

Special Meeting Minutes

May 27, 2025

COMMITTEE MEETINGS

Mount Vernon City Council
Committee Meeting Schedule
May 27, 2025

7:10-7:21 p.m.	ODNR Nature Works Grant	Parks & Recreation Hager
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- 05-27-25 Committee Meeting Schedule

MEETING WILL RECESS UNTIL 7:30 P.M.

CALL TO ORDER

Attendee	Title	Status
Janis Seavolt	At Large	Present
Mel Severns	Councilman	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
Amber Keener	At Large	Excused

Seavolt made a motion to excuse Woods and Keener, with a second by Severns. Motion passed by a voice vote of 5-0.

INVOCATION

Council Person Mahan performed the invocation.

PLEDGE OF ALLEGIANCE

All recited in unison.

ACCEPTANCE OF MINUTES

Seavolt made a motion to accept the minutes of the Legislative Session of May 12, 2025, with a second by Severns. Motion passed by a voice vote of 5-0.

RECEIVE PETITIONS AND COMMUNICATIONS

None.

RECEIVE COMMITTEE REPORTS

None.

LIQUOR CONTROL LICENSE

None.

PROCLAMATION

None.

PERSONS SPEAKING ON MATTERS OF CITY CONCERN

Mike Hillier, 215 E. Sugar St., spoke about Ordinance Nos. 2025-14 and 2025-15, creating a Liberty Crossing Tax Incentive Financing (TIF) District. He noted that the developer had previously stated that the developer would pay for installation of a turn lane and the widening of Newark Road, whereas now TIF funds would be used for it. He contended that the funds should not be used for this, and asked what would happen if the developer pulls out of the project. Engineer Brian Ball responded that TIF funds do not constitute a loan, and Safety-Service Director Tanner Salyers and Law Director Rob Broeren responded that the City would not be on the hook for anything financially with TIF funds.

Hawkins announced that there would be an executive session on the hiring of personnel at the end of the meeting.

RESOLUTIONS FOR THIRD READING

None.

RESOLUTIONS FOR SECOND READING

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 second reading. Seavolt requested a 10-minute meeting of the Finance and Budget Committee on the legislation for June 9, 2025.

RESULT: SECOND READING

Next: 6/9/2025 7:30 PM

RESOLUTIONS FOR FIRST READING

RESOLUTION NO. 2025-58

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR OF THE CITY OF MOUNT VERNON TO ACCEPT THE DONATION OF PROPERTY FROM THE KNOX COUNTY LAND REUTILIZATION CORPORATION; AND DECLARING AN EMERGENCY.

Land Use and Development: Keener, Mahan

Resolution No. 2025-58 was given a first reading. Mahan requested a five-minute meeting of the Land Use and Development Committee on the legislation for June 9, 2025.

RESULT: FIRST READING**Next: 6/9/2025 7:30 PM****RESOLUTION NO. 2025-59**

A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR TO PREPARE AND SUBMIT AN APPLICATION TO OHIO DEPARTMENT OF NATURAL RESOURCES' NATURE WORKS GRANT PROGRAM FOR CONSTRUCTION OF A RESTROOM AT ARCH PARK; AND DECLARING AN EMERGENCY.

Parks and Recreation: Hager, Severns

Resolution No. 2025-59 was given a first reading.

RESULT: FIRST READING**Next: 6/9/2025 7:30 PM****RESOLUTION NO. 2025-60**

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. 2025-60 was given a first reading.

RESULT: FIRST READING**Next: 6/9/2025 7:30 PM****RESOLUTION NO. 2025-61**

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO CREATE A NEW FUND TO BE NAMED "230 FUND - CCA GRANT" PURSUANT TO O.R.C. 5705.09(F); AND DECLARING AN EMERGENCY.

Finance and Budget: Seavolt, Woods

Resolution No. 2025-61 was given a first reading.

RESULT: FIRST READING**Next: 6/9/2025 7:30 PM****RESOLUTION NO. 2025-62**

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO PAY BILLS PURSUANT TO SECTION 5705.41 (D), THEN AND NOW CERTIFICATION.

Finance and Budget: Seavolt, Woods

Resolution No. 2025-62 was given a first reading.

RESULT: FIRST READING**Next: 6/9/2025 7:30 PM****RESOLUTION NO. 2025-63**

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO DISPOSE OF VEHICLES IN THE POLICE DEPARTMENT NOT NEEDED FOR PUBLIC USE BY THE CITY OF MOUNT VERNON; AND DECLARING AN EMERGENCY.

Finance and Budget: Seavolt, Woods

Resolution No. 2025-63 was given a first reading.

RESULT: FIRST READING**Next: 6/9/2025 7:30 PM****RESOLUTION NO. 2025-64**

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

Employee and Community Rel.: Woods, Keener

Resolution No. 2025-64 was given a first reading.

RESULT: FIRST READING**Next: 6/9/2025 7:30 PM****ORDINANCES FOR THIRD READING****ORDINANCE 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

Mahan made a motion to adopt Ordinance No. 2025-11, with a second by Ruckman. Law Director Rob Broeren commented on the legislation. Motion to adopt passed by a roll-call vote of 5-0.

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

ORDINANCES FOR SECOND READING

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 second reading.

RESULT: SECOND READING

Next: 6/9/2025 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 second reading.

RESULT: SECOND READING

Next: 6/9/2025 7:30 PM

ORDINANCES FOR FIRST READINGORDINANCE NO. 2025-16

AN ORDINANCE TO REVISE THE CITY OF MOUNT VERNON CREDIT CARD USE POLICY; AND DECLARING AN EMERGENCY.

Finance and Budget: Seavolt, Woods

Ordinance No. 2025-16 was given a first reading.

RESULT:

FIRST READING

Next: 6/9/2025 7:30 PM

REMARKS FROM THE ADMINISTRATION

Law Director Rob Broeren congratulated the Engineering Department and everyone else who was responsible for the opening of the Hunter's Landing splash pad in Riverside Park.

REMARKS FROM COUNCIL

Seavolt noted that the new Hunter's Landing splash pad in Riverside Park is a great addition to the City, and that a developer mentioned to her that the Liberty Crossing housing development received 110 inquiries after an article about the development appeared in the local media. Mahan noted that that was good news about the inquiries on Liberty Crossing, added that Council will have a public hearing on legislation to create a Tax Incentive Financing (TIF) District for Liberty Crossing at 7:00 p.m. on Monday, June 23, 2025, and contended that a TIF District represents growth paying for growth. Hager noted that she is proud of the City residents for turning out for the debut of the splash pad and the Memorial Day parade and ceremony. Ruckman thanked everyone who participated in the Memorial Day parade and ceremony, and for turning out for the grand opening of the splash pad. Hawkins congratulated everyone who was involved with making the splash pad happen and noted that it's good for the City.

ADJOURN AT THE CALL OF THE PRESIDENT

At 7:56 p.m. Mahan made a motion to go into executive session to discuss the hiring of personnel, with a second by Severns. Motion passed by a voice vote of 5-0. The executive session ended at 8:33 p.m. No formal actions were taken.

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 21, 2025

Mount Vernon City Council Committee Meeting Schedule May 27, 2025

7:10-7:15 p.m.	ODNR Nature Works Grant	Parks & Recreation Hager
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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

SCHEDULED

RESOLUTION 2025-57

Meeting: 05/27/25 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.

HISTORY:

05/12/25 City Council **FIRST READING**

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

COMMENTS - Current Meeting:

Resolution No. 2025-57 was given a second reading. Seavolt requested a 10-minute meeting of
 the Finance and Budget Committee on the legislation for June 9, 2025.

