

# Notice of Meeting

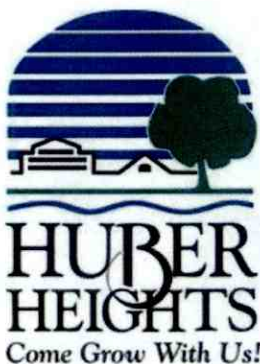
## ORDINANCE REVIEW COMMISSION

Wednesday, August 18, 2021

*at or about 6:30 p.m. at City Hall – Council  
Chambers – 6131 Taylorsville Road*

**The Huber Heights Ordinance  
Review Commission  
has scheduled a  
Regular Meeting.**

The meeting will also be viewable by the public on live stream available at  
[www.hhoh.org](http://www.hhoh.org)



Distributed – July 26, 2021

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**CITY OF HUBER HEIGHTS  
STATE OF OHIO  
Ordinance Review Commission**

**August 18, 2021  
6:30 P.M.**

**City Hall – 6131 Taylorsville Road – Council Chambers**

1. **Call Meeting To Order/Roll Call**
2. **Approval of Minutes**
  - A. July 21, 2021
3. **Topics of Discussion**
  - A. Legislation Worksheets Review
  - B. City Code - Part Fifteen - Fire Prevention Code - Review
  - C. Administrative/Process Issues
4. **Adjournment**

**CITY OF HUBER HEIGHTS  
STATE OF OHIO**

**Ordinance Review Commission Meeting Minutes**

**Name of Body:** Ordinance Review Commission

**Date:** August 18, 2021

**Time:** 6:30 P.M.

**Place:** City Hall – Council Chambers – 6131 Taylorsville Road

**Members Present:**

Jim Ellis  
Joseph Hendrix  
Brian Kitchen  
Glenn Otto  
Don Webb

**Guests Present:**

City Staff Present: Anthony Rodgers

Guests Present: None

**1. Call The Meeting To Order/Roll Call**

Chair Jim Ellis convened the Ordinance Review Commission meeting at 6:30 P.M.

Anthony Rodgers took Roll Call.

**2. Approval Of Minutes**

The following minutes were approved unanimously at the beginning of this meeting:

- July 21, 2021

**3. Topics of Discussion:**

- Legislation Worksheets Review
- City Code – Part Fifteen - Fire Prevention Code – Review
- Administrative/Process Issues



## Legislation Worksheets Review

Anthony Rodgers distributed information regarding the Legislation Worksheets Review (see attached). He also distributed City Staff responses and feedback from Gerald McDonald, Scott Falkowski, Josh King, and Russ Bergman (see attached).

Anthony Rodgers said in Part Five there was discussion Don Webb had brought up from a resident regarding Section 511.02 which dealt with curfew. He said the Law Director's feedback was he did not think it needed to be changed as the way he reads it is it prohibits being out past midnight on Friday night which is technically 12:01 a.m. Saturday. He asked if more discussion is needed.

Joseph Hendrix said if it has not been an issue, he feels no further discussion is needed.

After discussion, the commission agreed no changes were necessary to Section 511.02

Anthony Rodgers said he received feedback from the City Engineer regarding a change the Engineering Division would like to make to Section 509.08 - Disturbing the Peace. He said this issue had come up recently, and City Staff's recommendation is to change "weekdays" to "Monday through Saturday" in Section 509.08(b)(10).

After discussion, the commission agreed with the recommendation for the suggested revisions to Section 509.08(b)(10).

Anthony Rodgers said the first two items in Part Nine are sections the commission reviewed previously. He said he noticed on both items that the Law Director and City Engineer had commented on those sections but had conflicting recommendations for those sections. He said the first is 920.07 – Appeals. He said the commission had agreed to approve the City Engineer's suggestions, but those were different from the Law Director's suggestions. He said the City Engineer recommended to change the first line in this section from "to deny a permit" to "deny, suspend, or revoke a permit" and in the second sentence change "all appeals on denial of the permit" to "all appeals must be made in writing" to allow for appeals of suspensions or revocations in addition to denials. He said when he was cross referencing it to Gerald McDonald's information, the Law Director went into more detail and rewrote the section. He said Gerald McDonald thinks the phrase "suspension or revocation" should be deleted as there is no provision in the chapter regarding these processes, only denials, and that his belief is it should read, "The City Engineer's decision to deny a permit may be appealed to the City Manager. All appeals on a denial of a permit must be made in writing within ten calendar days..."

Jim Ellis said in Gerald McDonald's email of August 9, 2021, it read "I like the City Engineer's language; however, it only makes sense if we have provisions that permit revocation or suspension, which we do not. If we add those provisions, we would also need to add provisions regarding a hearing prior to revocation or suspension." He said as he understands it, Gerald McDonald thinks a provision needs to be added as there is no requirement for a hearing on a revocation or suspension in the existing code.



Anthony Rodgers said he is unclear what the recommendation should be and is bringing it back for clarity.

Jim Ellis said unless they are looking at the commission to write the code or ordinance itself, it would make more sense for Gerald McDonald to put into writing what information he would want added to the ordinance, to take the City Engineer's language plus his language, and then the commission can look at that recommendation.

After discussion, the commission agreed Anthony Rodgers would further review the recommendation with the Law Director again for Section 920.07.

Anthony Rodgers said it is a similar issue in Section 921.04.10 - Appeals which deals with basically the same issue.

Jim Ellis said the two sections should be consistent.

After discussion, the commission agreed Anthony Rodgers would further review the recommendation with the Law Director again for Section 921.04.10.

Anthony Rodgers said Section 943.04 – Parks Facilities is an update to the list of City parks. He said Josh King provided the list of parks, and if there are no objections to that list, that list would be the list to be codified in Section 943.04 to make the section current.

After discussion, the commission agreed with the recommendation for the suggested revisions to Section 943.04.

Anthony Rodgers said for Section 1117.04 – Schedule Of Fees, Charges, And Expenses, Gerald McDonald said he would leave this item up to Scott Falkowski, and Scott Falkowski said no changes are needed to Section 1117.04.

After discussion, the commission agreed no changes were necessary to Section 1117.04.

Anthony Rodgers said for Section 1121.02 – Fee Schedule, Gerald McDonald deferred to Scott Falkowski, and he has not had feedback from Scott Falkowski. He said he will verify with Scott Falkowski and if no changes are recommended for Section 1121.02, he will close this item out.

Anthony Rodgers said for Section 1123.25 – Carport, the Law Director referred to Scott Falkowski and he read Gerald McDonald's email. He said the Law Director wrote, "I think the use of 'accessory structure' is ok in this section. There is not much of a distinction between an accessory structure and an accessory building by definition (1123.01 and 1123.02) being a building subordinate to a bigger building on the same lot. An "accessory building" appears to be the smaller of two buildings located on the same lot regardless of how the two buildings are being used. An "accessory structure" appears to be a smaller building that is being used in a subordinate matter from how a larger building on the same lot is being used."

Glenn Otto said Scott Falkowski's comments on Section 1123.25 referred to size and whether one is bigger than the other would not necessarily be an indicator. He said Scott Falkowski

recommended no changes to Section 1123.25. He said the question is because the terms "accessory structure" and "accessory building" are both listed in the City Code.

Jim Ellis said if you have a house and a building in the backyard, are we talking about a carport on the side of the outbuilding? He said it states the carport has to be attached to a dwelling or accessory structure. He asked what about an accessory building? He asked if you could have a carport on an accessory building or would that be considered an accessory structure? He asked if accessory building is subsumed in the definition of accessory structure? He said since there are two different terms, that is where the confusion comes from.

Glenn Otto said the building will always be a structure, but a structure is not necessarily a building.

Anthony Rodgers said the City Staff comments here are that neither the Law Director or Scott Falkowski recommended a change and they did not find those definitions incongruent.

Jim Ellis said the commission should not try to fix something that does not appear to be broken.

After discussion, the commission agreed no changes were necessary to Section 1123.25.

Anthony Rodgers said Section 1127.03(c)(4) - Powers was the topic Jerry Wamsley brought up about a situation he experienced regarding the rights of a tenant and a land contract situation where he was unable to get a variance without the approval of homeowner. He said Gerald McDonald's feedback is he thinks the best avenue for the City is to leave the language as it is. He said the board should not be put into a position of interpreting rights under a land contract as each land contract can contain different language.

Glenn Otto said Jerry Wamsley also made other comments on that section concerning the occupant being responsible for some things. He said he thought it was that the tenant should be considered.

Anthony Rodgers said that matter was discussed in the hearings on property maintenance violations in Chapter 13. He said Jerry Wamsley was saying if tenants wanted to seek a variance on something, they should be able to do that without the approval of property owner. He said right now as the City Code reads, the owner has to seek the variance or give approval.

After lengthy discussion, the commission agreed no changes were necessary to Section 1127.03(c)(4).

Anthony Rodgers said in Section 1141.01 – Districts, this item was the discussion about subordination of the overlay districts to the zoning district or vice versa. He said Gerald McDonald said, "It appears the question is should Brandt Pike overlay be listed as its own district. It is not a true stand-alone district as its zoning is determined by the underlying zoning and not the overlay. Nevertheless, it does not appear to me that adding it to 1141.01 will hurt us in any way." Anthony Rodgers said Scott Falkowski wrote, "The overlay supersedes the underlying district if applicable as Mr. Otto stated." He said he is not sure if Gerald McDonald understood what the commission was asking. Anthony Rodgers said this recommendation seems more of a clarification than a recommended change.



After lengthy discussion, the commission agreed no changes were necessary to Section 1141.01.

Anthony Rodgers said for Section 1156.03(k) – Site Development Regulations, Gerald McDonald deferred to Scott Falkowski and Scott Falkowski recommended no changes.

After discussion, the commission agreed no changes were necessary to Section 1156.03(k).

Anthony Rodgers said in Section 1160.06 – Groundwater protection, there were no recommended changes from City Staff.

After discussion, the commission agreed no changes were necessary to Section 1160.06.

Anthony Rodgers said there was the issue of immediately prior to Section 1172, there were design standards that were thrown in there and this information was not numbered. He said Gerald McDonald said, "This appears to be very out of place. I would think both the basic development plan requirements for PUD district and the detailed development plan requirements for PUD district should be codified separately. It appears that the basic plan requirements in this language is very similar to, and in some respects more detailed than the provisions in 1171.05. I would think we need a rewrite of 1171.05 to incorporate the subject "floating" language. Likewise, I think the floating detailed development plan language should be reconciled and incorporated in 1171.09." Anthony Rodgers said Scott Falkowski concurs with Gerald McDonald's recommendation and he thinks that would be an appropriate placement in moving these sections from where the sections currently are to those specific sections and then the sections could be codified by number. He said it was a good catch by whoever noticed it.

Jim Ellis asked if the rewrite will be done by Gerald McDonald?

Anthony Rodgers said he and Gerald McDonald will give the guidance to direct Municode to realign those sections. He said he does not know why this text is not numbered and he said the items will be codified in the appropriate place in the appropriate sections.

After discussion, the commission agreed with the recommendation for the suggested revisions to the placement of the design standards in the City Code prior to Section 1172.

Anthony Rodgers said regarding Section 1181.12 - Outdoor retail sales and displays, Gerald McDonald said it appears that the language stating the height of any outdoor sales shall not exceed five feet is odd and should be fixed or removed. He said Scott Falkowski's recommendation was to strike this language in Section 1181.12(b)(5) from the City Code and to change the wording in Section 1181.12 (b)(7) but to leave Section 1181.12(b)(8) unchanged.

Jim Ellis said having a height requirement is not a bad thing, but five feet is odd.

After discussion, the commission agreed with the recommendation for the suggested revisions to Section 1181.12.



Anthony Rodgers said the next section is Section 1181.20(a) - Building materials for dwellings and 1181.24(b)(1)(a) - Commercial building design standards. He said Gerald McDonald said as he understands it, "The issue with this provision is that it requires brick/masonry, yet there are houses with vinyl. I assume these homes are likely in the exempted subdivisions (approved prior to the 1181 code amendment). The minutes mention that PUDs alter this provision and ask if a change is needed. A PUD is still governed by this provision in general but given it is a PUD it can have flexibility. I guess the question is whether we provide that PUDs cannot alter the brick masonry requirement. I think we need clarification as to what the ORC is asking in this section." He said Scott Falkowski said there was going to be further discussion at the Council Work Session on this provision because this is an issue that has come up in a specific subdivision, The Oaks – Section 9. He deferred to Don Webb or Glenn Otto on the matter. He said he did have a discussion with Scott Falkowski tonight and Scott Falkowski thinks some language changes can be made to this section that would be a relatively minor fix to clear up some of the confusion. He said Scott Falkowski said if it is Council's will to act on this matter quickly, he could propose some language with a text amendment to the Planning Commission to get this rolling so the issue could be addressed. He said if it went entirely through this process, it would slow down getting this issue addressed.

Don Webb and Glenn Otto recapped conversations from the Council Work Session.

Jim Ellis said it is his understanding that the City Council wants this item taken from this commission to fast track it through the Planning Commission.

Anthony Rodgers said the City Council had said the issue would be sent to the Ordinance Review Commission, but then Scott Falkowski said he can move it quicker and will have the expertise to rewrite the definition appropriately. He explained the process to the commission.

After discussion, the commission agreed with the recommendation to address changes to Section 1181.12 through the Planning Commission and the City Council.

Anthony Rodgers said in Section 1185.02 - Off-street parking standards, there was discussion around some different terms like paving. He said Gerald McDonald said, "The code uses a variation of the term paved almost 40 times. As I understand it, when it comes to off street parking in residential areas the requirement in 1185.02 is "Parking of motor vehicles on a residentially zoned premises shall be on a continuous hard surface, as defined by the term "hard surface driveway" in Chapter 1123." [under 1123.51 - Hard surface driveway means a driveway in an R-3, R-4, R-4B, R-5, R-6, R-7 and PR (Planned Residential) Districts which shall consist of cement binder pavement or asphalt paving.] The minutes are not very clear as to the issue, but I believe the term paved, has different requirements depending on what it is that needs to be paved (road, trails, gas station lots, etc.) Assuming that in residential we only permit cement binder pavement or asphalt paving I think we are fine. I also think the term "continuous" is fine as it prevents a paved island in the middle of a lawn for parking a vehicle." He said Scott Falkowski said, "I couldn't find "hard-paved surface", just "continuous hard surface", which in one area related back to a definition of "hard surface driveway" for residential uses, which there does need to be a distinction for as not all areas require asphalt or concrete, some zones allow gravel drives."



Glenn Otto said there are a few driveways that are pavers, but it is not cement binder pavement or asphalt. He asked if that is an accepted standard.

Jim Ellis said in Section 1185.02(b) it says residential parking must be on a "continuous hard surface". He said Section 1185.03(a)(3)(A) defines a driveway as a continuous hard surface. He said Section 1185.03(c)(3)(B) and (C) talks about additional parking and refers to a hard paved surface. He said his question is was it the intent for additional parking to be different from driveway. He asked is there an intention to distinguish between what a driveway has to be versus additional parking being a pad next to an outbuilding. He said when it talks about additional parking, it does not say continuous. He said it reads, "additional parking spaces in excess of the minimum required number of parking spaces shall be required to have a hard paved surface when located in the side or rear yard of the lot." He said that is under single family and two-family residential uses. He said when Scott Falkowski said he could not find "hard paved surface" in the City Code, it is in two places in that section.

Don Webb said in Section 1123.8(a) it does address pavers. He said it is strange when you read it as it states pavers over concrete base.

After lengthy discussion, the commission recommendation was for City Staff to further review Section 1185.02 and to provide additional information back to the commission.

Anthony Rodgers said Section 1189.09(1) - Signs for property offered for sale or rent included discussion around real estate signs. He said Gerald McDonald said, "The issue here is under the law the City cannot regulate a sign based on what the sign states. As such there cannot be a provision relating to "real estate signs". Any limits on sign duration must apply to all signs of a particular type (e.g. temporary signs). The provision in 1189.09(1) is an attempt to provide a reasonable time for people to offer property for sale or lease, not based on the sign itself but on the type of property. We can provide that all temporary signs can only be up for a specific time if that is the desire of Council/recommendation of Planning Commission and the ORC is free to recommend such a change. As for signs that need to be replaced, the code address that in 1185.09(j) especially regarding bandit signs and snipe signs." He said Scott Falkowski said City Staff do not recommend changing the language that was recently updated in 2019 and he said if there is an issue with signs that are in disrepair under the City Code. those signs can be put under violation.

Glenn Otto said to clarify, the City can regulate time on temporary signs without specifically stating what the signs are for.

Anthony Rodgers said if it is a universal application of the same class of signs.

Glenn Otto said "temporary" has to be defined because these signs are not temporary. He said he would think 4 foot by 4 foot signs with posts would be temporary as the City would not allow a permanent sign of that nature.

Jim Ellis asked if the commission wants to make a recommendation as to duration.



Anthony Rodgers said it would be a recommendation on duration if the commission wanted to do so or to not take any action.

Glenn Otto asked if there is a solid definition on "temporary" as far as defining the sign itself?

Anthony Rodgers said Section 1189.09(1) deals specifically with signs for property offered for sale or rent, so it may not be defined separately under that subsection.

Jim Ellis said under Section 1189.07 – Signs permitted for business, industrial, or other nonresidential zoning districts, it talks about temporary signs under paragraph (e), but it is only about construction and height. He said it does not define "temporary".

Don Webb said his and Glenn Otto's issue is under Section 1189.09. He said the rules are great when a property is offered for a period of time, but not when it is up for a decade. He asked if something could be put in this paragraph for this type of sign since there are rules under this section that do not apply to other signs. He asked if Gerald McDonald understands what the commission is looking for?

After lengthy discussion, the commission recommended this item regarding Section 1189.09(1) go back to the Law Director and City Staff for further review and clarification.

Anthony Rodgers said Section 1193 - Trailers, trucks, recreational vehicles, boats, farm, or construction equipment has had a lot of discussion. He said the feedback from both Gerald McDonald and Scott Falkowski is this is an issue the commission should recommend the City Council look at further. He said there is no use in the commission working to develop a lot of language if ultimately it is not the will of the City Council to make these types of changes to this section.

After discussion, the commission recommended referring Section 1193 to the City Council for further review and action.

Anthony Rodgers said Section 1194.09 - Expiration and renewal of permit deals with food trucks and the fact that the City Code as it currently stands state that all food truck permits expire the last day of February. He said Gerald McDonald's feedback was, "As I recall, we did not want to have a bunch of permits all expiring at a different time and we came to a conclusion that very few active food trucks in the winter so a good renewal time would be February." He said Gerald McDonald did not think any changes were needed. He said he wrote back to Gerald McDonald to explain in more detail what the commission was trying to say that if a permit was applied for on February 15, is that permit only good for two weeks. He said Gerald McDonald replied that if someone applied for a permit on February 15, City Staff would advise them to wait until March 1. He said Scott Falkowski did not recommend a change either to Section 1194.09.

After discussion, the commission agreed no changes were necessary to Section 1194.09.

Anthony Rodgers said in Section 1199.07 - Basis for establishing the areas of special flood hazard, there was discussion about removing Greene County from the list. He said everyone agreed that revision should be done. He said Gerald McDonald reiterated the references in this



section are the correct references at this point. He said the recommendation was to strike out the Greene County reference.

After discussion, the commission agreed with the recommendation for the suggested revisions to Section 1199.07.

Anthony Rodgers said to go back earlier in Part Eleven, he said Russ Bergman gave him a few reclarifications of sections in Part Eleven. He said in Section 1109.09 – Horizontal alignment, Russ Bergman verified in this section the reference to AASHTO is correct. He said Russ Bergman said the same thing is true for Section 1109.10 – Vertical alignment with a reference to AASHTO is correct. He said regarding Section 1109.12 – Special street types, Russ Bergman is suggesting adding paragraph (e) to Section 1109.12 – Special street types to state “gated streets shall be allowed in order to separate public streets from private streets. These streets include: Corby Way.”

