



**City Council  
Legislative Session**

**Agenda**

**September 25, 2023  
7:30 PM**

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**COMMITTEE MEETINGS**

Mount Vernon City Council  
Committee Meeting Schedule  
September 25, 2023

|                |                                        |                                      |
|----------------|----------------------------------------|--------------------------------------|
| 6:00-6:15 p.m. | Fire Department quarterly update       | Fire, Police & Civil Defense Mahan   |
| 6:15-6:25 p.m. | MORPC Sustainable2050 Program          | Planning & Zoning Hillier            |
| 6:25-6:40 p.m. | Clintonville/Fairgrounds water project | Utilities Ruckman                    |
| 6:40-6:55 p.m. | Courthouse, Police Station designs     | Streets & Public Buildings Severns   |
| 6:55-7:15 p.m. | Elected officials compensation         | Employee & Community Relations Woods |
| 7:15-7:20 p.m. | Human trafficking ordinance            | Parks & Lands Keener                 |

- 09-25-23 Committee Meeting Schedule

**MEETING WILL RECESS UNTIL 7:30 P.M.**

**CALL TO ORDER**

**INVOCATION**

The Rev. Mike Hunter, Green Valley Southern Baptist Church

**PLEDGE OF ALLEGIANCE**

**ACCEPTANCE OF MINUTES**

- City Council - Legislative Session - Sep 11, 2023 7:30 PM

**RECEIVE PETITIONS AND COMMUNICATIONS**

None.

**RECEIVE COMMITTEE REPORTS**

- 09-11-23A Employee and Community Relations Committee Meeting Minutes

- 09-11-23B Employee and Community Relations Committee Meeting Minutes
- 09-11-23 Planning and Zoning Committee Meeting Minutes
- 09-11-23 Streets and Public Buildings Committee Meeting Minutes

**LIQUOR CONTROL LICENSE**

None.

- LT Pizza Co LLC, DbA Pizza Cottage, 510 S. Main St., Mount Vernon

**PROCLAMATION**

None.

**PERSONS SPEAKING ON MATTERS OF CITY CONCERN**

Brittany Mitchem, Riverside Recovery Services, on Xylazine

Scott Pullins, on human trafficking ordinance

**RESOLUTIONS FOR THIRD READING****RESOLUTION NO. 2023-71**

A RESOLUTION OF COMMITMENT OF THE CITY OF MOUNT VERNON TO THE SUSTAINABLE2050 PROGRAM OF THE MID-OHIO REGIONAL PLANNING COMMISSION.

*Planning and Zoning: Hillier, Severns*

**RESOLUTIONS FOR SECOND READING****RESOLUTION NO. 2023-76**

A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR TO PREPARE AND SUBMIT A JOINT APPLICATION WITH THE KNOX COUNTY ENGINEER TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION INFRASTRUCTURE PROGRAM FOR FUNDING FOR THE CLINTONVILLE/FAIRGROUNDS WATER MAIN AND SANITARY SEWER IMPROVEMENT PROJECT; AND DECLARING AN EMERGENCY.

*Utilities: Ruckman, Keener*

**RESOLUTION NO. 2023-78**

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO RELEASE A REQUEST FOR PROPOSALS FOR IDENTIFYING AND SELECTING A QUALIFIED FIRM OR FIRMS TO OVERSEE DESIGN SERVICES FOR A NEW COURTHOUSE; AND DECLARING AN EMERGENCY.

*Streets and Public Buildings: Severns, Ruckman*

**RESOLUTION NO. 2023-79**

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO RELEASE A REQUEST FOR PROPOSALS FOR IDENTIFYING AND SELECTING A QUALIFIED FIRM OR FIRMS TO OVERSEE DESIGN SERVICES FOR A NEW POLICE STATION; AND DECLARING AN EMERGENCY.

*Streets and Public Buildings: Severns, Ruckman*

**RESOLUTIONS FOR FIRST READING**

**RESOLUTION NO. 2023-80**

A RESOLUTION CONFIRMING THE MAYOR'S RE-APPOINTMENT OF JAMES BROWN TO THE SHADE TREE AND BEAUTIFICATION COMMISSION FOR A THREE (3) YEAR TERM; AND DECLARING AN EMERGENCY.

*Employee and Community Rel.: Woods, Hillier*

**RESOLUTION NO. 2023-81**

A RESOLUTION APPROVING THE RE-APPOINTMENT OF KATIE DELOZIER AND STEVE A. JEFFERSON TO THE BOARD OF PROPERTY MAINTENANCE APPEALS OF MOUNT VERNON, OHIO; AND DECLARING AN EMERGENCY.

*Employee and Community Rel.: Woods, Hillier*

**RESOLUTION NO. 2023-82**

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO MAKE SUPPLEMENTAL APPROPRIATIONS.

*Finance and Budget: Seavolt, Mahan*

**RESOLUTION NO. 2023-83**

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO TRANSFER CERTAIN FUNDS.

*Finance and Budget: Seavolt, Mahan*

**ORDINANCES FOR THIRD READING**

None.

**ORDINANCES FOR SECOND READING**

ORDINANCE NO. 2023-34

AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE AUGUST 2023 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES; TO REPEAL ORDINANCES IN CONFLICT THEREWITH; TO PUBLISH THE ENACTMENT OF NEW MATTER; AND DECLARING AN EMERGENCY.

*Planning and Zoning: Hillier, Severns*

ORDINANCE NO. 2023-37

AN ORDINANCE PROVIDING FOR THE SALARY SCALE FOR ELECTED OFFICIALS OF THE CITY OF MOUNT VERNON, SPECIFICALLY THE COUNCIL PRESIDENT AND MEMBERS OF COUNCIL, MAYOR, AUDITOR, AND LAW DIRECTOR; AND DECLARING AN EMERGENCY.

