

CODIFIED ORDINANCES OF HURON
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CODIFIED ORDINANCES OF HURON
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TITLE ONE - General Provisions
 Chap. 101. Codified Ordinances.
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CHAPTER 101
Codified Ordinances

101.01 Designation; citation; headings. 101.02 General definitions. 101.03 Rules of construction. 101.04 Revivor; effect of amendment or repeal.	101.05 Construction of section references. 101.06 Conflicting provisions. 101.07 Determination of legislative intent. 101.08 Severability. 101.99 General penalty.
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CROSS REFERENCES

See sectional histories for similar State law
 Statute of limitations on prosecutions - see Ohio R.C. 718.06;
 GEN. OFF. 501.06
 Codification in book form - see Ohio R.C. 731.23
 Imprisonment until fine and costs are paid - see Ohio R.C.
 1905.30, 2947.20
 Citation issuance for minor misdemeanors - see Ohio R.C.
 2935.26 et seq.
 Ordinances and resolutions - see ADM. Ch. 123
 Rules of construction for offenses and penalties - see GEN. OFF. 501.04

101.01 DESIGNATION; CITATION; HEADINGS.

(a) All ordinances of a permanent and general nature of the Municipality as revised, codified, rearranged, renumbered and consolidated into component codes, titles, chapters and sections shall be known and designated as the Codified Ordinances of Huron, Ohio, 1980 for which designation "Codified Ordinances" may be substituted. Code, title, chapter and section headings do not constitute any part of the law as contained in the Codified Ordinances.
 (ORC 1.01)

(b) All references to codes, titles, chapters and sections are to such components of the Codified Ordinances unless otherwise specified. Any component code may be referred to and cited by its name, such as the "Traffic Code". Sections may be referred to and cited by the designation "Section" followed by the number, such as "Section 101.01".

101.02 GENERAL DEFINITIONS.

As used in the Codified Ordinances, unless another definition is provided or the context otherwise requires:

- (a) "And" may be read "or", and "or" may be read "and", if the sense requires it. (ORC 1.02 (F))
- (b) "Another" when used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property. (ORC 1.02 (B))
- (c) "Bond" includes an undertaking and "undertaking" includes a bond. (ORC 1.02 (D), (E))
- (d) "Council" means the legislative authority of the Municipality.
- (e) "County" means Erie County, Ohio.
- (f) "Keeper" or "proprietor" includes all persons, whether acting by themselves or as a servant, agent or employee.
- (g) "Land" or "real estate" includes rights and easements of an incorporeal nature. (ORC 701.01 (F))
- (h) "Municipality" or "City" means the City of Huron, Ohio.
- (i) "Oath" includes affirmation and "swear" includes affirm. (ORC 1.59(B))
- (j) "Owner", when applied to property, includes any part owner, joint owner or tenant in common of the whole or part of such property.
- (k) "Person" includes an individual, corporation, business trust, estate, trust, partnership and association. (ORC 1.59 (C))
- (l) "Premises", as applied to property, includes land and buildings.
- (m) "Property" means real and personal property. (ORC 1.59(E)) "Personal property" includes all property except real. "Real property" includes lands, tenements and hereditaments.
- (n) "Public authority" includes boards of education; the Municipal, County, State or Federal government, its officers or an agency thereof; or any duly authorized public official.
- (o) "Public place" includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation or amusement.
- (p) "Registered mail" includes certified mail and "certified mail" includes registered mail. (ORC 1.02(G))
- (q) "Rule" includes regulation. (ORC 1.59(F))
- (r) "Sidewalk" means that portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.
- (s) "This State" or "the State" means the State of Ohio. (ORC 1.59(G))
- (t) "Street" includes alleys, avenues, boulevards, lanes, roads, highways, viaducts and all other public thoroughfares within the Municipality.
- (u) "Tenant" or "occupant", as applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.

- (v) "Whoever" includes all persons, natural and artificial; partners; principals, agents and employees; and all officials, public or private. (ORC 1.02(A))
- (w) "Written" or "in writing" includes any representation of words, letters, symbols or figures. This provision does not affect any law relating to signatures. (ORC 1.59(J))

101.03 RULES OF CONSTRUCTION.

(a) Common and Technical Usage. Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly. (ORC 1.42)

(b) Singular and Plural; Gender Tense. As used in the Codified Ordinances, unless the context otherwise requires:

- (1) The singular includes the plural, and the plural includes the singular.
- (2) Words of one gender include the other genders.
- (3) Words in the present tense include the future. (ORC 1.43)

(c) Calendar; Computation of Time.

- (1) Definitions.
 - A. "Week" means seven consecutive days.
 - B. "Year" means twelve consecutive months.(ORC 1.44)
- (2) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month. (ORC 1.45)
- (3) The time within which an act is required by law to be done shall be computed by excluding the first and including the last day, except that when the last day falls on Sunday or a legal holiday, then the act may be done on the next succeeding day which is not a Sunday or a legal holiday. When a public office, in which an act required by law is to be performed, is closed to the public for the entire day which constitutes the last day for doing such act or before its usual closing time on such day, then such act may be performed on the next succeeding day which is not a Sunday or a legal holiday. If any legal holiday falls on Sunday, the next succeeding day is a legal holiday. (ORC 1.14)
- (4) When legislation is to take effect or become operative from and after a day named, no part of that day shall be included. (ORC 1.15)
- (5) In all cases where the law shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall mean such time only as may be necessary for the prompt performance of such duty or compliance with such notice.

(d) Authority. When the law requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

(e) Joint Authority. All words purporting to give joint authority to three or more municipal officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it shall be otherwise expressly declared in the law giving the authority or inconsistent with State statute or Charter provisions.

(f) Exceptions. The rules of construction shall not apply to any law which shall contain any express provision excluding such construction, or when the subject matter or context of such law may be repugnant thereto.

101.04 REVIVOR; EFFECT OF AMENDMENT OR REPEAL.

(a) The repeal of a repealing ordinance does not revive the ordinance originally repealed nor impair the effect of any saving clause therein. (ORC 1.57)

(b) An ordinance which is re-enacted or amended is intended to be a continuation of the prior ordinance and not a new enactment, so far as it is the same as the prior ordinance. (ORC 1.54)

(c) The re-enactment, amendment or repeal of an ordinance does not, except as provided in subsection (d) hereof:

- (1) Affect the prior operation of the ordinance or any prior action taken thereunder;
- (2) Affect any validation, cure, right, privilege, obligation or liability previously acquired, accrued, accorded or incurred thereunder;
- (3) Affect any violation thereof or penalty, forfeiture or punishment incurred in respect thereto, prior to the amendment or repeal;
- (4) Affect any investigation, proceeding or remedy in respect of any such privilege, obligation, liability, penalty, forfeiture or punishment; and the investigation, proceeding or remedy may be instituted, continued or enforced, and the penalty, forfeiture or punishment imposed, as if the ordinance had not been repealed or amended.

(d) If the penalty, forfeiture or punishment for any offense is reduced by a re-enactment or amendment of an ordinance, the penalty, forfeiture or punishment, if not already imposed, shall be imposed according to the ordinance as amended. (ORC 1.58)

101.05 CONSTRUCTION OF SECTION REFERENCES.

(a) A reference to any portion of the Codified Ordinances applies to all re-enactments or amendments thereof. (ORC 1.55)

(b) If a section refers to a series of numbers or letters, the first and the last numbers or letters are included. (ORC 1.56)

(c) Wherever in a penalty section reference is made to a violation of a series of sections or of subsections of a section, such reference shall be construed to mean a violation of any section or subsection included in such reference.

References in the Codified Ordinances to action taken or authorized under designated sections of the Codified Ordinances include, in every case, action taken or authorized under the applicable legislative provision which is superseded by the Codified Ordinances.
(ORC 1.23)

101.06 CONFLICTING PROVISIONS.

(a) If there is a conflict between figures and words in expressing a number, the words govern. (ORC 1.46)

(b) If a general provision conflicts with a special or local provision, they shall be construed, if possible, so that effect is given to both. If the conflict between the provisions is irreconcilable, the special or local provision prevails as an exception to the general provision, unless the general provision is the later adoption and the manifest intent is that the general provision prevail. (ORC 1.51)

- (c) (1) If ordinances enacted at different meetings of Council are irreconcilable, the ordinance latest in date of enactment prevails.
- (2) If amendments to the same ordinance are enacted at different meetings of Council, one amendment without reference to another, the amendments are to be harmonized, if possible, so that effect may be given to each. If the amendments are substantively irreconcilable, the latest in date of enactment prevails. The fact that a later amendment restates language deleted by an earlier amendment, or fails to include language inserted by an earlier amendment, does not of itself make the amendments irreconcilable. Amendments are irreconcilable only when changes made by each cannot reasonably be put into simultaneous operation.
(ORC 1.52)

101.07 DETERMINATION OF LEGISLATIVE INTENT.

- (a) In enacting an ordinance, it is presumed that:
- (1) Compliance with the constitutions of the State and of the United States is intended;
 - (2) The entire ordinance is intended to be effective;
 - (3) A just and reasonable result is intended;
 - (4) A result feasible of execution is intended. (ORC 1.47)

(b) An ordinance is presumed to be prospective in its operation unless expressly made retrospective. (ORC 1.48)

- (c) If an ordinance is ambiguous, the court, in determining the intention of Council may consider among other matters:
- (1) The object sought to be attained;
 - (2) The circumstances under which the ordinance was enacted;
 - (3) The legislative history;

- (4) The common law or former legislative provisions, including laws upon the same or similar subjects;
- (5) The consequences of a particular construction;
- (6) The administrative construction of the ordinance. (ORC 1.49)

101.08 SEVERABILITY.

If any provision of a section of the Codified Ordinances or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable. (ORC 1.50)

101.99 GENERAL PENALTY.

Whenever, in the Codified Ordinances or in any ordinance of the Municipality, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates any such provision is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation continues or occurs.

**CHAPTER 103
Official Standards**

103.01 Corporate Seal.

CROSS REFERENCES

State standard of time - see Ohio R.C. 1.04
State flag - see Ohio R.C. 5.01
State legal holidays - see Ohio R.C. 1.14, 5. 20 et seq.
City legal holidays - see ADM. 163.04

103.01 CORPORATE SEAL.

(a) There is hereby adopted an official Corporate Seal of the City, which Seal shall be used by all of the officials of the City, and shall be affixed to all documents where a seal is required to be affixed by the statutes of the State, or the Charter, ordinances and resolutions of the City, or is otherwise contemplated to be affixed by any official.

(b) The official Corporate Seal of the City shall have engraved thereon the coat of arms of the State, as described in Ohio R.C. Section 5.04, shall be one and three-fourths inches in diameter and shall be surrounded by the words "The Seal of the City of Huron, Ohio". (Ord. 1964-6. Passed 2-10-64.)

TITLE THREE - Legislative

- Chap. 121. Council.
Chap. 123. Ordinances and Resolutions.

**CHAPTER 121
Council**

121.01 Rules of Council.

**121.02 Filling vacancies of Vice Mayor
and Clerk of Council.**

CROSS REFERENCES

- Membership; term; vacancies - see CHTR. §2.01, 2.04, 2.05
Qualifications - see CHTR. §2.02
Salary - see CHTR. §2.06
Rules; journal - see CHTR. §2.07
Powers - see CHTR. §2.08
Meetings - see CHTR. §2.09
Clerk of Council - see CHTR. §2.12
City Manager performing duties of Council Clerk - see ADM. 131.02
Urban renewal action - see ADM. 191.08

121.01 RULES OF COUNCIL.

I. MEETINGS. The regular meetings of Council shall be held in the Council Chambers of the Municipal Building at 6:30 p.m. on the second and fourth Tuesdays of each and every calendar month. Special meetings of Council may be called by the Mayor or by any three members of Council by having the Clerk serve written notice of the call of such meeting upon each member of Council and upon the Mayor, in person or by delivering a copy thereof to the usual place of residence of such persons not less than twelve hours prior to the holding of such meeting. Such notice shall specify the time and place of the holding of such meeting.

Regular work sessions open to the public shall be held in the Council Chambers of the Municipal Building at 6:30 p.m. on the first and third Tuesday of each month, unless a special Council meeting has been called for such day and time, as hereinabove provided, in which event the work session shall be convened immediately following the adjournment of the special meeting.

The Clerk of Council shall, as soon as possible, and on or before January 1 annually thereafter, cause to be published in a newspaper of general circulation in Huron, Ohio, a calendar of the regularly scheduled regular meetings of Council and the regularly scheduled work sessions of Council to be held as hereinabove provided during the succeeding twelve months.

The Clerk of Council shall maintain a current list of the names of the news media who have requested, in writing, notification of special meetings of the Council, and in the event of the scheduling of such a special meeting, the Clerk of Council shall, no later than twenty-four hours prior to the commencement of such special meeting, advise the news media who have requested notification, stating the time, place and stated purpose of the special meeting. Where practical, such notification shall be made in writing by first class mail addressed to such news media at the addresses provided by them to the Clerk of Council. In emergency situations where twenty-four hour notice is not possible, the Clerk of Council shall cause to be made oral notification to such news media representatives by telephone and shall record the fact of such notice in a statement to be attached to the minutes of the meeting.

Upon payment of an annual fee in the amount of ten dollars (\$10.00) on or before January 1 of any year, any person may receive notice of all meetings of the Huron, Ohio City Council. (Ord. 2005-42. Passed 9-13-05.)

II. HOLIDAY MEETINGS. When any regular Council meeting or any regular work session falls due on a legal holiday, or an election day, Council shall meet in regular session or regular work session on the day following, at the place and time set forth in paragraph I above.

III. JOURNAL. The Clerk of Council shall keep a written journal of the proceedings of all regular and special Council meetings, which journal shall be promptly recorded and open to public inspection. The journal shall only reflect the general subject matter of discussions held in executive sessions. (Ord. 1975-64. Passed 11-24-75.)

IV. OPEN PROCEEDING. The Mayor shall take the chair at the time appointed for Council to meet, and shall immediately call the members to order; he shall then cause the journal of the preceding session to be read and disposed of, unless otherwise ordered by Council. In the absence of the Mayor, the Vice Mayor of Council shall perform such duties as are imposed upon the Mayor. In the absence of both the Mayor and Vice Mayor of Council, Council may appoint a temporary chairman or President of Council.

V. PRESIDING OFFICERS. The Mayor shall preserve order and decorum, and confine members in debate to the question. He may in common with any other member call any member to order who shall violate any of the rules, and shall, when in the chair, decide all questions of order, subject to any appeal to Council on the demand of two members. On such appeal there shall be no debate, but the member making the appeal may briefly state his reasons for the same, and the presiding officer shall have the same right to a similar statement. The Director of Law shall function as Parliamentarian when requested by the presiding officer.

VI. STANDING COMMITTEES. Standing committees shall be created by motion of any Council member approved by a majority of the members of Council.

The Mayor shall appoint two members to each standing committee immediately following the approval of the motion creating such committee.

The Mayor may at any time remove any member or members of any standing committee and appoint a new member or members of such committee to serve in place of such member or members so removed. (Ord. 1962-20. Passed 7-23-62.)

VII. ORDER OF BUSINESS. The business of the regular meetings of Council shall be transacted in the following order:

1. Roll call;
2. Reading or disposal of the minutes;
3. Old business;
4. New business;
5. City Manager's discussion and reports;
6. Mayor's discussion;
7. Adjournment.

The presiding officer of Council may at any time permit a member to introduce an ordinance, motion or resolution out of the regular order for the same, unless the same be objected to by a majority of the members present. (Ord. 1976-28. Passed 9-27-76.)

VIII. VOTING. Although it is the duty of each Council member to vote on each issue before the Council, a member may abstain, without explanation, if the member states that there is a potential or actual conflict of interest. There is no requirement that the member who abstains obtain the approval or consent of other Council members before that abstention. Any member who refuses to vote on any question when the yeas and nays are being taken, without recognizing the existence of a potential or actual conflict of interest will be deemed guilty of contempt of Council, and may for such contempt be censured by a majority vote of Council.

Roll call voting may be used to place the vote of the individual members on the record. Roll call votes are required to go into Executive Session for the limited purposes defined in Ohio R.C. 121.22 (G). There is no requirement to vote to come out of an Executive Session. (Ord. 2010-34. Passed 9-14-10.)

IX. REPORTS OF COMMITTEE. The report of any committee of Council or Municipal officer, upon matters referred by Council, shall be made in writing and shall be accompanied by the original papers upon which such report is based, unless otherwise ordered by Council.

If any matters referred by Council to any committee or officer, are not reported upon within two weeks from the time of such reference, such matter shall be brought to the attention of Council by the Clerk, and Council shall take such further action in the premises as it may deem best.

X. MOTIONS, WHEN DEBATABLE; WITHDRAWAL. All motions shall be placed before Council for its consideration without the necessity for a second thereto.

When a motion is made, it shall be stated by the presiding officer before any debate shall be in order. Any such motion, and any amendment thereto, may be withdrawn by the movers thereof at any time before decisions, if a majority of the members then present shall agree thereto.

XI. DIVISION OF QUESTION. Any member may call for a division of the question, or the presiding officer may direct the same, and in either case, the same shall be divided if it comprehends questions so distinct that one being taken away, the other will stand as an entire question for decision.

XII. TO REFER; PRECEDENCE. When there is a question of referring a given subject to a standing committee, or to a select committee, the question of reference to a standing committee shall be put first.

XIII. TO ADJOURN. The motion to adjourn shall always be in order, unless Council is engaged in voting, and the motion to adjourn or to lay on the table, or for the previous question, shall be decided without debate.

XIV. SUBSIDIARY; ORDER OF PRECEDENCE. When a question or proposition is before Council, or under debate, no motion shall be received except the following:

1. To adjourn;
2. To lay on the table;
3. For the previous question;
4. To postpone to a certain day;
5. To commit;
6. To amend;
7. To postpone indefinitely.

The several motions shall have precedence in the order in which they are herein arranged.

XV. INTRODUCTIONS. Ordinances and resolutions shall be introduced only by members of the Council present, except such ordinances and resolutions as may be presented to Council upon written recommendation of some committee of Council or as provided by the City Charter.

XVI. REFERENCE TO COMMITTEE ON RULES AND ORDINANCES. All ordinances of a general or permanent nature, except the ordinances for appropriation, before their final passage, may be referred to the Committee on Rules and Ordinances. It shall be the duty of such Committee as to any ordinance so referred to it, to carefully compare the same with all existing ordinances, upon the subject matter, and it shall report thereon any discrepancy or conflict which may exist therewith. It shall also examine and report upon the form of such discrepancy or conflict or to correct error in form. If any amendment shall be made to any ordinance after the Committee has reported thereon the ordinance may before its final passage be recommitted to such Committee for further report thereon.

XVII. REFERENCE TO COMMITTEES. Any report, resolution, ordinance or matter before Council for consideration, except appropriation ordinances, before their final passage may be referred to a committee specially appointed by the Mayor. Any such committee shall consider the matter thus referred to it and report thereon to Council without unnecessary delay. Any matter referred to a committee may be taken from the hands of such committee for consideration by a two-thirds vote of Council at any time prior to report of such committee.

XVIII. APPEARANCES BEFORE COUNCIL. Any person, group or delegation wishing to appear before Council at any regular or special Council meeting shall direct a letter to the Clerk of Council in such time that he will receive it not less than forty-eight hours before the time of the Council meeting. The letter shall clearly state the purpose of the appearance and the approximate number of persons who will appear in the group.

XIX. DEBATES AND DISCUSSIONS. No member of Council while Council is in session shall engage in debate or discussion with any one save another member of Council or the Mayor or some person who has either been granted by Council the privilege to address Council or is present at a Council meeting on invitation of Council. All such debate or discussion shall be governed by Robert's Rules of Order.

XX. HEARINGS. If any elector or electors or taxpayers of the City or any other person or persons desire a hearing on any matters pending before Council, application may be made therefor to Council and Council may by a two-thirds vote grant such public hearing by arranging for a special time and place therefor which must not be during any regular or special meeting of Council.

XXI. RESIGNATION. The resignation of a member of Council shall not take effect until the same has been accepted by a vote of the majority of the members exclusive of the person tendering the resignation.

XXII. ROBERT'S RULES OF ORDER. In the absence of any rule upon the matter of business, Council shall be governed by Robert's Rules of Order.

XXIII. AMENDMENTS. These rules may be amended or altered or new rules adopted by a vote of the majority of all the members elected at any meeting of Council, on the report of a committee to which the subject has been referred at a previous meeting.

XXIV. SUSPENSION OF RULES. These rules or any of them may be temporarily suspended at any meeting of Council, by a concurrent vote of the majority of all members elected, except when a greater number is required by law or by these rules. The vote on such suspension shall be taken by the yeas and nays and entered on the journal. In case any rule herein shall not have been adhered to by Council, the same shall be regarded as having been suspended. (Ord. 1962-20. Passed 7-23-62.)

121.02 FILLING VACANCIES OF VICE MAYOR AND CLERK OF COUNCIL.

(a) A vacancy in the office of Vice Mayor shall be filled within thirty days by Council selecting from among its members one to serve as Vice Mayor to fill such office for the unexpired term of his predecessor.

(b) A vacancy in the office of Clerk of Council shall be filled within thirty days, by a majority vote of the members of Council, selecting from outside its membership one to serve as Clerk of Council to fill such office for the unexpired term of his predecessor. (Ord. 1970-26. Passed 4-27-70.)

CHAPTER 123
Ordinances and Resolutions

123.01 Publication of ordinances.

CROSS REFERENCES

Action by Council - see CHTR. §3.01
Introduction, consideration and reference to committees - see CHTR.
§3.02, 3.03; ADM. 121.01
Publication - see CHTR. Sec. 3.05
Initiative and referendum - see CHTR. Sec. 3.07
Resolutions - see CHTR. Sec. 3.09
Procedures - see CHTR. Sec. 3.03

123.01 PUBLICATION OF ORDINANCES.

Within two weeks of and after final passage, public notice of each new ordinance shall be given by publication at length, in a code of revised ordinances which is made available to the public in libraries, in the office of the Clerk of Council, and in the office of the City Manager. (Ord. 2005-28. Passed 2-14-05.)

TITLE FIVE - Administrative

- Chap. 131. City Manager.
- Chap. 133. Mayor.
- Chap. 135. Department of Finance.
- Chap. 137. Division of Income Taxation.
- Chap. 139. Department of Law.
- Chap. 141. Department of Safety.
- Chap. 143. Fire Division.
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- Chap. 149. Division of Streets and Parks.
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- Chap. 153. Department of Building and Housing Inspection.
- Chap. 155. Department of Community Development.
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- Chap. 159. Division of Purchasing.
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- Chap. 163. Employment Provisions.
- Chap. 165. Division of Recreation.
- Chap. 167. Board of Park Trustees.
- Chap. 169. Health Services.
- Chap. 171. Shade Tree Commission.
- Chap. 173. Disposition of City Property.
- Chap. 175. Economic Development Committee.

**CHAPTER 131
City Manager**

131.01 Administrative authority and powers.

131.02 Performing duties of Clerk of Council.

CROSS REFERENCES

- Appointment; removal - see CHTR. §4.01, 4.04
- Duties - see CHTR. §4.02
- Absence or disability - see CHTR. §4.03
- Relation to Council - see CHTR. §4.05
- Contract interest - see CHTR. §5.08
- City Manager exempt - see CHTR. §8.02
- Community Development Director - see ADM. 155.01
- Administrative Services Director - see ADM. 157.02
- City Manager to act as Purchasing Agent for the City - see ADM. 159.01 et seq.
- Bond required - see ADM. 163.01
- Manager to supervise urban renewal and redevelopment activities - see ADM. 191.04 et seq.

131.01 ADMINISTRATIVE AUTHORITY AND POWERS.

The City Manager shall have full authority to prescribe and enforce administrative policy and procedure and to prescribe and enforce administrative rules and regulations for all departments, divisions, officers and employees of the City as he may deem necessary to the performance of his duties as City Manager and to the efficient operation of the entire City government.

The City Manager shall have full authority to prescribe the use of various forms and procedures as he shall approve for the conduct of the City's affairs. Further, he shall prescribe and/or approve the use of various reports and forms for the various departments, divisions, officers and employees, either regularly, or from time to time, for his, the Mayor's or the Council's information and use.

He may require the submission of regular or special reports from any department, division, office, officer or employee to be used in the administrative direction and control of the City.

The City Manager shall have the power to make or delegate to department heads, rules and regulations to govern management practices. (Ord. 1962-20. Passed 7-23-62.)

131.02 PERFORMING DUTIES OF CLERK OF COUNCIL.

The City Manager shall perform the duties of Clerk of Council during the disability or temporary absence of the Clerk. Such duties shall include those duties imposed upon the Clerk of Council by Section 2.12 of the Charter, ordinances of the City and laws of the State, and the authority to execute certificates in regard to transcripts submitted to bond counsel to obtain approving opinions for the issuance of notes and bonds of the City. (Ord. 1976-37. Passed 11-22-76.)

CHAPTER 133
Mayor

EDITOR'S NOTE: There are no sections in Chapter 133. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Election; term; salary - see CHTR. §2.09, 2.10

Vice Mayor - see CHTR, §2.11

Certifying ordinances - see CHTR. §3.04

Certifying appropriation ordinance - see CHTR. §6.07

Disposition of fines and other moneys - see Ohio R.C. 733.40

Bond of Mayor - see ADM. 163.01

CHAPTER 135
Department of Finance

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| <p>135.01 Duties and responsibilities of Finance Director.</p> <p>135.02 Treasury Investment Account.</p> <p>135.03 Authorization to withdraw active funds.</p> | <p>135.04 Assistant Finance Director.</p> <p>135.05 Distribution of interest earned on pooled investments.</p> |
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CROSS REFERENCES

- Creation; department head; divisions - see CHTR. §5.01 et seq.
- Contract interest - see CHTR. §5.08
- Functions; Director - see CHTR. §5.11
- Fiscal year; tax budgets and levies - see CHTR. Art. VI
- Finance Director to maintain accounting system - see CHTR. §6.12
- Division of Income Taxation - see ADM. Ch. 137
- Bonds of Finance Director and Assistant Director - see ADM. 163.01
- Employment provisions - see ADM. Ch. 163
- Income tax - see ADM. Ch. 185

135.01 DUTIES AND RESPONSIBILITIES OF FINANCE DIRECTOR.

The Director of the Department of Finance, as established by the Charter of the City, shall be charged with the following duties and responsibilities:

- (a) The custody of all official bonds of the City.
- (b) The receipt and custody of all money paid to the City and the disbursement of City money, all as in accordance with the Charter of the City and ordinances passed by Council.
- (c) The certification to the County Auditor or the making and collection of special assessments; responsibility for the collection of license fees, fees for permits and all appropriate utility bills; the control, funding and payment of the public debt of the City; and the preparation and disbursement of City payroll accounts.
- (d) The rendering of a monthly report to Council reflecting the financial condition of each of the funds of the City as of the last day of the preceding month.
- (e) The rendering of an annual report reflecting the financial condition of each of the funds of the City for the preceding fiscal year. Such report shall be submitted to the City Manager, the Mayor and Council within one month following the close of the fiscal year as established by Charter.

