps remain flush with gutter.

**Maintenance:** With a stiff bristle broom sweep silt and other debris off surface after each event.

DANDY CURB BAG

SCALE: NONE

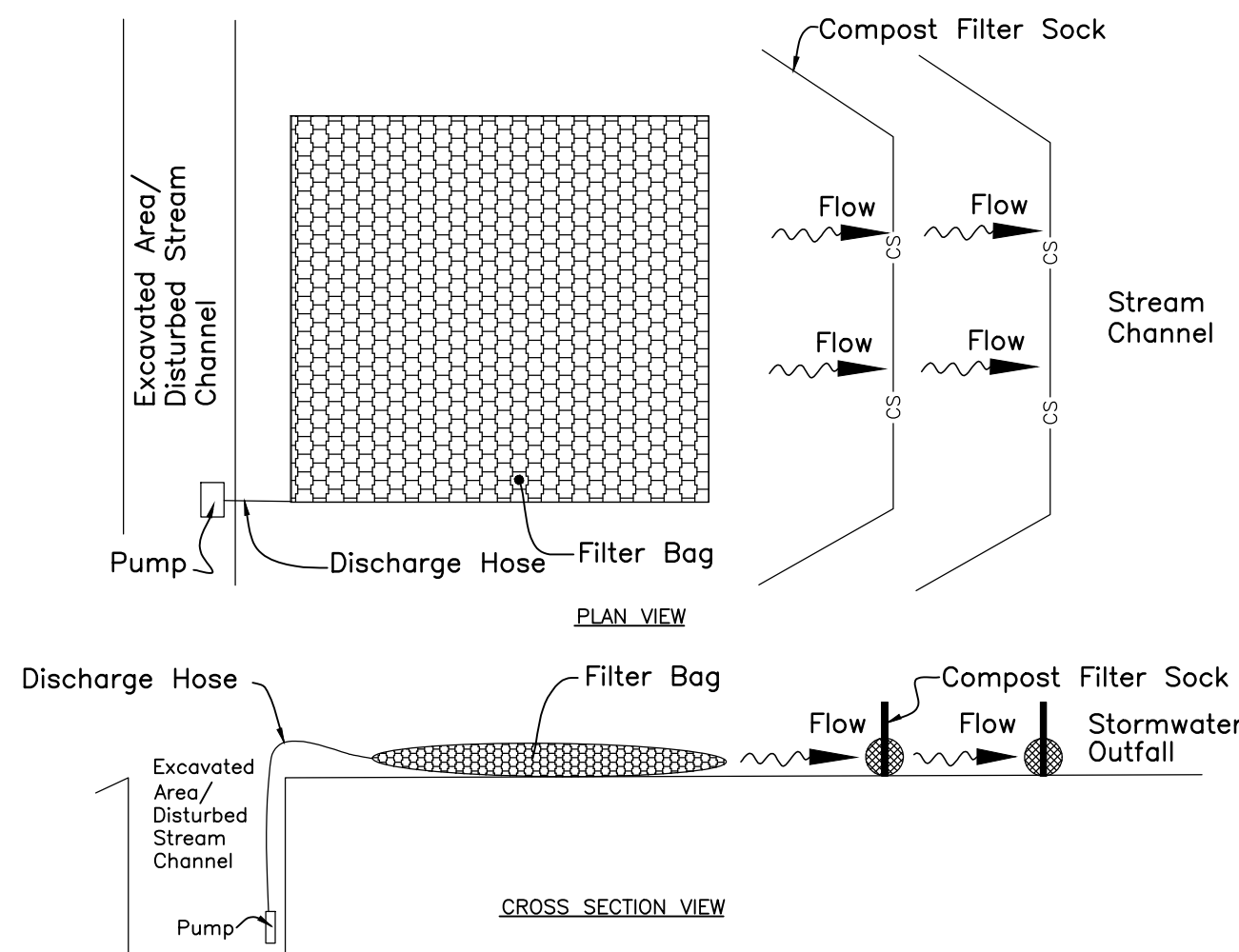


**INSTALLATION:**  
Stand grate on end. Place Dandy Bag over grate. Flip grate over so that open end is up. Pull up slack. Tuck flap in. Be sure end of grate is completely covered by flap or Dandy Bag will not fit properly. Holding handles, carefully place Dandy Bag with grate inserted into Catch Basin frame so that red dot on the top of the Dandy Bag is visible.