*Employee and Community Rel.: Woods, Hillier*

**ORDINANCES FOR FIRST READING**ORDINANCE NO. 2023-38

AN ORDINANCE ESTABLISHING THE RATE OF COMPENSATION FOR CERTAIN EMPLOYEES DURING THE VACANCY OF THE POSITION OF SAFETY-SERVICE DIRECTOR; AND DECLARING AN EMERGENCY.

*Employee and Community Rel.: Woods, Hillier*

ORDINANCE NO. 2023-39

AN ORDINANCE CREATING CHAPTER 785 "MASSAGE PARLORS" OF PART SEVEN "BUSINESS REGULATION CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON

*Parks and Lands: Keener, Woods*

**REMARKS FROM THE ADMINISTRATION****REMARKS FROM COUNCIL****ADJOURN AT THE CALL OF THE PRESIDENT**



## 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

September 20, 2023

## Mount Vernon City Council Committee Meeting Schedule September 25, 2023

|                |                                           |                                         |
|----------------|-------------------------------------------|-----------------------------------------|
| 6:00-6:15 p.m. | Fire Department quarterly update          | Fire, Police & Civil Defense<br>Mahan   |
| 6:15-6:25 p.m. | MORPC Sustainable2050 Program             | Planning & Zoning<br>Hillier            |
| 6:25-6:40 p.m. | Clintonville/Fairgrounds<br>water project | Utilities<br>Ruckman                    |
| 6:40-6:55 p.m. | Courthouse, Police Station designs        | Streets & Public Buildings<br>Severns   |
| 6:55-7:15 p.m. | Elected officials compensation            | Employee & Community Relations<br>Woods |
| 7:15-7:20 p.m. | Human trafficking ordinance               | Parks & Lands<br>Keener                 |

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



**Employee and Community Relations Committee Meeting Minutes**  
**Committee Meeting**  
**September 11, 2023 – 6:35 p.m. to 6:59 p.m.**

**COUNCIL PRESENT:**

Bruce Hawkins, Council President  
 James Mahan, First Ward  
 John Ruckman, Second Ward  
 Tammy Woods, Third Ward  
 Mike Hillier, Fourth Ward  
 Janis Seavolt, At-Large  
 Amber Keener, At-Large  
 Mel Severns, At-Large

**OTHERS IN ATTENDANCE:**

Matthew Starr, Mayor  
 Robert Broeren, Law Director  
 Terry Scott, Auditor  
 Brian Ball, Engineer  
 David Stuller, Treasurer  
 Robert Morgan, Police Chief  
 Denise Neff, HR Director  
 Todd Hill, Council Clerk  
 Cheryl Splain, Knox Pages

The transition plan toward hiring a new Safety-Service Director, the search for someone to fill the position and the position's salary were discussed. Mayor Matthew Starr outlined the transition plan, explaining that SSD duties have been spread out to three elected officials – the Mayor, Law Director and Auditor – as well as four department heads, the Public Works Director, Engineer, Development Services Manager and HR Director. The plan proposes paying the department heads an extra \$835 monthly for taking on the extra duties until a new Safety-Service Director is hired. Starr added that the City has begun advertising the opening, that this would be an appropriate time to restructure the position, and suggested that currently the salary for the position is comparatively low within the region.

Respectfully submitted,

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Tammy Woods, Chair  
 Employee and Community Relations Committee  
 Mount Vernon City Council

TW/th



**Employee and Community Relations Committee Meeting Minutes**  
**Committee Meeting**  
**September 11, 2023 – 6:59 p.m. to 7:10 p.m.**

**COUNCIL PRESENT:**

Bruce Hawkins, Council President  
 James Mahan, First Ward  
 John Ruckman, Second Ward  
 Tammy Woods, Third Ward  
 Mike Hillier, Fourth Ward  
 Janis Seavolt, At-Large  
 Amber Keener, At-Large  
 Mel Severns, At-Large

**OTHERS IN ATTENDANCE:**

Matthew Starr, Mayor  
 Robert Broeren, Law Director  
 Terry Scott, Auditor  
 Brian Ball, Engineer  
 David Stuller, Treasurer  
 Robert Morgan, Police Chief  
 Denise Neff, HR Director  
 Todd Hill, Council Clerk  
 Cheryl Splain, Knox Pages

The committee discussed Ordinance No. 2023-32, to create the positions of Human Resources interns. The chair asked how long the interns would be needed for, whether the compensation for three part-time interns would equal that of a full-time employee, and whether the proposed compensation has been budgeted. Human Resources Director Denise Neff responded that the project to digitize all the City's personnel files is open-ended, and that the proposed increase in interns is budgeted. Kate Beck, a current HR intern from Kenyon College, described her experience and added that she could get more done if she worked more hours. Auditor Terry Scott noted that funds would have to be shifted to another account, but that they are sufficient. Hillier asked that background checks be performed on any interns hired, and Neff said that would be done. No further meetings on the matter were requested. Ordinance No. 2023-32 was up for a third reading at Council's Legislative Session later in the evening.

