CITY OF HUBER HEIGHTS
STATE OF OHIO
City Council Meeting
Regular Session
July 8, 2019
7:00 P.M.

1. Call The Meeting To Order - Mayor Jeff Gore

2. Invocation - Pastor Bob Foote Of The Grace Community Church Of Huber Heights At 5001 Fishburg Road, Huber Heights, Ohio

3. Pledge Of Allegiance

4. Roll Call

5. Approval Of Minutes

A. City Council Meeting Minutes - June 24, 2019

6. Special Presentations/Announcements


B. Barstool Open Donation Presentation For The Huber Heights Veterans Memorial - Mayor Jeff Gore

7. Citizens Comments

8. Citizens Registered to Speak on Agenda Items

9. City Manager Report
10. **Pending Business**

A. An Ordinance To Approve A Rezoning From R1 (Residence) To PR (Planned Residential) District For 14.646 Acres Located As Part Of Inlot 163 Of The Miami County Auditor’s Tax Records And To Approve A Basic Development Plan And Accepting The Recommendation Of The Planning Commission (Zoning Case 19-25).

(second reading)

11. **New Business**

**CITY COUNCIL**

Anthony Rodgers, Clerk of Council

A. A Motion To Appoint Annette Foister To The Parks And Recreation Board To A Term Expiring March 31, 2022.

B. An Ordinance Adopting And Enacting A Republished City Code For The City Of Huber Heights, Ohio; Providing For The Repeal Of Certain Ordinances Not Included Therein; Providing A Penalty For The Violation Thereof; Providing For The Manner Of Amending Such Code; And Providing When Such Code And This Ordinance Shall Become Effective.

(first reading)

C. An Ordinance Approving The Editing And Inclusion Of Certain Ordinances And/Or Resolutions As Parts Of The Various Component Codes Of The City Code Of Huber Heights, Ohio; Providing For The Adoption And Publication Of New Matter In The Updated And Revised City Code As Supplement 1; And Repealing Ordinances And Resolutions In Conflict Therewith.

(first reading)

D. An Ordinance To Amend The City Code Of Huber Heights, Ohio To Provide Amendments To Part Five – General Offenses Code, Sections 513.01, 513.03, 513.05, 545.10, 594.04; To Provide For Penalties; To Provide For Codification; To Provide For Severability; To Repeal Conflicting Ordinances; To Provide An Effective Date; And For Other Purposes.

(first reading)

E. An Ordinance To Amend The City Code Of Huber Heights, Ohio To Provide Amendments To Part Three – Traffic Code, Sections 301.04, 301.20, 301.22, 301.51, 301.361, 303.06, 313.09, 313.11, 331.01, 331.02, 331.03, 331.05, 331.06, 331.07, 331.08, 331.09, 331.10, 331.13, 331.14, 331.15, 331.16, 331.17, 331.18, 331.19, 331.20, 331.23, 331.24, 331.25, 331.26, 331.27, 331.28, 331.29, 331.30, 331.31, 331.33, 331.37, 331.40, 331.45, 331.46, 331.99, 333.03, 333.031, 333.04, 333.05, 337.16, 351.03, 371.01, 371.03, 371.07, 373.01, 375.03; To Provide For Penalties; To Provide For Codification; To Provide For Severability; To Repeal Conflicting Ordinances; To Provide An Effective Date; And For Other Purposes.

(first reading)

F. A Public Hearing Scheduled For July 8, 2019 By The Huber Heights City Council For Discussion Of The 2020 Tax Budget.
G. A Resolution Adopting The City Of Huber Heights Five-Year Capital Improvement Plan For 2020-2024.
   (first reading)

   (first reading)

   (first reading)

J. A Resolution Authorizing A Moral Claim To Schwieterman’s Custom Body Shop.
   (first reading)

12. City Official Reports and Comments

13. Executive Session

14. Adjournment
City Council Meeting

Meeting Date: 07/08/2019

Approval of Minutes - 6/24/19

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: None

Date(s) of Committee Review: N/A

Audio-Visual Needs: None

Emergency Legislation?: No

Motion/Ordinance/Resolution No.: N/A

Agenda Item Description or Legislation Title
City Council Meeting Minutes - June 24, 2019

Purpose and Background
Approval of the minutes from the June 24, 2019 City Council Meeting.

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:
There are no financial implications to this agenda item.

Attachments

Minutes
1. The Huber Heights City Council met in a Regular Session on June 24, 2019. Mayor Jeff Gore called the meeting to order at 7:01 p.m.

2. **Invocation** - Pastor John Gakwaya Of The Compassion Free Methodist Church At 6875 Old Troy Pike, Huber Heights, Ohio

3. **Pledge Of Allegiance**

4. **Roll Call**

   Councilmembers present were Mayor Jeff Gore, Richard Shaw, Seth Morgan, Nancy Byrge, Glenn Otto, Ed Lyons, Andy Hill, and Don Webb. Mayor Gore said Mark Campbell requested his absence be excused this evening. He asked if there was a motion to excuse the absence of Mr. Campbell.

   Mr. Webb so moved; Mr. Hill seconded the motion. On a call of the vote, Mr. Morgan, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, and Mr. Shaw voted yea; none voted nay. The motion passes 7-0.

5. **Approval Of Minutes**

   A. City Council Special Meeting Minutes – June 3, 2019
   B. City Council Meeting Minutes - June 10, 2019

6. **Special Presentations/Announcements**

   There were no Special Presentations this evening.

7. **Citizens Comments**

   Aaron Montgomery with Torch Creations stated his company is looking to host a Fall Festival in Huber Heights on Saturday, October 5, 2019 at the Eichelberger Amphitheater. He stated he has a goal of 40 vendors, including arts and crafts and food trucks, along with other activities and attractions. He said he is asking for volunteers and seeking help from the City to promote and assist Torch Creations financially with the space rental, alcohol permits, and security.

   Mayor Gore advised Mr. Montgomery to contact the Arts and Beautification Commission for assistance regarding this type of event.

   Rob Schommer stated Mr. Montgomery would need to contact the Parks and Recreation Manager and submit an application for use of the space.

   Mr. Otto asked if this festival would be an individual or organizational event.

   Mr. Montgomery stated the festival would be sponsored through the company, Torch Creations, but the festival would be for the community.

   Mrs. Byrge asked where Torch Creations has had festivals before.

   Mr. Montgomery said Torch Creations has not had a festival yet; mainly different social events and weddings.

8. **Citizens Registered to Speak on Agenda Items**

   There were no citizens registered to speak on Agenda items.

9. **City Manager Report**

   City Manager Rob Schommer said Bryan Chodkowski has taken the lead on the Lexington Place TIF. He said there are still some steps to take before bringing an ordinance before Council which would also include a public hearing. He said the
ordinance introduction could be at the next Council Work Session. He said the Chambersburg Road construction should be complete. He said it is not yet open at this time as checks are being done on the pavement. He said, with the next few days of good weather, the project should be completed soon. He provided an update on the Water Pressure Project. Mr. Schommer said the process is ongoing. He said, regarding the Lexington Place TIF, there was some discussion that a developer would be looking to extend into what was known previously as Quail Ridge. He said there have been no formal submissions on that development, but that property is being looked at as an opportunity to extend residential development in that area. He said City Staff will be reaching out to Dayton Metro Library to see how plans for the new Huber Heights branch are progressing.

10. Pending Business

A. An Ordinance To Change The Speed Limit From 35 MPH To 25 MPH On Rip Rap Road From North Dayton/Huber Heights Corporation Limit To South Dayton/Huber Heights Corporation Limit In Front Of The Miami Villa Subdivision And Authorizing Publication Of The Speed Limit And Posting Of Signs. (second reading)

City Manager Rob Schommer said this item was brought up and discussed as an overall safety improvement plan and includes signage. He said this change was based on a study that was done regarding vehicle accidents that have occurred over a relatively recent period of time. He said it is recommended to adopt this item at the second reading. He said he is aware there are some concerns with the speed limit being reduced to 25 miles per hour in allowing the possibility of golf carts or low speed electric vehicles to operate on that portion of road. He said, as part of the plan, “No Golf Carts” signs would be posted. He said there would also be “Reduced Speed Ahead” signs posted. He said, if adopted, City Staff would begin the process of placing signs and notices appropriately.

Mayor Gore stated the Council Work Session recommendation was to adopt this item.

Mr. Hill moved to adopt, Mr. Shaw seconded the motion.

Mrs. Byrge asked Scott Falkowski what streets the reduced speed limit would run to and from.

Mr. Schommer said the corporation limits are at the point of the grass levy adjacent to the park and would extend down to just before Fishburg Road.

Mr. Shaw stated his hope is that City Council does pass the speed limit change with the concerns of residents and business owners in that area as well as the safety of children playing at the ball diamonds and the Warrior Soccer complex.

On a call of the vote, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, Mr. Shaw, and Mr. Morgan voted yea; none voted nay. The motion passes 7-0.

B. An Ordinance Determining To Proceed With The Improvement Of Public Streets And Easements, In Windbrooke Section 2 By Constructing And Installing On Certain Property Within The City Street Improvements, Including Subbase, Concrete Curb/Gutter With Drainage, Asphalt, Street Lights And Signs Along With All Necessary Appurtenances. (second reading)
Mr. Schommer said this is the Ordinance To Proceed related to the Resolution of Necessity that was passed at the previous meeting. He said this ordinance would establish the special assessments as described and allow the City to continue work with DEC as DEC extends into Windbrooke Section 2.

Mayor Gore stated the Council Work Session recommendation was to adopt this item.

Mrs. Byrge moved to adopt; Mr. Webb seconded the motion. On a call of the vote, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, Mr. Shaw, Mr. Morgan, and Mrs. Byrge voted yea; none voted nay. The motion passes 7-0.

C. An Ordinance Amending Sections 179.01 And 179.03 Of Part One, Administrative Code, Of The Huber Heights Codified Ordinances.

(second reading)

Mr. Schommer stated this item is part of the City’s annual review and audit. He stated this amendment is cleanup language that allows conformity with some changes to the Ohio Revised Code regarding reference numbers to specific codes, matching ordinances, and updating those references. He said these changes was not a finding per se of the audit, but were part of the review. He asked that this item be considered for adoption tonight.

Mayor Gore stated the Council Work Session recommendation was to adopt this item.

Mr. Hill moved to adopt, Mrs. Byrge seconded the motion. On a call of the vote, Mr. Lyons, Mr. Hill, Mr. Webb, Mr. Shaw, Mr. Morgan, Mrs. Byrge, and Mr. Otto voted yea; none voted nay. The motion passes 7-0

11. New Business

ADMINISTRATION

Rob Schommer, City Manager

A. A Public Hearing Scheduled For June 24, 2019 By The Huber Heights City Council For Zoning Case 19-25. The Applicant Is Carriage Trails At The Heights. The Applicant Is Requesting Approval Of A Rezoning From R1 (Residence) To PR (Planned Residential) And Approval Of A Basic Development Plan For 14.646 Acres North Of Carriage Trails Parkway.

Mayor Gore declared the Public Hearing now open and called on City Staff to make the initial presentation.

Scott Falkowski said this is a case that came before Planning Commission for rezoning from R1 (Residence) to PR (Planned Residential). He said this property is located at the western edge of Carriage Trails just due east of Old Troy Pike on the north side of Carriage Trails Parkway. He said originally there was an existing 20-acre parcel, and the developer previously requested a lot split of the top 5 acres. He said that portion has been split off and approved by Planning Commission. He said the bottom 14.6 acres is what is being requested to be rezoned. He said this is in an area where there are some multi-family uses on the exterior areas and larger lots in the center. He said this plan does fit in with the overall master plan to have smaller lots. He said these lots would be considered the same as the village lots within Carriage Trails which have a 50-foot minimum frontage, 6,000 square feet minimum area, and 25-foot front yard setbacks, 5-foot side yards, and 25-foot rear yards. Mr. Falkowski said if this property does get approved for rezoning, the developer would come back with a Detailed Development Plan through the Planning Commission. He said the rezoning request sets up all details of
where houses can be built and the design standards, but not an exact layout. He gave a PowerPoint presentation regarding lot sizes, utilities, buffers, drainage, access points and entrances, and building types. He showed the only logical access for the site on Carriage Trails Parkway. He said, as far as the Fire Code, there would be need for a second entrance, but according to the Fire Code, the Fire Chief has the ability to grant a waiver for the second entrance. He said, as a result of discussion with the Fire Division, a widened boulevard entrance would be installed.

Mr. Webb asked what requirements exist to keep a future homeowner from modifying the creek.

Mr. Falkowski replied that through standard drainage regulations, the requirements are to maintain the flow. He said to disturb any portion of the creek requires a permit process through the Army Corps of Engineers. He said when the developer comes through with the final design, there will be drainage easements put in place.

Mr. Otto said the lack of two distinctly separate entrances and exits concerns him. He asked the purpose of the Fire Code requiring entrances to be a certain distance apart.

Mr. Falkowski gave an example of a car accident at the same time of a medic call within a development. He said having two ways of getting into the development is the idea in case one way is blocked.

Mr. Schommer said coincidentally across the street in the Miller Valentine senior homes, there are more units than in this proposed development, and there is only one entrance. He said it has everything to do with the fact that there are single family units. He said there are multi-family areas that have a higher density and more units that do not have that requirement. He said that is in part why the Fire Chief feels a variance is a good solution for what has been proposed.

Mr. Falkowski said this portion of the Fire Code is not part of the standard Fire Code. He said this is an appendix and each community has the ability to adopt the appendix into the Fire Code, which the City of Huber Heights has done. He said it is up to each community under this portion of that code.

Mayor Gore called upon representatives from Carriage Trails at the Heights for a presentation or comments.

Seeing none, Mayor Gore asked if Law Director Mr. McDonald had any comments.

Seeing none, Mayor Gore asked if there were any other representatives of the City of Huber Heights to make any comments.

Seeing none, Mayor Gore asked if there was anyone present to speak in favor of the approval of this issue.

Seeing none, Mayor Gore asked if there was anyone present to speak against the approval of this issue.

Seeing none, Mayor Gore asked if there was any member of City Council to make any comments or provide additional information other than what Mr. Falkowski had already provided.

Seeing none, Mayor Gore asked one last time if there was anyone to speak in favor or against the approval of this zoning case.
Mayor Gore said barring further comments, this Public Hearing of the City Council for Planning Commission Case ZC 19-25 is hereby closed.

B. An Ordinance To Approve A Rezoning From R1 (Residence) To PR (Planned Residential) District For 14.646 Acres Located As Part Of Inlot 163 Of The Miami County Auditor’s Tax Records And To Approve A Basic Development Plan And Accepting The Recommendation Of The Planning Commission (Zoning Case 19-25).
(first reading)

Mr. Schommer said this is the ordinance that allows the actions discussed in the previous public hearing to take place and establish the rezoning. He said this item is at the first reading.

Mayor Gore stated at the Council Work Session it was recommended to move this item to a second reading. He said this item will be passed to a second reading.

C. A Resolution Authorizing The City Manager To Enter Into An Amended Real Estate Purchase Contract For The Sale Of Property Known As Montgomery County Parcel ID Number P70 012170030.
(first reading)

Mr. Schommer said, as discussed at the Council Work Session, Stoops Freightliner has entered into an agreement to purchase real estate from the City adjacent to its current lot for a small expansion. He said there are currently some delays in addressing a Sunoco gas line that runs across and adjacent to the parcel. He said this amendment is a requested additional extension which takes the parties beyond a year from the original signing of the agreement. He said the City wants to also include a first right of refusal to make sure that if another offer comes along, there is an opportunity to address it. He said the resolution would allow making the amendments to the agreement.

Mayor Gore stated the Council Work Session recommendation was to adopt this item.

Mr. Hill moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Hill, Mr. Webb, Mr. Shaw, Mr. Morgan, Mrs. Byrge, Mr. Otto, and Mr. Lyons voted yea; none voted nay. The motion passes 7-0.

D. A Resolution Authorizing The City Manager To Advertise For Competitive Bidding Through A Request For Proposals For A Three-Year Contract To Provide A Fireworks Demonstration For The City Of Huber Heights Annual Fourth Of July Fireworks Show.
(first reading)

Mr. Schommer said this is a resolution to go out to bid for the City’s fireworks display. He said City Staff would solicit and accept proposals, review the proposals, and bring a recommendation back to City Council.

Mayor Gore stated the Council Work Session recommendation was to adopt this item.

Mr. Webb moved to adopt, Mr. Otto seconded the motion.

Mrs. Byrge asked if the City needs to have anything stated in the RFP under “Contract Termination” that the City of Huber Heights reserves the right to terminate any subsequent agreement or contract at no cost.
Mr. Schommer said that can be addressed in the actual agreement and that he would make a note to look into that.

On a call of the vote, Mr. Webb, Mr. Shaw, Mr. Morgan, Mrs. Byrge, Mr. Otto, Mr. Lyons, and Mr. Hill voted yea; none voted nay. The motion passes 7-0.

E. A Resolution Amending Resolution No. 2019-R-6736 To Increase The Not To Exceed Amount For A Portion Of The 2019 Sidewalk Program And The Concrete Portion Of The 2019 Street Program.
(first reading)

City Manager Rob Schommer said this item affects the actual amount to be spent, but it does not affect the bid amount. He said the per unit amount remains the same; however, the calculation of the units is larger. He said a modification needs to be made to increase the not to exceed amount as noted.

Mayor Gore stated the Council Work Session recommendation was to adopt this item.

Mrs. Byrge moved to adopt, Mr. Webb seconded the motion. On a call of the vote, Mr. Shaw, Mr. Morgan, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, and Mr. Webb voted yea; none voted nay. The motion passes 7-0.

F. A Resolution Authorizing Continued Purchases And A Services Agreement With Booher Blacktop, Inc. For Fiscal Year 2019 And Waiving The Competitive Bidding Requirements.
(first reading)

Mr. Schommer said this is a situation where the City had three separate projects out for quotes expecting that the quotes were under the bidding threshold. He said one responding vendor provided quotes for all three projects and was the lowest bidder for all of the projects. He said the collective expenditures will exceed $25,000. He said he is seeking Council approval for that expenditure and waiving the competitive bidding requirements so that Booher Blacktop, Inc. would not have to re-bid on already quoted projects.