After discussion the commission agreed with the recommendation for the suggested revisions to Section 1109.12.

Anthony Rodgers said Section 1313.05 – Maintenance of accessory structures is similar to the discussion regarding accessory structures and accessory buildings. He said Gerald McDonald said basically what he said in an earlier discussion and he does not know if it matters if there are two separate terms or if one term was removed. He said Gerald McDonald said if the commission went with one term, work would be required to the definition section and to vet the entire code to make sure the wording was exclusively using only the term the commission agreed to.

Jim Ellis said his only concern is that if you have two different definitions, the intent was to cover two different situations. He said to use the terms interchangeably creates confusion. He said if the intent is that when it talks about an accessory structure, it also includes accessory building and vice versa, that could be addressed in the definition section basically saying accessory structure shall also include accessory building, and then the definition of accessory building saying it also includes accessory structure. He said that way there is no need to rewrite the entire code. He said if the intent is that the terms are interchangeable, let the definition section clarify that issue.

Anthony Rodgers said he did not receive response from Scott Falkowski on this item. He said in Part Eleven, the commission agreed to keep the terms as is, but he does not think it would hurt to look at the definition section and cross reference the terms to each other.

After discussion, the commission recommended Section 1313.05 go back for review by the Law Director and City Staff in order to determine if the definition sections for these terms in Part Eleven and Part Thirteen should be clarified.

Anthony Rodgers said in Section 1313.06 – Right of entry, it was suggested that “enter such property” be changed to “enter upon such property” in Section 1313.06. He said Gerald McDonald is fine with making that change.

After discussion, the commission agreed with the recommendation for the suggested revisions to Section 1313.06.

Anthony Rodgers said regarding Section 1313.09 – Hearings, Gerald McDonald said, “I think since the person affected by a property maintenance violation, (the violator) can be found guilty of a violation, (not just the owner), I think the appeal right in 1313.09 should also be to “any person affected” (change it to read “1313.09 - Hearings. If a hearing is properly requested under 1313.08 for either an appeal or a review, a hearing before the Property Review Board will be scheduled and a notice of such hearing duly advertised in the local newspaper. A filing fee of \$30.00 shall be charged the applicant for appeals. No filing fee shall be charged for reviews. It is emphasized that formal appeals would only be submitted for challenges to the staff’s interpretation that a violation actually exists.” Anthony Rodgers said so that in a situation like this one, the violator is not the property owner and receives a property maintenance violation, that the owner would also have the appeal right into this violation as an affected person. He said Gerald McDonald provided the language for doing so.

Glenn Otto said this again is a situation where you have a tenant or an occupant who is not the owner, and this change would give the owner the ability to appeal the violation, and it would not have to just be the owner.

Anthony Rodgers said yes.

Jim Ellis asked where Gerald McDonald’s language ends, as there is a beginning parenthesis and not an end parenthesis. He said the last sentence seems more commentary. He said the commission needs to know exactly what language he is proposing.

Anthony Rodgers said he can work with Gerald McDonald on the language with the idea the appeal right would be extended from violator to any person affected which would include the owner.

Jim Ellis said if the intent is to have the change end at the word “reviews.”, he is fine with that language being added without it having to come back to this commission.

After discussion, the commission agreed with the recommendation for the suggested revisions to Section 1313.09.

#### City Code – Part Fifteen - Fire Prevention Code – Review

Anthony Rodgers distributed information regarding the City Code – Part Fifteen – Fire Prevention Code (see attached).

Jim Ellis said the commission received an email from Fire Chief Keith Knisley which said the Ohio Fire Code is going to be reviewed next year which might lead to some additional changes and modifications to Part Fifteen at that time, but Chief Knisley is not proposing any changes now (see attached). Jim Ellis said he did have a couple of points on a couple of the sections.

Anthony Rodgers said Chief Knisley’s email was not meant to preclude the commission from offering any recommendations regarding Part Fifteen.



CHAPTER 1501 OHIO FIRE CODE  
CHAPTER 1505 INVESTIGATION OF FIRES  
CHAPTER 1509 PERMIT PROCEDURE  
CHAPTER 1513 FIRE CONTROL MEASURES

After discussion, there were no changes or recommendations regarding these chapters.

CHAPTER 1517 DANGEROUS AND HAZARDOUS CONDITIONS

1517.01-1517.05 and 1517.07

After discussion, there were no changes or recommendations regarding these sections.

1517.06 Notice of violation

Jim Ellis said in Section 1517.06, it states, "The written notice of violation of the Ohio Fire Code shall be served on the owner, his duly authorized agent, or on the occupant or other person responsible for the conditions under violation." He said the problem he has with that section is the "or". He said he thinks the owner, or his duly authorized agent should always receive notification of a violation involving a property they own. He said the word "or" should be "and". He said the way this section is written; the owner could never know and could have an adverse impact.

After discussion, the commission agreed to recommend that the Law Director and Fire Chief review Section 1517.06 for any necessary revisions.

1517.08 Stop work and remedial orders/1517.09 – Right of appeal.

Jim Ellis said the same issue exists in Section 1517.08 which states, "The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work". He said again the owner should be given notification. He recommends the word "or" be changed to the word "and".

Don Webb said when you get down to Section 1517.09, it specifically mentions the owner.

Jim Ellis said he also has a question about Section 1517.09. He said in paragraph (a), it states that any person aggrieved by a decision or interpretation by the Fire Official may appeal, but in paragraph (d), it says, "if the owner files for an appeal". He asked what if an aggrieved non-owner files for an appeal, are they entitled to a hearing. He said under paragraph (d), it should read the aggrieved person. He said saying an owner is entitled to a hearing, but no one else, is not what was intended.

After discussion, the commission agreed to recommend that the Law Director and Fire Chief review Section 1517.08 and Section 1517.09 for any necessary revisions.

1517.99 Penalty.

After discussion, there were no changes or recommendations regarding this section.



CHAPTER 1519 WATER DISTRIBUTION  
CHAPTER 1521 FIRE SAFETY EQUIPMENT AND FACILITIES  
CHAPTER 1523 BUILDING SYSTEM AND SIGNAGE  
CHAPTER 1525 GENERAL FIRE PRECAUTIONS  
CHAPTER 1529 FIREWORKS

After discussion, there were no changes or recommendations regarding these chapters.

Administrative/Process Issues

Anthony Rodgers said the next meeting on September 15, 2021, would be the review of the Ordinance Logs and Resolution Logs. He said the Clerk of Council's Office maintains a log by title and date of passage of all ordinances and resolutions. He said his suggestion is if there is a particular area of interest to a member to search by keyword. He said if there are any specific ordinances or resolutions that a commission member would like to have a copy of, to send the request to him, and he will send out the legislation. He said the resolution logs and the ordinance logs include all codified and non-codified legislation.

Jim Ellis talked about the differences between a resolution and an ordinance. He said generally there would not be a reason to amend a resolution.

Anthony Rodgers said in the City Charter, it states a board or commission of the City can be created by an ordinance or a resolution. He said over the years some have been created by resolution and some by ordinance, but all of those get codified. He said it has not always been consistent.

Jim Ellis said early in the process, there was some discussion about whether or not the recommendations of the commission would be presented to the City Council periodically. He asked if any recommendations have been presented to the City Council.

Anthony Rodgers said not yet, due to a couple factors – time considerations and until recently, none of the complete Parts of the City Code were completely finalized by the commission. He said the recommendations in the form of legislation will still be brought to the City Council in pieces, so the City Council is not overwhelmed.

Jim Ellis said he was looking forward to October, 2021 where the commission will be putting together the report to present to the City Council and he assumes that report will include everything. He asked when this report is presented to Council, will the members of the commission actually present it.

Anthony Rodgers said he will work with Jim Ellis and whoever will be involved in the development of the report. He explained how the process went ten years ago, and that the commission did present the report to the City Council and the public.

**4. Adjournment:**

Chair Jim Ellis adjourned the Ordinance Review Commission meeting at 8:05 P.M.

**CITY OF HUBER HEIGHTS**  
**ORDINANCE REVIEW COMMISSION**  
**PART ONE - ADMINISTRATIVE CODE - WORKSHEET**

Legislation/ Code Section	Date of Review/ Action	Action Taken	Notes
101.02 General Definitions	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review general definitions to ensure the definitions are current with Ohio Revised Code. Law Director to determine if statement needs to be added regarding automatic updates as definitions are changed in the Ohio Revised Code. Law Director to determine if definition for "officer" should be added. Law Director reviewed section and made suggestions for changes to several definitions which were approved as a recommendation for update by the ORC at the 12/16/20 meeting. Law Director determined that a statement regarding automatic updates as definitions are changed in the Ohio Revised Code was not needed. Law Director determined a definition for "officer" was not needed. ORC concurred with these determinations at 12/16/20 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</b></p>
101.03 Rules of Construction	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	<p>Law Director to review section for changes. Law Director reviewed section for changes and determined that no changes were needed for this section.</p> <p>Status: <b>NO FURTHER ACTION NEEDED ON THIS ITEM</b></p>
101.99 General Penalty	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	<p>Law Director to review last sentence of the section to determine if what constitutes a "day" needs to be defined. Law Director reviewed section for changes and determined that no changes were needed for this section.</p> <p>Status: <b>NO FURTHER ACTION NEEDED ON THIS ITEM</b></p>
103 City Flag	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input checked="" type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Clerk of Council had planned to add City flag legislation to City Code for codification by Municode. There was never any legislation adopting the City flag; only a motion passed by City Council. ORC concurred with adding it to the City Code at 01/20/21 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</b></p>
105 Wards	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>The entire chapter needs to be rewritten and revised after receipt of 2020 U.S. Census data. City Council to determine process for the ward redrawing/redistricting.</p> <p>Status: <b>NO FURTHER ACTION NEEDED ON THIS ITEM/CITY COUNCIL WILL REVISE CITY WARDS BASED ON 2020 U.S. CENSUS DATA</b></p>



107.01 Dates – Primary Elections	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review section to determine if clarification is needed that the City's primary elections are held on the same date established for conducting primary elections in the State of Ohio. Law Director reviewed section and made suggestions for changes to language in section which were approved as a recommendation for update by the ORC at the 12/16/20 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</b></p>
109 State of Emergency	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>The entire chapter needs to be reviewed to ensure that it is adequate and appropriate for the current times. In 109.01 – the number of people that constitute an emergency needs reviewed. In 109.02 – the “designee” language needs reviewed. In 109.03 – the list of powers needs reviewed. In 109.04 – the penalty needs reviewed. Law Director reviewed sections for changes and made suggestions for changes. The ORC approved suggestions for changes in Sections 109.01, 109.02, 109.04, and 109.05 as a recommendation for update by the ORC at the 12/16/20 meeting. The ORC did not approve suggestions for changes in Section 109.03 at the 12/16/20 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</b></p>
109.07 Control of Public Utilities	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review section to determine if control of public utilities should be limited to the Mayor or if some other hierarchy should be established for the purposes of this section. Law Director reviewed Section 109.07 for changes and made suggestions for changes. The ORC approved suggestions for changes in Sections 109.07 as a recommendation for update by the ORC at the 12/16/20 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</b></p>
125.02 Assistant Clerk of Council	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Clerk of Council to rewrite section to change references to Assistant Clerk of Council to Deputy Clerk of Council and to change “a hourly” to “an hourly”. The ORC approved suggestions for changes in Sections 125.02 as a recommendation for update by the ORC at the 12/16/20 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</b></p>
125.03 Information – Public Reports	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review  <input checked="" type="checkbox"/> No Further Action Needed	<p>Law Director to review section to determine appropriateness of “may” or “shall” and clarifying the purpose of this section and the types of information to be provided. Law Director reviewed Section 125.03 and recommended against making any changes to section. ORC requested more background information and history at 12/16/20 and 01/20/21 meetings. No information was found in search. The ORC recommended making no changes to Section 125.03 at the 2/17/21 meeting.</p> <p>Status: <b>NO FURTHER ACTION NEEDED ON THIS ITEM</b></p>
131.03 Computer	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review section for changes. Law Director reviewed Section 131.03 for changes and made suggestions for changes. The ORC approved suggestions for changes in Sections 131.03 as a</p>



Programming			recommendation for update by the ORC at the 12/16/20 meeting. Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE
All Sections/ 131.06 Fees	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review all sections as to use of the term "designee" as in 131.06. and to determine if "designee" should be defined in definitions. Law Director reviewed use of term "designee" throughout the City Code. The ORC approved suggestion for adding proposed definition for "designee" to the definitions section of the City Code as a recommendation for update by the ORC at the 12/16/20 meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</p>
131.09 Mailbox Replacement	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Clerk of Council to consult with City Staff to determine if any updates are needed to policy. Multiple requests to City Staff have been made for clarification with no response. Public Works Manager provided feedback on policy. The ORC approved suggestions for increasing the reimbursement amount to \$35 and to adding an additional statement to the certification on the form at the 2/17/21 meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</p>
141.01 Bonds	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Clerk of Council to consult with City Staff to determine if any updates are needed to amount of bonds. Finance Director recommended rewriting section with information from Human Resources Director using City's umbrella insurance policy for bonds. The ORC approved rewrite of the section as recommended at the 01/20/21 meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</p>
141.07 Deferred Compensation	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review section for changes. Law Director reviewed Section 141.07 for changes. The ORC approved suggestion for adding proposed language from Law Director as a recommendation for update by the ORC at the 12/16/20 meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</p>
145.04 Thoroughfare Plan	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	<p>Clerk of Council to consult with City Staff to determine if any updates are needed to the Thoroughfare Plan. The City Engineer reviewed this section and determined no changes were needed for this section. The ORC determined that no changes were needed for this section at the 01/20/21 meeting.</p> <p>Status: NO FURTHER ACTION NEEDED ON THIS ITEM</p>
149 Parks and Recreation	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Clerk of Council to rewrite section to change terms for the Parks and Recreation Board from four years to three years. The ORC approved suggestions for changes in Sections 149 as a recommendation for update by the ORC at the 12/16/20 meeting.</p>



Board			Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE
155.03 Public Records Commission	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Clerk of Council to rewrite section to change "outline" to "outlined". The ORC approved suggestions for changes in Sections 155.03 as a recommendation for update by the ORC at the 12/16/20 meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</p>
163 Arts and Beautification Commission	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Clerk of Council to rewrite section to change terms the Arts and Beautification Commission from four years to three years and to change requirement that 2/3 of members have to be residents of the City to all members have to be residents of the City. The ORC approved suggestions for changes in Sections 163 as a recommendation for update by the ORC at the 12/16/20 meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</p>
166 Board of Tax Appeals	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Clerk of Council to rewrite section to change name to Board of Tax Review and to add other information regarding the Board of Tax Review as needed. The ORC approved suggestions for changes in Sections 166 as a recommendation for update by the ORC at the 12/16/20 meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</p>
All Sections Boards and Commissions	12/16/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review all section dealing with City boards and commissions to determine if provisions ensuring compliance with the Board and Commission Handbook and the Open Meetings Act (including committees/subcommittees) should be included in the City Code and in the enabling legislation creating the boards/commissions. The ORC approved a recommendation that compliance with the Board and Commission Handbook and the Open Meetings Act should be incorporated as a requirement for City boards/commissions in the legislation approving an updated Board and Commission Handbook at the 01/20/21 meeting.</p> <p>Status: INCORPORATING INTO ORC RECOMMENDATIONS</p>
171 Bidding and Purchasing	12/16/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review all sections to determine basis for requiring an estimated cost in advance of a competitively bid project to assess whether this provision could be amended. The ORC approved recommendations for changes in Sections 171 for update at the 01/20/21 meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</p>
171.03 (b) Advertising	12/16/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review Section 171.03(b) to determine if any changes should be made to advertising requirements or methods of advertising (i.e., online methods). The ORC approved recommendations for changes in Sections 171.03(b) for update at the 01/20/21 meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</p>
171.08	12/16/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise	Law Director to review Section 171.08 to determine if changes are needed to address and formalize



Inspection		<input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	<p>the steps to be taken if something is not in conformity with a contract or specifications so everyone is operating under the same set of rules. Law Director reviewed section for changes and the ORC determined that no changes were needed for this section at the 01/20/21 meeting.</p> <p>Status: <b>NO FURTHER ACTION NEEDED ON THIS ITEM</b></p>
171.09 Cooperative Purchases	12/16/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Clerk of Council to correct typographical error in first sentence by removing "another". City Staff to review list of cooperative purchasing programs for changes or updates. Finance Director reviewed section for changes and the ORC determined that no changes other than correcting the typographical error were needed for this section at the 01/20/21 meeting</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</b></p>
175.03 Deferments/ Waivers	12/16/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	<p>Law Director to review Section 175.03 to determine if the 15-day period for a property owner to apply for a deferment or waiver of an assessment is in the notices sent to residents to make them aware of the right to petition Council or the City and to determine how residents know when the 15-day period has started. Law Director reviewed section and did not recommend any changes. The ORC requested information from City Staff regarding the frequency of applications for deferment/waiver and for a copy of the referenced Exhibit A/application form. City Staff provided the ORC with the statistics on the frequency of applications for deferment/waiver. City Staff are still trying to locate a copy of the referenced Exhibit A/application form. The ORC determined that no changes were needed for this section at the 03/17/21 meeting.</p> <p>Status: <b>NO FURTHER ACTION NEEDED ON THIS ITEM</b></p>
175.06 Alternate Assessment Procedures	12/16/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Clerk of Council to correct typographical errors identified in Section 175.06 by the Law Director and the ORC. Law Director to review Section 175.04 as it compares to Section 175.06 (see minutes) for any changes. City Staff to review application process and materials. Finance Director reviewed section and did not recommend any further changes. City Engineer to review Section for any changes needed. City Engineer reviewed section for changes and the ORC determined that no changes other than correcting the typographical errors were needed for this section at the 03/17/21 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</b></p>
177.01 Applicant Obligation For Extra	12/16/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	<p>Law Director and City Staff to review Section 177.01 for any changes and to determine if extra costs are being passed on to the applicant. Law Director and City Staff reviewed section for changes and the ORC determined that no changes were needed for this section at the 01/20/21 meeting.</p> <p>Status: <b>NO FURTHER ACTION NEEDED ON THIS ITEM</b></p>

Expenses			
179 Funds	12/16/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director and City Staff to review Chapter 179 for any changes and to determine if the list and titles of the funds are complete, the order of the listed funds is appropriate or can be changed, and the consistency of the titles/numbers by fund (see minutes). Law Director and Finance Director reviewed section and the Finance Director did recommend changes to this section. The ORC approved recommendations for changes in Sections 179 for update at the 01/20/21 meeting. The ORC asked if the Finance Director could add the fund numbers and better organize this section. The ORC approved recommendations for adding the fund numbers to better organize Section 179 at the 03/17/21 meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</p>



**CITY OF HUBER HEIGHTS**  
**ORDINANCE REVIEW COMMISSION**  
**PART THREE - TRAFFIC CODE - WORKSHEET**

Legislation/ Code Section	Date of Review/ Action	Action Taken	Notes
303.08 Impounding Of Vehicles; Notice And Redemption	01/20/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review Section 303.08(a) versus Section 305.02 in reference to the term "street" (see minutes). Law Director to determine if there is a definition for "highway". Clerk of Council to get information regarding City's towing contract. ORC reviewed towing contract and information from Law Director. ORC concurred with correcting the Ohio Revised Code citation in Section 303.08(a) by changing citation from Section 4511.01(B) to Section 4511.01(BB) at the 2/17/21 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART THREE</b></p>
331.44 Driving On Brandt Pike Busway	01/20/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>City Engineer (in consultation with RTA) to determine exact location of Brandt Pike Busway and to determine if this section needs to be changes or removed entirely. City Engineer recommends removing Section 331.44 entirely from the City Code. ORC recommended removing Section 331.44 entirely from the City Code at the 3/17/21 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART THREE</b></p>
337.25 Air Cleaner Required	01/20/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review this section to determine purpose and why violation of this section is criminalized. Law Director reviewed and found no corresponding state or federal counterpart and no citations under this provision. ORC requested that Law Director sanction ORC recommendation for removing Section 337.25 entirely from the City Code. Law Director, City Manager, and Police Chief recommended removing Section 337.25 entirely from the City Code. ORC recommended removing Section 337.25 entirely from the City Code at the 3/17/21 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART THREE</b></p>
343 Golf Carts	01/20/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review this section to determine if requirement for front and back license plates on golf carts needs to be changed in light of Ohio Revised Code changes to license plate requirements. ORC recommended removing the requirement for front plates on golf carts from Section 343 at the 2/17/21 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART THREE</b></p>
351.18 Nonmotorized	01/20/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Clerk of Council to gather information from local communities to see how this prohibition is handled in other communities. Clerk of Council gathered requested information and shared with ORC for</p>