- (f) The required certification of all purchase orders, and the signing of all warrants, vouchers, checks and contracts, for the payment of money which must be approved by the City Manager or his designee, acting as Purchasing Agent for the City, except that checks drawn on the Mayor's Account of the City shall be signed by the Mayor and Director of Finance.
- (g) The proration of the expense of materials, supplies, services and salaries among the various Municipal funds when such commodities, services and salaries may be properly charged against the several funds for the reason that they are distributed or used for more than one department, division or fund. Such proration of expenses shall be made in the manner deemed most advisable and proper by the Director.
- (h) The keeping of an accurate account of the bonded indebtedness of the City and of the payment of the principal and the interest thereon.
- (i) The settlement and accounting with Council of the preceding month's fiscal activities on or before the tenth day of each month.
- (j) The administration of all employee benefit funds.
- (k) The giving of assistance to the City Manager in the preparation of drafts of annual budgets.
- (l) The payment to the persons duly entitled thereto, on warrant properly authorized without appropriation by Council of any money paid into the treasury pursuant to condemnation proceedings, or for the redemption of property sold for taxes, or arising from special assessments for public improvements, park fund certificates, condemnation fund certificates and all special trust funds. (Ord. 1962-20. Passed 7-23-62; Ord. 76-29. Passed 10-11-76.)

135.02 TREASURY INVESTMENT ACCOUNT.

Whenever there are moneys in the treasury of the City which will not be required to be used by the City for a period of six months or more, such moneys may, in lieu of being deposited in a bank or banks, be invested in obligations of the City, or in such other bonds or obligations as are or may be specified in Ohio R.C. 731.56, now in effect or as the same may from time to time be hereafter amended.

Such investments shall be made in the manner and pursuant to the terms and provisions set forth in Ohio R.C. 731.56 et seq. (Ord. 360. Passed 6-10-57.)

135.03 AUTHORIZATION TO WITHDRAW ACTIVE FUNDS.

The funds in the general account of the City of Huron, on active deposit with the Firelands Community Bank and Erie County Bank, shall be subject to be withdrawn on the check, draft, note or order of the City signed by the Director of Finance and the City Manager. (Res. 1961-7. Passed 8-14-61.)

135.04 ASSISTANT FINANCE DIRECTOR.

There is hereby created the position of Assistant Finance Director. Such assistant shall be subject to the management and control of the Finance Director. The Assistant Finance Director shall perform the duties of Finance Director during the disability or temporary absence of the Finance Director. Such duties shall include those duties imposed upon the Finance Director by the Charter and ordinances of the City and the laws of the State and the authority to execute notes and bonds of the City where the ordinance authorizing such notes or bonds requires the signature of the Finance Director and the further authority to execute, in lieu of the Finance Director, any and all other certificates and documents that may be required or customary in connection with the issuance of such notes and bonds. (Ord. 1974-52. Passed 10-21-74.)

135.05 DISTRIBUTION OF INTEREST EARNED ON POOLED INVESTMENTS.

(a) Pursuant to the home rule powers of the City, interest earned on pooled investments made by the City shall be credited to the General Fund with the exception of interest earned on rescue squad funds, street funds, state highway funds, and grant funds, with the interest on such funds to be credited respectively to the Huron Rescue Squad Fund, the Street Fund, the State Highway Fund and the applicable grant fund. In addition, interest earned on debt proceeds for capital projects shall be credited to the appropriate Capital Project Fund.

(b) The Director of Finance is authorized and directed to make the needed entries on the City's books of accounts and to do all other things necessary to carry out the intent of this section. (Ord. 1997-14. Passed 5-27-97.)

CHAPTER 137
Division of Income Taxation

137.01 Creation and compensation.

137.02 Powers and duties of Administrator.

CROSS REFERENCES

Annual tax budget - see CHTR. §6.02, 6.03

Tax levies - see CHTR. §6.04

Tax anticipation notes - see CHTR. §9.04

Municipal income taxes - see Ohio R.C. Ch. 718

Employment provisions - see ADM. Ch. 163

Bookkeeper - cashier's bond - see ADM. 163.01

Income Tax - see ADM. Ch. 185

137.01 CREATION AND COMPENSATION.

There is hereby created, as a division of the Department of Finance, the Division of Income Taxation. The Division shall consist of an Administrator and such other full or part-time employees as may from time to time be appointed by the City Manager. The Administrator shall be appointed by the City Manager and such position shall be exempt from the requirements of competitive examination because of the professional knowledge required for the position. (Ord. 1968-52. Passed 12-9-68.)

137.02 POWERS AND DUTIES OF ADMINISTRATOR.

The Administrator shall have the supervision and control of the activities of the Division of Income Taxation and shall perform such duties as set forth in Chapter 185. (Ord. 1968-52. Passed 12-9-68.)

CHAPTER 139
Department of Law

139.01 Attendance at Council and other meetings.

139.02 Law Director shall give opinions.

CROSS REFERENCES

Creation; department head; divisions - see CHTR. §5.01 et seq.
Contract interest - see CHTR. §5.08
Director's qualifications - see CHTR. §5.10
Employment provisions - see ADM. Ch. 163
Law Director to approve federal contracts - see ADM. 191.09

139.01 ATTENDANCE AT COUNCIL AND OTHER MEETINGS.

The Law Director shall attend all regular and special meetings of Council, and when specifically requested by either the City Manager or Council, shall attend such other meetings as either may deem necessary. (Ord. 1962-20. Passed 7-23-62.)

139.02 LAW DIRECTOR SHALL GIVE OPINIONS.

When an officer of the City entertains doubts concerning the law in any matter before him in his official capacity, and desires the opinion of the Law Director, he shall clearly state to the Law Director, in writing, the question upon the which the opinion is desired. Thereupon, the Law Director shall, within a reasonable time, reply orally or in writing to such inquiry. The right conferred upon such officers by this section extends to Council and to each board created by City Charter or ordinance of Council.
(Ord. 1962 -20. Passed 7-23- 62.)

CHAPTER 141
Department of Safety

141.01 Divisions and administrative heads.

141.02 Rules and regulations; responsibility; power to suspend.

CROSS REFERENCES

Creation; department head; divisions - see CHTR. §5.01 et seq.

Contract interest -see CHTR. §5.08

Fire Division - see ADM. Ch. 143

Police Division - see ADM. Ch. 145

Employment provisions - see ADM. Ch. 163

141.01 DIVISIONS AND ADMINISTRATIVE HEADS.

The Department of Safety, as created and established by the City Charter, shall be organized into two lower Departments with administrative Department Heads as follows:

(a) The Police Department - Police Chief.

(b) The Fire Department - Fire Chief.

(Ord. 2009-27. Passed 10-13-09.)

141.02 RULES AND REGULATIONS; RESPONSIBILITY; POWER TO SUSPEND.

(a) The Director of the Safety Department shall be the administrative head over both lower Departments. The Director of the Department of Safety, the Police Department Head and the Fire Department Head shall make all necessary rules and regulations for the administration of each of the established lower Departments.

(b) Each of the lower Department heads shall have charge of and be responsible for the proper maintenance of the apparatus and equipment of his department the conduct of the employees within that lower department.

(c) The administrative heads of the lower departments, within the Department of Safety, shall have the authority to suspend, subject to the approval of the City Manager, any member of the lower department under his command, for the violations of rules and regulations, disobedience to the orders of a superior officer, disorderly conduct or other failure of good behavior while on duty or while on call for duty.

(Ord. 2009-27. Passed 10-13-09.)

**CHAPTER 143
Fire Division**

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| <p>143.01 Creation and composition.
 143.01 Powers and duties of Chief.
 143.03 Rules and regulations.
 143.04 Meetings and attendance records.</p> | <p>143.05 Inspection of hazardous conditions; correction orders.
 143.06 Use of equipment and apparatus.</p> |
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CROSS REFERENCES

Council's power to establish and make payments from a volunteer firemen's relief and pension fund - see CHTR. §2.08(9)
Division established - see ADM. 141.01
Division head - see ADM. 141.02
Employment provisions - see ADM. Ch. 163

143.01 CREATION AND COMPOSITION.

(a) There is hereby created a Fire Department of the City which shall consist of a Fire Chief and a Fire Company of not more than forty men.

(b) Members of the Fire Department serving on the effective date of this section shall continue in their present status of employment in the Fire Department without examination but subject to the merit system in all other respects as provided by Article VIII of the City Charter and the ordinances adopted there under.

(c) All vacancies for the position of Fire Chief and/or members of the Fire Company existing or occurring after the effective date of this section, shall be filled in the manner provided for appointments to the administrative service of the City in accordance with the Charter and ordinances then in effect. (Ord. 2009-28. Passed 10-13-09.)

143.02 POWERS AND DUTIES OF CHIEF.

The Fire Chief shall have command over all members of the Fire Department, and shall possess all necessary power over persons and property which shall be reasonably necessary to effectively combat any fire or other like emergency. It shall be the duty of the Fire Chief to instruct the other members of the Fire Department in the operation of the apparatus and equipment, so that members of the Fire Department are capable and efficient in the operation of the same. It shall be his duty to examine into the condition of all apparatus belonging to the Fire Department, and when any of the buildings or apparatus used for the purpose of the Fire Department requires any alterations, additions or repairs, he shall report the same to the City Manager. It shall be his duty to receive and transmit to the City Manager all communications

relating to the Fire Department, to keep an exact roll of the Fire Company, to make a report to the City Manager of each fire, and to submit annually a summary of all fires and an inventory of all equipment with a statement of its condition to the Council. It shall be the duty of the Chief to be present at all fires when at all possible. He shall have the power and it shall be his duty to investigate the cause of all fires and, in connection therewith, he shall have the power to examine papers and witnesses, and compel the production and appearance of the same.
(Ord. 2009-28. Passed 10-13-09.)

143.03 RULES AND REGULATIONS.

The Chief of the Fire Department shall formulate and administer procedures pertaining to the enforcement of rules and regulations for the operation of the Fire Department.
(Ord. 2009-28. Passed 10-13-09.)

143.04 MEETINGS AND ATTENDANCE RECORDS.

The Department shall hold one regular meeting each month or as frequently as required by the Fire Chief. Records of attendance at meetings and at all fires shall be accurately maintained under the direction of the Fire Chief. (Ord. 2009-28. Passed 10-13-09.)

143.05 INSPECTION OF HAZARDOUS CONDITIONS; CORRECTION ORDERS.

(a) The Fire Chief shall have the power at all times to inspect any and all buildings and properties in the City for the purpose of locating hazardous conditions, upon reasonable notice given to the occupants thereof. When he finds hazardous conditions, it shall be his duty to issue reasonable written orders of the correction of the same, a copy of which shall be filed with the City Manager.

(b) The Chief shall be responsible to make the inspections necessary to enforce the provisions of the Fire Prevention Code. (Ord. 2009-28. Passed 10-13-09.)

143.06 USE OF EQUIPMENT AND APPARATUS.

Fire Equipment or apparatus shall be used for the purpose of fires and emergencies only, or upon express authorization of the City Manager. No person shall, at any time, take any property whatsoever belonging to the Fire Department from any place where the same may be kept and no person shall willfully destroy or in any manner damage any apparatus or property of the Fire Department. Whoever violates this section is guilty of a misdemeanor of the third degree.
(Ord. 2009-28. Passed 10-13-09.)

CHAPTER 145
Police Division

145.01 Creation and composition.**145.02 Powers and duties of Chief.**

CROSS REFERENCES

Division established - see ADM. 141.01

Division head - see ADM. 141.02

Employment provisions - see ADM. Ch. 163

Bonds required - see ADM. 163.01

145.01 CREATION AND COMPOSITION.

There is hereby created a Police Department of the City which shall consist of a Police Chief who shall be appointed by the City Manager in accordance with the Charter, and such other officers and employees as may be authorized by Council.

(Ord. 2009-29. Passed 10-13-09.)

145.02 POWERS AND DUTIES OF CHIEF.

The Chief of Police shall be accountable to the Director of the Department of Safety. He shall perform the following duties:

- (a) Formulate and administer procedures pertaining to the enforcement of rules and regulations for the operation of the Police Department including part-time police officers, such auxiliary police as may be appointed.
 - (b) Be responsible for the preservation of the public peace, order and safety, the prevention and detection of crime, the apprehension of offenders, the protection of person and property and the enforcement of all laws.
 - (c) Have control of the assignment of all police officers.
 - (d) Provide for the training and instruction of the officers and employees of the Police Department.
 - (e) Act as liaison officer with other law enforcement agencies.
 - (f) Perform such other duties as the Director of the Department of Safety may require.
- (Ord. 2009-29. Passed 10-13-09.)

CHAPTER 147
Department of Service

147.01 Divisions and administrative heads.

147.02 Rules and regulations; responsibility; power to suspend.

CROSS REFERENCES

Creation; department heads; divisions - see CHTR. §5.01 et seq.
 Contract interest - see CHTR. §5.08
 Division of Streets and Parks - see ADM. Ch. 149
 Division of Utilities - see ADM. Ch.151
 Employment provisions - see ADM. Ch. 163
 Small boat mooring harbor - see TRAF. Ch. 385

147.01 DIVISIONS AND ADMINISTRATIVE HEADS.

The Department of Service, as created and established by the City Charter, shall be organized into four divisions, with administrative heads as follows:

- (a) The Division of Streets and Parks - Director of Department of Service;
- (b) The Division of Engineering - Director of Department of Service;
- (c) The Division of Utilities - Director of Department of Service;
- (d) The Division of Small Boat Mooring Basin and Harbor of Refuge - Director of Department of Service. (Ord. 1974-23. Passed 4-22-74.)

147.02 RULES AND REGULATIONS; RESPONSIBILITY; POWER TO SUSPEND.

The Director of the Department of Service shall be the administrative head of the Department. The Director shall make all necessary rules and regulations for the administration of each of the several divisions.

Each of the division heads shall have charge of and be responsible for the proper maintenance of the apparatus and equipment of the division and the conduct of the employees thereof.

The administrative head of each division shall have the authority to suspend, subject to the approval of the City Manager, any member of the division for the violation of rules and regulations, disobedience to the orders of a superior officer or disorderly conduct while on duty. (Ord. 1962-20. Passed 7-23-62.)

CHAPTER 149
Division of Streets and Parks

149.01 Duties of Division.

CROSS REFERENCES

Creation; Service Director as head - see ADM. 147.01
Rules; power of suspension - see ADM. 147.02
Employment provisions - see ADM. Ch. 163
Swimming at Nickel Plate Park - see GEN. OFF. 521.12
City parks - see S.U. & P.S. Ch. 935

149.01 DUTIES OF DIVISION.

The Division of Streets and Parks shall be charged with the duty of:

- (a) Cleaning, repairing, maintaining and lighting all streets, highways and sidewalks throughout the City including custody and maintenance of all signs and traffic control signals and devices.
- (b) Cleaning, repairing, maintaining and inspecting of all storm sewers, drains, ditches, culverts and watercourses throughout the City.
- (c) Maintaining, repairing and inspecting of all public lands and buildings throughout the City.
- (d) Cleaning, repairing, maintaining and inspecting of all vehicles, tools, fixtures and equipment belonging to the City under the custody of the Division of Streets and Parks.
- (e) Maintaining, repairing and inspecting of City parks and amusements including temporary parks and playgrounds which Council or the City Manager may from time to time establish outside the City parks.
(Ord. 1962-20. Passed 7-23-62.)

CHAPTER 151
Division of Utilities

151.01 Duties.

CROSS REFERENCES

Council's power to grant utility franchises - see CHTR. §2.08(13)
Contract interest - see CHTR. §5.08
Creation; Service Director as head - see ADM. 147.01
Rules; power of suspension - see ADM. 147.02
Employment provisions - see ADM. Ch. 163
Director's bond - see ADM. 163.01
Urban renewal - see ADM. Ch. 191

151.01 DUTIES.

The Division of Utilities shall be charged with the duties of managing and conducting the water works of the City, including procuring and distributing of water and the maintenance, inspection, installation and repair of service lines, meters and such other work connected with the Division as the Director of Utilities may from time to time designate.

CHAPTER 153
Department of Building and Housing Inspection

153.01 Department of Building and Housing Inspection/Department of Residential building established; Director's appointment; duties.

153.02 Assistant building officials.
153.03 Disqualification of Director.

CROSS REFERENCES

Bond of Building Official - see ADM. 163.01

Urban renewal standards and procedures - see ADM. Ch. 191

**153.01 DEPARTMENT OF BUILDING AND HOUSING INSPECTION/
DEPARTMENT OF RESIDENTIAL BUILDING ESTABLISHED;
DIRECTOR'S APPOINTMENT; DUTIES.**

(a) There is hereby established a "Department of Building and Housing Inspection/Department of Residential Building".

(b) The Director of the Department of Building and Housing Inspection/Department of Residential building shall act as the Building Official of the City. He shall be appointed by the City Manager with the approval of Council and shall have supervision and control of the Department of Building and Housing Inspection/Department of Residential Housing.

(c) The Director/Building Official shall perform the following duties:

- (1) Enforce all applicable laws and ordinances of the City regulating building, housing, zoning, plumbing, heating and electrical installations, including but not limited to such standardized building codes as shall be adopted by the City.
- (2) Issue building permits in conformity with the codes and laws applicable to building inspections and construction.
- (3) Institute proceedings for the repair or destruction of unsafe buildings in conformity with the codes and laws of the City.
- (4) Issue zoning permits where required by the Zoning Ordinance.
- (5) Make all inspections as provided in the City's Building Code or such other standardized codes as shall be adopted by the City, the Zoning Ordinance, such other inspections as shall be required to be made by the Building Official by the laws and ordinances of the City and such other inspections as may be directed by the City Manager.
(Ord. 2006-16. Passed 10-10-06.)

153.02 ASSISTANT BUILDING OFFICIALS.

The City Manager may, from time to time, appoint assistant building officials to supplement the work of the Director. Such assistants shall be subject to the management and control of the Director and shall be unclassified part-time employees of the City.
(Ord. 1964-42. Passed 12-21-64.)

153.03 DISQUALIFICATION OF DIRECTOR.

The Director shall be disqualified from performing any of the duties set forth above when the Director or any firm in which he is a partner, employee, associate or subcontractor represents an owner, contractor, subcontractor or any other person as architect, engineer or consultant and such owner, contractor, subcontractor or other person requires any inspection, permits or other action by the Building Official.

In the event of such temporary disqualification, the City Manager shall appoint a qualified architect or engineer to perform the duties of the Director for such period as is necessary to complete the duties required to be performed by the Building Official for the particular matter in which the Director is disqualified to act.
(Ord. 1964-42. Passed 12-21-64.)

CHAPTER 155
Department of Community Development

155.01 Creation and composition.
155.02 Division of Grants.

**155.03 Appointment, powers and duties
of Director.**

CROSS REFERENCES

Urban renewal standards and procedures; federal bid contracts -
see ADM. Ch. 191

155.01 CREATION AND COMPOSITION.

There is hereby established the Department of Community Development consisting of the Division of Grants. The City Manager is hereby designated to serve as the Director of this Department as provided by Section 5.02 of the Charter. The Director of the Department of Community Development shall be the administrative head of the Department and, together with the division heads, shall make all necessary rules and regulations for the administration of the divisions. The Director shall also carry out those functions assigned to the City Manager in Section 191.04. (Ord. 1977-5. Passed 1-24-77.)

155.02 DIVISION OF GRANTS.

The Division of Grants shall consist of the office of the Director of Grants, which office, pursuant to Section 8.02 of the Charter, is exempt from the merit system of the City. The Division shall also consist of such other full or part-time employees as may be authorized by Council upon recommendation of the City Manager. (Ord. 1977-5. Passed 1-24-77.)

155.03 APPOINTMENT, POWERS AND DUTIES OF DIRECTOR.

The Director of Grants shall be appointed by the City Manager, subject to the approval of Council, and shall serve until removed by the City Manager or until a successor is appointed. He shall be the head of the Division of Grants and, subject to the direction of the Director of the Department of Community Development, shall have supervision and control of the activities of the Division of Grants and shall perform such duties consistent with his office as may be required by the Charter, by ordinance or resolution of Council or as directed by the City Manager or the Planning Commission in connection with the planning, undertaking and carrying out of the grant programs of the City. (Ord. 1977-5. Passed 1-24-77.)

CHAPTER 157
Department of Administrative Services

157.01 Creation and composition.

157.02 Director and administrative heads.

CROSS REFERENCES

Division of Purchasing - see ADM. Ch. 159

Division of Personnel - see ADM. Ch. 161

Division of Recreation - see ADM. Ch. 165

157.01 CREATION AND COMPOSITION.

There is hereby created the Department of Administrative Services which shall be organized into three divisions with administrative heads as follows:

- (a) Division of Purchasing - Purchasing Agent;
- (b) Division of Personnel - Personnel Officer; and
- (c) Division of Recreation - Director of Recreation.

(Ord. 1974-22. Passed 4-22-74.)

157.02 DIRECTOR AND ADMINISTRATIVE HEADS.

The City Manager is hereby designated to serve as the Director of this Department as provided by Section 5.02 of the Charter, who, together with the division heads, shall make all necessary rules and regulations for the administration of the divisions.

(Ord. 1974-22. Passed 4-22-74.)

CHAPTER 159
Division of Purchasing

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| 159.01 Creation and composition.
159.02 Agent's general purchasing power.
159.03 Formal bidding requirements.
159.04 Manager may seek Council approval. | 159.05 Normal purchase procedure.
159.06 Emergency purchases.
159.07 Design professional selection law waived. |
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CROSS REFERENCES

Purchasing agency established - see CHTR. §5.05
 Competitive bidding - see CHTR. §5.06
 Contracts - see CHTR. §5.07 et seq.
 Purchasing procedure - see CHTR. §6.12
 Division established; head - see ADM. 157.01

159.01 CREATION AND COMPOSITION.

There is hereby created a Division of Purchasing which shall be composed of the Purchasing Agent as established by Section 5.05 of the City Charter. The City Manager, or his designee, shall act as Purchasing Agent for the City.
(Ord. 2010-16. Passed 5-25-10.)

159.02 AGENT'S GENERAL PURCHASING POWER.

Unless otherwise provided for in this chapter, the Purchasing Agent shall make all purchases and contracts for the purchase of supplies, materials and equipment required by the City. (Ord. 2010-16. Passed 5-25-10.)

159.03 FORMAL BIDDING REQUIREMENTS.

(a) Purchases of supplies, materials and equipment or contracts for work to be performed on municipal projects estimated to cost in excess of twenty-five thousand dollars (\$25,000) shall be made pursuant to formal advertising, bidding and public opening and tabulation as required by the general laws of the State and in accordance with Ohio R.C. 735.05 as amended.

(b) In cases where the supplies, materials and/or equipment are to be made under the State of Ohio Purchasing Plan, no bidding shall be required as it is understood the State has already obtained the lowest responsive and responsible bid.

(c) Purchase of supplies, materials and equipment or contracts for work to be performed on municipal projects estimated to cost in excess of ten thousand dollars (\$10,000) but less than twenty five thousand dollars (\$25,000) may be required to be made pursuant to formal advertising, bidding and public opening and tabulation, provided Council, by formal motion, directs the Purchasing Agent to proceed in such a manner.

(d) In cases of public disaster, declared by Council resolution adopted by unanimous vote of those members present, provided that a quorum is present, any purchase may be made in the open market. (Ord. 2010-16. Passed 5-25-10.)

159.04 MANAGER MAY SEEK COUNCIL APPROVAL.

The approval of the City Council of any purchase, irrespective of the amount involved, shall be required when ordered by the City Manager. (Ord. 2010-16. Passed 5-25-10.)

159.05 NORMAL PURCHASE PROCEDURE.

All purchases, other than emergency purchases or those requiring prior City Council approval, shall be made in the following manner:

- (a) All requests for the purchase of materials, supplies, or services shall come from the department head involved.
- (b) Requests for materials, supplies or services shall be addressed to the Purchasing Agent on a requisition form to be provided by the Office of the City Manager. All requests shall be in writing stating explicitly the items or services desired. At the discretion of the Purchasing Agent, the department head, may be required to submit at least two independent quotations on such items or services desired. The signature of the Purchasing Agent on the requisition shall constitute his approval of the requisition.
- (c) All requisitions shall be electronically filed, approved electronically, and stored electronically in the Finance Department. In accordance with Section 6.12 of the Charter, purchases shall be made by written purchase order signed by the Purchasing Agent. Agreements for construction work shall be made by written contract. Agreements for personal services shall be made by written contract or appointment, signed by the City Manager, or his designee, acting as Purchasing Agent for the City.
- (d) Purchase orders shall be on printed forms as prescribed by the City Manager and the Director of Finance. They shall bear consecutive numbers as to the date of issue.
- (e) No purchase order or contract shall be valid as an obligation of the City unless it bears a certificate of the Director Finance that the estimated amount thereof has been entered as an encumbrance in the City accounts against an allotment based on a valid appropriation.

- (f) After the approval of requisitions and after the certificate of the Director of Finance has been signed stating that the funds are available for such purchase from the proper fund, the original purchase orders shall be issued to the vendor, supplier, or person rendering the required service.
- (g) A second (carbon) copy of every purchase order shall be immediately posted to the encumbrance ledge and such sum shall be subtracted from the respective appropriate account. All second (carbon) copies or purchase orders shall be kept in numerical filing order in the custody of the Director of Finance.
- (h) All vouchers and warrants for the disbursement of City funds shall bear the purchase order number authorizing such expenditure when so applicable. If there is a difference in the quoted purchase order price and the invoice or final price, such difference shall be reconciled immediately with the encumbrance ledger, with such explanation within the voucher as to difference in price as the Director of Finance or City Manager may require or deem advisable.
- (i) The City Manager, together with the Director of Finance, shall sign all warrants, vouchers and checks or any contract involving the disbursement of City funds.
(Ord. 2010-16. Passed 5-25-10.)