Mayor Gore stated it was recommended to adopt this item at the Council Work Session.

Mrs. Byrge moved to adopt, Mr. Hill seconded the motion. On a call of the vote, Mr. Morgan, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, and Mr. Shaw voted yea; none voted nay. The motion passes 7-0.

12. City Official Reports and Comments

There were no City Official Comments this evening.

13. Executive Session

There was no need for Executive Session.
14. **Adjournment**

Mayor Gore adjourned the Regular Session Council Meeting at 7:38 p.m.

_________________________  ______________________
Clerk of Council             Date

_________________________  ______________________
Mayor                      Date
City Council Meeting Finance  
Meeting Date: 07/08/2019  
2019 Sidewalk Program Assessments Announcement  
Submitted By: Anthony Rodgers  
Department: City Council  
Council Committee Review?: None  
Date(s) of Committee Review: N/A  
Audio-Visual Needs: None  
Emergency Legislation?: No  

Agenda Item Description or Legislation Title  
Announcement: The City is required to make a public notice and announcement of the final cost to property owners of the 2019 Sidewalk Program prior to beginning the assessment process. The 2019 Sidewalk Program is complete and the final cost for property owners is $94,596.45.  

Purpose and Background  
The City is required to make a public notice and announcement of the final cost to property owners of the 2019 Sidewalk Program prior to beginning the assessment process.  

Fiscal Impact

<table>
<thead>
<tr>
<th>Source of Funds:</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost:</td>
<td>N/A</td>
</tr>
<tr>
<td>Recurring Cost? (Yes/No):</td>
<td>N/A</td>
</tr>
<tr>
<td>Funds Available in Current Budget? (Yes/No):</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Financial Implications:

Attachments

2019 Sidewalk Program Announcement
The 2019 Sidewalk Program is complete and the final cost for property owners is $94,596.45. Would you please have this read at the council meeting on July 8, 2019 so that we may start the assessment process?

Thanks!

Darcy
Barstool Open Donation Presentation For Huber Heights Veterans Memorial

Submitted By: Anthony Rodgers
Department: City Council

Council Committee Review?: None Date(s) of Committee Review: N/A
Audio-Visual Needs: None Emergency Legislation?: No

Motion/Ordinance/Resolution No.:

Agenda Item Description or Legislation Title
Barstool Open Donation Presentation For The Huber Heights Veterans Memorial - Mayor Jeff Gore

Purpose and Background
Representatives of the Barstool Open will be making a donation presentation of proceeds from the 2019 Barstool Open to Mayor Jeff Gore for the Huber Heights Veterans Memorial.

A list of the participating bars and owners and/or managers for the Barstool Open:

- Joe Yount - The Brick Tap and Tavern
- Dan Ryan - The Brick Tap and Tavern
- Jerome Yount - The Brick Tap and Tavern
- David Grusenmeyer - The Beacon Lounge
- Sheila Grusenmeyer - Bob's Gone Saloon
- James Williams - The Double Deuce
- Curt Inman - The Cape Lounge
- Kyle Inman - The Cape Lounge
- Harry Daniels - Brownies Tavern
- Pamela Grande - Brownies Tavern
- Linda Lehman - Brownies Tavern
- Tony Allison - The Villa
- Andrea Snyder - Submarine House
- Jason Wadzinski - Rip Rap Roadhouse
- Sunnie Shafer - Rip Rap Roadhouse

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.
ZC 19-25 - Carriage Trails Parkway Property - Rezoning/Basic Development Plan

Submitted By: Geri Bellingar
Department: Planning

Council Committee Review?: Council Work Session
Date(s) of Committee Review: 06/18/2019

Audio-Visual Needs: SmartBoard
Emergency Legislation?: No

Motion/Ordinance/Resolution No.: 

**Agenda Item Description or Legislation Title**

An Ordinance To Approve A Rezoning From R1 (Residence) To PR (Planned Residential) District For 14.646 Acres Located As Part Of Inlot 163 Of The Miami County Auditor’s Tax Records And To Approve A Basic Development Plan And Accepting The Recommendation Of The Planning Commission (Zoning Case 19-25).

(Second reading)

**Purpose and Background**

The applicant has requested a lot split of a 19.994-acre parcel to create a new lot that is prepped for development. The new lot created is 14.646 acres and located along the frontage of Carriage Trails Parkway. The request is to rezone the land to Planned Residential (PR) to allow for a new residential development and to approve a Basic Development Plan for the site.

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**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:

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**Attachments**

Map
Aerial Map
Pictures
Staff Report
Decision Record
Minutes
Ordinance
ELEVATIONS & FLOORPLANS
AFFORDABLE NEW HOMES

Our new age targeted line of affordable homes will be marketed as LIFESTYLE by Ryan Homes.

The homes and communities are designed to give our buyers the freedom to choose how they want to live in a home to fit their lifestyle at an attractive value.
ARUBA 1,188 SQ. FT.
BAHAMA 1,348 SQ. FT.
CAYMAN 1,559 SQ. FT.
DOMINICA 1,720 SQ. FT.
DOMINICA 1,720 SQ. FT.
LIFESTYLE

BY

Ryan Homes

Easy. Affordable. Fits your lifestyle.
Memorandum
Staff Report for Meeting of May 28, 2019

To: Huber Heights City Planning Commission
From: Scott P. Falkowski, Assistant City Manager
Date: May 22, 2019
Subject: ZC 19-25 (Rezoning from R-1 Residence to PR Planned Residential)
14.646 Acres

☐ Application dated May 3, 2019

Department of Planning and Development
City of Huber Heights

APPLICANT/OWNER: Carriage Trails at The Heights – Applicant
Browntown 1 LLC - Owner

DEVELOPMENT NAME: Carriage Trails, Section 17

ADDRESS/LOCATION: Carriage Trails Parkway

ZONING/ACREAGE: Residence (R-1) / 14.646 acres

EXISTING LAND USE: Vacant

ZONING ADJACENT LAND: PM, R-1

REQUEST: The applicant requests approval of a rezoning from R-1 Residence to PR Planned Residential District.

ORIGINAL APPROVAL:

APPLICABLE HHCC: Chapter 1171, 1172

CORRESPONDENCE: In Favor – None Received
In Opposition – None Received

OVERVIEW:
The applicant requests rezoning from R-1 Residence to PR Planned Residential District.

**STAFF ANALYSIS AND RECOMMENDATION:**

The applicant had requested a lot split of a 19.994-acre parcel to create a new lot that is prepped for development. The new lot created is 14.646 acres and located along the frontage of Carriage Trails Parkway. The request is to rezone to Planned Residential to allow for a new residential development.

The applicant requests to follow similar guidelines to the Carriage Trails Development for Village Homes.

**Village Homes**

- Minimum lot dimensions for each lot type for the Village Homes shall be:

<table>
<thead>
<tr>
<th>Lot Type</th>
<th>Min. Width</th>
<th>Min. Area</th>
<th>Max. Building Coverage of Lot Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Village Homes</td>
<td>50 ft.</td>
<td>6,000</td>
<td>60%</td>
</tr>
</tbody>
</table>

- Setbacks in the development shall be as follows:

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Front Yard</th>
<th>Min. Side Yard</th>
<th>Min. Rear Yard</th>
<th>Min. Building Separation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>25 ft. from right-of-way</td>
<td>5 ft.</td>
<td>25 ft.</td>
<td>10 ft.</td>
</tr>
</tbody>
</table>

- The minimum floor areas for the single-family residential lots shall be as follows:
  - One-story dwellings shall have a minimum floor area of 1,100 square feet;
  - One and one-half story dwellings shall have a minimum floor area of 1,200 square feet; and
  - Two-story dwellings shall have a minimum floor area of 1,300 square feet.

- Maximum building heights shall be 35 feet for all structures.

- The major roof slopes on all single-family residential structures shall have a minimum pitch of 5/12. Softer pitches may be accepted as a minor accent roof and on porches.

- Gable roofs, hip roofs, minor variations and combinations of the two are preferred.

- Roof materials and colors should be compatible throughout the community. Earth tone colors are preferred. Roof fans, vents and flashing are to be painted or finished to match the roof.

- Exterior building materials shall be wood, brick, stone, stucco, fiber-cement products
(such as Hardie Plank) or vinyl siding with a minimum gauge of .04.

➢ Natural earth tone colors are preferred. Accent colors can only be used to carefully add a highlight or detail to the natural earth tone colors. Gutters and downspouts are to be finished to compliment fascia color. Trim is to be stained or painted to compliment the exterior walls and roof.

➢ All exterior building materials and colors are subject to review by the architectural review board of the master homeowners’ association.

➢ The masonry product shall be used over a minimum of 25% of the surface area of the primary façade. Alternate materials may be used for detail and trim. The masonry coverage area shall be applied to the primary façade area remaining after removing the area occupied by windows and doors or roofing surfaces.

➢ The Village Homes basic architecture shall be based on the Ryan Homes Elevations & Floorplans provided herein.

The conceptual layout shows 55 single family residential lots. Utilities are available at Carriage Trails Parkway. Storm water detention basins are located directly to the east and south of this proposed development. There is an existing creek locate at the northwest of the development creating a buffer between this and the industrial properties to the west that are outside the City of Huber Heights. Access will be from Carriage Trails Parkway.

Under 1501(a)(2) of the City Code, the City adopted by reference the International Fire Code Appendices B, C, D, E, F, and G. As such all of those are part of the City’s code.

The International Fire Code Appendix D Section D107, One or Two Family residential developments (attached), “where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads”.

D107.2 States that “Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property…”.

Due to site constraints, a second entrance one-half of the length of the maximum overall diagonal dimension of the property would be, in my opinion, unreasonable. Therefore, I am recommending that City Council give the authority to the Fire Chief to approve a variance to this portion of the code.

**Recommendation:**

Staff recommends approval of the request for rezoning from R-1 Residence to PR Planned Residential District in accordance with the conditions contained in the proposed Decision Record for Planning Commission’s consideration.
WHEREAS, on May 3, 2019, the applicant, Carriage Trails at the Heights LLC, requested approval of a rezoning from R-1 (Residence) to PR (Planned Residential) District for 14.646 acres located as Part of Inlot 163 of the Miami County Auditor’s Tax records (ZC 19-25); and

WHEREAS, on May 28, 2019, the Planning Commission did meet and fully discuss the details of the request.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommended approval of the request.

Mr. Williams moved to recommend approval of the request by the applicant, Carriage Trails at The Heights LLC, for a rezoning from R-1 (Residence) to PR (Planned Residential) District for 14.646 acres located as Part of Inlot 163 of the Miami County Auditor’s Tax records (ZC 19-25) in accordance with the recommendation of Staff’s Memorandum dated May 24, 2019 with the following conditions:

1. The Basic Development Plan shall be the plans and descriptions stamped received by the City of Huber Heights Planning Department on May 3, 2019 unless specifically modified below.

2. Minimum lot dimensions for each lot type for the Village Homes shall be:

<table>
<thead>
<tr>
<th>Lot Type</th>
<th>Min. Width</th>
<th>Min. Area</th>
<th>Max. Building Coverage of Lot Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Village Homes</td>
<td>50 feet</td>
<td>6,000 s.f.</td>
<td>60%</td>
</tr>
</tbody>
</table>
3. Minimum Setbacks in the development shall be as follows:

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Front Yard</th>
<th>Side Yard</th>
<th>Rear Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family</td>
<td>25 feet</td>
<td>5 feet</td>
<td>25 feet</td>
</tr>
</tbody>
</table>

4. The minimum floor areas for the single-family residential lots shall be as follows:
   - One-story dwellings shall have a minimum floor area of 1,100 square feet;
   - One and one-half story dwellings shall have a minimum floor area of 1,200 square feet; and
   - Two-story dwellings shall have a minimum floor area of 1,300 square feet.

5. Maximum building heights shall be 35 feet for all structures.

6. The major roof slopes on all single-family residential structures shall have a minimum pitch of 5/12. Softer pitches may be accepted as a minor accent roof and on porches.

7. Gable roofs, hip roofs, minor variations and combinations of the two are preferred.

8. Roof materials and colors should be compatible throughout the community. Earth tone colors are preferred. Roof fans, vents and flashing are to be painted or finished to match the roof.

9. Exterior building materials shall be wood, brick, stone, stucco, fiber-cement products (such as Hardie Plank) or vinyl siding with a minimum gauge of .04.

10. Natural earth tone colors are preferred. Accent colors can only be used to carefully add a highlight or detail to the natural earth tone colors. Gutters and downspouts are to be finished to compliment fascia color. Trim is to be stained or painted to compliment the exterior walls and roof.

11. All exterior building materials and colors are subject to review by the architectural review board of the master homeowners’ association.

12. The masonry product shall be used over a minimum of 25% of the surface area of the primary façade. Alternate materials may be used for detail and trim. The masonry coverage area shall be applied to the primary façade area remaining after removing the area occupied by windows and doors or roofing surfaces.

13. The Fire Chief is authorized to grant a variance to 1501(a)(2) of the City Code, adopting Appendix D of the International Fire Code requiring, “where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads” and D107.2 States that “Where two fire apparatus
access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property…”.

14. Prior to the issuance of a zoning permit, the applicant shall submit and receive approval of a Detailed Development Plan through the Planning Commission.

15. Prior to the issuance of a zoning permit, the applicant shall obtain approval of a final subdivision of the subject property for the purpose, but not the sole purpose, of establishing all necessary public easements on the subject property.

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, Mr. Williams, and Mr. Walton. NAYS: None. Motion to recommend approval carried 4-0.

____________________________   ________________
Terry Walton, Chair                  Date
Planning Commission
I. Chair Terry Walton called the meeting to order at approximately 7:01 p.m.

II. Present at the meeting: Mr. Jeffries, Mr. Williams, Ms. Vargo, and Mr. Walton

Members Absent: Ms. Opp

Staff Present: Scott Falkowski, Assistant City Manager; and Geri Bellingar, Planning & Zoning Administrative Secretary.

III. Opening Remarks by the Chairman and Commissioners

None.

IV. Citizens Comments

None.

V. Swearing of Witnesses

Mr. Walton explained the proceedings of tonight’s meeting and administered the sworn oath to all persons wishing to speak or give testimony regarding items on the agenda. All persons present responded in the affirmative.

VI. Pending Business

1. TEXT AMENDMENT - The applicant, CITY OF HUBER HEIGHTS, is requesting approval to amend Chapter 1189 of the Planning & Zoning Code entitled "Signs" (ZC 19-11).

   M. Falkowski requested to table this item until 6/25/19, he has reached out to the Chamber of Commerce to discuss with businesses and is waiting to hear back from them. Ms. Vargo asked him to include the Real Estate Community also.

VII. New Business

1. LOT SPLIT - The applicant, CARRIAGE TRAILS AT THE HEIGHTS, LLC, is requesting approval of a Lot Split 14.65 acres and 5.35 acres, State Route 202, Tipp City, Ohio (ZC 19-24).

   Mr. Falkowski explained the next two cases go together, for a new development at the western edge of Carriage Trails. 20-acre parcel that is currently farmland, that was not part of the Carriage Trails development plan approval. Development is requested on the southern end of this parcel. Access to old Troy Pike at the North end. Currently no official access on the South end. Develop the southern part into a residential community and leave the northern part as an individual parcel left as vacant land. Lengthy discussion on the connection and right of way.
Ken Conaway said you can’t cross the waterway. Buffer for rear of property. Bernie Wilson, asked about the north 5 acres, Mr. Falkowski stated it is zoned industrial, it would have to be rezoned. There are no plans.

Action

Mr. Jeffries moved to approve the request by the applicant, CARRIAGE TRAILS AT THE HEIGHTS, LLC, for the approval of a Lot Split 14.65 acres and 5.35 acres, State Route 202, Tipp City, Ohio (ZC 19-24) in accordance with recommendations of Staff’s Memorandum dated May 28, 2019, and the Planning Commission Decision Record attached thereto.

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, Mr. Williams, and Mr. Walton. NAYS: None. Motion to approve carried 4-0.

2. REZONING - The applicant, CARRIAGE TRAILS AT THE HEIGHTS, LLC, is requesting approval of Rezoning from R1 (Single-Family Residential) to PR (Planned Residential) (ZC 19-25).

Mr. Falkowski explained this is the next step for that southern parcel that was just approved for a split, this is Carriage Trails, Section 17. Village home type product. Conceptual plan. 50 ft. minimum width lot. Single family product, 25 ft. front yard, 5 ft. minimum side yards, 25 ft. rear yards and 10 ft. minimum building separations. Discussion on the materials and designs. Utilities for public sewage and water. Drainage will follow all city standard requirements. Creek provides a buffer. One access point is acceptable. Larger boulevard entrance.

Action

Mr. Williams moved to approve the request by the applicant, CARRIAGE TRAILS AT THE HEIGHTS, LLC, for the approval of a Rezoning from R1 (Single-Family Residential) to PR (Planned Residential) (ZC 19-25) in accordance with recommendations of Staff’s Memorandum dated May 28, 2019, and the Planning Commission Decision Record attached thereto.

Seconded by Mr. Jeffries. Roll call showed: YEAS: Ms. Vargo, Mr. Jeffries, Mr. Williams, and Mr. Walton. NAYS: None. Motion to approve carried 4-0.

3. MINOR CHANGE – The applicant, YMCA OF GREATER DAYTON, is requesting approval of a Minor Change for the expansion of the west end of the building (ZC 1-26).

Mr. Falkowski stated the property is at the Northwest corner of Shull and Brandt Pike. Building built several years ago, and they are looking at a 5,000 sq. ft. expansion off their Wellness Center. Back of the building. Existing driveway and utilities. Reviewed by the fire department and is acceptable. Water line will need to be relocated and a fire hydrant. Building will match the existing facade.