RESULT: SECOND READING

Next: 6/9/2025 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 \$24,000000 (New Total: \$24,631.00)



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2025-58

Meeting: 05/27/25 7:30 PM
Dept: Land Use and Development
Keener, Mahan
 Category: Land/Property Acquisition
 Prepared By: Rob Broeren
 Initiator: Todd Hill
DOC ID: 4241

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR OF THE CITY OF MOUNT VERNON TO ACCEPT THE DONATION OF PROPERTY FROM THE KNOX COUNTY LAND REUTILIZATION CORPORATION; AND DECLARING AN EMERGENCY.

WHEREAS, the Knox County Land Reutilization Corporation surveyed a portion of Heartland Commerce Park where the fence line did not line up with the property line and is donating the real property outside of the fence to the adjacent landowners, including the City of Mount Vernon.

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 be and herewith is authorized and directed to accept the donation of property from the Knox County Land Reutilization Corporation as shown on Attachment A.

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 further reason to confirm the acceptance of this gift and allow the confirmation of borders of real property with the City, 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:

Resolution No. 2025-58 was given a first reading. Mahan requested a five-minute meeting of the Land Use and Development Committee on the legislation for June 9, 2025.

RESULT: FIRST READING

Next: 6/9/2025 7:30 PM

QUIT-CLAIM DEED

Knox County Land Reutilization Corporation, an Ohio non-profit corporation (the “Grantor”), for valuable consideration paid, grants to **The City of Mount Vernon**, whose tax mailing address is 40 Public SQ. Mount Vernon, Ohio 43050 (the “Grantee”), all right, title and interest in and to the real property described on EXHIBIT A (the “Real Property”):

NOTE: THE PARTIES ACKNOWLEDGE THAT PURSUANT TO THEIR REQUEST THIS DEED WAS PREPARED WITHOUT ANY TITLE SEARCH BEING PERFORMED TO ASCERTAIN ANY APPLICABLE LIENS, LEASES, EASEMENTS, OR OTHER MATTERS OF PUBLIC RECORD ENCUMBERING THE REAL PROPERTY DESCRIBED HEREIN.

Prior Instrument Reference: Knox County Official Records Volume 1909, Page 275

Part of Parcel Number: 66-01283.000

Executed this _____ day of _____, 2025.

**Knox County Land Reutilization Corporation,
An Ohio non-profit corporation**

By: Sam Filkins, President

State of Ohio)
County of Knox)

The foregoing instrument was acknowledged before me this ____ day of _____, 2025, by Sam Filkins, President of the **Knox County Land Reutilization Corporation, an Ohio non-profit corporation, on behalf of the corporation.**

Notary Public

(SEAL)

This Instrument Prepared by:
Zachary DiMarco, Attorney at Law
Critchfield, Critchfield & Johnston, Ltd.
10 S. Gay St., P.O. Box 469
Mount Vernon, Ohio 43050

**SHAFFER, JOHNSTON, LICHTENWALTER
& ASSOCIATES, INC.
ENGINEERS & SURVEYORS**



BOUNDARY DESCRIPTION OF 0.015 ACRE PARCEL

SW-5956B

Situated in the City of Mount Vernon, T-6N ; R-13W, United States Military Lands, County of Knox, and State of Ohio:

Known as being a part of Lot 21 in Heartland Commerce Park in Book C; Page 174 – 181 of Knox County Plat Records (PPN: 66-01283.000) and further bounded and described as follows;

Commencing at a 5/8" rebar with I.D. cap marked "SJL, INC" found at the northwest corner of Lot 21;

Thence S 03° 36' 10" W, 96.37 feet along the west line of said Lot 21 to a 5/8" rebar with I.D. cap marked "SJL, INC" set at the northeast corner of Lot 108 in C & G Cooper Company Park Addition as recorded in Book A; Page 54 of Knox County Plat Records and being the principal place of beginning of the parcel herein described:

THENCE WITH THE FOLLOWING FOUR (4) COURSES:

1. **S 86° 36' 55" E, 13.15** feet along a new division line, being the extension of the north line of said Lot 108, to a 5/8" rebar with I.D. cap marked "SJL, INC" set;
2. **S 03° 13' 34" W, 50.00** feet along a new division line to a 5/8" rebar with I.D. cap marked "SJL, INC" set;
3. **N 86° 36' 53" W, 13.48** feet along a new division, being the extension of the south line of said Lot 108, line to a 5/8" rebar with I.D. cap marked "SJL, INC" set at the southeast corner of said Lot 108;
4. **N 03° 36' 10" E, 50.00** feet along the east line of said Lot 108 to the place of beginning and containing within said bounds **0.015** acres of land, more or less, and subject to all legal highways and easements of record.

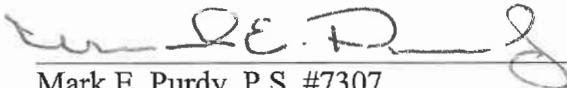
Continued on Page 2

3477 Commerce Parkway, Suite C □ Wooster, Ohio 44691
Ph. (330) 345-6377 □ Fax (330) 345-6725 □ Email: sjl@sjl-inc.com

Page 2 (Description 0.015 ac.)

This description was prepared from a survey made by Mark E. Purdy, P.S. #7307 of Shaffer, Johnston, Lichtenwalter & Associates, Inc. in January of 2024.

Basis of bearing: The bearings as shown hereon are relative to GRID NORTH of the OHIO STATE PLANE COORDINATE SYSTEM, NAD 83 DATUM.


Mark E. Purdy, P.S. #7307



MOUNT VERNON PLANNING COMMISSION

APPROVED BY 
MOUNT VERNON PLANNING COMMISSION

DESCRIPTION
APPROVED
CAMERON KEATON
KNOX COUNTY ENGINEER



3477 Commerce Parkway, Suite C □ Wooster, Ohio 44691
Ph. (330) 345-6377 □ Fax (330) 345-6725 □ Email: sjl@sjl-inc.com

W723

MAP OF SURVEY
CITY OF MOUNT VERNON
T-6N ; R13W
UNITED STATES MILITARY LANDS
COUNTY OF KNOX
STATE OF OHIO

----- CENTERLINE
+++++ C/L TRACKS
===== DEDICATED R/W LINE
- - - - - EX. PROPERTY LINE
- - - - - EX. PARCEL SPLIT
===== PROP. PROPERTY LINE

RIVER IMPROVEMENT PROJECT
VOL. 108; PG. 518

PPN: 66-01283.000
LOT 21
HEARTLAND COMMERCE PARK
PLAT BK. C; PG. 174-181
KNOX COUNTY LAND
REURIZATION CORPORATION
VOL. 1908; PG. 275



0' 25' 50' 100'
SCALE: 1" = 50'

- × SPIKE FD.
- I.P. OR PIPE FD. (AS NOTED)
- ⊙ CAPPED PIN FOUND "SJL, INC"
- 5/8" REBAR SET WITH I.D. CAP MARKED SJL INC

