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prev page

AGREEMENT TO PROVIDE EMERGENCY MEDICAL SERVICES

Pursuant to Ohio Revised Code Sections 505.84 and 9.60, this **AGREEMENT** is made and entered into this 18 day of April, 2022, by and between the Village of Antwerp, Paulding County, Ohio (hereinafter referred to as the "Village") and the Township of Carryall, Paulding County, Ohio (hereinafter referred to as the "Township") for the Village to provide emergency medical services to the Township for calendar years 2023, 2024, 2025, and 2026 as more specifically described herein.

WHEREAS, the Mayor and Fiscal Officer of the Village were authorized to enter into this Agreement on April 18, 2022, by an ordinance passed on said date, Ordinance No. 2022-13.

WHEREAS, the Board of Trustees of the Township were authorized to enter into this Agreement on May 10, 2022, by a resolution adopted on said date, Resolution No. 2022-06.

IN CONSIDERATION of the mutual agreements hereinafter contained, and subject to the terms and conditions hereinafter stated, it is hereby agreed by the parties as follows:

1. The Village agrees to provide emergency medical services for certain portions of the Township, said territory described as follows:

The entire area that consists of Carryall Township.

2. The scope of the emergency medical services provided by the Village to the Township shall be the same as is regularly provided to residents of the Village of Antwerp.
3. Notwithstanding this Agreement to provide emergency medical services in the territory described above, the Village's primary obligation to provide emergency medical services is to the territory comprised within the Village's corporation limits and it shall not be a violation of any of the terms and/or conditions of this Agreement if for any reason the officer in charge of the emergency medical unit determines that the unit is unable and/or will be delayed in performing the services agreed to herein. The Village shall not be responsible for any loss and/or damages incurred as a result of failure to respond or respond timely to any call for emergency medical services in the Township and territory described above.
4. In exchange for providing the emergency medical services to the territory described herein, the Township agrees to compensate the Village as follows:

(a) A fixed annual charge which equates to the total sum collected by the Township by way of tax settlement monies, which amounts will be paid to the

Village as the Township collects such tax settlement monies from the County Auditor's office; plus

(b) Base rate per person: Basic Life Support (BLS) \$400.00 plus \$8.00 for each loaded mile or fraction thereof. Base rate per person: Advance Life Support (ALS) \$500.00 plus \$8.00 for each loaded mile or fraction thereof.

That "Basic Life Support" (BLS) charges shall include by way of illustration the following: opening and maintaining an airway, giving positive pressure ventilation, cardiac compression, controlling hemorrhage, treatment of shock, immobilization of fractures, bandaging, assisting in childbirth, management of mentally disturbed patients, initial care of poison and burn patients, emergency extrication from entrapment, and any and all other procedures allowed by Ohio law.

That "Advance Life Support" (ALS) charges shall include by way of illustration the above Basic Life Support and also include the following: start IV infusions, manual defibrillation, administer epinephrine and other drugs, blood draws, start IO infusions, and any and all other procedures allowed by Ohio law.

5. The Township authorizes the Village to bill patients / users of the emergency medical services and collect any monies due for the services provided by the Village for emergency medical services. The Village is also authorized to use a third-party billing and collection agency to perform these services, including but not limited to the Ohio Attorney General's office. The Village hereby agrees to submit bills to the patients / users for the fees established in Section 4(b) above, which are the same fees the Village charges its residents for the provision of emergency medical services. Any and all monies collected on behalf of the patients / users shall be sent to the Township on a monthly basis. Any and all payments made by Village between the effective date and the execution date of this Agreement shall be made to conform to the provisions of this Agreement.
6. The Village shall submit monthly invoices to the Township for the emergency medical services provided, billed, collected and paid to the Township and for any charges due and owing by the Township to the Village as provided in paragraph 4 above. Any and all charges provided for on the invoice shall be paid by the Township to the Village within thirty (30) days from the date the invoice is received by the Township. Failure to remit payment of said invoice could result in termination of this Agreement.
7. The volunteers, employees, agents, and/or officers of the Village that will provide the services to the Township as provided in this Agreement are deemed to be acting within the scope of their employment in providing said services. The Village assumes the cost and/or expenses associated with any injury to those

providing the services on behalf of the Village and/or any damage to equipment used in the performance of this Agreement. To the extent permitted under Ohio law, the Township agrees to fully indemnify and hold harmless the Village, its elected officials, its officers, agents, employees and volunteers from any and all obligations, liabilities or claims which may arise as a direct or indirect consequence of the Village's performance of this Agreement and the services agreed to be performed by the Village herein or the actions of the Village, its officials, agents, employees, volunteers, and any subcontractors employed by the Village. The Township will name the Village of Antwerp as an additional insured on its insurance policy. The Township's insurance coverage shall be primary insurance as it concerns the Village, its elected officials, officers, agents, employees or volunteers and that any insurance maintained by the Village, its elected officials, officers, agents, employees or volunteers shall be excess to the Township's insurance and shall not contribute to it.

8. The Village hereby represents that the individuals that will provide the emergency medical services are volunteers, employees, agents, and/or other officials acting on behalf of the Village. No principal-agent or employer-employee relationship is created by this Agreement. As such, the Township and any of its officials, employees, agents, and/or volunteers are not eligible to receive any benefits from the Village, including but not limited to, OPERS, vacation, sick leave, health insurance, life insurance, worker's compensation insurance, unemployment compensation, any form of retirement benefits (including social security eligibility), or other benefits based upon the status of the Village providing the emergency medical services as independent contractors of the Township. The Township is responsible for payment of all applicable taxes, including federal, state, and local taxes.
9. The Village and the Township each reserve the right to unilaterally terminate this Agreement, with or without cause, upon sixty (60) days written notice to the other party. Any such termination will not alter the obligation of the Village to bill and/or collect the fees for services provided during the term of the Agreement or to pay those fees to the Township. Likewise, any such termination will not alter the obligation of the Township to pay any amounts due and owing to the Village by way of this Agreement for services rendered prior to the termination of said Agreement. It is the responsibility of the Township to notify the users of these services within the territory described herein of the termination of this Agreement.
10. Each party shall maintain accurate records, reports and other documents to sufficiently and properly account for all costs and expenses incurred by each party in the performance of its obligations under this Agreement. These records shall be available in accordance with the public entity's public records policy for inspection, review, audit, or other legitimate purpose by an authorized representative of the other party, the State of Ohio, the Federal Government, or

representative of any, for a minimum of five (5) years after payment has been made pursuant to the terms of this Agreement or until after a State Audit, whichever occurs earlier.

11. This Agreement shall not be assignable by either party hereto without the prior written consent of the other party.
12. If legal action is initiated by either party for the purpose of enforcing or interpreting this Agreement, the prevailing party shall be entitled to its attorney's fees and costs in enforcing this Agreement.
13. The validity and interpretation of any of the terms or provisions of this Agreement or of the rights or duties of any of the parties hereunder shall be governed by the laws of the State of Ohio.
14. The invalidation of any clause or provision of this Agreement shall have no effect on the remaining provisions of this Agreement, and as such, the remaining Agreement shall remain in full force and effect, and be interpreted as consistently as possible.
15. Any notice required to be given hereunder, shall be given as follows:

Village of Antwerp

Attn: Administrator
P.O. Box 1046
Antwerp, Ohio 45813
Telephone: (419) 258-2371
Fax: (419) 258-1337

Township of Carryall

Attn: *Fiscal Officer*
P.O. Box 652
Antwerp, OH 45813
419-506-1816

and

Attn: EMS Coordinator
P.O. Box 1046
Antwerp, Ohio 45813
Telephone: (419) 258-1570
Fax: (419) 258-1337

16. This Agreement shall be effective as of January 1, 2023, and shall continue in full force and effect thereafter for the calendar years of 2023, 2024, 2025, and 2026, subject to the terms and conditions set forth herein. This Agreement supersedes any and all prior agreements between the Village and the Township pertaining to the provision of emergency medical services for prior years.

17. It is understood and agreed by the parties hereto that the signatories to the Agreement have been duly authorized to execute this Agreement on behalf of the respective parties, and that the parties hereby waive any challenge or defense to the validity of this Agreement based on lack of capacity, or irregularity in the procedures surrounding the execution of this Agreement.

Executed at Antwerp, Ohio, on the day and year first above written.

"VILLAGE"

"TOWNSHIP"

VILLAGE OF ANTWERP

TOWNSHIP OF CARRYALL

By: Jan Reeb
Jan Reeb
Title: Mayor
Date: 4-18-22

By: [Signature]
Title: Trustee
Date: 5/19/22

By: Aimee Lichty
Aimee Lichty
Title: Village Fiscal Officer
Date: 4-18-22

By: Deb Wyckoff
Title: Fiscal Officer
Date: 5-10-22

Ordinance No.

Passed

19

ORDINANCE NO. 2022-14

AN ORDINANCE AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A CONTRACT WITH HARRISON TOWNSHIP FOR PROVIDING FIRE PROTECTION SERVICES IN CALENDAR YEARS 2023, 2024, 2025, AND 2026

WHEREAS, the Village of Antwerp owns a fire truck and related equipment and has in the past provided fire protection services to outlying areas; and

WHEREAS, the Village of Antwerp and Harrison Township have negotiated the terms and conditions of the Village providing fire protection services to certain portions of Harrison Township.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ANTWERP, COUNTY OF PAULDING, OHIO:

Section 1. That the Village of Antwerp Fire Department, hereinafter referred to as "the Village", will provide fire protection services to that portion of Harrison Township identified in an Agreement to Provide Fire Protection Services (the "Agreement") and shall be compensated by the Township paying an annual charge of \$4,479.44 for calendar year 2023, \$4,613.82 for calendar year 2024, \$4,752.23 for calendar year 2025, and \$4,894.80 for calendar year 2026.

Section 2. The Village shall submit an annual invoice to the Township for the annual fixed charge identified in Section 1 above, and any and all charges provided for on the invoice shall be paid by the Township to the Village within thirty (30) days from the date the invoice is received by the Township.

Section 3. All amounts collected as a result of this Ordinance shall be placed into the fund(s) established by the Fiscal Officer as follows: the Fire Fund.

Section 4. That the Mayor and the Fiscal Officer of the Village are authorized to enter into the Agreement with Harrison Township to provide fire protection services for the consideration identified herein, said Agreement to be effective as of January 1, 2023.

Section 5. That if any other prior ordinance or resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid, only that portion shall be held invalid and the remainder shall be in full force and effect.

Section 6. It is found and determined that all formal actions of the Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions in Section 121.22 of the Ohio Revised Code.

Ordinance No. _____

Passed _____

19

Section 7. This Ordinance shall take effect as of the expiration of the current agreement by and between the Village of Antwerp and Harrison Township for the provision of fire protection services in that portion of Harrison Township as defined in the Agreement and be in full force and effect from and after the earliest period allowed by law.

Passed this 18 day of April, 2022.

Jan Reeb
Jan Reeb, Mayor

Attest:

Aimee Lichty
Aimee Lichty, Fiscal Officer

First reading: Feb 16, 2022

Second reading: Mar 21, 2022

Third reading: Apr 18, 2022

AGREEMENT TO PROVIDE FIRE PROTECTION SERVICES

Pursuant to Ohio Revised Code Sections 505.37 and 9.60, this **AGREEMENT** is made and entered into this 18th day of April, 2022, by and between the Village of Antwerp, Paulding County, Ohio (“hereinafter referred to as the “Village”) and the Township of Harrison, Paulding County, Ohio (hereinafter referred to as the “Township”) for the Village to provide fire protection services to the Township for calendar years 2023, 2024, 2025, and 2026 as more specifically described herein.

WHEREAS, the Mayor and Fiscal Officer of the Village were authorized to enter into this Agreement on April 18, 2022, by an ordinance passed on said date, Ordinance No. 2022-14.

WHEREAS, the Board of Trustees of the Township were authorized to enter into this Agreement on May 9th, 2022, by a resolution adopted on said date, Resolution No. 2022-4.