**Maintenance:** After silt has dried, remove it from the surface of Dandy Bag with broom.

INLET PROTECTION (DANDY BAG)

SCALE: NONE



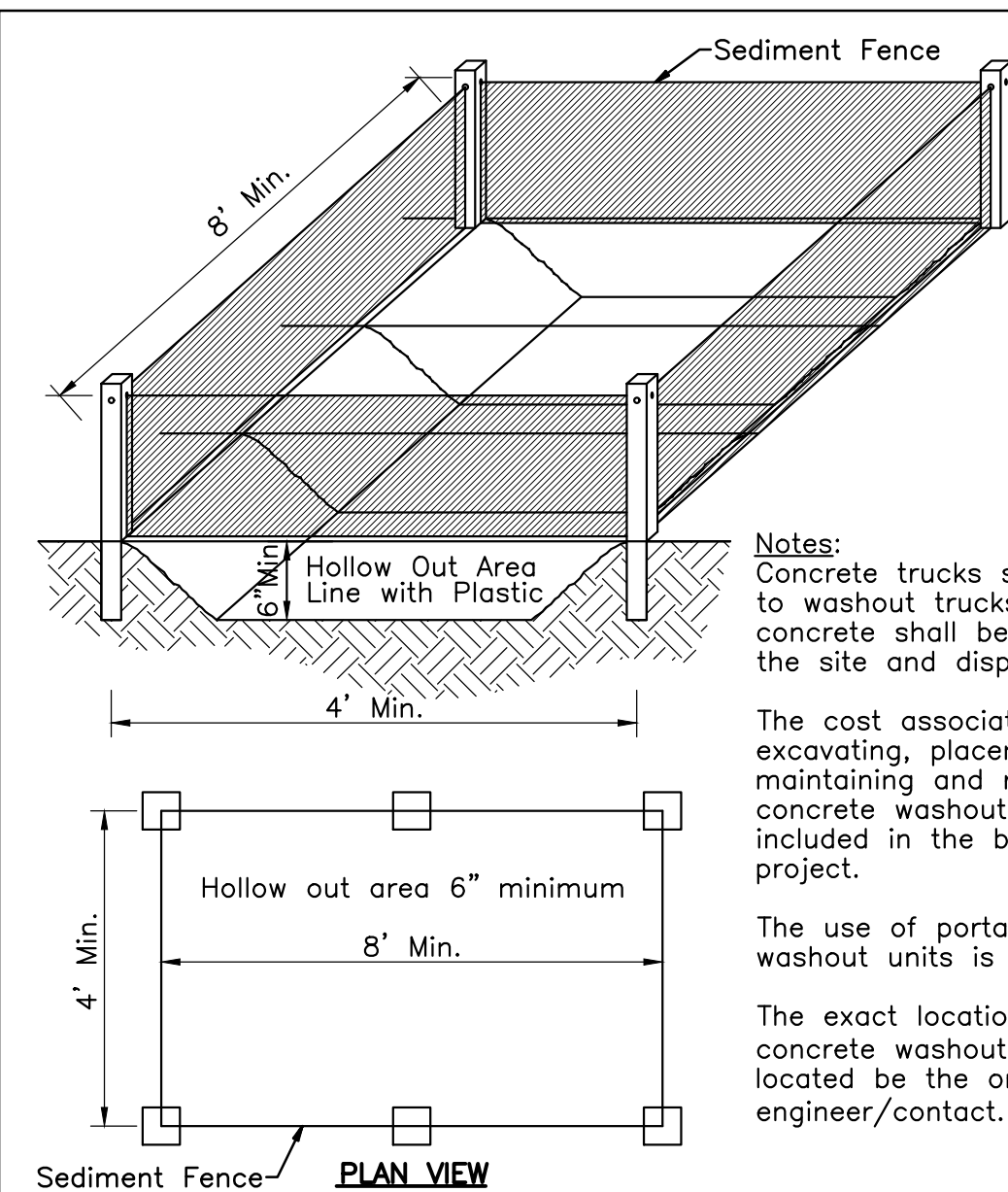
**INSTALLATION:**  
The Contractor shall pump muddy water encountered within excavated areas into a filter fabric bag. The bag shall be placed within a level undisturbed area as far away from the stormwater outfall as possible. Perimeter controls such as compost filter socks shall be utilized along the downstream side of the bag. The perimeter controls shall be installed to ensure that the water flowing out of the bag does not flow around the ends of the controls. upon completion, the bag shall be removed to an area away from the stormwater outfall and opened. The accumulated sediment shall be spread out to allow to dry and stabilized with vegetation. Filterbag shall be sized according to the pumping rate.

**MAINTENANCE:**  
The filter bag shall be replaced when the bag is half filled with sediment.

The Contractor shall contact the Owner/Engineer for consultative services if dewatering activities overwhelm the filter bag and perimeter controls.

DEWATERING FILTER BAG

SCALE: NONE



**Notes:**  
Concrete trucks shall utilize areas to washout trucks. Accumulated concrete shall be removed from the site and disposed of properly.