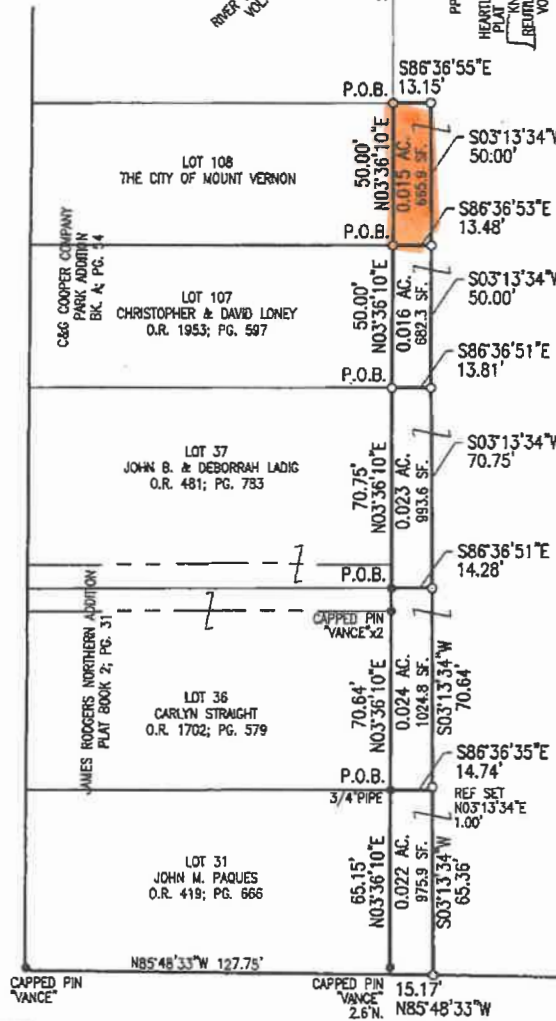
REFERENCE SURVEY:
'C'-418; 'H'-003; 'H'-363; 'H'-448;
'I'-131; 'I'-161; 'I'-798; 'N'-186; 'N'-573;
'O'-445; 'O'-743; 'O'-187; 'O'-218;
'R'-773; 'T'-150; 'T'-690; 'U'-449;
'U'-845

BASIS OF BEARING:
The bearings as shown hereon are
relative to GRID NORTH of
the OHIO STATE PLANE COORDINATE
SYSTEM, NAD 83 DATUM

THESE PARCELS CREATED HEREIN
ARE FOR TRANSFER TO ADJOINERS
AND ARE NOT INTENDED AS
INDEPENDENT BUILDING SITES.

SURVEY
APPROVED
KNOX COUNTY
ENGINEER

N. JEFFERSON ST. (50')



GREENWOOD AVE. (40')

Distances shown hereon are expressed in feet and decimal parts thereof, bearings are used to express angles only, iron pins or monuments were found or set as indicated hereon. All of which I believe to be correct to the best of my knowledge.

By: *Mark E. Purdy* 1-31-24 Date
Mark E. Purdy, P.S. #7307



SHAFFER, JOHNSTON, LICHTENWALTER & ASSOCIATES, INC.
Consulting Engineers & Surveyors
3477 Commerce Parkway, Suite C
Wooster, Ohio 44691
TEL (330) 345-6377 FAX (330) 345-6725 EMAIL sjl@sjl-inc.com

DRAWN C. Fab	CHECKED	1" SCALE = 40'	DATE 01/24/2024
DWG NO: SW-5956B-BASE		JOB NO: SW-5956B	
		SHEET 1 OF 1	

Attachment: Ex A - Property Donation from Land Bank (2025-58 : Accept Property from Land Bank)



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2025-59

Meeting: 05/27/25 7:30 PM
Dept: Parks and Recreation
Hager, Severns
Category: Grant
Prepared By: Todd Hill
Initiator: Todd Hill
DOC ID: 4242

A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR TO PREPARE AND SUBMIT AN APPLICATION TO OHIO DEPARTMENT OF NATURAL RESOURCES' NATURE WORKS GRANT PROGRAM FOR CONSTRUCTION OF A RESTROOM AT ARCH PARK; 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 apply to the Ohio Department of Natural Resources' Nature Works Grant Program for construction of a restroom at Arch Park.

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 June 2, 2025, 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:

Resolution No. 2025-59 was given a first reading.

RESULT: FIRST READING

Next: 6/9/2025 7:30 PM



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2025-60

Meeting: 05/27/25 7:30 PM
Dept: Finance and Budget
Seavolt, Woods
 Category: Finance and Budget
 Prepared By: Rob Broeren
 Initiator: Todd Hill
DOC ID: 4243

**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. 2025-60 was given a first reading.

RESULT: FIRST READING

Next: 6/9/2025 7:30 PM

GENERAL FUND APPROPRIATIONS:Probation Department:

- Decrease appropriations to 101.1786.51111 (Probation Officer) by \$28,132.69 (New Total: \$51,106.03)
- Increase appropriations to 101.1786.52121 (PERS) by \$1,714.27 (New Total: \$12,292.76)
- Decrease appropriations to 101.1786.52123 (Workers Comp) by \$2,925.72 (New Total: \$37.14)
- Decrease appropriations to 101.1786.52125 (Employee Insurance) by \$9,852.53 (New Total: \$18,894.50)
- Decrease appropriations to 101.1786.52126 (Medicare & SS) by \$802.47 (New Total: \$1,150.16)
- 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 \$33,327.06 (New Total: \$40,492.89)
- Increase appropriations to 101.1786.54113 (Testing Supplies) by \$2,010.75 (New Total: \$4,010.75)
- Increase appropriations to 101.1786.54115 (GPS Services) by \$1,000.00 (New Total: \$6,000.00)
- Increase appropriations to 101.1786.54116 (Electronic Monitoring) by \$9,269.50 (New Total: \$10,000.00)
- 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 \$200.00 (New Total: \$6,000.00)
- Decrease appropriations to 101.1786.54120 (Additional Treatment Services) by \$552.50 (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)
 - From the Original Appropriated amount for this year this is a \$16,414.63 increase to finish up the money received from their Grant payment.

Police Department:

- Increase appropriations to 101.1950.54111 (Impound Lot Towing) by \$30,000.00 (New Total: \$24,631.00)

Non-General Fund Appropriations:Cemetery:

- Increase appropriations to 801.3100.56611 (Perpetual Care) by \$113,146.55 (New Total: \$113,146.55)



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2025-61

Meeting: 05/27/25 7:30 PM
Dept: Finance and Budget
Seavolt, Woods
 Category: Finance and Budget
 Prepared By: Rob Broeren
 Initiator: Todd Hill
DOC ID: 4244

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO CREATE A NEW FUND TO BE NAMED "230 FUND - CCA GRANT" PURSUANT TO O.R.C. 5705.09(F); AND DECLARING AN EMERGENCY.

WHEREAS Ohio Revised Code § 5705.09(F) requires each subdivision to establish a special fund for each class of revenues derived from a source other than the general property tax, which the law requires to be used for a particular purpose; and

WHEREAS, it is necessary to establish this fund in order to better track the next grant cycle for the Mount Vernon Municipal Court's Probation Department.

NOW THEREFORE, BE IT RESOLVED by the Council of 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 create a new fund to be called "230 Fund - CCA Grant" pursuant to O.R.C. 5705.09(F), with the following lines:

230.1700.51111	Probation Officer
230.1700.52121	PERS
230.1700.52123	Workers Comp
230.1700.52125	Employee Insurance
230.1700.52126	Medicare & SS
230.1700.53111	Dues/Supplies
230.1700.53112	Conference Registration
230.1700.53113	Memberships
230.1700.54112	Drug Testing
230.1700.54113	Testing Supplies
230.1700.54114	Confirmation Testing
230.1700.54115	GPS Services
230.1700.54116	Electronic Monitoring
230.1700.54117	Substance Abuse
230.1700.54118	Mental Health Services
230.1700.54119	Anger Management
230.1700.54120	Additional Treatment Services
230.1700.54121	Class Materials
230.1700.54122	Hands Down Costs
230.1700.54123	Incentives
230.1700.54124	Transportation
230.1700.54311	Training/Travel-In State
230.1700.55511	Equipment

SECTION 2: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, for the further reason to allow the better tracking of grants issued to the Municipal Court's Probation Department because the grants are awarded on a different schedule than the City's appropriation cycle, 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:

Resolution No. 2025-61 was given a first reading.

RESULT: FIRST READING

Next: 6/9/2025 7:30 PM



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2025-62

Meeting: 05/27/25 7:30 PM
Dept: Finance and Budget
Seavolt, Woods
 Category: Finance
 Prepared By: Rob Broeren
 Initiator: Todd Hill
DOC ID: 4245

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO PAY BILLS PURSUANT TO SECTION 5705.41 (D), THEN AND NOW CERTIFICATION.

