

Legislative Session Minutes

May 12, 2025

COMMITTEE MEETINGS

Mount Vernon City Council
Committee Meeting Schedule
May 12, 2025

6:30-6:51 p.m.	Exec. Sess: Purchase/sale of property	Streets & Public Buildings Severns
6:52-7:11 p.m.	Liberty Crossing TIF/NCA	Land Use & Development Keener
7:11-7:20 p.m.	Health insurance	Employee & Community Relations Woods

- 05-12-25 Committee Meeting Schedule

MEETING WILL RECESS UNTIL 7:30 P.M.

CALL TO ORDER

Attendee	Title	Status
Janis Seavolt	At Large	Present
Amber Keener	At Large	Present
Mel Severns	At Large	Present
James Mahan	First Ward	Present
John Ruckman	Second Ward	Present
LeNan Hager	Fourth Ward	Present
Bruce Hawkins	President	Present
Tammy Woods	Third Ward	Excused

Seavolt made a motion to excuse Woods, with a second by Keener. Motion passed by a voice vote of 6-0.

INVOCATION

Lucian Baker, Christ the King Church, MVPD Chaplain, delivered the invocation.

PLEDGE OF ALLEGIANCE

All recited in unison.

ACCEPTANCE OF MINUTES

- City Council - Legislative Session - Apr 28, 2025 7:30 PM

Seavolt made a motion to accept the minutes of the Legislative Session of April 28, 2025, with a second by Keener. Motion passed by a voice vote of 6-0.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Janis Seavolt, At Large
SECONDER:	Amber Keener, At Large
AYES:	Seavolt, Keener, Severns, Mahan, Ruckman, Hager
EXCUSED:	Woods

RECEIVE PETITIONS AND COMMUNICATIONS

None.

RECEIVE COMMITTEE REPORTS

None.

LIQUOR CONTROL LICENSE

None.

PROCLAMATION

None.

PERSONS SPEAKING ON MATTERS OF CITY CONCERN

Zach Green, Knox Public Health Commissioner, provided his agency's quarterly update. He noted that there have been 20 measles cases in Knox County, although there are currently no active cases, with more outbreaks in the summer likely. He added that KPH is hosting outreach clinics with the MMR vaccine. He noted that Mount Vernon is now the only community in Knox County doing wastewater monitoring following federal cutbacks. He added that the agency is bringing on community health workers, and that Shauna Schacht is settling into her role as CEO.

RESOLUTIONS FOR THIRD READING

None.

RESOLUTIONS FOR SECOND READING

RESOLUTION NO. 2025-50

A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR TO ACCEPT THE PROPOSAL AND ENTER INTO AN AGREEMENT WITH MEDICAL MUTUAL FOR THE PROVISION OF 2025 - 2026 MEDICAL HEALTH INSURANCE COVERAGE; AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Woods, Keener

Keener made a motion to suspend the rule requiring three separate readings of Resolution No. 2025-50, with a second by Severns. Motion to suspend passed by a roll-call vote of 6-0. Keener made a motion to adopt Resolution No. 2025-50, with a second by Severns. Motion to adopt passed by a roll-call vote of 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amber Keener, At Large
SECONDER:	Mel Severns, At Large
AYES:	Seavolt, Keener, Severns, Mahan, Ruckman, Hager
EXCUSED:	Woods

RESOLUTIONS FOR FIRST READING

RESOLUTION NO. 2025-53

A RESOLUTION APPROVING THE RE-APPOINTMENT OF LACEY FILKINS TO THE HISTORICAL REVIEW COMMISSION OF THE CITY OF MOUNT VERNON, OHIO, FOR A FIVE (5) YEAR TERM; AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Woods, Keener

Keener made a motion to suspend the rule requiring three separate readings of Resolution No. 2025-53, with a second by Severns. Motion to suspend passed by a roll-call vote of 6-0. Keener made a motion to adopt Resolution No. 2025-53, with a second by Severns. Motion to adopt passed by a roll-call vote of 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amber Keener, At Large
SECONDER:	Mel Severns, At Large
AYES:	Seavolt, Keener, Severns, Mahan, Ruckman, Hager
EXCUSED:	Woods

RESOLUTION NO. 2025-54

A RESOLUTION CONFIRMING COUNCIL'S APPOINTMENT OF SAM FILKINS TO THE NEW COMMUNITY AUTHORITY'S BOARD OF TRUSTEES; AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Woods, Keener

Keener made a motion to suspend the rule requiring three separate readings of Resolution No. 2025-54, with a second by Severns. Motion to suspend passed by a roll-call vote of 6-0. Keener made a motion to adopt Resolution No. 2025-54, with a second by Keener. Keener noted that Sam Filkins would fill a seat on the New Community Authority Board of Trustees that was vacated by Jeff Gottke. Motion to adopt passed by a roll-call vote of 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amber Keener, At Large
SECONDER:	Mel Severns, At Large
AYES:	Seavolt, Keener, Severns, Mahan, Ruckman, Hager
EXCUSED:	Woods

RESOLUTION NO. 2025-55

A RESOLUTION CONFIRMING COUNCIL'S APPOINTMENT OF DOUG BRENNEMAN TO THE NEW COMMUNITY AUTHORITY'S BOARD OF TRUSTEES; AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Woods, Keener

Keener made a motion to suspend the rule requiring three separate readings of Resolution No. 2025-55, with a second by Severns. Motion to suspend by a roll-call vote of 6-0. Keener made a motion to adopt Resolution No. 2025-55, with a second by Severns. Mayor Matthew Starr commented on the qualifications of Doug Brenneman for the New Community Authority Board of Trustees. Motion to adopt passed by a roll-call vote of 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amber Keener, At Large
SECONDER:	Mel Severns, At Large
AYES:	Seavolt, Keener, Severns, Mahan, Ruckman, Hager
EXCUSED:	Woods

RESOLUTION NO. 2025-56

A RESOLUTION DELINEATING AN OVERLAY IN RELATION TO THE PROPOSED LIBERTY CROSSING INCENTIVE DISTRICT WITHIN THE CITY OF MOUNT VERNON, OHIO; AND ADOPTING A WRITTEN ECONOMIC DEVELOPMENT PLAN AS TO SAME; SETTING THE TIME AND PLACE OF A PUBLIC HEARING; AUTHORIZING AND RATIFYING THE GIVING OF NOTICE TO THE MOUNT VERNON CITY SCHOOL DISTRICT, THE KNOX COUNTY CAREER CENTER AND THE BOARD OF COUNTY COMMISSIONERS OF KNOX COUNTY, OHIO, ALL PURSUANT TO OHIO REVISED CODE SECTION 5709.40(C) AND ITS RELATED RULES AND LAWS; AND DECLARING AN EMERGENCY.

Land Use and Development: Keener, Mahan

Keener made a motion to suspend the rule requiring three separate readings of Resolution No. 2025-56, with a second by Mahan. Motion to suspend passed by a roll-call vote of 6-0. Keener made a motion to adopt Resolution No. 2025-56, with a second by Mahan. Motion to adopt passed by a roll-call vote of 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amber Keener, At Large
SECONDER:	James Mahan, First Ward
AYES:	Seavolt, Keener, Severns, Mahan, Ruckman, Hager
EXCUSED:	Woods

RESOLUTION NO. 2025-57

A RESOLUTION TO ADJUST APPROPRIATIONS FOR CURRENT EXPENSES FOR THE CITY OF MOUNT VERNON, STATE OF OHIO, DURING FISCAL YEAR ENDING, DECEMBER 31, 2025.

Finance and Budget: Seavolt, Woods

Resolution No. 2025-57 was given a first reading.

RESULT:	FIRST READING	Next: 5/27/2025 7:30 PM
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ORDINANCES FOR THIRD READING

ORDINANCE NO. 2025-10

AN ORDINANCE FIXING THE NUMBER OF HOURLY EMPLOYEES OF THE CITY OF MOUNT VERNON IN THE POLICE DEPARTMENT; AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Woods, Keener

Keener made a motion to adopt Ordinance No. 2025-10, with a second by Mahan. Police Chief Robert Morgan commented on the legislation, and noted that the new position created by the legislation has been budgeted for. Motion to adopt passed by a roll-call vote of 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amber Keener, At Large
SECONDER:	James Mahan, First Ward
AYES:	Seavolt, Keener, Severns, Mahan, Ruckman, Hager
EXCUSED:	Woods

ORDINANCES FOR SECOND READINGORDINANCE NO. 2025-11

AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE JANUARY 2025 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES; TO REPEAL ORDINANCES IN CONFLICT THEREWITH; TO PUBLISH THE ENACTMENT OF NEW MATTER; AND DECLARING AN EMERGENCY.

Land Use and Development: Keener, Mahan

Ordinance No. 2025-11 was given a second reading.

RESULT:	SECOND READING	Next: 5/27/2025 7:30 PM
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ORDINANCES FOR FIRST READINGORDINANCE NO. 2025-12

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A PETITION ADDING TERRITORY TO THE MOUNT VERNON NEW COMMUNITY AUTHORITY DISTRICT UNDER OHIO REVISED CODE CHAPTER 349; AND DECLARING AN EMERGENCY.

Land Use and Development: Keener, Mahan

Keener made a motion to suspend the rule requiring three separate readings of Ordinance No. 2025-12, with a second by Mahan. Motion to suspend passed by a roll-call vote of 6-0. Keener made a motion to amend Ordinance No. 2025-12, with a second by Mahan. Specifically, the amendment, in the first "whereas" clause, would change "RJM Land Development LTD." to "MGD, LLC and MTV332, LLC" in two instances, and add two property parcels, #66-00501.006 and 66-00501.007. Motion to amend passed by a roll-call vote of 6-0. Keener made a motion to adopt Ordinance No. 2025-12 as amended, with a second by Mahan. Motion to adopt as amended passed by a roll-call vote of 6-0.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Amber Keener, At Large
SECONDER:	James Mahan, First Ward
AYES:	Seavolt, Keener, Severns, Mahan, Ruckman, Hager
EXCUSED:	Woods

ORDINANCE NO. 2025-13

AN ORDINANCE DETERMINING THAT A PETITION ADDING TERRITORY TO THE MOUNT VERNON NEW COMMUNITY AUTHORITY DISTRICT IS SUFFICIENT AND COMPLIES WITH THE REQUIREMENTS OF SECTION 349.03 OF THE OHIO REVISED CODE IN FORM AND SUBSTANCE; SETTING THE TIME AND PLACE FOR A HEARING ON THE PETITION AND AUTHORIZING THE NOTICE BY PUBLICATION OF SUCH HEARING; AND DECLARING AN EMERGENCY.

Land Use and Development: Keener, Mahan

Keener made a motion to suspend the rule requiring three readings of Ordinance No. 2025-13, with a second by Mahan. Motion to suspend passed by a roll-call vote of 6-0. Keener made a motion to adopt Ordinance No. 2025-13, with a second by Mahan. Motion to adopt passed by a roll-call vote of 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amber Keener, At Large
SECONDER:	James Mahan, First Ward
AYES:	Seavolt, Keener, Severns, Mahan, Ruckman, Hager
EXCUSED:	Woods

ORDINANCE NO. 2025-14

ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF MOUNT VERNON, OHIO TO BE A PUBLIC PURPOSE; CREATING THE LIBERTY CROSSING INCENTIVE DISTRICT; DECLARING THE IMPROVEMENTS TO REAL PROPERTY WITHIN THE INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE; DECLARING SUCH PROPERTY WITHIN THE INCENTIVE DISTRICT TO BE EXEMPT FROM REAL PROPERTY TAXATION; DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS MADE OR TO BE MADE TO DIRECTLY BENEFIT OR SERVE THE PARCELS FOR WHICH IMPROVEMENTS ARE DECLARED TO BE A PUBLIC PURPOSE; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES DURING THE PERIODS OF EXEMPTION; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS; AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT; AND APPROVING RELATED MATTERS.

Land Use and Development: Keener, Mahan

Ordinance No. 2025-14 was given a first reading.

RESULT: FIRST READING**Next: 5/27/2025 7:30 PM****ORDINANCE NO. 2025-15**

AN ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF MOUNT VERNON, OHIO TO BE A PUBLIC PURPOSE; DECLARING SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; DESIGNATING PUBLIC IMPROVEMENTS TO BE MADE THAT WILL BENEFIT SUCH PROPERTY; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; AND ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; AND AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT.

Land Use and Development: Keener, Mahan

Ordinance No. 2025-15 was given a first reading.

RESULT: FIRST READING**Next: 5/27/2025 7:30 PM****REMARKS FROM THE ADMINISTRATION**

Mayor Matthew Starr noted that New Community Authority and Tax Incentive Financing are creative ways to pay for infrastructure. He added that Hiawatha Water Park pre-sales are going strong, and that the park will open for the season on May 24. In addition, the Captain's Landing splash pad at Riverside Park will have its grand opening on May 24.

Safety-Service Director welcomed Elizabeth Turner as the new Human Resources Director, and noted that lots of significant legislation will be coming to Council in the coming months, from upgrades to the Wastewater Treatment Plant to changes to deer-hunting regulations.

REMARKS FROM COUNCIL

Mahan apologized for missing the last Council meeting and arriving late for this evening's meeting, because of family matters. Hager encouraged everyone to turn out for the City's Memorial Day Parade and Ceremony on May 26.

ADJOURN AT THE CALL OF THE PRESIDENT

Seavolt made a motion to adjourn, with a second by Keener. Meeting adjourned at 8:07 p.m.

Bruce E. Hawkins, President of Council

Todd Hill, Clerk of Council

CD on file/th



PRESS RELEASE

City Hall
40 Public Square
Mount Vernon, OH 43050

FOR MORE INFORMATION, CONTACT:
Todd Hill, Clerk of Council
740-393-9517 Fax: 740-397-6595

FOR IMMEDIATE RELEASE
May 7, 2025

Mount Vernon City Council Committee Meeting Schedule May 12, 2025

6:30-6:45 p.m.	Executive Session: Purchase/sale of property	Streets & Public Buildings Severns
6:45-7:05 p.m.	Liberty Crossing TIF/NCA	Land Use & Development Keener
7:05-7:15 p.m.	Health insurance	Employee & Community Relations Woods

The above listed meeting will be held to discuss the above items; but will not be limited to those listed.
Mount Vernon News - WMVO - WNZR – City Hall Bulletin Board



City Council
City of Mount Vernon
Mount Vernon, OH 43050

Meeting: 05/12/25 7:30 PM
Dept: Employee and Community Rel.
Woods, Keener
Category: Personnel
Prepared By: Rob Broeren
Initiator: Todd Hill
DOC ID: 4227

ADOPTED

RESOLUTION 2025-50

A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR TO ACCEPT THE PROPOSAL AND ENTER INTO AN AGREEMENT WITH MEDICAL MUTUAL FOR THE PROVISION OF 2025 - 2026 MEDICAL HEALTH INSURANCE COVERAGE; AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOUNT VERNON, OHIO:

SECTION 1: That the Safety-Service Director is authorized to accept the proposal and enter into an agreement with Medical Mutual for the provision of 2025-2026 healthcare insurance coverage, based on the proposal attached as Exhibit A.

SECTION 2: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for the further reason that to secure health insurance coverage for City employees before the current policy lapses on May 31, 2025, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

HISTORY:

04/28/25

City Council

FIRST READING

Resolution No. 2025-50 was given a first reading. Woods asked for a 10-minute meeting of the Employee and Community Relations Committee on the legislation for May 12, 2025.

COMMENTS - Current Meeting:

Keener made a motion to suspend the rule requiring three separate readings of Resolution No. 2025-50, with a second by Severns. Motion to suspend passed by a roll-call vote of 6-0. Keener made a motion to adopt Resolution No. 2025-50, with a second by Severns. Motion to adopt passed by a roll-call vote of 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amber Keener, At Large
SECONDER:	Mel Severns, At Large
AYES:	Seavolt, Keener, Severns, Mahan, Ruckman, Hager
EXCUSED:	Tammy Woods



PROPRIETARY & CONFIDENTIAL

Proposal For:
CITY OF MOUNT VERNON - EA

Effective Date: 6/1/2025

End Date: 5/31/2026

County: Knox

State: Ohio

Quote ID: 0134732-02

Monday, March 24, 2025

9:01 AM

Attachment: Ex A - Purchase Health Insurance 2025 (2025-50 : Purchase Health Insurance 25-26)



Group Name: **CITY OF MOUNT VERNON - EA**
Effective: **June 1, 2025 - May 31, 2026**

13.1.a

Benefit Highlights & Premium Rates	\$3300 HSA		\$1650 Aggregate HSA	
Product / Network	SuperMed Plus		SuperMed Plus	
HSA Option	Yes		Yes	
Includes Major Med. Rx?	Yes		Yes	
	NETWORK	NON-NETWORK	NETWORK	NON-NETWORK
Deductible Type	Embedded		Aggregate	
Single Deductible	\$3,300	\$6,600	\$1,650	\$3,300
Family Deductible	\$6,600	\$13,200	\$3,300	\$6,600
Employer Coinsurance % *	100%	50%	100%	50%
Single Out of Pocket (Excludes Deductible)	\$0	\$6,600	\$0	\$3,300
Family Out of Pocket (Excludes Deductible)	\$0	\$13,200	\$0	\$6,600
Single Maximum Out of Pocket	\$3,300	\$13,200	\$1,650	\$6,600
Family Maximum Out of Pocket	\$6,600	\$26,400	\$3,300	\$13,200
Office Visit	100% After Deductible	50% After Deductible	100% After Deductible	50% After Deductible
Specialist Office Visit	100% After Deductible	50% After Deductible	100% After Deductible	50% After Deductible
Urgent Care Office Visits	100% After Deductible	50% After Deductible	100% After Deductible	50% After Deductible
Emergency Room Visits**	100% After Deductible		100% After Deductible	
Inpatient Services	100% After Deductible	50% After Deductible	100% After Deductible	50% After Deductible
Prescription Drug Card Benefit Highlights	Major Medical Drug		Major Medical Drug	
Single Deductible	\$3,300		\$1,650	
Family Deductible	\$6,600		\$3,300	
	Retail	Mail Order	Retail	Mail Order
Generic Copay	N/A	N/A	N/A	N/A
Formulary Copay	N/A	N/A	N/A	N/A
Non-Formulary Copay	N/A	N/A	N/A	N/A
4th Tier Copay	N/A	N/A	N/A	N/A
	OTHER		OTHER	

Rates Effective 6/1/2025 - 5/31/2026:	Enrolled	Rates	Enrolled	Rates
Single	43	\$811.71	43	\$920.66
Employee + Spouse	21	\$1,701.59	21	\$1,930.74
Employee + Child	6	\$1,458.90	6	\$1,655.27
Employee + Children	6	\$1,458.90	6	\$1,655.27
Family	84	\$2,429.70	84	\$2,757.17
Monthly Premium		\$292,239		\$331,599

Group Official Plan/Rate Selections	Initial Here	Initial Here
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Rate Acceptance

Group Official Initial: _____

Please initial next to the benefits that have been selected by the group.

Group Official Signature: _____

Title: _____

Date: _____

* Some non-network services will be covered at a coinsurance less than what is shown.

** Emergency room visits that do not qualify as an emergency may be covered at a lesser amount. Coverage for emergency visits and emergency services may vary.

In accordance with Ohio law, coverage for dependents beyond the federal limiting age of 26 may necessitate additional premium on insured plans.

Employers must disclose any funding of deductibles or coinsurance provided to employees. If funding is not disclosed, Medical Mutual reserves the right to adjust rates at any time during the contract period. This may result in higher than anticipated rate adjustments.

Rates reflect the federally mandated fees. All fees are subject to state premium tax. Fees are subject to change. When a contract period spans more than one calendar year, the fees are averaged over the length of the period.

Rates and premiums for periods beginning January 1, 2022 do not include potential or actual exposure due to section 4980I of the Internal Revenue Code -- Excise Tax on High Cost Employer-Sponsored Health Coverage under the Affordable Care Act. Any Excise tax determined to be payable on your plan(s) will be billed separately from health plan premium rates.

The limiting age for dependent children is 26, except in the case of physical or intellectual disability.

Effective January 1, 2016, Ohio law lowered the limiting age for dependent children from 28 to 26. However, as a large group customer you still have options available to you. You may continue covering dependent children to age 28, reduce the age to 26 for both new and existing dependent children or reduce the age to 26 for new dependent children only. Please note that children with a physical or intellectual disability are not impacted by the change in Ohio law. Please contact your Medical Mutual representative to discuss your options in detail.

Attachment: Ex A - Purchase Health Insurance 2025 (2025-50 : Purchase Health Insurance 25-26)

CITY OF MOUNT VERNON - EA

6/1/2025

Disclaimers & Contingencies

- Proposal expires in 60 days or upon effective date.
 - Rates assume Medical Mutual is the only carrier, with 75% of net eligible employees enrolled.
 - Rates are subject to change if enrollment varies by more than 10% from 160 contracts quoted.
 - Ancillary coverages will be packaged with Medical coverage and not sold separately.
 - Disclosure of disabled participants is required.
 - Misrepresentation may result in rescission of coverage.
 - Rates include standard reporting and administration.
 - Employers must disclose any funding of deductibles or coinsurance provided to employees. If funding is not disclosed, Medical Mutual reserves the right to adjust rates at any time during the contract period. This may result in higher than anticipated rate adjustments.
- Covered employees will automatically have access to Medical Mutual's Basics wellness program, which includes online health resources, health assessments, WW (Weight Watchers) discounts, 24/7 nurse line and tobacco cessation programs. If not already enrolled in a buy up program, additional wellness program options are available upon request for an additional fee.
- The rates in this proposal may include Patient-Centered Outcomes Research Institute Fee (PCORI), Reinsurance Fee, Exchange Fee, and Market Share Fee when applicable which are federally mandated. Additionally, this policy, Medical Mutual, or you as a Plan Sponsor may become subject to taxes, fees or other charges imposed by State, Local, or Federal governments (collectively, "fees"). Medical Mutual reserves the right to adjust your premium or funding rate (or add the fees to the invoice) consistent with the effective date of the new fees imposed by the government. Adjustments may or may not be noted in a line item on monthly invoices. All fees are subject to change during the contract period.
- Change in enrollment of any one plan of more than 10% or the elimination of a plan may require rates to be adjusted.
- As required by the Affordable Care Act, employees must be notified at least 60 days before the effective date of a material modification if it impacts the contents of the SBC. Please be aware of this requirement when considering an off-renewal plan change or a change in carrier.
- Premiums and rates reflect 2015 ACA requirement to accumulate drug cost share to the maximum out-of-pocket (MOOP). Use of a third party Pharmacy Benefits Manager (PBM) will require additional fees and additional lead time to implement. Please contact your Medical Mutual representative for further details and explanation.
- Effective January 1, 2016, Ohio law lowered the limiting age for dependent children from 28 to 26. However, as a large group customer you still have options available to you. You may continue covering dependent children to age 28, reduce the age to 26 for both new and existing dependent children or reduce the age to 26 for new dependent children only. Please note that children with a physical or intellectual disability are not impacted by the change in Ohio law. Please contact your Medical Mutual representative to discuss your options in detail.

