CITY OF HUBER HEIGHTS
STATE OF OHIO

City Council Work Session

April 8, 2025
6:00 P.M.
City Hall - Council Chambers - 6131 Taylorsville Road - Huber Heights, Ohio

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

2. **Approval Of Minutes**

   A. March 18, 2025

3. **Work Session Topics Of Discussion**

   A. City Manager Report

   B. Montgomery County Solid Waste Management Plan

   C. Motorola Contract - In Car Cameras - Police Division

   D. 2025 Street Program - Award Contracts

   E. County Assessments Authorization - Delinquent Utility/Property Maintenance/Grass And Weeds

   F. Traffic Signal/Decorative Lighting - Maintenance/Repair/Construction - Award Contract

G. Increase Not To Exceed Amount - Greentech Lawn And Irrigation - Public Works Division

H. Landscape Design/Construction/Maintenance - State Route 201/Interstate 70 Entry/Exit Ramps - Solicit Bids

I. Canal Heights TIF District

J. Moral Obligation Claims Policy

K. Liquor Permit #99548160005 - Sunoco One Stop - 4774 Taylorsville Road

L. Board And Commission Appointments

* Personnel Appeals Board - Appointment

M. Adopting Ordinance - City Code - Traffic Code/General Offenses Code Amendments

N. City Public Records Policy Update - Video Recordings

O. City Council Compensation

4. **Adjournment**

AI-10786 **Topics Of Discussion** **A.**

Council Work Session

Meeting Date:	04/08/2025		
City Manager Report			
Submitted By:	Anthony Rodgers		
Department:	City Council		
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	04/08/2025
Audio-Visual Needs:	SmartBoard	**Legal Review:**	Not Needed
Emergency Legislation?:	No	**Motion/Ordinance/ Resolution No.:**	N/A

Agenda Item Description or Legislation Title

City Manager Report

Purpose and Background

A copy of the presentation given with the City Manager Report has been attached (see attached).

Fiscal Impact

Source of Funds:	N/A
Cost:	N/A
Recurring Cost? (Yes/No):	N/A
Funds Available in Current Budget? (Yes/No):	N/A
Financial Implications:	

Attachments

No file(s) attached.

AI-10704 **Topics Of Discussion** **B.**

Council Work Session

Meeting Date: 04/08/2025

Montgomery County Solid Waste Management Plan

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 04/08/2025

Audio-Visual Needs: SmartBoard **Legal Review:** Not Needed

Emergency Legislation?: No **Motion/Ordinance/ Resolution No.:**

Agenda Item Description or Legislation Title

Montgomery County Solid Waste Management Plan

Purpose and Background

The Montgomery County Solid Waste Management District has completed the required statutory steps of preparing an update to the District's Solid Waste Management District Plan, conducting a thirty-day public comment period, holding a public hearing, and having the Solid Waste Management Policy Committee adopt the District Plan, and directing the District Staff to send it out to all of the jurisdictions within the Montgomery County Solid Waste Management District for ratification. For the Solid Waste Management District Plan to be ratified, seventy percent (70%) of the jurisdiction, based on population, must ratify the updated District Plan (the District Plan is updated every 5-years).

Mr. John Minear, Assistant Director of the Montgomery County Solid Waste Management District will present the Executive Summary of the District Plan (see attached) to the Mayor, the City Council, and City Staff, answer any questions, and request that Council vote to ratify the District Plan. The Montgomery County Solid Waste Management District has 90 days (February 25, 2025 – May 25, 2025) to meet with all of the jurisdictions to discuss and ratify the District Plan.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

Executive Summary

Resolution

MONTGOMERY COUNTY ENVIRONMENTAL SERVICES

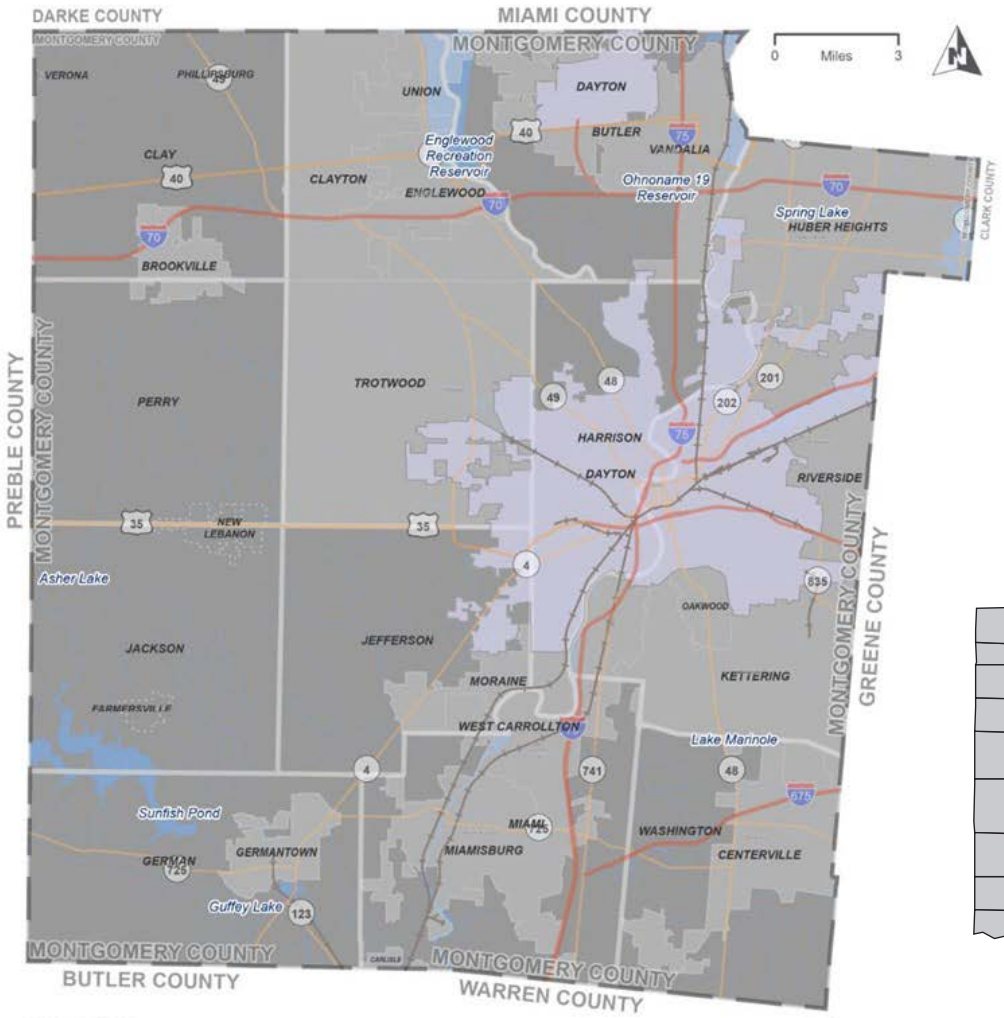
2024

Solid Waste Management Plan Update

Executive Summary

Introduction

The Montgomery County Solid Waste Management District (SWMD) is charged with responsibly handling all solid waste disposal within Montgomery County. The SWMD is governed by two bodies: a board of directors and a policy committee and was formed as a single-county district in 1988. The SWMD is dedicated to promoting recycling, waste reduction, and responsible disposal of all waste from households, retail establishments, industry, and schools. Promoting the diversion of solid waste from landfills is a major emphasis of the SWMD, and the District offers numerous recycling programs to assist this effort.



LEGEND

- Railroads
- County Boundary
- Village
- City
- Dayton
- Stream/Waterbody
- Township Boundary

Source: U.S. Census Bureau

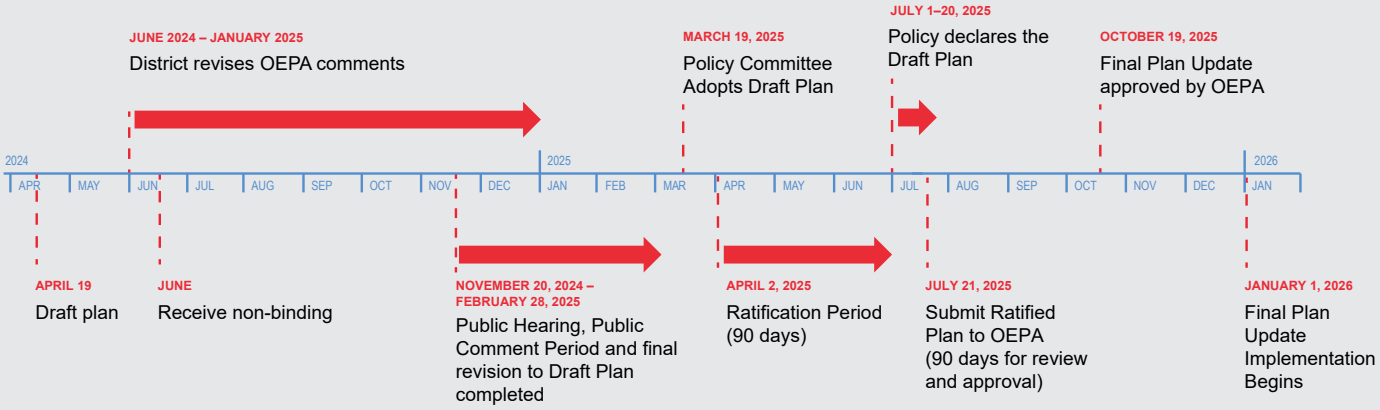
The Solid Waste Management Plan

This Solid Waste Management Plan Update ("Plan") is a regulatory document overseen by the Ohio Environmental Protection Agency ("Ohio EPA") and serves as a roadmap for Montgomery County to reduce its reliance on landfills and to manage the solid waste generated in the County. The Plan is updated every five years, describes the waste reduction and diversion programming that will be undertaken during the planning period, and demonstrates that these programs are adequate to achieve the Plan's goals. To update the prior plan ratified in 2019, the SWMD performed a strategic, in-depth review of existing programs and services, recycling infrastructure, recovery efforts, and finances – as per Ohio EPA requirements

To advance the Plan document to ratification, the SWMD developed conclusions about the strengths and weaknesses of the SWMD's Plan and worked with the policy committee to demonstrate that Plan programs and services will meet the needs of the SWMD.

Ohio Revised Code (ORC) 3734.53 and Ohio Administrative Code (OAC) Rule 3745-27-90 specify the contents of a solid waste management plan. The Ohio EPA prescribes a District Solid Waste Management Plan Format that requires a series of Appendices. This format is very similar in concept to a permit application for a solid waste landfill.

Timeline



*This timeline is not final and subject to change.

Meeting State Goals

The State of Ohio's Solid Waste Plan has 10 goals. The District meets or exceed all 10 of these goals. Two of the primary goals for the SWMD are:

GOAL 1 The SWMD shall ensure that there is adequate infrastructure to give residents and commercial businesses opportunities to recycle solid waste.

- Analysis shows there is 25 years of capacity at appliable landfills and sufficient disposal and processing infrastructure, more than enough to serve the SWMD's needs over the plan timeline (2026-2040).

GOAL 2 The SWMD shall reduce and recycle at least 25 percent of the solid waste generated by the residential/commercial sector.

- Based on the analysis, the SWMD's recycling rate will exceed the 25 percent goal over the planning period (2026-2040).

Key Fact

Between 2017 and 2021:

- Disposal has increased by about **55,000 tons**
- Recycling has increased by about **50,000 tons**

These trends are consistent with those of other urban SWMDs in Ohio.

SWMD Provides Access to Sufficient Collection, Recycling, Composting, and Disposal Capacity

27 communities with contracted curbside recycling services

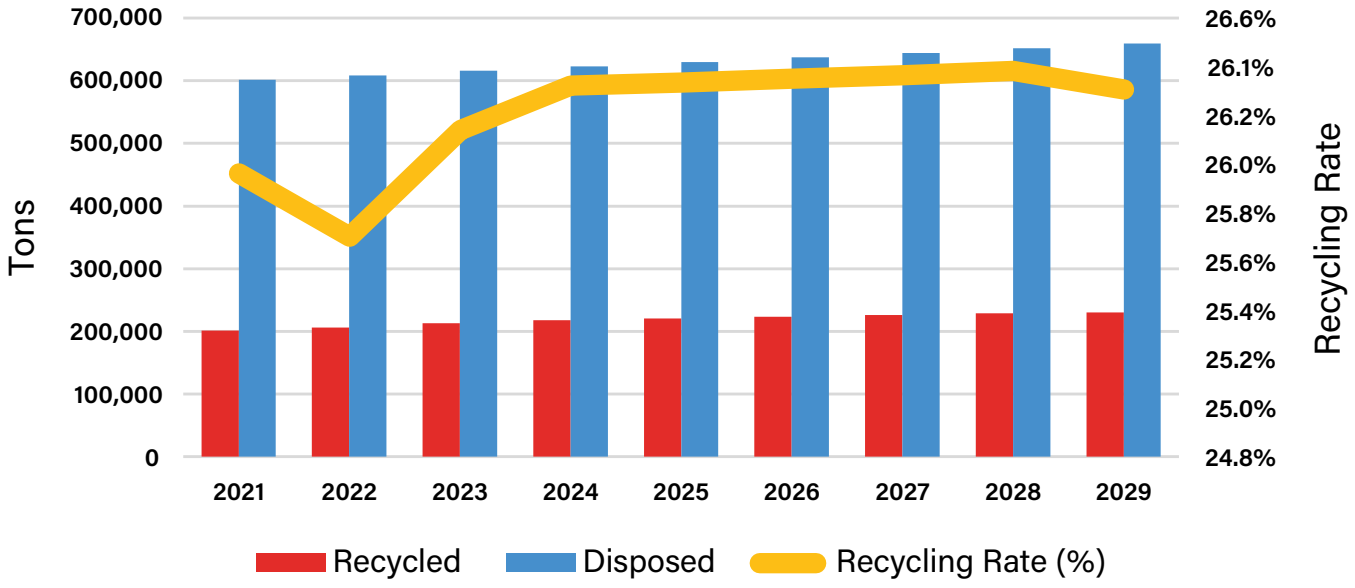
1 community with subscription curbside recycling services

2 landfills with over 25 years of useful life each

3 material recovery facilities and 2 drop off sites

16 composting facilities and 1 food/yard waste management facility

2021-2029 Projected Recycling Rate



Sufficient Disposal Capacity

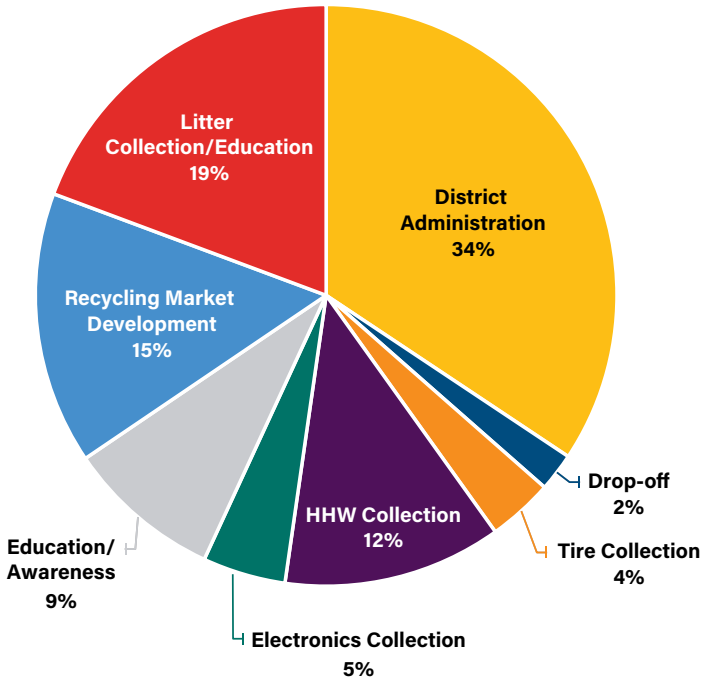
Stony Hollow Landfill (in Montgomery County) and Rumpke Sanitary Landfills (in Hamilton and Brown Counties) account for 96 percent of the waste disposed by the District. Each facility has over 25 years of useful life, providing more than enough capacity to serve the SWMD's needs over the planning period (2026-2040).

Budget

The SWMD funds programs that are consistent with the 10 allowable uses, as determined by the Ohio EPA. These programs include education, specialty waste management, administration, and and others as shown in the Projected 2026 SWMD Expenses chart.

District is increasing generation fee from $3.00/ton to $3.65/ton in 2026 and 6% increases each year thereafter to support future programming

Projected SWMD 2026 Expenses ($3 million)



Key Findings and Next Steps

The SWMD is presently complying with the regulations and requirements set forth by the Ohio EPA. Additionally, the District is committed to remaining in compliance with the Ohio EPA guidelines over the planning horizon. Landfills serving the SWMD have disposal capacity to serve the County's needs through 2040 and there is a robust set of infrastructure to meet SWMD's recycling needs.

To support programming that assists in the responsible management of solid waste within Montgomery County, the SWMD is planning to increase generation fees by 22 percent in 2026.

The below next steps are selected actions generated by SWMD that will be pursued during the upcoming planning period:

Curbside Collection

- Expand Recycle Right program for municipalities
- Conduct analysis to improve recycling participation and decrease contamination

Commercial Sector

- Expand business community relationships
- Use data from RFP to create school education campaign

Industrial Sector

- Develop strategy to promote Ohio EPA Material Marketplace

Residential/Commercial Waste Composition

- Explore food waste collection and processing

Grants

- Promote food waste reduction eligible for the Community Recycling Incentive Grant
- Amend required 30 percent community match
- Grant through Ohio EPA E3 Program

Financial Analysis

- Increase generation fee in 2026 to support proposed expanded programming

Education and Outreach

- Continue updates, enhancements, and expansions to current programming

Additional Information

A full version of the Montgomery County SWMD's Plan can be found at mcohio.org/214/Environmental-Services.

For more information, please visit **mcohio.org/401/Solid-Waste**

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2025-R-

APPROVING THE SOLID WASTE MANAGEMENT PLAN OF THE MONTGOMERY COUNTY SOLID WASTE MANAGEMENT DISTRICT.

WHEREAS, the City of Huber Heights, Ohio is a member of the Montgomery County Solid Waste Management District (the "District"); and

WHEREAS, the District completed the draft amended Solid Waste Management Plan (the "Plan") and submitted it to the Ohio Environmental Protection Agency ("OEPA") for review and comment on February 19, 2024, and the OEPA provided comments in a non-binding advisory opinion on June 3, 2024; and

WHEREAS, this Solid Waste Management District Policy Committee (the "SWMDPC") has reviewed the non-binding advisory opinion received from the Ohio Environmental Protection Agency and taken into consideration these comments, incorporating some changes into the amended Plan where necessary; and

WHEREAS, the Solid Waste Management District (the "District") conducted a 30-day public comment period from December 9, 2024 to January 9, 2025, and held a public hearing on January 21, 2025, to provide the public an opportunity to have input on this Plan; and

WHEREAS, the District Staff made recommendations to the SWMDPC to incorporate changes from the OEPA and changes read into the record at the public hearing and read into the record at the SWMDPC meeting held on February 5, 2025; and

WHEREAS, the Montgomery County Solid Waste Management District, by its Solid Waste Management District Policy Committee, has adopted a Solid Waste Management Plan for the District incorporating the District Staff changes and the new sold waste management generation fee increases from $3.00 per ton to $3.65 per ton beginning on January 1, 2026 and increasing 6% each year thereafter or until the next Plan Update in five (5) years; and

WHEREAS, pursuant to Ohio Revised Code Section 3734.55(B), the Board of County Commissioners of Montgomery County and the legislative authority of each municipal corporation or township under the jurisdiction of the District must approve or disapprove the Plan by ordinance or resolution; and

WHEREAS, the City Council of Huber Heights, Montgomery County, Ohio has reviewed the Plan and considered it at a duly called meeting; and

WHEREAS, the Plan furthers the public interest.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The Solid Waste Management Plan of the Montgomery County Solid Waste Management District, adopted by the Solid Waste Management Policy Committee on February 5, 2025, is hereby approved. A copy of this Resolution shall promptly be delivered, or caused to be delivered, to the Solid Waste Management Policy Committee of the Montgomery County Solid Waste Management District.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____ , 2025;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

_____	_____
Clerk of Council	Mayor
_____	_____
Date	Date

AI-10778 **Topics Of Discussion** **C.**

Council Work Session

Meeting Date: 04/08/2025

Motorola Contract - In Car Cameras - Police Division

Submitted By: Maria Beisel

Department:	City Manager	**Division:**	Police
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	04/08/2025
Audio-Visual Needs:	None	**Legal Review:**	Not Needed
Emergency Legislation?:	No	**Motion/Ordinance/ Resolution No.:**	

Agenda Item Description or Legislation Title

Motorola Contract - In Car Cameras - Police Division

Purpose and Background

The current in car camera units are failing and no longer serviceable. The newer units were installed in the last three (3) fleet vehicles due to parts not being available for the older units. The cost to replace the remaining fleet in car video systems, including seven (7) new cruisers, is $268,016. A five (5) year purchase/lease to own agreement through Motorola Watchguard with a detailed breakdown is attached.

Fiscal Impact

Source of Funds:	Police Division Budget
Cost:	$268,016
Recurring Cost? (Yes/No):	No
Funds Available in Current Budget? (Yes/No):	Yes

Financial Implications:

The current system is failing and must be replaced. The Finance Director is prepared to make an appropriation for the year 1 cost and the remaining years 2-5 will be requested through annual budget requests.

Attachments

Quote

Resolution

MOTOROLA SOLUTIONS

QUOTE-2587046
M500 Upgrade

Billing Address:
HUBER HEIGHTS POLICE DIVISION
6131 TAYLORSVILLE RD
HUBER HEIGHTS, OH 45424
US

Quote Date:04/03/2024
Expiration Date:03/05/2025
Quote Created By:
Joe Tee
Regional Sales Manager
Joseph.Tee@motorolasolutions.com
847-812-0333

End Customer:
HUBER HEIGHTS POLICE DIVISION
Tony Ashley
TAshley@hhoh.org
(937) 237-3590

Contract: 21336 - OHIO, STATE OF

Payment Terms:30 NET

Line #	Item Number	Description	Qty	Term	Sale Price	Ext. Sale Price
	Video as a Service					
1	AAS-M5-5YR-001	M500 IN-CAR VIDEO SYSTEM AND VIDEO MANAGER EL CLOUD - 5 YEARS VIDEO-AS-A-SERVICE*	24	5 YEAR	$9,900.00	$237,600.00
2	AAS-BWC-WIF-DOC	V300/V700 WIFI CHARGE/ UPLOAD DOCK - VIDEO-AS-A-SERVICE	24	5 YEAR	$300.00	$7,200.00
3	PSV00S03898A	ON-SITE DEPLOYMENT, CONFIGURATION AND PROJECT MANAGEMENT	1		$23,216.00	$23,216.00
4	WCM000111-020	INTEGRATION VIDEOMANAGER EL WITH MOTOROLA CAD/RMS	1		$0.00	$0.00
5	WGC02002-VAAS	VIDEOMANAGER EL CLOUD, ANNUAL UNLIMITED STORAGE PER IN-CAR VIDEO SYSTEM WITH 2 CAMERAS VAAS	24	5 YEAR	Included	Included
6	WGB-0176AAS	V300 WIFI BASE FOR M5 VAAS	24		Included	Included
7	WGB-0700A	M500 IN-CAR SYSTEM FRONT/ PASSENGER CAM*	24		Included	Included

Any sales transaction following Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the ""Underlying Agreement"") that authorizes Customer to purchase equipment and/or services or license software (collectively ""Products""). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of Use and Motorola's Standard Terms and Conditions of Sales and Supply shall govern the purchase of the Products.
Motorola Solutions, Inc.: 500 West Monroe, United States - 60661 ~ #: 36-1115800

Line #	Item Number	Description	Qty	Term	Sale Price	Ext. Sale Price
8	WGW00502	M500 EXTENDED WARRANTY	24	5 YEAR	Included	Included
9	SSV00S01450B	LEARNER LXP SUBSCRIPTION	24	5 YEAR	$0.00	$0.00

Grand Total $268,016.00(USD)

Any sales transaction following Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the ""Underlying Agreement"") that authorizes Customer to purchase equipment and/or services or license software (collectively ""Products""). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of Use and Motorola's Standard Terms and Conditions of Sales and Supply shall govern the purchase of the Products.

Motorola Solutions, Inc.: 500 West Monroe, United States - 60661 ~ #: 36-1115800

Pricing Summary

		Payment Term		Upfront Sale Price
Upfront Costs*				
				$23,216.00
Upfront Subscription Fee				
	Video as a Service	Annually		$48,960.00
Sub Total:				**$72,176.00**
		Payment Term	**Sale Price**	**Annual Sale Price**
Year 2 Subscription Fee				
	Video as a Service	Annually	$48,960.00	$48,960.00
Year 3 Subscription Fee				
	Video as a Service	Annually	$48,960.00	$48,960.00
Year 4 Subscription Fee				
	Video as a Service	Annually	$48,960.00	$48,960.00
Year 5 Subscription Fee				
	Video as a Service	Annually	$48,960.00	$48,960.00
Sub Total:				**$195,840.00**
Grand Total System Price (Inclusive of Upfront and Annual Costs)				**$268,016.00**

**Upfront costs include the cost of Hardware, Accessories and Implementation, where applicable.*

Notes:

- The Pricing Summary is a breakdown of costs and does not reflect the frequency at which you will be invoiced.
- Additional information is required for one or more items on the quote for an order.
- This quote contains items with approved price exceptions applied against them.
- Unless otherwise noted, this quote excludes sales tax or other applicable taxes (such as Goods and Services Tax, sales tax, Value Added Tax and other taxes of a similar nature). Any tax the customer is subject to will be added to invoices.
- Unless otherwise noted in this quote / order, installation of equipment is not included.

Any sales transaction following Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the ""Underlying Agreement"") that authorizes Customer to purchase equipment and/or services or license software (collectively ""Products""). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of Use and Motorola's Standard Terms and Conditions of Sales and Supply shall govern the purchase of the Products.

Motorola Solutions, Inc.: 500 West Monroe, United States - 60661 ~ #: 36-1115800

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION 2025-R-

AUTHORIZING THE CITY MANAGER TO PURCHASE/LEASE TO OWN IN CAR VIDEO RECORDING SYSTEMS FOR USE BY THE POLICE DIVISION THROUGH VENDOR WATCHGUARD THROUGH MOTOROLA SOLUTIONS.

WHEREAS, there is an ongoing need to replace the in car video systems for use by the Police Division of the City of Huber Heights in order to provide continued service to the citizens; and

WHEREAS, purchases greater than $75,000.00 require authorization by the City Council; and

WHEREAS, the current system is no longer serviceable and Watchguard through Motorola Solutions offers a more efficient method to collect and store video and the needed technology for future upgrades and system enhancements at GSA pricing; and

WHEREAS, the cost to replace all of the in car systems is $268,016.00 over the five-year purchase/lease to own term.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized to contract for the purchase of in car video systems for the Police Division with Watchguard through Motorola Solutions at a cost not to exceed $268,016.00 over the five-year purchase/lease to own term. The City Manager is also hereby authorized to increase the not to exceed amount for Motorola Solutions by $73,000.00 to for Calendar Year 2025.

Section 2. Consistent with the provisions of the City Charter and the Huber Heights Codified Ordinances, the competitive bidding requirements are hereby waived.

Section 3. It is hereby determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____ , 2025;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

_____	_____
Clerk of Council	Mayor
_____	_____
Date	Date

AI-10773 **Topics Of Discussion** **D.**

Council Work Session

Meeting Date: 04/08/2025

2025 Street Program - Award Contracts

Submitted By: Hanane Eisentraut

Department: Assistant City Manager - Public Services
Division: Engineering

Council Committee Review?: Council Work Session
Date(s) of Committee Review: 04/08/2025

Audio-Visual Needs: None
Legal Review: Not Needed

Emergency Legislation?: No
Motion/Ordinance/ Resolution No.:

Agenda Item Description or Legislation Title

2025 Street Program - Award Contracts

Purpose and Background

This legislation will authorize contracts for the 2025 Street Program. The Street Improvement Capital Fund and the Gas Tax Fund will be utilized for the construction of the different sections of this program. The Building And Grounds Fund will be utilized to pave the Police Division Building/Court Building parking lots.

Fiscal Impact

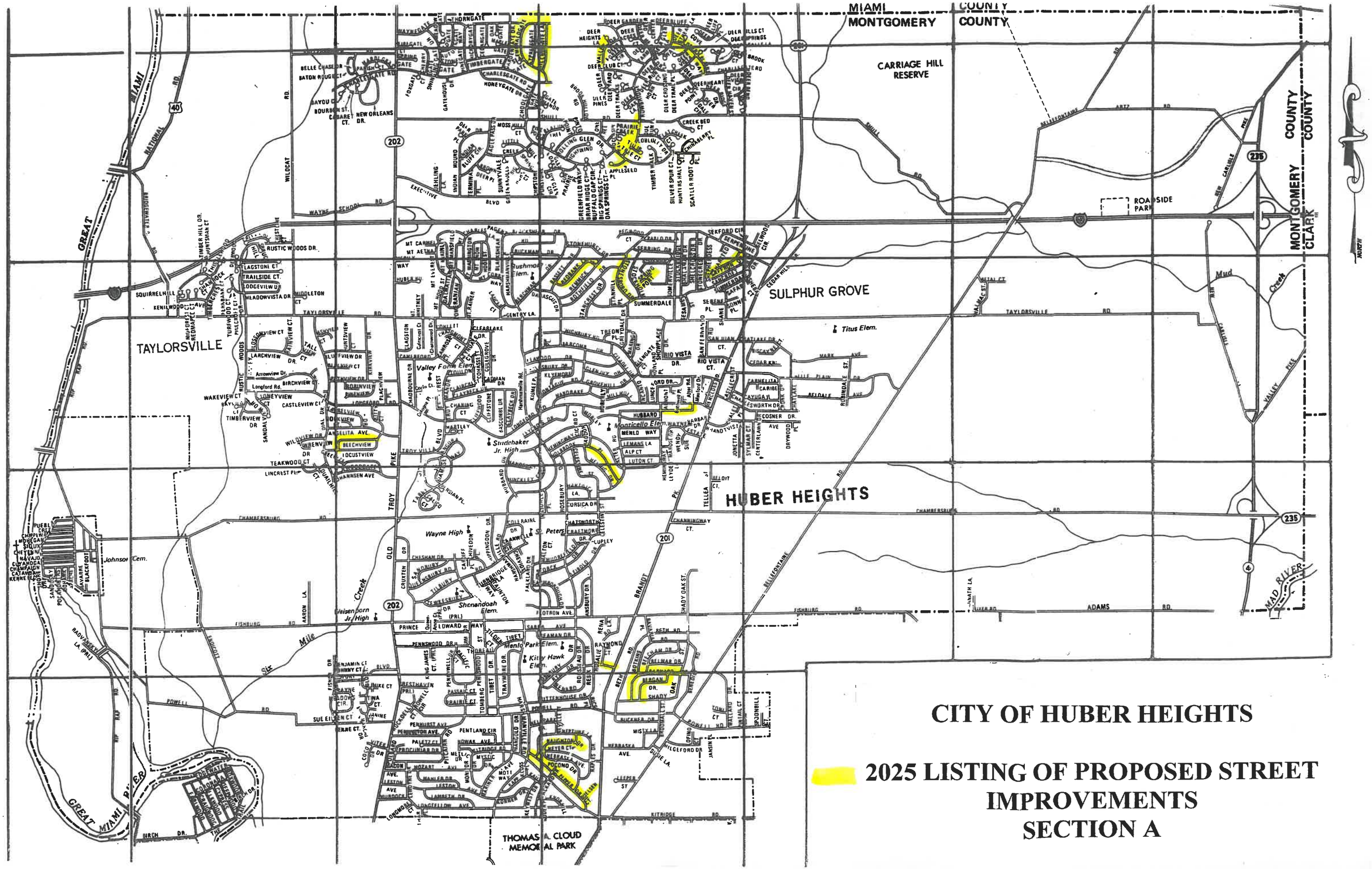
Source of Funds:	Various Funds
Cost:	$1,362,000
Recurring Cost? (Yes/No):	No
Funds Available in Current Budget? (Yes/No):	Yes
Financial Implications:	

Attachments

Bid Results
Map
Resolution

CITY OF HUBER HEIGHTS
2025 STREET PROGRAM
BID RESULT
BID DATE: FEBRUARY 28, 2025

CONTRACTOR'S NAME	SECTION A	SECTION B	SECTION C
John R. Jurgensen	$1,010,528.00 Bid Bond - Yes 210 Days	NO BID	$159,035.60 Bid Bond - Yes 30 Days
Barrett Paving	$1,050,737.00 Bid Bond - Yes 200 Days	NO BID	$163,071.60 Bid Bond - Yes 14 Days
Pavement Technology	NO BID	$25,851.80 Bid Bond - Yes 4 Days	NO BID



CITY OF HUBER HEIGHTS

2025 LISTING OF PROPOSED STREET IMPROVEMENTS SECTION A

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2025-R-

AUTHORIZING THE CITY MANAGER TO AWARD AND ENTER INTO CONTRACTS FOR THE 2025 STREET PROGRAM.

WHEREAS, City Council under Resolution No. 2025-R-7516 has previously authorized the securing of bids for the 2025 Street Program; and

WHEREAS, construction bids were received on February 28, 2025; and

WHEREAS, the City desires to secure inspectional services from outside sources for the 2025 Street Program; and

WHEREAS, Bowser-Morner, Inc. is uniquely qualified to perform these services; and

WHEREAS, this project will be funded by the Street Improvement Fund and the Gas Tax Fund.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized to enter into a contract for Section A: Street Improvements of the 2025 Street Program with John R. Jurgensen Company as the lowest and best bidder at a cost not to exceed $1,125,000.00 on the terms and conditions as substantially set forth in the specifications of the contract.

Section 2. The City Manager is hereby authorized to enter into a contract for Section B: Reclamite Surfacing of the 2025 Street Program with Pavement Technology, Inc. as the lowest and best bidder at a cost not to exceed $29,000.00 on the terms and conditions as substantially set forth in the specifications of the contract.

Section 3. The City Manager is hereby authorized to enter into a contract for Section C: Parking Lots Reconstruction at Police Division/Court Complex with John R. Jurgensen. as the lowest and best bidder at a cost not to exceed $183,000.00 on the terms and conditions as substantially set forth in the specifications of the contract.

Section 4. The City Manager is hereby authorized to enter into a contract with Bowser-Morner, Inc. for inspectional services for the 2025 Street Improvement Program at a cost not to exceed $25,000.00.

Section 5. It is hereby determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public in compliance with all legal requirements, including Section 121.22 of Ohio Revised Code.

Section 6. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2025;
_____Yeas; _____Nays.

Effective Date:

AUTHENTICATION:

_____	_____
Clerk of Council	Mayor
_____	_____
Date	Date

AI-10784 **Topics Of Discussion** **E.**

Council Work Session

Meeting Date: 04/08/2025

County Assessments Authorization - Delinquent Utility/Property Maintenance/Grass And Weeds

Submitted By: Jim Bell

Department:	Assistant City Manager - Finance/ED	**Division:**	Finance/Tax
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	04/08/2025
Audio-Visual Needs:	None	**Legal Review:**	Not Needed
Emergency Legislation?:	Yes	**Motion/Ordinance/ Resolution No.:**	

Agenda Item Description or Legislation Title

County Assessments Authorization - Delinquent Utility/Property Maintenance/Grass And Weeds

Purpose and Background

Montgomery County requires all communities to pass separate legislation for assessments that are to be added to the tax duplicate. Before the City can assess property for such things as grass/weed charges, property maintenance abatement, unpaid water and sewer, etc., the City must pass legislation specifically identifying the property and the amount of the assessment. Details of each assessment can be found in Exhibit A, which is attached to this legislation. The assessments requested in this legislation are for grass/weeds charges, trash/litter charges, property maintenance abatement, and delinquent utility account balances. Assessments are based on collection for City services previously provided; therefore, City Staff are asking that this item be passed as emergency legislation.

Fiscal Impact

Source of Funds:	N/A
Cost:	N/A
Recurring Cost? (Yes/No):	N/A
Funds Available in Current Budget? (Yes/No):	N/A
Financial Implications:	

Attachments

Ordinance

Exhibit A

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2025-O-

APPROVING INDIVIDUAL ASSESSMENTS AMOUNTS AND DIRECTING THE DIRECTOR OF FINANCE OR HIS/HER DESIGNEE TO CERTIFY THE AMOUNTS TO THE APPLICABLE COUNTY AUDITOR FOR COLLECTION, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Section 6, Article XVIII of the Ohio Constitution the General Assembly has enacted general laws stating purposes for which municipalities may assess specially benefited property; and

WHEREAS, these laws include Ohio Revised Code Sections 727.01, 727.011, 727.012, 727.013, 729.06, 729.11, 1710.01(h) and others, which authorize the City to levy and collect special assessments upon the abutting, adjacent, and contiguous, or other specially benefited, lots or lands in the municipal corporation, for among other things, any part of the cost connected with the improvement of any street, public road, place, boulevard, parkway, or park entrance or an easement of the municipal corporation; sidewalk construction; sewers; sewage disposal works and treatment plants, sewage pumping stations, water treatment plants, water pumping stations, reservoirs, and water storage tanks or standpipes, together with the facilities and appurtenances necessary and proper therefore; drains, storm-water retention basins, watercourses, water mains, or laying of water pipe; lighting; any part of the cost and expense of planting, maintaining, and removing shade trees thereupon; any part of the cost and expense of constructing, maintaining, repairing, cleaning, and enclosing ditches; and

WHEREAS, for such approved assessments, the County Auditor is to act at the direction, or on behalf, of a municipality with respect to collection of such assessments R.C. 727.30; (R.C. 727.33); and

WHEREAS, the General Assembly has also enacted laws that require a County Auditor to act at the direction, or on behalf, of a municipality with respect to collection of certain costs assessed to properties including but not limited to R.C 743.04, 715.261 and 731.51-54; and

WHEREAS, as a result of the foregoing, the City of Huber Heights has passed, and will in the future pass, laws to assess real property for all or part of the cost of a public improvement and/or certain permitted costs of abatement or collection, including but not limited to Ordinance No. 97-O-997 codified as Huber Heights Code Section 175.04 Assessments for Capital Improvement Projects (for sanitary sewer, water, sidewalks and drive aprons, roadways and storm sewers); Ordinance No. 90-O-419 codified as Huber Heights Code Section 919.01 (street lighting); Ordinance No. 2009-O-1771 codified as Huber Heights Code Section 929.16 (unpaid water service); Ordinance No. 1996-O-856 codified as Huber Heights Code Section 923.08 (unpaid sanitary sewer); Ordinance No. 2002-O-1325 codified as Huber Heights Code Section 922.32 (stormwater); Ordinance No. 2014-0-2096 codified as Huber Heights Code Section 521.11 (nuisance in the right of way); Huber Heights Code Section 911.02 (sidewalk repair); Ordinance No. 2002-O-1324 and No. 2011-O-1897 (weed cutting assessment); Huber Heights Code Sections 925.05 (lower Rip Rap Road sewer district assessment), 952.04 (nuisance abatement for false alarms), 521.081, (littering and deposit of garbage) and such other ordinances or resolution that may be passed from time to time pursuant to these codified laws; and

WHEREAS, in order to better track and account for authorized legal assessments and the amounts due to the City, City Council has determined it is in the best interest of the citizens to pass this Ordinance setting forward the applicable properties and assessment amounts to be certified to the County for collection; and

WHEREAS, the assessments set forth in Exhibit A have been authorized by the City Council of the City of Huber Heights and are required by law to be assessed and collected by the County on behalf of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. The properties set forth on the attached Exhibit A, which is incorporated herein by this reference, are to be assessed in the amount also set forth on the applicable section of Exhibit A unless payment is made within the time frame set forth in the applicable section of Exhibit A.

Section 2. In the event a payment for the amount or any portion of the amount set forth in Exhibit A is received by the City prior to final assessment date set forth in Exhibit A, which is the same date set forth in the notice sent to such property owner, the Director of Finance, or his/her designee is authorized to remove or revise such assessment from Exhibit A prior to certification to the County Auditor.

Section 3. The Director of Finance or his/her designee is instructed to certify this Ordinance, including the final assessed properties in Exhibit A, to the applicable County Auditor for collection.

Section 4. It is hereby determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the further reason that finalizing and certifying assessment at the earliest time is necessary to timely establish a lien and protect the City's interest in payment of amounts owed to the City; therefore, this Ordinance shall take full force and effect immediately upon its adoption by Council.

Passed by Council on the _____ day of _____ , 2025;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

_____	_____
Clerk of Council	Mayor
_____	_____
Date	Date

EXHIBIT A

Project No	Project Desc	Parcel ID	Address	Total to be Assessed	Tax Year	Begin Collection
31500	Grass/Weeds	P70 00114 0021	7670 Stancrest Drive	$368.67	2025	February 2026
31500	Grass/Weeds	P70 01904 0018	6945 Alter Road	$348.07	2025	February 2026
				$716.74		

Project No	Project Desc	Parcel ID	Address	Total to be Assessed	Tax Year	Begin Collection
31850	Trash/Litter	P70 00117 0022	7730 Remick Ln	$516.78	2025	February 2026
31850	Trash/Litter	P70 01404 0054	4874 Neptune Lane	$525.23	2025	February 2026
31850	Trash/Litter	P70 01408 0042	5701 Belmar Drive	$519.56	2025	February 2026
31850	Trash/Litter	P70 01408 0042	5701 Belmar Drive	$604.23	2025	February 2026
				$2,165.80		

Project No	Project Desc	Parcel ID	Address	Total to be Assessed	Tax Year	Begin Collection
31950	Property Maintenance	P70 00201 0082	4285 Murdock Avenue	$903.76	2025	February 2026
31950	Property Maintenance	P70 00706 0021	6721 Deer Meadows Drive	$646.26	2025	February 2026
31950	Property Maintenance	P70 00906 0028	4341 Longfellow Avenue	$574.16	2025	February 2026
31950	Property Maintenance	P70 00913 0004	4427 Kitridge Road	$1,562.96	2025	February 2026
31950	Property Maintenance	P70 00915 0017	4565 Korner Drive	$3,962.86	2025	February 2026
31950	Property Maintenance	P70 01209 0015	5900 Clearlake Drive	$5,027.23	2025	February 2026
31950	Property Maintenance	P70 01511 0049	5234 Flotron Avenue	$1,200.40	2025	February 2026
				$13,877.63		

Project No	Project Desc	Parcel ID	Address	Total to be Assessed	Tax Year	Begin Collection
31003	Stormwater	P70 00117 0022	7730 Remmick Ln	$ 25.57	2025	February 2026
31103	Stormwater	P70 00202 0010	6141 Rip Rap Rd	$ 14.72	2025	February 2026
31103	Stormwater	P70 00202 0113	5819 Shore Dr	$ 14.72	2025	February 2026
31103	Stormwater	P70 00202 0142	5821 Shore Dr	$ 14.72	2025	February 2026
31103	Stormwater	P70 00202 0173	6177 Apache St	$ 14.72	2025	February 2026
31103	Stormwater	P70 00202 0192	6180 Pocahontas St	$ 14.72	2025	February 2026
31103	Stormwater	P70 00202 0212	6171 Pocahontas St	$ 14.72	2025	February 2026
31103	Stormwater	P70 00202 0225	6035 Shore Dr	$ 14.72	2025	February 2026
31103	Stormwater	P70 00202 0284	4086 Catawba Ave	$ 14.72	2025	February 2026
31103	Stormwater	P70 00202 0330	6219 Apache St	$ 14.72	2025	February 2026
31103	Stormwater	P70 00202 0362	4029 Champaign Ave	$ 14.72	2025	February 2026
31103	Stormwater	P70 00202 0365	4045 Champaign Ave	$ 14.72	2025	February 2026
31103	Stormwater	P70 00202 0376	6325 Champaign Ave	$ 14.72	2025	February 2026
31103	Stormwater	P70 00202 0405	4026 Navajo Ave	$ 7.36	2025	February 2026
31103	Stormwater	P70 00202 0578	4180 Navajo Ave	$ 14.72	2025	February 2026
31103	Stormwater	P70 00202 0753	4095 Navajo Ave	$ 14.72	2025	February 2026
31103	Stormwater	P70 00202 0756	4087 Navajo Ave	$ 14.72	2025	February 2026
31103	Stormwater	P70 00202 0770	4037 Navajo Ave	$ 14.72	2025	February 2026
31103	Stormwater	P70 00202 0879	4028 Mohegan Ave	$ 14.72	2025	February 2026
31003	Stormwater	P70 00202 0952	4037 Chippewa Ave	$ 14.72	2025	February 2026
31103	Stormwater	P70 00202 1131	6030 Shore Dr	$ 14.72	2025	February 2026
31103	Stormwater	P70 00202 1157	5810 Shore Dr	$ 14.72	2025	February 2026
31003	Stormwater	P70 00202 1160	5790 Shore Dr	$ 14.72	2025	February 2026
31103	Stormwater	P70 00202 1204	6255 Blackfoot St	$ 14.72	2025	February 2026
31103	Stormwater	P70 00204 0004	6086 Aaron La	$ 44.10	2025	February 2026
31103	Stormwater	P70 00211 0001	7500 Bellefontaine Rd	$ 44.10	2025	February 2026
31103	Stormwater	P70 00211 0006	8373 Taylorsville Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 00212 0001	7620 Walmac St	$ 88.20	2025	February 2026
31103	Stormwater	P70 00212 0007	7593 Walmac St	$ 88.20	2025	February 2026
31103	Stormwater	P70 00213 0009	7644 Walmac St	$ 88.20	2025	February 2026
31103	Stormwater	P70 00406 0009	5518 Hartley Ct	$ 11.91	2025	February 2026
31103	Stormwater	P70 00418 0015	5255 Coco Dr	$ 2.45	2025	February 2026
31103	Stormwater	P70 00518 0005	4169 Powell Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 00706 0021	6721 Deer Meadows Dr	$ 54.32	2025	February 2026
31103	Stormwater	P70 00816 0008	5051 Longford Rd	$ 29.11	2025	February 2026
31103	Stormwater	P70 00902 0010	7742 Belleplain Dr	$ 88.20	2025	February 2026
31103	Stormwater	P70 00903 0002	7743 Mark Ave	$ 87.69	2025	February 2026
31103	Stormwater	P70 00914 0009	5128 Mariner Dr	$ 15.93	2025	February 2026
31103	Stormwater	P70 01007 0066	5715 Harshmanville Rd	$ 46.27	2025	February 2026
31103	Stormwater	P70 01008 0021	5848 Tomberg St	$ 4.20	2025	February 2026
31103	Stormwater	P70 01101 0011	6629 Summerdale Dr	$ 40.11	2025	February 2026
31003	Stormwater	P70 01201 0014	5741 Toulon Ct	$ 17.35	2025	February 2026
31103	Stormwater	P70 01217 0032	7801 Technology Blvd	$ 450.07	2025	February 2026
31103	Stormwater	P70 01304 0006	5765 Old Troy Pk	$ 63.80	2025	February 2026
31103	Stormwater	P70 01407 0046	4809 Powell Rd	$ 62.68	2025	February 2026
31103	Stormwater	P70 01408 0042	5701 Belmar Dr	$ 65.70	2025	February 2026
31103	Stormwater	P70 01410 0038	5883 Brandt Pk	$ 36.66	2025	February 2026
31103	Stormwater	P70 01413 0059	5212 Buckner Dr	$ 9.93	2025	February 2026
31103	Stormwater	P70 01415 0035	5316 Powell Rd	$ 8.40	2025	February 2026
31103	Stormwater	P70 01511 0020	6185 Farmborough Dr	$ 6.86	2025	February 2026
31103	Stormwater	P70 01515 0013	4877 Fishburg Rd	$ 65.70	2025	February 2026
31103	Stormwater	P70 01516 0033	5080 Tilbury Rd	$ 19.74	2025	February 2026
31003	Stormwater	P70 01602 0054	4973 Chesham Dr	$ 65.70	2025	February 2026
31103	Stormwater	P70 01610 0019	7045 Claybeck Dr	$ 8.66	2025	February 2026
31103	Stormwater	P70 01610 0033	7017 Harshmanville Rd	$ 39.26	2025	February 2026
31103	Stormwater	P70 01801 0008	8001 Taylorsville Rd	$ 27.41	2025	February 2026
31103	Stormwater	P70 01913 0046	7037 Highbury Rd	$ 65.70	2025	February 2026
31103	Stormwater	P70 02009 0011	6011 Jennagate La	$ 46.15	2025	February 2026
31103	Stormwater	P70 02014 0001	8640 Taylorsville Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 03901 0011	8706 Chambersburg Rd	$ 44.10	2025	February 2026
31103	Stormwater	P70 03901 0022	8868 Chambersburg Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 03901 0024	8910 Chambersburg Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 03902 0016	9160 Taylorsville Rd	$ 88.20	2025	February 2026
31003	Stormwater	P70 03902 0021	9156 Taylorsville Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 03902 0025	9220 Taylorsville Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 03902 0026	9270 Taylorsville Rd	$ 44.10	2025	February 2026
31103	Stormwater	P70 03902 0046	7300 New Carlisle Pk	$ 88.20	2025	February 2026
31103	Stormwater	P70 03902 0050	9340 Taylorsville Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 03902 0052	9378 Taylorsville Rd	$ 41.90	2025	February 2026
31103	Stormwater	P70 03902 0055	9341 Taylorsville Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 03903 0084	8933 Bellefontaine Rd	$ 44.10	2025	February 2026
31103	Stormwater	P70 03904 0004	8314 Chambersburg Rd	$ 44.10	2025	February 2026
31103	Stormwater	P70 03904 0006	7795 Chambersburg Rd	$ 44.10	2025	February 2026
31103	Stormwater	P70 03904 0009	7705 Chambersburg Rd	$ 44.10	2025	February 2026
31103	Stormwater	P70 03904 0010	7450 Chambersburg Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 03904 0018	7990 Chambersburg Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 03904 0038	7527 Chambersburg Rd	$ 44.10	2025	February 2026
31103	Stormwater	P70 03904 0041	8184 Chambersburg Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 03904 0049	8012 Chambersburg Rd	$ 44.10	2025	February 2026
31103	Stormwater	P70 03904 0050	7861 Chambersburg Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 03904 0085	8701 Adams Rd	$ 65.52	2025	February 2026
31003	Stormwater	P70 03905 0004	7780 Bellefontaine Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 03905 0012	8483 Taylorsville Rd	$ 18.90	2025	February 2026
31103	Stormwater	P70 03905 0017	8480 Taylorsville Rd	$ 44.10	2025	February 2026
31103	Stormwater	P70 03905 0018	8033 Taylorsville Rd	$ 41.90	2025	February 2026
31103	Stormwater	P70 03905 0028	7250 Bellefontaine Rd	$ 44.10	2025	February 2026
31103	Stormwater	P70 03905 0062	8125 Taylorsville Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 03905 0081	8767 Taylorsville Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 03905 0086	7707 Bellefontaine Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 03908 0018	7440 Chambersburg Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 03908 0021	6795 Fishburg Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 03908 0023	6515 Fishburg Rd	$ 112.96	2025	February 2026
31103	Stormwater	P70 03908 0029	6580 Chambersburg Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 03908 0031	6616 Chambersburg Rd	$ 44.10	2025	February 2026
31103	Stormwater	P70 03908 0038	6760 Chambersburg Rd	$ 44.10	2025	February 2026
31103	Stormwater	P70 03908 0054	6745 Fishburg Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 03908 0065	6535 Fishburg Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 03909 0032	7950 Taylorsville Rd	$ 44.10	2025	February 2026
31103	Stormwater	P70 03909 0111	7835 Taylorsville Rd	$ 44.10	2025	February 2026
31103	Stormwater	P70 03909 0117	7097 Bellefontaine Rd	$ 43.54	2025	February 2026
31103	Stormwater	P70 03911 0007	5500 Bellefontaine Rd	$ 44.10	2025	February 2026
31103	Stormwater	P70 03912 0023	5119 Fishburg Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 04001 0006	6225 Taylorsville Rd	$ 58.34	2025	February 2026
31103	Stormwater	P70 04001 0042	6775 Taylorsville Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 04002 0018	6409 Shull Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 04002 0024	6065 Shull Rd	$ 58.16	2025	February 2026
31103	Stormwater	P70 04002 0054	6493 Shull Rd	$ 44.10	2025	February 2026
31103	Stormwater	P70 04003 0001	4568 Fishburg Rd	$ 39.82	2025	February 2026
31103	Stormwater	P70 04003 0043	4316 Powell Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 04003 0051	4280 Powell Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 04003 0120	4293 Powell Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 04003 0131	5563A Old Troy Pk	$ 18.44	2025	February 2026
31103	Stormwater	P70 04004 0030	5123 Chambersburg Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 04004 0091	4820 Chambersburg Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 04005 0055	5201 Taylorsville Rd	$ 286.85	2025	February 2026
31103	Stormwater	P70 04006 0071	8160 Old Troy Pk	$ 69.15	2025	February 2026
31103	Stormwater	P70 04007 0024	4214 Powell Rd	$ 44.10	2025	February 2026
31103	Stormwater	P70 04007 0028	4078 Powell Rd	$ 44.10	2025	February 2026
31103	Stormwater	P70 04007 0056	4242 Powell Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 04008 0009	6240 Endicott Rd	$ 88.20	2025	February 2026
31103	Stormwater	P70 04008 0019	4319 Fishburg Rd	$ 44.10	2025	February 2026
31103	Stormwater	P70 04009 0057	4341 Taylorsville Rd	$ 65.52	2025	February 2026
31103	Stormwater	P70 51323 0053	4215 Vitek Dr	$ 14.11	2025	February 2026
				$6,921.34		