Chris Lindeman, YMCA asked if anyone had any questions, they did not.
Planning Commission Meeting
May 28, 2019

Action

Ms. Vargo moved to approve the request by the applicant, YMCA OF GREATER DAYTON, for the approval of a Minor Change for the expansion of the west end of the building (ZC 19-26) in accordance with recommendations of Staff’s Memorandum dated May 28, 2019, and the Planning Commission Decision Record attached thereto.

Seconded by Mr. Jeffries. Roll call showed: YEAS: Ms. Vargo, Mr. Jeffries, Mr. Williams, and Mr. Walton. NAYS: None. Motion to approve carried 4-0.

4. MINOR CHANGE – The applicant, ALEMATIC ARTISAN ALES, is requesting approval of a Minor Change for mobile food vehicles at the Huber Centre (ZC 19-28).

Mr. Falkowski explained this request is from a taproom that does not have a kitchen. They would like to have food trucks at their location while they are open. This goes with our food truck ordinance that in a planned district the planning commission can approve. Want to rotate food trucks. Stay away from competing uses. Up to 4 parking spaces in front of this location. 3 – 9 on weekdays and 12 – 9 on weekends. Limited to 4- or 5-hour increments. Drive isles and fire lanes will not be blocked. Health licensing required. There will be trash receptacles and no tables in drive isles.

Mike Meholick, Alematic Artisan Ales said they actively promote food that is there. He would like to partner with food trucks and draw attention to local businesses.

Action

Mr. Jeffries moved to approve the request by the applicant, ALEMATIC ARTISAN ALES, for the approval of a Minor Change for mobile food vehicles at the Huber Centre (ZC 19-28) in accordance with recommendations of Staff’s Memorandum dated May 28, 2019, and the Planning Commission Decision Record attached thereto.

Seconded by Mr. Williams. Roll call showed: YEAS: Mr. Williams, Ms. Vargo, Mr. Jeffries, and Mr. Walton. NAYS: None. Motion to approve carried 4-0.

VIII. Additional Business

None.

IX. Approval of the Minutes

Without objection, the minutes of the May 14, 2019, Planning Commission meeting are approved.
Planning Commission Meeting
May 28, 2019

X. Reports and Calendar Review

Mr. Falkowski stated he will be on vacation on 6/11/19 but Carriage Trails, Section 6, Phase I will be on the agenda.

XI. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at approximately 8:15 p.m.

Terry Walton, Chair

Geri Bellingar, Administrative Secretary
CITY OF HUBER HEIGHTS  
STATE OF OHIO  
ORDINANCE NO. 2019-O-

TO APPROVE A REZONING FROM R1 (RESIDENCE) TO PR (PLANNED RESIDENTIAL) DISTRICT FOR 14.646 ACRES LOCATED AS PART OF INLOT 163 OF THE MIAMI COUNTY AUDITOR’S TAX RECORDS AND TO APPROVE A BASIC DEVELOPMENT PLAN AND ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION (ZONING CASE 19-25).

WHEREAS, the citizens of Huber Heights require the efficient and orderly planning of land uses within the City; and

WHEREAS, the City Planning Commission has reviewed Zoning Case 19-25 and on May 28, 2019, recommended approval by a vote of 4-0 of the Rezoning; and

WHEREAS, the City Council has considered the issue.

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

Section 1. The application requesting approval of a Rezoning from R1 (Residence) to PR (Planned Residential) (Zoning Case 19-25) is hereby approved in accordance with the Planning Commission’s recommendation and following conditions:

1. The Basic Development Plan shall be the plans and descriptions stamped received by the City of Huber Heights Planning Department on May 3, 2019 unless specifically modified below.

2. Minimum lot dimensions for each lot type for the Village Homes shall be:

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<thead>
<tr>
<th>Lot Type</th>
<th>Min. Width</th>
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<td>50 feet</td>
<td>6,000 s.f.</td>
<td>60%</td>
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3. Minimum Setbacks in the development shall be as follows:

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<td>Single-Family</td>
<td>25 feet</td>
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4. The minimum floor areas for the single-family residential lots shall be as follows:
   - One-story dwellings shall have a minimum floor area of 1,100 square feet;
   - One and one-half story dwellings shall have a minimum floor area of 1,200 square feet; and
   - Two-story dwellings shall have a minimum floor area of 1,300 square feet.

5. Maximum building heights shall be 35 feet for all structures.

6. The major roof slopes on all single-family residential structures shall have a minimum pitch of 5/12. Softer pitches may be accepted as a minor accent roof and on porches.

7. Gable roofs, hip roofs, minor variations and combinations of the two are preferred.

8. Roof materials and colors should be compatible throughout the community. Earth tone colors are preferred. Roof fans, vents and flashing are to be painted or finished to match...
9. Exterior building materials shall be wood, brick, stone, stucco, fiber-cement products (such as Hardie Plank) or vinyl siding with a minimum gauge of .04.

10. Natural earth tone colors are preferred. Accent colors can only be used to carefully add a highlight or detail to the natural earth tone colors. Gutters and downspouts are to be finished to compliment fascia color. Trim is to be stained or painted to complement the exterior walls and roof.

11. All exterior building materials and colors are subject to review by the architectural review board of the master homeowners’ association.

12. The masonry product shall be used over a minimum of 25% of the surface area of the primary façade. Alternate materials may be used for detail and trim. The masonry coverage area shall be applied to the primary façade area remaining after removing the area occupied by windows and doors or roofing surfaces.

13. The Fire Chief is authorized to grant a variance to Section 1501(a)(2) of the City Code, adopting Appendix D of the International Fire Code requiring, “where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads” and D107.2 States that “Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property...”.

14. Prior to the issuance of a zoning permit, the applicant shall submit and receive approval of a Detailed Development Plan through the Planning Commission.

15. Prior to the issuance of a zoning permit, the applicant shall obtain approval of a final subdivision of the subject property for the purpose, but not the sole purpose, of establishing all necessary public easements on the subject property.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance 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 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 __________________, 2019;
__________ Yeas; __________ Nays.

Effective Date:

AUTHENTIFICATION:

__________________________  __________________________
Clerk of Council            Mayor

__________________________  __________________________
Date                     Date
Agenda Item Description or Legislation Title
A Motion To Appoint Annette Foister To The Parks And Recreation Board To A Term Expiring March 31, 2022.

Purpose and Background
The City Staff/City Council interview panel recommends the appointment of Annette Foister to the Parks and Recreation Board for a term ending March 31, 2022. A background check was completed on Mrs. Foister and no adverse information was reported according to 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 - A. Foister
# Application For City Boards and Commissions

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**

<table>
<thead>
<tr>
<th>Board or Commission Applied For:</th>
<th>Date Applied:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Park Recreational Board</td>
<td>May 30, 2019</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Middle Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foister</td>
<td>Annette</td>
<td>Kathleen</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>5219 Sabra Ave.</td>
<td>Huber Heights</td>
<td>OH</td>
<td>45424</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Home Phone Number</th>
<th>Daytime Phone Number</th>
<th>E-mail Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>937-751-3768</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## EDUCATION

<table>
<thead>
<tr>
<th>SCHOOL</th>
<th>COURSE OF STUDY OR DEGREE EARNED</th>
</tr>
</thead>
<tbody>
<tr>
<td>High School</td>
<td>Kiser Patterson Coop Horticulture</td>
</tr>
</tbody>
</table>

## 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.

<table>
<thead>
<tr>
<th>Organization</th>
<th>Dates of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dog Park Planning Committee</td>
<td>Summer 2017</td>
</tr>
</tbody>
</table>
EMPLOYMENT HISTORY

<table>
<thead>
<tr>
<th>Name of Employer</th>
<th>Position(s) Held</th>
<th>Dates of Employment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corvallis Pediatrics</td>
<td>Grounds Beautification/Pre-School Teacher</td>
<td></td>
</tr>
<tr>
<td>Carved Florist</td>
<td>Floral designer/wedding consultant</td>
<td></td>
</tr>
<tr>
<td>Cheer's Flowers</td>
<td>Floral designer/wedding consultant</td>
<td></td>
</tr>
<tr>
<td>Amelie's Design/Floral Design/Decorative/Real Estate Design/Sale/design</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Landscape designer</td>
<td></td>
</tr>
</tbody>
</table>

REFERENCES

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Telephone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jeff Gone</td>
<td>6967 Charlesgate Ave. 45424</td>
<td>937-630-7272</td>
</tr>
<tr>
<td>Jerry Siler</td>
<td>5703 Hasboro Rd.</td>
<td>937-657-6316</td>
</tr>
<tr>
<td>Teresa Montgomery</td>
<td>5524 Rosser Ave.</td>
<td>937-657-2614</td>
</tr>
<tr>
<td>Evan Prophett</td>
<td>1383 Rosser Ave.</td>
<td>937-572-6314</td>
</tr>
<tr>
<td>Wayle Essg</td>
<td>45435</td>
<td>931-470-2183</td>
</tr>
</tbody>
</table>

STATEMENT OF INTEREST

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

I would like to see more beautification in our parks and throughout our community.
**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.

**Signature**

---

**Date**  5.30-19
Purpose and Background
This ordinance is to adopt and enact a republished City Code for 2019. The City utilized Municode to republish the City Code in 2019. Appropriate legal notice of this ordinance has been advertised as required by the Huber Heights City Charter.

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 - City Code Republication
ADOPTING AND ENACTING A REPUBLISHED CITY CODE FOR THE CITY OF HUBER HEIGHTS, OHIO; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, the City of Huber Heights has contracted with Municipal Code Corporation (DBA Municode) as the City’s new codification provider for the City Code of Huber Heights, Ohio (“the Code”); and

WHEREAS, Municode republished the City Code of Huber Heights, Ohio using the 1993 City Code of Huber Heights as maintained and supplemented through December 31, 2017 by the Walter H. Drane Company; resolutions and ordinances subsequently adopted by the Huber Heights City Council from January 1, 2018 to October 8, 2018; and applicable changes to the Ohio Revised Code.

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


Section 2. All ordinances of a general and permanent nature enacted on or before October 8, 2018, included in the prior version of the City Code and not included in the Code adopted by this Ordinance or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this Ordinance.

Section 4. Additions or amendments to the Code when passed in such form as to indicate the intention of City Council to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance 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 6. 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 _____________ , 2019;
______ Yeas; ______ Nays.

Effective Date:

AUTHENTICATION:

____________________________________  ______________________________________
Clerk of Council                             Mayor

____________________________________  ______________________________________
Date                                     Date
An Ordinance Approving The Editing And Inclusion Of Certain Ordinances And/Or Resolutions As Parts Of The Various Component Codes Of The City Code Of Huber Heights, Ohio; Providing For The Adoption And Publication Of New Matter In The Updated And Revised City Code As Supplement 1; And Repealing Ordinances And Resolutions In Conflict Therewith.

(first reading)

Purpose and Background
This ordinance is to adopt Supplement 1 to the City Code for the period of October 9, 2018 to February 11, 2019. Appropriate legal notice of this ordinance has been advertised as required by the Huber Heights City Charter.

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 - City Code - Supplement 1
CITY OF HUBER HEIGHTS  
STATE OF OHIO  

ORDINANCE NO. 2019-O-

APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AND/OR RESOLUTIONS AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CITY CODE OF HUBER HEIGHTS, OHIO; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CITY CODE AS SUPPLEMENT 1; AND REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

WHEREAS, Municipal Code Corporation has completed its updating and revision of the City Code of Huber Heights, Ohio within Supplement 1; and

WHEREAS, certain provisions within the City Code of Huber Heights, Ohio were changed to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various resolutions and/or ordinances of a general and permanent nature have been passed by the City Council which should be included in the City Code of Huber Heights, Ohio.

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

Section 1. The resolutions and/or ordinances of the City of Huber Heights, Ohio, of a general and permanent nature, as edited, revised, codified and re-codified, rearranged and consolidated into component codes, titles, chapters and sections within Supplement 1 to the City Code of Huber Heights, Ohio for the period of October 9, 2018 to February 11, 2019, a copy of which is available for copying and inspection in the Office of the Clerk of Council, and incorporated herein by this reference, are hereby approved and adopted.

Section 2. The provisions within the City of Huber Heights Code that mirror provisions as contained in the Ohio Revised Code as set forth within Supplement 1 to the City Code of Huber Heights, Ohio for the period of October 9, 2018 to February 11, 2019, a copy of which is available for copying and inspection in the Office of the Clerk of Council, and incorporated herein by this reference, are hereby approved and adopted to conform with current State law.

Section 3. All ordinances and resolutions or parts thereof that are in conflict or inconsistent with any provision of the new matter adopted in Section 1 or 2 of this ordinance are hereby repealed as of the effective date of this ordinance except as follows:

(a) The enactment of such sections shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purposes of revision and recodification.
(b) The repeal provided above shall not affect any legislation enacted subsequent to December 31, 2018.

Section 4. Pursuant to Section 5.08(B) of the Huber Heights City Charter, the Clerk of Council shall cause a notice of this proposed adopting Ordinance to be published one time in a newspaper of general circulation in the City at least seven days prior to adoption and no further publication shall be necessary. Such publication shall constitute sufficient notice of all new material contained therein.

Section 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance 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 6. 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 ____________, 2019;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

____________________________________  ______________________
Clerk of Council  Mayor

____________________________________  ______________________
Date  Date
An Ordinance To Amend The City Code Of Huber Heights, Ohio To Provide Amendments To Part Five – General Offenses Code, Sections 513.01, 513.03, 513.05, 545.10, 594.04; To Provide For Penalties; To Provide For Codification; To Provide For Severability; To Repeal Conflicting Ordinances; To Provide An Effective Date; And For Other Purposes.

(first reading)

Purpose and Background
This is an ordinance to adopt amendments to the General Offenses Code of the City Code for the period of January 1, 2018 to March 28, 2019. 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 - City Code - General Offenses  
Exhibit A - City Code - General Offenses
TO AMEND THE CITY CODE OF HUBER HEIGHTS, OHIO TO PROVIDE AMENDMENTS TO PART FIVE – GENERAL OFFENSES CODE, SECTIONS 513.01, 513.03, 513.05, 545.10, 594.04; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Huber Heights, Ohio is authorized by the City Charter and Ohio law to adopt ordinances relating to its property, affairs and local government.

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

Section 1. That the City Code of Huber Heights, Ohio is hereby amended by adding the provisions for the period from January 1, 2018 to March 28, 2019 as provided in the attached Exhibit A which is incorporated herein by this reference.

Section 2. Municipal Code Corporation is authorized to exclude and omit any provisions of this Ordinance that are inapplicable to the City Code of Huber Heights, Ohio.

Section 3. In preparing a supplement to the City Code of Huber Heights, Ohio, all portions of this Ordinance which have been repealed shall be excluded from the City Code of Huber Heights, Ohio by the omission thereof from reprinted pages.

Section 4. When preparing a supplement to the City Code of Huber Heights, Ohio, Municipal Code Corporation may 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 these changes into a unified code.

Section 5. Provisions of Exhibit A that duplicate or track State of Ohio statutes which do not become effective until after the effective date of this Ordinance, shall not take effect until such statutes take effect.

Section 6. 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 City Council 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 7. All ordinances and parts of ordinances in conflict herewith are expressly repealed.

Section 8. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance 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 9. 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 ____________, 2019; ______ Yeas; ______ Nays.

Effective Date:
AUTHENTICATION:

__________________________  _______________________
Clerk of Council               Mayor

__________________________  _______________________
Date                         Date
EXHIBIT A

The following sections and subsections of the City Code of Huber Heights, Ohio are new or have been amended with new matter in the City Code of Huber Heights, Ohio, and are hereby approved, adopted and enacted:

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)

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 analogs, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in subsection (2), or (3) of 3719.01, 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.

(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 section 2925.11 of the Revised Code and the sentencing provisions set forth in divisions (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 division (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 3719.01)

*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-phenylethyl)-4-piperidyl]-N-phenylpropanamide);

(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-piperidinyl]-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-
piperidiny1]-N-phenylacetamide); and

(15) A schedule I narcotic-opiate that meets the fentanyl pharmacophore
requirements specified in division (A)(56) of section 3719.41 of the Revised
Code, 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 the resin or a preparation of the resin contained in marihuana,
whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate
form.

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)

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)

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.

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.

*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, as amended pursuant to Ohio R.C. 3719.43 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 State Board of Education 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 State Board of Education 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.

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)

513.03 Drug abuse; controlled substance possession or use.

(a) No person shall knowingly obtain, possess or use a controlled substance or a controlled substance analog.

(b) (1) This section does not apply to the following:

A. Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731 and 4741.

B. If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration;

C. Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act;

D. Any person who obtained the controlled substance pursuant to a lawful prescription issued by a licensed health professional authorized to prescribe drugs.

(2) A. As used in subsection (b)(2) of this section:

1. "Community addiction services provider" has the same meaning as in Ohio R.C. 5119.01.

2. "Community control sanction" and "drug treatment program" have the same meanings as in Ohio R.C. 2929.01.

3. "Health care facility" has the same meaning as in Ohio R.C. 2919.16.
4. "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree.

5. "Post-release control sanction" has the same meaning as in Ohio R.C. 2967.28.

6. "Peace officer" has the same meaning as in Ohio R.C. 2935.01.

7. "Public agency" has the same meaning as in Ohio R.C. 2930.01.

8. "Qualified individual" means a person who is not on community control or post-release control and is a person acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in subsection (b)(2)B. of this section.

9. "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility.

B. Subject to subsection (b)(2)F. of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted or penalized pursuant to this chapter for a minor drug possession offense if all of the following apply:

1. The evidence of the obtaining, possession or use of the controlled substance or controlled substance analog that would be the basis of the offense was obtained as a result of the qualified individual seeking the medical assistance or experiencing an overdose and needing medical assistance.

2. Subject to subsection (b)(2)G. of this section, within 30 days after seeking or obtaining the medical assistance, the qualified individual seeks and obtains a screening and receives a referral for treatment from a community addiction services provider or a properly credentialed addiction treatment professional.