Respectfully submitted,

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Tammy Woods, Chair  
 Employee and Community Relations Committee  
 Mount Vernon City Council

TW/th



**Planning and Zoning Committee Meeting Minutes  
September 11, 2023 – 7:10 p.m. to 7:16 p.m.**

**COUNCIL PRESENT:**

Bruce Hawkins, Council President  
James Mahan, First Ward  
John Ruckman, Second Ward  
Tammy Woods, Third Ward  
Mike Hillier, Fourth Ward  
Janis Seavolt, At-Large  
Amber Keener, At-Large  
Mel Severns, At-Large

**OTHERS IN ATTENDANCE:**

Matthew Starr, Mayor  
Robert Broeren, Law Director  
Terry Scott, Auditor  
Brian Ball, Engineer  
David Stuller, Treasurer  
Robert Morgan, Police Chief  
Denise Neff, HR Director  
Todd Hill, Council Clerk  
Cheryl Splain, Knox Pages

The committee discussed Resolution No. 2023-71, committing the City to the Sustainable2050 Program of the Mid-Ohio Regional Planning Commission. Mayor Matthew Starr stressed that membership in the program comes with no obligations and is more of a philosophical approach to community issues, and added that the City is doing many of these things already. He noted that he and Quentin Platt of the Engineering Department would be tasked with attending the program's meetings, and that membership would incur no costs on the part of the City. No further meetings were requested on the matter. Resolution No. 2023-71 was up for a second reading at Council's Legislative Session later in the evening.

Respectfully submitted,

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Mike Hillier, Chair  
Planning and Zoning Committee  
Mount Vernon City Council  
MH/th



## **2022-2023**

### **Streets and Public Buildings Committee Meeting Minutes September 11, 2023 – 7:16 p.m. to 7:22 p.m.**

#### **COUNCIL PRESENT:**

Bruce Hawkins, Council President  
James Mahan, First Ward  
John Francis, Second Ward  
Tammy Woods, Third Ward  
Mike Hillier, Fourth Ward  
Janis Seavolt, At-Large  
Amber Keener, At-Large  
Mel Severns, At-Large

#### **OTHERS IN ATTENDANCE:**

Matthew Starr, Mayor  
Robert Broeren, Law Director  
Terry Scott, Auditor  
David Stuller, Treasurer  
Brian Ball, Engineer  
Aaron Reinhart, Utilities Director  
Robert Morgan, Police Chief  
Todd Hill, Clerk  
Cheryl Splain, Knox Pages

The committee discussed Resolution Nos. 2023-78 and 2023-79, to release requests for proposals for identifying and selecting qualified firms to oversee design services for a new Courthouse and Police Station, respectively. Engineer Brian Ball noted that actual designs would be available for an additional committee meeting on the legislation in two weeks, and suggested that a public meeting be scheduled in the future on the designs. Hawkins asked about the time frame for construction of the City Hall Annex, and Ball replied that that timeline is currently about nine months behind the Courthouse and Police Station, which could be completed in four to five years. The chair requested a 15-minute committee meeting on the legislation for Sept. 25, 2023. Resolution Nos. 2023-78 and 2023-79 were up for a first reading at Council's Legislative Session later in the evening.

Respectfully submitted,

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Mel Severns, Chair  
Streets and Public Buildings Committee  
Mount Vernon City Council  
MS/th

NOTICE TO LEGISLATIVE  
AUTHORITYOHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

|                |     |             |                                                                             |
|----------------|-----|-------------|-----------------------------------------------------------------------------|
| 49492560055    |     | NEW         | LT PIZZA CO LLC<br>DBA PIZZA COTTAGE<br>510 S MAIN ST<br>MT VERNON OH 43050 |
| PERMIT NUMBER  |     | TYPE        |                                                                             |
| ISSUE DATE     |     |             |                                                                             |
| 08 17 2023     |     |             |                                                                             |
| FILING DATE    |     |             |                                                                             |
| D5I            |     |             |                                                                             |
| PERMIT CLASSES |     |             |                                                                             |
| 42             | 077 | B           | D88549                                                                      |
| TAX DISTRICT   |     | RECEIPT NO. |                                                                             |

FROM 09/06/2023

|                |             |      |
|----------------|-------------|------|
| PERMIT NUMBER  |             | TYPE |
| ISSUE DATE     |             |      |
| FILING DATE    |             |      |
| PERMIT CLASSES |             |      |
| TAX DISTRICT   | RECEIPT NO. |      |



MAILED 09/06/2023

RESPONSES MUST BE POSTMARKED NO LATER THAN. 10/10/2023

**IMPORTANT NOTICE**PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

**B NEW 4949256-0055**

(TRANSACTION &amp; NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) - ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council☐ Township Fiscal OfficerCLERK OF MT VERNON CITY COUNCIL  
CITY HALL  
40 PUBLIC SQ  
MT VERNON OHIO 43050

Communication: LT Pizza Co LLC, Dba Pizza Cottage, 510 S. Main St., Mount Vernon (Liquor Control License)



## Department of Commerce

Rev 2/10/2021

Mike DeWine, Governor  
Jon Husted, Lt. Governor

Division of Liquor Control  
Sheryl Maxfield, Director

Dear Local Legislative Authority Official:

Please find enclosed the legislative notice that is being sent to you regarding the applied for liquor permit as captioned on the notice. You **must**, within 30 days from the "mailed" date listed on the notice under the bar code:

- Notify the Division whether you object and want a hearing; or
- Ask for your one-time only, 30-day extension.
  - Any requests for a one-time, 30-day extension will be reviewed by the Division upon timely receipt. If granted, your additional 30-days runs from the expiration of the original 30-day period.