Project No	Project Desc			Total to be Assessed	Tax Year	Begin Collection
31102	Water	P70 00117 0022	7730 Remmick Ln	$ 204.07	2025	February 2026
31102	Water	P70 00202 0405	4026 Navajo Ave	$ 0.56	2025	February 2026
31102	Water	P70 00202 0770	4037 Navajo Ave	$ 2.24	2025	February 2026
31102	Water	P70 00406 0009	5518 Hartley Ct	$ 59.46	2025	February 2026
31102	Water	P70 00418 0015	5255 Coco Dr	$ 18.30	2025	February 2026
31102	Water	P70 00706 0021	6721 Deer Meadows Dr	$ 4.80	2025	February 2026
31102	Water	P70 00816 0008	5051 Longford Rd	$ 3.27	2025	February 2026
31102	Water	P70 00903 0002	7743 Mark Ave	$ 0.51	2025	February 2026
31102	Water	P70 00914 0009	5128 Mariner Dr	$ 103.79	2025	February 2026
31102	Water	P70 01007 0066	5715 Harshmanville Rd	$ 3.30	2025	February 2026
31102	Water	P70 01008 0021	5848 Tomberg St	$ 24.02	2025	February 2026
31102	Water	P70 01101 0011	6629 Summerdale Dr	$ 137.38	2025	February 2026
31102	Water	P70 01304 0006	5765 Old Troy Pk	$ 2.80	2025	February 2026
31102	Water	P70 01407 0046	4809 Powell Rd	$ 5.83	2025	February 2026
31102	Water	P70 01410 0038	5883 Brandt Pk	$ 253.48	2025	February 2026
31102	Water	P70 01413 0059	5212 Buckner Dr	$ 137.91	2025	February 2026
31102	Water	P70 01415 0035	5316 Powell Rd	$ 107.28	2025	February 2026
31102	Water	P70 01516 0033	5080 Tilbury Rd	$ 663.59	2025	February 2026
31102	Water	P70 01610 0019	7045 Claybeck Dr	$ 57.98	2025	February 2026
31102	Water	P70 01610 0033	7017 Harshmanville Rd	$ 3.27	2025	February 2026
31102	Water	P70 02009 0011	6011 Jennagate La	$ 2.74	2025	February 2026
31102	Water	P70 03908 0023	6515 Fishburg Rd	$ 0.44	2025	February 2026
31102	Water	P70 03909 0117	7097 Bellefontaine Rd	$ 0.56	2025	February 2026
31102	Water	P70 04003 0131	5563A Old Troy Pk	$ 2.21	2025	February 2026
				$1,799.79		

Project No	Project Desc	Parcel ID	Address	Total to be Assessed	Tax Year	Begin Collection
31324	Sewer	P70 00117 0022	7730 Remmick Ln	$ 107.28	2025	February 2026
31324	Sewer	P70 00202 0010	6141 Rip Rap Rd	$ 74.64	2025	February 2026
31324	Sewer	P70 00202 0113	5819 Shore Dr	$ 74.64	2025	February 2026
31324	Sewer	P70 00202 0142	5821 Shore Dr	$ 74.64	2025	February 2026
31324	Sewer	P70 00202 0173	6177 Apache St	$ 74.64	2025	February 2026
31324	Sewer	P70 00202 0192	6180 Pocahontas St	$ 74.64	2025	February 2026
31324	Sewer	P70 00202 0212	6171 Pocahontas St	$ 74.64	2025	February 2026
31324	Sewer	P70 00202 0225	6035 Shore Dr	$ 74.64	2025	February 2026
31324	Sewer	P70 00202 0284	4086 Catawba Ave	$ 74.64	2025	February 2026
31324	Sewer	P70 00202 0330	6219 Apache St	$ 74.64	2025	February 2026
31324	Sewer	P70 00202 0362	4029 Champaign Ave	$ 74.64	2025	February 2026
31324	Sewer	P70 00202 0365	4045 Champaign Ave	$ 74.64	2025	February 2026
31324	Sewer	P70 00202 0376	6325 Champaign Ave	$ 74.64	2025	February 2026
31324	Sewer	P70 00202 0405	4026 Navajo Ave	$ 37.32	2025	February 2026
31324	Sewer	P70 00202 0578	4180 Navajo Ave	$ 74.64	2025	February 2026
31324	Sewer	P70 00202 0753	4095 Navajo Ave	$ 74.64	2025	February 2026
31324	Sewer	P70 00202 0756	4087 Navajo Ave	$ 74.64	2025	February 2026
31324	Sewer	P70 00202 0770	4037 Navajo Ave	$ 74.64	2025	February 2026
31324	Sewer	P70 00202 0879	4028 Mohegan Ave	$ 74.64	2025	February 2026
31324	Sewer	P70 00202 0952	4037 Chippewa Ave	$ 74.64	2025	February 2026
31324	Sewer	P70 00202 1131	6030 Shore Dr	$ 74.64	2025	February 2026
31324	Sewer	P70 00202 1157	5810 Shore Dr	$ 74.64	2025	February 2026
31324	Sewer	P70 00202 1160	5790 Shore Dr	$ 74.64	2025	February 2026
31324	Sewer	P70 00202 1204	6255 Blackfoot St	$ 74.64	2025	February 2026
31324	Sewer	P70 00406 0009	5518 Hartley Ct	$ 32.48	2025	February 2026
31324	Sewer	P70 00418 0015	5255 Coco Dr	$ 9.76	2025	February 2026
31324	Sewer	P70 00914 0009	5128 Mariner Dr	$ 45.05	2025	February 2026
31324	Sewer	P70 01008 0021	5848 Tomberg St	$ 12.99	2025	February 2026
31324	Sewer	P70 01101 0011	6629 Summerdale Dr	$ 83.14	2025	February 2026
31324	Sewer	P70 01410 0038	5883 Brandt Pk	$ 131.79	2025	February 2026
31324	Sewer	P70 01413 0059	5212 Buckner Dr	$ 76.46	2025	February 2026
31324	Sewer	P70 01415 0035	5316 Powell Rd	$ 38.26	2025	February 2026
31324	Sewer	P70 01516 0033	5080 Tilbury Rd	$ 503.13	2025	February 2026
31324	Sewer	P70 01610 0019	7045 Claybeck Dr	$ 20.75	2025	February 2026
31324	Sewer	P70 04001 0006	6225 Taylorsville Rd	$ 414.65	2025	February 2026
31324	Sewer	P70 04002 0024	6065 Shull Rd	$ 414.13	2025	February 2026
				$3,569.27		

AI-10764 **Topics Of Discussion** **F.**

Council Work Session

Meeting Date: 04/08/2025

Traffic Signal/Decorative Lighting - Maintenance/Repair/Construction - Award Contract

Submitted By: Linda Garrett

Department:	Assistant City Manager - Public Services	**Division:**	Public Works
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	04/08/2025
Audio-Visual Needs:	None	**Legal Review:**	Completed
Emergency Legislation?:	No	**Motion/Ordinance/ Resolution No.:**	

Agenda Item Description or Legislation Title

Traffic Signal/Decorative Lighting - Maintenance/Repair/Construction - Award Contract

Purpose and Background

Award Bid to Capital Electric for Maintenance, Repair and Replacement of Traffic Signals and Decorative Lighting

Fiscal Impact

Source of Funds:	226.401.5219
Cost:	150,000.00
Recurring Cost? (Yes/No):	Y
Funds Available in Current Budget? (Yes/No):	y
Financial Implications:	

Attachments

Bid Results

Resolution

CITY OF HUBER HEIGHTS

BID FORM

TRAFFIC SIGNAL MAINTENANCE

The undersigned proposes to provide traffic signal maintenance services, meeting the specifications attached hereto for a period of four4 years, beginning on or about March 28th, 2025.

A schedule of proposed rates for labor, equipment, engineering or technical supervision provided and materials for a =FOUR (4r) YEAR CONTRACT is listed below: (or attached)

PART 1

TRAFFIC SIGNAL MAINTENANCE RATES

YEAR 1

RATE COMPUTATION

Regular Time

Class of Labor	(Base + Fringe) x (Profit + Overhead) = Regular Time				
*ELECTRICIANS FOREMAN	$ 48.43	$ 19.68	13.2 %	40 %	= $ 104.34
JOURNEYMAN	$ 46.02	$ 19.10	13.2 %	40 %	= $ 99.76

Overtime

	1.5		2.0	
	FACTOR	RATE	FACTOR	RATE
*ELECTRICIANS FOREMAN	140 %	$ 146.08	180 %	$ 187.81

JOURNEYMAN	140 %	$ 139.66	40 %	$ 179.57

YEAR 2

RATE COMPUTATION

Regular Time

Class of Labor	(Base + Fringe) x (Profit + Overhead) = Regular Time			
*ELECTRICIANS	$ 48.43	$ 19.68	13.2 %	40 % = $ 104.34
FOREMAN				
JOURNEYMAN	$ 46.02	$ 19.10	13.2 %	40 % = $ 99.76

Overtime

	1.5		2.0	
	FACTOR	RATE	FACTOR	RATE
*ELECTRICIANS	140 %	$ 146.08	180 %	$ 187.81
FOREMAN				
JOURNEYMAN	140 %	$ 139.66	180 %	$ 179.57

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YEAR 3

RATE COMPUTATION

Regular Time

Class of Labor	(Base + Fringe) x (Profit + Overhead) = Regular Time				
*ELECTRICIANS FOREMAN	$ 48.43	$ 19.68	13.2 %	40 %	= $ 104.34
JOURNEYMAN	$ 46.02	$ 19.10	13.2 %	40 %	= $ 99.76

Overtime

	1.5		2.0	
	FACTOR	RATE	FACTOR	RATE
*ELECTRICIANS FOREMAN	140 %	$ 146.08	180 %	$ 187.81
JOURNEYMAN	140 %	$ 139.66	180 %	$ 179.57

YEAR 4

RATE COMPUTATION

Regular Time

Class of Labor	(Base + Fringe) x (Profit + Overhead) = Regular Time				
*ELECTRICIANS	$ 48.43	$ 19.68	13.2 %	40 %	= $ 104.34

FOREMAN					
JOURNEYMAN	$ 46.02	$ 19.10	13.2 %	40 % =	$ 99.76

Overtime

	1.5		2.0	
	FACTOR	RATE	FACTOR	RATE
*ELECTRICIANS	140 %	$ 146.08	180 %	$187.81
FOREMAN				
JOURNEYMAN	140 %	$ 139.66	40 %	$ 179.57

NOTE: *For classes of labor not listed above, the applicable Union or Department of* Industrial Relations Base and Fringe Rate shall apply.

A. State hours regular time will be in effect:

7:00am To 3:30pm, Monday Through Friday, Except Legal Holidays.

B. Indicate on the above form with an asterisk (*) the level electrician who will be responsible for control equipment, repair and maintenance.

PART II	EQUIPMENT DESCRIPTION	RATE PER HOUR
	1) Bucket Truck	$28.00
	2) Digger Truck	$47.00

3) Concrete Saw	$55.00
4) Mini X or Bakhoe	$35.00
5) Dump Truck	$34.00
6) Solar Arrow Board	$5.00
7) Air Compressor	$10.00
8) Equipment Trailer	$10.00
9) Fusion Splicer	$33.00
10) Fiber Optic Splicing Trailer	$18.00
11) Reel Cart	$7.00
12)	

PART III FURNISHED MATERIALS

Material ordered for job or project 12%

Material used from stock 15%

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STATEMENT OF BIDDER'S QUALIFICATIONS

(To be submitted by the Bidder upon request of the Public Works Manager or if your company has not previously been awarded a contract by the City of Huber Height

All questions must be answered, and the data given must be clear and comprehensive. This statement must be notarized. Questions may be answered on separate attached sheets. The Bidder may submit additional information if he so desires.

1. Name of Bidder: Capital Electric Line Builders, LLC
2. Permanent main office address:
   7050 Ensign Drive Parkville, MO. 64152
3. When organized:
   3-2-1970
4. If a corporation, where incorporated?
   Kansas

5. How many years have you been engaged in construction work under your present firm name or trade style?
   60
6. Contracts currently on hand: (Schedule of these, showing gross amount of each Contract and the approximate anticipated dates of completion.) See Attached:
7. General character of work performed by you in the past: Traffic Signal and Highway Lighting Maintenance and Construction.
8. Have you ever failed to complete any work awarded to you? If so, were and why: No
9. Have you ever defaulted on a contract? If so, where and why: None
10. List the most important contracts recently completed by you, stating approximate costs each, and the month and year completed. See Attached List
11. List your major equipment available for this contract: See Attached List
12. Experience in work of a nature similar to this project? See Attached List
13. Background and experience of the principal members of your organization, including the officers. See Attached:
14. Give bank reference (s): US Band, 200 N. 3rd st., Bismark, ND 58501 Contact: Tim Hennessey 701-222-6262
15. Please furnish financial statement. See Attached List
16. The undersigned hereby authorizes and requests any person, firm or corporation to furnish any information requested by the City of Huber Heights in verification of the recitals comprising this Statement of Bidder's Qualifications.

(see other side)

I hereby certify that the answers to the foregoing statements attached hereto, including any supplemental data, are true and correct to the best of my knowledge.

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2025-R-

AUTHORIZING THE CITY MANAGER TO AWARD A FOUR-YEAR CONTRACT WITH AN OPTION FOR A ONE-YEAR CONTRACT EXTENSION FOR THE PROVISION OF MAINTENANCE, REPAIR, AND REPLACEMENT OF TRAFFIC SIGNALS AND DECORATIVE LIGHTING AT VARIOUS PROPERTIES IN HUBER HEIGHTS.

WHEREAS, the City of Huber Heights is responsible for the maintenance, repair, and replacement of traffic signals and decorative lighting to ensure efficient and safe operation; and

WHEREAS, the City of Huber Heights desires to contract with one company which can provide the requisite maintenance, repair, and replacement services at the most responsible price and quality of service for a period of four years from May 1, 2025 to May 31, 2029, with the option of a one-year contract extension; and

WHEREAS, the cost for such services is estimated at a cost not to exceed $150,000.00 annually

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized to award a four-year contract May 1, 2025 to May 31, 2029, with an option of a one-year extension, for the provision of traffic signal and decorative lighting maintenance, repair, and replacement at various City properties to Capital Electric Line Builders at 3150 Encrete Lane, Moraine, Ohio 45439. This contract award shall be in an amount of not to exceed $150,000.00 annually for a four-year period with an option of a one-year contract extension.

Section 2. It is hereby determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____ , 2025;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

_____	_____
Clerk of Council	Mayor
_____	_____
Date	Date

AI-10771 **Topics Of Discussion** **G.**

Council Work Session

Meeting Date: 04/08/2025

Increase Not To Exceed Amount - Greentech Lawn And Irrigation - Public Works Division

Submitted By: Linda Garrett

Department:	Assistant City Manager - Public Services	**Division:**	Public Works
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	04/08/2025
Audio-Visual Needs:	None	**Legal Review:**	Not Needed
Emergency Legislation?:	No	**Motion/Ordinance/ Resolution No.:**	

Agenda Item Description or Legislation Title

Increase Not To Exceed Amount - Greentech Lawn And Irrigation - Public Works Division

Purpose and Background

This legislation increases the not to exceed amount for Greentech Lawn and Irrigation for services utilized by the Public Works Division.

Fiscal Impact

Source of Funds:	Public Works Division Budget
Cost:	$530,000
Recurring Cost? (Yes/No):	Yes
Funds Available in Current Budget? (Yes/No):	Yes
Financial Implications:	

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2025-R-

TO INCREASE THE NOT TO EXCEED AMOUNT FOR GREENTECH LAWN AND IRRIGATION FOR ADDITIONAL MOWING AND LANDSCAPING SERVICES FOR THE PUBLIC WORKS DIVISION FOR CALENDAR YEAR 2025.

WHEREAS, there have been changes to the required and provided services from Greentech Lawn and Irrigation for City mowing and landscaping services; and

WHEREAS, the not to exceed amount for Greentech Lawn and Irrigation needs be increased to $530,000.00 for Calendar Year 2025.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized to increase the not to exceed amount for Greentech Lawn and Irrigation to a new not to exceed amount of $530,000.00 for Calendar Year 2025.

Section 2. It is hereby determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____ , 2025;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

_____	_____
Clerk of Council	Mayor
_____	_____
Date	Date

AI-10770 **Topics Of Discussion** **H.**

Council Work Session

Meeting Date: 04/08/2025

Landscape Design/Construction/Maintenance - State Route 201/Interstate 70 Entry/Exit Ramps - Solicit Bids

Submitted By: Linda Garrett

Department:	Assistant City Manager - Public Services	**Division:**	Public Works
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	04/08/2025
Audio-Visual Needs:	None	**Legal Review:**	Not Needed
Emergency Legislation?:	No	**Motion/Ordinance/ Resolution No.:**	

Agenda Item Description or Legislation Title

Landscape Design/Construction/Maintenance - State Route 201/Interstate 70 Entry/Exit Ramps - Solicit Bids

Purpose and Background

This legislation is to solicit bids for services related to the landscape design, construction, and maintenance of the entry and exit ramps at State Route 201 and Interstate 70.

Fiscal Impact

Source of Funds:	N/A
Cost:	N/A
Recurring Cost? (Yes/No):	N/A
Funds Available in Current Budget? (Yes/No):	N/A
Financial Implications:	

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2025-R-

AUTHORIZING THE CITY MANAGER TO SOLICIT BIDS FOR SERVICES RELATED TO THE LANDSCAPE DESIGN, CONSTRUCTION, AND MAINTAINENANCE OF THE STATE ROUTE 201/INTERSTATE 70 EXIT AND ENTRY RAMPS.

WHEREAS, the City of Huber Heights requires services related to the landscape design, construction, and maintenance of the State Route 201/Interstate 70 exit and entry ramps.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized to solicit bids for services related to the landscape design, construction, and maintenance of the State Route 201/Interstate 70 exit and entry ramps.

Section 2. It is hereby determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____ , 2025;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

_____	_____
Clerk of Council	Mayor
_____	_____
Date	Date

AI-10782 **Topics Of Discussion** I.

Council Work Session

Meeting Date: 04/08/2025

Canal Heights TIF District

Submitted By: Aaron Sorrell

Department: Assistant City Manager - Public Services

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 04/08/2025

Audio-Visual Needs: SmartBoard **Legal Review:** Completed

Emergency Legislation?: Yes **Motion/Ordinance/ Resolution No.:**

Agenda Item Description or Legislation Title

Canal Heights TIF District

Purpose and Background

This legislation creates the Canal Heights Residential Tax Increment Financing Incentive Districts; declares improvements to the parcels to be a public purpose and exempts these parcels from real property taxation; requires the owners of those parcels to make service payments in lieu of taxes; establishes a municipal public improvement tax increment equivalent fund for the deposit of those service payments; specifies the public infrastructure improvements that serve the parcels in the incentive districts; provides for compensation payments to the school districts; and declares the legislation an emergency.

This enabling legislation follows the Canal Heights Economic Development Plan that was adopted by the City Council on February 25, 2025 (Ordinance No. 2025-O-2679) and the Development Agreement with Forestar that was approved by the City Council in December, 2024 (Resolution No. 2024-R-7502). The proposed Canal Heights TIF will facilitate the development of 283 single-family homes on 171 acres.

Montgomery County, Huber Heights Schools, and the Miami Valley CTC have all been notified of the proposed TIF as prescribed by the Ohio Revised Code.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): No

Funds Available in Current Budget? (Yes/No): Yes

Financial Implications:

TIF proceeds will be used to support the debt service of approximately $10 million in special revenue bonds. Those bonds are guaranteed by the developer and <u>not</u> by the City of Huber Heights. Over the life of the TIF, the City will receive approximately $9 million for various future public improvements.

Attachments

Ordinance

Exhibit A

Exhibit B

Exhibit B - Attachments A and B

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2025-O-

CREATING THE CANAL HEIGHTS RESIDENTIAL TAX INCREMENT FINANCING INCENTIVE DISTRICTS; DECLARING IMPROVEMENTS TO THE PARCELS WITHIN THE INCENTIVE DISTRICTS TO BE A PUBLIC PURPOSE AND EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THOSE SERVICE PAYMENTS; SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT BENEFIT OR SERVE PARCELS IN THE INCENTIVE DISTRICTS; PROVIDING FOR COMPENSATION PAYMENTS, AND DECLARING AN EMERGENCY.

WHEREAS, this Council has determined to facilitate the development of a residential development consisting of approximately 238 single-family homes within the City of Huber Heights (the "City") in order to increase the available options within the City (the "Project"); and

WHEREAS, in order to develop the Project, it is necessary to construct certain public infrastructure improvements; and

WHEREAS, Ohio Revised Code ("ORC") Sections 5709.40, 5709.42, and 5709.43 (collectively, the "TIF Statutes") authorize this Council, by ordinance, to create one or more tax increment financing incentive districts within the corporate boundaries of the City, and declare the improvement to each parcel of real property located within the incentive districts to be a public purpose and exempt from taxation, require the owner of each parcel to make service payments in lieu of taxes, establish a municipal public improvement tax increment equivalent fund for the deposit of those service payments, and specify public infrastructure improvements made, to be made or in the process of being made that benefit or serve, or that once made will benefit or serve, parcels in the incentive districts; and

WHEREAS, to facilitate the development of the Project and pay the associated costs of the necessary public infrastructure improvements from service payments in lieu of taxes, this Council has determined to create the Canal Heights Incentive District #1, Canal Heights Incentive District #2, Canal Heights Incentive District #3, Canal Heights Incentive District #4, and Canal Heights Incentive District #5, (each an "Incentive District" and collectively the "Incentive Districts") pursuant to the TIF Act, the boundaries of which shall be coextensive with the boundaries of, and will include, the parcels of real property within each Incentive District specifically identified and depicted in Exhibit A attached hereto (as currently or subsequently configured, the "Parcels", with each of those parcels referred to herein individually as a "Parcel"); and

WHEREAS, by Ordinance No. 2025-O-2679 adopted on February 24, 2025, this Council approved an Economic Development Plan for the Incentive Districts (the "Economic Development Plan"), which Economic Development Plan is on file with the City Division of Engineering; and

WHEREAS, the City Engineer has certified to this Council that (i) the Incentive District is less than 300 acres in size and enclosed by a contiguous boundary, and (ii) the public infrastructure serving the Incentive District is inadequate to meet the development needs of the Incentive District as evidenced by the Economic Development Plan; and

WHEREAS, notices of this proposed Ordinance has been delivered to the Boards of Education of the Huber Heights City School District and the Miami Valley Career Technology Center in accordance with and within the time period prescribed in Ohio Revised Code Sections 5709.40 and 5709.83.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. Incentive Districts Project; Creation of Incentive Districts. This Council finds and determines that (i) the Project will place additional demand on the public infrastructure, (ii) finds and determines that the City sent written notice of the public hearing regarding this ordinance by first class mail to each owner of real property within each proposed Incentive District at least 30 days prior to such hearing, which notice included a map of each proposed Incentive District as well as the

overlay area required by ORC Section 5709.40(C)(2), (iii) finds and determines that this Council has not received a request from the owner of any real property within any proposed Incentive District to exclude that owner's property from the Incentive District, (iv) finds and determines that notice of this ordinance has been delivered to the (A) Boards of Education of the Huber Heights City Schools District and the Miami Valley Career Technology Center and (B) the Board of County Commissioners of the County of Montgomery, Ohio, in accordance with and within the time periods prescribed in ORC Sections 5709.40 and 5709.83, and (v) finds and determines that the City has not received an objection to this ordinance from the Montgomery County Board of County Commissioners within the time periods prescribed in ORC Section 5709.40. This Council further finds that the sum of the taxable value of real property in the Incentive District for tax year 2024 and the taxable value of all real property in the City that would have been taxable in tax year 2024 were it not for the fact that the property was in an existing incentive district and therefore exemption from taxation, does not exceed twenty-five percent of the taxable value of real property within the City for tax year 2024. Pursuant to the TIF Statutes, this Council hereby creates the Incentive Districts, the boundaries of which are coextensive with the boundaries of, and include, the Parcels specifically identified and depicted in Exhibit A.

Section 2. Public Infrastructure Improvements. This Council hereby designates the public infrastructure improvements described in Exhibit B (the "Public Infrastructure Improvements") and any other public infrastructure improvements hereafter designated by ordinance as public infrastructure improvements made, to be made or in the process of being made by the City that benefit or serve, or that once made will benefit or serve, the Parcels in each Incentive District.

Section 3. Authorization of Tax Exemption; Life of Incentive District. The life of each Incentive District commences with the first tax year that begins after the effective date of this ordinance and in which an Improvement attributable to a new structure would first appear on the tax list and duplicate of real and public utility property for any Parcel within the Incentive District were it not for the exemption granted in this ordinance and ends on the earlier of (a) 30 years after such commencement or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Statutes (the "Incentive District Life"). Pursuant to and in accordance with the provisions of ORC Section 5709.40(C), this Council declares that 100% of the increase in assessed value of each Parcel subsequent to the effective date of this ordinance (which increase in assessed value is hereinafter referred to as the "Improvement" as defined in ORC Section 5709.40(A)) is a public purpose and 100% exempt from taxation for the Incentive District Life for the applicable Incentive District.

Section 4. Service Payments. As provided in ORC Section 5709.42, the owner of each Parcel is hereby required to make service payments in lieu of taxes with respect to the Improvement to that Parcel to the Montgomery County Treasurer (the "County Treasurer") on or before the final dates for payment of real property taxes. Each service payments in lieu of taxes, including any penalties and interest at the then current rate established for real property taxes (collectively, the "Service Payments"), will be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and collected against that Improvement if it were not exempt from taxation pursuant to Section 3,. The Service Payments, and any other payments with respect to each Improvement that are received by the County Treasurer in connection with the reduction required by ORC Sections 319.302, 321.24, 323.152 and 323.156, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the "Property Tax Rollback Payments"), will be deposited and distributed in accordance with Section 6. The real property tax exemption granted and the payment obligations of this ordinance are subject and subordinate to any tax exemption applicable to the Improvement under ORC Sections 3735.65 through 3735.70.

Section 5. TIF Fund. This Council establishes, pursuant to and in accordance with the provisions of ORC Section 5709.43, the Canal Heights Municipal Public Improvement Tax Increment Equivalent Fund (the "TIF Fund"), with a separate account for each Incentive District therein. The TIF Fund will be maintained in the custody of the City and shall receive all distributions to be made to the City pursuant to Section 6 of this ordinance. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement of each Parcel and so deposited pursuant to the TIF Act shall be used solely for the purposes authorized in the TIF Statutes and this ordinance (as it may be amended or supplemented). The TIF Fund will remain in existence so long as the Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund will be dissolved and

any surplus funds remaining therein transferred to the City's General Fund, all in accordance with the TIF Statutes.

Section 6. Distribution of Funds. Pursuant to the TIF Statutes, the County Treasurer is requested to distribute the Service Payments and Property Tax Rollback Payments collected in respect of each Parcel [to the City for further distribution] as follows:

(i) to the Huber Heights City School District, an amount equal to the amount the Huber Heights City School District would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to each Parcel if the Improvement had not been exempted from taxation pursuant to this Ordinance;

(ii) to the Miami Valley Career Technology Center, an amount equal to the amount the Miami Valley Career Technology Center would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to each Parcel if the Improvement had not been exempted from taxation pursuant to this Ordinance;

(iii) to the City, all remaining amounts for further deposit into the TIF Fund for payment of costs of the Public Infrastructure Improvements, including, without limitation, debt charges on any notes or bonds issued to pay or reimburse finance costs or costs of those Public Infrastructure Improvements.

All distributions required under this Section 6 are requested to be made at the same time and in the same manner as real property tax distributions. [The City shall make any distributions to the extent not made by the County Treasurer.]

Section 7. Further Authorizations. This Council hereby authorizes and directs the City Manager, the Law Director, the Director of Finance, the Clerk of City Council or other appropriate officers of the City to deliver a copy of this ordinance to the Ohio Department of Development and to make such arrangements as are necessary and proper for collection of the Service Payments. This Council further authorizes the City Manager, the Law Director, the Director of Finance, the Clerk of Council or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance and to comply with all relevant local, state and federal legal requirements.

Section 8. Open Meetings. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

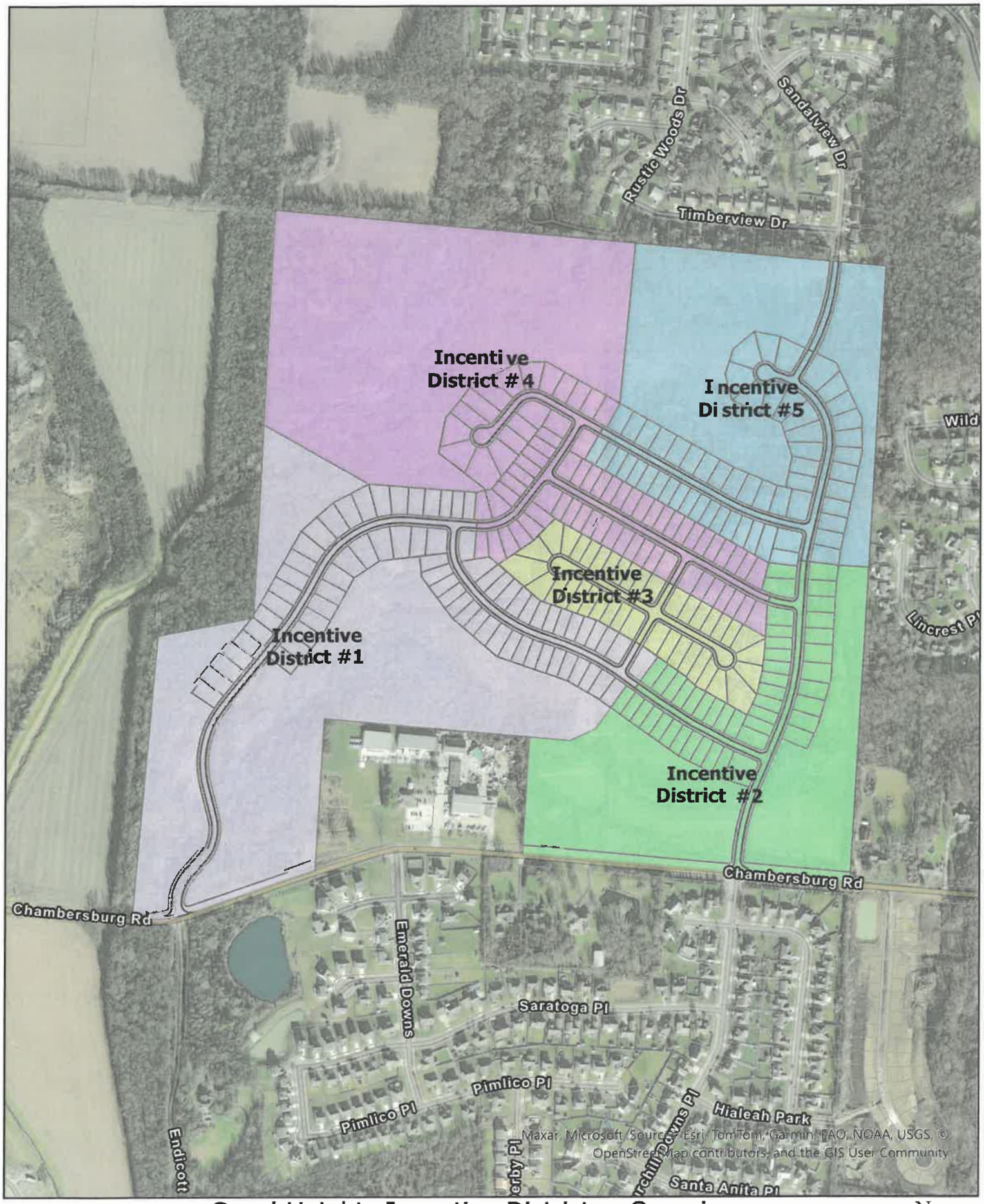
Section 9. Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that this Ordinance is required to be immediately effective in order to enable the City to timely enter into contracts related to the timely development of and the commencement of construction of public infrastructure within the Incentive Districts; therefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed by Council on the _____ day of _____ , 2025;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

_____	_____
Clerk of Council	Mayor
_____	_____
Date	Date

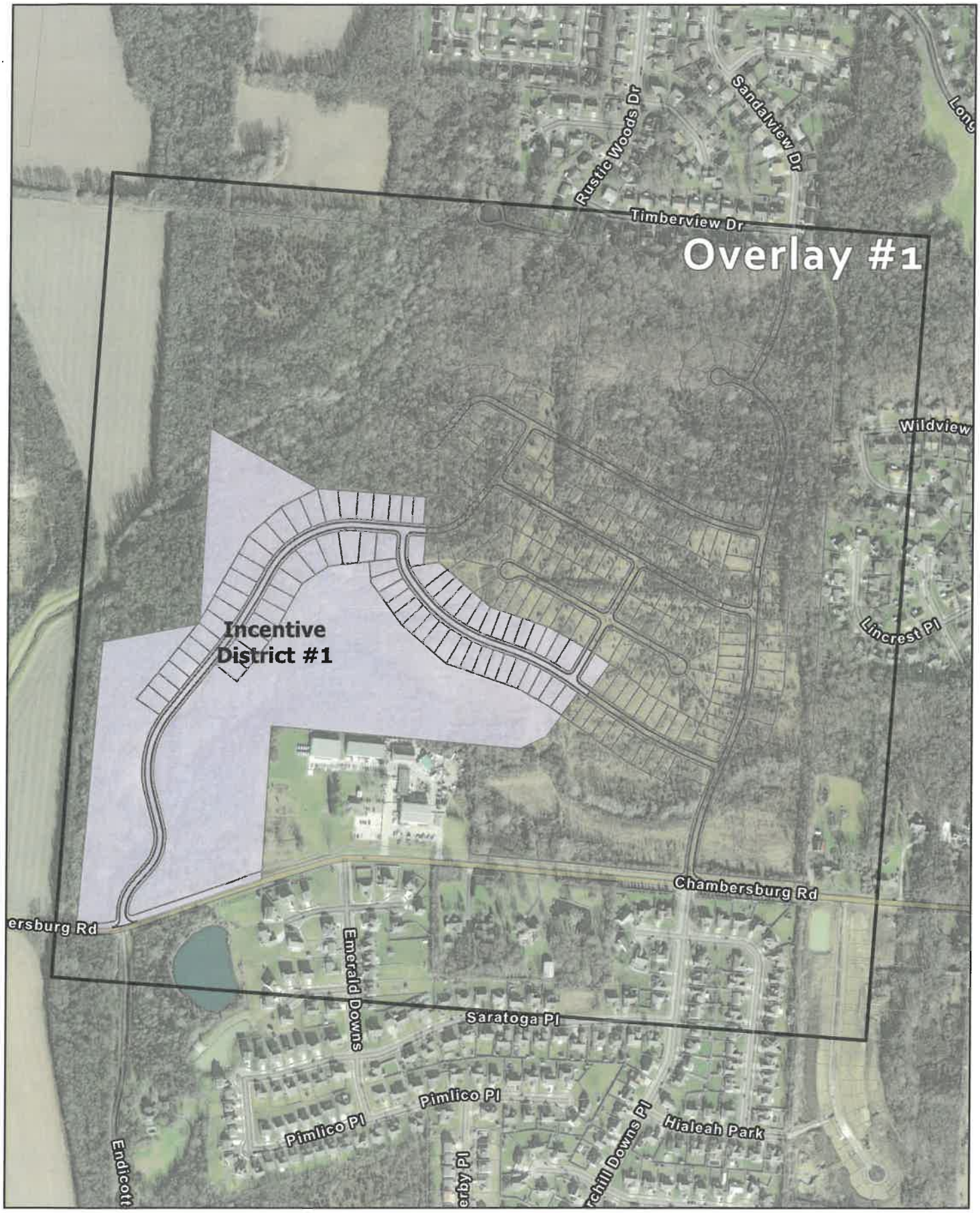


Canal Heights Incentive Districts - Overview

0 250 500 1,000
Feet

Exhibit A

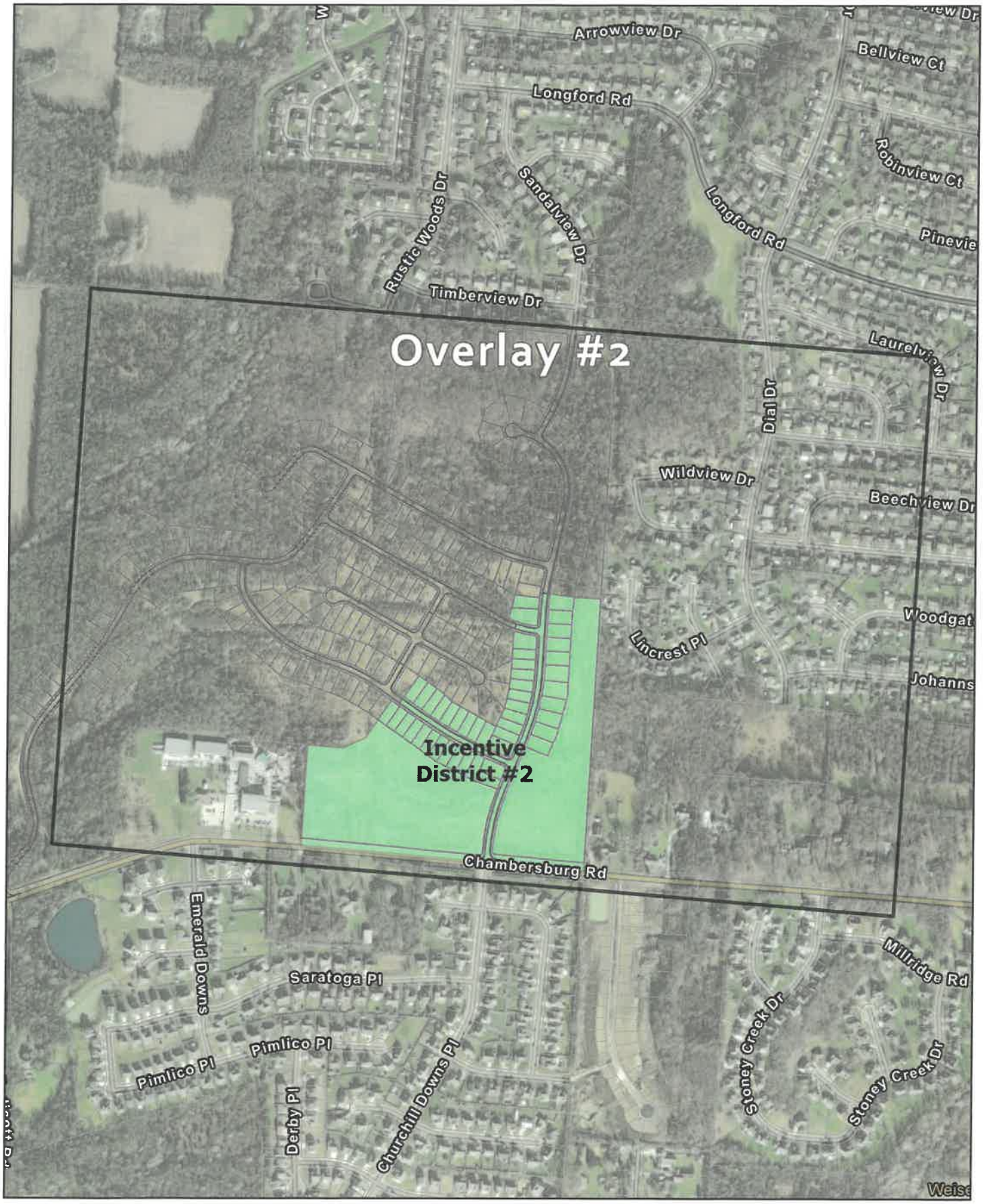
N



Canal Heights Incentive Districts
Incentive District #1

0 250 500 1,000
Feet

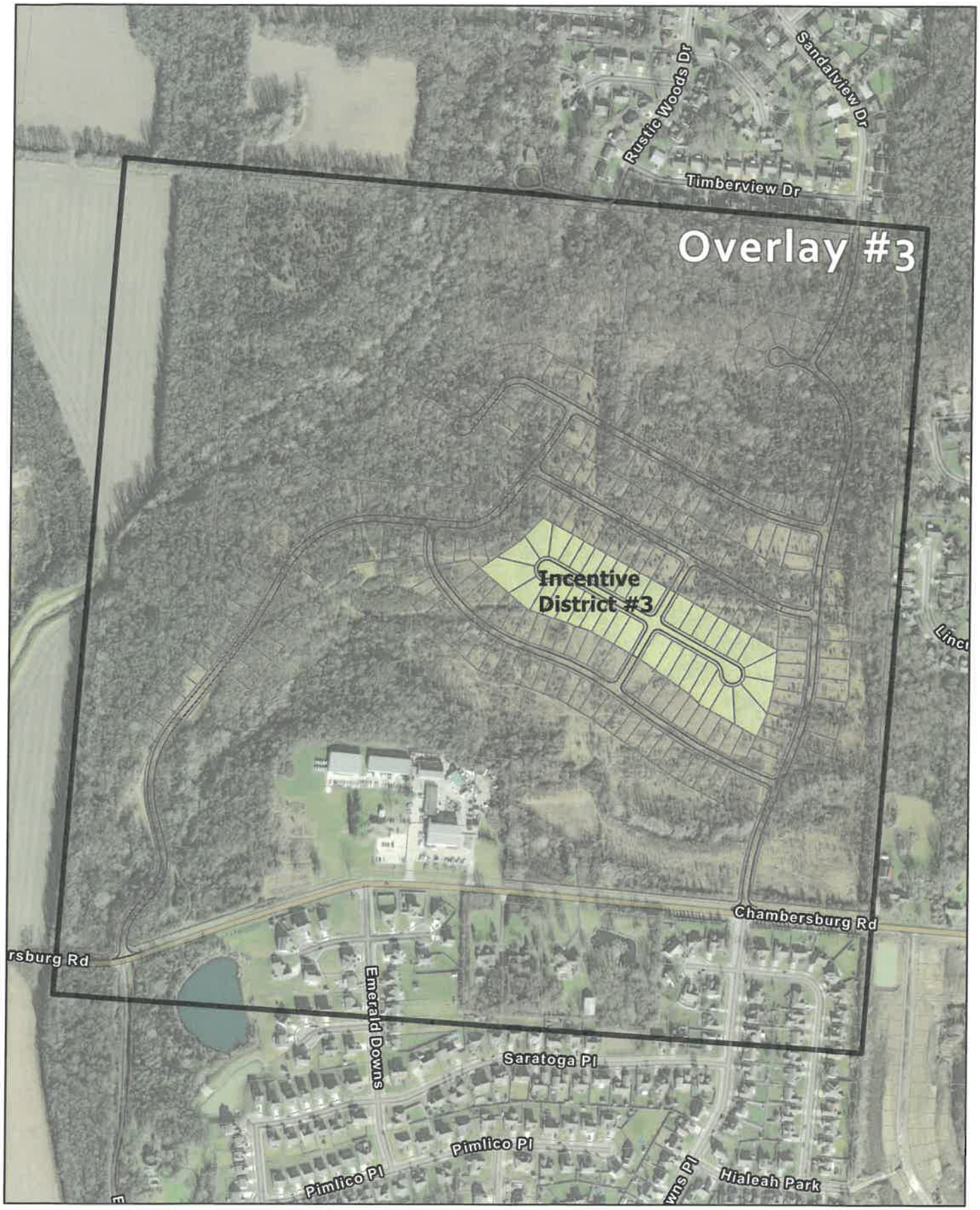
N



0 500 1,000
Feet

Canal Heights Incentive Districts
Incentive District #2

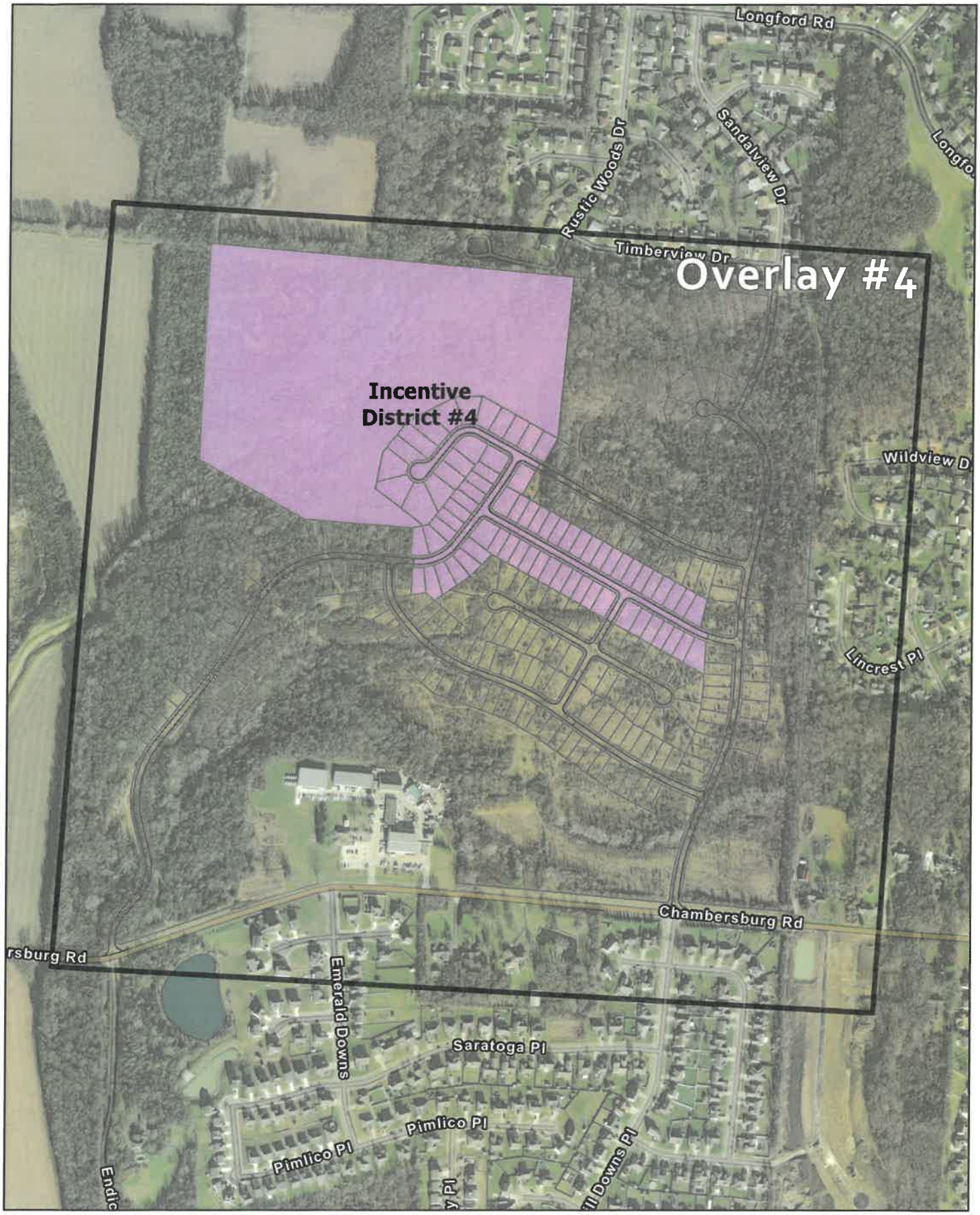
N



Canal Heights Incentive Districts
Incentive District #3

0 500 1,000
Feet

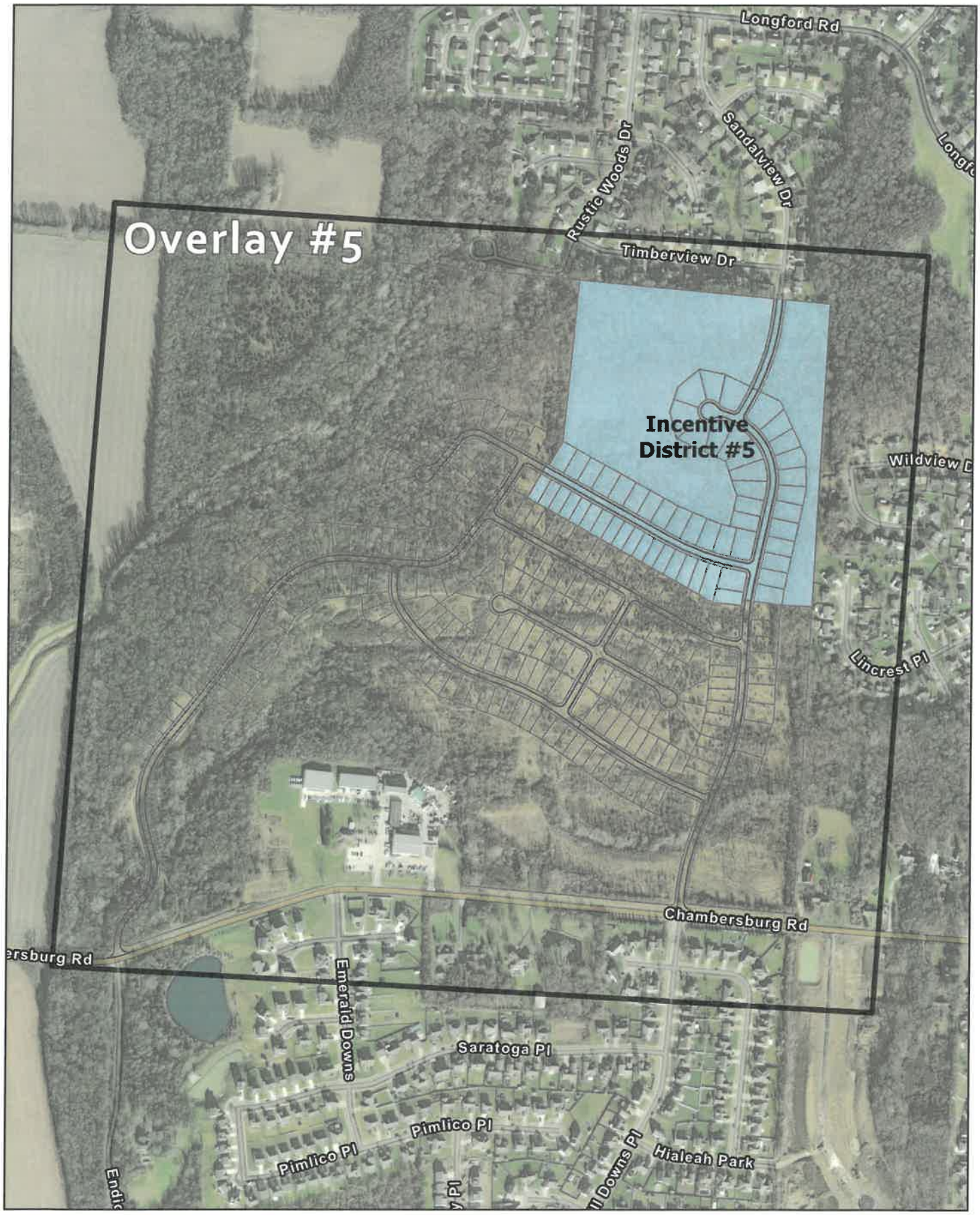
N



Canal Heights Incentive Districts
Incentive District #4

0 500 1,000
Feet

N



Canal Heights Incentive Districts
Incentive District #5

0 500 1,000
Feet

N

EXHIBIT B

Public Infrastructure Improvements

Service payments in lieu of taxes collected from the proposed Incentive District will fund certain public infrastructure improvements necessary to support residential development, including, without limitation, the acquisition, construction, equipping and installation of utilities (including but not limited to water, sanitary sewer, storm sewer infrastructure, water lines, hydrants, valves, irrigation systems and related appurtenances within the Project, which water lines, hydrants, valves, irrigation systems and related appurtenances shall be installed and inspected pursuant to plans and specifications approved by the City Engineer in accordance with the City's standard requirements, onsite and offsite retention ponds as designated on the development plans and plats for the Project) and roadways, the acquisition and construction of certain permanent improvement amenities (as set forth below) and the equipping of the Recreational Property (as defined below) to be used for recreation purposes (collectively, the "Public Infrastructure Improvements").