Vehicles Not To Be Parked On Streets		<input checked="" type="checkbox"/> No Further Action Needed	discussion. ORC determined that no changes were needed for this section at the 2/17/21 ORC meeting. Status: NO FURTHER ACTION NEEDED ON THIS ITEM
Parking Vehicles On Residential Properties	01/20/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	ORC to discuss parking of vehicles on residential properties during review of Planning and Zoning Code. ORC discussed during review of Planning and Zoning Code. Status: NO FURTHER ACTION NEEDED ON THIS ITEM
351.23 Leaving Motor Vehicles On Private Or Public Property	01/20/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	Law Director to review this section to determine why it is the only section in this chapter that has a penalty specified. Law Director reviewed Section 351.23 and said this section was added at the request of the Police Chief in 2010 to deal with problem vehicles. Police Chief and City Manager to review this section regarding the penalty section. City Staff reviewed section and do not recommend any changes to this section. ORC determined that no changes were needed for this section at the 4/21/21 ORC meeting. Status: NO FURTHER ACTION NEEDED ON THIS ITEM
353 Civil Infractions Violations Bureau	01/20/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	Law Director and City Staff to review this section to determine if this provision is being utilized or if it is any longer necessary. Law Director reviewed Section 353 and said the Civil Infractions Violations Bureau still exists and is utilized. ORC determined that no changes were needed for this section at the 2/17/21 ORC meeting. Clerk of Council to request parking violation statistics and information for the ORC. Status: NO FURTHER ACTION NEEDED ON THIS ITEM



**CITY OF HUBER HEIGHTS  
ORDINANCE REVIEW COMMISSION  
PART FIVE – GENERAL OFFENSES CODE - WORKSHEET**

Legislation/ Code Section	Date of Review/ Action	Action Taken	Notes
505 Animals	02/17/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	<p>Law Director to review Section 505 to determine if it should be restructured to move all definitions to the beginning of Section 505 and to reorder Section 505 to make it flow from the general to the specific in content (see minutes). Law Director reviewed Section 505 and saw no reason for restructuring Section 505. ORC determined that no changes were needed for this section at the 3/17/21 ORC meeting</p> <p>Status: NO FURTHER ACTION NEEDED ON THIS ITEM</p>
505.01(e) Montgomery County Animal Resource Center	02/17/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	<p>City Staff to determine if Montgomery County Animal Resource Center Trap, Neuter and Return Program is still in effect or if this section needs to be modified or removed. City Staff verified that program is still in effect. ORC determined that no changes were needed for this section at the 3/17/21 ORC meeting.</p> <p>Status: NO FURTHER ACTION NEEDED ON THIS ITEM</p>
505.01(a) Dogs, Cats And Other Animals Running At Large	02/17/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	<p>Law Director to review this section to determine if an exception for the City's dog park should be added to this section (see minutes). Law Director reviewed Section 505.01(a) and saw no need for changes to this section. ORC determined that no changes were needed for this section at the 3/17/21 ORC meeting.</p> <p>Status: NO FURTHER ACTION NEEDED ON THIS ITEM</p>
505.04 Abandoning Animals	02/17/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director review this section and determined there were incorrect Ohio Revised Code citations in Sections 505.04(a) and 505.04(b). ORC recommended correcting these citations at the 2/17/21 meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART FIVE</p>
505.10/505.14 Animal Bites/ Dangerous	02/17/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director reviewed these sections and determined these sections are in the Ohio Revised Code but are quite different than the City Code. Law Director recommended changing these sections to mirror the Ohio Revised Code. ORC recommended changing these sections to mirror the Ohio</p>

Dogs			Revised Code at the 2/17/21 meeting. Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART FIVE
505.11 Presumption Of Animal Owner, Keeper Or Harborer	02/17/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director reviewed this section and suggested that ORC may want to consider adding a direct prohibition on feeding feral cats to the City Code. ORC requested that the Law Director draft language for Section 505.11 to add a direct prohibition on feeding feral cats at the 2/17/21 meeting. Law Director provided draft language for Section 505.11 to add a direct prohibition on feeding feral cats. ORC recommended adding the draft language to Section 505.11 to add a direct prohibition on feeding feral cats at the 3/17/21 ORC meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART FIVE</p>
509.08 Disturbing The Peace	08/18/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>City Engineer recommended changing "weekdays" to "Monday through Saturday" in Section 509.08(b)(10). ORC recommended revisions proposed by City Engineer to Section 509.08(b)(10) at the 8/18/21 ORC meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART FIVE</p>
509.10 Motor Vehicle Noise Control	02/17/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review the American National Standards Institute reference in Section 509.10(a) and the addition of golf carts to the list of vehicles in Section 509.10(a)(4) to determine if any changes are needed to this section (see minutes). Law Director reviewed Section 509.10 and recommended revisions to Section 509.10. ORC recommended revisions proposed by Law Director to Section 509.10 at the 4/21/21 ORC meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART FIVE</p>
509.12 Barking Or Howling Dogs	02/17/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	<p>Law Director to cross reference this section with Ohio Revised Code to determine if any changes related to debarking dogs are needed to this section. Law Director reviewed Section 509.12 and saw no need for changes to this section. ORC determined that no changes were needed for this section at the 3/17/21 ORC meeting.</p> <p>Status: NO FURTHER ACTION NEEDED ON THIS ITEM</p>
509.13 Admission Of Evidence	02/17/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	<p>Law Director to review the American National Standards Institute reference in Section 509.13) to determine if any changes are needed to this section (see minutes). Law Director reviewed Section 509.13 and saw no need for changes to this section. ORC determined that no changes were needed for this section at the 4/21/21 ORC meeting.</p> <p>Status: NO FURTHER ACTION NEEDED ON THIS ITEM</p>
511.02 Curfew	07/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to Section 511.02 to determine if correct days and times are spelled out for curfew periods (see minutes). Law Director reviewed Section 511.02 and saw no need for changes to this</p>



		X No Further Action Needed	section. ORC determined that no changes were needed for this section at the 8/18/21 ORC meeting. Status: NO FURTHER ACTION NEEDED ON THIS ITEM
521.06 Duty To Keep Sidewalks In Repair And Clean	02/17/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	Law Director/City Staff had provided suggested changes to this section for consideration by ORC. ORC had some questions about the suggested changes (see minutes). Law Director and City Staff to review the questions from ORC and determine if any additional changes to this section are needed. Law Director and City Staff reviewed Section 521.06 and recommended Section 521.06(F)(2) be changed to read "within those 30 days" and not "10 days" as the section currently reads and to remove the references to curbs and gutters totally from Section 521.06. ORC recommended approval of the proposed changes to this section at the 3/17/21 ORC meeting. Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART FIVE
521.081 Littering And Deposit Of Garbage And Trash	02/17/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	Law Director and City Staff to review the questions regarding fees and service of notice from ORC and determine if any changes to this section are needed (see minutes). Law Director and City Staff reviewed Section 521.081 and recommended changes to Section 521.081(h). ORC recommended approval of the proposed changes to this section at the 3/17/21 ORC meeting. Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART FIVE
521.082(c) Residential Solid Waste Collection And Disposal	02/17/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	Clerk of Council to correct typographical error in this section to change "remove Waster Material". to "remove Waste Material". Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART FIVE
521.10 Duty To Cut Weeds And Grass	02/17/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	Law Director and City Staff to review the questions regarding section organization, typographical error, and noticing from ORC and determine if any changes to this section are needed (see minutes). Law Director and City Staff reviewed Section 521.10 and recommended changes to Section 521.10. ORC recommended approval of the proposed changes to this section at the 3/17/21 ORC meeting. Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART FIVE

**CITY OF HUBER HEIGHTS**  
**ORDINANCE REVIEW COMMISSION**  
**PART SEVEN – BUSINESS REGULATION CODE - WORKSHEET**

[illegible]



**CITY OF HUBER HEIGHTS**  
**ORDINANCE REVIEW COMMISSION**  
**PART NINE – STREETS AND PUBLIC SERVICES CODE - WORKSHEET**

Legislation/ Code Section	Date of Review/ Action	Action Taken	Notes
903.02(f) Permit Required For Excavation And Construction	04/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	ORC recommended a change to Section 903.02(f) to correct a typographical error from "my file" to "may file". ORC recommended correcting this typographical error at the 4/21/21 ORC meeting. Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART NINE</b>
903.04 911.04 915.03 Various Sections	04/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	City Engineer to review Sections 903.04, 911.04, and 915.03 for consistency in standards and requirements (see minutes). City Engineer recommended revisions to Sections 903.04, 911.04, and 915.03. ORC approved suggestions for changes in Sections 903.04, 911.04, and 915.03 (see minutes) as recommendations for update by the ORC at the 6/16/21 meeting. Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART NINE</b>
911.02(e) Duty To Repair And Clean Sidewalks And Curbs	04/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	ORC recommended a change to Section 911.02(e) to correct typographical errors from "is" to "are" in two places in the first sentence. ORC recommended correcting these typographical errors at the 4/21/21 ORC meeting. Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART NINE</b>
919 Street Lighting Assessment Procedure	04/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	Law Director and Finance Director to review Sections 919.01, 919.02, and 919.03 for changes to remove Clerk of Council from process and to clarify the determination of property owners in the street lighting assessment districts (see minutes). Law Director recommended revisions to Chapter 919 to change "affected property owners" to "members of the proposed lighting district". ORC approved suggestions for changes in Chapter 919 (see minutes) as a recommendation for update by the ORC at the 6/16/21 meeting. Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART NINE</b>
920.07	04/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise	Law Director and City Engineer to review Section 920.07 for consistency in process and for appeals

Appeals		<input type="checkbox"/> Add <input checked="" type="checkbox"/> Needs Law Director Review	(see minutes). Law Director and City Engineer proposed conflicting recommendations which were not fully discussed by the ORC at the 6/16/21 ORC meeting. The ORC discussed again at 8/18/21 ORC meeting and requested the Law Director review again along with City Engineer's comments and propose recommended changes to Section 920.07 (see minutes). <a href="#">Status: CITY STAFF REVIEW</a>
921.04.10 Appeals	04/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input checked="" type="checkbox"/> Needs Law Director Review	Law Director and City Engineer to review Section 921.04.10 for consistency in process and for appeals (see minutes). Law Director and City Engineer proposed conflicting recommendations which were not fully discussed by the ORC at the 6/16/21 ORC meeting. The ORC discussed again at 8/18/21 ORC meeting and requested the Law Director review again along with City Engineer's comments and propose recommended changes to Section 921.04.10 (see minutes). <a href="#">Status: CITY STAFF REVIEW</a>
922.02(c) 922.03 Various Sections	04/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	Law Director and City Engineer to review Section 922.02(c) for clarification on stormwater charges (see minutes). ORC recommended a change to Section 922.03 in definition of "County" to remove reference to Greene County and to correct a typographical error from "situate" to "situated". Law Director and the City Engineer concurred with the recommended revisions to Section 922.02(c) and Section 922.03. ORC approved suggestions for changes in Section 922.02(c) and Section 922.03 (see minutes) as recommendations for update by the ORC at the 6/16/21 meeting. <a href="#">Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART NINE</a>
922.13(c) Permits And Plan Review	04/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	Law Director and City Engineer to review Section 922.13(c) for clarification (see minutes). Law Director and the City Engineer concurred with the recommended revision to Section 922.13(c). ORC approved suggestions for the change in Section 922.13(c) (see minutes) as a recommendation for update by the ORC at the 6/16/21 meeting. <a href="#">Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART NINE</a>
922.30(b) Adjustment Of Service Charge	04/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	Law Director and City Engineer to review Section 922.30(b) to determine if it should read "application" instead of "appeal" because that is what the City Manager is reviewing (see minutes). Law Director and the City Engineer provided recommended revisions to Section 922.30(b). ORC approved suggestion to change "appeal" to "application for adjustment" in Section 922.30(b) (see minutes) as a recommendation for update by the ORC at the 6/16/21 meeting. <a href="#">Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART NINE</a>
923.03 Waste To Be	04/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	Law Director and City Engineer to review Section 923.03 to determine if type of waste needs to be updated and to update name of treatment facility (see minutes). City Engineer provided



Discharged In Sanitary Sewer			recommended revisions to Section 923.03. ORC approved suggestion for revision to Section 923.03 (see minutes) as a recommendation for update by the ORC at the 6/16/21 meeting. <a href="#">Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART NINE</a>
923.04 Sewer Use And Pretreatment	04/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director and City Engineer to review Section 923.04 to consider recommended changes, correct typographical errors, and to ensure correct references (see minutes). Law Director and the City Engineer provided recommended revisions to Section 923.04. ORC approved suggestions for revisions in Section 923.04 with the exception of the suggested revision to paragraph (a) (see minutes) as a recommendation for update by the ORC at the 6/16/21 meeting. Paragraph (a) will be reviewed again by Law Director. Law Director reviewed Paragraph (a) again and recommended the phrase "cause any of the following" be deleted in its entirety and a colon placed after the phrase, "which in whole or part:". ORC approved suggestion for revision to Paragraph (a) (see minutes) as a recommendation for update by the ORC at the 7/21/21 meeting</p> <p><a href="#">Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART NINE</a></p>
923.08(g)(1) Billing And Delinquent Accounts	06/16/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>The ORC recommended changing "man-made pond" to "artificial pond" in Section 923.08(g)(1). City Engineer recommended adding "swimming pool" to Section 923.08(g)(1). ORC approved these revisions in Section 923.08(g)(1) as a recommendation for update by the ORC at the 6/16/21 meeting.</p> <p><a href="#">Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART NINE</a></p>
923.10 Complaints And Appeals	04/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director and City Engineer to review Section 923.10 to consider recommended changes (see minutes). Law Director and the City Engineer provided recommended revisions to Section 923.10. ORC approved the suggestion for the revision to Section 923.10(a) with thirty days (see minutes) as a recommendation for update by the ORC at the 6/16/21 meeting. The ORC also approved the suggestion for the revision to Section 923.10(b) with "ten business days" (see minutes) as a recommendation for update by the ORC at the 6/16/21 meeting.</p> <p><a href="#">Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART NINE</a></p>
924.01 Definitions	04/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director and City Engineer to review Section 924.01 to consider recommended changes and to ensure correct references (see minutes). Law Director provided a recommended revision to Section 924.01 regarding "the Act". ORC approved the suggestion for the revision to Section 924.01 (see minutes) as a recommendation for update by the ORC at the 6/16/21 meeting.</p> <p><a href="#">Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART NINE</a></p>
925	04/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise	Law Director and City Engineer to review Chapter 925 to determine if this is an accurate and

Sewer Districts Generally		<input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	<p>complete listing of the sewer districts in the City (see minutes). Law Direct and City Engineer reviewed Chapter 925 and determined this is an accurate and complete listing of the sewer districts in the City.</p> <p>Status: NO FURTHER ACTION NEEDED ON THIS ITEM</p>
929.38 Billing Complaints	04/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director and City Engineer to review Section 929.38 to determine if any changes are needed to process and appeal process (see minutes). Law Director and City Engineer provided recommended revisions to Section 929.38. ORC approved the suggestion for the revision to Section 929.38 to use the Law Director's recommended language with sixty days in Section 929.38(a) and to change the wording to "ten business days" in Section 929.38(b) (see minutes) as a recommendation for update by the ORC at the 6/16/21 meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART NINE</p>
931 Water Distribution Districts	04/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	<p>Law Director and City Engineer to review Chapter 931 to determine if this is an accurate and complete listing of the water districts in the City (see minutes). Law Direct and City Engineer reviewed Chapter 931 and determined this is an accurate and complete listing of the water districts in the City.</p> <p>Status: NO FURTHER ACTION NEEDED ON THIS ITEM</p>
932.07 Types Of Protection Required	04/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director and City Engineer to review Section 932.07 to determine if any changes or updates are needed (see minutes). Law Direct and City Engineer provided recommended revisions to Section 932.07. ORC approved the suggestion for the revision to Section 932.07 to change the spelling of "Principle" in "Reduced Pressure Principal Backflow Preventer" as a recommendation for update by the ORC at the 6/16/21 meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART NINE</p>
935.02 Legal Analysis	04/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>ORC recommended a change to Section 935.02 to remove, "The legal analysis is very simple." ORC recommended correcting this typographical error at the 4/21/21 ORC meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART NINE</p>
943.02 Definitions	06/16/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>City Staff recommended a change to Section 943.02 to define, "Parks and Recreation Division Manager shall mean the Parks Manager."</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART NINE</p>
943.04 Park Facilities	04/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Parks Manager to review Section 943.04 to update list of City parks, including changes for City Dog Park, Dial Park, etc. (see minutes). The Parks Manager provided a current list of City parks. ORC recommended updating the list of City parks in Section 943.04 with this information at the 8/18/21</p>



			<p>ORC meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART NINE</p>
945 Competitive Video Service Authorizations	04/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	<p>Law Director to review Chapter 945 for any revisions or changes (see minutes). Law Director reviewed Chapter 945 and determined no changes are needed to Chapter 945.</p> <p>Status: NO FURTHER ACTION NEEDED ON THIS ITEM</p>
950.05(a)(3) Plans	04/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>ORC recommended correcting a typographical error in Section 950.05(a)(3) to change "mayor" to "major". ORC recommended correcting this typographical error at the 4/21/21 ORC meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART NINE</p>
951 Engineering Related Fees	04/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>City Engineer to review Chapter 951 for any revisions or changes (see minutes). City Engineer reviewed Chapter 951 and recommended proposed updates to the engineering fees to match the current engineering fees. ORC recommended the proposed revisions to Chapter 951 at the 6/16/21 ORC meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART NINE</p>

**CITY OF HUBER HEIGHTS**  
**ORDINANCE REVIEW COMMISSION**  
**PART ELEVEN – PLANNING AND ZONING CODE - WORKSHEET**

Legislation/ Code Section	Date of Review/ Action	Action Taken	Notes
1103.01(a) Interpretation Of Terms Or Words	06/16/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	<p>Law Director to review Section 1103.01(a) to determine if the definition of "person" includes a "limited liability company" (see minutes). Law Director reviewed Section 1103.01(a) and determined no changes are needed.</p> <p>Status: NO FURTHER ACTION NEEDED ON THIS ITEM</p>
1103.39 Person	06/16/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review Section 1103.39 to determine if the definition of "person" is consistent with definition of "person" in Section 1103.01(a) (see minutes). Law Director reviewed and made suggestions for revisions. ORC recommended deleting the Section 1103.39 reference to the definition of "person". ORC approved the suggested revisions as a recommendation for update by the ORC at the 7/21/21 meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART ELEVEN</p>
1103.54(c) Thoroughfare, Street Or Road	06/16/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>ORC recommended a change to Section 1103.54(c) to correct a typographical error from "principle" to "principal". ORC recommended correcting this typographical error at the 6/16/21 ORC meeting.</p> <p>O</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART ELEVEN</p>
1109.09 Horizontal Alignment/ 1109.10 Vertical Alignment	06/16/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	<p>Law Director and City Engineer to review Section 1109.09 and Section 1109.10 to determine if the AASHTO reference are up to date and valid (see minutes). Law Director reviewed Section 1109.09 and Section 1109.10 and determined no changes are needed.</p> <p>Status: NO FURTHER ACTION NEEDED ON THIS ITEM</p>
1109.12 Special Street Types	06/16/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director and City Engineer to review Section 1109.12 to determine if gated streets need to be included in this section (see minutes). Law Director reviewed Section 1109.12 and determined no changes are needed. City Engineer reviewed Section 1109.12 and recommended adding a new paragraph (e) to Section 1109.12 (see minutes). ORC recommended making revision to add the proposed paragraph (e) at the 8/18/21 ORC meeting.</p>



			Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART ELEVEN
1109.15 Sidewalks	06/16/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	<p>Law Director and Interim City Manager to review Section 1109.15 to determine if sidewalks should be required on both sides of streets in this section (see minutes). Law Director and City Staff reviewed Section 1109.15 and determined no changes are needed.</p> <p>Status: NO FURTHER ACTION NEEDED ON THIS ITEM</p>
1113.05(f) Building Site Improvements	06/16/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>ORC recommended a change to Section 1113.05(f) to remove the word "himself". ORC recommended making this revision at the 6/16/21 ORC meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART ELEVEN</p>
1117.04 Schedule Of Fees, Charges And Expenses	06/16/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	<p>Interim City Manager to review Section 1117.04 to determine if any changes are needed to the fee schedule in this section (see minutes). Law Director and City Staff reviewed Section 1117.04 and determined no changes are needed.</p> <p>Status: NO FURTHER ACTION NEEDED ON THIS ITEM</p>
1117.99(b) Penalty	06/16/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review Section 1117.99(b) to determine if the reference to Ohio R.C. 711.12 needs updated (see minutes). Law Director reviewed Section 1117.99(b) and recommended removing Section 1117.99(b). ORC recommended making this revision at the 7/21/21 ORC meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART ELEVEN</p>
1121.02 Fee Schedule	06/16/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	<p>Interim City Manager to review Section 1121.02 to determine if any changes are needed to the fee schedule in this section (see minutes). City Staff reviewed Section 1121.02 and determined no changes are needed.</p> <p>Status: NO FURTHER ACTION NEEDED ON THIS ITEM</p>
1121.07 When Effective	06/16/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review Section 1121.07 to determine if any changes are needed or if Section 1121.07 can be removed (see minutes). Law Director reviewed Section 1121.07 and recommended removing Section 1121.07. ORC recommended making this revision at the 7/21/21 ORC meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART ELEVEN</p>
1123.25 Carport	06/16/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	<p>Law Director to review Section 1123.25 to determine if any changes are needed (see minutes). Law Director reviewed Section 1123.25 and offered feedback. ORC recommended Law Director review Section 1123.25 again (see minutes). City Staff reviewed Section 1123.25 and determined no changes are needed.</p> <p>Status: NO FURTHER ACTION NEEDED ON THIS ITEM</p>
1123.53 Home	06/16/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director and Interim City Manager to review Section 1123.53 to determine if any changes are needed and to address relevance to Section 1123.01 and Section 1123.02 (see minutes). Law</p>



Occupation		<input checked="" type="checkbox"/> No Further Action Needed	Director and City Staff reviewed Section 1123.53 and advised that revisions to Section 1123.53 will be handled outside of the ORC process. <b>Status: NO FURTHER ACTION NEEDED ON THIS ITEM</b>
1123.951(j)(2) Sexually Oriented Businesses	06/16/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	Law Director to review Section 1123.951(j)(2) to see if change to definition is recommended consistent with similar change made to Business Regulations Code (see minutes). Law Director reviewed Section 1123.951(j)(2) and recommended change to definition consistent with similar change made to Business Regulations Code. ORC recommended making this revision at the 7/21/21 ORC meeting. <b>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART ELEVEN</b>
1123.127 Public Water Supply	06/16/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	Law Director to review Section 1123.127 to determine if any changes are needed to the water companies referenced in this section (see minutes). Law Director reviewed Section 1123.127 and advised that revisions to Section 1123.127 were not needed. <b>Status: NO FURTHER ACTION NEEDED ON THIS ITEM</b>
1125.02 Zoning Certificates And Occupancy Permits	06/16/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	Law Director and Interim City Manager to review Section 1125.02 to determine if changes are needed and to address the term "substantial" (see minutes). Law Director reviewed Section 1125.02 and advised that revisions to Section 1125.02 were not needed. <b>Status: NO FURTHER ACTION NEEDED ON THIS ITEM</b>
1127.03(c)(4) Powers	06/16/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	Law Director to review Section 1127.03(c)(4) to determine if any changes or updates are needed and to see how other communities address this issue (see minutes). Law Director reviewed Section 1127.03(c)(4) and offered feedback. ORC recommended Law Director review Section 1127.03(c)(4) again (see minutes). After additional review, Law Director advised that revisions to Section 1127.03(c)(4) were not recommended. <b>Status: NO FURTHER ACTION NEEDED ON THIS ITEM</b>
1141.01 Districts	06/16/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	Law Director and Interim City Manager to review Section 1141.01 to determine if any changes or updates are needed to the list of districts (i.e., Brandt Pike Revitalization Overlay District) (see minutes). Law Director reviewed Section 1141.01 and offered feedback. ORC recommended Law Director review Section 1141.01 again (see minutes). Law Director and City Staff reviewed Section 1141.01 and advised that revisions to Section 1141.01 were not needed. <b>Status: NO FURTHER ACTION NEEDED ON THIS ITEM</b>
1156.03(k)	06/16/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise	Law Director and Interim City Manager to review Section 1156.03(c)(k) to determine if any changes



Site Development Regulations		<input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	<p>or updates are needed (see minutes). Law Director and City Staff reviewed Section 1156.03(k) and advised that revisions to Section 1156.03(k) were not needed.</p> <p>Status: NO FURTHER ACTION NEEDED ON THIS ITEM</p>
1160.06 Groundwater Protection Standards	06/16/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	<p>Law Director and Interim City Manager to review Section 1160.06 to determine if any changes or updates are needed (see minutes). Law Director and City Staff reviewed Section 1160.06 and advised that revisions to Section 1160.06 were not needed.</p> <p>Status: NO FURTHER ACTION NEEDED ON THIS ITEM</p>
Prior To 1172	07/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director and Interim City Manager to review text prior to Chapter 1172 to determine if any changes or updates are needed regarding types of utilities and to determine why this section does not have any numerical designation (see minutes). ORC recommended making proposed changes to the placement/codification of these standards in the City Code at the 8/18/21 ORC meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART ELEVEN</p>
1172.01 Principal Permitted Uses	07/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>ORC recommended a change to Section 1172.01 to correct a typographical error from "complimentary" to "complementary". ORC recommended correcting this typographical error at the 7/21/21 ORC meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART ELEVEN</p>
1175.02 Permitted Uses	07/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>ORC recommended a change to Section 1175.02 to correct a typographical error from "principle" to "principal". ORC recommended correcting this typographical error at the 7/21/21 ORC meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART ELEVEN</p>
1181.12 Outdoor Retails Sales And Displays	07/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director and Interim City Manager to review Section 1181.12(b)(5) and Section 1181.12(b)(8) to determine if any changes or updates are needed (see minutes). City Staff concurred with proposed changes to Section 1181.12(b)(5) and Section 1181.12(b)(7) and recommended leaving Section 1181.12(b)(8) unchanged. ORC recommended a change to Section 1181.12(b)(7) to correct wording from "consume" to "utilize". ORC recommended making proposed changes to Section 1181.12(b)(5) and Section 1181.12(b)(7) at the 8/18/21 ORC meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART ELEVEN</p>
1181.20(a) Building Materials For Dwellings/ 1181.24(b)(1)(A)	07/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	<p>Law Director and Interim City Manager to review Section 1181.20(a) and Section 1181.24(b)(1)(A) to answer questions posed by the ORC (see minutes). City Staff recommended addressing this Section 1181.20 through the Planning Commission and the City Council to expedite action. ORC concurred with this recommendation at the 8/18/21 ORC meeting.</p> <p>Status: PLANNING COMMISSION AND CITY COUNCIL TO ADDRESS ISSUE/NO FURTHER ACTION</p>

Commercial Building Design Standards			NEEDED ON THIS ITEM
1185.02 Off-Street Parking Standards	07/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input checked="" type="checkbox"/> Needs Law Director Review	<p>Law Director and Interim City Manager to review Section 1185.02 to answer questions posed by the ORC (see minutes). ORC requested that City Staff review Section 1185.02 again due to confusion over this item (see minutes) at the 8/18/21 ORC meeting.</p> <p>Status: CITY STAFF REVIEW</p>
1189.09(1) Signs For Property Offered For Sale Or Rent	07/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input checked="" type="checkbox"/> Needs Law Director Review	<p>Law Director and Interim City Manager to review Section 1189.09(1) to answer questions posed by the ORC (see minutes). ORC requested that City Staff review Section 1189.09(1) again due to confusion over this item (see minutes) at the 8/18/21 ORC meeting.</p> <p>Status: CITY STAFF REVIEW</p>
1193 Trailers, Trucks, Recreational Vehicles, Boats, Farm Or Construction Equipment	07/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	<p>Clerk of Council to discuss Chapter 1193 with Mayor to consider it as an agenda item for Council Work Session (see minutes). ORC to highlight Chapter 1193 as a recommendation for ORC final report. ORC recommended referring Chapter 1193 and this issue to the City Council to address at the 8/18/21 ORC meeting.</p> <p>Status: CITY COUNCIL TO ADDRESS ISSUE/NO FURTHER ACTION NEEDED ON THIS ITEM</p>
1194.09 Expiration And Renewal Of Permit	07/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <input checked="" type="checkbox"/> No Further Action Needed	<p>Law Director and Interim City Manager to review Section 1194.09 to determine if any changes or updates are needed (see minutes). Law Director and City Staff reviewed Section 1194.09 and advised that revisions to Section 1194.09 were not needed.</p> <p>Status: NO FURTHER ACTION NEEDED ON THIS ITEM</p>
1199.07 Basis For Establishing The Areas Of Special Flood Hazard	07/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director and Interim City Manager to review Section 1199.07 to determine if any changes or updates are needed (see minutes). Law Director and City Staff reviewed Section 1199.07 and recommended removing references to Greene County. ORC recommended making proposed changes to Section 1199.07 at the 8/18/21 ORC meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART ELEVEN</p>



**CITY OF HUBER HEIGHTS**  
**ORDINANCE REVIEW COMMISSION**  
**PART THIRTEEN – BUILDING CODE - WORKSHEET**

Legislation/ Code Section	Date of Review/ Action	Action Taken	Notes
1313.05 Maintenance Of Accessory Structures	07/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input checked="" type="checkbox"/> Needs Law Director Review	<p>Law Director and Interim City Manager to review Section 1313.05 to determine if any changes or updates are needed (see minutes). Reference back to similar discussion in Part Eleven for consistency purposes (see minutes). ORC recommends that if the terms are interchangeable, then this issue should be clarified in the definition sections in Part Eleven and Part Thirteen. ORC recommends that this issue be reviewed again by the Law Director and the Interim City Manager (see minutes).</p> <p>Status: CITY STAFF REVIEW</p>
1313.06 Right Of Entry	07/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review Section 1313.06 to determine if any changes or updates are needed (see minutes). The Law Director concurs with changing “enter such property” to “enter upon such property” in Section 1313.06. ORC approved the suggested revision to Section 1313.06 as a recommendation for update by the ORC at the 8/18/21 meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART THIRTEEN</p>
1313.09 Hearings	07/21/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review Section 1313.09 to determine if any changes or updates are needed (see minutes). The Law Director proposed revisions to Section 1313.06 (see minutes). ORC approved the suggested revision to Section 1313.09 as a recommendation for update by the ORC at the 8/18/21 meeting.</p> <p>Status: INCORPORATING INTO REVISIONS LEGISLATION FOR PART THIRTEEN</p>

**CITY OF HUBER HEIGHTS  
ORDINANCE REVIEW COMMISSION  
PART FIFTEEN – FIRE PREVENTION CODE - WORKSHEET**

Legislation/ Code Section	Date of Review/ Action	Action Taken	Notes
1517.06 Notice Of Violation	08/18/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input checked="" type="checkbox"/> Needs Law Director Review	Law Director and Fire Chief to review Section 1517.06 to determine if any changes or updates are needed (see minutes). Status: CITY STAFF REVIEW
1517.08 Stop Work And Remedial Orders	08/18/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input checked="" type="checkbox"/> Needs Law Director Review	Law Director and Fire Chief to review Section 1517.08 to determine if any changes or updates are needed (see minutes). Status: CITY STAFF REVIEW
1517.09 Right Of Appeal	08/18/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input checked="" type="checkbox"/> Needs Law Director Review	Law Director and Fire Chief to review Section 1517.09 to determine if any changes or updates are needed (see minutes). Status: CITY STAFF REVIEW



- (a) No person shall disturb the good order and quiet of the City by clamors or noises, by intoxication, drunkenness, fighting, quarreling, wrangling, committing assault, assault and battery, using obscene or profane language in the streets and other public places to the annoyance of the citizens, or otherwise violate the public peace by indecent and disorderly conduct, by lewd and lascivious behavior or by making, continuing to make or causing to be made any unreasonable and unnecessary noise of such a character, intensity and duration as to disturb the peace and quiet of the community or to be detrimental to the life or health of any individual.
- (b) The following acts are declared to be unreasonable and unnecessary noises in violation of subsection (a) hereof, but this enumeration shall not be deemed exclusive.
  - (1) The collection of trash and refuse between the hours of 10:00 p.m. and 6:30 a.m. in a residential zoned district or between the hours of 11:00 p.m. and 6:00 a.m. in any zoning district so as to be plainly audible within any residential zoned district.
  - (2) The use of skateboards on any skateboard ramp located in any residential district between the hours of 9:00 p.m. and 9:00 a.m. Such use shall be limited to not more than three times per calendar week and not exceed one and one-half hours in duration per use.
  - (3) The sound of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place in the City, including any horn, whistle, or other device operated by engine exhaust, except when used as a danger warning.
  - (4) Yelling, shouting, hooting, whistling or singing on the public streets, between the hours of 12:00 midnight and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any person in the vicinity.
  - (5) The keeping of any animal which, by causing frequent or loud continued noise, shall disturb the quiet, comfort or repose of any person in the vicinity.
  - (6) The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper Municipal authorities.
  - (7) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
  - (8) The use of any automobile, motorcycle, or other vehicle so out of repair, so loaded, or in such manner as to create loud or unnecessary grating, grinding, rattling, or other noise.
  - (9) The creation of a loud and excessive noise in connection with loading or unloading any



vehicle, or the opening and destruction of bales, boxes, crates, and containers.

- (10) The erection (including excavating), demolition, alteration, or repair of any building other than between the hours of 7:00 a.m. and 10:00 p.m. ~~on weekdays~~ except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the City Engineer, which permit may be granted for a period not to exceed three days while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues. If the City Engineer determines that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 10:00 p.m. and 7:00 a.m., and he further determines that loss or inconvenience would result to any party in interest, he may grant permission for that work to be done between the hours of 10:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work.
- (11) The creation of any excessive noise on any street adjacent to any school, church, or court of law while the same are in use, or adjacent to any hospital, which noise unreasonably interferes with the workings of that institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in those streets indicating that the same is a school, church, court of law or hospital.
- (12) The use of any drum or other instrument or device for the purpose of attracting attention to any performance, show, or sale by the creation of noise.
- (13) The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance, the use of which is attended by a loud or unusual noise which disturbs the peace and quiet of the streets or other public places. If the City Engineer determines that the public health and safety will not be impaired by the use of any such device between the hours of 10:00 p.m. and 7:00 a.m., or he determines that the public peace, safety or welfare requires that use of such devices occur during the hours of 10:00 p.m. and 7:00 a.m., he may grant permission for use of such devices between the hours of 10:00 p.m. and 7:00 a.m.
- (14) The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operation gases or fluids, unless the noise from that blower or fan is muffled and the engine is equipped with a muffler device sufficient to deaden the noise.
- (c) Whoever violates this section is guilty of disturbing the peace, a misdemeanor of the fourth degree.

(Ord. 89-O-379, Passed 10-16-89; Ord. 90-O-458, Passed 12-17-90; Ord. 94-O-730, Passed 10-31-94)

**\* MONDAY THROUGH SATURDAY**



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#### 920.07 Appeals.

SUSPEND OR REVOKE

The City Engineer's decision to deny a Permit may be appealed to the City Manager. All appeals ~~on a denial of a Permit~~ must be made in writing within ten calendar days from the date of the action being appealed. If the City Engineer issues a denial of a Permit, the City Engineer shall notify the applicant in writing of the denial, suspension or revocation, including the grounds therefor, within three business days of such decision. If a notice of appeal is timely received by the City Manager, the City Manager shall notify the respondent within three business days of the receipt of the request for appeal of a hearing date to be within 21 days. The respondent may appear and be heard in person, or by his/her attorney, in opposition to the decision and do any of the following:

- (a) Present his/her positions, arguments and contentions;
- (b) Offer and examine witnesses and present evidence in support;
- (c) Cross-examine witnesses purporting to refute respondent's position, arguments and contentions;
- (d) Offer evidence to refute evidence and testimony offered in opposition to his/her position, arguments and contentions; and
- (e) Offer any such evidence into the record.

The City Manager shall render a decision within five business days after the hearing.

(Ord. 2008-O-1746, Passed 6-9-08)

- (2) Small Cell Substantial Work Permit. A permit to perform the approved removal, replacement, or installation, and grant occupancy within the City Right-of-way, subject to any permits or conditions;
- (3) Wireless Support Structure Permit. A permit to construct, modify or replace a wireless support structure in the Right-of-way, subject to any permits or conditions.
- (b) When an application seeking collocation of a small cell facility to a wireless support structure owned by the City and located within the City Right-of-way is approved an Attachment Certificate authorizing such attachment, subject to any conditions shall be issued.

#### **921.04.7 Scope of Approval.**

- (a) No permit or certificate authorized by this chapter shall be transferrable.
- (b) No permit or certificate authorized by this chapter shall convey title, equitable or legal, in the Right-of-Way.

#### **921.04.8 Duration of Approval.**

- (a) The work authorized by the permit issued must be completed within 180 days from the date of issuance, unless otherwise conditioned as part of the approval.
- (b) An Attachment Certificate is valid for ten years from the date of issuance and may be renewed by the applicant in successive five year terms. Any request for renewal is subject to approval by the City Engineer and may be denied for cause.
- (c) In the event that any court of competent jurisdiction invalidates any portion of federal law which mandates approval of any permit, such permit shall automatically expire one year from the date of the judicial order.
- (d) In the event that any court of competent jurisdiction invalidates any portion of state law which mandates approval of any permit shall automatically expire 60 days from the date of the judicial order.

#### **921.04.9 Revocation.** The following are grounds for revocation or denial of approval:

- (a) The intentional provision of materially misleading information by the applicant (the provision of information is considered "intentional" where the applicant was aware of the inaccuracies or could have discovered the inaccuracies with reasonable diligence);
- (b) The failure to comply with any condition of approval, order, or other applicable law, rule, or regulation;
- (c) The site, structure or operation is otherwise not in compliance with any other provision(s) of applicable law;
- (d) The subject site or use is otherwise not in compliance due to incomplete work or projects, or is not in compliance due to unperformed or slow to perform work as part of an open permit.

**921.04.10 Appeals.** The City Engineer's decision to deny a Permit may be appealed to the City Manager. All appeals ~~on a denial of a Permit~~ must be made in writing within ten calendar days from the date of the action being appealed. If the City Engineer issues a denial of a Permit, the City Engineer shall notify the applicant in writing of the denial, suspension or revocation, including the grounds therefor, within three business days of such decision. If a notice of appeal is timely received by the City Manager, the City Manager shall notify the respondent within three business days of the receipt of the request for appeal of a hearing date to be within 21 days. The respondent may appear and be heard in person, or by his/her attorney, in opposition to the decision and do any of the following:

- (1) Present his/her positions, arguments and contentions;
- (2) Offer and examine witnesses and present evidence in support;



- 
- (3) Cross-examine witnesses purporting to refute respondent's position, arguments and contentions;
  - (4) Offer evidence to refute evidence and testimony offered in opposition to his/her position, arguments and contentions; and
  - (5) Offer any such evidence into the record.