WHEREAS, the Safety-Service Director for the City of Mount Vernon did make the necessary inquiries that these billed amounts as indicated are legitimate and proper and did approve payment in the amounts shown; and

WHEREAS, at the time of the making of such contract or order and at the time of the execution of such certificate a sufficient sum appropriated for the purpose of such contract or order was in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances.

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 pay bills as follows:

1. To Aaron Oakley DBA: Custom Wired in the amount of \$7,669.94, from line number 720.2820.54111, Services Received.
2. To Mid-Ohio Regional Planning Commissions-Greenways in the amount of \$7,500.00, from line number 101.2320.54111, Services Received.
3. To JP Morgan Chase Bank in the amount of \$10,374.75, from line number 302.1300.56622, Sewer Systems Bond Interest.

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.

COMMENTS - Current Meeting:

Resolution No. 2025-62 was given a first reading.

RESULT: FIRST READING

Next: 6/9/2025 7:30 PM



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2025-63

Meeting: 05/27/25 7:30 PM
Dept: Finance and Budget
Seavolt, Woods
 Category: Finance
 Prepared By: Rob Broeren
 Initiator: Todd Hill
DOC ID: 4246

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO DISPOSE OF VEHICLES IN THE POLICE DEPARTMENT NOT NEEDED FOR PUBLIC USE BY THE CITY OF MOUNT VERNON; AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Sections 721.01 and 721.15 authorize municipalities to dispose of personal property and vehicles no longer needed for municipal use.

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

SECTION 1: That the Council finds that the City of Mount Vernon Police Department owns the following vehicles that are no longer needed for public use. Council also finds that the value of the vehicle is in excess of \$1,000.00.

- 1) 2008-Silver-Chevrolet-Impala VIN 2G1WB58K289289352
- 2) 2003-Silver-Ford-Escape VIN 1FMYU93113KD49818
- 3) 2017-Black-Nissan-Rogue VIN 5N1AT2MVXHC868039
- 4) 1999-Black-Jeep-Cherokee VIN 1J4FF68S2XL500438

SECTION 2: That the Safety-Service Director for the City of Mount Vernon be authorized and directed to sell or dispose of the vehicles pursuant to any method authorized by Revised Code Section 721.15.

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 of expediting the sale or trade of these items to return the proceeds to constructive use by the City, 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:

Resolution No. 2025-63 was given a first reading.

RESULT: FIRST READING

Next: 6/9/2025 7:30 PM



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2025-64

Meeting: 05/27/25 7:30 PM
Dept: Employee and Community Rel.
Woods, Keener
 Category: Reappointment
 Prepared By: Todd Hill
 Initiator: Todd Hill
DOC ID: 4247

A RESOLUTION CONFIRMING THE MAYOR'S RE-APPOINTMENT OF SARAH WAGNER 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: That the Council for the City of Mount Vernon confirms the Mayor's re-appointment of Sarah Wagner, 604 E. High St., Mount Vernon, Ohio to the Shade Tree and Beautification Commission, for a three (3) year term, commencing immediately, and ending May 27, 2028.

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:

Resolution No. 2025-64 was given a first reading.

RESULT: FIRST READING

Next: 6/9/2025 7:30 PM



City Council
City of Mount Vernon
Mount Vernon, OH 43050

ADOPTED

ORDINANCE 2025-11

Meeting: 05/27/25 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.

05/12/25 City Council SECOND READING

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

COMMENTS - Current Meeting:

Mahan made a motion to adopt Ordinance No. 2025-11, with a second by Ruckman. Law Director Rob Broeren commented on the legislation. Motion to adopt passed by a roll-call vote of 5-0.

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

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

Cover and Certification Page

3, 4

3, 4

11, 12

11, 12

15 through 18

15 through 18

31, 32

31, 32

36C, 36D

36C, 36D

40G, 40H

40G, 40H

46C

46C

60A, 60B

60A, 60B

PART ONE - ADMINISTRATIVE CODE

27 through 28A

27 through 28C

PART THREE - TRAFFIC CODE

13 through 18B

13 through 18C

29, 30

29, 30

65, 66

65, 66

83 through 84D

83 through 84E

PART FIVE - GENERAL OFFENSES CODE

29 through 30B

29 through 30B

75 through 78

75 through 78

81 through 82B

81 through 82B

118E, 118F

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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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.

ANIMALS (Cont.)

definitions	505.001
dog registration	505.03
feed, rat-proof storage of	1307.10
freeway, on	303.06
hunting prohibited	505.11
impounding and disposition	505.02
killing or injuring	505.05
livestock, raising	1108.01(g)
noxious odors from shelters	521.09
nuisance	505.08
poisoning	505.06
police dog or horse	525.15
rats (see VERMIN AND RATS)	
running at large	
prohibited	505.01
trailer camp	783.14(b)(5)
sidewalk, defacing	521.04
snakes, restricted	505.13
street, on	303.05

APPEALS

flood hazard area	1317.04(e)
income tax	183.09
peddler, solicitor	753.07
Planning and Zoning Code	1103.07
property maintenance	1303.10
sewer surcharges	914.09
transient occupancy tax	187.09

APPLICATIONS (see PETITIONS AND APPLICATIONS)**ARREST**

resisting	525.09
-----------	--------

ARSON

conditions governing	541.02
determining property value	541.01
laws; posting	1501.06

ASSAULT

domestic violence	537.14
inciting to violence	509.011
negligent	537.04

ASSAULT (Cont.)

physical harm	537.03
temporary protection order	537.15
vehicular assault in construction zone	537.021

ASSEMBLY

disturbing lawful	509.04
public place, nonsmoking	521.10
street, on; permit	311.02

ASSURED CLEAR

DISTANCE	331.09, 333.03
-----------------	----------------

ATTEMPT

	501.09
--	--------

AUDITOR

bonds	135.01
collection service fee	125.09
composition	125.02
credit card policy	125.09
Deputy	125.03
election; term; duties	125.01
line item transfers	125.06
petty cash, change funds	125.07
Treasury Investment Fund	125.04

BAD CHECK

	545.09
--	--------

BANNERS

	931.10
--	--------

BARRICADES AND WARNING LIGHTS

excavations, at	901.04
required	521.03

BED AND BREAKFAST

zoning regulations	1105.04(w)
--------------------	------------

BEER (see INTOXICANTS; INTOXICATION)**BETTING (see GAMBLING)****BICYCLE (see also MOTORCYCLE)**

bell, signal device	373.05
brakes	373.06
defined	301.04
electric	373.16
freeway, on	303.06

GENERAL INDEX

12

BICYCLE (Cont.)

handle bars	373.02
impounding	373.12
licensing; fee; registration	373.11
lights	373.06
motorized	301.04(b), 373.03
parking	373.09
paths exclusively for bicycles	373.15
reckless operation	373.02(d), 373.08
reflector	373.06
riding abreast	373.04
right side of street	373.07
seat, use	373.02
sidewalk, on	373.10
Traffic Code application	373.01
traffic rules, obedience	373.07
vehicle, attaching to	373.03

BILLIARDS AND POOL

license	
application; fee	713.02
posting	713.03
required	713.01
penalty	713.99

BILLPOSTING (see ADVERTISING)**BINGO**

definitions	517.01(r) et seq.
exceptions	517.13
instant bingo	
charitable organizations	517.09
conduct	517.07
electronic	517.16
location	517.10
veteran's or fraternal organization	517.14
methods of conducting	517.06
operator prohibitions	517.12
raffles	517.08
records	517.11

