Village Council Regular Meeting

November 21, 2024 at 12:39 PM
2829 Minerva Lake Rd.

Agenda

Roll Call/Vote to Excuse any Absent Member

Pledge of Allegiance

Minutes

1. **MOTION TO APPROVE** 11/14/24 Committee as a Whole Minutes
2. **MOTION TO APPROVE** 11/14/24 Council Meeting Minutes

Village Committee Reports

3. Streets - Stacey Koss
4. Services - J.P. Martin
5. Recreation & Parks - Jason Camara

Citizen Comments

Legislation

6. **MOTION TO APPROVE** ORDINANCE 26-2024 - Updates to Traffic Code

   AN ORDINANCE AMENDING THE VILLAGE OF MINERVA PARK CODIFIED ORDINANCES TO PROVIDE UPDATES TO SECTIONS 402.01, 434.10, 436.14, 452.05 OF THE VILLAGE CODE, TO PROVIDE FOR PENALTIES, TO PROVIDE FOR CODIFICATION, TO PROVIDE FOR SEVERABILITY, AND TO REPEAL CONFLICTING ORDINANCES (3rd reading)

7. **MOTION TO APPROVE** ORDINANCE 27-2024 - Updates to General Offenses Code

   AN ORDINANCE AMENDING THE VILLAGE OF MINERVA PARK CODIFIED ORDINANCES TO PRVIDE UPDATES TO SECTIONS 608.09, 624.01, 666.02, 666.03, 678.14, AND 698.05 OF THE VILLAGE CODE, TO PROVIDE FOR PENALTIES, TO PROVIDE FOR CODIFICATION, TO PROVIDE FOR SEVERABILITY, AND TO REPEAL CONFLICTING ORDINANCES (3rd reading)

8. MOTION TO APPROVE ORDINANCE 28-2024 - Noise Ordinance as amended

   AN ORDINANCE ADOPTING CHAPTER 348.12 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MINERVA PARK AS A GENERAL NOISE CODE INTENDED TO PPROTECT THE PUBLIC SAFETY AND WELFARE (3rd reading)

9. **ORDINANCE 29-2024** - Canine Policy

   AN ORDINANCE ADOPTING AN OFFICIAL CANINE UNIT POLICY AND INCLUDING THE POLICY IN THE POLICE DEPARTMENT GENERAL MANUAL (POLICIES AND PROCEDURES) (2nd reading)

10. **ORDINANCE 30-2024** - Health Care

    AN ORDINANCE ESTABLISHING HEALTH CARE BENEFITS FOR EMPLOYEES AND THE MAYOR AND AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO CONTRACTS FOR MAJOR MEDICAL AND OTHER INSURANCES FOR VILLAGE EMPLOYEES AND DECLARING AN EMERGENCY (2nd reading)

11. **ORDINANCE 31-2024** - Street Improvement/Equipment Replacement Funds

    AN ORDINANCE APPROVING STREET IMPROVEMENT FUND AND EQUIPMENT REPLACEMENT AND DECLARING AN EMERGENCY (2nd reading)

12. **ORDINANCE 32-2024** - Annual Compensation

    AN ORDINANCE UPDATING THE WAGE AND SALARY RANGES, THE NUMBER OF EMPLOYEES AND POSITIONS FOR THE VILLAGE OF MINERVA PARK AND DECLARING AN EMERGENCY (2nd reading)

13. **ORDINANCE 34-2024** - Equipment Replacement

    AN ORDINANCE AUTHORIZING THE ALLOCATION OF INCOME TAX REVENUES FOR EQUIPMENT REPLACEMENT (2nd reading)

14. **ORDINANCE 35-2024** - Annual Appropriations

    AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE VILLAGE OF MINERVA PARK FOR THE YEAR 2025 (2nd reading)

15. **ORDINANCE 36-2024** - Employee Handbook

    AN ORDINANCE UPDATING THE EMPLOYEE HANDBOOK (2nd reading)

16. **ORDINANCE 37-2024** - Bonus

    AN ORDINANCE AUTHORIZING A ONE-TIME BONUS TO ALL VILLAGE EMPLOYEES IN RECOGNTION OF SERVICE (2nd reading)

17. **RESOLUTION 2024-32** - Pool Fees

    A RESOLUTION ESTABLISHING FEES FOR MEMBERSHIP FOR THE MINERVA PARK POOL FOR THE 2025 SUMMER SEASON (2nd reading)

18. **RESOLUTION 2024-33** - Funds Transfer

    A RESOLUTION AUTHORIZING THE TRANSFERS OF FUNDS AND DECLARING AN EMERGENCY (2nd reading)

19. **RESOLUTION 2024-35** - Rules of Council

    A RESOLUTION ADOPTING THE RULES OF COUNCIL FOR THE COUNCIL FOR THE VILLAGE OF MINERVA PARK FOR 2025 (2nd reading)

Old Business

New Business

Adjourn

Committee as a Whole

November 14, 2024 at 6:30 PM
2829 Minerva Lake Rd.

Minutes

Present:

Councilpersons Camara, Paessun, Martin, Grant, McNamara
Mayor Tiffany Southard, Fiscal Officer Jeffrey Wilcheck, Police Chief Matt Delp

LEGISLATIVE REVIEW

ORDINANCE 26-2024 - Updates to Traffic Code (2nd reading)

ORDINANCE 27-2024 - Updates to General Offenses Code (2nd reading)

ORDINANCE 28-2024 - Noise Ordinance (2nd reading)

ORDINANCE 29-2024 - Canine Unit (1st reading)

ORDINANCE 30-2024 - Health Care (1st reading)

ORDINANCE 31-2024 - Street Improvement/Equipment Replacement Fund (1st reading)

ORDINANCE 32-2024 - Annual Compensation (1st reading)

MOTION TO APPROVE ORDINANCE 33-2024 - Supplemental Appropriations (1st reading-intent to suspend the rules that require 3 readings)

ORDINANCE 34-2024 - Equipment Replacement (1st reading)

ORDINANCE 35-2024 - Annual Appropriations (1st reading)

ORDINANCE 36-2024 - Employee Handbook (1st reading)

ORDINANCE 37-2024 - Bonus (1st reading)

MOTION TO APPROVE RESOLUTION 2024-28 - Recurring Contracts (3rd reading)

RESOLUTION 2024-32 - Pool Fees (1st reading)

RESOLUTION 2024-33 - Funds Transfer (1st reading)

MOTION TO APPROVE RESOLUTION 2024-34 - Funding Commitment (1st reading-intent to suspend the rules that require 3 readings and pass as an emergency)

RESOLUTION 2024-35 - Rules of Council (1st reading)

Meeting adjourned at 7:04 PM

Jeffrey Wilcheck, Fiscal Officer

Tiffany Southard, Mayor

Village Council Regular Meeting

November 14, 2024 at 7:00 PM
2829 Minerva Lake Rd.

Minutes

Roll Call/Vote to Excuse any Absent Member

Motion to approve absence of Councilperson Koss made by Camara, Seconded by Paessun.
Voting Yea: Council President Camara, McNamara, Martin, Paessun, Grant

Pledge of Allegiance

Minutes 00:01:15 of Video Recording

1. **MOTION TO APPROVE** 10.24.24 Committee as a Whole Minutes
   Motion made by Paessun, Seconded by Grant.
   Voting Yea: Council President Camara, Martin, Paessun, Grant
   Voting Abstaining: McNamara

2. **MOTION TO APPROVE** 10.24.24 Council Meeting Minutes
   Motion made by Paessun, Seconded by Grant.
   Voting Yea: Council President Camara, Martin, Paessun, Grant
   Voting Abstaining: McNamara

3. **MOTION TO APPROVE** 11.7.24 Council Work Session Minutes
   Motion made by McNamara, Seconded by Paessun.
   Voting Yea: Council President Camara, McNamara, Martin, Paessun, Grant

Village Official Reports 00:02:12 of Video Recording

4. Police - Chief Matt Delp
   Report in packet-vendor is working on glitch in police reporting software
5. Fiscal Officer - Jeffrey Wilcheck
   October financial report should be out next week; November income tax collection is up 11%
6. Engineer - Mike Flickinger,Reported by Mayor Southard:
   Updates given on Task Orders regarding Minerva Lake Rd. Project, Maintenance Facility, Lake Improvements
7. Legal - Jesse Shamp
   absent
8. Village Planning - Eric Fischer
   Nothing new to report-next P & Z meeting 12/4 to review application for lot split
9. Zoning Officer - John Canty
   Report in Packet
10. Planning & Zoning - Tommy Grant
    Brief discussion held on P & Z recommendation for disc golf holes-Planner & Fiscal Officer will review

11. MPCA - Jason Camara
    Met 11/13: Fall Festival deemed to be success; working w/admin on gift wrapping fundraiser; Trolley Rides 12/14, Kids Holiday Party 12/15; Festival of Lights 12/14-22; possibly adding Festival of Frights for 2025

Village Committee Reports 00:18:58 of Video Recording

12. Finance - Tommy Grant
    Budget Work Session was held 11/7; several pieces of finance legislation on this agenda
13. Safety - Cathy Paessun
    Everyone is encouraged to wear reflective clothing while out walking/cycling now that the hours of daylight are shorter!
14. Legislation - David McNamara
    Several pieces of "end -of-year" legislation on this agenda.

Mayor's Report 00:21:19 of Video Recording
Mayor would like to thank staff for their hard work in getting all of the end-of-year legislation together and for their work on the revision of the employee handbook.

Citizen Comments 00:22:00 of Video Recording
Angela Stoller Zervas of Green Line Way shared her concerns about the Black Alder Trees that are overtaking the area near the amphitheater. She would like to see action taken to preserve the area.

Barbara Sutton of Minerva Lake Rd. made the announcement that the Minerva Park Holiday Donation Drive will begin 11/18. The drive will be a little different this year-visit minervapark.gov to learn more.

Legislation 00:27:12 of Video Recording

15. **ORDINANCE 26-2024** - Updates to Traffic Code
AN ORDINANCE AMENDING THE VILLAGE OF MINERVA PARK CODIFIED ORDINANCES TO PROVIDE UPDATES TO SECTIONS 402.01, 434.10, 436.14, 452.05 OF THE VILLAGE CODE, TO PROVIDE FOR PENALTIES, TO PROVIDE FOR CODIFICATION, TO PROVIDE FOR SEVERABILITY, AND TO REPEAL CONFLICTING ORDINANCES (2nd reading)

16. **ORDINANCE 27-2024** - Updates to General Offenses Code
AN ORDINANCE AMENDING THE VILLAGE OF MINERVA PARK CODIFIED ORDINANCES TO PRVIDE UPDATES TO SECTIONS 608.09, 624.01, 666.02, 666.03, 678.14, AND 698.05 OF THE VILLAGE CODE, TO PROVIDE FOR PENALTIES, TO PROVIDE FOR CODIFICATION, TO PROVIDE FOR SEVERABILITY, AND TO REPEAL CONFLICTING ORDINANCES (2nd reading)

17. **ORDINANCE 28-2024** - Noise Ordinance
AN ORDINANCE ADOPTING CHAPTER 348.12 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MINERVA PARK AS A GENERAL NOISE CODE INTENDED TO PPROTECT THE PUBLIC SAFETY AND WELFARE (2nd reading)

18. **ORDINANCE 29-2024** - Canine Unit
AN ORDINANCE ADOPTING AN OFFICIAL CANINE UNIT POLICY AND INCLUDING THE POLICY IN THE POLICE DEPARTMENT GENERAL MANUAL (POLICIES AND PROCEDURES) (1st reading)

19. **ORDINANCE 30-2024** - Health Care
AN ORDINANCE ESTABLISHING HEALTH CARE BENEFITS FOR EMPLOYEES AND THE MAYOR AND AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO CONTRACTS FOR MAJOR MEDICAL AND OTHER INSURANCES FOR VILLAGE EMPLOYEES AND DECLARING AN EMERGENCY (1st reading)

20. **ORDINANCE 31-2024** - Street Improvement/Equipment Replacement Fund
AN ORDINANCE APPROVING STREET IMPROVEMENT FUND AND EQUIPMENT REPLACEMENT AND DECLARING AN EMERGENCY (1st reading)

21. **ORDINANCE 32-2024** - Annual Compensation
AN ORDINANCE UPDATING THE WAGE AND SALARY RANGES, THE NUMBER OF EMPLOYEES AND POSITIONS FOR THE VILLAGE OF MINERVA PARK AND DECLARING AN EMERGENCY (1st reading)

22. **MOTION TO SUSPEND THE RULES THAT REQUIRE 3 READINGS** FOR ORDINANCE 33-2024
Motion made by McNamara, Seconded by Council President Camara.
Voting Yea: Council President Camara, McNamara, Martin, Paessun, Grant

23. **ORDINANCE 33-2024** - Supplemental Appropriations
AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE VILLAGE OF MINERVA PARK FOR THE YEAR 2024 (1st reading-intent to suspend the rules that require 3 readings)
Motion made by McNamara, Seconded by Paessun.
Voting Yea: Council President Camara, McNamara, Martin, Paessun, Grant

24. **ORDINANCE 34-2024** - Equipment Replacement
AN ORDINANCE AUTHORIZING THE ALLOCATION OF INCOME TAX REVENUES FOR EQUIPMENT REPLACEMENT (1st reading)

25. **ORDINANCE 35-2024** - Annual Appropriations
AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE VILLAGE OF MINERVA PARK FOR THE YEAR 2025 (1st reading)

26. ORDINANCE 36-2024 - Employee Handbook
AN ORDINANCE UPDATING THE EMPLOYEE HANDBOOK (1st reading)

27. **ORDINANCE 37-2024** - Bonus
AN ORDINANCE AUTHORIZING A ONE-TIME BONUS TO ALL VILLAGE EMPLOYEES IN RECOGNTION OF SERVICE (1st reading)

28. **MOTION TO BRING BACK FROM THE TABLE** RESOLUTION 2024-28
Motion made by McNamara, Seconded by Grant.
Voting Yea: Council President Camara, McNamara, Martin, Paessun, Grant

29. **MOTION TO APPROVE** RESOLUTION 2024-28 - Recurring Contracts
A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICE TO ENTER INTO VARIOUS RECURRING CONTRACTS NECESSARY FOR THE CONTINUOUS OPERATION OF THE VILLAGE AND TO DECLARE AND EMERCENCY (3rd reading)

Motion made by McNamara, Seconded by Grant.
Voting Yea: Council President Camara, McNamara, Martin, Paessun, Grant

30. **RESOLUTION 2024-32** - Pool Fees
A RESOLUTION ESTABLISHING FEES FOR MEMBERSHIP FOR THE MINERVA PARK POOL FOR THE 2025 SUMMER SEASON (1st reading)

31. **RESOLUTION 2024-33** - Funds Transfer
A RESOLUTION AUTHORIZING THE TRANSFERS OF FUNDS AND DECLARING AN EMERGENCY (1st reading)

32. **MOTION TO SUSPEND THE RULES THAT REQUIRE 3 READINGS** FOR RESOLUTION 2024-34
Motion made by McNamara, Seconded by Paessun.
Voting Yea: Council President Camara, McNamara, Martin, Paessun, Grant

33. **MOTION TO APPROVE** RESOLUTION 2024-34 - Funding Commitment
A RESOLUTION AUTHORIZING THE FISCAL OFFICER TO SIGN A FUNDING COMMITTMENT FOR POOL IMPROVEMENTS IN ORDER TO COMPLETE A GRANT APPLICATION AND DECLARING AN EMERGENCY (1st reading-intent to suspend the rules that require 3 readings and pass as an emergency)
Motion made by McNamara, Seconded by Grant.
Voting Yea: Council President Camara, McNamara, Martin, Paessun, Grant

34. **RESOLUTION 2024-35** - Rules of Council
A RESOLUTION ADOPTING THE RULES OF COUNCIL FOR THE COUNCIL FOR THE VILLAGE OF MINERVA PARK FOR 2025 (1st reading)

Old Business 00:39:42 of Video Recording
Council President Camara brought up recent request by MinervaFlora regarding removal of invasives-Mayor to respond

New Business 00:40:26 of Video Recording
The week of December 11 is the last week of Leaf Pick Up; final day is weather dependent.

Adjourn
Motion made by McNamara, Seconded by Grant.
Voting Yea: Council President Camara, McNamara, Martin, Paessun, Grant
Meeting adjourned at 7:47 PM

Jeffrey Wilcheck, Fiscal Officer

Tiffany Southard, Mayor

ORDINANCE 26-2024

AN ORDINANCE AMENDING THE VILLAGE OF MINERVA PARK CODIFIED ORDINANCES TO PROVIDE UPDATES TO SECTIONS 402.01, 434.09, 434.10, 436.14, 452.05 OF THE VILLAGE CODE, TO PROVIDE FOR PENALTIES, TO PROVIDE FOR CODIFICATION, TO PROVIDE FOR SEVERABILITY, AND TO REPEAL CONFLICTING ORDINANCES.