159.06 EMERGENCY PURCHASES.

Emergency purchases, without recourse to requisition or purchase procedure, may be made by the City Manager, Director of Finance, Purchasing Agent, a department head, when such emergency action is necessary. Examples of such emergency situations would be in times of military or civil disaster or during periods of the day or night when the required officials would not be available to approve normal purchase procedure and when the unavailability of such officials to approve such purchases would adversely affect the best interest and the day-to-day operations of the City. When an emergency purchase is made by any of the authorized employee(s) of the City, a written explanation of such purchase shall be made to the Purchasing Agent of the City within twenty-four (24) hours after such purchase is negotiated or made. The Purchasing Agent and Director of Finance shall subsequently prepare and sign a purchase order for the emergency purchase and it shall be filed in the manner prescribed in Section 159.05.
(Ord. 2010-16. Passed 5-25-10.)

159.07 DESIGN PROFESSIONAL SELECTION LAW WAIVED.

- (a) The provisions of Ohio R.C. 153.65 through 153.71 shall not be applicable in the City.
- (b) In addition to meeting existing ordinances and Charter provisions as to contracts and purchases, the City Manager is authorized to establish such further procedures as are deemed to be in the City's best interests for the selection of design professionals.
(Ord. 2010-16. Passed 5-25-10.)

CHAPTER 161
Division of Personnel

161.01	Creation and composition.	161.07	Eligible lists.
161.02	Purpose and amendment of personnel regulations.	161.08	Appointment and probation.
161.03	Definitions.	161.09	In-service activities.
161.04	Position and salary schedule.	161.10	Discipline
161.05	Applications and applicants.	161.11	Appeals procedure.
161.06	Examinations.	161.12	Layoff and reinstatement.
		161.13	Political activity.

CROSS REFERENCES

Contract interest - see CHTR. §5.08
 Merit system established - see CHTR. §8.01
 Exempt positions - see CHTR. §8.02
 Personnel officer - see CHTR. §8.03
 Personnel Appeals Board - see CHTR. §8.04, 8.05
 Political activity - see CHTR. §8.06 et seq.
 Promotional examinations - see CHTR. §8.09
 Removal from office - see CHTR. §12.04
 Division established; head - see ADM. 157.01
 Employment provisions - see ADM. Ch. 163
 Bonds required - see ADM. 163.01

161.01 CREATION AND COMPOSITION.

There is hereby created a Division of Personnel which shall be composed of the Personnel Officer as established by Section 8.03 of the City Charter. (Ord. 1976-35. Passed 12-13-76.)

161.02 PURPOSE AND AMENDMENT OF PERSONNEL REGULATIONS.

(a) It is the purpose of this chapter to give effect to the provisions of the City Charter by establishing rules, standards and procedures for the operation of the merit system.

(b) The Personnel Officer shall prepare, in consultation with the City Manager, such amendments to this chapter as may, from time to time, be deemed desirable. Such amendments shall be recommended to Council for adoption. (Ord. 1976-35. Passed 12-13-76.)

161.03 DEFINITIONS.

- (a) "Allocation" means the assignment of an individual position to an appropriate class on the basis of the kind, difficulty and responsibility of the work actually performed in the position.
- (b) "Appointing authority" means the officer or agency having power under the Charter and ordinances to make appointments to positions in the classified service.
- (c) "Classified service" shall consist of all permanent full-time employees of the City, except those specifically exempted by the Charter.
- (d) "Classes of positions" shall consist of all positions in the classified service which are sufficiently alike in duties, authority and responsibility to be treated in the same manner for personnel purposes.
- (e) "Class specifications" are those duties imposed upon the personnel of each division by the Administrative Code.
- (f) "Demotion" means the change of an employee from a position in one salary grade to a position in another salary grade having a lower maximum salary rate.
- (g) "Eligible" means a person whose name is on a list prepared by the Personnel Officer as the result of passing an open competitive examination or on a re-employment list.
- (h) "Eligible list" means a list of eligibles, in the order of their final grades in an open competitive examination, or in an order determined by this chapter, prepared by the Personnel Officer.
- (i) "Position" means a group of duties and responsibilities designed to be performed by an individual. Positions shall be created and abolished by the City Manager.
- (j) "Probationary period" means the working test period during which an employee is required to demonstrate his fitness by actual performance of the duties of the position to which he has been appointed, which period shall be for twelve consecutive months.
- (k) "Promotion" means the change of an employee from a position in one salary grade to a position in another salary grade having a higher maximum salary rate.
- (l) "Regular employee" means a person who has passed a physical examination, has been appointed to a position in the classified service from an eligible list and who has satisfactorily completed his probationary period of twelve consecutive months.
- (m) "Full-time, salaried employee" means a person who works a forty-hour work week at a yearly salary, or a person who works a twenty-eight day schedule at a yearly salary as a full-time employee of the Fire Division and in both cases are either on a probationary period or a regular employee.

(n) "Part-time employee" means a person who is paid by the hour, and does not receive any of the fringe benefits as set forth in other sections of this Code.

(o) "He, him and his" shall also mean when used in this Code, she, her and hers.

(p) "Administrative employee" means the City Manager, Director of Finance, Fire Chief, Police Chief and Police Captain.
(Ord. 1976-35. Passed 12-13-76; Ord. 1985-20. Passed 7-22-85.)

161.04 POSITION AND SALARY SCHEDULE.

(a) The position and salary schedule, marked Exhibit "A", which is attached hereto and made a part of this Code shall be effective as of May 10, 2011.
(Ord. 2011-16. Passed 5-10-11.)

(b) The Personnel Officer, in conjunction with department and division heads and subject to the approval of the City Manager, shall annually review and make recommendations to Council for changes in the following schedule.

(c) After the adoption of the pay plan, no position shall be assigned a salary higher than the maximum or lower than the minimum salary provided for the salary grade of the position. New appointments shall normally be made at the minimum rate for the class. Appointments above the minimum rate may be made upon approval by the City Manager when new employees have exceptional qualifications or when no eligible will accept appointment at the minimum rate.

(d) Salary increases within an established range shall not be automatic, but can be given on the following bases:

- (1) A merit increase recommended, in writing, to the City Manager by the appropriate department or division head and approved by the City Manager. Such a recommendation is to be based on standards of performance or other pertinent data.
- (2) A merit increase recommended and approved by the City Manager. Such a recommendation is to be based on standards of performance or other pertinent data.
- (3) An across the board increase granted to all salaried employees and recommended by the City Manager.
- (4) A change in the employee's classification.

(e) Salary increases granted on the basis of subsection (d)(1), (2) and (3) hereof are dependent on the provisions of moneys appropriated in the annual appropriation ordinance. Salary increases granted on the basis of subsection (d)(1) and (2) hereof shall not be granted to an employee more frequently than once in each six months. No salary advancement shall be given before the employee completes the first six months of his probationary period. However, when the minimum salary for the particular position is increased during such employee's probationary period, such employee shall be compensated at such higher salary from the date of the passage of the salary ordinance.

(f) The salary rate established for an employee shall represent his total remuneration, not including reimbursement for official travel and except as otherwise provided, in this chapter (overtime pay, cost-of-living allowance, premium pay and/or on-call status). No reward, gift or other thing of value received from any source for the performance of his duties shall be retained by an employee. Notwithstanding the foregoing, employees of the Police Division, during off-duty time, may accept special duty assignments for police work only when authorized by the Police Chief.

(g) Whenever an employee works for a period less than the regularly established number of hours per day, days per week or weeks per month, the amount paid shall be proportionate to the time actually employed.

(h) All full-time salaried employees except department heads, administrative employees and Fire Division employees shall be compensated for each hour worked in excess of forty hours per week at a rate equal to one and one-half times their straight rate.

All full-time employees of the Fire Division shall be compensated for each hour worked in excess of 212 hours during any twenty-eight day work period at a rate equal to one and one-half times their straight rate.

Authorization of all overtime shall be under the control of the City Manager. If any full-time salaried employee, other than department and division heads, requests the City Manager to grant compensatory time off in lieu of compensation for such employee's authorized overtime, the City Manager shall be authorized but not required to allow such request.

The City Manager shall be authorized, but not required, to grant compensatory time off to those administrative employees not entitled to overtime compensation at such times and to such extent that the City Manager, in his sole discretion deems justifiable under the circumstances relating to each such administrative employee.

(i) (EDITOR'S NOTE: This subsection was repealed by Ordinance 1988-2, passed January 25, 1988.)

(j) Each employee of the Division of Utilities and of the Division of Streets and Parks, when placed on a standby basis by the department or division head, shall receive compensation in addition to his regular salary in an amount equal to one hour of such employee's regular rate for each such day on call.

(Ord. 1976-35. Passed 12-13-76; Ord. 1980-10. Passed 2-4-80; Ord. 1982-2. Passed 1-25-82; Ord. 1983-30. Passed 11-28-83; Ord. 1985-20. Passed 7-22-85; Ord. 1985-32. Passed 12-16-85; Ord. 1986-2. Passed 1-13-86.)

THE CITY OF HURON, OHIO
Position and Salary Schedule
“Exhibit A”

Full-Time/Permanent - Classified Positions

<u>Grade</u>	<u>Title</u>	<u>Base Salary Range</u>
I	-	
II	Maintenance Worker I Maintenance Worker II Finance Clerk Services Assistant	\$22,180 - 44,319
III	Deputy Court Clerk Maintenance Worker II - Floater Maintenance Worker III Management Services Coordinator	23,825 - 43,719
IV	Dispatcher Street Superintendent Recreation Manager Parks and Property Maintenance Manager	26,096 - 51,824
V	Clerk of Court Assistant Director of Finance Director of Human Resources Chief Operator Distribution Foreman Street Foreman Assistant Water Superintendent	35,160 - 60,000
VI-A	Firefighter (3 Steps before Class A) Police Officer (3 Steps before Class A) Class A - Firefighter and Police Officer	28,980 - 49,314 28,980 - 49,314 44,239 - 56,316
VI-B	Facility Manager	37,403 - 51,106
VI-C	Finance Director Director of Parks and Recreation Fire Lieutenant	38,676 - 70,633
VII	Police Sergeant Fire Shift Captain Information Technology Manager	50,000 - 75,000
VIII	Fire Chief Police Chief Assistant City Manager Director of Services	51,478 - 77,890
	Executive Assistant	23,000 - 33,242
	Water Superintendent	37,798 - 64,649

Assistant Law Director - Prosecutor	50,000 - 65,000
Law Director	65,000 - 85,000
Judge	35,500

Part Time Positions

General Maintenance Worker	10.00 - 24.00/hr.
Deputy Court Clerk	8.00 - 14.50/hr.
Police/Dispatch - Secretary	
Dispatcher	
Police Officer	
Court Bailiff/Court Security Officer	
Finance Clerk	
Maintenance Worker II-A (Floater)	
Customer Service Clerk	

Seasonal Positions

\$6.50 - 11.00/Hr.

Parks Maintenance I
Parks Maintenance II
Recreation
Dockhand
Street Maintenance

Part-Time Fire Personnel**Salary Range (Per Year)**

Basic EMT/FF	11.00/hr.
Basic Paramedic/FF	12.00/hr.

Part-Time Grant Funded Positions**Salary Range (Per Year)**

Probation Officer Municipal Court	\$10.00 - 21.00/hr.
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(Ord. 2011-16. Passed 5-10-11.)

161.05 APPLICATIONS AND APPLICANTS.

(a) All entrance examinations shall be publicly announced by the Personnel Officer by publication in at least one newspaper of general circulation in the City and in such other ways as he deems necessary or desirable. The announcement shall specify the title of the position for which the examination is to be held; the time, place and manner of making applications; the closing date for applications and any other information deemed pertinent by the Personnel Officer.

(b) Applications shall be made on forms prescribed by the Personnel Officer.

(c) The Personnel Officer shall reject any application which indicates on its face that the applicant does not possess the minimum qualifications required or which is not received within the time limit fixed for filing for the position. Notice of such rejection shall be given to the applicant, and such rejection shall be final. (Ord. 1976-35. Passed 12-13-76.)

(d) All applicants must be citizens of the United States, of good moral character, of temperate habits, of sound health and physically able to perform the duties of the position applied for. (Ord. 2002-23. Passed 10-14-02.)

(e) The Personnel Officer shall make written inquiry of employers, educational institutions and character references given by the applicant to verify the statements made in the application. If the facts so ascertained indicate the unsuitability of the applicant, the Personnel Officer may reject his application and notify him to that effect, and such rejection shall be final. (Ord. 1976-35. Passed 12-13-76.)

(f) Every applicant for entrance examination for the uniformed fire service shall be, in addition to the requirements set forth in subsections (c), (d) and (e) hereof, at the time of application, no less than twenty years of age and not over thirty-nine years of age. However, in a case where an applicant has had experience in the State of fire work, the Personnel Officer may, at his discretion, accept applicants over thirty-nine years of age, with one year of increased age allowed for each year so served.

(g) Every applicant for entrance examination in the uniformed police service shall, in addition to the requirements set forth in subsections (c), (d) and (e) hereof, have successfully completed the Basic Peace Officers Training course at the time of his or her original appointment as a police officer in the Police Division. However, in case where an applicant has had experience in the State in police work, the Personnel Officer may, at his discretion, accept applicants over thirty-nine years of age, with one year of increased age allowed for each year so served. (Ord. 1994-10. Passed 6-13-94.)

(h) Every applicant for entrance examination for the uniformed police service and fire service shall pay an application fee established by the Personnel Officer in an even dollar amount calculated to cover the cost of the examination forms and study materials. (Ord. 1994-33. Passed 12-19-94.)

161.06 EXAMINATIONS.

(a) All examinations shall be of such type as will test fairly the relative capacity and fitness of the applicants to discharge efficiently the duties for which the examination is given. Their content shall be determined by the Personnel Officer and he shall be responsible for the evaluation of the results. The examinations may be written or oral, physical or performance tests, and may be any combination of these.

(b) The Personnel Officer may require applicants to submit proof of their age, citizenship and military service at the time of the examination.

(c) Each person who takes an examination shall be given written notice as to whether he passed or failed such examination and of his relative standing on the eligible list, if he was successful. Each person shall be entitled to inspect his own papers, but not those of other candidates, during regular office hours, under the supervision of the Personnel Officer.

(d) Before any person is appointed as a probationary employee, he shall be required to submit to a medical examination administered by a physician selected for that purpose by the Personnel Officer with the approval of the City Manager. A certificate by such physician, in a form prescribed by the City Manager, that the person so examined is in good health and is physically capable of performing the duties of the position, shall be prerequisite to appointment. The expense of this pre-employment physical examination shall be paid by the City.

(e) The City Manager may require the medical examination of any employee at any time during the term of the employee's service or as a prerequisite to call back for employment as set forth in Section 161.12(b). The expense of medical examinations prescribed in this section shall be paid by the City.

(f) Whenever in the judgment of the City Manager, Personnel Officer and the division head, positions above the entrance level should be filled by promotion, a promotional examination shall be given. Eligibility to take a promotional examination shall be determined by the Personnel Officer with the approval of the City Manager. Promotions shall be based upon a written competitive examination, length of service, a written evaluation from the department or division head and a personal interview by the City Manager, Personnel Officer and division head. The Personnel Officer shall determine the content of the examinations and shall be responsible for the evaluation of the results. Examinations shall be competitive unless the Personnel Officer finds that the number of persons qualified for promotion is insufficient to justify competition, in which case the promotional examination shall be noncompetitive in character, or as otherwise provided in Section 8.09 of the Charter. The Personnel Officer shall give written notice of the promotional examination which shall set forth the date, time and place and procedures and rules, as determined by the Personnel Officer which apply to the promotional examination.

(g) The Personnel Officer shall maintain a register of applicants for positions as laborers in the order of the time of their application. As vacancies occur, such applicants shall be given a noncompetitive examination on their ability to read and write and to understand oral instructions. Successful candidates shall be certified to the appointing officer and the one tentatively selected by him shall take a preappointment physical examination. If found physically qualified he may be appointed. (Ord. 1976-35. Passed 12-13-76.)

161.07 ELIGIBLE LISTS.

(a) The Personnel Officer shall prepare and keep open to public inspection, from the results of each examination, an eligible list of the persons whose average grade is not less than seventy and who are otherwise eligible for appointment. Such persons shall take rank upon the eligible list in the order of their relative grades. Any person who is eligible for appointment at the time of the preparation of the eligible lists except for not having attained the age of twenty-one years, shall have his or her name included on such list with a notation that he or she is not eligible for appointment until having attained the age of twenty-one. Whenever it becomes necessary to hold a subsequent examination in order to obtain additional eligibles, the Personnel Officer may consolidate existing lists for the same position by rearranging the names of those whose names appear on an existing list which is to be merged with a new list in the order of their relative grades. Any eligible on an existing list shall have an opportunity to compete in the examination. (Ord. 1984-3. Passed 1-23-84.)

(b) The term of eligibility of each list and of the names appearing thereon shall be for two years. (Ord. 2007-7. Passed 4-10-07.)

(c) Regular employees laid off for lack of funds or work shall be placed on a reemployment eligible list and remain on such list for one year or for a period equal to his length of employment with the City, whichever is longer.

(d) A probationary employee, who is laid off for lack of funds or work while the original employment eligible list from which he was appointed is still in effect, shall be restored to his original place on that list.

(e) The name of any person appearing on an eligible list who:

- (1) Fails to report or arrange within six days (Sundays and holidays excluded) for an interview with an appointing authority;
- (2) Fails to respond to a notice from the Personnel Officer;
- (3) Declines an appointment without reasons satisfactory to the Personnel Officer; or
- (4) Cannot be located by the postal authorities,

shall not thereafter be certified to any appointing authority as eligible for appointment. The eligible person shall be notified to this effect unless his whereabouts are unknown. His name may again be certified from the eligible list only in case a thoroughly satisfactory explanation of the circumstances is made to the Personnel Officer. In case an eligible person's name appears on more than one list, appointment to a position in one class shall be considered a waiver for appointment from other eligible lists for classes the salary of which is equal or lower.

(f) If at any time after the creation of an eligible list, the Personnel Officer has reason to believe that any person whose name appears on any list is disqualified for appointment because of false statements made in his application, physical disability or for other comparable reasons, such person shall be notified and given an opportunity to be heard. If such person fails to appear for hearing, or upon being heard, fails to satisfy the Personnel Officer, his name shall be removed from such eligible list.

(Ord. 1976-35. Passed 12-13-76.)

161.08 APPOINTMENT AND PROBATION.

(a) Within two weeks after any certification of an eligible list has been made by the Personnel Officer, the appointing authority shall appoint one of the persons so certified to fill the vacancy. A notice of appointment shall be filed with the Director of Finance.

(b) Every original or promotional appointment from an eligible list shall be for a probationary period of twelve months. During the probationary period the work and conduct of the employee shall be evaluated at least once in each three months by the department or division head.

(c) Probationers shall become regular employees at the end of their probationary period, provided the evaluations indicate satisfactory performance of their duties and provided that at least ten days before the conclusion of such period the department and division head shall file with the City Manager a written recommendation that they be given regular status. Failure of the department or division head to file such written recommendation within the time required shall be deemed to indicate approval.

(d) Probationers may be removed or demoted at any time during the probationary period by a written notice to the employee by the City Manager indicating that his services are not satisfactory. Such removals or demotions shall not be subject to appeal. Copies of all such notices shall be filed with the Personnel Officer and Director of Finance.

(e) Whenever an emergency exists which requires that a vacancy be filled at once in order to maintain public services, the City Manger may appoint any qualified person temporarily to perform the duties of the position.

(Ord. 1976-35. Passed 12-13-76.)

161.09 IN-SERVICE ACTIVITIES.

An annual report of the activities of the Personnel Officer shall be submitted to the City Manager within thirty days following the close of the City's fiscal year. The Personnel Officer shall make such other reports as may be required by the City Manager or by Council.
(Ord. 1976-35. Passed 12-13-76.)

161.10. DISCIPLINE.

(a) If an employee's conduct falls below a desirable standard, he is subject to disciplinary action. Some examples of cause for discipline are:

- (1) Failure to follow the orders of the supervisor or department head;
- (2) Absence from work without permission;
- (3) Being habitually absent or tardy;
- (4) Failure to perform assigned work in an acceptable manner;
- (5) Being wasteful of material, property or working time;
- (6) Inability to get along with fellow employees so that work is hindered or not up to required standards;
- (7) Failure to pay just debts;
- (8) Violating the Drug and Alcohol Policy of the City as set forth in paragraph (b) hereof;
- (9) Rudeness in dealing with the public;
- (10) Conduct unbecoming an employee;
- (11) Any criminal offense.

(b) Drug and Alcohol Policy.

- (1) No employee shall possess or use any controlled substances, narcotics, or hallucinogens except when prescribed in the treatment of the employee by a physician or dentist. When a controlled substance, narcotics, or hallucinogens are prescribed, employees shall notify their immediate supervisor and show written confirmation from the attending physician.
- (2) No employee shall store or bring into any City facility or vehicle, any alcoholic beverages, controlled substances, narcotics, or hallucinogens, except those which are held as evidence.
- (3) No employee shall consume intoxicating beverages while in uniform or on duty except in the performance of duty, and while acting under specific orders from the City Manager.
- (4) No employee shall appear for duty, or be on duty, if any of the following apply:
 - A. The employee is under the influence of alcohol, a drug of abuse, or alcohol and any drug(s) of abuse;
 - B. The employee has a concentration of two-hundredths of one percent (0.02%) or more by weight of alcohol in the blood;
 - C. The employee has a concentration of two-hundredths (0.02) of one gram or more by weight of alcohol per 210 liters of his breath.
- (5) Employees, while being compensated for being on-call, shall refrain from consuming alcoholic beverages and/or any drugs of abuse or mood altering substances.
- (6) Suspected violations of this drug and alcohol policy will subject an employee to the following:
 - A. Any employee who has reasonable suspicion of employee substance abuse will immediately relieve the involved employee from his/her duties and will immediately notify the City Manager or his designee of the reason he suspects substance abuse. The City Manager or designee will determine whether sufficient suspicion exists to warrant testing.

- B. If the City Manager or designee determines there is reasonable suspicion to believe there is a violation, the involved employee will be transported to Firelands Community Hospital (or such other Medical Provider with which the City has a contract to perform testing) by the employee's supervisor for testing. If the parties have not previously agreed otherwise in writing, the Medical Provider shall be Firelands Community Hospital.
 - C. The involved employee will be required to submit to a test of their blood, breath or urine as selected by the City Manager.
 - D. The involved employee will be suspended with pay until such time as the analysis is completed. If the analysis is returned with no drugs being found, the employee shall be reinstated and all records of the suspension and testing shall be purged from the employee's personnel record.
 - E. Any testing will be conducted at no expense to the employee.
- (7) Testing of samples shall be conducted in accordance with the following criteria:
- A. The sample collection, testing methodology, and screening standards for drugs of abuse will be a routine 8-panel screen, which is performed with chain of custody procedures. An automatic confirmation process is to be included with this screen; i.e., the specimen has been through two rounds of testing. The first screening is via the immuno-assay method and then any positive screen is confirmed via gas chromatography/mass spectroscopy (GC/MS).
 - B. The sample collection, testing methodology, and screening standards for alcohol will be done in accordance with established standards acceptable to the Ohio Department of Health as if the sample was collected and processed for a driving under the influence violation. Chain of custody procedures will be maintained.
- (8) Disciplinary action shall be taken as follows:
- A. Failure to comply with the policy as it applies to the misuse of alcohol will result in disciplinary actions as follows:
 1. First offense: The employee will be suspended for three working days without pay.
 2. Second offense: The employee will be suspended for ten working days without pay. An Employee Assistance Program (EAP) will be mandatory for the involved employee to be paid for as provided for in existing health care benefits. Accrued sick time may be used for EAP. No sick time may be used toward the suspension.
 3. Third offense: The employee will be terminated immediately.

- B. Failure to comply with the policy as it applies to the misuse of drugs of abuse will result in disciplinary actions as follows:
 - 1. First offense: The employee will be suspended for ten working days without pay. An Employee Assistance Program will be mandatory for the involved employee to be paid for as provided for in existing health care benefits. Accrued sick time may be used for EAP. No sick time may be used toward the suspension.
 - 2. Second offense: The employee will be terminated immediately.
- C. Voluntary entry into an Employee Assistance Program is not grounds for disciplinary action outside a violation of this policy.
- D. The failure by an employee to attend a mandatory Employee Assistance Program will result in termination.
- E. An employee who has successfully completed the Employee Assistance Program as part of disciplinary action resulting from an alcohol related offense may have his/her records expunged of the incident providing there is no related offense within a five year period. There is no provision for an expungement of a drug related offense.
- F. An employee who refuses to submit to the requested test or tests shall be considered to have tested positive and disciplinary action will be administered in accordance with standards established herein.

(c) Other than as set forth in subsection (b) hereof pertaining to the City's Drug and Alcohol Policy, disciplinary action shall be taken in the first instance by the head of the department or division in which the employee is employed so long as such action does not adversely affect the pay or status of the employee. It may consist of any action which is appropriate to the offense, including, among others:

- (1) Informal reprimand;
- (2) Formal written reprimand which becomes part of the employee's record.

Any disciplinary action which affects the pay or status of the employee, such as suspension from duty without pay, demotion in rank and salary and dismissal, shall be exercised only by the City Manager.

(d) The duty of maintaining discipline among the City employees shall rest primarily with the City Manager.

(e) An appeal shall be allowed from disciplinary action as provided in the Charter, Administrative Code and in this chapter, if requested by the employee affected.
(Ord. 1997-34. Passed 9-8-97.)

161.11 APPEALS PROCEDURE.

(a) In any case of reduction in pay or status, suspension for more than five days or removal, the appointing authority shall furnish such employee with a copy of the order of reduction, suspension or removal, which order shall state the reason therefor. Such order shall also be filed with the Personnel Appeals Board.