IN CONSIDERATION of the mutual agreements hereinafter contained, and subject to the terms and conditions hereinafter stated, it is hereby agreed by the parties as follows:

1. The Village agrees to provide fire protection services for certain portions of the Township, said territory described as follows:

Sections 1 through 12 of Harrison Township.
2. The scope of the fire protection services provided by the Village to the Township shall be the same as is regularly provided to residents of the Village of Antwerp.
3. Notwithstanding this Agreement to provide fire protection services in the territory described above, the Village’s primary obligation to provide fire protection services is to the territory comprised within the Village’s corporation limits and it shall not be a violation of any of the terms and/or conditions of this Agreement if for any reason the officer in charge of the fire department determines that the department is unable and/or will be delayed in performing the services agreed to herein. The Village shall not be responsible for any loss and/or damages incurred as a result of failure to respond or respond timely to any call for fire protection services in the Township and territory described above.
4. In exchange for providing the fire protection services to the territory described herein, the Township agrees to compensate the Village as follows:
 - a. A fixed annual charge of \$4,479.44 for calendar year 2023;
 - b. A fixed annual charge of \$4,613.82 for calendar year 2024;

- c. A fixed annual charge of \$4,752.23 for calendar year 2025; and
 - d. A fixed annual charge of \$4,894.80 for calendar year 2026.
5. The Village shall submit an annual invoice to the Township for the fire protection services provided to the Township and for any charges due and owing by the Township to the Village as provided in paragraph 4 above. Any and all charges provided for on the invoice shall be paid by the Township to the Village within thirty (30) days from the date the invoice is received by the Township. Failure to remit payment of said invoice could result in termination of this Agreement.
 6. The volunteers, employees, agents, and/or officers of the Village that will provide the services to the Township as provided in this Agreement are deemed to be acting within the scope of their employment in providing said services. The Village assumes the cost and/or expenses associated with any injury to those providing the services on behalf of the Village and/or any damage to equipment used in the performance of this Agreement. To the extent permitted under Ohio law, the Township agrees to fully indemnify and hold harmless the Village, its elected officials, its officers, agents, employees and volunteers from any and all obligations, liabilities or claims which may arise as a direct or indirect consequence of the Village's performance of this Agreement and the services agreed to be performed by the Village herein or the actions of the Village, its officials, agents, employees, volunteers, and any subcontractors employed by the Village. The Township will name the Village of Antwerp as an additional insured on its insurance policy. The Township's insurance coverage shall be primary insurance as it concerns the Village, its elected officials, officers, agents, employees or volunteers and that any insurance maintained by the Village, its elected officials, officers, agents, employees or volunteers shall be excess to the Township's insurance and shall not contribute to it.
 7. The Village hereby represents that the individuals that will provide the fire protection services are volunteers, employees, agents, and/or other officials acting on behalf of the Village. No principal-agent or employer-employee relationship is created by this Agreement. As such, the Township and any of its officials, employees, agents, and/or volunteers are not eligible to receive any benefits from the Village, including but not limited to, OPERS, vacation, sick leave, health insurance, life insurance, worker's compensation insurance, unemployment compensation, any form of retirement benefits (including social security eligibility), or other benefits based upon the status of the Village providing the fire protection services as independent contractors of the Township. The Township is responsible for payment of all applicable taxes, including federal, state, and local taxes.
 8. The Village and the Township each reserve the right to unilaterally terminate this Agreement, with or without cause, upon sixty (60) days written notice to the other

party. Any such termination will not alter the obligation of the Township to pay any amounts due and owing to the Village by way of this Agreement for services rendered prior to the termination of said Agreement. It is the responsibility of the Township to notify the users of these services within the territory described herein of the termination of this Agreement.

9. Each party shall maintain accurate records, reports and other documents to sufficiently and properly account for all costs and expenses incurred by each party in the performance of its obligations under this Agreement. These records shall be available in accordance with the public entity's public records policy for inspection, review, audit, or other legitimate purpose by an authorized representative of the other party, the State of Ohio, the Federal Government, or representative of any, for a minimum of five (5) years after payment has been made pursuant to the terms of this Agreement or until after a State Audit, whichever occurs earlier.
10. This Agreement shall not be assignable by either party hereto without the prior written consent of the other party.
11. If legal action is initiated by either party for the purpose of enforcing or interpreting this Agreement, the prevailing party shall be entitled to its attorney's fees and costs in enforcing this Agreement.
12. The validity and interpretation of any of the terms or provisions of this Agreement or of the rights or duties of any of the parties hereunder shall be governed by the laws of the State of Ohio.
13. The invalidation of any clause or provision of this Agreement shall have no effect on the remaining provisions of this Agreement, and as such, the remaining Agreement shall remain in full force and effect, and be interpreted as consistently as possible.
14. Any notice required to be given hereunder, shall be given as follows:

Village of Antwerp

Attn: Administrator
P.O. Box 1046
Antwerp, Ohio 45813
Telephone: (419) 258-2371
Fax: (419) 258-1337

Township of Harrison

Attn: TRUSTEES
P.O. BOX 103
FAYNE, OH 45000
419-769-4708

and

Attn: Fire Chief
P.O. Box 1046
Antwerp, Ohio 45813
Telephone: (419) 258-6631
Fax: (419) 258-2558

15. This Agreement shall be effective as of January 1, 2023, and shall continue in full force and effect thereafter for the calendar years of 2023, 2024, 2025, and 2026, subject to the terms and conditions set forth herein. This Agreement supersedes any and all prior agreements between the Village and the Township pertaining to the provision of fire protection services for prior years.
16. It is understood and agreed by the parties hereto that the signatories to the Agreement have been duly authorized to execute this Agreement on behalf of the respective parties, and that the parties hereby waive any challenge or defense to the validity of this Agreement based on lack of capacity, or irregularity in the procedures surrounding the execution of this Agreement.

Executed at Antwerp, Ohio, on the day and year first above written.

“VILLAGE”

“TOWNSHIP”

VILLAGE OF ANTWERP

TOWNSHIP OF HARRISON

By: Jan Reeb
Jan Reeb
Title: Mayor
Date: 4-18-22
By: Aimee Lichty
Aimee Lichty
Title: Village Fiscal Officer
Date: 4-18-22

By: Chad Bunnell
Title: Trustee
Date: 5-9-2022
By: Larry Cook
Title: Trustee
Date: 5-9-2022

Robert Young
Trustee
5-9-22

Packing Slip

Ship to:

VILLAGE OF ANTWERP
 VILLAGE OF ANTWERP
 AIMEE LICHTY
 PO BOX 1046

From:

Fleet Services
 97 Darling Ave
 South Portland ME 04106

Job #: 9G3MG1

Job ID: 7108688



ANTWERP OH 45813-1046

CPOrder ID	Issuer	WIP Sequence	Account Number	Card Number	Shipment ID	Design Code	Standard Embossing Field
473	60763	9G3MG1Z1 0002 000228	7560001291012	756000129101200011	9216269	MTN2	
473	60763	9G3MG1Z1 0002 000228	7560001291012	756000129101200021	9216269	MTN2	
473	60763	9G3MG1Z1 0002 000228	7560001291012	756000129101200031	9216269	MTN2	
473	60763	9G3MG1Z1 0002 000228	7560001291012	756000129101200041	9216269	MTN2	
473	60763	9G3MG1Z1 0002 000229	7560001291012	756000129101200051	9216269	MTN2	
473	60763	9G3MG1Z1 0002 000229	7560001291012	756000129101200061	9216269	MTN2	

SPECIAL INSTRUCTIONS									
Special Bundling Required	Bundle Type	Quantity Per Bundle	Bundle Labels Required	Bundle By Denomination	Liner/Inner Carton Quantity	Case/Outer Carton Quantity	Proof List Required	Packing Slip Required	Special Insert at Shipment Level*
No					500	6	No	Yes	

* Insert part numbers to be included at the shipment level must be listed in Bulk Prep Comments below.

Bulk Prep Comments:

Total Number of liners/ inner bundles in the order 1 Total Accounts/Cards: 2 6

Total Number of Master Cartons in the order 1

Insert Type	Part Description	Part Number	Alt Part Number	Pick Quantity	Pick Location

9G3MG1
 CPOrderID 473
 9G3MG1Z1 0002 000228
 9G3MG1Z1 0002 000229
 Liner 1 of 1

* Packaged by:

(Production ID Stamp)

* Second packager required if the cards being packaged are secure cards.

Ordinance No. _____

Passed _____

19 _____

ORDINANCE NO. 2022-15

AN ORDINANCE AMENDING ORDINANCE NO. 2010-16, AN ORDINANCE TO RETAIN THE SERVICES OF A ZONING INSPECTOR FOR THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO, SPECIFICALLY TO AMEND SUCH ORDINANCE TO PROVIDE A ONE-TIME PAYMENT ON COMPLETION OF ZONING ORDINANCE UPDATE

WHEREAS, the Council of the Village of Antwerp previously enacted Ordinance No. 2010-16 to retain the services of a zoning inspector for the Village of Antwerp, Ohio, which Ordinance was passed as an emergency measure on June 14, 2010; and

WHEREAS, the Council of the Village of Antwerp then enacted Ordinance No. 2021-21 to increase the annual payment rate of zoning inspector to \$1,500.00 per year and to authorize a one-time payment to the zoning inspector upon completion of the Zoning Map update for the Village of Antwerp, which Ordinance was passed after three separate readings on December 20, 2021; and

WHEREAS, the Council desires to amend Ordinance No. 2010-16 to authorize another one-time payment to the zoning inspector upon completion of the Zoning Ordinance update, specifically to revise and correct grammatical, typographical, and ordering errors in the current version of the Zoning Ordinance (last updated on June 24, 2016).

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Paulding County, Ohio as follows:

Section 1. Ordinance No. 2010-16 is amended to authorize the zoning inspector to be entitled to a one-time payment of Five Hundred Dollars (\$500.00) upon completion of the Zoning Ordinance update, which updates are limited to correcting errors such as grammatical, typographical, and ordering errors in the current Zoning Ordinance (last updated June 24, 2016) and shall not include any amendments, supplements, changes, or repeals of any substantive portion of said Zoning Ordinance.

Section 2. Previous ordinances and/or any portions thereof, including Ordinance No. 2010-16 and Ordinance No. 2021-21, and rules of the Village of Antwerp that are not consistent with this Ordinance are hereby set aside, revoked and held for naught and this Ordinance repeals any other ordinance or any sections thereof inconsistent thereof.

Section 3. It is found and determined that all formal actions of the Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal actions, were in meetings open to the public, in

Ordinance No.

Passed 19

compliance with all legal requirements including all lawful ordinances and any applicable provisions of § 121.22 of the Ohio Revised Code.

Section 4. This Ordinance shall take effect and be in force after the earliest period allowed by law.

PASSED this 15 day of June, 2022.

Jan Reeb
Jan Reeb
Mayor, Village of Antwerp

ATTEST:

Aimee Lichty
Aimee Lichty
Fiscal Officer, Village of Antwerp

First reading: April 18, 2022

Second reading: May 16, 2022

Third reading: June 15, 2022

Ordinance No.....

Passed.....19.....

ORDINANCE NO. 2022-16

AN ORDINANCE ACCEPTING THE FINAL PLAT OF THE MAUMEE LANDING SUBDIVISION - PHASE 10 (LOT 24) TO THE ADDITION TO THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO, PURSUANT TO ORDINANCE NO. 94-17, AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Village of Antwerp approved the preliminary plat of the Maumee Landing Subdivision submitted by Olen McMichael, the developer for the Maumee Landing Subdivision. Said preliminary plat was discussed, approved and accepted by the council at its regular meeting on May 8, 2006; however, the minutes from that meeting failed to reflect council's action on the preliminary plat. At the special meeting of the council on July 30, 2008, the council renewed its motion to accept the preliminary plat for the Maumee Landing Subdivision, which motion was passed by a unanimous vote of the council members present.

WHEREAS, Olen McMichael has submitted the final plat of the Maumee Landing Subdivision - Phase 10 (Lot 24) to the Village of Antwerp Planning Commission, as well as to the Village of Antwerp Council, as required by Ordinance No. 94-17, the Village Subdivision Ordinance.

WHEREAS, the Planning Commission recommended that the final plat for Phase 10 (Lot 24) of the Maumee Landing Subdivision and the infrastructure improvements provided thereon be accepted.

WHEREAS, the final plat has been prepared by a licensed land surveyor, and in accordance with the Subdivision Ordinance, Ordinance No. 94-17, action will be taken by the Village Council within thirty (30) days after the submission of the final plat.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Paulding County, Ohio:

Section 1. That the recommendation of the Planning Commission as to the final plat of the Maumee Landing Subdivision - Phase 10 (Lot 24) to the addition to the Village of Antwerp, Paulding County, Ohio, described in **Exhibit A**, which is attached hereto and made a part hereof, is hereby approved, and that the final plat of the Maumee Landing Subdivision - Phase 10 (Lot 24) is hereby accepted.