Rate Acceptance

Group Official Initial: _____ *Please initial next to the benefits that have been selected by the group.*

Group Official Signature: _____

Title: _____

Date: _____

Attachment: Ex A - Purchase Health Insurance 2025 (2025-50 : Purchase Health Insurance 25-26)



City Council
City of Mount Vernon
Mount Vernon, OH 43050

Meeting: 05/12/25 7:30 PM
Dept: Employee and Community Rel.
Woods, Keener
Category: Reappointment
Prepared By: Todd Hill
Initiator: Todd Hill
DOC ID: 4231

ADOPTED

RESOLUTION 2025-53

A RESOLUTION APPROVING THE RE-APPOINTMENT OF LACEY FILKINS TO THE HISTORICAL REVIEW COMMISSION OF THE CITY OF MOUNT VERNON, OHIO, FOR A FIVE (5) YEAR TERM; AND DECLARING AN EMERGENCY.

WHEREAS, Section 1172.04 of the Codified Ordinances of the City of Mount Vernon, Ohio provides that City Council shall appoint two members of the Historical Review Commission, at least one of whom shall be a resident freeholder of an historic district.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the Council for the City of Mount Vernon confirm the Mayor's re-appointment of Lacey Filkins, 931 E. High St., Mount Vernon, to the Historical Review Commission, commencing immediately and expiring May 12, 2030.

SECTION 2: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that an emergency exists in the usual daily operation of the various departments of the municipal government and said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

COMMENTS - Current Meeting:

Keener made a motion to suspend the rule requiring three separate readings of Resolution No. 2025-53, with a second by Severns. Motion to suspend passed by a roll-call vote of 6-0. Keener made a motion to adopt Resolution No. 2025-53, with a second by Severns. Motion to adopt passed by a roll-call vote of 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amber Keener, At Large
SECONDER:	Mel Severns, At Large
AYES:	Seavolt, Keener, Severns, Mahan, Ruckman, Hager
EXCUSED:	Tammy Woods



City Council
City of Mount Vernon
Mount Vernon, OH 43050

Meeting: 05/12/25 7:30 PM
Dept: Employee and Community Rel.
Woods, Keener
Category: Appointment
Prepared By: Todd Hill
Initiator: Todd Hill
DOC ID: 4232

ADOPTED

RESOLUTION 2025-54

**A RESOLUTION CONFIRMING COUNCIL'S APPOINTMENT OF SAM FILKINS TO THE
NEW COMMUNITY AUTHORITY'S BOARD OF TRUSTEES; AND DECLARING AN
EMERGENCY.**

WHEREAS, Ordinance No. 2023-31 established the "Mount Vernon New Community Authority" ("NCA"); and

WHEREAS, Section 6 of the Petition to Establish the NCA requires Council to appoint four (4) members to the Board of Trustees of the NCA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That Council appoints Sam Filkins, 931 E. High St., Mount Vernon, Ohio, to the Board of Trustees of the NCA to serve as a representative of local government, fulfilling the unexpired term of Jeff Gottke, commencing immediately and expiring August 14, 2025.

SECTION 2: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that an emergency exists in the usual daily operation of the various departments of the municipal government and said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

COMMENTS - Current Meeting:

Keener made a motion to suspend the rule requiring three separate readings of Resolution No. 2025-54, with a second by Severns. Motion to suspend passed by a roll-call vote of 6-0. Keener made a motion to adopt Resolution No. 2025-54, with a second by Keener. Keener noted that Sam Filkins would fill a seat on the New Community Authority Board of Trustees that was vacated by Jeff Gottke. Motion to adopt passed by a roll-call vote of 6-0.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Amber Keener, At Large
SECONDER: Mel Severns, At Large
AYES: Seavolt, Keener, Severns, Mahan, Ruckman, Hager
EXCUSED: Tammy Woods



City Council
City of Mount Vernon
Mount Vernon, OH 43050

Meeting: 05/12/25 7:30 PM
Dept: Employee and Community Rel.
Woods, Keener
Category: Appointment
Prepared By: Todd Hill
Initiator: Todd Hill
DOC ID: 4239

ADOPTED

RESOLUTION 2025-55

A RESOLUTION CONFIRMING COUNCIL'S APPOINTMENT OF DOUG BRENNEMAN TO THE NEW COMMUNITY AUTHORITY'S BOARD OF TRUSTEES; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2023-31 established the "Mount Vernon New Community Authority" ("NCA"); and

WHEREAS, Section 6 of the Petition to Establish the NCA requires Council to appoint four (4) members to the Board of Trustees of the NCA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That Council appoints Doug Brenneman, 1446 Laurel Valley Drive, Mount Vernon, Ohio, to the Board of Trustees of the NCA to represent the interests of present and future employers within the NCA, commencing immediately and expiring May 12, 2026.

SECTION 2: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that an emergency exists in the usual daily operation of the various departments of the municipal government and said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

COMMENTS - Current Meeting:

Keener made a motion to suspend the rule requiring three separate readings of Resolution No. 2025-55, with a second by Severns. Motion to suspend by a roll-call vote of 6-0. Keener made a motion to adopt Resolution No. 2025-55, with a second by Severns. Mayor Matthew Starr commented on the qualifications of Doug Brenneman for the New Community Authority Board of Trustees. Motion to adopt passed by a roll-call vote of 6-0.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Amber Keener, At Large
SECONDER: Mel Severns, At Large
AYES: Seavolt, Keener, Severns, Mahan, Ruckman, Hager
EXCUSED: Tammy Woods



City Council
City of Mount Vernon
Mount Vernon, OH 43050

Meeting: 05/12/25 7:30 PM
Dept: Land Use and Development
Keener, Mahan
Category: Planning and Zoning
Prepared By: Rob Broeren
Initiator: Todd Hill
DOC ID: 4235

ADOPTED

RESOLUTION 2025-56

A RESOLUTION DELINEATING AN OVERLAY IN RELATION TO THE PROPOSED LIBERTY CROSSING INCENTIVE DISTRICT WITHIN THE CITY OF MOUNT VERNON, OHIO; AND ADOPTING A WRITTEN ECONOMIC DEVELOPMENT PLAN AS TO SAME; SETTING THE TIME AND PLACE OF A PUBLIC HEARING; AUTHORIZING AND RATIFYING THE GIVING OF NOTICE TO THE MOUNT VERNON CITY SCHOOL DISTRICT, THE KNOX COUNTY CAREER CENTER AND THE BOARD OF COUNTY COMMISSIONERS OF KNOX COUNTY, OHIO, ALL PURSUANT TO OHIO REVISED CODE SECTION 5709.40(C) AND ITS RELATED RULES AND LAWS; AND DECLARING AN EMERGENCY.

WHEREAS, this Council (the “Council”) of the City of Mount Vernon, Ohio (the “City”) is contemplating the creation of an incentive district for parcels in the City, as authorized under Division (C) of Ohio Revised Code Section (“R.C.”) 5709.40; and

WHEREAS, pursuant to Division (C)(2) of R.C. 5709.40, this Council must conduct a public hearing on a Resolution proposed under R.C. 5709.40(C)(1) creating an incentive district, which such public hearing must be preceded by sufficient notice to every real property owner whose property is located within the boundaries of such incentive district, here the “Liberty Crossing Incentive District,” and such notice must include a map of the Liberty Crossing Incentive District on which this Council must have delineated an overlay; and

WHEREAS, this Resolution is not an ordinance proposed under R.C. 5709.40(C)(1) creating an incentive district, but is a Resolution delineating an overlay and adopting a written economic development plan such that this Council may, in the future, consider an ordinance proposed under R.C. 5709.40(C)(1) establishing the Liberty Crossing Incentive District (the “Proposed Incentive District TIF Ordinance”); and

WHEREAS, such an overlay must satisfy Division (A)(6) of R.C. 5709.40, namely an area of not more than three hundred (300) acres that is a square, or that is a rectangle having two (2) longer sides that are not more than twice the length of the two (2) shorter sides; and

WHEREAS, the overlay depicted in EXHIBIT A attached hereto and incorporated herein by reference (the “Overlay”) is drawn in accordance with the foregoing; and

WHEREAS, pursuant to Division (A)(5)(f) of R.C. 5709.40, the City Engineer, or the individual acting as the City Engineer (the “City Engineer”), is contemplating whether the adequacy of the existing public infrastructure serving the Liberty Crossing Incentive District is sufficient to meet the residential, commercial or industrial development needs of said incentive district; and

WHEREAS, the City Engineer is required to consider a written economic development plan for the Liberty Crossing Incentive District as has been adopted for such purposes by this Council; and

WHEREAS, this Council has determined that it is necessary and appropriate and in the best interests of the City to adopt a written economic development plan for the Liberty Crossing Incentive District, a copy of which is provided in EXHIBIT B attached hereto and incorporated herein by reference (the “Economic Development Plan”); and

WHEREAS, in order to consider the Proposed Incentive District TIF Ordinance, the City must comply with the public hearing and notice provisions of R.C. 5709.40(C) and 5709.40(D) and the City intends to (i) set a time and place for a public hearing to occur not later than thirty (30) days prior to adopting the Proposed Incentive District TIF ordinance, (ii) ratify the City’s transmittal of notice of the public hearing and the Proposed Incentive District TIF Ordinance to every real property owner whose property is located within the boundaries of the proposed Liberty Crossing Incentive District, and (iii) authorize the City to transmit notice to the Board of County Commissioners of Knox County, the Mount Vernon City School District Board of Education, and the Knox County Career Center Board of Education of the City’s intention to adopt the Proposed Incentive District TIF Ordinance; and

WHEREAS, this Council has determined to approve this Resolution and dispense with the rule that this Resolution shall be read on three (3) different days pursuant to R.C. 731.17(A).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, Ohio that:

SECTION 1: Pursuant to Division (A)(6) of R.C. 5709.40, this Council hereby delineates the Overlay as it relates to and serves to further describe the proposed Liberty Crossing Incentive District.

SECTION 2: Under Division (A)(5)(f) of R.C. 5709.40, this Council hereby adopts the Economic Development Plan in furtherance of its contemplation of the Liberty Crossing Incentive District.

SECTION 3: This Council hereby provides the following authorizations and ratifications pursuant to the requirements of R.C. 5709.40, each required in order to establish the Liberty Crossing Incentive District pursuant to the Proposed Incentive District TIF Ordinance, as follows: (i) Pursuant to R.C. 5709.40(C)(2)(a), this Council hereby determines that a public hearing with respect to this Council’s formal adoption of the Proposed Incentive District TIF Ordinance shall occur on June 23, 2025 at a regularly scheduled meeting of this Council at 7:00 p.m. at Council Chambers, 40 Public Square, Suite 206, Mount Vernon, Ohio 43050, which such public hearing shall occur not later than thirty (30) days prior to this Council’s formal adoption of the Proposed Incentive District TIF Ordinance. (ii) Pursuant to R.C. 5709.40(C)(2)(a), this Council hereby ratifies the City’s giving of notice to every real property owner whose property is located within the boundaries of the Liberty Crossing Incentive District subject of the Proposed Incentive District TIF Ordinance, which such notice was given not later than thirty (30) days

prior to the public hearing set by this Resolution in Section 3(i) above. (iii) Pursuant to R.C. 5709.40(D), this Council hereby authorizes the City Mayor, the Clerk of this Council, and their designees, to send proper and timely notice to the Mount Vernon City School District Board of Education and the Knox County Career Center Board of Education of this Council's intention to formally adopt the Proposed Incentive District TIF Ordinance following all required notice periods. (iv) Pursuant to R.C. 5709.40(E), this Council hereby authorizes the City Mayor, the Clerk of this Council, and their designees, to send proper and timely notice to the Board of County Commissioners of Knox County, Ohio of this Council's intention to formally adopt the Proposed Incentive District TIF Ordinance.

SECTION 4: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any decision-making bodies of the City that resulted in such formal actions were in meetings open to the public and in compliance with Ohio's Sunshine Laws, including R.C. 121.22.

SECTION 5: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason to allow the construction of infrastructure for new development without delay, and said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to this Council; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

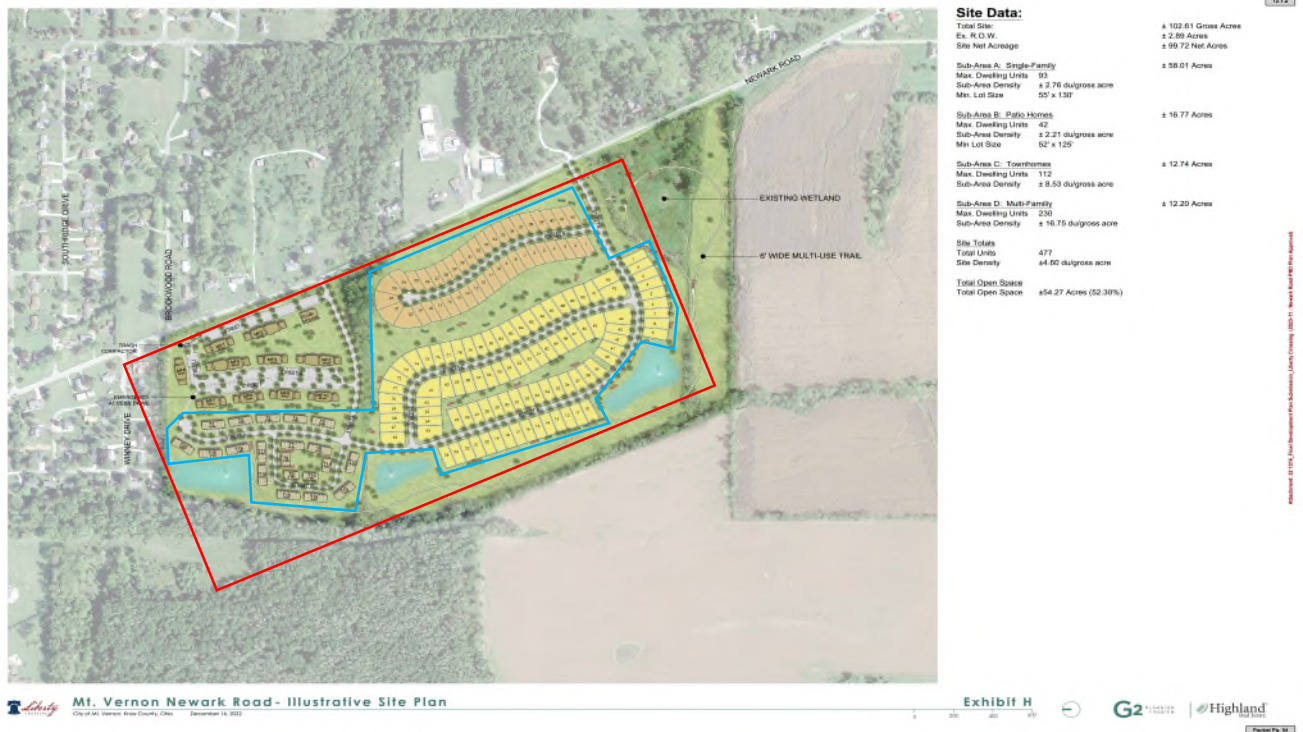
COMMENTS - Current Meeting:

Keener made a motion to suspend the rule requiring three separate readings of Resolution No. 2025-56, with a second by Mahan. Motion to suspend passed by a roll-call vote of 6-0. Keener made a motion to adopt Resolution No. 2025-56, with a second by Mahan. Motion to adopt passed by a roll-call vote of 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amber Keener, At Large
SECONDER:	James Mahan, First Ward
AYES:	Seavolt, Keener, Severns, Mahan, Ruckman, Hager
EXCUSED:	Tammy Woods

EXHIBIT A

The Liberty Crossing Incentive District includes portions of Knox County Auditor parcel identification number 66-00501.000, as subsequently subdivided and combined, within the blue boundary line on the map (including the overlay in red) below:



Attachment: Ex A - Highland TIF Overlay Map (2025-56 : Highland TIF Overlay)

EXHIBIT B

City of Mount Vernon, Ohio

**Economic Development Plan for the “Liberty Crossing Incentive District” Development
Area**

May 12, 2025

Attachment: Ex B - Highland Economic Report (2025-56 : Highland TIF Overlay)

OVERVIEW OF PROPOSED DEVELOPMENT

RJM Land Development LTD. owns approximately 104.577 acres of real property generally situated along Newark Road within the City of Mount Vernon, Ohio. It is currently anticipated that RJM Land Development LTD. will develop a community of approximately 93 single family homes, 42 patio homes, and 112 townhomes otherwise known as the “Mount Vernon Liberty Crossing Project.” Such units are expected to be conveyed by RJM Land Development LTD. to future owners in fee simple. The Mount Vernon Liberty Crossing Project is expected to occur upon Knox County Auditor’s Permanent Parcel Identification Number 66-00501.000 (including any subsequent combinations or subdivisions) as identified in the records of the Knox County Auditor from time to time.

LAND USE CONTROLS

As currently described by the Knox County Auditor’s Permanent Parcel Identification Number 66-00501.000, such real property is zoned, according to the Zoning Ordinance of the City of Mount Vernon, Ohio pursuant to Resolution 2023-11 effective March 13, 2023, as may be amended from time to time, as Planned Neighborhood District (“PND”). Pursuant to Section 1163.01 of the Codified Ordinances of the City of Mount Vernon, Ohio, the permitted uses of the PND zoning designation are single family, two-family and multiple family units and accessory uses incidental to these uses. To meet such demands, the City intends to preserve and enhance the health, safety, and general welfare of City residents, while considering unique natural features, contemporary land use concepts, and a balanced residential environment.

The general ordinances and resolutions of the City of Mount Vernon, Ohio shall apply except as otherwise provided within this Exhibit B. All references to the City of Mount Vernon, Ohio general ordinances and resolutions refer to the version of such general ordinances and resolutions in force at the time of their adoption. Whenever there is a conflict or difference between the provisions of this Mount Vernon Liberty Crossing Economic Development Plan text and exhibits, and the general ordinances and resolutions of the City, the provisions of the Mount Vernon Liberty Crossing Economic Development Plan’s text and exhibits shall prevail. Where the Mount Vernon Liberty Crossing Economic Development Plan text and exhibits are silent, the provisions of the general ordinances and resolutions of the City of Mount Vernon, Ohio and the Zoning Ordinance of the City of Mount Vernon, Ohio shall prevail.

DEVELOPMENT MIX

The residential portions of the Development are presently anticipated to consist of approximately 93 single family homes, 42 patio homes, and 112 townhomes, the development of public infrastructure improvements needed to service the Development, and necessary appurtenances thereto. Specifically, the City of Mount Vernon and RJM Land Development LTD. currently anticipate that the construction of a turn lane along State Route 13 will directly benefit the Development as well as provide an overall benefit to the City, its residents, and future development patterns. Additionally, sewer extensions may include off-site and on-site sewer oversizing, as approved by the City.

ANALYSIS AND ASSESSMENT

To promote the variety of flexibility of residential land development that is necessary to meet the demands of increased urbanization, population growth, and the demand for well-organized residential areas within the City of Mount Vernon, Ohio, the proposed Development is intended to be designed using smart-growth principles fostering a human scale, pedestrian-friendly community, with the volume of single-family housing types necessary to serve multi-generational needs.

The Mount Vernon Liberty Crossing Project is intended to be designed to encourage walkability within the City of Mount Vernon, Ohio. Road networks within Liberty Crossing are intended to be designed around gently curving roads, houses are arranged on walkable blocks, with anticipated connections to State Route 13 to the east, all fostering a more integrated transportation and development pattern within the City of Mount Vernon, Ohio. Roads within Liberty Crossing are anticipated to include sidewalks or trails and thereby encourage pedestrian mobility.

Landscape elements in view of public rights-of-way, entry features, project identity signage, street trees, other landscaping, as well as trails and pedestrian-friendly connectivity, are anticipated features of the Development intended to operate in a cohesive manner complementary to the surrounding areas of the City of Mount Vernon, Ohio.

CONCLUSION

It is the conclusion of the City of Mount Vernon, Ohio and its staff that it is in the interests of the City of Mount Vernon, Ohio to proceed with the approval of an “Engineer’s Certificate” and this Economic Development Plan so as to provide for the further approval, by the City Council of the City of Mount Vernon, Ohio, of the Liberty Crossing Incentive District pursuant to Ohio Revised Code Section 5709.40(C).

ATTACHMENTS

[Final Development Plan Attached]



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2025-57

Meeting: 05/12/25 7:30 PM
Dept: Finance and Budget
Seavolt, Woods
 Category: Finance and Budget
 Prepared By: Rob Broeren
 Initiator: Todd Hill
DOC ID: 4238

**A RESOLUTION TO ADJUST APPROPRIATIONS FOR CURRENT EXPENSES FOR THE
 CITY OF MOUNT VERNON, STATE OF OHIO, DURING FISCAL YEAR ENDING,
 DECEMBER 31, 2025.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon,
 State of Ohio:

SECTION 1: That the Auditor of the City of Mount Vernon be, and he herewith is,
 authorized and directed to make appropriations for current expenses of the City of Mount
 Vernon, during the fiscal year ending December 31, 2025, as listed on Exhibit A. These
 appropriations adjust the appropriations adopted by Council on December 23, 2024 in Resolution
 No. 2024-130.

SECTION 2: This Resolution provides for appropriations for the current expenses of
 the City, and therefore, pursuant to Revised Code Section 731.30, it shall become effective upon
 the passage and approved by the Mayor.

COMMENTS - Current Meeting:

Resolution No. 2025-57 was given a first reading.