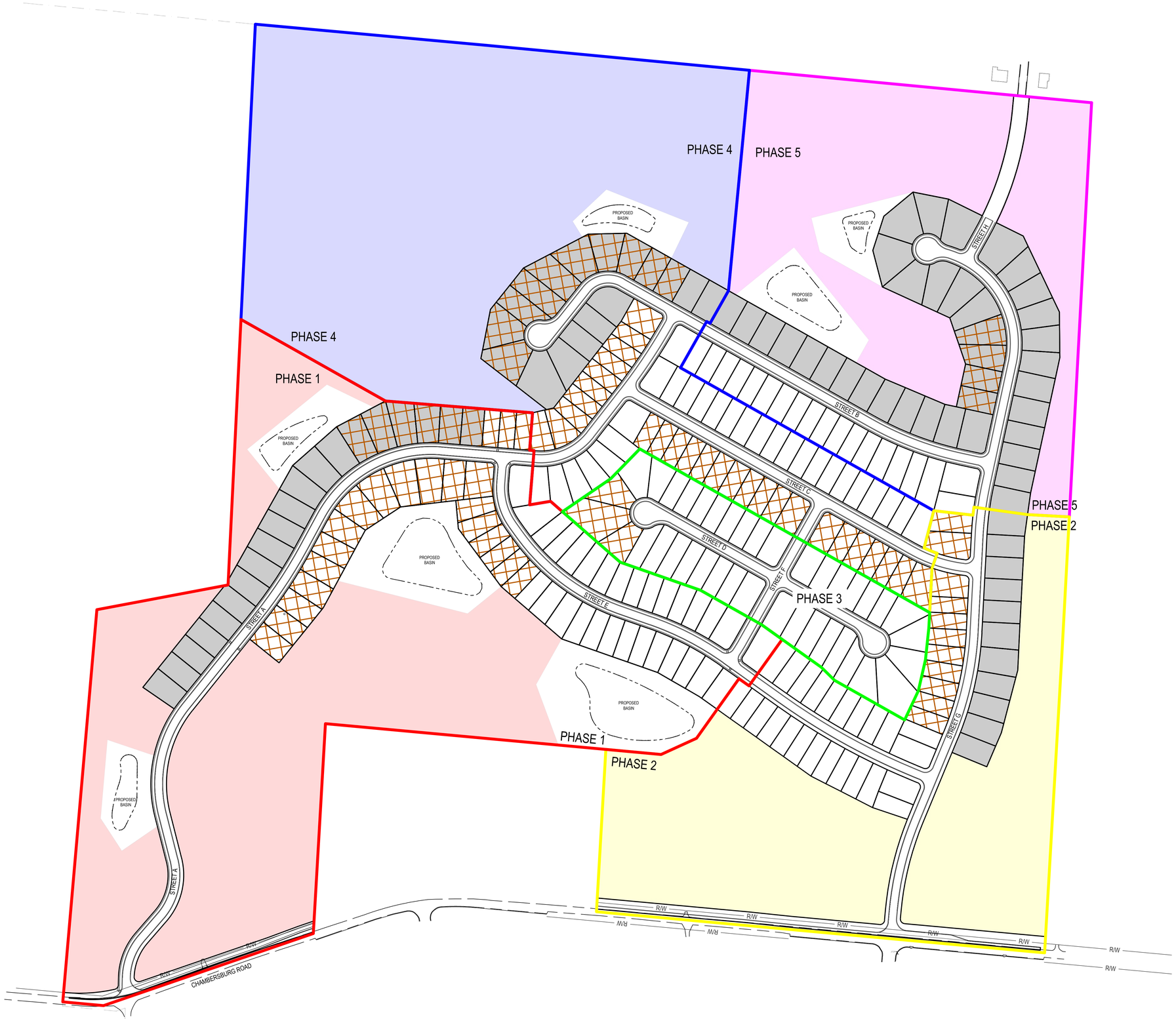
Additional Public Infrastructure Improvements will also include the replacement, repair, maintenance, and/or construction of new or existing permanent improvement amenities located within the Incentive District. The Developer will donate approximately 90 acres for active and/or passive recreational purposes (the "Recreational Property"). The City may use service payments in lieu of taxes to improve and equip the Recreational Property in order that it may be a recreational amenity for the residents of the City. For the purposes of this phase, "permanent improvement" shall have the same meaning as defined in Section 133.01(CC) of the Ohio Revised Code.

Other Public Infrastructure Improvements will also include all Public infrastructure improvements (as that term is defined in Section 5709.40(A)(8) of the Ohio Revised Code) that directly benefit, or that once made will directly benefit, the Incentive District (including, but not limited to, those costs listed in Section 133.15(B) of the Ohio Revised Code), as detailed in the Citywide Infrastructure Reliance Study prepared by LBJ, Inc. (see Attachment B), dated September 30, 2022. Such Public Infrastructure Improvements will also include, but not be limited to, excavating, grading, paving, constructing and installing curbs and gutters, public utilities which include water mains, sanitary sewers, and storm sewers, street lighting, sidewalks, bikeways, landscaping, traffic signalization, and also including design and other related costs, any right-of-way acquisition, erosion and sediment control measures, grading and other related work, survey work, soil engineering and construction staking, and in each case, all other costs and improvements necessary and appurtenant thereto, all of which will directly benefit, or that one made will direct benefit the Incentive Districts.

Attachments

Attachment A: Current development plans for the Project

Attachment B: Citywide Infrastructure Reliance Study



LEGEND

- PROPOSED 51' LOTS
- PROPOSED 70' LOTS
- PROPOSED LOTS W/ BASEMENT
- PHASE 1 BOUNDARY
- PHASE 2 BOUNDARY
- PHASE 3 BOUNDARY
- PHASE 4 BOUNDARY
- PHASE 5 BOUNDARY

LOT TYPE	PH1	PH2	PH3	PH4	PH5	TOTAL	%
51' LOTS (TOTAL)	38	35	38	55	19	185	65.4
70' LOTS (TOTAL)	33	11	0	17	37	98	34.6
TOTALS	71	46	38	72	56	283	100

LOT TYPE	PH1	PH2	PH3	PH4	PH5	TOTAL
51' LOTS W/ BASEMENT	9	11	3	28	0	51
70' LOTS W/ BASEMENT	19	0	0	10	4	33
TOTALS	28	11	3	38	4	84

TOTAL AREA = 170.9 AC
OPEN SPACE AREA = 90.7 AC
OPEN SPACE % = 53.1 %

N

150 0 150 300
GRAPHIC SCALE (IN FEET)
1 in. = 150 ft.

CESO
WWW.CESOINC.COM
3601 Rigby Rd., Suite 300
Miamisburg, OH 45342
Phone: 937.435.8584 Fax: 888.208.4826

Attachment A - Current Development Plan

CANAL HEIGHTS

Revisions / Submissions

ID	Description	Date

© 2024 CESO, INC.

Project Number:	763863
Scale:	AS SHOWN
Drawn By:	DS
Checked By:	JEE
Date:	8/5/2024
Issue:	EXHIBIT

Drawing Title:

PHASING EXHIBIT

1

SECTION ONE AND TWO

W:\PROJECTS\FORESTAR\Ohio\763863-01 Canal Heights\03-CIVIL\MISC\PHASING EXHIBIT\763863_PHASING EXHIBIT.dwg - 8/5/2024 - Dmytro Shcherbyna

Attachment B

CITYWIDE INFRASTRUCTURE RELIANCE STUDY

September 30, 2022

PREPARED FOR:

City of Huber Heights
Mr. Bryan Chodkowski

6131 Taylorsville Road
Huber Heights, Ohio 45424

PREPARED BY:

LJB Inc.

2500 Newmark Drive
Miamisburg, OH 45342
(937) 259-5000

Daniel J. Hoying, P.E., P.S., STP
DHoying@LJBinc.com

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- Appendix B: Infrastructure District 2
- Appendix C: Infrastructure District 3
- Appendix D: Infrastructure District 4
- Appendix E: Infrastructure District 5
- Appendix F: Infrastructure District 6
- Appendix G: Infrastructure District 7
- Appendix H: Infrastructure District 8

METHODOLOGY

BACKGROUND

The City of Huber Heights commissioned LJB Inc. to conduct a citywide Infrastructure Reliance Study that evaluates critical linkages in the city's roadway, water, wastewater, and stormwater infrastructure. The results of this study will help the city better understand the correlation and interdependence of infrastructure elements, which will better position the city for funding opportunities for the maintenance and expansion of critical services for city residents and businesses. Increased funding for infrastructure allows Huber Heights to better distribute improvements throughout the city, improve service, and attract new developments.

The City of Huber Heights covers 25 square miles with a population of more than 43,000 residents and 800 businesses. The city also includes 233.91 centerline miles of roadways, 210.24 miles of water main, 189.71 miles of sanitary sewer, and 163.81 miles of stormwater infrastructure facilities.

INFRASTRUCTURE ATTRIBUTE APPROACH

Infrastructure Districts

Allocation of the city's 45,833 individual infrastructure elements distributed over 25 square miles requires suballocation of districts within the city. The LJB team collaborated with city staff to develop 8 Infrastructure Districts. Most city infrastructure exists within roadway right of way. Right of way for major roadway corridors were selected as borders of the Infrastructure Districts. The city corporation limits were bisected by SR 202 and SR 201 in the north and south direction and by the Montgomery County / Miami County line, I-70, Taylorsville Road and Fishburg Road in the east west directions. These corridors were selected as District borders at various points in the city. **Figure 1**, on the following page, depicts the Infrastructure Districts that are used throughout this study.

The infrastructure facilities identified for evaluation in this study are each linked to the residents and businesses in the city in different ways. For that reason, a different approach was used for the determination of how each of the different infrastructure facility categories provides service to a region of the city. A description of the allocation approach that was used for each asset category is included below.

Mapping of the infrastructure elements attributable to each of the Infrastructure Districts is included in the Appendices of this report. Maps include an overall District Infrastructure Map as well as individual maps for each of the roadway, water, sanitary sewer and stormwater assets for that district.

Roadways

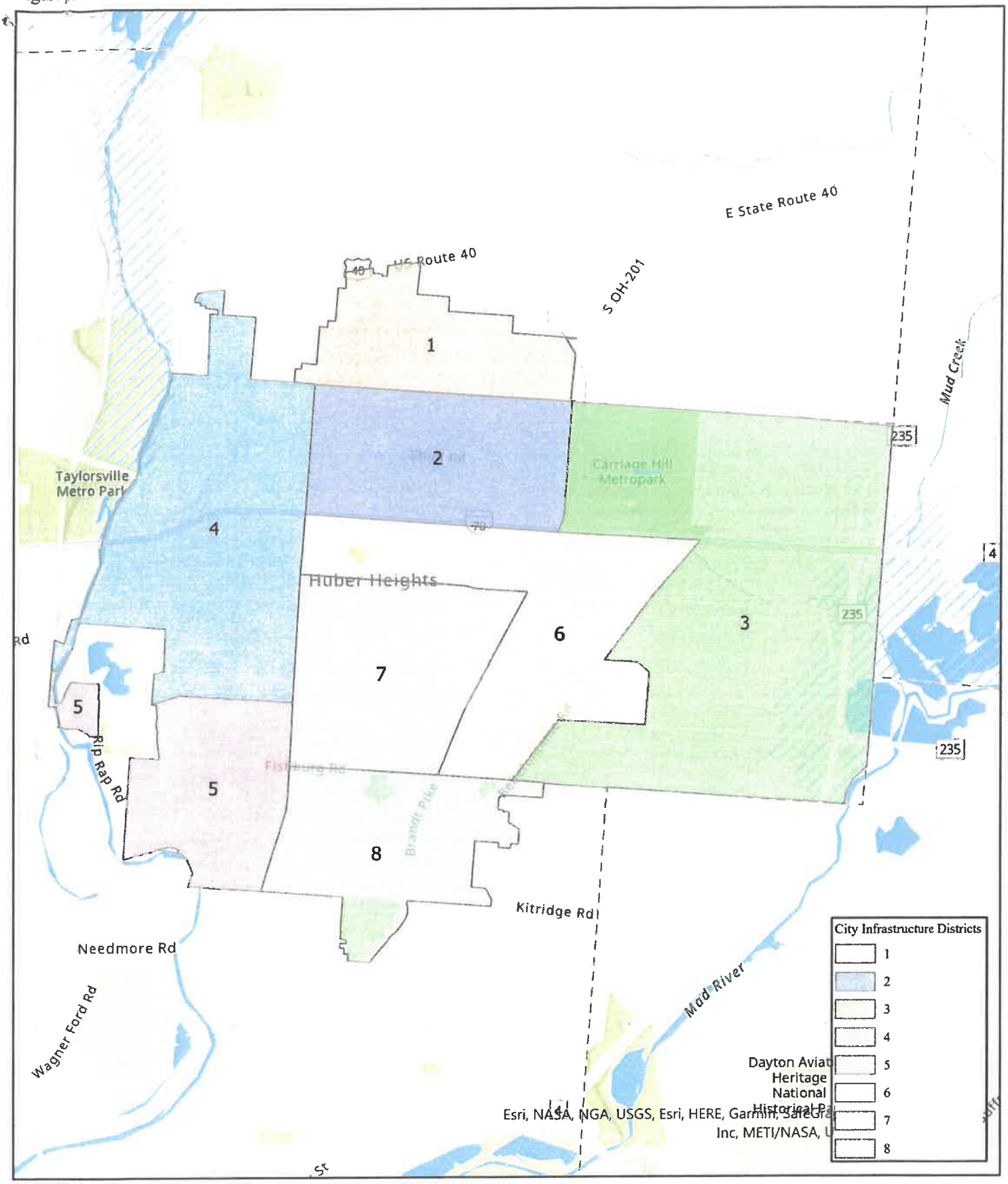
The city's roadway network provides critical access for people and goods to reach homes and businesses throughout the city. These residences and businesses rely on the roadway network to reach points inside and outside the city limits. The primary roadways that carry people and goods to points beyond the city limits are I-70, SR 202 and SR 201. A roadway segment was allocated to an Infrastructure District if it is located within that District or provided a critical, convenient link between residences and businesses within the district to the I-70, SR 202 or SR 201 corridors.

Clarifications

- The Ohio Department of Transportation owns and maintains I-70 including grade separated interchanges with State Route 202 (SR 202) and State Route 201 (SR 201). This facility was not allocated to any of the Infrastructure Districts as it is not maintained by the city.
- US 40 and SR 4 are also significant roadway assets in the region. While the city borders on these facilities, they are not maintained by the city and were not included in the study beyond being destinations beyond the city limits that are connected to the city's primary corridors.

Figure 1

Huber Heights Infrastructure Districts



0 0.5 1 2 Miles

1 inch equals 1 miles

N

Water Infrastructure

The city's supply of potable water for residential and commercial use and fire protection throughout the city is a very interconnected system. The entire city relies on the water treatment plant to provide safe water. The entire city also relies on elevated storage tanks, booster stations, and a network of pipes 6" in diameter and larger that provide appropriate redundancy and pressure balancing to all areas of the city.

A water infrastructure asset was allocated to an Infrastructure District if it is located in that district or is a part of the water treatment or pressure-providing system for that district. All water mains 6" in diameter and larger are included in the pressure-providing system and are therefore included in each of the Infrastructure Districts. A map of all water assets is included in Appendix X. See the table of contents for a listing of the exhibits that include maps for water assets in each of the Infrastructure Districts.

Sanitary Sewer Infrastructure

The city's sanitary sewer network includes all wastewater collection infrastructure from the individual residences, businesses and facilities to the lines that leave the city carrying sewage to the Tri-Cities Northern Regional Wastewater Authority or Clark County treatment plants. The system includes gravity sewer conduits, manholes, pump stations and sanitary sewer force mains.

A sanitary sewer infrastructure asset was allocated to an Infrastructure District if it is located in that district or is a downstream asset moving flows from the district towards the outfalls from the city. The vast majority of sanitary sewer infrastructure in the city carries flows to the Tri-Cities Northern Regional Wastewater Authority treatment plant located at 3777 Needmore Rd, Dayton, OH 45424, just outside the city's southwestern corporation limits. A small portion of the city's eastern sanitary sewer system, providing service to the Centre Point 70 development and businesses along New Carlisle Pike south of I-70, leaves the city to the east to enter the Clark County system just north of the Artz and SR 235 intersection.

Stormwater Infrastructure

The city's stormwater infrastructure network includes all publicly maintained open and closed drainage systems that carry rainwater from properties within the city limits to tributaries of the Great Miami River and Mad River as they exit the city corporation limits. The city's storm water system relies entirely on gravity flows and includes catch basins, manholes, storm sewer conduits, open channels and culverts within public right of way.

A storm sewer infrastructure asset was allocated to an Infrastructure District if it is located in that district or is a downstream asset moving flows from the district towards the outfalls from the city. Culverts carrying water under city owned and maintained roadways were included in the infrastructure asset assignments for Infrastructure Districts that drain to that location.

GIS MAP INTERFACE

The volume of infrastructure assets included in the city's dataset suggests that map-based presentations and management of the data will be the most effective. The LJB team applied additional data fields to the city's existing GIS information to allocate each asset to one or more Infrastructure Districts. This approach will allow the city to re-integrate the data into their existing system and apply similar approaches to modified or additional elements that are added. It will also allow city staff to query and produce maps and datasets according to the various District assignments.

Coding of Infrastructure Assets

Utility assets were assigned a code, which is viewable in the asset attribute field "Infrastructure Support District", identifying the infrastructure district of origin. For road, storm and sanitary sewer assets, lines of continuity were followed until the utility assets exited the city boundary or ended at a body of water or processing facility. Codes were assigned to each segment in that path relating to the infrastructure district of origin, providing a clear path of asset origin to termination as defined earlier.

Query Process

To query assets, LJB first sorted by infrastructure district of origin by selecting the corresponding value from the "Infrastructure Support District" attribute field, thus showing all assets located within the boundaries of the district of interest. Next LJB added additional querying statements to show the path from origin to termination by selecting the corresponding value for "Support District" attribute fields 1-4. When structured correctly, the querying statement selects assets from the infrastructure district of origin and the accompanying assets required to perform a trace from infrastructure district of origin to point of termination.

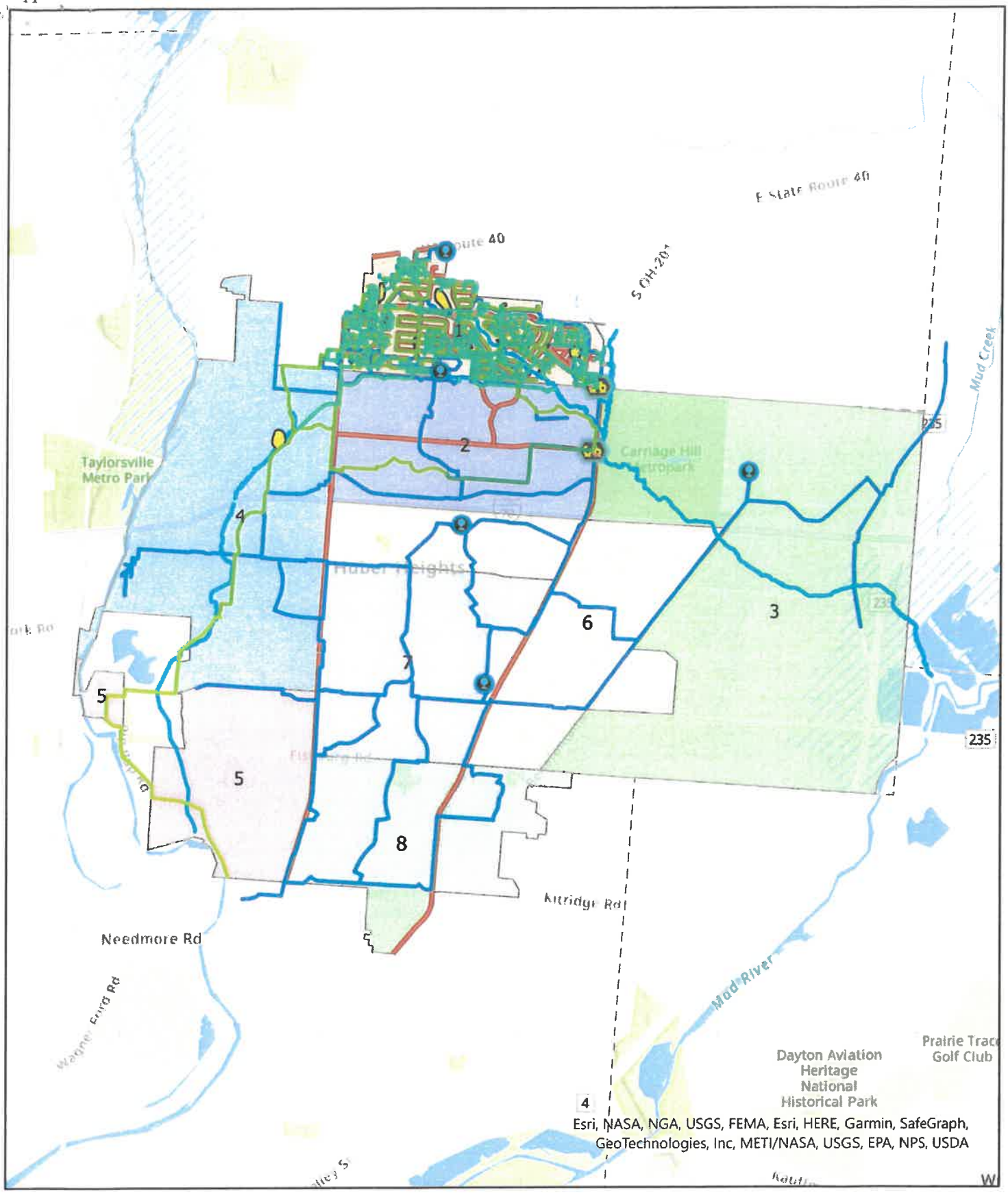
Queried shapefile layers have been provided for each Infrastructure Support District.

Appendix A

Infrastructure District 1

Appendix A

Infrastructure District 1 - Overview



- Enclosed Storage Facility
- District 1 Lift Stations
- District 1 Water Distribution Mains
- District 1 Stormwater Mains
- District 1 Rivers
- District 1 Culverts
- District 1 Sanitary Gravity Mains
- District 1 Force Mains
- District 1 Tri Cities Gravity Mains
- District 1 Roads
- District 1 Basins

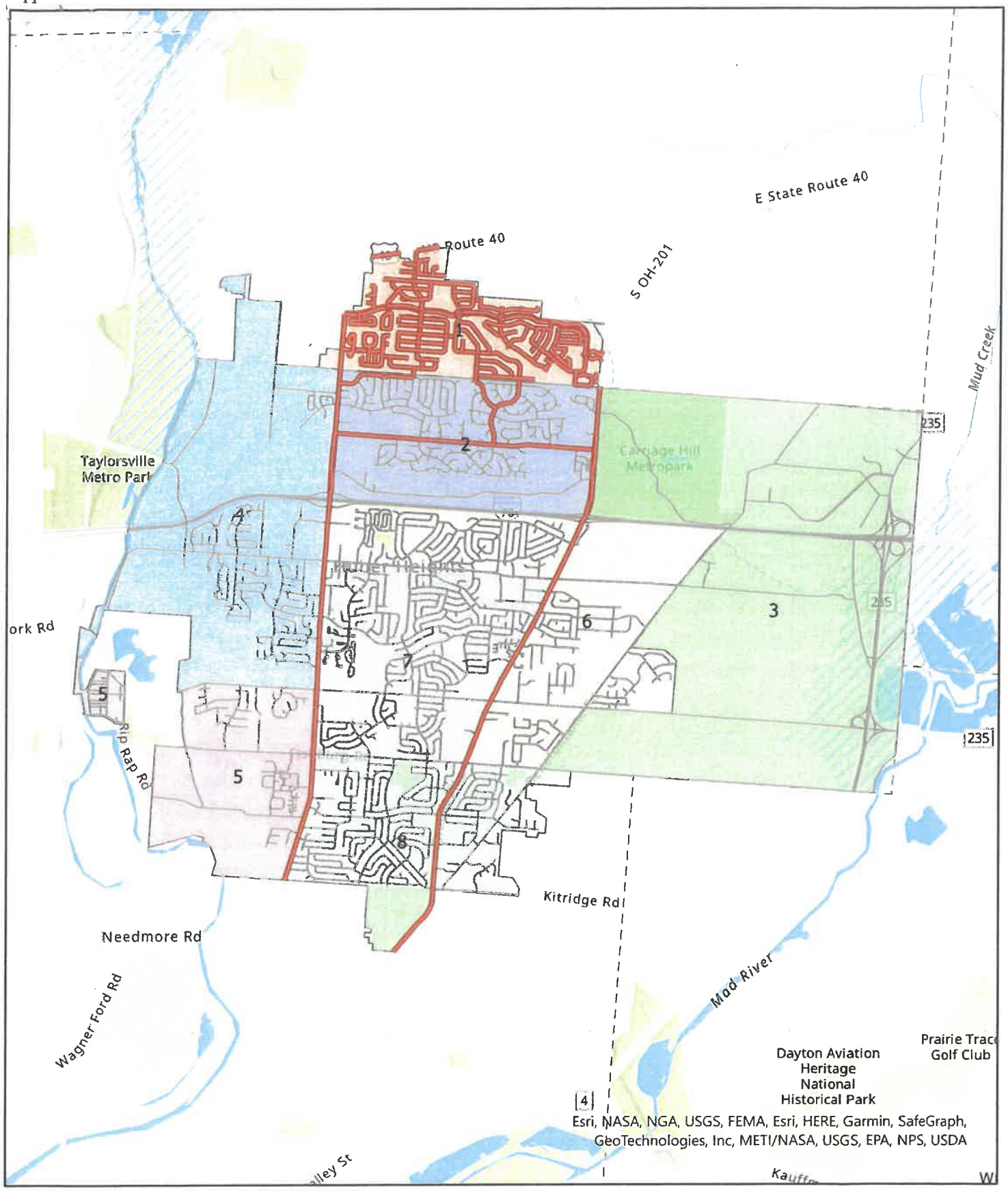
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix A

Infrastructure District 1 - Roads



District 1 Roads

Huber Heights Streets

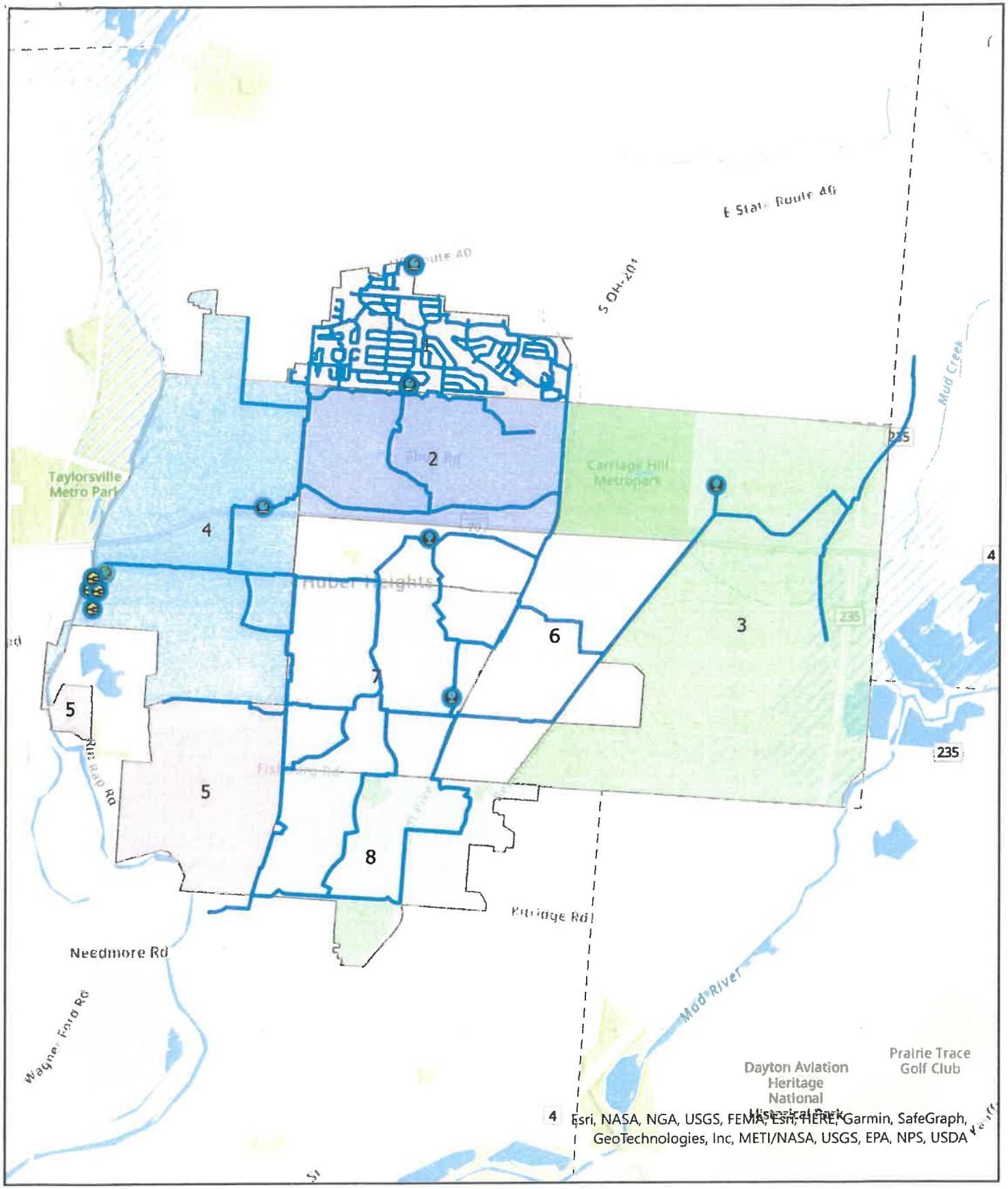
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix A

Infrastructure District 1 - Water



- Enclosed Storage Facility
- Intake
- Meter Station
- Production Well
- Pump Station
- Storage Basin
- Treatment Plant
- Water Distribution Mains

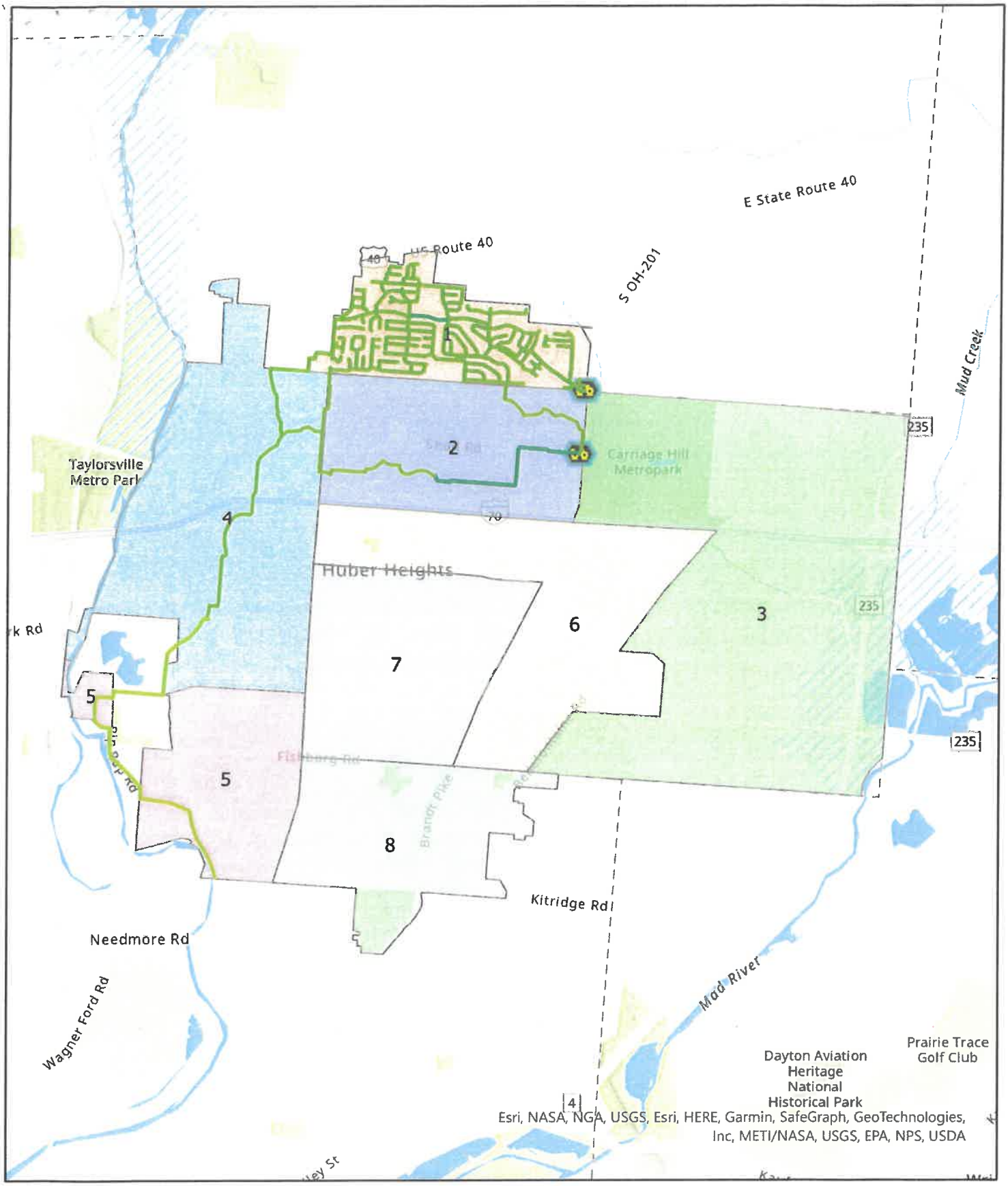
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix A

Infrastructure District 1 - Sanitary Sewer



District 1 Gravity Mains
District 1 Force Mains
District 1 Lift Stations
District 1 Tri Cities Gravity Mains

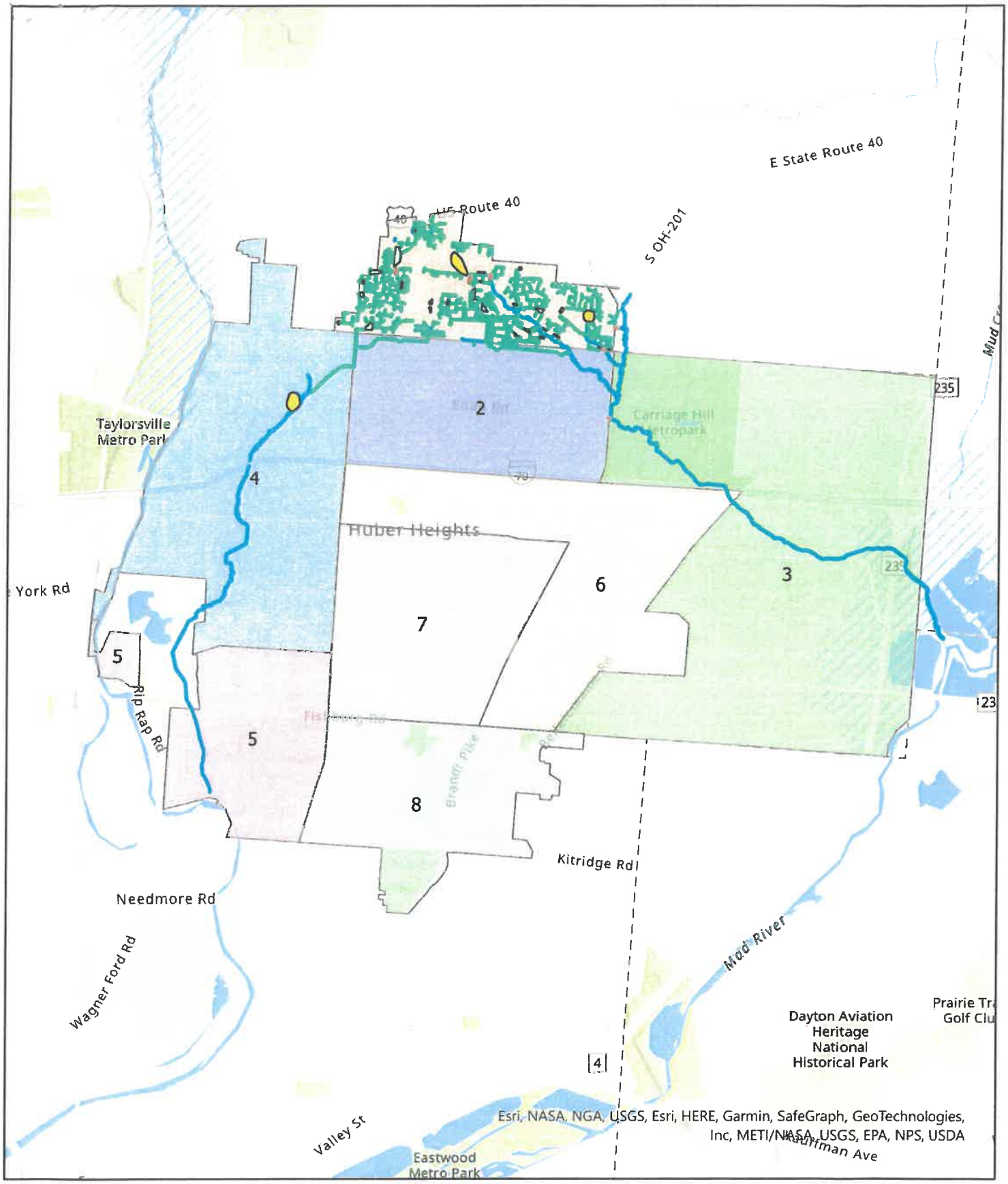
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix A

Infrastructure District 1 - Stormwater



District 1 Stormwater Mains
District 1 Channels
District 1 Rivers
District 1 Basins
District 1 Culverts

0 0.5 1 2 Miles

1 inch equals 1 miles

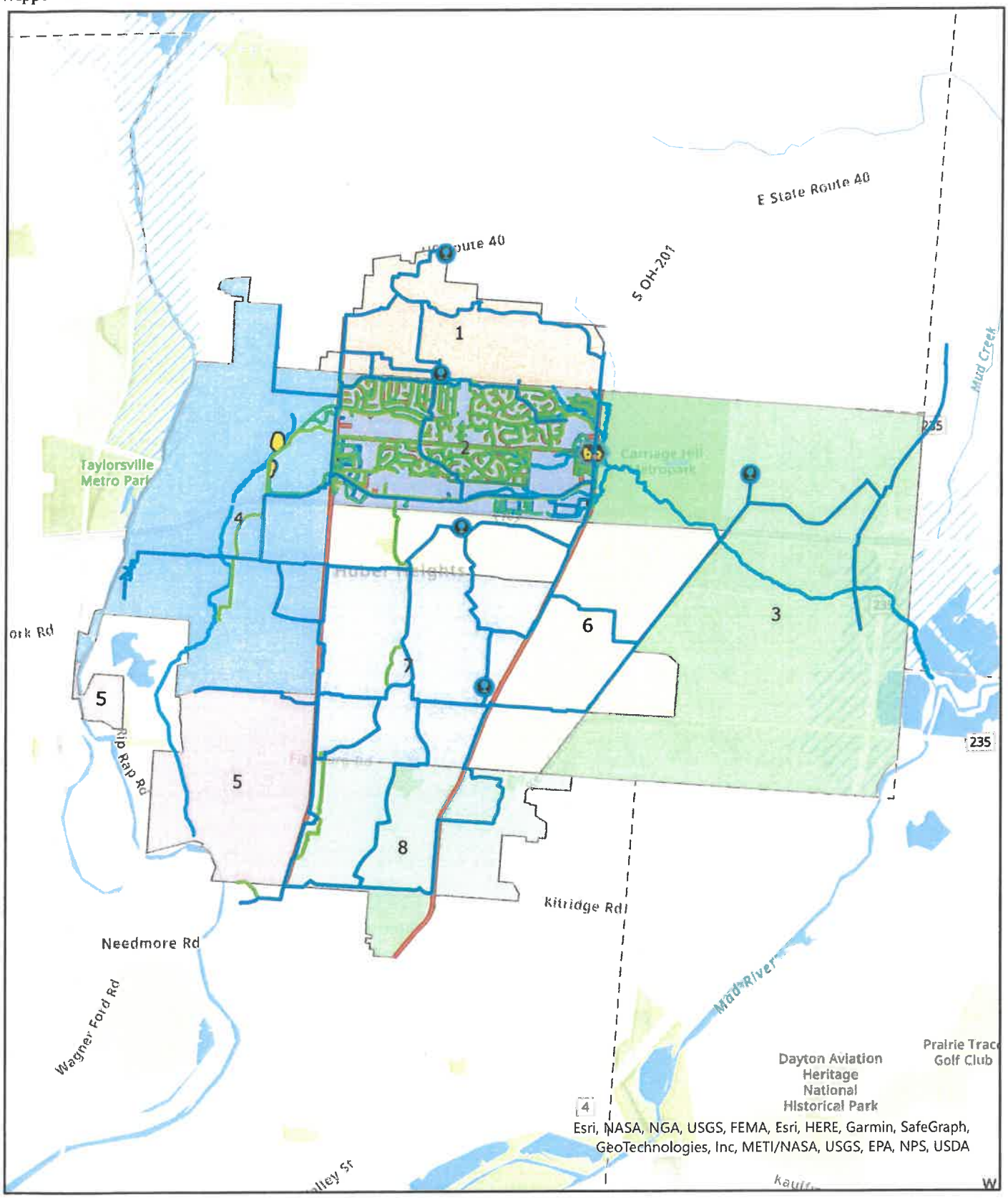
N

Appendix B

Infrastructure District 2

Appendix B

Infrastructure District 2 - Overview



- Enclosed Storage Facility
- District 2 Lift Station
- District 2 Water Distribution Mains
- District 2 Stormwater Mains
- District 2 Rivers
- District 2 Culverts
- District 2 Channels
- District 2 Force Main
- District 2 Sanitary Gravity Main
- District 2 Roads
- District 2 Basins