3. Subject to subsection (b)(2)G. of this section, the qualified individual who obtains a screening and receives a referral for treatment under subsection (b)(2)B.1. of this section, upon the request of any prosecuting attorney, submits documentation to the prosecuting attorney that verifies that the qualified individual satisfied the requirements of that subsection. The documentation shall be limited to the date and time of the screening obtained and referral received.

C. If a person is found to be in violation of any community control sanction and if the violation is a result of either of the following, the court shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in Ohio R.C. 2929.13, 2929.15, or 2929.25, whichever is applicable, after which the court has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in any of those applicable sections:
1. Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose;

2. Experiencing a drug overdose and seeking medical assistance for that overdose or being the subject of another person seeking or obtaining medical assistance for that overdose as described in subsection (b)(2)B. of this section.

D. If a person is found to be in violation of any post-release control sanction and if the violation is a result of either of the following, the court or the parole board shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in Ohio R.C. 2929.141 or 2967.28, whichever is applicable, after which the court or the parole board has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in either of those applicable sections:

1. Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose;

2. Experiencing a drug overdose and seeking medical assistance for that emergency or being the subject of another person seeking or obtaining medical assistance for that overdose as described in subsection (b)(2)B. of this section.

E. Nothing in subsection (b)(2)B. of this section shall be construed to do any of the following:

1. Limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regards to a defendant who does not qualify for the protections of subsection (b)(2)B. of this section or with regards to any crime other than a minor drug possession offense committed by a person who qualifies for protection pursuant to subsection (b)(2)B. of this section for a minor drug possession offense;

2. Limit any seizure of evidence or contraband otherwise permitted by law;

3. Limit or abridge the authority of a peace officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in that division;

4. Limit, modify or remove any immunity from liability available pursuant to law in effect prior to September 13, 2016 the effective date of this amendment to any public agency or to an employee of any public agency.

F. Subsection (b)(2)B. of this section does not apply to any person who twice previously has been granted an immunity under subsection (b)(2)B. of this section. No person shall be granted an immunity under subsection (b)(2)B. of this section more than two times.

G. Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance Portability and Accountability Act of 1996", 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and
regulations promulgated by the United States Department of Health and Human Services to implement the act or the requirements of 42 C.F.R. Part 2.

(c) Whoever violates subsection (a) hereof is guilty of one of the following:

(1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in Schedule III, IV, or V, whoever violates subsection (a) hereof is guilty of possession of drugs. Possession of drugs is a misdemeanor if the amount of the drug involved does not exceed the bulk amount. The penalty for the offense shall be determined as follows: possession of drugs is a misdemeanor of the first degree or, if the offender previously has been convicted of a drug abuse offense, a felony and shall be prosecuted under appropriate State law.

(2) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates subsection (a) hereof is guilty of possession of marihuana. Possession of marihuana is a misdemeanor if the amount of the drug involved does not exceed 200 grams. The penalty for the offense shall be determined as follows:

A. Except as otherwise provided in subsection (c)(2)B. hereof, possession of marihuana is a minor misdemeanor.

B. If the amount of the drug involved equals or exceeds 100 grams but is less than 200 grams, possession of marihuana is a misdemeanor of the fourth degree.

(3) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates subsection (a) hereof is guilty of possession of hashish. Possession of hashish is a misdemeanor if the amount of the drug involved does not exceed the maximum amount specified in subsection (c)(3)B. hereof. The penalty for the offense shall be determined as follows:

A. Except as otherwise provided in subsection (c)(3)B. hereof, possession of hashish is a minor misdemeanor.

B. If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one gram but is less than two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.

(d) In addition to any other sanction that is 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.
(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 any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness. (ORC 2925.11)

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 ORC 2925.13(C)(3), permitting drug abuse is a misdemeanor of the first degree. If the felony drug abuse offense in question is a violation of Ohio R.C. 2925.02 or 2925.03,

(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.

(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)

545.10 Misuse of credit cards.

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

(1) Practice deception for the purpose of procuring the issuance of a credit card, when a credit card is issued in actual reliance thereon;

(2) Knowingly buy or sell a credit card from or to a person other than the issuer.

(3) As an officer, employee, or appointee of a political subdivision or as a public servant as defined under section 2921.01 of the Revised Code, knowingly misuse a credit card account held by a political subdivision.
(b) No person, with purpose to defraud, shall do any of the following:
(1) Obtain control over a credit card as security for a debt;
(2) Obtain property or services by the use of a credit card, in one or more transactions, knowing or having reasonable cause to believe that the card has expired or been revoked, or was obtained, is retained or is being used in violation of law;
(3) Furnish property or services upon presentation of a credit card, knowing that the card is being used in violation of law;
(4) Represent or cause to be represented to the issuer of a credit card that property or services have been furnished, knowing that the representation is false.
(c) No person, with purpose to violate this section, shall receive, possess, control or dispose of a credit card.
(d) Whoever violates this section is guilty of misuse of credit cards, a misdemeanor of the first degree. Misuse of credit cards is a felony and shall be prosecuted under appropriate State law if:
(1) The cumulative retail value of the property and services involved in one or more violations of subsection (b)(2), (3) or (4) hereof, which violations involve one or more credit card accounts and occur within a period of 90 consecutive days commencing on the date of the first violation, is $1,000.00 or more; or
(2) The victim of the offense is an elderly person or disabled adult and the offense involves a violation of subsection (b)(1) or (2) hereof. (ORC 2913.21)

549.04 Improperly handling firearms in a motor vehicle.
(a) No person shall knowingly transport or have a firearm in a motor vehicle, unless the person may lawfully possess that firearm under applicable law of this state or the United States, the firearm is unloaded, and the firearm is carried in one of the following ways:
(1) In a closed package, box or case;
(2) In a compartment which can be reached only by leaving the vehicle;
(3) In plain sight and secured in a rack or holder made for the purpose;
(4) If the firearm is at least 24 inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least 18 inches in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.
(b) No person who has been issued a concealed handgun license, or who is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1), who is the driver or an occupant of a motor
vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in Ohio R.C. 5503.34, and who is transporting or has a loaded handgun in the motor vehicle or commercial motor vehicle in any manner, shall do any of the following:

(1) Fail to promptly inform any law enforcement officer who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States and that the person then possesses or has a loaded handgun in the motor vehicle;

(2) Fail to promptly inform the employee of the unit who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States and that the person then possesses or has a loaded handgun in the commercial motor vehicle.

(3) Knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer.

(4) Knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

(c) (1) This section does not apply to any of the following:
A. An officer, agent or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's or employee's duties;

B. Any person who is employed in this State, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in subsection (c)(1)B. does not apply to the person.

(2) Subsection (a) of this section does not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, both of the following apply:
A. The person transporting or possessing the handgun is either carrying a valid concealed handgun license or is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1).
B. The person transporting or possessing the handgun is not knowingly in a place described in Ohio R.C. 2923.126(B).

(3) Subsection (a) of this section does not apply to a person if all of the following apply:

A. The person possesses a valid electric-powered all-purpose vehicle permit issued under Ohio R.C. 1533.103 by the Chief of the Division of Wildlife.

B. The person is on or in an electric-powered all-purpose vehicle as defined in Ohio R.C. 1531.01 or a motor vehicle during the open hunting season for a wild quadruped or game bird.

C. The person is on or in an electric-powered all-purpose vehicle as defined in Ohio R.C. 1531.01 from a private or publically owned lands or from a motor vehicle that is parked on a road that is owned or administered by the Division of Wildlife, provided that the road is identified by an electric-powered all-purpose vehicle sign.

(d) (1) The affirmative defenses authorized in Section 549.02(d)(1) and (2) are affirmative defenses to a charge under subsection (a) that involves a firearm other than a handgun.

(2) It is an affirmative defense to a charge under subsection (a) of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that the affirmative defense is not available unless the person, immediately prior to arriving at the actor's own property, did not transport or possess the firearm in a motor vehicle in a manner prohibited by subsection (a) while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.

(e) (1) No person who is charged with a violation of subsection (a) shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

(2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (b) of this section as it existed prior to September 30, 2011, and if the conduct that was the basis of the violation no longer would be a violation of subsection (b) of this section on or after September 30, 2011, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.

If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (a) of this section as the subsection existed prior to September 30, 2011, and if the conduct that was the basis of the violation no longer would be a violation of subsection (a) of this section on or after September 30, 2011, due to the application of subsection (b)(4) of this section as it exists on and after September 30, 2011, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.
(f) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of subsection (a) of this section is a misdemeanor of the fourth degree. Except as otherwise provided in this subsection, a violation of subsection (b)(1) or (b)(2) of this section is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for the violation, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2). If at the time of the stop of the offender for a traffic stop, for another law enforcement purpose, or for a purpose defined in Ohio R.C. 5503.34 that was the basis of the violation any law enforcement officer involved with the stop or the employee of the motor carrier enforcement unit who made the stop had actual knowledge of the offender's status as a licensee, a violation of subsection (b)(1) or (b)(2) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to Ohio R.C. 2923.128(A)(2). A violation of subsection (b)(3) or (4) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of subsection (b)(3) or (4) of this section, a felony and shall be prosecuted under appropriate State law. In addition to any other penalty or sanction imposed for a misdemeanor violation of subsection (b)(3) or (4) of this section, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).

(g) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this subsection, Ohio R.C. 2923.163(B) applies.

(h) As used in this section:

(1) "Motor vehicle", "street" and "highway" have the same meanings as in Ohio R.C. 4511.01.

(2) A. "Unloaded" means:

1. With respect to a firearm other than a firearm described in subsection (h)(2)B. of this section, that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm in question and one of the following applies:
   a. There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.
   b. Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure.
2. For the purposes of subsection (h)(2)A.1.b. of this section, a "container that provides complete and separate enclosure" includes, but is not limited to, any of the following:

a. A package, box or case with multiple compartments, as long as the loaded magazine or speed loader and the firearm in question either are in separate compartments within the package, box, or case, or, if they are in the same compartment, the magazine or speed loader is contained within a separate enclosure in that compartment that does not contain the firearm and that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents or the firearm is contained within a separate enclosure of that nature in that compartment that does not contain the magazine or speed loader;

b. A pocket or other enclosure on the person of the person in question that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents.

3. For the purposes of subsection (h)(2)A. of this section, ammunition held in stripper-clips or in en-bloc clips is not considered ammunition that is loaded into a magazine or speed loader.

B. "Unloaded" means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan.

(3) "Commercial motor vehicle" has the same meaning as in Ohio R.C. 4506.25(A).

(4) "Motor carrier enforcement unit" means the motor carrier enforcement unit in the Department of Public Safety, Division of State Highway Patrol that is created by Ohio R.C. 5503.34.

(i) Subsection (h)(2) of this section does not affect the authority of a person who is carrying a valid concealed handgun license to have one or more magazines or speed loaders containing ammunition anywhere in a vehicle, without being transported as described in that subsection, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any other provision of this chapter or Ohio R.C. Chapter 2923. A person who is carrying a valid concealed handgun license may have one or more magazines or speed loaders containing ammunition anywhere in a vehicle without further restriction, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any provision of this chapter or Ohio R.C. Chapter 2923. (ORC 2923.16)
### Agenda Item Description or Legislation Title

An Ordinance To Amend The City Code Of Huber Heights, Ohio To Provide Amendments To Part Three – Traffic Code, Sections 301.04, 301.20, 301.22, 301.51, 301.361, 303.06, 313.09, 313.11, 331.01, 331.02, 331.03, 331.05, 331.06, 331.07, 331.08, 331.09, 331.10, 331.13, 331.14, 331.15, 331.16, 331.17, 331.18, 331.19, 331.20, 331.23, 331.24, 331.25, 331.26, 331.27, 331.28, 331.29, 331.30, 331.31, 331.33, 331.37, 331.40, 331.45, 331.46, 331.99, 333.03, 333.031, 333.04, 333.05, 337.16, 351.03, 371.01, 371.03, 371.07, 373.01, 375.03; To Provide For Penalties; To Provide For Codification; To Provide For Severability; To Repeal Conflicting Ordinances; To Provide An Effective Date; And For Other Purposes.

(first reading)

### Purpose and Background

This is an ordinance to adopt amendments to the Traffic Code of the City Code for the period of January 1, 2018 to March 28, 2019. These amendments are based on a legal review of the Ohio Revised Code by Municode.

### Fiscal Impact

<table>
<thead>
<tr>
<th>Source of Funds:</th>
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<tr>
<td>Cost:</td>
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<tr>
<td>Recurring Cost? (Yes/No):</td>
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<tr>
<td>Funds Available in Current Budget? (Yes/No):</td>
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### Financial Implications:

### Attachments

- Ordinance - City Code - Traffic
- Exhibit A - City Code - Traffic
TO AMEND THE CITY CODE OF HUBER HEIGHTS, OHIO TO PROVIDE
AMENDMENTS TO PART THREE – TRAFFIC CODE, SECTIONS 301.04, 301.20, 301.22,
301.51, 301.361, 303.06, 313.09, 313.11, 331.01, 331.02, 331.03, 331.05, 331.06, 331.07,
331.08, 331.009, 331.10, 331.13, 331.14, 331.15, 331.16, 331.17, 331.18, 331.19, 331.20,
331.23, 331.24, 331.25, 331.26, 331.27, 331.28, 331.29, 331.30, 331.31, 331.33, 331.37, 331.40,
331.45, 331.46, 331.99, 333.03, 333.031, 333.04, 333.05, 337.16, 351.03, 371.01, 371.03,
371.07, 373.01, 375.03; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR
CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING
ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Huber Heights, Ohio is authorized by the City
Charter and Ohio law to adopt ordinances relating to its property, affairs and local government.

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

Section 1. That the City Code of Huber Heights, Ohio is hereby amended by adding the
provisions for the period from January 1, 2018 to March 28, 2019 as provided in the attached
Exhibit A which is incorporated herein by this reference.

Section 2. Municipal Code Corporation is authorized to exclude and omit any provisions of
this Ordinance that are inapplicable to the City Code of Huber Heights, Ohio.

Section 3. In preparing a supplement to the City Code of Huber Heights, Ohio, all portions
of this Ordinance which have been repealed shall be excluded from the City Code of Huber
Heights, Ohio by the omission thereof from reprinted pages.

Section 4. When preparing a supplement to the City Code of Huber Heights, Ohio,
Municipal Code Corporation may 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
these changes into a unified code

Section 5. Provisions of Exhibit A that duplicate or track State of Ohio statutes which do not
become effective until after the effective date of this Ordinance, shall not take effect until such
statutes take effect.

Section 6. 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 City Council 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 7. All ordinances and parts of ordinances in conflict herewith are expressly repealed.

Section 8. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance 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 9. 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 ______________, 2019;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

________________________________________  _________________________________________
Clerk of Council                          Mayor

________________________________________  _________________________________________
Date                                      Date
The following sections and subsections of the City Code of Huber Heights, Ohio are new or have been amended with new matter in the City Code of Huber Heights, Ohio, and are hereby approved, adopted and enacted:

301.04 Bicycle; motorized bicycle; moped.

(a) "Bicycle" means every device, other than a device that is designed solely for use as a play vehicle by a child that is propelled solely by human power, upon which a person may ride and that has two or more wheels any of which is more than 14 inches in diameter. (ORC 4511.01(G))

(b) "Motorized bicycle" or "moped" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that may be pedaled and that is equipped with a helper motor of not more than 50 cubic centimeters piston displacement which produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than 20 miles per hour on a level surface. “Motorized bicycle” or “moped” does not include an electric bicycle. (ORC 4511.01(H))

301.20 Motor vehicle.

"Motor vehicle" means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, electric bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of 25 miles per hour or less. (ORC 4511.01(B))

301.22 Pedestrian.

"Pedestrian" means any natural person afoot. “Pedestrian” includes a personal delivery device as defined in section 4511.513 of the Revised Code unless the context clearly suggests otherwise. (ORC 4511.01(X))

301.51 Vehicle.

"Vehicle" means every device, including a motorized bicycle and an electric bicycle, in, upon or by which any person or property may be transported or drawn upon a street or highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, or any
device, other than a bicycle, that is moved by human power. (ORC 4511.01(A))

301.361 Shared-use path.

"Shared-use path" means a bikeway outside the traveled way and physically separate from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and nonmotorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use. (ORC 4511.01(PPP))

Sec. no. Electric bicycle

“Electric bicycle” means a “class 1 electric bicycle,” a “class 2 electric bicycle,” or a “class 3 electric bicycle” as defined in this section. (ORC 4511.01(RRR))

Sec. no. Class 1 electric bicycle

“Class 1 electric bicycle” means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour. (ORC 4511.01(SSS))

Sec. no. Class 2 electric bicycle

“Class 2 electric bicycle” means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that may provide assistance regardless of whether the rider is pedaling and is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour. (ORC 4511.01(TTT))

Sec. no. Class 3 electric bicycle

“Class 3 electric bicycle” means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour. (ORC 4511.01(UUU))
303.06 Freeway use prohibited by pedestrians, bicycles and animals.