The cost associated with excavating, placement of fence, maintaining and removing the concrete washout area shall be included in the bid item for the project.

The use of portable concrete washout units is acceptable.

The exact location of the concrete washout(s) may be field located be the on-site project engineer/contact.

CONCRETE WASHOUT AREA

SCALE: NONE

REVISIONS

MARK DATE DESCRIPTION

CITY OF WORTHINGTON

CITY OF WORTHINGTON, FRANKLIN COUNTY, OHIO  
FOR  
WATER MAIN REPLACEMENT

PARK OVERLOOK DRIVE AND ANDOVER  
STREET 8-INCH WATER MAIN

SEDIMENT & EROSION CONTROL NOTES & DETAILS

**EMH&T**  
Eric A. Moorehead, P.E. & Thomas H. Harkins, P.E.  
Engineers - Surveyors - Planners - Scientists  
5500 New Albany Road, Columbus, OH 43054  
Phone: 614.775.4500 Toll Free: 888.775.3646  
emht.com

DATE

May, 2023

SCALE

None

JOB NO.

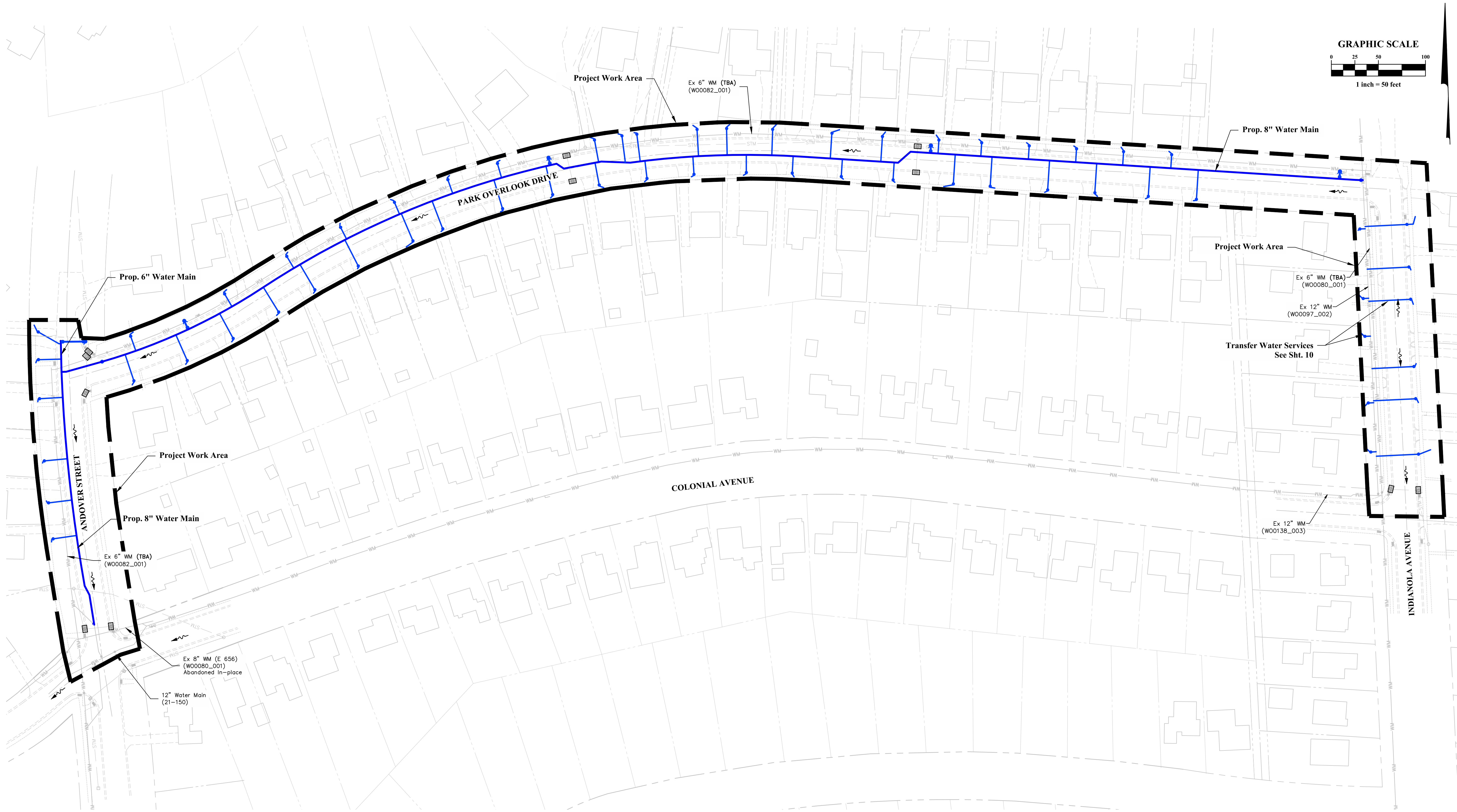
2022-1025

SHEET

11/16



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3 Years: 2016-03-12-YS-6622-F 80356850



\* The actual earth disturbed area associated with this improvement is anticipated to be limited to the direct trenching operation and work associated with service transfers. The limits shown hereon is representative of a greater area in which disturbances will occur.