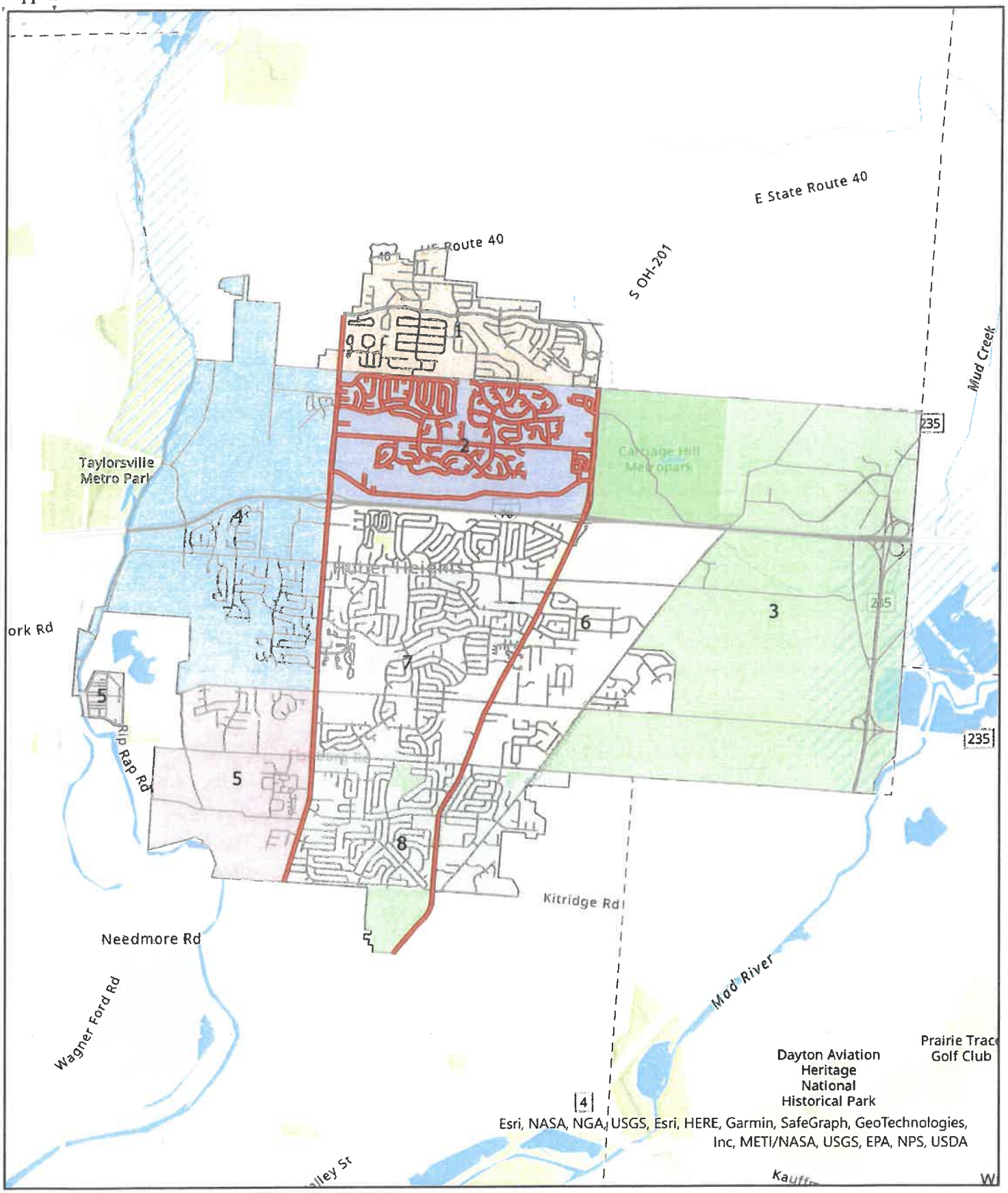
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix B

Infrastructure District 2 - Roads



District 2 Roads

Huber Heights Streets

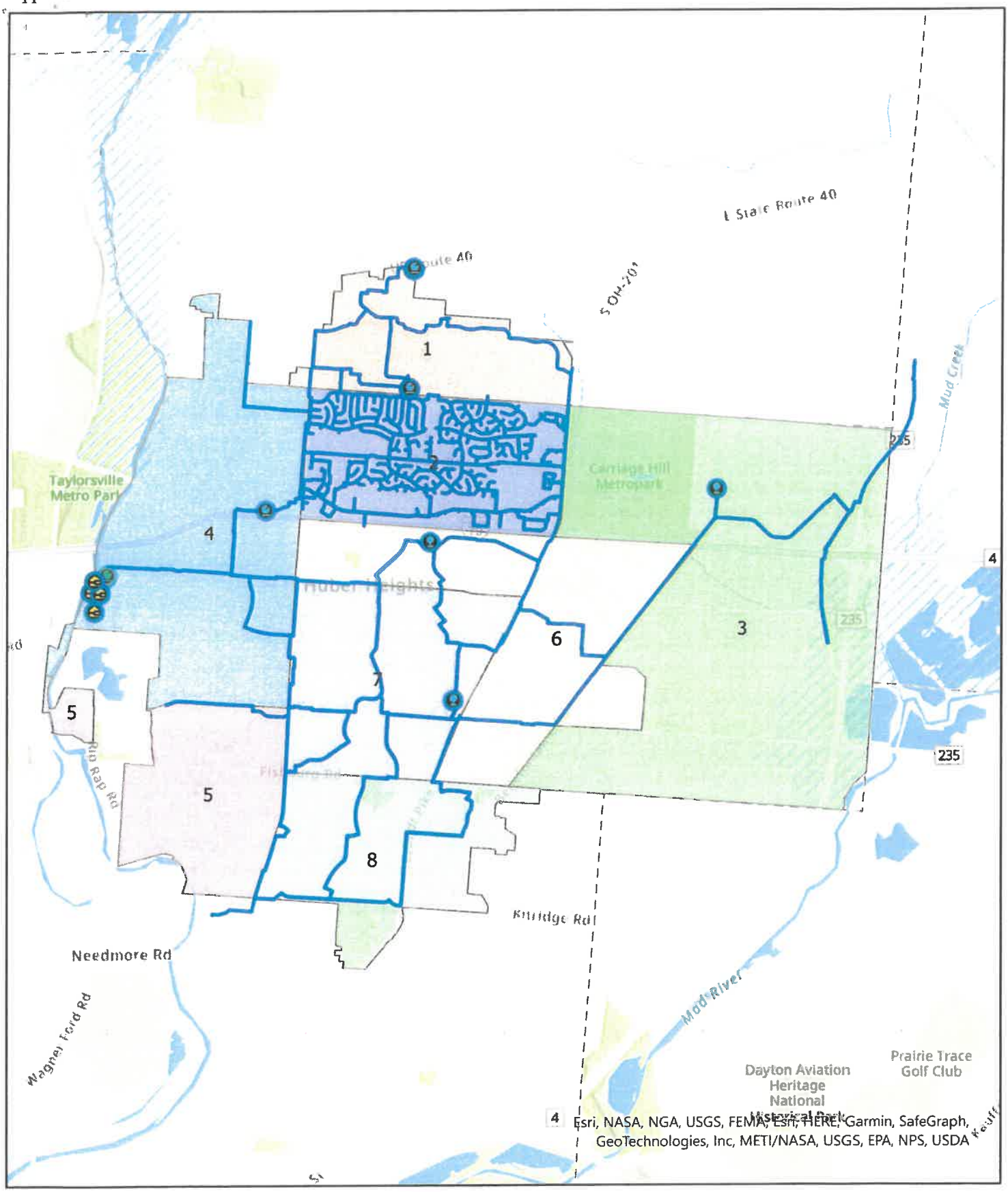
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix B

Infrastructure District 2 - Water



Enclosed Storage Facility	Pump Station
Intake	Storage Basin
Meter Station	Treatment Plant
Production Well	Water Distribution Mains

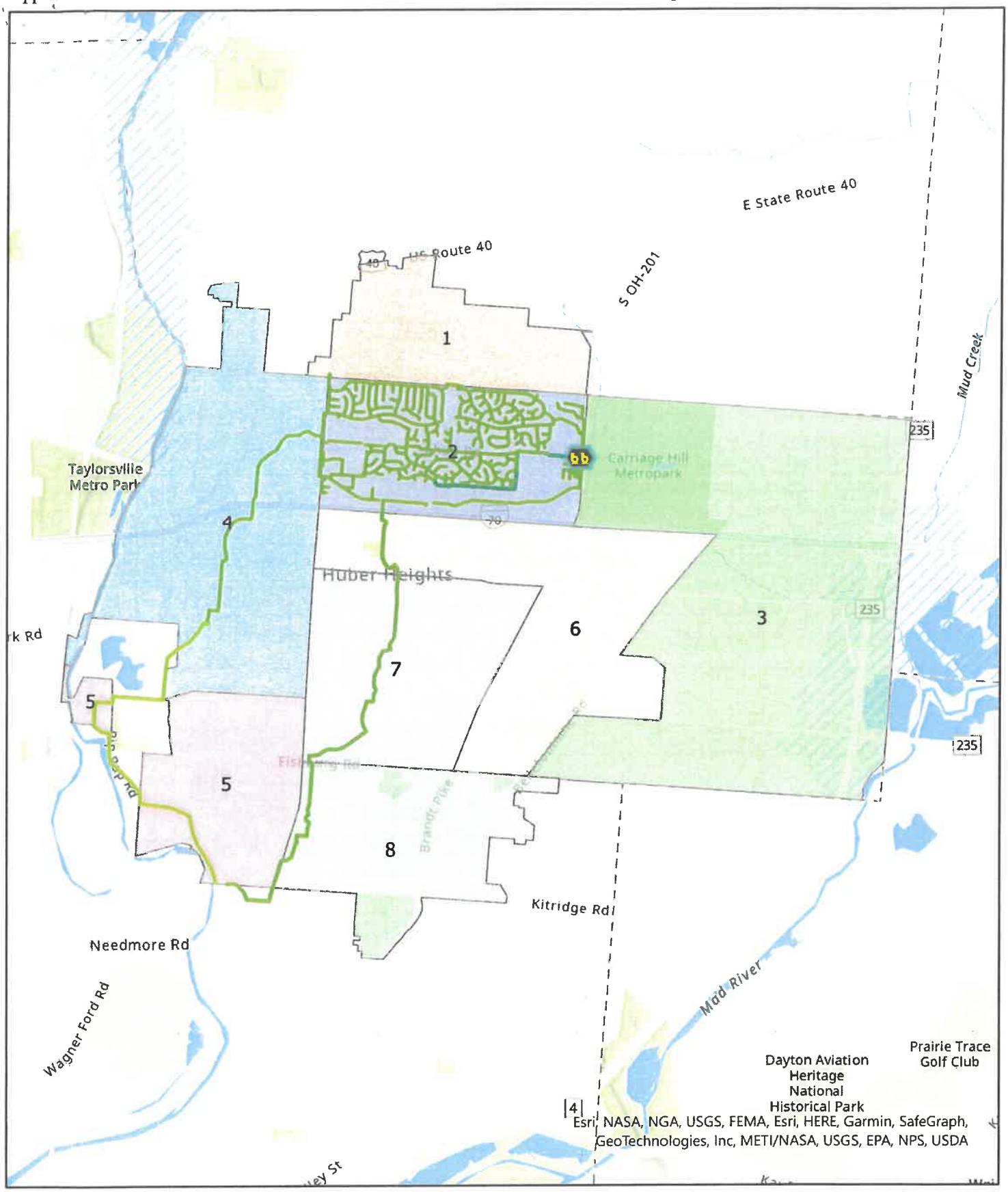
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix B

Infrastructure District 2 - Sanitary Sewer



District 2 Gravity Mains
District 2 Force Mains
District 2 Lift Stations
District 2 Tri Cities Gravity Mains

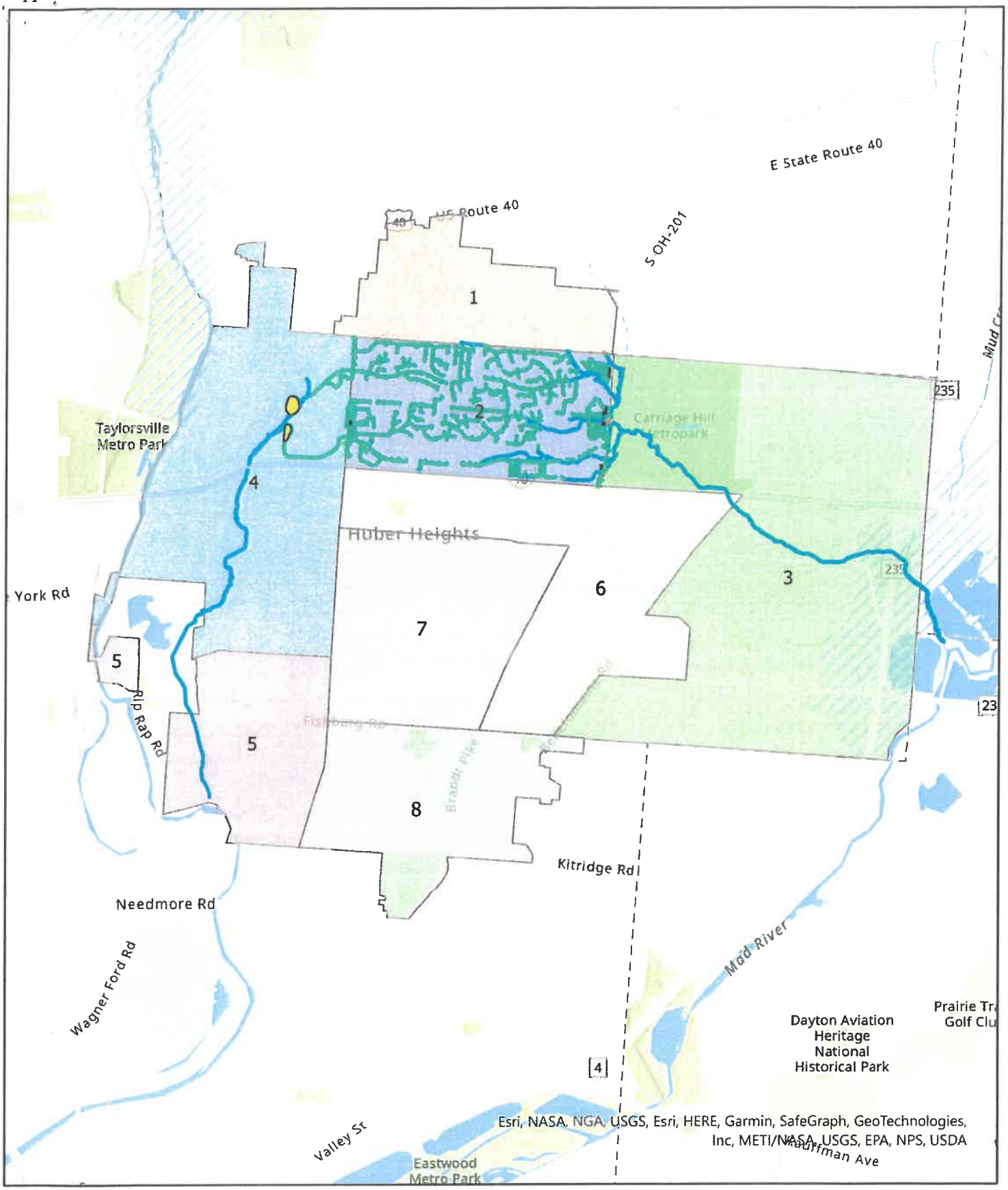
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix B

Infrastructure District 2 - Stormwater



District 2 Stormwater Mains
District 2 Channels
District 2 Rivers
District 2 Basins
District 2 Culverts

0 0.5 1 2 Miles

1 inch equals 1 miles

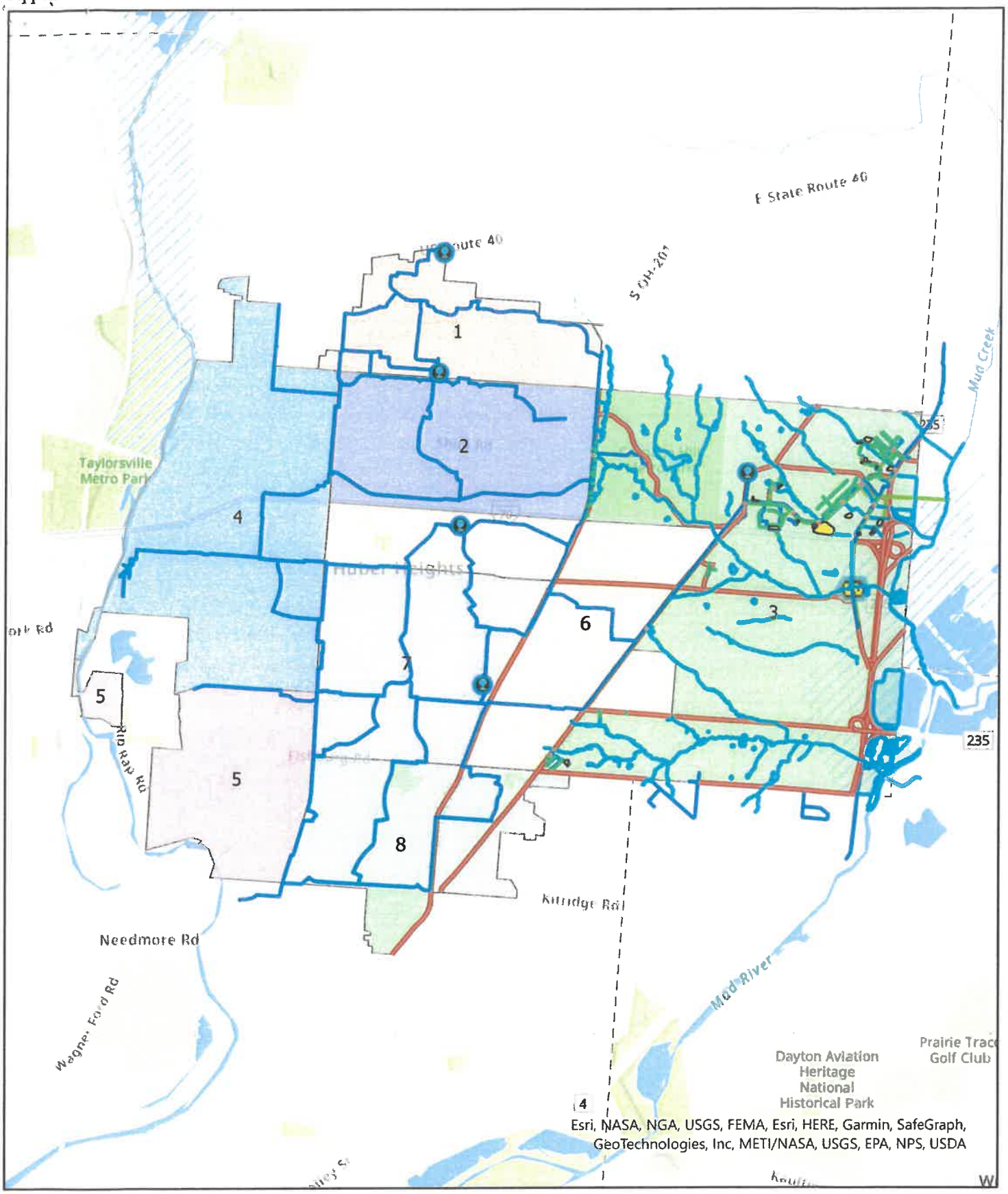
N

Appendix C

Infrastructure District 3

Appendix C

Infrastructure District 3 - Overview



- Enclosed Storage Facility
- District 3 Lift Station
- District 3 Water Distribution Mains
- District 3 Stormwater Mains
- District 3 Rivers
- District 3 Culverts
- District 3 Force Main
- District 3 Sanitary Gravity Main
- District 3 Roads
- District 3 Basins

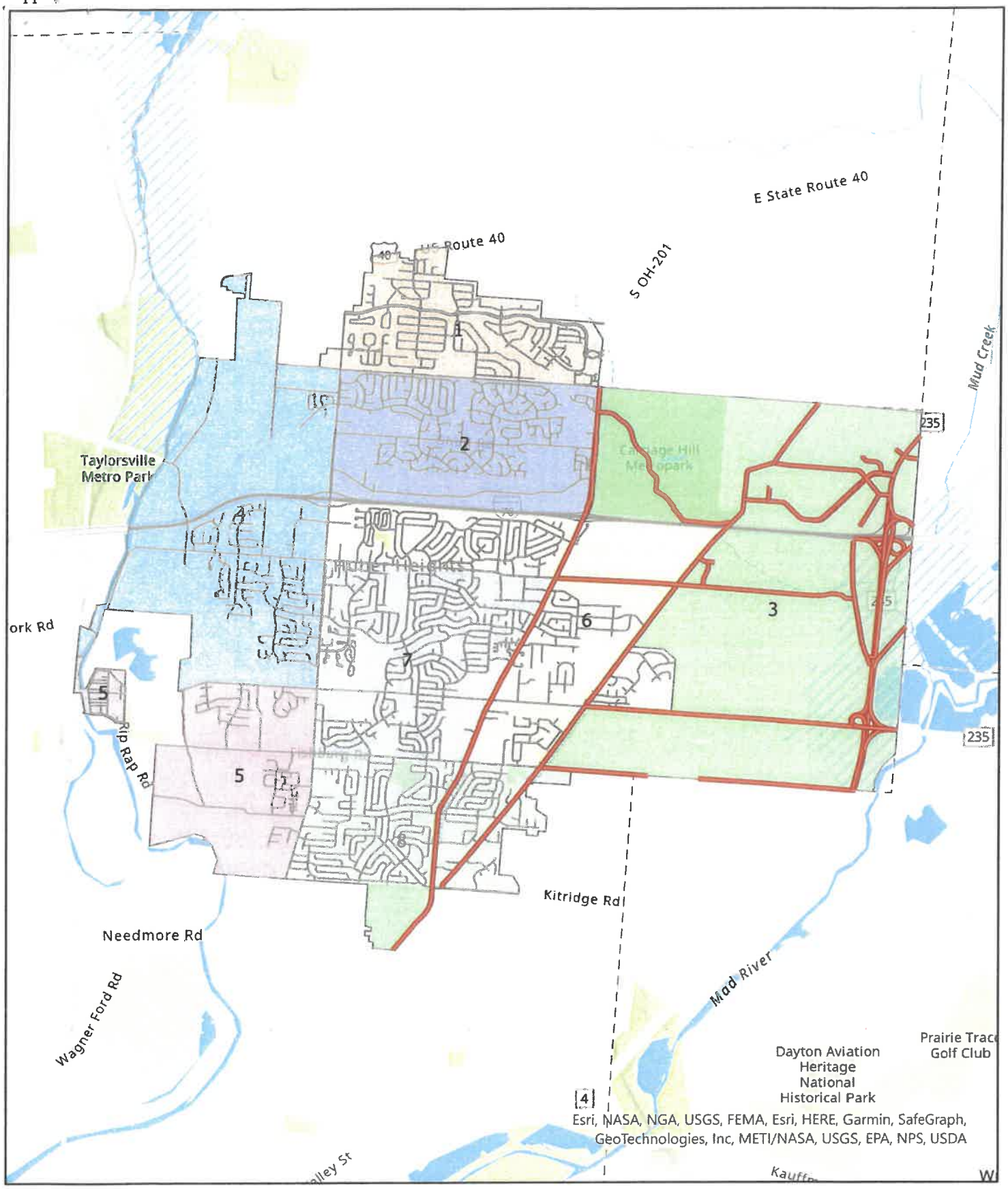
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix C

Infrastructure District 3 - Roads



District 3 Roads

Huber Heights Streets

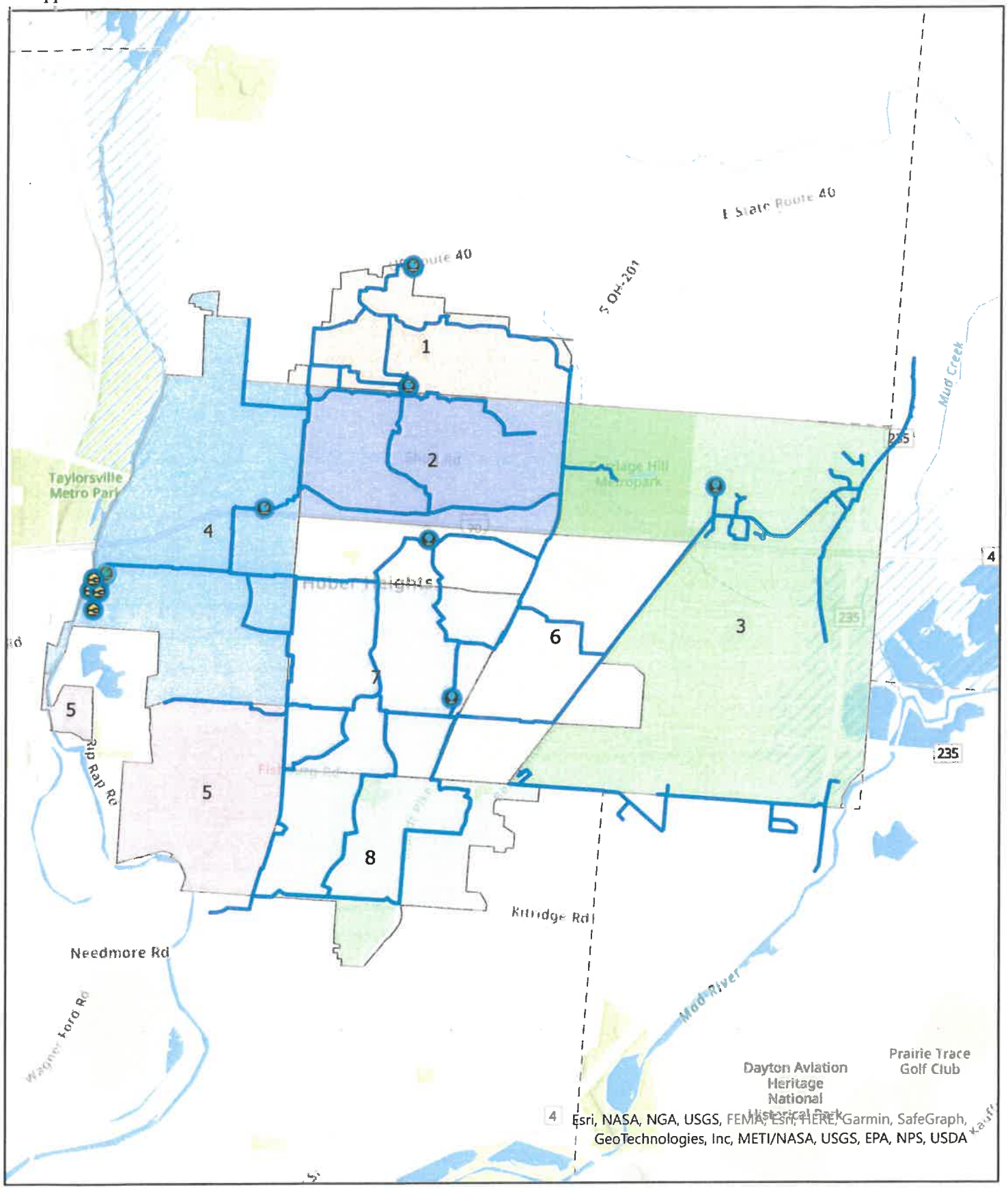
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix C

Infrastructure District 3 - Water



Enclosed Storage Facility
Intake
Meter Station
Production Well
Pump Station
Storage Basin
Treatment Plant
Water Distribution Mains

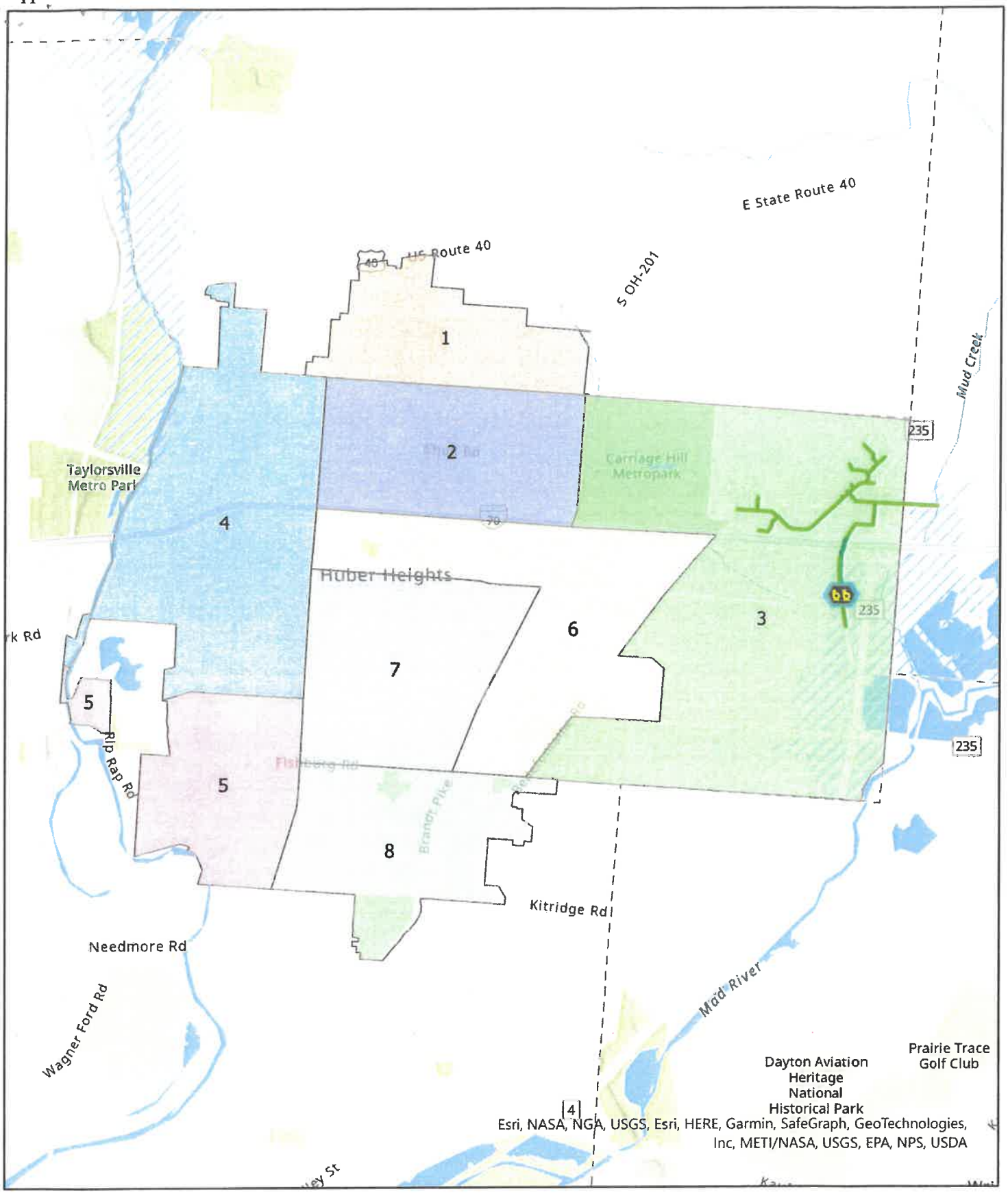
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix C

Infrastructure District 3 - Sanitary Sewer



District 3 Gravity Main

District 3 Force Main

District 3 Lift Station

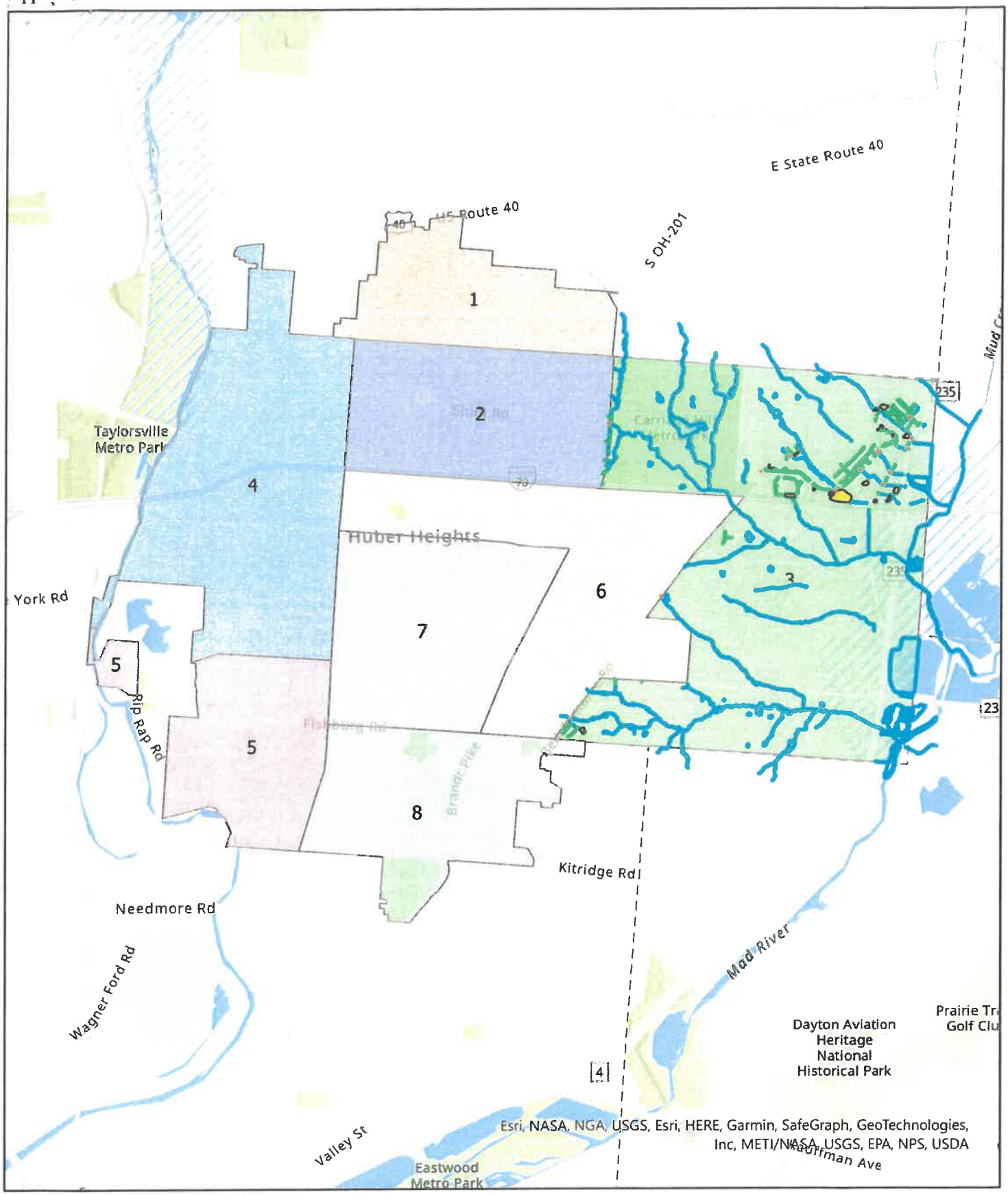
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix C

Infrastructure District 3 - Stormwater



District 3 Stormwater Mains
District 3 Rivers
District 3 Culverts
District 3 Channels
District 3 Basins

0 0.5 1 2 Miles

1 inch equals 1 miles

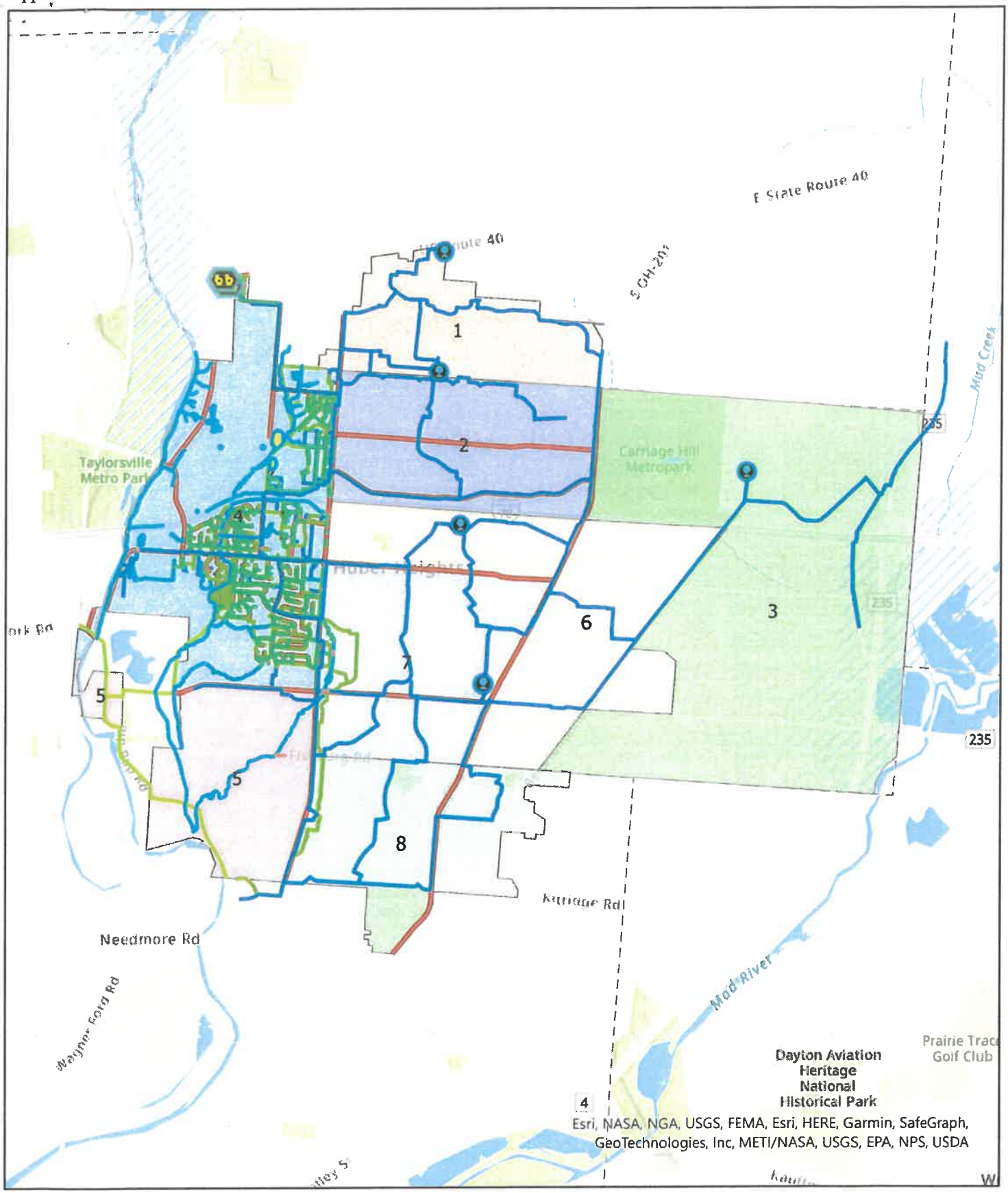
N

Appendix D

Infrastructure District 4

Appendix D

Infrastructure District 4 - Overview



- Enclosed Storage Facility
- District 4 Lift Stations
- District 4 Water Distribution Mains
- District 4 Stormwater Mains
- District 4 Rivers
- District 4 Culverts
- District 4 Sanitary Gravity Mains
- District 4 Force Mains
- District 4 Tri Cities Gravity Mains
- District 4 Roads
- District 4 Basins

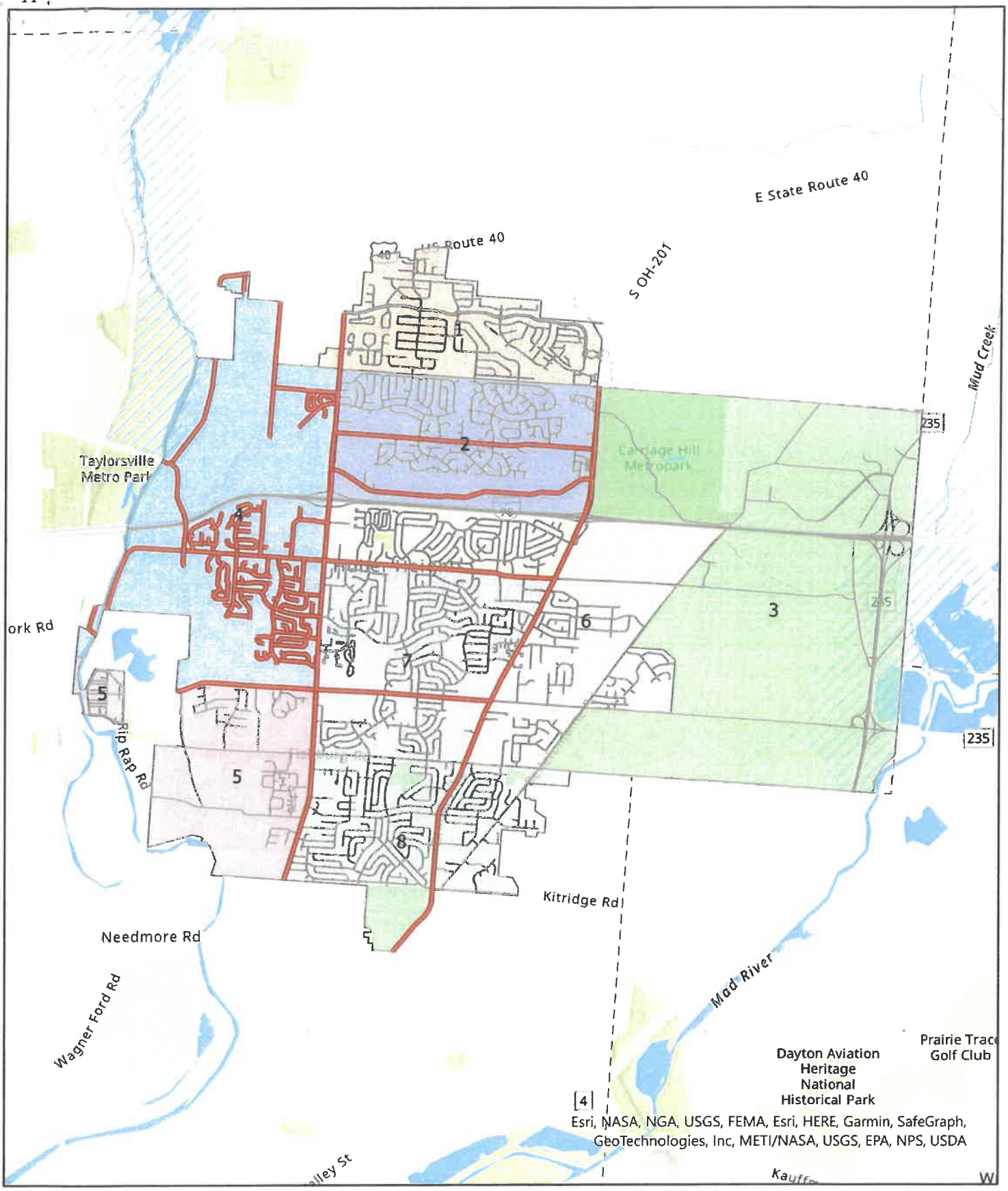
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix D

Infrastructure District 4 - Roads



District 4 Roads

Huber Heights Streets

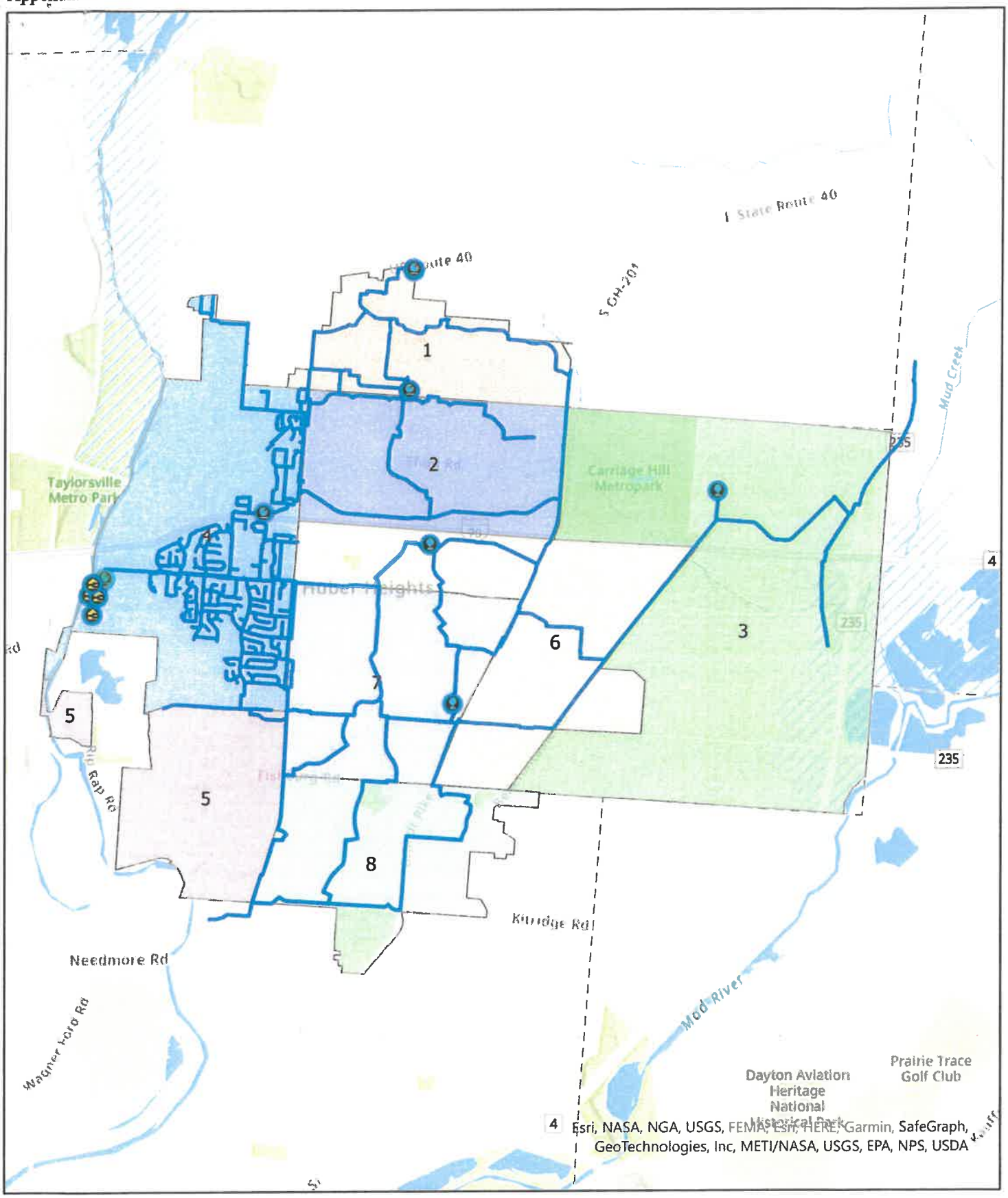
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix D

Infrastructure District 4 - Water



Enclosed Storage Facility	Pump Station
Intake	Storage Basin
Meter Station	Treatment Plant
Production Well	Water Distribution Mains

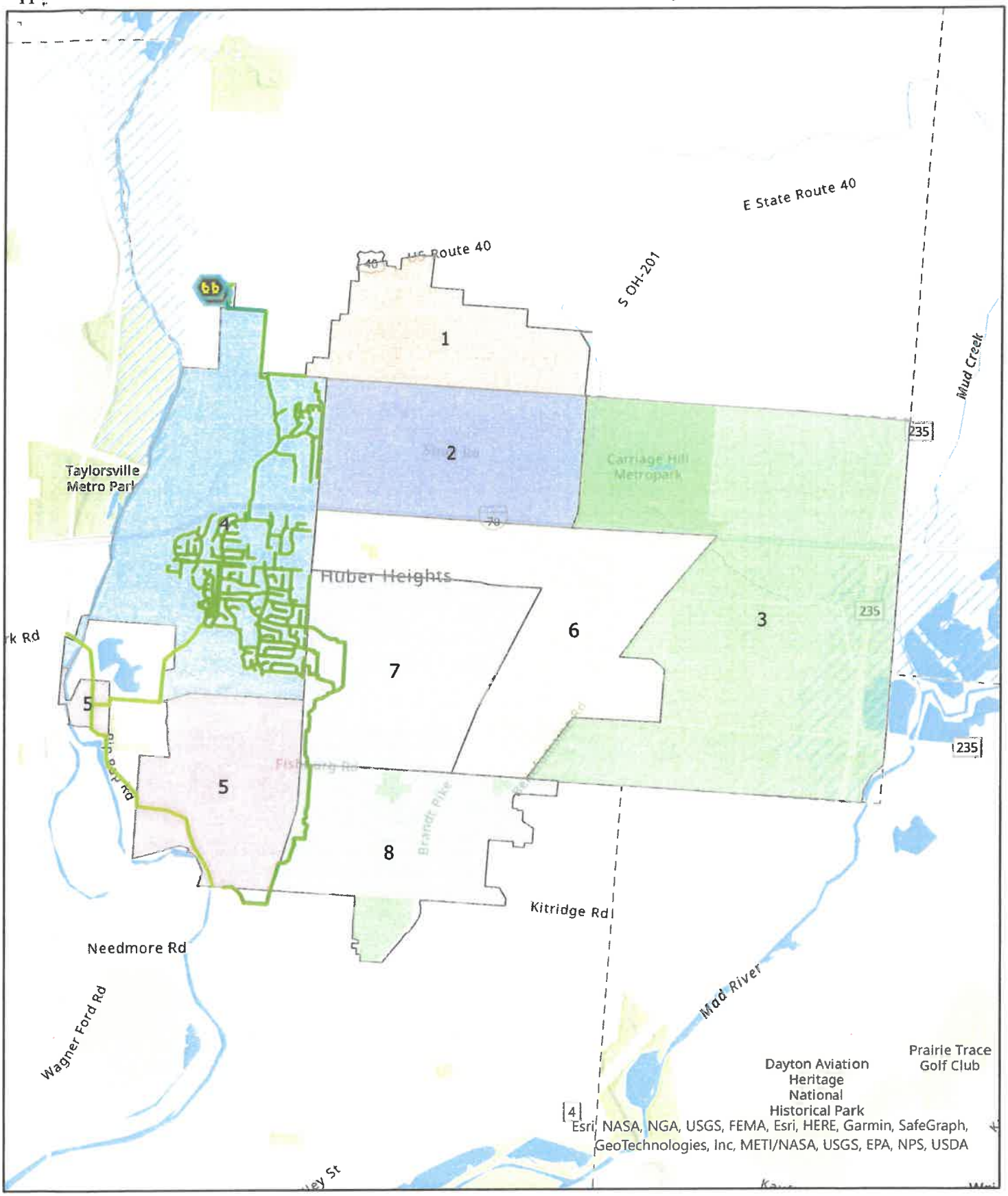
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix D