Section 2. That the Village's engineer shall, upon the written request by the developer herein, inspect the construction of the streets, sewers, water mains, fire hydrants, and other infrastructure improvements identified in the plat and make a determination whether those improvements have been constructed in accordance with the specifications set forth in the approved plat and that such improvements are in good repair, which such findings shall be endorsed on the approved plat, and such endorsement shall constitute an acceptance of the improvements for public use by the Village.

Section 3. That all or parts of drives, roads and avenues as shown on the plat and not heretofore dedicated are hereby dedicated to public use as such, and easements

Ordinance No. _____ Passed _____ 19____

shown on the plat are for the construction, operation and maintenance of all public and private utility purposes above and beneath the surface of the ground and, where necessary, are for the construction, operation and maintenance of service connections to all adjacent lots and lands and for storm water drainage, said streets identified by the developer on Exhibit A.

Section 4. That none of the lots as proposed on the plat be sold to any third party until all infrastructure improvements, as shown on the attached plat, have been completed and accepted by the Village of Antwerp, Paulding County, Ohio.

Section 5. That all requirements for the final plat have been provided as set forth in Ordinance No. 94-17, including, but not limited to, a notarized certification of the owners of the adoption of the plat, the dedication of the streets and other public areas, the approval and the signature of Village officials concerned with the specifications and inspection of utility installations and improvements, and certification by the County Auditor that there are no unpaid taxes on the property involved.

Section 6. That the Fiscal Officer for the Village of Antwerp, Ohio, is hereby authorized to record the final plat with the Paulding County Recorder and to obtain the certification of the Paulding County Recorder that the plat has been recorded. The payment of the recording fees are the responsibility of the developer.

Section 7. It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of section 121.22 of the Ohio Revised Code.

Section 8. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village and for the further reason that the final plat for Phase 10 (Lot 24) of the Maumee Landing Subdivision must be approved in order to comply with the Village's Subdivision Ordinance and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

PASSED THIS 18 day of April, 2022.

Jan Reeb
Jan Reeb, Mayor

Attest:

Aimee Lichty
Aimee Lichty, Fiscal Officer

Ordinance No.

Passed 19

ORDINANCE NO: 2022-17

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE OF ANTWERP, OHIO, TO REZONE CERTAIN PARCELS IN THE VILLAGE OF ANTWERP, OHIO, AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Planning and Zoning Commission of the Village of Antwerp recommended, by the adoption of a motion, to amend the Official Zoning Map of the Village of Antwerp and re-zone or change the classification of certain parcels in the Village of Antwerp, specifically fifty-two (52) parcels from their current zoning classification to new zoning classifications, and said recommendation was made in compliance with Section 703 of the Zoning Ordinance of the Village of Antwerp, Ohio; and

WHEREAS, the Planning and Zoning Commission of the Village of Antwerp transmitted its recommendation on said proposed amendments to the zoning map to the Council at its regular meeting on March 21, 2022, and Council scheduled a public hearing in compliance with Section 707 of the Zoning Ordinance of the Village of Antwerp, Ohio; and

WHEREAS, the Council of the Village of Antwerp held a public hearing on this recommendation on April 27, 2022, in compliance with Section 707 of the Zoning Ordinance of the Village of Antwerp, Ohio, after notice of said public hearing was published and any required notice mailed to property owners in compliance with Sections 708 and 709 of the Zoning Ordinance of the Village of Antwerp, Ohio; and

WHEREAS, due to input at the public hearing from owners of certain parcels recommended to be rezoned by the Planning and Zoning Commission, two (2) of the parcels were removed from the list of recommended zoning classification changes and the recommendation is modified to remove those parcels so they will retain their current zoning classification.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Paulding County, Ohio, that the Council adopts the recommendation of the Planning and Zoning Commission, as modified, and approves the amendment to the Official Zoning Map as follows:

Section 1. The Council of the Village of Antwerp moves to adopt the recommendation of the Planning and Zoning Commission, as modified, that the Official Zoning Map be amended and that the parcels identified in **Exhibit A**, attached hereto and incorporated herein by reference, and as highlighted on the Zoning Map of the Village of Antwerp on **Exhibit B**, attached hereto and incorporated herein by reference, be re-zoned or the classification of these real estate parcels changed as noted on **Exhibit A**.

Section 2. The amendment in Section 1 shall be incorporated into the Official Zoning Map of the Village of Antwerp upon the date this Ordinance becomes effective by law.

Section 3. It is found and determined that all formal actions of the council concerning

Ordinance No.

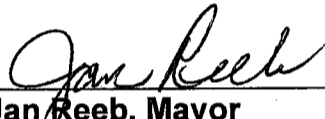
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19

and relating to the passage of this Ordinance were adopted in an open meeting of this council, and that all deliberations of the council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including all lawful Ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is deemed an emergency measure necessary for the preservation of the public health, safety and welfare, and for the further reason to comply with Section 710 of the Zoning Ordinance, which requires the Village Council to act within thirty (30) days of the public hearing on the proposed amendment, and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

PASSED THIS 16 day of May, 2022.


Jan Reeb, Mayor
Village of Antwerp, Ohio

Attest:


Aimee Lichty, Fiscal Officer

RECORD OF ORDINANCES

441

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Form No. 30043

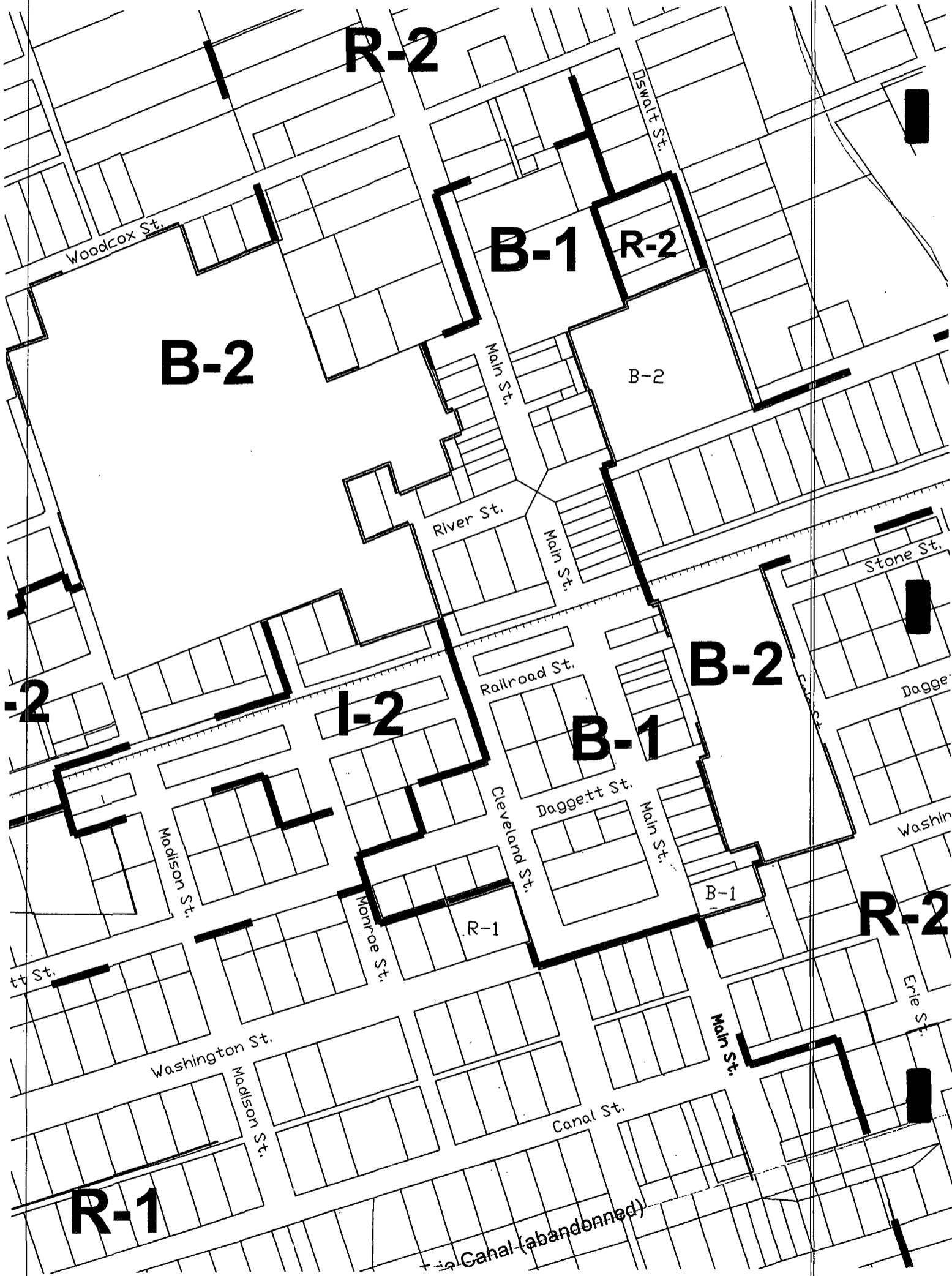
Ordinance No. _____ Passed _____ 19__

Parcel	Owner	Address	Current	Proposed
1	<u>12-16S-001-00</u>	LEINARD MARY E	318 MAIN ST S	R-2 B-1
2	<u>12-02S-012-01</u>	TUCKER GORDON L, TUCKER NANCY J	205 ERIE ST S	B-1 B-2
3	<u>12-02S-012-00</u>	PAULDING COUNTY LAND REUTILIZATION	109 DAGGETT ST E	B-1 B-2
4	<u>12-02S-013-00</u>	MCCULLOUGH DAVID, MCCULLOUGH STEPHANIE	107 DAGGETT ST E	B-1 B-2
5	<u>12-02S-014-00</u>	COY CINDRA S	105 DAGGETT ST E	B-1 B-2
6	<u>12-02S-016-00</u>	BRANDENBURG ALYSSA N	103 DAGGETT ST E	B-1 B-2
7	<u>12-13S-003-00</u>	COOK TODD K ETAL	DAGGETT ST E	B-1 B-2
8	<u>12-13S-004-00</u>	COOK TODD K ETAL	DAGGETT ST E	B-1 B-2
9	<u>12-13S-005-00</u>	GETROST DENNY JAMES	110 DAGGETT ST E	B-1 B-2
10	<u>12-13S-006-00</u>	WETLI STEVEN TRUSTEE	109 STONE ST	B-1 B-2
11	<u>12-13S-007-00</u>	COOK TODD K & COOK REBECCA S	107 STONE ST	B-1 B-2
12	<u>12-13S-008-00</u>	COOK TODD K & COOK REBECCA S	STONE ST	B-1 B-2
13	<u>12-02S-003-00</u>	COOK TODD KENTON, COOK JEFF ALLEN	STONE ST	B-1 B-2
14	<u>12-02S-004-00</u>	COOK TODD KENTON, COOK JEFF ALLEN	STONE ST	B-1 B-2
15	<u>12-10S-079-00</u>	TERWILLEGER ARCHIE TERWILLEGER LOIS J	303 CLEVELAND ST	B-1 R-1
16	<u>12-10S-078-00</u>	LEE KAREN R	204 WASHINGTON ST W	B-1 R-1
17	<u>12-10S-019-00</u>	ANTWERP EQUITY EXCHANGE COMPANY	205 RIVER ST W	B-1 B-2
18	<u>12-10S-018-00</u>	ANTWERP EQUITY EXCHANGE COMPANY	RIVER ST W	B-1 B-2
19	<u>12-10S-017-00</u>	ORTHMAN JACQUELYN L	203 RIVER ST W	B-1 B-2
20	<u>12-10S-016-00</u>	KLENDER JEFFREY P	101 CLEVELAND ST	B-1 B-2
21	this line intentionally left blank			
22	<u>12-12S-011-00</u>	DOOLEY SHAWN R, DOOLEY MICHELLE	204 RIVER ST W	B-1 B-2
23	<u>12-12S-010-00</u>	SWEET KYLIE L & SWEET STACEY S	206 RIVER ST W	B-1 B-2
24	<u>12-12S-009-00</u>	OSSTIFIN CONNIE, OSSTIFIN STEPHANIE	208 RIVER ST W	B-1 B-2
25	<u>12-12S-001-00</u>	DOOLEY SHAWN R, DOOLEY MICHELLE	ARCHER DR	B-1 B-2
26	<u>12-12S-002-01</u>	DOOLEY SHAWN R, DOOLEY MICHELLE	ARCHER DR	B-1 B-2
27	<u>12-12S-002-00</u>	DOOLEY SHAWN R, DOOLEY MICHELLE	201 ARCHER DR	B-1 B-2
28	<u>12-12S-014-00</u>	FIRST PRESBYTERIAN CHURCH TRUSTEES	106 RIVER ST	B-1 B-2
29	this line intentionally left blank			
30	<u>12-12S-024-00</u>	OBERLIN DONALD J	CLEVELAND ST	B-1 B-2
31	<u>12-12S-028-00</u>	OBERLIN DONALD J	105 ARCHER DR	B-1 B-2
32	<u>12-12S-027-00</u>	OBERLIN DONALD J	ARCHER DR	B-1 B-2
33	<u>12-30S-005-00</u>	MUDEL MICHAEL J MESSER DONALD JR	RIVER ST E	B-1 B-2
34	<u>12-30S-006-00</u>	MUDEL MICHAEL J MESSER DONALD JR	RIVER ST E	B-1 B-2
35	<u>12-30S-007-00</u>	MUDEL MICHAEL J MESSER DONALD JR	RIVER ST E	B-1 B-2
36	<u>12-30S-008-00</u>	MUDEL MICHAEL J MESSER DONALD JR	RIVER ST E	R-1 B-2
37	<u>12-03S-023-00</u>	MUDEL MICHAEL J MESSER DONALD JR	106 E RIVER E	B-1 B-2
38	<u>12-03S-022-00</u>	MUDEL MICHAEL J MESSER DONALD JR	RD 424	B-1 B-2
39	<u>12-30S-010-00</u>	MUDEL MICHAEL J MESSER DONALD JR	OSWALT ST	R-1 B-2
40	<u>12-30S-011-00</u>	MUDEL MICHAEL J MESSER DONALD JR	OSWALT ST	R-1 B-2
41	<u>12-30S-012-00</u>	MUDEL MICHAEL J MESSER DONALD JR	OSWALT ST	B-1 B-2
42	<u>12-30S-009-00</u>	LANG WALTER R	112 RIVER ST E	R-1 B-2
43	<u>12-12S-003-00</u>	DOOLEY SHAWN R & DOOLEY MICHELLE	203 ARCHER DR	B-1 & R-2 B-2
44	<u>12-12S-004-00</u>	SWEET KYLIE L & SWEET STACEY S	205 ARCHER DR	B-1 & R-2 B-2
45	<u>12-12S-005-00</u>	OSSTIFIN CONNIE, OSSTIFIN STEPHANIE	301 ARCHER DR	B-1 & R-2 B-2
46	<u>12-12S-006-00</u>	ANTWERP HOLDINGS LLC	ARCHER DR	B-1 & R-2 B-2
47	<u>12-12S-007-00</u>	FRIEND THOMAS L, MURLIN DANIELLE M	306 RIVER ST W	B-1 & R-2 B-2
48	<u>12-03S-001-00</u>	ANTWERP HOLDINGS LLC	204 ARCHER DR	B-1 & R-2 B-2
49	<u>12-28S-025-00</u>	ANTWERP HOLDINGS LLC	201 WOODCOX ST W	B-1 & R-2 B-2
50	<u>12-04S-041-00</u>	ANTWERP HOLDINGS LLC	WOODCOX ST W	R-1 B-2
51	<u>12-39S-001-02</u>	JL GRANT26 LLC	503 CANAL ST E	B-1 I-1
52	<u>12-39S-001-04</u>	MCMICHAEL OLEN G	103 VICTORY LN	B-1 I-1