To be considered **timely**, your above response **must** be faxed, emailed, or mailed to the Division no later than the postmark deadline date given on the form. To speed up processing times and reduce paper, the Division respectfully asks that you either fax or email your response. Please send your response to:

**FAX:** (614) 644 – 3166

**EMAIL:** [LiquorLicensingMailUnit@com.state.oh.us](mailto:LiquorLicensingMailUnit@com.state.oh.us)

**MAIL:** Ohio Division of Liquor Control  
Attn: Licensing Unit  
6606 Tussing Road  
PO Box 4005  
Reynoldsburg, Ohio 43068-9005

Please note that the Division is no longer sending ownership information with this legislative notice. If you want to know who owns the applied for permit you can find that information in two ways:

- Go to [https://www.comapps.ohio.gov/liqr/liqr\\_apps/PermitLookup/PermitHolderOwnership.aspx](https://www.comapps.ohio.gov/liqr/liqr_apps/PermitLookup/PermitHolderOwnership.aspx) and enter the permit number listed on the legislative notice; or
- Contact your police department or your county sheriff if you are a township fiscal officer or county clerk. The Division sends the applicable law enforcement agency the pertinent ownership information when it notifies them of the permit application.

Thank you in advance for your cooperation,

Division Licensing Section

Licensing Section  
6606 Tussing Road  
Reynoldsburg, OH 43068-9009

Fax 614-728-1281  
TTY/TDD 800-750-0750  
[com.ohio.gov](http://com.ohio.gov)

An Equal Opportunity Employer and Service Provider

Communication: LT Pizza Co LLC, Db a Pizza Cottage, 510 S. Main St., Mount Vernon (Liquor Control License)



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2023-71

Meeting: 09/25/23 7:30 PM  
Dept: Planning and Zoning  
Hillier, Severns  
Category: Planning and Zoning  
Prepared By: Todd Hill  
Initiator: Todd Hill  
DOC ID: 3862

**A RESOLUTION OF COMMITMENT OF THE CITY OF MOUNT VERNON TO THE SUSTAINABLE2050 PROGRAM OF THE MID-OHIO REGIONAL PLANNING COMMISSION.**

WHEREAS, the Mid-Ohio Regional Planning Commission (MORPC) is a voluntary association of Central Ohio governments and regional organizations that provides valuable community services related to transportation, housing, policy and sustainability; and

WHEREAS, the City of Mount Vernon is a member of MORPC and represented on its Commission; and

WHEREAS, MORPC's top-level Sustainability Advisory Committee has developed the Regional Sustainability Agenda, which provides a framework for members and regional partners to work toward common goals; and

WHEREAS, MORPC, with guidance from its Sustainability Advisory Committee and member communities, has launched a program, called Sustainable2050, that replaces a program formerly known as the Central Ohio Green Pact; and

WHEREAS, the City of Mount Vernon is committed to protecting and preserving its natural resources and pursuing initiatives that will have a positive impact on its environment; and

WHEREAS, the City of Mount Vernon recognizes its ability as a local government to lead and influence sustainable practices within the community in a way that is both fiscally and environmentally responsible; and

WHEREAS, the City of Mount Vernon understands that MORPC is committed to providing additional technical and programmatic support to those committed to the Sustainable2050 program;

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

**Section 1:** The City of Mount Vernon commits to Sustainable2050 ("the Program") and will pursue the objectives and initiatives outlined in the Program.

**Section 2:** The City of Mount Vernon will designate a local champion to ensure public awareness of, and active participation in, the Program.

**Section 3:** The City of Mount Vernon will assign the following representatives to participate in Program meetings:

City of Mount Vernon Mayor, Matthew T. Starr (regular representative)

City of Mount Vernon Assistant Engineer, Quentin Platt (alternate representative)

These positions will be for a four (4) year term and may be re-appointed as needed.

**Section 4:** The City of Mount Vernon will share data with MORPC, as related to the goals and objectives of the Program.

**Section 5:** This Resolution shall become effective from and after the earliest period allowed by law.

**HISTORY:**

08/28/23            City Council            FIRST READING

Resolution No. 2023-71 was given a first reading.

09/11/23            City Council            SECOND READING

Resolution No. 2023-71 received a second reading.



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2023-76

Meeting: 09/25/23 7:30 PM

Dept: Utilities

Ruckman, Keener

Category: Grant

Prepared By: Todd Hill

Initiator: Todd Hill

DOC ID: 3868

**A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR TO PREPARE AND SUBMIT A JOINT APPLICATION WITH THE KNOX COUNTY ENGINEER TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION INFRASTRUCTURE PROGRAM FOR FUNDING FOR THE CLINTONVILLE/FAIRGROUNDS WATER MAIN AND SANITARY SEWER IMPROVEMENT PROJECT; AND DECLARING AN EMERGENCY.**

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

SECTION 1: That the Safety-Service Director for the City of Mount Vernon is authorized and directed to jointly apply with the Knox County Engineer to the Ohio Public Works Commission Infrastructure Program for funding assistance for the Clintonville/Fairgrounds Water Main and Sanitary Sewer Improvements Project.

SECTION 2: The Safety-Service Director is further authorized and directed to enter into any agreements as may be necessary for obtaining financial assistance.

SECTION 3: 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 applications for funds must be submitted by Nov. 3, 2023, 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.

**HISTORY:**

09/11/23

City Council

FIRST READING

Resolution No. 2023-76 received a first reading. Ruckman requested a 15-minute meeting of the Utilities Committee on the legislation for Sept. 25, 2023.