Infrastructure District 4 - Sanitary Sewer



District 4 Gravity Mains
District 4 Force Mains
District 4 Lift Stations
District 4 Tri Cities Gravity Mains

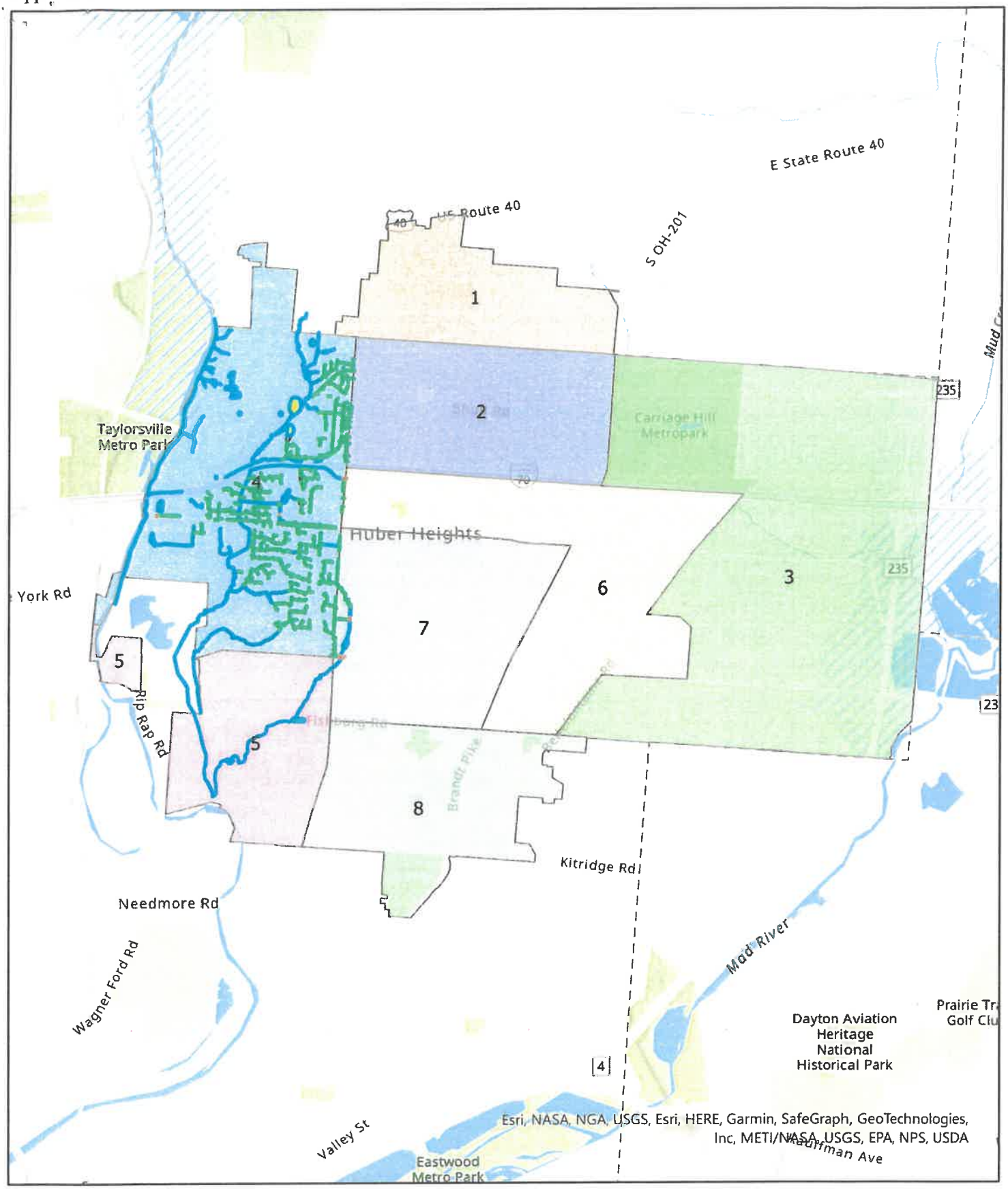
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix D

Infrastructure District 4 - Stormwater



District 4 Stormwater Mains
District 4 Channels
District 4 Rivers
District 4 Basins
District 4 Culverts

0 0.5 1 2 Miles

1 inch equals 1 miles

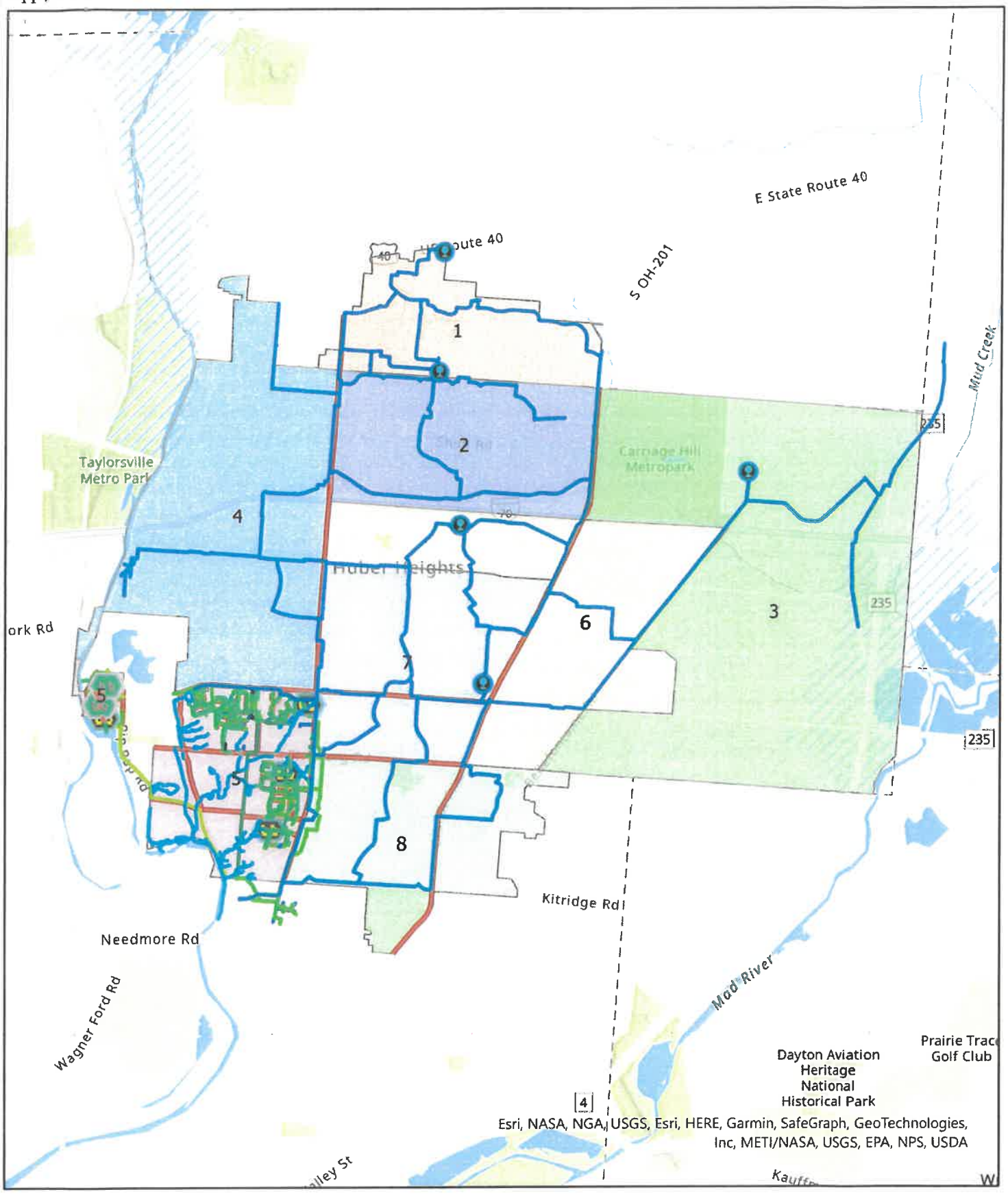
N

Appendix E

Infrastructure District 5

Appendix E

Infrastructure District 5 - Overview



- Enclosed Storage Facility
- District 5 Lift Stations
- District 5 Pump Station
- District 5 Water Distribution Mains
- District 5 Stormwater Mains
- District 5 Rivers
- District 5 Culverts
- District 5 Channels
- District 5 Sanitary Gravity Mains
- District 5 Force Mains
- District 5 Tri Cities Gravity Mains
- District 5 Roads
- District 5 Basins

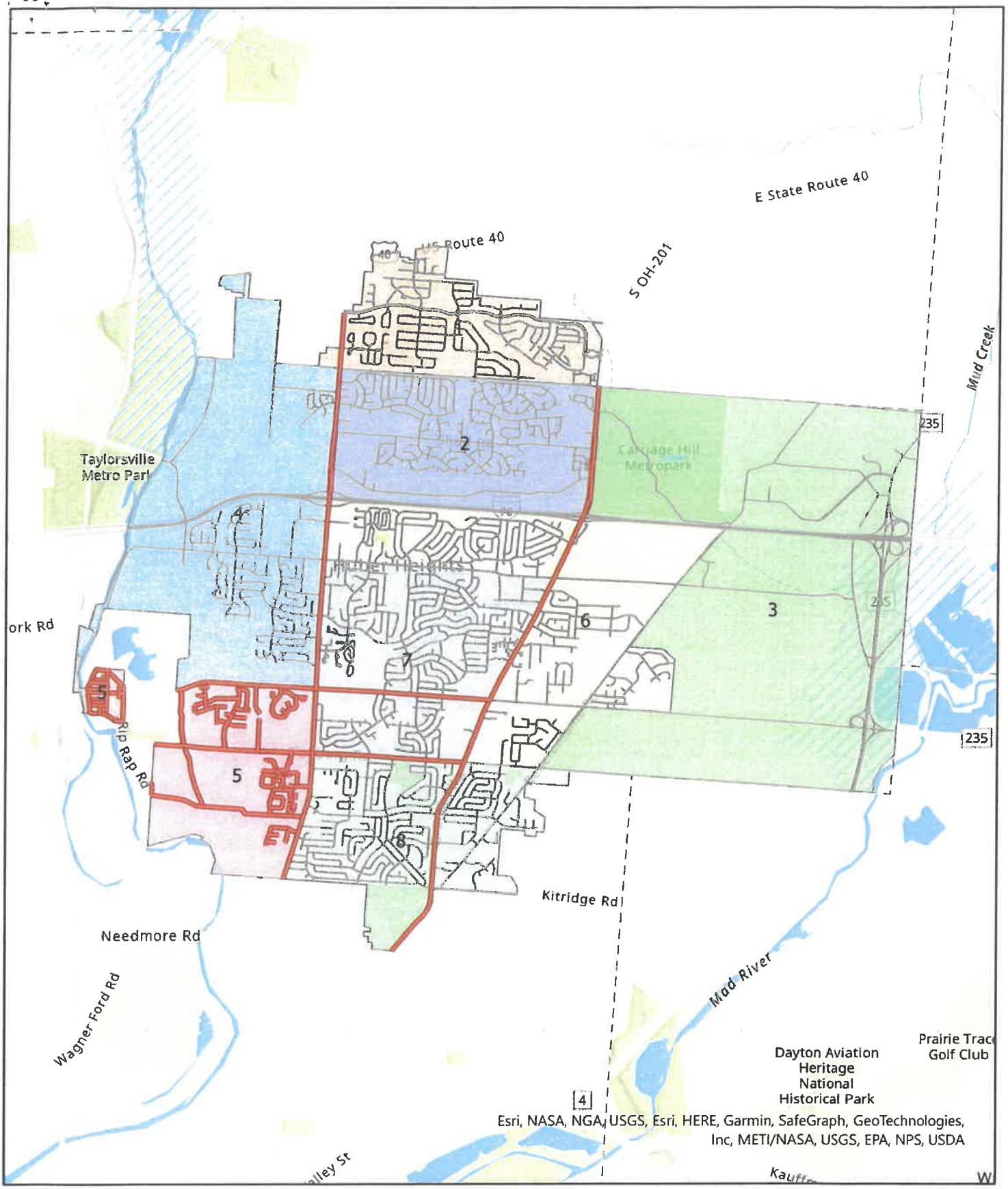
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix E

Infrastructure District 5 - Roads



District 5 Roads

Huber Heights Streets

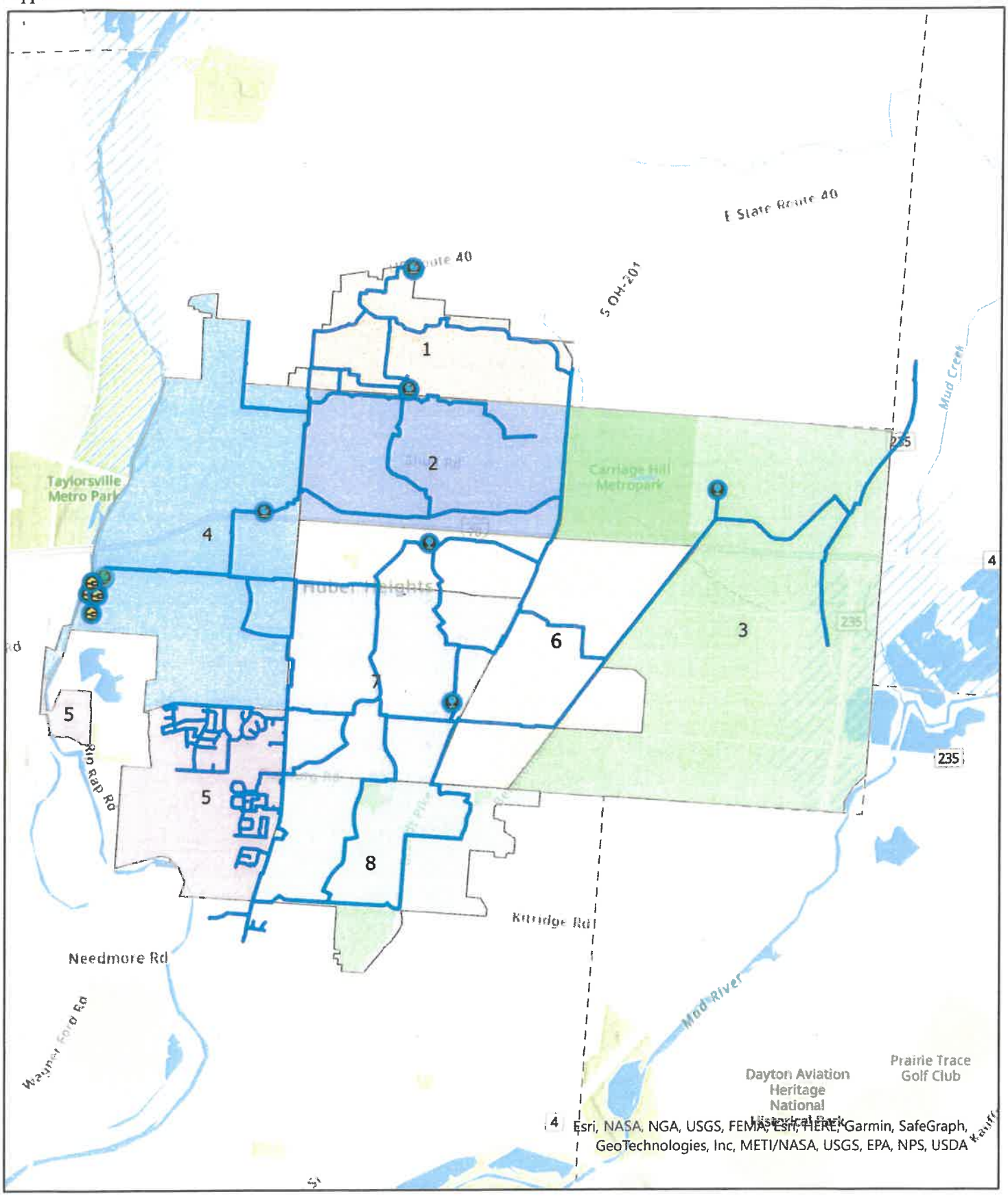
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix E

Infrastructure District 5 - Water



Enclosed Storage Facility	Pump Station
Intake	Storage Basin
Meter Station	Treatment Plant
Production Well	Water Distribution Mains

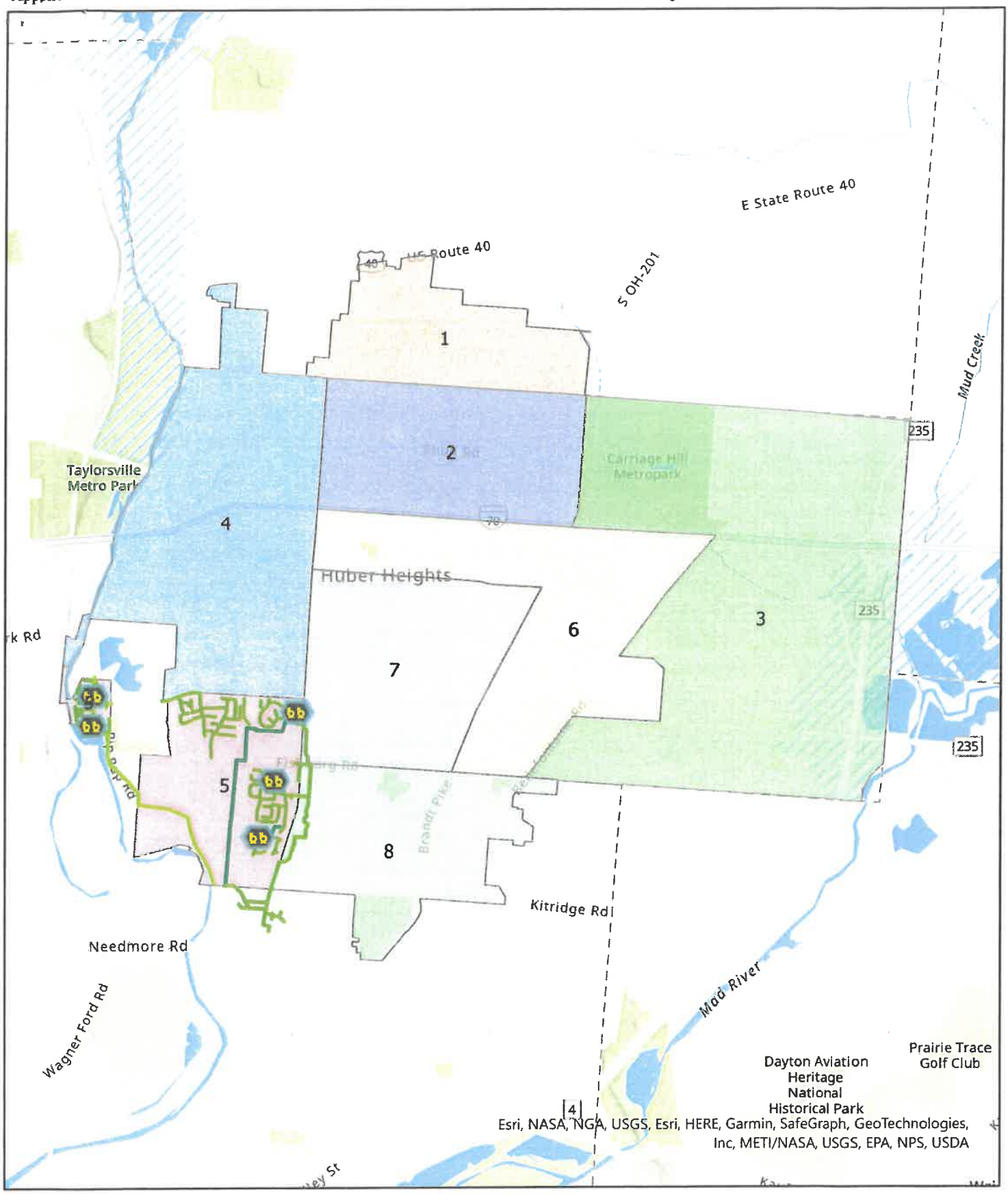
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix E

Infrastructure District 5 - Sanitary Sewer



District 5 Gravity Mains
District 5 Force Mains
District 5 Lift Stations
District 5 Tri Cities Gravity Mains

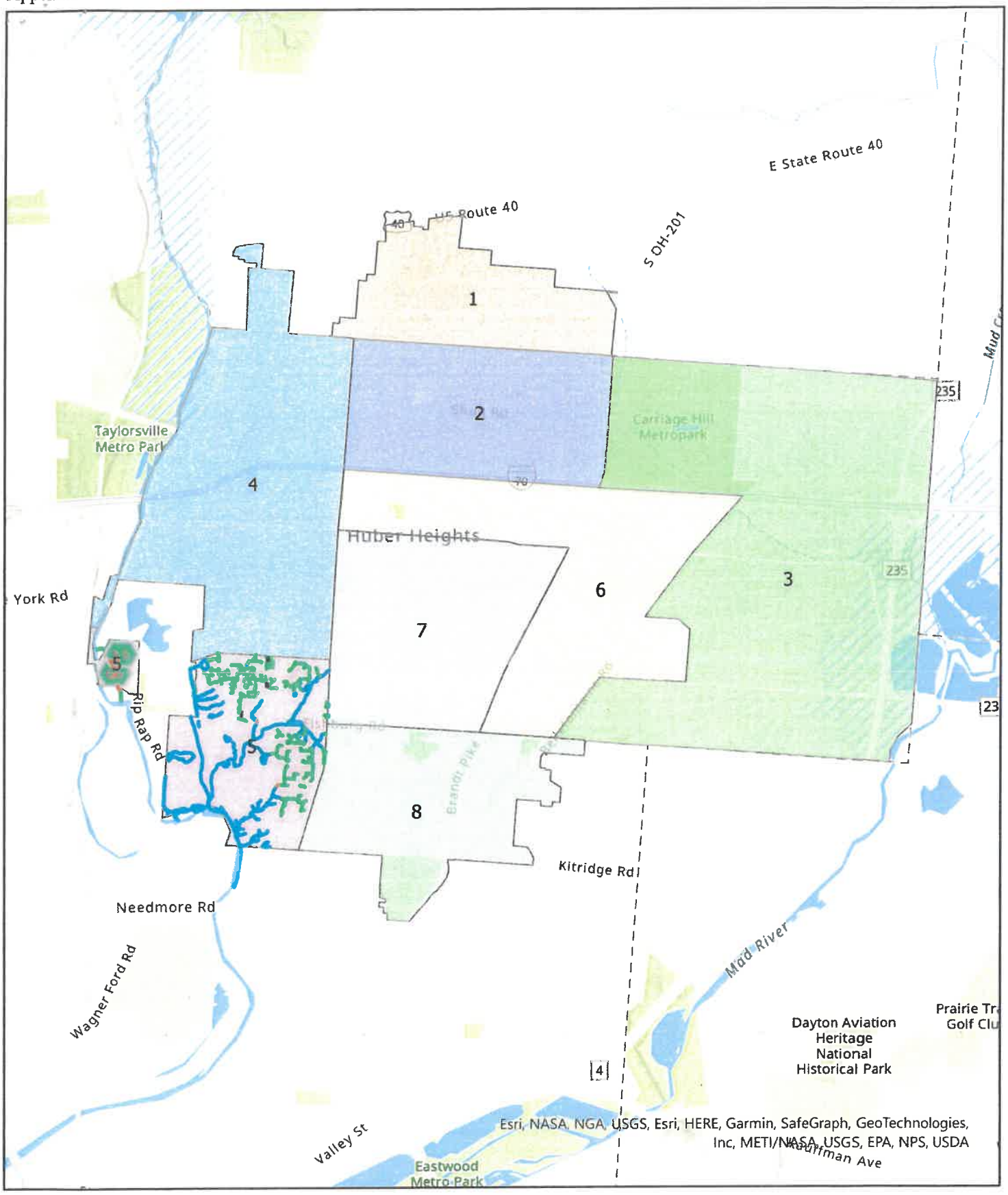
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix E

Infrastructure District 5 - Stormwater



District 5 Stormwater Mains
District 5 Rivers
District 5 Culverts
District 5 Channels
District 5 Basins
Pump Station

0 0.5 1 2 Miles

1 inch equals 1 miles

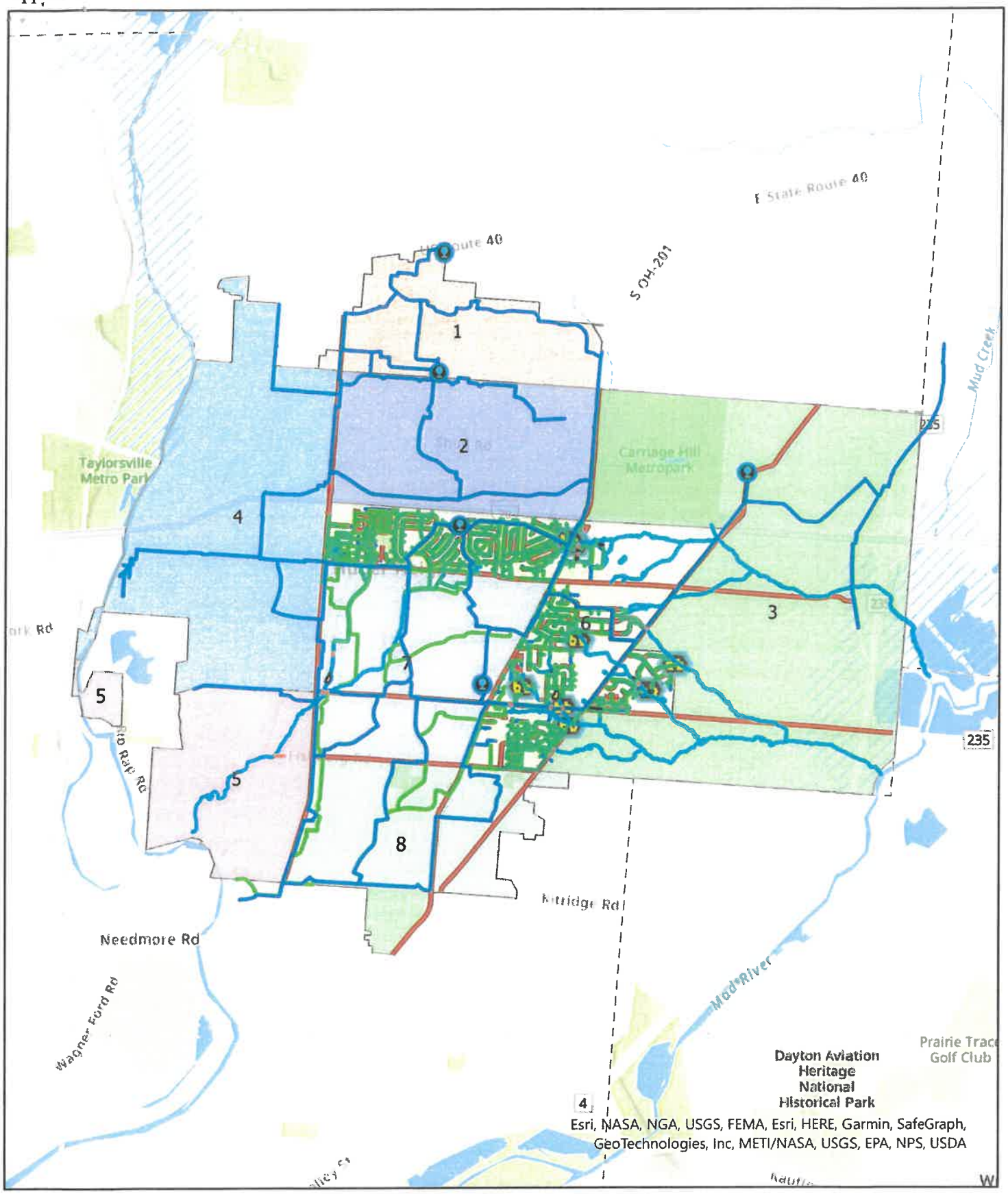
N

Appendix F

Infrastructure District 6

Appendix F

Infrastructure District 6 - Overview



Enclosed Storage Facility
District 6 Lift Station
District 6 Water Distribution Mains
District 6 Stormwater Mains
District 6 Rivers
District 6 Culverts
District 6 Force Main
District 6 Sanitary Gravity Main
District 6 Roads
District 6 Basins

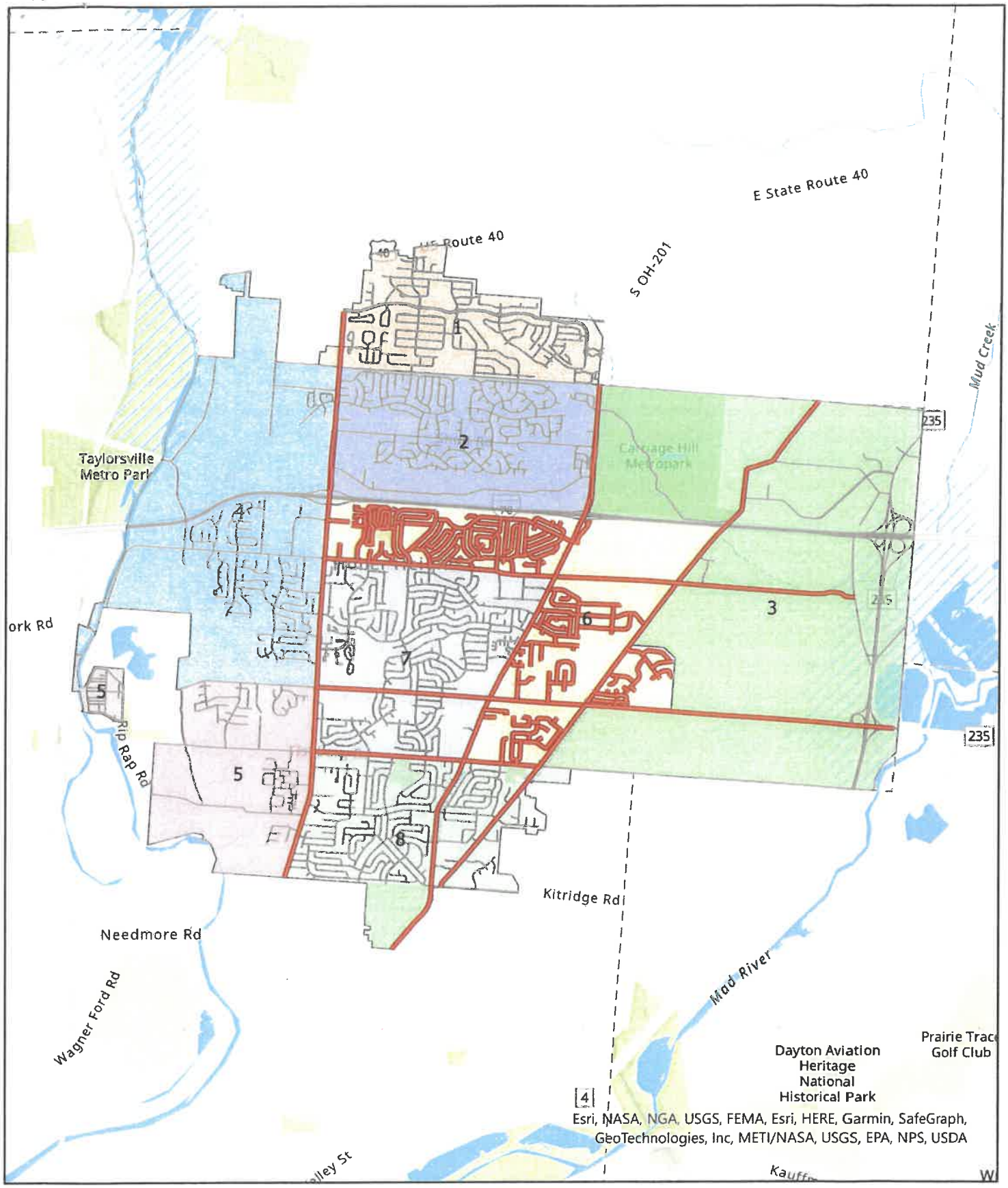
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix F

Infrastructure District 6 - Roads



District 6 Roads

Huber Heights Streets

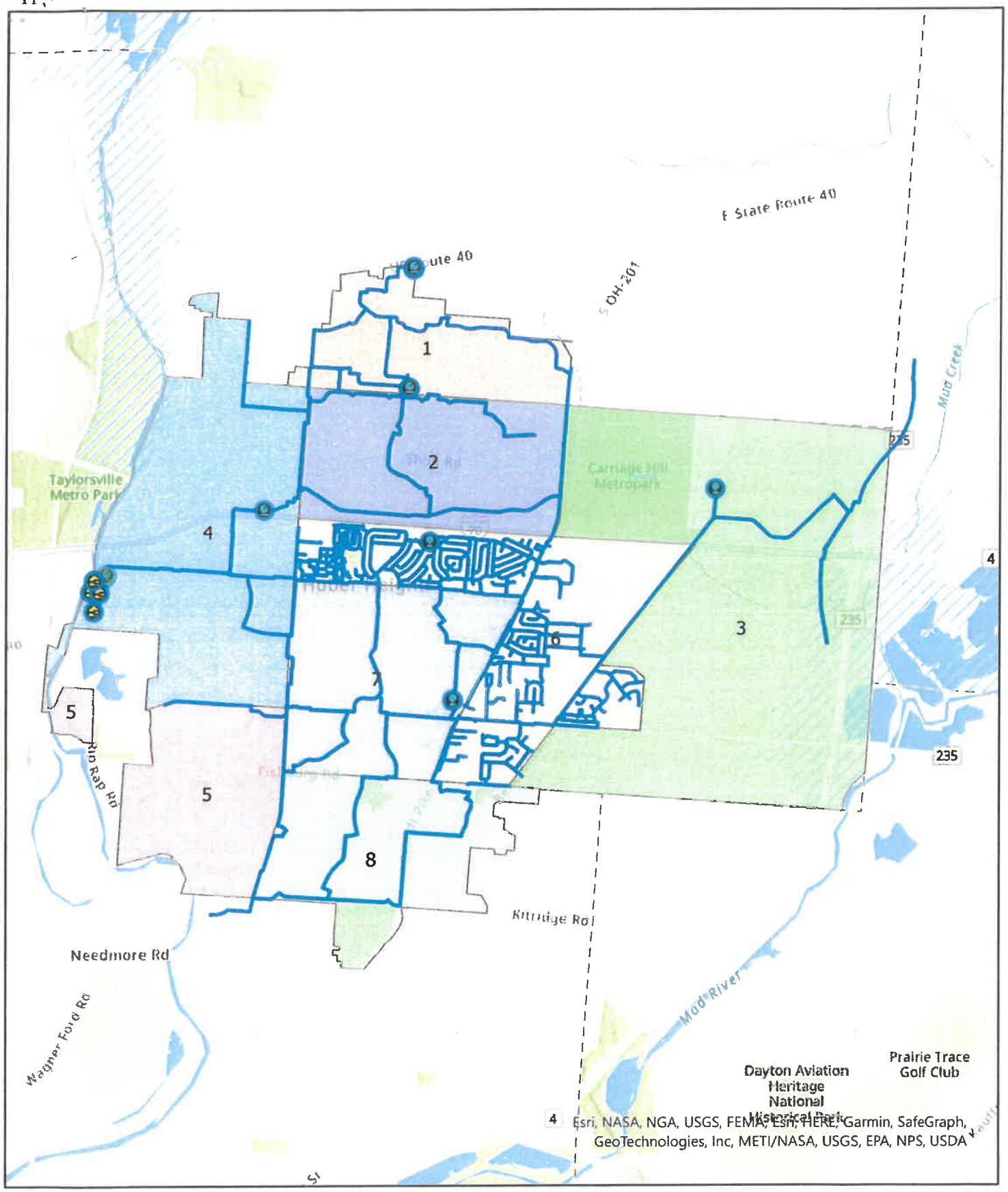
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix F

Infrastructure District 6 - Water



- Enclosed Storage Facility
- Intake
- Meter Station
- Production Well
- Pump Station
- Storage Basin
- Treatment Plant
- Water Distribution Mains

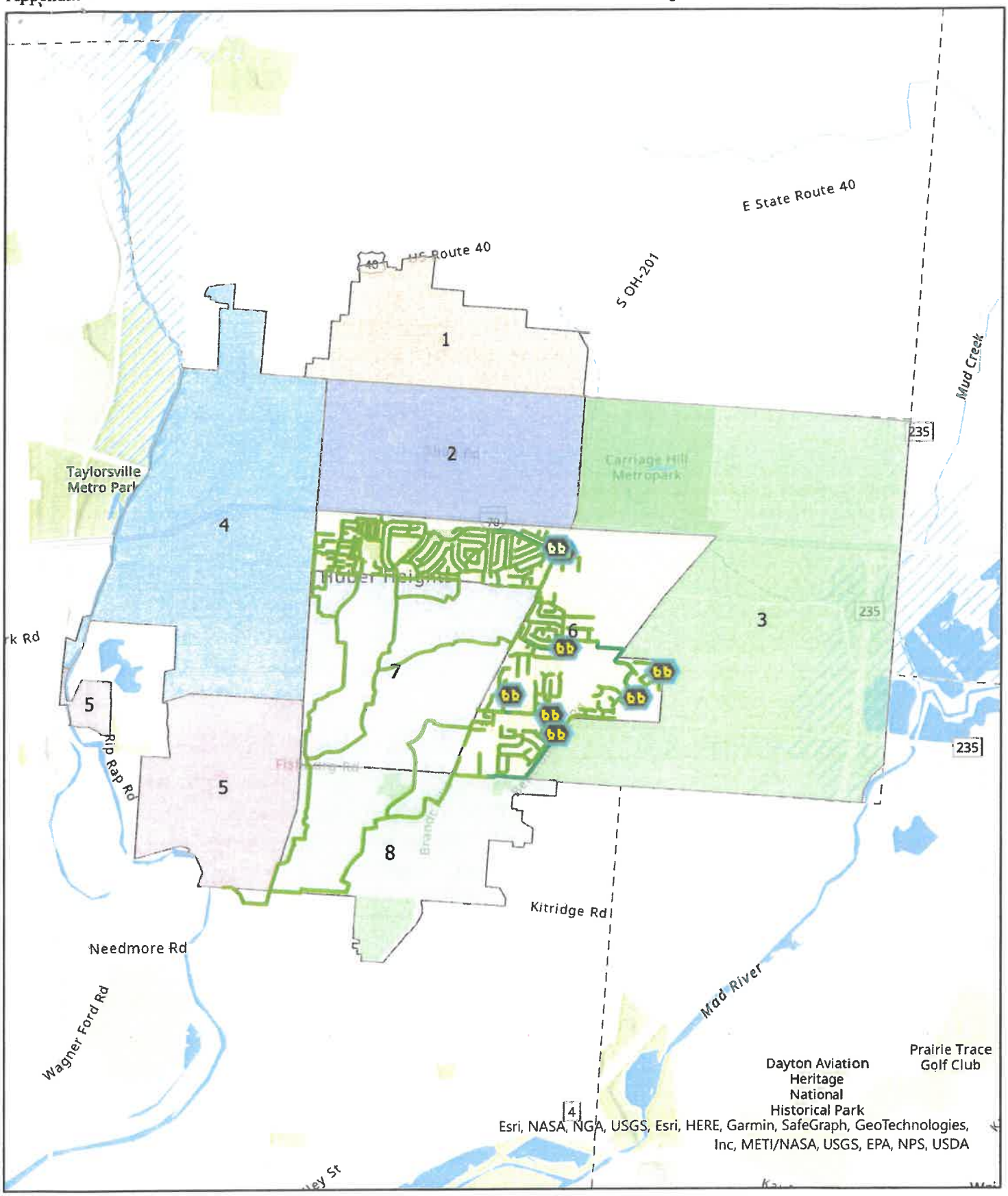
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix F

Infrastructure District 6 - Sanitary Sewer



District 6 Gravity Main

District 6 Force Main

District 6 Lift Station

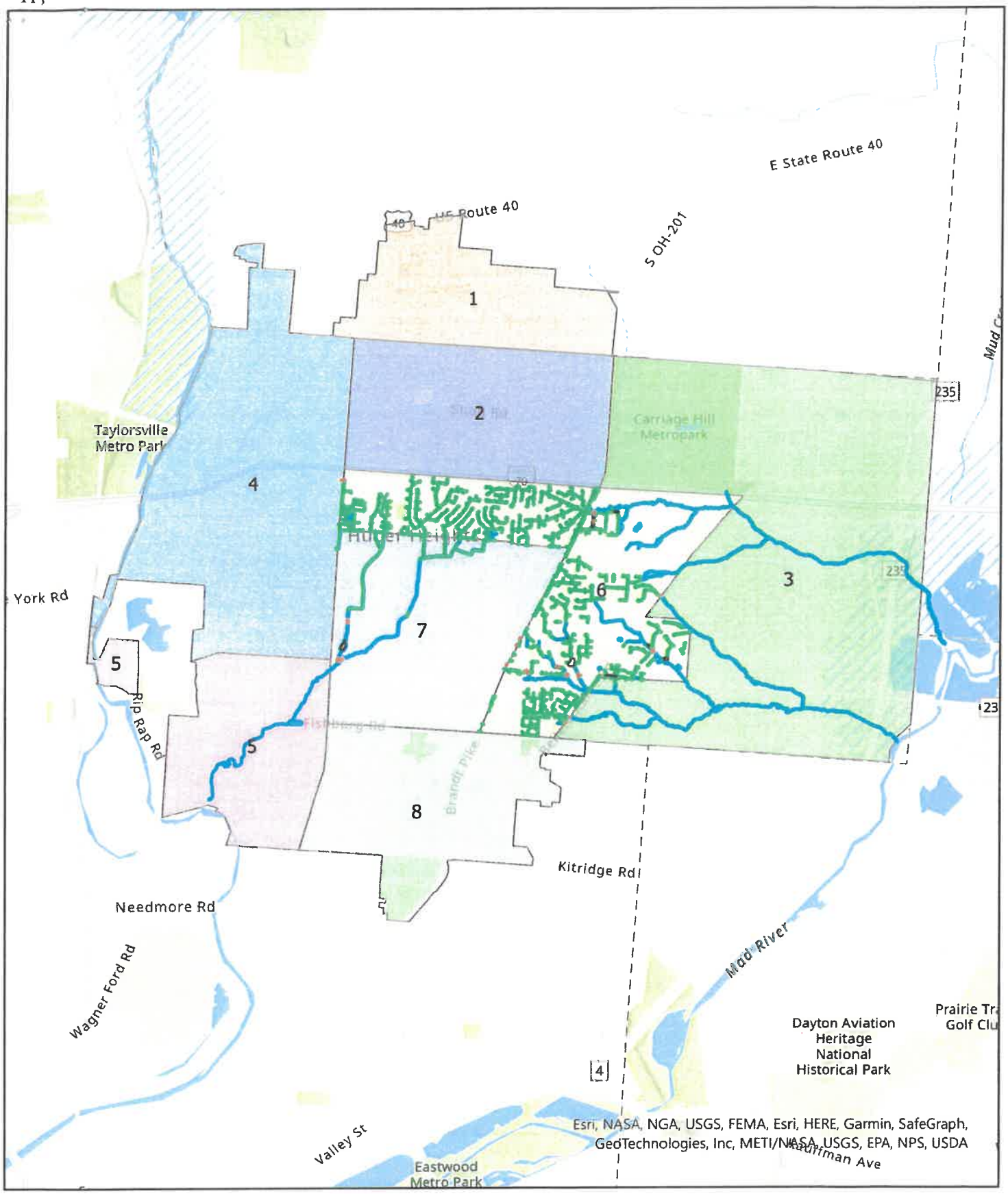
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix F

Infrastructure District 6 - Stormwater



District 6 Stormwater Mains
District 6 Channels
District 6 Rivers
District 6 Basins
District 6 Culverts

0 0.5 1 2 Miles

1 inch equals 1 miles

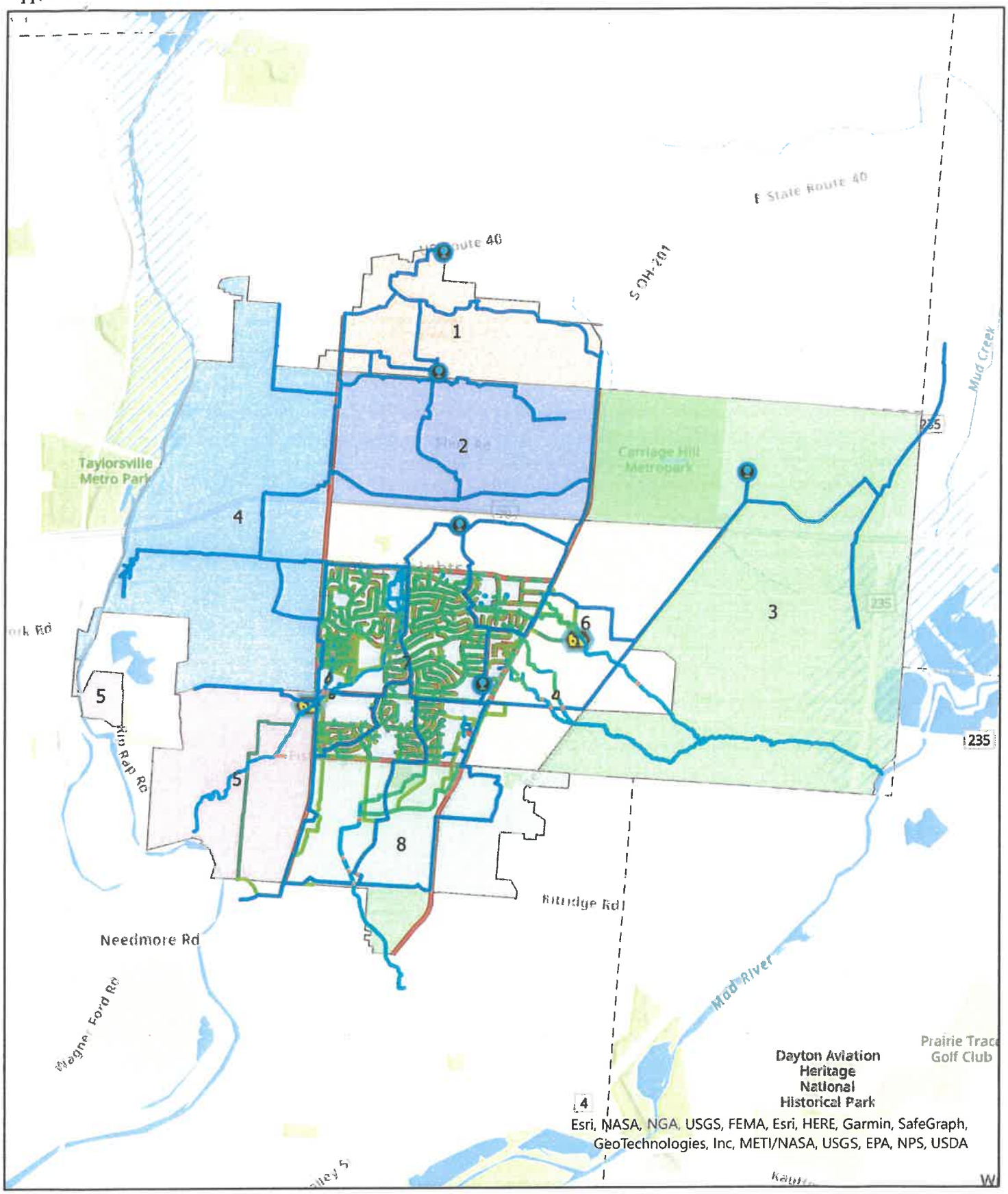
N

Appendix G

Infrastructure District 7

Appendix G

Infrastructure District 7 - Overview



- Enclosed Storage Facility
- District 7 Lift Station
- District 7 Water Distribution Mains
- District 7 Stormwater Mains
- District 7 Rivers
- District 7 Culverts
- District 7 Force Main
- District 7 Sanitary Gravity Main
- District 7 Roads
- District 7 Basins