WHEREAS, the Village Council of the Village of Minerva Park is authorized by Ohio Rev. Code § 715.01 to adopt ordinances relating to its property, affairs and local government; and

WHEREAS, there have been several amendments to provisions of Ohio state law that are codified in Village Codified Ordinances that require updates to the Village Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, COUNTY OF FRANKLIN, STATE OF OHIO:

Section 1. That Codified Ordinances of the Village of Minerva Park shall be amended as shown in Exhibit A, which is attached hereto and incorporated herein.

Section 2. That the addition, amendment, or removal of Village of Minerva Park Code Sections when passed in such form as to indicate the intention of the governing authority of the City of Minerva Park, Ohio to make the same a part of the Municipal Code shall be deemed to be incorporated in the Municipal Code, so that reference to the Municipal Code includes the additions, amendments, and removals.

Section 3. The Village's codifier is authorized to exclude and omit any provisions of this ordinance that are inapplicable to the City's Municipal Code.

Section 4. Supplementation of Code.

(a) In preparing a supplement to the Village's Codified Ordinances, all portions of this ordinance which have been repealed shall be excluded from the Village's Codified Ordinances by the omission thereof from reprinted pages.

(b) When preparing a supplement to the Village's Codified Ordinances, the codifier may make formal, non-substantive changes in this ordinance and parts of this ordinance included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Village's Codified Ordinances printed in the supplement, and make changes in such catchlines, headings, and titles;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Village's Codified Ordinances and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Village's Codified

Ordinances which embody the substantive sections, or the ordinance incorporated into the Code); and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Village's Codified Ordinances; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodies in the Village's Codified Ordinances.

(c) In preparing a supplement to the Village's Codified Ordinances, the pages of a supplement shall be so numbered that they will fit properly into the Village's Codified Ordinances and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Village's Codified Ordinances will be current through the date of the adoption of the latest ordinance included in the supplement.

Section 5. Provisions of Exhibit A that duplicate or track State statutes which do not become effective until after the effective date of this ordinance, shall not take effect until such statutes take effect.

Section 6. That it is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code

Section 7. If any section, subsection, sentence, clause, phrase or portion of the Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The governing authority of the City of Minerva Park, Ohio hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

Section 8. All ordinances and parts of ordinances in conflict herewith are expressly repealed.

Section 9. The adoption date of this ordinance is November 21, 2024 and the effective date of this ordinance shall be December 21, 2024

Passed this 21st day of November, 2024.

First Reading: October 24, 2024
Second Reading: November 14, 2024
Third Reading: November 21, 2024
Passed: November 21, 2024

_____
Tiffany Southard, Mayor

ATTESTS

_____
Jeffrey Wilcheck, Fiscal Officer

APPROVED AS TO FORM

_____
Jesse Shamp, Solicitor

402.01 Meaning of words and phrases.

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

Agricultural tractor means every self-propelled vehicle designed or used for drawing other vehicles or wheeled machinery, but having no provision for carrying loads independently of such other vehicles, and used principally for agricultural purposes.

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

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

Beacon means a highway traffic signal with one (1) or more signal sections that operate in a flashing mode.

Bicycle means every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power upon which a person may ride, and that has two (2) or more wheels, any of which is more than 14 inches in diameter.

Bus means every motor vehicle designed for carrying more than nine (9) passengers, and used for the transportation of persons other than in a ridesharing arrangement, and every motor vehicle, automobile for hire or funeral car, other than a taxicab or motor vehicle used in a ridesharing arrangement, designed and used for the transportation of persons for compensation.

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

Chauffeured limousine means a motor vehicle that is designed to carry nine (9) or fewer passengers and is operated for hire pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an agreement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing.

Child care center and *type A family care home* means these terms shall have the same meanings as set forth in R.C. § 5104.01.

Commercial tractor means every motor vehicle having motive power designed or used for drawing other vehicles, and not so constructed as to carry any load thereon, or designed or used for drawing other vehicles while carrying a portion of the other vehicles, or the load thereon, or both.

Controlled-access highway means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right or access to or from the same except at certain points

only and in a manner as may be determined by the public authority having jurisdiction over the street or highway.

Crosswalk means:

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

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

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

Driver or *operator* Any person who drives or is in actual physical control of a vehicle.

Electric bicycle means a "class 1 electric bicycle," a "class 2 electric bicycle," or a "class 3 electric bicycle" as defined below.

(1) "Class 1 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

(2) "Class 2 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that may provide assistance regardless of whether the rider is pedaling and is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

(3) "Class 3 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

Emergency vehicle means emergency vehicles of municipal, township or county departments or public utility corporations, when identified as such as required by law, the director of public safety or local authorities, and motor vehicles when commandeered by a police officer.

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

Expressway means a divided arterial highway for through traffic with full or partial control of access with an excess of 50 percent of all crossroads separated in grade.

Flammable liquid means any liquid which has a flash point of 70 degrees Fahrenheit or less, as determined by a tagliabue or equivalent closed cup test device.

Freeway means a divided multi-lane highway for through traffic with crossroads separated in grade and with full control of access.

Funeral escort vehicle means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.

Gross weight means the weight of a vehicle plus the weight of any load thereon.

Highway maintenance vehicle means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities.

Highway traffic signal means a power-operated traffic control device by which traffic is warned or directed to take some specific action. The term does not include a power-operated sign, steadily illuminated pavement marker, warning light, or steady burning electric lamp.

Hybrid beacon means a type of beacon that is intentionally placed in a dark mode between periods of operation where no indications are displayed and, when in operation, displays both steady and flashing traffic control signal indications.

Intersection means:

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two (2) highways that join one (1) another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways that join at any other angle might come into conflict. The junction of an alley or driveway with a roadway or highway does not constitute an intersection unless the roadway or highway at the junction is controlled by a traffic control device.

(2) If a highway includes two (2) roadways that are 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection. If both intersecting highways include two (2) roadways 30 feet or more apart, then every crossing of any two (2) roadways of such highways constitutes a separate intersection.

(3) At a location controlled by a traffic control signal, regardless of the distance between the separate intersections as described in division (2) of this definition:

A. If a stop line, yield line, or crosswalk has not been designated on the roadway within the median between the separate intersections, the two (2) intersections and the roadway and median constitute one (1) intersection.

B. Where a stop line, yield line, or crosswalk line is designated on the roadway on the intersection approach, the area within the crosswalk and any area beyond the designated stop line or yield line constitute part of the intersection.

C. Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection includes the area that extends to the far side of the crosswalk.

Laned highway means a highway the roadway of which is divided into two (2) or more clearly marked lanes for vehicular traffic.

Local authorities means every county, municipal and other local board or body having authority to adopt police regulations under the Constitution and laws of this state.

Low-speed micromobility device means a device weighing less than 100 pounds that has handlebars, is propelled by an electric motor or human power, and has an attainable speed on a paved level surface of not more than 20 miles per hour when propelled by the electric motor.

Median means the area between two (2) roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection.

Motor vehicle means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, electric bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work, and not

designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten (10) miles and at a speed of 25 miles per hour or less.

Motorcycle means every motor vehicle, other than a tractor, having a seat or saddle for the use of the operator and designed to travel on not more than three (3) wheels in contact with the ground, including, but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter," "autocycle," "cab-enclosed motorcycle," or "motorcycle" without regard to weight or brake horsepower.

Motorized bicycle or *moped* means any vehicle having either two (2) tandem wheels or one (1) wheel in the front and two (2) wheels in the rear, that may be capable of being pedaled, and that is equipped with a helper motor of not more than 50 cubic centimeters piston displacement that produces not more than one (1) brake horsepower, and is capable of propelling the vehicle at a speed of not greater than 20 miles per hour on a level surface. The terms do not include an electric bicycle.

Motorized wheelchair means any self-propelled vehicle designed for, and used by, a person with a disability and that is incapable of a speed in excess of eight (8) miles per hour.

Multi-wheel agricultural tractor means a type of agricultural tractor that has two (2) or more wheels or tires on each side of one (1) axle at the rear of the tractor, is designed or used for drawing other vehicles or wheeled machinery, has no provision for carrying loads independently of the drawn vehicles or machinery, and is used principally for agricultural purposes.

Operate means to cause or have caused movement of a vehicle.

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

Pedestrian means any natural person afoot. The term includes a personal delivery device as defined in R.C. § 4511.513 unless the context clearly suggests otherwise.

Person means every natural person, firm, partnership, association or corporation.

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

Police officer means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.

Predicate motor vehicle or *traffic offense* means any of the following:

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

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

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

(4) A violation of R.C. § 4511.214;

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

Private road open to public travel means a private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. The term includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing.

Private road or *driveway* means every way or place in private ownership used for vehicular travel by the owner, and those having express or implied permission from the owner, but not by other persons.

Public safety vehicle means any of the following:

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

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

(3) Any motor vehicle when properly identified as required by the director of public safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The state fire marshal shall be designated by the director of public safety as the certifying agency for all public safety vehicles described herein;

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

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

(6) Vehicles used by the motor carrier enforcement unit for the enforcement of orders and rules of the public utilities commission as specified in R.C. § 5503.34.

Railroad means a carrier of persons or property operating upon rails placed principally on a private right-of-way.

Railroad sign or *signal* means any sign, signal or device erected by authority of a public body or official or by a railroad, and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

Railroad train means a steam engine or an electric or other motor, with or without cars coupled thereto, operated by a railroad.

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

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

Right-of-way means either of the following, as the context requires:

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

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

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

Roadway means that portion of a highway improved, designed or ordinarily used for vehicular travel, except the berm or shoulder. If a highway includes two (2) or more separate roadways, the term "roadway" means any roadway separately, but not all the roadways collectively.

Rural mail delivery vehicle means every vehicle used to deliver United States mail on a rural mail delivery route.

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

School bus means every bus designed for carrying more than nine (9) passengers which is owned by a public, private or governmental agency or institution of learning, and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function; provided, "school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of a municipality, or within those limits and the territorial limits of municipalities immediately contiguous to the municipality, nor a common passenger carrier certified by the public utilities commission unless the bus is devoted exclusively to the transportation of children to and from a school session or a school function, and "school bus" does not include a van or bus used by a licensed child care center or type A family child care home to transport children from the child care center or type A family child care home to a school if the van or bus does not have more than 15 children in the van or bus at any time.

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

Shared-use path means a bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trial that has historically been reserved for non-motorized use.

Sidewalk means that portion of a street between the curb lines, or the lateral line of a roadway, and the adjacent property lines, intended for the use of pedestrians.

State highway means a highway under the jurisdiction of the department of transportation, outside the limits of municipalities, provided that the authority conferred upon the director of transportation in R.C. § 5511.01 to erect state highway route markers and signs directing traffic shall not be modified by R.C. §§ 4511.01 through 4511.79 and 4511.99.

State route means every highway which is designated with an official state route number and so marked.

Stop, when required, means a complete cessation of movement.

Stop intersection means any intersection at one (1) or more entrances of which stop signs are erected.

Stopping or standing when prohibited, means any halting of a vehicle, even momentarily, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device.

Street or *highway* means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.

Through highway means every street or highway as provided in R.C. § 4511.65, or a substantially equivalent municipal ordinance.

Thruway means a through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.

Traffic means pedestrians, ridden or herded animals, vehicles, streetcars, and other devices, either singly or together, while using for purposes of travel any highway or private road open to public travel.

Traffic control device means a flagger, sign, signal, marking, or other device used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or, in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

Traffic control signal means any highway traffic signal by which traffic is alternately directed to stop and permitted to proceed.

Trailer means every vehicle designed or used for carrying persons or property wholly on its own structure, and for being drawn by a motor vehicle, including any vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type, such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed greater than 25 miles per hour and a vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of more than ten (10) miles or at a speed of more than 25 miles per hour.

Truck means every motor vehicle, except trailers and semitrailers, designed and used to carry property.

Urban district means the territory contiguous to and including any street or highway which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of one-quarter (¼) of a mile or more, and the character of the territory is indicated by official traffic-control devices.

Vehicle means every device, including a motorized bicycle and an electric bicycle, in, upon or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any low-speed micromobility device, any personal delivery device as defined in R.C. § 4511.513, any device that is moved

by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks or any device, other than a bicycle, that is moved by human power.

Waste collection vehicle means a vehicle used in the collection of garbage, refuse, trash, or recyclable materials.

Natural resources officer means an officer appointed pursuant to R.C. § 1501.24.

Wildlife officer means an officer designated pursuant to R.C. § 1531.13.

(Ord. No. 01-2024, § 6, 1-11-2024)

State Law reference— R.C. §§ 4501.01(LL), 4511.01

434.09 Street racing prohibited.

(a) As used in this section and R.C. § 4510.036,

(1) "~~street~~ Street racing" means the operation of two (2) or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one (1) or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds. ~~Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as the participants.~~ The operation of two (2) or more vehicles side by side either at speeds in excess of prima facie lawful speeds established by R.C. §§ 4511.21(B)(1)(a) through (B)(9) or a substantially equivalent municipal ordinance, or rapidly accelerating from a common starting point to a speed in excess of the prima facie lawful speeds shall be prima facie evidence of street racing.

(2) "Burnout" means a maneuver performed while operating a vehicle whereby the vehicle is kept in a stationary position, but the wheels of the vehicle are spun, which may cause the tires of the vehicle to become heated and emit smoke from the friction.

(3) "Doughnut" means a maneuver performed while operating a vehicle whereby the front or rear of the vehicle is rotated around the opposite set of wheels in a continuous motion, which may cause a circular skid-mark pattern of rubber on the driving surface, or the tires of the vehicle to become heated and emit smoke from the friction, or both.

(4) "Drifting" means a maneuver performed while operating a vehicle whereby the vehicle is driven in a manner that causes a controlled, sideways skid during a turn, with the front wheels pointing in a direction that is the opposite of the direction of the turn.

(5) "Wheelie" means a maneuver performed while operating a vehicle whereby the front wheel or wheels of the vehicle are raised off of the ground or whereby two wheels that are on the same side of the vehicle are raised off of the ground.

(6) "Stunt driving" means performing or engaging in burnouts, doughnuts, drifting, or wheelies, or allowing a passenger to ride either partially or fully outside of the vehicle while operating that vehicle.

(7) "Street takeover" means blocking or impeding the regular flow of vehicle or pedestrian traffic on a public road, street, or highway or on private property that is open to the general public for the purpose of street racing or stunt driving.

(b) No person shall knowingly participate in street racing, student driving, or street takeover upon any public road, street or highway in this municipality, or on private property that is open to the public.

(c) Whoever violates this section is guilty of street racing, stunt racing, or street takeover, a misdemeanor of the first degree. In addition to any other sanctions, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privileges for not less than 30 days or more than three (3) years. No judge shall suspend the first 30 days of any suspension of an offender's license, permit or privilege imposed under this division.

(d) Persons rendering assistance in any manner to street racing, stunt driving, or street takeover shall be equally charged as the participants.

(e) This section does not apply to the competitive operation of vehicles on public or private property when the political subdivision with jurisdiction of the location or owner of the property knowingly permits such operation thereon.

State Law reference— R.C. § 4511.251

434.10 Vehicular homicide; vehicular manslaughter; vehicular assault.

(a) No person, while operating or participating in the operation of a motor vehicle, utility truck, mini-truck, 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. As the proximate result of committing a violation of R.C. § 4511.19(A) or of a substantially equivalent municipal ordinance;

B. As the proximate result of committing a violation of R.C. § 1547.11(A) or of a substantially equivalent municipal ordinance;

C. As the proximate result of committing a violation of R.C. § 4561.15(A)(3) or of a substantially equivalent municipal ordinance.

(2) In one (1) of the following ways:

A. Recklessly;

B. As the proximate result of committing, while operating or participating in the operation of a motor vehicle utility truck, mini-truck, or motorcycle in a construction zone, a reckless operation offense, provided that this division 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 reckless operation offense in the construction zone and does not apply as described in division (d) of this section.

(3) In one of the following ways:

A. Negligently;

B. As the proximate result of committing, while operating or participating in the operation of a motor vehicle utility truck, mini-truck, or motorcycle in a construction zone, a speeding offense, provided that this division 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 division (d) of this section.

(4) As the proximate result of committing a violation of any provision of any section contained in R.C. Tit. 45 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 R.C. Tit. 45 that is a minor misdemeanor.

(b) (1) Whoever violates division (a)(1) or (a)(2) of this section is guilty of aggravated vehicular homicide, a felony to be prosecuted under appropriate state law.

(2) A. Whoever violates division (a)(3) of this section is guilty of vehicular homicide. Except as otherwise provided in this division, vehicular homicide is a misdemeanor of the first degree. Vehicular homicide committed in violation of division (a)(3) of this section is a felony to be prosecuted under appropriate state law if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under R.C. Ch. 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 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.

B. In addition to any other sanctions imposed pursuant to this division, the court shall impose upon the offender a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(4).

(3) A. Whoever violates division (a)(4) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this division, 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 R.C. Ch. 4510 or any other provision of the 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 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.