**LEGEND**

Existing Storm Sewer

Inlet Protection

Proposed Water Line

Surface Drainage

Limits of Disturbance

REVISIONS		
MARK	DATE	DESCRIPTION

CITY OF WORTHINGTON

CITY OF WORTHINGTON, FRANKLIN COUNTY, OHIO  
FOR  
WATER MAIN REPLACEMENT  
PARK OVERLOOK DRIVE AND ANDOVER  
STREET 8-INCH WATER MAIN  
SEDIMENT & EROSION CONTROL SITE PLAN

**EMHT**

Earth & Mechanical Consultants & Engineers, Inc.  
Engineers • Surveyors • Planners • Scientists  
5900 New Albany Road, Columbus, OH 43254  
Phone: 614.775.5500 Fax: 614.775.5501  
emht.com

DATE  
May, 2023

SCALE  
1" = 50'

JOB NO.  
2022-1025

SHEET  
12/16

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ITEM 614. MAINTAINING TRAFFIC, AS PER PLAN

All traffic control devices shall be furnished, erected, maintained and removed by the Contractor in accordance with the "Ohio Manual of Uniform Traffic Control Devices" (Current Edition), copies of which are available from the Ohio Department of Transportation, Office of Traffic Engineering, 1980 West Broad Street, Columbus, Ohio 43223.

The roadway shall not be opened to traffic until permanent traffic controls are in place, or until temporary traffic controls, approved by the Engineer, are installed. The Contractor assumes all liability for the premature removal of temporary traffic controls.

The Contractor shall be responsible for the reinstallation and/or replacement of all permanent traffic control devices damaged or removed during the construction. Permanent traffic control that is no longer in conflict with temporary traffic control shall be replaced immediately. The Contractor shall assume all liability for missing, damaged and improperly placed traffic control devices.

The Contractor shall provide a 24 hour contact who will be responsible for maintenance of traffic for the duration of the project.

Construction operations shall not begin until all temporary traffic control devices are in place and approved by the Engineer and the City.

Access to all adjoining properties shall be maintained at all times. Access for mail delivery, emergency and service vehicles shall not be disrupted. The Contractor shall coordinate construction activities with the Engineer and the owners of the abutting properties in advance (10 Days) of any operations which affect access.

Maintenance of all traffic control devices including drums, signs, barricades, sign boards, detour signage, etc., shall be the Contractor's responsibility.

Drums shall be placed as follows: 40' c/c on tangents, 20' c/c on tapers, and 8' c/c in radii.

All trenches shall be backfilled or securely plated during all nighttime and non-working hours.

Type "C" steady-burn or Type "D" 360-degree steady burn warning lights shall be required on all barricades, drums, and similar traffic control devices in use at night. Only 42" reflectorized channelizing devices (cones) shall be permitted for nighttime work.

The Contractor shall be responsible for the protection and safe movement of pedestrians through, around, or detoured away from the construction site. Traffic control for pedestrian movements shall be as per figures TA-28 and TA-29 of Part VI of the Ohio Manual of Uniform Traffic Control Devices.

The safety of pedestrian traffic shall be considered at all times in the provision of traffic control devices required by these plans and notes. It shall be the Contractor's responsibility to provide lights, signs, barricades, and other warnings to physically separate the pedestrian from hazards incidental to the construction operations such as anchor bolts, open excavations, etc.

The Contractor shall submit in writing (a minimum of 14 days prior to construction) a plan to maintain pedestrian traffic for the duration of the project to the City and the Engineer for approval.

For areas adjacent to vehicular traffic, open trench shall be adequately maintained and protected with the proper traffic control devices at all times. Placement of subbase and base material shall follow closely as possible behind excavation operations. The length of trench which is open at any one time shall be held to a length that can be backfilled for nighttime and non-working hours. Drop offs within the work zone shall conform to the requirements set forth on ODOT Standard Construction Drawing MT-101.90.

NOTICE OF CLOSURE SIGN

Notice of closure signs shall be erected by the contractor prior to the scheduled road closure in accordance with the notice of closure time table below.

The signs shall be erected on the right-hand side of the road/ramp facing traffic. They shall be placed so as not to interfere with the visibility of any other traffic control signs. on roadways, they should be erected at or near the point of closure.