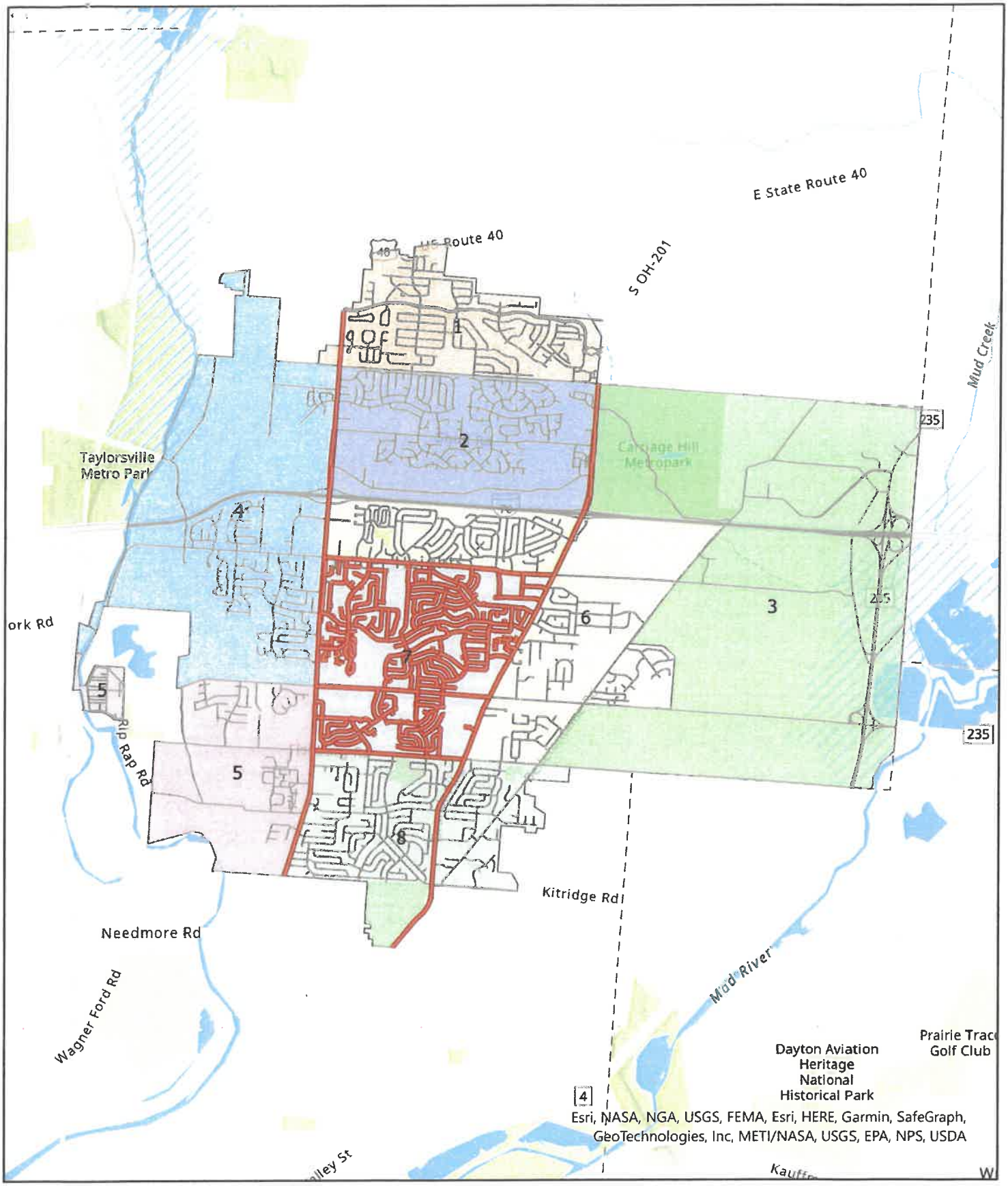
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix G

Infrastructure District 7 - Roads



District 7 Roads

Huber Heights Streets

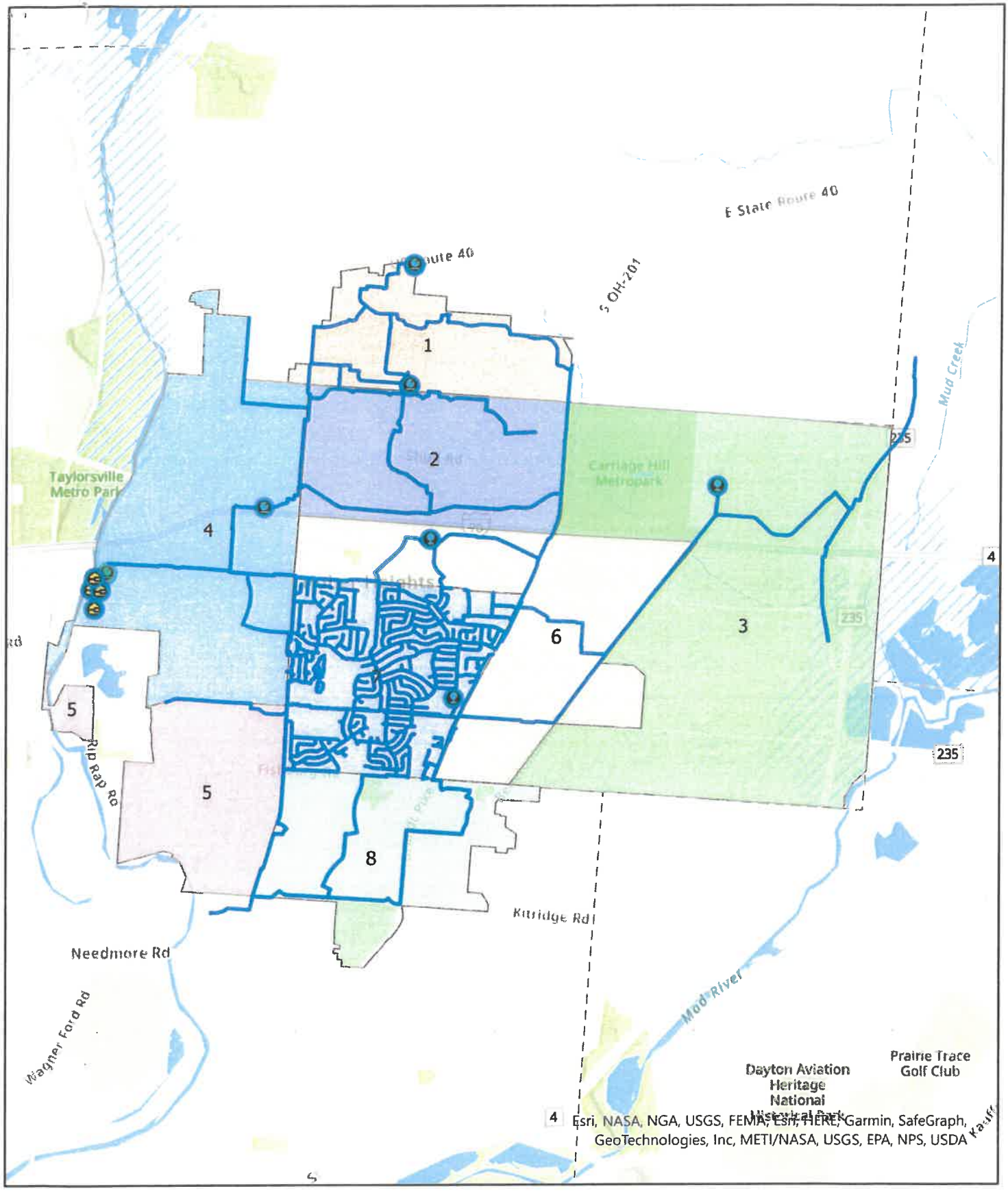
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix G

Infrastructure District 7 - Water



Enclosed Storage Facility	Pump Station
Intake	Storage Basin
Meter Station	Treatment Plant
Production Well	Water Distribution Mains

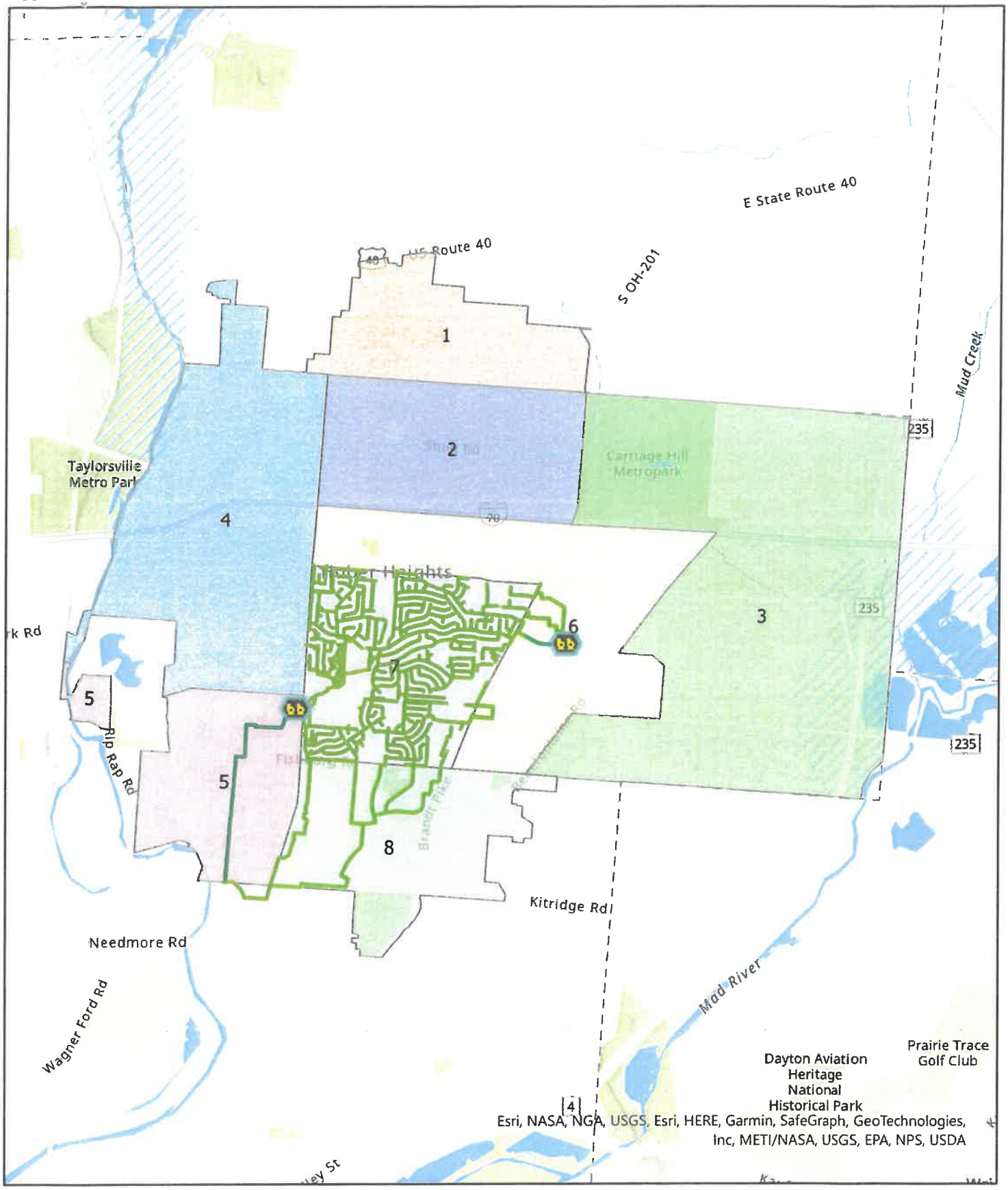
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix G

Infrastructure District 7 - Sanitary Sewer



District 7 Gravity Main

District 7 Force Main

District 7 Lift Station

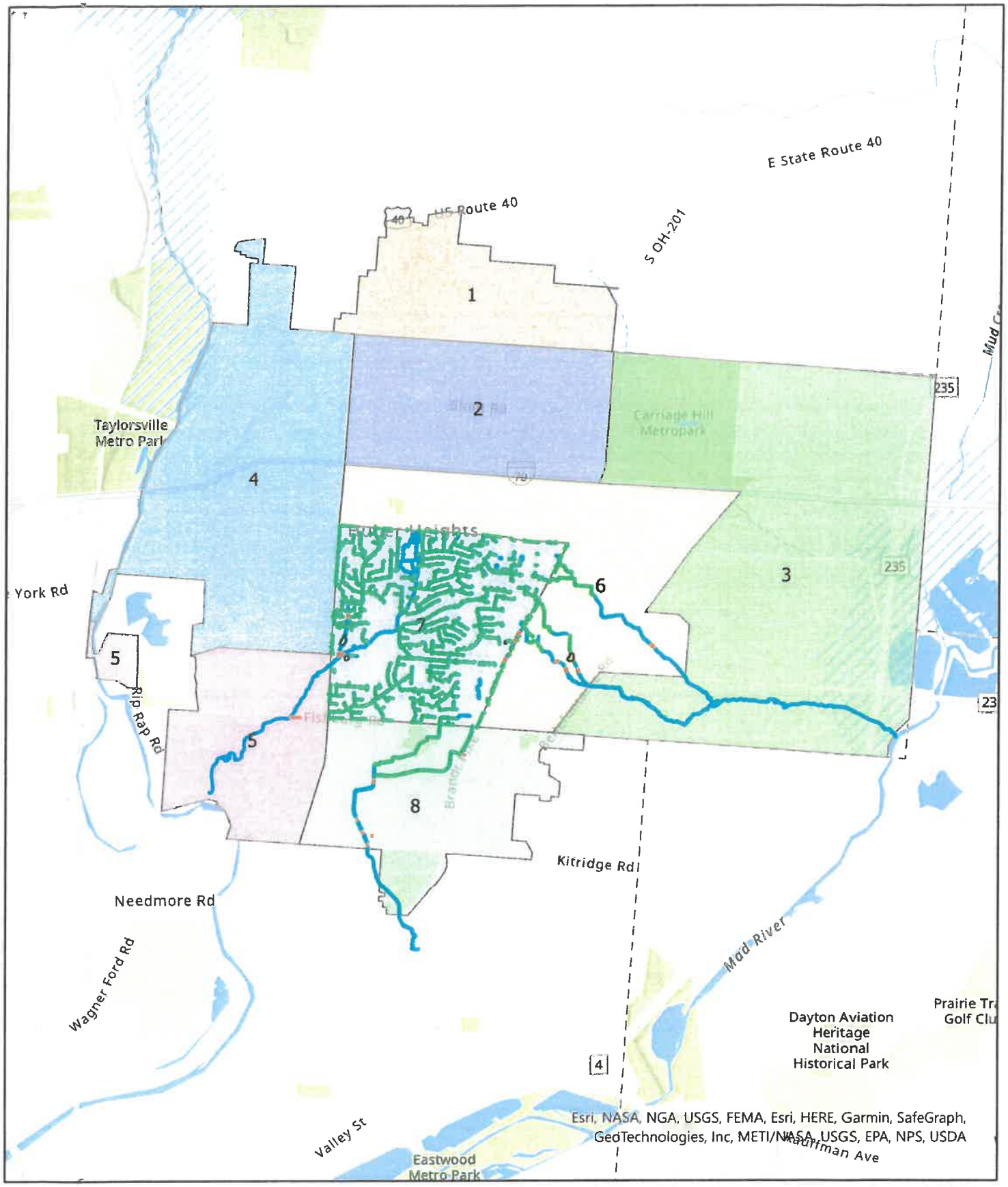
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix G

Infrastructure District 7 - Stormwater



District 7 Stormwater Mains
District 7 Channels
District 7 Rivers
District 7 Basins
District 7 Culverts

0 0.5 1 2 Miles

1 inch equals 1 miles

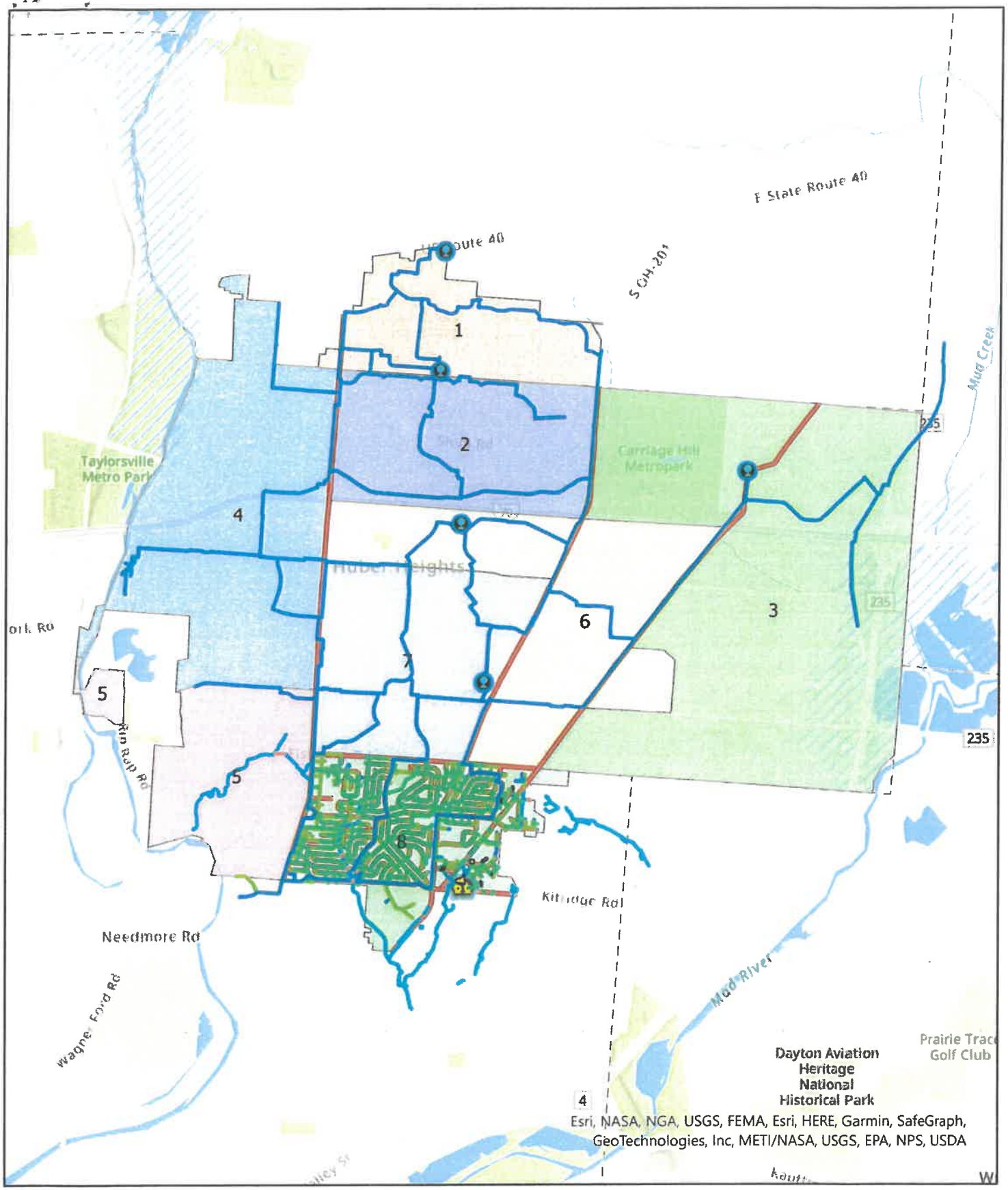
N

Appendix H

Infrastructure District 8

Appendix H

Infrastructure District 8 - Overview



- Enclosed Storage Facility
- District 8 Lift Station
- District 8 Water Distribution Mains
- District 8 Stormwater Mains
- District 8 Rivers
- District 8 Culverts
- District 8 Force Main
- District 8 Sanitary Gravity Main
- District 8 Roads
- District 8 Basins

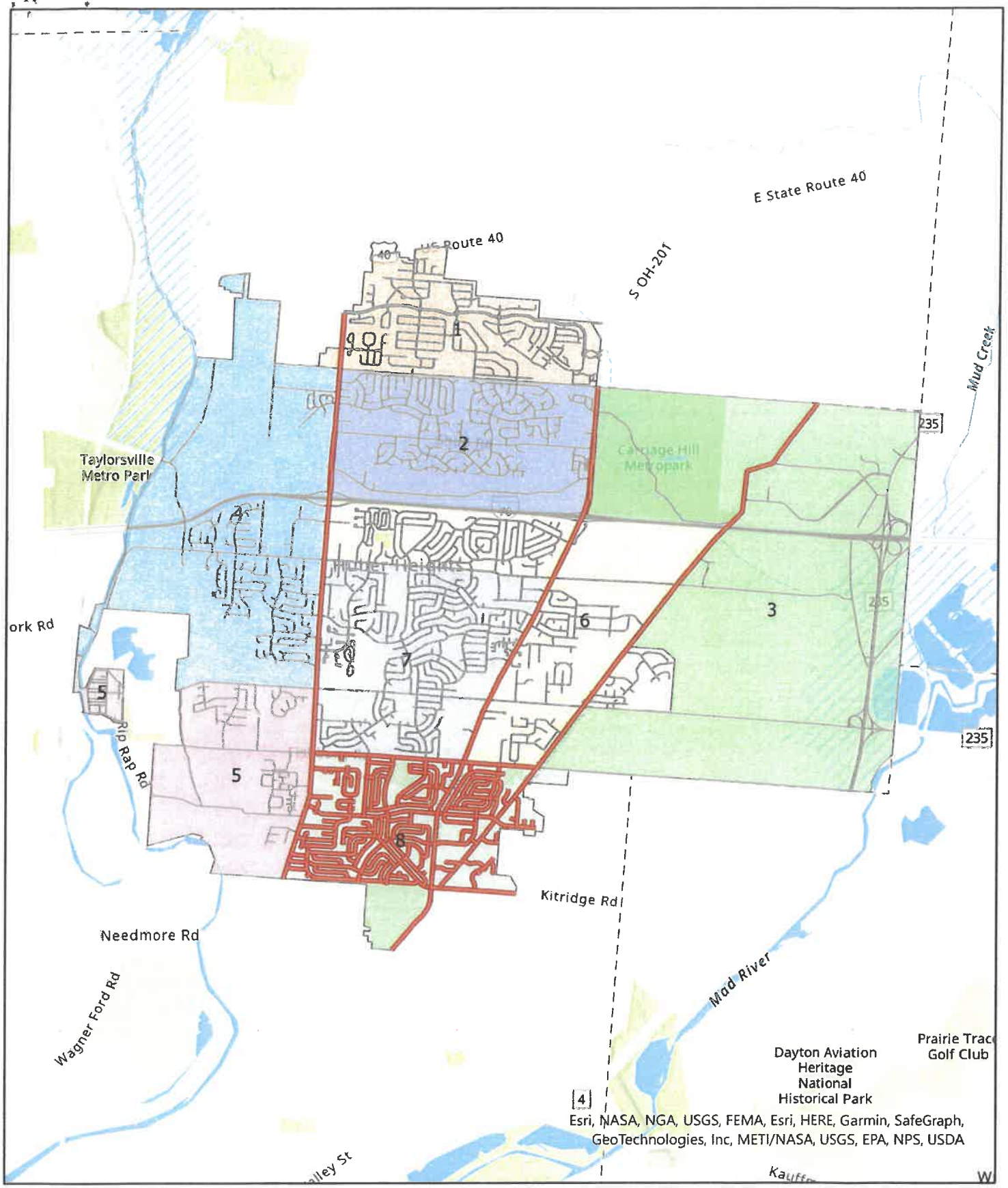
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix H

Infrastructure District 8 - Roads



District 8 Roads

Huber Heights Streets

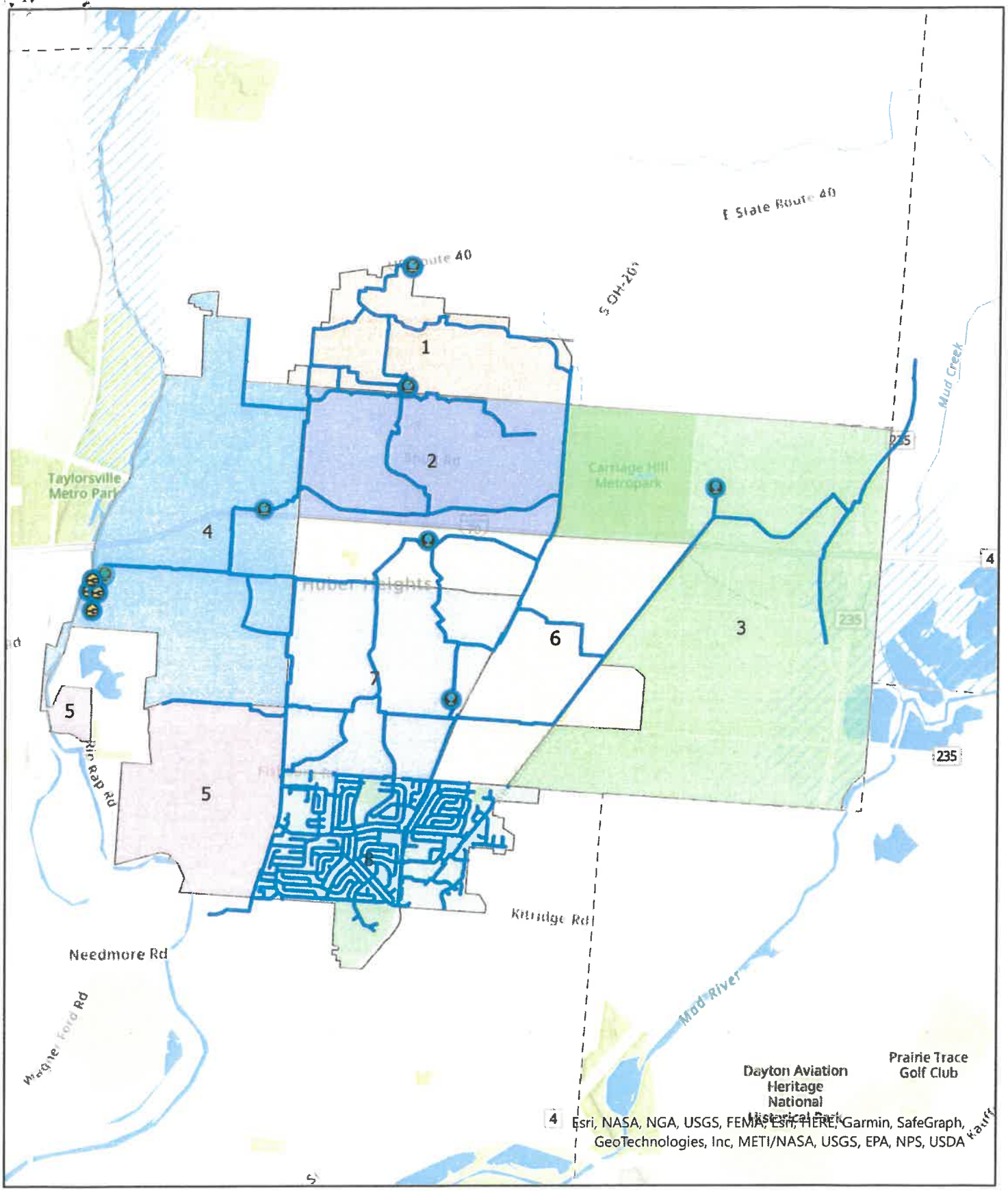
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix H

Infrastructure District 8 - Water



- Enclosed Storage Facility
- Intake
- Meter Station
- Production Well
- Pump Station
- Storage Basin
- Treatment Plant
- Water Distribution Mains

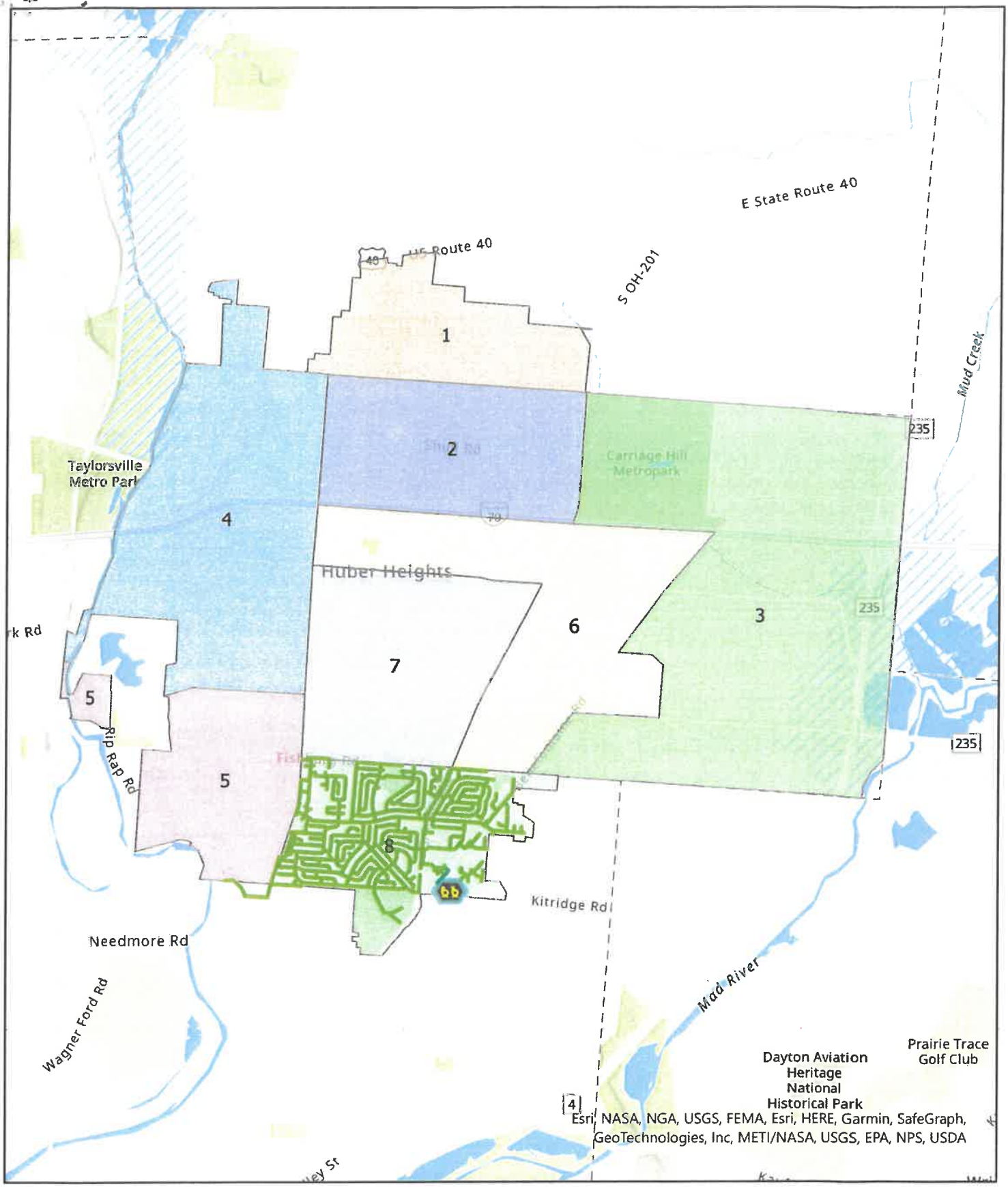
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix H

Infrastructure District 8 - Sanitary Sewer



District 8 Gravity Main

District 8 Force Main

District 8 Lift Station

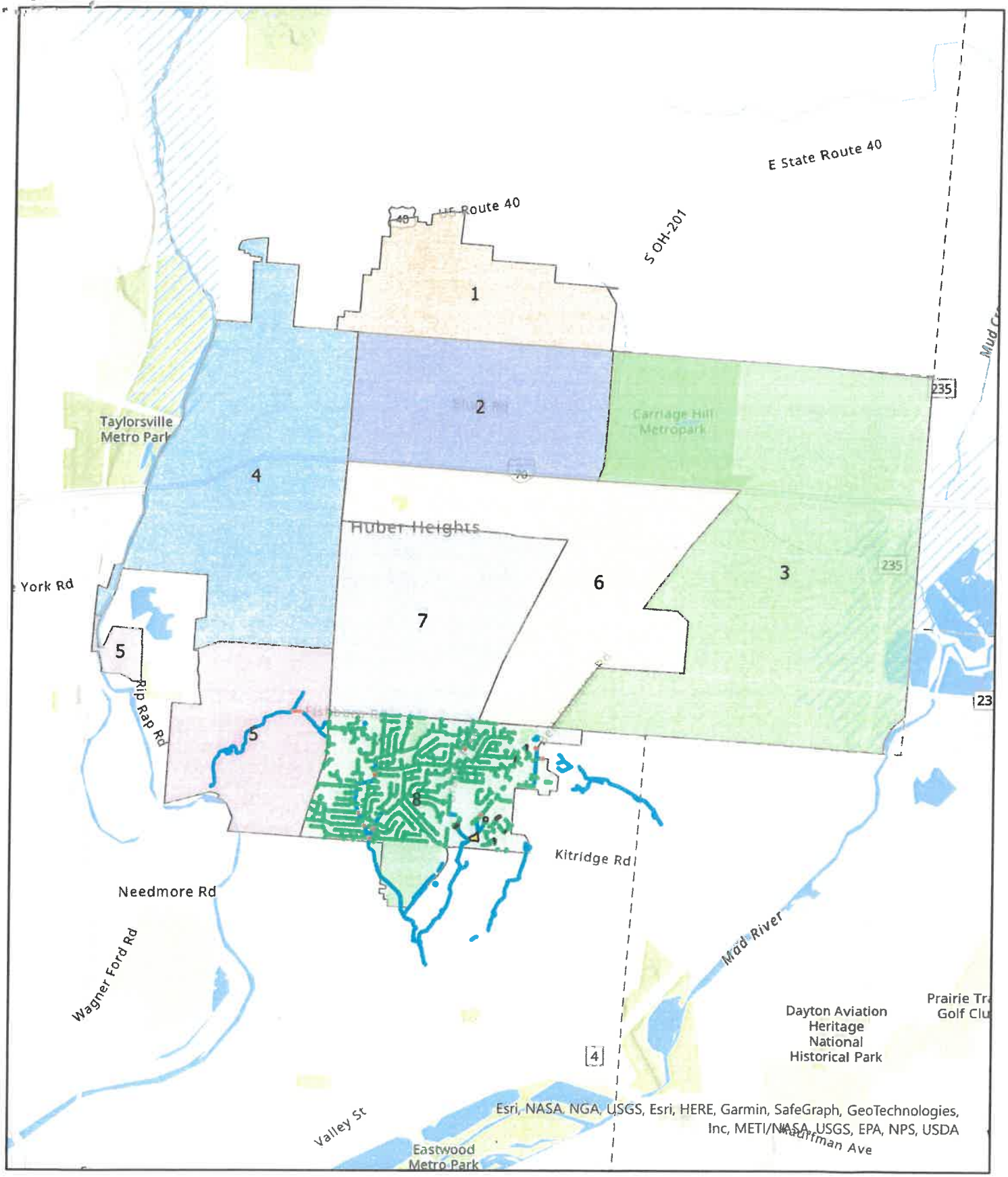
0 0.5 1 2 Miles

1 inch equals 1 miles

N

Appendix H

Infrastructure District 8 - Stormwater



District 8 Stormwater Mains
District 8 Rivers
District 8 Culverts
District 8 Channels
District 8 Basins

0 0.5 1 2 Miles

1 inch equals 1 miles

N

AI-10783 **Topics Of Discussion** **J.**

Council Work Session

Meeting Date: 04/08/2025

Moral Obligation Claims Policy

Submitted By: Rachael Dillahunt

Department:	City Manager	**Division:**	City Manager
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	04/08/2025
Audio-Visual Needs:	None	**Legal Review:**	Completed
Emergency Legislation?:	No	**Motion/Ordinance/ Resolution No.:**	

Agenda Item Description or Legislation Title

Moral Obligation Claims Policy

Purpose and Background

The City of Huber Heights seeks to enhance the efficiency of resolving minor claims in order to reduce administrative burdens and legal expenses. The City desires to authorize the Law Director, with the written concurrence of the Finance Director and the City Manager, to settle such claims in an amount not to exceed $10,000.00 per claim, without requiring prior approval from the City Council.

Fiscal Impact

Source of Funds:	Claims Settlement Account
Cost:	N/A
Recurring Cost? (Yes/No):	N/A
Funds Available in Current Budget? (Yes/No):	N/A
Financial Implications:	

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2025-R-

AUTHORIZING THE LAW DIRECTOR TO RESOLVE MINOR CLAIMS AGAINST THE CITY OF HUBER HEIGHTS.

WHEREAS, the City of Huber Heights seeks to enhance the efficiency of resolving minor claims in order to reduce administrative burden and legal expense; and

WHEREAS, the City desires to authorize the Law Director, with the written concurrence of the Finance Director and the City Manager, to settle such claims in an amount not to exceed $10,000.00 per claim, without requiring prior approval from the City Council; and

WHEREAS, funds for such settlements shall be drawn from the previously established Claims Settlement Account or as otherwise appropriated in accordance with applicable law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio, that:

Section 1. The Law Director is hereby authorized to resolve any claim asserted against the City in an amount not exceeding $10,000.00 per claim, without requiring prior approval by the City Council. This authority shall be exercised only with the written concurrence of the Finance Director and the City Manager and is subject to the availability of appropriated funds designated for such purposes.

Section 2. The Law Director is further authorized to prepare and execute settlement agreements on behalf of the City in connection with claims settled pursuant to this Resolution. The Finance Director is authorized to issue and pay warrants for such settlements from appropriated funds upon receipt of a properly executed settlement agreement.

Section 3. The Law Director shall provide timely reports to the City Council identifying any claims resolved. Each report shall include a summary of the claim, the amount paid or received, the parties involved, and the date of the Resolution.

Section 4. Nothing in this Resolution shall be construed as waiving or limiting any legal defense or immunity available to the City of Huber Heights, its officers, employees, or agents under federal, state, or local law, except as may be expressly set forth in a written settlement agreement executed pursuant to this Resolution.

Section 5. It is hereby determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____ , 2025;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

_____	_____
Clerk of Council	Mayor
_____	_____
Date	Date

AI-10787 **Topics Of Discussion** **K.**

Council Work Session

Meeting Date: 04/08/2025

Liquor Permit #99548160005 - Sunoco One Stop - 4774 Taylorsville Road

Submitted By: Anthony Rodgers

Department: City Council

Type of Liquor Permit: Other

Motion/Ordinance/ Resolution No.:

Agenda Item Description

Liquor Permit #99548160005 - Sunoco One Stop - 4774 Taylorsville Road

Review and Comments - Police Division

The Police Division had no objections to the change of corporate stock ownership for this liquor permit.

Review and Comments - Fire Division

The Fire Division had no objections to the change of corporate stock ownership for this liquor permit.

Fiscal Impact

Source of Funds:	N/A
Cost:	N/A
Recurring Cost? (Yes/No):	N/A
Funds Available in Current Budget? (Yes/No):	N/A
Financial Implications:	

Attachments

Liquor Permit

NOTICE TO LEGISLATIVE AUTHORITY

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

Received Council
MAR 17 PM 2:55

TO

99548160005 PERMIT NUMBER / STCK TYPE	ZIYA LLC DBA SUNOCO ONE STOP 4774 TAYLORSVILLE RD HUBER HGTS OH 45424
ISSUE DATE	
04 19 2024 FILING DATE	
C1 C2 PERMIT CLASSES	
57 083 A F32953 TAX DISTRICT / RECEIPT NO.	

FROM 03/05/2025

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

MAILED 03/05/2025 RESPONSES MUST BE POSTMARKED NO LATER THAN. 04/07/2025

IMPORTANT NOTICE

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

REFER TO THIS NUMBER IN ALL INQUIRIES A STCK 9954816-0005
(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

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

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

(Signature) (Title)- ☐ Clerk of County Commissioner (Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF HUBER HGTS CITY COUNCIL
6131 TAYLORSVILLE RD
HUBER HGTS OHIO 45424

(Division Use Only: Name: _____)

OHIO DIV. LIQUOR CONTROL
LICENSING SCAN RM. 1-A

2025 JAN 28 AM 9:10

SECTION A – Issued Permit Holder Information

***Issued Permit Holder's Business Name as listed on the issued permit:** ZIYA LLC	***Issued Permit Holder #:** 99548160005
*Permit Premises Address: 4774 Taylorsville Rd.	*Is Permit Holder an Agency Store? ☐ YES ■ NO If YES, what is the assigned agency # _____

*Township (if premises is outside city limits):	* City:	*Zip Code:	*County:
	Huber Heights	45424	Montgomery

*Contact Name: Sonalbahen Patel	*Who will be the Primary Contact for this Application: ☐ Contact Listed ■ Attorney Listed Below
Phone: (201) 772-6814	*Business Phone:

*Primary Contact's Email Address:

m a h e n d r a v p a t e l 2 0 0 6 @ y a h o o . c o m

Attorney Information (if applicable)	Name: Edwin L. Hoseus, Jr.			
Address: 741 Milford Hills Driveq	City: Milford	State: Ohio	Zip Code: 45150	Phone #: (513) 248-0317

Attorney Email Address:

e l h @ h o s e u s l a w . c o m

SECTION B – LLC Ownership Description

1. * List the **CURRENT 5% or more** owners in the issued permit as currently disclosed to us – Not sure who/what we have on record? Go to com.ohio.gov/liquorinfo (select "who has a disclosed ownership interest in a particular liquor permit" tab and enter the permit number listed on your issued permit).

	Person or Company Name	Membership Units	
		# Held	% Held
1	Sonalbahen Patel	100	100
2			
3			
4			

2. * List the **NEW/REVISED 5% or more** owners as they should be listed in the issued permit **AFTER** the change. (Note, depending on your proposed change it's possible that some individuals might be listed above and below.) Any real persons **MUST** be at least 21 years of age. In addition to filling out the below information, please submit an updated LLC Membership Disclosure Form (OR com.ohio.gov/requiredforms - select form "Limited Liability Disclosure" form) that matches the "**NEW/REVISED**" information below.

	Person or Company Name	Membership Units	
		# Held	% Held
1	Mahendrakumar V. Patel	100	100
2			
3			
4			

AI-10788 **Topics Of Discussion** **L.**

Council Work Session

Meeting Date: 04/08/2025

Personnel Appeals Board Appointment - G. Fou

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 04/08/2025

Audio-Visual Needs: None **Legal Review:** Not Needed

Emergency Legislation?: No **Motion/Ordinance/ Resolution No.:**

Agenda Item Description or Legislation Title

Board And Commission Appointments

* Personnel Appeals Board - Appointment

Purpose and Background

The City's interview panel recommends the appointment of Gwendolyn Fou to the Personnel Appeals Board for a term ending March 31, 2028. A background check has been processed on Ms. Fou with Human Resources.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

Application - G. Fou

HUBER HEIGHTS
Come Grow With Us!

6131 Taylorsville Road
Huber Heights, Ohio 45424
Phone: (937) 233-1423
Fax: (937) 233-1272
www.hhoh.org
An Equal Opportunity Employer

Application For City Boards And Commissions

Received - Huber Heights
MAR 10 '25 PM 3:07

Qualified applicants are considered for all positions without regard to race, color, religion, sex, national origin, marital or veteran status, or disability.

PLEASE COMPLETE ALL SECTIONS AND EACH QUESTION COMPLETELY AND ACCURATELY

BOARD OR COMMISSION APPLIED FOR:	DATE APPLIED:
Personnel Appeals Board	3/10/2025

Last Name	First Name	Middle Name
Fou	Gwendolyn	

Address	City	State	Zip Code
7150 Dial Drive	Huber Heights	OH	45424

Phone Number	Email Address
937-825-3368	gwendolynfou@gmail.com

EDUCATION

	SCHOOL	COURSE OF STUDY OR DEGREE EARNED
HIGH SCHOOL	Tafuna High School	High School Diploma
COLLEGE	University of Hawaii at Hilo	Bachelor's Degree
GRADUATE SCHOOL	Indiana Wesleyan University	Master's Degree
OTHER (SPECIFY)	American Samoa Community College	Associate of Science Degree

COMMUNITY INVOLVEMENT

Please list all civic, community, or non-profit organizations to which you have belonged or currently do belong, and your dates of service.

ORGANIZATION	DATES OF SERVICE
Christian Life Center	2017 to Present

EMPLOYMENT HISTORY

NAME OF EMPLOYER	POSITION(S) HELD	DATES OF EMPLOYMENT
City of Trotwood	Human Resources Generalist	2019- Present
American Samoa Government	Contracts Bid Specialist	2014-2017
University of Hawaii Admissions Office	Office Assistant	2012-2012

STATEMENT OF INTEREST

Please tell us why you are interested in serving on this board or commission.

I am interested in serving on the Personnel Appeals Board, as I believe in the importance of compassion and understanding within the appeal process. With my background in Human Resources, I am dedicated to advocating for fairness and integrity, ensuring that every individual's voice is valued and heard. I recognize that facing an appeal can be a challenging experience, and I am committed to creating a supportive atmosphere where everyone feels respected and understood throughout the process. If selected, I am willing to learn more and deepen my understanding of the responsibilities and contributions of an appeals board member.

REQUIREMENTS AND APPLICANT STATEMENT

Are you at least 18 years of age? ☒ **Yes** ☐ **No**

Do you currently reside in the City of Huber Heights? ☒ **Yes** ☐ **No**

Have you resided in the City of Huber Heights for at least one year prior to making this application? ☒ **Yes** ☐ **No**

Are you a registered voter? ☒ **Yes** ☐ **No**

Are you willing to sign a release to allow the City of Huber Heights to perform a background screening and criminal records check? ☒ **Yes** ☐ **No**

I certify that all of the information furnished in this application and its addenda are true and complete to the best of my knowledge. I understand that the City of Huber Heights may investigate the information I have furnished and I realize that any omissions, misrepresentation or false information in this application and/or its addenda may lead to revocation of any volunteer appointment.

I hereby acknowledge that I, voluntarily and of my own free will, have applied for a volunteer position with the City of Huber Heights with the understanding that the City may use a variety of screening procedures to evaluate my qualifications and suitability for appointment. I have been advised that these screening procedures might include, but are not limited to, interviews, criminal record checks, driving records checks and reference checks. I also acknowledge that any such screening procedures, as reasonably required by the City of Huber Heights, are prerequisites to my appointment to a volunteer position with the City of Huber Heights.

In addition, I also hereby understand that the City of Huber Heights cannot guarantee the confidentiality of the results of, or information obtained through the aforementioned screening procedures. Decisions of the Ohio Supreme Court regarding the Ohio Public Records Act indicate that, with certain enumerated exceptions, records maintained by a governmental entity are a matter of public record and, should a proper request be made by a member of the public for such records, the governmental entity would be required to make such records available to that member of the public within a reasonable time. Additionally, all information furnished in this application is subject to disclosure under the Ohio Public Records Act.

Therefore, in consideration of my application being reviewed by the City of Huber Heights, under no legal disability, and on behalf of my heirs and assigns, hereby release and agree to hold harmless the City of Huber Heights and any of its agents, employees, or related officials from any and all liability, whatever the type and nature resulting from the administration of any such screening procedures and/or release of the results therefrom.

Gwendolyn Fox

Signature

3/10/2025

Date

For Administrative Use:
Applicant Interview Date/Time: MARCH 19TH 1:00PM
Application Status:

AI-10789 **Topics Of Discussion** **M.**

Council Work Session

Meeting Date: 04/08/2025

Adopting Ordinance - City Code - Traffic Code/General Offenses Code Amendments

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 04/08/2025

Audio-Visual Needs: None **Legal Review:** Completed

Emergency Legislation?: No **Motion/Ordinance/ Resolution No.:**

Agenda Item Description or Legislation Title

Adopting Ordinance - City Code - Traffic Code/General Offenses Code Amendments

Purpose and Background

This is an ordinance to adopt amendments to the General Offenses Code and the Traffic Code of the City Code for the period of July 14, 2022 to May 3, 2024. These amendments are based on a legal review of the Ohio Revised Code by Municode.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

Ordinance

Exhibit A

Exhibit B

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2025-O-

TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF HUBER HEIGHTS, OHIO TO PROVIDE AMENDMENTS TO CERTAIN SECTIONS OF THE TRAFFIC CODE AND TO CERTAIN SECTIONS OF THE GENERAL OFFENSES CODE; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; AND TO REPEAL CONFLICTING ORDINANCES.

WHEREAS, the City has contracted with Municipal Code Corporation ("Municode") to publish and periodically update the City's Codified Ordinances ("City Code") to conform with current State law as required by the Ohio Constitution; and

WHEREAS, Municode has completed its updating and revision of the Codified Ordinances of the City of Huber Heights and provided a listing of certain proposed changes to the Codified Ordinances in order to bring City law into conformity with State law.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. That the Codified Ordinances of Huber Heights, Ohio are hereby amended in Sections 303.01, 331.39, 331.40, 333.01, 333.07, 335.04, 335.072, and 335.074 to the Traffic Code for the period from May 4, 2024 to March 25, 2025 as provided in the attached Exhibit A which is incorporated herein by this reference.

Section 2. That the Codified Ordinances of Huber Heights, Ohio are hereby amended in Sections 513.01, 513.04, 513.05, 513.06, 513.07, 513.08, 513.12, 513.13, 525.05, 533.01, 533.03, 533.04, 537.02, 537.021, 537.16, and 545.07 to the General Offenses Code for the period from May 4, 2024 to March 25, 2025 as provided in the attached Exhibit B which is incorporated herein by this reference.

Section 3. The addition, amendment, or removal of Huber Heights City Code Sections when passed in such form as to indicate the intention of the governing authority of the City of Huber Heights, Ohio to make the same a part of the City Code shall be deemed to be incorporated in the City Code, so that reference to the City Code includes the additions, amendments, and removals.

Section 4. Municode as the publisher of the City Code is authorized as follows:

(a) To exclude and omit any provisions of this Ordinance that are inapplicable to the City Code within the City Code and any supplement.

(b) When preparing a supplement to the City Code, to make formal, non-substantive changes in this ordinance and parts of this Ordinance included in the supplement, insofar as it is necessary to do so to embody them into a unified code in the manner consistent with other municipal codes published by Municode.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The governing authority of the City of Huber Heights, Ohio hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable

Section 6. All Ordinances and parts of Ordinances in conflict herewith are expressly repealed.

Section 7. It is hereby determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 8. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____ , 2025;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

_____	_____
Clerk of Council	Mayor
_____	_____
Date	Date

EXHIBIT A

303.01 Compliance with lawful order of police officer; fleeing.

(a) No person shall fail to comply with any lawful order or direction of any police officer invested with authority to direct, control or regulate traffic.

(b) No person shall operate a motor vehicle so as willfully to elude or flee a police officer after receiving a visible or audible signal from a police officer to bring the person's motor vehicle to a stop.

(c) Whoever violates this section is guilty of failure to comply with an order or signal of a police officer. A violation of subsection (a) is a misdemeanor of the first degree. Except as hereinafter provided, a violation of subsection (b) is a ~~misdemeanor~~ felony of the ~~first~~ fourth degree. A violation of subsection (b) is a felony if the jury or judge as trier of fact finds any one of the following by proof beyond a reasonable doubt:

(1) In committing the offense, the offender was fleeing immediately after the commission of a felony;

(2) The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property;

(3) The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.