Ordinance No.

Passed

19



RECORD OF ORDINANCES

443

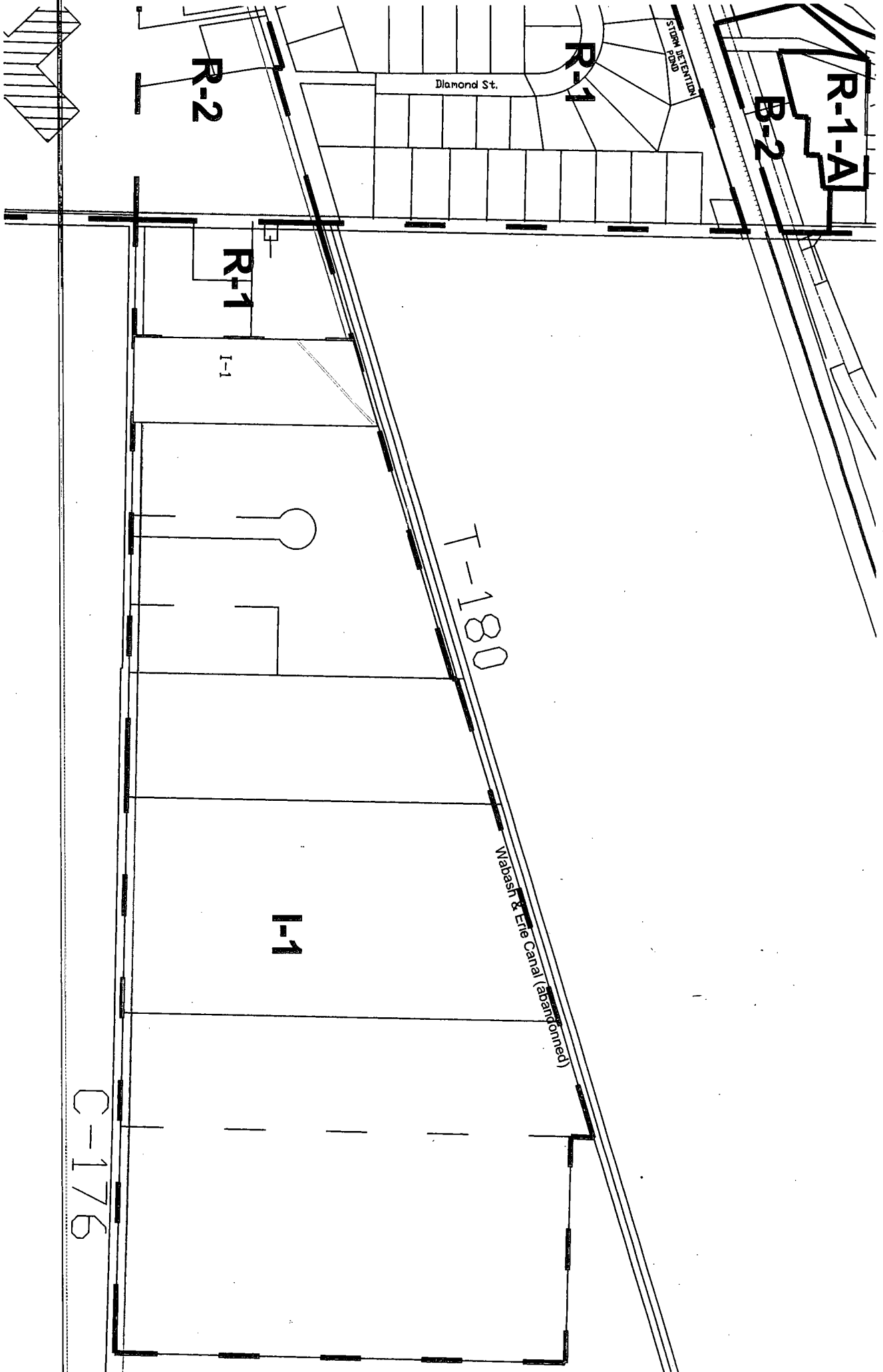
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Form No. 30043

Ordinance No.

Passed

19



Ordinance No.

Passed

19

ORDINANCE NO. 2022-18

AN ORDINANCE AUTHORIZING THE VILLAGE'S PARTICIPATION IN THE NON-FILING DELINQUENCY PROGRAM THROUGH THE REGIONAL INCOME TAX AGENCY (R.I.T.A.) AND AUTHORIZING THE VILLAGE ADMINISTRATOR TO EXECUTE THE R.I.T.A. NON-FILING PROGRAM AUTHORIZATION AND AUTHORIZATION LETTER, AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Village of Antwerp is a member of the Regional Income Tax Agency (R.I.T.A.), and R.I.T.A. offers a program to its members to address non-filing taxpayers through participation in its non-filing delinquency program; and

WHEREAS, the non-filing delinquency program consists of two parts, a letter campaign to non-filing taxpayers followed by the issuance of administrative subpoenas to those who do not respond to the letters; and

WHEREAS, for those members that participate in both parts of the non-filing delinquency program, the cost to participate is \$1.00 per subpoena issued; and

WHEREAS, the Village desires to participate in the non-filing delinquency program, including the issuance of administrative subpoenas to those who do not respond to the letters.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ANTWERP, COUNTY OF PAULDING, OHIO:

Section 1. That the Village of Antwerp elects to participate in R.I.T.A.'s non-filing delinquency program, including the issuance of administrative subpoenas to those who do not respond to the letters, and the Village Administrator is authorized to enter into the Non-Filing Program Authorization to this effect and to execute the Authorization Letter, both of which are attached hereto and incorporated herein by reference.

Section 2. That if any other prior ordinance or resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid, only that portion shall be held invalid and the remainder shall be in full force and effect.

Section 3. It is found and determined that all formal actions of the Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions in Section 121.22 of the Ohio Revised Code.

RECORD OF ORDINANCES

445

Dayton Legal Blank Co.

Form No. 30043

Ordinance No.

Passed

19

Section 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare, and for the further reason to elect participation in the non-filing delinquency program, which must be done before June 1, 2022. This Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Passed: May 16, 2022.

Jan Reeb

Jan Reeb, Mayor
Village of Antwerp

Attest:

Aimee Lichty

Aimee Lichty, Fiscal Officer
Village of Antwerp

Ordinance No. _____

Passed _____ 19 ____



RITA
NON-FILING PROGRAM AUTHORIZATION

1. Letters ONLY

I would like non-filing delinquency letters sent. I do not want to issue subpoenas.

For the municipality of: Village of Antwerp

Authorized signature: _____

2. Letters and Administrative Subpoenas

I would like non-filing delinquency letters sent and to have administrative subpoenas for records issued to the non-responders.

For the municipality of: Village of Antwerp

Authorized signature: *[Handwritten Signature]*

*If you are selecting option #2 – **Letters and Administrative Subpoenas**, please be sure to complete the second page of this document (Authorization to deduct the costs from your monthly distribution).

In order to participate in the 2022/2023 subpoena program your completed authorization must be received **by June 1, 2022**. Your prompt response is important.

Return your response to:

Fax: 440-922-3509

Email: compliance@ritaohio.com

Ordinance No.

Passed 19

AUTHORIZATION LETTER

Regional Income Tax Agency
10107 Brecksville Road
Brecksville, Ohio 44141

Please accept this letter as your authorization to deduct from the monthly distribution check paid to the City/Village of Village of Antwerp, from R.I.T.A., the following costs incurred by R.I.T.A as extraordinary costs in the collection of delinquent accounts or the providing of additional information regarding the tax accounts of our City/Village.

- a) The cost of the subpoena program (\$1.00 per subpoena)

I hereby represent and warrant to R.I.T.A. that the undersigned has full authority, on behalf of the aforesaid municipality, to authorize this deduction from the monthly distribution check from R.I.T.A. and I further warrant and represent that said deduction has been legally and properly authorized by the aforesaid municipality by Ordinance/Resolution No. 2002-8 or by Motion (see copy of attached Minutes of Council).

Further, I understand that this authorization will continue in full force and effect until specifically rescinded by this Municipality in writing.

Very truly yours,

Brian Davis
Tax Administrator/Finance Director (print)

[Signature]
Signature

Village of Antwerp
City/Village Name (print)

Ordinance No.

Passed 19

ORDINANCE NO. 2022-19

**AN ORDINANCE ADOPTING FLOODPLAIN REGULATIONS
FOR THE VILLAGE OF ANTWERP, OHIO**

SECTION 1.0: GENERAL PROVISIONS

1.1 Statutory Authorization

ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the Village Council of the Village of Antwerp, State of Ohio, does ordain as follows:

1.2 Findings of Fact

The Village of Antwerp has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

1.3 Statement of Purpose

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- G. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;

Ordinance No. _____ Passed _____ 19 _____

- H. Minimize the impact of development on adjacent properties within and near flood prone areas;
- I. Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- J. Minimize the impact of development on the natural, beneficial values of the floodplain;
- K. Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- L. Meet community participation requirements of the National Flood Insurance Program.

1.4 Methods of Reducing Flood Loss

In order to accomplish its purposes, these regulations include methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- E. Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

1.5 Lands to Which These Regulations Apply

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the Village of Antwerp as identified in Section 1.6, including any additional areas of special flood hazard annexed by Village of Antwerp.