BIRDS (see ANIMALS)**BLACKJACK (see WEAPONS)****BLIND PERSON**

right of way	371.02
--------------	--------

BOARD OF ZONING APPEALS 1102.04**BOARDS AND COMMISSIONS (see specific subject involved)****BOND**

employees, municipal	135.01
fireworks exhibition	1519.02(c)

BONFIRE (see OPEN BURNING)**BOOKMAKING (see GAMBLING)****BOUNDARIES (see WARDS AND BOUNDARIES)****BOWLING ALLEY**

license	
application; fee	713.02
posting	713.03
required	713.01
penalty	713.99

BRAKES (see JAKE BRAKES; VEHICLE EQUIPMENT)**BRASS KNUCKLES (see WEAPONS)****BRICK**

streets, preservation of	311.06
--------------------------	--------

BRIDGE

dropping objects from	541.10
parking on prohibited	351.03
pedestrian on	371.10
speed on	333.05

BUILDING

accessory structures	1108.01
construction	
fire limits, within	1525.02
flood hazard area	1317.04, 1317.05
flood hazard area	1317.05
maintenance (see PROPERTY MAINTENANCE)	

COMMERCIAL AND HEAVY VEHICLE (Cont.)		CONTROL	
towing requirements	339.07	physical	333.01
truck defined	301.49	reasonable	331.34, 333.08
truck routes	339.02	CORONER'S VEHICLE	
wheel protectors	339.05	exemptions	303.041
width, maximum	339.03	right of way	331.21
COMMERCIAL DISTRICTS (see BUSINESS AND COMMERCIAL DISTRICTS)		CORPORATION (see ORGANIZATION)	
COMMERCIAL DRIVERS		COUNCIL	
criminal offenses	341.05	meetings	
definitions	341.01	emergency	111.03
employment	341.06	invocation	111.09
exemptions	341.02	minutes	111.06
operation	341.03	notice; specific business	111.05
prohibitions	341.04	open to public	111.07
COMMUNICABLE DISEASE		place; matter of public	
trailer camp at	783.14(b)(4)	interest	111.04
COMPANIES (see ORGANIZATIONS)		regular; notice	111.01
COMPENSATION		special	111.02
improper	525.11	Planning and Zoning Code	
COMPENSATION REVIEW		authority	1102.03
COMMISSION		standing committees	111.08
appointment and terms	147.04	traffic control powers	305.01
composition	147.03	trailer camp; vote on	783.04
establishment	147.01	COUNTERFEIT CONTROLLED SUBSTANCES	
meetings and quorum	147.05		513.13
purpose and duties	147.02	COURT, MUNICIPAL	
support and resources	147.06	clerks' bailiff's bonds	135.01
COMPLICITY		Codified Ordinances,	
	501.10	copies of	113.04
COMPOUNDING A CRIME		editor's note	Ch. 161
	525.04	CREDIT CARD	
COMPUTER CRIMES		City credit card policy	125.09
	501.01, 545.01	defined	545.01
CONTRACT		misuse	545.10
interest, unlawful	525.10	CRIME (see OFFENSE)	
CONTRACTORS		CRIMINAL DAMAGING AND ENDANGERING	
construction structures	1108.02(c)		541.03
equipment, storage yards	1105.04(cc)	CRIMINAL MISCHIEF	
			541.04

GENERAL INDEX

16

CRIMINAL TOOLS	545.19	DEFINITIONS (Cont.)	
CRITICAL INFRASTRUCTURE FACILITY		explosives	549.01
criminal mischief	541.04(a)(7)	fair housing	515.02
definition	541.05(e)	fire limits	1525.01
false alarms; defined	509.07	fireworks	1519.01
trespass	541.05	flood damage prevention	1317.02
CROSSWALK		gambling	517.01
defined	301.09	income tax provisions	183.02
obstructing	331.33	intoxicants	529.01
parking on prohibited	351.03	juke box	747.01(b)
pedestrian right of way	371.01	law enforcement officer	501.01
subdivisions, in	1114.13	liquor control	529.01
CRUELTY		material harmful to juveniles	533.01
animals	505.07, 505.071	mechanical amusement device	747.01(a)
children	537.07	nuisance	521.08(a)
CULPABILITY		obscenity	533.01
criminal liability	501.07	offense of violence	501.01
knowingly	501.08(b)	open burning	1511.01
mental states	501.08	peddler; solicitor	753.01
negligently	501.08(d)	physical harm	501.01
purposely	501.08(a)	Planning and Zoning Code	1117.03
recklessly	501.08(c)	property	501.01
CURB		property maintenance	1302.01
driving over	331.37	public servant	525.01
parking on prohibited	351.03	sewers	911.02, 913.04
CURFEW	509.08	sexual offenses	533.01
DANGEROUS ORDNANCE (see also WEAPONS)		stormwater management	920.01
defined	549.01	theft and fraud	545.01
exceptions	549.01(k)	Traffic Code	Ch. 301
failure to secure	549.05	trailer; trailer camp	783.01
possession	545.19(b)	transient occupancy tax	187.01
DEFINITIONS (see also specific subject involved)		water system	919.02
Codified Ordinances,		weapons	549.01
generally	101.02	DEFRAUDING	
culpability	501.08	creditors	545.17
dangerous ordnance	549.01	DEMOLITION	
detention	525.01	permit; standards; compliance;	
drug abuse	513.01	salvage materials	1303.13
		violations	1399.05
		DERELICTION OF DUTY	525.12
		DESECRATION	541.07

DETENTION

defined 525.01
shoplifters 545.04

DETENTION FACILITIES

contraband 521.12

DISASTER SERVICES**ORGANIZATION**

ed. note Ch. 137

DISCRIMINATION

ethnic intimidation 541.08
housing (see FAIR HOUSING)

DISORDERLY CONDUCT

disturbing others 509.03
inducing panic 509.06
intoxicated persons 509.03
riot (see RIOT)

DISTURBING THE PEACE

exhaust system noise 337.20
racing vehicle motor 331.36
squealing tires, peeling 331.36
vehicle exhaust noise 331.36

DOGS (see ANIMALS)**DOMESTIC VIOLENCE** 537.14**DONATIONS**

outdoor drop-off boxes 1108.01(g)

DRAG RACING 333.07**DRAINAGE**

compliance required 521.05
property maintenance requirements 1305.02

DRILLING OPERATIONS 541.09**DRIVER'S LICENSE**

application falsification 335.04(e)
display 335.06
fictitious, revoked, altered 335.04(a)

DRIVER'S LICENSE (Cont.)

lending 335.04(b)
motorcycle, off-highway 375.05
motorcycle operator 335.01(a)
motorized bicycle 373.13
nonresident driver 335.01(b)
Ohio license required for
in state residents 335.021
permitting operation without possession 335.02
more than one 335.02
someone else's 335.04(c)
probationary; curfew 335.031
prohibited acts 335.04
required 335.01
restriction violation 335.01(c)
revoked or suspended driving with
failure to surrender 335.04(d)
prohibited 335.07
reinstatement requirements,
noncompliance with 335.073
snowmobile or all
purpose vehicle 375.05
suspended, driving under 335.074
temporary, licensed
driver required 335.03

**DRIVE-THROUGH FACILITIES,
PICK-UP WINDOWS**

zoning regulations 1108.01(g)

DRIVEWAY

parking in front of 351.03
property maintenance requirements 1305.03
right of way
entering 331.17
leaving 331.22, 331.23
turning into 331.11

DRIVING

accident (see ACCIDENT)
allowing another to
drive illegally 335.05
approaching stationary public safety,
emergency, road
service vehicle 333.031
assured clear distance 331.09, 333.03
backing vehicle 331.13
bicycle path use prohibited 373.15

GENERAL INDEX

18

DRIVING (Cont.)