(b) Within ten days following the filing of such order with the Personnel Appeals Board, the employee may file an appeal, in writing with the Board. In the event such an appeal is filed, the Board shall forthwith notify the appointing authority and shall hear such appeal within thirty days from and after its filing with the Board. The Personnel Appeals Board may affirm, disaffirm or modify the judgment of the appointing authority.

(c) In cases of removal or reduction in pay for disciplinary reasons, either the appointing authority or the employee may appeal from the decision of the Personnel Appeals Board to the Court of Common Pleas in accordance with the procedure provided by Ohio R.C. 119.12. (Ord. 1976-35. Passed 12-13-76.)

161.12 LAYOFF AND REINSTATEMENT.

(a) Whenever there is lack of work or lack of funds requiring a reduction in the number of employees of the City, the City Manager shall determine the classes of employment in which such reduction shall be made and the number to be laid off. The employees to be laid off shall be determined by the department and division head based on length of service. Such determination shall be submitted to the City Manager for action.

(b) When the work or financial situation permits, those who have been laid off shall be called back to work by the City Manager according to their status on the re-employment eligibility list and placed on available work at the appropriate pay.

(c) Any person who previously worked as a regular full-time salaried employee and who voluntarily terminated his service with the City, may be considered for rehiring as a probationary employee in his prior classification, within a three-year period of the date of his voluntary termination, upon written recommendation of the department head or division head and with the approval of the City Manager. Rehiring under these circumstances may be done without a prior written competitive examination provided such person passes a medical examination as provided in Section 161.06(d). (Ord. 1976-35. Passed 12-13-76.)

161.13 POLITICAL ACTIVITY.

See Charter, Section 8.07. (Ord. 1962-41. Passed 12-26-62.)

CHAPTER 163
Employment Provisions

163.01	Surety bonds required.	163.09	Military training leave.
163.02	Sick leave.	163.10	Training leave.
163.03	Leave for family death.	163.11	Emergency leave.
163.04	Paid holidays.	163.12	Cost-of-living salary adjustments.
163.05	Vacations.	163.13	Fringe benefits.
163.06	Travel expenses; mileage allowance.	163.14	Weather emergencies.
163.07	Maternity leave.		
163.08	Jury duty.		

CROSS REFERENCES

Contract interest - see CHTR. §5.08
 Merit system - see CHTR. §8.01
 Exempt positions - see CHTR. §8.02
 Appeals - see CHTR. §8.05
 Promotional examinations - see CHTR. §8.09
 Personnel Division - see ADM. Ch. 161

163.01 SURETY BONDS REQUIRED.

The persons holding the following positions shall furnish to the Council Clerk a corporate surety bond in at least the amounts designated for each such position. The amount of any premium shall be paid by the City.

	<u>Minimum Bond</u>
City Manager	\$ 10,000.00
Mayor	2,500.00
Director of Finance	20,000.00
Assistant Director of Finance	20,000.00
Members of Police	2,500.00 each
Building Official	2,500.00
Bookkeeper-Cashier, Division of Income	
Taxation	20,000.00
Director of Utilities	5,000.00
All other City employees	2,500.00

The surety bond required for all of the above positions may, at the option of the City Manager, be included in a blanket corporate surety bond in at least the combined total of all the individual bonds set forth above.
 (Ord. 1997-16. Passed 5-27-97.)

163.02 SICK LEAVE.

(a) Each full-time salaried employee whose salary or wage is paid in whole or in part by the City shall be entitled, for each completed month of service, to sick leave of one and one-quarter (1.25) work days with pay. Beginning January 1, 1985, and for service as a qualified employee on and after such date, each such employee is entitled to accumulate an unlimited amount of sick leave. Employees with accumulated sick leave may use such sick leave, upon approval of the responsible department head, for absence due to illness, injury, exposure to contagious disease which could be communicated to other employees or for illness of a spouse or dependent child. A full-time salaried employee who transfers from one City department to another shall be credited with the unused balance of his accumulated sick leave. The responsible department head may require an employee taking sick leave to furnish a satisfactory affidavit that his absence was caused by illness due to any causes mentioned in this section. For absences in excess of three (3) days, the responsible department head may require a doctor's slip confirming the cause of such sick leave. This section shall be uniformly administered as to full-time salaried employees in each department of the City government.

(b) Subject to the provisions of subsection (c) immediately below for the transition period set forth therein, effective January 1, 2009, a full-time salaried employee who retires from service with the City may request and shall be paid an amount equal to one day's compensation, at his then current salary, for every three (3) day's sick leave accumulated as of the date of retirement, but not to exceed an amount equal to his salary or wage for four hundred eighty (480) hours. This benefit shall only be available to full-time salaried employees who qualify for, and actually take retirement through, their respective public retirement system. No payment for accumulated sick leave shall be available for, and shall not be paid to, full-time salaried employees who resign or are terminated from their employment with the City.

(c) Notwithstanding the provisions of subsection (b) immediately above, for the period beginning January 1, 2009 and ending December 31, 2009, for those employees with a sufficient number of years service to qualify for their respective public retirement system, upon such employee's retirement within the period from January 1, 2009 through December 31, 2009, such employee shall be paid the amount of their accumulated sick leave as of December 31, 2008, the amount of their accumulated sick leave as of the date of their actual retirement within the year 2009 or one thousand seven hundred fifty (1,750) hours of accumulated sick leave, whichever is less, at their rate of pay at retirement. Beginning January 1, 2010 and thereafter, the payment of accrued sick leave upon the retirement of such employees shall be governed by the provisions of subsection (b) above, regardless of number of years of employment with the City or any other Ohio political subdivision. This benefit shall only be available to full-time salaried employees who qualify for, and actually take retirement through, their respective public retirement system. No payment for accumulated sick leave shall be available for, and shall be paid to, full-time salaried employees who resign or are terminated from their employment with the City.

(d) A full-time salaried employee who has a minimum of one thousand (1,000) hours of accumulated sick leave and who has not used sick leave in a calendar quarter with the beginning dates of January 1, April 1, July 1 or October 1, 1986, or succeeding calendar quarters, may request, by the last working day of January of any calendar year, on a form prescribed by the City, and shall be granted, the right to convert thirty (30) hours sick leave to ten (10) hours paid personal time per quarter. No employee shall accumulate in excess of forty (40) hours personal time in any calendar year.

(e) Each full-time salaried employee whose employment with the City commenced on or after January 1, 1973, shall be allowed a credit for accumulated sick leave accrued while in the employment of another Ohio political subdivision, up to a maximum of fifteen (15) days. (Ord. 2008-36. Passed 10-28-08.)

163.03 LEAVE FOR FAMILY DEATH.

A maximum of four days leave of absence shall be granted to any full-time salaried employee due to a death in his immediate family (mother, father, sister, brother, spouse, child, stepson, stepdaughter, stepbrother, stepsister, stepparent, half-brother, half-sister, grandparent, mother-in-law and father-in-law) and such time shall not be deducted from the employee's accumulated sick leave.

A maximum of three days' leave of absence shall be granted to any full-time salaried employee due to a death in the following members of his family: aunts, uncles, nieces, nephews. Such time shall be deducted from his accumulated sick leave.

When, in the opinion of the responsible department head, additional leave of absence for family death is in the best interest of both the City and the employee, such additional leave may be granted and shall be deducted from the employee's accumulated sick leave.
(Ord. 2000-14. Passed 8-28-00.)

163.04 PAID HOLIDAYS.

(a) There shall be nine paid holidays for full-time salaried employees. These holidays shall be New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, the Friday after Thanksgiving Day and Christmas Day. In addition, there shall be three one-half day paid holidays, these being one-half day before Christmas Day, one-half day before New Year's Day and one-half day on Good Friday afternoon. If it shall be necessary to work any or all of these days the employee may substitute working days at the discretion of the department head or City Manager.

Beginning for the calendar year 1989 and thereafter, all full-time salaried employees shall also receive Martin Luther King Day as an additional paid holiday.
(Ord. 1988-8. Passed 2-8-88.)

(b) In case the holiday falls on Saturday, the previous Friday shall be considered as the legal holiday. In case the holiday falls on Sunday, the following Monday shall be considered the legal holiday.

In addition to the paid holidays as set forth above, each full-time salaried employee shall be entitled to two extra days off with pay each calendar year. Such extra days shall be the choice of each employee, subject only to the approval of the department head.
(Ord. 1994-25. Passed 12-12-94.)

(c) Any substituted working day for a holiday day authorized as provided in subsection (a) hereof and the one extra day off provided for in subsection (b) hereof must be taken by each employee entitled thereto, during the calendar year of such holiday and in the calendar year in which the extra day off is earned; except, for the one-half day before Christmas, Christmas Day and the one-half day before New Year's Day which if worked by any employee, may be taken before the end of the next calendar year.
(Ord. 1984-12. Passed 3-12-84.)

163.05 VACATIONS.

(a) Vacation eligibility becomes effective when the employee has been with the City one year after the date he was hired as a full-time, salaried employee. Each full-time salaried employee of the safety forces of the City (Divisions of Police and Fire) shall be entitled after one year of completed service, to the equivalent of two calendar weeks' vacation with full pay; for seven or more completed years of service, shall be entitled to three calendar weeks vacation with full pay; for thirteen or more completed years of service, shall be entitled to four calendar weeks vacation with full pay; for twenty or more completed years of service, shall be entitled to five calendar weeks vacation with full pay; and for twenty-seven years or more of completed service, shall be entitled to six calendar weeks vacation with full pay. All other full-time salaried employees of the City shall be entitled after one year of completed service, to the equivalent of

two calendar weeks vacation with full pay; for seven or more completed years of service, shall be entitled to three calendar weeks vacation with full pay; for thirteen or more completed years of service, shall be entitled to four calendar weeks vacation with full pay; and for twenty or more completed years of service, shall be entitled to five calendar weeks vacation with full pay. (Ord. 2003-2. Passed 1-13-03.)

(b) Vacations as provided herein, shall be used at such times as approved by the head of the department responsible for such employee and in the case of department heads as approved by the City Manager.

It shall be the responsibility of each employee to schedule vacations and of the department head and City Manager to approve vacation times for each entitled employee so as to use vacation times on or before December 31 of each calendar year of employment.

Each employee entitled to vacation time under the provisions of this section shall be entitled to carry over unused vacation from one calendar year to the next calendar year but such carryover shall be limited to a maximum of 160 hours plus the number of vacation hours earned in excess of 160 as appears on such employee's records as of December 31 of the immediate year preceding the carryover year. For the purposes of this subsection, the first computation date for determining the number of hours in excess of 160 shall be December 31, 1983. (Ord. 1984-13. Passed 3-12-84.)

(c) Each employee of the City who on August 27, 1973 had been employed for a period of one year or more shall have transferred to his or her credit, years of service of employment with other Ohio political subdivisions to be used in the computation of vacation time as hereinabove provided.

Each employee, other than those qualifying under the provisions of the preceding paragraph, shall have transferred to his or her credit, years of service of employment with other Ohio political subdivisions, to be used in the computations of vacation time as hereinafter provided, except that such credit shall not be granted until the first anniversary of such employee's employment with the City.

(d) When a regular employee's service is terminated by the employer, either through resignation or retirement, the City Manager shall compute the employee's accrued vacation to the date of termination and such employee shall be paid an amount equal to his daily rate of pay times the number of accrued vacation days. (Ord. 1984-13. Passed 3-12-84.)

163.06 TRAVEL EXPENSES; MILEAGE ALLOWANCE.

In addition to regular salaries and compensation, travel expenses for official purposes shall be paid to officers and employees only when such trips and expenses are lawfully authorized by the City Manager or Council.

Any officer or employee authorized to make a trip on official City business shall keep a complete and accurate record of the expenses so incurred. An itemized statement of expenses incurred together with receipts and/or receipted bills shall be submitted to the City Manager or Council for approval. Upon approval, the statement shall be submitted to the Director of Finance for payment. (Ord. 1984-1. Passed 1-9-84.)

Except where otherwise provided for, effective January 1, 1997, City personnel shall be allowed reimbursement for the use of personal vehicles when used for travel on official business in an amount approved and authorized by the IRS, and as that amount may change from time to time. (Ord. 1997-10. Passed 3-10-97.)

163.07 MATERNITY LEAVE.

Maternity leave of absence, without pay, may be requested by and allowed to a pregnant, full-time City employee. A pregnant employee may be required to take maternity leave when such leave is considered in the best interests of the department or such employee. In any event, maternity leave shall not be granted for a period in excess of six months. An employee while on maternity leave shall be entitled to continue to receive hospitalization insurance and life insurance to the same extent as furnished to other full-time employees.

Maternity leave may be requested by and allowed to a pregnant, full-time City employee. At the time the request is made by the employee to be granted maternity leave or when she is requested to take such leave by her department head, such employee shall make an election as to which part, if any, of her accumulated sick pay shall be used during her maternity leave. The election so made shall be binding upon both the City and the employee.
(Ord. 1977-16. Passed 7-11-77.)

163.08 JURY DUTY.

A full-time employee who has been called for jury duty shall, upon notice to his department head, be paid his regular salary or wages less the amount of pay received for jury duty service.
(Ord. 1976-35. Passed 12-13-76.)

163.09 MILITARY TRAINING LEAVE.

(a) All officers and employees of the City who are members of the Ohio National Guard, the Ohio Defense Corps, the Ohio Naval Militia, or who are members of other reserve components of the armed forces of the United States, are entitled to a leave of absence from their respective duties without loss of pay for such time as they are in the military service on field training or active duty for periods not to exceed thirty-one days in any one calendar year.

(b) Any employee of the City who qualifies under subsection (a) above who is called to active duty for a national or state emergency by order of the President of the United States, the Congress of the United States, the Governor of the State of Ohio or the legislature of the State of Ohio shall be granted a leave of absence for the duration of such active duty. During this leave of absence, and at the expiration of the time limit specified in subsection (a) above, such employee shall receive from the City the difference between the employee's gross monthly base wage or salary with the City and the sum of the employee's gross monthly base wage or salary received from the military per month. During the leave of absence, such employee shall continue to accumulate vacation, sick leave, longevity credit, and other such benefits as would normally be available to the employee. Reinstatement rights and other rights shall be in accordance with all relevant provisions of Federal law and their companion rules and regulations.
(Ord. 2002-12. Passed 4-22-02.)

163.10 TRAINING LEAVE.

Employees may be granted leave with pay to attend professional meetings, training institutes and conferences at the discretion of the City Manager or Council.
(Ord. 1976-35. Passed 12-13-76.)

163.11 EMERGENCY LEAVE.

If a serious or unexpected emergency occurs to an employee's spouse or children, or a member of the immediate family in his household, the employee shall be allowed to leave his duties while the emergency exists, upon approval of the department head.

Arrangements to enable the employee to return to his duties on the next duty day must be made if the emergency continues beyond the duty day when such emergency occurred.
(Ord. 1976-35. Passed 12-13-76.)

163.12 COST-OF-LIVING SALARY ADJUSTMENTS.

(EDITOR'S NOTE: Former Section 163.12 was repealed by Ordinance 1991-18, passed July 8, 1991.)

163.13 FRINGE BENEFITS.

(a) Full-time, salaried employees only shall be entitled to receive any and all of the fringe benefits as set forth in the code or as are, from time to time, approved by Council. (Ord. 1976-35. Passed 12-13-76.)

(b) The City shall provide for each full-time salaried employee, a health insurance policy and a term life insurance policy in such face amounts and with premiums apportioned between the City and each employee as Council shall, from time to time, determine. (Ord. 1996-8. Passed 3-25-96.)

(c) Council shall have the authorization to make exceptions to this section by motion approved by a majority of its members. (Ord. 1976-35. Passed 12-13-76.)

163.14 WEATHER EMERGENCIES.

In the event of an emergency due to weather conditions, by reason of which certain employees are unable to report to work at their appointed times, Council may by motion or resolution designate a period of time as such an emergency and upon such designation by Council, the City Manager shall determine which employees were unable to report to work because of such emergency and each of such employees shall be entitled to his or her regular compensation for the missed work time. Those employees who the City Manager determined were able to report to work and did not, shall forfeit his or her compensation for the missed work time or have it charged as vacation time, if available. Those employees who do report for work during the designated emergency period shall be entitled to compensatory time off not to exceed eight hours for each day worked during such emergency. (Ord. 1982-16. Passed 4-12-82.)

CHAPTER 165
Division of Recreation

165.01 Creation and composition.

165.02 Power and duties of Director.

165.03 Facilities fees.

CROSS REFERENCES

Contract interest - see CHTR. §5.08
 Service Department - see ADM. Ch. 147
 Division established; head - see ADM. 157.01
 Employment provisions - see ADM. Ch. 163
 Park and recreational facilities to be provided in urban
 redevelopment areas - see ADM. 191.08
 Open burning - see FIRE PREV. Ch. 1505

165.01 CREATION AND COMPOSITION.

There is hereby created a Division of Recreation, which shall be composed of a Director, who shall be appointed by the City Manager in accordance with the Charter, and such other employees as may be authorized by Council. (Ord.1972-43. Passed 8-7-72.)

165.02 POWER AND DUTIES OF DIRECTOR.

The Recreation Director shall be accountable to the Director of the Department of Service. The Director shall perform the following duties:

- (a) Formulate and administer the recreation program of the City;
- (b) Be responsible for the supervision and maintenance of City playgrounds, play fields, gymnasiums, swimming pools or indoor recreation centers;
- (c) Be responsible for the training and instruction of other full or part-time employees assigned to the Recreation Division;
- (d) Coordinate the programs and activities of the Recreation Division with other recreational activities being conducted within the City;
- (e) Perform such other duties as the Director of the Department of Service may require. (Ord.1972-43. Passed 8-7-72.)

165.03 FACILITIES FEES.

Effective January 1, 2011, the following updated fees shall be in effect for the following facilities and events:

<u>Amphitheater Rental</u>	<u>Resident</u>	<u>Non Resident*</u>
Private Party (less than 3 hours)	\$ 50.00	\$ 75.00
Small Event/Concert (less than 3 hours)	\$ 250.00	\$ 300.00
Mid-size event (3 hours – 1 day)	\$ 500.00	\$ 600.00
Large Event (2 days)	\$1,000.00	\$1,200.00
Weekend Event (3 days)	\$1,500.00	\$1,800.00
Event Longer than weekend	Negotiated	Negotiated
<u>Riverside Lawn</u>		
Located immediately north of the Shelter houses	\$ 250.00/day	\$ 350.00/day
<u>Shelter Rental</u>		
8:00 a.m. - 2:30 p.m.	\$30.00	\$40.00
3:00 p.m. - 9:00 p.m.	30.00	40.00
8:00 a.m. - 9:00 p.m. (all day rental)	60.00	80.00
<u>Weddings and Events</u>		
(refundable deposit in addition to Shelter Rental Fees)	\$125.00	\$250.00
<u>Event Fees (per person)</u>		
Irish Festival	\$ 2.00	\$ 2.00
<u>Fabens Park Field Rental (2 1/2 hour maximum)</u>		
No. 1	\$ 35.00	\$ 50.00
No. 2	\$ 25.00	\$ 35.00
No. 3	\$ 35.00	\$ 50.00
No. 4	\$ 25.00	\$ 35.00
No. 5	\$ 25.00	\$ 35.00
No. 6	\$ 25.00	\$ 35.00
No. 7	\$ 25.00	\$ 35.00
No. 8	\$ 35.00	\$ 50.00
No. 9	\$ 35.00	\$ 50.00
<u>Events at Fabens Park</u>		
Small Event (4 hours or less)	\$ 250.00	\$ 300.00
Mid-size Event (4 hours to 8 hours)	\$ 500.00	\$ 600.00
Large Event (2 days)	\$1,000.00	\$1,000.00
Weekend Event (3 days)	\$1,500.00	\$1,800.00
Event longer than weekend	Negotiated	Negotiated
<u>Fabens Park Concession Rental</u>		
Concession Stand	Negotiated	Negotiated

Fabens Park Pavilion Rental

No. 1	\$ 25.00	\$ 35.00
No. 2	\$ 25.00	\$ 35.00
No. 3	\$ 35.00	\$ 35.00

Fabens Park Tennis Court Rental

No. 1	\$ 25.00	\$ 35.00
No. 2	\$ 25.00	\$ 35.00
No. 3	\$ 25.00	\$ 35.00
No. 4	\$ 25.00	\$ 35.00
No. 5	\$ 25.00	\$ 35.00

Fabens Park Tournament & Special Event Parking

(To be imposed at discretion of Director of
Parks and Recreation)

Daily	\$ 5.00	\$ 5.00
Weekend Parking Pass	\$ 10.00	\$ 10.00

Nickel Plate Park parking

Daily	\$ 5.00	\$ 5.00
Seasonal	\$ 20.00	\$ 30.00

Exclusive Field Reservation Rights per field

(leagues and tournaments only)

7 – 9 fields	\$ 125.00	\$ 175.00
4 – 6 fields	\$ 250.00	\$ 300.00
1 – 3 fields	\$ 500.00	\$ 550.00

Facility Usage by Volume of Participation

(leagues and organized teams utilizing field(s))

1 – 150 participants	\$25.00 per participant
151 – 300 participants	\$15.00 per participant
301 – 450 participants	\$ 7.00 per participant
> 450 participants	\$ 3.50 per participant

DEFINITION OF KEY TERMS

* “Non-resident” shall be defined as a person or entity residing outside the Huron Joint Recreation District.

* “Exclusive use” shall be defined as usage of a field, which prohibits the general public use of a facility and must be compensated for according to the guidelines established through the exclusive reservation rights schedule. (Tournaments & leagues)

* “Event” shall be defined as a scheduled activity of importance requiring the use of a City facility. (Tournaments included)

* “Tournament” shall be defined as a series of competitive contests for a championship. (1 – 3 Days)

* “League” shall be defined as an association, or organized group of teams engaged in competitive series of play against one another for a period greater than 3 days.

* “Organized team” shall be defined as a team who is sponsored privately or whose players are charged a fee to participate and is a member of a league or organization that engages in a scheduled series of games against other teams within that organization regardless of the location that the league/organization is based from.

* “Huron based leagues” shall be defined as a league of teams/participants which conduct all business and operations within the Huron Joint Rec District and include a vast majority of Huron/Huron Township residents as participants.
(Ord. 2010-17. Passed 5-25-10.)

CHAPTER 167
Board of Park Trustees

167.01 Creation and composition.

CROSS REFERENCES

State law provisions - see Ohio R.C. 755.20 et seq.

167.01 CREATION AND COMPOSITION.

There is hereby created and established a Board of Park Trustees, which Board shall consist of such number of members and shall have such duties as set forth in Ohio R.C. Sections 755.20 through 755.34 as they now exist or as hereafter amended.
(Ord. 1968-41. Passed 10-28-68.)

CHAPTER 169
Health Services

(EDITOR'S NOTE: Pursuant to Resolution 1961-5, passed August 7, 1961, the City Health District and Erie County General Health District have been combined to form a general health district as authorized by Ohio R.C. 3709.07.)

CROSS REFERENCES

Health districts - see Ohio R.C. Ch. 3709

Union of City with General Health District - see Ohio R.C. 3709.07

Duties of General Health District - see Ohio R.C. 3709.22 et seq.

CHAPTER 171
Shade Tree Commission

171.01	Establishment.	171.04	Duties.
171.02	Term.	171.05	Procedures.
171.03	Compensation.		

CROSS REFERENCES

Power to regulate shade trees and shrubbery - see Ohio R.C. 715.20
 Assessment for tree planting and maintenance - see Ohio R.C. 727.011
 Injury or destruction - see GEN. OFF. 541.06

171.01 ESTABLISHMENT.

There shall be created a commission to be known and designated as the Shade Tree Commission, composed of five citizens, all of whom shall be residents of the City. All of the members shall be appointed by the Mayor with approval of Council.
 (Ord. 1989-14. Passed 6-26-89.)

171.02 TERM.

The term of the five persons of the Shade Tree Commission to be appointed by the Mayor and approved by Council shall be three years, except the term of the members appointed to the first Commission shall be as follows: two members for three years, two members for two years and one member for one year. In the event that a vacancy occurs during the term of any member, his/her successor shall be appointed by the Mayor with approval of Council for the unexpired portion of such term.
 (Ord. 1989-14. Passed 6-26-89.)

171.03 COMPENSATION.

Members of the Shade Tree Commission shall serve without compensation, but shall be entitled to reimbursement for any and all necessary expenditures in carrying out the function of the Commission.
 (Ord. 1989-14. Passed 6-26-89.)

171.04 DUTIES.

The duties of the Shade Tree Commission shall be as follows:

- (a) To study the problems and determine the needs of the City in connection with its tree planting program.
- (b) To recommend to the proper authority, the type and kind of trees to be planted upon such City streets or parts of City streets or in parks as is designated.
- (c) To assist the properly constituted officials of the City, as well as Council and the residents of the City in the dissemination of news and information regarding the selection, planting and maintenance of trees within the corporate limits, whether the same are on private or public property, and to make such recommendations from time to time to Council as to desirable legislation concerning the tree program and activities for the Municipality.
- (d) To provide regular and special meetings at which the subject of trees insofar as it relates to the Municipality may be discussed by the members of the Commission, officers and personnel of the City and its several divisions, and all others interested in the tree program.
(Ord. 1989-14. Passed 6-26-89.)

171.05 PROCEDURES.

The Commission shall meet and organize by the election of a chairman and a secretary. The Commission shall adopt its own rules and procedures for the holding of regular and special meetings as the Commission deems advisable in order to perform the duties set forth.
(Ord. 1989-14. Passed 6-26-89.)

CHAPTER 173
Disposition of City Property

173.01 Disposition of real property.

173.01 DISPOSITION OF REAL PROPERTY.

Real property owned by the City may be sold or leased upon a determination by Council that such real property is not needed for public use. Because real property is unique and the circumstances surrounding the disposition of that property are unique to each situation, Council shall determine the method of the sale or lease of such real property on a case by case basis and shall set forth that method in the ordinance authorizing that sale or lease. Council may authorize the City Manager to sell or lease real property by negotiation with one or more persons or by competitive bid, either formal or informal, as determined by Council in the authorizing ordinance.

(Ord. 1997-28. Passed 7-28-97.)