RESULT: FIRST READING

Next: 5/27/2025 7:30 PM

GENERAL FUND APPROPRIATIONS:

- Decrease appropriations to 101.1786.51111 (Probation Officer) by \$50,679.97 (New Total: \$32,378.75)
- Decrease appropriations to 101.1786.52121 (PERS) by \$7,366.05 (New Total: \$3,747.24)
- Decrease appropriations to 101.1786.52123 (Workers Comp) by \$2,629.64 (New Total: \$370.36)
- Decrease appropriations to 101.1786.52125 (Employee Insurance) by \$34,129.55 (New Total: \$626.35)
- Decrease appropriations to 101.1786.52126 (Medicare & SS) by \$1,672.47 (New Total: \$391.66)
- Increase appropriations to 101.1786.53111 (Dues/Supplies) by \$2,000.00 (New Total: \$6,000.00)
- Increase appropriations to 101.1786.53112 (Conference Registration) by \$2,000.00 (New Total: \$6,000.00)
- Increase appropriations to 101.1786.53113 (Memberships) by \$349.00 (New Total: \$1,849.00)
- Increase appropriations to 101.1786.54112 (Drug Testing) by \$6,427.76 (New Total: \$23,027.76)
- Increase appropriations to 101.1786.54113 (Testing Supplies) by \$4,000.00 (New Total: \$4,010.75)
- Increase appropriations to 101.1786.54115 (GPS Services) by \$1,500.00 (New Total: \$6,000.00)
- Increase appropriations to 101.1786.54116 (Electronic Monitoring) by \$3,000.00 (New Total: \$3,000.00)
- Increase appropriations to 101.1786.54118 (Mental Health Services) by \$5,000.00 (New Total: \$22,000.00)
- Increase appropriations to 101.1786.54119 (Anger Management) by \$1,500.00 (New Total: \$2,300.00)
- Increase appropriations to 101.1786.54120 (Additional Treatment Services) by \$10,000.00 (New Total: \$17,047.50)
- Increase appropriations to 101.1786.54121 (Class Materials) by \$2,000.00 (New Total: \$2,400.00)
- Increase appropriations to 101.1786.54122 (Hands Down Costs) by \$6,500.00 (New Total: \$6,500.00)
- Increase appropriations to 101.1786.54123 (Incentives) by \$5,000.00 (New Total: \$10,000.00)
- Increase appropriations to 101.1786.54124 (Transportation) by \$6,000.00 (New Total: \$8,000.00)
- Increase appropriations to 101.1786.54311 (Training/Travel-In State) by \$6,000.00 (New Total: \$9,940.00)
- Increase appropriations to 101.1786.55511 (Equipment) by \$30,000.00 (New Total: \$30,000.00)
- Increase appropriations to 101.1787.51111 (Probation Officer) by \$50,166.00 (New Total: \$50,166.00)
- Increase appropriations to 101.1787.52121 (PERS) by \$7,023.24 (New Total: \$7,023.24)

- Increase appropriations to 101.1787.52123 (Workers Comp) by \$376.25 (New Total: \$376.25)
- Increase appropriations to 101.1787.52125 (Employee Insurance) by \$1,266.46 (New Total: \$1,266.46)
- Increase appropriations to 101.1787.52126 (Medicare & SS) by \$727.41 (New Total: \$727.41)
- Increase appropriations to 101.1950.54111 (Impound Lot Towing) by \$24,000,000 (New Total: \$24,631.00)



City Council
City of Mount Vernon
Mount Vernon, OH 43050

Meeting: 05/12/25 7:30 PM
Dept: Employee and Community Rel.
Woods, Keener
Category: Personnel
Prepared By: Rob Broeren
Initiator: Todd Hill
DOC ID: 4222

ADOPTED

ORDINANCE 2025-10

AN ORDINANCE FIXING THE NUMBER OF HOURLY EMPLOYEES OF THE CITY OF MOUNT VERNON IN THE POLICE DEPARTMENT; AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the following positions are hereby authorized as indicated:

POLICE DEPARTMENT:

11 Supervisors (Lieutenants and Sergeants)
Not more than ~~21~~ 22 Police Officers
One Records Clerk

Use of all above mentioned said personnel is authorized as required to meet the work demands of the Police Department as appropriated.

The authorized number of positions in the Police Department shall revert to 10 Supervisors and 23 Police Officers upon one of the following: (1) promotion of a Supervisor to Chief or Assistant Chief, (2) demotion of a Supervisor to Police Officer or (3) separation (resignation or retirement) of a Supervisor from service with the Mount Vernon Police Department.

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and to allow necessary staffing in the City's Police Department and said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

HISTORY:

04/14/25 City Council FIRST READING

Ordinance No. 2025-10 was given a first reading. Woods requested a 15-minute meeting of the Employee and Community Relations Committee on the legislation for April 28, 2025.

04/28/25 City Council SECOND READING

Ordinance No. 2025-10 was given a second reading.

COMMENTS - Current Meeting:

Keener made a motion to adopt Ordinance No. 2025-10, with a second by Mahan. Police Chief Robert Morgan commented on the legislation, and noted that the new position created by the legislation has been budgeted for. Motion to adopt passed by a roll-call vote of 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amber Keener, At Large
SECONDER:	James Mahan, First Ward
AYES:	Seavolt, Keener, Severns, Mahan, Ruckman, Hager
EXCUSED:	Tammy Woods



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2025-11

Meeting: 05/12/25 7:30 PM
Dept: Land Use and Development
Keener, Mahan
Category: Planning and Zoning
Prepared By: Todd Hill
Initiator: Todd Hill
DOC ID: 4226

AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE JANUARY 2025 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES; TO REPEAL ORDINANCES IN CONFLICT THEREWITH; TO PUBLISH THE ENACTMENT OF NEW MATTER; AND DECLARING AN EMERGENCY.

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, Council has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish an annual revision; and

WHEREAS, the codification of such ordinances, together with the new matter to be adopted, the matters to be amended and those to be repealed are before the Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the editing, arrangement and numbering or renumbering of the following ordinances and parts of ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of Mount Vernon, Ohio, so as to conform to the classification and numbering system of the Codified Ordinances, to-wit:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
2024-35	8-25-24	125.09
2024-25	12-9-24	August 2024 Replacement Pages
2024-46	11-25-24	931.02, 931.05
<u>Res. No.</u>	<u>Date</u>	<u>C.O. Section</u>
2024-119	11-25-24	931.045

SECTION 2: That, the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

303.01 Compliance with Lawful Order of Police Officer; Fleeing. (Amended)

333.07 Street Racing, Stunt Driving and Street Takeovers Prohibited. (Amended)

General Offenses Code

513.01 Drug Abuse Control Definitions. (Amended)

513.02 Gift of Marihuana. (Amended)

533.03 Unlawful Sexual Conduct with a Minor. (Amended)

533.04 Sexual Imposition. (Amended)

537.02 Vehicular Homicide and Manslaughter. (Amended)

537.021 Vehicular Assault in a Construction Zone. (Amended)

549.12 Concealed Handgun Licenses; Possession of Revoked or Suspended License;
Additional Restrictions; Posting Signs Prohibiting Possession. (Added)

SECTION 3: That the complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this Ordinance as Exhibit A. The listing above of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

SECTION 4: This Ordinance is hereby declared to be an emergency measure and necessary for the immediate preservation of the public peace, health and safety, and for the further reason that an emergency exists in the usual daily operation of the various departments of the municipal government, and said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

HISTORY:

04/28/25

City Council

FIRST READING

Ordinance No. 2025-11 was given a first reading.

COMMENTS - Current Meeting:

Ordinance No. 2025-11 was given a second reading.

RESULT: SECOND READING**Next: 5/27/2025 7:30 PM**

INSTRUCTIONS FOR INSERTING
JANUARY 2025 REPLACEMENT PAGES
FOR THE
CODIFIED ORDINANCES OF MT. VERNON

All new replacement pages bear the footnote "January 2025 Replacement". Please discard old pages and insert these new replacement pages immediately as directed in the following table.

Discard Old Pages

Insert New Pages

PRELIMINARY UNIT

Cover and Certification Page

3, 4

11, 12

15 through 18

31, 32

36C, 36D

40G, 40H

46C

60A, 60B

Cover and Certification Page

3, 4

11, 12

15 through 18

31, 32

36C, 36D

40G, 40H

46C

60A, 60B

PART ONE - ADMINISTRATIVE CODE

27 through 28A

27 through 28C

PART THREE - TRAFFIC CODE

13 through 18B

29, 30

65, 66

83 through 84D

13 through 18C

29, 30

65, 66

83 through 84E

PART FIVE - GENERAL OFFENSES CODE

29 through 30B

75 through 78

81 through 82B

118E, 118F

29 through 30B

75 through 78

81 through 82B

118E, 118F

PART NINE- STREETS, UTILITIES AND PUBLIC SERVICES CODE

89 through 92

89 through 92A

CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON, OHIO

Local legislation current through January 27, 2025

State legislation current through June 26, 2024

CERTIFICATION

We, Matthew T. Starr, Mayor and Todd Hill,
Clerk of Council of Mount Vernon, Ohio, pursuant to Ohio Revised Code
731.23 and 731.42, hereby certify that the general and permanent
ordinances of the City of Mount Vernon, Ohio, as revised, rearranged,
compiled, renumbered as to sections, codified and printed herewith in
component codes are correctly set forth and constitute the Codified
Ordinances of Mount Vernon, Ohio, 1989, as amended to January 27,
2025.

/s/ Matthew T. Starr
Mayor

/s/ Todd Hill
Clerk of Council

Codified, edited and prepared for
publication by
THE WALTER H. DRANE COMPANY
Cleveland, Ohio

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The Walter H. Drane Company

CITY OF MOUNT VERNON, OHIO

ROSTER OF CITY OFFICIALS

(2025)

COUNCIL

Bruce E. Hawkins	President
James Mahan	First Ward
John Ruckman	Second Ward
Tammy Woods	Third Ward
LeNan Hager	Fourth Ward
Amber Keener	At Large
Janis Seavolt	At Large
Mel Severns	At Large

ADMINISTRATION

Matthew T. Starr	Mayor
Tanner S. Salyers	Safety-Service Director
P. Robert Broeren, Jr.	Director of Law
Todd Hill	Clerk of Council
Maureen Hall	Assistant Clerk of Council
Dan Brinkman	City Auditor
David Stuller	City Treasurer
Robert K. Morgan	Chief of Police
Chad Christopher	Fire Chief
John Thatcher	Municipal Court Judge
Lisa R. Mazza	Municipal Court Clerk
Aaron Reinhart	Director of Public Utilities
Tom Hinkle	Director of Public Works
Brian Ball	City Engineer
Lisa Brown	Income Tax Administrator

The publisher
expresses their appreciation
to

TANNER SALYERS
Safety-Service Director

P. ROBERT BROEREN, JR.
Director of Law

TODD HILL
Clerk of Council

and all other officers and employees who
assisted in the preparation
of these Codified Ordinances.

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2019-27	6-24-19	551.01 to 551.06	2021-38	10-25-21	August 2021 Replacement Pages
2019-28	6-24-19	376.01 to 376.05, 376.99	2021-47	12-13-21	753.04
Res.			2021-51	12-27-21	105.01 to 105.05
2019-56	6-24-19	515.001	2022-01	1-10-22	187.02, 187.07, 187.09, 187.14(g) to (i)
2019-31	9-23-19	1167.02	2022-16	4-25-22	February 2022 Replacement Pages
2019-35	11-12-19	920.01 to 920.47, 920.99	2022-22	6-13-22	902.02
2019-36	11-25-19	755.01, 755.05	2022-25	7-25-22	Pt. 11 Appx. II
2019-37	11-12-19	September 2019 Replacement Pages	2022-31	10-10-22	August 2022 Replacement Pages
2019-38	12-23-19	911.02 to 911.11, 911.13, 913.03, 913.11, 919.02 to 919.04, 919.06, 919.08, 919.11	2023-10	4-24-23	February 2023 Replacement Pages
2019-39	12-9-19	187.02, 187.07, 187.09, 187.14	2023-25	6-26-23	919.07(i)
2019-120	11-25-19	931.11	2023-33	8-23-23	1155.03(d)
2020-17	4-27-20	2020 Replacement Pages	2023-34	10-9-23	August 2023 Replacement Pages
2020-21	6-8-20	Repeals 135.05	2023-40	11-27-23	111.01(d), 359.04 (a), 783.04(a), 783.16(e), 911.07 (t), 911.08(g), 1155.17, 1155.18, 1155.28, 1155.31 (b), 1156.03(b), 1156.04(b), 1169(A).02(a)(3), 1172.03(c), 1182.09
2020-22	7-27-20	303.08(a), 359.03, 359.04			
2020-28	8-24-20	351.20	2023-44	12-11-23	187.02(a), 187.07 (e), 187.09, 187.14(g), (h), (i)

January 2025 Replacement

COMPARATIVE SECTION TABLE

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<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
2024-07	3-26-24	111.08(a)	Res.		
2024-11	3-11-24	901.01 to 901.04, 901.99	2024-119	11-25-24	931.045
2024-13	4-8-24	129.16			
2024-18	3-13-24	Repeals Ch. 551			
2024-20	3-13-24	129.17			
2024-22	3-28-24	February 2024 Replacement Pages			
2024-26	3-28-24	135.02, 135.021, 135.06			
2024-28	6-10-24	183.012(B), 183.062(D), (F) (1), (G), 183.094, 183.10(C)(4), 183.22			
2024-32	7-22-24	1101.01 to 1101.13, 1102.01 to 1102.05, 1103.01 to 1103.11, 1104.01 to 1104.03, 1105.01 to 1105.05, 1106.01, 1106.02, 1107.01 to 1107.06, 1108.01, 1108.02, 1109.01 to 1109.08, 1110.01 to 1110.06, 1111.01 to 1111.08, 1112.01 to 1112.08, 1113.01 to 1113.13, 1114.01 to 1114.16, 1115.01 to 1115.07, 1116.01 to 1116.10, 1117.01 to 1117.03			
2024-33	7-22-24	141.01			
2024-34	7-22-24	147.01 to 147.06			
2024-35	8-25-24	125.09			
2024-45	12-9-24	August 2024 Replacement Pages			
2024-46	11-25-24	931.02, 931.05			

January 2025 Replacement

Attachment: 04-28-25 Exhibit A (2025-11 : Adopting January 2025 Replacement Pages)

TABLE OF SPECIAL ORDINANCES

TABLE B - EASEMENTS (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
Res. 2022-32	4-11-22	Grants an easement to the property located at 135 South Main Street.
Res. 2023-32	4-10-23	Grants an easement to the property located at 301 Boynton Street.
Res. 2024-70	7-22-24	Grant the following supplemental easements to Ohio Power Company (dba American Electric Power): Easement #34 (Parcel #66-00802.001) - Attached as Exhibit A Easement #37 (Parcel #66-01395.001) - Attached as Exhibit B Easement #38 (Parcel #66-01395.004) - Attached as Exhibit C Easement #45 (Parcel #66-00582.003) - Attached as Exhibit D Easement #46 (Parcel #66-02547.000) - Attached as Exhibit E Easement #47 (Parcel #66-50462.000) - Attached as Exhibit F Easement #48 (Parcel #66-50268.000) - Attached as Exhibit G Easement #50 (Parcel #66-02517.000) - Attached as Exhibit H Easement #51 (Parcel #66-02518.000) - Attached as Exhibit I Easement #56 (Parcel #66-50112.000) - Attached as Exhibit J Easement #57 (Parcel #66-06302.000) - Attached as Exhibit K Easement #58 (Parcel #66-09639.002) - Attached as Exhibit L
Res. 2024-134	12-23-24	Grants Easement to Ohio Power Company (DBA American Electric Power); to the property located at 18 East Vine Street.
Res. 2024-135	12-23-24	Grants easement to Ohio Power Company (DBA American Electric Power); in and around the splash pad in Riverside Park.
Res. 2025-19	1-27-25	Grants the following easements to Ohio Power Company (DBA American Electric Power): Auditor's Parcel #66-07567.000 Auditor's Parcel #66-50091.000 Auditor's Parcel #66-50090.000

TABLE H - PURCHASE OF PROPERTY FOR CITY USE (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
Res. 2012-63	9-24-12	Authorizes the purchase of vacant property at the northeastern corner of the intersection of South Norton St. and Madison Ave.
Res. 2012-76	12-10-12	Authorizing the purchase of 820 Coshocton Ave.
Res. 2014-32	4-28-14	Authorizing the purchase of 25.123 acres of land on Harcourt Road.
Res. 2014-98	11-24-14	Authorizing the purchase of the property known as 102 North Sandusky Street, (Parcel #66-05572.000) for \$190,000.
Res. 2016-82	11-14-16	Authorizing the Safety-Service Director to purchase properties from Pechiney Plastic Packaging, Inc.
Res. 2019-51	5-28-19	Authorizing the purchase of the property known as 301 West Vine Street, (Parcel #66-00361.000).
Res. 2019-127	12-9-19	Authorizing the Safety Service Director to accept the donation of property from the Mt. Vernon Development Company known as Parcel #66-06302.000 (.681 acres).
Res. 2019-132	12-23-19	Authorizing agreements to acquire, by either purchase or accept by donation, either in whole or in part, the following nine (9) pieces of property with the following permanent parcel numbers: 66-09491.000, 66-04632.000, 66-05406.000, 66-05405.000, 66-05905.000, 66-05518.000, 66-03410.000, 66-01594.000 and 66-50289.000.
Res. 2021-04	1-27-21	Authorizing agreements to acquire in whole or in part the following seven (7) pieces of property with the following permanent parcel numbers: 6605520.000, 66-02493.00, 66-02490.000, 66-02494.000, 66-09676.000, 66-01212.000, and 66-01590.000.
Res. 2021-05	1-27-21	Authorizing agreements to acquire in whole or in part the following two (2) pieces of property with the following permanent parcel numbers: 66-00826.000 and 66-02042.000.
Res. 2022-45	4-25-22	Authorizing agreements to acquire, by either purchase or accept by donation, either in whole or in part, the following four (4) pieces of property with the following permanent parcel numbers: 66-00499.000, 66-05506.000, 66-03852.000 and 66-03852.001.

TABLE OF SPECIAL ORDINANCES

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TABLE H - PURCHASE OF PROPERTY FOR CITY USE (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
Res. 2023-87	11-27-23	Authorizing the Safety-Service Director to accept the donation of two parcels of property from the Wesley L. Kline Trust known as Parcel No. 66-03989.010 and Parcel No. 66-03989.011.
Res. 2024-06	1-22-24	Authorizing the Safety-Service Director to enter into an agreement to acquire in whole or in part a single parcel of property, permanent parcel number 71-00002.000.
Res. 2024-20	2-12-24	Authorizing the Safety-Service Director to enter into agreements to acquire additional right of way to complete the Mansfield Avenue Project (KNO-CR5-0.47).
Res. 2024-80	8-12-24	Authorizing the Safety-Service Director to enter into an agreement to acquire in whole or in part a single parcel of property Permanent Parcel Number 66-09399.000.

CHAPTER 125

Auditor

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| <p>125.01 Election, term and duties.
 125.02 Composition of office.
 125.03 Deputy Auditor.
 125.04 Treasury Investment Fund.
 125.05 Annual fee for tax
 abatement.</p> | <p>125.06 Line account transfers.
 125.07 Petty cash and change funds.
 125.08 Collection service fee.
 125.09 Credit card policy.</p> |
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CROSS REFERENCES

Uniform Bond Law - see Ohio R. C. Ch. 133
 Uniform Depository Act - see Ohio R. C. Ch. 135
 State law provisions - see Ohio R. C. 733.10 et seq.
 Duties in receiving bids - see Ohio R. C. 733.18
 Auditor's seal - see Ohio R. C. 733.20
 Appropriation and expenditure - see Ohio R. C. 5705.41

125.01 ELECTION, TERM AND DUTIES.

The Auditor shall be elected for a term of four years. He shall keep accurate records of all moneys received, funds expended, and all property owned by the City and income derived therefrom and from all taxes and assessments. He shall audit the accounts of all officers and departments at the end of each fiscal year and make a report of such audit to Council. He shall have all powers and duties delegated to city auditors by statute.
 (Ord. 1960-32. Passed 11-7-60.)

125.02 COMPOSITION OF OFFICE.

The Auditor's office shall be composed of the Auditor and such other employees as Council may designate or authorize from time to time and as are set forth in the current compensation or salary ordinances.
 (Ord. 1960-32. Passed 11-7-60.)

125.03 DEPUTY AUDITOR.

There is created the office of Deputy Auditor, who shall be appointed by the Auditor and shall perform the duties of the Auditor in the absence or disability of the Auditor.
 (Ord. 1958-4. Passed 7-7-58.)

125.04 TREASURY INVESTMENT FUND.

(a) Moneys which will not be required to be used by the City, in lieu of being deposited in a bank, shall be invested in obligations of such Municipal corporation, in bonds or other obligations of the United States or those for the payment of principal and interest of which the faith of the United States is pledged, discount notes of the Federal National Mortgage Association, bonds issued by the Home Owners' Loan Corporation pursuant to the "Home Owners Loan Act of 1933," 48 Stat. 128, 12 U.S.C. 1461 and the amendments thereto, bonds of this State, and bonds of any municipal corporation, village, county, township or other political subdivision of this State, as to which there is no default of principal, interest or coupons.

(b) Such investments shall not be made at a price in excess of the current market value of such bonds or other interest-bearing obligations. Such bonds or other interest bearing obligations may be sold for cash and for a sum not less than their current market price, in the manner prescribed in Ohio R. C. 731.57 to 731.59, inclusive.

(c) In all respects such investments shall be made and administered in accordance with the provisions of Ohio R. C. 731.56 through 731.59.
(Ord. 1976-1. Passed 1-2-76.)

125.05 ANNUAL FEE FOR TAX ABATEMENT.

(a) It is required that each enterprise which requests and receives a tax abatement enter into an agreement requiring that the enterprise shall pay an annual fee equal to the greater of one percent (1%) of the dollar value of incentives offered under the tax abatement agreement or five hundred dollars (\$500.00); provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars (\$250,000), the fee shall not exceed two thousand five hundred dollars (\$2,500).

(b) The fee shall be payable to the legislative authority one per year for each year the tax abatement agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by the legislative authority and shall be used by the legislative authority exclusively for the purpose of complying with Ohio R.C. 5709.68 and by the tax incentive review council created under Ohio R.C. 5709.85 exclusively for the purposes of performing the duties prescribed under that section.

(c) The Area Development Foundation is designated to prepare the annual reports required by Ohio R.C. 5709.68.
(Ord. 1995-31. Passed 12-18-95.)

125.06 LINE ACCOUNT TRANSFERS.

The Auditor for the City of Mount Vernon be, and he herewith is, authorized and directed to transfers within line accounts in amounts of three thousand dollars (\$3,000.00) or less, without the consent of the Council of the City of Mount Vernon.
(Ord. 2022-48. Passed 1-23-23.)

125.07 PETTY CASH AND CHANGE FUNDS.

(a) The following departments are authorized and directed to establish Petty Cash and Change Funds in the amounts as follows:

<u>Department</u>	<u>Petty Cash</u>	<u>Change Fund</u>
Mayor	\$50.00	\$-0-
Income Tax	100.00	200.00
Municipal Court	-0-	100.00
Police	100.00	75.00
Fire	50.00	-0-
Engineer	50.00	50.00
Pool	-0-	1,100.00
Water/Wastewater Office	100.00	600.00
Water/Wastewater Plant	100.00	-0-
Cemetery	50.00	50.00

(b) Petty Cash shall not be utilized to make any purchase where such purchase could have been made and charged to the City of Mount Vernon. Further, the maximum purchase from Petty Cash Funds shall not exceed ten dollars (\$10.00) per purchase.
(Ord. 2013-05. Passed 2-11-13.)

(c) Change Funds are to be utilized only to make change and for no other purpose.
(Ord. 1991-44. Passed 10-21-91.)

125.08 COLLECTION SERVICE FEE.

(a) The City hereby establishes a collection fee up to thirty-three percent (33%) of the balance to be assessed to unpaid utility bills, property maintenance bills, hazardous waste bills, rescue bills, capital improvements bills, and delinquent income taxes, which have been turned over to a collection agency.

(b) The collection service fee shall be automatically assessed once any account is turned over to a collection agency.
(Ord. 2008-33. Passed 11-24-08.)

125.09 CREDIT CARD POLICY.

The City of Mount Vernon hereby authorizes the issuance and use of a credit card(s) for official municipal business purposes.

As used in this policy "credit card account" means any bank-issued credit card account, store-issued credit card account, financial institution-issued credit card account, financial depository-issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or to transact with the account, and any debit or gift card account related to the receipt of grant moneys. "Credit card account" does not include a procurement card account, gasoline or telephone credit card account, or any other card account where merchant category codes are in place as a system of control for use of the card account.