cell phone use prohibited	335.032
certificate of title required	335.08
change of course	331.14, 331.34
closed road, on	331.26, 331.45
construction zone,	
vehicular assault in	537.021
control of vehicle	331.34, 333.08
crosswalk, obstructing	331.33
distracted driving penalty	303.991
divided street	331.31
driver's view, control	331.25, 337.21
drunk or drugged	333.01
earplugs, wearing	
of prohibited	331.44
electronic wireless communication	
device use prohibited	
while driving	333.11,
	335.032
entering or crossing roadway	
from other than roadway	
duty to yield	331.22
stopping at sidewalk	331.23
exhaust noises	331.36
financial responsibility law	
suspension or cancellation,	
driving under	335.072
fire hose, over	331.28
following	
emergency or safety vehicle	331.27
too closely	331.09
golf carts, under speed	
vehicles	376.04
grade crossing	331.39, 331.40
hazardous zones	331.07
immobilization order	333.10
intersection	
obstructing	331.33
right of way	331.16
shortcutting	331.41
turning at	331.10
lanes, within	331.08
lane-use control	
signal indications	313.04
left side of street	331.06
one-way street	331.30
operate defined	301.201
OVI suspension, under	335.071

DRIVING (Cont.)

passing	
left of center	331.05
left side	331.03
no passing zones	331.07
right side	331.02, 331.04
racing motor	331.36
reckless	
failure to control	331.34, 333.08
full time and attention	331.34
prohibited	333.09
willful, wanton disregard	333.02
right of way	
funeral procession	331.24
intersections	331.16
public safety vehicle	331.21,
	331.211
turning left	331.17
right side of street	331.01
rotary traffic island, around	331.30
safety zone, through	331.29
shortcutting	331.41
sidewalk, street lawn, curb; on	331.37
signals for turning	
or stopping	331.14, 331.15
speed (see SPEED)	
squealing tires	331.36
starting vehicle	331.13
stopping vehicle	333.04
stop signs	
emergency or public	
safety vehicle	331.20
operation at	331.14, 331.19
street racing, stunt driving,	
street takeovers	333.07
street under repair	331.26
suspended license	335.074
texting prohibited	333.11
traffic signal indications	313.03
turning	
driveway, alley or building	331.11
intersection, at	331.10
left, right of way	331.17
right on red	313.03(c)
signals	331.14, 331.15
U turn	331.12

PARADE	311.02	PARKING AND LOADING ZONES	
PARKING (see also OFF-STREET PARKING AND LOADING)		business, for	357.02
24-hour maximum	351.14	utility vehicles	357.05
alleys and narrow streets, in	351.11	PARKING ENFORCEMENT	
angle	351.05	UNIT	129.041
at night		PARKING LOTS, MUNICIPAL	355.01
commercial vehicle in		PARKING VIOLATIONS	
residential district	351.13	BUREAU	351.98
on City lot	351.17	PARKS	
bicycle	373.09	Ariel-Foundation Park	
brake, setting	351.07	Columbus Delano Field of	
bus stop, in	351.10	Discovery in	931.045
definitions	351.01	regulations	931.04
double	351.03	certain vehicles prohibited	375.08
emergency, safety		closing hours	931.06
vehicle, near	331.27	concession stands	931.09
fee payment to Parking Fund	357.06	group use reservations	931.07
handicapped		model airplanes	931.03
private property	351.033	penalty	931.99
providing	351.04(d)	prohibited uses	931.02
street	351.032	recreation facilities use; fees	931.08
impounding vehicle	303.08	Shellmar Park	931.11
key removal	303.03, 351.07	speed limit	931.01
liability for violation	351.02	PEACE OFFICER (see also LAW	
loading zone	351.09	ENFORCEMENT OFFICER)	
minute parking in		false information given to	303.10
designated areas	351.20	fleeing	303.01
motorcycles	351.21	ignition key removal	303.03
opening door on traffic side	351.08	misconduct, false accusation of	525.16
owner prima-facie liable	351.02	traffic order, compliance with	303.01
nonliability, lease		PEDDLERS AND SOLICITORS	
defense	305.05	appeal	753.10
parallel	351.04	charitable	753.05
posted private property	351.15	definitions	753.01
prohibited places	351.03, 351.12	hours	753.04, 753.09
public square, on	351.034	intrastate commerce	753.08
selling or repairing vehicle	351.06	investigation	753.07
snow emergency	351.16	license	
spaces	351.18	application; fee	753.06
stopping engine	351.07	fees	753.05
taxicab stand, in	351.10, 763.06	issuance	753.04
trailer	783.16	required	753.02
two hour limit	351.19	revocation	753.06
		notice prohibiting	753.03
		penalty	753.99

GENERAL INDEX

32

PEDESTRIAN

accessible pedestrian	
crossing signals	902.02
blind person	371.02
bridge or railroad	
crossing, on	371.10
control signal	313.05
crosswalk, right half	371.04
crosswalk, right of way	371.01
defined	301.22
diagonal crossing of	
intersection	371.03
electric personal assistive	
mobility device	371.12(b)
freeway, on	303.06
hitchhiking	371.06
intoxicated on street	371.09
jaywalking	371.03
personal delivery device	371.13
right of way, yielding	371.03, 371.08
sidewalk, right of way	371.07
sidewalk, use required	371.05
soliciting	371.06
standing in roadway	371.051
street or highway, on	371.05
yielding to public	
safety vehicles	371.08

PEEPING TOM	533.06
--------------------	--------

PENALTY

Codified Ordinances, generally	101.99
fireworks	1519.99
offense	501.99
Ohio Fire Code	1501.99
open burning	1511.99
property maintenance	1399.01
Traffic Code	303.99, 303.991

PERMIT (see also LICENSE)

bonfire	1511.05(b)
business loading space	357.02
commercial and heavy	
vehicle use	339.01, 339.02
demolition	1303.13
fireworks exhibition	1519.02
flood hazard area,	
developing	1317.04
intoxicant sale or	
manufacture	529.05

PERMIT (Cont.)

open burning	1511.04
parades; street assembly	311.02
sewer	911.06
sidewalk construction	903.02
stormwater management,	
erosion, sedimentation	
control	920.20
street opening	901.02
swimming, wading pool	1311.01
temporary driver's instruction	335.03
tree, shrub planting	141.06
water use	919.03
zoning permit	1103.08

PERSONAL DELIVERY DEVICE

operation; defined	371.13
--------------------	--------

PETITIONS AND APPLICATIONS

additional fee	107.03
processing fee amount	107.01
disposition	107.02

PETTY CASH FUND	125.07
------------------------	--------

PHYSICAL CONTROL	333.01
-------------------------	--------

PHYSICAL HARM

defined	501.01
domestic violence	537.14
missiles	549.09
temporary protection order	537.15

PLANNED DEVELOPMENT**DISTRICTS (see also ZONING DISTRICTS)**

development standards	1107.06
purpose	1107.01
review criteria	1107.04
review process	1107.03
scope and applicability	1107.02
uses permitted	1107.05

PLANNING AND ZONING CODE

amendments	1103.03
applicability	1101.04
authority	1101.02
burden of proof	1101.13
consistency with adopted plans	1101.06

SOLID WASTE HAULERS (Cont.)

penalty	755.07
refuse collection	755.03
registration	755.02
reporting	755.05

SPECIAL USE (see USE REGULATIONS)**SPEED**

bridge, limitations	333.05
construction zone, vehicular assault in	537.021
drag racing	333.07
emergency, public safety vehicle	333.06
maximum limits	333.03
parks, in	931.01
slow, minimum	333.04