NOTICE OF CLOSURE SIGN TIME TABLE		
ITEM	DURATION OF CLOSURE	SIGN DISPLAY TO PUBLIC
ROAD CLOSURES	>= 2 WEEKS	14 CALENDAR DAYS PRIOR TO CLOSURE
	> 12 HOURS & < 2 WEEKS	7 CALENDAR DAYS PRIOR TO CLOSURE
	< 12 HOURS	2 BUSINESS DAYS PRIOR TO CLOSURE

PAYMENT

Payment for any labor or materials related to maintaining traffic shall be incidental to Item 614, Maintaining Traffic, As Per Plan, unless separately itemized within.

MAINTENANCE OF TRAFFIC PLAN - ESTIMATE OF QUANTITIES			
ITEM NO.	QTY	UNIT	ITEM DESCRIPTION
614	1	LUMP	MAINTAINING TRAFFIC, AS PER PLAN

REVISIONS			
MARK	DATE	DESCRIPTION	

CITY OF WORTHINGTON
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CITY OF WORTHINGTON, FRANKLIN COUNTY, OHIO FOR WATER MAIN REPLACEMENT PARK OVERLOOK DRIVE AND ANDOVER STREET 8-INCH WATER MAIN FOR MAINTENANCE OF TRAFFIC NOTES
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8000 N. MacArthur Blvd., Suite 100, Columbus, OH 43240