CHAPTER 175
Economic Development Committee

**175.01 Committee established;
membership.**

175.02 Duties.

175.01 COMMITTEE ESTABLISHED; MEMBERSHIP.

There is hereby established, an Economic Development Committee consisting of seven persons, three of whom shall be members of this Council, three of whom shall be citizens at large who are either residents of the City or members of the Huron Chamber of Commerce, and one of whom shall be a member of the Board of Education of the Huron School District. At least four of the seven voting members shall be residents of the City. All members shall be appointed by the Mayor with the approval of this Council, shall serve at the pleasure of this Council and may be removed at a regularly scheduled meeting of this Council by a vote of a simple majority of the members attending such meeting. In addition to the seven members appointed by the Mayor with the approval of Council, there shall be three ex-officio, non-voting members, viz: the Huron City Manager, the Executive Director of the Huron Chamber of Commerce and the Executive Director of Greater Erie Marketing. (Ord. 2001-22. Passed 8-27-01.)

175.02 DUTIES.

It shall be the duty of the Economic Development Committee to consider and recommend to this Council those actions it deems appropriate for the economic development of the City and the enhancement of employment opportunities within the City. Such committee shall meet at least quarterly and shall make and publish its own rules of procedure. (Ord. 2001-22. Passed 8-27-01.)

TITLE SEVEN - Judicial
Chap. 181. Municipal Court

CHAPTER 181
Municipal Court

EDITOR'S NOTE: The Huron Municipal Court having territorial jurisdiction within Huron Township except within the corporate limits of the City of Sandusky, has been established under Ohio R.C. 1901.01 et seq. Ohio R.C. 1901.25 provides that the Municipal Court may provide by rule how jurors shall be chosen. Jurors' fees in any criminal case involving the violation of a City ordinance shall be paid out of the City Treasury. The Municipal Court, pursuant to Ohio R.C. 1901.26(A), may establish a schedule of fees and costs to be taxed in any action or proceeding, whether civil or criminal. Ohio R.C. 1901.31(F) provides that fines received for violation of Huron ordinances shall be paid into the City Treasury. Rule 13 of the Rules Governing Procedure in Traffic Cases as promulgated by the Ohio Supreme Court provides that a court shall establish a Traffic Violations Bureau and specifies certain restrictions as to the designated offenses and schedule of fines to be accepted as waiver payment in lieu of court appearance.

181.01 Credit of imprisonment for fine nonpayment.

CROSS REFERENCES

Release of Court Clerk's liability for loss of funds - see Ohio R.C. 131.18 et seq.
Municipal court - see Ohio R.C. Ch. 1901
Bond for Court Clerk required - see Ohio R.C. 1901.31 (D)
Notification to Director of liquor law convictions - see Ohio R.C. 4301.991
Record of traffic violations - see Ohio R.C. 4513.37

181.01 CREDIT OF IMPRISONMENT FOR FINE NONPAYMENT.

When a defendant has been convicted of a misdemeanor and has been ordered to stand committed to the jail of Erie County or the City of Huron, by the Judge of the Huron Municipal Court, until the fine and costs have been paid, such person so imprisoned shall receive credit upon such fine and costs at the rate provided in Ohio R.C. 2947.20. (Ord. 1970-33. Passed 6-8-70.)

TITLE NINE - Taxation

- Chap. 185. Income Tax.
 Chap. 187. Motor Vehicle License Tax.
 Chap. 189. Lodging Tax.

CHAPTER 185
Income Tax

EDITOR'S NOTE: Pursuant to Ordinance 2010-29, passed August 10, 2010, the City has entered into an agreement with the Regional Income Tax Agency (R.I.T.A.) for comprehensive tax collection services.

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| <p>185.01 Purpose.
 185.02 Definitions.
 185.03 Imposition of tax.
 185.04 Effective period.
 185.05 Annual return and payment of tax.
 185.06 Collection at source; withholding by employer.
 185.07 Declarations.
 185.08 Duties of the Administrator.
 185.09 Investigative powers of the Administrator; penalty for divulging confidential information.
 185.10 Interest and civil penalties.</p> | <p>185.11 Collection of unpaid taxes, civil litigation; criminal prosecution; statute of limitations; refunds of overpayments.
 185.12 Board of Review.
 185.13 Relief provisions; credit for tax paid to another municipal corporation.
 185.14 Collection of tax after termination of chapter.
 185.15 Allocation of funds.
 185.16 Separability.
 185.99 Violations; penalty.</p> |
|---|---|

CROSS REFERENCES

- Annual tax budget - see CHTR. §6.02, 6.03
 Tax levies - see CHTR. §6.04
 Tax anticipation notes - see CHTR. §9.04
 Payroll deductions - see Ohio R.C. 9.42
 Municipal income taxes - see Ohio R.C. Ch. 718
 State income tax - see Ohio R.C. Ch. 5747
 Division of Income Taxation - see ADM. Ch. 137

185.01 PURPOSE.

To provide funds for the purposes of general municipal operations, maintenance, new equipment, extension and enlargement of municipal services and facilities and permanent improvements of the City, there shall be and is hereby levied a tax on salaries, wages, commissions and other compensation, and on net profit as hereinafter provided.
 (Ord. 2006-5. Passed 3-14-06.)

185.02 DEFINITIONS.

As used in this chapter, the following words shall have the meaning ascribed to them in this section, except as and if the context clearly indicates or requires a different meaning.

- (a) "Administrator" means the individual designated by the provisions of this Chapter, appointed by the City Manager and approved by Council, to administer and enforce the provisions of this Chapter.
- (b) "Assignment" means the assignment made by a resident of the City of a claim for a refund due from another Taxing Municipality granting credit to nonresidents thereof.
- (c) "Association" means an unincorporated enterprise owned by two or more persons or in which two or more persons have a beneficial interest, other than a Pass-Through Entity.
- (d) "Board" means the Board of Review established by and constituted as provided in Section 185.12.
- (e) "Business" means an enterprise, activity, profession or undertaking of any nature conducted for profit or ordinarily conducted for profit by any Person. "Business" conducted within the City includes the direct or indirect ownership of an interest in a pass-through entity that conducts business within the City.
- (f) "Chapter" means Chapter 185 of the Codified Ordinances of the City.
- (g) "City" means the City of Huron, Ohio.
- (h) "Code" means the Internal Revenue Code of 1986, as amended.
- (i) "Compensation" means wages, salary, commission and/or other types of compensation in the service of an employer and that is subject to withholding of Federal Income Tax, Social Security Tax, or Medicare Tax, whether paid to an individual in cash or in kind on an hourly, daily, weekly, monthly, annual, or other basis, including, but not limited to, the following: severance or termination pay; allowances; wage continuation payments made as a result of early retirement or employment termination; wage continuation payments made as a result of sickness or temporary disability and whether paid by the recipient's employer or by a third party; vacation or holiday pay; tips or gratuities received; group term insurance premiums paid on an employee's behalf to the extent included or includible on the employee's Form W-2; employee contributions to tax sheltered annuities, non-qualified pension plans, or into employer or third party trusts or pension plans as permitted by the Code, and that are or may be excludable from wages for Federal Income Tax purposes; employee contributions to "Cafeteria Plans" as permitted under Code Section 125 or 129 or similar plans and that are or may be excludable from wages for Federal Income Tax purposes; ordinary income portion of stock options or employee stock purchase plans; supplemental unemployment benefits (SUB Pay); strike pay; jury duty pay; employer or employee contributions or amounts credited to non-qualified pension plans or deferred compensation plans at the point of deferral and to the extent subject to Medicare Tax; working condition fringe benefits subject to Federal Income Tax; guardian executor, conservator, trustee, or administrator fees; bonuses; ordinary income portion of lump sum distributions that become subject to Federal Income Tax because the recipient did not roll over the distribution within the time prescribed by the Code.
For taxable years beginning on or after January 1, 2004, "Compensation" of an employee means "Qualifying Wages," within the meaning of Ohio R.C. 718.03, including any amendments or successor provisions thereto.

- (j) “Corporation” means a corporation, S corporation or joint stock association organized under the laws of the United States, the State of Ohio or any other state, territory or foreign country or dependency or any entity treated as a corporation for Federal Income Tax purposes. The term “Corporation” does not include a Limited Liability Company that is treated as a partnership for Federal Income Tax purposes. For Taxable Years beginning on or after January 1, 2004, “Corporation” includes a “combined company,” an “electric company” and a “telephone company,” all as defined in Ohio R.C. 5727.01, including any amendments or successor provisions thereto.
- (k) “Employee” means one who works for compensation.
- (l) “Employer” means a person, governmental body, unit, agency or any other entity, whether or not organized for profit, who or that employs one or more persons.
- (m) “Fiduciary” means a guardian, trustee, executor, administrator, or any other person acting in any fiduciary capacity for any individual, trust, estate, or business.
- (n) “Fiscal year” means an accounting period of 12 months or less ending on any day other than December 31.
- (o) “Gross receipts” means the total income from any source whatsoever.
- (p) “Intangible income” means that income specified in Ohio R.C. 718.01(A)(5), including any amendments or successor provisions thereto, and includes any of the following types of income: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property, including, but not limited to, investments, deposits, money, or credits as those terms are defined in Ohio R.C. Chapter 5701, including any amendments or successor provisions thereto, and patents, copyrights, trademarks, trade names, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. “Intangible income” does not include prizes, awards, or other income associated with any lottery winnings or other similar games of chance.
- (q) “Limited liability company” means a limited liability company formed under Ohio R.C. Chapter 1705 or under the laws of any other state.
- (r) “Net profits” means a net gain from the operation of a business after provision for all ordinary and necessary expenses either paid or accrued in accordance with the accounting system used by the taxpayer for Federal Income Tax purposes, or a system approved by the Administrator, without deduction of taxes imposed by this chapter and federal, state and other taxes on or based on income and, in the case of a pass-through entity, without deduction of salaries or other amounts paid to owners, and otherwise adjusted to the requirements of this chapter.

For taxable years beginning on or after January 1, 2004, “Net Profits” means, in the case of a corporation, the corporation’s federal taxable income before net operating losses and special deductions as determined under the Code, adjusted as follows:

- (1) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a business or assets held for the production of income.
- (2) Add an amount equal to five percent of intangible income deducted under Section 185.02(r)(1), but exclude that portion of intangible income directly related to the sale, exchange, or other disposition of property described in Section 1221 of the Code.
- (3) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in Section 1221 or 1231 of the Code;

- (4) Deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in Section 1221 or 1231 of the Code. This deduction does not apply to the extent the income or gain is income or gain described in Section 1245 or 1250 of the Code.
- (5) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income.
- (6) In the case of a real estate investment trust and regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors allowed as a deduction in the computation of federal taxable income.

For taxable years beginning on or after January 1, 2004, the Net Profits of a pass-through entity shall be computed as if the pass-through entity were a corporation, except: (i) guaranteed payments and other similar amounts paid or accrued to a partner, former partner, member or former member shall not be allowed as a deductible expense; and (ii) amounts paid or accrued to a qualified self-employed retirement plan with respect to an owner or owner-employee amounts paid or accrued to or for health insurance for an owner or owner-employee, and amounts paid or accrued to or for life insurance for an owner or owner-employee shall not be allowed as a deduction. For taxable years beginning on or after January 1, 2004, "Net Profits" means, in the case of a sole proprietorship, the profit shown by the individual on Internal Revenue Service Schedule C, Schedule E, and/or Schedule F. Net profits shall be determined in accordance with (i) the accounting method used by the taxpayer for federal income tax purposes and (ii) the Code, Treasury Regulations, federal case law interpreting these authorities and administrative authorities promulgated by the Internal Revenue Service.

- (s) "Nonqualified deferred compensation plan" means a compensation plan described in Section 3121(v)(2)(C) of the Code.
- (t) "Nonresident" means an individual domiciled outside the City.
- (u) "Nonresident owner" means an individual domiciled outside the City who has a direct or indirect ownership interest in a pass-through entity that conducts business in the City and a corporation that has a direct or indirect ownership interest in a pass-through entity that conducts business in the City.
- (v) "Ohio R.C." means the Ohio Revised Code; unless otherwise identified, the number following refers to a Section of the Ohio Revised Code.
- (w) "Owner" means an individual, partner, member or any other person having an ownership interest in a pass-through entity or an association.
- (x) "Pass-through entity" means a partnership, limited liability company that is treated as a partnership for Federal Income Tax purposes, or any other class of entity the income or profits from which are given pass-through treatment under the Code.
- (y) "Person" means every natural person, pass-through entity, fiduciary, association or corporation. Whenever used in any clause prescribing and imposing a penalty, the term "person" as applied to a pass-through entity or association shall mean the responsible person within the meaning of Section 185.06(i).
- (z) "Place of business" means any bona fide office, other than a mere statutory office, factory, warehouse or other space that is occupied and used by the Taxpayer in carrying on any business individually or through one or more agents or employees regularly in attendance.

- (aa) “Qualifying wages” means wages, as defined in Section 3121(a) of the Code, without regard to any wage limitations, adjusted in accordance with Ohio R.C. 718.03(A), including an amendments or successor provisions thereto, to (i) deduct any amount included in such wages if the amount constitutes compensation attributable to a plan or program described in Section 125 of the Code (i.e. a cafeteria plan), (ii) add any amount not included in such wages for the taxable year solely because the employee was employed by the employer prior to April 1, 1986, (iii) add any amount not included in such wages if the amount is an employee contribution or deferral described in Section 401(k) or 457 of the Code, and (iv) add any amount that constitutes supplemental unemployment compensation benefits described in Section 3402(a)(2) of the Code and that was not included in such wages. Qualifying wages includes compensation attributable to a Nonqualified Deferred Compensation Plan or program described in Section 3121(v)(2)(C) of the Code and compensation from employment arising from the sale, exchange or other disposition of a stock option, the exercise of a stock option, or the sale, exchange or other disposition of stock purchased under a stock option. Qualifying wages does not include compensation deferred before January 1, 2004, to the extent that such deferred compensation would not be treated as wages within the meaning of Section 3121(a) of the Code at the time such deferred compensation is paid or distributed.
- (bb) “Reciprocity credit” means the credit granted by a taxing municipality to its residents for income taxes paid to another taxing municipality.
- (cc) “Rental income” means income received by a taxpayer from the rental of real estate, which shall be included in the computation of net profits from a business only if and to the extent that the rental, ownership, management or operation of the real estate from which such rentals are derived, whether so rented, managed or operated by a taxpayer individually or through agents or other representatives, constitutes a business of the taxpayer, in whole or in part. Where the gross monthly rental of any and all real properties owned by a taxpayer, regardless of number and value, aggregates in excess of two hundred fifty dollars (\$250.00) per month, it shall be prima facie evidence that the rental, ownership, management or operation of such properties is a business of such taxpayer, and the net income of such rental property shall be subject to the tax imposed by this chapter, provided that, in the case of commercial property, the taxpayer shall be considered engaged in a business when the rental is based on a fixed or fluctuating percentage of gross or net sales, receipts or profits of the lessee, whether or not such rental exceeds two hundred fifty dollars (\$250.00) per month; provided further that in the case of farm property, the taxpayer shall be considered engaged in a business when that taxpayer shares in crops or when the rental is based on a percentage of the gross or net receipts derived from the farm, whether or not the gross income exceeds such two hundred fifty dollars (\$250.00) per month; and provided further that a licensed rooming house shall be considered a business, whether or not the gross income exceeds two hundred fifty dollars (\$250.00) per month.
- (dd) “Resident” means an individual domiciled in the City.
- (ee) “Resident owner” means an individual domiciled in the City who has an ownership interest in a pass-through entity.
- (ff) “S Corporation” mean a corporation that has made an election under subchapter S of Chapter 1 of Subtitle A of the Code for its taxable year.

- (gg) "State" means the State of Ohio.
- (hh) "Taxable income" means the income specified in Section 185.03(a) as subject to the tax imposed under this chapter.
- (ii) "Taxable year" means the calendar year or the fiscal year upon the basis of which the net profits and other taxable income are to be computed under this chapter and, in the case of a return for a fractional part of a calendar year or fiscal year, the period for which such return is required to be made. The taxable year of an individual shall be the calendar year, unless the individual has received approval for and uses a different taxable year for federal income tax purposes.
- (jj) "Taxing municipality" means any Ohio municipal corporation, other than the City, levying a municipal income tax on taxable income.
- (kk) "Taxpayer" means a person, whether an individual, pass-through entity, or any corporation or other entity, required hereunder to file a return or pay tax pursuant to this chapter. Taxpayer does not include any person that is a disregarded entity or a qualifying subchapter S subsidiary for Federal Income Tax purposes, but taxpayer includes any other person who owns the disregarded entity or qualifying subchapter S subsidiary.

As set forth in this chapter, the singular shall include the plural, and the masculine shall include the feminine and the neuter, and all periods set forth shall be inclusive of the first and last mentioned dates.

(Ord. 2006-5. Passed 3-14-06.)

185.03 IMPOSITION OF TAX.

(a) Tax to be Imposed on Certain Money. Subject to the provisions of Section 185.16, an annual tax for the purposes specified in Section 185.01 shall be imposed on and after February 1, 1970, at the rate of one percent (1%) per year upon the following:

- (1) On all compensation and on net profits from the operation of a business earned during the effective period of this chapter by a resident.
- (2) On all compensation and on net profits from the operation of a business earned during the effective period of this chapter by a nonresident for work done or services performed or rendered or the conduct of a business in the City, subject to the limitations provided in Ohio R.C. 718.011.
- (3) On a resident owner's distributive share of the net profits of a pass-through entity earned during the effective period of this chapter from business conducted by the pass-through entity regardless of where such business is conducted, subject to the relief and reciprocity provisions of Section 185.13.
- (4) On a nonresident owner's distributive share of the net profits of a pass-through entity attributable to the City and earned during the effective period of this chapter from business conducted in the City, whether or not such pass-through entity has an office or place of business in the City.

- (5) On the portion attributable to the City of the net profits earned during the effective period of this chapter of a corporation, including for taxable years beginning on or after January 1, 2002, an “electric company” and a “combined company,” as defined in Ohio R.C. 5727.01, and including for taxable years beginning on or after January 1, 2004, a “telephone company,” as defined in Ohio R.C. 5727.01, derived from sales made, work done, services performed or rendered and business conducted in the City, whether or not such corporation, electric company, telephone company or combined company has an office or place of business in the City. The tax imposed by this Section 185.03(a)(7) of the net profits of an electric company, telephone company or a combined company shall be subject to and in accord with Ohio R.C. Chapter 5745.
- (6) On all income derived anywhere from gaming, wagering, lotteries, or schemes of chance by residents, and on all income derived from gaming, wagering, lotteries, or schemes of chance by nonresidents, when the income derived from gaming, wagering, lotteries, or schemes of chance is won or received from City sources.
- (7) On covenants not to compete and on cancellation of indebtedness to the extent includible on the taxpayer’s Federal Income Tax return.

(b) The City income tax imposed by Section 185.03(a)(4) upon nonresident owners shall be collected and remitted pursuant to Section 185.06(n).

(c) Tax on Business Conducted Both in and Without the City. The portion of the net profits attributable to the City of a taxpayer conducting a business both in and without the boundaries of the City shall be determined as provided in Ohio R.C. 718.02 and in accordance with the rules and regulations adopted by the Administrator pursuant to this chapter. Pursuant to Ohio R.C. 718.02, net profits from a business conducted both within and without the boundaries of the City shall be considered as having a taxable situs in the City in the same proportion as the average ratio of:

- (1) The average original cost of the real and tangible personal property owned or used by the taxpayer in the business in the City during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business during the same period, wherever situated. Real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight.
- (2) Wages, salaries, and other taxable income paid during the taxable period to persons employed in the business for services performed in the City (including all qualifying wages subject to tax under Section 185.03(a)(2)) to wages, salaries, and other taxable income paid during the same period to persons employed in the business, wherever their services are performed, excluding compensation that is not taxable by the City under Ohio R.C. 718.011 and Section 185.03(f)(15).

- (3) Gross receipts of the business from sales made and services performed during the taxable period in the City to gross receipts of the business during the same period from sales and services, wherever made or performed. Sales of tangible personal property are considered made in the City when: (i) the tangible personal property is delivered within the City, regardless of where title passes, if such property is shipped or delivered from a stock of goods within the City; (ii) the tangible personal property is delivered within the City, regardless of where title passes, even though transported from a point outside the City if the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the City and the sales result from such solicitation or promotion; or (iii) the tangible personal property is shipped from a place within the City to purchasers outside the City, regardless of where title passes, if the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.

In the event an equitable result cannot be obtained under the apportionment formula provided for in this Section 185.03(c), the Administrator shall have the authority to substitute other factors or methods of apportionment calculated to produce an equitable result.

(d) Operating Loss Carry-Forward.

- (1) The portion of a net operating loss of a taxpayer sustained in any taxable year subsequent to February 1, 1970, and allocable to the City may be applied against the portion of the net profit of the taxpayer allocable to the City in succeeding years until exhausted, but in no event for more than five consecutive taxable years. No portion of a net operating loss shall be carried back against net profits of any prior taxable year.
- (2) The portion of a net operating loss allocable to the City shall be determined in the same manner as provided herein for allocating net profits to the City.
- (3) The Administrator shall provide, by rules and regulations, the manner in which such net operating loss carry-forward shall be determined.
- (4) Taxpayers whose primary source of income subject to City Income Tax is Compensation may not reduce their City Income Tax liability by combining losses from other sources of income with their income from compensation such taxpayers may carry forward losses from sources other than compensation in accordance with paragraph (1) of this subsection (c) to offset income from sources other than compensation in subsequent taxable years. Taxpayers who have net profits from a business and losses from another business may offset the gains from the profitable business(es) with the losses from the unprofitable business(es), subject to paragraph (1) of this subsection (d).
- (5) If a resident operates a business (including rental) in another taxing municipality in the State and the business incurs a loss, the amount of the loss allocated or apportioned to such taxing municipality may not be used to reduce the taxpayer's City income tax base.

(e) Consolidated Returns.

- (1) Filing of consolidated returns may be permitted or required in accordance with rules and regulations prescribed by the Administrator. On and after January 1, 2003, the Administrator shall accept for filing a consolidated return from an affiliated group of Corporations subject to the tax imposed by this chapter if the affiliated group file for the same taxable year a consolidated return for Federal Income Tax purposes pursuant to Section 1501 of the Code. Only corporations subject to the tax imposed by this chapter may be included in such consolidated return filed for the City. If an affiliated group of corporations subject to the tax imposed by this chapter properly files a consolidated return in accordance with this Section 185.03(e)(1) for any taxable year beginning on or after January 1, 2003, the affiliated group must file a consolidated return for each succeeding taxable year in which it files a consolidated return for Federal Income Tax purposes unless, on or before the due date (taking into account extensions of time properly granted) of the return for a taxable year, the affiliated group obtains the permission of the Administrator to cease filing a consolidated return for that taxable year.
- (2) In the case of a corporation that carried on transactions with its stockholders or with other corporations related by stock ownership, interlocking directorates or some other method, or in case any person operates a division, branch, factory, office, laboratory, or activity within the City constituting only a portion of its total business, the Administrator shall require such additional information as the Administrator deems necessary to ascertain whether net profits are properly allocated to the City. If the Administrator finds the net profits are not properly allocated to the City by reason of transactions with stockholders or with other corporations related by stock ownership, interlocking directorates or transactions with a division, branch, factory, office, laboratory, or activity, or by some other method, the Administrator shall make an allocation of net profits to the City in such manner as the Administrator deems fair and reasonable in order to properly reflect the net profits of the corporation allocable to the City.

(f) Exemptions: Sources of Income Not Taxed. The tax provided for herein shall not be levied on the following:

- (1) Compensation of active members of the Armed Forces of the United States because of active duty service.
- (2) The income of religious, fraternal, charitable, scientific, literary or educational institutions to the extent that such income is derived from tax exempt real estate, tax exempt tangible or intangible property or tax exempt activities.
- (3) Poor relief, unemployment insurance benefits (except for supplemental unemployment benefits), old age pensions or similar payments paid as a result of retirement, including disability benefits received from local, state or federal governments or charitable, religious or educational organizations.

- (4) Proceeds of insurance paid by reason of the death of the insured, pensions, including industrial pensions, disability benefits paid for total and permanent disability, annuities or gratuities not in the nature of compensation for services rendered from whatever source derived.
- (5) Receipts from seasonal or casual entertainment, amusements, sports events and health and welfare activities when conducted by bona fide charitable, religious or educational organizations and associations and only to the extent that the said income is exempt from Federal Income Tax.
- (6) Alimony received.
- (7) Personal earnings of any natural person under eighteen years of age.
- (8) Amounts received for personal injuries or for damages to property by way of insurance or otherwise; however, this exclusion does not apply to amounts paid for lost compensation.
- (9) Interest, dividends, gains and other revenue from intangible property, except as defined in the computation of net profits under Section 185.02(r). Intangible property includes, but is not limited to, investments, deposits, money or credits, as those terms are defined in Ohio R.C. Chapter 5701, and patents, copyrights, trademarks, trade names, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation.
- (10) Gains from involuntary conversion, interest on federal obligations, items of income already taxed by the State from which the City is specifically prohibited from taxing, and income of a decedent's estate during the period of administration (except such income from the operation of a business conducted in the City).
- (11) Compensation and net profits the taxation of which is prohibited by the United States Constitution at any act of Congress limiting the power of the states of their political subdivisions to impose net income taxes on income derived from interstate commerce.
- (12) Compensation and net profits the taxation of which is prohibited by the Constitution of the State or any act of the Ohio General Assembly limiting the power of a municipal corporation to impose net income taxes.
- (13) The amount of unreimbursed employee business expenses that the taxpayer deducted as an itemized deduction on his Federal Income Tax return, as shown on the IRS Form 2106 filed with the taxpayer's Federal Income Tax return for the taxable year. For this exemption to be applicable, the taxpayer must furnish a copy of the IRS Form 2106 and Schedule A as the same were filed with the taxpayer's Federal Income Tax return for the taxable year.
- (14) An S Corporation shareholder's distributive share of net profits or losses of the S Corporation, except to the extent that the distributive share of net profits represents wages as defined in Section 3121(a) of the Code or net earnings from self-employment as defined in Section 1402(a) of the Code.