- (a) Authorized Users. The Mayor and Safety-Service Director, along with any member of the Safety or Service Departments authorized by the Safety-Service Director, are authorized to use the City's credit card account. Before receiving authorization to use the City credit card, authorized officers or employees must complete a written acknowledgment of this policy.
- (b) Authorized Expenses. The credit card issued to the Safety Service Office shall be utilized exclusively for the procurement of necessary goods and services directly related to the operation and functions of the Safety Service Office, including but not limited to:
 - (1) Purchasing equipment and supplies.
 - (2) Payment for training programs, seminars, and conferences.
 - (3) Payment for necessary administrative expenses such as office supplies and communication.
- (c) Procedure for Acquisition, Use, and Management of a Credit Card Account. The Safety Service Office shall ensure that the credit card is used responsibly and solely for official municipal business purposes. Personal expenditures or unauthorized transactions are strictly prohibited.
All credit cards shall be paid in full by the due date - to avoid interest charges.
- (d) Procedure for Submitting Itemized Receipts. The City recognizes that the credit card provides convenience to employees in acquiring goods and services for the City. The City also recognizes the additional risk inherent with credit card usage. For individual expenditures, the expense must fall within pre-approved budgets. Itemized receipts must be turned in to the Auditor within two (2) business days along with a purchase order designating the account(s) from which the funds are to be drawn. If an officer or employee is out of town during the expenditure, signed receipts should be turned in within two (2) business days of returning to work along with a purchase order designating the account(s) from which the funds are to be drawn.
- (e) Procedure for Credit Card Issuance, Reissuance, Cancellation, and the Procedure for Reporting Lost or Stolen Credit Cards. In order to open a new credit card account a written request must be made to the Auditor. The name of the City shall appear on the Credit Card Account(s).
The Auditor is responsible for administration of City credit cards, including; but not limited to, selection of card provider, payment of credit card bills, and managing issuance of cards.
Officers and employees must surrender all City credit cards upon their separation of employment or service from the City or when requested by the Safety-Service Director or Auditor.
In the event the card is lost or stolen, the cardholder must notify the Auditor as soon as reasonably possible. The employee is to assist the Auditor in identifying and resolving any charges made to the account.
An open credit card Account maybe cancelled by the Safety-Service Director and Auditor.
- (f) Credit Card's Maximum Credit Limit. Each credit card shall have a minimum limit of five thousand dollars (\$5,000.00) and a maximum limit of ten thousand dollars (\$10,000.00).
- (g) Actions or Omissions by an Officer or Employee That Qualify as Misuse of a Credit Card Account. The use of a City credit card account for expenses beyond those authorized by this Policy, or any failure to comply with this Policy, constitutes misuse of a credit card account.

- (1) **Criminal Penalty**
An officer or employee of the political subdivision or a public servant as defined under section 2921.01 of the Revised Code who knowingly misuses a credit card account held by the City violates section 2913.21 of the Revised Code, as well as any other applicable criminal penalty.
 - (2) **Disciplinary Action**
Misuse of a credit card account may also subject an officer or employee of the City to disciplinary action.
 - (3) **Liability**
The officer or employee is liable in person and upon any official bond the officer or employee has given to the political subdivision to reimburse the treasury the amount for which the officer or employee does not provide itemized receipts in accordance with this policy and/or for any other unauthorized use of a "credit card" as established by this policy.
- (h) **Compliance.** The Mayor shall appoint a compliance officer. The compliance officer cannot be the Auditor or any person who uses or can authorize another person to use the City's credit card account.
At least quarterly, the compliance officer and Council shall review the number of cards and accounts issued, the number of active cards and accounts issued, the cards' and accounts' expiration dates, and the cards' and accounts' credit limits.
- (i) **Credit Card Rewards.** Annually, the Auditor shall file a report with Council detailing all rewards received based on the use of the City's credit card account.
(Ord. 2024-35. Passed 8-25-24.)

CHAPTER 303 Enforcement, Impounding and Penalty

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| <p>303.01 Compliance with lawful order of police officer; fleeing.</p> <p>303.02 Traffic direction in emergencies; obedience to school guard.</p> <p>303.03 Officer may remove ignition key.</p> <p>303.04 Road workers, motor vehicles and equipment excepted.</p> <p>303.041 Emergency, public safety and coroner's vehicles exempt.</p> <p>303.05 Application to persons riding, driving animals upon roadway.</p> | <p>303.06 Freeway use prohibited by pedestrians, bicycles and animals.</p> <p>303.07 Application to drivers of government vehicles.</p> <p>303.08 Impounding of vehicles; redemption and disposal.</p> <p>303.09 Vehicle trespass.</p> <p>303.10 Providing false information to police officer.</p> <p>303.99 General Traffic Code penalties.</p> <p>303.991 Committing an offense while distracted penalty.</p> |
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CROSS REFERENCES

See sectional histories for similar State law

Disposition of unclaimed vehicles - see Ohio R.C. 737.32, 4513.62 et seq.

Citations for minor misdemeanors - see Ohio R.C. 2935.26 et seq.

Power of trial court of record to suspend or revoke license for certain violations - see Ohio R.C. 4507.16, 4507.34

State point system suspension - see Ohio R.C. 4507.40

Uniform application of Ohio Traffic Law - see Ohio R.C. 4511.06

Marking motor vehicles used by traffic officers - see Ohio R.C. 4549.13

Distinctive uniform required for traffic officers - see Ohio R.C. 4549.15

Exceptions for emergency or public safety vehicles - see TRAF. 331.20, 333.06

303.01 COMPLIANCE WITH LAWFUL ORDER OF POLICE OFFICER; FLEEING.

(a) No person shall fail to comply with any lawful order or direction 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.

(EDITOR'S NOTE: Refer to Ohio R.C. 2921.331 for filing charges under subsection (b) hereof since the jury or judge as trier of fact may determine the violation to be a felony.)

- (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 subsection (a) of this section is a misdemeanor of the first degree.
- (3) Except as provided in subsections (c)(4) and (c)(5) of this section, a violation of subsection (b) of this section is a felony to be prosecuted under appropriate state law.
- (4) A violation of subsection (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 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 subsection (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 subsection (b) of this section and subsection (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 subsection (b) of this section, shall consider, along with the factors set forth in Ohio 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 subsection (a) of this section, the court shall impose a class five suspension from the range specified in Ohio R.C. 4510.02(A)(5). If the offender previously has been found guilty of an offense under this section or under Ohio 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 Ohio 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. (ORC 2921.331)

303.02 TRAFFIC DIRECTION IN EMERGENCIES; OBEDIENCE TO SCHOOL GUARD.

(a) Police officers shall direct or regulate traffic in accordance with the provisions of this Traffic Code, provided that, in the event of fire or other emergency or to expedite traffic or safeguard pedestrians, they are authorized to direct traffic as conditions may require notwithstanding the provisions of this Traffic Code. Firemen, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity. The direction of traffic may be by word or audible signal, by gesture or visible signal or by any combination thereof. No person shall fail to comply with any lawful order or direction of any police officer or fireman issued pursuant to this section.

(b) No person shall fail to comply with any lawful order or direction of any school crossing guard invested with authority to direct, control or regulate traffic in the vicinity of the school to which such guard may be assigned.

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

303.03 OFFICER MAY REMOVE IGNITION KEY.

A law enforcement officer may remove the ignition key left in the ignition switch of an unlocked and unattended motor vehicle parked on a street or highway, or any public or private property used by the public for purposes of vehicular travel or parking. The officer removing such key shall place notification upon the vehicle detailing his name and badge number, the place where such key may be reclaimed and the procedure for reclaiming such key. The key shall be returned to the owner of the motor vehicle upon presentation of proof of ownership. (ORC 4549.05)

303.04 ROAD WORKERS, MOTOR VEHICLES AND EQUIPMENT EXCEPTED.

(a) The provisions of this Traffic Code do not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway within an area designated by traffic control devices, but apply to such persons and vehicles when traveling to or from such work.

(b) The driver of a highway maintenance vehicle owned by this state or any political subdivision of this state, while the driver is engaged in the performance of official duties upon a street or highway, provided the highway maintenance vehicle is equipped with flashing lights and such other markings as are required by law, and such lights are in operation when the driver and vehicle are so engaged, shall be exempt from criminal prosecution for violations of Sections 331.01 to 331.04, 331.06 to 331.08, 331.31, 333.04, 337.01 and Ohio R.C. 4511.66 and 5577.01 to 5577.09.

(c) (1) This section does not exempt a driver of a highway maintenance vehicle from civil liability arising from a violation of Sections 331.01 to 331.04, 331.06 to 331.08, 331.31, 333.04, 337.01 or Ohio R.C. 4511.66 or 5577.01 to 5577.09.

- (2) This section does not exempt a driver of a vehicle who is not a state employee and who is engaged in the transport of highway maintenance equipment from criminal liability for a violation of Ohio R.C. 5577.01 to 5577.09.

(d) As used in this section, "engaged in the performance of official duties" includes driving a highway maintenance vehicle to and from the manufacturer or vehicle maintenance provider and transporting a highway maintenance vehicle, equipment, or materials to and from a work location. (ORC 4511.04)

303.041 EMERGENCY, PUBLIC SAFETY AND CORONER'S VEHICLES EXEMPT.

(a) Ohio R.C. 4511.12, 4511.13, 4511.131, 4511.132, 4511.14, 4511.202, 4511.21, 4511.211, 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, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.62, 4511.66, 4511.68, 4511.681 and 4511.69 and all sections of this Traffic Code or other municipal ordinances that are substantially equivalent to the sections listed above, do not apply to the driver of an emergency vehicle or public safety vehicle if the emergency vehicle or public safety vehicle is responding to an emergency call, is equipped with and displaying at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and if the driver of the vehicle is giving an audible signal by siren, exhaust whistle or bell. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway. (ORC 4511.041)

(b) Ohio R.C. 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.35, 4511.36, 4511.37, 4511.38 and 4511.66, and all sections of this Traffic Code or other municipal ordinances that are substantially equivalent to the sections listed above, do not apply to a coroner, deputy coroner, or coroner's investigator operating a motor vehicle in accordance with Ohio R.C. 4513.171. This section does not relieve a coroner, deputy coroner, or coroner's investigator operating a motor vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway. (ORC 4511.042)

303.05 APPLICATION TO PERSONS RIDING, DRIVING ANIMALS UPON ROADWAY.

Every person riding, driving or leading an animal upon a roadway shall be subject to the provisions of this Traffic Code applicable to the driver of a vehicle, except those provisions of such sections which by their nature are inapplicable. (ORC 4511.05)

303.06 FREEWAY USE PROHIBITED BY PEDESTRIANS, BICYCLES AND ANIMALS.

- (a) No person, unless otherwise directed by a police officer, shall:
- (1) As a pedestrian, occupy any space within the limits of the right-of-way of a freeway, except: in a rest area; on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for pedestrian use; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle; or to obtain assistance;

- (2) Occupy any space within the limits of the right of way of a freeway, with: an animal-drawn vehicle; a ridden or led animal; herded animals; a pushcart; a bicycle, except on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use; an electric bicycle; a bicycle with motor attached; a motor driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; farm machinery; except in the performance of public works or official duties.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.051)

303.07 APPLICATION TO DRIVERS OF GOVERNMENT VEHICLES.

The provisions of this Traffic Code applicable to the drivers of vehicles shall apply to the drivers of all vehicles owned or operated by the United States, any state or any political subdivision thereof, including this Municipality, except as may be otherwise provided by law and subject to such specific exceptions as are set forth with reference to authorized emergency and public safety vehicles.

303.08 IMPOUNDING OF VEHICLES; REDEMPTION AND DISPOSAL.

(a) For the purposes of this section, "impounding" means taking possession of a vehicle and securing it in a lot designated by the Chief of Police including any lot owned by the City of Mount Vernon and controlled by the Mount Vernon Police Department. (Ord. 2020-22. Passed 7-27-20.)

(b) Police officers are authorized to provide for the removal and impounding of a vehicle, or the placement of a device designed to immobilize a vehicle, under the following circumstances:

- (1) When any vehicle is left unattended upon any street, bridge or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations.
- (2) When any "inoperable vehicle" is removed from property pursuant to Section 1309.01.
- (3) When any vehicle has been stolen or operated without consent of the owner.
- (4) When any vehicle displays illegal license plates or fails to display the current lawfully required license plates.
- (5) When any vehicle has been used in, or connected with, the commission of a felony.
- (6) When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provisions of this Traffic Code whereby its continued operation would constitute a condition hazardous to life, limb or property.
- (7) When any vehicle is left unattended due to the removal of an ill, injured or arrested operator.
- (8) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision.

- (9) When any vehicle has been operated by any person who is driving without a lawful license or while his license has been suspended or revoked.
- (10) When any vehicle is found for which fifty dollars (\$50.00), or more, in unpaid parking fines have accumulated and the owner has failed to respond to such parking fines as lawfully required.
- (11) Upon issuance of a court order stating such vehicle is to be impounded or immobilized.
- (12) When any vehicle is found to have been left on private property in violation of Section 359.02.
- (13) When any vehicle is found to have been left on public property in violation of Section 359.03.
- (14) When any vehicle is found to be parked on a public street, or upon the City's right-of-way and is obstructing the completion of a public utilities project. The City shall be responsible for any towing and storage fees if the vehicle in question is legally parked.
- (15) Any vehicle found to be illegally parked and is an obstruction to City services (Fire lane, etc.)
- (16) Any vehicle taken into evidence as part of a criminal investigation.

(c) The Police Department shall attempt to notify the registered owner of a vehicle once the vehicle has been impounded or immobilized. If the vehicle has been immobilized, an explanation of the reason for the immobilization, and the procedure for the removal of the device, shall be attached to the vehicle. Any person desiring to redeem an impounded or immobilized vehicle shall furnish satisfactory evidence of identity and ownership or right to possession. Prior to release of the vehicle, the claimant shall either pay the amount due for any fines for violations on account of which such vehicle was impounded or immobilized, or, as the court may require, post a bond in an amount set by the court, to appear to answer such violations. The Police Department shall release such vehicle, as soon as practicable, upon payment of all towing charges, storage charges, and all parking fines owed. Vehicles impounded as evidence pursuant to subsection (b)(16) hereof shall be returned to the owner of record without charge for storage unless forfeited by court order. Vehicle forfeitures shall be subject to the requirements of Chapter 2981 of the Ohio Revised Code.

(d) The City assumes no liability for loss or damage to any vehicle while it is immobilized.

(e) All moneys paid as a result of the impounding, and subsequent release, of any vehicle shall be paid as follows:

- (1) Money received for parking fines shall be paid into the Parking Fund.
- (2) Money received for towing and storage fees shall be paid into the General Fund.

(f) If a motor vehicle impounded pursuant to subsection (b) remains unclaimed by the owner after thirty days, the vehicle shall be disposed of pursuant to Section 359.04. (Ord. 2014-07. Passed 5-12-14.)

303.09 VEHICLE TRESPASS.

(a) No person shall enter into or upon any vehicle, the property of another person, without the consent of the owner or operator thereof. (Ord. 1973-20. Passed 6-18-73.)

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

303.10 PROVIDING FALSE INFORMATION TO POLICE OFFICER.

(a) No person shall knowingly present, display or orally communicate a false name, social security number or date of birth to a law enforcement officer who is in the process of issuing to the person a traffic ticket or complaint.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.
(ORC 4513.361)

303.99 GENERAL TRAFFIC CODE PENALTIES.

(a) General Misdemeanor Classifications. Whoever violates any provision of this Traffic Code for which violation no penalty is otherwise provided, is guilty of a minor misdemeanor.
(ORC 4513.99)

(b) Penalties. Whoever is convicted of or pleads guilty to a violation of this Traffic Code shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.

<u>Classification of Misdemeanor</u>	<u>Maximum Term of Imprisonment</u>	<u>Maximum Fine</u>
First degree	180 days	\$1,000.00
Second degree	90 days	750.00
Third degree	60 days	500.00
Fourth degree	30 days	250.00
Minor	No imprisonment	150.00

(ORC 2929.24; 2929.28)

303.991 COMMITTING AN OFFENSE WHILE DISTRACTED PENALTY.

(a) As used in this section and each section of the Traffic Code where specified, all of the following apply:

- (1) "Distracted" means doing either of the following while operating a vehicle:
 - A. Using an electronic wireless communications device, as defined in Ohio R.C. 4511.204, in violation of that section.
 - B. Engaging in any activity that is not necessary to the operation of a vehicle and impairs, or reasonably would be expected to impair, the ability of the operator to drive the vehicle safely.
- (2) "Distracted" does not include operating a motor vehicle while wearing an earphone or earplug over or in both ears at the same time. A person who so wears earphones or earplugs may be charged with a violation of Section 331.43.
- (3) "Distracted" does not include conducting any activity while operating a utility service vehicle or a vehicle for or on behalf of a utility, provided that the driver of the vehicle is acting in response to an emergency, power outage or a circumstance affecting the health or safety of individuals.
As used in subsection (a)(3) of this section:

- A. "Utility" means an entity specified in division (A), (C), (D), (E) or (G) of Ohio R.C. 4905.03.
- B. "Utility service vehicle" means a vehicle owned or operated by a utility.

(b) If an offender violates any section of this Traffic Code which provides for an enhanced penalty for an offense committed while distracted and the distracting activity is a contributing factor to the commission of the violation, the offender is subject to the applicable penalty for the violation and, notwithstanding Ohio R.C. 2929.28, is subject to an additional fine of not more than one hundred dollars (\$100.00) as follows:

- (1) Subject to Traffic Rule 13, if a law enforcement officer issues an offender a ticket, citation or summons for a violation of any section of the Traffic Code that indicates that the offender was distracted while committing the violation and that the distracting activity was a contributing factor to the commission of the violation, the offender may enter a written plea of guilty and waive the offender's right to contest the ticket, citation or summons in a trial provided that the offender pays the total amount of the fine established for the violation and pays the additional fine of one hundred dollars (\$100.00).
In lieu of payment of the additional fine of one hundred dollars (\$100.00), the offender instead may elect to attend a distracted driving safety course, the duration and contents of which shall be established by the Ohio Director of Public Safety. If the offender attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall be required to pay the total amount of the fine established for the violation, but shall not be required to pay the additional fine of one hundred dollars (\$100.00), so long as the offender submits to the court both the offender's payment in full and such written evidence within ninety days of the underlying violation that resulted in the imposition of the additional fine under this section.
- (2) If the offender appears in person to contest the ticket, citation or summons in a trial and the offender pleads guilty to or is convicted of the violation, the court, in addition to all other penalties provided by law, may impose the applicable penalty for the violation and may impose the additional fine of not more than one hundred dollars (\$100.00).
If the court imposes upon the offender the applicable penalty for the violation and an additional fine of not more than one hundred dollars (\$100.00), the court shall inform the offender that, in lieu of payment of the additional fine of not more than one hundred dollars (\$100.00), the offender instead may elect to attend the distracted driving safety course described in subsection (b)(1) of this section. If the offender elects the course option and attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall be required to pay the total amount of the fine established for the violation, but shall not be required to pay the additional fine of not more than one hundred dollars (\$100.00), so long as the offender submits to the court the offender's payment and such written evidence within ninety days of the underlying violation that resulted in the imposition of the additional fine under this section.

(c) If a law enforcement officer issues an offender a ticket, citation, or summons for a violation of subsection (b) of this section that indicates that the offender was distracted while committing the violation and that the distracting activity was a contributing factor to the commission of the violation, the officer shall do both of the following:

- (1) Report the issuance of the ticket, citation, or summons to the officer's law enforcement agency;
- (2) Ensure that such report indicates the offender's race.
(ORC 4511.991)

Amendments to Traffic Control Map and File (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Change</u>
1993-26	12-30-93	Authorizes the erection of traffic control signs prohibiting right turn on red from all four directions at the following intersections: S. Main St., at Vine St., S. Main St., at Gambier St., S. Main St., at Ohio Ave.
1993-27	11-15-93	Authorizes the erection of a traffic control signal at the intersection of Sychar Road and Coschocton Ave., and Coshocton Ave., and the entrance to Knox Village Square Shopping Plaza.
1993-28	11-15-93	Authorizes the erection of stop signs at the intersection of Teryl Drive and Marita Drive.
1994-45	11-21-94	Authorizes the erection of a stop sign at the intersection of Industrial Park Road and Commerce Drive.
2001-03	2-26-01	Traffic pattern on Cherry Alley changed to one-way northbound.
2001-47	11-13-01	Removes traffic signal at the intersection of North Sandusky St. and Madison St.
2001-48	11-13-01	Intersection of Yauger Road and Upper Gilchrist Road made a four-way stop.
2007-32	11-26-07	No parking on the east side of Greer St. between Coshocton Ave. and Chestnut St.
2008-22	8-25-08	"No Turn on Red" for south bound vehicular traffic at the intersection of Park Street and East Chestnut Street.
2012-01	2-13-12	Marion Street is declared a two way street from Norton Street to Monroe Street.
2018-18	8-28-18	Authorizing the removal of the Traffic Signal at the intersection of Hamtramck Street and North Mulberry Street; and authorizing the installation of stop signs for Westbound Hamtramck Street and Southbound Mulberry Street.
2019-40	12-23-19	Authorizing the removal of parking spaces numbered forty-five (45) and forty-six (46) from the west side of South Mulberry Street in the block between West High Street and West Vine Street.
2020-15	3-23-20	Authorizing the following changes: (a) Remove the traffic signal at the intersection of West Burgess Street and North Sandusky Street. (b) Erect a traffic control stop sign at the intersection of West Burgess Street and North Sandusky Street for eastbound West Burgess Street traffic.
2020-16	3-23-20	(a) Space Alley is herewith declared to be a two-way alley between East Vine Street and Howard Street. (b) Walnut Alley is herewith declared to be a two-way alley between West Vine Street and West High Street.
2020-27	7-27-20	Authorizing the following changes: (a) Remove the traffic signal at the intersection of North Main Street and West/East Hamtramck Street. (b) Erect a traffic control stop sign at the intersection of East Hamtramck Street and North Main Street for westbound East Hamtramck Street traffic.

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Amendments to Traffic Control Map and File (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Change</u>
2020-29	9-14-20	Authorizing the following changes: (a) Change the traffic pattern for North McArthur Street to one-way between East Chestnut Street and East High Street. The direction of allowed travel shall be from the north to south with traffic entering North McArthur Street from East Chestnut Street. (b) Erect necessary signage to notify motorists of the direction of travel on North McArthur Street.
2024-40	9-23-24	Authorizing the following changes: (a) West Burgess Street, from the intersection of North Main Street to the intersection of North Mulberry Street, will allow two-way traffic with no on-street parking along this block of West Burgess Street. (b) West Hamtramck Street, from the intersection of North Main Street to the intersection of North Sandusky Street, will allow two-way traffic with no on-street parking along these blocks of West Hamtramck Street.