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2023-78

Meeting: 09/25/23 7:30 PM  
Dept: Streets and Public Buildings  
Severns, Ruckman  
Category: Public Buildings  
Prepared By: Todd Hill  
Initiator: Todd Hill  
DOC ID: 3874

**A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO RELEASE A REQUEST FOR PROPOSALS FOR IDENTIFYING AND SELECTING A QUALIFIED FIRM OR FIRMS TO OVERSEE DESIGN SERVICES FOR A NEW COURTHOUSE; AND DECLARING AN EMERGENCY.**

WHEREAS, the Ohio Supreme Court determined that municipalities need not follow the bidding process laid out in the Ohio Revised Code where the contract involves specialized services, requiring particular skills and aptitudes; and

WHEREAS, Council determines that the design of a new Courthouse involves specialized services.

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

**SECTION 1:** That the Safety-Service Director for the City of Mount Vernon is hereby authorized and directed to release a Request for Proposals for identifying and selecting a qualified firm or firms to oversee design services for a new Courthouse.

**SECTION 2:** That the Safety-Service Director is hereby further authorized, upon identifying and selecting a qualified firm or firms, to negotiate and enter into contract to oversee design services for a new Courthouse.

**SECTION 3:** 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 to allow sufficient time to advertise and select a firm or firms to oversee design services for a new Courthouse, 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.

**HISTORY:**

09/11/23      City Council      FIRST READING

Resolution No. 2023-78 was given a first reading. Severns requested a 15-minute Streets and Public Buildings Committee meeting on this legislation and Resolution No. 2023-79 for Sept. 25, 2023.



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2023-79

Meeting: 09/25/23 7:30 PM  
Dept: Streets and Public Buildings  
Severns, Ruckman  
Category: Public Buildings  
Prepared By: Todd Hill  
Initiator: Todd Hill  
DOC ID: 3875

**A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO RELEASE A REQUEST FOR PROPOSALS FOR IDENTIFYING AND SELECTING A QUALIFIED FIRM OR FIRMS TO OVERSEE DESIGN SERVICES FOR A NEW POLICE STATION; AND DECLARING AN EMERGENCY.**

WHEREAS, the Ohio Supreme Court determined that municipalities need not follow the bidding process laid out in the Ohio Revised Code where the contract involves specialized services, requiring particular skills and aptitudes; and

WHEREAS, Council determines that the design of a new Police Station involves specialized services.

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

SECTION 1: That the Safety-Service Director for the City of Mount Vernon is hereby authorized and directed to release a Request for Proposals for identifying and selecting a qualified firm or firms to oversee design services for a new Police Station.

SECTION 2: That the Safety-Service Director is hereby further authorized, upon identifying and selecting a qualified firm or firms, to negotiate and enter into contract to oversee design services for a new Police Station.

SECTION 3: 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 to allow sufficient time to advertise and select a firm or firms to oversee design services for a new Police Station, 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.

**HISTORY:**

09/11/23

City Council

FIRST READING

Resolution No. 2023-79 was given a first reading. Severns requested a 15-minute Streets and Public Buildings Committee meeting on this legislation and Resolution No. 2023-78 for Sept. 25, 2023.



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

Meeting: 09/25/23 7:30 PM  
Dept: Employee and Community Rel.

Woods, Hillier

Category: Appointment

Prepared By: Todd Hill

Initiator: Todd Hill

SCHEDULED

RESOLUTION 2023-80

DOC ID: 3876

**A RESOLUTION CONFIRMING THE MAYOR'S RE-APPOINTMENT OF JAMES BROWN TO THE SHADE TREE AND BEAUTIFICATION COMMISSION FOR A THREE (3) YEAR TERM; AND DECLARING AN EMERGENCY.**

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

SECTION 1: Confirm the Mayor's re-appointment of James Brown, 506 East High Street, to the Shade Tree and Beautification Commission for a three (3) year term. Term to commence on November 10, 2023 and end on November 10, 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.



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

Meeting: 09/25/23 7:30 PM  
Dept: Employee and Community Rel.

Woods, Hillier

Category: Appointment

Prepared By: Todd Hill

Initiator: Todd Hill

SCHEDULED

RESOLUTION 2023-81

DOC ID: 3877

**A RESOLUTION APPROVING THE RE-APPOINTMENT OF KATIE DELOZIER AND STEVE A. JEFFERSON TO THE BOARD OF PROPERTY MAINTENANCE APPEALS OF MOUNT VERNON, OHIO; AND DECLARING AN EMERGENCY.**

WHEREAS, Section 1303.09 of the Codified Ordinances of the City of Mount Vernon provides that the Mayor shall appoint five members of the Board of Property Maintenance Appeals, and

WHEREAS, Section 1303.09 of the Codified Ordinances provides that the Mayor shall have the power to appoint persons to vacancies on the Board of Property Maintenance Appeals with the approval of Council;

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

**SECTION 1:** That Council approves the Mayor's re-appointment of Katie Delozier, 23 Hilltop Drive, Mount Vernon, Ohio, as a regular member to the Board of Property Maintenance Appeals, commencing September 29, 2023, and ending September 28, 2026.

**SECTION 2:** That Council approves the Mayor's re-appointment of Steve A. Jefferson, 1214 E. Chestnut St., Mount Vernon, Ohio, as an alternate member to the Board of Property Maintenance Appeals, commencing October 1, 2023, and ending September 30, 2026.