1.6 Basis for Establishing the Areas of Special Flood Hazard

For the purposes of these regulations, the following studies and/or maps are adopted:

- A. Flood Insurance Study, Paulding County, Ohio and Incorporated Areas, and Flood Insurance Rate Map, Paulding County, Ohio and Incorporated Areas, both effective October 13, 2022.
- B. Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways, or delineation of other areas of special flood hazard, include:

Ordinance No. _____ Passed _____ 19____

C. Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the Village of Antwerp as required by Section 4.3 Subdivisions and Other New Developments.

Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at 503 West River Street, Antwerp, Ohio (Village Administrator's Office).

1.7 Abrogation and Greater Restrictions

These regulations are not intended to repeal any existing ordinances (resolutions) including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance (resolution), the more restrictive shall be followed. These regulations are not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

1.8 Interpretation

In the interpretation and application of these regulations, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and,
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

1.9 Warning and Disclaimer of Liability

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the Village of Antwerp, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

1.10 Severability

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Ordinance No.

Passed

19

SECTION 2.0: DEFINITIONS

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

Accessory Structure. A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Appeal. A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.

Base (100-Year) Flood Elevation (BFE). The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the lowest adjacent natural grade elevation plus the depth number (from 1 to 3 feet).

Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

Development. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Enclosure Below the Lowest Floor. See "Lowest Floor."

Executive Order 11988 (Floodplain Management). Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

Federal Emergency Management Agency (FEMA). The agency with the overall responsibility for administering the National Flood Insurance Program.

Fill. A deposit of earth material placed by artificial means.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters, and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Ordinance No. _____ Passed _____ 19____

Flood Hazard Boundary Map (FHBM). Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

Flood Insurance Rate Map (FIRM). An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

Flood Insurance Risk Zones. Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

Zone A:

Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are not determined.

Zones A1-30 and Zone AE:

Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are determined.

Zone AO:

Special flood hazard areas inundated by the 100-year flood in any given year; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.

Zone AH:

Special flood hazard areas inundated by the 100-year flood in any given year; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

Zone A99:

Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

Zone B and Zone X (shaded):

Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

Zone C and Zone X (unshaded):

Areas determined to be outside the 500-year floodplain.

Flood Insurance Study (FIS). The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

Floodproofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood Protection Elevation. The Flood Protection Elevation, or FPE, is the base flood elevation. In areas where no base flood elevations exist from any authoritative source, the flood protection

Ordinance No.

Passed

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elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

Floodway. A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

Freeboard. A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

Historic structure. Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
3. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
4. Individually listed on the inventory of historic places maintained by the Village of Antwerp's historic preservation program, which program is certified by the Ohio Historic Preservation Office.

Hydrologic and hydraulic engineering analysis. An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

Letter of Map Change (LOMC). A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

Letter of Map Amendment (LOMA)

A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

Ordinance No.

Passed 19

Letter of Map Revision (LOMR)

A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

Conditional Letter of Map Revision (CLOMR)

A comment by FEMA regarding a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

Lowest floor. The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

Manufactured home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 4781 of the Ohio Revised Code.

Manufactured home park. As specified in the Ohio Adm. Code 4781-12-01(K), a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.

Mean sea level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

National Flood Insurance Program (NFIP). The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

Ordinance No. _____ Passed _____ 19____

New construction. Structures for which the "start of construction" commenced on or after the effective date of a floodplain regulation adopted by Village of Antwerp and includes any subsequent improvements to such structures.

For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM August 19, 1985 or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

Person. Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Rev. Code §111.15(A)(2) as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

Recreational vehicle. A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Registered Professional Architect. A person registered to engage in the practice of architecture pursuant to Ohio Rev. Code §4703.01 and 4703.19.

Registered Professional Engineer. A person registered as a professional engineer pursuant to Ohio Rev. Code Chapter 4733.

Registered Professional Surveyor. A person registered as a professional surveyor pursuant to Ohio Rev. Code Chapter 4733.

Special Flood Hazard Area. Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, or A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

Start of construction. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of

Ordinance No.

Passed 19

temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

Structure. A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to the 'before damaged' condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

Variance. A grant of relief from the standards of these regulations.

Violation.
The failure of a structure or other development to be fully compliant with these regulations.

SECTION 3.0: ADMINISTRATION

3.1 Designation of the Floodplain Administrator

The Zoning Inspector is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

3.2 Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A. Evaluate applications for permits to develop in special flood hazard areas.
- B. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.

Ordinance No.

Passed

19

- C. Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- D. Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- E. Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, floodproofing certificates, variances, and records of enforcement actions taken for violations of these regulations.
- F. Enforce the provisions of these regulations.
- G. Provide information, testimony, or other evidence as needed during variance hearings.
- H. Coordinate map maintenance activities and FEMA follow-up.
- I. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

3.3 Floodplain Development Permits

It shall be unlawful for any person to begin construction or other development activity including but not limited to filling, grading, construction, alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1.6, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

3.4 Application Required

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

Ordinance No. _____ Passed _____ 19____

- A. Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- B. Elevation of the existing, natural ground where structures are proposed.
- C. Elevation of the lowest floor, including basement, of all proposed structures.
- D. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- E. Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 - 1. Floodproofing certification for non-residential floodproofed structure as required in Section 4.5.
 - 2. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 4.4(E) are designed to automatically equalize hydrostatic flood forces.
 - 3. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 4.9(C).
 - 4. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 4.9(B).
 - 5. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 4.9(A).
 - 6. Generation of base flood elevation(s) for subdivision and other new developments as required by Section 4.3.

3.5 Review and Approval of a Floodplain Development Permit Application

A. Review

- 1. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 3.4 has been received by the Floodplain Administrator.
- 2. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including

Ordinance No.

Passed

19

permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

B. Approval

Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If the Floodplain Administrator is satisfied that the development proposed in the floodplain development application conforms to the requirements of this ordinance, the Floodplain Administrator shall issue the permit. All floodplain development permits shall be conditional upon the commencement of work within 180 days. A floodplain development permit shall expire 180 days after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

3.6 Inspections

The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

3.7 Post-Construction Certifications Required

The following as-built certifications are required after a floodplain development permit has been issued:

- A. For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered professional surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
- B. For all development activities subject to the standards of Section 3.11(A), a Letter of Map Revision.
- C. For new or substantially improved nonresidential structures that have been floodproofed in lieu of elevation, where allowed, the applicant shall supply a completed *Floodproofing Certificate for Non-Residential Structures* completed by a registered professional engineer or architect together with associated documentation.

3.8 Revoking a Floodplain Development Permit

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 5 of these regulations.

Ordinance No.

Passed 19

3.9 Exemption from Filing a Development Permit

An application for a floodplain development permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$2500.

3.10 State and Federal Development

- A.** Development that is funded, financed, undertaken, or preempted by state agencies shall comply with minimum NFIP criteria.
- B.** Before awarding funding or financing or granting a license, permit, or other authorization for a development that is or is to be located within a 100-year floodplain, a state agency shall require the applicant to demonstrate to the satisfaction of the agency that the development will comply with minimum NFIP criteria and any applicable local floodplain management resolution or ordinance as required by Ohio Revised Code Section 1521.13. This includes, but is not limited to:
1. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Commerce and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 4781-12.
 2. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
 3. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
- C.** Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.
1. Each federal agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget request reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of EO 11988.

3.11 Map Maintenance Activities

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the Village of Antwerp's flood maps, studies and other data identified in Section 1.6 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

A. Requirement to Submit New Technical Data

1. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 - a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

Ordinance No.

Passed

19

- b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - d. Subdivision or other new development proposals requiring the establishment of base flood elevations in accordance with Section 4.3.
2. It is the responsibility of the applicant to have technical data, required in accordance with Section 3.11(A), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
 3. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - a. Proposed floodway encroachments that increase the base flood elevation; and
 - b. Proposed development which increases the base flood elevation by more than one foot in riverine areas where FEMA has provided base flood elevations but no floodway.
 4. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 3.11(A)(1).

B. Right to Submit New Technical Data

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of Village of Antwerp, and may be submitted at any time.

C. Annexation / Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the Village of Antwerp have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Village of Antwerp's Flood Insurance Rate Map accurately represent the Village of Antwerp boundaries, include within such notification a copy of a map of the Village of Antwerp suitable for reproduction, clearly showing the new corporate limits or the new area for which the Village of Antwerp has assumed or relinquished floodplain management regulatory authority.

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Ordinance No.

Passed 19

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 - a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - d. Subdivision or other new development proposals requiring the establishment of base flood elevations in accordance with Section 4.3.
2. It is the responsibility of the applicant to have technical data, required in accordance with Section 3.11(A), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
3. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - a. Proposed floodway encroachments that increase the base flood elevation; and
 - b. Proposed development which increases the base flood elevation by more than one foot in riverine areas where FEMA has provided base flood elevations but no floodway.
4. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 3.11(A)(1).

B. Right to Submit New Technical Data

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of Village of Antwerp, and may be submitted at any time.

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Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the Village of Antwerp have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Village of Antwerp's Flood Insurance Rate Map accurately represent the Village of Antwerp boundaries, include within such notification a copy of a map of the Village of Antwerp suitable for reproduction, clearly showing the new corporate limits or the new area for which the Village of Antwerp has assumed or relinquished floodplain management regulatory authority.

Ordinance No.

Passed

19

3.13 Data Use and Flood Map Interpretation

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

- A. In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
- B. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
- C. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5.0, Appeals and Variances.
- D. Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.

3.14 Use of Preliminary Flood Insurance Rate Map and/or Flood Insurance Study Data

- A. Zone A:
 - 1. Within Zone A areas designated on an effective FIRM, data from the preliminary FIRM and/or FIS shall reasonably be utilized as best available data.
 - 2. When all appeals have been resolved and a notice of final food elevation determination has been provided in a Letter of Final Determination (LFD), BFE and floodway data from the preliminary FIRM and/or FIS shall be used for regulating development.
- B. Zones AE, A1-30, AH, and AO:
 - 1. BFE and floodway data from a preliminary FIS or FIRM restudy are not required to be used in lieu of BFE and floodway data contained in an existing effective FIS and FIRM. However,
 - a. Where BFEs increase in a restudied area, communities have the responsibility to ensure that new or substantially improved structures are protected. Communities are encouraged to reasonably utilize preliminary FIS or FIRM

Ordinance No.

Passed

19.....

data in instances where BFEs increase and floodways are revised to ensure that the health, safety, and property of their citizens are protected.

- b. Where BFEs decrease, preliminary FIS or FIRM data should not be used to regulate floodplain development until the LFD has been issued or until all appeals have been resolved.
- 2. If a preliminary FIRM or FIS has designated floodways where none had previously existed, communities should reasonably utilize this data in lieu of applying the encroachment performance standard of Section 4.9(B) since the data in the draft or preliminary FIS represents the best data available.

C. Zones B, C, and X:

- 1. Use of BFE and floodway data from a preliminary FIRM or FIS are not required for areas designated as Zone B, C, or X on the effective FIRM which are being revised to Zone AE, A1-30, AH, or AO. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data to ensure that the health, safety, and property of their citizens are protected.

3.15 Substantial Damage Determinations

Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:

- A. Determine whether damaged structures are located in special flood hazard areas;
- B. Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
- C. Require owners of substantially damaged structures to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

SECTION 4.0: USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1.6, 3.12(A), or 3.13:

Ordinance No. _____ Passed _____ 19__

4.1 Use Regulations

A. Permitted Uses

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by Village of Antwerp are allowed provided they meet the provisions of these regulations.

4.2 Water and Wastewater Systems

The following standards apply to all water supply, sanitary sewerage and waste disposal systems in the absence of any more restrictive standard provided under the Ohio Revised Code or applicable state rules:

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
- B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- C. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

4.3 Subdivisions and Other New Developments

- A. All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
- B. All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
- C. All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and
- D. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
- E. The applicant shall meet the requirement to submit technical data to FEMA in Section 3.11(A)(1)(d) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 4.3(D).

Ordinance No.

Passed 19.....

4.4 Residential Structures

The requirements of Section 4.4 apply to new construction of residential structures and to substantial improvements of residential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 3.13.

A. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (4.4(A)) and construction materials resistant to flood damage (4.4(B)) are satisfied.

B. New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.

C. New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation.

E. New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings to allow the automatic equalization of hydrostatic pressure may have an enclosure below the lowest floor provided the enclosure meets the following standards:

1. Be used only for the parking of vehicles, building access, or storage; and
2. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
3. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

F. Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

Ordinance No.