B. In addition to any other sanctions imposed pursuant to this division, the court shall impose upon the offender a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(6); or, if the offender previously has been convicted of or pleaded guilty to a violation of this section, any traffic-related homicide, manslaughter or assault offense, or a traffic-related murder, felonious assault or attempted murder offense, a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(4).

(c) The court shall impose a mandatory jail term of at least 15 days on an offender who is convicted of or pleads guilty to a misdemeanor violation of division (a)(3)B. of this section and may impose upon the offender a longer jail term as authorized pursuant to R.C. § 2929.24.

(d) Divisions (a)(2)B. and (a)(3)B. of this section do not apply in a particular construction zone unless signs of the type described in R.C. § 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under R.C. § 5501.27. The failure to erect signs of the type described in R.C. § 2903.081 in a particular construction zone in accordance with those guidelines and design specifications does not limit or affect the application of division (a)(1), (a)(2)A., (a)(3)A. or (a)(4) of this section in that construction zone or the prosecution of any person who violates any of those divisions in that construction zone.

(e) (1) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Construction zone has the same meaning as in R.C. § 5501.27.

Mandatory prison term and *mandatory jail term* have the same meanings as in R.C. § 2929.01.

Motor vehicle ,utility truck, mini-truck ~~has~~ have the same meanings as in R.C. § 4501.01.

Reckless operation offense means a violation of R.C. § 4511.20 or a municipal ordinance substantially equivalent to R.C. § 4511.20.

Speeding offense means a violation of R.C. § 4511.21 or a municipal ordinance pertaining to speed.

Traffic-related homicide, manslaughter or assault offense means a violation of R.C. § 2903.04 in circumstances in which division (D) of that section applies, a violation of R.C. § 2903.06 or 2903.08, or a violation of R.C. § 2903.06 or 2903.08 as they existed prior to March 23, 2000.

Traffic-related murder, felonious assault or attempted murder offense means a violation of R.C. § 2903.01 or 2903.02 in circumstances in which the offender used a motor vehicle as the means to commit the violation, a violation of R.C. § 2903.11(A)(2) in circumstances in which the deadly weapon used in the commission of the violation is a motor vehicle, or an attempt to commit aggravated murder or murder in violation of R.C. § 2923.02 in circumstances in which the offender used a motor vehicle as the means to attempt to commit the aggravated murder or murder.

(2) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of this or another state or the United States.

(f) *Vehicular assault.*

(1) No person, while operating or participating in the operation of a motor vehicle or motorcycle, shall cause serious physical harm to another person or another's unborn 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 division applies only if the person to whom the serious physical harm is caused or to whose unborn the serious physical harm is caused 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 division (f)(4) of this section.

(2) A. Except as otherwise provided in this division, vehicular assault committed in violation of division (f)(1) of this section is a misdemeanor of the first degree. Vehicular assault committed in violation of division (f)(1) of this section is a felony to be prosecuted under appropriate state law if, at the time of the offense, the offender was driving under a suspension imposed under R.C. Ch. 4510 or any other provision of the Ohio Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of division (f)(1) of this section, R.C. § 2903.08, or any traffic-related homicide, manslaughter, or assault offense.

B. In addition to any other sanctions imposed, the court shall impose upon the offender a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(4).

(3) The court shall impose a mandatory jail term of at least seven (7) days on an offender who is convicted of or pleads guilty to a misdemeanor violation of division (f)(1) of this section and may impose upon the offender a longer jail term as authorized pursuant to R.C. § 2929.24.

(4) Division (f)(1) of this section does not apply in a particular construction zone unless signs of the type described in R.C. § 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the director of transportation under R.C. § 5501.27.

(5) As used in this division (f):

A. *Construction zone* has the same meaning as in R.C. § 5501.27.

B. *Mandatory jail term* has the same meaning as in R.C. § 2929.01.

C. *Speeding offense* has the same meaning as in R.C. § 2903.06.

D. *Traffic-related homicide, manslaughter, or assault offense* has the same meaning as in R.C. § 2903.06.

(6) For the purposes of this division (f), when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of another state or the United States.

State Law reference— Vehicular assault and aggravated vehicular assault, felony offenses, see R.C. § 2903.08; Trial court to suspend driver's license, see R.C. §§ 4510.05, 4510.10; R.C. 2903.08(A)(3), (C)(3), (D)(3), (E)—(G); R.C. § 2903.06

436.14 Removal of vehicles after accidents.

(a) If a motor vehicle accident occurs on any highway, public street, or other property open to the public for purposes of vehicular travel and if any motor vehicle, cargo, or personal property that has been damaged or spilled as a result of the motor vehicle accident is blocking the highway, street, or other property or is otherwise endangering public safety, a public safety official may do either of the following without the consent of the owner but with the approval of the law enforcement agency conducting any investigation of the accident:

(1) Remove, or order the removal of, the motor vehicle if the motor vehicle is unoccupied, cargo, or personal property from the portion of the highway, public street, or property ordinarily used for vehicular travel on the highway, public street, or other property open to the public for purposes of vehicular travel.

(2) If the motor vehicle is a commercial motor vehicle, allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the public safety official. If the public safety official determines that the motor vehicle cannot be removed within the specified period of time, the public safety official shall remove or order the removal of the motor vehicle.

(b) (1) Except as provided in division (b)(2) of this section, the department of transportation, any employee of the department of transportation, or a public safety official who authorizes or participates in the removal of any unoccupied motor vehicle, cargo, or personal property as authorized by division (a) of this section, regardless of whether the removal is executed by a private towing service, is not liable for civil damages for any injury, death, or loss to person or property that results from the removal of that unoccupied motor vehicle, cargo, or personal property. Further,

except as provided in division (b)(2) of this section, if a public safety official authorizes, employs, or arranges to have a private towing service remove any unoccupied motor vehicle, cargo, or personal property as authorized by division (a) of this section, that private towing service is not liable for civil damages for any injury, death, or loss to person or property that results from the removal of that unoccupied motor vehicle, cargo, or personal property.

(2) Division (b)(1) of this section does not apply to any of the following:

A. Any person or entity involved in the removal of an unoccupied motor vehicle, cargo, or personal property pursuant to division (a) of this section if that removal causes or contributes to the release of a hazardous material or to structural damage to the roadway;

B. A private towing service that was not authorized, employed, or arranged by a public safety official to remove an unoccupied motor vehicle, cargo, or personal property under this section;

C. Except as provided in division (b)(2)D. of this section, a private towing service that was authorized, employed, or arranged by a public safety official to perform the removal of the unoccupied motor vehicle, cargo, or personal property but the private towing service performed the removal in a negligent manner;

D. A private towing service that was authorized, employed, or arranged by a public safety official to perform the removal of the unoccupied motor vehicle, cargo, or personal property that was endangering public safety but the private towing service performed the removal in a reckless manner.

(c) As used in divisions (a) and (b) of this section:

(1) *Hazardous material* has the same meaning as in R.C. § 2305.232.

(2) *Public safety official* means any of the following:

A. The sheriff of the county, or the chief of a law enforcement agency in the municipal corporation, township, or township, port authority, conservancy district, university campus police department, park district police force, or joint police district, in which the accident occurred;

B. A state highway patrol trooper;

C. The chief of the fire department having jurisdiction where the accident occurred;

D. A duly authorized subordinate acting on behalf of an official specified in divisions A. to C. of this definition;

E. A natural resource officer or a wildlife officer.

(d) If a towing service is removing a motor vehicle, and the removal was not authorized under R.C. § 4513.60, 4513.601, 4513.61, or 4513.66, or any substantially equivalent municipal ordinance, prior to removing the motor vehicle, the towing service shall provide a written estimate of the price for the removal to the operator of the motor vehicle, if requested.

(e) The towing service shall ensure that any estimate provided under division (d) of this section includes the fees, services to be rendered, and destination of the vehicle.

(f) If a towing service fails to provide a written estimate as required by this section, the towing service shall not charge fees for the towing and storage of the motor vehicle that exceed 25 percent of any applicable fees established by the public utilities commission in rules adopted under R.C. § 4921.25(B)(4) or, if the vehicle was towed within a municipal corporation that has established vehicle removal and storage fees, 25 percent of the fees established by the municipal corporation.

(g) Any storage facility that accepts towed vehicles shall conspicuously post a notice at the entrance to the storage facility that states the limitation on fees established under division (f) of this section.

(Ord. No. 01-2024, § 6, 1-11-2024)

State Law reference— R.C. §§ 4513.66, 4513.68

452.05 Willfully leaving vehicles on private or public property.

(a) The county sheriff or chief of a law enforcement agency, within the sheriff's or chief's respective territorial jurisdiction, or a state highway patrol trooper, upon notification to the sheriff or chief of police of such action and of the location of the place of storage, may order into storage any motor vehicle, including an abandoned junk motor vehicle as defined in R.C. § 4513.63, that:

(1) Has come into the possession of the sheriff, chief, or state highway patrol trooper, or officer as a result of the performance of the sheriff's, chief's, officer's, or trooper's duties; or

(2) Has been left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for 48 hours or longer without notification to the sheriff, department, or chief of the reasons for leaving the motor vehicle in such place. However, when such a motor vehicle constitutes an obstruction to traffic it may be ordered into storage immediately unless either of the following applies:

A. The vehicle was involved in an accident and is subject to R.C. § 4513.66, or any substantially equivalent municipal ordinance;

B. The vehicle is a commercial motor vehicle. If the vehicle is a commercial motor vehicle, the sheriff, chief, officer, or ~~state highway patrol~~ trooper shall allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the sheriff, chief, officer, or ~~state highway patrol~~ trooper. If the sheriff, chief officer, or ~~state highway patrol~~ trooper determines that the vehicle cannot be removed within the specified period of time, the sheriff, chief, officer, or ~~state highway patrol~~ trooper shall order the removal of the vehicle.

(3) Subject to division (c) of this section, the sheriff, department, or chief shall designate the place of storage of any motor vehicle so ordered removed.

(b) If the sheriff, chief, officer, or ~~a state highway patrol~~ trooper issues an order under division (a) of this section and arranges for the removal of a motor vehicle by a towing service, the towing service shall deliver the motor vehicle to the location designated by the sheriff or chief of police not more than two (2) hours after the time it is removed.

(c) (1) The sheriff or chief shall cause a search to be made of the records of an applicable entity listed in R.C. § 4513.601(F)(1) to ascertain the identity of the owner and any lienholder of a motor vehicle ordered into storage by the sheriff or chief, officer, or ~~state highway patrol~~ trooper within five (5) business days of the removal of the vehicle. Upon obtaining such identity, the sheriff or chief shall send or cause to be sent to the owner or lienholder at the owner's or lienholder's last known address by certified or express mail with return receipt requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt. The notice shall inform the owner or lienholder that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten (10) days of the date of the sending of the notice.

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

1. Retrieve any personal item that has been determined by the sheriff, chief of police, officer, or ~~a state highway patrol~~ trooper, as applicable, to be necessary to a criminal investigation;

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

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

(3) If the owner or lienholder of the motor vehicle reclaims it after a search of the applicable records has been conducted and after notice has been sent to the owner ~~or~~ and any lienholder as described in this section, and the search was conducted by the place of storage, and the notice was sent to the motor vehicle owner by the place of storage, the owner or lienholder shall pay to the place of storage a processing fee of $25.00, in addition to any expenses or charges incurred in the removal and storage of the vehicle.

(d) If the owner or lienholder makes no claim to the motor vehicle within ten (10) days of the date of sending the notice, and if the vehicle is to be disposed of at public auction as provided in R.C. § 4513.62 or any substantially equivalent municipal ordinance, the sheriff or chief , without charge to any party, shall file with the clerk of courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of this section. Upon presentation of the affidavit, the clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the sheriff or chief. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in R.C. § 4513.62 or any substantially equivalent municipal ordinance, the sheriff or chief shall execute in triplicate an affidavit, as prescribed by the registrar of motor vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of this section have been complied with. The sheriff or chief shall retain the original of the affidavit for the sheriff's or chief's records, and shall furnish two (2) copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the clerk of courts, within 30 days of the presentation, shall issue a salvage certificate of title, free and clear of all liens and encumbrances.

(e) Whenever a motor vehicle salvage dealer or other facility receives an affidavit for the disposal of a motor vehicle as provided in this section, the dealer or facility shall not be required to obtain an Ohio certificate of title to the motor vehicle in the dealer's or facility's own name if the vehicle is dismantled or destroyed and both copies of the affidavit are delivered to the clerk of courts.

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

(g) *Abandonment of junk motor vehicle prohibited.*

(1) A. No person shall willfully leave an abandoned junk motor vehicle, as defined in R.C. § 4513.63, on private property for more than 72 hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway for 48 hours or longer without notification to the chief of a law enforcement agency of the reason for leaving the motor vehicle in that place.

B. For purposes of this division (g)(1), the fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment.

C. Nothing contained in this section and R.C. §§ 4513.60, 4513.61 and 4513.63 shall invalidate or prevent the enactment of further provisions of municipal ordinances regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property or private property within the municipality.

(2) Whoever violates this division (g) is guilty of a minor misdemeanor and shall also be assessed any costs incurred by the municipality in disposing of the abandoned junk motor vehicle, less any money accruing to the municipality from the disposal.

(Ord. No. 01-2024, § 6, 1-11-2024)

State Law reference— R.C. §§ 4513.61, 4513.64

0128887.0615708 4855-1708-0560v1

ORDINANCE 27-2024

AN ORDINANCE AMENDING THE VILLAGE OF MINERVA PARK CODIFIED ORDINANCES TO PROVIDE UPDATES TO SECTIONS 608.09, 624.01, 666.02, 666.03, 673.20, 678.14, and 698.05 OF THE VILLAGE CODE, TO PROVIDE FOR PENALTIES, TO PROVIDE FOR CODIFICATION, TO PROVIDE FOR SEVERABILITY, AND TO REPEAL CONFLICTING ORDINANCES.

WHEREAS, the Village Council of the Village of Minerva Park is authorized by Ohio Rev. Code § 715.01 to adopt ordinances relating to its property, affairs and local government; and

WHEREAS, there have been several amendments to provisions of Ohio state law that are codified in Village Codified Ordinances that require updates to the Village Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, COUNTY OF FRANKLIN, STATE OF OHIO:

Section 1. That Codified Ordinances of the Village of Minerva Park shall be amended as shown in Exhibit A, which is attached hereto and incorporated herein.

Section 2. That the addition, amendment, or removal of Village of Minerva Park Code Sections when passed in such form as to indicate the intention of the governing authority of the City of Minerva Park, Ohio to make the same a part of the Municipal Code shall be deemed to be incorporated in the Municipal Code, so that reference to the Municipal Code includes the additions, amendments, and removals.

Section 3. The Village's codifier is authorized to exclude and omit any provisions of this ordinance that are inapplicable to the City's Municipal Code.

Section 4. Supplementation of Code.

(a) In preparing a supplement to the Village's Codified Ordinances, all portions of this ordinance which have been repealed shall be excluded from the Village's Codified Ordinances by the omission thereof from reprinted pages.

(b) When preparing a supplement to the Village's Codified Ordinances, the codifier may make formal, non-substantive changes in this ordinance and parts of this ordinance included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Village's Codified Ordinances printed in the supplement, and make changes in such catchlines, headings, and titles;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Village's Codified Ordinances and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Village's Codified

Ordinances which embody the substantive sections, or the ordinance incorporated into the Code); and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Village's Codified Ordinances; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodies in the Village's Codified Ordinances.

(c) In preparing a supplement to the Village's Codified Ordinances, the pages of a supplement shall be so numbered that they will fit properly into the Village's Codified Ordinances and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Village's Codified Ordinances will be current through the date of the adoption of the latest ordinance included in the supplement.

Section 5. Provisions of Exhibit A that duplicate or track State statutes which do not become effective until after the effective date of this ordinance, shall not take effect until such statutes take effect.

Section 6. That it is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code

Section 7. If any section, subsection, sentence, clause, phrase or portion of the Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The governing authority of the City of Minerva Park, Ohio hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

Section 8. All ordinances and parts of ordinances in conflict herewith are expressly repealed.

Section 9. The adoption date of this ordinance is November 21, 2024 and the effective date of this ordinance shall be December 21, 2024

Passed this 21st day of November 2024.

First Reading: October 24, 2024
Second Reading: November 14, 2024
Third Reading: November 21, 2024
Passed: November 21, 2024

_____
Tiffany Southard, Mayor

ATTESTS

_____
Jeffrey Wilcheck, Fiscal Officer

APPROVED AS TO FORM

_____
Jesse Shamp, Solicitor

Exhibit A (ORD 27-2024)

608.09 Compliance with lawful order of police officer; fleeing.

(a) No person shall fail to comply with any lawful order or di202rection of any police officer invested with authority to direct, control or regulate traffic.

(b) No person shall operate a motor vehicle so as willfully to elude or flee a police officer after receiving a visible or audible signal from a police officer to bring the person's motor vehicle to a stop.