STALKING

menacing, by	537.051
trespass, by	541.051

STANDARDS (see OFFICIAL STANDARDS)**STEALING (see SHOPLIFTERS; THEFT)****STOP SIGN (see TRAFFIC CONTROL DEVICE)****STORAGE**

self-storage facilities	1105.04(dd)
-------------------------	-------------

STORM SEWERS (see also SEWERS: STORM WATER MANAGEMENT AND SEDIMENT CONTROL)

connections	
illegal, monitoring of	924.09
prohibitions	924.07
definitions	924.01
discharges	
accidental, notification of	924.10
industrial or construction activity	924.08
monitoring of illicit discharges	924.09
prohibitions	924.07

STORM SEWERS (Cont.)

inspections	924.09
liability disclaimer	924.04
nuisances and responsibility	924.05
regulations	
administration	924.06
applicability	924.02
enforcement	924.11
purpose and scope	924.03
remedies not exclusive	924.12

STORM WATER MANAGEMENT AND SEDIMENT CONTROL

adjacent properties, protection of	920.13
administration	920.02
cease work order	920.28
charges	
adjustment	920.45
billing and collection	920.46
crediting/adjustment mechanism	920.47
Fund, deposited into	920.40
necessity	920.42
rate structure, charges, fees	920.41
right to appeal	920.43
service charge collection	920.44
commercial sites	920.22
compliance with state and federal regulations	920.14
definitions	920.01
disclaimer of liability	920.05
easements	920.26
Engineer Plan Review	920.27
fees	920.33
general requirements	920.11
industrial sites	920.22
inspection	
during construction	920.28
final inspection approval	920.29
on-going inspections of permanent structures	920.30
interpretation of words, terms	920.09
notification	920.12
nuisances	920.07
peak rate of runoff control methods	920.19
penalty	920.99
performance guarantees; bond	920.32

GENERAL INDEX

36D

**STORM WATER MANAGEMENT AND
SEDIMENT****CONTROL (Cont.)**

performance standards	920.25
permit	
fee	920.33
required	920.20
plans	
criteria	920.15
Abbreviated Storm Water Pollution Prevention Plan	920.18
Erosion and Sedimentation Control Plan	920.15
general requirements	920.21
review fee	920.33
Storm Water Management Plan	920.15
Storm Water Pollution Prevention Plan	920.16, 920.17
purpose	920.03
responsibilities	920.08
scope	920.04
severability	920.06
sewers (see STORM SEWERS)	
subdivisions	920.24
variance	920.31

STREET (see also ALLEY)

animal on	303.05
bicycle riding	373.07
brick, preservation of	902.01
closing adjacent to unsafe structure	1303.08
closing for repair, driving on	331.26
defined	301.42
divided, driving procedure	331.31
dropping or throwing objects onto	541.10
electric personal assistive mobility device on	371.12
expressway, entering and leaving	331.32

STREET (Cont.)

freeway	
backing vehicle on	331.13
entering and leaving	331.32
prohibited use	303.06
injurious material, placing on	311.01
load, dropping on	339.08
obstructing movement	509.03
obstruction	311.01
one-way, driving on	331.30
openings (see EXCAVATIONS)	
parades; assembly on	311.02
parking prohibitions	351.03, 351.12
pedestrian crossing signals, accessible	902.02
play	311.05
stunt driving, street takeovers	333.07
subdivisions, in	1114.12
through	
right of way	331.18, 331.19
stop, yield signs	313.02
toy vehicles	311.03

STREET DEPARTMENT

created	129.02(e)
---------	-----------

STREET LAWN

driving over	331.37
parking on prohibited	351.03

SUBDIVISION REGULATIONS

applicability	1114.02
blocks	1114.09
conformity to development plans, zoning, engineering standards	1114.03
developer's agreement	1114.07
easements	1114.15
flood damage prevention	1317.05(a)(4)

40G

COMPARATIVE SECTION TABLE

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
2018-15	5-29-18	2018 Replacement Pages	2020-37	11-23-20	1302.01, 1303.13, 1399.05
2018-22	11-26-18	187.01(b)	2020-39	1-25-21	913.07(a)
2018-24	11-26-18	521.13 to 521.15; Repeals 521.10	2020-43	1-11-21	359.02(b)(1)A.3.
2018-28	3-25-19	1184.01 to 1184.12, 1184.99	2021-01	1-11-21	1153.12
2018-29	10-22-18	139.02	2021-12	4-26-21	2021 Replacement Pages
2019-01	1-14-19	111.01	2021-21	6-14-21	141.04
2019-02	1-14-19	351.19	2021-22	6-14-21	359.02(e)
2019-03	2-11-19	351.03, 351.033	2021-30	8-23-21	129.031
2019-07	1-28-19	1302.01, 1303.06, 1305.09, 1305.25	2021-31	8-9-21	183.013
2019-10	2-25-19	1303.06	2021-33	8-9-21	1141.03 to 1141.06
2019-24	5-13-19	1323.01 to 1323.13, 1323.99	2021-34	9-27-21	1158.21, 1185.01 to 1185.04
2019-25	5-13-19	2019 Replacement Pages	2021-36	9-27-21	129.15
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

40H

<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

60B

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

- | | |
|--|--|
| <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> |
|--|--|

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.

TRAFFIC CODE

30

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

- | | |
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| 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

SCHEDULED

ORDINANCE 2025-14

Meeting: 05/27/25 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.

HISTORY:

05/12/25 City Council FIRST READING

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

COMMENTS - Current Meeting:

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

RESULT: SECOND READING

Next: 6/9/2025 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.

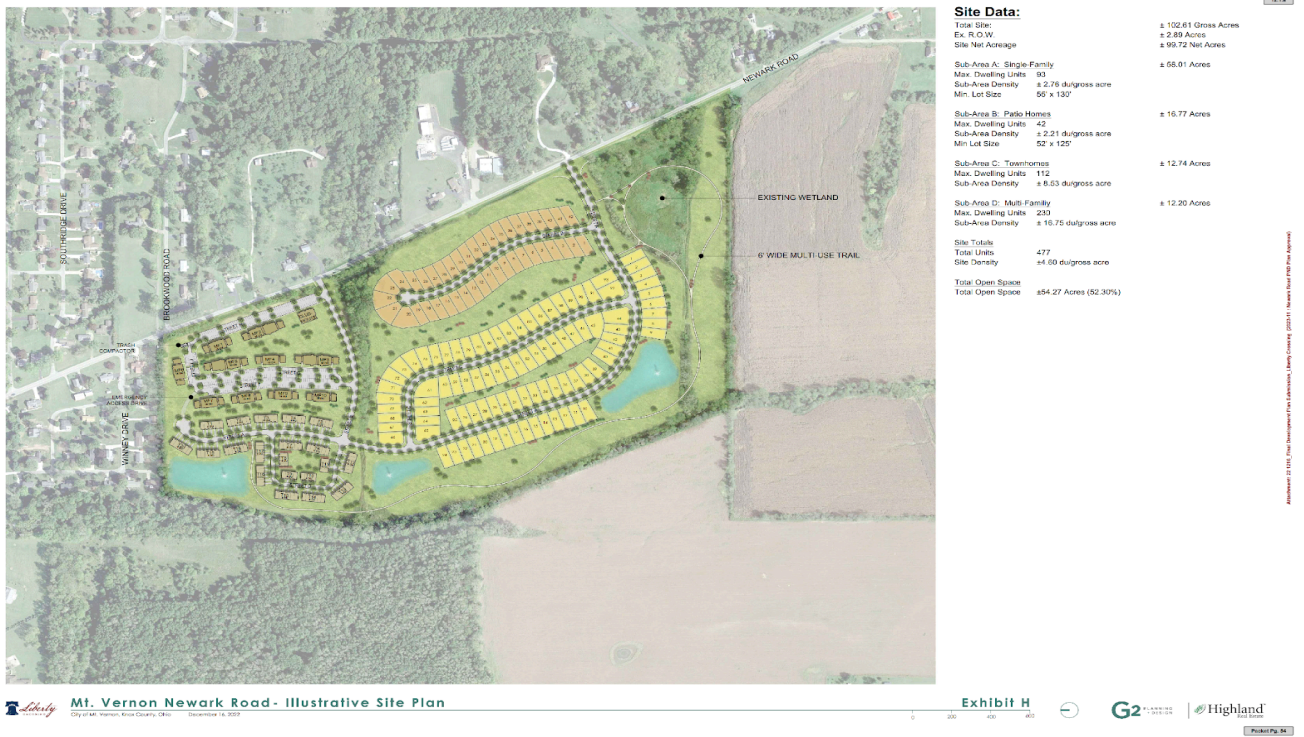


EXHIBIT B

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.