(a) No person, unless otherwise directed by a police officer, shall:

(1) As a pedestrian, occupy any space within the limits of the right-of-way of a freeway, except: in a rest area; on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for pedestrian use; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle; or to obtain assistance;

(2) Occupy any space within the limits of the right-of-way of a freeway, with:
- an animal-drawn vehicle;
- a ridden or led animal;
- herded animals;
- a pushcart;
- a bicycle, except on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use;
- an electric bicycle;
- a bicycle with motor attached;
- a motor driven cycle with a motor which produces not to exceed five brake horsepower;
- an agricultural tractor;
- farm machinery; except in the performance of public works or official duties.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.051)

313.09 Driver's duties upon approaching ambiguous or non-working traffic signal.

(a) The driver of a vehicle who approaches an intersection where traffic is controlled by traffic control signals shall do all of the following, if the signal facing the driver exhibits no colored lights, or colored lighted arrows, exhibits a combination of such lights or arrows that fails to clearly indicate the assignment of right-of-way, or if the vehicle is a bicycle, or an electric bicycle, the signals are otherwise malfunctioning, due to the failure of a vehicle detector to detect the presence of the bicycle or electric bicycle:

(1) Stop at a clearly marked stop line, but if none, stop before entering the crosswalk on the near side of the intersection, or, if none, stop before entering the intersection;

(2) Yield the right-of-way to all vehicles in the intersection or approaching on an intersecting road, if the vehicles will constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.
(3) Exercise ordinary care while proceeding through the intersection.
(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.132)

313.11 Portable signal preemption devices prohibited.

(a) (1) No person shall possess a portable signal preemption device.
(2) No person shall use a portable signal preemption device to affect the operation of a traffic control signal.
(b) Subsection (a)(1) of this section does not apply to any of the following persons and subsection (a)(2) of this section does not apply to any of the following persons when responding to an emergency call:
(1) A peace officer, as defined in Ohio R.C. 109.71(A)(11), (12), (14) or (19);
(2) A State highway patrol trooper;
(3) A person while occupying a public safety vehicle as defined in Ohio R.C. 4511.01(E)(1), (3) or (4).
(c) Whoever violates subsection (a)(1) of this section is guilty of a misdemeanor of the fourth degree. Whoever violates subsection (a)(2) of this section is guilty of a misdemeanor of the first degree.
(d) As used in this section, "portable signal preemption device" means a device that, if activated by a person, is capable of changing a traffic control signal to green out of sequence. (ORC 4511.03 4513.03)

331.01 Driving upon right side of roadway; exceptions.

(a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:
(1) When overtaking and passing another vehicle proceeding in the same direction, or when making a left turn under the rules governing such movements;
(2) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
(3) When driving upon a roadway divided into three or more marked lanes for traffic under the rules applicable thereon;

(4) When driving upon a roadway designated and posted with signs for one-way traffic;

(5) When otherwise directed by a police officer or traffic control device.

(b) (1) Upon all roadways any vehicle proceeding at less than the prevailing and lawful speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, and far enough to the right to allow passing by faster vehicles if such passing is safe and reasonable, except under any of the following circumstances:

A. When overtaking and passing another vehicle proceeding in the same direction;

B. When preparing for a left turn;

C. When the driver must necessarily drive in a lane other than the right-hand lane to continue on the driver’s intended route.

(2) Nothing in subsection (b)(1) of this section requires a driver of a slower vehicle to compromise the driver’s safety to allow overtaking by a faster vehicle.

(c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left of the center of the roadway for use by traffic not otherwise permitted to use the lanes, or except as permitted under subsection (a)(2) hereof.

This subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

(d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.25)

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 4511.991 of the Revised Code.
331.02 Passing to right when proceeding in opposite directions.

(a) Operators of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each operator shall give to the other one-half of the main traveled portion of the roadway or as nearly one-half as is reasonably possible.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.26)

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 4511.991 of the Revised Code.

331.03 Overtaking, passing to left; driver's duties.

(a) The following rules govern the overtaking and passing of vehicles proceeding in the same direction:

(1) The operator of a vehicle overtaking another vehicle proceeding in the same direction shall, except as provided in subsection (a)(3) hereof, signal to the vehicle to be overtaken, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. When a motor vehicle overtakes and passes a bicycle or electric bicycle, three feet or greater is considered a safe passing distance.

(2) Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle at the latter's audible signal, and the operator shall not increase the speed of the operator's vehicle until completely passed by the overtaking vehicle.

(3) The operator of a vehicle overtaking and passing another vehicle proceeding in the same direction on a divided street or highway as defined in Section 331.31, a limited access highway as defined in Ohio R.C. 5511.02 or a highway with four or more traffic lanes, is not required to signal audibly to the vehicle being overtaken and passed.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one
predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.27)

331.05 Overtaking, passing to left of center.

(a) No vehicle shall be driven to the left of the center of the roadway in overtaking and passing traffic proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made, without interfering with the safe operation of any traffic approaching from the opposite direction or any traffic overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for traffic approaching from the opposite direction before coming within 200 feet of any approaching vehicle.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code. (ORC 4511.29)

331.06 Additional restrictions on driving upon left side of roadway.

(a) No vehicle shall be driven upon the left side of the roadway under the following conditions:

(1) When approaching the crest of a grade or upon a curve in the highway, where the operator's view is obstructed within such a distance as to create a hazard in the event traffic might approach from the opposite direction;

(2) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel;

(3) When approaching within 100 feet of or traversing any intersection or railroad grade crossing.
(b) This section does not apply to vehicles upon a one-way roadway, upon a roadway where traffic is lawfully directed to be driven to the left side or under the conditions described in Section 331.01(a)(2).

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code. (ORC 4511.30)

331.07 Hazardous or no passing zones.

(a) Hazardous zones, commonly called "no passing zones," shall consist of an auxiliary yellow line marked on the roadway pavement and placed parallel to the normal center line or marked lane line. When the auxiliary yellow line appears on the left side in the driver's lane of travel and to the right of the normal center line or marked lane line, no driver shall drive across the auxiliary yellow line to overtake and pass another vehicle proceeding in the same direction. When auxiliary yellow lines appear on both sides of the normal center line or marked lane line, drivers proceeding in either direction shall not drive across such auxiliary yellow lines to overtake and pass another vehicle proceeding in the same direction. No driver shall, at any other time, drive across the yellow auxiliary line when it appears in the driver's lane of travel, except to make a lawfully permitted left-hand turn under the rules governing such movement. No passing signs may also be erected facing traffic to indicate the beginning and end of each no passing zone.

When appropriate signs or markings indicating hazardous or no passing zones are in place and clearly visible, every operator of a vehicle shall obey the directions of the signs or markings, notwithstanding the distance set out in Section 331.06.

(b) Subsection (a) of this section does not apply when all of the following apply:

(1) The slower vehicle is proceeding at less than half the speed of the speed limit applicable to that location.

(2) The faster vehicle is capable of overtaking and passing the slower vehicle without exceeding the speed limit.
(3) There is sufficient clear sight distance to the left of the center or center line of the roadway to meet the overtaking and passing provisions of Section 331.05, considering the speed of the slower vehicle.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code. (ORC 4511.31)

331.08 Driving in marked lanes or continuous lines of traffic.

a) Whenever any roadway has been divided into two or more clearly marked lanes for traffic or wherever traffic is lawfully moving in two or more substantially continuous lines in the same direction, the following rules apply:

(1) A vehicle shall be driven, as nearly as is practicable, entirely within a single lane or line of traffic and shall not be moved from such lane or line until the driver has first ascertained that such movement can be made with safety.

(2) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or when preparing for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is posted with signs to give notice of such allocation.

(3) Official signs may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, or restricting the use of a particular lane to only buses during certain hours or during all hours, and drivers of vehicles shall obey the directions of such signs.

(4) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one
predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code. (ORC 4511.33)

331.09 Following too closely.

(a) The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the highway.

The driver of any truck, or motor vehicle drawing another vehicle, when traveling upon a roadway outside a business or residence district shall maintain a sufficient space, whenever conditions permit, between such vehicle and another vehicle ahead so an overtaking motor vehicle may enter and occupy such space without danger. This paragraph does not prevent overtaking and passing nor does it apply to any lane specially designated for use by trucks.

Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, shall maintain a sufficient space between such vehicles so an overtaking vehicle may enter and occupy such space without danger. This paragraph shall not apply to funeral processions.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code. (ORC 4511.34)

331.10 Turning at intersections.

(a) The driver of a vehicle intending to turn at an intersection shall be governed by the following rules:
(1) Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane of the roadway being entered lawfully available to the traffic moving in that lane.

(4) Markers, buttons or signs may be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such markers, buttons or signs are so placed, no operator of a vehicle shall turn such vehicle at an intersection other than as directed and required by such markers, buttons or signs.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code. (ORC 4511.36)

331.13 Starting and backing vehicles.

(a) No person shall start a vehicle which is stopped, standing or parked until such movement can be made with reasonable safety.

Before backing, operators of vehicles shall give ample warning, and while backing they shall exercise vigilance not to injure person or property on the street or highway.
No person shall back a motor vehicle on a freeway, except: in a rest area; in
the performance of public works or official duties; as a result of an emergency
caused by an accident or breakdown of a motor vehicle.

(b) Except as otherwise provided in this subsection, whoever violates this
section is guilty of a minor misdemeanor. If, within one year of the offense,
the offender previously has been convicted of or pleaded guilty to one
predicate motor vehicle or traffic offense, whoever violates this section is guilty
of a misdemeanor of the fourth degree. If, within one year of the offense, the
offender previously has been convicted of two or more predicate motor vehicle
or traffic offenses, whoever violates this section is guilty of a misdemeanor of
the third degree.

If the offender commits the offense while distracted and the distracting
activity is a contributing factor to the commission of the offense, the offender
is subject to the additional fine established under section 4511.991 of the
Revised Code. (ORC 4511.38)

331.14 Signals before changing course, turning or stopping.

(a) No person shall turn a vehicle or move right or left upon a highway unless
and until such person has exercised due care to ascertain that the movement
can be made with reasonable safety nor without giving an appropriate signal
in the manner hereinafter provided.

When required, a signal of intention to turn or move right or left shall be given
continuously during not less than the last 100 feet traveled by the vehicle
before turning, except that in the case of a person operating a bicycle or
electric bicycle, the signal shall be made not less than one time but is not
required to be continuous. A bicycle or electric bicycle operator is not required
to make a signal if the bicycle or electric bicycle is in a designated turn lane,
and a signal shall not be given when the operator’s hands are needed for the
safe operation of the bicycle or electric bicycle.

No person shall stop or suddenly decrease the speed of a vehicle without first
giving an appropriate signal in the manner provided herein to the driver of any
vehicle immediately to the rear when there is opportunity to give a signal.

Any stop or turn signal required by this section shall be given either by means
of the hand and arm, or by signal lights that clearly indicate to both
approaching and following traffic intention to turn or move right or left, except
that any motor vehicle in use on a highway shall be equipped with, and the
required signal shall be given by, signal lights when the distance from the
center of the top of the steering post to the left outside limit of the body, cab
or load of such motor vehicle exceeds 24 inches, or when the distance from
the center of the top of the steering post to the rear limit of the body or load
thereof exceeds 14 feet, whether a single vehicle or a combination of vehicles.
The signal lights required by this section shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.39)

331.15 Hand and arm signals.

(a) Except as provided in subsection (b) hereof, all signals required by this Traffic Code, when given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

1. Left turn: Hand and arm extended horizontally;
2. Right turn: Hand and arm extended upward;
3. Stop or decrease speed: Hand and arm extended downward.

(b) As an alternative to subsection (a)(2) hereof, a person operating a bicycle or electric bicycle may give a right turn signal by extending the right hand and arm horizontally and to the right side of the bicycle or electric bicycle.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.40)

331.16 Right-of-way at intersections.

(a) When two vehicles approach or enter an intersection from different streets or highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(b) The right-of-way rule declared in subsection (a) hereof, is modified at through highways and otherwise as stated in this Traffic Code and Ohio R.C. Ch. 4511.
(c) Subject to compliance with any traffic control device, when two vehicles approach or enter a junction of two or more alleys from different directions at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code. (ORC 4511.41)

331.17 Right-of-way when turning left.

(a) The operator of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction, whenever the approaching vehicle is within the intersection or so close to the intersection, alley, private road or driveway as to constitute an immediate hazard.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code. (ORC 4511.42)

331.18 Operation of vehicle at yield signs.

(a) The driver of a vehicle approaching a yield sign shall slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the
intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways. Whenever a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, the collision shall be prima-facie evidence of the driver's failure to yield the right-of-way.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code. (ORC 4511.43(B))

331.19 Operation of vehicle at stop signs.

(a) Except when directed to proceed by a law enforcement officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender
331.20 Emergency or public safety vehicles at stop signals or signs.

(a) The driver of any emergency vehicle or public safety vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety to traffic, but may proceed cautiously past such red or stop sign or signal with due regard for the safety of all persons using the street or highway.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code. (ORC 4511.03)

331.23 Driving onto roadway from place other than roadway: stopping at sidewalk.

(a) Subject to compliance with any traffic control device, the driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender
is subject to the additional fine established under section 4511.991 of the Revised Code. (ORC 4511.431)

331.24 Right-of-way of funeral procession.

(a) As used in this section "funeral procession" means two or more vehicles accompanying the cremated remains or the body of a deceased person in the daytime when each of the vehicles has its headlights lighted and is displaying a purple and white or an orange and white pennant attached to each vehicle in such a manner as to be clearly visible to traffic approaching from any direction.

(b) Excepting public safety vehicles proceeding in accordance with Section 331.21 or when directed otherwise by a police officer, pedestrians and the operators of all vehicles shall yield the right-of-way to each vehicle that is a part of a funeral procession. Whenever the lead vehicle in a funeral procession lawfully enters an intersection, the remainder of the vehicles in the procession may continue to follow the lead vehicle through the intersection notwithstanding any traffic control devices or right-of-way provisions of this Traffic Code, provided that the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian.

(c) No person shall operate any vehicle as a part of a funeral procession without having the headlights of the vehicle lighted and without displaying a purple and white or an orange and white pennant in such a manner as to be clearly visible to traffic approaching from any direction.

(d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code. (ORC 4511.451)

331.25 Driver's view and control to be unobstructed by load or persons.

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of the vehicle.
(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code. (ORC 4511.70(A),(B),(D))

331.26 Driving upon street posted as closed for repair.

(a) No person shall drive upon, along or across a street or highway, or any part of a street or highway that has been closed in the process of its construction, reconstruction or repair, and posted with appropriate signs by the authority having jurisdiction to close such street or highway.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code. (ORC 4511.71)

331.27 Following and parking near emergency or safety vehicles.

(a) The driver of any vehicle, other than an emergency vehicle or public safety vehicle on official business, shall not follow any emergency vehicle or public safety vehicle traveling in response to an alarm closer than 500 feet, or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm, unless directed to do so by a police officer or a firefighter.
(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code. (ORC 4511.72)

331.28 Driving over fire hose.

(a) No vehicle shall, without the consent of the Fire Chief or fire official in command, be driven over any unprotected fire hose that is laid down on any street or private driveway to be used at any fire or alarm of fire.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code. (ORC 4511.73)

331.29 Driving through safety zone.

(a) No vehicle shall at any time be driven through or within a safety zone.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code. (ORC 4511.60)

### 331.30 One-way streets and rotary traffic islands.

(a) Upon a roadway designated and posted with signs for one-way traffic a vehicle shall be driven only in the direction designated. A vehicle passing around a rotary traffic island shall be driven only to the right of the rotary traffic island.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code. (ORC 4511.32)

### 331.31 Driving upon divided roadways.

(a) Whenever any street has been divided into two roadways by an intervening space, or by a physical barrier, or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, and no vehicle shall be driven over, across or within any such dividing space, barrier or median section, except through an opening, crossover or intersection established by public authority. This section does not prohibit the occupancy of such dividing space, barrier or median section for the purpose of an emergency stop or in compliance with an order of a police officer.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code. (ORC 4511.35)

331.33 Obstructing intersection, crosswalk or grade crossing.

(a) No driver shall enter an intersection or marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or grade crossing to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles, pedestrians or railroad trains, notwithstanding any traffic control signal indication to proceed.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code. (ORC 4511.712)

331.37 Driving upon sidewalks, street lawns or curbs.

(a) No person shall drive any vehicle, other than a bicycle, upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

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 4511.991 of the Revised Code. (ORC 4511.711)

(b) No person shall drive a vehicle on a street lawn area or the curb of a street, except upon a permanent or duly authorized temporary driveway or when otherwise lawfully authorized.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the
offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code. (ORC 4511.711)

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, and for signals indicating the approach of a train, 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 4511.991 of the Revised Code. (ORC 4511.61)
331.45 Driving while texting.

(a) No person shall drive a motor vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic while using a handheld electronic wireless communications device to write, send, or read a text-based communication.

(b) Subsection (a) hereof does not apply to any of the following:

1. A person using a handheld electronic wireless communications device in that manner for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;
2. A person driving a public safety vehicle who uses a handheld electronic wireless communications device in that manner in the course of the person's duties;
3. A person using a handheld electronic wireless communications device in that manner whose motor vehicle is in a stationary position and who is outside a lane of travel;
4. A person reading, selecting, or entering a name or telephone number in a handheld electronic wireless communications device for the purpose of making or receiving a telephone call;
5. A person receiving wireless messages on a device regarding the operation or navigation of a motor vehicle; safety-related information, including emergency, traffic, or weather alerts; or data used primarily by the motor vehicle;
6. A person receiving wireless messages via radio waves;
7. A person using a device for navigation purposes;
8. A person conducting wireless interpersonal communication with a device that does not require manually entering letters, numbers, or symbols or reading text messages, except to activate, deactivate, or initiate the device or a feature or function of the device;
9. A person operating a commercial truck while using a mobile data terminal that transmits and receives data;
10. A person using a handheld electronic wireless communications device in conjunction with a voice-operated or hands-free device feature or function of the vehicle.

(c) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of subsection (a) hereof has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for
a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.

(2) On January 31 of each year, the department of public safety shall issue a report to the general assembly that specifies the number of citations issued for violations of this section during the previous calendar year.

(d) Whoever violates subsection (a) hereof is guilty of a minor misdemeanor.

(e) As used in this section:

(1) "Electronic wireless communications device" includes any of the following:
   A. A wireless telephone;
   B. A text-messaging device;
   C. A personal digital assistant;
   D. A computer, including a laptop computer and a computer tablet;
   E. Any other substantially similar wireless device that is designed or used to communicate text.

(f) A prosecution for a violation of this section does not preclude a prosecution for a violation of a substantially equivalent state statute based on the same conduct. However, if an offender is convicted of or pleads guilty to a violation of this section and is also convicted of or pleads guilty to a violation of a substantially equivalent state statute based on the same conduct, the two offenses are allied offenses of similar import under section 2941.25 of the Revised Code.