- (15) Pursuant to Ohio R.C. 718.011, Compensation paid to a nonresident for personal services performed by the individual in the City on 12 or fewer days in a calendar year, unless: (i) the individual is an employee of another person, such individual's employer has its principal place of business in another taxing Municipality in Ohio, and such individual is not liable to the other taxing municipality for tax on the compensation paid for the services performed in the City; or (ii) the individual receives such compensation as a professional entertainer or professional athlete, the promoter of a professional entertainment or sporting event, or an employee of such a promoter.
- (16) Items excluded from gross income for Federal Income Tax purposes under Section 107 of the Code (dealing with parsonage and rental allowances for ministers).
- (17) Items excluded from gross income for Federal Income Tax purposes under Section 107 of the Code (dealing with parsonage and rental allowances for ministers).

(g) Expenses Not Deductible. No deduction shall be permitted for the following expenses:

- (1) Health insurance premiums paid by self-employed taxpayers.
- (2) Self-employment tax paid by self-employed taxpayers.
- (3) Contributions by taxpayers to IRA or Keogh (H.R. 10) plans.
(Ord. 2006-5. Passed 3-14-06.)

185.04 EFFECTIVE PERIOD.

The tax imposed by this chapter shall take effect February 1, 1970 and shall continue indefinitely.
(Ord. 2006-5. Passed 3-14-06.)

185.05 ANNUAL RETURN AND PAYMENT OF TAX.

(a) Each taxpayer having taxable income for a taxable year that is subject to the tax imposed by this chapter, whether or not a tax is due thereon, shall make and file a return on or before April 15 of the following calendar year in the case of a taxpayer using a calendar year for Federal Income Tax purposes or on or before the last day of the fourth month after the end of the fiscal year in the case of a taxpayer using a fiscal year for Federal Income Tax purposes.

(b) The return shall be filed with the Administrator on a form or forms furnished by or obtainable upon request from the Administrator, or on any form that comports with Ohio R.C. 718.05(C), setting forth:

- (1) The aggregate amounts of compensation and other taxable income earned or received by the taxpayer, and the gross income from a business less allowable expenses incurred in the acquisition of such gross income to arrive at net profits. Only compensation and other taxable income earned or received and gross income earned during the taxable year, or portion thereof, covered by the return and subject to the tax imposed by this chapter shall be included on that return.

- (2) The amount of tax imposed by this chapter on compensation, net profits and other taxable income, less any credits to which the taxpayer may be entitled under the provisions of Sections 185.06, 185.07 or 185.13.
- (3) Such other pertinent statements, information returns, or other information as the Administrator may require.
- (4) A return shall be deemed filed when postmarked by the United States Postal Service or on the date delivered other than by the United States Postal Service during normal business hours to the City Income Tax office.

(c) Extension of Time for Filing Returns. The Administrator may extend the due date for filing the annual return upon the request of a taxpayer for a period not to exceed six months, or until the last day of the month to which an extension is granted by the Internal Revenue Service for the filing of the taxpayer's Federal Income Tax Return for the same taxable year. A taxpayer shall request an extension of the due date for filing an annual return by filing with the Administrator a copy of the taxpayer's request for an extension of time to file the taxpayer's Federal Income Tax return for the same taxable year no later than the last day prescribed by Section 185.05(a) for the filing of the annual return. A request to extend the due date for filing an annual return will be granted automatically unless the taxpayer:

- (1) Fails to timely file such request;
- (2) Fails to file a copy of the request for an extension of the due date for filing the taxpayer's Federal Income Tax return for the same taxable year;
- (3) Owes any delinquent City income tax, penalty, interest, assessment, or other charge for the late payment or nonpayment of City income tax; or
- (4) Has failed to file any required City income tax return, report, or other related document for a prior taxable year.

The Administrator may require a tentative return, accompanied by payment of the amount of tax shown to be due thereon, by the date the return is normally due. The granting of an extension of the due date for filing a City income tax return does not extend the due date as provided in this Section 185.05 for payment of the tax; hence, a penalty and interest may apply to any unpaid City income tax during the period of extension. A penalty shall not be assessed if the return is filed and the full amount of tax shown on that return is paid on or before the extended due date. Interest shall be charged on the unpaid balance at the rate of one percent (1%) per month, computed monthly, for the period of the extension with any portion of a month to be charged as a full month.

(d) The taxpayer making the City income tax return shall, at the time of the filing thereof, pay to the Administrator the amount of taxes shown as due thereon. Where, however, any portion of the tax so due shall have been deducted at the source pursuant to the provisions of Section 185.06, or where any portion of such tax has been paid by the Taxpayer pursuant to the provisions of Sections 185.05 and 185.07, credit for the amount so paid shall be deducted from the amount shown to be due and only the balance, if any, shall be due and payable at the time of filing the City income tax return.

(e) Should the return, or the records of the Administrator, indicate an overpayment of the tax to which the City is entitled under the provisions of this chapter, such overpayment shall first be applied against any existing liability, including penalties and interest, of the taxpayer to the City, and the balance, if any, at the election of the taxpayer communicated to the Administrator, shall be refunded or transferred against any subsequent liability of the taxpayer to the City.

(f) Where necessary an amended return must be filed in order to report additional income and pay any additional tax due, or claim a refund of tax overpaid, subject to the requirements and/or limitations contained in Sections 185.11 and 185.13. Such amended returns shall be on a form obtainable on request from the Administrator. A taxpayer may not change the method of accounting or apportionment of net profits after the due date for filing the original return.

Within three months from the final determination of any Federal Income Tax liability affecting the taxpayer's City income tax liability, the taxpayer shall make and file an amended City income tax return, showing income subject to City income tax based upon such final determination of Federal Income Tax liability, and pay any additional City income tax shown due thereon or make claim for refund of any overpayment.

(Ord. 2006-5. Passed 3-14-06.)

185.06 COLLECTION AT SOURCE; WITHHOLDING BY EMPLOYER.

(a) Each employer within or doing business in the City who or that employs one or more persons shall, at the time of payment of compensation, deduct the City income tax at the applicable rate then in effect from the gross compensation earned or received by residents, regardless of where such compensation was earned or received, and shall deduct that City income tax from the compensation earned or received from work done or services performed or rendered in the City by nonresidents. Over the road drivers reporting to a terminal located in the City shall have a minimum of ten percent (10%) of their compensation allocated to the City on which City income tax shall be deducted.

(b) Notwithstanding the provisions of subsection (a) hereof, if an employer employs a resident in another taxing municipality that requires such employer to deduct its tax on the full amount of compensation paid to all employees engaged therein, such employer shall be required to withhold for and remit to the City only the difference, if any, between City income tax and the tax imposed by such other taxing municipality on such compensation.

(c) Each employer subject to the provisions of this Section 185.06 shall, on or before the last day of the month, make a return and remit to the City the City income tax withheld in the previous month. Such return shall be on a form or forms prescribed by or acceptable to the Administrator and shall be subject to the rules and regulations prescribed therefor by the Administrator. Such employer shall be liable for the payment of City income tax required to be deducted and withheld, whether or not such tax has in fact been withheld. If the amount of the City income tax so deducted by an employer in any one month is less than one hundred dollars (\$100.00), however, the employer may defer the filing of return and payment of the amount deducted for that month and the following one or two months in that calendar quarter until the last day of the month following the end of the calendar quarter in which that month occurs.

(d) On or before each January 31, each employer subject to the provisions of this Section 185.06 shall file with the Administrator an annual reconciliation return for the prior calendar year along with an information return for each employee from whom City income tax has been, or should have been, withheld for the prior calendar year showing the name, address and Social Security number of the employee, the total amount of compensation paid during the year to such employee and the amount of City income tax withheld from the compensation of such employee and shall provide a copy of such information return to the employee. The information return shall include all of the information required to be reported by the employer to the Internal Revenue Service on a Form W-2. At the time of filing the annual reconciliation return, the employer shall pay over any amounts deducted or that should have been deducted during the preceding calendar year but that were not previously remitted. The annual reconciliation form shall be obtained from the Tax Administrator.

(e) In collecting City income tax, the employer shall be deemed to hold the same as a trustee for the benefit of the City until payment is made by such employer to the City, and such tax collected by such employer from its employees shall be deemed a trust fund in the hands of such employer until paid to the City.

(f) On or before each January 31, any person who contracts or otherwise engages another person to perform services or conduct business for remuneration in any form, including, but not limited to, the sale of real estate, the sale of insurance, construction, transportation, or other contract or subcontract services, shall file with the Administrator an information return, which shall include the proper name, address, federal identification number and the amount of such remuneration paid during the prior calendar year to such person. Failure to provide the foregoing information may result in the disallowance of any deduction claimed by the taxpayer in respect of payments made to another person under contract or other engagement for the performance of services or conduct of business.

(g) On or before each January 31 and each July 31, any person engaged in the rental of real estate that receives "rental income," as described in Section 185.02(cc), shall file with the Administrator a list of tenants as of December 31 and June 30, respectively, including the name and address of each tenant.

(h) Any return or form required to be filed under this Section 185.06 is considered filed on the date postmarked by the United States Post Office or on the date delivered other than by the United States Postal Service during normal business hours to the City income tax office.

(i) The officer, employee or owner ("responsible person") of an employer having control or supervision or charged with the responsibility of filing the return and making the payment required under this Section 185.06, shall be personally liable for failure to file such return or pay such tax, penalty and interest. The dissolution, bankruptcy, or reorganization of any such employer required to file the return and pay the tax described in this Section 185.06 does not discharge a responsible person's liability for a prior failure of such employer to file such return or pay such tax and penalty and interest due.

(j) For taxable years on or after January 1, 2007, any employer subject to this Section 185.06 may use the Ohio business gateway both to report the amount of City income tax withheld from compensation and to remit such amounts.

(k) An employer is not required to make any withholding with respect to an individual's disqualifying disposition of an incentive stock option if, at the time of the disqualifying disposition, the individual is not an employee of the corporation with respect to whose stock the option has been issued.

(l) An employee is not relieved from liability for City income tax by the failure of the employer to withhold the tax as required by this Section 185.06 or by the employer's exemption from the requirement to withhold City income tax.

(m) The failure of an employer to remit the City income tax withheld relieves the employee from liability for that tax unless the employee colluded with the employer in connection with the failure to remit the City income tax withheld.

(n) Except as otherwise provided in this Section 185.06(n), a pass-through entity that conducts business within the City and that has a nonresident owner must: (i) withhold City income tax at the rate specified in Section 185.03(a) on the nonresident owner's distributive share of the pass-through entity's net profits attributable to the City; and (ii) remit such tax to the City by the applicable dates provided in Section 185.07. A pass-through entity subject to this Section 185.06(n) that fails to collect or remit City income tax as provided in this Section 185.06(n) shall be liable for the tax that it should have withheld or remitted and shall be subject to the interest and penalty provisions of Section 185.10. The nonresident owner shall receive a credit against its City income tax liability in the amount of City income tax so withheld by the pass-through entity. All claims for refunds of City income tax withheld by a pass-through entity pursuant to this Section 185.06(n) must be made by the nonresident owner within the period set forth in Section 185.11(b). A pass-through entity is not required to withhold and remit City income tax to the extent that its nonresident owners both: (i) file City income tax returns and declaration as provided in Sections 185.05 and 185.07, respectively, that report their distributive shares of the pass-through entity's net profits attributable to the City; and (ii) pay City income tax thereon. (Ord. 2006-05. Passed 3-14-06.)

185.07 DECLARATIONS.

(a) Every person who anticipates any taxable income that is not subject to the provisions of Section 185.06, or who engages in any business subject to City income tax shall file a declaration setting forth such estimated income or the estimated net profit from such business together with the estimated City income tax due thereon, if any. For taxable years beginning on or after January 1, 2005, declarations of estimated net profits from any business conducted within the City and payment of estimated City income tax thereon may be made by using the Ohio business gateway, as described in Ohio R.C. 718.051, including any amendments or successor provisions thereto. No declaration or payment of estimated tax is required if the estimated City income tax for the current year, less the City income tax to be withheld and less the tax credits provided under this section and Sections 185.06 and 185.13, amounts to not more than ten dollars (\$10.00), or if a person's income is wholly from compensation from which City income tax will be withheld and remitted to the City in accordance with Section 185.06.

(b) Such declaration shall be filed on or before April 15 of each taxable year during the effective period of this chapter, or within four months of the date the taxpayer first becomes subject to tax imposed by this chapter.

(c) Those taxpayers reporting on a fiscal year basis shall file a declaration within four months after the beginning of each fiscal year.

(d) Such declaration shall be filed upon a form furnished by, or obtainable from, the Administrator or on a generic form prescribed by Ohio R.C. 718.05. Credit shall be taken for City income tax to be withheld, if any, from any portion of such income. In addition, credit may be taken for income tax payable to other taxing municipalities in accordance with the provisions of Section 185.13.

(e) The original declaration, or any subsequent amendment thereof, may be increased or decreased on or before any subsequent quarterly payment date as provided for herein.

(f) The taxpayer making the declaration shall, at the time of the filing thereof, pay to the Administrator at least one-fourth of the estimated annual City income tax due after deducting:

- (1) Any portion of City income tax to be deducted or withheld at the source pursuant to Section 185.06;
- (2) Any credits allowable under the provisions of Section 185.13; and
- (3) Any overpayment of the previous year's City income tax liability that the taxpayer has not elected to have refunded or previously claimed as a credit.

At least a similar amount shall be paid on or before the last day of the month following the seventh and tenth months after the beginning of the taxpayer's taxable year, and on or before the last day of the first month of the succeeding taxable year; provided that in case an amended declaration has been duly filed, or the taxpayer is taxable for only a portion of the taxable year, the unpaid balance shall be paid in equal installments on or before the remaining payment dates.

(g) Notwithstanding subsection (f) hereof, every individual making the declaration with respect to taxable income not subject to Section 185.06 for a taxable year beginning on or after January 1, 2003 shall remit payment of the estimated annual City income tax as follows:

- (1) At least twenty-two and one-half percent (22.5%) of such individual's estimated City income tax liability for the current taxable year shall be remitted on or before April 15 or the day on which the annual tax return for the prior taxable year must be filed, in accordance with Section 185.05, disregarding any extension;
- (2) At least forty-five percent (45%) of such individual's estimated City income tax liability for the current taxable year shall be remitted on or before July 31;
- (3) At least sixty-seven and one-half percent (67.5%) of such individual's estimated City income tax liability for the current taxable year shall be remitted on or before October 31; and

- (4) At least ninety percent (90%) of such individual's estimated City income tax liability for the current taxable year shall be remitted on or before January 31 of the following taxable year.

Every person making the declaration with respect to the taxable income from any business subject to City income tax shall remit payment of the estimated annual City income tax as follows:

- (1) At least twenty-two and one-half percent (22.5%) of the taxpayer's estimated City income tax liability for the current taxable year shall be remitted on or before the day on which the annual return for the prior taxable year must be filed, in accordance with Section 185.05, disregarding any extension or, in the case of a fiscal year taxpayer, the fifteenth day of the fourth month of the taxpayer's taxable year;
- (2) At least forty-five percent (45%) of the taxpayer's estimated City income tax liability for the current taxable year shall be remitted on or before June 15, or in the case of a fiscal year taxpayer, the fifteenth day of the sixth month of the taxpayer's taxable year;
- (3) At least sixty-seven and one-half percent (67.5%) of the taxpayer's estimated City Income Tax liability for the current taxable year shall be remitted on or before September 15, or in the case of a fiscal year taxpayer, the fifteenth day of the ninth month of the taxpayer's taxable year; and
- (4) At least ninety percent (90%) of the taxpayer's estimated City income tax liability for the current taxable year shall be remitted on or before December 15, or, in the case of a fiscal year taxpayer, the fifteenth day of the twelfth month of the taxpayer's taxable year.

All payments of estimated annual City income tax made pursuant to this subsection (g) shall be made after deducting:

- (1) Any portion of City income tax to be deducted or withheld at the source pursuant to Section 185.06;
- (2) Any credits allowable under the provisions of Section 185.13; and
- (3) Any overpayment of the previous year's City income tax liability that the taxpayer has not elected to have refunded or previously claimed as a credit.

(h) On or before the last day of the fourth month following the end of the taxable year for which such declaration or amended declaration was filed, an annual return shall be filed, and any balance that may be due to the City shall be paid therewith in accordance with the provisions of Section 185.05. Any taxpayer, however, may file an annual return on or before the last day of the first month following the end of the taxable year for which such declaration or amended declaration was filed and pay any balance due at such time in lieu of filing such declaration or amended declaration, and in lieu of paying the final quarterly installment based upon a declaration or amended declaration of estimated tax.

(i) An amended declaration must be filed when the original declaration made for taxable year underestimates the taxpayer's taxable income by ten percent (10%) or more. The unpaid balance of estimated tax shall be paid in equal installments on or before the payment dates provided in subsection (f) and (g) hereof. If a taxpayer fails to remit the full amount of estimated City income tax required to be paid by an applicable due date specified in subsections (f) and (g) hereof, such underpayment of estimated City income tax shall be subject to the interest and penalty provisions of Section 185.10. No penalty, interest, interest penalty, or other similar assessment or charge, however, shall be imposed against a taxpayer for the late payment or nonpayment of estimated City income tax in either of the following circumstances:

- (1) The taxpayer is a resident but was not domiciled in the City on January 1 of the calendar year; or
- (2) The taxpayer has remitted, pursuant to subsections (f) and (g) hereof, an amount at least equal to one hundred percent (100%) of the taxpayer's City income tax liability for the preceding taxable year as shown on the return filed by the taxpayer for the preceding taxable year, provided that the return for the preceding taxable year reflected a 12-month period and the taxpayer filed a return for the preceding taxable year.
(Ord. 2006-5. Passed 3-14-06.)

185.08 DUTIES OF THE ADMINISTRATOR.

(a) It shall be the duty of the Administrator to receive the tax imposed by this chapter in the manner prescribed herein from taxpayers, to keep an accurate record thereof, and to report all money so received.

(b) It shall be the duty of the Administrator to enforce payment of all taxes owing to the City and to keep accurate records for a minimum of five years that show the amount due from each taxpayer required to file a declaration and/or make any return, including taxes withheld, and to show the dates and the amounts of payments thereof.

(c) The Administrator is hereby charged with the enforcement of the provisions of this chapter, and is hereby empowered, subject to the approval of the Board, to adopt, promulgate and enforce rules and regulations relating to any matter or thing pertaining to the collection of taxes and the administration and enforcement of the provisions of this chapter, including provisions for the re-examination and correction of returns.

- (1) The Administrator is authorized to arrange for the payment of unpaid taxes, interest and penalties on a schedule of installment payments, when the taxpayer has proved to the Administrator that, due to certain hardship conditions, he is unable to pay the full amount of the tax due. Such authorization shall not be granted until the taxpayer files proper returns for all amounts owned by him under this chapter.
- (2) Failure to make any deferred payment when due shall cause the total unpaid amounts, including penalty and interest, to become payable on demand, and the provisions of Sections 185.11 and 185.99 shall apply.

(d) In any case where a taxpayer has failed to file a return or has filed a return that does not show the proper amount of tax due, the Administrator may determine the amount of tax appearing to be due the City from the taxpayer and shall send to such taxpayer a written statement showing the amount of tax so determined, together with interest and penalties thereon, if any.

(e) Subject to the consent of the Board or pursuant to regulations approved by the Board, the Administrator shall have the power to compromise any interest or penalty, or both, imposed by Section 185.10.

(Ord. 2006-5. Passed 3-14-06.)

185.09 INVESTIGATIVE POWERS OF THE ADMINISTRATOR; PENALTY FOR DIVULGING CONFIDENTIAL INFORMATION.

(a) The Administrator, or any authorized employee, is hereby authorized to examine the books, papers, records and Federal income tax returns of any employer or of any taxpayer or person subject to, or whom the Administrator believes is subject to, the provisions of this chapter, for the purpose of verifying the accuracy of any return made, or, if no return was made, to ascertain the tax due under this chapter. Every such employer, supposed employer, taxpayer or supposed taxpayer, or person is hereby directed and required to furnish, upon written request by the Administrator, or his duly authorized agent or employee, the means, facilities and opportunity for making such examinations and investigations as are hereby authorized.

(b) The Administrator is hereby authorized to order any person presumed to have knowledge of the facts to appear before him and may examine such person, under oath, concerning any income that was or should have been returned for taxation or any transaction tending to affect such income, and for this purpose may compel the production of books, papers, records and Federal Income Tax returns and the attendance of all persons before him, whether as parties or witnesses, whenever he believes such persons have knowledge of such income or information pertinent to such inquiry.

(c) The refusal by any employer or person subject or presumed to be subject to the City income tax or by any officer, agent or employee of a person subject to the City income tax or required to withhold City income tax, to produce books, papers, records and Federal Income Tax returns, the refusal to submit to such examination or the failure of any person to comply with the provisions of this chapter or with an order or subpoena of the Administrator authorized hereby, shall be deemed a violation of this chapter, punishable as provided in Section 185.99.

(d) Any information gained as the result of any returns, investigations, hearings or verifications required or authorized by this chapter shall be confidential, except for official purposes, for disclosure and exchange of information with other federal, state or local taxing authorities for tax collection purposes, or except in accordance with proper judicial order. Any person divulging such information in violation of this subsection shall be subject to the penalty provided in Section 185.99. Each disclosure shall constitute a separate offense.

In addition to the above penalty, any employee of the City who violates the provisions of this subsection relative to the disclosure of confidential information shall be guilty of an offense punishable by immediate dismissal.

(e) Every taxpayer shall retain all records necessary to compute his City income tax liability for a period of five years from the date his return is filed, or the date the withholding taxes are paid to the City.

(Ord. 2006-5. Passed 3-14-06.)

185.10 INTEREST AND CIVIL PENALTIES.

(a) Interest. All taxes imposed and all money withheld or required to be withheld by employers under the provisions of this chapter and remaining unpaid after they become due shall bear interest at the rate of one percent (1%) per month, or any portion thereof, on the unpaid balance.

(b) Penalties. In addition to interest as provided in subsection (a) hereof, penalties based on the unpaid tax are hereby imposed as follows:

- (1) For failure to pay taxes due, other than taxes withheld, ten percent (10%) per year, computed on a monthly basis, but not less than twenty-five dollars (\$25.00).
- (2) For failure to remit taxes withheld for employees, ten percent (10%) per month or fraction thereof, but the accumulated penalty shall not exceed fifty percent (50%) upon any unpaid amount and shall not be less than twenty-five dollars (\$25.00).

(c) Exceptions. A penalty shall not be assessed on an additional tax assessment made by the Administrator when a return has been filed in good faith and the tax paid thereon within the time prescribed by the Administrator, and provided further that in the absence of fraud, a penalty shall not be assessed on any additional tax assessment resulting from a federal audit, provided that an amended return is filed and the additional City income tax, if any, is paid within three months after final determination of the Federal Income Tax liability as set forth at Section 185.05(f). Interest on any additional tax due will be assessed from the original due date of the return at the rate of one percent (1%) per month, or portion thereof, on the unpaid balance. Interest will be paid on any overpayment of City income tax from the date of such overpayment to the date of the refund of such overpayment, at the rate set forth in Ohio R.C. 718.12(D) and Ohio R.C. 5703.47.

(d) Abatement. Upon recommendation of the Administrator, the Board may abate penalty or interest, or both, or upon an appeal from the refusal of the Administrator to recommend abatement of penalty and interest, the Board may nevertheless abate penalty or interest, or both. (Ord. 2006-5. Passed 3-14-06.)

185.11 COLLECTION OF UNPAID TAXES, CIVIL LITIGATION; CRIMINAL PROSECUTION; STATUTE OF LIMITATIONS; REFUNDS OF OVERPAYMENTS.

(a) All taxes imposed by this chapter shall be collectible, together with any interest and penalties thereon, by suit, as other debts of like amount are recoverable. Such suit shall be brought within three years after the tax was due or the return was filed, whichever is later.

(b) Prosecutions for an offense made punishable under this chapter shall be commenced within three years after the commission of the offense, provided that in the case of fraud, failure to file a return, or the omission of twenty-five percent (25%) or more of the taxable income required to be reported, prosecutions may be commenced within six years after the commission of the offense. Taxes erroneously paid or withheld shall not be refunded unless a claim for refund is made within three years after the tax was due or the return filed, whichever is later. (Ord. 2006-5. Passed 3-14-06.)

185.12 BOARD OF REVIEW.

(a) A Board of Review, consisting of a chairman and two other individuals, each to be appointed by the City Manager and approved by Council, is hereby created. The first three members of the Board shall be appointed in the following manner: one to serve for a term of two years; one to serve for a term of four years; and one to serve for a term of six years. At the expiration of each term of office set forth in this subsection, the succeeding member shall be appointed for a term of six years.

A majority of the members of the Board shall constitute a quorum. The Board shall adopt its own procedural rules and shall keep a record of its transactions. Such records are not public records available for inspection under Ohio R.C. 149.43. Any hearing by the Board may be conducted privately and the provisions of Section 185.09, with reference to the confidential character of information required to be disclosed by this chapter, shall apply to such matters as may be heard before the Board on appeal. Hearings requested by a taxpayer before the Board are not meetings of a public body that are subject to Ohio R.C. 121.22.

(b) All rules and regulations, and amendments or changes thereto, that are adopted by the Administrator under the authority conferred by this chapter, must be approved by the Board before the same become effective. The Board shall hear and pass on appeals from any ruling or decision of the Administrator, and, at the request of the taxpayer or Administrator, is empowered to substitute alternate methods of allocation.

(c) The Administrator, in issuing any ruling or decision for which authority has been conferred upon it by this chapter, shall at the same time notify the taxpayer of both the taxpayer's right to appeal such ruling or decision and the manner in which the taxpayer may appeal such ruling or decision. Any person dissatisfied with any ruling or decision of the Administrator, which is made under the authority conferred by this chapter, may appeal therefrom to the Board within 30 days from the announcement of such ruling or decision by the Administrator, and the Board, on hearing, shall have jurisdiction to affirm, reverse or modify any such ruling or decision, or any part thereof. An appeal of a ruling or decision of the Administrator must be in writing and must state why such ruling or decision is deemed incorrect or unlawful. The Board shall schedule any hearings and issue its decision within the periods prescribed by Ohio R.C. 718.11. If the taxpayer does not waive a hearing before the Board, the taxpayer may appear before the Board and may be represented as provided by law. All appeals of decisions of the Board shall be made in accordance with Ohio R.C. 718.11 and 5717.011.
(Ord. 2006-5. Passed 3-14-06.)