The City Manager shall render a decision within five business days after the hearing.

(Ord. No. 2018-O-2326, § 1, 6-11-18)

## MEMORANDUM

TO: Anthony Rodgers/Russ Bergman  
FROM: Gerald McDonald  
DATE: June 2, 2021  
RE: Part Nine Huber Heights Code- Ordinance Review Commission Questions.

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Tony/Russ below are my comments relative to the applicable provisions of Part Nine of the Huber Heights Code. The provisions from the Ordinance Review Commission are set forth with my comments following. I highlighted any area that I felt needed Russ' input.

*Law Director and Finance Director to review Sections 919.01, 919.02, and 919.03 for changes to remove Clerk of Council from process and to clarify the determination of property owners in the street lighting assessment districts (see minutes).*

In the minutes there was discussion about removing the references to "clerk of council" from the Chapter 919 process and replace it with someone in the finance department. I do not recommend that this occur as the authority for most assessments comes from Chapter 727 of the revised code and that Chapter specifically requires that special assessment document be available through the clerk of council office. Although Huber Heights is a Charter City and has authority to deviate from the Revised Code, the process for assessing special assessments with the County, especially in Montgomery County, are continuously under fire and in my opinion the closer we are to following the Revised Code the better. I believe that there is not a problem with using the phrase "affected property owners". I can see why it was suggested to change it to "members of the lighting district" but technically, until it is all done, there is no lighting district so they should be "members of the proposed lighting district".

*Law Director and City Engineer to review Section 920.07 for consistency in process and for appeals (see minutes).*

Upon review of 920.07, and the minutes, I believe that the phrase "suspension or revocation" should be deleted, as there is no provision in that Chapter regarding suspension or revocation of a permit, only denials. As such, the first paragraph of section 920.07 should read:

"The City Engineer's decision to deny a Permit may be appealed to the City Manager. All appeals on a denial of a Permit must be made in writing within ten calendar days from the date of the action being appealed. If the City Engineer issues a denial of a Permit, the City Engineer shall notify the applicant in writing of the denial including the grounds therefor, within three business days of such decision. If a notice of appeal is timely received by the City Manager, the City Manager shall notify the respondent within three business days of the receipt of the request for appeal of a hearing date to be within 21 days. The respondent may appear and be heard in person, or by his/her attorney, in opposition to the decision and do any of the following:..."

*Law Director and City Engineer to review Section 921.04.10 for consistency in process and for appeals (see minutes).*



Upon review of 921.04.10, I believe the term "suspension" should be removed and the term revoke/revocation added. This Chapter speaks to denial and revocation of a permit (but not suspension). As such, the first paragraph of section 921.04.10 should read:

"The City Engineer's decision to deny or revoke a Permit may be appealed to the City Manager. All appeals on a denial or revocation of a Permit must be made in writing within ten calendar days from the date of the action being appealed. If the City Engineer issues a denial or revocation of a Permit, the City Engineer shall notify the applicant in writing of the denial or revocation, including the grounds therefor, within three business days of such decision. If a notice of appeal is timely received by the City Manager, the City Manager shall notify the respondent within three business days of the receipt of the request for appeal of a hearing date to be within 21 days. The respondent may appear and be heard in person, or by his/her attorney, in opposition to the decision and do any of the following:..."

*Law Director and City Engineer to review Section 922.02(c) for clarification on stormwater charges (see minutes).*

I believe that the provision in this section that reads: "All residential properties shall pay the same Stormwater service charges," probably should be changed to "single family residential properties." I will need to defer to Russ on that issue.

*ORC recommended a change to Section 922.03 in definition of "County" to remove reference to Greene County and to correct a typographical error from "situate" to "situated".*

I have no problem with the removal of Greene County from this section or changing situate to situated.

*Law Director and City Engineer to review Section 922.13(c) for clarification (see minutes).*

It appears that the phrase "Plans that are not approved may be resubmitted." Should be removed as it is immediately followed with the phrase "Plans that are not approved may be resubmitted after revisions are made."

*Law Director and City Engineer to review Section 922.30(b) to determine if it should read "application" instead of "appeal" because that is what the City Manager is reviewing (see minutes).*

I have no problem changing the term "appeal" in 922.30(b) to "application for adjustment".

*Law Director and City Engineer to review Section 923.03 to determine if type of waste needs to be updated and to update name of treatment facility (see minutes).*

I defer to Russ on whether any additional waste should be listed. I believe NRWTP is still the correct plant. The water plant is being demolished, not the waste water facilities.

**From:** [King, Josh](#)  
**To:** [Rodgers, Anthony](#)  
**Subject:** RE: ORC Review Worksheets  
**Date:** Tuesday, August 10, 2021 10:27:36 AM  
**Attachments:** [City Parks and Facilities.docx](#)

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Tony,

Let me know if this is what you need. This is all the parks in the City's system.

*Josh King*

Parks Manager

City of Huber Heights

6131 Taylorsville Rd

Huber Heights, OH 45424

937-237-5836

[jking@hhoh.org](mailto:jking@hhoh.org)

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**From:** Rodgers, Anthony <ARodgers@hhoh.org>  
**Sent:** Friday, August 6, 2021 12:10 PM  
**To:** King, Josh <JKing@hhoh.org>  
**Cc:** Powell, Karen <KPowell@hhoh.org>  
**Subject:** ORC Review Worksheets

Good afternoon Josh,

I have attached again the latest worksheet for Part Nine for the Ordinance Review Commission listing items for follow up. This worksheet has items for follow up by you (see attached). Specifically, the following section(s):

943.04 – Park Facilities

Can you please get me the requested information no later than Thursday, August 12, 2021. We are nearing the end of the process and need to complete work on all outstanding items.

Let me know if any questions. Thanks,



## List of City Parks/Facilities

Thomas A. Cloud Memorial Park

Twin Creeks Park

Cottonwood Park

Kittyhawk Park

Flyer Field at Kittyhawk Park (Dog Park)

Community Park

Gary Sherman Park

Belle Plain Park

Dial Park

Falls Creek Park

Canal Locks Park

Miami Villa Park

Rip Rap Park

Shullgate Park

Huber Heights Community Center

The Recreation Complex at the Heights

Kroger Aquatic Center at the Heights

Eichelberger Amphitheater at the Heights

**From:** [Falkowski, Scott](#)  
**To:** [Gerald McDonald](#); [Rodgers, Anthony](#)  
**Cc:** [Powell, Karen](#)  
**Subject:** RE: ORC Review Worksheets  
**Date:** Thursday, August 12, 2021 3:23:17 PM

---

Here are some comments. I think I caught everything that Jerry didn't. Let me know if you see something I missed.

1117.04 – No changes needed.

1123.25 – Accessory building says "a subordinate building located on the same lot occupied by the main building, the use of which is incidental to that of the main building or to the use of the land." I don't see what the main building has to be "bigger", so I don't think any change is needed.

1141.01 – The overlay supersedes the underlying district if applicable as Mr. Otto stated.

1156.03(k) – I do not feel that this needs to be modified.

1160.06 – No recommended changes

1171.XX - I'm fine with adding numbers to the Basic and Detailed Development Plan checklists and moving as Jerry stated.

In the DDP list, G number 2 can say: All proposed utilities complete which includes water, sanitary, gas, electric, cable, data and telephone services.

1181.12 (b)(5) - The height of any outdoor sales shall not exceed five feet This can be stricken from the code.

1181.12 (b)(8) - Outdoor sales areas shall be in good order and well maintained. This seems fine to us. This gives the Code Enforcement Officer room for interpretation due to many types of sales items that can be displayed.

1181.20(a) – I think further discussion will be had at the works Session on Tuesday.

1181.24 – I think the language is ok. Variances can be requested through BZA or approved in a PUD.

1185.02 – I couldn't find "hard-paved surface", just "continuous hard surface", which in one area related back to a definition of "hard surface driveway" for residential uses, which there does need to be a distinction for as not all areas require asphalt or concrete, some zones allow gravel drives.

1189.09(1) – Staff does not recommend changing the language that was approved in 2019. Signs that are in disrepair can be put under violation.

1193 – Staff agrees that a larger discussion be done for this item.

1194.09 – Staff does not recommend any changes.

1199.07 – The Greene County reference could be removed as we no longer have any property in Greene County.

Staff recommends just using Accessory Structure, removing Accessory Building and Storage Shed

Thanks,

Scott P. Falkowski, P.E.  
Interim City Manager  
City of Huber Heights  
6131 Taylorsville Road  
Huber Heights, OH 45424  
Office: 937.233.1423



## Rodgers, Anthony

---

**From:** McDonald, Gerald <GMcDonald@pselaw.com>  
**Sent:** Wednesday, August 11, 2021 8:42 AM  
**To:** Rodgers, Anthony; Falkowski, Scott  
**Cc:** Powell, Karen  
**Subject:** RE: ORC Review Worksheets

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This is my correct response to this email. (sorry for any confusion).

511.02 Does include Friday, it prohibits being out past midnight Friday night, which is technically 12:01 am Saturday.

1194.09 The thought process is no one will be operating a food truck in Dec-Feb. If they applied, staff would advise the should wait until March

---

**From:** Rodgers, Anthony <ARodgers@hhoh.org>  
**Sent:** Tuesday, August 10, 2021 2:13 PM  
**To:** McDonald, Gerald <GMcDonald@pselaw.com>; Falkowski, Scott <SFalkowski@hhoh.org>  
**Cc:** Powell, Karen <KPowell@hhoh.org>  
**Subject:** RE: ORC Review Worksheets

Jerry,

My only inquiries on your feedback are as follows:

511.02 – Curfew – This section's language does not speak to Fridays in the curfew days and times. That was the issue raised. You recommended keeping the language the same. This was an issue raised by a citizen and a Councilmember. Just making sure you understood the nature of the proposed change.

1194.09 – Permit – The issue with this one is that all food truck permits expire the last day of February regardless of when permit is issued. The issue is when a permit is issued January 15 or February 15 – would it then expire on the last day of February even if the permit had just been granted days or weeks prior to that date? It appears to be unclear and that was the issue raised by the ORC.

Thanks,

Tony



**Mr. Anthony C. Rodgers, MPA**

*Clerk of Council  
Master Municipal Clerk (MMC)*

City of Huber Heights  
6131 Tylorsville Road  
Huber Heights, Ohio 45424

Phone: (937) 237-5832  
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Email: [arodgers@hhoh.org](mailto:arodgers@hhoh.org)

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**From:** McDonald, Gerald <[GMcDonald@pselaw.com](mailto:GMcDonald@pselaw.com)>

**Sent:** Monday, August 9, 2021 8:36 AM

**To:** Falkowski, Scott <[SFalkowski@hhoh.org](mailto:SFalkowski@hhoh.org)>; Rodgers, Anthony <[ARodgers@hhoh.org](mailto:ARodgers@hhoh.org)>

**Cc:** Powell, Karen <[KPowell@hhoh.org](mailto:KPowell@hhoh.org)>

**Subject:** RE: ORC Review Worksheets

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Tony/Scott below are my comments

**511.02 – Curfew – Jerry**

No issue with the current language. Recommend it stay the same

**920.07 – Appeals – Jerry**

I like the City Engineer's language, however, it only makes sense if we have provisions that permit revocation or suspension, which we do not. If we add those provisions we would also need to add provisions regarding a hearing prior to revocation or suspension.

**921.04.10 – Appeals – Jerry**

This chapter only provides for denial or revocation not suspension of a permit so suspension language should be removed.

**1117.04 – Fees – Scott**

**1121.02 – Fee Schedule – Scott**

**1123.25 – Carport – Jerry and Scott**

Scott, I punt this to you. I have no problem with the current language just mentioning dwelling and accessory structure (as opposed to also saying accessory building). There is not much of a distinction between an accessory structure and an accessory building, both by definition (1123.01 and 1123.02) being a building subordinate to a bigger building on the same lot. An "accessory building" appears to be the smaller of two buildings located on the same lot



regardless of how the two buildings are being used. An "accessory structure" appears to be a smaller building that is being used in a subordinate matter from how a larger building on the same lot is being used.

#### 1127.03(c)(4) – Powers – Jerry

I think the best avenue for the City is to leave the language as it is. Our Boards should not be put into a position of interpreting rights under a land contract. Each land contract can contain different language.

#### 1141.01 – Districts – Jerry and Scott

It appears the question is should Brandt Pike overlay be listed as its own district. It's not a true stand alone district as its zoning is determined by the underlying zoning and not the overlay. Nevertheless, it does not appear to me that adding it to 1141.01 will hurt us in any way

#### 1156.03(k) – Site Development Regulations – Jerry and Scott

Scott, this one is right up your alley. I like having the flexibility of utilizing the best applicable method for measurement and do not see why any changes would be necessary unless one of these listed methods is no longer in existence.

#### 1160.06 – Groundwater Protection – Jerry and Scott

Scott, this too is more of an engineering question.

#### Text Prior To 1172 – Standards – Jerry and Scott

This appears to be very out of place. I would think both the BASIC DEVELOPMENT PLAN REQUIREMENTS FOR PUD DISTRICT and the DETAILED DEVELOPMENT PLAN REQUIREMENTS FOR PUD DISTRICT should be codified separately. It appears that the Basic Plan requirements in this language is very similar to, and in some respects more detailed than, the provisions in 1171.05. I would think we need a rewrite of 1171.05 to incorporate the subject "floating" language. Likewise, I think the floating Detailed development plan language should be reconciled and incorporated in 1171.09

#### 1181.12 – Outdoor Sales and Displays – Jerry and Scott

It appears the questioned language is 1181.12(b)(5) "The height of any outdoor sales shall not exceed five feet." The issue being outside tents exceed 5 feet and stuff like Christmas trees being over five feet. I do not recall the intent of this provision, but agree it is odd and needs to be fixed. Probably removed.

#### 1181.20(a)/1181.24(b)(1)(A) – Building Materials/Design Standards – Jerry and Scott

Scott, as I understand it, the issue with this provision is that it requires brick/masonry, yet there are houses with vinyl. I assume these homes are likely in the exempted subdivisions (approved prior to the 1181 code amendment). The minutes mention that PUDs alter this provision and ask if a change is needed. A PUD is still governed by this provisions in general but given it is a PUD it can have flexibility. I guess the question is whether or not we provide that PUDs cannot alter the brick masonry requirement. I think we need clarification as to what the ORC is asking in this section.

#### 1185.02 – Off Street Parking – Jerry and Scott

The code uses a variation of the term paved almost 40 times. As I understand it, when it comes to off street parking in residential areas the requirement in 1185.02 is "Parking of motor vehicles on a residentially zoned premises shall be on a continuous hard surface, as defined by the term "hard surface driveway" in Chapter 1123." [under 1123.51 - Hard surface driveway means a driveway in an R-3, R-4, R-4B, R-5, R-6, R-7 and PR (Planned Residential) Districts which shall consist of cement binder pavement or asphalt paving.] The minutes are not very clear as to the issue, but I believe the term paved, has different requirements depending on what it is that needs to be paved (road, trails, gas station lots, etc.) Assuming that in residential we only permit cement binder pavement or asphalt paving I think we are fine. I also think the term "continuous" is fine as it prevents a paved island in the middle of a lawn for parking a vehicle.



### 1189.09(1) – Signs – Jerry and Scott

The issue here is under the law the City cannot regulate a sign based on what the sign states. As such there cannot be a provision relating to “real estate signs”. Any limits on sign duration must apply to all signs of a particular type (e.g. temporary signs). The provision in 1189.09(1) is an attempt to provide a reasonable time for people to offer property for sale or lease, not based on the sign itself but on the type of property. We can provide that all temporary signs can only be up for a specific time if that is the desire of council/recommendation of planning commission and the ORC is free to recommend such a change. As for signs that need to be replaced, the code address that in 1185.09(j) especially regarding bandit signs and snipe signs

### 1193 – Trailers, Etc. – Jerry and Scott

In reviewing the minutes on this chapter, my suggestion is that this issue be brought to a work session for discussion and direction.

### 1194.09 – Permit – Jerry and Scott

Scott, issue here is that all food trucks permit expire last day of February. As I recall, we did not want to have a bunch of permits all expiring at a different time and we came to a conclusion that very few active food trucks in the winter so a good renewal time would be February. I do not think we need any changes here.

### 1199.07 – Flood Hazard – Jerry and Scott

Scott, again, this one is more up your alley than mine. I guess the question is, are these the correct references and do we still need Greene county reference?: [ a)Flood Insurance Study Montgomery County, Ohio and Incorporated Areas and Flood Insurance Rate Map Montgomery County, Ohio and Incorporated Areas both effective January 6, 2005.(b)Flood Insurance Study Greene County, Ohio and Incorporated Areas and Flood Insurance Rate Map Greene County, Ohio and Incorporated Areas both effective March 17, 2011.(c)Flood Insurance Study Miami County, Ohio and Incorporated Areas and Flood Insurance Rate Map Miami County, Ohio and Incorporated Areas both effective August 2, 2011.]

### 1313.05 – Accessory Structures – Jerry and Scott

Scott, Ordinance Review Commission apparently is recommending we use “accessory structure” or “accessory building” and not both in the code. The difference between the two terms, as I can see, is one deals solely with a secondary physical structure/building and the other deals with a building or structure that is used subordinate to a principal use. I don’t know that it matters that we have two separate terms, I also don’t think it matters if we got rid of one and just used the other, although this latter option would require changes in the definition sections using these terms and potentially require a lot of code language amendments throughout the code.

### 1313.06 – Right Of Entry – Jerry

I have no problem with changing “enter such property” to “enter upon such property” as we do not enforce interior violations.

### 1313.09 – Hearings – Jerry

I think since the person affected by a property maintenance violation, (the violator) can be found guilty of a violation, (not just the owner), I think the appeal right in 1313.09 should also be to “any person affected” (change it to read “1313.09 - Hearings. If a hearing is properly requested under 1313.08 for either an appeal or a review, a hearing before the Property Review Board will be scheduled and a notice of such hearing duly advertised in the local newspaper. A filing fee of \$30.00 shall be charged the applicant for appeals. No filing fee shall be charged for reviews. It is emphasized that formal appeals would only be submitted for challenges to the staff's interpretation that a violation actually exists.

---

From: Falkowski, Scott <[SFalkowski@hhoh.org](mailto:SFalkowski@hhoh.org)>

Sent: Friday, August 6, 2021 2:07 PM



**To:** Rodgers, Anthony <[ARodgers@hhoh.org](mailto:ARodgers@hhoh.org)>; McDonald, Gerald <[GMcDonald@pselaw.com](mailto:GMcDonald@pselaw.com)>

**Cc:** Powell, Karen <[KPowell@hhoh.org](mailto:KPowell@hhoh.org)>

**Subject:** RE: ORC Review Worksheets

I have blocked off time on Monday to review these.