CHAPTER 333 OVI; Willful Misconduct; Speed

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| <p>333.01 Driving or physical control while under the influence.</p> <p>333.02 Operation in willful or wanton disregard of safety.</p> <p>333.03 Maximum speed limits; assured clear distance ahead.</p> <p>333.031 Approaching a stationary public safety, emergency, or road service vehicle.</p> <p>333.04 Stopping vehicle; slow speed; posted minimum speeds.</p> <p>333.05 Speed limitations over bridges.</p> | <p>333.06 Speed exceptions for emergency or safety vehicles.</p> <p>333.07 Street racing, stunt driving and street takeovers prohibited.</p> <p>333.08 Operation without reasonable control.</p> <p>333.09 Reckless operation on streets, public or private property.</p> <p>333.10 Operation in violation of immobilization order.</p> <p>333.11 Electronic wireless communication device use prohibited while driving.</p> |
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CROSS REFERENCES

See sectional histories for similar State law
 Drug of abuse defined - see Ohio R.C. 3719.011(A)
 Alcohol defined - see Ohio R.C. 4301.01(B)(1)
 Alteration of prima-facie speed limits - see Ohio R.C.
 4511.21, 4511.22(B), 4511.23
 Failure to control vehicle - see TRAF. 331.34
 Walking on highway while under the influence - see TRAF. 371.09

333.01 DRIVING OR PHYSICAL CONTROL WHILE UNDER THE INFLUENCE.

- (a) (1) Operation Generally. No person shall operate any vehicle within this Municipality, if, at the time of the operation, any of the following apply:
- A. The person is under the influence of alcohol, a drug of abuse, or a combination of them.
 - B. The person has a concentration of eight-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.
 - C. The person has a concentration of ninety-six-thousandths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.
 - D. The person has a concentration of eight-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.
 - E. The person has a concentration of eleven-hundredths of one gram or more but less than two hundred thirty-eight-thousandths of one gram by weight of alcohol per one hundred milliliters of the person's urine.

- F. The person has a concentration of seventeen-hundredths of one per cent or more by weight per unit volume of alcohol in the person's whole blood.
- G. The person has a concentration of two hundred four-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma.
- H. The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath.
- I. The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine.
- J. Except as provided in subsection (m) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:
 - 1. The person has a concentration of amphetamine in the person's urine of at least five hundred nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.
 - 2. The person has a concentration of cocaine in the person's urine of at least one hundred fifty nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.
 - 3. The person has a concentration of cocaine metabolite in the person's urine of at least one hundred fifty nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.
 - 4. The person has a concentration of heroin in the person's urine of at least two thousand nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least fifty nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.
 - 5. The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.

- (2) Notwithstanding Section 303.99(b), upon a finding that a person operated a motor vehicle in violation of subsection (c) of this section, the court, in addition to all other penalties provided by law, shall impose a fine of two times the usual amount imposed for the violation.
- (3) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.

(e) The offense established under this section is a strict liability offense and Ohio R.C. 2901.20 does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. (ORC 4511.213)

333.04 STOPPING VEHICLE; SLOW SPEED; POSTED MINIMUM SPEEDS.

(a) No person shall stop or operate a vehicle at such an unreasonably slow speed as to impede or block the normal and reasonable movement of traffic, except when stopping or reduced speed is necessary for safe operation or to comply with law.

(b) Whenever, in accordance with Ohio R.C. 4511.22(B), the minimum speed limit of a controlled-access highway, expressway or freeway has been declared and the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on such signs. No person shall operate a motor vehicle below the speed limits posted upon such signs except when necessary for safe operation or in compliance with law.

(c) In a case involving a violation of this section, the trier of fact, in determining whether the vehicle was being operated at an unreasonably slow speed, shall consider the capabilities of the vehicle and its operator.

(d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.22)

333.05 SPEED LIMITATIONS OVER BRIDGES.

(a) No person shall operate a vehicle over any bridge or other elevated structure constituting a part of a street at a speed which is greater than the maximum speed that can be maintained with safety to such bridge or structure, when such structure is posted with authorized signs stating such maximum speed. Such signs shall be erected and maintained at a distance of at least 100 feet before each end of such structure.

(b) Upon the trial of any person charged with a violation of this section, proof of the determination of the maximum speed and the existence of such signs shall constitute prima-facie evidence of the maximum speed which can be maintained with safety to such bridge or structure.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.23)

333.06 SPEED EXCEPTIONS FOR EMERGENCY OR SAFETY VEHICLES.

The prima-facie speed limitations set forth in Section 333.03 do not apply to emergency vehicles or public safety vehicles when they are responding to emergency calls and are equipped with and displaying at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and when the drivers thereof sound audible signals by bell, siren or exhaust whistle. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons using the street or highway. (ORC 4511.24)

333.07 STREET RACING, STUNT DRIVING AND STREET TAKEOVERS PROHIBITED.

(a) As used in this section:

- (1) **BURNOUT.** 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.
- (2) **DOUGHNUT.** 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.
- (3) **DRIFTING.** 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.
- (4) **STREET RACING.** The operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other or the operation of one 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. The operation of two or more vehicles side by side either at speeds in excess of prima-facie lawful speeds established by Ohio R.C. 4511.21(B)(1)(a) to (B)(9) or rapidly accelerating from a common starting point to a speed in excess of such prima-facie lawful speeds shall be prima-facie evidence of street racing.
- (5) **STREET TAKEOVER.** 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.
- (6) **STUNT DRIVING.** 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) **WHEELIE.** 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.

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

(c) Whoever violates this section is guilty of street racing, stunt driving, 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 privilege for not less than thirty days or more than three years. No judge shall suspend the first thirty 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. (ORC 4511.251)

333.08 OPERATION WITHOUT REASONABLE CONTROL.

(a) No person shall operate a motor vehicle, agricultural tractor, or agricultural tractor that is towing, pulling, or otherwise drawing a unit of farm machinery on any street, highway, or property open to the public for vehicular traffic without being in reasonable control of the vehicle, agricultural tractor or unit of farm machinery.

(b) Whoever violates this section is guilty of operating a motor vehicle or agricultural tractor without being in control of it, a minor misdemeanor.
(ORC 4511.202)

333.09 RECKLESS OPERATION ON STREETS, PUBLIC OR PRIVATE PROPERTY.

(a) No person shall operate a vehicle on any street or highway without due regard for the safety of persons or property.

(b) No person shall operate a vehicle on any public or private property other than streets or highways, without due regard for the safety of persons or property.

This subsection does not apply to the competitive operation of vehicles on public or private property when the owner of such property knowingly permits such operation thereon.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

333.10 OPERATION IN VIOLATION OF IMMOBILIZATION ORDER.

(a) No person shall operate a motor vehicle or permit the operation of a motor vehicle upon any public or private property used by the public for vehicular travel or parking knowing or having reasonable cause to believe that the motor vehicle has been ordered immobilized pursuant to an immobilization order issued under Ohio R.C. 4503.233.

(b) A motor vehicle that is operated by a person during a violation of subsection (a) hereof shall be criminally forfeited in accordance with the procedures contained in Ohio R.C. 4503.234.

(c) Whoever violates this section is guilty of a misdemeanor of the second degree. (ORC 4503.236)

333.11 ELECTRONIC WIRELESS COMMUNICATION DEVICE USE PROHIBITED WHILE DRIVING.

(a) No person shall operate a motor vehicle on any street, highway, or property open to the public for vehicular traffic while using, holding, or physically supporting with any part of the person's body an electronic wireless communications device.

(b) Subsection (a) of this section does not apply to any of the following:

- (1) A person using an electronic wireless communications device to make contact, for emergency purposes, with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity.
- (2) A person driving a public safety vehicle while using an electronic wireless communications device in the course of the person's duties.
- (3) A person using an electronic wireless communications device when the person's motor vehicle is in a stationary position and is outside a lane of travel, at a traffic control signal that is currently directing traffic to stop, or parked on a road or highway due to an emergency or road closure;
- (4) A person using and holding an electronic wireless communications device directly near the person's ear for the purpose of making, receiving, or conducting a telephone call, provided that the person does not manually enter letters, numbers, or symbols into the device;
- (5) A person receiving wireless messages on an electronic wireless communications device regarding the operation or navigation of a motor vehicle; safety-related information, including emergency, traffic, or weather alerts; or data used primarily by the motor vehicle, provided that the person does not hold or support the device with any part of the person's body;
- (6) A person using the speaker phone function of the electronic wireless communications device, provided that the person does not hold or support the device with any part of the person's body;
- (7) A person using an electronic wireless communications device for navigation purposes, provided that the person does not do either of the following during the use:
 - A. Manually enter letters, numbers, or symbols into the device;
 - B. Hold or support the device with any part of the person's body;
- (8) A person using a feature or function of the electronic wireless communications device with a single touch or single swipe, provided that the person does not do either of the following during the use:

- A. Manually enter letters, numbers, or symbols into the device;
 - B. Hold or support the device with any part of the person's body;
 - (9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;
 - (10) A person operating a utility service vehicle or a vehicle for or on behalf of a utility, if the person is acting in response to an emergency, power outage, or circumstance that affects the health or safety of individuals;
 - (11) A person using an electronic wireless communications device in conjunction with a voice-operated or hands-free feature or function of the vehicle or of the device without the use of either hand except to activate, deactivate, or initiate the feature or function with a single touch or swipe, provided the person does not hold or support the device with any part of the person's body;
 - (12) A person using technology that physically or electronically integrates the device into the motor vehicle, provided that the person does not do either of the following during the use:
 - A. Manually enter letters, numbers, or symbols into the device;
 - B. Hold or support the device with any part of the person's body;
 - (13) A person storing an electronic wireless communications device in a holster, harness, or article of clothing on the person's body.
- (c) If a law enforcement officer issues an offender a ticket, citation or summons for a violation of subsection (a) of this section, the officer shall do both of the following:
- (1) Report the issuance of the ticket, citation, or summons to the officer's law enforcement agency;
 - (2) Ensure that such report indicates the offender's race.
- (d) Whoever violates subsection (a) of this section is guilty of operating a motor vehicle while using an electronic wireless communication device, an unclassified misdemeanor, and shall be punished as provided in subsections (d)(1) to (5) of this section.
- (1) The offender shall be fined, and is subject to a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, as follows:
 - A. Except as provided in subsections (d)(1)B., (d)(1)C., (d)(1)D. and (d)(2) of this section, the court shall impose upon the offender a fine of not more than one hundred fifty dollars (\$150.00).
 - B. If, within two years of the violation, the offender has been convicted of or pleaded guilty to one prior violation of this section, Ohio R.C. 4511.204, or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than two hundred fifty dollars (\$250.00).
 - C. If, within two years of the violation, the offender has been convicted of or pleaded guilty to two or more prior violations of this section, Ohio R.C. 4511.204, or a substantially equivalent or municipal ordinance, the court shall impose upon the offender a fine of not more than five hundred dollars (\$500.00). The court also may impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for ninety days.

- D. Notwithstanding subsections (d)(1)A. to (d)(1)C. of this section, if the offender was operating the motor vehicle at the time of the violation in a construction zone where a sign was posted in accordance with Ohio R.C. 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the amount imposed for the violation under subsections (d)(1)A., (d)(1)B., or (d)(1)C. of this section, as applicable.
- (2) If the offender is in the category of offenders to whom subsection (d)(1)A of this section applies, in lieu of payment of the fine of one hundred fifty dollars (\$150.00) under subsection (d)(1)A. of this section and the assessment of points under subsection (d)(4) of this section, the offender instead may elect to attend the distracted driving safety course, as described in Section 303.991. If the offender attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall not be required to pay the fine and shall not have the points assessed against that offender's driver's license if the offender submits the written evidence to the court. This subsection does not apply with respect to any offender in the category of offenders to whom subsection (d)(1)B., C., or D. of this section applies.
 - (3) The court may impose any other penalty authorized under Ohio R.C. 2929.21 to 2929.28. However, the court shall not impose a fine or a suspension not otherwise specified in subsection (d)(1) of this section. The court also shall not impose a jail term or community residential sanction.
 - (4) Except as provided in subsection (d)(2) of this section, points shall be assessed for a violation of subsection (a) of this section in accordance with Ohio R.C. 4510.036.
 - (5) The offense established under this section is a strict liability offense and Ohio R.C. 2901.20 does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.
- (e) A prosecution for an offense in violation of this section does not preclude a prosecution for an offense in violation of Ohio R.C. 4511.204 based on the same conduct. However, the two offenses are allied offenses of similar import under Ohio R.C. 2941.25.
- (f)
 - (1) A law enforcement officer does not have probable cause and shall not stop the operator of a motor vehicle for the purposes of enforcing this section unless the officer visually observes the operator using, holding, or physically supporting with any part of the person's body the electronic wireless communications device.
 - (2) A law enforcement officer who stops the operator of a motor vehicle for a violation of subsection (a) of this section shall inform the operator that the operator may decline a search of the operator's electronic wireless communications device. The officer shall not do any of the following:
 - A. Access the device without a warrant unless the operator voluntarily and unequivocally gives consent for the officer to access the device;

- B. Confiscate the device while awaiting the issuance of a warrant to access the device;
 - C. Obtain consent from the operator to access the device through coercion or any other improper means. Any consent by the operator to access the device shall be voluntary and unequivocal before the officer may access the device without a warrant.
- (g) As used in this section:
- (1) "Electronic wireless communications device", includes any of the following:
 - A. A wireless telephone;
 - B. A text-messaging device;
 - C. A personal digital assistant;
 - D. A computer, including a laptop computer and a computer tablet;
 - E. Any device capable of displaying a video, movie, broadcast television image, or visual image;
 - F. Any other substantially similar wireless device that is designed or used to communicate text, initiate or receive communication, or exchange information or data.

An "electronic wireless communications device" does not include a two-way radio transmitter or receiver used by a person who is licensed by the federal communications commission to participate in the amateur radio service.
 - (2) "Utility" means an entity specified in Ohio R.C. 4905.03(A), (C), (D), (E) or (G).
 - (3) "Utility service vehicle" means a vehicle owned or operated by a utility.
 - (4) "Voice-operated or hands-free feature or function" means a feature or function that allows a person to use an electronic wireless communications device without the use of either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe. (ORC 4511.204)

- (ss) "Presumption for a prison term" or "presumption that a prison term shall be imposed." A presumption as described in Ohio R.C. 2929.13(D) that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under Ohio R.C. 2929.11.
- (tt) "Professional license." Any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate or temporary registration that is described in Ohio R.C. 2925.01(W)(1) to (W)(37) and that qualifies a person as a professionally licensed person.
- (uu) "Professionally licensed person." Any of the following:
 - (1) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Ohio R.C. Chapter 4701 and who holds an Ohio permit issued under that chapter;
 - (2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Ohio R.C. Chapter 4703;
 - (3) A person who is registered as a landscape architect under Ohio R.C. Chapter 4703 or who holds a permit as a landscape architect issued under that chapter;
 - (4) A person licensed under Ohio R.C. Chapter 4707;
 - (5) A person who has been issued a barber's license, barber instructor's license, assistant barber instructor's license, or independent contractor's license under R.C. Chapter 4709;
 - (6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Ohio R.C. Chapter 4710;
 - (7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced license to practice cosmetology, advanced license to practice hair design, advanced license to practice manicuring, advanced license to practice esthetics, advanced license to practice natural hair 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 Ohio R.C. Chapter 4713;
 - (8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license or a dental hygienist's teacher's certificate under Ohio R.C. Chapter 4715;
 - (9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Ohio R.C. Chapter 4717;
 - (10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Ohio R.C. Chapter 4723;
 - (11) A person who has been licensed to practice optometry or to engage in optical dispensing under Ohio R.C. Chapter 4725;
 - (12) A person licensed to act as a pawnbroker under Ohio R.C. Chapter 4727;
 - (13) A person licensed to act as a precious metals dealer under Ohio R.C. Chapter 4728;
 - (14) A person licensed under Ohio R.C. Chapter 4729 as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;

- (15) A person licensed under Ohio R.C. Chapter 4729 as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;
- (16) A person who is authorized to practice as a physician assistant under Ohio R.C. Chapter 4730;
- (17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Ohio R.C. Chapter 4731 or has been issued a certificate to practice a limited branch of medicine under that chapter;
- (18) A person licensed as a psychologist, independent school psychologist, or school psychologist under Ohio R.C. Chapter 4732;
- (19) A person registered to practice the profession of engineering or surveying under Ohio R.C. Chapter 4733;
- (20) A person who has been issued a license to practice chiropractic under Ohio R.C. Chapter 4734;
- (21) A person licensed to act as a real estate broker or real estate salesperson under Ohio R.C. Chapter 4735;
- (22) A person registered as a registered environmental health specialist under Ohio R.C. Chapter 3776;
- (23) A person licensed to operate or maintain a junkyard under Ohio R.C. Chapter 4737;
- (24) A person who has been issued a motor vehicle salvage dealer's license under Ohio R.C. Chapter 4738;
- (25) A person who has been licensed to act as a steam engineer under Ohio R.C. Chapter 4739;
- (26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Ohio R.C. Chapter 4741;
- (27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Ohio R.C. Chapter 4747;
- (28) A person who has been issued a class A, class B or class C license or who has been registered as an investigator or security guard employee under Ohio R.C. Chapter 4749;
- (29) A person licensed to practice as a nursing home administrator under Ohio R.C. Chapter 4751;
- (30) A person licensed to practice as a speech-language pathologist or audiologist under Ohio R.C. Chapter 4753;
- (31) A person issued a license as an occupational therapist or physical therapist under Ohio R.C. Chapter 4755;
- (32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Ohio R.C. Chapter 4757;
- (33) A person issued a license to practice dietetics under Ohio R.C. Chapter 4759;
- (34) A person who has been issued a license or limited permit to practice respiratory therapy under Ohio R.C. Chapter 4761;
- (35) A person who has been issued a real estate appraiser certificate under Ohio R.C. Chapter 4763;

- (36) A person who has been issued a home inspector license under Ohio R.C. Chapter 4764;
- (37) A person who has been admitted to the bar by order of the Ohio Supreme Court in compliance with its prescribed and published rules.
- (vv) "Public premises." Any hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort.
- (ww) "Sale." Has the same meaning as in Ohio R.C. 3719.01.
- (xx) "Sample drug." A drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.
- (yy) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" or "Schedule V." Have the same meaning as in Ohio R.C. 3719.01.
- (zz) "School." Any school operated by a board of education, any community school established under Ohio R.C. Chapter 3314, or any nonpublic school for which the Director of Education and Workforce prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.
- (aaa) "School building." Any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.
- (bbb) "School premises." Either of the following:
 - (1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed.
 - (2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Ohio R.C. Chapter 3314, or the governing body of a nonpublic school for which the Director of Education and Workforce prescribes minimum standards under Ohio R.C. 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.
- (ccc) "Standard Pharmaceutical Reference Manual." The current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.
- (ddd) "Substance Addiction Services Provider". Means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following at a facility:
 - (1) Either alcohol addiction services, or drug addiction services, or both such services that are certified by the Ohio Director of Mental Health and Addiction Services under Ohio R.C. 5119.36;
 - (2) Recovery supports that are related to either alcohol addiction services, or drug addiction services, or both such services and paid for with federal, state, or local funds administered by the Ohio Department of Mental Health and Addiction Services or a board of alcohol, drug addiction, and mental health services.

- (eee) "Unit dose." An amount or unit or a compound, mixture or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.
- (fff) "Wholesaler." Has the same meaning as in Ohio R.C. 3719.01.
(ORC 2925.01)

513.02 GIFT OF MARIHUANA.

(EDITOR'S NOTE: Former Ohio R.C. 2925.03 from which Section 513.02 was derived was superseded by the changes made to Ohio R.C. 3780.36 enacted by Initiative Petition. See "Section 513.16 Adult Use Cannabis Control; Limitations on Conduct by Individuals" for relevant provisions.)

513.03 DRUG ABUSE; CONTROLLED SUBSTANCE POSSESSION OR USE.

(a) No person shall knowingly obtain, possess or use a controlled substance or a controlled substance analog.

- (b) (1) This section does not apply to the following:
 - A. Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731 and 4741.
 - B. If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration;
 - C. Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act;

- (j) "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, or tape, or other tangible thing capable of arousing interest through sight, sound, or touch and includes an image or text appearing on a computer monitor, television screen, liquid crystal display, or similar display device or an image or text recorded on a computer hard disk, computer floppy disk, compact disk, magnetic tape or similar data storage device.
- (k) "Performance" means any motion picture, preview, trailer, play, show, skit, dance or other exhibition performed before an audience.
- (l) "Spouse" means a person married to an offender at the time of an alleged offense, except that such person shall not be considered the spouse when any of the following apply:
 - (1) When the parties have entered into a written separation agreement authorized by Ohio R.C. 3103.06;
 - (2) During the pendency of an action between the parties for annulment, divorce, dissolution of marriage or legal separation;
 - (3) In the case of an action for legal separation, after the effective date of the judgment for legal separation.
- (m) "Minor" means a person under the age of eighteen years.
- (n) "Mental health client or patient" has the same meaning as in Ohio R.C. 2305.51.
- (o) "Mental health professional" has the same meaning as in Ohio R.C. 2305.115.
- (p) "Sado-masochistic abuse" means flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained.
- (q) "Place where a person has a reasonable expectation of privacy" means a place where a reasonable person would believe that the person could fully disrobe in private.
- (r) "Private area" means the genitals, pubic area, buttocks, or female breast below the top of the areola, where nude or covered by an under-garment.
(ORC 2907.01)

533.02 PRESUMPTION OF KNOWLEDGE; ACTUAL NOTICE AND DEFENSE.

(a) An owner or manager, or agent or employee of an owner or manager, of a bookstore, newsstand, theater, or other commercial establishment engaged in selling materials or exhibiting performances, who, in the course of business does any of the acts prohibited by Section 533.11, is presumed to have knowledge of the character of the material or performance involved, if the owner, manager, or agent or employee of the owner or manager has actual notice of the nature of such material or performance, whether or not the owner, manager, or agent or employee of the owner or manager has precise knowledge of its contents.

(b) Without limitation on the manner in which such notice may be given, actual notice of the character of material or a performance may be given in writing by the chief legal officer of the jurisdiction in which the person to whom the notice is directed does business. Such notice, regardless of the manner in which it is given, shall identify the sender, identify the material or performance involved, state whether it is obscene or harmful to juveniles and bear the date of such notice.

(c) Section 533.11 does not apply to a motion picture operator or projectionist acting within the scope of employment as an employee of the owner or manager of a theater or other place for the showing of motion pictures to the general public, and having no managerial responsibility or financial interest in the operator's or projectionist's place of employment, other than wages.