185.13 RELIEF PROVISIONS; CREDIT FOR TAX PAID TO ANOTHER MUNICIPAL CORPORATION.

(a) Residents. Except as otherwise provided in this Section 185.13 when a resident is subject to and has paid, or has acknowledged liability for, a municipal income tax in another taxing municipality on the same income taxable under this chapter, such resident shall not be allowed any credit against or claim or refund for City income tax for the tax paid to the other taxing municipality, and the City will not acknowledge or allow any claim for refund of any portion of the City income tax so levied.

(b) For taxable years beginning on or after January 1, 2003, a resident owner of a pass-through entity that does not conduct business in the City and that has paid or has acknowledged liability for an income tax in another taxing municipality may claim a credit equal to the lesser of the following amounts:

- (1) The resident owner's proportionate share of the amount, if any, of income tax paid by the pass-through entity to another taxing municipality in the state; or
- (2) The resident owner's proportionate share of the amount of City income tax that would be imposed on the pass-through entity if the pass-through entity conducted business in the City.

In no case shall the credit authorized by this subsection (b) exceed fifty percent (50%) of the City income tax assessed under this chapter.

(c) Where applicable, the credits provided by Ohio R.C. 718.021 (credit for qualifying losses on Nonqualified Deferred Compensation Plans) and 718.121 (credit for tax paid to first taxing municipality when City assessment comes after expiration of statute of limitations for refund claims to the first taxing municipality) shall be available to residents.

(d) Nonresidents. Except as provided in Ohio R.C. 718.021 and 718.121, when a nonresident is subject to the tax imposed by this chapter and is also subject to tax on the same income in the municipal corporation of his residence, he shall not be allowed any credit against or claim for refund for City income tax, nor will the City acknowledge or allow any claim for refund of any portion of the City income tax so levied.

(e) Claim for Credit. The credits provided for in this Section 185.13 will not be allowed unless the same are claimed in a timely return or form acceptable to, and filed with, the Administrator. In the event a taxpayer fails, neglects or refuses to file such a timely return or form, he shall not be entitled to such credit and shall be liable for the full amount of tax assessed by this chapter, together with such interest and penalties, both civil and criminal, as prescribed in this chapter.

(f) No credit shall be given to any taxpayer for any school district income tax.
(Ord. 2006-5. Passed 3-14-06.)

185.14 COLLECTION OF TAX AFTER TERMINATION OF CHAPTER.

(a) This chapter shall continue effective insofar as the levy of taxes is concerned until revoked, and insofar as the collection of taxes levied hereunder and actions or proceedings for collecting any tax so levied or enforcing any provisions of this chapter are concerned, it shall continue effective until all of such taxes levied in the aforesaid period are fully paid and any and all suits and prosecutions for the collection of such taxes or for the punishment of violations of this chapter have been fully terminated, subject to the limitations contained in Sections 185.11 and 185.99.

(b) Annual returns due for all or any part of the last effective year of this chapter shall be due on the date provided in Section 185.05 and 185.06 as though the same were continuing.
(Ord. 2006-5. Passed 3-14-06.)

185.15 ALLOCATIONS OF FUNDS.

The funds collected under the provisions of this chapter shall be applied for the following purposes:

- (a) Such part thereof as shall be necessary to defray all costs of collecting the taxes levied by this chapter and the cost of administering and enforcing the provisions thereof.
- (b) After providing for the allocations of funds set forth in subsection (a) hereof, funds shall be set aside, appropriated and paid into the General Bond Retirement Fund or another fund specified by ordinance of the Council, in an amount equal to the annual principal and interest payments due (within that year) on all bonds, notes or other obligations for which income tax revenues have been pledge, including but not limited to the Service Building Bonds.
- (c) After providing for the allocation of funds set forth in subsection (a) and (b) hereof, not less than seven percent (7%) of the funds shall be set aside, appropriated and paid into the Capital Improvement Fund.
- (d) After providing for the allocation of funds set forth in subsections (a) and (b) and (c) the funds remaining shall be used for any purpose as may be determined by ordinance of the Council. (Ord. 2006-5. Passed 3-14-06.)

185.16 SEPARABILITY.

If any sentence, clause, section or part of this chapter or any tax against any individual or any of the several groups specified herein is found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, section or part of this chapter and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this chapter. It is hereby declared to be the intention of Council that this chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

(Ord. 2006-5. Passed 3-14-06.)

185.99 VIOLATIONS; PENALTY.

- (a) Any person who:
 - (1) Fails, neglects or refuses to make any return, declaration, or information form required by this chapter;
 - (2) Makes any incomplete, false or fraudulent return;
 - (3) Fails, neglects or refuses to pay the tax, penalties or interest imposed by this chapter;
 - (4) Fails, neglects or refuses to withhold the City income tax from his employees or remit such withholding to the Administrator;
 - (5) Refuses to permit the Administrator or any duly authorized agent or employee to examine the books, records, papers and Federal Income Tax returns relating to the income or net profits of a taxpayer;
 - (6) Fails to appear before the Administrator and to produce the books, records, papers or Federal Income Tax returns relating to the income or net profits of a taxpayer upon order or subpoena of the Administrator;

- (7) Refuses to disclose to the Administrator any information with respect to the income, compensation, or net profits of a taxpayer;
- (8) Fails to comply with the provisions of this chapter or any order or subpoena of the Administrator authorized hereby;
- (9) Gives to an employer false information as to his true name, correct Social Security number and residence address, or fails to promptly notify an employer of any change in residence address and date thereof;
- (10) Fails to use ordinary diligence in maintaining proper records of employees' residence addresses, total compensation paid and City income tax withheld, or knowingly gives the Administrator false information; or,
- (11) Attempts to do anything whatever to avoid the payment of the whole or any part of the City income tax, penalties or interest imposed by this chapter; shall, upon conviction, be guilty of a third degree misdemeanor.

(b) Every taxpayer having taxable income but not having a tax due thereon and failing, neglecting or refusing to make any return or declaration required by this chapter shall be subject to a penalty of twenty-five dollars (\$25.00) for such failure, neglect or refusal, such fine to be imposed by the Administrator.

(c) All prosecutions under this section must be commenced within the time specified in Section 185.11(b) and Ohio R.C. 718.12.

(d) The failure of any employer or person to receive or procure a return, declaration or other required form shall not excuse him from making any return, declaration, or information return, from filing such form, or from paying the City income tax.
(Ord. 2006-5. Passed 3-14-06.)

CHAPTER 187
Motor Vehicle License Tax

187.01 Purpose.

187.02 Imposition of Tax.

187.03 Effective period.

187.04 Additional tax levied.

CROSS REFERENCE

Power to levy - see Ohio R.C. 4504.06, 4504.172

187.01 PURPOSE.

For the purpose of paying the costs and expenses of enforcing and administering the tax provided for in this chapter; and for planning, constructing, improving, maintaining and repairing public roads, highways and streets; maintaining and repairing bridges and viaducts; paying the municipal corporation's portion of the costs and expenses of cooperating with the Department of Transportation in the planning, improvement and construction of State highways; paying the City's portion of the compensation, damages, cost and expenses of planning, constructing, reconstructing, improving, maintaining and repairing roads and streets; paying any costs apportioned to the City under Ohio R.C. 4907.47; paying debt service charges on notes or bonds of the City issued for such purposes; purchasing, erecting and maintaining street and traffic signs and markers; purchasing, erecting and maintaining traffic lights and signals; and to supplement revenue already available for such purposes, there is hereby levied an annual license tax, in addition to the tax levied by Ohio R.C. 4503.02, 4503.07 and 4503.18, upon the operation of motor vehicles on the public roads or highways. (Ord. 1975-19. Passed 6-23-75.)

187.02 IMPOSITION OF TAX.

Such tax shall be at the rate of five dollars (\$5.00) per motor vehicle on all motor vehicles the district of registration of which, as defined in Ohio R.C. 4503.10 is in the City and which are not subject to a County motor vehicle license tax previously levied by a resolution adopted pursuant to Ohio R.C. 4504.02. Such tax shall be in addition to the taxes at the rates specified in Ohio R.C. 4503.04 and 4503.16 subject to quarterly reductions in the manner provided in Ohio R.C. 4503.13 and the exemptions provided in Ohio R.C. 4503.101 (4503.10.1), 4503.16, 4503.17 and 4503.171 (4503.17.1). (Ord. 1975-19. Passed 6-23-75.)

187.03 EFFECTIVE PERIOD.

The tax levied herein shall be effective with the 1976 motor vehicle registration year and shall continue in effect until the same shall be rescinded by Council by proper legislation. (Ord. 1975-19. Passed 6-23-75.)

187.04 ADDITIONAL TAXES LEVIED.(a) Ohio R.C. 4504.172.

- (1) There is hereby levied an annual license tax upon the operation of motor vehicles on the public roads or highways pursuant to Ohio R.C. 4504.172, for the purposes of paying the costs and expenses of enforcing and administering the tax provided for in this section; and to provide additional revenue for the purposes set forth in Ohio R.C. 4504.06; and to supplement revenue already available for such purposes.
Such tax shall be at the rate of five dollars (\$5.00) per motor vehicle on each and every motor vehicle the district of registration of which, as defined in Ohio R.C. 4503.10, is in the City.
As used in this section "motor vehicle" means any and all vehicles included within the definition of motor vehicles in Ohio R.C. 4501.01 and 4505.01.
- (2) The tax imposed by this section shall apply to and be in effect for the registration year commencing January 1, 1988 and shall continue in effect and application during each registration year thereafter.
- (3) The tax imposed by this section shall be paid to the Registrar of Motor Vehicles of the State or to a deputy registrar at the time application for registration of a motor vehicle is made as provided in Ohio R.C. 4503.10.
- (4) All moneys derived from the tax hereinbefore levied shall be used by the City for the purposes specified in this section.
(Ord. 1987-13. Passed 8-24-87.)

(b) Ohio R.C. 4504.17.

- (1) Council hereby levies an annual license tax, under the authority of Ohio R.C. 4504.17, in addition to the tax levied by Ohio R.C. 4503.02, 4503.07, and 4503.18, upon the operation of motor vehicles on the public roads or highways. Such tax shall be at the rate of five dollars (\$5.00) per motor vehicle on all motor vehicles in the district of registration of which, as defined in Ohio R.C. 4503.10, is in the municipal corporation levying the tax; and, which are not subject to a county motor vehicle license tax levied by a resolution adopted pursuant to Ohio R.C. 4504.02.
- (2) Such tax shall be in addition to the taxes at the rates specified in Ohio R.C. 4503.04 and 4503.16, subject to reductions in the manner provided in Ohio R.C. 4503.11; and the exemptions provided in Ohio R.C. 4503.16, 4503.17, 4503.171, 4503.173, 4503.41, 4503.43, and 4503.46
(Ord. 2009-21. Passed 9-22-09.)

(c) Ohio R.C. 4504.171.

- (1) Council hereby levies an annual license tax, under the authority of Ohio R.C. 4504.171, in addition to the tax levied by Ohio R.C. 4503.02, 4503.07, and 4503.18, upon the operation of motor vehicles on the public roads or highways. Such tax shall be at the rate of five dollars (\$5.00) per motor vehicle on all motor vehicles in the district of registration of which, as defined in Ohio R.C. 4503.10, is in the municipal corporation levying the tax; and, which are not subject to a county motor vehicle license tax levied by a resolution adopted pursuant to Ohio R.C. 4504.02.
- (2) Such tax shall be in addition to the taxes at the rates specified in Ohio R.C. 4503.04 and 4503.16, subject to reductions in the manner provided in Ohio R.C. 4503.11; and the exemptions provided in Ohio R.C. 4503.16, 4503.17, 4503.171, 4503.173, 4503.41, 4503.43, and 4503.46.
(Ord. 2009-22. Passed 9-22-09.)

CHAPTER 189
Lodging Tax

189.01 Purpose.	189.11 Penalties and interest.
189.02 Definitions.	189.12 Failure to collect; assessments; refunds.
189.03 Imposition of tax.	189.13 Appeals.
189.04 Exemptions.	189.14 Collection.
189.05 False evidence of tax-exempt status.	189.15 Collection of tax after termination of chapter.
189.06 Payment by transient guest.	189.16 Disposition of funds collected.
189.07 Statement and charge of tax.	189.17 Separability.
189.08 Registration.	189.99 Violations; penalty.
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CROSS REFERENCES

State Authority- see Ohio R.C. 5739.08

City Income Tax - see Ch. 185

189.01 PURPOSE.

To provide revenues for the general fund to be used for municipal purposes including but not limited to the promotion of tourism in the City and all matters related thereto, this lodging tax is established.

(Ord. 2005-2. Passed 1-24-05.)

189.02 DEFINITIONS.

As used in this chapter, the following words shall have the meaning ascribed to them in this Section, except as and if the context clearly indicates or requires a different meaning.

- (a) "Administrator" means the individual designated pursuant to Chapter 185, who is to administer and enforce the provisions of this chapter.
- (b) "Board of Review" means the Board of Review created by and constituted as provided in Section 185.12.
- (c) "City" means the City of Huron, Ohio.
- (d) "Hotel" means every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered to guests, in which five or more rooms are used for the accommodation of such guests, whether such rooms are in one or several structures (including but not limited to motels and bed and breakfast establishments).

- (e) "Occupancy" means the use or possession, or the right to the use or possession, of any room or rooms or space or portion thereof, in any hotel for dwelling, lodging or sleeping purposes. The use or possession or the right to use or possess any room or any suite of connecting rooms as office space, banquet or private dining rooms, or exhibit, sample or display space shall not be considered occupancy within the meaning of this definition unless the person exercising occupancy uses or possesses, or has the right to use or possess, all or any portion of such room or suite of rooms for dwelling, lodging or sleeping purposes.
- (f) "Operator" means any person who is the proprietor of a hotel, whether in the capacity of owner, lessee, licensee or any other capacity. Where the operator performs his functions through a managing agent of any type or character, other than an employee, the managing agent shall be deemed an operator for the purposes of this Chapter and shall have the same duties and liabilities as his or her principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.
- (g) "Person" means a "person" as defined in Section 185.02(v).
- (h) "Rent" means the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or service of any kind or nature, and also any amount for which the occupant is liable for the occupancy without any deduction therefrom whatsoever.
- (I) "State" means the State of Ohio.
- (j) "Transient Guests" means persons occupying a room or rooms for sleeping accommodations for less than 30 consecutive days.
(Ord. 2005-2. Passed 1-24-05.)

189.03 IMPOSITION OF TAX.

(a) For the purpose of providing revenue for the purpose set forth in Section 189.01, an excise tax is levied on transactions by which lodging by a hotel is or is to be furnished to transient guests.

(b) The tax is 3% on all rents paid or to be paid by transient guests for the lodging. Such tax constitutes a debt owed by the transient guest to the City, which debt is extinguished only by payment to the operator as trustee for the City, or to the City. The tax applies and is collectible at the time the lodging is furnished regardless of the time when the rent is paid.

(c) For the purpose of the proper administration of this Chapter and to prevent the evasion of the tax, it is presumed that all lodging furnished by hotels in the City to transient guests is subject to the tax until the contrary is established.
(Ord. 2005-2. Passed 1-24-05.)

189.04 EXEMPTIONS.

- (a) No tax shall be imposed under this chapter on:
 - (1) Rents not within the taxing power of the City under the Constitution or laws of the State or the United States of America; or
 - (2) Rents paid by the City or any of its political subdivisions.

(b) No exemption claimed under (a) above shall be granted except on a claim therefor made at the time the rent is collected and under penalty of perjury on a form prescribed by the Administrator. All claims of exemption shall be made in the manner prescribed by the Administrator. (Ord. 2005-2. Passed 1-24-05.)

189.05 FALSE EVIDENCE OF TAX-EXEMPT STATUS.

No transient guest shall refuse to pay the full tax as required by this chapter or present to the operator false evidence indicating that the lodging as furnished is not subject to the tax. (Ord. 2005-2. Passed 1-24-05.)

189.06 PAYMENT BY TRANSIENT GUEST.

(a) The tax imposed by this chapter shall be paid by the transient guest to the operator, and each operator shall collect from the transient guest the full and exact amount of the tax payable on each taxable lodging.

(b) If the transaction is claimed to be exempt, the transient guest must furnish to the operator, and the operator must obtain from the transient guest, a certificate specifying the reason that the sale is not legally subject to the tax. If no certificate is obtained, it shall be presumed that the tax applies.

(Ord. 2005-2. Passed 1-24-05.)

189.07 STATEMENT AND CHARGE OF TAX.

(a) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted and charged for, and on every evidence of occupancy or any bill or statement or charge made for such occupancy issued or delivered by the operator. The tax shall be paid by the occupant to the operator as trustee for and on account of the City and the operator shall be liable for the collection thereof and for the remittance of the tax to the Administrator.

(b) No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner hereinafter provided.

(Ord. 2005-2. Passed 1-24-05.)

189.08 REGISTRATION.

Within 30 days after the effective date of Ordinance 2005-2, passed January 24, 2005 or within 30 days after commencing business, whichever is later, each operator of any hotel renting lodging to transient guests shall register the hotel with the Administrator and obtain from the Administrator a Transient Occupancy Registration Certificate, which Certificate shall be at all times posted in a conspicuous place on the premises. The Certificate shall, among other things, state the following:

- (a) The name of the operator;
- (b) The address of the hotel;
- (c) The date upon which the Certificate was issued; and
- (d) "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Lodging Tax Ordinance by registering with the Administrator of the City of Huron for the purpose of collecting from transient guests the Lodging Tax and remitting that tax to the Administrator of the City of Huron. This Certificate does not constitute a permit."

(Ord. 2005-2. Passed 1-24-05.)

189.09 RECORDS.

Each operator shall keep complete and accurate records of lodging furnished, together with a record of the tax collected thereon, which shall be the amount due under this chapter, and shall keep all invoices and other pertinent documents. If the operator furnishes lodging not subject to the tax, the operator's records shall show the identity of the transient guest, if the sale was not exempted by reason of such identity, or the nature of the transaction if exempted for any other reason. The records and other documents shall be opened during business hours to the inspection of the Administrator and shall be preserved for a period of three years, unless the Administrator, in writing, consents to their destruction within that period, or unless the Administrator orders that such records be kept for a longer period of time.

(Ord. 2005-2. Passed 1-24-05.)

189.10 RETURNS AND PAYMENT.

Each operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period that may be established by the Administrator, make a return to the Administrator, on forms provided by the Administrator, of the total rents charged and received and the amount of tax collected by transient occupancies. All claims for exemption from tax filed by transient guests with the operator during the reporting period shall be filed with the report. At the time the return is filed, the full amount of the tax collected shall be remitted to the Administrator. The Administrator may establish shorter reporting periods for any Certificate holder if the Administrator deems it necessary in order to insure collection of the tax, and the Administrator may require further information in the return if such information is pertinent to the collection of the tax. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this Chapter shall be held in trust for the account of the City until payment is made to the Administrator. All returns and payments submitted by each operator shall be treated as confidential by the Administrator and shall not be released by the Administrator except on order of a court of competent jurisdiction or to an officer or agent of the United States of America, the State, the County of Erie or the City for official use only.

(Ord. 2005-2. Passed 1-24-05.)

189.11 PENALTIES AND INTEREST.

(a) Original delinquency. Any operator who fails to remit any tax imposed by this Chapter within the time required shall pay a penalty equal to 10% of the amount of the tax, in addition to the tax.

(b) Continued delinquency. Any operator who fails to remit any delinquent remittance on or before a period of 30 days following the date on which the remittance became delinquent shall pay a second delinquency penalty equal to 10% of the amount of the tax and previous penalty in addition to the tax and the 10% penalty first imposed. An additional penalty equal to 10% of the total tax and penalty of the previous 30-day period shall be added for each successive 30-day period that the occupant remains delinquent, but the accumulated penalty shall not exceed 100% of the delinquent remittance.

(c) Fraud. If the Administrator determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty equal to 25% of the amount of the tax shall be added thereto, in addition to the penalties stated in (a) and (b) above.

(d) Interest. In addition to the previous penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of 1.0% per month, or fraction thereof, on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

(e) Penalties during pendency of hearing or appeal. No penalty provided under the terms of this Chapter shall be imposed during the pendency of any hearing provided for herein or during the pendency of any appeal to the Board of Review.
(Ord. 2005-2. Passed 1-24-05.)

189.12 FAILURE TO COLLECT; ASSESSMENTS; REFUNDS.

If any operator fails or refuses to collect the tax and to make, within the time provided in this chapter, any report and remittance of such tax or any portion thereof required by this chapter, the Administrator shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the tax due and shall have the same investigative powers described in Section 185.09(a) and (b). As soon as the Administrator procures such facts and information as the Administrator is able to obtain on which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect it and to make such report and remittance, the Administrator shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the Administrator shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at the operator's last known place of business. Such operator may, within ten days after the serving or mailing of such notice, make application in writing to the Administrator for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the Administrator shall become final and conclusive and immediately due and payable. If such application is made, the Administrator shall give not less than five days written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in such notice why such amount specified therein should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After the hearing, the Administrator shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after 15 days unless an appeal is taken as provided by Section 189.13. No assessment shall be made against an operator for any tax, interest or penalty imposed by or pursuant to this Chapter more than four years after the due date for the remittance of the tax imposed by this Chapter or the date the return of such tax is filed, whichever is later. No statute of limitation on assessments exists where (i) the Administrator has substantial evidence of amounts of tax collected by an operator from transient guests that were not returned to the Administrator or (ii) the operator failed to file a return as required by this Chapter. A claim for refund to the Administrator of any tax illegally or erroneously paid, collected and/or remitted shall be made in the manner, and within the time, prescribed by Ohio R.C. 5739.07, including any amendments or successor provisions thereto. (Ord. 2005-2. Passed 1-24-05.)

189.13 APPEALS.

Any operator aggrieved by any decision of the Administrator with respect to the amount of such tax, interest and penalties, if any, may appeal to the Board of Review by filing a notice of appeal with it within ten days of the serving or mailing of the determination of tax due. The Board of Review shall fix a time and place for hearing the appeal, and shall give notice in writing to such operator at the last known place of business of the operator. The findings of the Board of Review shall be final and conclusive and shall be served on the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

(Ord. 2005-2. Passed 1-24-05.)

189.14 COLLECTION.

Any tax required to be paid by a transient guest under the provisions of this Chapter shall be deemed a debt owed by the transient guest to the City. Any tax collected by an operator that has not been paid to the City shall be deemed a debt owed by the operator to the City. Any person owing money to the City under the provisions of this Chapter shall be liable to an action brought in the name of the City for the recovery of such amount.

(Ord. 2005-2. Passed 1-24-05.)

189.15 COLLECTION OF TAX AFTER TERMINATION OF CHAPTER.

This chapter shall continue effective insofar as the levy of the tax is concerned until revoked, and insofar as the collection of the tax levied hereunder and actions or proceedings for collecting any tax so levied or enforcing any provisions of this chapter are concerned, it shall continue effective until all of such taxes levied in the aforesaid period are fully paid and any and all suits and prosecutions for the collection of such taxes or for the punishment of violations of this chapter have been fully terminated, subject to the limitations contained in Section 189.99.

(Ord. 2005-2. Passed 1-24-05.)

189.16 DISPOSITION OF FUNDS COLLECTED.

By the passage of this chapter, it is the expressed intention of Council to place the funds derived from the imposition of the tax herein imposed in the general fund, such funds to be used as set forth in Section 189.01.

(Ord. 2005-2. Passed 1-24-05.)

189.17 SEPARABILITY.

If any sentence, clause, section or part of this chapter or any tax against any individual or any of the several groups specified herein is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall affect only such clause, sentence, section or part of this chapter and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this chapter. It is hereby declared to be the intention of Council that this chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

(Ord. 2005-2. Passed 1-24-05.)

189.99 VIOLATIONS; PENALTY.

Whoever violates or fails to comply with any of the provisions of Sections 189.01 through 189.17 for which no penalty is otherwise provided is guilty of a minor misdemeanor. Each day the violation continues shall be deemed a separate violation.

(Ord. 2005-2. Passed 1-24-05.)

TITLE ELEVEN - Urban Renewal
Chap. 191. Standards and Procedures.

CHAPTER 191
Standards and Procedures

191.01	Necessity.	191.09	Federal aid contracts.
191.02	Council policy.	191.10	Modification of urban renewal and general neighborhood renewal plan.
191.03	Definitions.	191.11	Execution of urban renewal projects.
191.04	City Manager; responsibility.	191.12	Finance.
191.05	Preparation; studies; plans.	191.13	Building permits.
191.06	Contents of plan; relocation plan; supporting documentation.	191.14	Tax exemption.
191.07	Action by Planning Commission.		
191.08	Public hearing; Council action.		

CROSS REFERENCES

Appropriation of property - see Ohio Const., Art. I, §19; Art. XVIII, §10, 11
 Procedure for appropriation of property - see Ohio R.C. Ch. 163, 719
 Power to transfer or convey real property without bids - see Ohio R.C. Ch 725
 Urban renewal debt retirement fund - see Ohio R.C. Ch. 725

191.01 NECESSITY.

It is hereby found and determined that there exist within the City slum, blighted, deteriorated and deteriorating areas of the nature defined in this chapter which constitute a serious and growing menace injurious and inimicable to the public health, safety, morals and general welfare of the residents thereof; that the existence of such areas (a) contributes substantially and increasingly to the spread of disease and crime and to losses by fire and accident, necessitating excessive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution and punishment, for the treatment of juvenile delinquency, for the maintenance of adequate police, fire and accident protection and for other public services and facilities; (b) constitutes an economic and social liability, and (c) substantially impairs and arrests the sound growth of the community; retards the provisions of housing accommodations, aggravates traffic problems and substantially impairs or arrests the

elimination of traffic hazards and the improvement of traffic facilities; that this menace is beyond remedy and control solely by regulatory processes and exercise of the police power and cannot be dealt with effectively by the ordinary operation of private enterprise without the aids herein provided; that the elimination in whole or in part of slum, blighted, deteriorated and deteriorating areas and the prevention of occurrence or recurrence of such areas by redevelopment and by the conservation, rehabilitation and reconditioning to the extent feasible, of the salvageable portions of such areas and by other activities pursuant to urban redevelopment or urban renewal as defined herein, are public uses and purposes for which public money may be expended and private property acquired by purchase, by donation and by eminent domain and are governmental functions of concern to the City and require the exercise of the powers of government granted to the City by the provisions of Article XVIII of the Ohio Constitution and that the necessity in the public interest and general welfare, for the provisions of this chapter is hereby declared as a matter of legislative determination.