**SECTION 3:** 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.



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2023-82

Meeting: 09/25/23 7:30 PM  
Dept: Finance and Budget  
Seavolt, Mahan  
Category: Finance  
Prepared By: Terry Scott  
Initiator: Todd Hill  
DOC ID: 3882

**A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO MAKE SUPPLEMENTAL APPROPRIATIONS.**

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

SECTION 1: That the Auditor for the City of Mount Vernon be, and he herewith is, authorized and directed to make supplemental appropriations as follows:

1. To Account 101.2650.56614, Arbor Removal/Sidewalks, in the amount of \$100,000.00.
2. To Account 101.2650.56613, Arbor Plantings, in the amount of \$80,000.00. (Ariel Foundation Grant - Tree Plantings, Tree Removals and Sidewalk Repair Program)
3. To Account 101.1786.54115, GPS Services, in the amount of \$2,145.00. (CCA Grant - Community Correction Act 2.0 - Probation Department)

SECTION 2: This Resolution provides for appropriations for the current expenses of the City, and therefore, pursuant to Revised Code Section 731.20, it shall become effective upon its date of passage and approval by the Mayor.



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2023-83

Meeting: 09/25/23 7:30 PM  
Dept: Finance and Budget  
Seavolt, Mahan  
Category: Finance  
Prepared By: Terry Scott  
Initiator: Todd Hill  
DOC ID: 3883

**A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO TRANSFER CERTAIN FUNDS.**

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

SECTION 1: That the Auditor for the City of Mount Vernon be, and he herewith is, authorized and directed to transfer funds as follows:

1. From Account 710.3210.55513, Lines, Channels, & Rivers to Account 710.3210.54118, Environmental Consultants, in the amount of \$100,000.00.
2. From Account 710.3210.55514, Line Maintenance/Repairs, to Account 710.3210.54118, Environmental Consultants, in the amount of \$100,000.00.
3. From Account 710.3210.55521, Curb & Gutter Rehabilitation, to Account 710.3210.54118, Environmental Consultants, in the amount of \$37,000.00.
4. From Account 701.2740.54124, Elevated Tank Maintenance, to Account 701.2740.55513, Line Improve or Extensions, in the amount of \$57,000.00.
5. From Account 701.2740.54124, Elevated Tank Maintenance, to 701.2740.55514, Line Maintenance & Repairs, in the amount of \$57,000.00.
6. From Account 701.2740.54124, Elevated Tank Maintenance, to Account 701.2740.54118, Environmental Consultant, in the amount of \$20,000.00.
7. From Account 701.2740.54124, Elevated Tank Maintenance, to Account 701.2740.55511, Distribution Equipment, in the amount of \$12,000.00.
8. From Account 101.2640.55511, Equipment, to Account 101.2620.51111, Recreation Personnel, in the amount of \$1,596.28.
9. From Account 101.2500.53313, Rental-Maintenance, to Account 101.3600.54464, Real Estate Taxes, in the amount of \$12,042.00.
10. From Account 215.1780.53111, Probation Service Fund, to Account 215.1780.51111, Probation Clerk, in the amount of \$12,000.00.
11. From Account 402.3600.54111, TIF-Improvements/Construction, to Account 402.1300.54484, TIF-Local School District, in the amount of \$26,800.00.
12. From Account 402.3600.54111, TIF-Improvements/Construction, to Account 402.3600.54112, County Auditor Deductions, in the amount of \$17,000.00.

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 its date of passage and approval by the Mayor.



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

SCHEDULED

**ORDINANCE 2023-34**

Meeting: 09/25/23 7:30 PM  
Dept: Planning and Zoning  
Hillier, Severns  
Category: Planning and Zoning  
Prepared By: Todd Hill  
Initiator: Todd Hill  
**DOC ID: 3867**

**AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE AUGUST 2023 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>             |
|-----------------|-------------|---------------------------------|
| 2023-10         | 4-24-23     | February 2023 Replacement Pages |
| 2023-25         | 6-26-23     | 919.07(I)                       |

**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

|         |                                                                  |
|---------|------------------------------------------------------------------|
| 303.991 | Committing an Offense While Distracted Penalty. (Amended)        |
| 331.35  | Occupying Travel Trailer, Fifth Wheel Vehicle or Manufactured or |
| Mobile  | Home While in Motion. (Amended)                                  |
| 333.01  | OVI; Willful Misconduct; Speed. (Amended)                        |
| 333.03  | Maximum Speed Limits; Assured Clear Distance Ahead. (Amended)    |

|                   |                                                                                                                             |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------|
| 333.11            | Electronic Wireless Communication Device Use Prohibited While Driving (Amended)                                             |
| 335.07            | Driving Under Suspension or License Restriction. (Amended)                                                                  |
| 335.071           | Driving Under OVI Suspension. (Amended)                                                                                     |
| 335.072           | Driving Under Financial Responsibility Law Suspension or Cancellation; Under a Nonpayment of Judgment Suspension. (Amended) |
| Driving 335.073   | Driving Without Complying With License Reinstatement Requirements. (Amended)                                                |
| 335.074           | Driving Under License Forfeiture or Child Support Suspension.                                                               |
| (Amended)         |                                                                                                                             |
| 337.10            | Lights, Emblems, and Reflectors on Slow-Moving Vehicles, Farm                                                               |
| Machinery, 337.16 | Agricultural Tractors, and Animal-Drawn Vehicles. (Amended)                                                                 |
|                   | Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights. (Amended)                                        |
| 337.22            | Windshield and Windshield Wiper; Sign or Poster Thereon. (Amended)                                                          |
| 341.01            | Commercial Drivers Definitions. (Amended)                                                                                   |