(d) In addition to any other sanction imposed for a violation of subsection (a) of this section or a misdemeanor violation of subsection (b) of this section, the court shall impose a class five suspension from the range specified in Ohio R.C. 4510.02(A)(5). If the offender previously has been found guilty of an offense under this section, in addition to any other sanction imposed for the offense, the court shall impose a class one suspension as described in division (A)(1) of that section. The court may grant limited driving privileges to the offender on a suspension imposed for a misdemeanor violation of this section as set forth in Ohio R.C. 4510.021. No judge shall suspend the first three years of suspension under a class two suspension of an offender's license, permit or privilege required by this division ~~on~~ or any portion of the suspension under a class one suspension of an offender's license, permit, or privilege required by this subsection. (ORC 2921.331)

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

331.39 Driving across grade crossing.

(a) (1) Whenever any person driving a vehicle approaches a railroad grade crossing, the person shall stop within 50 feet, but not less than 15 feet from the nearest rail of the railroad, if any of the following circumstances exist at the crossing:

A. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train or other on-track equipment.

B. A crossing gate is lowered.

C. A flagperson gives or continues to give a signal of the approach or passage of a train or other on-track equipment.

D. There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle the person is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains, notwithstanding any traffic control signal indication to proceed.

E. An approaching train is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.

F. There is insufficient undercarriage clearance to safely negotiate the crossing.

G. There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle or trackless trolley the person is operating without obstructing the passage of other on-track equipment.

H. Approaching on-track equipment is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.

(2)(A) A person who is driving a vehicle and who approaches a railroad grade crossing shall not proceed as long as any of the circumstances described in divisions (a)(1)A. to F. of this section exist at the crossing.

(B) A person who is driving a vehicle or trackless trolley and who approaches a railroad grade crossing shall not recklessly proceed as long as any of the circumstances described in division (a)(1)(G) or (H) of this section exist at the crossing.

(b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed unless the person is signaled by a law enforcement officer or flagperson that it is permissible to do so.

(c)(1) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

(2) In lieu of a fine or jail term for a violation of this section, a court may instead order the offender to attend and successfully complete a remedial safety training or presentation regarding rail safety that is offered by an authorized and qualified organization that is selected by the court. The offender shall complete the presentation within a time frame determined by the court, not to exceed one hundred eighty days after the court issues the order. The offender shall notify the court of the successful completion of the presentation. When the offender notifies the court of the successful completion of the presentation, the court shall waive any fine or jail term that it otherwise would have imposed for a violation of this section. (ORC 4511.62)

331.40 Stopping at grade crossing.

(a) (1) Except as provided in subsection (a)(2) hereof, the operator of any bus, any school vehicle, or any vehicle transporting material required to be placarded under 49 CFR Parts 100-185, before crossing at grade any track of a railroad, shall stop the vehicle, and, while so stopped, shall listen through an open door or open window and look in both directions along the track for any approaching train or other on-track equipment, and for signals indicating the approach of a train or other on-track equipment, and shall proceed only upon exercising due care after stopping, looking and listening as required by this section. Upon proceeding, the operator of such a vehicle shall cross only in a gear that will ensure there will be no necessity for changing gears while traversing the crossing and shall not shift gears while crossing the tracks.

(2) This section does not apply at grade crossings when the Ohio Public Utilities Commission has authorized and approved an exempt crossing as provided in this subsection.

A. Any local authority may file an application with the Commission requesting the approval of an exempt crossing. Upon receipt of such a request, the Commission shall authorize a limited period for the filing of comments by any party regarding the application and then shall conduct a public hearing in the community seeking the exempt crossing designation. The Commission shall provide appropriate prior public notice of the comment period and the public hearing. By registered mail, the Commission shall notify each railroad operating over the crossing of the comment period.

B. After considering any comments or other information received, the Commission may approve or reject the application. By order, the Commission may establish conditions for the exempt crossing designation, including compliance with division (b) of 49 C.F.R. Part 392.10, when applicable. An exempt crossing designation becomes effective only when appropriate signs giving notice of the exempt designation are erected at the crossing as ordered by the Commission and any other conditions ordered by the Commission are satisfied.

C. By order, the Commission may rescind any exempt crossing designation made under this section if the Commission finds that a condition at the exempt crossing has changed to such an extent that the continuation of the exempt crossing designation compromises public safety. The Commission may conduct a public hearing to investigate and determine whether to rescind the exempt crossing designation. If the Commission rescinds the designation, it shall order the removal of any exempt crossing signs and may make any other necessary order.

(3) As used in this section:

A. "School vehicle" means any vehicle used for the transportation of pupils to and from a school or school-related function if the vehicle is owned or operated by, or operated under contract with, a public or nonpublic school.

B. "Bus" means any vehicle originally designed by its manufacturer to transport 16 or more passengers, including the driver, or carries 16 or more passengers, including the driver.

C. "Exempt crossing" means a highway rail grade crossing authorized and approved by the Public Utilities Commission under subsection (a)(2) hereof at which vehicles may cross without making the stop otherwise required by this section.

(4) Except as otherwise provided in this subsection (a)(4), whoever violates subsection (a) hereof is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of subsection (a) hereof or Ohio R.C. 4511.76, 4511.761, 4511.762, 4511.764, 4511.77 or 4511.79, or a municipal ordinance that is substantially similar to any of those sections, whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree. (ORC 4511.63)

(b) (1) When authorized stop signs are erected at railroad grade crossings, the operator of any vehicle shall stop within 50 but not less than 15 feet from the nearest rail of the railroad tracks and shall exercise due care before proceeding across such grade crossing.

(2) Except as otherwise provided in this subsection, whoever violates this subsection (b)(1) hereof is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has

been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.083. (ORC 4511.61)

(Ord. No. 2019-O-2382, § 1(Exh. A), 7-8-19; Ord. No. 2022-O-2548, § 1(Exh. A), 9-26-22)

333.01 Driving or physical control while under the influence.

(a) (1) *Operation Generally.* No person shall operate any vehicle within this Municipality, if, at the time of the operation, any of the following apply:

A. The person is under the influence of alcohol, a drug of abuse, or a combination of them.

B. The person has a concentration of eight-hundredths of one percent or more but less than seventeen-hundredths of one percent by weight per unit volume of alcohol in the person's whole blood.

C. The person has a concentration of ninety-six-thousandths of one percent or more but less than two hundred four-thousandths of one percent by weight per unit volume of alcohol in the person's blood serum or plasma.

D. The person has a concentration of eight-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per 210 liters of the person's breath.

E. The person has a concentration of eleven-hundredths of one gram or more but less than two hundred thirty-eight-thousandths of one gram by weight of alcohol per 100 milliliters of the person's urine.

F. The person has a concentration of seventeen-hundredths of one percent or more by weight per unit volume of alcohol in the person's whole blood.

G. The person has a concentration of two hundred four-thousandths of one percent or more by weight per unit volume of alcohol in the person's blood serum or plasma.

H. The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per 210 liters of the person's breath.

I. The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per 100 milliliters of the person's urine.

J. Except as provided in subsection (m) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:

1. The person has a concentration of amphetamine in the person's urine of at least 500 nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least 100 nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.

2. The person has a concentration of cocaine in the person's urine of at least 150 nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least 50 nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.

3. The person has a concentration of cocaine metabolite in the person's urine of at least 150 nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least 50 nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.

4. The person has a concentration of heroin in the person's urine of at least 2,000 nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least 50 nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.

5. The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.

6. The person has a concentration of L.S.D. in the person's urine of at least 25 nanograms of L.S.D. per milliliter of the person's urine or a concentration of L.S.D. in the person's whole blood or blood serum or plasma of at least ten nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma.

7. The person has a concentration of marihuana in the person's urine of at least ten nanograms of marihuana per milliliter of the person's urine or has a concentration of marihuana in the person's whole blood or blood serum or plasma of at least two nanograms of marihuana per milliliter of the person's whole blood or blood serum or plasma.

8. Either of the following applies:

   a. The person is under the influence of alcohol, a drug of abuse or a combination of them, and the person has a concentration of marihuana metabolite in the person's urine of at least 15 nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least five nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

   b. The person has a concentration of marihuana metabolite in the person's urine of at least 35 nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least 50 nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

9. The person has a concentration of methamphetamine in the person's urine of at least 500 nanograms of methamphetamine per milliliter of the person's urine or has a concentration of methamphetamine in the person's whole blood or blood serum or plasma of at least 100

nanograms of methamphetamine per milliliter of the person's whole blood or blood serum or plasma.

10. The person has a concentration of phencyclidine in the person's urine of at least 25 nanograms of phencyclidine per milliliter of the person's urine or has a concentration of phencyclidine in the person's whole blood or blood serum or plasma of at least ten nanograms of phencyclidine per milliliter of the person's whole blood or blood serum or plasma.

11. The State Board of Pharmacy has adopted a rule pursuant to Ohio R.C. 4729.041 that specifies the amount of salvia divinorum and the amount of salvinorin A that constitute concentrations of salvia divinorum and salvinorin A in a person's urine, in a person's whole blood, or in a person's blood serum or plasma at or above which the person is impaired for purposes of operating any vehicle within this Municipality, the rule is in effect, and the person has a concentration of salvia divinorum or salvinorin A of at least that amount so specified by rule in the person's urine, in the person's whole blood, or in the person's blood serum or plasma.

(2) No person who, within 20 years of the conduct described in subsection (a)(2)A. of this section, previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 4511.19(A) , or any other equivalent offense shall do both of the following:

A. Operate any vehicle within this Municipality while under the influence of alcohol, a drug of abuse or a combination of them;

B. Subsequent to being arrested for operating the vehicle as described in subsection (a)(2)A. of this section, being asked by a law enforcement officer to submit to a chemical test or tests under Ohio R.C. 4511.191, and being advised by the officer in accordance with Ohio R.C. 4511.192 of the consequences of the person's refusal or submission to the test or tests, refuse to submit to the test or tests.

(b) *Operation After Under-Age Consumption.* No person under 21 years of age shall operate any vehicle within this Municipality, if, at the time of the operation, any of the following apply:

(1) The person has a concentration of at least two-hundredths of one percent but less than eight-hundredths of one percent by weight per unit volume of alcohol in the person's whole blood.

(2) The person has a concentration of at least three-hundredths of one percent but less than ninety-six-thousandths of one percent by weight per unit volume of alcohol in the person's blood serum or plasma.

(3) The person has a concentration of at least two-hundredths of one gram but less than eight-hundredths of one gram by weight of alcohol per 210 liters of the person's breath.

(4) The person has a concentration of at least twenty-eight one-thousandths of one gram but less than eleven-hundredths of one gram by weight of alcohol per 100 milliliters of the person's urine.

(c) *One Conviction Limitation.* In any proceeding arising out of one incident, a person may be charged with a violation of subsection (a)(1)A. or (a)(2) and a violation of subsection (b)(1), (2) or (3) of this section, but the person may not be convicted of more than one violation of these subsections. (ORC 4511.99)

(d) *Physical Control.*

(1) As used in this subsection, "physical control" means being in the driver's position of the front seat of a vehicle and having possession of the vehicle's ignition key or other ignition device.

(2) A. No person shall be in physical control of a vehicle if, at the time of the physical control, any of the following apply:

1. The person is under the influence of alcohol, a drug of abuse, or a combination of them.

2. The person's whole blood, blood serum or plasma, breath, or urine contains at least the concentration of alcohol specified in subsection (a)(1)B., C., D. or E. hereof.

3. Except as provided in subsection (d)(3) of this section, the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the concentration specified in subsection (a)(1)J. hereof.

B. No person under 21 years of age shall be in physical control of a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or while the person's whole blood, blood serum or plasma, breath, or urine contains at least the concentration of alcohol specified in subsection (b)(1) to (4) hereof.

(3) Subsection (d)(2)A.3. of this section does not apply to a person who is in physical control of a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in subsection (a)(1)J. hereof, if both of the following apply:

A. The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

B. The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.

(e) *Evidence; Tests.*

(1) A. In any criminal prosecution or juvenile court proceeding for a violation of (a)(1)A. of this section or for any equivalent offense, that is vehicle-related the result of any test of any blood<u>, oral fluid,</u> or urine withdrawn and analyzed at any health care provider, as defined in Ohio R.C. 2317.02, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.

B. In any criminal prosecution or juvenile court proceeding for a violation of subsection (a) or (b) of this section or for an equivalent offense that is vehicle related, the court may admit evidence on the <u>presence and</u> concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine<u>, oral fluid,</u> or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three hours of the time of the alleged violation. The three-hour time limit specified in this subsection regarding the admission of evidence does not extend or affect the two-hour time limit specified in Ohio R.C. 4511.192(A) as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the <u>presence and</u> concentration of alcohol, drugs of abuse, or a combination of them as described in this section when a person submits to a blood, breath, urine<u>, oral fluid,</u> or other bodily substance test at the request of a law enforcement officer under Ohio R.C. 4511.191, or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-

intermediate, an emergency medical technician-paramedic or a qualified technician, chemist, or phlebotomist shall withdraw a blood sample for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath, oral fluid, or urine specimens. A person authorized to withdraw blood under this subsection may refuse to withdraw blood under this subsection, if in that person's opinion, the physical welfare of the person would be endangered by the withdrawing of blood. The bodily substance withdrawn under subsection (e)(1)B. hereof shall be analyzed in accordance with methods approved by the Director of Health by an individual possessing a valid permit issued by the Director pursuant to Ohio R.C. 3701.143.

C. As used in subsection (e)(1)B. of this section, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in Ohio R.C. 4765.01.

(2) In a criminal prosecution or juvenile court proceeding for violation of subsection (a) of this section or for an equivalent offense that is vehicle related, if there was at the time the bodily substance was withdrawn a concentration of less than the applicable concentration of alcohol specified in subsections (a)(1)B., C., D. and E. of this section, or less than the applicable concentration of a listed controlled substance or a listed metabolite of a controlled substance specified for a violation of subsection (a)(1)J. of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This subsection does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of subsection (b) of this section or for an equivalent offense that is substantially equivalent to that subsection.

(3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney, immediately upon the completion of the chemical test analysis.

If the chemical test was obtained pursuant to subsection (e)(1)B. hereof, the person tested may have a physician, a registered nurse, or a qualified technician, chemist or phlebotomist of the person's own choosing administer a chemical test or tests, at the person's expense, in addition to any administered at the request of a law enforcement officer. If the person was under arrest as described in Ohio R.C. 4511.191(A)(5), the arresting officer shall advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. If the person was under arrest other than described in Ohio R.C. 4511.191(A)(5), the form to be read to the person to be tested, as required under Ohio R.C. 4511.192, shall state that the person may have an independent test performed at the person's expense. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a law enforcement officer.

(4) A. As used in subsections (e)(4)B. and C. of this section, "national highway traffic safety administration" means the National Traffic Highway Safety Administration established as an administration of the United States Department of Transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105.

B. In any criminal prosecution or juvenile court proceeding for a violation of subsection (a), (b) or (d) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol, a

controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, oral fluid, or urine, if a law enforcement officer has administered a field sobriety test to the operator or person in physical control of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the National Highway Traffic Safety Administration, all of the following apply:

1. The officer may testify concerning the results of the field sobriety test so administered.

2. The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

3. If testimony is presented or evidence is introduced under subsection (e)(4)B.1. or 2. of this section and if the testimony or evidence is admissible under the rules of evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

C. Subsection (e)(4)B. of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that subsection, from considering evidence or testimony that is not otherwise disallowed by subsection (e)(4)B. of this section. (ORC 4511.19; 4511.194)

(f) *Forensic Laboratory Reports.*

(1) Subject to subsection (f)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of subsection (a)(1)B., C., D., E., F., G., H., I., or J. or (b)(1), (2), (3) or (4) of this section or for an equivalent offense that is substantially equivalent to any of those subsections, a laboratory report from any laboratory personnel issued a permit by the Department of Health authorizing an analysis as described in this subsection that contains an analysis of the whole blood, blood serum or plasma, breath, urine, or other bodily substance tested and that contains all of the information specified in this subsection shall be admitted as prima-facie evidence of the information and statements that the report contains. The laboratory report shall contain all of the following:

A. The signature, under oath, of any person who performed the analysis;

B. Any findings as to the identity and quantity of alcohol, a drug of abuse, a controlled substance, a metabolite of a controlled substance, or a combination of them that was found;

C. A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is part of the analyst's or test performer's regular duties;

D. An outline of the analyst's or test performer's education, training, and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the Department of Health.

(2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in subsection (f)(1) of this section is not admissible against the defendant to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's attorney or, if the defendant has no attorney, on the defendant.

(3) A report of the type described in subsection (f)(1) of this section shall not be prima-facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice.

(g) *Immunity From Liability For Withdrawing Blood.* Except as otherwise provided in this subsection, any physician, registered nurse, emergency medical technician-intermediate, emergency medical technician-paramedic, or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section or Ohio R.C. 4511.191 or 4511.192, and any hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section or Ohio R.C. 4511.191 or 4511.192, is immune from criminal liability and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this subsection also extends to an emergency medical service organization that employs an emergency medical technician-intermediate or emergency medical technician-paramedic who withdraws blood under this section. The immunity provided in this subsection is not available to a person who withdraws blood if the person engaged in willful or wanton misconduct.

As used in this subsection, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in Ohio R.C. 4765.01.

(h) *General OVI Penalty.*

(1) Whoever violates any provision of subsections (a)(1)A. to I. or (a)(2) of this section is guilty of operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them. Whoever violates subsection (a)(1)J. of this section is guilty of operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance. The court shall sentence the offender for either offense under Ohio R.C. Chapter 2929, and this Traffic Code, except as otherwise authorized or required by subsections (h)(1)A. to E. of this section:

A. Except as otherwise provided in subsections (h)(1)B., C., D. or E. of this section, the offender is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to all of the following:

1. If the sentence is being imposed for a violation of subsections (a)(1)A., B., C., D., E., or J. of this section, a mandatory jail term of three consecutive days. As used in this subsection, three consecutive days means 72 consecutive hours. The court may sentence an offender to both an intervention program and a jail term. The court may impose a jail term in addition to the three-day mandatory jail term or intervention program. However, in no case shall the cumulative jail term imposed for the offense exceed six months.

The court may suspend the execution of the three-day jail term under this subsection if the court, in lieu of that suspended term, places the offender under a community control sanction pursuant to Ohio R.C. 2929.25 and requires the offender to attend, for

three consecutive days, a drivers' intervention program certified under Ohio R.C. 5119.38.

The court also may suspend the execution of any part of the three-day jail term under this subsection if it places the offender under a community control sanction pursuant to Ohio R.C. 2929.25 for part of the three days, requires the offender to attend for the suspended part of the term a drivers' intervention program so certified, and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the program. The court may require the offender, as a condition of community control and in addition to the required attendance at a drivers' intervention program, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Ohio R.C. Chapter 5119 by the Director of Mental Health and Addiction Services that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose on the offender any other conditions of community control that it considers necessary.

If the court grants unlimited driving privileges to a first-time offender under Ohio R.C. 4510.022, all penalties imposed upon the offender by the court under subsection (h)(1)A.1. of this section for the offense apply, except that the court shall suspend any mandatory or additional jail term imposed by the court under subsection (h)(1)A.1. of this section upon granting unlimited driving privileges in accordance with Ohio R.C. 4510.022.

2. If the sentence is being imposed for a violation of subsection (a)(1)F., G., H. or I. or (a)(2) of this section, except as otherwise provided in this subsection, a mandatory jail term of at least three consecutive days and a requirement that the offender attend, for three consecutive days, a drivers' intervention program that is certified pursuant to Ohio R.C. 5119.38. As used in this subsection, three consecutive days means 72 consecutive hours. If the court determines that the offender is not conducive to treatment in a drivers' intervention program, if the offender refuses to attend a drivers' intervention program, or if the jail at which the offender is to serve the jail term imposed can provide a drivers' intervention program, the court shall sentence the offender to a mandatory jail term of at least six consecutive days.

   If the court grants unlimited driving privileges to a first-time offender under Ohio R.C. 4510.022, all penalties imposed upon the offender by the court under subsection (h)(1)A.2. of this section for the offense apply, except that the court shall suspend any mandatory or additional jail term imposed by the court under subsection (h)(1)A.2. of this section upon granting unlimited driving privileges in accordance with Ohio R.C. 4510.022.

   The court may require the offender, under a community control sanction imposed under Ohio R.C. 2929.25, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Ohio R.C. Chapter 5119 by the Director of Mental Health and Addiction Services, in addition to the required attendance at drivers' intervention program, that the operators

of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of community control on the offender that it considers necessary.

3. In all cases, a fine of not less than $~~375~~ 565.00 and not more than $1,075.00.

4. In all cases, a suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege for a definite period of one to three years. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13. The court may grant unlimited driving privileges with an ignition interlock device relative to the suspension and may reduce the period of suspension as authorized under Ohio R.C. 4510.022.

B. Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to one violation of subsection (a) of this section or one other equivalent offense is guilty of a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

1. If the sentence is being imposed for a violation of subsection (a)(1)A., B., C., D., E., or J. of this section, a mandatory jail term of ten consecutive days. The court shall impose the ten-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the ten-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.

   In addition to the jail term or the term of house arrest with electronic monitoring or continuous alcohol monitoring or both types of monitoring and jail term, the court shall require the offender to be assessed by a community addiction services provider that is authorized by Ohio R.C. 5119.21, subject to subsection (k) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The purpose of the assessment is to determine the degree of the offender's alcohol usage and to determine whether or not treatment is warranted. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

2. If the sentence is being imposed for a violation of subsection (a)(1)F., G., H. or I. or (a)(2) of this section, except as otherwise provided in this subsection, a mandatory jail term of 20 consecutive days. The court shall impose the 20-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the 20-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.

In addition to the jail term or the term of house arrest with electronic monitoring or continuous alcohol monitoring or both types of monitoring and jail term, the court shall require the offender to be assessed by a community addiction services provider that is authorized by Ohio R.C. 5119.21, subject to subsection (k) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The purpose of the assessment is to determine the degree of the offender's alcohol usage and to determine whether or not treatment is warranted. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

3. In all cases, notwithstanding the fines set forth in Section 303.99, a fine of not less than $~~525~~ 715.00 and not more than $1,625.00.

4. In all cases, a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for a definite period of one to seven years. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13. (ORC 4511.19)

5. In all cases, if the vehicle is registered in the offender's name, immobilization of the vehicle involved in the offense for 90 days in accordance with Ohio R.C. 4503.233 and impoundment of the license plates of that vehicle for 90 days. (ORC 4511.193)

C. Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to two violations of subsection (a) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the following:

1. If the sentence is being imposed for a violation of subsection (a)(1)A., B., C., D., E., or J. of this section, a mandatory jail term of 30 consecutive days. The court shall impose the 30-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the 30-day mandatory jail term. Notwithstanding the jail terms set forth in Section 303.99, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

2. If the sentence is being imposed for a violation of subsection (a)(1)F., G., H. or I. or (a)(2) of this section, a mandatory jail term of 60 consecutive days. The court shall impose the 60-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of electronically monitored house arrest with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the 60-day mandatory jail term. Notwithstanding the terms of imprisonment set forth in Section 303.99, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

3. In all cases, notwithstanding the fines set forth in Section 303.99, a fine of not less than $~~850~~ 1,040.00 and not more than $2,750.00.

4. In all cases, a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for a definite period of two to 12 years. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13. (ORC 4511.19)

5. In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with Ohio R.C. 4503.234. Subsection (h)(5) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this subsection. (ORC 4511.193)

6. In all cases, the court shall order the offender to participate with a community addiction services provider authorized by Ohio R.C. 5119.21, subject to subsection (k) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The operator of the services provider shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

D. Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to three or four violations of subsection (a) of this section or other equivalent offenses , an offender who, within 20 years of the offense, previously has been convicted of or pleaded guilty to five or more violations of that nature, or an offender who previously has been convicted of or pleaded guilty to a specification of the type described in Ohio R.C. 2941.1413, is guilty of a felony of the fourth degree and shall be prosecuted under appropriate state law.

E. An offender who previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 4511.19(A) that was a felony, regardless of when the violation and the conviction or guilty plea occurred, is guilty of a felony of the third degree and shall be prosecuted under appropriate state law.

(2) An offender who is convicted of or pleads guilty to a violation of subsection (a) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in Ohio R.C. 4511.191(F)(2).

(3) If an offender is sentenced to a jail term under subsection (h)(1)B.1. or 2. or (h)(1)C.1. or 2. of this section and if, within 60 days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the 60-day period following the date of sentencing, the court may impose an alternative sentence under this subsection that includes a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring.

As an alternative to a mandatory jail term of ten consecutive days required by subsection (h)(1)B.1. of this section, the court, under this subsection, may sentence the offender to five consecutive days in jail and not less than 18 consecutive days of house arrest with electronic

monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the five consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed six months. The five consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to the mandatory jail term of 20 consecutive days required by subsection (h)(1)B.2. of this section, the court, under this subsection, may sentence the offender to ten consecutive days in jail and not less than 36 consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the ten consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring or both types of monitoring shall not exceed six months. The ten consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to a mandatory jail term of 30 consecutive days required by subsection (h)(1)C.1. of this section, the court, under this subsection, may sentence the offender to 15 consecutive days in jail and not less than 55 consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the 15 consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring or both types of monitoring shall not exceed one year. The 15 consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to the mandatory jail term of 60 consecutive days required by subsection (h)(1)C.2. of this section, the court, under this subsection, may sentence the offender to 30 consecutive days in jail and not less than 110 consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the 30 consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed one year. The 30 consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

(4) If an offender's driver's or occupational driver's license or permit or nonresident operating privilege is suspended under subsection (h) of this section and if Ohio R.C. 4510.13 permits the court to grant limited driving privileges, the court may grant the limited driving privileges in accordance with that section. If subsection (A)(7) of that section requires that the court impose as a condition of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under Ohio R.C. 4503.231, except as provided in subsection (B) of that section, the court shall impose that condition as one of the conditions of the limited driving privileges granted to the offender, except as provided in Ohio R.C. 4503.231(B).

(5) If title to a motor vehicle that is subject to an order of criminal forfeiture under this section is assigned or transferred and subsection (B)(2) or (3) of Ohio R.C. 4503.234 applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national auto dealers association. The proceeds of any fine so imposed shall be distributed in accordance with subsection (C)(2) of that section.

(6) In all cases in which an offender is sentenced under subsection (h) of this section, the offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, the court, in addition to any other penalties provided by law, may order restitution pursuant to Ohio R.C. 2929.18 or 2929.28 in an amount not exceeding $5,000.00 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during or after committing the offense for which the offender is sentenced under subsection (h) of this section.

(7) A court may order an offender to reimburse a law enforcement agency for any costs incurred by the agency with respect to a chemical test or tests administered to the offender if all of the following apply:

A. The offender is convicted of or pleads guilty to a violation of subsection (a) of this section.

B. The test or tests were of the offender's whole blood, blood serum or plasma, oral fluid, or urine.

C. The test or tests indicated that the offender had one of the following at the time of the offense:

i. ~~The test or tests indicated that the offender had a~~ A prohibited concentration of a controlled substance or a metabolite of a controlled substance in the offender's whole blood, blood serum or plasma, or urine ~~at the time of the offense.~~;

ii. A drug of abuse of metabolite of a drug of abuse in the offender's oral fluid.

(8) As used in subsection (h) of this section, "electronic monitoring", "mandatory prison term" and "mandatory term of local incarceration" have the same meanings as in Ohio R.C. 2929.01.

(9) A court may warn any person who is convicted of or who pleads guilty to a violation of division (a) of this section or an equivalent offense that a subsequent violation of this section or an equivalent offense that results in the death of another or the unlawful termination of another's pregnancy may result in the person being guilty of aggravated vehicular homicide under Ohio R.C. 2903.06. The court may warn the person of the applicable penalties for that violation under Ohio R.C. 2903.06 and 2929.142.

(i) *Vehicle Operation After Underage Alcohol Consumption Penalty.* Whoever violates subsection (b) of this section is guilty of operating a vehicle after underage alcohol consumption and shall be punished as follows:

(1) Except as otherwise provided in subsection (i)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(6). The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13. The court may grant unlimited driving privileges with an ignition interlock device relative to the suspension and may reduce the period of suspension as authorized under Ohio R.C. 4510.022. If the court grants unlimited driving privileges under Ohio R.C. 4510.022, the court shall suspend any jail term imposed under subsection (i)(1) of this section as required under that section.

(2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of subsection (a) or (b) of this section or other equivalent offenses, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed

for the offense, the court shall impose a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(4). The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13.

(3) The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28, in an amount not exceeding $5,000.00 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during or after committing the violation of subsection (b) of this section. (ORC 4511.19)

(j) *Physical Control Penalty.* Whoever violates subsection (d) hereof is guilty of having physical control of a vehicle while under the influence, a misdemeanor of the first degree. In addition to other sanctions imposed, the court may impose on the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(7). (ORC 4511.194)

(k) *Compliance With Ohio R.C. Chapter 5119 Standards.*

(1) No court shall sentence an offender to an alcohol treatment program under this section unless the treatment program complies with the minimum standards for alcohol treatment programs adopted under Ohio R.C. Chapter 5119 by the Director of Mental Health and Addiction Services.

(2) An offender who stays in a driver's intervention program or in an alcohol treatment program under an order issued under this section shall pay the cost of the stay in the program. However, if the court determines that an offender who stays in an alcohol treatment program under an order issued under this section is unable to pay the cost of the stay in the program, the court may order that the cost be paid from the court's indigent drivers' alcohol treatment fund.

(l) *Appeal Does Not Stay Operation of License Suspension.* If a person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended under this section files an appeal regarding any aspect of the person's trial or sentence, the appeal itself does not stay the operation of the suspension.

(m) Subsection (a)(1)J. of this section does not apply to a person who operates a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that subsection, if both of the following apply:

(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.

(n) The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in subsection (a)(1)J. of this section also apply in a prosecution of a violation of Ohio R.C. 2923.16(D) in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol.

(o) *Conflict of Terms.* All terms defined in Ohio R.C. 4510.01 apply to this section. If the meaning of a term defined in Ohio R.C. 4510.01 conflicts with the meaning of the same term as defined in Ohio R.C.

4501.01 or this Traffic Code, the term as defined in Ohio R.C. 4510.01 applies to this section. (ORC 4511.19)

(p) *Indigent Drivers Alcohol Treatment Fund.* $25.00 of any fine imposed for a violation of subsection (a) hereof shall be deposited into the municipal or county indigent drivers alcohol treatment fund pursuant to Ohio R.C. 4511.193. (ORC 4511.193)

(q) *Definitions*. As used in this section:

(1) "Equivalent offense" means any of the following:

A. A violation of Ohio R.C. 4511.19(A) or;

B. A violation of a municipal OVI ordinance;

C. A violation of Ohio R.C. 2903.04 in a case in which the offender was subject to the sanctions described in subsection (D) of that section;

D. A violation of division (A)(1) of Ohio R.C. 2903.06 or 2903.08 or a municipal ordinance that is substantially equivalent to either of those divisions;

E. A violation of division (A)(2), (3) or (4) of Ohio R.C. 2903.06, division (A)(2) of Ohio R.C. 2903.08, or former Ohio R.C. 2903.07, or a municipal ordinance that is substantially equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;

F. A violation of Ohio R.C. 1547.11(A);

G. A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane or similar device on the waters of this State while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane or similar device on the waters of this State with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath or urine;

H. A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to Ohio R.C. 4511.19(A) or Ohio R.C. 1547.11(A);

I. A violation of a former law of this State that was substantially equivalent to Ohio R.C. 4511.19(A) or Ohio R.C. 1547.11(A);

(2) "Mandatory jail term" means the mandatory term in jail of three, six, ten, 20, 30, or 60 days that must be imposed under subsection (h)(1)A., B. or C. upon an offender convicted of a violation of subsection (a) hereof and in relation to which all of the following apply:

A. Except as specifically authorized under this section, the term must be served in a jail.

B. Except as specifically authorized under this section, the term cannot be suspended, reduced or otherwise modified pursuant to Ohio R.C. 2929.21 to 2929.28, or any other provision of the Ohio Revised Code.

(3) "Municipal OVI ordinance" and "municipal OVI offense" mean any municipal ordinance prohibiting a person from operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum, or plasma, breath or urine.

(4) "Community residential sanction", "continuous alcohol monitoring", "jail", "mandatory prison term", "mandatory term of local incarceration", "sanction" and "prison term" have the same meanings as in Ohio R.C. 2929.01.

(5) "Drug of abuse" has the same meaning as in Ohio R.C. 4506.01.

(6) "Equivalent offense that is vehicle-related" means an equivalent offense that is any of the following:

A. A violation described in subsection (q)(1), (2), (3), (4) or (5) hereof;

B. A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to Ohio R.C. 4511.19(A);

C. A violation of a former law of this state that was substantially equivalent to Ohio R.C. 4511.19 (A). (ORC 4511.181)

(Ord. No. 2024-O-2639, § 1(Exh. A), 6-24-24)

333.07 Street racing prohibited.

(a) As used in this section and Ohio R.C. 4510.036:

~~As used in this section, "street~~ (1) "Street racing" means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other or the operation of one or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds.

~~Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as the participants.~~ The operation of two or more vehicles side by side either at speeds in excess of prima-facie lawful speeds established by Section 333.03 or rapidly accelerating from a common starting point to a speed in excess of such prima-facie lawful speeds shall be prima-facie evidence of street racing.

(2) "Burnout" means a maneuver performed while operating a vehicle whereby the vehicle is kept in a stationary position, but the wheels of the vehicle are spun, which may cause the tires of the vehicle to become heated and emit smoke from the friction.

(3) "Doughnut" means a maneuver performed while operating a vehicle whereby the front or rear of the vehicle is rotated around the opposite set of wheels in a continuous motion, which may cause a circular skid-mark pattern of rubber on the driving surface, or the tires of the vehicle to become heated and emit smoke from the friction, or both.

(4) "Drifting" means a maneuver performed while operating a vehicle whereby the vehicle is driven in a manner that causes a controlled, sideways skid during a turn, with the front wheels pointing in a direction that is the opposite of the direction of the turn.

(5) "Wheelie" means a maneuver performed while operating a vehicle whereby the front wheel or wheels of the vehicle are raised off of the ground or whereby two wheels that are on the same side of the vehicle are raised off of the ground.

(6) "Stunt driving" means performing or engaging in burnouts, doughnuts, drifting, or wheelies, or allowing a passenger to ride either partially or fully outside of the vehicle while operating that vehicle.

(7) "Street takeover" means blocking or impeding the regular flow of vehicle or pedestrian traffic on a public road, street, or highway or on private property that is open to the general public for the purpose of street racing or stunt driving.

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

(c) Whoever violates this section is guilty of street racing, stunt driving, or street takeover, a misdemeanor of the first degree. In addition to any other sanctions, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege for not less than 30 days or more than three years. No judge shall suspend the first 30 days of any suspension of an offender's license, permit, or privilege imposed under this subsection.

(d) Persons rendering assistance in any manner to street racing, stunt driving, or street takeover shall be equally charged as the participants.

(e) This section does not apply to the competitive operation of vehicles on public or private property when the political subdivision with jurisdiction of the location or owner of the property knowingly permits such operation thereon.

(ORC 4511.251)

335.04 Certain acts prohibited.

(a) No person shall do any of the following:

(1) Display, or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended or altered;

(2) Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto to use any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;

(3) Display or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit not issued to the person so displaying the same;

(4) Fail to surrender to the Registrar of Motor Vehicles, upon the Registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit that has been suspended or canceled;

(5) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit, or any renewal,

reprint, or duplicate thereof, knowingly conceal a material fact, or present any ~~physician's~~ statement required under Ohio R.C. 4507.08 or 4507.081 when knowing the same to be false or fictitious.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 4507.30)

(Ord. No. 2021-O-2489, § 1(Exh. A), 9-13-21)

335.072 Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgment suspension.

(a) No person, whose driver's or commercial driver's license or temporary instruction permit or nonresident's operating privilege has been suspended or canceled pursuant to Ohio R.C. Chapter 4509, shall operate any motor vehicle within this Municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the Municipality, during the period of the suspension or cancellation, except as specifically authorized by Ohio R.C. Chapter 4509. ~~No person shall operate a motor vehicle within this Municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the Municipality, during the period in which the person is required by Ohio R.C. 4509.45 to file and maintain proof of financial responsibility for a violation of Ohio R.C. 4509.101, unless proof of financial responsibility is maintained with respect to that vehicle.~~

(b) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality if the person's driver's or commercial driver's license or temporary instruction permit or nonresident operating privilege has been suspended pursuant to Ohio R.C. 4509.37 or 4509.40 for nonpayment of a judgment.

(c) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth and social security number of a person charged with a violation of subsection (a) or (b) of this section may be admitted into evidence as prima-facie evidence that the license of the person was under either a financial responsibility law suspension at the time of the alleged violation of subsection (a) of this section or a nonpayment of judgment suspension at the time of the alleged violation of subsection (b) of this section. The person charged with a violation of subsection (a) or (b) of this section may offer evidence to rebut this prima-facie evidence.

(d) Whoever violates subsection (a) of this section is guilty of driving under financial responsibility law suspension or cancellation and shall be punished as provided in subsection (d)(1) to (3) hereof. Whoever violates subsection (b) of this section is guilty of driving under a nonpayment of judgment suspension and shall be punished as provided in subsection (d)(1) to (3) hereof.

(1) Except as otherwise provided in subsection (d)(2) of this section, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding Ohio R.C. 2929.28(A)(2)(a), the offender may be fined up to $1,000.00; and, notwithstanding Ohio R.C. 2929.27(A)(3), the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished

as indirect criminal contempt under Ohio R.C. 2705.02(A) that may be filed in the underlying case.

(2) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.16, or any combination of two violations of Ohio R.C. 4510.16 or Ohio R.C. 4510.11 or 4510.111, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree.

(3) The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding $5,000.00 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during or after committing the offense for which the offender is sentenced under this section. (ORC 4510.16)

(e) No person who has knowingly failed to maintain proof of financial responsibility in accordance with Ohio R.C. 4509.101 shall produce any document or present to a peace officer an electronic wireless communications device that is displaying any text or images with the purpose to mislead a peace officer upon the request of a peace officer for proof of financial responsibility made in accordance with Ohio R.C. 4509.101. Whoever violates this subsection (e) hereof is guilty of falsification, a misdemeanor of the first degree. (ORC 4509.102)

335.074 Driving under license forfeiture or child support suspension.

(a) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality whose driver's or commercial driver's license has been suspended pursuant to Ohio R.C. 2151.354, ~~2151.87,~~ 2935.27, 3123.58, 4301.99, 4510.032, 4510.22 or 4510.33.

(b) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of subsection (a) of this section may be admitted into evidence as prima-facie evidence that the license of the person was under suspension at the time of the alleged violation of subsection (a) of this section. The person charged with a violation of subsection (a) of this section may offer evidence to rebut this prima-facie evidence.

(c) Whoever violates subsection (a) of this section is guilty of driving under suspension and shall be punished as provided in subsection (c) of this section.

(1) Except as otherwise provided in subsection (c)(2) of this section, the offense is an unclassified misdemeanor. The offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding Ohio R.C. 2929.28(A)(2)(a), the offender may be fined up to $1,000.00; and, notwithstanding Ohio R.C. 2929.27(A)(3), the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under Ohio R.C. 2705.02(A) that may be filed in the underlying case.

(2) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations Ohio R.C. 4510.111(A), or any combination of two or more violations of Ohio R.C. 4510.111(A), or Ohio R.C. 4510.11 or 4510.16, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree and the offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding $5,000.00 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during or after committing the offense for which the offender is sentenced under this section. (ORC 4510.111)

Section 7. If any section, subsection, sentence, clause, phrase or portion of the Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The governing authority of the City of Huber Heights, Ohio hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

Section 8. All ordinances and parts of ordinances in conflict herewith are expressly repealed.

[insert effective date language here]

[insert signature section here]

EXHIBIT B

513.01 Definitions.

As used in this chapter, certain terms are defined as follows:

Administer means the direct application of a drug, whether by injection, inhalation, ingestion or any other means to a person or an animal. (ORC 3719.01)

Alcohol and drug addiction services has the same meaning as in Ohio R.C. 5119.01. (ORC 2925.01)

Bulk amount of a controlled substance means any of the following:

(1) For any compound, mixture, preparation, or substance included in Schedule I, Schedule II or Schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in subsection (2), (5),or (6) hereof, whichever of the following is applicable:

A. An amount equal to or exceeding ten grams or 25 unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I opiate or opium derivative;

B. An amount equal to or exceeding ten grams of a compound, mixture, preparation or substance that is or contains any amount of raw or gum opium;

C. An amount equal to or exceeding 30 grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol, or lysergic acid amide, or a Schedule I stimulant or depressant;

D. An amount equal to or exceeding 20 grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II opiate or opium derivative;

E. An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of phencyclidine;

F. An amount equal to or exceeding 120 grams or 30 times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant that is in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act, 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the Federal Drug Abuse Control laws as defined in Ohio R.C. 3719.01, that is or contains any amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance;

G. An amount equal to or exceeding three grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the Federal Drug Abuse Control laws;

(2) An amount equal to or exceeding 120 grams or 30 times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid or a Schedule III opiate or opium derivative;

(3) An amount equal to or exceeding 20 grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III opiate or opium derivative;

(4) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule V substance.

(5) An amount equal to or exceeding 200 solid dosage units, 16 grams or 16 milliliters of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III anabolic steroid. (ORC 2925.01)

(6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in Schedule III, Schedule IV, or Schedule V, if the defendant is charged with a violation of Ohio R.C. 2925.11 and the sentencing provisions set forth in subsections (C)(10)(b) and (C)(11) of that section will not apply regarding the defendant and the violation, the bulk amount of the controlled substance for purposes of the violation is the amount specified in subsection (D)(1), (2), (3), (4), or (5) of this section for the other Schedule III, IV, or V controlled substance that is combined with the fentanyl-related compound. (ORC 2925.01)

Controlled substance means a drug, compound, mixture, preparation or substance included in Schedule I, II, III, IV, or V.

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

Counterfeit controlled substance means:

(1) Any drug that bears, or whose container or label bears, a trademark, trade name or other identifying mark used without authorization of the owner of rights to that trademark, trade name or identifying mark; or

(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed or distributed by a person other than the person that manufactured, processed, packed or distributed it; or

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; or

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size and color, or its marking, labeling, packaging, distribution or the price for which it is sold or offered for sale.

Cultivate includes planting, watering, fertilizing or tilling. (ORC 2925.01)

Dangerous drug means any of the following:

(1) Any drug to which either of the following applies:

A. Under the "Federal Food, Drug, and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;

B. Under Ohio R.C. Chapter 3715 or 3719, the drug may be dispensed only upon a prescription.

(2) Any drug that contains a Schedule V controlled substance and that is exempt from Ohio R.C. Chapter 3719 or to which that chapter does not apply;

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body. (ORC 4729.01)

Deception and *theft offense* have the same meanings as in Ohio R.C. 2913.01. (ORC 2925.01)

Dispense means sell, leave with, give away, dispose of or deliver.

Distribute means to deal in, ship, transport or deliver but does not include administering or dispensing a drug. (ORC 3719.01)

Drug means:

(1) Any article recognized in the United States pharmacopoeia and national formulary, or any supplement to them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;

(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;

(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;

(4) Any article intended for use as a component of any article specified in subsection (1), (2) or (3) of this section; but does not include devices or their components, parts or accessories. (ORC 4729.01)

Drug of abuse means any controlled substance as defined in "controlled substance" hereof, any harmful intoxicant as defined in "harmful intoxicant" hereof and any dangerous drug as defined in "dangerous drug" hereof. (ORC 3719.011)

Drug abuse offense means any of the following:

(1) A violation of Ohio R.C. 2925.02, 2925.03, 2925.04 to 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36 or 2925.37; or a violation of Ohio R.C. 2913.02(A) that constitutes theft of drugs;

(2) A violation of an existing or former law of this or any other state or of the United States, that is substantially equivalent to any section listed in subsection (1) hereof;

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using or otherwise dealing with a controlled substance is an element;

(4) A conspiracy or attempt to commit, or complicity in committing or attempting to commit any offense under the subsection (1), (2) or (3) hereof.

Felony drug abuse offense means any drug abuse offense that would constitute a felony under the laws of this State, any other state or the United States.

Fentanyl-related compound means any of the following:

(1) Fentanyl;

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-_piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-_ piperidinyl]-N-phenylpropanamide);

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N-phenylpropanamide);

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-_ phenethyl)-3-methyl-4-piperidinyl]-N- phenylpropanamide);

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-_piperidinyl]-N-phenylpropanamide);

(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4 piperidinyl]propanamide);

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-_propanamide);

(10) Alfentanil;

(11) Carfentanil;

(12) Remifentanil;

(13) Sufentanil;

(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-_piperidinyl]-N-phenylacetamide); and

(15) A Schedule I narcotic-opiate that meets the fentanyl pharmacophore requirements specified in Ohio R.C. 3719.41(A)(56), including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl. (ORC 2925.01(LL))

Harmful intoxicant does not include beer or intoxicating liquor, but means any of the following:

(1) Any compound, mixture, preparation or substance the gas, fumes or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation or other harmful physiological effects, and includes, but is not limited to, any of the following:

A. Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;

B. Any aerosol propellant;

C. Any fluorocarbon refrigerant;

D. Any anesthetic gas.

(2) Gamma Butyrolactone;

(3) 1,4 Butanediol.

Hashish means a resin or a preparation of a resin to which both of the following apply:

(1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.

"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Ohio R.C. chapter 928, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under Ohio R.C. 928.03. (ORC 2925.01)

Hypodermic means a hypodermic syringe or needle, or other instrument or device for the injection of medication. (ORC 3719.01)

Juvenile means a person under 18 years of age.

Lawful prescription means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.

Licensed health professional authorized to prescribe drugs, prescriber and *prescription* have the same meanings as in Ohio R.C. 4729.01.

Manufacture means to plant, cultivate, harvest, process, make, prepare or otherwise engage in any part of the production of a drug by propagation, extraction, chemical synthesis or compounding, or any combination of the same, and includes packaging, repackaging, labeling and other activities incident to production. (ORC 2925.01)

Manufacturer means a person who manufactures a controlled substance as "manufacture" is defined in Ohio R.C. 3715.01.

[Marihuana.] except as provided in subsection (2) hereof:

(1) *Marihuana* means all parts of a plant of the genus cannabis, whether growing or not, the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture or preparation of a plant of that type or of its seeds or resin. "Marihuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. (ORC 3719.01)

(2) *Marihuana* does not include hashish. (ORC 2925.01)

Methamphetamine means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer or salt of an isomer of methamphetamine. (ORC 2925.01)

Offense.

(1) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises. (ORC 2925.01)

(2) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within 100 feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within 100 feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

An offense is "committed in the vicinity of a substance addiction services provider or a recovering addict" if either of the following apply:

(1) The offender commits the offense on the premises of a substance addiction services provider's facility, including a facility licensed prior to June 29, 2019, under Ohio R.C. 5119.391 to provide methadone treatment or an opioid treatment program licensed on or after that date under Ohio R.C. 5119.37, or within 500 feet of the premises of a substance addiction services provider's facility and the offender knows or should know that the offense is being committed within the vicinity of the substance addiction services provider's facility.

(2) The offender sells, offers to sell, delivers, or distributes the controlled substance or controlled substance analog to a person who is receiving treatment at the time of the commission of the offense, or received treatment within 30 days prior to the commission of the offense, from a

substance addiction services provider and the offender knows that the person is receiving or received that treatment.

Official written order means an order written on a form provided for that purpose by the Director of the United States Drug Enforcement Administration, under any laws of the United States making provision for the order, if the order forms are authorized and required by Federal law. (ORC 3719.01)

Pharmacist means a person licensed under Ohio R.C. Chapter 4729 to engage in the practice of pharmacy.

Pharmacy has the same meaning as in Ohio R.C. 4729.01.

Poison means any drug, chemical, or preparation likely to be deleterious or destructive to adult human life in quantities of four grams or less. (ORC 3719.01)

Possess or *possession* means having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.

Premises of a substance addiction services provider's facility means the parcel of real property on which any substance addiction service provider's facility is situated.

Public premises means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort. (ORC 2925.01)

Sale includes delivery, barter, exchange, transfer or *gift*, or *offer thereof,* and *each transaction of those natures made by any person, whether as principal, proprietor, agent, servant or employee*. (ORC 3719.01)

Sample drug means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer. (ORC 2925.01)

Schedule I, Schedule II, Schedule III, Schedule IV and *Schedule V* mean controlled substance Schedules I, II, III, IV, and V respectively, established pursuant to Ohio R.C. 3719.41 or 3719.44. (ORC 3719.01)

School means any school operated by a board of education, any community school established under Ohio R.C. Chapter 3314, or any nonpublic school for which the director of Education and workforce prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.

School building means any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

School premises means either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities or training provided by the school is being conducted on the premises at the time a criminal offense is committed;

(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Ohio R.C. Chapter 3314, or the governing body of a nonpublic school for which the director of Education and workforce prescribes minimum standards under Ohio R.C. 3301.07 and on which some of the instruction,

extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

Standard pharmaceutical reference manual means the current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.

Substance addiction services provider means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following at a facility:

(1) Either alcohol addiction services, or drug addiction services, or both such services that are certified by the director of mental health and addiction services under Ohio R.C. 5119.36;

(2) Recovery supports that are related to either alcohol addiction services, or drug addiction services, or both such services and paid for with federal, state, or local funds administered by the department of mental health and addiction services or a board of alcohol, drug addiction, and mental health services.