(g) As used in this section:

(1) "Electronic wireless communications device" includes any of the following:
   A. A wireless telephone;
   B. A text-messaging device;
   C. A personal digital assistant;
(D) A computer, including a laptop computer and a computer tablet;

(E) Any other substantially similar wireless device that is designed or used to communicate text.

(2) “Voice-operated or hands-free device” means a device that allows the user to vocally compose or send, or to listen to a text-based communication without the use of either hand except to activate or deactivate a feature or function.

(3) “Write, send, or read a text-based communication” means to manually write or send, or read a text-based communication using an electronic wireless communications device, including manually writing or sending, or reading communications referred to as text messages, instant messages, or electronic mail.

(ORC 4511.204)
(Ord. 2012-O-1997, Passed 10-22-12)

331.46 Use of devices by persons under 18 years of age.

(a) No holder of a temporary instruction permit who has not attained the age of 18 years and no holder of a probationary driver's license shall drive a motor vehicle on any street, highway, or property used by the public for purposes of vehicular traffic or parking while using in any manner an electronic wireless communications device.

(b) Subsection (a) hereof does not apply to either of the following:

(1) A person using an electronic wireless communications device for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;

(2) A person using an electronic wireless communications device whose motor vehicle is in a stationary position and the motor vehicle is outside a lane of travel;

(3) A person using a navigation device in a voice-operated or hands-free manner who does not manipulate the device while driving.

(c) (1) Except as provided in subsection (c)(2) hereof, whoever violates subsection (a) hereof shall be fined $150.00. In addition, the court shall impose a class seven suspension of the offender's driver's license or permit for a definite period of 60 days.

(2) If the person offender previously has been convicted or adjudicated a delinquent child or a juvenile traffic offender for a violation of this section, whoever violates this section shall be fined $300.00. In addition, the court shall impose a class seven suspension of the person’s offender’s driver’s license or permit for a definite period of one year.
(d) The filing of a sworn complaint against a person for a violation of this section does not preclude the filing of a sworn complaint for a violation of a substantially equivalent state statute for the same conduct. However, if a person is adjudicated a delinquent child or a juvenile traffic offender for a violation of this section and is also adjudicated a delinquent child or a juvenile traffic offender for a violation of a substantially equivalent state statute for the same conduct, the two offenses are allied offenses of similar import under section 2941.25 of the Revised Code.

(e) As used in this section, "electronic wireless communications device" includes any of the following:

1. A wireless telephone;
2. A personal digital assistant;
3. A computer, including a laptop computer and a computer tablet;
4. A text-messaging device;
5. Any other substantially similar electronic wireless device that is designed or used to communicate via voice, image, or written word.

(Ord. 2012-O-1997, Passed 10-22-12)

331.99 Definitions.

(a) "Distracted" means doing either of the following while operating a vehicle:

1. Using a handheld electronic wireless communications device, as defined in section 4511.204 of the Revised Code, except when utilizing any of the following:
   i. The device's speakerphone function;
   ii. A wireless technology standard for exchanging data over short distances;
   iii. A "voice-operated or hands-free" device that allows the person to use the electronic wireless communications device without the use of either hand except to activate, deactivate, or initiate a feature or function;
   iv. Any device that is physically or electronically integrated into the motor vehicle.

2. Engaging in any activity that is not necessary to the operation of a vehicle and impairs, or reasonably would be expected to impair, the ability of the operator to drive the vehicle safely.

(b) "Distracted" does not include conducting any activity while operating a utility service vehicle or a vehicle for or on behalf of a utility, provided that the driver of
the vehicle is acting in response to an emergency, power outage, or a circumstance affecting the health or safety of individuals. For purposes of this section (i) "Utility" means an entity specified in division (A), (C), (D), (E), or (G) of section 4905.03 of the Ohio Revised Code; (ii) "Utility service vehicle" means a vehicle owned or operated by a utility.

333.03 Maximum speed limits; assured clear distance ahead.

(a) No person shall operate a motor vehicle at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface and width of the street or highway and any other conditions, and no person shall drive any motor vehicle in and upon any street or highway at a greater speed than will permit the person to bring it to a stop within the assured clear distance ahead.

(b) It is prima-facie lawful, in the absence of a lower limit declared or established pursuant to Ohio R.C. 4511.21 by the Ohio Director of Transportation or Council, for the operator of a motor vehicle to operate the same at a speed not exceeding the following:

(1) A. Twenty miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when 20 miles per hour school speed limit signs are erected; except, that on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by subsection (b)(4) hereof and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by subsection (b)(7) hereof. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the manual and specifications for a uniform system of traffic control devices shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed limit is in effect.

B. As used in this section, "school" means any school chartered under Ohio R.C. 3301.16 and any nonchartered school that during the preceding year filed with the Department of Education in compliance with rule 3301-35-08 of the Ohio Administrative Code, a copy of the school's report for the parents of the school's pupils certifying that the school meets Ohio minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone.
C. As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway. Upon request from the Municipality for streets and highways under its jurisdiction, the Ohio Director of Transportation may extend the traditional school zone boundaries. The distances in subsections (b)(1)C.1. to 3. hereof shall not exceed 300 feet per approach per direction and are bounded by whichever of the following distances or combinations thereof the Director approves as most appropriate:

1. The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of 300 feet on each approach direction;

2. The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of 300 feet on each approach direction;

3. The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of 300 feet on each approach direction of highway;

Nothing in this section shall be construed to invalidate the Director's initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in subsections (b)(1)A. and C. hereof.

D. As used in this subsection, "crosswalk" has the meaning given that term in Section 301.09. The Director may, upon request by resolution of Council, and upon submission by the Municipality of such engineering, traffic and other information as the Director considers necessary, designate a school zone on any portion of a State route lying within the Municipality that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than 1,320 feet. Such a school zone shall include the distance encompassed by the crosswalk and extending 300 feet on each approach direction of the State route;

(2) Twenty-five miles per hour in all other portions of the Municipality, except on State routes outside business districts, through highways outside business districts and alleys;

(3) Thirty-five miles per hour on all State routes or through highways within the Municipality outside business districts, except as provided in subsections (b)(4) and (5) hereof;
(4) Fifty miles per hour on controlled-access highways and expressways within the Municipality;

(5) Fifty miles per hour on State routes within the Municipality outside urban districts unless a lower prima-facie speed is established as further provided in this section;

(6) Fifteen miles per hour on all alleys within the Municipality;

(7) Fifty-five miles per hour at all times on freeways with paved shoulders inside the Municipality other than freeways as provided in subsection (b)(10) and (12);

(8) Sixty miles per hour for operators of any motor vehicle at all times on all portions of rural divided highways;

(9) Sixty-five miles per hour for operators of any motor vehicle at all times on rural expressways without traffic control signals;

(10) Seventy miles per hour for operators of any motor vehicle at all times on all rural freeways.

(11) Fifty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways in congested areas as determined by the Director and that are part of the interstate system and are located within a municipal corporation or within an interstate freeway outerbelt;

(12) Sixty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways in urban areas as determined by the Director and that are part of the interstate system and are part of an interstate freeway outerbelt;

(c) It is prima-facie unlawful for any person to exceed any of the speed limitations in subsection (b)(1)A. to (b)(6) hereof, or any declared or established pursuant to this section by the Director or local authorities and it is unlawful for any person to exceed any of the speed limitations in subsection (d) hereof. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.

(d) No person shall operate a motor vehicle upon a street or highway as follows:

(1) At a speed exceeding 55 miles per hour, except upon a highway, expressway or freeway as provided in subsection (b)(8), (9), (10) and (12) hereof;

(2) At a speed exceeding 60 miles per hour upon a highway as provided in subsection (b)(8) hereof;
(3) At a speed exceeding 65 miles per hour upon an expressway as provided in subsection (b)(9) hereof, except upon a freeway as provided in subsection (b)(10) hereof;

(4) At a speed exceeding 70 miles per hour upon a freeway as provided in subsection (b)(10) hereof;

(5) At a speed exceeding the posted speed limit upon a highway, expressway or freeway for which the Director has determined and declared a speed limit pursuant to Ohio R.C. 4511.21(I)(2) or (L)(2).

(e) In every charge of violation of this section the affidavit and warrant shall specify the time, place and speed at which the defendant is alleged to have driven, and in charges made in reliance upon subsection (c) hereof also the speed which subsections (b)(1)A. to (b)(6) hereof, or a limit declared or established pursuant to this section declares is prima-facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.

(f) When a speed in excess of both a prima-facie limitation and a limitation in subsection (d) hereof is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both subsections (b)(1)A. to (b)(6) hereof, or of a limit declared or established pursuant to this section by the Director or local authorities, and of the limitation in subsection (d) hereof. If the court finds a violation of subsection (b)(1)A. to (b)(6) hereof, or a limit declared or established pursuant to this section has occurred, it shall enter a judgment of conviction under such subsection and dismiss the charge under subsection (d) hereof. If it finds no violation of subsections (b)(1)A. to (b)(6) hereof or a limit declared or established pursuant to this section, it shall then consider whether the evidence supports a conviction under subsection (d) hereof.

(g) Points shall be assessed for violation of a limitation under subsection (d) hereof in accordance with Ohio R.C. 4510.036.

(h) Whenever, in accordance with Ohio R.C. 4511.21 or this section, the speed limitations as established herein have been altered, either higher or lower, and the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on such signs. It is prima-facie unlawful for any person to exceed the speed limits posted upon such signs.

(i) As used in this section:

(1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101.
(2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.

(3) "Noncommercial bus" includes but is not limited to a school bus, or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.

(4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the Director.

(5) "Rural" means outside urbanized areas, as designated in accordance with 23 USC 101, and outside of a business or urban district.

(j) (1) A violation of any provision of this section is one of the following:
   A. Except as otherwise provided in subsections (j)(1)B., (1)C., (2) and (3) of this section, a minor misdemeanor;
   B. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;
   C. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.

(2) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of Ohio R.C. 4511.21 or of any provision of a municipal ordinance that is substantially similar to Ohio R.C. 4511.21 and operated a motor vehicle faster than 35 miles an hour in a business district of a municipal corporation, faster than 50 miles an hour in other portions of a municipal corporation, or faster than 35 miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.

(3) Notwithstanding subsection (j)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with Ohio R.C. 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this subsection and if the court determines that the offender is an indigent person and unable to pay the fine.
(4) 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 4511.991 of the Revised Code. (ORC 4511.21)

333.031 Approaching a stationary public safety, emergency or road service vehicle.

(a) The driver of a motor vehicle, upon approaching a stationary public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with Ohio R.C. 4923.04 and 4923.06 or a highway maintenance vehicle that is displaying the appropriate visual signals by means of flashing, oscillating or rotating lights, as prescribed in Section 337.16, shall do either of the following:

(1) If the driver of the motor vehicle is traveling on a street or highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with Ohio R.C. 4923.04 and 4923.06 or a highway maintenance vehicle.

(2) If the driver is not traveling on a street or highway of a type described in subsection (a)(1) of this section, or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather and traffic conditions.

(b) This section does not relieve the driver of a public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with Ohio R.C. 4923.04 and 4923.06, or a highway maintenance vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(c) No person shall fail to drive a motor vehicle in compliance with subsection (a)(1) or (2) of this section when so required by subsection (a) of this section.

(d) (1) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle
or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(2) Notwithstanding Section 303.99(b), upon a finding that a person operated a motor vehicle in violation of subsection (c) of this section, the court, in addition to all other penalties provided by law, shall impose a fine of two times the usual amount imposed for the violation.

(3) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code.

(e) The offense established under this section is a strict liability offense and section 2901.20 of the Revised Code does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. (ORC 4511.213)

333.04 Stopping vehicle; slow speed; posted minimum speeds.

(a) No person shall stop or operate a vehicle at such an unreasonably slow speed as to impede or block the normal and reasonable movement of traffic, except when stopping or reduced speed is necessary for safe operation or to comply with law.

(b) Whenever, in accordance with Ohio R.C. 4511.22(B), the minimum speed limit of a controlled-access highway, expressway or freeway has been declared and the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on such signs. No person shall operate a motor vehicle below the speed limits posted upon such signs except when necessary for safe operation or in compliance with law.

(c) In a case involving a violation of this section, the trier of fact, in determining whether the vehicle was being operated at an unreasonably slow speed, shall consider the capabilities of the vehicle and its operator.

(d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender
is subject to the additional fine established under section 4511.991 of the Revised Code. (ORC 4511.22)

333.05 Speed limitations over bridges.

(a) No person shall operate a vehicle over any bridge or other elevated structure constituting a part of a street at a speed which is greater than the maximum speed that can be maintained with safety to such bridge or structure, when such structure is posted with authorized signs stating such maximum speed. Such signs shall be erected and maintained at a distance of at least 100 feet before each end of such structure.

(b) Upon the trial of any person charged with a violation of this section, proof of the determination of the maximum speed and the existence of such signs shall constitute prima-facie evidence of the maximum speed which can be maintained with safety to such bridge or structure.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code. (ORC 4511.23)

337.16 Number of lights; limitations on flashing, oscillating or rotating lights.

(a) Whenever a motor vehicle equipped with headlights also is equipped with any auxiliary lights or spotlight or any other light on the front thereof projecting a beam of an intensity greater than 300 candle power, not more than a total of five of any such lights on the front of a vehicle shall be lighted at any one time when the vehicle is upon a highway.

(b) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights or auxiliary driving lights, that projects a beam of light of an intensity greater than 300 candle power, shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(c) (1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard
requiring unusual care in approaching, or overtaking or passing. This prohibition does not apply to emergency vehicles, road service vehicles servicing or towing a disabled vehicle, stationary waste collection vehicles actively collecting garbage, refuse, trash, or recyclable materials on the roadside, rural mail delivery vehicles, vehicles transporting preschool children as provided in Ohio R.C. 4513.182, highway maintenance vehicles, funeral hearses, funeral escort vehicles and similar equipment operated by the Department or local authorities, which shall be equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating or rotating amber light, but shall not display a flashing, oscillating or rotating light of any other color, nor to vehicles or machinery permitted by Section 337.10 to have a flashing red light.

(2) When used on a street or highway, farm machinery and vehicles escorting farm machinery may be equipped with and display a flashing, oscillating, or rotating amber light, and the prohibition contained in subsection (c)(1) hereof does not apply to such machinery or vehicles. Farm machinery also may display the lights described in Section 337.10.

(d) Except a person operating a public safety vehicle, as defined in Section 301.27, or a school bus, no person shall operate, move or park upon or permit to stand within the right-of-way of any public street or highway any vehicle or equipment that is equipped with and displaying a flashing red or a flashing combination red and white light, or an oscillating or rotating red light, or a combination red and white oscillating or rotating light; and except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the State or Municipality, operating a public safety vehicle when on duty, no person shall operate, move or park upon, or permit to stand within the right-of-way of any street or highway any vehicle or equipment that is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light, or an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light.

(e) This section does not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles or on vehicles being operated in unfavorable atmospheric conditions in order to enhance their visibility. This section also does not prohibit the simultaneous flashing of turn signals or warning lights either on farm machinery or vehicles escorting farm machinery, when used on a street or highway.

(f) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.17)
351.03 Prohibited standing or parking places.

(a) No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this Traffic Code, or while obeying the directions of a police officer or a traffic control device, in any of the following places:

(1) On a sidewalk, curb or street lawn area, except as provided in subsection (b) hereof;

(2) In front of a public or private driveway;

(3) Within an intersection;

(4) Within ten feet of a fire hydrant;

(5) On a crosswalk;

(6) Within 20 feet of a crosswalk at an intersection;

(7) Within 30 feet of, and upon the approach to, any flashing beacon, stop sign or traffic control device;

(8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the end of a safety zone, unless a different length is indicated by a traffic control device;

(9) Within 50 feet of the nearest rail of a railroad crossing;

(10) Within 20 feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within 75 feet of the entrance when it is properly posted with signs;

(11) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;

(12) Alongside any vehicle stopped or parked at the edge or curb of a street;

(13) Upon any bridge or other elevated structure upon a street, or within a street tunnel;

(14) At any place where signs prohibit stopping, standing or parking, or where the curbing or street is painted yellow, or at any place in excess of the maximum time limited by signs;

(15) Within one foot of another parked vehicle;

(16) On the roadway portion of a freeway, expressway or thruway.

(b) A person shall be permitted, without charge or restriction, to stand or park on a sidewalk, a motor-driven cycle or motor scooter that has an engine not larger than 150 cubic centimeters, or a bicycle or electric bicycle, provided that the motor-driven cycle, motor scooter, or bicycle or electric bicycle does not impede the normal flow of pedestrian traffic. This division does not authorize any person to operate a vehicle in violation of Section 331.37.
(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.68)

371.01 Right-of-way in crosswalk.

(a) When traffic control signals are not in place, not in operation or are not clearly assigning the right-of-way, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield or if required by Section 313.09, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(c) Subsection (a) hereof does not apply under the conditions stated in Section 371.03(b).

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(e) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code. (ORC 4511.46)
371.03 Crossing roadway outside crosswalk; diagonal crossings at intersections.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all traffic upon the roadway.

(c) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

(e) This section does not relieve the operator of a vehicle from exercising due care to avoid colliding with any pedestrian upon any roadway.

(f) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code. (ORC 4511.48)

371.07 Right-of-way on sidewalk.

(a) The driver of a vehicle shall yield the right-of-way to any pedestrian on a sidewalk.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle
or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code. (ORC 4511.441)

373.01 CODE APPLICATION AND DEFINITIONS.

(a) The provisions of this Traffic Code which are applicable to mopeds apply whenever a bicycle or electric bicycle, or moped is operated upon any street or upon any path set aside for the exclusive use of bicycles, or mopeds. (ORC 4511.52)

(b) Every person riding a moped upon a roadway shall be granted all of the rights and shall be subject to all the duties applicable to the driver of a vehicle under the provisions of this Traffic Code, except as to special regulations in this chapter and except as to those provisions of this Traffic Code which by their nature can have no application.

(c) "Motorcycle" has the same meaning as provided in Section 301.19.