Thanks,

Scott P. Falkowski, P.E.  
Interim City Manager  
City of Huber Heights  
6131 Taylorsville Road  
Huber Heights, OH 45424  
Office: 937.233.1423  
Fax: 937.237.5800  
Email: [sfalkowski@hhoh.org](mailto:sfalkowski@hhoh.org)

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**From:** Rodgers, Anthony <[ARodgers@hhoh.org](mailto:ARodgers@hhoh.org)>

**Sent:** Friday, August 6, 2021 12:30 PM

**To:** Falkowski, Scott <[SFalkowski@hhoh.org](mailto:SFalkowski@hhoh.org)>; Gerald McDonald <[GMcDonald@pselaw.com](mailto:GMcDonald@pselaw.com)>

**Cc:** Powell, Karen <[KPowell@hhoh.org](mailto:KPowell@hhoh.org)>

**Subject:** ORC Review Worksheets

Good afternoon Jerry and Scott,

I have attached again the outstanding worksheets for the Ordinance Review Commission listing items for follow up. This worksheets have items for follow up by each you (see attached). These include the new items and the items unanswered from previous emails. Specifically, the following section(s):

511.02 – Curfew – Jerry  
920.07 – Appeals – Jerry  
921.04.10 – Appeals – Jerry  
1117.04 – Fees – Scott  
1121.02 – Fee Schedule – Scott  
1123.25 – Carport – Jerry and Scott  
1127.03(c)(4) – Powers – Jerry  
1141.01 – Districts – Jerry and Scott  
1156.03(k) – Site Development Regulations – Jerry and Scott  
1160.06 – Groundwater Protection – Jerry and Scott  
Text Prior To 1172 – Standards – Jerry and Scott  
1181.12 – Outdoor Sales and Displays – Jerry and Scott  
1181.20(a)/1181.24(b)(1)(A) – Building Materials/Design Standards – Jerry and Scott  
1185.02 – Off Street Parking – Jerry and Scott  
1189.09(1) – Signs – Jerry and Scott  
1193 – Trailers, Etc. – Jerry and Scott  
1194.09 – Permit – Jerry and Scott

1199.07 – Flood Hazard – Jerry and Scott  
1313.05 – Accessory Structures – Jerry and Scott  
1313.06 – Right Of Entry – Jerry  
1313.09 – Hearings - Jerry

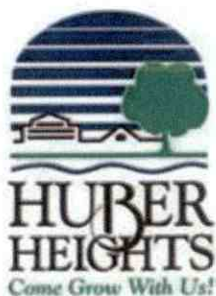
I have attached the June 16, 2021 ORC Meeting minutes for reference. The minutes from the July 21, 2021 Ordinance Review Commission meeting are too large to send to send by email. The minutes are available at the following link:

[https://destinyhosted.com/huberdocs/2021/PR/20210721\\_4159/4157\\_Ordinance%20Review%20Commission%20Minutes%20-%20072121.PDF](https://destinyhosted.com/huberdocs/2021/PR/20210721_4159/4157_Ordinance%20Review%20Commission%20Minutes%20-%20072121.PDF)

Can you please get me the requested information no later than Thursday, August 12, 2021. We are nearing the end of the process and need to complete work on all outstanding items.

Let me know if any questions. Thanks,

Tony



**Mr. Anthony C. Rodgers, MPA**

*Clerk of Council  
Master Municipal Clerk (MMC)*

City of Huber Heights  
6131 Taylorsville Road  
Huber Heights, Ohio 45424

Phone: (937) 237-5832  
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①

1109.09 - Horizontal alignment.

When there is an angle of deflection of more than ten degrees between two centerline tangent sections of a street, a curve of adequate radius shall connect them. Between reverse curves, a minimum tangent of 100 feet shall be introduced for local streets design. For streets other than local streets, the minimum tangent between reverse curves shall be determined by the Director of Public Safety and Service, or his designee, in accordance with the latest recommendations of the American Association of State Highway and Transportation Officials (AASHTO) in effect on the date of the approval of the preliminary plat. Adequate safe stopping sight distance shall be provided in accordance with the latest recommendations of AASHTO in effect on the date of the approval of the preliminary plat.

(Ord. 83-O-124, Passed 7-11-83)

*AASHTO REFERENCE IS GOOD.*



2

1109.10 - Vertical alignment.

- (a) Minimum vertical visibility shall conform to the latest recommendations of AASHTO in effect on the date of approval of the preliminary plat.
- (b) No street grade shall be less than five-tenths of one percent and on stop streets grade shall not exceed two percent positive or three percent negative within a distance from the intersection of 100 feet plus one-half of the intersecting street right-of-way width, unless approved by the Director of Public Safety and Service, or his designee.
- (c) All changes of grade shall be connected by vertical curves of a minimum length in feet equal to 20 times the algebraic difference in the rate of grade.

(Ord. 83-O-124, Passed 7-11-83)

AASHTO REFERENCE IS GOOD.

3

1109.12 - Special street types.

The following requirements shall apply to special street types:

- (a) Permanent dead-end streets shall not be permitted. Temporary-dead end streets shall be permitted only as part of a continuing street plan.

Permanent dead-end streets shall be allowed at the City's corporation lines for streets which were in existence at the time of incorporation. These streets are defined as roadways which would be impacted adversely if a through connection were made. These streets include:

Powell Road (East)

Jansin Place

Lehar Place

Hilgeford Drive

Harshmanville Road

- (b) Dedication of new half-streets shall not be permitted. Where a dedicated or platted half-street exists adjacent to the tract being subdivided, the other half shall be platted.
- (c) Where a subdivision abuts or contains an existing or proposed arterial street (82 to 120 [feet] right-of-way widths) the City Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. There shall be no direct vehicular access from residential lots to such arterial streets or highways.
- (d) Alleys shall not be approved in residential subdivisions, except where justified by extreme conditions. Alleys may be required in commercial and industrial districts if other provisions cannot be made for adequate service access. The minimum widths for alleys shall be 20 feet for the right-of-way and 18 feet for the pavement width.

(Ord. 2012-O-1939, Passed 2-13-12)

(E) GATED STREETS SHALL BE ALLOWED IN ORDER TO SEPARATE PUBLIC STREETS FROM PRIVATE STREETS. THESE STREETS INCLUDE:  
CORBY WAY



**AI-7747**

**New Business    B.**

**Ordinance Review Commission**

**Meeting Date:** 08/18/2021

City Code - Part Fifteen - Fire Prevention Code - Review

**Submitted By:** Anthony Rodgers

**Department:** City Council

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**Subject**

City Code - Part Fifteen - Fire Prevention Code - Review

**Purpose and Background**

The Ordinance Review Commission will review of the City Code - Part Fifteen - Fire Prevention Code (see attached).

---

**Fiscal Impact**

**Source of Funds**

N/A

**Cost**

N/A

**Recurring Cost (Yes/No)**

N/A

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**Attachments**

Part Fifteen - Fire Prevention Code

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## **PART FIFTEEN FIRE PREVENTION CODE**

### **CHAPTER 1501 OHIO FIRE CODE<sup>1</sup>**

#### **1501.01 Adoption.**

- (a) Pursuant to the authority granted under Section 5.09 of the Charter, there is hereby adopted by reference, by and for the City;
- (1) The 2017 edition of the Ohio Fire Code, as published by the International Code Council, and set forth in the Ohio Administrative Code, including but not limited to Appendix A to Section 101 titled "Type A Child Care Facility Inspection";
- (2) International Fire Code Appendices B, C, D, E, F, and G.

(Ord. 2011-O-1914, Passed 9-26-11; Ord. 2012-O-1964, Passed 6-11-12; Ord. No. 2018-O-2327, § 1, 6-11-18)

#### **1501.02 Enforcement; fire official designated.**

The Chief of the Department of Fire, or his duly authorized representative, shall have the authority to enforce the Ohio Building Code relating to fire prevention or life safety. The designated enforcement officer of these provisions is hereinafter referred to as the Fire Official.

(Ord. 2011-O-1914, Passed 9-26-11)

#### **1501.03 Definitions.**

For the purpose of the Fire Code hereby adopted, the following terms shall be defined as follows unless the context clearly indicates or requires a different meaning:

*Emergency vehicle* has the same meaning as defined in Section 301.11 of the Traffic Code of the City Code.

*Fire Official* means the Chief of the Fire Department or of the Fire Prevention Bureau, or his duly authorized representative.

*Ohio Fire Code* shall mean the State of Ohio Fire Code as set forth in the Ohio Administrative Code as adopted by reference by the City. "Huber Heights Fire Code" shall mean all additional or provisions in this Part 15 excluding the provisions of the Ohio Fire Code.

*Owner or Responsible Party* means any of the following:

- (1) Titled owner as set forth in the last deed of record.

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<sup>1</sup>State law reference(s)—Power to regulate against fires—ORC 737.21, 737.37; Investigation of fires—ORC 737.27, 3737.24 et seq.; Entry and inspection—737.34 set seq., 3737.14, 3737.41.



- 
- (2) Land installment contract buyer.
  - (3) Mortgagee or buyer in possession.
  - (4) Executor, administrator or trustee.
  - (5) Any other person, whether natural or corporate in nature who has possession, use and/or control of the premises.

(Ord. 2011-O-1914, Passed 9-26-11)

#### **1501.04 Copies.**

At least one copy of the 2017 Ohio Fire Code shall be kept on file with the Clerk of Council for inspection by the public. Copies shall be available for distribution to the public at cost.

(Ord. 2011-O-1914, Passed 9-26-11; Ord. 2012-O-1964, Passed 6-11-12; Ord. No. 2018-O-2327, § 1, 6-11-18)

#### **1501.05 Additional provisions.**

The provisions in the remaining Chapters of Part Fifteen shall be in addition to the provisions of the Ohio Fire Code and in the event of conflict the more stringent requirement shall take precedence. Collectively, the provisions in this Part Fifteen of the Huber Heights Codified Ordinances may be referred to as the Fire Code. Violations of Part Fifteen shall be handled as set forth in Section 109 of the Ohio Fire Code.

(Ord. 2011-O-1914, Passed 9-26-11)

## **CHAPTER 1505 INVESTIGATION OF FIRES<sup>2</sup>**

#### **1505.01 Investigations generally.**

The Fire Official shall have the authority to investigate, or cause to be investigated, every fire or explosion occurring within the jurisdiction that is of a suspicious nature or which involves the loss of life or serious injury or causes destruction or damage to property. Such investigation shall be initiated immediately on the occurrence of such fire or explosion, and if it appears that such an occurrence is of a suspicious nature, the Fire Official shall take charge immediately of the physical evidence, and in order to preserve any physical evidence relating to the cause or origin of such fire or explosion, take means to prevent access by any person or persons to such building, structure or premises until such evidence has been properly processed. The Fire Official shall notify such persons designated by law to pursue investigations into such matters, and shall further cooperate with such authorities in the collection of evidence and prosecution of the case. The Fire Official investigating any situation or occurrence under this section shall have the same investigative powers as a sworn police officer.

(Ord. 2011-O-1914, Passed 9-26-11)

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<sup>2</sup>Charter reference(s)—Technical codes adoption by reference—See Charter § 5.09.

Cross reference(s)—Permit procedure—See Ch. 1509.

## CHAPTER 1509 PERMIT PROCEDURE<sup>3</sup>

### 1509.01 Permit procedure generally.

All permits shall be handled in accordance with Section 105 of the Ohio Fire Code except as may be provided otherwise in this Chapter 1509.

(Ord. 2011-O-1914, Passed 9-26-11)

### 1509.02 Permits required.

Permits are required for operational and construction needs as provided in the Ohio Fire Code Appendix A except as may be provided otherwise in this Chapter 1509.

(a) The schedule of fees for permits required under the Fire Code shall be as follows:

#### Required Operational Permits:Fee

105.6.1	Aerosol products	\$25.00
105.6.2	Amusement buildings	25.00
105.6.3	Aviation facilities	25.00
105.6.4	Carnivals and fairs	25.00
105.6.5	Cellulose nitrate film	25.00
105.6.6	Combustible dust-producing operations	25.00
105.6.7	Combustible fibers	25.00
105.6.8	Compressed gases	25.00
105.6.9	Covered mall buildings	25.00
105.6.10	Cryogenic fluids	25.00
105.6.11	Cutting and welding	25.00
105.6.12	Dry cleaning plants	25.00
105.6.13	Exhibits and trade shows	25.00
105.6.14	Explosives, Fireworks	25.00
105.6.15	Fire hydrants and valves	25.00
105.6.16	Flammable and combustible liquids	25.00
105.6.17	Floor finishing	25.00
105.6.18	Fruit and crop ripening	25.00

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<sup>3</sup>Cross reference(s)—Enforcement—See Ch. 1501; Ohio Fire Code—See Ch. 1505.



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105.6.19 Fumigation and thermal insecticidal fogging 25.00  
105.6.20 Hazardous materials 25.00  
105.6.21 HPM facilities 25.00  
105.6.22 High-piled storage 25.00  
105.6.23 Hot work operations 25.00  
105.6.24 Industrial ovens 25.00  
105.6.25 Lumber yards and woodworking plants 25.00  
105.6.26 Liquid- or gas-fueled vehicles or equipment in assembly buildings 25.00  
105.6.27 LP-gas 25.00  
105.6.28 Magnesium 25.00  
105.6.29 Miscellaneous combustible storage 25.00  
105.6.30 Open burning 25.00  
105.6.31 Open flames and torches 25.00  
105.6.32 Open flames and candles 25.00  
105.6.33 Organic coatings 25.00  
105.6.34 Places of assembly 25.00  
105.6.35 Private fire hydrants 25.00  
105.6.36 Pyrotechnic special effects material 25.00  
105.6.37 Pyroxylin plastics 25.00  
105.6.38 Refrigeration equipment 25.00  
105.6.39 Repair garages and motor fuel-dispensing facilities 25.00  
105.6.40 Rooftop heliports 25.00  
105.6.41 Spraying or dipping 25.00  
105.6.42 Storage of scrap tires and tire byproducts 25.00  
105.6.43 Temporary membrane structures and tents 25.00  
105.6.44 Tire-rebuilding plants 25.00  
105.6.45 Waste handling 25.00  
105.6.46 Wood products 25.00

**Required Construction Permits**

105.7.1 Automatic fire-extinguishing systems 25.00  
105.7.2 Battery 25.00  
105.7.3 Compressed gases 25.00  
105.7.4 Cryogenic fluids 25.00  
105.7.5 Fire alarm and detection systems and related equipment 25.00

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- 105.7.6 Fire pumps and related equipment 25.00
  - 105.7.7 Flammable and combustible liquids 25.00
  - 105.7.8 Hazardous materials 25.00
  - 105.7.9 Industrial ovens 25.00
  - 105.7.10 LP-gas 25.00
  - 105.7.11 Private fire hydrants 25.00
  - 105.7.12 Spraying or dipping 25.00
  - 105.7.13 Standpipe systems 25.00
  - 105.7.14 Temporary membrane structures and tents 25.00

**Inspections:**

Second Re-Inspection (Third Visit) (New Construction/Occupancy Only)\* 25.00

Third Re-Inspection (Fourth Visit) (New Construction/Occupancy Only)\* 50.00

All Re-Inspections Past Third Visit (Fifth Visit or More)  
(New Construction/Occupancy Only)\* 75.00

\*Inspection fees are intended for new construction/occupancy and should be individually applied to each trade and each partial inspection.

- (b) Exception For Display Or Discharge Of Fireworks, Pyrotechnic Exhibition And Flame Effect Fees. When display or discharge of fireworks, pyrotechnics, or flame effect is sponsored by a City or other governmental agency, the fee will be waived upon receipt of permit.

(Ord. 2011-O-1914, Passed 9-26-11)

**1509.03 Application for permit.**

Application for a permit required by the Ohio Fire Code shall be made to the Fire Official in such form and detail as he shall prescribe. Applications for permits shall be accompanied by plans or drawings as required by the Fire Official for evaluation of the application.

(Ord. 82-O-50, Passed 1-25-82)

**1509.04 Action on application.**

Before a permit is issued, the Fire Official or his designated representative shall make or cause to be made such inspections or tests as are necessary to assure that the use and activities for which application is made comply with the provisions of the Ohio Fire Code.

(Ord. 82-O-50, Passed 1-25-82)

**1509.05 Conditions of permit.**

A permit shall constitute permission to use, store or handle a hazardous substance, material, device or process in accordance with the Ohio Fire Code. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of the Ohio Fire Code. The permit shall remain in effect until revoked, or



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for such period of time specified on the permit. Permits are not transferable and any changes in use, operation or tenancy shall require a permit.

(Ord. 82-O-50, Passed 1-25-82)

#### **1509.06 Approved plans.**

Plans approved by the Fire Official are approved with the intent that such plans comply in all respects to the Ohio Fire Code. Any omissions or errors on the plans do not relieve the applicant of complying with all applicable requirements of the Ohio Fire Code.

(Ord. 82-O-50, Passed 1-25-82)

#### **1509.07 Revocation of permit.**

The Fire Official may revoke a permit or approval issued under the provisions of the Ohio Fire Code if on inspection any violation of the Ohio Fire Code exists, or if conditions of a permit have been violated, or if there has been any false statement or misrepresentation as to material fact in the application, data or plans submitted with the application for permit as set forth in Section 1509.03.

(Ord. 82-O-50, Passed 1-25-82)

### **CHAPTER 1513 FIRE CONTROL MEASURES<sup>4</sup>**

#### **1513.01 Hazardous area control.**

- (a) The Fire Official or his duly authorized representative, who is in charge at the scene of a fire or other emergency involving the protection of life or property, is empowered to direct such operations as may be necessary to extinguish or control any suspected or reported fires, gas leaks, or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of their duty. Such Fire Official may prohibit any person, vehicle or object from approaching the scene and may remove or cause to be removed from the scene any person, vehicle or object which may impede or interfere with the operations of the Fire Department. The Fire Official may remove or cause to be removed any person, vehicle, or object from any hazardous area.
- (b) No person shall fail to leave a hazardous area when ordered to do so by any Fire Official. No person shall re-enter a hazardous area, after being ordered to leave such hazardous area, until authorized to do so by a Fire Official.

(Ord. 82-O-54, Passed 1-25-82; Ord. 2011-O-1914, Passed 9-26-11)

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<sup>4</sup>Cross reference(s)—Driving over fire hose—See Code § 331.28; Fire lanes and fire hydrants— See Code § 351.20; Misconduct at an emergency—See Code § 509.05; False alarms—See Code § 509.07; Assault—See Code § 537.03 et seq.; Criminal damaging—See § 541.03; Criminal mischief—See Code § 541.04.

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### **1513.02 Interference or obstruction.**

No person shall interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of, or block the path of travel of any Fire Department emergency vehicle in any way, or interfere with, attempt to interfere, conspire to interfere with, obstruct or hamper any Fire Department operation.

(Ord. 82-O-54, Passed 1-25-82)

### **1513.03 Following fire apparatus.**

No person shall drive a vehicle closer than 300 feet from any fire apparatus traveling in response to an emergency call. No person shall drive a vehicle within 1,000 feet of any fire apparatus stopped in answer to an emergency.

(Ord. 2011-O-1914, Passed 9-26-11)

### **1513.04 Damaging or defacing fire hydrants, systems or connections.**

No person shall obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any Fire Department connection for the pressurization of fire suppression systems, including fire hydrants and Fire Department connections that are located on public or private streets and access lanes, or on private property.

(Ord. 82-O-54, Passed 1-25-82)

### **1513.99 Penalty.**

Whoever violates any provision of this chapter is guilty of a minor misdemeanor for each offense.

(Ord. 2011-O-1914, Passed 9-26-11)

## **CHAPTER 1517 DANGEROUS AND HAZARDOUS CONDITIONS<sup>5</sup>**

### **1517.01 Dangerous or hazardous conditions specified.**

- (a) *Remedial Order.* Whenever the Fire Official or his designated representative finds in any structure or on any premises dangerous or hazardous conditions or materials as follows, he shall order such dangerous conditions or materials to be removed or remedied in accordance with the provisions of the Ohio Fire Code.
- (1) Dangerous conditions which are liable to cause or contribute to the spread of fire in or on any premises, building or structure, or endanger the occupants thereof.
  - (2) Conditions which would interfere with the efficiency and use of any fire protection equipment.
  - (3) Obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the egress of occupants or the operations of the Fire Department in case of fire.

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<sup>5</sup>Cross reference(s)—Residential Exterior Maintenance Code—See Ch. 1313; Housing Board—See § 1313.03



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- (4) Accumulations of dust or waste material in air conditioning or ventilating systems or the grease in kitchen or other exhaust ducts.
  - (5) Accumulations of grease on kitchen cooking equipment, or oil, grease or dirt on, under or around any mechanical equipment.
  - (6) Accumulations of rubbish, waste, paper, boxes, shavings or other combustible materials, or excessive storage of any combustible material.
  - (7) Hazardous conditions arising from defective or improperly used or installed electrical wiring, equipment or appliances.
  - (8) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, explosive or otherwise hazardous materials.
  - (9) Dangerous or unlawful amounts of combustible, explosive or otherwise hazardous materials.
  - (10) All equipment, materials, processes or operations which are in violation of the provisions and intent of the Ohio Fire Code.