Passed

19

G. Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 4.4.

4.5 Nonresidential Structures

The requirements of Section 4.5 apply to new construction and to substantial improvements of nonresidential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 3.13.

A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 4.4 (A) – (C) and (E) – (G).

B. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:

1. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
3. Be certified by a registered professional engineer or architect, through the use of a *Federal Emergency Management Agency Floodproofing Certificate*, that the design and methods of construction are in accordance with Section 4.5(B)(1) and (2).

4.6 Accessory Structures

Structures that are 600 square feet or less which are used for parking and storage only are exempt from elevation or dry floodproofing standards within zones A, A1-30, AE, AO, and AH designated on the community's FIRM. Such structures must meet the following standards:

- A. They shall not be used for human habitation;
- B. They shall be constructed of flood resistant materials;
- C. They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- D. They shall be firmly anchored to prevent flotation;

Ordinance No.

Passed

19

E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and

F. They shall meet the opening requirements of Section 4.4(E)(3);

4.7 Recreational Vehicles

Recreational vehicles on sites within zones A, A1-A30, AE, AO, or AH must meet at least one of the following standards:

A. They shall not be located on sites in special flood hazard areas for more than 180 days, or

B. They must be fully licensed and ready for highway use, or

C. They must be placed on the site pursuant to a floodplain development permit issued under Sections 3.3 and 3.4, and meet all standards of Section 4.4.

4.8 Gas or Liquid Storage Tanks

A. Within zone A, A1-A30, AE, AO, or AH, new or substantially improved above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

4.9 Assurance of Flood Carrying Capacity

Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

A. Development in Floodways

1. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
2. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - a. Meet the requirements to submit technical data in Section 3.11(A);
 - b. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 - c. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
 - d. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and

Ordinance No.

Passed

19

- e. Concurrence of the Mayor of Village of Antwerp and the Chief Executive Officer of any other communities impacted by the proposed actions.

B. Development in Riverine Areas with Base Flood Elevations but No Floodways

1. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
2. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - a. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 - b. Section 4.9(A)(2), items (a) and (c)-(e).

C. Alterations of a Watercourse

For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the *USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique* or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

1. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
2. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
3. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with Village of Antwerp specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.

Ordinance No.

Passed

19

- 4. The applicant shall meet the requirements to submit technical data in Section 3.11(A)(1)(c) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

SECTION 5.0: APPEALS AND VARIANCES

5.1 Appeals Board Established

- A. The Village of Antwerp Planning and Zoning Commission is hereby appointed to serve as the Appeals Board for these regulations as established by the Village of Antwerp.
- B. A chairperson shall be elected by the members of the Appeals Board. Meetings of the Appeals Board shall be held as needed and shall be held at the call of the Chairperson, or in his absence, the Acting Chairperson. All meetings of the Appeals Board shall be open to the public except that the Board may deliberate in executive sessions as part of quasi-judicial hearings in accordance with law. The Appeals Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of all official actions. Records of the Appeals Board shall be kept and filed in 503 West River Street, Antwerp, Ohio.

5.2 Powers and Duties

- A. The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
- B. Authorize variances in accordance with Section 5.4 of these regulations.

5.3 Appeals

Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within 30 days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

5.4 Variances

Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board

Ordinance No. _____ Passed _____ 19__

shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

A. Application for a Variance

1. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.
2. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.

B. Notice for Public Hearing

The Appeals Board shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Floodplain Administrator. Prior to the hearing, a notice of such hearing shall be given in one (1) or more newspapers of general circulation in the community at least ten (10) days before the date of the hearing.

C. Public Hearing

At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.
5. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
6. The necessity to the facility of a waterfront location, where applicable.
7. The compatibility of the proposed use with existing and anticipated development.
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Ordinance No. _____ Passed _____ 19____

Variations shall only be issued upon:

1. A showing of good and sufficient cause.
2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
4. A determination that the structure or other development is protected by methods to minimize flood damages.
5. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variations, as it deems necessary to further the purposes of these regulations.

D. Other Conditions for Variations

1. Variations shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
2. Generally, variations may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 5.4(C)(1) to (11) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

5.5 Procedure at Hearings

1. All testimony shall be given under oath.
2. A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
3. The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
4. The administrator may present evidence or testimony in opposition to the appeal or variance.
5. All witnesses shall be subject to cross-examination by the adverse party or their counsel.
6. Evidence that is not admitted may be proffered and shall become part of the record for appeal.

Ordinance No. _____ Passed _____ 19____

- 7. The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
- 8. The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

5.6 Appeal to the Court

Those aggrieved by the decision of the Appeals Board may appeal such decision to the Paulding County Court of Common Pleas, pursuant to Ohio Rev. Code Chapter 2506.

SECTION 6.0: ENFORCEMENT

6.1 Compliance Required

- A. No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 3.9.
- B. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 6.3.
- C. Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 6.3.

6.2 Notice of Violation

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- A. Be put in writing on an appropriate form;
- B. Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;
- C. Specify a reasonable time for performance;
- D. Advise the owner, operator, or occupant of the right to appeal;

Ordinance No.

Passed

19

E. Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

6.3 Violations and Penalties

Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a 4th Degree misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the Village of Antwerp. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village of Antwerp from taking such other lawful action as is necessary to prevent or remedy any violation. The Village of Antwerp shall prosecute any violation of these regulations in accordance with the penalties stated herein.

SECTION 7.0: ADOPTION

This Ordinance shall take effect from and after the earliest period allowed by law and replaces Ordinance Number 97-07, which is hereby repealed.

PASSED this 15 day of Aug, 2022.

Dean Rister

Dean Rister, President Pro Tempore

Jan Reeb

Jan Reeb, Mayor

Attest:

Aimee Lichty
Aimee Lichty, Fiscal Officer

First reading: June 15, 2022

Second reading: July 18, 2022

Third reading: Aug 15, 2022

RECORD OF ORDINANCES

545

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Form No. 30043

Ordinance No.

Passed

19

State of Ohio
Paulding County

I, the undersigned Fiscal Officer of the Village of Antwerp, Paulding County, Ohio, hereby certify that the foregoing Ordinance No. 2022- 19 is taken and copied from the record of proceedings of the Council of the Village of Antwerp, Paulding County, Ohio, and that it has been compared by me with the ordinance on the record and is a true and accurate copy. Further, I certify that the adoption of such ordinance occurred in an open meeting held in compliance with R.C. § 121.22.

Date: 8-15-22

Aimee Lichty
Aimee Lichty, Fiscal Officer of the Village
of Antwerp, Paulding County, Ohio

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No......

Passed..... 19.....

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Ordinance No.

Passed 19.....

ORDINANCE NO. 2022-20

AN ORDINANCE AUTHORIZING THE MAYOR OF THE VILLAGE OF ANTWERP TO ENTER INTO AN AGREEMENT FOR THE SUPPLY OF ELECTRICITY TO VILLAGE OWNED BUILDINGS, STREETLIGHTS, AND WELLS WITH CONSTELLATION NEWENERGY, INC. FOR A TERM OF EIGHTEEN (18) MONTHS COMMENCING ON MAY 1, 2023; AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Village of Antwerp, Ohio (the "Village") and Constellation NewEnergy, Inc. currently are parties to an Ohio Electricity Supply Agreement for the purpose of the Village buying electricity delivered and used at the various buildings, streetlights, and wells owned by the Village and the same being supplied by Constellation NewEnergy, Inc. at a rate of \$0.04253 per kilowatt hour, which agreement will expire on April 30, 2023; and

WHEREAS, the Village desires to enter into an agreement with Constellation NewEnergy, Inc. for the purpose of the Village buying electricity to be delivered and used at the various buildings, streetlights, and wells owned by the Village and the same supplied by Constellation NewEnergy, Inc. for an eighteen (18) month period commencing at the expiration of the current agreement (commencing on May 1, 2023), at the rate of \$0.072310 per kilowatt hour; and

WHEREAS, in order to lock in this lower rate for the purchase and supply of electricity for the eighteen (18) month period commencing on May 1, 2023, the Village and Constellation NewEnergy, Inc. must enter into an agreement for the same as soon as practicable as the rates are changing daily.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, County of Paulding, and State of Ohio:

Section 1. The Mayor of the Village of Antwerp, Ohio, is hereby authorized to enter into an agreement for the supply of electricity by and between the Village and Constellation NewEnergy, Inc. for the purpose of the Village buying electricity to be delivered to and used at the various buildings, streetlights, and wells owned by the Village and the electricity being supplied by Constellation NewEnergy, Inc. at the rate of \$0.072310 per kilowatt hour for an eighteen (18) month period commencing at the expiration of the current agreement (commencing on May 1, 2023).

Section 2. It is found and determined that all formal actions of the Council of the Village of Antwerp, Ohio, concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal action, were in meetings open to the public, and in compliance with all legal requirements.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village and to allow the Village to lock in the lowest rate available for the delivery and use of electricity at the buildings, streetlights, and wells owned by the Village. This Ordinance shall take effect and be in force

RECORD OF ORDINANCES

Ordinance No.

Passed

19

immediately after its passage and approval; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: June 28, 2022.

Jan Reeb

Jan Reeb, Mayor of the Village of Antwerp, Ohio

Attest:

Aimee Lichy
Aimee Lichy, Fiscal Officer

Ordinance No.

Passed

19

ORDINANCE NO. 2022-21

AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER \$20,000.00 FROM THE GENERAL FUND TO THE FIRE FUND, AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Village Fiscal Officer has determined that it is necessary to transfer certain funds from the General Fund to the Fire Fund to provide necessary funding for the operations of the fire department, and

WHEREAS, the Village Council must approve certain transfers pursuant to Ohio Revised Code Section 5705.14, and

WHEREAS, this is a transfer of funds pursuant to Ohio Revised Code Section 5705.14(E), which requires a majority vote of the Village Council to authorize transfers from the General Fund to any other fund of the Village, and

WHEREAS, the Village Council elects to approve the transfer of funds from the General Fund to the Fire Fund with the understanding that the Village is not required to seek any other approvals as may be required for other transfers of funds under Ohio Revised Code Sections 5705.15 and 5705.16.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Paulding County, Ohio:

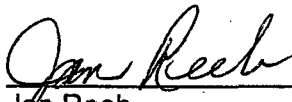
Section 1. The Village Fiscal Officer is hereby authorized to transfer the sum of Twenty Thousand Dollars and Zero Cents (\$20,000.00) from the General Fund to the Fire Fund.

Section 2. The transfer of these funds from the General Fund to the Fire Fund is necessary for the operation of the fire department of the Village of Antwerp.

Section 3. It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including all lawful ordinances, resolutions, and any applicable provisions of Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village and for the further reason that the Village is in immediate need of funds for the operation of the fire department necessary for the well-being of the residents and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Date 8-15-22



Jan Reeb,
Mayor of the Village of Antwerp

Attest:


Aimee Lichty, Fiscal Officer

Ordinance No. _____

Passed _____

19 _____

ORDINANCE NO. 2022-22

AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER \$5,000.00 FROM THE GENERAL FUND TO THE STREET LIGHTING FUND

WHEREAS, the Village Fiscal Officer has determined that it is necessary to transfer certain funds from the General Fund to the Street Lighting Fund to provide the necessary revenue to pay the street lighting expenses from this fund; and

WHEREAS, the Village Council must approve certain transfers pursuant to Ohio Revised Code Section 5705.14; and

WHEREAS, this is a transfer of funds pursuant to Ohio Revised Code Section 5705.14(E), which requires a majority vote of the Village Council to authorize transfers from the General Fund to any other fund of the Village; and

WHEREAS, the Village Council elects to approve the transfer of funds from the General Fund to the Street Lighting Fund with the understanding that the Village is not required to seek any other approvals as may be required for other transfers of funds under Ohio Revised Code Sections 5705.15 and 5705.16.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Paulding County, Ohio:

Section 1. The Village Fiscal Officer is hereby authorized to transfer the sum of Five Thousand and 00/100 Dollars (\$5,000.00) from the General Fund to the Street Lighting Fund.

Section 2. The transfer of these funds from the General Fund to the Street Lighting Fund is necessary to provide the revenue to pay the street lighting expenses of the Village of Antwerp.

Section 3. It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance shall take effect and be in force after the earliest period allowed by law.