(d) "Moped" has the same meaning as motorized bicycle as provided in Section 301.04(b).

375.03 Code application; prohibited operation.

(a) The applicable provisions of this Traffic Code apply shall be applied to the operation of snowmobiles, off-highway motorcycles, and all purpose vehicles; except that no person shall operate a snowmobile, off-highway motorcycle, or all purpose vehicle shall be operated as follows:

(1) On any state highway, including a street or highway except for emergency travel only during such time and in such manner as the State or local authority having jurisdiction over such street or highway designates or except as authorized by division (F) of section 4519.41 of the Revised Code shall designate, and except as provided in Section 375.04;

(2) Upon any property owned or leased by the Municipality except in areas designated for such purposes;

(3) On any private property, or in any nursery or planting area, without the permission of the owner or other person having the right to possession of the property;
(4) On any land or waters controlled by the State, except at those locations where a sign has been posted permitting such operation;

(5) On tracks or right-of-way of any operating railroad;

(6) While transporting any firearm, bow or other implement for hunting, that is not unloaded and securely encased;

(7) For the purpose of chasing, pursuing, capturing or killing any animal or wild fowl;

(8) During the time from sunset to sunrise, unless displaying lighted lights as required by Section 375.02.

(b) Whoever violates this section shall be fined not less than $50.00 nor more than $500.00, imprisoned not less than three nor more than 30 days, or both. (ORC 4519.40)
A Public Hearing Scheduled For July 8, 2019 By The Huber Heights City Council For Discussion Of The 2020 Tax Budget.

Purpose and Background
There is a need to have a public hearing for approval of the 2020 Tax Budget prepared by the Director of Finance.

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.
A Resolution Adopting The City Of Huber Heights Five-Year Capital Improvement Plan For 2020-2024. (first reading)

Purpose and Background

The Capital Improvement Plan (CIP) process exists to provide a standard procedure to identify, evaluate and prioritize the current and future capital needs of the City. The CIP process helps provide a standard process and method of proposing the planning and financing of capital improvements, and makes capital expenditures more responsible to community needs by informing and involving the public.

The CIP is a five-year outlook for anticipated capital projects and is reviewed and updated annually by the City. These projects are primarily related to improvements in transportation, parks, utilities, major equipment and facilities.

In developing the Five-Year CIP, several elements are taken into consideration: City Council goals, grant funding opportunities, economic development opportunities, technology improvements, maintenance and improvements to utilities and infrastructure, and maintenance/rehabilitation of existing City facilities and equipment.

As the CIP process develops, the intention is to prioritize projects according to criteria established in the City's goals. The CIP process should also create a more justified and understandable decision-making process, thus linking capital investments and the City's long-term vision and goals.

The 2020-2024 proposed CIP process is developed in support of the City's 2020 Budget with emphasis placed on the City's fiscal health, safety of the public and employees, and advancing the economic growth and stability of the community. The overall goals of the CIP includes:

* Provide a list and outline of the major capital improvement projects the City is considering
* Outline a process for establishing priorities and implementation of CIP projects
* Provide a five-year spending plan to outline funding of the CIP projects

Through the creation and administration of the 5-Year CIP, it brings out discussions on the state of the City's infrastructure and finances. Final approval of the plan establishes understanding and consensus within the City's leadership on priorities to be pursued in the coming years related to capital programs.

The 5-Year CIP is not a budget, and approval of the plan does not commit funding for any specific capital
project or purchase. This plan provides an outline of the City's overall capital investment needs and provides a set of recommendations to aid in annual decision-making on capital purchase projects. The 5-Year CIP provides as a linking tool between vision, goals and implementation for City Council and the administration. The CIP process and approving the plan affords an opportunity for accountability and transparency for the entire community.

### Fiscal Impact

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### Attachments

- Resolution
- Exhibit A
ADOPTING THE CITY OF HUBER HEIGHTS FIVE-YEAR CAPITAL IMPROVEMENT PLAN FOR 2020-2024.

WHEREAS, the City Charter requires the adoption of a Capital Improvement Plan or revisions thereto; and

WHEREAS, the 2020-2024 Five Year Capital Improvement Plan has been prepared by City Staff:

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

Section 1. The Capital Improvement Plan (CIP) for 2020-2024 attached hereto as Exhibit A is hereby approved.

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 taken in meetings open to the public and in conformance 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 ____________, 2019;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

______________________________  _________________________
Clerk of Council                     Mayor

______________________________  _________________________
Date                                Date
The Capital Improvement Plan (CIP) process exists to provide a standard procedure to identify, evaluate and prioritize the current and future capital needs of the City. The CIP process helps provide a standard process and method of proposing the planning and financing of capital improvements, and makes capital expenditures more responsible to community needs by informing and involving the public.

The CIP is a five-year outlook for anticipated capital projects and is reviewed and updated annually by the City. These projects are primarily related to improvements in transportation, parks, utilities, major equipment and facilities.

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<td>Replace / Update Security Cameras in City Buildings</td>
<td></td>
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<tr>
<td>City Hall generator and UPS</td>
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</table>

**TOTALS** $191,000 | $251,500 | $190,500 | $166,000 | $154,500 | $284,500

Five-Year Total $1,047,000

**Funded By:**

General Fund 101
## Finance Department

<table>
<thead>
<tr>
<th>Project</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
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<tbody>
<tr>
<td>File Cabinets</td>
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<td>OpenGov budget software</td>
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<td>Replace Carpeting</td>
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**TOTALS**: $4,000 | $24,000 | $4,500 | $5,500 | $1,500 | $5,000

Five-Year Total $40,500

**Funded By:**
- General Fund 101
## Fire Division

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<tr>
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<tr>
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<td>SCBA Filling Station</td>
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<td>HVAC system upgrade Stations 22 and 23</td>
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<td>Station 23 upgrades and repairs</td>
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<td>Replace Engine 24</td>
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<td>Replace Ladder 22</td>
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**TOTALS** $830,000  $315,000  $330,000  $1,030,000  $530,000  $280,000

Five-Year Total $2,485,000

**Funded By:**
- General Fund 101
- Fire Fund 210
- Fire Capital 431
## Police Division

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<th>2021</th>
<th>2022</th>
<th>2023</th>
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<tr>
<td>Replacement of patrol vehicles (5)</td>
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<td>Replacement of unmarked vehicles</td>
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<td>Ballistic Vests</td>
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<td>Portable and Mobile Radio Replacement</td>
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<td>Speed Measuring Device Replacement/Upgrade</td>
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<td>Mobile Patrol Computers (moved to IT 2020)</td>
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<td>In-Car Camera Replacement/Upgrade -Capital Lease</td>
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<td>RERT Tactical ballistic vests</td>
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<td>Less-Lethal Shotguns</td>
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<td>Parking Lot Paving</td>
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<td>Cabinetry and lockers</td>
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<td>Portable Speed Displays</td>
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**TOTALS** $250,100  $326,430  $502,030  $238,730  $255,430  $206,000

Five-Year Total **$1,528,620**

**Funded By:**
- General Fund 101
- Police Fund 209
- Drug Enforcement Fund 211
- Law Enforcement Fund 212
- Law Enforcement Assistance 242
- Federal Equity Sharing 434
<table>
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<tr>
<th>Project</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>2024</th>
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</thead>
<tbody>
<tr>
<td>Forklift</td>
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<td>Forklift</td>
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<td>Zero Turn Mower (2)</td>
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<td>Replace tractor and finish mower deck</td>
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<td>Replace Leaf Vac Unit</td>
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<td>Replace Front End Loader</td>
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<td>Replace Flat Bed Light Duty Truck</td>
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<tr>
<td>Replace Mid-Size Truck</td>
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<td>Replace Light Duty Dump Body Truck</td>
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</tbody>
</table>

**TOTALS** $2,198,000 $120,000 $380,000 $875,000 $60,000 $705,000

**Five-Year Total $2,140,000**

**Funded By:**
- General Fund 101
- Local Streets Operating Fund 226
- Permissive Tax 217
<table>
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<tr>
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<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>2024</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roofing on Restroom Buildings</td>
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<td>$25,000</td>
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<tr>
<td>Playing fields temporary fencing</td>
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<tr>
<td>Concession stand equipment</td>
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<td>Playing court net replacement</td>
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<td>Walking path repairs</td>
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<td>$20,000</td>
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<tr>
<td>Landscaping - removal of dead trees</td>
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<td>Playing fields regrading</td>
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<td>Parking lot repair</td>
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<td>Replace walking path markers</td>
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<td>Replace Roofing on Shelters</td>
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<tr>
<td>Restore/Upgrade restroom building(s)</td>
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<td>Resurface Tennis and Basketball courts - (Pending grant)</td>
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<td>Inclusive play structure and surface</td>
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<td>Flag Poles</td>
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<tr>
<td>Painting / repair for aquatics facilities</td>
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<td>$15,000</td>
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<tr>
<td>Repair/Replace fixtures and equipment at RMC</td>
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<td>Dial Park Improvements</td>
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<td>Tom Cloud Splash Pad Improvements</td>
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**TOTALS** $380,000 $309,000 $240,000 $412,000 $140,500 $252,000

Five Year Total $1,353,500

**Funded By:**
General Fund 101
Parks and Recreation Fund 218
<table>
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<th>2021</th>
<th>2022</th>
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<th>2024</th>
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<tbody>
<tr>
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<td>Misc. equipment repairs/upgrades</td>
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<tr>
<td>Cosner Lift Station construction</td>
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<tr>
<td>Calamere Farms Lift Station capacity study</td>
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<td>New fencing around lift stations</td>
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<tr>
<td>Lift Station repairs</td>
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<tr>
<td>Calamere Farms Lift Station design and construction</td>
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<td>Old Troy valve replacement</td>
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<td>Pump station rehabilitation</td>
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<td>$60,000</td>
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**TOTALS** $285,000 | $718,000 | $315,000 | $215,000 | $275,000 | $215,000

Five-Year Total $1,738,000

**Funded By:**
- Sewer Fund 551
- Sewer Acq/Capital 552
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<th>2022</th>
<th>2023</th>
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<tr>
<td>Redevelop Well - Needmore WTP</td>
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<td>Redevelop Well - RRRWTP</td>
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<td>$40,000</td>
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<td>High Service Pump-inspection &amp; Repair</td>
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<td>Water Main Replacement Program</td>
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<td>$700,000</td>
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<td>Fire Hydrant Repair From Third Party Damages</td>
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<td>New Water Meter Sets for New Construction</td>
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<td>Mapping (GIS) Water System</td>
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<td>Needmore Water Treatment Plant - Upgrade PLC for Control From</td>
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<tr>
<td>Water Softening Upgrade to RRRWTP</td>
<td>$12,000,000</td>
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<td>Water main extension and inter-connect to City of Dayton</td>
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<td>Watermain Replacement on Harshmanville-Construction</td>
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<td>RRRWTP Replace Test Media in Pressure Filters</td>
<td>$180,000</td>
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<td>Replace Control Computers @ RRR WTP</td>
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<td>Paint or Replace Fencing at Water Towers</td>
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<td>Water Tower Inspections</td>
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<td>Repaint Stonehurst Standpipe Water Tower</td>
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<td>Paint Exterior of (5) Pressure Filters @RRRWTP</td>
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<td>Replace Bulk Chlorine Storage Tanks @RRRWTP</td>
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<td>Replace Filter Media @ RRRWTP</td>
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<td>Demolition of Needmore WTP</td>
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**TOTALS** $13,725,000 | $1,215,000 | $1,335,000 | $185,000 | $1,235,000 | $485,000

**Five-Year Total** $4,455,000

**Funded By:**

Water Fund 501

Water Renewal/Improvement 503

Water Reserve 504
# Engineering - Stormwater

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<tr>
<th>Project</th>
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<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>2024</th>
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<tr>
<td>Stormwater Management (Ditch cleaning and</td>
<td>$165,000</td>
<td>$150,000</td>
<td>$200,000</td>
<td>$150,000</td>
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<tr>
<td>Culvert Repair or Replacement</td>
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<td>Catch Basin Repair or Replacement</td>
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<td>Ditch Cleaning &amp; Misc Drainage Improvements</td>
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<td>$25,000</td>
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<td>Culvert Revision on S.R. 4 at Fairborn WWTP</td>
<td>$10,000</td>
<td>$80,000</td>
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**TOTALS** $250,000 | $355,000 | $275,000 | $275,000 | $275,000 | $275,000 | 

Five-Year Total $1,455,000

**Funded By:**

Storm Water Management 571
<table>
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<tr>
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<th>2019</th>
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<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>2024</th>
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<tr>
<td>GIS Management Upgrades</td>
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<td>Montgomery County Ortho Map</td>
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<td>Survey of Sanitary Manholes-Phase III</td>
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**TOTALS** $65,000 $85,000 $85,000 $85,000 $85,000 $85,000

Five-Year Total $490,000

**Funded By:**
- Water Fund 501
- Sewer Fund 551
- Storm Water Management 571
- General Fund 101
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<thead>
<tr>
<th>Project</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>2024</th>
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<tr>
<td>Street Improvement Program</td>
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<td>$1,500,000</td>
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<td>Chambersburg Road Improvement-Phase III Construction</td>
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<td>Intersection Safety Improvements</td>
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<td>Chambersburg Road Improvement-Phase IV Design</td>
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<td>Chambersburg Road Improvement-Phase IV Construction</td>
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<td>Bellefontaine Road Realignment (South of Chambersburg Rd)</td>
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<td>Miscellaneous Traffic Studies &amp; Upgrades</td>
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<td>Mast Arm Traffic Signal S.R. 201/Chambersburg</td>
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<td>Mast Arm Traffic Signal S.R. 202/Chambersburg</td>
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<td>Mast Arm Traffic Signal at S.R. 202/Taylorsville</td>
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<td>Fishburg Road South Side Widening (Old Troy to Brandt)</td>
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<td>Flashing warning signs for Station 25</td>
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<td><strong>TOTALS</strong></td>
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<td><strong>$2,345,000</strong></td>
<td><strong>$1,950,000</strong></td>
<td><strong>$2,580,000</strong></td>
<td><strong>$3,550,000</strong></td>
<td><strong>$1,700,000</strong></td>
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Five-Year Total **$12,125,000**

**Funded By:**
- Local Streets Capital Improvement 433
- Capital Improvements 406
- Issue 2 (MVRPC/STP Funds) 421
- Permissive Tax 216
<table>
<thead>
<tr>
<th>Project</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>2024</th>
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<tbody>
<tr>
<td>Comprehensive Plan Update</td>
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<tr>
<td>Online Review Software</td>
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<td>Zoning Vehicle</td>
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</table>

**TOTALS** $0  $110,000  $0  $0  $0  $25,000

Five Year Total $135,000

*Funded By:*

General Fund 101
A Resolution Adopting A Preliminary Tax Budget For Revenues Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2020 And Ending December 31, 2020.

(first reading)

Purpose and Background
This legislation is a formality to adopt the 2020 Tax Budget. The resolution is to adopt the tax budget for Fiscal Year 2020 and this adoption is the beginning of the budget process. The Miami County Auditor is requesting that the City submit the Tax Budget as a proof of the need for Miami County's distribution of property taxes and Local Government Fund revenue to the City. A public hearing on the 2020 Tax Budget is scheduled for the July 8, 2019 City Council Meeting. The 2020 Tax Budget is required to be submitted to the Miami County Auditor by July 20, 2019. City Staff respectfully request a first reading and adoption of the legislation at the July 8, 2019 City Council Meeting as non-emergency legislation.

Fiscal Impact
Source of Funds: Various Funds
Cost: N/A
Recurring Cost? (Yes/No): N/A
Funds Available in Current Budget? (Yes/No): N/A
Financial Implications:
There are no financial implications at this time. This preliminary 2020 Tax Budget only provides revenue estimates. This will not be the final 2020 Appropriations Budget which will be presented to City Council later this year.

Attachments
Resolution
Exhibit A

WHEREAS, a budget process is required by the State of Ohio for each local government to demonstrate the need for taxes which it plans to levy and which is used in most counties to allocate the Local Government Fund to jurisdictions within the county; and

WHEREAS, some County Budget Commissions require a preliminary Tax Budget to be submitted by municipalities within their jurisdictions in July of each year; and

WHEREAS, the Montgomery County Budget Commission has waived the requirement to file a preliminary Tax Budget; and

WHEREAS, the Miami County Budget Commission requires the City to file a preliminary Tax Budget: and

WHEREAS, the preliminary 2020 Tax Budget has been made conveniently available to public inspection for at least ten (10) days by having at least two (2) copies thereof on file in the Office of the Director of Finance; and

WHEREAS, the City Council has held a public hearing on said 2020 Tax Budget of which public notice was given by publication not less than ten (10) days previous to the date thereof; and

WHEREAS, such 2020 Tax Budget must be adopted on or before the fifteenth day of July; and

WHEREAS, the City Council of the City of Huber Heights finds the Tax Budget for the year 2020, as proposed and made part hereof, satisfactory and acceptable; and

WHEREAS, the preliminary 2020 Tax Budget is not a final budget and is used primarily as an estimate and to show that the municipality will still need its share of the Local Government Fund money that is distributed by the County Budget Commission.

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

Section 1. The Preliminary Tax Budget of the City of Huber Heights for the Fiscal Year beginning January 1, 2020 is hereby approved as set forth in Exhibit A hereto.

Section 2. The Director of Finance is hereby authorized and directed to submit the approved Preliminary Tax Budget for 2020 and a certified copy of this Resolution to the Miami County Auditor in accordance with statute and also send a copy to the Montgomery County Auditor.

Section 3. 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 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 ____________, 2019;
______ Yeas; ______ Nays.

Effective Date:
AUTHENTICATION:

_________________________             _______________________
Clerk of Council             Mayor

_________________________             _______________________
Date             Date
EXHIBIT A

CITIES/VILLAGES TAX BUDGET-2020

Council of the City of Huber Heights,
To: Montgomery County Auditor:
   Miami County Auditor:

The Council of said City hereby submits its annual Budget for the year commencing
January 1st, 2020 for consideration of the Montgomery and Miami County Budget
Commissions pursuant to Section 5705.281 of the Revised Code.