(Ord. 82-O-52, Passed 1-25-82)

#### **1517.02 Owner responsibility; equipment maintenance.**

The owner shall be responsible for the safe and proper maintenance of the building, structure, premises or lot at all times. In all new and existing buildings and structures the fire protection equipment, means of egress, alarms, devices and safeguards required by the Ohio Fire Code shall be maintained in a safe and proper operating condition.

(Ord. 82-O-52, Passed 1-25-82)

#### **1517.03 Occupant responsibility.**

If an occupant of a building creates conditions in violation of the Ohio Fire Code, by virtue of storage, handling and use of substances, materials, devices and appliances, he shall be responsible for the abatement of such hazardous conditions.

(Ord. 82-O-52, Passed 1-25-82)

#### **1517.04 Unsafe building.**

All buildings and structures that are or shall become unsafe or deficient in adequate exitway facilities or which constitute a fire hazard, or are otherwise dangerous to human life or to other buildings, or by reason of illegal or improper use, occupancy or maintenance, or which have sustained structural damage by reason of fire, explosion or natural disaster shall be deemed unsafe buildings or structures. A vacant building, or portion of a building, unguarded or open at door or window shall be deemed a fire hazard and unsafe. Unsafe building shall be reported to the Fire Chief, who shall take appropriate action deemed necessary to secure abatement by repair and rehabilitation or by demolition.

(Ord. 82-O-52, Passed 1-25-82)

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#### **1517.05 Evacuation.**

When, in the opinion of the Fire Official, there is actual and potential danger to the occupants or those in the proximity of any building, structure or premises because of unsafe structural conditions, or inadequacy of any means of egress, the presence of explosives, explosive fumes, or vapors, or the presence of toxic fumes, gases or materials, the Fire Official may order the immediate evacuation of the building, structure or premises. All of the occupants so notified shall immediately leave the building, structure or premises and persons shall not enter or re-enter until authorized to do so by the Fire Official.

(Ord. 82-O-52, Passed 1-25-82)

#### **1517.06 Notice of violation.**

Whenever the Fire Official observes an apparent or actual violation of a provision of the Ohio Fire Code or other ordinance under his jurisdiction, he shall have the authority to prepare a written notice of violation describing the condition deemed unsafe and specifying time limits for the required repairs or improvements to be made to render the building, structure or premises safe and secure. The written notice of violation of the Ohio Fire Code shall be served on the owner, his duly authorized agent, or on the occupant or other person responsible for the conditions under violation. Such notice of violation shall be served either by delivering a copy of same to such person or persons by ordinary mail to his last known post office address, delivered in person, or by delivering it to and leaving it in the possession of any person in charge of the premises, or in the case such person is not found on the premises, by affixing a copy thereof, in a conspicuous place at the entrance door or avenue of access, and such procedure shall be deemed the equivalent of personal notice.

(Ord. 82-O-52, Passed 1-25-82)

#### **1517.07 Violation correction.**

- (a) *Failure to correct violations.* If the notice of violation is not complied with within the time specified by the fire official, he shall request the city attorney to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of the Ohio Fire Code or of any order made pursuant thereto. The police department shall be requested by the fire official to issue citations for any offense involving the Ohio Fire Code or orders of the fire official affecting the immediate safety of the public.
- (b) *Correction of violation required.* The imposition of the penalties herein described shall not prevent the city attorney from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct of business in or about any premises, or use of a building or structure.

(Ord. 82-O-52, Passed 1-25-82)

#### **1517.08 Stop work and remedial orders.**

- (a) *Stop Work Order.* On notice from the Fire Official that work on any building or structure is being prosecuted contrary to the provisions of the Ohio Fire Code and/or the Residential Code of Ohio or the Ohio Building Code (OBC), or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work, and shall state the conditions under which work may be resumed.



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- (b) *Unlawful Continuance.* No person shall continue any work in or about the structure after having been served with a stop work order, except such work as he is directed to perform to remove a violation or unsafe conditions.
  - (c) *Posting of Orders.* Each order issued by the Fire Official, or a copy or copies thereof, shall be prominently posted by the responsible person at or near the main entrance or lobby to the premises where the violation or violations are located.
  - (d) *Unlawful Removal.* The owner, his duly authorized agent, the occupant, or other person responsible for the conditions under violation shall be responsible for maintaining the order in its posted location until the order has been cleared by the Fire Official.
  - (e) *Compliance With Orders.* No person shall willfully fail or refuse to comply with any lawful order or direction of the Fire Official or interfere with the compliance attempts of another individual.

(Ord. 82-O-52, Passed 1-25-82)

#### **1517.09 Right of appeal.**

- (a) Any person aggrieved by a decision or interpretation by the Fire Official made under the provisions of the Ohio Fire Code may appeal the decision as set forth in Section 108 of the Ohio Fire Code. Any person aggrieved by a decision or interpretation of the Fire Official made under the Huber Heights Fire Code, may appeal the decision to the Appeals Board as established under subsection (b) hereof.
- (b) The Appeals Board shall consist of the City of Huber Heights Fire Chief, City Engineer, and a member at large from the building community appointed by City Council.
- (c) The application for appeal shall be submitted in writing within ten days of the date of notice or order of the Fire Official. Such application shall be completed in form and accordance with the fee and procedure established in subsection (d) hereof.
- (d) If the owner files for an appeal, a hearing before the Appeals Board will be scheduled and a notice of such hearing duly advertised in the local newspaper. A non-refundable filing fee of \$100.00 shall be charged to the applicant for each appeal.
- (e) The provisions of this section shall not be effective in cases where a court citation has been issued by the Fire Official responsible for the enforcement of the Huber Heights Fire Code.

(Ord. 2011-O-1914, Passed 9-26-11)

#### **1517.99 Penalty.**

Whoever violates any provision of this chapter is guilty of a minor misdemeanor and shall be fined not more than \$100.00 for each offense. Each day of a continuing violation shall constitute a separate offense.

### **CHAPTER 1519 WATER DISTRIBUTION**

#### **1519.01 Water mains.**

All new water mains and any existing water mains that are replaced shall be eight inches in diameter or greater in all one-, two- and three-family dwelling areas and in multi-family areas or commercial areas. All water mains shall be sectionalized and looped when reasonably feasible and achievable. Dead end water mains shall only be permitted upon written approval from the Fire Official and City Engineer.

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(Ord. 2011-O-1914, Passed 9-26-11)

### **1519.02 Areas without water supply system.**

In rural and suburban areas in which adequate and reliable water supply systems do not exist, the Fire Official shall utilize the provisions of NFPA 1142.

(Ord. 2011-O-1914, Passed 9-26-11)

### **1519.03 Valve pits and drainage.**

All new valve and meter pits for fire protection shall be designed with proper sloping, drainage and pumps in order to prevent water run-off from entering the pit. The pit floor shall be sloped to a corner opposite the lid providing either a floor drain or an electric sump pump that is in full compliance with all applicable electrical and building codes, located at the lowest corner of the floor.

(Ord. 2011-O-1914, Passed 9-26-11)

## **CHAPTER 1521 FIRE SAFETY EQUIPMENT AND FACILITIES<sup>6</sup>**

### **1521.01 Hydrant location, number and approval.**

- (a) All new places of assembly, educational, health care, detention and correctional occupancies, and business, industrial, storage or unusual structures, which are located more than 150 feet from a public street or which require quantities of water beyond the capabilities of the public water distribution system shall be provided with properly placed fire hydrants.
- (b) Such fire hydrants shall be capable of supplying fire flows as required by the Fire Official or his designee and shall be connected to a water system in accordance with accepted engineering practices. The Fire Official shall designate and approve the number and location of fire hydrants. The Fire Official may require the installation of sufficient fire hose and equipment housed in accordance with the approved rules as set forth in the Ohio Fire Code and the Ohio Building Code (OBC), and may require the establishment of a trained fire brigade when the hazard involved requires such measures. Private hydrants shall not be placed into or removed from service until approved by the Fire Official.
- (c) Fire hydrant height shall be at least 12 inches, but not more than 21 inches above the surrounding finished grade. Such measurements shall be made from the lowest nozzle on the barrel. Break type fire hydrants shall have such feature installed as close to as practical, or to serve such purpose, to the surrounding finished grade.
- (d) In areas subject to vehicular traffic where fire hydrants are located, such hydrants, when deemed necessary by the Code Official, shall have collision protection installed; the extent and type of such protection shall be acceptable to the Code Official.

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<sup>6</sup>Charter reference(s)—False alarms—See Code § 509.07; Subdivision fire protection—See Code § 1115.16.

State law reference(s)—Sprinklers required for nursing and rest homes—See ORC 3721.071; Smoke detectors required in high rise apartments and condominiums—See ORC 3781.104, OAC 4101:2-89.



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(e) A fire hydrant meeting the specifications and installed according to this standard and connected to a public water supply, shall be installed at a location designated by the Code Official that is within 75 feet of a suppression system Fire department connection, but no closer than 40 feet to the building or structure unless otherwise approved by the Code Official.

(f) All new and replaced automatic sprinkler, standpipe, and fire department connections shall be equipped with a four inch STORTZ connection with a 30 degree turn-down and proper signage.

(Ord. 82-O-53, Passed 1-25-82; Ord. 86-O-200, Passed 2-24-86; Ord. 2006-O-1636, Passed 6-12-06; Ord. 2011-O-1914, Passed 9-26-11)

#### **1521.02 Removing or tampering with fire hydrant or appliance.**

No person, not duly authorized in writing, shall knowingly move, deface, paint, damage, destroy or otherwise tamper with any fire hydrant, valve, plug, or other feature of the public water supply unless authorized in writing by the Code Official, or public water authority of the jurisdiction.

(Ord. 2006-O-1636, Passed 6-12-06)

#### **1521.03 Fire extinguisher sale.**

No person shall sell, trade, loan or give away any form, type or kind of fire extinguisher which is defective. The provisions of this section shall not apply to the sale, trade or exchange of obsolete or damaged equipment for junk provided those units are permanently disfigured or marked with a permanent sign identifying the unit as junk.

(Ord. 82-O-53, Passed 1-25-82)

#### **1521.04 Street obstructions prohibited.**

(a) *Street Obstructions.* No person shall construct, place or maintain any bumps, fences, gates, chains, bars, pipes, wood or metal horses, or any other type of obstruction in or on any street within the boundaries of the City without first having obtained written approval from the Fire Chief or his designee. The word "street" as used in this section means any roadway or alley accessible to the public or vehicular traffic including, but not limited to, private streets or access lanes, as well as all public streets, alleys and highways within the boundaries of the City.

(b) *Vertical Obstructions.* Height obstructions on private property shall be limited to minimum height of 13 feet six inches. These obstructions shall include, but not limited to, trees, overhangs, canopies, pedestrian walk ways, and wires.

(Ord. 2006-O-1636, Passed 6-12-06)

#### **1521.05 Residential fire protection; smoke detectors and fire suppression systems.**

(a) All one, two and three family dwellings and all dwelling units in any residential building constructed after the effective date of this section shall be equipped with one or more approved smoke detector devices meeting the requirements of any one of the following Underwriters Laboratory tests: UL 167, UL 168 and UL 217. Such devices shall be installed in a manner and location as described in the Ohio Residential Code and National Fire Alarm Code (NFPA 72).

(b) Whenever the structural parts of a one, two or three family dwelling are altered or improved in an amount in excess of \$2,000.00 in value, such dwelling shall be equipped with one or more approved smoke detector

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devices meeting the requirements of any one of the following Underwriters Laboratory tests: UL 167, UL 168 and UL 217. Such device or devices shall be installed in a manner and location as described in Ohio Residential Code and National Fire Alarm Code (NFPA 72).

- (c) All one, two and three family dwellings occupied after the effective date of this section by any handicapped person shall be equipped with one or more approved smoke detector devices meeting the requirements of any one of the following Underwriters Laboratory tests: UL 167, UL 168 and UL 217. Such devices shall be installed in a manner and location as described in the Ohio Residential Code and National Fire Alarm Code (NFPA 72). The term "handicapped person" means any individual whose ability to protect himself in the event of a fire is significantly limited by reason of illness, injury, age, congenital malfunction, or other permanent incapacity or disability, and whose vulnerability to the hazards of fire is appreciably greater than persons not so affected.

(Ord. 2011-O-1914, Passed 9-26-11)

#### **1521.06 Fire hydrant placement and standards.**

- (a) When measuring the distance from building openings that fire hydrants may be placed, such distance shall be measured along actual fire apparatus routes of travel, and fire apparatus shall be provided with safe and unconstrained access to all fire hydrants.
- (b) Hydrants in single-family residential districts shall be placed not more than 500 feet apart, measured on the main, and no more than 400 feet from any opening in any building. All new fire hydrants and any existing fire hydrants that are in need of replacement, shall meet the Huber Heights hydrant standard for this district of two, two and one-half inch discharge nozzles and one, five inch steamer discharge nozzle. The five inch steamer discharge nozzle shall have a five inch STORTZ quick connection. The two, two and one-half inch discharge nozzles shall have Dayton threads approved by the Code Official.
- (1) The Fire Code Official shall make a determination if a double STORTZ hydrant is needed in residential areas with single-family homes greater than 3,600 square feet. When determining the need, the Code Official shall reference the capacity of the hydrant and fire flow requirements listed in the 2006 International Fire Code appendix B. Reductions shall be given for automatic sprinkler systems.
- (c) Hydrants in multi-family and commercial districts shall be placed not more than 300 feet apart, measured on the main and not more than 400 feet from any opening in any building. All new fire hydrants and any existing fire hydrants that are in need of replacement, shall meet the Huber Heights hydrant standard for this district of two, five inch diameter steamer nozzles. These steamer nozzles shall have a five inch STORTZ quick connection and one steamer shall have a four inch STORTZ connection approved by the Code Official.
- (1) The Fire Code Official shall make a determination if a double STORTZ hydrant can be omitted in commercial and multi-family districts. When determining the need, the Code Official shall reference the capacity of the hydrant and fire flow requirements listed in the 2006 International Fire Code appendix B. Reductions shall be given for automatic sprinkler systems.
- (d) The Fire Code Official shall make a determination on the location and distribution of fire hydrants. The fire official shall make this determination by referencing the location and distribution listed in the 2006 International Fire Code appendix C.

(Ord. 2010-O-1845, Passed 9-13-10)



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#### **1521.07 Alarm systems within strip malls and multi tenant open mall mercantile spaces.**

- (a) For purposes of this section, Strip Malls and/or Multi-Tenant Open Mall Mercantile Spaces shall mean a complex (excluding a residential complex) containing two or more spaces for stores, offices, services establishments, and/or businesses, or any combination thereof, that are physically attached and open onto a common outside area such as a parking lot.
- (b) In new strip malls and new multi-tenant open mall mercantile spaces, where the total floor area exceeds 12,000 square feet and in any such strip mall or multi-tenant open mall mercantile spaces that are being remodeled such that the total new floor space shall increase by 50 percent or more from the pre-existing total floor space; an emergency voice/alarm communication system shall be provided. Such emergency voice/alarm communication systems serving strip malls shall be accessible to the Fire Department. The system shall be provided in accordance with the Ohio Fire Code and NFPA 72 (Where a conflict occurs, the more stringent code shall apply). Such emergency voice/alarm system shall be addressable and any initiating devices connected to the system shall be individually identified on the alarm panel.
- (c) Any fire protection equipment in the building shall be connected to the fire alarm and be individually identified on the alarm panel.
- (d) Each tenant space shall have an individual water flow alarm and tamper switches for buildings with sprinkler systems.
- (e) Each tenant space shall have a visual indicator on the exterior that would indicate the location of the alarm.
- (f) Each new building fire alarm shall be capable of supporting an additional 30 percent of growth in order to avoid adding additional fire alarm panels.
- (g) Vacant tenant spaces that are shell space only shall have a minimum of one notification devices.

(Ord. 2011-O-1914, Passed 9-26-11)

#### **1521.08 False alarms or reports.**

No person shall:

- (a) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that the report or warning is false and likely to cause public inconvenience or alarm.
- (b) Knowingly cause a false alarm of fire or other emergency to be transmitted to or within any organization, public or private, for dealing with emergencies involving a risk of physical harm to persons or property.
- (c) Report to any law enforcement agency an alleged offense or other incident, knowing that such offense did not occur.
- (d) This section does not apply to any person conducting an authorized fire or emergency drill.

(Ord. 82-O-53, Passed 1-25-82)

#### **1521.09 Excessive nuisance alarms.**

- (a) For purposes of this section, a "nuisance alarm" shall mean an alarm that is sounded through a malfunction, defect, or improper setting of the alarm system, where no actual emergency situation exists,

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- (b) Except as provided in subsection (c) below, no fire or medical alarm system shall produce more than two nuisance alarms, in any 12 month consecutive period.
  - (c) New alarm installations shall have an exemption period of 90 days. The Fire Code Official may waive citing the responsible party under subsection (b) hereof, when written documentation of repairs by an individual meeting the requirements of Section 915 of the Ohio Fire Code has been provided. This section does not apply to any person conducting an authorized fire or emergency drill.
  - (d) The user of an alarm system in violation of this section shall be subject to the penalties listed in Section 1521.99.

(Ord. 2011-O-1914, Passed 9-26-11)

### **1521.99 Penalty.**

- (a) Whoever violates any provision of this chapter, where another penalty is not otherwise provided, is guilty of a minor misdemeanor for each offense. Each day of a continuing violation shall constitute a separate offense.
- (b) Whoever violates Section 1521.08 is guilty of a misdemeanor of the first degree.

(Ord. 2011-O-1914, Passed 9-26-11)

## **CHAPTER 1523 BUILDING SYSTEM AND SIGNAGE**

### **1523.01 Building construction identification signage.**

- (a) *Signage Where Required.* In all new construction and in renovations of more than 50 percent of a building for multi-family dwellings with more than four units and/or a commercial structure with lightweight building construction components, a sign shall be placed to indicate the type of construction and any associated hazards. Additional signage shall be required at the Fire Department connection if the building is protected with an automatic sprinkler system.
- (b) *Signage Location.* The sign shall be located in a conspicuous location within two feet (24 inches) of the main entrance on either side. The bottom of the sign shall be no less than four feet (48 inches) above grade and no more than six feet (72 inches) above grade at level of exit discharge. If exterior building construction, elevation or landscaping creates a problem with visibility, the Fire Official may approve an alternate method such as a post, etc. Additional signage shall be placed with two feet (24 inches) of either side of any Fire Department connections and maintain the same height requirements as listed above.
- (c) *Signage Type Details.* The sign shall be ten inches by ten inches and depict a Maltese cross. Each of the four outer portions as well as the inner circle of the cross will serve the purpose of indicating hazards. The inner circle of the cross will have three letter combination options (R, F, or RF). "R" indicates the presence of lightweight construction on the roof system; "F" indicates lightweight construction in the floor; and "RF" indicates the presence in both. The left portion of the cross would have five Roman numeral combination options (I, II, III, IV and V) these would indicate the building construction classification based on the certificate of occupancy. The top portion of the cross would indicate the type of roof system (truss, bar-joist, bowstring, etc.) with a picture to indicate the type. The right portion of the cross would indicate special hazards (roof HVAC, hazardous materials, etc.) indicated by lettering in a downward direction. The bottom portion of the cross would indicate the type of floor system (I-beam, bar-Joist, etc.) with a picture to indicate the type. The cross would be red in color for buildings not fully protected with automatic fire protection. The cross would be green in color for buildings fully protected with automatic fire protection. A sample of the Maltese cross is available upon request from the Fire Official.