Engineers • Surveyors • Planners • Scientists

Phone: 614.775.5500 Fax: 614.775.5501

emht.com

DATE
May, 2023
SCALE
None
JOB NO.
2022-1025
SHEET
13/16

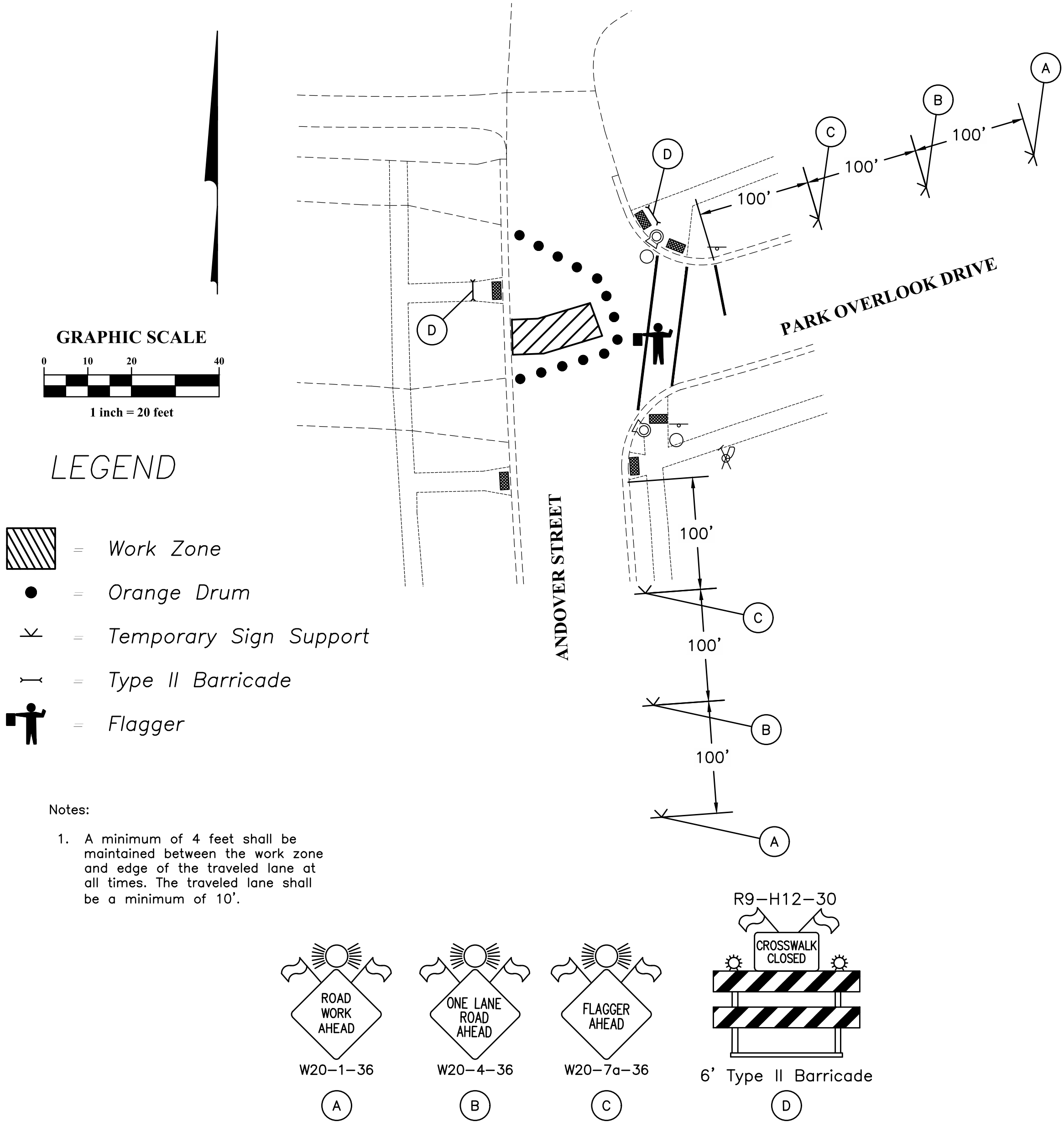


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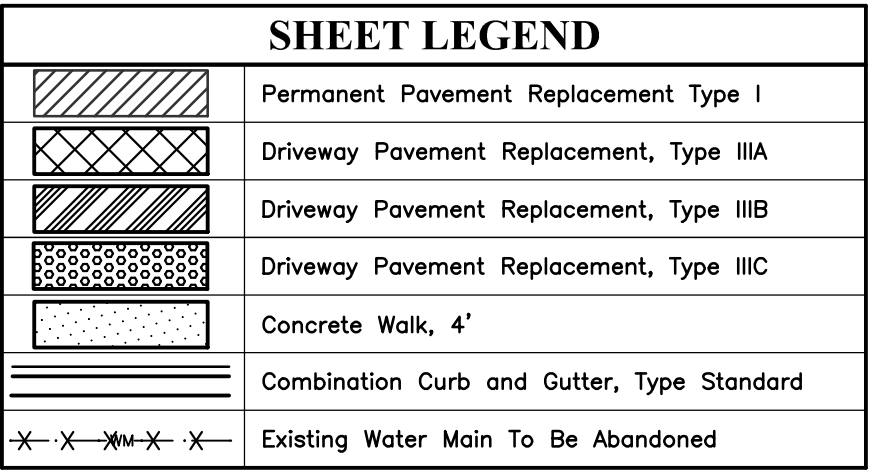
MAINTENANCE OF TRAFFIC TABLE FOR A SINGLE PROJECT WITH MULTIPLE LOCATIONS													
EXISTING CONDITIONS								MAINTENANCE OF TRAFFIC CONDITIONS					
STREET NAME	WORKLIMITS	SIGNALIZED INTERSECTIONS	PAVEMENT WIDTH	LANE WIDTH(S)	PARKING	COTA ROUTE	EX. TRAFFIC PATTERN	TEMPORARY TRAFFIC PATTERN	TYPE CLOSURE	LEO REQUIRED	CITY OF COLUMBUS STANDARD DRAWING #	DETOUR PG. #	ALLOWABLE WORKING HOUR (ALL LANES SHALL BE OPEN ALL OTHER TIMES)
ANDOVER ST	AT COLONIAL AVE	NO	24'	12'	YES	NO	2W-2L	CLOSURE	STREET CLOSURE <sup>2</sup>	NO	1540, SHEET 2	NO	9:00 AM - 4:00 PM
ANDOVER ST	COLONIAL AVE TO PARK OVERLOOK DR	NO	24'	12'	YES	NO	2W-2L	2W-1L	LANE CLOSURE WITH FLAGGER	NO	1550, SHEET 1	NO	9:00 AM - 4:00 PM
ANDOVER ST	AT PARK OVERLOOK DR	NO	24'	12'	YES	NO	2W-2L	2W-1L	LANE CLOSURE WITH FLAGGER <sup>1</sup>	NO	SEE DETAIL 1	NO	9:00 AM - 4:00 PM
PARK OVERLOOK DR	ANDOVER ST TO STA. 10+50	NO	24'	12'	YES	NO	2W-2L	2W-1L	LANE CLOSURE WITH FLAGGER	NO	1550, SHEET 1	NO	9:00 AM - 4:00 PM
PARK OVERLOOK DR	STA. 10+50 TO STA. 14+50	NO	24'	12'	YES	NO	2W-2L	FULL CLOSURE	STREET CLOSURE <sup>2</sup>	NO	1540, SHEET 7	NO	9:00 AM - 4:00 PM
PARK OVERLOOK DR	STA. 14+50 TO INDIANOLA AVE	NO	24'	12'	YES	NO	2W-1L	2W-1L	LANE CLOSURE WITH FLAGGER	NO	1550, SHEET 1	NO	9:00 AM - 4:00 PM

1. The water main crossing at the Andover Street and Park Overlook Drive intersection shall be constructed part width, with flaggers, to maintain access adjacent properties. See Detail 1 below.
2. The Contractor shall coordinate with the property owners and affected residents. Access for emergency vehicles and mail delivery shall be maintained at all times.