(Ord. 1966-27. Passed 5-9-66.)

191.02 COUNCIL POLICY.

It is hereby declared to be the policy of Council to promote and encourage the sound development, including renewal and redevelopment where necessary, of the entire City in accordance with the general plan for the City. Council realizes that the City government will be unable to carry out coordinated and effective programs for renewing the City without the cooperation and support of the public as a whole. Therefore, Council stands ready to cooperate with private enterprise, civic groups, neighborhood agencies and governmental agencies in developing and carrying out urban renewal programs and projects to promote the sound development of new areas, to prevent the spread of slums and blight and to eliminate slums, blighted, deteriorated and deteriorating areas in the City. (Ord. 1966-27. Passed 5-9-66.)

191.03 DEFINITIONS.

For the purpose of this chapter, the following terms shall have the meaning ascribed to them in this section unless a different meaning is clearly indicated in the context.

- (a) "Agency", "urban renewal agency", "local public agency" or "City" means the City of Huron, Ohio.
- (b) "Slum, blighted or deteriorated area" means an area within the corporate limits of the City in which there are a majority of structures or other improvements, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation or open spaces, high density of population and overcrowding, unsafe and unsanitary conditions or the existence of conditions which endanger life or property by fire or other hazards and causes or any combination of such factors, and an area with overcrowding or improper location of structures on the land, excessive dwelling unit density, detrimental land uses or conditions, unsafe, congested, poorly designed streets or inadequate public facilities or utilities, all of which substantially impair the sound growth and planning of the community, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime and is detrimental to the public health, safety, morals and general welfare.

- (c) "Deteriorating area" means either:
- (1) An area, whether predominately built up or open, which is not a slum, blighted or deteriorated area but which, because of incompatible land uses, nonconforming uses, lack of adequate parking facilities, faulty street arrangement, obsolete platting, inadequate community and public utilities, diversity of ownership, tax delinquency, increased density of population without commensurate increases in new residential buildings and community facilities, high turnover in residential or commercial occupancy, lack of maintenance and repair of buildings, or any combination thereof, is detrimental to the public health, safety, morals and general welfare, and which will deteriorate or is in danger of deteriorating into a slum, blighted or deteriorated area; or
 - (2) An area consisting principally of land in highways, railway or subway tracks, bridge or tunnel entrances or other similar facilities, which have a blighting influence on the surrounding area and over which air right sites can be developed thereby eliminating such blighting influence,
- (d) "Project area", "urban redevelopment area" or "urban renewal area" means a slum, blighted, deteriorated or deteriorating area or any combination or part thereof which Council designates as of a character and size appropriate for urban renewal activities and for which an urban redevelopment plan or urban renewal plan is proposed or prepared.
- (e) "General neighborhood renewal area" means an urban renewal area or areas, together with any adjoining areas having specially related problems, of such scope that urban renewal activities in the urban renewal area or areas may have to be initiated in more than one separate urban renewal project, over an estimated period of up to eight years.
- (f) "Urban renewal" or "urban redevelopment" means the activities of the City, with or without federal or State aid or assistance, for developing, undertaking and carrying out of urban renewal or redevelopment programs and projects, including all planning and other related activities of the City in connection therewith, or any part of such activities.
- (g) "Open space land" means land which has not been developed by the construction or installation of streets, utilities, buildings (except sporadic or incidental structures) or other site improvements. Whether or not such an area has been platted in whole or in part does not prevent its classification as "open space land".
- (h) "Redeveloper" means any person or entity (1) purchasing property from the City within a project area or (2) owning property located within such area and entering into a conforming agreement with the City in consideration of being permitted by the City to retain title to such property.
- (i) "Urban renewal plan" or "urban redevelopment plan" means a plan as it exists, from time to time, for the urban renewal or redevelopment of a project area or part thereof.

- (j) "General neighborhood renewal plan" means the plan and program as it exists, from time to time, for the urban renewal or redevelopment of a general neighborhood renewal area. The general neighborhood renewal plan need not contain all of the required contents set forth in Section 191.06 hereof with respect to an urban renewal plan or urban redevelopment plan. Approval of the general neighborhood renewal plan by Council does not create authority to carry out project execution activities.
- (k) "Urban renewal project", "urban redevelopment project" or "project" means undertakings and activities of the City, with or without federal or state aid or assistance, in a project area for the elimination and prevention of the development or spread of slum, blighted, deteriorated or deteriorating areas, and may involve clearance and redevelopment in a project area or rehabilitation and conservation in a project area, or any combination or part thereof, in accordance with the urban renewal or urban redevelopment plan for the project area to the full extent of and in accordance with the rights, powers and authority of the City, whether derived from the applicable provisions of the Federal or State Constitution or statutes, or the City Charter or City ordinances. Such undertakings and activities in a project area may include:
- (1) Acquisition of realty, including the acquisition of air rights.
 - (2) Demolition and removal of buildings and improvements.
 - (3) Installation, construction or reconstruction of streets, utilities, parks, playgrounds and other improvements necessary for carrying out the urban renewal or urban redevelopment plan.
 - (4) Disposition of property for uses in accordance with the urban renewal or urban redevelopment plan.
 - (5) Encouraging and assisting interested citizens in a private program of voluntary repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan, with or without aid and assistance by Federal Housing Administration mortgage insurance or special support for mortgage financing through the Federal National Mortgage Association or similar organizations.
 - (6) Acquisition of any real property where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen such lot occupancy or population density as create such conditions, eliminate uses incompatible with the general character of a neighborhood and which are detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities, and disposition of property, so acquired herein, for voluntary repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan.
 - (7) Construction of foundations and platforms necessary for the appropriate provision of air right sites in accordance with the urban renewal or urban redevelopment plan.

- (8) Acquisition, repair or rehabilitation for guidance purposes and resale of structures which, under the urban renewal plan, are to be repaired or rehabilitated for dwelling use or related facilities, provided that there shall not be acquired for such purposes in any project area buildings which contain or will contain more than 100 dwelling units, or five percent of the total number of dwelling units in such area which, under the urban renewal plan, are to be repaired or rehabilitated, whichever is the lesser.
- (9) Relocating, within the project area, a structure which the City determines to be of historic value and which will be disposed of to a public body or a private nonprofit organization which will renovate and maintain such structure for historic purposes. The urban renewal project shall not include the construction or improvement by the City of any building other than municipal buildings, except as provided in subsections (k)(7) and (8) hereof and this subsection (k)(9).
- (l) "General plan" or "master plan" means a broad and general guide and pattern for the future growth and development of the City, including maps, plats, charts and descriptive, interpretive and analytical narratives, as may be appropriate, and specifically shall mean the Comprehensive Community Plan of Huron, Ohio, as adopted by the Planning Commission on February 2, 1965, pursuant to Ohio R.C. 713.02, and any subsequent amendments thereto.
- (m) "Slum clearance" or "clearance" or "urban redevelopment" may include those undertakings and activities identified in subsections (k)(1), (2), (3), (4) and (7).
- (n) "Rehabilitation", "conservation" or "reconditioning" may include those undertakings and activities identified in subsections (k)(3), (4), (5), (6), (8) and (9). (Ord. 1966-27. Passed 5-9-66.)

191.04 CITY MANAGER; RESPONSIBILITY.

The City Manager is hereby charged with the responsibility of supervising the urban renewal and urban redevelopment activities of the City, coordinating the activities of the several officers, employees, commissions and boards concerned with such projects and executing on behalf of the City, as its authorized representative, all applications to the Federal government for grants, loans and advances. (Ord. 1966-27. Passed 5-9-66.)

191 05 PREPARATION; STUDIES; PLANS.

(a) Upon the recommendation of the City Manager and approval by Council, the City Manager shall enter into such contracts on behalf of the City with engineers, architects and other professional services as may be necessary to provide the necessary inspections, studies, plans, surveys and reports in connection with the preparation of the general neighborhood renewal plan and in connection with the urban renewal or redevelopment activities to be undertaken by the City to the extent that funds have been appropriated therefor. The Planning Commission may conduct such inspections, studies, plans, surveys and reports.

(b) When studies, plans, surveys or reports pursuant to subsection (a) hereof have been prepared, they shall be submitted to Council and filed as provided from time to time. (Ord, 1966-27. Passed 5-9-66.)

191.06 CONTENTS OF PLAN; RELOCATION PLAN; SUPPORTING DOCUMENTATION.

(a) Any urban renewal or redevelopment plan hereafter prepared shall be prepared in such detail as to clearly set forth sufficient information to permit the Planning Commission to exercise its power of approval or disapproval under Ohio R.C. 713.02, and in any event such plan shall include, but shall not be limited to the following:

- (1) A description of the boundaries of the project area;
- (2) A land use plan showing the location, character and extent of public and private land ownership, utilities, use and occupancy proposed within the area;
- (3) A delineation of areas of land acquisition, demolition and removal of structures or rehabilitation, conservation or reconditioning of existing structures, if any, as may be proposed to be carried out in the project area;
- (4) A statement indicating the controls, use, development and building restrictions to be placed on the property in the project area to prevent a recurrence of slum or blighted conditions;

and in addition thereto, such plan or its supporting documentation shall include, but shall not be limited to, the following:

- (5) A report showing the proposed changes, if any, in the building, housing or zoning ordinances or maps, and street layouts, levels or grades;
- (6) A statement from the appropriate City official or officials setting forth the capability of the City to finance the portion of the project costs to be contributed by the City;
- (7) A statement of the relationship of the plan to such definite objectives of the City respecting appropriate land uses, improved traffic conditions and transportation, public utilities, recreation and community facilities and other public improvements.

(b) A relocation plan shall indicate a feasible method for the temporary relocation of individuals and families displaced from the project area, and that there are or are being provided in the project area, or in other areas not generally less desirable in regard to public utilities and public and commercial facilities, and at rents or prices within the financial means of the individuals and families to be displaced from the project area, decent, safe and sanitary dwellings equal in number to the number of such displaced individuals and families and available to them and reasonably accessible to their places of employment. (Ord. 1966-27. Passed 5-9-66.)

191.07 ACTION BY PLANNING COMMISSION.

(a) When a general neighborhood renewal plan or an urban renewal or urban redevelopment plan and the supporting documentation therefor is filed with Council, Council shall refer such plan and supporting documentation to the Planning Commission for its review and recommendations, including the exercise of its power of approval or disapproval under Ohio R.C. 713.02, and its certification as to whether or not the plan is in conformity with the general plan of the City, by causing a copy of such plan and supporting documentation to be delivered to the person charged with the preparation and custody of the record of proceedings of the Planning Commission.

(b) The Planning Commission shall submit in writing to Council its approval or recommendation concerning such plan. The approval of the Commission shall also constitute its approval of those matters placed under its jurisdiction by Ohio R.C. 713.02 except as the recommendations of the Planning Commission may include a disapproval pursuant to such section. Except as recommendations or disapprovals are received from the Planning Commission on or before the thirtieth day after the day of delivery to the person charged with the preparation and custody of the record of proceedings of the Planning Commission of such plan and supporting documentation, the plan shall be conclusively presumed to have been approved by the Planning Commission, (Ord. 1966-27. Passed 5-9-66.)

191.08 PUBLIC HEARING; COUNCIL ACTION.

(a) Council, before approving a general neighborhood renewal plan or an urban renewal or urban redevelopment plan, shall hold a public hearing on the plan at which an opportunity shall be provided to all persons interested to be heard either in person or by counsel, which hearings may be adjourned from time to time, Notice of the date, time and place of such hearing shall be published in a newspaper of general circulation in the City once a week for two consecutive weeks on the same day of the week, and at least seven full days shall elapse between the second publication and the date set for the public hearing. Such notice shall also contain a description of the project area by its location in relation to highways, streets, watercourses or other natural or artificial boundaries, and shall also designate the place at which the plan, maps, plats and other materials describing the project area are and will be available for public inspection.

(b) Following the completion of such public hearing, Council may either approve or reject the general neighborhood renewal plan or the urban renewal or urban redevelopment plan, or make modifications and approve such plan as modified; provided that:

- (1) If the boundaries of the project area are extended to include any land (except land contained within the right-of-way lines of a dedicated street or alley) not included in the urban renewal or urban redevelopment plan upon which the public hearing was held pursuant to subsection (a) hereof, or if there is added a type of urban renewal or redevelopment activity not included in the urban renewal or urban redevelopment plan upon which the public hearing was held pursuant to subsection (a) hereof which required the acquisition of property, or if there is any change in land use or redevelopment restrictions contained in the urban renewal or urban redevelopment plan upon which the public hearing was held pursuant to subsection (a) hereof, public hearing shall be held on such urban renewal or urban redevelopment plan as modified prior to approval thereof by Council in accordance with the provisions of subsection (a) hereof, and

(2) If such modifications are other than in accordance with the recommendations of the Planning Commission, such general neighborhood renewal plan, urban renewal plan or urban redevelopment plan as modified shall be resubmitted to the Planning Commission for its written approval or recommendations pursuant to the provisions of Section 191.07.

(c) When Council wishes to approve a general neighborhood renewal plan, or an urban renewal or redevelopment plan, it shall do so by ordinance, passed by a majority vote and in accordance with the requirements of the City Charter; provided, however, if such plan has not been approved by the Planning Commission, or if there were any partial disapprovals by or adverse recommendations of the Planning Commission under Ohio R.C. 713.02, not accepted by Council by its modifications of the plan in accordance therewith, then an affirmative vote of two-thirds of the members of Council shall be required to pass such ordinance and, to the extent that such disapproval involves the construction of an improvement or utility within the meaning of Ohio R.C. 713.02, the concurrence of the head of the department or departments having control of the construction of such proposed improvement or utility shall also be necessary.

(d) The ordinance of Council approving a general neighborhood renewal plan should contain a finding that such plan conforms to the general plan and to the workable program of the City and such other findings as may be necessary or desirable, but need not contain the other findings set forth in subsection (e) hereof for approval of urban renewal or redevelopment plans. Such approval of a general neighborhood renewal plan may be made before, or at the same time as, the approval of an urban renewal or redevelopment plan for a project within the general neighborhood renewal area.

(e) The ordinance of Council approving an urban renewal or redevelopment plan shall include the following findings:

- (1) Specific findings of fact as to the conditions in the project area which make it a slum, blighted, deteriorated or deteriorating area and findings that the project area is a slum, blighted, deteriorated or deteriorating area.
- (2) That the size and character of the area and the location of elements of slum, blight and deterioration in the area make it appropriate for urban renewal activities.
- (3) That the proposals for the proper relocation of individuals and families displaced in carrying out the project in decent, safe and sanitary dwellings in conformity with acceptable standards are feasible and can be reasonably and timely effected to permit the proper prosecution and completion of the project; and that such dwellings or dwelling units available or to be made available to such displaced individuals and families are at least equal in number to the number of displaced individuals and families, are not generally less desirable in regard to public utilities and public and commercial facilities than the dwellings of the displaced individuals and families in the project area, are available at rents or prices within the financial means of the displaced individuals and families and are reasonably accessible to their places of employment.
- (4) (This finding is to be made only if federal aid is needed.) That financial aid to be provided by the Federal Government under its contract is necessary to enable the project to be undertaken in accordance with the plan.

- (5) That the plan for the project area will afford maximum opportunity consistent with the sound needs of the community as a whole for the rehabilitation or redevelopment of the project area by private enterprise.
- (6) That the plan conforms to the existing general or master plan for the overall development of the City as prepared by the Planning Commission pursuant to Ohio R.C. 713.02.
- (7) That the plan gives due consideration to the provision of adequate park and recreational areas and facilities, as may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of the children residing in the general vicinity of the site covered by the plan.
- (8) (This finding is to be made only if there is included in the plan any provision permitting the new construction of hotels, motels or other housing for transient use.) That the City has caused to be made a competent independent analysis of the local supply of transient housing and as a result thereof determines that there exists in the project area a need for additional units of such housing.
- (9) (This finding is to be made only if the project area is not predominantly residential in character and is not to be redeveloped for predominantly residential use.) That the redevelopment of the project area for predominantly nonresidential uses is necessary for the proper development of the community.
- (10) (This finding is to be made only where an open space land program is involved.) That the land and the interests in land to be acquired are for the purpose of preserving such area as open space land and are necessary to orderly long range development, to curb urban sprawl and the spread of urban blight and deterioration, to encourage more economical and desirable urban development and to provide areas for parks, playgrounds, parkways, conservation areas, watersheds and to preserve natural resources and that the area so to be acquired is of a size and character appropriate for such purposes.
- (11) (This finding is to be made only if Federal aid is involved and clearing is the sole treatment proposed.) That the objectives of the urban renewal plan cannot be achieved through rehabilitation of the urban renewal area.
- (12) (This finding is to be made only if Federal aid is involved and both clearance and rehabilitation treatment are proposed.) That the objectives of the urban renewal plan cannot be achieved through more extensive rehabilitation of the urban renewal area.
- (13) (This finding is to be made only if Federal aid is involved.) That the United States of America and the Secretary of Housing and Urban Development are assured of full compliance by the City with regulations of the Department of Housing and Urban Development effectuating Title VI of the Civil Rights Act of 1964.

- (14) (This finding is to be made only where an educational institution or a hospital is located in or near the project area and it is desired to utilize Section 112 of the Housing Act of 1949, as amended.) That, in addition to the elimination of slums and blight from such area, the undertaking of an urban renewal or urban redevelopment project in such area will further promote the public welfare and the proper development of the community (i) by making land in such area available for disposition, for uses in accordance with the urban renewal or urban redevelopment plan, to such educational institution or hospital for redevelopment in accordance with the uses specified in the urban renewal or urban redevelopment plan, (ii) by providing, through the redevelopment of the area in accordance with the urban renewal or urban redevelopment plan, a cohesive neighborhood environment compatible with the functions and needs of such educational institution or hospitals or (iii) by any combination of the foregoing.

(f) Any documents which were submitted to Council to support findings in the ordinance should be filed by the Clerk of Council with a copy of the ordinance.

(g) The taking effect of the ordinance approving an urban renewal or redevelopment plan shall constitute authority to spend moneys of the City appropriated for carrying out urban renewal or redevelopment activities in accordance with the plan, as well as the proceeds of bonds or notes issued for such purpose, and to accept advances, gifts, donations and grants from the Federal Government, the State of Ohio, any entity, instrumentality or subdivision of either, or from any other entity or person for such purpose. (Ord. 1966-27. Passed 5-9-66.)

191.09 FEDERAL AID CONTRACTS.

Any contract with a Federal agency for loans, advances, grants or other Federal aid to the City shall be approved by the Director of Law as to form and legality and after approval and authorization by ordinance of Council, passed in accordance with the requirements of the Charter of the City, shall be executed by the City Manager. (Ord 1966-27. Passed 5-9-66.)

191.10 MODIFICATION OF URBAN RENEWAL AND GENERAL NEIGHBORHOOD RENEWAL PLAN.

An approved urban renewal plan may be amended, modified or changed by ordinance of Council from time to time; provided that if the boundaries of the project area are extended to include any land (except land contained within the right-of-way lines of a dedicated street or alley) not previously included therein, if there is added a new type of urban renewal activity which requires the acquisition of property, if there is any change in the land use or redevelopment restrictions or if there is a change in the proposed location, extent or character of a public improvement or utility within the project area or in any other matter directly within the jurisdiction of the Planning Commission to approve or disapprove under Ohio R.C. 713.02, or if such amendment, modification or change is deemed by Council to be a substantial change in the urban renewal or redevelopment plan, then all of the proceedings provided for in Sections 191.07 and 191.08 shall be carried out in connection with such amendment, modification or change except that the findings to be made in the ordinance approving the urban renewal or urban redevelopment plan shall be altered to fit the circumstances. The land use or redevelopment restrictions applicable to any land previously conveyed by the City may not be amended, modified or changed without the consent of the property owner thereto.

A general neighborhood renewal plan may be amended, modified or changed by ordinance of Council from time to time, provided that any such amendment, modification or change shall be submitted to the Planning Commission for its written approval or recommendations pursuant to the provisions of Section 191.07. (Ord. 1966-27. Passed 5-9-66.)

191.11 EXECUTION OF URBAN RENEWAL PROJECTS.

(a) Acquisition of Property. As authorized by Council, the City Manager with the appropriate advice and assistance of the Director of Law, shall cause the necessary steps to be taken to acquire the parcels of land in the project area in accordance with the urban renewal or redevelopment plan, including but not limited to, the negotiation for such parcels, obtaining appraisals, title examinations and reports, with the City Manager executing contracts for any of such services and appropriate documents to transfer title to the City; provided, that in the event appropriation of property is necessary, Council shall initiate and carry out the necessary proceedings, with the appropriate assistance of the several officers, employees, boards and commissions of the City. Acquisitions may take place at any time after compliance with Sections 191.07 and 191.08.

(b) City Activities Preparing Property for Disposition. After any necessary appropriations of City moneys and authorization of expenditures by ordinances of Council; Council action, where appropriate, to rezone property, vacate or dedicate streets or other public places and provide for the establishment and preservation of open space areas; certification of funds by the Director of Finance, where appropriate and preparation of or approval of legal form of contracts by the Director of Law, the City Manager shall make the contracts and cause the purchase of the necessary supplies and materials and the provisions of the necessary labor for such City activities as may be necessary to carry out the urban renewal project, including but not limited to the demolition, rehabilitation or repair of structures (whether voluntarily by the private owners thereof or by the City for demonstration purposes in limited numbers), the removal of pavement, sidewalks, lighting and trees, capping, removal and relocation of City-owned utility lines, grading, construction of site improvements and supporting facilities and the temporary lease, rental or permission to let others use structures or parcels of land while owned by the City, relocation activities and the enforcement of any applicable provisions of law or conforming agreements relative to building, zoning, platting and the repair or rehabilitation of land and structures remaining in private ownership.

(c) Disposition of Property. Council may authorize by ordinance the transfer, lease or conveyance of any real property in accordance with and for the purpose of the plan, subject to such lawful terms, conditions, restrictions and covenants, including covenants running with the land, to assist in carrying out the purposes of the plan. All dispositions of real property shall be at not less than the fair value thereof determined by Council based upon the proposed new uses and restrictions to be imposed thereon under the urban renewal plan by Council through zoning ordinances, private covenant or otherwise. Such determination shall be made only after obtaining independent appraisals of such fair value upon the aforesaid bases, which appraisals shall not be binding upon the City. The manner of disposition shall be prescribed by ordinance, and may be by negotiation, with or without any competitive bidding, and such competition and award of a disposition contract may be based on factors other than price alone. Two weeks' publication in a newspaper of general circulation in the City shall be sufficient notice for the taking of competitive bids or of the execution of a disposition contract without competitive bidding. The financial qualifications and legal status of those proposing to acquire or lease such real property shall be considered in all dispositions. The City Manager shall execute, on behalf of the City, such instruments as may be necessary to transfer, lease or convey such real property in the form approved by the Director of Law and authorized by Council, which form shall include all covenants running with the land, including any portions of the plan incorporated by reference, and shall execute any certificates of completion of improvements or other appropriate instruments, on behalf of the City, that may be necessary in accordance with any covenants in such instruments of lease or conveyance.

(d) Conforming Agreement With Owner. If the owner of property in the project area is willing to make the use of his property conform to the urban renewal or redevelopment plan and Council finds and determines that the acquisition of such property by the City will not be necessary if so conformed, the City Manager, upon Council authorization, may enter into a conforming agreement upon such terms and security as may be authorized by Council. Such agreement may provide for the acquisition of property upon continued failure of the property owner to keep his agreement after notice from the City specifying such failure.

(e) Council May Authorize Employment of Community Corporations. In the execution of urban renewal or redevelopment projects, Council may authorize as to any appropriate projects or parts of projects, the employment of community improvement corporations, community redevelopment corporations, and metropolitan housing authorities, as defined by the statutes of Ohio, and when authorized by ordinance of Council may grant leases, make conveyances and enter into agreements with such corporations related to appropriate aspects of such projects to the full extent of the powers possessed by such corporations. (Ord. 1966-27. Passed 5-9-66.)

191.12 FINANCE.

The cost of urban renewal activities may be paid in whole or in part by the City from appropriate general or special funds or accounts established in accordance with the City Charter, City ordinances and applicable laws, and the City may accept grants or gifts of moneys or real or personal property from persons, entities, governments or taxing authorities to be used for the planning and financing of such urban renewal activities.

All bonds or notes payable from the general credit and taxes of the City to finance the urban renewal activities shall be issued in accordance with the applicable provisions of Ohio R.C. Chapter 133. Accounts shall be maintained for the carrying out of those urban renewal activities being financed by loans or advances from the Federal Government separate from any other City accounts, including City accounts used to carry out activities being financed by the City and no money or real or personal property shall in any way be pledged as security for the repayment of any federal loans or advances, except the separately described portion of a project area set aside for such purpose, together with the proceeds from the sale, lease or temporary operation thereof and federal capital grant moneys earned in connection therewith in order to avoid violating statutory and constitutional debt and tax limitations.
(Ord. 1966-27. Passed 5-9-66.)

191.13 BUILDING PERMITS.

After approval of an urban renewal or redevelopment plan by Council, no building permit shall be issued for the improvement or enlargement of any existing structure or for the construction of a new structure, in the clearance and redevelopment portion of the project area, except that such permit may be issued for the repair of an existing structure when such repair is deemed necessary by the Director of the Department of Building and Housing Inspection for the immediate preservation of the public health and safety or is required by the redeveloper in accordance with the redevelopment plan. (Ord. 1966-27. Passed 5-9-66.)

191.14 TAX EXEMPTION.

(a) All property of the City, including funds, owned or held by it for the purposes of this chapter shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall judgment against the City be a charge or lien upon such property; provided, however, that the provisions of this section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this chapter by the City on its rents, fees, grants or revenues from urban renewal or redevelopment projects.

(b) The property of the City acquired or held for the purposes of this chapter on January 1, of any year is declared to be public property used exclusively for essential public and governmental purposes, and such property shall be exempt from all taxes of the City, County, State or any taxing authority thereof; provided, however, that such tax exemption shall terminate when the City sells, leases or otherwise disposes of such property in a project area to a purchaser or lessee which is not a person, corporation, partnership or other association entitled to tax exemption with respect to such property.
(Ord. 1966-27. Passed 5-9-66.)