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Created: 2021-06-08 11:20:54 [EST]

(Supp. No. 7)



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(Ord. 2011-O-1914, Passed 9-26-11)

#### **1523.02 Building systems signage requirements.**

- (a) All building system signage required by the Ohio Fire Code Rule 510.1 shall be constructed of a permanent and durable material; lettering shall be a minimum of four inches high with a minimum stroke of one-half inches; color schemes shall either be red letters on white background or white letters on red background.
- (b) Exception: When buildings or tenants have an existing signage template or building identification system, the Fire Official may review and approve the use of the owner's signage except for the fire protection equipment locations.

(Ord. 2011-O-1914, Passed 9-26-11)

#### **1523.03 Posting of certificate of occupancy and occupant load.**

For any new applicants and applicants that can locate existing paperwork, a copy of the Zoning and Building Certificate of Occupancies shall be conspicuously located near the main exit or exit access doorway and include the occupant load, building and zoning use group and any special stipulations from zoning, building or fire officials.

(Ord. 2011-O-1914, Passed 9-26-11)

#### **1523.04 Buildings with emergency power.**

Any building supplied with an emergency generator, battery cell, solar power or other alternative power supply shall have a sign fixed at an approved location near the main power disconnect indicating additional power supplies are present. This sign shall comply with Section 1523.02. The wording of this sign shall be approved by the Fire Official and will vary depending on the type of alternative power. Multiple power supplies may require more than one sign. Also, an emergency shut-off switch for the generator or alternative power supply shall be located in an approved location that is accessible to building owners and first responders with approved signage as well.

(Ord. 2011-O-1914, Passed 9-26-11)

#### **1523.05 Buildings with multiple, non-communicating fire department connections.**

Buildings with multiple automatic sprinkler connections or Fire Department connections that serve separate areas in non-separated buildings shall be labeled with the address or locations served. For buildings that share an address, the exterior of the building must indicate where the suppression systems separate. This exterior signage must also coincide with each Fire Department connection. This signage shall comply with Section 1523.02.

(Ord. 2011-O-1914, Passed 9-26-11)

### **CHAPTER 1525 GENERAL FIRE PRECAUTIONS<sup>7</sup>**

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<sup>7</sup>State law reference(s)—Power to regulate against fires—See ORC 737.21, 737.37

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#### **1525.01 Report of fire hydrant damage.**

No person shall knowingly fail to report to the Fire Official any damage such person caused to any fire hydrant within 12 hours after such damage occurred. Such report shall be in writing and shall include the person's name and current post office address.

(Ord. 82-O-49, Passed 1-25-82)

#### **1525.02 Possession of fire bomb.**

- (a) No person shall knowingly possess or have under his control a fire bomb. "Fire bomb" means any device containing a flammable, combustible or explosive substance which can be detonated by lighting a fuse and/or breaking such device.
- (b) It shall be an affirmative defense to a complaint charging a violation of subsection (a) hereof that the possession of any such device is required by the defendant's employment or occupation.

(Ord. 82-O-49, Passed 1-25-82)

#### **1525.03 Repealed.**

Editor's note(s)—Former Section 1525.03, which pertained to transferring gasoline, was repealed by Ordinance 2011-O-1914, passed September 26, 2011.

#### **1525.04 Prohibited smoking or possessing burning substances.**

- (a) No person shall smoke or possess a burning substance in any of the following places:
  - (1) An assembly area designed or arranged to accommodate 50 or more persons.
  - (2) Above any theater stage, or backstage, or in any motion picture projection booth.
  - (3) Any retailing establishment designed or arranged to accommodate 25 or more persons or any retailing establishment which employs more than four persons.
  - (4) Any carpeted hallway leading to any place listed in subsections (a)(1), (2) or (3) hereof.
- (b) Subsection (a) hereof shall not apply to:
  - (1) Designated smoking areas, restrooms or offices;
  - (2) Restaurants, bars and nightclubs.

(Ord. 82-O-49, Passed 1-25-82)

#### **1525.05 Negligent smoking causing fire to certain type occupancies.**

- (a) No person shall negligently or recklessly smoke any substance causing fire to the contents or building of any of the following types of institutions: hotel, motel, nursing home, child care facility, or any other similar establishment that provides overnight accommodations.
- (b) The person in control of any institution listed in subsection (a) hereof shall post copies of subsection (a) hereof in each occupied room in such institution.

(Ord. 82-O-49, Passed 1-25-82)



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### **1525.06 Novelty lighter sales prohibited.**

- (a) The retail sale, offer of retail sale, or distribution of any novelty lighter within the territorial jurisdiction of the City of Huber Heights is prohibited.
- (b) The prohibition is inapplicable to:
  - (1) Novelty lighters which are only being actively transported through the City; or
  - (2) Novelty lighters located in a warehouse closed to the public for purposes of retail sales.
- (c) "Novelty lighter" means a lighter that has entertaining audio or visual effects, or that depicts (logos, decals, art work, etc.) or resembles in physical form or function articles commonly recognized as appealing to or intended for use by children ten years of age or younger. This includes, but is not limited to, lighters that depict or resemble cartoon characters, toys, guns, watches, musical instruments, vehicles, toy animals, food or beverages, or that play musical instruments, vehicles, toy animals, food or beverages, or that play musical notes or have flashing lights or other entertaining features. A novelty lighter may operate on any fuel, including butane or liquid fuel.
- (d) The term "novelty lighter" excludes:
  - (1) Any lighter manufactured prior to 1980; and
  - (2) Any lighter which lacks fuel or a device necessary to produce combustion or a flame.
- (e) The provisions of this section may be enforced by the fire marshal (or his/her designee), any police officer, any code enforcement officer, or any other City official authorized to enforce any provision of the Huber Heights City Ordinances.

(Ord. 2008-O-1764, Passed 11-24-08)

### **1525.99 Penalty.**

Whoever violates any provision of this chapter is guilty of a minor misdemeanor for each offense. Each day of a continuing violation shall constitute a separate offense.

(Ord. 2011-O-1914, Passed 9-26-11)

## **CHAPTER 1529 FIREWORKS<sup>8</sup>**

### **1529.01 Definitions.**

As used in this chapter:

*Beer* and *intoxicating liquor* have the same meanings as in Ohio R.C. 4301.01.

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<sup>8</sup>State law reference(s)—Manufacturers to comply with building and zoning ordinances—See ORC 3743.06(F); Wholesalers to comply with building and zoning ordinances—See ORC 3743.19(G); Arrests, seizure of fireworks by certified fire safety inspector—See ORC 3743.68; Conflict of Fire Marshal's rules with rules of Ohio Board of Building Standards—See ORC 3781.11(D).

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*Booby trap* means a small tube that has a string protruding from both ends, that has a friction-sensitive composition and that is ignited by pulling the ends of the string.

*Cigarette load* means a small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.

[1.3 G fireworks; 1.4 G fireworks.]

- (1) "1.3 G fireworks" means display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.3" in Title 49, Code of Federal Regulations.
- (2) "1.4 G fireworks" means consumer fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.4" in Title 49, Code of Federal Regulations.

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

*Fireworks* means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, except ordinary matches and except as provided in Section 1529.05.

*Licensed exhibitor of fireworks or licensed exhibitor* means a person licensed pursuant to Ohio R.C. 3743.50 to 3743.55.

*Licensed manufacturer of fireworks or licensed manufacturer* means a person licensed pursuant to Ohio R.C. 3743.02 to 3743.08.

*Licensed wholesaler of fireworks or licensed wholesaler* means a person licensed pursuant to Ohio R.C. 3743.15 to 3743.21.

*Novelties and trick noisemakers* include the following items:

- (1) Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers and snappers;
- (2) Snakes or glow worms;
- (3) Smoke devices;
- (4) Trick matches.

*Party popper* means a small plastic or paper item that contains not more than 16 milligrams of friction-sensitive explosive composition, that is ignited by pulling string protruding from the item, and from which paper streamers are expelled when the item is ignited.

*Railroad* means any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs and sidings installed and primarily used in serving a mine, quarry or plant.

*Smoke device* means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

*Snake or glow worm* means a device that consists of a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning, which ash expands in length as the pellet burns.

*Snapper* means a small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that, when dropped, implodes.

*Trick match* means a kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.



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*Wire sparkler* means a sparkler consisting of a wire or stick coated with a non-explosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than 100 grams of this mixture.

State law reference(s)—ORC 3743.01.

### **1529.02 Public exhibition permit required; fee; bond; records.**

- (a) A licensed exhibitor of fireworks who wishes to conduct a public fireworks exhibition within the Municipality shall apply for approval to conduct the exhibition to the Fire Chief and from the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

The required approval shall be evidenced by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer, signing a permit for the exhibition, the form for which shall be prescribed by the State Fire Marshal. Any exhibitor of fireworks who wishes to conduct a public fireworks exhibition may obtain a copy of the form from the Fire Marshal or, if it is available, from the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

- (b) Before a permit is signed and issued to a licensed exhibitor of fireworks, the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall inspect the premises on which the exhibition will take place and shall determine that, in fact, the applicant for the permit is a licensed exhibitor of fireworks. Each applicant shall show the applicant's license as an exhibitor of fireworks to the Fire Chief or Fire Prevention Officer.

The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall give approval to conduct a public fireworks exhibition only if satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) and that the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke the permit for noncompliance with the rules. (ORC 3743.54)

- (c) The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the applicant pays a permit fee of \$200.00 plus any necessary costs of investigation of the applicant and of inspecting the premises on which the exhibition will be conducted.

Each exhibitor shall provide an indemnity bond in the amount of at least \$2,000,000.00, with surety satisfactory to the Fire Chief or Fire Prevention Officer and to Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, conditioned for the payment of all final judgments that may be rendered against the exhibitor on account of injury, death or loss to persons or property emanating from the fireworks exhibition, or proof of insurance coverage of at least \$2,000,000.00 for liability arising from injury, death or loss to persons or property emanating from the fireworks exhibition. The Legislative Authority may require the exhibitor to provide an indemnity bond or proof of insurance coverage in amounts greater than those required by this subsection. The Fire Chief or Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this subsection.

- (d) (1) Each permit for a fireworks exhibition issued by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law



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enforcement officer, shall contain a distinct number, designate the Municipality, and identify the certified Fire Safety Inspector, Fire Chief or Fire Prevention Officer who will be present before, during, and after the exhibition, where appropriate. A copy of each permit issued shall be forwarded by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, issuing it to the Fire Marshal, who shall keep a record of the permits received. A permit is not transferable or assignable.

- (2) The Fire Chief, Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall keep a record of issued permits for fireworks exhibitions. In this list, the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall list the name of the exhibitor, the exhibitor's license number, the premises on which the exhibition will be conducted, the date and time of the exhibition and the number of the permit issued to the exhibitor for the exhibition.
- (e) The governing authority having jurisdiction in the location where an exhibition is to take place shall require that a certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer be present before, during, and after the exhibition, and shall require the certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer to inspect the premises where the exhibition is to take place and determine whether the exhibition is in compliance with this chapter and Ohio R.C. Chapter 3743. (ORC 3743.54)

(Ord. 2006-O-1636, Passed 6-12-06)

#### **1529.03 Unlawful conduct by exhibitor.**

- (a) No licensed exhibitor of fireworks shall fail to comply with the applicable requirements of the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) or to comply with Divisions (C) and (D) of that section.
- (b) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to Section 1529.02 or if a permit so secured is revoked by the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement official or a designee of such Police Chief or other similar law enforcement official pursuant to that section.
- (c) No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition other than in accordance with Ohio R.C. 3743.54 and 3743.55.
- (d) No licensed exhibitor of fireworks or other person associated with the conduct of a fireworks exhibition shall have possession or control of, or be under the influence of, any intoxicating liquor, beer or controlled substance while on the premises on which the exhibition is being conducted.
- (e) No licensed exhibitor of fireworks shall permit an employee to assist the licensed exhibitor in conducting fireworks exhibitions unless the employee is registered with the Fire Marshal under Ohio R.C. 3743.56. (ORC 3743.64)

#### **1529.04 Possession, sale or discharge prohibited; exceptions.**

- (a) No person shall possess fireworks in this Municipality or shall possess for sale or sell fireworks in this Municipality, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 to 3743.21, a shipping permit holder as authorized by Ohio R.C. 3743.40, an out-of-state resident as authorized by Ohio R.C. 3743.44, a resident of this State as authorized by Ohio R.C. 3743.45, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55 and Section 1529.02 and except as provided in Section 1529.05.



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- (b) Except as provided in Section 1529.05 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 and Section 1529.02, no person shall discharge, ignite or explode any fireworks in this Municipality.
  - (c) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.
  - (d) No person shall sell fireworks of any kind to a person under 18 years of age. No person under 18 years of age shall enter a fireworks sales showroom unless that person is accompanied by a parent, legal guardian, or other responsible adult. No person under 18 years of age shall touch or possess fireworks on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises.
  - (e) Except as otherwise provided in Ohio R.C. 3743.44, no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.

State law reference(s)—ORC 3743.65.

### **1529.05 Application.**

This chapter does not prohibit or apply to the following:

- (a) The manufacture, sale, possession, transportation, storage or use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation or highway use;
- (b) The manufacture, sale, possession, transportation, storage or use of fusees, torpedoes or other signals necessary for the safe operation of railroads;
- (c) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals or for ceremonial purposes;
- (d) The manufacture for, the transportation, storage, possession or use by, or sale to the Armed Forces of the United States and the militia of this State of pyrotechnic devices;
- (e) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;
- (f) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms or model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models;
- (g) The manufacture, sale, possession, transportation, storage or use of wire sparklers.
- (h) The conduct of radio-controlled special effect exhibitions that use an explosive black powder charge of not more than one-quarter pound per charge, and that are not connected in any manner to propellant charges, provided that the exhibition complies with all of following:
  - (1) No explosive aerial display is conducted in the exhibition;
  - (2) The exhibition is separated from spectators by not less than 200 feet;
  - (3) The person conducting the exhibition complies with regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and the United States Department of Transportation with respect to the storage and transport of the explosive black powder used in the exhibition. (ORC 3743.80)

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**1529.99 Penalty.**

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree for a first offense.

(Ord. 2011-O-1914, Passed 9-26-11)



## Rodgers, Anthony

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**From:** Knisley, Keith  
**Sent:** Tuesday, August 10, 2021 8:17 AM  
**To:** Rodgers, Anthony  
**Subject:** RE: Huber Heights Ordinance Review Commission Meeting Packet - 8/18/21

Tony,

After having internal discussions and with Scott Falkowski I will not be requesting any changes to the Fire Prevention Code this year.

We will be performing more research for potential changes next year.

Thank you,

Keith

*Keith Knisley*

*Fire Chief*

*City of Huber Heights Fire Division*

937-237-6059 (Direct)

937-233-1564 (Fire Administration)

[kknisley@hhoh.org](mailto:kknisley@hhoh.org)

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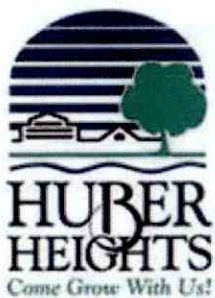
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**From:** Rodgers, Anthony <ARodgers@hhoh.org>  
**Sent:** Friday, August 6, 2021 10:36 AM  
**To:** Knisley, Keith <KKnisley@hhoh.org>  
**Subject:** FW: Huber Heights Ordinance Review Commission Meeting Packet - 8/18/21

Hi Keith,

I wanted to be sure you got this message. I would need your feedback in writing to distribute to the ORC by Thursday, August 12, 2021 unless you were planning to attend the ORC in person and participate in the discussion. If so, the ORC meeting is Wednesday, August 18, 2021 at 6:30 PM in the Council Chambers. Just let me know what works for you. Have a great weekend!

Tony

**Mr. Anthony C. Rodgers, MPA**

*Clerk of Council  
Master Municipal Clerk (MMC)*

City of Huber Heights  
6131 Taylorsville Road  
Huber Heights, Ohio 45424

Phone: (937) 237-5832  
Fax: (937) 233-1272  
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**From:** Rodgers, Anthony

**Sent:** Thursday, July 29, 2021 8:43 AM

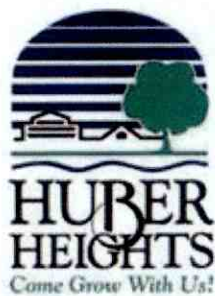
**To:** Knisley, Keith <[KKnisley@hhoh.org](mailto:KKnisley@hhoh.org)>

**Subject:** FW: Huber Heights Ordinance Review Commission Meeting Packet - 8/18/21

Hi Keith,

See information below from Jerry McDonald regarding review of Part Fifteen of the City Code for the ORC. Thanks,

Tony

**Mr. Anthony C. Rodgers, MPA**

*Clerk of Council  
Master Municipal Clerk (MMC)*

City of Huber Heights  
6131 Taylorsville Road  
Huber Heights, Ohio 45424

Phone: (937) 237-5832  
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**From:** McDonald, Gerald <[GMcDonald@pselaw.com](mailto:GMcDonald@pselaw.com)>

**Sent:** Thursday, July 29, 2021 8:37 AM

**To:** Rodgers, Anthony <[ARodgers@hhoh.org](mailto:ARodgers@hhoh.org)>

**Subject:** RE: Huber Heights Ordinance Review Commission Meeting Packet - 8/18/21



**CAUTION EXTERNAL EMAIL:** This message originated from a non Huber Heights email server. DO NOT CLICK ANY LINKS or OPEN ANY ATTACHMENTS unless you have contacted the sender to verify its legitimacy or confirmed you were expecting it. Contact the IT Department if you need assistance.

Tony, the Fire Code was substantially revised after the last Ordinance Review Commission. I do not have any suggested changes. I do encourage the fire division to review for any changes it may deem necessary. The last applicable Fire Code version is the 2017 edition as noted in Chapter 1501. The State generally revises the fire code every 5 years and the next update won't be until the end of 2022. I imagine at some point in 2022-23 we will need to pass legislation acknowledging the new fire code edition. I am not sure how the amount of the permits in 1509.02 was established and if they need to be raised from \$25.00. That's all I have on Part Fifteen.

**From:** Rodgers, Anthony <[ARodgers@hhoh.org](mailto:ARodgers@hhoh.org)>

**Sent:** Tuesday, July 27, 2021 2:29 PM

**To:** Brian Kitchen <[briankitchen2002@yahoo.com](mailto:briankitchen2002@yahoo.com)>; Jerry Wamsley <[jerry@jerrywamsley.com](mailto:jerry@jerrywamsley.com)>; Jim Ellis <[jellis@bpess.com](mailto:jellis@bpess.com)>; Jonathan Fannin <[jonjonnyonny@aol.com](mailto:jonjonnyonny@aol.com)>; Joseph Hendrix <[hendrixjoseph@aol.com](mailto:hendrixjoseph@aol.com)>; Otto, Glenn <[GOtto@hhoh.org](mailto:GOtto@hhoh.org)>; Webb, Don <[DEWebb@hhoh.org](mailto:DEWebb@hhoh.org)>

**Cc:** McDonald, Gerald <[GMcDonald@pselaw.com](mailto:GMcDonald@pselaw.com)>; Powell, Karen <[KPowell@hhoh.org](mailto:KPowell@hhoh.org)>; Falkowski, Scott <[SFalkowski@hhoh.org](mailto:SFalkowski@hhoh.org)>; Knisley, Keith <[KKnisley@hhoh.org](mailto:KKnisley@hhoh.org)>

**Subject:** Huber Heights Ordinance Review Commission Meeting Packet - 8/18/21

Good afternoon –

I have attached the meeting agenda and meeting packet for the Huber Heights Ordinance Review Commission meeting on Wednesday, August 18, 2021 at 6:30 PM.

The ORC will be reviewing Part Fifteen – Fire Prevention Code.

I have also included the relevant City Staff on this email in order for City Staff to provide feedback in advance of this meeting or to attend the meeting if desired.

Thank you.

Tony



**Mr. Anthony C. Rodgers, MPA**

*Clerk of Council  
Master Municipal Clerk (MMC)*

City of Huber Heights  
6131 Taylorville Road  
Huber Heights, Ohio 45424

Phone: (937) 237-5832

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Email: [arodgers@hhoh.org](mailto:arodgers@hhoh.org)

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