(c) (1) Whoever violates this section is guilty of failure to comply with an order or signal of a police officer.

(2) A violation of division (a) of this section is a misdemeanor of the first degree.

(3) Except as provided in divisions (c)(4) and (c)(5) of this section, a violation of division (b) of this section is a ~~misdemeanor~~ felony of the ~~first~~ fourth degree.

(4) ~~Except as provided in division (c)(5) of this section, a~~ A violation of division (b) of this section is a felony of the third degree and shall be prosecuted under appropriate state law if the jury or judge as trier of fact finds by proof beyond a reasonable doubt that in committing the offense, the offender was fleeing immediately after the commission of a felony.

(5) A. A violation of division (b) of this section is a felony and shall be prosecuted under appropriate state law if the jury or judge as trier of fact finds any of the following by proof beyond a reasonable doubt:

1. The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property.

2. The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.

B. If a police officer pursues an offender who is violating division (b) of this section and division (c)(5)A. of this section applies, the sentencing court, in determining the seriousness of an offender's conduct for purposes of sentencing the offender for a violation of division (b) of this section, shall consider, along with the factors set forth in R.C. §§ 2929.12 and 2929.13 that are required to be considered, all of the following:

1. The duration of the pursuit;

2. The distance of the pursuit;

3. The rate of speed at which the offender operated the motor vehicle during the pursuit;

4. Whether the offender failed to stop for traffic lights or stop signs during the pursuit;

5. The number of traffic lights or stop signs for which the offender failed to stop during the pursuit;

6. Whether the offender operated the motor vehicle during the pursuit without lighted lights during a time when lighted lights are required;

7. Whether the offender committed a moving violation during the pursuit;

8. The number of moving violations the offender committed during the pursuit;

9. Any other relevant factors indicating that the offender's conduct is more serious than conduct normally constituting the offense.

(d) In addition to any other sanction imposed for a violation of division (a) of this section or a misdemeanor violation of division (b) of this section, the court shall impose a class five suspension from the range specified in R.C. § 4510.02(A)(5). If the offender previously has been found guilty of an offense under

this section or under R.C. § 2921.331 or any other substantially equivalent municipal ordinance, in addition to any other sanction imposed for the offense, the court shall impose a class one suspension as described in R.C. § 4510.02(A)(1). The court may grant limited driving privileges to the offender on a suspension imposed for a misdemeanor violation of this section as set forth in R.C. § 4510.021. No judge shall suspend any portion of the suspension under a class one suspension of an offender's license, permit, or privilege required by this division.

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

Moving violation has the same meaning as in R.C. § 2743.70.

Police officer has the same meaning as in R.C. § 4511.01.

State Law reference— R.C. §§ 2921.331(A)—(C), (E), (F)

624.01 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.

Administer has the same meaning as in R.C. § 3719.01.

Adulterate means to cause a drug to be adulterated as described in R.C. § 3715.63.

Alcohol and drug addiction services has the same meaning as in R.C. § 5119.01.

Bulk amount of a controlled substance, means any of the following:

(a) 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 division (b), (e), or (f) of this definition, whichever of the following is applicable:

(1) An amount equal to or exceeding ten (10) grams or 25 unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I opiate or opium derivative;

(2) An amount equal to or exceeding ten (10) grams of a compound, mixture, preparation or substance that is or contains any amount of raw or gum opium;

(3) An amount equal to or exceeding 30 grams or ten (10) 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;

(4) An amount equal to or exceeding 20 grams or five (5) 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;

(5) An amount equal to or exceeding five (5) grams or ten (10) unit doses of a compound, mixture, preparation or substance that is or contains any amount of phencyclidine;

(6) An amount equal to or exceeding 120 grams or 30 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;

(7) An amount equal to or exceeding three (3) 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;

(b) An amount equal to or exceeding 120 grams or 30 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;

(c) An amount equal to or exceeding 20 grams or five (5) 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;

(d) 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;

(e) An amount equal to or exceeding 200 solid dosage units, 16 grams, or 16 milliliters of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III anabolic steroid;

(f) 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 R.C. § 2925.11 and the sentencing provisions set forth in 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.

Certified grievance committee means a duly constituted and organized committee of the Ohio State Bar Association or of one (1) 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.

Cocaine means any of the following:

(a) A cocaine salt, isomer or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine.

(b) 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.

(c) A salt, compound, derivative or preparation of a substance identified in division (a) or (b) 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.

Committed in the vicinity of a juvenile means 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.

Committed in the vicinity of a school means 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.

Committed in the vicinity of a substance addiction services provider or a recovering addict means an offense is "committed in the vicinity of a substance addiction services provider or a recovering addict" if either of the following apply:

(a) 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 R.C. § 5119.391 to provide methadone treatment or an opioid treatment program licensed on or after that date under 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.

(b) 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.

Controlled substance has the same meaning as in R.C. § 3719.01.

Controlled substance analog has the same meaning as in R.C. § 3719.01.

Counterfeit controlled substance means any of the following:

(a) 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.

(b) 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.

(c) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance.

(d) 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.

Cultivate includes planting, watering, fertilizing or tilling.

Dangerous drug has the same meaning as in R.C. § 4729.01.

Deception has the same meaning as in R.C. § 2913.01.

Disciplinary counsel means 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.

Dispense has the same meaning as in R.C. § 3719.01.

Distribute has the same meaning as in R.C. § 3719.01.

Drug has the same meaning as in R.C. § 4729.01.

Drug abuse offense means any of the following:

(a) A violation of R.C. § 2913.02(A) that constitutes theft of drugs, or any violation of 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.

(b) 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 division (a) of this definition.

(c) 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.

(d) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit, any offense under division (a), (b) or (c) of this definition.

Drug dependent person has the same meaning as in R.C. § 3719.011.

Drug of abuse has the same meaning as in R.C. § 3719.011.

Felony drug abuse offense means any drug abuse offense that would constitute a felony under the laws of this state, any other state or the United States.

Fentanyl-related compound means any of the following:

(a) Fentanyl;

(b) Alpha-methylfentanyl(N-[1-(alpha-methyl-beta-phenyl)ethyl-4-_piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);

(c) Alpha-methylthiofentanyl(N-[1-methyl-2-(2-thienyl)ethyl-4-_____piperidinyl]-N-phenylpropanamide);

(d) Beta-hydroxyfentanyl(N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N- phenylpropanamide);

(e) Beta-hydroxy-3-methylfentanyl(other name:N-[1-(2-hydroxy-2-__phenethyl)-3- methyl-4-~~piperidinyl~~ piperidiny]-N-_phenylpropanamide);

(f) 3-methylfentanyl(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);

(g) 3-methylthiofentanyl(N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N- phenylpropanamide);

(h) Para-fluorofentanyl(N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;

(i) Thiofentanyl(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;

(j) Alfentanil;

(k) Carfentanil;

(l) Remifentanil;

(m) Sufentanil;

(n) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N- phenylacetamide); and

(o) 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:

(1) A chemical scaffold consisting of both of the following:

A. A five-, six-, or seven-member ring structure containing a nitrogen, whether or not further substituted;

B. 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.

(2) A polar functional group attached to the chemical scaffold, including, but not limited to, a hydroxyl, ketone, amide, or ester;

(3) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and

(4) The compound has not been approved for medical use by the United States food and drug administration.

Harmful intoxicant does not include beer or intoxicating liquor, but means any of the following:

(a) 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:

(1) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline or other preparation containing a volatile organic solvent.

(2) Any aerosol propellant.

(3) Any fluorocarbon refrigerant.

(4) Any anesthetic gas.

(b) Gamma Butyrolactone;

(c) 1,4 Butanediol.

Hashish means:

(a) A resin or a preparation of a resin to which both of the following apply:

(1) 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.

(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths percent.

(b) The term does not include a hemp byproduct in the possession of a licensed hemp processor under R.C. Ch. 928, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under R.C. § 928.03.

Hypodermic has the same meaning as in R.C. § 3719.01.

Juvenile means a person under 18 years of age.

Licensed health professional authorized to prescribe drugs has the same meaning as in R.C. § 4729.01.

L.S.D. means lysergic acid diethylamide.

Major drug offender has the same meaning as in R.C. § 2929.01.

Mandatory prison term has the same meaning as in R.C. § 2929.01.

Manufacture means 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.

Manufacturer has the same meaning as in R.C. § 3719.01.

Marihuana has the same meaning as in R.C. § 3719.01, except that it does not include hashish.

Methamphetamine means 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.

Minor drug possession offense means either of the following:

(a) A violation of R.C. § 2925.11, as it existed prior to July 1, 1996, or a substantially equivalent municipal ordinance.

(b) A violation of 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.

Official written order has the same meaning as in R.C. § 3719.01.

Person has the same meaning as in R.C. § 3719.01.

Pharmacist has the same meaning as in R.C. § 3719.01.

Pharmacy has the same meaning as in R.C. § 3719.01.

Possess or *possession* means 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.

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.

Prescription has the same meaning as in R.C. § 4729.01.

Presumption for a prison term or *presumption that a prison term shall be imposed* means a presumption as described in 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 R.C. § 2929.11.

Professional license means any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate or temporary registration that is described in R.C. § 2925.01(W)(1) to (W)(37) and that qualifies a person as a professionally licensed person.

Professionally licensed person means any of the following:

(a) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under R.C. Ch. 4701 and who holds an Ohio permit issued under that chapter;

(b) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under R.C. Ch. 4703;

(c) A person who is registered as a landscape architect under R.C. Ch. 4703 or who holds a permit as a landscape architect issued under that chapter;

(d) A person licensed under R.C. Ch. 4707;

(e) A person who has been issued a ~~certificate of registration as a registered~~ barber's license barber instructor's license, assistant barber instructor's license, or independent contractor's license under R.C. Ch. 4709;

(f) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of R.C. Ch. 4710;

(g) 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 to practice cosmetology, advanced license to practice hair design, advanced ~~hair designer's license~~ license to

practice manicuring, advanced ~~manicurist's license~~ license to practice esthetics, advanced ~~esthetician's license, advanced~~ license to practice natural hair ~~stylist's license~~ styling, 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 R.C. Ch. 4713;

(h) 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 R.C. Ch. 4715;

(i) 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 R.C. Ch. 4717;

(j) 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 R.C. Ch. 4723;

(k) A person who has been licensed to practice optometry or to engage in optical dispensing under R.C. Ch. 4725;

(l) A person licensed to act as a pawnbroker under R.C. Ch. 4727;

(m) A person licensed to act as a precious metals dealer under R.C. Ch. 4728;

(n) A person licensed under R.C. Ch. 4729 as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;

(o) A person licensed under R.C. Ch. 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;

(p) A person who is authorized to practice as a physician assistant under R.C. Ch. 4730;

(q) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under R.C. Ch. 4731 or has been issued a certificate to practice a limited branch of medicine under that chapter;

(r) A person licensed as a psychologist or school psychologist under R.C. Ch. 4732;

(s) A person registered to practice the profession of engineering or surveying under R.C. Ch. 4733;

(t) A person who has been issued a license to practice chiropractic under R.C. Ch. 4734;

(u) A person licensed to act as a real estate broker or real estate salesperson under R.C. Ch. 4735;

(v) A person registered as a registered environmental health specialist under R.C. Ch. 4736;

(w) A person licensed to operate or maintain a junkyard under R.C. Ch. 4737;

(x) A person who has been issued a motor vehicle salvage dealer's license under R.C. Ch. 4738;

(y) A person who has been licensed to act as a steam engineer under R.C. Ch. 4739;

(z) 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 R.C. Ch. 4741;

(aa) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under R.C. Ch. 4747;

(bb) 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 R.C. Ch. 4749;

(cc) A person licensed to practice as a nursing home administrator under R.C. Ch. 4751;

(dd) A person licensed to practice as a speech-language pathologist or audiologist under R.C. Ch. 4753;

(ee) A person issued a license as an occupational therapist or physical therapist under R.C. Ch. 4755;

(ff) 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 R.C. Ch. 4757;

(gg) A person issued a license to practice dietetics under R.C. Ch. 4759;

(hh) A person who has been issued a license or limited permit to practice respiratory therapy under R.C. Ch. 4761;

(ii) A person who has been issued a real estate appraiser certificate under R.C. Ch. 4763;

(jj) A person who has been issued a home inspector license under R.C. Ch. 4764;

(kk) A person who has been admitted to the bar by order of the Ohio Supreme Court in compliance with its prescribed and published rules.

Public premises means any hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort.

Sale has the same meaning as in R.C. § 3719.01.

Sample drug means 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 (1) time, had been placed in a container plainly marked as a sample by a manufacturer.

Schedule I, Schedule II, Schedule III, Schedule IV or *Schedule V* have the same meaning as in R.C. § 3719.01.

School means any school operated by a board of education, any community school established under R.C. Ch. 3314, or any nonpublic school for which the ~~state board~~ Director of education and Workforce prescribes minimum standards under 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.

School building means 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.

School premises means either of the following:

(a) 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.

(b) 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 R.C. Ch. 3314, or the governing body of a nonpublic school for which the state board of education prescribes minimum standards under 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.

Standard pharmaceutical reference manual means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.

Substance addiction services provider means an agency, association, corporation or other legal entity, individual, or program that provides one (1) or more of the following at a facility:

(a) 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 R.C. § 5119.36;

(b) 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.

Unit dose means 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.

Wholesaler has the same meaning as in R.C. § 3719.01.

State Law reference— R.C. § 2925.01

666.02 Unlawful sexual conduct with a minor.

(a) No person who is 18 years of age or older shall engage in sexual conduct with ~~another who is not the spouse of the offender,~~ when the offender knows the other person is 13 years of age or older but less than 16 years of age, or the offender is reckless in that regard.

(b) Whoever violates this section is guilty of unlawful sexual conduct with a minor.

(1) Except as otherwise provided in division (b)(2), unlawful sexual conduct with a minor is a felony to be prosecuted under appropriate state law.

(2) Except as otherwise provided in division (b)(3) of this section, if the offender is less than four (4) years older than the other person, unlawful sexual conduct with a minor is a misdemeanor of the first degree.

(3) If the offender previously has been convicted of or pleaded guilty to a violation of R.C. § 2907.02, 2907.03 or 2907.04, or any substantially equivalent municipal ordinance, or a violation of former R.C. § 2907.12, or any substantially equivalent municipal ordinance, unlawful sexual conduct with a minor is a felony to be prosecuted under appropriate state law.

State Law reference— R.C. § 2907.04

666.03 Sexual imposition.

(a) No person shall have sexual contact with another~~, not the spouse of the offender~~; cause another~~, not the spouse of the offender,~~ to have sexual contact with the offender; or cause two (2) or more other persons to have sexual contact when any of the following applies:

(1) The offender knows that the sexual contact is offensive to the other person, or one (1) of the other persons, or is reckless in that regard.

(2) The offender knows that the other person's, or one (1) of the other person's ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired.

(3) The offender knows that the other person, or one (1) of the other persons, submits because of being unaware of the sexual contact.

(4) The other person, or one (1) of the other persons, is 13 years of age or older but less than 16 years of age, whether or not the offender knows the age of the person, and the offender is at least 18 years of age and four (4) or more years older than the other person.

(5) The offender is a mental health professional, the other person or one (1) of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.

(b) No person shall be convicted of a violation of this section solely upon the victim's testimony unsupported by other evidence.

(c) Whoever violates this section is guilty of sexual imposition, a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to a violation of this section, R.C. § 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, former R.C. § 2907.12, or a substantially equivalent state law or municipal ordinance, a violation of this section is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to three (3) or more violations of this section, R.C. § 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, former R.C. § 2907.12, or a substantially equivalent state law or municipal ordinance, or of any combination of those sections, a violation of this section is a misdemeanor of the first degree and, notwithstanding the range of jail terms prescribed in R.C. § 2929.24, the court may impose on the offender a definite jail term of not more than one year.

State Law reference— Gross sexual imposition, felony, see R.C. § 2907.05; Notice to licensing board or agency upon indictment, conviction or guilty plea of mental health professional, see R.C. §§ 2907.17 and 2907.18; R.C. § 2907.06

672.20 Insurance fraud.

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

Data has the same meaning as in R.C. § 2913.01 and additionally includes any other representation of information, knowledge, facts, concepts or instructions that are being or have been prepared in a formalized manner.

Deceptive means a statement, in whole or in part, would cause another to be deceived because it contains a misleading representation, withholds information, prevents the acquisition of information, or by any other conduct, act or omission creates, confirms or perpetuates a false impression, including, but not limited to, a false impression as to law, value, state of mind or other objective or subjective fact.

Insurer means any person that is authorized to engage in the business of insurance in this state under R.C. Tit. 39, the Ohio Fair Plan Underwriting Association created under R.C. § 3929.43, the assigned risk plan created under R.C. § 4509.70, any health insuring corporation, and any legal entity that is self-insured and provides benefits to its employees or members.