Director of Finance

<table>
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<tr>
<th>FUND</th>
<th>Estimated Unencumbered Balance January 1, 2020</th>
<th>Property Taxes</th>
<th>Local Govt Sources &amp; LGRA Funds</th>
<th>Other</th>
<th>Total</th>
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<tbody>
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<td>#219 Nature Works Grant Fund</td>
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<td>Total Special Revenue</td>
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<td>$3,767,970.00</td>
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The Montgomery and Miami County Auditor's Office will provide the Property Tax and
Local Government Revenue. Please do not include these amounts in your estimates.
This Budget must be adopted by the Council or other legislative body on or before
July 15, 2019, and two copies must be submitted to the County Auditor by July 20, 2019.
## CITIES/VILLAGES TAX BUDGET

<table>
<thead>
<tr>
<th>FUND</th>
<th>Unencumbered Balance</th>
<th>Property</th>
<th>Local Govt</th>
<th>Sources</th>
<th>Total</th>
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<tr>
<td></td>
<td>January 1, 2020</td>
<td>Taxes</td>
<td>&amp; LGRA Funds</td>
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<td>$2,691,679.00</td>
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<td>#406 Capital Improvements</td>
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<td>$443,897.00</td>
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<td>#421 Issue 2</td>
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<td>$1,525,114.00</td>
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<td>#431 Fire Capital/Equip.</td>
<td>$433 Local Street Capital</td>
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<td>$0.00</td>
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<td>#434 Federal Equity Sharing</td>
<td>#436 Asst to Firefighter</td>
<td>$135,563.00</td>
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<td>$135,573.00</td>
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<td>#437 Energy Conservation Grant</td>
<td>#454 Carriage Trails infrastructure</td>
<td>$4,463,815.00</td>
<td>$0.00</td>
<td>$292,558.00</td>
<td>$9,756,373.00</td>
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<td>ENTERPRISE FUNDS</td>
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<td>#501 Water Operating</td>
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<td>#504 Water Util. Res.</td>
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<td>INTERNAL SERVICE FUNDS</td>
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<td>TRUST &amp; FIDUCIARY</td>
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<td>#723 Fire Insurance Deposit</td>
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<td>#802 Cash Surety Fund</td>
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<td>$55,890,368.00</td>
<td>$94,023,389.00</td>
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</table>

<p>| Total Capital Proj | $5,463,815.00 | $0.00 | $4,292,558.00 | $9,756,373.00 |
| Total Ent/Utility | $0.00 | $0.00 | $13,175,986.00 | $27,637,518.00 |
| Total | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| BUDGET GRAND TOTAL | $38,133,021.00 | $0.00 | $55,890,368.00 | $94,023,389.00 |</p>
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<tr>
<th>Purpose of Bond and Notes</th>
<th>Council of the City of Huber Heights, Date of Issue</th>
<th>Amount Outstanding 1/1/2020</th>
<th>Amount Required for Principal &amp; Interest in 2020</th>
<th>Amount Required from Other Sources in 2020</th>
<th>Total Amount Required from Property Taxes in 2020</th>
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<tr>
<td>INSIDE 10 MILL LIMIT:</td>
<td>Jan 1st, 2029 for consideration of:</td>
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<td>$612,000.00</td>
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<td>2008 Carriage Trails Parkway Refunded 2017</td>
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<tr>
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<td>$2,913,250.00</td>
<td>$2,913,250.00</td>
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<tr>
<td>2017 Red Buckeye Drive</td>
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<td>$612,000.00</td>
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<td>$2,328,500.00</td>
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<tr>
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<td>$12,547,392.50</td>
<td>$1,223,000.00</td>
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<td>$1,223,000.00</td>
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</tbody>
</table>

| OUTSIDE 10 MILL LIMIT: | | | | | |
| 2010A Various Purpose - Splash Pad | G.O. 28-Oct-10 | $47,100.00 | $21,350.00 | $21,350.00 | $0.00 |
| 2013 Income Tax Revenue Bonds - Rec Center | G.O. - TIF 00-Nov-13 | $10,435,412.50 | $571,502.50 | $571,502.50 | $0.00 |
| TOTAL: | | $10,582,512.50 | $571,502.50 | $571,502.50 | $0.00 |

| 2010B Various Purpose - Carriage Trails Blvd Final Coat | G.O. - TIF 28-Oct-10 | $663,279.50 | $661,413.00 | $661,413.00 | $0.00 |
| 2010C Various Purpose - Carriage Trails - DEC Infrastructure | G.O. - TIF 28-Oct-10 | $1,068,427.50 | $102,101.50 | $102,101.50 | $0.00 |
| 20105 Various Purpose - Carriage Trails - 10 BAN DEC Infrastructure | G.O. - TIF 28-Oct-10 | $1,972,444.33 | $194,339.80 | $194,339.80 | $0.00 |
| 2010S Various Purpose - Carriage Trails - 10 BAN Dec Infrastructure | G.O. - TIF 28-Oct-10 | $2,567,038.87 | $592,334.70 | $592,334.70 | $0.00 |
| 2006 Public Access Acquisition Bond Refunded 2017 | G.O. - TIF 12-Dec-17 | $1,269,750.00 | $142,650.00 | $142,650.00 | $0.00 |
| 2015 Capital Facilities Notes - 3rd Fire Station | G.O. - TIF 01-Dec-15 | $2,586,460.00 | $204,720.00 | $204,720.00 | $0.00 |
| 2017 Carriage Trails Note Refinanced - TIF | G.O. - TIF 12-May-17 | $5,473,434.50 | $3,031,031.03 | $3,031,031.03 | $0.00 |
| 2017 Carriage Trails DEC Amendment #18 - TIF | G.O. - TIF 18-May-17 | $1,161,585.00 | $74,430.50 | $74,430.50 | $0.00 |
| 2017 Various Purpose - Music Center - TIF | G.O. - TIF 16-May-17 | $11,846,457.50 | $513,695.00 | $513,695.00 | $0.00 |
| 2017 Carriage Trails TIF Infrastructure | G.O. - TIF 12-May-17 | $2,327,820.00 | $577,950.00 | $577,950.00 | $0.00 |
| 2018 Capital Facilities Notes - Music Center | G.O. - TIF 29-May-18 | $8,105,079.98 | $303,825.00 | $303,825.00 | $0.00 |
| TOTAL: | | $33,578,657.48 | $2,337,208.00 | $2,337,208.00 | $2,337,208.00 |

| SIB Loan 410 - State Rt 2024-70 Interchange Refinanced 4/25/13 | 1/1/2004 | $1,023,311.06 | $95,743.58 | $95,743.58 | $0.00 |
| SIB Loan 510 - State Rt 2013-70 Interchange Refinanced 4/25/13 | 1/1/2004 | $530,798.55 | $49,862.97 | $49,862.97 | $0.00 |
| SIB Loan 140017 - Music Center Parking Facility | 6/1/2014 | $3,198,448.47 | $274,932.52 | $274,932.52 | $0.00 |
| TOTAL: | | $4,252,857.10 | $420,399.07 | $420,399.07 | $420,399.07 |
CITIES/VILLAGES TAX BUDGET
Schedule A

Summary of Amounts required from General Property Tax approved by Budget Commission and County Auditor's Estimated Tax Rates

<table>
<thead>
<tr>
<th>FUND</th>
<th>Amt. approved by</th>
<th>County Auditor's</th>
</tr>
</thead>
<tbody>
<tr>
<td>Include only those funds</td>
<td>Budget Comm. inside</td>
<td>Estimate of Tax</td>
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<tr>
<td>which are requesting</td>
<td>10M Limitation</td>
<td>Rate to be Levied</td>
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<tr>
<td>general prop. tax revenue</td>
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<td></td>
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</tbody>
</table>

GOVERNMENTAL FUNDS
- GENERAL FUND
- POLICE FUND
- FIRE FUND
- BOND RETIREMENT FUND

Note: to be completed by County Auditor

TOTAL ALL FUNDS
CITIES/VILLAGES TAX BUDGET
Schedule B
Levies Outside 10 Mill Limitation Exclusive of Debt Levies

<table>
<thead>
<tr>
<th>FUND</th>
<th>Maximum Rate Authorized to be Leved</th>
<th>County Auditor's Estimate of Yield of Levy (Carry to Schedule A, Column II)</th>
</tr>
</thead>
</table>

GENERAL FUND:

Current Expense Levy authorized by voters on ___/___/____ not to exceed ____ years.

TOTAL GENERAL FUND OUTSIDE 10 MILL LIMIT

SPECIAL LEVIES FUNDS:

Police Levy authorized by voters on 6/6/82 not to exceed CONTINUING years.

Police Levy authorized by voters on 6/8/83 not to exceed CONTINUING years.

Police Levy authorized by voters on 5/7/85 not to exceed CONTINUING years.

Police Levy authorized by voters on 11/3/81 not to exceed CONTINUING years.

Fire Levy authorized by voters on 11/3/81 not to exceed CONTINUING years.

Fire Levy authorized by voters on 11/3/81 not to exceed CONTINUING years.

Fire Levy authorized by voters on 6/7/83 not to exceed CONTINUING years.

Fire Levy authorized by voters on 5/8/84 not to exceed CONTINUING years.

Fire Levy authorized by voters on 11/6/84 not to exceed CONTINUING years.

Fire Levy authorized by voters on 5/7/85 not to exceed CONTINUING years.
2019 Supplemental Appropriations

Submitted By: Jim Bell
Department: Finance Division: Accounting
Council Committee Review?: Council Work Session
Date(s) of Committee Review: 07/02/2019
Audio-Visual Needs: None Emergency Legislation?: No

Agenda Item Description or Legislation Title

Purpose and Background
The supplemental appropriations are for the following purposes:

- $5,000 for Military & Veterans Commission banners and supplies.
- $30,000 decrease in Court building improvements.
- $30,000 additional for Police building roof improvements.

Due to the immediate need for improvements to be made to the Police building roof, staff requests that the second reading on this ordinance be waived and the legislation be approved at the 7/8/19 Council meeting.

Fiscal Impact
Source of Funds: Various Funds
Cost: $5,000
Recurring Cost? (Yes/No): No
Funds Available in Current Budget? (Yes/No): Yes
Financial Implications:

Attachments
Ordinance
CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2019-O-


WHEREAS, supplemental appropriations for expenses of the City of Huber Heights must be made to reflect appropriations of funds for various 2019 operating and project funding.

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

Section 1. Ordinance No. 2018-O-2357 is hereby amended as shown in Exhibit A of this Ordinance.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance 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 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 ____________, 2019;
______ Yeas; ______ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date
EXHIBIT A


1) Section 1 of Ordinance No. 2018-O-2357 is hereby amended to reflect changes in the appropriations of the #101 General Fund, as follows:
   a. Subsection f) Community Services, Operations and Capital increase of $5,000.00.
   b. Subsection p) Court, Operations and Capital decrease of $30,000.00.

2) Section 5 of Ordinance No. 2018-O-2357 is hereby amended to reflect an increase in the appropriations of the #209 Police Fund, as follows:
   c. Subsection a) Police, Operations and Capital of $30,000.00.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
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<tr>
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<td>($25,000.00)</td>
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<tr>
<td>Police Fund</td>
<td>$30,000.00</td>
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Agenda Item Description or Legislation Title
A Resolution Authorizing A Moral Claim To Schwieterman's Custom Body Shop.
(first reading)

Purpose and Background
On June 15, 2019, at approximately 11:00 PM, a Huber Heights Police Officer was directing traffic at the west exit area of the Rose Music Center at 6800 Executive Boulevard. The darkness and very heavy rain caused for poor conditions. As vehicles were exiting, a tan 2012 Honda CRV did not obey the officer's direction and almost struck him. The officer proceeded to strike the hood of the vehicle, with a closed fist, in an attempt to get the vehicle to stop. The vehicle continued on and was later stopped by Officer Waler.

The driver, Ms. Ernst, explained she had never been to the Rose Music Center before. She saw the waving up and down of a white flashlight and in the background red and blue lights. She said she was very confused and disoriented. She did what she thought she was supposed to do and pulled out, according to the movement of the red and blue lights. The next thing she knew, the officer was at her passenger side driver's window.

The vehicle sustained damage to the hood, as a result of the officer striking the hood with a closed fist.

Fiscal Impact
Source of Funds: Legal Fund
Cost: $1420.42
Recurring Cost? (Yes/No): No
Funds Available in Current Budget? (Yes/No): Yes

Financial Implications:

Attachments
Repair Estimate
Resolution
Schwieterman's Custom Body Shop
107 Butler St., Coldwater, OH 45828
(419) 678-3021
Fax: (419) 678-3021
Email: scbs@hometowncable.net

Damage Assessed By: RICK SCHWIETERMAN
Classification: None
Deductible: UNKNOWN
Owner: Melissa Ernst
Telephone: Home Phone: (419) 733-6583

Mitchell Service: 911258

Description: 2012 Honda CR-V EX
Body Style: 4D Ut
VIN: 5J6RM4HS51CL020287
OEM/ALT: A
Options: PASSENGER AIRBAG, POWER LOCK, POWER WINDOW, POWER STEERING, REAR WINDOW DEFOGGER
AIR CONDITION, REAR WINDOW WIPER, CRUISE CONTROL, TILT STEERING COLUMN
AM/FM STEREO, DRIVER AIRBAG, FRONT SIDE AIRBAG WITH HEAD PROTECTION
ANTI-LOCK BRAKE SYS., TRACTION CONTROL, FOG LIGHTS, ALUM/ALLOY WHEELS
REARVIEW CAMERA, TIRE INFLATION/PRESSURE MONITOR, ANTI-THEFT SYSTEM
AUXILIARY INPUT, BLUETOOTH WIRELESS CONNECTIVITY, CD PLAYER
POWER ADJUSTABLE EXTERIOR MIRROR, 4WD OR AWD, SUNROOF/MOONROOF, PRIVACY GLASS
TRIP COMPUTER, FIRST ROW BUCKET SEAT, CLOTH SEAT, 4 WHEEL DRIVE, SIDE AIRBAGS
AUTOMATIC HEADLIGHTS, SECOND ROW SIDE AIRBAG WITH HEAD PROTECTION, MP3 PLAYER
DAYTIME RUNNING LIGHTS, ELECTRONIC STABILITY CONTROL, KEYLESS ENTRY SYSTEM
REAR BENCH SEAT, STEERING WHEEL AUDIO CONTROLS

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<th>Entry</th>
<th>Labor Type</th>
<th>Operation</th>
<th>Line Item Description</th>
<th>Part Type/Part Number</th>
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<td>REMOVE/REPLACE</td>
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<td>REF</td>
<td>REFINISH</td>
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<td>4</td>
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<td>AUTO</td>
<td>REF</td>
<td>ADD'L OPR</td>
<td>Clear Coat</td>
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<td>7</td>
<td>AUTO</td>
<td>ADD'L COST</td>
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* - Judgment Item
** QRP Certified - Quality Replacement Parts - Certified
C - Included in Clear Coat Calc

ESTIMATE RECALL NUMBER: 06/17/2019 16:49:10 6185
Mitchell Data Verison: OEM: JUN_19_V
MAPP:JUN_19_V Copyright (C) 1994 - 2019 Mitchell International
Software Version: 7.1.236 All Rights Reserved
KEystone-Ins Quality PRT
5630 A Green Pointe DR.
Groveport
OH 43125
(800) 820-3962 (614) 272-5600
1 ** Ho1230168pp 549.00

Estimate Totals

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<th>Units</th>
<th>Rate</th>
<th>Labor Amount</th>
<th>Sublet Amount</th>
<th>Totals</th>
<th>II. Part Replacement Summary</th>
<th>Amount</th>
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<td>Taxable Parts</td>
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<td>Refinish</td>
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<td>Sales Tax @ 7.250%</td>
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<td>Total Replacement Parts Amount</td>
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<td>Labor Tax</td>
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<td>35.82</td>
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<td>Labor Summary</td>
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<td>529.82</td>
<td>Total Replacement Parts Amount</td>
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III. Additional Costs

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<th>Add'l Labor Amount</th>
<th>Amount</th>
<th>IV. Adjustments</th>
<th>Amount</th>
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<td>Taxable Costs</td>
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<td>Customer Responsibility</td>
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<td>Sales Tax</td>
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<tr>
<td>Total Additional Costs</td>
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</tbody>
</table>

Paint Material Method: Rates
Init Rate = 34.00, Init Max Hours = 99.9, Addl Rate = 0.00

I. Total Labor: 529.82
II. Total Replacement Parts: 588.80
III. Total Additional Costs: 301.80
Gross Total: 1,420.42

IV. Total Adjustments: 0.00
Net Total: 1,420.42

This estimate has been prepared based upon the use of one or more aftermarket crash parts supplied by a source other than the manufacturer of your motor vehicle. Warranties applicable to these aftermarket parts are provided by the parts manufacturer or distributor rather than by your own motor vehicle manufacturer.

Signature ________________________________

This is a preliminary estimate.
Additional changes to the estimate may be required for the actual repair.

Estimate Recall Number: 09/17/2019 16:49:10 6185
Mitchell Data Version: 12V_10_19  
MAPP:12V_19_19  
Copyright (C) 1994-2018 Mitchell International
AUTHORIZING A MORAL CLAIM TO SCHWIETERMAN’S CUSTOM BODY SHOP.

WHEREAS; the Huber Heights Police Division was conducting necessary traffic control at the Rose Music Center; and

WHEREAS; a citizen unfamiliar with the area did not obey the officer’s direction to stop and weather conditions were poor; and

WHEREAS, the officer was nearly hit by the vehicle and the officer struck the hood of Honda CRV with his fist in an effort to stop the vehicle causing damage to the hood of the vehicle.

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

Section 1. The City Manager is hereby authorized to make payment of $1420.42 to Schwieterman’s Custom Body Shop to satisfy this claim.

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 _____________, 2019;
______ Yeas; ______ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date Date