Date Nov 21, 2022

Jan Reeb
Jan Reeb
Mayor of the Village of Antwerp

Attest:
Aimee Lichty
Aimee Lichty, Fiscal Officer

First reading: Sept 19, 2022

Second reading: Oct 17, 2022

Third reading: Nov 21, 2022

Ordinance No. _____ Passed _____ 19____

ORDINANCE NO. 2022-23

AN ORDINANCE TO ESTABLISH THE TIME AND PLACE OF REGULAR MEETINGS OF THE COUNCIL FOR THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO, FOR CALENDAR YEAR 2023

WHEREAS, the Council of the Village of Antwerp, Paulding County, Ohio, is desirous of holding regular monthly council meetings in calendar year 2023; and

WHEREAS, in accordance with Ohio Revised Code Section 731.46, the Village Council hereby establishes the time and place of regular meetings of the Council for calendar year 2023 as provided herein.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Paulding County, Ohio, as follows:

Section 1. Regular meetings of the Council shall be held at the Council Chambers located at 118 North Main Street in the Village of Antwerp, Ohio.

Section 2. Regular meetings of the Council shall be held on the third (3rd) Monday of each month at 5:30 p.m., except for those third (3rd) Mondays that are deemed a holiday under the personnel manual of the Village of Antwerp, then the regular council meeting shall be the third (3rd) Wednesday of that month at 5:30 p.m., which includes the regular meeting of the Council for January 2023, February 2023, and June 2023. The regular meeting of the Council for January 2023 will be held on January 18, 2023, at 5:30 p.m., the regular meeting of the Council for February 2023 will be held on February 15, 2023, at 5:30 p.m., and the regular meeting of the Council for June 2023, will be held on June 14, 2023, at 5:30 p.m.

Section 3. This Ordinance shall be in effect for regular meetings of the Council starting in January 2023 and be subject to amendment at the request of the Mayor of the Village of Antwerp or at the request of a member of the Council. Notice of any change in the time and/or place of a regular meeting of the Council shall be provided in accordance with Ordinance No. 2012-18 and Ordinance No. 2022-09.

Section 4. It is found and determined that all formal actions of the Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of section 121.22 of the Ohio Revised Code.

Section 5. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Enacted this 19 day of Dec, 2022

Jan Reeb
Mayor of the Village of Antwerp

ATTEST:
Aimee Lichty, Fiscal Officer

First Reading: Oct 17, 2022
Second Reading: Nov 21, 2022
Third Reading: Dec 19, 2022

Ordinance No.

Passed

19

ORDINANCE NO. 2022-24

AN ORDINANCE AMENDING ORDINANCE NO. 2018-17, AN ORDINANCE INCREASING WATER RATES FOR THE VILLAGE OF ANTWERP, COUNTY OF PAULDING, OHIO, SPECIFICALLY AMENDING SECTIONS 2 AND 5 OF ORDINANCE NO. 2018-17 TO INCREASE THE MINIMUM CHARGE FOR EACH TAP EFFECTIVE JANUARY 1, 2023

WHEREAS, the Council of the Village of Antwerp, Ohio, adopted Ordinance No. 2018-17 to increase the minimum charge for each tap and the water rates with the increased rates effective January 1, 2020, and a two percent (2%) increase to be implemented in the years thereafter, specifically in years 2020, 2021, 2022, 2023, and 2024; and

WHEREAS, the Council of the Village of Antwerp, Ohio, provided in Section 1 of Ordinance No. 2018-17 that the water rate increases established in said Ordinance would be reviewed annually to determine whether the increases are sufficient; and

WHEREAS, the Council of the Village of Antwerp, Ohio, has reviewed the water rate increases set forth in Ordinance No. 2018-17 and determined that additional revenue is needed in the water fund in order to raise appropriate capital to repair and maintain the integrity of the current water system, as well as to provide funds to defray the annualized payment for a new water plant to operate this utility adequately and provide better and more efficient service; and

WHEREAS, the Council of the Village of Antwerp has determined it to be in the best interest of the Village to increase water rates, specifically the minimum charge for each tap as set forth in Sections 2 and 5 of Ordinance No. 2018-17, said increase effective January 1, 2023, as well as the minimum charge for each tap effective January 1, 2024.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, County of Paulding, State of Ohio:

Section 1. That Section 2 of Ordinance No. 2018-17 currently reads as follows:

Section 2. The quarterly water rates for users/consumers within the Village corporation limits effective January 1, 2019, January 1, 2020, January 1, 2021, January 1, 2022, January 1, 2023, and January 1, 2024, will be as follows:

January 1, 2019	\$35.00 minimum charge for each tap plus \$5.31 for each one thousand (1,000) gallons of all water used
January 1, 2020	\$35.00 minimum charge for each tap plus \$5.42 for each one thousand (1,000) gallons of all water used
January 1, 2021	\$35.00 minimum charge for each tap plus \$5.53 for each one thousand (1,000) gallons of all water used
January 1, 2022	\$35.00 minimum charge for each tap plus \$5.64 for each one thousand (1,000) gallons of all water used
January 1, 2023	\$35.00 minimum charge for each tap plus \$5.75 for each one thousand (1,000) gallons

RECORD OF ORDINANCES

485

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. _____ Passed _____ 19____

		of all water used
January 1, 2021		\$45.00 minimum charge for each tap plus \$9.68 for each one thousand (1,000) gallons of all water used
January 1, 2022		\$45.00 minimum charge for each tap plus \$9.87 for each one thousand (1,000) gallons of all water used
January 1, 2023		\$115.00 minimum charge for each tap plus \$10.07 for each one thousand (1,000) gallons of all water used
January 1, 2024		\$115.00 minimum charge for each tap plus \$10.27 for each one thousand (1,000) gallons of all water used

Quarterly water rates effective January 1, 2019, January 1, 2020, January 1, 2021, January 1, 2022, January 1, 2023, and January 1, 2024, for those users/consumers outside of the Village corporation limits who qualify for the homestead tax exemption will be as follows:

January 1, 2019		\$35.00 minimum charge for each tap plus \$5.50 for each one thousand (1,000) gallons of all water used
January 1, 2020		\$35.00 minimum charge for each tap plus \$5.61 for each one thousand (1,000) gallons of all water used
January 1, 2021		\$35.00 minimum charge for each tap plus \$5.72 for each one thousand (1,000) gallons of all water used
January 1, 2022		\$35.00 minimum charge for each tap plus \$5.83 for each one thousand (1,000) gallons of all water used
January 1, 2023		\$105.00 minimum charge for each tap plus \$5.95 for each one thousand (1,000) gallons of all water used
January 1, 2024		\$105.00 minimum charge for each tap plus \$6.07 for each one thousand (1,000) gallons of all water used

The user/consumer claiming the homestead tax exemption must provide proof to the Village Administrator that the user/consumer qualifies for this tax exemption in order to receive the reduced water rates.

Section 5. Previous Ordinances and/or any provisions thereof and rules of the Village of Antwerp that are not consistent with this Ordinance are hereby set aside, revoked, and held for naught. However, any other provisions of existing Ordinances authorizing the charge of water rates and/or provision of water service in the Village that are not inconsistent with the provisions of this Ordinance shall remain in full force and effect, including any non-conflicting provisions of Ordinance Nos. 2014-21, 2016-13, 2016-27 (amending Ordinance No. 2014-21), 2018-17, and 2019-09 (repealing section 4 of Ordinance No. 2018-17).

Ordinance No.

Passed 19

Section 6. It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

Section 7. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

Enacted this 19 day of Dec, 2022.

Jan Reeb
Jan Reeb, Mayor

Attest:

Aimee Lichty
Aimee Lichty, Fiscal Officer

First reading: Oct 17, 2022

Second reading: Nov 21, 2022

Third reading: Dec 19, 2022

RECORD OF ORDINANCES

487

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. _____ Passed _____ 19____

	of all water used	
January 1, 2023	\$105.00 minimum charge for each tap plus \$5.75 for each one thousand (1,000) gallons of all water used	
January 1, 2024	\$105.00 minimum charge for each tap plus \$5.87 for each one thousand (1,000) gallons of all water used	

Quarterly water rates effective January 1, 2019, January 1, 2020, January 1, 2021, January 1, 2022, January 1, 2023, and January 1, 2024, for those users/consumers within the Village corporation limits who qualify for the homestead tax exemption will be as follows:

January 1, 2019	\$25.00 minimum charge for each tap plus \$3.14 for each one thousand (1,000) gallons of all water used
January 1, 2020	\$25.00 minimum charge for each tap plus \$3.20 for each one thousand (1,000) gallons of all water used
January 1, 2021	\$25.00 minimum charge for each tap plus \$3.26 for each one thousand (1,000) gallons of all water used
January 1, 2022	\$25.00 minimum charge for each tap plus \$3.33 for each one thousand (1,000) gallons of all water used
January 1, 2023	\$95.00 minimum charge for each tap plus \$3.40 for each one thousand (1,000) gallons of all water used
January 1, 2024	\$95.00 minimum charge for each tap plus \$3.47 for each one thousand (1,000) gallons of all water used

The user/consumer claiming the homestead tax exemption must provide proof to the Village Administrator that the user/consumer qualifies for this tax exemption in order to receive the reduced water rates.

Section 3. That Section 5 of Ordinance No. 2018-17 currently reads as follows:

Section 5. The quarterly water rates effective January 1, 2019, January 1, 2020, January 1, 2021, January 1, 2022, January 1, 2023, and January 1, 2024, for users/consumers of water outside of the Village corporation limits will be as follows:

January 1, 2019	\$45.00 minimum charge for each tap plus \$9.30 for each one thousand (1,000) gallons of all water used
January 1, 2020	\$45.00 minimum charge for each tap plus \$9.49 for each one thousand (1,000) gallons of all water used
January 1, 2021	\$45.00 minimum charge for each tap plus \$9.68 for each one thousand (1,000) gallons

Ordinance No. _____ Passed _____ 19____

	of all water used
January 1, 2022	\$45.00 minimum charge for each tap plus \$9.87 for each one thousand (1,000) gallons of all water used
January 1, 2023	\$45.00 minimum charge for each tap plus \$10.07 for each one thousand (1,000) gallons of all water used
January 1, 2024	\$45.00 minimum charge for each tap plus \$10.27 for each one thousand (1,000) gallons of all water used

Quarterly water rates effective January 1, 2019, January 1, 2020, January 1, 2021, January 1, 2022, January 1, 2023, and January 1, 2024, for those users/consumers outside of the Village corporation limits who qualify for the homestead tax exemption will be as follows:

January 1, 2019	\$35.00 minimum charge for each tap plus \$5.50 for each one thousand (1,000) gallons of all water used
January 1, 2020	\$35.00 minimum charge for each tap plus \$5.61 for each one thousand (1,000) gallons of all water used
January 1, 2021	\$35.00 minimum charge for each tap plus \$5.72 for each one thousand (1,000) gallons of all water used
January 1, 2022	\$35.00 minimum charge for each tap plus \$5.83 for each one thousand (1,000) gallons of all water used
January 1, 2023	\$35.00 minimum charge for each tap plus \$5.95 for each one thousand (1,000) gallons of all water used
January 1, 2024	\$35.00 minimum charge for each tap plus \$6.07 for each one thousand (1,000) gallons of all water used

The user/consumer claiming the homestead tax exemption must provide proof to the Village Administrator that the user/consumer qualifies for this tax exemption in order to receive the reduced water rates.