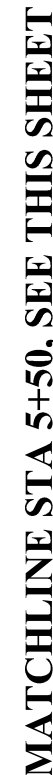
DETAIL 1







1. Full depth trench repair, per COT STD DWG 1441, shall include joint sealing only. Heat welding Not Required.
2. The condition of existing concrete curb and gutter within the project is unknown. The Contractor must use caution when working near the curb and gutter. The curb shall limit the maximum trench depth to 6' shall be shown to 5 linear feet. All costs associated with the removal and replacement of concrete curb and gutter within the trench limits shall be shown under R Item 609, Combination Curb and Gutter, Type Standard. If existing curb and gutter are additional to the trench cutting at the trench walls then the Contractor shall notify the City Engineer to determine the amount of concrete curb and gutter to remove. All costs for additional concrete curb and gutter trench repair shall be shown under the Contingency Bid Item 609, Combination Curb and Gutter, Type Standard.

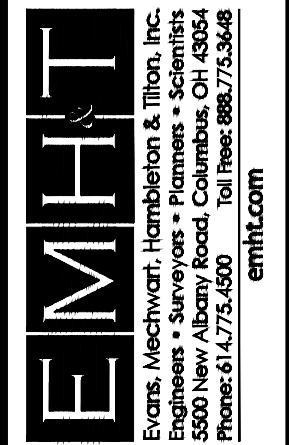


**SEE SHEET**

[illegible]

CITY OF WORTHINGTON

CITY OF WORTHINGTON, FRANKLIN COUNTY, OHIO  
WATER MAIN REPLACEMENT  
FOR  
**PARK OVERLOOK DRIVE AND ANDREWS  
STREET 8-INCH WATER MAIN  
RESTORATION PLAN**



DATE  
May, 2023

SCALE

1" = 30'