Policy means a policy, certificate, contract or plan that is issued by an insurer.

Statement includes, but is not limited to, any notice, letter, or memorandum; proof of loss; bill of lading; receipt for payment; invoice, account or other financial statement; estimate of property damage; bill for services; diagnosis or prognosis; prescription; hospital, medical or dental chart or other record; x-ray, photograph, videotape or movie film; test result; other evidence of loss, injury or expense; computer-generated document; and data in any form.

(b) No person, with purpose to defraud or knowing that the person is facilitating a fraud, shall do either of the following:

(1) Present to, or cause to be presented to, an insurer any written or oral statement that is part of, or in support of, an application for insurance, a claim for payment pursuant to a policy, or a claim for any other benefit pursuant to a policy, knowing that the statement, or any part of the statement, is false or deceptive;

(2) Assist, aid, abet, solicit, procure or conspire with another to prepare or make any written or oral statement that is intended to be presented to an insurer as part of, or in support of, an application for insurance, a claim for payment pursuant to a policy, or a claim for any other benefit pursuant to a policy, knowing that the statement, or any part of the statement, is false or deceptive.

(c) Whoever violates this section is guilty of insurance fraud. Except as otherwise provided in this division, insurance fraud is a misdemeanor of the first degree. If the amount of the claim that is false or deceptive is $1,000.00 or more, insurance fraud is a felony to be prosecuted under appropriate state law.

(d) This section shall not be construed to abrogate, waive or modify R.C. § 2317.02(A).

State Law reference— R.C. § 2913.47

678.14 Concealed handgun licenses: possession of a revoked or suspended license; additional restrictions; posting of 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 division (a) is guilty of possessing a revoked or suspended concealed handgun license, a misdemeanor of the third degree.

(b) *Additional restrictions.* Pursuant to R.C. § 2923.126:

(1) A concealed handgun license that is issued under R.C. § 2923.125 shall expire five (5) years after the date of issuance. A licensee who has been issued a license under that section shall be granted a grace period of 30 days after the licensee's license expires during which the licensee's license remains valid. Except as provided in divisions (b)(2) and (b)(3) of this section, a licensee who has been issued a concealed handgun license under 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 45 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 R.C. § 2923.12(B) or in any manner prohibited under 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 R.C. § 5119.14(A) or 5123.03(A)(1);

B. A school safety zone if the licensee's carrying the concealed handgun is in violation of 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 R.C. § 2923.123;

D. Any premises or open air arena for which a D permit has been issued under R.C. Ch. 4303, if the licensee's carrying the concealed handgun is in violation of 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 division (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 division (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 division (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 R.C. Ch. 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 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.

4. A nonprofit corporation 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 nonprofit corporation, including any motor vehicle owned by the nonprofit corporation, or to any event organized by the nonprofit corporation, unless the nonprofit corporation acted with malicious purpose. A nonprofit corporation 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 nonprofit corporation's decision to permit a licensee to bring a handgun onto the premises of the nonprofit corporation or to any event organized by the nonprofit corporation.

C. 1. a. Except as provided in division (b)(3)C.2. of this section and 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 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 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 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 division (b)(3)C. of this section:

Residential premises has the same meaning as in R.C. § 5321.01, except "residential premises" does not include a dwelling unit that is owned or operated by a college or university.

Landlord, tenant, and *rental agreement* have the same meanings as in 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 R.C. § 109.69 or a person who holds a valid concealed handgun license under the circumstances described in

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 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 R.C. § 2923.125, provided that the officer when carrying a concealed handgun under authority of this division 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 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 R.C. § 2923.125 and is subject to the same restrictions as specified in this division (b).

C. A tactical medical professional who is qualified to carry firearms while on duty under 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 R.C. § 2923.125.

D. A fire investigator who is qualified to carry firearms while on duty under R.C. § 109.774 has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125.

(6) A. A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (b)(6)B. of this section and a valid firearms requalification certification issued pursuant to division (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 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 division (b)(6)B. of this section and a valid firearms requalification certification issued pursuant to division (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 (1) 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 division (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 divisions (b)(6)B.1.a. to (b)(6)B.1.d. of this section. In addition to the required content specified in this division, a retired peace officer identification card issued to a person under division (b)(6)B.1. of this section may include the firearms requalification certification described in division (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 division (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 divisions (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 division (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 divisions (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 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 divisions (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 R.C. § 109.801, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of division (b)(6) of this section for five (5) 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 divisions (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 (5) years 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 division (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 R.C. § 109.801 may be required to pay the cost of the program.

(7) For the purpose of division (b) of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Governing body has the same meaning as in R.C. § 154.01.

Government facility of this state or a political subdivision of this state means any of the following:

A. 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;

B. The office of a Deputy Registrar serving pursuant to R.C. Ch. 4503 that is used to perform deputy registrar functions.

Nonprofit corporation means any private organization that is exempt from federal income taxation pursuant to subsection 501(a) and described in subsection 501(c) of the Internal Revenue Code.

Qualified retired peace officer means a person who satisfies all of the following:

A. The person satisfies the criteria set forth in divisions (b)(6)B.1.a. to (b)(6)B.1.d. of this section.

B. The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

C. The person is not prohibited by federal law from receiving firearms.

Retired peace officer identification card means an identification card that is issued pursuant to division (b)(6)B. of this section to a person who is a retired peace officer.

Tactical medical professional has the same meaning as in R.C. § 109.71.

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.

Fire investigator has the same meaning as R.C. § 109.71.

(c) *Posting of signs prohibiting possession.* Each person, board, or entity that owns or controls any place or premises identified in 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 (1) 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."

State Law reference— R.C. §§ 2923.1211(B), (C), 2923.1212, 2923.126

698.05 Multiple sentences.

(a) Except as provided in division (b) of this section, R.C. § 2929.14(C) or 2971.03(D) or (E), a prison term, jail term or sentence of imprisonment shall be served concurrently with any other prison term, jail term or sentence of imprisonment imposed by a court of this municipality, the state, another state or the United States. Except as provided in division (b)(2) of this section, a jail term or sentence of imprisonment for misdemeanor shall be served concurrently with a prison term or sentence of imprisonment for felony served in a state or federal correctional institution.

(b) (1) A jail term or sentence of imprisonment for a misdemeanor shall be served consecutively to any other prison term, jail term or sentence of imprisonment when the trial court specifies that it is to be served consecutively or when it is imposed for a misdemeanor violation of R.C. § 2907.322,

2921.34 or 2923.131. When consecutive sentences are imposed for misdemeanors under this division, the term to be served is the aggregate of the consecutive terms imposed, except that the aggregate term to be served shall not exceed 18 months.

(2) A jail term or sentence of imprisonment imposed for a misdemeanor violation of R.C. § 4510.14, 4510.16, 4510.21 or 4511.19, or a substantially equivalent municipal ordinance, shall be served consecutively to a prison term that is imposed for a felony violation of R.C. § 2903.06, ~~2903.07,~~ 2903.08 or 4511.19 or a felony violation of R.C. § 2903.04 involving the operation of a ~~motor~~ vehicle by the offender and that is served in a state correctional institution when the trial court specifies that it is to be served consecutively. When consecutive jail terms or sentences of imprisonment and prison terms are imposed for one (1) or more misdemeanors and one (1) or more felonies under this division, the term to be served is the aggregate of the consecutive terms imposed, and the offender shall serve all terms imposed for a felony before serving any term imposed for a misdemeanor.

State Law reference— R.C. § 2929.41

0128887.0615708 4894-1817-6496v1

ORDINANCE 28-2024

AN ORDINANCE ADOPTING CHAPTER 648.12 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MINERVA PARK AS A GENERAL NOISE CODE INTENDED TO PROTECT THE PUBLIC SAFETY AND WELFARE

WHEREAS, the Village of Minerva Park has a reputation as a peaceful residential community; and

WHEREAS, the Village is responsible for maintaining the peace and ensuring a high quality of life; and

WHEREAS, the Village has received multiple complaints regarding noise disturbances caused by parties in the Village; and

WHEREAS, the Village is without a general noise ordinance; and

WHEREAS, the Village desires to enact such an ordinance to ensure ongoing peace and tranquility for all residents of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, COUNTY OF FRANKLIN, STATE OF OHIO:

Section 1. Chapter 648.12 is adopted as depicted in the attached **Exhibit A** which is attached hereto and incorporated herein.

Section 2. That it is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code

Section 3. That this ordinance shall be in full force and effect from the earliest period allowed by law.

First Reading: October 24, 2024
Second Reading: November 14, 2024
Third Reading: November 21, 2024
Passed: November 21, 2024

_____
Tiffany Southard, Mayor

ATTESTS

_____
Jeffrey Wilcheck, Fiscal Officer

APPROVED AS TO FORM

_____
Jesse Shamp, Solicitor

Exhibit A (ORD 28-2024)

648.12 – Noise Control.

(a) No person shall [INSERT MENTAL CULPABILITY] cause, create, allow or permit to be made within the Village any unreasonably loud noise of such character, intensity, or duration as to disturb the peace, quiet, and comfort of a reasonable person of normal sensitivity residing in the Village.

(b) Noise is unreasonably loud if:

1. the noise is plainly audible at a residential receiving property, or part thereof, greater than 50 feet away from the property line of the noise source; or

2. the noise exceeds 85 dB at any point outside the property plane.

(c) The following noises and disturbances are a violation of this section, provided, however, that such noises and disturbances are not to be construed to exclude other violations not specifically enumerated:

(1) Amplified Sound. The use or operation of any machine or device playing amplified sound, live music, recorded music, or other noise when two criteria are present:

(A) The noise is unreasonably loud as defined in Section 648.12(b)(1) or (b)(2); and

(B) The noise is taking place between the hours of 10:00 PM and 8:00 AM from Sunday evening through Friday morning, or between the hours of 11:00 PM and 8:00 AM from Friday evening to Sunday morning.

(2) Vehicle Horns. The sounding of any horn, bell, or other signal or warning device on any motor vehicle, motorcycle, bus or other vehicle except as a danger or warning signal.

(3) Vocal Noise. Shouting, yelling, chanting, or otherwise making use of the human voice or vocal cords in a louder than normal conversational tone or pitch when two criteria are present:

(A) The noise is unreasonably loud as defined in Section 648.12(b)(1) or (b)(2); and

(B) The noise is taking place between the hours of 10:00 PM and 8:00 AM from Sunday evening through Friday morning, or between the hours of 11:00 PM and 8:00 AM from Friday evening to Sunday morning.

(d) Exceptions. This section shall not apply to:

(1) Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.

(2) Noise of safety signals and warning devices.

(3) Noises from lawfully scheduled sporting events, parades, fireworks, festivals and concerts.

(4) Noises resulting from band concerts or other public entertainments or announcements given consistent with a permit issued by the Mayor or his/her designee.

(5) Shouting, yelling, chanting, or otherwise making use of the human voice in an emergency situation.

(e) Penalties.

(1) A first violation of this section shall be an administrative offense requiring a fine of $100.00. Any person cited with a first offense of this section who does not pay the required administrative fine within 30 days shall receive a minor misdemeanor citation into court, providing notice and an opportunity to be heard, which shall serve as an appeals process.

(2) A second offense within six months of the first offense shall be a minor misdemeanor and any offender who persists in such violation after reasonable warning or request to desist by a member of the Minerva Park Police Department shall be guilty of a misdemeanor of the fourth degree.

(3) Any subsequent offense within six months of the second offense shall be punishable as a misdemeanor of the fourth degree.

0128887.0615708 4859-6357-7584v1

ORDINANCE 29-2024

AN ORDINANCE ADOPTING AN OFFICIAL CANINE UNIT POLICY AND INCLUDING THE POLICY IN THE POLICE DEPARTMENT GENERAL MANUAL (POLICIES AND PROCEDURES)

WHEREAS, the Village of Minerva Park desires to adopt an official Canine Unit Policy and to incorporate said policy into the Police Department General Manual; and

WHEREAS, the existing General Manual does not reflect the current practices, policies and procedures followed by the Police Department for a Canine Unit; and

WHEREAS, the Village Solicitor has reviewed and approved the draft Canine Unit Policy.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, FRANKLIN COUNTY, OHIO THAT:

Section 1. The Village of Minerva Park hereby adopts the attached Canine Unit Policy, labeled as Exhibit A

Section 2. The attached Exhibit A is hereby incorporated and made a part of this Ordinance as if fully set out herein.

Section 3. This Ordinance shall be in full force and effect at the earliest date permitted by law.

Section 4. That it is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code

First Reading: November 14, 2024
Second Reading: November 21, 2024
Third Reading: December 12, 2024

_____
Tiffany Southard, Mayor

ATTESTS:

_____
Jeffrey Wilcheck, Fiscal Officer

APPROVED AS TO FORM:

_____
Jesse Shamp, Village Solicitor

ORDINANCE 30-2024

AN ORDINANCE ESTABLISHING HEALTH CARE BENEFITS FOR EMPLOYEES AND THE MAYOR AND AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO CONTRACTS FOR MAJOR MEDICAL AND OTHER INSURANCES FOR VILLAGE EMPLOYEES AND DECLARING AN EMERGENCY

WHEREAS, the Village of Minerva Park ("Village") is committed to providing a fringe benefit package to its' employees and Mayor; and,

WHEREAS, the fringe benefit package shall include life and accidental death and dismemberment, dental, vision, short-term disability, and major medical insurance; and,

WHEREAS, other fringe benefits may be made available to all employees, which cost shall be paid by payroll deduction from the employee; and,

WHEREAS, rates for January 1, 2025, renewal of policies were recently received and include a five percent increase for major medical, 13.5 percent for dental, and approximately $25 for life and short-term disability.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO, THAT:

Section 1. Employees of the Village shall be eligible for life and accidental death and dismemberment, dental, vision, short term disability, and major medical insurance coverage as provided by the Village from time to time upon such terms, conditions and requirements as defined herein. All insurance plans shall begin coverage the first of the month following the start of employment and shall continue through the end of the month of separation. Major medical may, with the approval of the mayor, start on the first day of employment if extenuating circumstances exist.

Section 2. Employees whose spouse has health care benefits available from their employer shall take the coverage available. Employees, who are eligible for family coverage and have a spouse also employed by the Village and eligible for family coverage, may only elect coverage under one of the spouse's family coverage options. Said spouses may not hold two separate, single coverage plans.

Section 3. The major medical insurance program shall be provided through a high deductible health care plan, which deductibles shall be within the limits set by the Internal Revenue Service as adjusted annually for individual and family plans.

Section 4. The Village provides an Employee Salary Redirection Plan commonly referred to as a Section 125 Plan allowing employees to use pre-tax dollars to contribute to their Health Savings Account (HAS) and purchase other eligible insurance plans.

Section 5. The Village will contribute to a HSA to assist with the deductibles under the various insurance plans. The annual contribution to an employee's HSA is as follows:

		Single	Family
Village Contribution	Full-Time Employees	$2,300	$4,600
Village Contribution	Part-Time Employees	1,150	---

ORDINANCE 30-2024

(Continued)

Section 6. The Village's HSA contribution shall be deposited within ten (10) business days of dates after the start of a new year and on the dates identified below and, in the amounts, listed below:

		Full-Time Employees		Part-Time Employees
Payments Due	Percentage of Contribution	Single	Family	Single
January 1	50%	$1,150	$2,300	$575
April 1	30%	690	1,380	345
July 1	20%	460	920	230

Section 7. The Mayor, upon a written request identifying a significant hardship, may waive all or part of the timing of the employer deposit of the HSA contribution made by the Village.

Section 8. For employees hired after March 31, the HSA contributions shall be pro-rated based upon the number of full months employed by the Village in their initial year.

The Village recognizes that under Internal Revenue Service regulations, eligible expenses of an HSA account are not limited to the major medical deductibles under the Village's major medical plan. The employee is solely responsible for the HSA and how funds are used.

Section 9. Full-time employees who elect to waive any of the Village health insurance must provide proof of coverage from the alternate provider within 30 days of employment or qualifying event. Full-time employees eligible to waive health care coverage shall be compensated $3,000, per year, payable bi-weekly with the payroll. Eligible means covered under another group policy and not a policy under the Affordable Care Act or its related exchanges.

Section 10. Full-time employees will be required to contribute and pay $40 per month for single and $55 for family coverage towards the medical insurance.

Part-time hourly employees who regularly work 20 or more hours per week or part-time salaried positions are eligible for major medical insurance and will be required to contribute and pay 50 percent of the premium amount per month.

Section 11. Part time employees will be eligible for major medical coverage as described above after 90 days of employment; employees must average at least 20 hours per week. The lookback period is a moving year average.

Section 12. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Section 13. The Mayor and Fiscal Officer are authorized to enter into a contracts for major medical insurance with Anther Blue Cross Blue Sheild, The Standard for life and short term disability, Delta Dental, Vision Service Plan.

Section 14. All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

ORDINANCE 30-2024

(Continued)

Section 15. That this Ordinance is hereby declared to be an emergency measure, necessary for the preservation of the public health, safety, and welfare and specifically for the purpose of obtaining health care for the Village employees. Therefore, this resolution shall take effect and be in force from and after its passage.