#### General Offenses Code

|         |                                                                         |
|---------|-------------------------------------------------------------------------|
| 501.01  | General Provisions and Penalty Definitions. (Amended)                   |
| 501.99  | Penalties for Misdemeanors. (Amended)                                   |
| 505.071 | Cruelty to Companion Animals. (Amended)                                 |
| 505.12  | Coloring Rabbits or Baby Poultry; Sale or Display of Poultry. (Amended) |
| 509.04  | Disturbing a Lawful Meeting. (Amended)                                  |
| 509.09  | Impeding Public Passage of an Emergency Service Responder. (Added)      |
| 513.01  | Drug Abuse Control Definitions. (Amended)                               |
| 513.03  | Drug Abuse; Controlled Substance Possession or Use. (Amended)           |
| 513.04  | Possessing Drug Abuse Instruments. (Amended)                            |
| 513.12  | Drug Paraphernalia. (Amended)                                           |
| 513.121 | Marihuana Drug Paraphernalia. (Amended)                                 |
| 517.08  | Raffles. (Amended)                                                      |
| 521.16  | Spreading Contagion. (Added)                                            |
| 525.05  | Failure to Report a Crime, Injury or Knowledge of Death. (Amended)      |
| 525.15  | Assaulting Police Dog or Horse or an Assistance Dog. (Amended)          |
| 529.01  | Liquor Control Definitions. (Amended)                                   |
| 529.07  | Open Container Prohibited. (Amended)                                    |
| 533.01  | Obscenity and Sex Offenses Definitions. (Amended)                       |
| 533.06  | Voyeurism. (Amended)                                                    |
| 533.08  | Procuring; Engagement in Sexual Activity for Hire. (Amended)            |
| 537.03  | Assault. (Amended)                                                      |
| 537.06  | Menacing. (Amended)                                                     |
| 537.07  | Endangering Children. (Amended)                                         |
| 537.15  | Temporary Protection Order. (Amended)                                   |
| 537.19  | Hazing Prohibited. (Added)                                              |
| 545.05  | Petty Theft. (Amended)                                                  |
| 549.02  | Carrying Concealed Weapons. (Amended)                                   |

549.04            Improperly Handling Firearms in a Motor Vehicle. (Amended)

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:**

09/11/23            City Council            FIRST READING

Ordinance No. 2023-34 was given a first reading.



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

Meeting: 09/25/23 7:30 PM  
Dept: Employee and Community Rel.  
Woods, Hillier  
Category: Personnel  
Prepared By: Rob Broeren  
Initiator: Lindsay Hoar  
DOC ID: 3871

SCHEDULED

ORDINANCE 2023-37

**AN ORDINANCE PROVIDING FOR THE SALARY SCALE FOR ELECTED OFFICIALS OF THE CITY OF MOUNT VERNON, SPECIFICALLY THE COUNCIL PRESIDENT AND MEMBERS OF COUNCIL, MAYOR, AUDITOR, AND LAW DIRECTOR; AND DECLARING AN EMERGENCY.**

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

**SECTION 1:** That the following salary schedule be set for the following elected officials of the City of Mount Vernon: Council President and Members of Council, Mayor, Auditor, and Law Director.

| <u>Elected Officials</u>                   | <u>Salary Per Year</u> |              |              |              |
|--------------------------------------------|------------------------|--------------|--------------|--------------|
|                                            | <u>2024</u>            | <u>2025</u>  | <u>2026</u>  | <u>2027</u>  |
| City Council President and Council Members | \$9,059.00             | \$9,218.00   |              |              |
| Mayor                                      | \$85,000.00            | \$87,550.00  | \$90,177.00  | \$92,882.00  |
| Auditor<br>\$87,418.00                     | \$80,000.00            | \$82,400.00  | \$84,872.00  |              |
| Law Director                               | \$117,000.00           | \$120,393.00 | \$124,004.00 | \$127,774.00 |

**SECTION 2:** All prior ordinances governing pay and benefits for the personnel listed in this ordinance are repealed.

**SECTION 3:** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and to set the salaries before the November 2023 general election 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:**

09/11/23

City Council

FIRST READING

Ordinance No. 2023-37 was given a first reading. Woods requested a 20-minute meeting of the Employee and Community Relations Committee on the legislation for Sept. 25, 2023.



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

Meeting: 09/25/23 7:30 PM  
Dept: Employee and Community Rel.  
Woods, Hillier  
Category: Personnel  
Prepared By: Rob Broeren  
Initiator: Todd Hill  
DOC ID: 3881

SCHEDULED

ORDINANCE 2023-38

**AN ORDINANCE ESTABLISHING THE RATE OF COMPENSATION FOR CERTAIN EMPLOYEES DURING THE VACANCY OF THE POSITION OF SAFETY-SERVICE DIRECTOR; AND DECLARING AN EMERGENCY.**

WHEREAS, the vacancy of the position of Safety-Service Director has necessitated that other employees take on additional duties to keep the City running efficiently; and

WHEREAS, the Mayor has delegated certain of the Safety-Service Director's duties to the City Engineer, Development Service Manager, Director of Human Resources and Director of Public Works until the appointment of a new Safety-Service Director.

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

**SECTION 1:** The salaries of the City Engineer, Development Service Manager, Director of Human Resources and Director of Public Works shall be increased biweekly by \$500.00.

**SECTION 2:** This additional compensation shall be effective from Monday, September 11, 2023 until the date the Mayor appoints a new Safety-Service Director.

**SECTION 3:** This Ordinance is hereby declared to be an emergency measure and necessary for the immediate preservation of the public peace, health and safety, and so that all of the Safety-Service Director's duties will be carried out, 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.