**JOB NO.**  
**2022-1025**

**SHEET**

**15/16**





## SHEET LEGEND

- ## NOTES

## REVISIONS

CITY OF WORTHINGTONCITY OF WORTHINGTON, FRANKLIN COUNTY, OHIO

# HILL

DASCJOSH



OPINION OF PROBABLE CONSTRUCTION COST CITY OF WORTHINGTON PARK OVERLOOK DRIVE AND ANDOVER STREET 8-INCH WATER MAIN REPLACEMENT 100% Design November 7, 2023													
Ref	Spec	Item No.	Units	Description	General	Andover St & Park Overlook Dr	Park Overlook Dr	Park Overlook Dr	Indianola Ave				
						Sheet 7	Sheet 8	Sheet 9	Sheet 10	Sheet 12	Sheet 15	Sheet 16	
<b>Miscellaneous</b>													
1	CASC	614	LS	Maintaining Traffic, As Per Plan	1	-	-	-	-	-	-	-	1
2	CASC	623	LS	Construction Layout Stakes	1	-	-	-	-	-	-	-	1
3	CASC	624	LS	Mobilization	1	-	-	-	-	-	-	-	1
<b>Roadway</b>													
4	CASC	201	LS	Clearing and Grubbing	1	-	-	-	-	-	-	-	1
<b>Erosion Control</b>													
5	CASC	207	EA	Inlet Protection	-	-	-	-	-	11	-	-	11
6	CASC	659	SY	Seeding and Mulching	-	-	-	-	-	180	-	-	180
7	CASC	207	SY	Temporary Seeding and Mulching	-	-	-	-	-	180	-	-	180
<b>Pavement</b>													
8	CASC	259	SY	Permanent Pavement Replacement, Type I	-	-	-	-	-	-	550	370	920
9	CASC	259	SY	Driveway Pavement Replacement, Type IIIA	-	-	-	-	-	45	40	85	120
10	CASC	259	SY	Driveway Pavement Replacement, Type IIIB	-	-	-	-	-	20	-	20	40
11	CASC	259	SY	Driveway Pavement Replacement, Type IIIC	-	-	-	-	-	5	-	5	10
12	CASC	608	EA	Curbs Ramps	-	-	-	2	1	-	-	-	3
13	CASC	608	SF	Detectable Warnings, Type E	-	-	-	16	8	-	-	-	24
14	CASC	608	SF	Concrete Walk, 4'	-	-	-	-	-	235	410	645	1285
15	CASC	609	LF	Combination Curb and Gutter, Type Standard	-	-	-	-	-	95	60	155	305
16	CASC	609*	LF	Combination Curb and Gutter, Type Standard	-	-	-	-	-	110	105	215	415
16	CASC	615	SY	Temporary Pavement (Per SCD 2179)	-	-	-	-	-	550	370	920	1870
17	CASC	644	LF	Stop Line	-	-	-	-	-	5	-	-	5
18	CASC	644	LF	Crosswalk Line	-	-	-	-	-	-	10	5	15
<b>Water</b>													
19	CASC	801	LF	6 Inch Water Pipe and Fittings w/ 801.13 Backfill	-	65	10	15	-	-	-	-	90
20	CASC	801	LF	8 Inch Water Pipe and Fittings w/ 801.13 Backfill	-	500	605	605	-	-	-	-	1,710
21	CASC	801*	CY	Concrete Blocking Class COC 6, Increase or Decrease	10	-	-	-	-	-	-	-	10
22	CASC	801*	LBS	Ductile Iron Fittings, Increase or Decrease	560	-	-	-	-	-	-	-	560
23	CASC	802	EA	6 Inch Valve and Appurtenances	-	3	1	2	-	-	-	-	6
24	CASC	802	EA	8 Inch Valve and Appurtenances	-	1	-	1	-	-	-	-	2
25	CASC	805	EA	3/4 Inch Water Service Line Transfer, Short	-	8	10	8	5	-	-	-	31
26	CASC	805	EA	3/4 Inch Water Service Line Transfer, Long	-	3	13	8	6	-	-	-	30
27	CASC	805	EA	C.I. Female Valve Box and Cover	-	-	2	-	-	-	-	-	2
28	CASC	805*	EA	Curbs Box	-	11	21	16	11	-	-	-	59
29	CASC	808	EA	6 Inch Water Main Abandoned	-	1	-	1	1	-	-	-	3
30	CASC	808	EA	Cut and Plug 6 Inch Water Main	-	-	-	-	1	-	-	-	1
31	CASC	809	EA	Fire Hydrant	-	2	1	2	-	-	-	-	5
32	CASC	809	EA	Fire Hydrant Removed, As Per Plan	-	1	1	2	-	-	-	-	4
33	CASC	810*	EA	6 Inch Hydrant Extensions	2	-	-	-	-	-	-	-	2
34	CASC	810*	EA	12 Inch Hydrant Extensions	1	-	-	-	-	-	-	-	1
35	CASC	811*	CY	Increase or Decrease in Excavation and Backfill	70	-	-	-	-	-	-	-	70
36	CASC	SPEC	LS	Survey Coordinates	1	-	-	-	-	-	-	-	1
37	-	SPEC	HR	Locating Existing Water Services	-	4	4	4	4	-	-	-	16
38	-	SPEC	LF	Video Inspection of Sewers	300	-	-	-	-	-	-	-	300
<b>Alternate 1</b>													
39	CASC	608	SF	Concrete Walk, 4' (Alternate 1)	-	-	-	810	-	-	-	-	810
<b>Alternate 2</b>													
40	CASC	801	LF	6 Inch PVC Water Pipe and Ductile Iron Fittings w/ 703.11 Backfill (Alternate 2)	-	30	-	-	-	-	-	-	30
41	CASC	801	LF	6 Inch Water Pipe and Fittings w/ 801.13 Backfill (Alternate 2)	-	35	10	15	-	-	-	-	60
42	CASC	801	LF	8 Inch PVC Water Pipe and Ductile Iron Fittings w/ 703.11 Backfill (Alternate 2)	-	500	605	605	-	-	-	-	1,710
<b>Alternate 3</b>													
43	CASC	254	SY	Pavement Planting, Asphalt Concrete (T=1.5") (Alternate 3)	-	-	-	-	-	-	2,755	1,980	4,735
44	CASC	259	SY	Permanent Pavement Replacement, Type I (Cost Reduction Per SY for Elimination of Surface Course, If Applicable)	-	-	-	-	-	-	550	370	920
45	CASC	407	Gal	Non-Tracking Tack Coat (Alternate 3)	-	-	-	-	-	-	207	149	355
46	CASC	441	CY	1.5" Asphalt Concrete Surface Course, Type 1, (44B), PG 64-22 (Alternate 3)	-	-	-	-	-	-	115	80	195
47	CASC	644	LF	Crosswalk Line (Alternate 3)	-	-	-	-	-	-	50	50	100
48	CASC	644	LF	Stop Line (Alternate 3)	-	-	-	-	-	-	7	12	19
*DENOTES CONTINGENCY ITEM Construction Subtotal Base Bid= \$1,057,440.00 Contingency (10%) = \$105,744.00 <b>Construction Total = \$1,163,184.00</b>  Alternate 1 Total= \$20,250.00  Alternate 2 Total= -\$173,100.00  Alternate 3 Total= \$75,905.63  PREPARED BY: AMB CHECKED BY: SIS CHECKED DATE: 11/7/2023													