_____
Tiffany Southard, Mayor

First Reading: November 14, 2024
Second Reading: November 21, 2024:
Third Reading: December 12, 2024
Passed: December 12, 2024

ATTEST

_____
Jeffrey Wilcheck, Fiscal Officer

APPROVED AS TO FORM

_____
Jesse Shamp, Solicitor

ORDINANCE 31-2024

AN ORDINANCE APPROVING STREET IMPROVEMENT FUND AND EQUIPMENT REPLACEMENT AND DECLARING AN EMERGENCY

WHEREAS, Section 5705.13(C), Revised Code, allows a taxing authority of a subdivision, by ordinance, to establish a capital projects fund for the purpose of accumulating resources for the acquisition, construction, or improvement of fixed assets of the subdivision; and,

WHEREAS, Section 5705.09(F), Revised Code, allows for a special fund for each class of revenues derived from a source other than the general property tax, which the law requires to be used for a particular purpose.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF MINERVA PARK, FRANKLIN COUNTY, STATE OF OHIO

Section 1. The Fiscal Officer shall create a Street Improvement Fund to accumulate resources committed to the payment street improvements. The fund may receive transfers from the General Fund or other funds that may become available from time to time for a period of ten years.

Section 2. The Fiscal Officer shall create an Equipment Replacement Fund to accumulate resources from an allocation of income tax restricted to the purchase of fixed assets.

Section 3. If the Village has not entered into contracts for the acquisition, construction, or improvement of fixed assets for which money was accumulated in such the fund in Section 1 above before the end of the ten-year period, the fiscal officer of the subdivision shall transfer all money in the fund to the fund or funds from which that money originally was transferred or the fund that originally was intended to receive the money.

Section 4. The Village Council, by ordinance, may rescind the capital projects fund in Section 1 above and the money that has accumulated in the fund shall be transferred to the fund or funds from which the money originally was transferred.

Section 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Section 6. This Ordinance is hereby declared to be an emergency measure, to be effective immediately upon passage, such emergency being necessary for the preservation of the public health, safety, and welfare of the Village and its inhabitants, to wit: to have the funds in place to receive the resources to be transferred and or allocated in 2024 and beyond.

First Reading: November 14, 2024
Second Reading: November 21, 2024
Third Reading: December 12, 2024

_____
Tiffany Southard, Mayor

ATTEST

_____
Jeffrey Wilcheck, Fiscal Officer

APPROVED AS TO FORM

_____
Jesse Shamp, Solicitor

ORDINANCE 32-2024

AN ORDINANCE UPDATING THE WAGE AND SALARY RANGES, THE NUMBER OF EMPLOYEES AND POSITIONS FOR THE VILLAGE OF MINERVA PARK AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Section 731.10, Revised Code, the legislative authority may provide such employees for the Village as it determines are needed; and,

WHEREAS, pursuant to Section 731.13, Revised Code, the legislative authority of a Village shall fix the compensation of all officers, clerks, and employees of the Village except as otherwise provided by law; and,

WHEREAS, as part of the budget for 2025, the authorized positions and compensation rates need adjusted.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO, THAT:

Section 1. The number of hourly and salary full-time employees, positions, and related pay ranges for the Police Department shall be as follows:

Positions	1	2	3	4	5	6
Patrol Officers						
Hourly Rates	$31.33	$33.21	$35.20	$37.31	$39.55	$41.92
Annual Compensation	65,166.40	69,076.38	73,220.97	77,604.80	82,261.09	87,196.75
School Resource Officer						
Hourly Rates	---	---	---	37.31	39.55	41.92
Annual Compensation				77,604.80	82,261.09	87,196.75

	Authorized		Hourly Rates		Annual Compensation	
Positions	Number	Status	Low	High	Low	High
Sergeant	2	Hourly	---	$44.44	---	$92,428.56
Lieutenant	1	Hourly	---	47.10	---	97,974.27
Chief	1	Salary	---	51.81	---	107,771.70

The Police Department is authorized to have 10 full-time and 2 part-time positions, allocated between position levels at the discretion of the Chief of Police. The Sergeant's compensation is six percent above the patrol officer's step six. The Lieutenant's compensation range is six percent about that of a sergeant. The Chief's compensation range is ten percent above that of the lieutenant. Patrol officers in probation shall be compensated $.75 less than the hourly rate of starting pay.

Police officers working the second and third shifts shall receive a shift differential of $1 per hour.

ORDINANCE 32-2024

(Continued)

Section 2. The number of hourly full-time, part-time, and seasonal employees, positions, and related pay ranges within all other departments shall be as follows:

Positions/Job Title	Authorized Number	Status	Hourly Rates Low	Hourly Rates High	Annual Compensation ** Low	Annual Compensation ** High
Maintenance Department						
Maintenance Worker 2	1	Part-Time	20.00	22.00	20,800	22,880
Maintenance Worker 1	1	Part-Time	18.00	20.00	18,720	20,800
Laborer	3	Seasonal	12.00	18.00	5,760	8,640

Positions/JobTitle	Authorized Number	Status	Hourly Rates Low	Hourly Rates High	Annual Compensation ** Low	Annual Compensation ** High
Swimming Pool						
Office Staff	2	Seasonal	12.00	15.00	5,760	7,200
Assistant Pool Manager	1	Seasonal	20.50	23.00	9,840	11,040
Concession Worker	5	Seasonal	11.00	14.00	5,280	6,720
Lifeguard 1, (0-1 Years Expenience)		Seasonal	12.00	14.50	5,760	6,960
Lifeguard 2, (2-3 Years Experience)		Seasonal	15.00	17.00	7,200	8,160
Lifeguard 3, 4+ Year Experience)		Seasonal	17.50	20.00	8,400	9,600
Laborer	2	Seasonal	12.00	18.00	5,760	8,640
Mayor/Administration						
Administration Assistant	1	Full-Time	15.50	22.75	32,240	47,320
Administration Assistant	1	Part-Time	15.50	22.75	16,120	23,663

** Annual Compensation is presented for information only and is calculated based on 2080 hours for full-time employees, 1040 hours for part-time employees and 480 hours for seasonal employees.

Section 3. The salaried positions and related pay ranges shall be as follows:

Position	Authorized Number	Status	Annual Compensation * Low	Annual Compensation * High
Pool Manager	1	Seasonal	12,000	15,000
Fiscal Officer	1	Part-Time	46,300	58,700
Assistant Fiscal Officer/ Police Clerk/Clerk of Court	1	Full-Time	61,800	87,500
Village Administrator	1	Full-Time	70,000	80,000
Villager Planner	1	Part-Time	30,000	42,000

Annual Compensation is presented for information only and is calculated based on 2080 hours for full-time employees and 1040 hours for part-time employees. Part-time salaried employees are assumed to work at least 20 hours per week unless otherwise state.

Section 4. The Mayor has the authority to offer a candidate a pay rate for an existing position within the applicable range based upon Village finances, an employee's level of education, certification/licensure, knowledge, skills and abilities, variety and scope of responsibilities, physical and mental demands and other attributes the Mayor considers necessary for the position.

ORDINANCE 32-2024

(Continued)

Section 5. Compensation changes for a job title or position changes are available based on performance and attendance, at the discretion of the Mayor and must stay within the hourly rates and/or annual compensation as outlined in this ordinance.

Section 6. Merit increases of up to three percent may be awarded to non-uniformed exempt and non-exempt full-time and part-time employees at the discretion of the Mayor and must stay within the hourly rates and/or annual compensation ranges as outlined in this ordinance. An annual evaluation to accompany the merit increase is preferred. Seasonal employees may receive a merit increase upon returning to work for another new season.

Section 7. In the absence of the Chief of Police, the Lieutenant may serve as the Acting Chief. In the absence of the Lieutenant, the ranking Sergeant may serve as the Acting Lieutenant. Acting officers shall be filled only by successive ranks. An officer assigned the responsibilities of Acting Chief or Acting Lieutenant must carry out the duties of the position or rank above that which he/she holds. Acting Chief or Acting Lieutenant shall be compensated at the higher of their base hourly rate plus three and a half percent or the bottom of the pay range for which the officer is assigned. Absence is defined as incapacitated or unavailable or unable, as determined by the Chief, or in the case of the Chief, the Mayor, to respond to critical incidents or otherwise make decisions on behalf of the Police department.

Section 8. The rates presented in this Ordinance are effective with the pay period beginning December 29, paid January 17, 2025.

Section 9. Council may, at its discretion annually, authorize a bonus payable with the first pay in December each year.

Section 10. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Section 11. All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

Section 12. This Ordinance is hereby declared to be an emergency measure, to be effective immediately upon passage, such emergency being necessary for the preservation of the public health, safety, and welfare of the Village and its inhabitants, to wit: to have salaries in place on January 1, 2025. Therefore, this Ordinance shall take effect and be in force from and immediately after its passage by the Council.

_____
Tiffany Southard, Mayor

First Reading: November 14, 2024
Second Reading November 21, 2024
Third Reading December 12, 2024
Passed: December 12, 2024

ATTEST

_____
Jeffrey Wilcheck, Fiscal Officer

APPROVED AS TO FORM

_____
Jesse Shamp, Solicitor

ORDINANCE 34-2024

AN ORDINANCE AUTHORIZING THE ALLOCATION OF INCOME TAX REVENUES FOR EQUIPMENT REPLACEMENT

WHEREAS, Section 880.03, of the Codified Ordinances of the Village of Minerva Park addresses the Allocation of Funds; and,

WHEREAS, Council wishes to allocate a portion of the income tax revenues for the purchase and replacement of fixed assets of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO, THAT;

Section 1. Section 880.03, of the Codified Ordinances of the Village of Minerva Park be amended to read as follows:

> The Fiscal Officer shall allocate three percent of the gross income tax receipts to the Equipment replacement fund beginning January 1, 2025.

Section 2. The allocation of income tax receipts shall be restricted the replacement of fixed assets of the Village, excluding the Village pool.

Section 3. Fixed Assets shall be defined as an item with a useful life of more than one year and a unit cost that exceed $1,000.

Section 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Section 5. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

_____
Tiffany Southard, Mayor

First Reading:	November 14, 2024
Second Reading	November 21, 2024
Third Reading	December 12, 2024
Passed:	December 12, 2024

_____
Jeffrey Wilcheck, Fiscal Officer

_____
Jesse Shamp, Solicitor

ORDINANCE 35-2024

AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENDITURES/EXPENSES OF THE VILLAGE OF MINERVA PARK FOR THE YEAR 2025

WHEREAS, it is necessary to provide the current expenses and expenditures of the Village for the year ending December 31, 2025; and

WHEREAS, the appropriations herein are to be effective from January 1, 2025 through December 31, 2025.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO THAT:

Section 1. The Annual Appropriations of all funds for the current expenses and expenditures of the Village for the year ending December 31, 2025, which appropriations are attached hereto as Exhibit A and incorporated herein by reference, are hereby approved.

Section 2. The Fiscal Officer is hereby authorized to draw warrants/checks or effect electronic funds transfers on the Village Treasury for payment from any of the foregoing appropriations upon receiving proper certificates and invoices therefore, approved by the department head or an ordinance or resolution of the Council to make the expenditures. Warrants shall be drawn or electronic funds transfers effected for the payment of salaries or wages to persons employed by the Village and in accordance with law or ordinance.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council, and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements of the laws of the State of Ohio.

Section 4. The Fiscal Officer shall certify this ordinance to the Franklin County Budget Commission.

Section 5. This ordinance shall take effect at the earliest period allowed by law.

First Reading: November 14, 2024
Second Reading: November 21, 2024
Third Reading: December 12, 2024
Passed: December 12, 2014

_____
Tiffany Southard, Mayor

ATTEST

_____
Jeffrey Wilcheck, Fiscal Officer

APPROVED AS TO FORM

_____
Jesse Shamp, Solicitor

Village of Minerva Park, Ohio

2025 Annual Appropriations

General Fund

Security of Persons and Property	
Police Department (110)	
Personal Services	$900,900
Other Expenditures	583,300
Capital Outlay	80,000
Total Police Department	1,564,200
Fire Fighting, Prevention, and Inspection (120)	
Other Expenditures	257,000
Street Lighting (130)	
Other Expenditures	3,700
Civil Defense - Siren (140)	
Other Expenditures	3,400
Total Security of Persons and Property	1,828,300
Public Health and Welfare	
County Health District (210)	
Other Expenditures	16,000
Other Assistance to Needy (230)	
Other Expenditures	1,000
Other Public Health Services (290)	
Other Expenditures	6,000
Total Public Health and Welfare	23,000
Leisure Time Activities	
Provide and Maintain Parks (320)	
Other Expenditures	7,000
Swimming Pool (340)	
Personal Services	64,900
Other Expenditures	63,700
Total Swimming Pool	128,600
Concessions (350)	
Personal Services	9,800
Other Expenditures	15,500
Total Concessions	25,300
Other Leisure Time Activities	
Other Expenditures	9,000
Total Leisure Time Activities	169,900

Village of Minerva Park, Ohio

2025 Annual Appropriations

Community Environment	
Community Planning and Zoning (410)	
Personal Services	$36,000
Other Expenditures	40,000
Total Community Planning and Zoning	76,000
Other Community Environment (490)	
Other Expenditures	112,000
Total Community Environment	188,000
Transportation	
Other Expenditures	22,000
General Government	
Mayor's Office (710)	
Personal Services	67,300
Other Expenditures	55,200
Total Mayor's Office	122,500
Legislative (715)	
Personal Services	10,800
Other Expenditures	33,200
Total Legislative	44,000
Mayor's Court (720)	
Personal Services	41,500
Other Expenditures	67,100
Total Mayor's Court	108,600
Fiscal Officer/Finance (725)	
Personal Services	92,200
Other Expenditures	81,100
Total Fiscal Officer/Finance	173,300
Lands and Buildings (730)	
Personal Services	43,800
Other Expenditures	152,900
Total Lands and Buildings	196,700
Property Tax Collection Fees (740)	
Other Expenditures	9,500
Auditor of State Fees (745)	
Other Expenditures	13,000
Village Solicitor (750)	
Other Expenditures	96,900
Income Tax Administration (755)	
Other Expenditures	80,000
Other General Government (790)	
Other Expenditures	91,500
Total General Government	936,000

Village of Minerva Park, Ohio

2025 Annual Appropriations

Capital Outlay (800)	
Capital Outlay	$10,000
Other Financing Uses	
Transfers - Out	170,000
Total General Fund	**3,347,200**

Special Revenue Funds

Street Construction Maintenance and Repair Fund (2011)	
Transportation	
Street Construction and Reconstruction (610)	
Other Expenditures	45,000
Street Maintenance and Repair (620)	
Other Expenditures	62,000
Street Cleaning, Snow and Ice Removal (630)	
Other Expenditures	20,000
Capital Outlay	250,000
Debt Service	9,500
Street Construction Maintenance and Repair Fund	386,500
DUI Education Fund (2081)	
Security of Persons and Property	
Police Department (110)	
Other Expenditures	2,700
Law Enforcement Trust (2091)	
Security of Persons and Property	
Police Department (110)	
Other Expenditures	2,400
Permissive w/County Engineer (2101)	
Capital Outlay	
Capital Outlay	90,000
Police CPT Reimbursement (2271)	
Police Department (110)	
Personal Services	10,000
Other Expenditures	2,000
Total Police CPT Reimbursement	12,000

Village of Minerva Park, Ohio

2025 Annual Appropriations

MP TIF Tax Equivalent Fund (2901)	
General Government	
Property Tax Collection Fees (740)	
Other Expenditures	$187,000
Debt Service	
Debt Service	490,200
Other Financing Uses	
Advances - Out	75,000
Total MP TIF Tax Equivalent Fund	752,200
Mayor's Court Computer Fund "B" (2902)	
General Government	
Mayor's Court (720)	
Other Expenditures	4,900
K-9 Maintenance (2903)	
Security of Persons and Property	
Police Department (110)	
Other Expenditures	500
Mary Yost Plant Fund (2904)	
Community Environment	
Other Community Environment (490)	
Other Expenditures	10,000
Veterans Memorial (2905)	
General Government	
Other Expenditures	483
Storm Sewer Maintenance Fund (2907)	
Basic Utility Services	
Other Storm Sewer s and Drains (549)	
Other Expenditures	41,000
Other Expenditures	75,000
Storm Sewer Maintenance Fund	116,000
Mayor's Court Computer Fund "A" (2908)	
General Government	
Mayor's Court (720)	
Other Expenditures	4,700
Waterline Maintenance Fund (2909)	
Basic Utility Services	
Other Water (539)	
Other Expenditures	60,000

Village of Minerva Park, Ohio

2025 Annual Appropriations

Sewer Maintenance Fund (2910)	
Basic Utility Services	
Other Sanitary Sewers and Sewage (549)	
Other Expenditures	$75,000
PEP Safety Grant (2914)	
Capital Outlay	
Capital Outlay	
Capital Outlay	3,000
Total Special Revenue Funds	1,520,383

DEBT SERVICE FUNDS

Sewer Phase II Debt Service Fund (3901)	
Debt Service	
Debt Service	14,500
Sewer Phase III Debt Service Fund (3902)	
Debt Service	
Debt Service	10,100
Total Debt Service Funds	24,600

CAPITAL PROJECTS FUNDS

MP TIF Contruction Fund (4105)	
Capital Outlay	
Capital Outlay	1,500,000
Pool Improvement (4901)	
Capital Outlay	
Capital Outlay	100,000
Storm Sewer Improvement Fund (4902)	
Capital Outlay	
Capital Outlay	75,000
Equipment Replacement Fund	
Capital Outlay	
Capital Outlay	9,000
Total Capital Projects Funds	1,684,000
Total All Funds	**$6,576,183**

ORDINANCE 36-2024

AN ORDINANCE UPDATING THE EMPLOYEE HANDBOOK

WHEREAS, the Village of Minerva Park desires to update its personnel policies and procedures in the Employee Handbook; and

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO, THAT:

Section 1. That the Employee Handbook attached hereto as Exhibit "A" and incorporated herein by reference, setting forth personnel policies and procedures for employees of the Village of Minerva Park, is hereby adopted;

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Section 3. All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

Section 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Tiffany Southard, Mayor

First Reading: October 14, 2024
Second Reading: October 21, 2024
Third Reading: December 12, 2024
Passed: December 12, 2024

ATTEST

Jeffrey Wilcheck, Fiscal Officer

APPROVED AS TO FORM

Jesse Shamp, Solicitor

ORDINANCE 37-2024

AN ORDINANCE AUTHORIZING A ONE -TIME BONUS TO ALL VILLAGE EMPLOYEES IN RECOGNITION OF SERVICE

WHEREAS, the Council of the Village of Minerva Park wishes to recognize the efforts of the Village employees to keep Minerva Park a great place to live and play by authorizing an end of year bonus; and

WHEREAS, it is appropriate to recognize the continued dedicated service of the Village employees for 2025.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO, THAT;

Section 1. It is in the Village's best interest to recognize the continued efforts of its employees during the 2025 calendar year and to enhance retention for future years.