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

SCHEDULED

**ORDINANCE 2023-39**

Meeting: 09/25/23 7:30 PM  
Dept: Parks and Lands  
Keener, Woods  
Category: Parks  
Prepared By: Rob Broeren  
Initiator: Todd Hill  
**DOC ID: 3884**

**AN ORDINANCE CREATING CHAPTER 785 "MASSAGE PARLORS" OF PART SEVEN  
"BUSINESS REGULATION CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF  
MOUNT VERNON**

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

SECTION 1: That Chapter 785 "Massage Parlors" of Part Seven "Business Regulation Code" of the Codified Ordinances be created to read as follows:

**CHAPTER 785 - MASSAGE PARLORS**

**785.01 Definition and Permit Application**

(a) "Massage Parlor" means any place where, for any form of consideration or gratuity, massage, or use any method on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical, electrical or magnetic apparatus or appliance with or without any such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments or other similar preparations commonly used in this practice, or any other treatment manipulation of the human body which occurs as part of or in connection with unspecified sexual activities", or where any person providing such treatment, manipulation, or service related thereto. exposes his or her "specified anatomical areas". Any person providing such treatment, manipulation or service related thereto, must be licensed by the State of Ohio. The definition of massage parlor for purposes of adult entertainment and/or sexually oriented businesses or clubs shall not include the practice of massage in any licensed hospital, nor by a licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program.

(b) No massage parlor shall be permitted to operate without a valid massage parlor permit issued by the City. No person shall operate or cause to be operated a massage parlor without said permit.

(c) An application for a permit must be made on a form provided by the City.

(d) The premises must be inspected and found to be in compliance with health, fire and building codes and laws before the permit is issued.

(e) The applicant shall be required to pay a non-refundable annual permit fee of one hundred dollars (\$100.00) at the time of filing an application under this section and prior to the issuing of

the permit must pay to Knox Public Health the inspection fee as determined by Knox Public Health.

#### 785.02 Issuance of Annual Permit

(a) Subsequent to payment of the annual permit fee, the City shall grant an application for a permit within 60 days from the date of its proper filing unless the applicant fails the inspection conducted by Knox Public Health regarding operation.

(b) The permit shall be valid for one year from the date of issue. Continued operation after the first year, and each subsequent year, is dependent on paying the annual fee and providing proof of paying the Knox Public Health inspection fee.

#### 785.03 Inspection

(a) An applicant or permittee shall permit representatives of the Code Enforcement Office, the Knox County Public Health, and the Fire Department to inspect the premises of a massage parlor for the purpose of insuring compliance with the law, at any time it is occupied or open for business, and for the safety of patrons and employees.

(b) No person shall operate a massage parlor regardless of whether or not a permit has been issued for said business under this chapter, or an agent or employee refuse to permit such lawful inspection of the premises at any time that it is occupied or open for business. Such action shall be cause for the Mayor to suspend the permit for 30 days or until such time that inspection has been permitted.

#### 785.04 Operating Requirements

(a) A person who operates or causes to be operated a massage parlor, regardless of whether or not a permit has been issued to said business or club under this chapter, shall keep every portion of the premises, including appliances and apparatus clean, and in a sanitary condition.

(b) All masseurs/masseuses shall be licensed by the State of Ohio.

(c) All employees and masseurs/masseuses shall be clean and wear clean opaque outer garments. All employees of massage parlors shall wear underwear at all times and the underwear of a licensee may not be exposed to any patron of a licensee at any time. The genitals or breasts of any employee of a massage parlor may not be exposed to any patron at any time.

(d) All massage parlors shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in an approved sanitary manner.

(e) Wet and dry heat rooms, shower compartments and toilet rooms shall be thoroughly cleaned each day the business or club is in operation. Bathtubs shall be cleaned thoroughly after each use.

(f) No permit holder or person who operates or causes to be operated a massage parlor, regardless of whether or not a permit has been issued to said business or club under this chapter, shall place, publish, distribute or cause to be placed, published or distributed any advertising material that depicts any portion of the human body that would reasonably suggest to the

prospective patrons that any services are available other than those described in Section 785.01(a).

(g) It shall be the duty of the permit holder, licensee, owners and operators, and it shall also be the duty of any agents and employees present on the premises to insure that the genital area of male or female patrons and the breasts of female patrons are covered by a sheet, towel, or other opaque clothing at all times, Should the genitals of male or female patrons or the breasts of female patrons become unintentionally or accidentally uncovered, the physical contact between the masseur/masseuse and the patron must cease.

#### 785.05 Suspension of Permit

(a) The City shall suspend a permit for a period not to exceed 30 days if the City determines that a permittee, or an employee of a permittee, has:

- (1) Violated or is not in compliance with any section of this chapter; or
- (2) Been under the influence of alcoholic beverages while working in the massage parlor premises; or
- (3) Refused to allow an inspection of the massage parlor premises as authorized by this chapter; or
- (4) Knowingly permitted gambling by any person on the massage parlor premises; or
- (5) Operated the massage parlor in violation of a building, fire, health, or zoning statute, code, ordinance or regulation, whether federal, state, or local, said determination being based on investigation by the division, department or agency charged with enforcing said rules or laws. In the event of such statute, code, ordinance or regulation violation, the city or its designee shall promptly notify the permittee of the violation and shall allow the permittee a seven day period in which to correct the violation. If the permittee fails to correct the violation before the expiration of the seven day period, the city or its designee, shall forthwith suspend the permit and shall notify the permittee of the suspension;
- (6) Knowingly employs a person who does not have a valid license as required in Section 785.04 of this chapter;

(b) The suspension shall remain in effect until the violation of the statute, code, ordinance or regulation in question has been corrected.

(c) If permittee fails to suspend operation of the massage parlor upon notice of permit suspension, permittee agrees to pay to the city, \$500.00 for each day permittee operates the business under a suspended permit.

#### 785.06 Penalty

Whoever violates any provision of this chapter, for which a penalty is not provided, is guilty of a misdemeanor of the first degree.