- (d) (1) Sections 533.11, 533.12(a) and 533.13 do not apply to a person solely because the person provided access or connection to or from an electronic method of remotely transferring information not under that person's control, including having provided capabilities that are incidental to providing access or connection to or from the electronic method of remotely transferring the information, and that do not include the creation of the content of the material that is the subject of the access or connection.
- (2) Subsection (d)(1) of this section does not apply to a person who conspires with an entity actively involved in the creation or knowing distribution of material in violation of Section 533.11, 533.12 or 533.13, or who knowingly advertises the availability of material of that nature.
- (3) Subsection (d)(1) of this section does not apply to a person who provides access or connection to an electronic method of remotely transferring information that is engaged in the violation of Section 533.11, 533.12 or 533.13, and that contains content that person has selected and introduced into the electronic method of remotely transferring information or content over which that person exercises editorial control.
- (e) An employer is not guilty of a violation of Section 533.11, 533.12, or 533.13 based on the actions of an employee or agent of the employer unless the employee's or agent's conduct is within the scope of employee's or agent's employment or agency, and the employer does either of the following:
- (1) With knowledge of the employee's or agent's conduct, the employer authorizes or ratifies the conduct.
 - (2) The employer recklessly disregards the employee's or agent's conduct.
- (f) It is an affirmative defense to a charge under Section 533.11 or 533.13 as the section applies to an image transmitted through the internet or another electronic method of remotely transmitting information that the person charged with violating the section has taken, in good faith, reasonable, effective, and appropriate actions under the circumstances to restrict or prevent access by juveniles to material that is harmful to juveniles, including any method that is feasible under available technology.
- (g) If any provision of this section, or the application of any provision of this section to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of this section or related sections that can be given effect without the invalid provision or application. To this end, the provisions are severable.
- (ORC 2907.35)

533.03 UNLAWFUL SEXUAL CONDUCT WITH A MINOR.

- (a) No person, who is eighteen years of age or older, shall engage in sexual conduct with another, when the offender knows the other person is thirteen years of age or older but less than sixteen 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, a misdemeanor of the first degree. If the offender is four years older or more than the other person, or if the offender has previously been convicted of or pleaded guilty to a violation of Ohio R.C. 2907.02, 2907.03 or 2907.04, or former Ohio R.C. 2907.12, unlawful sexual conduct with a minor is a felony and shall be prosecuted under appropriate State law.
- (ORC 2907.04)

533.04 SEXUAL IMPOSITION.

(a) No person shall have sexual contact with another; cause another to have sexual contact with the offender; or cause two or more 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 of the other persons, or is reckless in that regard.
- (2) The offender knows that the other person's or one 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 of the other persons submits because of being unaware of the sexual contact.
- (4) The other person or one of the other persons is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen years of age and four or more years older than such other person.
- (5) The offender is a mental health professional, the other person or one 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 Ohio R.C. 2907.02, 2907.03, 2907.04, 2907.05, 2907.06 or former Section 2907.12, or a substantially similar 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 or more violations of Ohio R.C. 2907.02, 2907.03, 2907.04 or 2907.05, 2907.06 or former Section 2907.12 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 Ohio R.C. 2929.24, the court may impose on the offender a definite jail term of not more than one year. (ORC 2907.06)

533.05 IMPORTUNING.

(EDITOR'S NOTE: Former Section 533.05 has been deleted from the Codified Ordinances. Section 533.05 was identical to Ohio R.C. 2907.07(B) which the Ohio Supreme Court held to be unconstitutional in *State v. Thompson*, 95 Ohio St. 3rd 264 (2002).)

533.06 VOYEURISM.

(a) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another, to spy or eavesdrop upon another.

(b) No person shall knowingly commit trespass or otherwise secretly or surreptitiously videotape, film, photograph, broadcast, stream, or otherwise record another person, in a place where a person has a reasonable expectation of privacy, for the purpose of viewing the private areas of that person.

(c) No person shall secretly or surreptitiously videotape, film, photograph, or otherwise record another person above, under or through the clothing being worn by that other person for the purpose of viewing the body of, or the undergarments worn by, that other person.

- (d) Whoever violates this section is guilty of voyeurism.
- (1) A violation of subsection (a) hereof is a misdemeanor of the third degree.
 - (2) A violation of subsection (b) hereof is a misdemeanor of the second degree.
 - (3) A violation of subsection (c) hereof is a misdemeanor of the first degree. (ORC 2907.08)

533.07 PUBLIC INDECENCY.

(a) No person shall recklessly do any of the following, under circumstances in which the person's conduct is likely to be viewed by and affront others, who are in the person's physical proximity and who are not members of the person's household:

- (1) Expose the person's private parts;
- (2) Engage in sexual conduct or masturbation;
- (3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation.

(b) No person shall knowingly do any of the following, under circumstances in which the person's conduct is likely to be viewed by and affront another person who is in the person's physical proximity, who is a minor, and who is not the spouse of the offender:

- (1) Engage in masturbation;
- (2) Engage in sexual conduct;
- (3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation;
- (4) Expose the person's private parts with the purpose of personal sexual arousal or gratification or to lure the minor into sexual activity.

- (c) (1) Whoever violates this section is guilty of public indecency and shall be punished as provided in subsections (c)(2), (3), (4) and (5) of this section.
- (2) Except as otherwise provided in subsection (c)(2) of this section, a violation of subsection (a)(1) of this section is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, a violation of subsection (a)(1) of this section is a misdemeanor of the third degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to two violations of this section, a violation of subsection (a)(1) of this section is a misdemeanor of the second degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to three or more violations of this section, a violation of subsection (a)(1) of this section is a misdemeanor of the first degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a felony which shall be prosecuted under appropriate state law.
- (3) Except as otherwise provided in subsection (c)(3) of this section, a violation of subsection (a)(2) or (3) of this section is a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, a violation of subsection (a)(2) or (3) of this section is a misdemeanor of the second degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a misdemeanor of the first degree. If the offender previously has been

CHAPTER 537 Offenses Against Persons

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| <p>537.01 Negligent homicide.
 537.02 Vehicular homicide and manslaughter.
 537.021 Vehicular assault in a construction zone.
 537.03 Assault.
 537.04 Negligent assault.
 537.05 Aggravated menacing.
 537.051 Menacing by stalking.
 537.06 Menacing.
 537.07 Endangering children.
 537.08 Unlawful restraint.
 537.09 Coercion.
 537.10 Telecommunication harassment.
 537.11 Threatening or harassing telephone calls.</p> | <p>537.12 Misuse of 9-1-1 system.
 537.13 Adulterating of or furnishing adulterated food or confection.
 537.14 Domestic violence.
 537.15 Temporary protection order.
 537.16 Illegal distribution of cigarettes, other tobacco products, or alternate nicotine products; transaction scans.
 537.161 Smoking and possession of tobacco prohibited; an enforcement policy.
 537.17 Reserved.
 537.18 Contributing to unruliness or delinquency of a child.
 537.19 Hazing prohibited.
 537.99 Penalty.</p> |
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CROSS REFERENCES

See sectional histories for similar State law
Physical harm to persons defined - see GEN. OFF.
501.01 (c), (e)
Fighting; provoking violent response - see GEN. OFF. 509.03

537.01 NEGLIGENT HOMICIDE.

(a) No person shall negligently cause the death of another or the unlawful termination of another's pregnancy by means of a deadly weapon or dangerous ordnance as defined in Section 549.01.

(b) Whoever violates this section is guilty of negligent homicide, a misdemeanor of the first degree. (ORC 2903.05)

537.02 VEHICULAR HOMICIDE AND MANSLAUGHTER.

(a) No person, while operating or participating in the operation of a motor vehicle, motorcycle, utility vehicle, mini-truck, snowmobile, locomotive, watercraft, or aircraft, shall cause the death of another or the unlawful termination of another's pregnancy in any of the following ways:

- (1) A. Negligently;

- B. As the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility vehicle, mini-truck, or motorcycle in a construction zone, a speeding offense, provided that this subsection applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in subsection (d) of this section.
- (2) As the proximate result of committing a violation of any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor.
- (b) (1) Whoever violates subsection (a)(1) of this section is guilty of vehicular homicide. Except as otherwise provided in this subsection, vehicular homicide is a misdemeanor of the first degree. Vehicular homicide is a felony and shall be prosecuted under appropriate State law if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under Ohio R.C. 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter or assault offense. The court shall impose a mandatory jail term on the offender when required by Ohio R.C. 2903.06(E).
- (2) Whoever violates subsection (a)(2) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this subsection, vehicular manslaughter is a misdemeanor of the second degree. Vehicular manslaughter is a misdemeanor of the first degree if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under Ohio R.C. 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.
- (c) The court shall impose a mandatory jail term of at least fifteen days on an offender who is convicted of or pleads guilty to a violation of subsection (a)(1)B. of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99. The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of subsection (a)(1)A. hereof if either of the following applies:
- (1) The offender previously has been convicted of or pleaded guilty to a violation of this section or Ohio R.C. 2903.06 or 2903.08.

- (2) At the time of the offense, the offender was driving under suspension or cancellation under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under Ohio R.C. 4507.10.

(d) Subsection (a)(1)B. does not apply in a particular construction zone unless signs of the type described in Ohio 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 Ohio R.C. 5501.27. The failure to erect signs of the type described in Ohio 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 subsections (a)(1)A. or (a)(2) of this section in that construction zone or the prosecution of any person who violates any of those subsections in that construction zone.

(e) As used in this section:

- (1) "Mandatory prison term" and "mandatory jail term" have the same meanings as in Ohio R.C. 2929.01.
- (2) "Traffic-related homicide, manslaughter or assault offense" means a violation of Ohio R.C. 2903.04 in circumstances in which division (D) of that section applies, a violation of Ohio R.C. 2903.06 or 2903.08, or a violation of Ohio R.C. 2903.06, 2903.07 or 2903.08 as they existed prior to March 23, 2000.
- (3) "Construction zone" has the same meaning as in Ohio R.C. 5501.27.
- (4) "Speeding offense" means a violation of Ohio R.C. 4511.21 or a municipal ordinance pertaining to speed.
- (5) "Motor vehicle", "mini-truck" and "utility vehicle" have the same meaning as in Ohio R.C. 4501.01.

(f) 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 another state or the United States. (ORC 2903.06)

(g) The court imposing a sentence upon an offender for any violation of this section also shall impose a 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 division (B) of Ohio R.C. 4510.02 that is equivalent in length to the suspension required for a violation of Ohio R.C. 2903.06 or division (A) or (B) of Ohio R.C. 4511.19 under similar circumstances. (ORC 4510.07)

537.021 VEHICULAR ASSAULT IN A CONSTRUCTION ZONE.

(a) No person, while operating or participating in the operation of a motor vehicle, motorcycle, utility vehicle, mini-truck, snowmobile, locomotive, watercraft, or aircraft, 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, utility vehicle, mini-truck, or motorcycle in a construction zone, a speeding offense. This subsection 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 subsection (d) hereof.

(b) Whoever violates this section is guilty of vehicular assault. Except as provided in this subsection, vehicular assault is a misdemeanor of the first degree. Vehicular assault is a felony if, at the time of the offense, the offender was driving under a suspension imposed under Ohio R.C. Chapter 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 this section or any traffic-related homicide, manslaughter, or assault offense, and shall be prosecuted under appropriate state law.

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 division (A)(4) of Ohio R.C. 4510.02.

(c) The court shall impose a mandatory jail term of at least seven days on an offender who is convicted of or pleads guilty to a violation of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99.

(d) This section does not apply in a particular construction zone unless signs of the type described in Ohio 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 Ohio R.C. 5501.27.

(e) As used in this section:

- (1) "Mandatory jail term" has the same meaning as in Ohio R.C. 2929.01.
- (2) "Traffic-related homicide, manslaughter or assault offense" has the same meaning as in Ohio R.C. 2903.06.
- (3) "Construction zone" has the same meaning as in Ohio R.C. 5501.27.
- (4) "Speeding offense" has the same meaning as in Ohio R.C. 2903.06.

(f) 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 another state or the United States. (ORC 2903.08)

- B. An active duty member of the armed forces of the United States who is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1) has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions as specified in this subsection (b).
- C. A tactical medical professional who is qualified to carry firearms while on duty under Ohio R.C. 109.771 has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125.
- D. A fire investigator who is qualified to carry firearms while on duty under Ohio 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 Ohio R.C. 2923.125.
- (6) A. A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to subsection (b)(6)B. of this section and a valid firearms requalification certification issued pursuant to subsection (b)(6)C. of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license issued under that section that is valid at the time in question. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to subsection (b)(6)B. of this section and a valid firearms requalification certification issued pursuant to subsection (b)(6)C. of this section shall be considered to be a licensee in this state.
- B. 1. Each public agency of this State or of a political subdivision of this State that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the person's service with that agency, satisfies all of the following:
 - a. The person retired in good standing from service as a peace officer with the public agency, and the retirement was not for reasons of mental instability.
 - b. Before retiring from service as a peace officer with that agency, the person was authorized to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and the person had statutory powers of arrest.
 - c. At the time of the person's retirement as a peace officer with that agency, the person was trained and qualified to carry firearms in the performance of the peace officer's duties.

- d. Before retiring from service as a peace officer with that agency, the person was regularly employed as a peace officer for an aggregate of 15 years or more, or, in the alternative, the person retired from service as a peace officer with that agency, after completing any applicable probationary period of that service, due to a service-connected disability, as determined by the agency.
 - 2. A retired peace officer identification card issued to a person under subsection (b)(6)B.1. of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this State from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section. In addition to the required content specified in this subsection, a retired peace officer identification card issued to a person under subsection (b)(6)B.1. of this section may include the firearms requalification certification described in subsection (b)(6)C. of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with subsection (b)(6)B.1. of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in subsection (b)(6)B.1.a. to (b)(6)B.1.d. of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED".
 - 3. A public agency of this state or of a political subdivision of this State may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to subsection (b)(6)B.1. of this section.
- C.
 - 1. If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in subsections (b)(6)B.1.a. to (b)(6)B.1.d. of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801. The retired peace officer may be required to pay the cost of the course.

TITLE FIVE - Public Services
 Chap. 931. Parks and Playgrounds; Camping.
 Chap. 933. Mound View Cemetery.

CHAPTER 931
Parks and Playgrounds; Camping

931.01	Speed limit in parks.	931.061	Closing hours for Public Square.
931.02	Prohibited uses in parks.	931.07	Group reservations.
931.03	Model airplanes.	931.08	Recreational facilities use; fees.
931.04	Ariel-Foundation Park regulations.	931.09	Operation of concession stands.
931.045	Creating the Columbus Delano Field of Discovery in Ariel-Foundation Park.	931.10	Banners on Public Square.
931.05	Closing hours.	931.11	Shellmar Park.
931.06	Official opening of parks.	931.99	Penalty.

CROSS REFERENCES

Land appropriation for parks - see Ohio R. C. 715.21, 719.01
 Playgrounds - see Ohio R. C. 755.12 et seq.
 Power to regulate vehicle speed in parks - see Ohio R. C. 4511.07(E)
 Recreation Board - see ADM. Ch. 139

931.01 SPEED LIMIT IN PARKS.

No person shall operate any vehicle faster than ten miles per hour in Riverside Park, Phillips Park, Memorial Park, Arch Avenue Park, Ariel-Foundation Park, or any other municipally owned park.
 (Ord. 2013-20. Passed 6-24-13.)

931.02 PROHIBITED USES IN PARKS.

(a) No tent shows or carnivals shall be permitted to use or exhibit in any municipally owned park within the City.

(b) No camping trailers shall be permitted to park and no tents shall be erected for living quarters in any municipally owned park within the City. The Safety-Service Director is authorized to issue a permit for overnight camping in designated City-owned parks. The Safety-Service Director shall issue rules regulating overnight camping. Permits shall only be issued for recreational, educational, and community events.

(c) Any trailers remaining overnight require the permission of the Safety-Service Director. (Ord. 2024-46. Passed 11-25-24.)

931.03 MODEL AIRPLANES.

(a) The Mayor is authorized to designate any area of land that is owned, or leased, by the City, to be used exclusively for the flying of internal combustion, or electrically powered, model airplanes. The Mount Vernon Knox County Radio Control Club shall establish rules and regulations for the safe operation of model airplanes. A copy of the rules and regulations shall be posted at the designated flying area. Hours for operation of model airplanes shall be Monday through Sunday from noon to dark.

(b) The flying of internal combustion, or electrically powered, model airplanes within the limit of the City is prohibited, except in such designated areas. (Ord. 2006-28. Passed 5-22-06.)

931.04 ARIEL-FOUNDATION PARK REGULATIONS.

(a) The following activities are prohibited in Ariel-Foundation Park: swimming, hunting, (except as part of a controlled hunt for Canada Geese authorized and regulated by the Safety-Service Director), trapping, ice skating and sledding. Motor vehicles are prohibited in areas other than designated parking lots and driveways. Only electric trolling motors may be used to power boats on any Ariel-Foundation Park lake; combustion engines are prohibited.

(b) As part of regulating a controlled hunt for Canada Geese in Ariel-Foundation Park, the Safety-Service Director may set the opening and closing hours and restrict access to some or all of Ariel-Foundation Park or any surrounding property owned by the City of Mount Vernon. (Ord. 2016-23. Passed 12-27-16.)

931.045 CREATING THE COLUMBUS DELANO FIELD OF DISCOVERY IN ARIEL-FOUNDATION PARK.

(a) Purpose and Intent. The purpose of this section is to establish the Columbus Delano Field of Discovery within Ariel-Foundation Park, to enhance public awareness of Delano's contributions to government and conservation, to provide an ecologically diverse environment, support native species, and offer educational and recreational opportunities to the community.

(b) Designation of the Columbus Delano Field of Discovery. The area designated as the Columbus Delano Field of Discovery shall be located within the West Prairie area of Ariel-Foundation Park, an area chosen for its natural beauty, accessibility, and alignment with conservation values upheld by the City of Mount Vernon and its various committees and community partners dedicated to the same goals.

(c) Components of the Columbus Delano Field of Discovery.

(1) Native Pollinator and Grass Zones. The field shall feature sections planted with native pollinator flowers and grasses indigenous to Ohio. These zones will promote biodiversity, support pollinators like bees, butterflies, and birds, and enhance the aesthetic value of the park.

- (2) Sunflower Fields. The Columbus Delano Field of Discovery shall contain dedicated fields of sunflowers, symbolizing growth and the power of nature, and providing a visual and sensory experience for visitors.
- (3) Walking Trails. Environmentally friendly, accessible walking trails shall be established throughout the field to provide public access and enhance recreational opportunities while preserving natural ecosystems.
- (4) Educational Kiosks. Kiosks placed strategically throughout the Columbus Delano Field of Discovery will offer educational information about Columbus Delano's contributions, native Ohio ecosystems, conservation practices, and the importance of preserving native flora and fauna.
- (5) Biodegradable Public Art Installations. To inspire ecological awareness, public art installations composed of biodegradable materials shall be periodically installed. These installations will blend with the environment and gradually return to the earth, embodying the principles of sustainability and conservation.
- (6) Native Trees of Ohio Grove. A grove featuring over fifty (or more) native Ohio trees shall be established, showcasing a variety of species. This grove will serve as a lasting tribute to Ohio's natural heritage and provide shade, habitat, and educational opportunities for visitors.
- (7) Johnny Appleseed Heritage Arbor. An arbor of apple trees, directly descended from the original Johnny Appleseed orchards, shall be cultivated in the Columbus Delano Field of Discovery. This feature will honor Ohio's agricultural history and allow visitors to experience a living connection to Johnny Appleseed's legacy.

(d) Management and Maintenance. The Columbus Delano Field of Discovery shall be managed by the City of Mount Vernon. The City shall continue in partnership with the Ariel Foundation Park Conservancy. Management will ensure the area is maintained sustainably and aligns with ecological preservation practices, including seasonal planting, routine upkeep of trails, and preservation of native species. (Res. 2024-119. Passed 11-25-24.)

931.05 CLOSING HOURS.

(a) No person is permitted in Dan Emmett Park, Riverside Park, Phillips Park, Memorial Park, Arch Avenue Park or Hiawatha Park, used for public recreation and owned or operated by the City, between the hours of 11:00 p.m. and 6:00 a.m. of the following day. No person is permitted in Ariel-Foundation Park between the hours of 11:00 p.m. and 6:00 a.m. unless the person is actively fishing.

(b) During the winter months between November 15th and the first Monday of April of each year no person shall occupy the Parks specified in subsection (a) hereof between the hours of 7:00 p.m. and 6:00 a.m. of the following day.

(c) The Safety-Service Director may waive the closing hour requirements for those who receive a permit issued pursuant to Section 931.02(b). (Ord. 2024-46. Passed 11-25-24.)

931.06 OFFICIAL OPENING OF PARKS.

On the first day of April of each year Dan Emmett Park, Riverside Park, Phillips Park, Memorial Park, Arch Avenue Park and Hiawatha Park will be officially open for public recreation. (Ord. 2006-28. Passed 5-22-06.)

931.061 CLOSING HOURS FOR PUBLIC SQUARE.

The park area of the Public Square, including sidewalks, will be closed for public activity between the hours of 11:00 p.m. each night and 6:00 a.m. of the following day. (Ord. 2006-28. Passed 5-22-06.)

931.07 GROUP RESERVATIONS.

(a) Pavilions and shelters may be reserved for group use on application through the Park's Office. Application must be made through the Park's Office at least twenty-four hours in advance of the date and time of reserved use.

(b) No group or person shall use facilities, which have been properly reserved by application during the period of reservation except the group having made the reservation. (Ord. 2006-28. Passed 5-22-06.)

931.08 RECREATIONAL FACILITIES USE; FEES.

(a) This section applies to all individuals, groups, or organizations, teams and/or churches who wish to utilize the Mount Vernon City recreational softball or baseball fields, tennis courts, or any other athletic facilities. Any of the above individuals reserving these facilities for the purpose of financially benefiting themselves or the sponsor, will pay the rental fees as stated. Sanction fees must also be paid to the appropriate associations. Any of the individuals using the facilities for charity or a nonprofit purpose may be exempted from paying the following fees by action of the City Recreation Board (with the exception of the deposit required). The exemption may be granted for recognized charitable groups and not-for-profit organizations, as outlined in subsection (b)(3).

(b) The following fees will be assessed for use with the above mentioned facilities in Mount Vernon, Ohio:

- (1) There will be a fee of fifty dollars (\$50.00) for each facility, each weekend. This fee will include the use of all lights and restroom facilities. (This fee is for a tournament consisting of eight teams or more. If there are fewer than eight teams, this fee will be prorated.)
 - (2) There will be a fee of twenty dollars (\$20.00) for a group or organization using one facility (day or night) for any organized activity. This fee also includes the use of lights and restroom facilities.
 - (3) All groups or organizations reserving the facility are also responsible for their own equipment and general maintenance at the completion of their activities. A deposit of twenty-five dollars (\$25.00) will be required to cover any cost of cleaning after a group activity. If the necessary clean-up is not required, the fee will be refunded.
 - (4) In the event of cancellation or cancellation due to inclement weather, the fees paid will be refunded in full.
- (Ord. 2006-28. Passed 5-22-06.)

931.09 OPERATION OF CONCESSION STANDS.

(a) Regulations as to the operation of concession stands within Dan Emmett Park, Memorial Park, Riverside Park, Phillips Park and Hiawatha Park excluding Community Pool, being recreational parks within the City are as follows:

- (1) There shall be no more than one concession stand per ball diamond.
- (2) Concession stands are to be operated only by those individuals involved with a ball league.
- (3) All profits are to be directed to the Treasurer of the League operating the concession and those profits are to be used in programs.