Section 2. The Mayor and Fiscal Officer are hereby authorized to grant all current full-time and part-time employees a one-time bonus based on years of service completed as of December 2025, as follows:

Years of Service	Full-time Amount	Part-time Amount
4 through 8 years	$850	$425
9 through 12 years	1,100	550
13 through 16 years	1,350	675
17 through 20 years	1,600	800
20 or more years	1,850	925

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Section 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

_____
Tiffany Southard, Mayor

First Reading: November 14, 2024
Second Reading November 21, 2024
Third Reading December 12, 2024
Passed: December 12, 2024

_____
Jeffrey Wilcheck, Fiscal Officer

_____
Jesse Shamp, Solicitor

RESOLUTION 2024-32

A RESOLUTION ESTABLISHING FEES FOR MEMBERSHIP FOR THE MINERVA PARK POOL FOR THE 2025 SUMMER SEASON

WHEREAS, the Village of Minerva Park operates the Minerva Park Pool, and

WHEREAS, rates for memberships and day passes must be set for the 2025 Summer Season.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO, THAT:

Section 1 The Membership fees for the 2025 Season at the Minerva Park Pool are shown in Exhibit A.

Section 2 Early Bird/Renewal discount
$25 discount for residents only between January 1 & March 31
$25 discount for any member who renews before March 31
ONLY ONE DISCOUNT PER MEMBERSHIP

Section 3 Resident rates shall apply to those who are employed within the Village of Minerva Park; proof of Employment within the Village shall be required (for example-recent pay stub, copy of employee ID, etc.)

Section 4 The fee for "babysitter/caregiver shall be $70

Section 5 The Mayor is hereby authorized to set fees for special events so long as such fees are charged Based on the costs reasonably incurred by the Village for hosting such events.

Section 6 Birthday Party (during pool hours): $115 for 2 hours (includes 2 adult/10 child admissions, 10 ice cream and 10 waters, tablecloth & extras TBD)

Section 7 Fees: payments made by credit card may be subject to a convenience fee as charged by the credit card service company

Section 8 It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio

Section 9 All prior legislation, or any parts thereof, which is/are inconsistent with this Resolution is/are hereby repealed as to the inconsistent parts. Thereof.

First Reading: November 14, 2024
Second Reading: November 21, 2024
Third Reading: December 12, 2024
Passed: December 12, 2024

Tiffany Southard, Mayor

ATTEST

Jeffrey Wilcheck, Fiscal Officer

APPROVED AS TO FORM

Jesse Shamp, Solicitor

Classic		
# MEMBERS	RESIDENT	NON-RESIDENT
1	$ 130.00	$ 160.00
2	$ 190.00	$ 235.00
3	$ 250.00	$ 295.00
4	$ 275.00	$ 325.00
5	$ 300.00	$ 350.00
6	$ 320.00	$ 375.00
7	$ 340.00	$ 400.00
8	$ 360.00	$ 425.00
9	$ 380.00	$ 450.00

Weekend/Evening		
# MEMBERS	RESIDENT	NON-RESIDENT
1	$ 100.00	$ 130.00
2	$ 160.00	$ 205.00
3	$ 220.00	$ 265.00
4	$ 245.00	$ 295.00
5	$ 270.00	$ 320.00
6	$ 290.00	$ 345.00
7	$ 310.00	$ 370.00
8	$ 330.00	$ 395.00
9	$ 350.00	$ 420.00

Premium (limited availability)	
# MEMBERS	RESIDENT ONLY
1	$ 300.00
2	$ 365.00
3	$ 425.00
4	$ 450.00
5	$ 470.00
6	$ 490.00

Day Passes		
	Resident	Non-Resident
Age 3 and Up	$12	$15.00
Holiday (5/26, 6/19, 7/4, 9/1)	$15	$20
	MEMBER/RESIDENT	NON-MEMBER/NON-RESIDENT
10 Pack	$100	$130
SENIOR (65+) MEMBERSHIP		
	SINGLE	COUPLE
	$100.00	$150.00

RESOLUTION 2024-33

A RESOLUTION AUTHORIZING THE TRANSFERS OF FUNDS AND DECLARING AN EMERGENCY

WHEREAS, Section 5705.14, Revised Code, allows for the transfer of funds from the General Fund to any other fund; and,

WHEREAS, the Council of the Village of Minerva Park desires to set aside funds for pool, street, and storm sewer improvement projects and for the future payment of compensated absences; and,

WHEREAS, the Annual Appropriations Ordinance No. 2023-21 and supplemental appropriation Ordinance 2024-XX appropriated funds to be transferred to the Pool, Street, and Storm Sewer Improvement Funds and the compensated absences fund.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO THAT:

Section 1. Council finds, determines and declares that it is necessary from the General Fund $200,000 to the Pool Improvement Fund, $100,000 to the Storm Sewer Improvement Fund, $200,000 to the Street Improvement Fund and $25,000 to the Compensated Absences.

Section .2 The Fiscal Officer is authorized to transfer the funds upon passage of this resolution.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council, and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements of the laws of the State of Ohio.

Section 4. This Resolution is hereby declared to be an emergency measure, to be effective immediately upon passage, such emergency being necessary for the preservation of the public health, safety, and welfare of the Village and its inhabitants, to wit: to transfer the funds before the expiration of the appropriations provided in Ordinances 2023-21 and 2024-XX. Therefore, this Ordinance shall take effect and be in force from and immediately after its passage by the Council.

First Reading: November 14, 2024
Second Reading: November 21, 2024
Third Reading: December 12, 2024
Passed:

_____
Tiffany Southard, Mayor

ATTEST

_____
Jeffrey Wilcheck, Fiscal Officer

APPROVED AS TO FORM

_____
Jesse Shamp, Solicitor

Resolution 2024-35

A RESOLUTION ADOPTING THE RULES OF COUNCIL FOR THE COUNCIL OF THE VILLAGE OF MINERVA PARK FOR 2025

WHEREAS, the Council of Minerva Park meets to consider matters of the Village; and

WHEREAS, it is necessary for the Council of Minerva Park to adopt the Rules of Council each year to help govern the proceedings of Council;

NOW, THEREFORE, be it resolved by the Council of the Village of Minerva Park, Franklin County, State of Ohio, that:

Section 1. The Council of Village of Minerva Park hereby adopts the rules to govern the meetings and proceedings of the Council of the Village of Minerva Park for the calendar year 2025.

Section 2. The Rules of Council 2025 for the Village of Minerva Park, attached as Exhibit A, are made a part hereof as if fully rewritten herein.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Section 4. All prior legislation, or any parts thereof, which is/are inconsistent with this Resolution is/are hereby repealed as to the inconsistent parts thereof.

First Reading:	Novermber 14, 2024
Second Reading:	November 21, 2024
Third Reading:	December 12, 2024
Passed:	December 12, 2024

Tiffany Southard, Mayor

ATTEST

Jeffrey Wilcheck, Fiscal Officer

APPROVED AS TO FORM

Jesse Shamp, Solicitor

2025 Council Calendar

WORK SESSION

COMMITTEE/COUNCIL

January

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

March

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

April

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

May

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

June

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

July

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

August

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

September

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

October

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

November

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

December

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

RES 2024-35 EX. A
Revised 11/2024

Rules of Council
Rules of Conduct 2024

Village of Minerva Park
Minerva Park, Ohio

2829 Minerva Lake Road
Columbus, Ohio 43231
614-882-5743

Contents

Filling Vacancies on Council 4
Process for Voting on Candidates to Fill Vacancy(s): 4
Excusal from Attendance at Regular Council Meetings and Absence without Valid Excuse 5
Repeated Absence from Attendance 5
Excusal During Meeting 6
Regular Meetings 6
Limitation of Debate 8
Voting 8
Division of a question or motion 9
Demand for Roll Call 9
Order of Business 9
Citizen Interaction During Council Meetings 10
Motions 11
Order of Precedence 11
Motion to Adjourn 11
Motion to Lay on the Table 11
Previous Questions or Motion 11
Motion to Postpone to a Certain Time 11
Motion to Refer 12
Motion to Amend 12
Motion to Postpone Indefinitely 12
Motion to Suspend Rules and Votes Required 12
Motion to Reconsider 13
Ordinances and Resolutions 13
Executive Session - Explanation and Rules of Engagement 13
An Executive Session can be held for the sole purpose of the consideration of any of the following matters: 14
Committees-Appointment of Standing Committees 14

Committee Chairperson Responsibilities ..... **Error! Bookmark not defined.**
Committee Meeting Notification and Posting 15
Sub-Committee Rules and Responsibilities 16
EXHIBIT A 17

VILLAGE OF MINERVA PARK
Rules of Council

Filling Vacancies on Council

When a vacancy arises on council either through a council member vacating an unexpired term or because no one ran to fill a 4-year term, there will be a call for citizens to indicate their interest in filling the unexpired or vacant term. Such a call will be made through announcements in the Village Email Update, the Village Newsletter, communications from council members/others knowing of the vacancy, and announcements placed at appropriate places in the village including—posting on Facebook, Instagram, and posting on the Village Website. Such announcements will include the date by which citizens should indicate their interest.

The deadline for council to fill the vacancy is thirty days from the date the resignation becomes effective, either by an acceptance vote of council or by the future effective date provided by the resignation letter. If the vacancy arises because no one ran to fill a 4-year term, the vacancy is effective on January 1st of the beginning of the unfilled term. If council is unable to select a replacement 30 days from the date the vacancy became effective, the mayor may fill it by appointment.

To indicate interest, a citizen must submit a resume and letter of intent to the mayor or any of the council members. Once the mayor or council member receives the resume and letter, he/she will immediately see that all members of council receive copies. If no regular meeting is scheduled, a special meeting will be scheduled as soon as possible after the deadline in order for the interested citizens to appear in person before the mayor and council to both ask and answer questions.

Every effort should be made to have <u>all</u> council members present to interview and select a new member. At least four members of council must be present in order to call a regular or special meeting to interview, select and vote to fill a vacancy.
Filling the vacancy will be the first order of business on the agenda.

Process for Voting on Candidates to Fill Vacancy(s):

1. **In the event of one or two vacancies on the Village Council, the following procedure shall be followed:**

    a. **A motion and a second shall be taken and a subsequent vote shall be made to fill one vacancy at a time.**

    b. **Once the first vacancy is filled, the second vacancy shall be filled through the same procedure.**

    c. **At least four members of Council must be present during such votes and at least 3 votes must be cast in favor of any nominated candidate in order for the candidate to fill the vacancy.**

2. **In the event of three vacancies on Village Council, a meeting may be called with all remaining members of the Village Council for the sole purpose of nominating and appointing new members.**

3. **In the event of four or more vacancies, the Mayor shall appoint a council member and administer the oath of office until there are at least 3 members of Council such that the above noted procedures can be followed.**

Unless otherwise decided by the mayor and council, the person filling the vacancy will serve on all the committees as the person being replaced until the end of the year. However, if the person being replaced was chair of the committee, the mayor and council may appoint one of the existing committee members to serve as chair for the remainder of the year.

Excusal from Attendance at Regular Council Meetings and Absence without Valid Excuse

A council member shall be excused from attendance at a regular or special meeting of council upon notification to the mayor prior to such meeting. If the council member does not notify the mayor of the anticipated absence and asks to be excused, the absence shall be noted as an absence without a valid excuse. Pursuant to Ohio Revised Code Section 705.13, unless waived by two thirds vote of all members, each unexcused absence from a regular meeting will result in a salary reduction equaling two percent of the annual salary. The vote will be taken immediately after Roll Call is completed.

Repeated Absence from Attendance

Council may declare a councilperson's seat vacant for absence when such absence has been continuous for two months. Said hearing for said expulsion shall be pursuant to Ohio Revised Code Section 731.45 and pursuant to other Ohio Revised Code sections pertaining to the conduct of council meetings.

Commented [JC1]: Made this change after our discussion during the 2/8 meeting

Excusal During Meeting

No member shall be excused while council is in session except upon permission of the chair.

Meetings

Regular Meetings

Regular meetings of council shall be held at the Community Building at 7:00 p.m. on the second and fourth (when possible) Thursday of each month (January through December). See last page: Annual calendar. Council may, by majority vote, change the day and hour of holding any regular meetings with proper notification, or adjourn the same to a day and hour determined by a like vote of the members present if constituting a quorum.

Special Meetings

Council shall hold special meetings as may be found necessary to discuss specific issues. Such meetings will be posted by the Village Staff upon the written or verbal request of the mayor or upon the written or verbal request of three council members. Requests made by email sent to all council members and the Fiscal Officer are considered valid written requests for special meetings.

Work/Study Sessions

Regular Work/Study Sessions of Council shall be held at the Community Building at 7:00 pm on the Thursday before the first council meeting of each month (January through December). Additional Work Sessions may also be scheduled as needed, as determined by the mayor and council, including before or after regular or special sessions of the council. Meetings are held at the Community Building or other public place within the corporate limits of the Village of Minerva Park

All council members should be notified of work/study sessions by email or phone at least 24 hours in advance. All meetings shall be open to the general public and notification shall be made in accordance with the section "Postings of Regular, Special, and Work/Study Session Meetings" of these rules and in compliance with the Ohio Revised Code.

There shall be no discussion or participation in deliberations of council by the public in its work/ study sessions. However, specific residents or other individuals may be deliberately invited to participate in a work/study session when the topic of the work/study session directly relates to that citizen or individual. No resolution, regulation, rule, ordinance, or formal action of any kind shall be adopted at a work/study session.

Occasionally, Council may schedule an informal meeting where residents are invited to talk on any topic related to the Village.

Postings of Regular, Special, and Work/Study Session Meetings

Commented [JC2]: What about committee meetings?

Special meetings and Work Session announcements must be placed in the following locations at least 24 hours before the scheduled meeting. The ORC calls for 5 different places. Currently, the Administration places them as follows:

1. On the electronic sign in front of 2829 Minerva Lake Rd.
2. On the sandwich board in front of the Municipal Building
3. Message board near the pond on Black Sycamore
4. Message board near the intersection of Briar Rose and Lakewood
5. In or on the board at the playground area on Maplewood Road
6. On the village website
7. In or on the board at the pool (from Memorial Day through Labor Day only)
8. In addition: The Columbus Dispatch can also be notified by emailing legaladvertising@dispatch.com or calling 614-461-8759.

Should the Fiscal Officer be unavailable, the Mayor's Administrative Assistant, the President of Council or any council member can also post the announcements.

Notification to Members and Topics at Special Meeting

Any such vote or request for the calling of a special meeting shall state the subject or subjects to be considered at the special meeting. Twenty-four (24) hours' notice of such special meeting, if called by the mayor or by three members of council, shall be given to each member of council and to the mayor by email or phone. Council members are encouraged to state their preferred means of notification to the Mayor and Fiscal Officer. It should be noted that Ohio Revised Code 731.46 states that notice if given "upon at least twelve hours' notice to each member, served personally or left at his usual place of residence". It is our intention to give 24 hours' notice to allow all council members time to prepare for the meeting.