Unit dose means an amount or unit of a compound, mixture or preparation containing a controlled substance, that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual. (ORC 2925.01)

Wholesaler means a person who, on official written orders other than prescriptions, supplies controlled substances that the person has not manufactured, produced or prepared personally and includes a "wholesale distributor of dangerous drugs" as defined in Ohio R.C. 4729.01. (ORC 3719.01)

(Ord. No. 2019-O-2386, § 1(Exh. A), 8-13-19; Ord. No. 2021-O-2489, § 2(Exh. B), 9-13-21; Ord. No. 2024-O-2639, § 2(Exh. B), 6-24-24)

513.04 Possessing drug abuse instruments.

(a) No person shall knowingly make, obtain, possess or use any instrument, article or thing the customary and primary purpose of which is for the administration or use of a dangerous drug, other than marihuana, when the instrument involved is a hypodermic or syringe, whether or not of crude or extemporized manufacture or assembly, and the instrument, article or thing involved has been used by the offender to unlawfully administer or use a dangerous drug, other than marihuana, or to prepare a dangerous drug, other than marihuana, for unlawful administration or use.

(b) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731, ~~and~~ 4741, and 4772.

(2) Division (B)(2) of Ohio R.C. 2925.11 applies with respect to a violation of this section when a person seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person experiences a drug overdose and seeks medical assistance for that overdose, or a person is the subject of another person seeking or obtaining medical assistance for that overdose.

(c) Whoever violates this section is guilty of possessing drug abuse instruments, a misdemeanor of the second degree. If the offender previously has been convicted of a drug abuse offense, violation of this section is a misdemeanor of the first degree.

(d) ~~In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of~~

~~the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.~~ If the offender has a driver's or commercial driver's license or permit, Ohio R.C. 2929.33 applies. (ORC 2925.12)

(Ord. No. 2024-O-2639, § 2(Exh. B), 6-24-24)

513.05 Permitting drug abuse.

(a) No person, who is the owner, operator or person in charge of a locomotive, watercraft, aircraft or other vehicle as defined in Ohio R.C 4501.01(A), shall knowingly permit the vehicle to be used for the commission of a felony drug abuse offense.

(b) No person, who is the owner, lessee or occupant, or who has custody, control or supervision of premises, or real estate, including vacant land, shall knowingly permit the premises, or real estate, including vacant land, to be used for the commission of a felony drug abuse offense by another person.

(c) Whoever violates this section is guilty of permitting drug abuse. Except as provided in Ohio R.C. 2925.13(C)(3), permitting drug abuse is a misdemeanor of the first degree.

(d) ~~In addition to any other sanction imposed for an offense under this section, the court that sentences a person who is convicted of or pleads guilty to a violation of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years~~. If the offender has a driver's or commercial driver's license or permit, Ohio R.C. 2929.33 applies.

(e) Any premises or real estate that is permitted to be used in violation of subsection (b) hereof constitutes a nuisance subject to abatement pursuant to Ohio R.C. Chapter 3767. (ORC 2925.13)

(Ord. No. 2019-O-2386, § 1(Exh. A), 8-13-19)

513.06 Illegal cultivation of marihuana.

(a) No person shall knowingly cultivate marihuana.

(b) This section does not apply to any person listed in Ohio R.C. 2925.03(B)(1) to (3) to the extent and under the circumstances described in those divisions.

(c) Whoever commits a violation of subsection (a) hereof is guilty of illegal cultivation of marihuana. Illegal cultivation of marihuana is a misdemeanor if the amount of marihuana involved does not exceed 200 grams.

(1) Except as otherwise provided in subsection (c)(2) hereof, illegal cultivation of marihuana is a minor misdemeanor, or if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the fourth degree.

(2) If the amount of marihuana involved equals or exceeds 100 grams but is less than 200 grams, illegal cultivation of marihuana is a misdemeanor of the fourth degree, or if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the third degree.

(d) In addition to any other sanction imposed for an offense under this section, ~~the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend the offender's driver's or commercial driver's license or permit in accordance with Ohio R.C. 2925.03(G). If~~ an

~~offender's driver's or commercial driver's license or permit is suspended in accordance with that division, the offender may request termination of, and the court may terminate, the suspension in accordance with that division.~~ If the offender has a driver's or commercial driver's license or permit, Ohio R.C. 2929.33 applies.

(e) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in an application for employment, a license, or any other right or privilege or made in connection with the person's appearance as a witness. (ORC 2925.04)

513.07 Possessing or using harmful intoxicants.

(a) Except for lawful research, clinical, medical, dental or veterinary purposes, no person, with purpose to induce intoxication or similar physiological effects, shall obtain, possess or use a harmful intoxicant.

(b) Whoever violates this section is guilty of abusing harmful intoxicants, a misdemeanor of the first degree. If the offender previously has been convicted of a drug abuse offense, abusing harmful intoxicants is a felony and shall be prosecuted under appropriate State law.

(c) ~~In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.~~ If the offender has a driver's or commercial driver's license or permit, Ohio R.C. 2929.33 applies. (ORC 2925.31)

513.08 Illegally dispensing drug samples.

(a) No person shall knowingly furnish another a sample drug.

(b) Subsection (a) hereof does not apply to manufacturers, wholesalers, pharmacists, owners of pharmacies, licensed health professionals authorized to prescribe drugs, and other persons whose conduct is in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731, and 4741.

(c) Whoever violates this section is guilty of illegal dispensing of drug samples. If the drug involved in the offense is a dangerous drug or a compound, mixture, preparation, or substance included in Schedule III, IV, or V, or is marihuana, the penalty for the offense shall be determined as follows:

(1) Except as otherwise provided in subsection (c)(2) hereof, illegal dispensing of drug samples is a misdemeanor of the second degree.

(2) If the offense was committed in the vicinity of a school or in the vicinity of a juvenile, illegal dispensing of drug samples is a misdemeanor of the first degree.

(d) ~~In addition to any other sanction imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.~~ If the offender has a driver's or commercial driver's license or permit, Ohio R.C. 2929.33 applies. (ORC 2925.36)

513.12 Drug paraphernalia.

(a) As used in this section, "drug paraphernalia" means any equipment, product or material of any kind that is used by the offender, intended by the offender for use or designed for use, in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, a controlled substance in violation of this chapter or Ohio R.C. Chapter 2925. "Drug paraphernalia" includes, but is not limited to, any of the following equipment, products or materials that are used by the offender, intended by the offender for use or designated by the offender for use, in any of the following manners:

(1) A kit for propagating, cultivating, growing or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived;

(2) A kit for manufacturing, compounding, converting, producing, processing or preparing a controlled substance;

(3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine;

(4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;

(5) Testing equipment for identifying, or analyzing the strength, effectiveness or purity of, a controlled substance, except for those exempted in subsection (d)(4) of this section;

(6) A scale or balance for weighing or measuring a controlled substance;

(7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, for cutting a controlled substance;

(8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;

(9) A blender, bowl, container, spoon or mixing device for compounding a controlled substance;

(10) A capsule, balloon, envelope or container for packaging small quantities of a controlled substance;

(11) A container or device for storing or concealing a controlled substance;

(12) A hypodermic syringe, needle or instrument for parenterally injecting a controlled substance into the human body;

(13) An object, instrument or device for ingesting, inhaling or otherwise introducing into the human body, marihuana, cocaine, hashish or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic or ceramic pipe, with or without a screen, permanent screen, hashish head or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.

(b) In determining if any equipment, product or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:

(1) Any statement by the owner, or by anyone in control, of the equipment, product or material, concerning its use;

(2) The proximity in time or space of the equipment, product or material, or of the act relating to the equipment, product or material, to a violation of any provision of this chapter or Ohio R.C. Chapter 2925;

(3) The proximity of the equipment, product or material to any controlled substance;

(4) The existence of any residue of a controlled substance on the equipment, product or material;

(5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product or material, to deliver it to any person whom the owner or person in control of the equipment, product or material knows intends to use the object to facilitate a violation of any provision of this chapter or Ohio R.C. Chapter 2925. A finding that the owner, or anyone in control, of the equipment, product or material, is not guilty of a violation of any other provision of this chapter or Ohio R.C. Chapter 2925, does not prevent a finding that the equipment, product or material was intended or designed by the offender for use as drug paraphernalia;

(6) Any oral or written instruction provided with the equipment, product or material concerning its use;

(7) Any descriptive material accompanying the equipment, product or material and explaining or depicting its use;

(8) National or local advertising concerning the use of the equipment, product or material;

(9) The manner and circumstances in which the equipment, product or material is displayed for sale;

(10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product or material to the total sales of the business enterprise;

(11) The existence and scope of legitimate uses of the equipment, product or material in the community;

(12) Expert testimony concerning the use of the equipment, product or material.

(c) (1) Subject to subsection (d)(2), (3), and (4) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia.

(2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product or material will be used as drug paraphernalia.

(3) No person shall place an advertisement in any newspaper, magazine, handbill or other publication that is published and printed and circulates primarily within this State, if the person knows that the purpose of the advertisement is to promote the illegal sale in the State of the equipment, product or material that the offender intended or designed for use as drug paraphernalia.

(d) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731, ~~and~~ 4741<u>, and 4772</u>. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by Section 513.10.

(2) Subsection (c)(1) of this section does not apply to a person's use, or possession with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body marihuana.

(3) Division (B)(2) of Ohio R.C. 2925.11 applies with respect to a violation of subsection (c)(1) of this section when a person seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person experiences a drug overdose and seeks medical assistance for that

overdose, or a person is the subject of another person seeking or obtaining medical assistance for that overdose.

(4) Subsection (c)(1) of this section does not apply to a person's use, or possession with purpose to use, any drug testing strips to determine the presence of fentanyl or a fentanyl-related compound.

(e) Notwithstanding Ohio R.C. Chapter 2981, any drug paraphernalia that was used, possessed, sold or manufactured in violation of this section shall be seized, after a conviction for that violation shall be forfeited, and upon forfeiture shall be disposed of pursuant to Ohio R.C. 2981.12.

(f) (1) Whoever violates subsection (c)(1) hereof is guilty of illegal use or possession of drug paraphernalia, a misdemeanor of the fourth degree.

(2) Except as provided in subsection (f)(3) hereof, whoever violates subsection (c)(2) hereof is guilty of dealing in drug paraphernalia, a misdemeanor of the second degree.

(3) Whoever violates subsection (c)(2) hereof by selling drug paraphernalia to a juvenile is guilty of selling drug paraphernalia to juveniles, a misdemeanor of the first degree.

(4) Whoever violates subsection (c)(3) hereof is guilty of illegal advertising of drug paraphernalia, a misdemeanor of the second degree.

(g) ~~In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.~~ If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38. <u>If the offender has a driver's or commercial driver's license or permit, Ohio R.C. 2929.33 applies.</u> (ORC 2925.14)

(Ord. No. 2024-O-2639, § 2(Exh. B), 6-24-24)

513.13 Counterfeit controlled substances.

(a) No person shall knowingly possess any counterfeit controlled substance.

(b) Whoever violates this section is guilty of possession of counterfeit controlled substances, a misdemeanor of the first degree.

(c) ~~The court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.~~ <u>If the offender has a driver's or commercial driver's license or permit, Ohio R.C. 2929.33 applies.</u> (ORC 2925.37)

525.05 Failure to report a crime, injury or knowledge of death.

(a) (1) Except as provided in subsection (a)(2) hereof, no person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities.

(2) No person, knowing that a violation of Ohio R.C. 2913.04(B) has been, or is being committed or that the person has received information derived from such a violation, shall knowingly fail to report the violation to law enforcement authorities.

(b) Except for conditions that are within the scope of subsection (e) of this section, no person giving aid to a sick or injured person shall negligently fail to report to law enforcement authorities any gunshot or stab wound treated or observed by the person, or any serious physical harm to persons that the person knows or has reasonable cause to believe resulted from an offense of violence.

(c) No person who discovers the body or acquires the first knowledge of the death of a person shall fail to report the death immediately to a physician or advanced practice registered nurse whom the person knows to be treating the deceased for a condition from which death at such time would not be unexpected, or to a law enforcement officer, an ambulance service, an emergency squad, or the coroner in a political subdivision in which the body is discovered, the death is believed to have occurred, or knowledge concerning the death is obtained. For purposes of this subsection (c), "advanced practice registered nurse" does not include a certified registered nurse anesthetist.

(d) No person shall fail to provide upon request of the person to whom a report required by subsection (c) of this section was made, or to any law enforcement officer who has reasonable cause to assert the authority to investigate the circumstances surrounding the death, any facts within the person's knowledge that may have a bearing on the investigation of the death.

(e) (1) As used in this subsection, "burn injury" means any of the following:

A. Second or third degree burns;

B. Any burns to the upper respiratory tract or laryngeal edema due to the inhalation of superheated air;

C. Any burn injury or wound that may result in death;

D. Any physical harm to persons caused by or as the result of the use of fireworks, novelties and trick noisemakers, and wire sparklers, as each is defined by Ohio R.C. 3743.01.

(2) No physician, nurse, physician assistant, or limited practitioner who, outside a hospital, sanitarium, or other medical facility, attends or treats a person who has sustained a burn injury that is inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(3) No manager, superintendent or other person in charge of a hospital, sanitarium or other medical facility in which a person is attended or treated for any burn injury that is inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(4) No person who is required to report any burn injury under subsection (e)(2) or (3) of this section shall fail to file, within three working days after attending or treating the victim, a written report of the burn injury with the office of the State Fire Marshal. The report shall comply with the uniform standard developed by the State Fire Marshal pursuant to Ohio R.C. 3737.22(A)(15).

(5) Anyone participating in the making of reports under subsection (e) of this section or anyone participating in a judicial proceeding resulting from the reports is immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. Notwithstanding Ohio R.C. 4731.22, the physician-patient relationship or advanced practice

registered nurse-patient relationship is not a ground for excluding evidence regarding a person's burn injury or the cause of the burn injury in any judicial proceeding resulting from a report submitted under subsection (e) of this section.

(f) (1) No person who knows that a licensed medical professional has committed an offense under Chapter 2907. of the Revised Code, a violation of a municipal ordinance that is substantially equivalent to such offense, or a substantially equivalent criminal offense in another jurisdiction, against a patient of the licensed medical professional shall fail to report such knowledge to law enforcement authorities within thirty days of obtaining the knowledge.

(2) Except for a self-report or participation in the offense or violation being reported, any person who makes a report within the thirty-day period provided in division (f)(1) of this section or any person who participates in a judicial proceeding that results from such report is immune from civil or criminal liability that otherwise might be incurred or imposed as a result of making that report or participating in that proceeding so long as the person is acting in good faith without fraud or malice.

(3) The physician-patient relationship or physician assistant-patient relationship is not a ground for excluding evidence regarding the person's knowledge of a licensed medical professional's commission of an offense or violation reported under division (f)(1) of this section, against that licensed medical professional in any judicial proceeding resulting from a report made under that division.

(4) As used in division (f) of this section, "licensed medical professional" has the same meaning as in section 2907.01 of the Revised Code.

(g)(1)Any doctor of medicine or osteopathic medicine, hospital intern or resident, nurse, psychologist, social worker, independent social worker, social work assistant, licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist or marriage and family therapist who knows or has reasonable cause to believe that a patient or client has been the victim of domestic violence, as defined in Ohio R.C. 3113.31, shall note that knowledge or belief and the basis for it in the patient's or client's records.

(2) Notwithstanding Ohio R.C. 4731.22, the physician-patient privilege or advanced practice registered nurse-patient privilege shall not be a ground for excluding any information regarding the report containing the knowledge or belief noted under subsection (~~f~~g)(1) of this section, and the information may be admitted as evidence in accordance with the Rules of Evidence.

(~~g~~h) Subsections (a) and (d) of this section do not require disclosure of information, when any of the following applies:

(1) The information is privileged by reason of the relationship between attorney and client; physician and patient; advanced practice registered nurse and patient; licensed psychologist or licensed school psychologist and client; licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist and client; member of the clergy, rabbi, minister, or priest and any person communicating information confidentially to the member of the clergy, rabbi, minister, or priest for a religious counseling purpose of a professional character; husband and wife; or a communications assistant and those who are a party to a telecommunications relay service call.

(2) The information would tend to incriminate a member of the actor's immediate family.

(3) Disclosure of the information would amount to revealing a news source, privileged under Ohio R.C. 2739.04 or 2739.12.

(4) Disclosure of the information would amount to disclosure by a member of the ordained clergy of an organized religious body of a confidential communication made to that member of the clergy in that member's capacity as a member of the clergy by a person seeking the aid or counsel of that member of the clergy.

(5) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program of treatment or services for persons with drug dependencies or persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency, or community addiction services provider whose alcohol and drug addiction services are certified pursuant to Ohio R.C. 5119.36.

(6) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program for providing counseling services to victims of crimes that are violations of Ohio R.C. 2907.02 or 2907.05 or to victims of felonious sexual penetration in violation of former Ohio R.C. 2907.12. As used in this subsection, "counseling services" include services provided in an informal setting by a person who, by education or experience, is competent to provide those services.

(~~h~~i) No disclosure of information pursuant to this section gives rise to any liability or recrimination for a breach of privilege or confidence.

(~~i~~j) Whoever violates subsection (a), (b), or (~~b~~f)(1) of this section is guilty of failure to report a crime. Violation of subsection (a)(1) of this section is a misdemeanor of the fourth degree. Violation of subsection (a)(2) or (b) of this section is a misdemeanor of the second degree.

(~~j~~k) Whoever violates subsection (c) or (d) of this section is guilty of failure to report knowledge of a death, a misdemeanor of the fourth degree.

(~~k~~l) (1) Whoever negligently violates subsection (e) of this section is guilty of a minor misdemeanor.

(2) Whoever knowingly violates subsection (e) of this section is guilty of a misdemeanor of the second degree.

(~~l~~n) As used in this section, "nurse" includes an advanced practice registered nurse, registered nurse, and licensed practical nurse. (ORC 2921.22)

(Ord. No. 2024-O-2639, § 2(Exh. B), 6-24-24)

533.01 Definitions.

As used in this chapter:

Harmful to juveniles means that quality of any material or performance describing or representing nudity, sexual conduct, sexual excitement, or sado-masochistic abuse in any form to which all of the following apply:

(1) The material or performance, when considered as a whole, appeals to the prurient interest of juveniles in sex.

(2) The material or performance is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles.

(3) The material or performance, when considered as a whole, lacks serious literary, artistic, political and scientific value for juveniles.

Juvenile means an unmarried person under the age of 18.

Material means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, or tape, or other tangible thing capable of arousing interest through sight, sound, or touch and includes an image or text appearing on a computer monitor, television screen, liquid crystal display, or similar display device or an image or text recorded on a computer hard disk, computer floppy disk, compact disk, magnetic tape or similar data storage device.

Mental health client or *patient* has the same meaning as in Ohio R.C. 2305.51.

Mental health professional has the same meaning as in Ohio R.C. 2305.115.

Minor means a person under the age of 18 years.

Nudity means the showing, representation or depiction of human male or female genitals, pubic area or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

[Obscene.] When considered as a whole, and judged with reference to ordinary adults, or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to such group, any material or performance is "obscene" if any of the following apply:

(1) Its dominant appeal is to prurient interest;

(2) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement or nudity in a way which tends to represent human beings as mere objects of sexual appetite;

(3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty or brutality;

(4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way which inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral or artistic purpose;

(5) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral or artistic purpose.

Performance means any motion picture, preview, trailer, play, show, skit, dance or other exhibition performed before an audience.

Place where a person has a reasonable expectation of privacy means a place where a reasonable person would believe that the person could fully disrobe in private.

Private area means the genitals, pubic area, buttocks, or female breast below the top of the areola, where nude or covered by an undergarment.

Prostitute means a male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.

Sado-masochistic abuse means flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained.

Sexual activity means sexual conduct or sexual contact, or both.

Sexual conduct means vaginal intercourse between a male and female; anal intercourse, fellatio and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

Sexual contact means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if such person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

Sexual excitement means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

Spouse means a person married to an offender at the time of an alleged offense, except that such person shall not be considered the spouse when any of the following apply:

(1) When the parties have entered into a written separation agreement authorized by Ohio R.C. 3103.06;

(2) During the pendency of an action between the parties for annulment, divorce, dissolution of marriage or legal separation;

(3) In the case of an action for legal separation, after the effective date of the judgment for legal separation.

Licensed medical professional means any of the following medical professionals:

(1) A physician assistant licensed under Chapter 4730. of the Revised Code;

(2) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(3) A massage therapist licensed under Chapter 4731. of the Revised Code. (ORC 2907.01)

(Ord. No. 2024-O-2639, § 2(Exh. B), 6-24-24)

533.03 Unlawful sexual conduct with a minor.

(a) No person, who is 18 years of age or older, shall engage in sexual conduct with another~~, who is not the spouse of the offender,~~ when the offender knows the other person is 13 years of age or older but less than 16 years of age, or the offender is reckless in that regard.

(b) Whoever violates this section is guilty of unlawful sexual conduct with a minor, a misdemeanor of the first degree. If the offender is four years older or more than the other person, or if the offender has previously been convicted of or pleaded guilty to a violation of Ohio R.C. 2907.02, 2907.03 or 2907.04, or former Ohio R.C. 2907.12, unlawful sexual conduct with a minor is a felony and shall be prosecuted under appropriate State law. (ORC 2907.04)

533.04 Sexual imposition.

(a) No person shall have sexual contact with another~~, not the spouse of the offender~~; cause another~~, not the spouse of the offender,~~ to have sexual contact with the offender; or cause two or more persons to have sexual contact when ~~any~~ the offender knows that the sexual contact is offensive to the other person, or one of the ~~following applies:~~ other persons, or is reckless in that regard.

~~(1) The offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard.~~

~~(2) The offender knows that the other person's or one of the other person's ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired.~~

~~(3) The offender knows that the other person or one of the other persons submits because of being unaware of the sexual contact.~~

~~(4) The other person or one of the other persons is 13 years of age or older but less than 16 years of age, whether or not the offender knows the age of such person, and the offender is at least 18 years of age and four or more years older than such other person.~~

~~(5) The offender is a mental health professional, the other person or one of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.~~

(b) No person shall be convicted of a violation of this section solely upon the victim's testimony unsupported by other evidence.

(c) Whoever violates this section is guilty of sexual imposition, a misdemeanor of the third degree. If the offender previously has been convicted of a violation of Ohio R.C. 2907.02, 2907.03, 2907.04, 2907.05, 2907.06 or 2907.12, or a substantially similar municipal ordinance, a violation of this section is a misdemeanor of the first degree. (ORC 2907.06)

537.02 Vehicular homicide and manslaughter.

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

(1) A. Negligently;

B. As the proximate result of committing, while operating or participating in the operation of a motor vehicle ,utility vehicle, mini-truck, or motorcycle in a construction zone, a speeding offense, provided that this subsection applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in subsection (d) of this section.

(2) As the proximate result of committing a violation of any provision of any section contained in Ohio R.C. Title XLV, that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in Ohio R.C. Title XLV, that is a minor misdemeanor.

(b) (1) Whoever violates subsection (a)(1) of this section is guilty of vehicular homicide. Except as otherwise provided in this subsection, vehicular homicide is a misdemeanor of the first degree. Vehicular homicide is a felony and shall be prosecuted under appropriate State law if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under Ohio R.C. 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter or assault offense. The court shall impose a mandatory jail term on the offender when required by Ohio R.C. 2903.06(E).

(2) Whoever violates subsection (a)(2) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this subsection, vehicular manslaughter is a misdemeanor of the second degree. Vehicular manslaughter is a misdemeanor of the first degree if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under Ohio R.C. 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.

(c) The court shall impose a mandatory jail term of at least 15 days on an offender who is convicted of or pleads guilty to a violation of subsection (a)(1)B. of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99. The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of subsection (a)(1)A. hereof if either of the following applies:

(1) The offender previously has been convicted of or pleaded guilty to a violation of this section or Ohio R.C. 2903.06 or 2903.08.

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

(d) Subsection (a)(1)B. does not apply in a particular construction zone unless signs of the type described in Ohio R.C. 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under Ohio R.C. 5501.27. The failure to erect signs of the type described in Ohio R.C. 2903.081 in a particular construction zone in accordance with those guidelines and design specifications does not limit or affect the application of subsections (a)(1)A. or (a)(2) of this section in that construction zone or the prosecution of any person who violates any of those subsections in that construction zone.

(e) As used in this section:

(1) "Mandatory prison term" and "mandatory jail term" have the same meanings as in Ohio R.C. 2929.01.

(2) "Traffic-related homicide, manslaughter or assault offense" means a violation of Ohio R.C. 2903.04 in circumstances in which division (D) of that section applies, a violation of Ohio R.C. 2903.06 or 2903.08, or a violation of Ohio R.C. 2903.06, 2903.07 or 2903.08 as they existed prior to March 23, 2000.

(3) "Construction zone" has the same meaning as in Ohio R.C. 5501.27.

(4) "Speeding offense" means a violation of Ohio R.C. 4511.21 or a municipal ordinance pertaining to speed.

(f) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this State, or current or former law of another state or the United States. (ORC 2903.06)

(g) The court imposing a sentence upon an offender for any violation of this section also shall impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(B) that is equivalent in length to the suspension required for a violation of Ohio R.C. 2903.06 under similar circumstances. (ORC 4510.07)

537.021 Vehicular assault in a construction zone.

(a) No person, while operating or participating in the operation of a motor vehicle, motorcycle, utility vehicle, mini-truck, snowmobile, locomotive, watercraft, or aircraft, shall cause serious physical harm to another person or another's unborn as the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a speeding offense. This subsection applies only if the person to whom the serious physical harm is caused or to whose unborn the serious physical harm is caused is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in subsection (d) hereof.

(b) Whoever violates this section is guilty of vehicular assault. Except as provided in this subsection, vehicular assault is a misdemeanor of the first degree. Vehicular assault is a felony if, at the time of the offense, the offender was driving under a suspension imposed under Ohio R.C. Chapter 4510, or any other provision of the Ohio Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense, and shall be prosecuted under appropriate state law.

In addition to any other sanctions imposed, the court shall impose upon the offender a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(4).

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

(d) This section does not apply in a particular construction zone unless signs of the type described in Ohio R.C. 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under Ohio R. C. 5501.27.

(e) As used in this section:

(1) "Mandatory jail term" has the same meaning as in Ohio R.C. 2929.01.

(2) "Traffic-related homicide, manslaughter or assault offense" has the same meaning as in Ohio R.C. 2903.06.

(3) "Construction zone" has the same meaning as in Ohio R.C. 5501.27.

(4) "Speeding offense" has the same meaning as in Ohio R.C. 2903.06.

(f) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this State, or current or former law of another state or the United States. (ORC 2903.08)

537.16 Illegal distribution of cigarettes, other tobacco products, or alternate nicotine products.

(a) As used in this section:

(1) "Age verification" means a service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes) that compares information available from a commercially available database, or aggregate of databases, that regularly are used by government and businesses for the purpose of age and identity verification to personal information provided during an internet sale or other remote method of sale to establish that the purchaser is 21 years of age or older.

(2) A. "Alternative nicotine product" means, subject to subsection (a)(2)B. of this section, an electronic smoking device, vapor product, or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving or inhaling.

B. "Alternative nicotine product" does not include any of the following:

1. Any cigarette or other tobacco product;

2. Any product that is a "drug" as that term is defined in 21 U.S.C. 321(g)(1);

3. Any product that is a "device" as that term is defined in 21 U.S.C. 321(h);

4. Any product that is a "combination product" as described in 21 U.S.C. 353(g).

(3) "Cigarette" includes clove cigarettes and hand-rolled cigarettes.

(4) "Distribute" means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes.

(5) A. "Electronic smoking device" means any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including an electronic cigarette, electronic cigar, electronic hookah, vaping pen, or electronic pipe.

"Electronic smoking device" includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. "Electronic smoking device" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).

(6) "Proof of age" means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under Ohio R.C. 4507.50 to 4507.52 that shows that a person is 21 years of age or older.

(7) "Tobacco product" means any product that is made or derived from tobacco or that contains any form of nicotine, if it is intended for human consumption or, or snus. "Tobacco product" also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, blunt or hemp wraps, and liquids used in electronic smoking devices, whether or not they contain nicotine. "Tobacco product" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).

(8) "Vapor product" means a product, other than a cigarette or other tobacco product as defined in Ohio R.C. Chapter 5743, that contains or is made or derived from nicotine and that is intended and marketed for human consumption, including by smoking, inhaling, snorting, or sniffing. "Vapor

product" includes any component, part, or additive that is intended for use in an electronic smoking device, a mechanical heating element, battery, or electronic circuit and is used to deliver the product. "Vapor product" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g). "Vapor product" includes any product containing nicotine, regardless of concentration.

(9) "Vending machine" has the same meaning as "coin machine" in Ohio R.C. 2913.01.

(b) No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, no agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, and no other person shall do any of the following:

(1) Give, sell or otherwise distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes:

A. To any person under 21 years of age; or

B. Without first verifying proof of age.

(2) Give away, sell or distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes in any place that does not have posted in a conspicuous place a legibly printed sign stating in letters at least one-half inch high that giving, selling or otherwise distributing cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under 21 years of age is prohibited by law;

(3) Knowingly furnish any false information regarding the name, age or other identification of any person under 21 years of age with purpose to obtain cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes for that person;

(4) Manufacture, sell or distribute in this state any pack or other container of cigarettes containing fewer than 20 cigarettes or any package of roll-your-own tobacco containing less than six-tenths of one ounce of tobacco;

(5) Sell cigarettes or alternative nicotine products in a smaller quantity than that placed in the pack or other container by the manufacturer;

(6) Give, sell or otherwise distribute alternative nicotine products, papers used to roll cigarettes, or tobacco products other than cigarettes over the internet or through another remote method without age verification;

(7) Allow an employee under 18 years of age to sell any tobacco product;

(8) Give away or otherwise distribute free samples of cigarettes, other tobacco products, alternative nicotine products, or coupons redeemable for cigarettes, other tobacco products, or alternative nicotine products.

(c) No person shall sell or offer to sell cigarettes, other tobacco products or alternative nicotine products by or from a vending machine, except in the following locations:

(1) An area within a factory, business, office, or other place not open to the general public;

(2) An area to which persons under 21 years of age are not generally permitted access;

(3) Any other place not identified in subsection (c)(1) or (2) of this section, upon all of the following conditions:

A. The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes,

other tobacco product and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway or outer-waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person.

B. The vending machine is inaccessible to the public when the place is closed.

(c) A clearly visible notice is posted in the area where the vending machine is located that states the following in letters that are legibly printed and at least one-half inch high:

"It is illegal for any person under the age of 21 to purchase tobacco or alternative nicotine products."

(d) The following are affirmative defenses to a charge under subsection (b)(1) of this section:

(1) The person under 21 years of age was accompanied by a parent, spouse who is 21 years of age or older, or legal guardian of the person under 21 years of age.

(2) The person who gave, sold or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under 21 years of age under subsection (b)(1) of this section is a parent, spouse who is 21 years of age or older, or legal guardian of the person under 21 years of age.

(e) (1) It is not a violation of subsection (b)(1) or (2) of this section for a person to give or otherwise distribute to a person under 21 years of age cigarettes, other tobacco products, alternative nicotine products or papers used to roll cigarettes while the person under 21 years of age is participating in a research protocol if all of the following apply:

A. The parent, guardian or legal custodian of the person under 21 years of age has consented in writing to the person under 21 years of age participating in the research protocol;

B. An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol;

C. The person under 21 years of age is participating in the research protocol at the facility or location specified in the research protocol.

(2) It is not a violation of subsection (b)(1) or (2) of this section for an employer to permit an employee 16, 19, or 20 years of age to sell a tobacco product.

(f) (1) No delivery service shall accept from, transport or deliver to, or allow pick-up by, a person under 21 years of age with respect to any of the following:

(a) Alternative nicotine products;

(b) Papers used to roll cigarettes;

(c) Tobacco products other than cigarettes.

(2) A delivery service shall require proof of age as a condition of accepting, transporting, delivering, or allowing pickup of the items described in subsection (f)(1)A to C of this section.

(g) Whoever violates subsection (b)(1), (2), (4), (5), (6), (7), or (8), (c), or (f) of this section is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this subsection, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of plead guilty to illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(h) (1) Notwithstanding Ohio R.C. 2929.28(A)(2), if an offender is convicted of or pleads guilty to a violation of division (b)(1) of this section, the court shall impose a fine in the following amount:

A. Except as otherwise provided in divisions (h)(1)B, C, D, and E of this section, not more than two hundred fifty dollars;

B. Except as otherwise provided in divisions (h)(1)C, D, and E of this section, if an offender has previously been convicted of or pleaded guilty to a violation of division (b)(1) of this section, not more than five hundred dollars;

(c) Except as otherwise provided in divisions (h)(1)D and E of this section, if an offender previously has been convicted of or pleaded guilty to two or more violations of division (b)(1) of this section, five hundred dollars;

(d) Except as otherwise provided in division (h)(1)E of this section, if an offender previously has been convicted of or pleaded guilty to three or more violations of division (b)(1) of this section, one thousand dollars;

(e) If an offender previously has been convicted of or pleaded guilty to four or more violations of division (b)(1) of this section, one thousand five hundred dollars.

(2) The financial sanctions required by division (h)(1) of this section are in lieu of the financial sanctions described in Ohio R.C. 2929.28(A)(2), but are in addition to any other sanctions or penalties that may apply to the offender, including other financial sanctions under that section or a jail term under Ohio R.C. 2929.24.

(i) Whoever violates subsection (b)(3) of this section is guilty of permitting children to use cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this subsection, permitting a person under 21 years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of subsection (b)(3) of this section, permitting a person under 21 years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(~~i~~j) Any cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes that are given, sold or otherwise distributed to a child in violation of this section and that are used, possessed, purchased or received by a person under 21 years of age in violation of Ohio R.C. Section 2151.87 are subject to seizure and forfeiture as contraband under Ohio R.C. Chapter 2981. (ORC 2927.02)

(Ord. No. 2020-O-2424, § 2(Exh. B), 5-11-20; Ord. No. 2024-O-2639, § 2(Exh. B), 6-24-24)

545.07 Insurance fraud.

(a) As used in this section:

(1) "Data" has the same meaning as in Section 545.01 and additionally includes any other representation of information, knowledge, facts, concepts or instructions that are being or have been prepared in a formalized manner.

(2) "Deceptive" means that a statement, in whole or in part, would cause another to be deceived because it contains a misleading representation, withholds information, prevents the acquisition of information or by any other conduct, act or omission creates, confirms or perpetuates a false impression, including, but not limited to, a false impression as to law, value, state of mind or other objective or subjective fact.

(3) "Insurer" means any person that is authorized to engage in the business of insurance in this State under Title XXXIX of the Ohio Revised Code; The Ohio Fair Plan Underwriting Association created under Ohio R.C. 3929.43, the assigned risk plan created under Ohio R.C. 4509.70; any health insuring corporation; and any legal entity that is self-insured and provides benefits to its employees or members.

(4) "Policy" means a policy, certificate, contract or plan that is issued by an insurer.

(5) "Statement" includes, but is not limited to, any notice, letter or memorandum; proof of loss; bill of lading; receipt for payment; invoice, account or other financial statement; estimate of property damage; bill for services; diagnosis or prognosis; prescription; hospital, medical or dental chart or other record; X-Ray, photograph, videotape or movie film; test result; other evidence of loss, injury or expense; computer-generated document; and data in any form.

(b) No person, with purpose to defraud or knowing that the person is facilitating a fraud, shall do either of the following:

(1) Present to, or cause to be presented to, an insurer any written or oral statement that is part of, or in support of, an application for insurance, a claim for payment pursuant to a policy or a claim for any other benefit pursuant to a policy, knowing that the statement, or any part of the statement, is false or deceptive;

(2) Assist, aid, abet, solicit, procure or conspire with another to prepare or make any written or oral statement that is intended to be presented to an insurer as part of, or in support of, an application for insurance, a claim for payment pursuant to a policy, or a claim for any other benefit pursuant to a policy, knowing that the statement, or any part of the statement, is false or deceptive.

(c) Whoever violates this section is guilty of insurance fraud a misdemeanor of the first degree. If the amount of the claim that is false or deceptive is $1,000.00 or more, insurance fraud is a felony and shall be prosecuted under appropriate State law.

(d) This section shall not be construed to abrogate, waive or modify Ohio R.C. 2317.02(A). (ORC 2913.47)

Section 7. If any section, subsection, sentence, clause, phrase or portion of the Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The governing authority of the City of Huber Heights, Ohio hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

Section 8. All ordinances and parts of ordinances in conflict herewith are expressly repealed.

[insert effective date language here]

[insert signature section here]

AI-10791 **Topics Of Discussion** **N.**

Council Work Session

Meeting Date: 04/08/2025

City Public Records Policy Update - Video Recordings

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 04/08/2025

Audio-Visual Needs: None **Legal Review:** In Process

Emergency Legislation?: No **Motion/Ordinance/ Resolution No.:**

Agenda Item Description or Legislation Title

City Public Records Policy Update - Video Recordings

Purpose and Background

Effective April 3, 2025, pursuant to Ohio Revised Code Section 149.43(B)(1), as amended by House Bill 315, state and local law enforcement agencies are permitted to charge the actual cost (capped at $75.00 per hour with a total cap of $750.00 per video record) to prepare law enforcement video records for inspection or production in response to a public records request. The actual costs include costs incurred in reviewing, blurring, obscuring, redacting, uploading, or producing the video records, the storage medium on which the record is produced, staff time, and any other relevant overhead necessary to comply with the public records request. Local governments can also require the requester to pay the estimated cost before preparing the video for inspection or production. City Staff have prepared a draft addition to the City's Public Records Policy for the Police Division (see attached) to address these issues due to the increasing number of these public records requests and the large amounts of resources required to process these public records requests.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

Draft Policy - Video Records

DRAFT

Huber Heights Police Division Public Records Policy – Video Records

Fees for Video Record Requests (Pursuant to Ohio HB 315)

Effective Date: May 1, 2025

1. **Scope**:
   a) This policy applies to all public records requests involving video records (e.g., body camera, cruiser camera, or other video footage) maintained by the Huber Heights Police Division pursuant to Ohio Revised Code Section 149.43(B)(1), as amended by House Bill 315.

2. **Fees For Video Records:**

   a) The Police Division will charge all requesters the "actual cost" of preparing video records for production to offset the considerable time and expenses incurred in retrieving, downloading, reviewing, redacting, uploading, and producing such video records.

   b) The statutory term, "a video record," for the purposes of this policy, means a video from one source for one start and stop recording (essentially the beginning and end of a distinct incident). For example, three (3) officers responding to an incident will each have "a video record" of that incident from each of their respective body cameras. This example will result in an actual cost charge for each video record, or three (3) video records.

   c) The amount charged for each video record will be based on the actual cost of the hourly rate(s) of the employee(s) or contractor(s) involved in retrieving, downloading, reviewing, redacting, uploading, and producing the video record requested, but will not exceed $75.00 per hour of footage from a particular video record. Further, the total amount charged for retrieving, downloading, reviewing, redacting, uploading, and producing a video record will not exceed a maximum of $750.00 for a particular video record.

   d) "Actual cost" includes all employee or contractor time and materials expended in retrieving, downloading, reviewing, redacting, uploading, and producing the video record, including staff time, storage media, and a portion of necessary overhead expenses required to comply with the public records request.

   e) As part of the necessary overhead charges authorized by statute, each public records request for video records will include an overhead fee of $10.00 per video record to partially cover costs such as redaction software, video storage, upload and transmission, and other necessary expenses. This fee is included within the total actual cost and subject to the $750.00 maximum cost per video record.

3. **Critical Incident Exemption**:

   a) For video records of critical incidents—defined as any instance where an officer from the Police Division fires a deadly weapon at a person—the Police Division will redact and produce the video at no cost to the requester within a reasonable period of time as defined in Ohio Revised Code Section 149.43(B)(1).

   b) This exemption is intended to ensure transparency and public accountability in such incidents.

4. **Fee Exemptions:**

   a) Upon submission of a fully completed Exemption Request (in such form as prescribed by the City Manager and the Law Director) and approved thereof by the City Manager, the following persons/entities may be determined to be exempt from the fee requirements of this policy: (a) an official representative of a public office as defined in Ohio Revised Code Section 149.011(A); (b) in order to respond to a duly issued subpoena in a criminal or other legal proceeding and/or an order of a court of competent jurisdiction; or (c) for any other public purpose as determined by the City Manager in his/her sole and absolute discretion.

5. **Estimate Process And Advance Payment Requirement**:

   a) Within five (5) business days of receiving a public records request for video records, the Police Division will provide the requester with an estimate of the cost of fulfilling the public records request.

   b) The estimated cost will include all applicable fees as outlined in Section 2, including the $10.00 overhead fee per video record and an estimate of the cost required for video redaction and production, not to exceed the $750.00 per video record limit.

   c) Except as provided in Section 3, the Police Division will not begin preparing a video record for production until the requester pays in full the estimated cost for the video record.

6. **Cost Adjustments**:

   a) If the actual cost exceeds the estimated cost by less than 20%, the requester will be required to pay the difference before the video record is provided.

   b) Under no circumstances will the requester be required to pay more than 20% above the original estimated cost, regardless of how much the actual cost exceeds

the estimate. Any additional cost beyond this 20% threshold will be borne by the Police Division.

c) If the estimated amount exceeds the actual cost by more than 20%, the difference will be refunded to the requester in a reasonable amount of time.

7. **Compliance Timeline**:

a) Except as provided in Section 3, the Police Division's obligation to make a video record available for production begins only after the requester pays in full the estimated cost.

b) The time required for retrieving, downloading, reviewing, redacting, uploading, and producing (as well as seeking legal advice), will be considered in determining a "reasonable period of time" under Ohio Revised Code Section 149.43.

8. **Contact Information**:

a) For questions about this policy or to submit a public records request, contact the Police Division at [Insert Contact Info].

AI-10790 **Topics Of Discussion** **O.**

Council Work Session

Meeting Date: 04/08/2025

City Council Compensation

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 03/18/2025 and 04/08/2025

Audio-Visual Needs: None **Legal Review:** Completed

Emergency Legislation?: No **Motion/Ordinance/ Resolution No.:**

Agenda Item Description or Legislation Title

City Council Compensation

Purpose and Background

This agenda item is to discuss potential changes to City Council compensation. When the compensation for the Mayor and the City Council was last changed in 2019 to ensure a full year of OPERS service credit, the minimum earnable salary was $660.00 per month. Since that time, the minimum earnable salary has increased to $734.07 per month in 2025 (see attached Information). The Law Director is preparing legislation for Council consideration to address this issue on an ongoing basis.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

Information

Resolution

Service Credit and Contributing Months

Traditional Pension and Combined Plans

You earn contributing service credit when your contributions are remitted to OPERS by your employer and posted to your OPERS account. If contributions are not remitted during a pay period on your behalf, then no service credit is earned for that reporting period. Service credit is accrued based on the month in which your pay period ends.

Under the Traditional Pension and Combined plans, service credit is calculated on a monthly basis, January through December of each year, and is used to determine eligibility for retirement, disability and survivor benefits as well as any potential eligibility for the OPERS health care program.

You cannot receive more than one year of service credit for any calendar year, even if you are employed concurrently in more than one public job in an OPERS-covered position or one covered by another Ohio retirement system. Neither can you receive a full year of service credit if your length of employment or earnings per month indicates less than full-time service, as described below.

Full-time Service Credit for Calculating Pensions

You will receive full-time or a full year of service credit, toward your pension, for each year you contribute at least the full-time minimum of earnable salary during every reporting period that year – meaning the earnable salary for all pay periods ending in a calendar month equals at least the full-time minimum amount representing full-time service credit.

- Earnable salary of more than $150 per month is considered full-time service credit through Dec. 31, 1984.
- Earnable salary of more than $250 per month is considered full-time service credit Jan. 1, 1985 through Dec. 31, 2013.
- Earnable salary of more than $600 per month is considered full-time service credit Jan. 1, 2014 through Dec. 31, 2016.
- Earnable salary of more than $630 per month is considered full-time service credit Jan. 1, 2017 through Dec. 31, 2017.
- Earnable salary of more than $660 per month is considered full-time service credit Jan. 1, 2018 through Dec. 31, 2019.

The minimum earnable salary will increase by 1.75 percent each year beginning Jan. 1, 2020, through Dec. 31, 2029.

- Earnable salary of more than $673.08 per month is considered full-time service credit Jan. 1, 2020 through Dec. 31, 2020.
- Earnable salary of more than $684.86 per month is considered full-time service credit Jan. 1, 2021 through Dec. 31, 2021.
- Earnable salary of more than $696.84 per month is considered full-time service credit Jan. 1, 2022 through Dec. 31, 2022.
- Earnable salary of more than $709.03 per month is considered full-time service credit Jan. 1, 2023 through Dec. 31, 2023.
- Earnable salary of more than $721.44 per month is considered full-time service credit Jan. 1, 2024 through Dec. 31, 2024.
- Earnable salary of more than $734.07 per month is considered full-time service credit Jan. 1, 2025 through Dec. 31, 2025.
- Earnable salary of more than $746.91 per month is considered full-time service credit Jan. 1, 2026 through Dec. 31, 2026.
- Earnable salary of more than $759.99 per month is considered full-time service credit Jan. 1, 2027 through Dec. 31, 2027.

Service Credit and Contributing Months

Traditional Pension and Combined Plans Continued

- Earnable salary of more than $773.29 per month is considered full-time service credit Jan. 1, 2028 through Dec. 31, 2028.
- Earnable salary of more than $786.82 per month is considered full-time service credit Jan. 1, 2029 through Dec. 31, 2029.

Part-time Service Credit for Calculating Pensions

If you work less than 12 months in a year or your earnable salary is less than the amounts listed above, you will receive part-time service credit toward your pension.

Service Credit and the OPERS Health Care Program

All service credit earned and purchased applies toward an increased pension benefit.

As of Jan. 1, 2014, to earn full service credit applicable to eligibility for the OPERS health care program in the Traditional Pension and Combined plans, you must earn a minimum of $1,000 per month, and only the following service credit types will apply to health care program eligibility:

- Contributing service (which includes plan change service credit)
- Eligible Ohio Retirement System service combined at retirement
- Interrupted military time (USERRA)
- Unreported public service
- Redeposit (refunded/restored) service

Member-Directed Plan

If you are participating in the Member-Directed Plan, you earn contributing months rather than service credit when your contributions are remitted by your employer and posted to your OPERS account. If contributions are not remitted during any reporting period on your behalf, then you will not receive contributing months for that period. Contributions are due from your employer the month following the month in which your pay period ended. It is important to note, contributions are not immediately available to your investment accounts at the point they are deducted from your paycheck.

Employer contributions to your account are vested based on your contributing months of service. One year of participation is defined as 12 contributing months of participation in the plan. The percentage you are vested in your employer contributions determines the amount you are entitled to receive either at refund or when you retire.

The chart below illustrates the years of participation required to vest in all or a portion of the employer contributions made on your behalf:

Attained Years of Participation	Percentage Vested in Employer Contributions
Less than 1 year	0%
1 Year	20%
2 Years	40%
3 Years	60%
4 Years	80%
5 Years	100%

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2025-R-

ESTABLISHING NEW SALARIES FOR THE HUBER HEIGHTS MAYOR AND THE CITY COUNCIL.

WHEREAS, Section 4.10 of the Huber Heights City Charter charges City Council with the duty and responsibility of establishing salaries for the Mayor and the City Council; and

WHEREAS, Section 4.10 of the Huber Heights City Charter contemplates changes to the Ohio Public Employees Retirement System (OPERS) minimum salary amount established by the State Of Ohio for the Mayor and members of the City Council to receive a full-time service credit for pension purposes; and

WHEREAS, Section 4.10 of the Huber Heights City Charter requires that any change to such compensation be adopted no later than June 1st of any odd numbered year; and

WHEREAS, the Mayor and the members of the City Council have not had a salary increase since 2019; and

WHEREAS, the new salaries for the Huber Heights Mayor and the City Council have taken into account adjustments for the effects of inflation and the minimum earnable salary amount established by OPERS in order for the Mayor and members of the City Council to receive a full-time service credit for pension purposes; and

WHEREAS, pursuant to the Huber Heights City Charter, the current Mayor shall not benefit from any increase in salary compensation during the Mayor's current term of office and the current members of the City Council shall not benefit from any increase in salary compensation during the current members of the City Council's current terms of office.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. Effective on January 1, 2026, and thereafter, the Mayor's salary in the City of Huber Heights shall equal an annual salary amount of $14,500.00.

Section 2. Effective January 1, 2026, and thereafter, for members of the City Council elected in 2025, the City Council salaries in the City of Huber Heights shall equal an annual salary amount of $10,200.00.

Section 3. Effective January 1, 2028, and thereafter, for members of the City Council elected in 2027, the City Council salaries in the City of Huber Heights shall equal an annual salary amount of $10,200.00.

Section 4. Any new member of the City Council appointed by the City Council due to a vacancy of office after the passage of this Resolution shall receive the same salary and be subject to the same salary increase schedule as the member of the City Council that was replaced. If the Vice Mayor succeeds to the position of Mayor due to a vacancy of that office, the Vice Mayor shall receive the same salary and be subject to the same salary increase schedule as the Mayor that was succeeded.

Section 5. Pursuant to the Huber Heights City Charter, the City Manager and Finance Director are hereby authorized to increase the City Council salaries to the minimum earnable salary amount established by OPERS after December 31, 2029 should the minimum earnable salary be increased by OPERS above the City Council salaries established in this Resolution. Pursuant to the Huber Heights City Charter, the City Manager and Finance Director are hereby authorized to increase the Mayor's salary by 33.5% above to the minimum earnable salary amount established by OPERS after December 31, 2029 should the minimum earnable salary be increased by OPERS above the City Council salaries established in this Resolution.

Section 6. It is hereby determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all

deliberations of this Council and any of its Committees that resulted in such formal actions were conducted in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 7. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____ , 2025;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

_____	_____
Clerk of Council	Mayor
_____	_____
Date	Date