(b) If by May 1st, of any year no individual associated with a ball league commits to operate a concession stand at a ball field, the Safety-Service Director shall enter into contract for a period of one year for the operating of a concession stand. The contract shall contain the following provisions:

- (1) Contract shall be for the duration of one year.
- (2) Ten percent (10%) of all gross receipts shall be paid to the general fund for the City to be used for park equipment.

(c) Exceptions to the above regulations may be granted with the approval of the Recreation Board. Upon the approval of the Board a special permit shall be issued by the Safety-Service Director. Such special permit shall be limited to no more than two events per year, per business or individual. Ten percent (10%) of all gross receipts shall be paid to the general fund for the City to be used for park equipment. The ten percent (10%) provision may be waived by the Safety-Service Director for non-profit organizations. Such special permits must be displayed during the permitted event.

(Ord. 2006-28. Passed 5-22-06.)

931.10 BANNERS ON PUBLIC SQUARE.

Banners, pennants and streamers are not permitted on the Public Square.

(Ord. 2006-28. Passed 5-22-06.)

931.11 SHELLMAR PARK.

(a) The vacant ground at the corner of Madison Street and Marion Street is to be developed into a neighborhood park, named Shellmar Park.

(b) Council authorize the placement of a memorial for Shellmar Products Corporation, which was once developed on this site, for the historic preservation and the important part of this neighborhood it once was.

(Ord. 2019-120. Passed 11-25-19.)

931.99 PENALTY.

(a) Whoever violates Sections 931.01; 931.02; 931.03; 931.04 or 931.07 shall be guilty of a minor misdemeanor.

(b) Whoever violates Section 931.05, 931.06 or 931.061 shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both.

(Ord. 2006-28. Passed 5-22-06.)



City Council
City of Mount Vernon
Mount Vernon, OH 43050

ADOPTED

ORDINANCE 2025-12

Meeting: 05/12/25 7:30 PM
Dept: Land Use and Development
Keener, Mahan
 Category: Planning and Zoning
 Prepared By: Rob Broeren
 Initiator: Todd Hill
DOC ID: 4237

**AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A PETITION
 ADDING TERRITORY TO THE MOUNT VERNON NEW COMMUNITY AUTHORITY
 DISTRICT UNDER OHIO REVISED CODE CHAPTER 349; AND DECLARING AN
 EMERGENCY.**

WHEREAS, the City of Mount Vernon, Ohio (the “City”), as owner of certain real property located in the territory of the City and thereby a “developer” with respect to said property within the meaning of Ohio Revised Code Section 349.01(E), established the Mount Vernon New Community Authority by Ordinance 2023-31 for the purposes of encouraging and supporting well-balanced and diversified land use patterns within the territory of the City, including facilities for the conduct of industrial, commercial, residential, cultural, educational, and recreational activities, all as described in Ohio Revised Code Chapter 349; and

WHEREAS, RJM Land Development LTD. has acquired certain real property which is located within the jurisdiction of the City, consisting of approximately 104 acres known as parcel number 66-00501.000 in the records of the Office of the Auditor of Knox County, Ohio (the “Property”) on which RJM Land Development LTD. plans to construct approximately 93 single-family homes, 42 patio homes, 112 townhomes, and 228 multi-family housing units and related improvements thereon; and

WHEREAS, in support of such efforts, City staff and legal counsel have prepared a Petition to Add Property to the Mount Vernon New Community Authority District and to Amend the Petition for Establishment of the Mount Vernon New Community Authority as a New Community Authority Under Chapter 349 of the Ohio Revised Code (the “Petition”), a copy of which Petition is on file with the City, and which Petition proposes the addition of the Property to the Mount Vernon New Community Authority as authorized by Ohio Revised Code Chapter 349; and

WHEREAS, the District, as described in the Petition, is located entirely within the municipal corporate boundaries of the City, a municipal corporation, and this Council, as the legislative authority of the City, is therefore the organizational board of commissioners for purposes of this Petition; and

WHEREAS, this Council has reviewed the Petition as prepared by City staff and legal counsel, and by this Ordinance desires to legislatively authorize the execution of the Petition by the Mayor and the Director of Law and the delivery of the same to this Council in its capacity as “organizational board of commissioners” as defined in Ohio Revised Code Section 349.01(F).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mount Vernon that:

SECTION 1: Mayor to Represent Developer. This Council hereby authorizes the Mayor to serve as the representative of the City in its capacity as a “developer” for the purposes of filing the Petition with this Council.

SECTION 2: Execution and Delivery of Petition. This Council hereby authorizes and directs the Mayor and the Director of Law to execute and deliver the Petition to add the Property to the Mount Vernon New Community Authority under Ohio Revised Code Chapter 349. Upon such execution and delivery, the Mayor and the Director of Law, or such other City staff as they may determine, shall file the Petition with this Council, in its capacity as “organizational board of commissioners” as defined in Ohio Revised Code Section 349.01(F).

SECTION 3: Open Meetings. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Ohio Revised Code Section 121.22.

SECTION 4: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason to allow the expansion of the City's New Community Authority to aid the construction of infrastructure for new development without delay, and said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to this Council; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

COMMENTS - Current Meeting:

Keener made a motion to suspend the rule requiring three separate readings of Ordinance No. 2025-12, with a second by Mahan. Motion to suspend passed by a roll-call vote of 6-0. Keener made a motion to amend Ordinance No. 2025-12, with a second by Mahan. Specifically, the amendment, in the first "whereas" clause, would change "RJM Land Development LTD." to "MGD, LLC and MTV332, LLC" in two instances, and add two property parcels, #66-00501.006 and 66-00501.007. Motion to amend passed by a roll-call vote of 6-0. Keener made a motion to adopt Ordinance No. 2025-12 as amended, with a second by Mahan. Motion to adopt as amended passed by a roll-call vote of 6-0.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Amber Keener, At Large
SECONDER:	James Mahan, First Ward
AYES:	Seavolt, Keener, Severns, Mahan, Ruckman, Hager
EXCUSED:	Tammy Woods



City Council
City of Mount Vernon
Mount Vernon, OH 43050

Meeting: 05/12/25 7:30 PM
Dept: Land Use and Development
Keener, Mahan
Category: Planning and Zoning
Prepared By: Rob Broeren
Initiator: Todd Hill
DOC ID: 4236

ADOPTED

ORDINANCE 2025-13

AN ORDINANCE DETERMINING THAT A PETITION ADDING TERRITORY TO THE MOUNT VERNON NEW COMMUNITY AUTHORITY DISTRICT IS SUFFICIENT AND COMPLIES WITH THE REQUIREMENTS OF SECTION 349.03 OF THE OHIO REVISED CODE IN FORM AND SUBSTANCE; SETTING THE TIME AND PLACE FOR A HEARING ON THE PETITION AND AUTHORIZING THE NOTICE BY PUBLICATION OF SUCH HEARING; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Mount Vernon, Ohio, in its capacity as a “developer” within the meaning of Ohio Revised Code Section 349.01(E) (the “City”) established the Mount Vernon New Community Authority by Ordinance 2023-31 for the purposes of encouraging and supporting well-balanced and diversified land use patterns within the territory of the City, including facilities for the conduct of industrial, commercial, residential, cultural, educational, and recreational activities, all as described in Ohio Revised Code Chapter 349; and

WHEREAS, on May 12, 2025, the City, in its capacity as a developer, submitted to the Council of the City (“Council”), pursuant to Ohio Revised Code Section 349.03, a Petition to Add Property to the Mount Vernon New Community Authority District and to Amend the Petition for Establishment of the Mount Vernon New Community Authority as a New Community Authority Under Chapter 349 of the Ohio Revised Code (the “Petition”), a copy of which Petition is on file with the City; and

WHEREAS, the District, as described in the Petition, is located entirely within the municipal corporate boundaries of the City, a municipal corporation, and this Council, as the legislative authority of the City, is therefore the organizational board of commissioners for purposes of this Petition; and

WHEREAS, this Council has reviewed the Petition, and by this Ordinance desires to legislatively determine, pursuant to Ohio Revised Code Section 349.03, that the Petition complies with the requirements of that section as to form and substance; pursuant to Ohio Revised Code Section 349.03, to set the time and place of a hearing on the Petition; and further pursuant to Ohio Revised Code Section 349.03, authorize the notice by publication of the hearing on the Petition.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mount Vernon that:

SECTION 1: Organizational Board of Commissioners. This Council hereby acknowledges and determines that, pursuant to Ohio Revised Code Section 349.01(F)(3), it is the “organizational board of commissioners” of the Mount Vernon New Community Authority for all purposes of Ohio Revised Code Chapter 349.

SECTION 2: Petition's Sufficiency and Compliance with Ohio Revised Code Section 349.03. This Council has examined the Petition and finds and determines that the Petition is sufficient and complies with the requirements of Ohio Revised Code Section 349.03 in form and substance.

SECTION 3: Time and Place of Hearing. Pursuant to Ohio Revised Code Section 349.03, this Council hereby determines to hold a hearing on the Petition on June 23, 2025 at the offices of the City, 40 Public Square, Suite 206, Mount Vernon, Ohio 43050, at 7:00 p.m., and this Council hereby authorizes the Clerk of Council to cause notice of the hearing to be published once a week for three consecutive weeks, or as provided in Ohio Revised Code Section 7.16, in a newspaper of general circulation within Knox County, Ohio, pursuant to Ohio Revised Code Section 349.03(A).

SECTION 4: This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Ohio Revised Code Section 121.22.

SECTION 5: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason to allow the expansion of the City's New Community Authority to aid the construction of infrastructure for new development without delay, and said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to this Council; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

COMMENTS - Current Meeting:

Keener made a motion to suspend the rule requiring three readings of Ordinance No. 2025-13, with a second by Mahan. Motion to suspend passed by a roll-call vote of 6-0. Keener made a motion to adopt Ordinance No. 2025-13, with a second by Mahan. Motion to adopt passed by a roll-call vote of 6-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amber Keener, At Large
SECONDER:	James Mahan, First Ward
AYES:	Seavolt, Keener, Severns, Mahan, Ruckman, Hager
EXCUSED:	Tammy Woods



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2025-14

Meeting: 05/12/25 7:30 PM
Dept: Land Use and Development
Keener, Mahan
Category: Planning and Zoning
Prepared By: Rob Broeren
Initiator: Todd Hill
DOC ID: 4233

ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF MOUNT VERNON, OHIO TO BE A PUBLIC PURPOSE; CREATING THE LIBERTY CROSSING INCENTIVE DISTRICT; DECLARING THE IMPROVEMENTS TO REAL PROPERTY WITHIN THE INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE; DECLARING SUCH PROPERTY WITHIN THE INCENTIVE DISTRICT TO BE EXEMPT FROM REAL PROPERTY TAXATION; DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS MADE OR TO BE MADE TO DIRECTLY BENEFIT OR SERVE THE PARCELS FOR WHICH IMPROVEMENTS ARE DECLARED TO BE A PUBLIC PURPOSE; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES DURING THE PERIODS OF EXEMPTION; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS; AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT; AND APPROVING RELATED MATTERS.

WHEREAS, Section 5709.40(C) of the Ohio Revised Code (“R.C.”) authorizes the legislative authority of a municipal corporation, by ordinance, to create an incentive district and to declare the increase in the assessed value of any real property within the incentive district that would first appear on the tax list and duplicate of real and public utility property after the effective date of an ordinance adopted under R.C. Section 5709.40 were it not for the exemption granted by that ordinance (with such increase in assessed value being referred to in this Ordinance, as in R.C. Section 5709.40(A)(4), as the “Incentive District Improvements,” and together with the Public Infrastructure Improvements as defined below, as the “Improvements”) to real property located within the incentive district and the municipal corporation to be a public purpose and exempt from taxation; and

WHEREAS, the City intends to create an incentive district constituting the real property located in the State of Ohio (the “State”), County of Knox (the “County”), and the City as described more particularly on Exhibit A attached to and incorporated into this Ordinance (the “Liberty Crossing Incentive District”), with each parcel within the Liberty Crossing Incentive District referred to herein as a “Parcel,” whether as presently appearing on County tax duplicates or as subdivided or combined and appearing on future tax duplicates; and

WHEREAS, RJM Land Development LTD. (the “Developer”), along with the current and future owners of the Liberty Crossing Incentive District (each an “Owner” and collectively the “Owners”), wish to develop the Liberty Crossing Incentive District by constructing an estimated 93 single-family homes, 42 patio homes, and 112 townhomes and related improvements thereon and otherwise improving the Liberty Crossing Incentive District (such improvements being the “Public Infrastructure Improvements”), provided that the appropriate development incentives are available to support this development; and

WHEREAS, the City intends to (i) declare the increase in assessed value to the Liberty Crossing Incentive District as a result of the Public Infrastructure Improvements as a public purpose, (ii) exempt one hundred percent (100%) of the increase in the assessed value of the real property located within the TIF Districts for a period of 30 years, and (iii) identify the public infrastructure improvements to be made on or in support of the Liberty Crossing Incentive District by the Developer (the “TIF Public Infrastructure Improvements”), which TIF Public Infrastructure Improvements are set forth in Exhibit B hereto and incorporated herein by reference; and

WHEREAS, as required by R.C. Section 5709.40(A)(5)(f), the City Engineer has certified to this Council that (i) the Liberty Crossing Incentive District is less than 300 acres in size, (ii) the Liberty Crossing Incentive District is enclosed by continuous boundaries, and (iii) the public infrastructure serving the Liberty Crossing Incentive District is inadequate to meet the development needs of the Liberty Crossing Incentive District; and

WHEREAS, notice of the proposed adoption of the exemption authorized under R.C. Section 5709.40(C) by this Ordinance has been delivered by first-class mail to every real property owner whose property is located within the boundaries of the proposed Incentive District not later than 30 days prior to June 23, 2025, and on June 23, 2025, this Council conducted a public hearing on this Ordinance; and

WHEREAS, the overlay (within the meaning of R.C. Section 5709.40(A)(6)) for the Incentive District provided in the notice delivered to the owners of real property to be included in the Incentive District included all of the real property included in the Incentive District, and therefore no owners of real property were entitled to submit written responses under R.C. 5709.40(C) and this Council has not received any written responses; and

WHEREAS, this Council has determined to provide for the execution and delivery of an agreement between the City and the Developer (the “TIF Agreement”) by which the Developer shall construct or cause to be constructed certain public infrastructure improvements within the Liberty Crossing Incentive District; and

WHEREAS, pursuant to R.C. Section 5709.42, the City intends to require the Owner or Owners of each Parcel of real property within the Liberty Crossing Incentive District to make annual service payments in lieu of taxes to the Treasurer of Knox County, Ohio (“County Treasurer”) on or before the final dates for payment of real property taxes, and the annual service payments in lieu of taxes are to be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvements with respect to each Parcel if it were not exempt from taxation; and

WHEREAS, pursuant to R.C. Section 5709.43(A), this Council intends to establish a municipal public improvement tax increment equivalent fund for the exemption authorized by this Ordinance into which service payments in lieu of taxes distributed to the City shall be deposited, and which, from the date of this Ordinance, shall be used as provided in this Ordinance; and

WHEREAS, the City has caused notice of the proposed passage of this Ordinance, including a copy of this Ordinance, to be delivered to both the Board of Education of the Mount Vernon City School District (the “School District”) and the Board of Education of the Knox County Career Center (the “JVSD”) in accordance with R.C. Sections 5709.40 and 5709.83, or such notice has been waived;

NOW, THEREFORE, Be It Ordained by the Council of the City of Mount Vernon, Ohio that:

SECTION 1: In accordance with R.C. Section 5709.40(C), the City hereby designates and establishes the Liberty Crossing Incentive District identified on Exhibit A, attached to and incorporated into this Ordinance, as exempt from taxation under the terms set forth below and further declares that the Improvements to the Parcels within the Liberty Crossing Incentive District subsequent to the effective date of this Ordinance are a public purpose. This Council hereby finds and determines, in accordance with R.C. Section 5709.40(C)(3)(b), that the Improvements attributable to the Liberty Crossing Incentive District are expected to result from the construction of an estimated 93 single-family homes, 42 patio homes, and 112 townhomes, which development this Council hereby finds and determines will place additional demand on the Public Infrastructure Improvements designated in Section VI of this Ordinance.

SECTION 2: Pursuant to R.C. Section 5709.40(C), the City hereby recognizes that the TIF Public Infrastructure Improvements are a public purpose and benefit or serve, or will benefit or serve, the parcels within the Liberty Crossing Incentive District, and the City hereby exempts 100% of the increase in the assessed value of each parcel of real property located within the Liberty Crossing Incentive District from taxation for a period of 30 years, commencing on the first day of the first tax year in which there is an Improvement attributable to a structure on the parcels (as they may be subdivided or combined) that appears on the tax list and duplicate of real and public utility property, and ending on the earlier of (a) thirty (30) years after such commencement, or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of R.C. Sections 5709.40, 5709.42 and 5709.43 and this Ordinance (the “TIF Exemptions”). The life of the Liberty Crossing Incentive District shall be coextensive with the term of the TIF Exemption.

SECTION 3: Pursuant to R.C. Section 5709.42, during the period when the exemption granted by this Ordinance is in effect the Owner or Owners are hereby required to make, and shall make, service payments in lieu of taxes with respect to the Improvements to the County Treasurer on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvements on each Parcel as if it were not exempt from taxation pursuant to Section 2 of this Ordinance. Any late payments shall be subject to penalty and bear interest at the then current rate established under Ohio Revised Code Sections 323.121(B)(1) and 5703.47, as the same may be amended from time to time, or any successor provisions thereto, as the same may be amended from time to time (the payment of penalties and interest are collectively referred to herein with the payments in lieu of taxes as the “Service Payments”). The Service Payments, and any other payments in connection with the Improvement which are received by the City Fiscal Officer (the “Fiscal

Officer”) in connection with any reduction required by R.C. Section 319.302, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the “Property Tax Rollback Payments”) shall be allocated and deposited in accordance with Section IV.

SECTION 4: At the same times and in the same manner as real property tax distributions, the County Treasurer shall distribute the Service Payments and the Property Tax Rollback Payments as follows: (i) first, a portion of the Service Payments paid with respect to the TIF Exemption to the School Districts in the amount of the taxes that would have been payable to the School Districts if the Improvements had not been exempted from taxation, (ii) second, a portion of the Service Payments paid with respect to the TIF Exemptions to various taxing agencies for certain protected tax levies in accordance with R.C. Section 5709.40(F), and (iii) third, to the City, all remaining amounts for further deposit into the TIF Fund (as hereinafter defined) for payment of costs of the Public Infrastructure Improvements, as defined in Section VI of this Ordinance. The City shall then distribute the Service Payments and any Property Tax Rollback Payments in the TIF Fund after each semiannual settlement of real property taxes and in the following order of priority: first, to pay or finance the costs associated with the Public Infrastructure constructed by or on behalf of the Developer or by or on behalf of the City (including payment of interest and payment of any bonds, notes, or any other obligations issued to pay such costs), as further described in the TIF Agreement; and second, after the Developer and the City have been fully reimbursed as provided in the TIF Agreement, to the City for any other public infrastructure constructed by or on behalf of the City or for any lawful purpose under R.C. Sections 5709.40, 5709.42, 5709.43, and this Ordinance.

The TIF Fund, as hereinafter defined, shall remain in existence so long as the Service Payments and Property Tax Rollback Payments are collected and used for the above purposes, after which the TIF Fund shall be dissolved in accordance with R.C. Sections 5709.40, 5709.42, and 5709.43. Upon such dissolution, any incidental surplus remaining in the TIF Fund shall be transferred to the general fund of the City.

SECTION 5: This Council, pursuant to and in accordance with the provisions of R.C. Section 5709.43, determines to and hereby does establish the Liberty Crossing Incentive District TIF Fund (the “TIF Fund”) in the custody of the City and shall receive all distributions of Service Payments required to be made to the City pursuant to this Ordinance. The Service Payments and any Property Tax Rollback Payments received by the City shall be deposited into the TIF Fund pursuant to R.C. Section 5709.43 and distributed pursuant to R.C. Section 5709.42 and this Ordinance. The Service Payments and any Property Tax Rollback Payments received by the City shall be used solely for the purposes authorized in R.C. Sections 5709.40, 5709.42, 5709.43, and 5709.82, including, but not limited to, paying the costs of the Public Infrastructure Improvements (as defined in Section 6 of this Ordinance), including payment of interest and payment of any bonds, notes, or any other obligations issued to pay such costs, in a manner which is consistent with this Ordinance. The City shall use all Service Payments and any Property Tax Rollback Payments received and deposited into the TIF Funds as provided in this Ordinance. For all purposes of this Ordinance, “costs” of the Public Infrastructure Improvements payable from the TIF Fund also shall include the items of “costs of permanent improvements” set forth in R.C. Section 133.15(B), and incurred with respect to the Public

Infrastructure Improvements located within the Liberty Crossing Incentive District, as applicable. The TIF Fund shall remain in existence so long as such Service Payments and any Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund shall be dissolved and any surplus funds remaining therein distributed as set forth in Section IV of this Ordinance.

SECTION 6: The City hereby designates the Public Infrastructure Improvements set forth in Exhibit B for the Liberty Crossing Incentive District, attached to and incorporated into this ordinance by this reference, as the “public infrastructure improvements,” as that term is defined in R.C. Section 5709.40(A)(8), which are made, are to be made, or are in the process of being made, by or on behalf of the City, that benefit or serve, or, once made, will benefit or serve the Parcels, as set forth in R.C. Section 5709.40(C)(3)(a).

The City further determines that all of the Public Infrastructure Improvements set forth in Exhibit B attached hereto, within the Liberty Crossing Incentive District, are general in nature, and all of the Public Infrastructure Improvements are supportive of and beneficial to the development of the Liberty Crossing Incentive District.

SECTION 7: This Council further authorizes and directs the Mayor, the City Law Director, the City Auditor, or other appropriate officers of the City: (i) to make such arrangements as are necessary and proper for collection of Service Payments from Owners; (ii) to make payment of the Service Payments to the City to be deposited into the TIF Fund; and (iii) to take all other actions as may be appropriate to implement this Ordinance. R.C. Section 5709.911 shall govern the priority status of the exemptions provided under this Ordinance. Under R.C. Sections 5709.40(C) and 5709.911, the City intends to apply for the exemption from real property taxation under this Ordinance. Not later than 30 days prior to June 23, 2025, this Council delivered notice, by first-class mail, of a public hearing regarding this Ordinance (the “Residential Notice”). The Residential Notice included an overlay, within the meaning of R.C. Section 5709.40(A)(6), of the Liberty Crossing Incentive District, which included all of the real property within the Liberty Crossing Incentive District. On June 23, 2025, this Council conducted a public hearing regarding this Ordinance. No written responses to the Residential Notice were received under R.C. Section 5709.40(C).