Calling the Meeting to Order, Roll Call, Quorum

The mayor, or in his/her absence, the president pro tempore of council, shall take the chair at the hour appointed for council to meet, and immediately shall call the council to order. The roll shall then be called by the mayor or the president of council in the absence of the mayor, who shall enter in the minutes of each meeting the names of members present thereat. A quorum must be present to hold the meeting. A quorum is defined as the majority of all members of council. Minerva Park has six council seats; a quorum is four or more members. In the absence of a quorum at the time appointed for a meeting, the members present may, by a majority vote of those present, take a recess or recesses and procure the attendance of an absent member. If a quorum cannot be formed, the meeting shall not be held. However, a special meeting to be held in the future could then be called according to the council rule concerning special meetings above.

Temporary Chair

In case of the absence of the mayor and the president pro tempore of council, a designee of the mayor shall call the meeting to order. The designee shall call the roll, and if a quorum is found to be present, the council shall proceed to elect by a majority vote a temporary chairperson of the meeting until the appearance of the mayor or president pro tempore of council.

Appeals from Decisions of the Chair

The mayor or president pro tempore of council shall preserve decorum and decide all questions of order, subject to appeal to council. If any member transgresses the rules of council, the chair shall, or any member may, call him/her to order and in the latter instance the chair shall render a decision as to the point of order. In case of an appeal from a ruling of the chair, the question shall be "Shall the decision of the chair stand as the decision of council?" The chair shall be sustained unless overruled by a majority vote of the members of council present.

Chairs Power to Vote

The mayor shall have no vote except in the event of a tie vote of members of council present, in which case the mayor shall have the power to vote and his/her vote shall have the same legal effect as a vote of a member of council. However, any member of council who is serving as chairman shall have the same power to vote as other members.

Rules of Conduct During Council Meetings

Members of council agree to abide by the Rules of Conduct as described in Resolution 2018-28. Council Members mutually agree to self-monitoring of their conduct.

Limitation of Debate

Each member of council shall confine him/herself to a maximum of ten (10) minutes of time on a single topic.

Voting

When a question or motion is put forth for a vote, all members shall vote on same. While abstentions are discouraged, an abstention is often appropriate if the council member is not adequately informed as to the issue being decided upon or has a conflict of interest.
If a council member knows he/she should abstain because there is a conflict of interest, he/she should state that there is a conflict of interest before discussion begins. The council member then leaves the room during discussion and voting.

Division of a question or motion

On demand of any member, a question or motion under consideration which covers two or more points shall be divided where the question or motion admits of such division.

Demand for Roll Call

Any member may demand a roll call vote upon any question or motion before council at any time before the decision of said question or motion is announced by the chair.

Order of Business

Order of Business for the first regular meeting of the month shall include:

- Call to Order
- Roll Call and vote on compensation of absent members (for unexcused absence)
- Pledge of Allegiance
- Minutes of previous meetings
- Village Official Reports-Preferred Order
  - Police Department
  - Fiscal Officer
  - Engineer
  - Law Director
  - Village Planner
  - Zoning Officer
  - Planning & Zoning
  - MPCA
- Council Committee Reports-Preferred Order
  - Services
  - Recreation & Parks
  - Finance
  - Streets
  - Safety
  - Legislation
- Mayors Report
- Invited Guests
- Citizen Comments
- Legislation
- Old Business
- New Business
- Adjourn

*The specific order of these reports can be modified as needed

The Order of Business for the second regular meeting of the month will include, but not be limited to:

Roll Call and vote on Compensation of absent members
Pledge of Allegiance
Invited Guests
Citizen Comments
Legislation
Old Business
New Business
Adjournment

Citizen Interaction During Council Meetings

Council meetings are public business meetings of the Minerva Park Council. As such, all citizen comments must be orderly, civil, and courteous and pertain to current issues and topics of business before council.

Citizens may comment (see Agenda) Immediately Before Legislation is Read.

Citizens will come to the podium, one at a time, stating their name and address clearly. Each citizen has a maximum time allocation of 3 minutes, while the totality of all Citizens Comments portion of the meeting shall not exceed 30 minutes. of the mayor or presiding chair, there can be discussion surrounding the topic. However, realizing that the council meeting is an orderly business meeting, the discussion should always directly pertain to the business at hand.

The Mayor or President of Council may recognize any nonmember of council for the purpose of asking a brief question that clarifies for the citizen the topic before council.

Any group of four or more, or a delegation of four or more, wishing to appear before council should direct a letter to the Fiscal Officer and a copy to the mayor in such time that it will be received no later than 72 hours before a regular council meeting or no later than 24 hours before a special council meeting. At that time, council members shall also be notified by the Mayor or Fiscal Officer. This rule is not intended for an individual, or groups of two or three individuals, but larger groups that wish to address an issue at a council meeting. The purpose of this is to give council ample time to research and consider the problem to be presented and discussed at the next meeting. Such a group shall choose a spokesperson to initially present the issue to council, and then other members of the group may be recognized to give comments directly related to the issue when the group has been recognized to speak on the committee topic.

At all times, speakers must be civil and courteous and address topics and issues before Council. For a further definition of civil and courteous, please see Rules of Conduct. (Exhibit A)

In the event residents become unruly, a five-minute recess may be declared by the mayor or the council pro tern. Residents may be escorted outside and be brought back into the council chambers one at a time to present their comments.

Motions

Once a motion is made and seconded, it is open for debate. Any member may request that the motion be restated or be reduced to writing. A motion may be withdrawn by the mover with consent of the person who seconded the motion. Unless otherwise required by law, a motion shall be deemed passed if it receives the affirmative vote of a majority (or other required number when mandated by law) of the members who voted including the chair if entitled to vote thereof.

Order of Precedence

When a question of motion is before council, no motion shall be entertained except the following subsidiary motions:

a) To adjourn
b) To lay on the table
c) The previous question or motion
d) To postpone to a time certain
e) To refer
f) To amend
g) To postpone indefinitely

Said motions shall have precedence in the foregoing order.

Motion to Adjourn

Motion to adjourn shall be in order at any time, except as follows:

a) When repeated without intervening business or discussion
b) When made while another member is speaking
c) When the previous question or motion has been ordered
d) While a vote is being taken

A motion to adjourn is not debatable except as to time to which the meeting is adjourned.

Motion to Lay on the Table

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration If the motion prevails, the consideration of the subject may be resumed only upon motion of a member voting with the majority and with the consent of the majority of the members present.

Previous Questions or Motion

The previous question or motion shall be stated in these words: "Shall debate now close?" The motion shall pass if two-thirds (2/3rds) of the members present shall favor it. If the said motion is ordered, there shall be no further amendment of debate, but the question or motion shall be put immediately.

Motion to Postpone to a Certain Time

Motions to postpone may be amended to time, excepting a motion to postpone indefinitely. If a motion to postpone indefinitely is carried, the principal question or motion shall be declared lost.

Motion to Refer

When discussion on a motion is demanding a considerable amount of meeting time, it is permissible to move to refer the discussion to a committee or work session so that discussion can take place in a more informal setting and with plenty of time to work on details.

Motion to Amend

A motion to amend shall be susceptible but of one amendment. An amendment once rejected may not be moved again in the same form.

Commented [JC3]: What? This does not make sense

Motion to Postpone Indefinitely

If a motion to postpone indefinitely is carried, the principal question or motion shall be declared lost.

Motion to Suspend Rules and Votes Required

A motion to pass legislation requires a vote of at least a majority of all the members of council. Minerva Park Village council has six members on council; four affirmative votes are needed to pass a piece of legislation.

A motion to pass legislation as emergency legislation requires two-thirds (2/3) vote of the members of council. Minerva Park Village council has six members on council; four votes are needed to pass legislation as emergency legislation.

A motion to suspend the rule which requires that each ordinance or resolution shall be read on three different days must receive by roll call vote the affirmative vote of three-fourths of the members of council. Minerva Park Village council has six members on council; three fourths of council shall be deemed to be five members supporting the motion to suspend the rule. Upon the passage of such motion, the main question or motion shall be open to debate.

A majority of members of council present without debate may vote to suspend all other rules not inconsistent with Ohio Revised Code.

Motion to Reconsider

A motion to reconsider a proposal that has been acted upon favorably must be made before adjournment of the session of council at which the vote was taken. A motion to reconsider any other action taken by council may be made not later than the next regular meeting after the vote of council thereon. In either case, only a member who voted with the prevailing side may make such motion. The concurrence of a majority of the members present shall be sufficient for reconsideration of a vote. If a motion to reconsider is lost, it shall not be entertained again in the calendar year in which it was initially presented.

Ordinances and Resolutions

Each ordinance and resolution shall be read by title only, provided the council may require any reading to be in full by a majority vote of its members. Each ordinance or resolution shall be read on three different days, provided the council may dispense with this role by a vote of at least three fourths of its members. See Motion to Suspend Rules.

Ordinances, resolutions, and motions not receiving a second to be passed shall be deemed to have been defeated and will be declared lost.

From time to time, council makes corrections to ordinances or resolutions as they are presented to council. If these corrections are simply typographical or to clarify a matter, which might appear ambiguous to some by reading the same, it may be corrected after it is passed. However, if the change is substantive in nature as to what is being legislated, that piece of legislation should be withdrawn, and new legislation presented which accurately states the purpose and intent of the legislation. In all cases, the public and the citizens must have time to review and analyze said substantial corrections or changes to legislation.

Executive Session - Explanation and Rules of Engagement

In line with the current Ohio Sunshine Laws, all council meetings, special meetings, work sessions, and all meetings of any committee are declared to be public meetings open to the public at all times. There are limited exemptions in the case when deliberations and discussions should not be heard and observed by the public. In those limited cases, council can go into executive session as specified in the Ohio Revised Code section 121.22 (G).

Council may hold executive sessions at regular and special meetings only after a majority of a quorum of council determines, by a roll call vote, to hold an executive session.
Except as otherwise provided by law, council shall NOT hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's official duties or for the elected official's removal from office.

If council holds an executive session, the motion and vote to hold that executive session shall state which one or more of the approved purposes for which the executive session is to be held but need not include the name of any person to be considered at the meeting.
Because the discussion in executive session is confidential given the nature of the matters

listed above, there will be no notes or minutes of the discussion of the executive session and all those present at the executive session are to keep the matters discussed confidential.

An Executive Session can be held for the sole purpose of the consideration of any of the following matters:

1) Personnel matters: To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing.

2) Purchase or Sale of Property: To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. (more details - see ORC)

3) Confidential Attorney Conferences: Concerning disputes involving the council that is the subject of pending or imminent court action;

4) Employment Conditions: Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;

5) Confidential Matters Defined by Law: Required to be kept confidential by federal law or regulations or state statutes;

6) Security Details: Details relative to the security arrangements and emergency response protocols for council or a public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the council or public office;

Committees-Appointment of Standing Committees

Each member of Village Council shall be appointed as the designated representative for one of the following areas:

- Recreation & Parks;
- Finance;
- Legislation;
- Safety;
- Streets;
- Services

In lieu of standing committees, the Village Council shall meet before each Village Council

meeting as a Committee of the Whole (COW). Each designated representative for the aforementioned areas shall provide a report to the COW as necessary for discussion or for information purpose.

The formation of a COW does not preclude Village Council or the Mayor from appointing additional ad hoc committees as necessary through a majority vote. Any ad hoc committees shall consist of 3 members of Village Council.

Each designated representative shall be responsible for the information set forth below:

- Recreation & Parks: The recreation and parks committee shall make recommendations to council for the care and maintenance of the Village grounds and facilities including the pool, lakes/ponds, playground, basketball court, shelters and reserves. This is accomplished with support from the Village Administration.
- Finance: To provide financial oversight, make recommendations and regular reports to council. This is accomplished with support of the Fiscal Officer and the Mayor.
- Legislation: To provide oversight, make recommendations, assist in drafting and review of ordinances and resolutions. This is accomplished with the support of Village Administration including the Mayor, Fiscal Officer, and Solicitor.
- Safety: To provide oversight to the Police, Fire and EMS services of the village. This is accomplished through regular meetings with the department heads, Mayor, and Fiscal Officer. To work with Code Enforcement specifically to review and clarify code ordinances. This is accomplished with support from the Village Administration and code enforcement officer.
- Streets: To provide oversight regarding maintenance of streets and sewers both sanitary and storm, as well as related infrastructure. This is accomplished through the support of the Village Engineer and Mayor.
- Services: To provide oversight regarding Refuse Removal, Leaf Pick-up, maintenance of Village properties and to provide support for effective and timely communications to Village residents. This is accomplished through the support of the Village Administration, Mayor and Residents.

Committee Meeting Notification and Posting

The COW shall notify the Mayor and Fiscal Officer as to the date, time, and place of its meetings. Meetings should be held in the community building or other public buildings to allow any interested citizens to attend.

Village staff shall then post notification of the COW meeting at the Community Building as per The Postings of Regular, special and Work/Study Sessions Meetings section as soon as notified of such meeting and never later than 24 hours before the meeting is to begin and any other notification required by Ohio Revised Code and Sunshine Laws.

Sub-Committee Rules and Responsibilities

Purpose of Sub-Committee

The COW may form sub-committees as necessary for the purpose of expediting a defined project/task or where involvement of residents would be beneficial to reaching a defined goal, including assistance in assessing public opinion or gathering data or technical details.

Subcommittees shall be formed by a majority vote of Village Council.

EXHIBIT A

RULES OF CONDUCT FOR THE VILLAGE COUNCIL OF MINERVA PARK OHIO
LAST REVISED JANUARY 14, 2019

2.1 All members of the Village Council have equal votes. No council member has more power than any other, and all members shall be treated with equal respect.

2.2 As a Council member it is important, at all times, to act in a manner that enhances community confidence.

2.3 These Rules of Conduct to not prohibit or infringe on any member's right to freedom of speech or expression of an opposing viewpoint. Members are entitled and encouraged to share their viewpoints(s) provided it is done in a professional manner, and with utmost respect for others.

2.4 No member of the legislative authority, especially when acting in his/her official capacity or in dealing with the public, shall commit any act or utter any comments which would bring embarrassment to the Village of Minerva Park

2.5 Members should, at all times, ensure their actions and statements provide a positive image and public perception of the Village and work to enhance and improve the Village, other members of Council, and Village employees. At no time shall a member of the council commit an act or make remarks which are derogatory, degrading, belittling, sarcastic or malicious toward another member of council, the Village, Mayor or Village employees. Opposing viewpoints of council members, the Mayor or Village employees may be shared, are not presented in a manner violating these rules of conduct or any other laws of the Village or State of Ohio.

2.6 Members of the Village Council shall conduct themselves in accordance with all aforementioned sections and the following:

2.6.1 Act properly, professionally and in accordance with the requirements of the law and the terms of the Rules of Conduct.

2.6.2 Fully participate in village council meetings and other public forums, while demonstrating respect kindness, consideration, and courtesy to others.

2.6.3 Act in good faith; honestly, for the purpose of the community and not one's personal agenda; always acting in the interest of the community and council, without exceeding their lawful powers.

2.6.4 Make no allegations which are unseemly or derogatory in public forums pertaining to matters of Village business, employees, or other council members.

2.6.5 Refrain from any form of conduct, especially in performance of their official duties and while in public forums, which may cause any reasonable person

unwarranted offense or embarrassment; or bring embarrassment to the Village.

2.6.6 Observe the highest standards of honesty and integrity and avoid conduct which may suggest any departure from this standard.

2.6.7 Ensure confidential information is guarded and handled with the utmost sensitivity.

2.6.8 Always act in accordance with their obligation of loyalty to the Council and Village, serving as a model of leadership and civility to the community

Enforcement

3.1 Violation of these established rules may be considered malfeasance, misfeasance, or non- feasance; and is a violation of rules established under Ohio Revised Code Section 731.45. (1)

3.2 Violation of these rules may result in disciplinary action in accordance with provisions of Ohio Revised Code Section 731.45.

3.3 These rules shall be enforced by the Council of the Village of Minerva Park as provided by Ohio Revised Code Section 731.45.

3.4 These Rules are hereby incorporated in the Rules of Council by reference.

(1) LAW Writer® Ohio Laws and Rules
Revised Code» Title [7] VII MUNICIPAL CORPORATIONS» Chapter 731: ORGANIZATION
731.45 Rules - journal - expulsion of members.

"The legislative authority of a municipal corporation shall determine its own rules and keep a journal of its proceedings. It may punish or expel any member for disorderly conduct or violation of its rules and declare the seat vacant for absence without valid excuse, where such absence has continued for two months. No expulsion shall take place without the concurrence of two thirds of all the members elected, and until the delinquent member has been notified of the charge against him and has had an opportunity to be heard.