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2025-15

Meeting: 05/27/25 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 27, 2025

HISTORY:

05/12/25

City Council

FIRST READING

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

COMMENTS - Current Meeting:

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

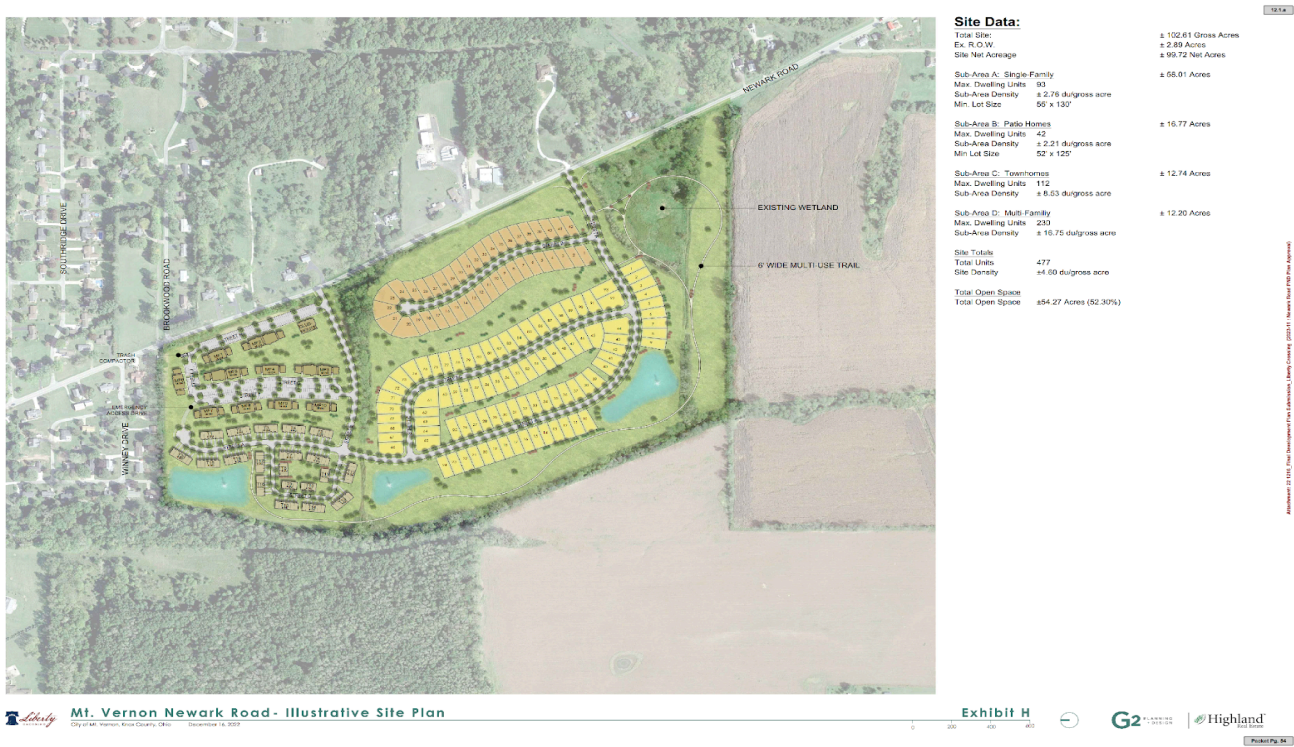
RESULT: SECOND READING

Next: 6/9/2025 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.



Attachment: Ex A - Highland Site Plan (2025-15 : Highland Commercial TIF)

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.



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2025-16

Meeting: 05/27/25 7:30 PM
Dept: Finance and Budget
Seavolt, Woods
Category: Finance
Prepared By: Rob Broeren
Initiator: Todd Hill
DOC ID: 4240

**AN ORDINANCE TO REVISE THE CITY OF MOUNT VERNON CREDIT CARD USE
POLICY; AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Mount Vernon recognizes that the use of a credit card is for the efficient acquisition of goods or services solely for the benefit of the operation of the City. The City also recognizes the additional risk inherent with credit card usage. The absence of an appropriate credit card policy and of thorough monitoring of credit card activity increases the risk of unauthorized and/or otherwise improper expenditures that do not further the public purpose of the entity and are likely to result in audit findings or other sanctions; and

WHEREAS, House Bill (H.B.) 312 of the 132nd General Assembly, sets forth regulations and requirements for local government entities and political subdivisions to adopt a written policy for the use of credit card accounts prior to the acquisition of any such cards; and

WHEREAS, H.B. 312 establishes new safeguards for credit card use and seeks to reduce credit card abuse for all local government entities and citizens across Ohio; and

WHEREAS, specifically, H.B. 312 requires the City to adopt a written policy for the use of credit card accounts addressing all of the following: (1) the officer or positions authorized to use a credit card account; (2) the types of expenses for which a credit card account may be used; (3) the procedure for acquisition, use, and management of a credit card account; (4) the procedure for submitting itemized receipts; (5) the procedure for credit card issuance, re-issuance, cancellation, and the procedure for reporting lost or stolen credit cards; (6) each credit card account's maximum credit limit; and (7) the actions or omissions by an officer or employee that qualify as misuse of a credit card account; and

WHEREAS, the City wishes to revise the policy after implementation of the initial policy.

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

SECTION 1: Council adopts the "City of Mount Vernon, Ohio Credit Card Policy" as revised in May 2025, attached as Exhibit A.

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 for further reason that the policy must be adopted prior to the City acquiring a credit card pursuant to H.B. 312, 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.

COMMENTS - Current Meeting:

Ordinance No. 2025-16 was given a first reading.

RESULT: FIRST READING

Next: 6/9/2025 7:30 PM

THE CITY OF MOUNT VERNON 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.

Section 1: Authorized users

The following persons are authorized to use the City's credit card account:

1. The Mayor
2. The Safety-Service Director
3. The Auditor
4. The Law Director
5. Any member of the Safety or Service Departments authorized by the Safety-Service Director
6. Any member of the Office of the Auditor authorized by the Auditor
7. Any member of the Office of the Law Director authorized by the Law Director

Before receiving authorization to use the City credit card, authorized officers or employees must complete a written acknowledgement of this policy.

Section 2: Authorized expenses

All City credit cards shall be utilized exclusively for the procurement of necessary goods and services directly related to the operation and functions of the City, 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.

Section 3: Procedure for acquisition, use, and management of a credit card account

The Mayor, Safety Service Director, Auditor and Law Director shall ensure that any credit card issued to its Office is used responsibly and solely for official municipal business purposes. Personal expenditures or unauthorized transactions are strictly prohibited.

Rev. 5-8-2025

All credit cards shall be paid in full by the due date - to avoid interest charges.

Section 4: 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.

Section 5: 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 Mayor, Safety-Service Director, Auditor or Law Director.

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 Auditor with the concurrence of the Mayor, Law Director or Safety Service Director.

Section 6: Credit card's maximum credit limit

Each credit card shall have a minimum limit of \$5,000.00 and a maximum limit of \$10,000.00.

Section 7: 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.

Section 8: 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.

Section 9: 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.