SECTION 8: This Council hereby approves the TIF Agreement and authorizes the City to execute, deliver, and perform the TIF Agreement, including without limitation, by applying moneys on deposit in the TIF Fund for the purposes identified in the TIF Agreement. The Mayor is hereby authorized and directed, for and on behalf of the City, to execute and deliver the TIF Agreement, substantially in the form now on file with this Council, with such modifications to the form of the TIF Agreement as shall be approved by the Mayor, shall not be materially adverse to the City, and shall be consistent with this Ordinance, all of which shall be conclusively evidenced by the Mayor's signature on the TIF Agreement. The Mayor is further hereby authorized to execute and deliver any additional agreements or instruments as the Mayor shall deem necessary to carry out the purposes of this Ordinance and the TIF Agreement, and the City is hereby authorized to perform its obligations under any of those agreements or instruments

SECTION 9: Pursuant to R.C. Section 5709.40(I), the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Ohio Department of Development (“ODOD”) within 15 days after its adoption. On or before March 31st of each year that an exemption set forth in Section 2 of this Ordinance remains in effect, the officer or officers authorized by Section 9 of this Ordinance to take actions necessary to implement this Ordinance shall prepare and submit to the Director of ODOD the status report required under R.C. Section 5709.40(I).

SECTION 10: The City hereby maintains the City of Mount Vernon Tax Incentive Review Council, the membership of which is and shall remain constituted in accordance with R.C. Section 5709.85. In accordance with R.C. Section 5709.85, the City of Mount Vernon Tax Incentive Review Council reviews and shall continue to review annually all exemptions from taxation resulting from the declarations set forth in this Ordinance and any other such matters as may properly come before it, all in accordance with R.C. Section 5709.85.

SECTION 11: This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including R.C. Section 121.22.

COMMENTS - Current Meeting:

Ordinance No. 2025-14 was given a first reading.

RESULT: FIRST READING

Next: 5/27/2025 7:30 PM

EXHIBIT B

DESCRIPTION OF PUBLIC INFRASTRUCTURE IMPROVEMENTS

The Public Infrastructure Improvements shall include the infrastructure improvements listed below:

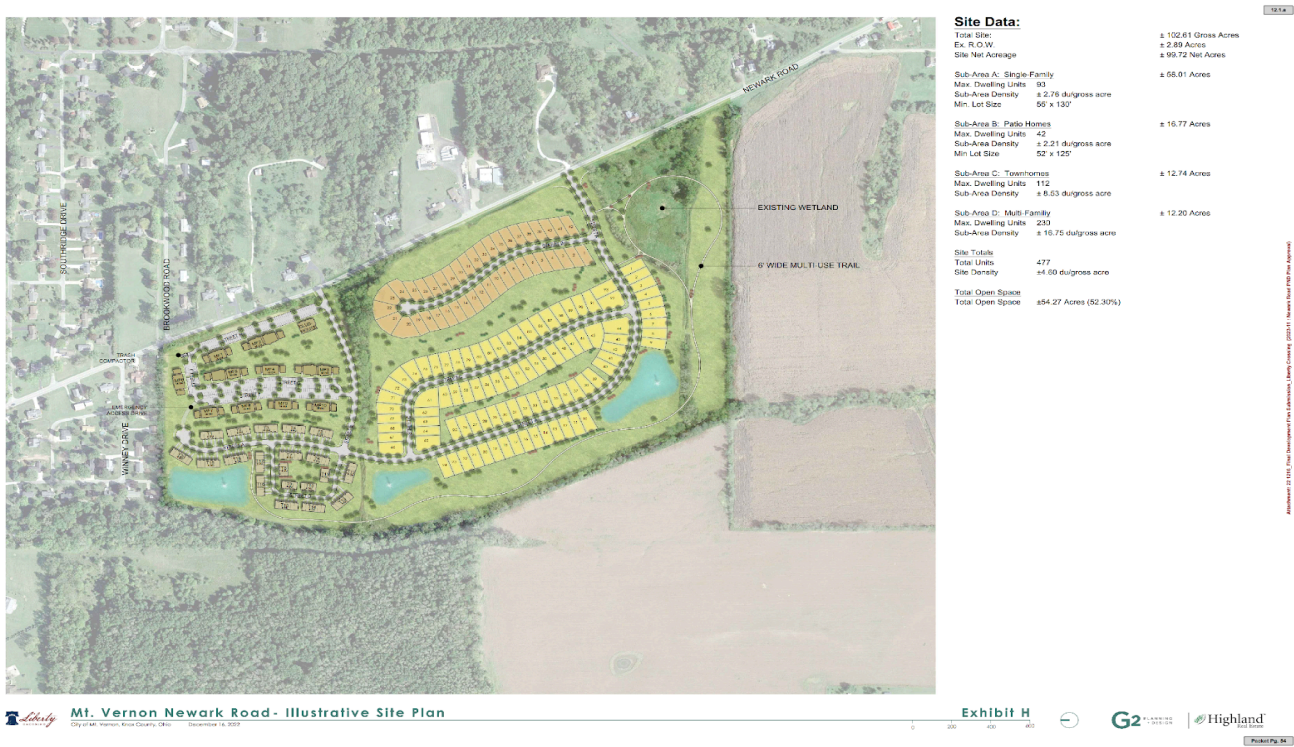
- Construction, reconstruction, extension, opening, improving, widening, grading, draining, curbing or changing of the lines and traffic patterns of, highways, streets, intersections, bridges (both roadway and pedestrian), sidewalks, bikeways, medians and viaducts accessible to and serving the public, and providing signage (including traffic signage and informational/promotional signage), lighting systems, signalization, and traffic controls, and all other appurtenances thereto.
- Signage, artwork, sculpture and other related items that enhance, compliment and beautify the Property and the Public Infrastructure Improvements located in the public right-of-way or within public easements.
- Construction, reconstruction, extension, opening, improving, widening, grading, draining or curbing of walking and/or multipurpose paths.
- Construction, reconstruction or installation of public utility improvements (including any underground municipally owned utilities), storm and sanitary sewers (including necessary site grading therefor), water and fire protection systems, including, but not limited to, tap, capacity and connection improvements for accessing the water, storm and sanitary sewers, or fire protection systems, and all appurtenances thereto.
- Construction, reconstruction or installation of gas, electric and communication service facilities (including any underground lines or other facilities), and all appurtenances thereto.
- Construction, reconstruction and installation of stormwater and flood remediation projects and facilities, including such projects and facilities on private property when determined to be necessary for public health, safety and welfare.
- Continued and ongoing maintenance, paving, repaving, striping, grading and related work on roads, highways, streets, water and sewer lines constructed as part of the Public Infrastructure Improvements.
- Construction or installation of streetscape and landscape improvements including trees, tree grates, signage, curbs, sidewalks, scenic fencing, street and sidewalk lighting, trash receptacles, benches, newspaper racks, burial of overhead utility lines and related improvements, together with all appurtenances thereto, including, but not limited to streetscape improvements in conjunction with and along the roadway improvements described above.

- Acquisition of real estate or interests in real estate (including easements) (a) necessary to accomplish any of the foregoing Public Infrastructure Improvements or (b) in aid of industry, commerce, distribution or research, including, but not limited to, any acquisition of land in connection with the City's taking title to any Public Infrastructure Improvements.
- The items of "costs of permanent improvements" set forth in Ohio Revised Code Section 133.15(B), and incurred with respect to the Public Infrastructure Improvements, which "costs" specifically include any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements and the debt service on, and other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements.
- Any other public infrastructure improvements constructed or maintained by or on behalf of the City that are determined by the City Council to benefit or serve the Property.

EXHIBIT A

DESCRIPTION OF THE SITE

The Site includes portions of Knox County Auditor parcel identification number 66-00501.000, as subsequently subdivided and combined, and includes approximately 228 multi-family units.



Attachment: Ex A - Highland Site Plan (2025-14 : Highland Residential TIF)



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2025-15

Meeting: 05/12/25 7:30 PM
Dept: Land Use and Development
Keener, Mahan
Category: Planning and Zoning
Prepared By: Rob Broeren
Initiator: Todd Hill
DOC ID: 4234

AN ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF MOUNT VERNON, OHIO TO BE A PUBLIC PURPOSE; DECLARING SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; DESIGNATING PUBLIC IMPROVEMENTS TO BE MADE THAT WILL BENEFIT SUCH PROPERTY; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; AND ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; AND AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT.

WHEREAS, MGD, LLC and MTV332, LLC (the “Developer”) have acquired certain real property which is located within the jurisdiction of the City of Mount Vernon (the “City”), consisting of 104.577+/- acres known as parcels 66-00501.000, 66-00501.006 and 66-00501.007 in the records of the Office of the Auditor of Knox County, Ohio (the “Auditor”) (the “Property”), and a depiction and description of the Property is attached hereto and incorporated herein by reference as Exhibit A; and

WHEREAS, Developer plans to develop the Property by constructing an estimated 228 multi-family housing units and related improvements thereon (the “Project”); and

WHEREAS, the development of the Property in the City will benefit the City and its residents by creating jobs, enlarging the property tax base, enhancing income tax revenues and stimulating collateral development in the City; and

WHEREAS, in order to provide for the orderly development of the Property, it is necessary to construct or to cause to be constructed certain public infrastructure improvements as described in Exhibit B attached hereto and incorporated herein by reference, which City and Developer agree will benefit and serve the Property; and

WHEREAS, the City has determined to provide for the execution and delivery of a Tax Increment Financing Agreement or similar cooperative agreement with the Developer (the “TIF Agreement”); and

WHEREAS, pursuant to Ohio Revised Code Sections 5709.40, 5709.42, and 5709.43 (together with related provisions of the Ohio Revised Code, the “TIF Act”), the City may, among other things, (i) declare the increase in assessed value of real property located in the City to be a public purpose, thereby exempting such increase from real property taxation for a period of time; (ii) specify public infrastructure improvements, made, to be made, or in the process of being made, that directly benefit such real property; (iii) provide for the making of service payments in lieu of taxes by the owners of such real property; (iv) establish a public improvement tax increment equivalent fund into which such service payments shall be deposited; (v) provide for

the use of such service payments to pay the costs of such public infrastructure improvements (which costs may include, without limitation, the payment for or reimbursement of costs of the public infrastructure improvements incurred by the City, or any other public or private party in cooperation with the City); and

WHEREAS, the current owners of certain parcels of real property located in the City (the “Owners” including any future owners of said real property, the “Owners”), as further described in Exhibit A attached hereto and made a part hereof (the “Site,” with each parcel comprising the Site, as currently existing on the Knox County Auditor’s tax duplicate or as subsequently subdivided or combined and appearing on a future tax duplicate, referred to herein as a “Parcel”) wish to construct or cause to be constructed certain new commercial improvements (including, but not limited to, multi-family housing); and

WHEREAS, the City has caused notice of the proposed passage of this Ordinance, including a copy of this Ordinance, to be delivered to both the Board of Education of the Mount Vernon City School District (the “School District”) and the Board of Education of the Knox County Career Center (the “JVSD”) in accordance with Ohio Revised Code Sections 5709.40 and 5709.83, or such notice has been waived;

NOW, THEREFORE, Be It Ordained by the Council of the City of Mount Vernon, Ohio that:

SECTION 1: Pursuant to and in accordance with the TIF Act, this City Council (“Council”) hereby finds and determines that one hundred percent (100%) of the increase in the assessed value of each Parcel comprising the Site subsequent to the effective date of this Ordinance (the increase hereinafter referred to as an “Improvement,” as further defined in Section 5709.40 of the Ohio Revised Code) is a public purpose and is exempt from taxation for a period commencing on the first day of the first tax year in which there is an Improvement with respect to the Parcel (as it may be subdivided or combined) attributable to a structure on the Parcel that appears on the tax list and duplicate of real and public utility property, and ending on the earlier of (a) thirty years after the commencement or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Act and this Ordinance (the “TIF Exemption”).

SECTION 2: Council hereby designates the public infrastructure improvements described in Exhibit B attached hereto (the “Public Infrastructure Improvements”) and any other public infrastructure improvements hereafter designated by ordinance as public infrastructure improvements made, to be made, or in the process of being made that directly benefit, or that once made will directly benefit, the Site.

SECTION 3: As provided in Ohio Revised Code Section 5709.42, but only after the TIF Exemption is effective, the Owner of a parcel comprising the Site shall be required to, and shall make, service payments in lieu of taxes with respect to the Improvement allocable thereto to the Knox County Treasurer (“County Treasurer”) on or before the final due dates for payment of real property taxes. Each service payment in lieu of taxes shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and

payable against such parcel as if it were not exempt from taxation pursuant to Section 1 hereof. Any late payments of service payments in lieu of taxes shall be subject to penalty and bear interest at the then current rate established under Ohio Revised Code Sections 323.121(B)(1) and 5703.47, as the same may be amended from time to time, or any successor provisions thereto (the "Penalties and Interest"). Each Owner shall make any other payments in respect of such parcel which are received by the County Treasurer in connection with any reduction required by Ohio Revised Code Section 319.302, as the same may be amended from time to time, or any successor provisions thereto (the "Property Tax Rollback Payments," together with the service payments in lieu of taxes and the "Penalties and Interest," are collectively referred to herein as the "Service Payments").

SECTION 4: At the same times and in the same manner as real property tax distributions, the County Treasurer shall distribute the Service Payments and the Property Tax Rollback Payments as follows: (i) first, a portion of the Service Payments paid with respect to the TIF Exemption to the School Districts in the amount of the taxes that would have been payable to the School Districts if the Improvements had not been exempted from taxation and (ii) second, to the City, all remaining amounts for further deposit into the Tax Increment Fund (as hereinafter defined) for payment of costs of the Public Infrastructure Improvements, as defined in Section II of this Ordinance. The City shall then distribute the Service Payments and any Property Tax Rollback Payments in the Tax Increment Fund after each semiannual settlement of real property taxes and in the following order of priority: first, to pay or reimburse the City for any administrative expenses in connection with the TIF Exemption; and second, to pay or finance the costs associated with the Public Infrastructure constructed by or on behalf of the Developer or by or on behalf of the City (including payment of interest and payment of any bonds, notes, or any other obligations issued to pay such costs), as further described in the TIF Agreement; and third, after the Developer and the City have been fully paid or reimbursed as provided in the TIF Agreement, to the City for any other public infrastructure constructed by or on behalf of the City or for any lawful purpose under Ohio Revised Code Sections 5709.40, 5709.42, 5709.43, and this Ordinance.

The Tax Increment Fund, as hereinafter defined, shall remain in existence so long as the Service Payments and Property Tax Rollback Payments are collected and used for the above purposes, after which the Tax Increment Fund shall be dissolved in accordance with Ohio Revised Code Sections 5709.40, 5709.42, and 5709.43. Upon such dissolution, any incidental surplus remaining in the Tax Increment Fund shall be transferred to the general fund of the City.

SECTION 5: This Council hereby establishes, pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.43, within the City Treasury a municipal public improvement tax increment equivalent fund (the "Tax Increment Fund"), which may, at the option of the Finance Director, be established as an account within an existing tax increment equivalent fund of the City, into which shall be deposited the Service Payments distributed to the City by the County Treasurer. Such Fund may be combined with other funds created by ordinances of this Council authorizing other such projects. Money in the Tax Increment Fund shall be used to finance the Public Infrastructure Improvements, and shall, to the extent provided in further ordinances of this Council, be pledged to the payment of debt service on any bonds, notes or other obligations issued to finance such Public Infrastructure Improvements as well as

any reimbursement payments for reimbursement of any costs of the Public Infrastructure Improvements. The Tax Increment Fund shall be maintained in the custody of the City and shall receive all distributions of Service Payments required to be made to the City. Those Service Payments received by the City with respect to the Site, shall be used solely for the purposes authorized in the TIF Act, including, but not limited to, paying any costs of the Public Infrastructure Improvements, in a manner that is consistent with this Ordinance. For purposes of this Ordinance, “costs” of the Public Infrastructure Improvements payable from the Tax Increment Fund shall also include the items of “costs of permanent improvements” set forth in Ohio Revised Code Section 133.15(B), and incurred with respect to the Public Infrastructure Improvements, which “costs” specifically include any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements, and debt service on, and any administrative or other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements. The Tax Increment Fund shall remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which time the Tax Increment Fund shall be dissolved and any surplus funds remaining therein shall be transferred to the City’s General Fund, all in accordance with Ohio Revised Code Section 5709.43.

SECTION 6: This Council hereby approves the TIF Agreement and authorizes the City to execute, deliver, and perform the TIF Agreement. The Mayor is hereby authorized and directed, for and on behalf of the City, to execute and deliver the TIF Agreement, substantially in the form now on file with this Council, with such modifications to the form of the TIF Agreement as shall be approved by the Mayor, shall not be materially adverse to the City, and shall be consistent with this Ordinance, all of which shall be conclusively evidenced by the Mayor's signature on the TIF Agreement. The Mayor is further hereby authorized to execute and deliver any additional agreements or instruments as the Mayor shall deem necessary to carry out the purposes of this Ordinance and the TIF Agreement, and the City is hereby authorized to perform its obligations under any of those agreements or instruments.

SECTION 7: The City hereby finds and determines that notice of this proposed Ordinance has been delivered to the School District and JVSD in accordance with Ohio Revised Code Sections 5709.40 and 5709.83, and hereby ratifies the giving of that notice.

SECTION 8: The Clerk of this Council is hereby directed to deliver, not later than fifteen (15) days after the effective date of this Ordinance, a copy thereof to the Director of the Ohio Department of Development and to further deliver to such Director, not later than March 31st of each year during which the TIF Exemption remains in effect, a status report outlining the progress of the project herein described.

SECTION 9: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Ordinance 2025-15

Meeting of May 12, 2025

COMMENTS - Current Meeting:

Ordinance No. 2025-15 was given a first reading.

RESULT: FIRST READING

Next: 5/27/2025 7:30 PM

EXHIBIT A

DESCRIPTION OF THE SITE

The Site includes portions of Knox County Auditor parcel identification number 66-00501.000, as subsequently subdivided and combined, and includes approximately 228 multi-family units.

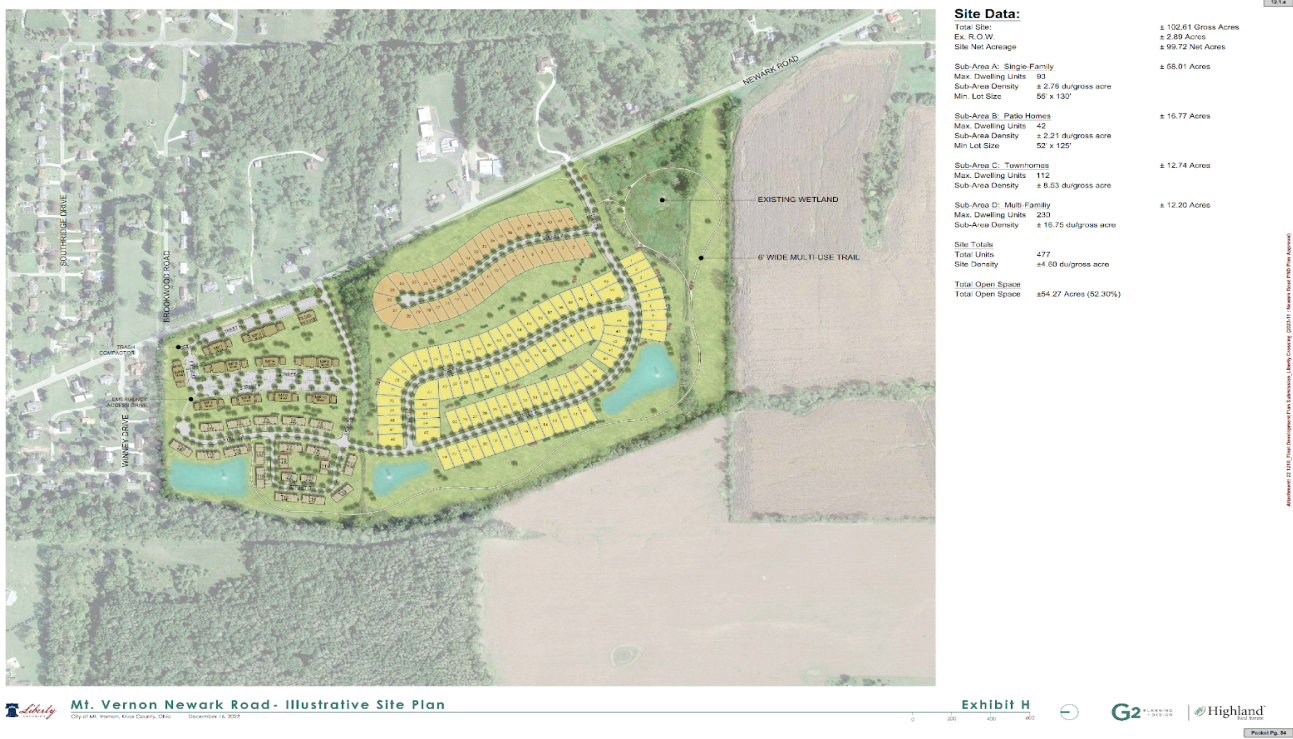


EXHIBIT B

DESCRIPTION OF PUBLIC INFRASTRUCTURE IMPROVEMENTS

The Public Infrastructure Improvements shall include the infrastructure improvements listed below:

- Construction, reconstruction, extension, opening, improving, widening, grading, draining, curbing or changing of the lines and traffic patterns of, highways, streets, intersections, bridges (both roadway and pedestrian), sidewalks, bikeways, medians and viaducts accessible to and serving the public, and providing signage (including traffic signage and informational/promotional signage), lighting systems, signalization, and traffic controls, and all other appurtenances thereto.
- Signage, artwork, sculpture and other related items that enhance, compliment and beautify the Property and the Public Infrastructure Improvements located in the public right-of-way or within public easements.
- Construction, reconstruction, extension, opening, improving, widening, grading, draining or curbing of walking and/or multipurpose paths.
- Construction, reconstruction or installation of public utility improvements (including any underground municipally owned utilities), storm and sanitary sewers (including necessary site grading therefor), water and fire protection systems, including, but not limited to, tap, capacity and connection improvements for accessing the water, storm and sanitary sewers, or fire protection systems, and all appurtenances thereto.
- Construction, reconstruction or installation of gas, electric and communication service facilities (including any underground lines or other facilities), and all appurtenances thereto.
- Construction, reconstruction and installation of stormwater and flood remediation projects and facilities, including such projects and facilities on private property when determined to be necessary for public health, safety and welfare.
- Continued and ongoing maintenance, paving, repaving, striping, grading and related work on roads, highways, streets, water and sewer lines constructed as part of the Public Infrastructure Improvements.
- Construction or installation of streetscape and landscape improvements including trees, tree grates, signage, curbs, sidewalks, scenic fencing, street and sidewalk lighting, trash receptacles, benches, newspaper racks, burial of overhead utility lines and related improvements, together with all appurtenances thereto, including, but not limited to streetscape improvements in conjunction with and along the roadway improvements described above.

- Acquisition of real estate or interests in real estate (including easements) (a) necessary to accomplish any of the foregoing Public Infrastructure Improvements or (b) in aid of industry, commerce, distribution or research, including, but not limited to, any acquisition of land in connection with the City's taking title to any Public Infrastructure Improvements.
- The items of "costs of permanent improvements" set forth in Ohio Revised Code Section 133.15(B), and incurred with respect to the Public Infrastructure Improvements, which "costs" specifically include any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements and the debt service on, and other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements.
- Any other public infrastructure improvements constructed or maintained by or on behalf of the City that are determined by the City Council to benefit or serve the Property.