Section 4. That Section 5 of Ordinance No. 2018-17 is hereby amended as follows:

Section 5. The quarterly water rates effective January 1, 2019, January 1, 2020, January 1, 2021, January 1, 2022, January 1, 2023, and January 1, 2024, for users/consumers of water outside of the Village corporation limits will be as follows:

January 1, 2019	\$45.00 minimum charge for each tap plus \$9.30 for each one thousand (1,000) gallons of all water used
January 1, 2020	\$45.00 minimum charge for each tap plus \$9.49 for each one thousand (1,000) gallons

ZONING ORDINANCE

ANTWERP, OHIO

45813

With Proposed Revisions
Fall 2022

PREAMBLE

An Ordinance of the Village of Antwerp, Ohio, enacted in accordance with a Comprehensive Plan and the Provisions of Chapter 713, Ohio Revised Code, dividing the Village into zones and districts, encouraging, regulating, and restricting therein the location, construction, reconstruction, alteration and use of structures and land; promoting the orderly development of residential, business, industrial, recreational, and public areas; providing for adequate light, air, and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public right-of-ways; providing the compatibility of different land uses and the most appropriate use of land; providing for the administration of this Ordinance, defining the powers and duties of the administrative officers as provided hereafter, and prescribing penalties for the violation of the provisions in this Ordinance or any amendment thereto, all for the purpose of protecting the public health, safety, comfort and general welfare; and for the repeal thereof,

Therefore be it ordained by the Council of the Village of Antwerp, State of Ohio:

Proposed Fair Housing Ordinance

Table of Contents

ARTICLE 100 - TITLE, INTERPRETATION, AND ENACTMENT	7
Section 101 TITLE.....	7
Section 102 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS.....	7
Section 103 SEPARABILITY CLAUSE.....	7
Section 104 REPEAL OF CONFLICTING ORDINANCE, EFFECTIVE DATE.....	7
ARTICLE 200 - PROVISIONS FOR OFFICIAL ZONING MAP	8
Section 201 OFFICIAL ZONING MAP	8
Section 202 IDENTIFICATION OF THE OFFICIAL ZONING MAP.....	8
Section 203 INTERPRETATION OF DISTRICT BOUNDARIES.....	8
ARTICLE 300 - ESTABLISHMENT AND PURPOSE OF DISTRICTS	9
Section 301 INTENT.....	9
Section 302 A-1 AGRICULTURAL DISTRICT	10
Section 303 R-1 SINGLE FAMILY DISTRICT.....	11
Section 304 R-1-A SINGLE FAMILY DISTRICT – ALTERNATE.....	13
Section 305 R-2 MULTIPLE FAMILY DISTRICT.....	18
Section 306 B-1 BUSINESS DISTRICT	20
Section 307 I-1 INDUSTRIAL DISTRICT	21
Section 308 I-2 INDUSTRIAL GRAIN DISTRICT (Created by Ordinance 2006-14).....	22
Section 309 B-2 GATEWAY COMMERCIAL DISTRICT (Created by Ordinance 2016-19, Revised Ord. 2021-27).....	24
Section 311 PERMITTED, CONDITIONAL, ACCESSORY USE TABLE.....	28
PARKING REQUIREMENTS.....	31
Article 400 ADMINISTRATION	34
Section 401 OFFICE OF ZONING INSPECTOR CREATED.....	34
Section 402 DUTIES OF ZONING INSPECTOR	34
Section 403 PROCEEDINGS OF PLANNING AND ZONING COMMISSION.....	34
Section 404 PLANNING AND ZONING COMMISSION CREATED	34
Section 405 DUTIES OF PLANNING AND ZONING COMMISSION.....	35
Section 406 BOARD OF ZONING APPEALS CREATED.....	35
Section 407 PROCEEDINGS OF THE BOARD OF ZONING APPEALS.....	35
Section 408 DUTIES OF THE BOARD OF ZONING APPEALS.....	35
Section 409 DUTIES OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL.....	36
Section 410 PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES.....	36
Section 411 APPEALS	37
Section 412 STAY OF PROCEEDINGS.....	37
Section 413 VARIANCES	37
Section 414 APPLICATION AND STANDARDS FOR VARIANCES.....	37
Section 415 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.....	38
Section 416 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS.....	38
Section 417 NOTICE OF PUBLIC HEARING IN NEWSPAPER.....	38
Section 418 NOTICE TO PARTIES IN INTEREST.....	38
Section 419 ACTION BY BOARD OF ZONING APPEALS.....	39
Section 420 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE PERMITS.....	39
Section 421 GENERAL.....	39
Section 422 CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT.....	39
Section 423 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES.....	40
Section 424 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.....	40
Section 425 PROCEDURE FOR HEARING, NOTICE.....	40
Section 426 ACTION BY THE BOARD OF ZONING APPEALS.....	41

Section 427	EXPIRATION OF CONDITIONAL USE PERMIT.....	41
Section 428	SITE PLAN REVIEW (Ordinance no: 2013-22).....	41
Article 500	ENFORCEMENT.....	47
Section 501	ZONING PERMITS.....	47
Section 502	CONTENTS OF APPLICATION FOR ZONING PERMIT.....	47
Section 503	APPROVAL OF ZONING PERMIT.....	47
Section 504	SUBMISSION TO DIRECTOR OF TRANSPORTATION.....	48
Section 505	EXPIRATION OF ZONING PERMIT.....	48
Section 506	CERTIFICATE OF OCCUPANCY.....	48
Section 507	TEMPORARY CERTIFICATE OF OCCUPANCY.....	49
Section 508	RECORD OF ZONING PERMITS AND CERTIFICATES OF OCCUPANCY.....	49
Section 509	FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF OCCUPANCY.....	49
Section 510	CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES.....	49
Section 511	COMPLAINTS REGARDING VIOLATIONS.....	49
Section 512	PENALTIES FOR VIOLATION.....	49
Section 513	SCHEDULE OF FEES, CHARGES, AND EXPENSES.....	50
Article 600	NON-CONFORMITIES.....	51
Section 601	INTENT.....	51
Section 602	INCOMPATIBILITY OF NON-CONFORMITIES.....	51
Section 604	AVOIDANCE OF UNDUE HARDSHIP.....	51
Section 604	SINGLE NON-CONFORMING LOTS OF RECORD.....	51
Section 605	NON-CONFORMING LOTS OF RECORD IN COMBINATION.....	52
Section 606	NON-CONFORMING USES OF LAND.....	52
Section 607	NON-CONFORMING STRUCTURES.....	52
Section 608	NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION.....	53
Section 609	REPAIRS AND MAINTENANCE.....	53
Section 610	USES UNDER CONDITIONAL USE PROVISIONS NOT NON-CONFORMING USES.....	54
Article 700	AMENDMENT.....	55
Section 701	PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES.....	55
Section 702	GENERAL.....	55
Section 703	INITIATION OF ZONING AMENDMENTS.....	55
Section 704	CONTENTS OF APPLICATION.....	55
Section 705	TRANSMITTAL TO PLANNING AND ZONING COMMISSION.....	56
Section 706	SUBMISSION TO THE DIRECTOR OF TRANSPORTATION.....	56
Section 707	RECOMMENDATION BY PLANNING AND ZONING COMMISSION.....	56
Section 708	PUBLIC HEARING BY VILLAGE COUNCIL.....	56
Section 709	NOTICE OF PUBLIC HEARING IN NEWSPAPER.....	57
Section 710	NOTICE TO PROPERTY OWNERS BY VILLAGE COUNCIL.....	57
Section 711	ACTION BY VILLAGE COUNCIL.....	57
Section 712	EFFECTIVE DATE AND REFERENDUM.....	57
Section 713	ANNEXATION.....	58
Article 800	DEFINITIONS.....	59
Article 900	SUPPLEMENTARY DISTRICT REGULATIONS.....	71
Section 901	PURPOSE.....	71
Section 902	CONVERSION OF DWELLING TO MORE UNITS.....	71
Section 903	PRIVATE SWIMMING POOLS.....	71
Section 904	COMMUNITY OR CLUB SWIMMING POOLS.....	71
Section 905	TEMPORARY BUILDINGS.....	72
Section 906	PARKING AND STORAGE OF CERTAIN VEHICLES.....	72

Section 907	REQUIRED TRASH AREAS.....	73
Section 908	SUPPLEMENTAL YARD AND HEIGHT REGULATIONS	73
Section 909	SETBACK REQUIREMENTS FOR CORNER BUILDINGS.....	73
Section 910	VISIBILITY AT INTERSECTIONS.....	73
Section 911	FENCE AND WALL RESTRICTIONS IN FRONT YARDS.....	73
Section 912	YARD REQUIREMENTS FOR MULTI-FAMILY DWELLINGS.....	73
Section 913	SIDE AND REAR YARD REQUIREMENTS FOR NONRESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS.....	74
Section 914	ARCHITECTURAL PROJECTIONS	74
Section 915	EXCEPTIONS TO HEIGHT REGULATIONS.....	74
Section 916	SPECIAL PROVISIONS FOR COMMERCIAL AND INDUSTRIAL USES.....	74
Section 917	FIRE HAZARDS.....	74
Section 918	RADIOACTIVITY OR ELECTRICAL DISTURBANCE.....	74
Section 919	NOISE.....	75
Section 920	VIBRATION.....	75
Section 921	AIR POLLUTION.....	75
Section 922	GLARE.....	75
Section 923	EROSION.....	75
Section 924	WATER POLLUTION.....	75
Section 925	ENFORCEMENT PROVISIONS.....	75
Section 926	MEASUREMENT PROCEDURES.....	76
Section 927	FLOOD FRINGE AREAS.....	76

Footnotes:	77
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Proposed Fall 2022

TITLE, INTERPRETATION, AND ENACTMENT

SECTION 101 TITLE.

This ordinance shall be known and may be cited to as the "Zoning Ordinance of the Village of Antwerp, Ohio."

SECTION 102 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

SECTION 103 SEPARABILITY CLAUSE.

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 104 REPEAL OF CONFLICTING ORDINANCE, EFFECTIVE DATE.

All ordinances or parts of ordinances in conflict with this zoning ordinance or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

PROVISIONS FOR OFFICIAL ZONING MAP

SECTION 201 OFFICIAL ZONING MAP

The districts established in Article 300 of this ordinance as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this ordinance.

SECTION 202 IDENTIFICATION OF THE OFFICIAL ZONING MAP.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the Village Clerk, and bearing the seal of the Village.

SECTION 203 INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
5. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Village unless otherwise indicated.

ESTABLISHMENT AND PURPOSE OF DISTRICTS

SECTION 301 INTENT

The following zoning districts are hereby established for the Village of Antwerp, Ohio:

- 302 A-1 Agricultural District
- 303 R-1 Single Family District
- 304 R-1-A Single Family District - Alternate
- 305 R-2 Multiple Family District
- 306 B-1 Downtown Business District
- 307 I-1 Industrial District
- 308 I-2 Industrial Grain District
- 309 B-2 Gateway Business District

For the interpretation of this ordinance the zoning districts have been formulated to realize the general purposes as set forth in the preamble of this ordinance and the specific purposes of each zoning district as stated herein.

SECTION 302 A-1 AGRICULTURAL DISTRICT

INTENT: To preserve agricultural lands for continued cultivation and general farming purposes.

302.01 Permitted – see also table in section 311

- a) ~~Dairy farming~~
- b) Crop Cultivation
- c) ~~Livestock Farming~~
- d) Road side produce or farm product stands

302.02 Conditional Uses

- a) Specialized animal raising and care
- b) Commercial billboards or advertising structures
- c) Quasi(Semi)-public uses

302.03 Accessory Uses

- a) Farm Homestead
- b) Quarters for seasonal employees
- c) Barns, silos, windmills, and similar structures or facilities customary and incidental to farming operations.

302.04 Yard Requirements

No yard setbacks shall be required

302.05 Height

The height of structures shall not be regulated.

302.06 Off-Street Parking Requirements

See Section 311

Proposed Fall 2022

SECTION 303 R-1 SINGLE FAMILY DISTRICT

INTENT: To preserve, protect and enhance the qualities, integrity and desirability of homogeneous single family dwelling units.

303.01 Permitted – see also table in section 311

- a) Single family detached dwelling units
- b) Schools, libraries governmental buildings, treatment plants and governmental facilities of a similar nature.
- c) Churches

303.02 Conditional

- a) Hospitals
- b) Nursing homes
- c) Public utility substations & transmission facilities
- d) Home occupations
- e) Resident office space
- f) Funeral Home

303.03 Accessory Uses – See Table in Section 311.

- a) Garages
- b) Greenhouses
- c) Accessory buildings
- d) Swimming Pools

303.04 Yard Requirements

- a) Front Yard: The minimum front yard setback shall be 55 ft. from the centerline of the street.
- b) Side Yards: A minimum of 20% of the lot width shall be devoted to side yard setbacks. The minimum dimension of each side yard shall be 5 ft.
- c) Rear Yard: The minimum rear yard setback shall be 5 ft.
- d) Height: No building shall be constructed in excess of 2-1/2 stories or 35 ft. in height.
- e) Parking/Garages/Vehicles
 - a. A minimum of two off street parking spaces shall be provided.
 - b. Garages shall meet all buildings setback requirements.
 - c. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. However, one boat and one travel trailer may be stored in the rear yard if they have a current license.
- f) Density: The maximum density permitted shall be 4 dwelling units /acre.

303.05 Off-Street Parking Requirements

See Section 311

303.06 Garbage and refuse storage.

The storage of garbage shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards or air pollution. All garbage shall be stored in fly tight, rodent proof containers and be placed at designated pick up points for no more than 24 hours prior to pick up.

Proposed Fall 2022

SECTION 304 R-1-A SINGLE FAMILY DISTRICT – ALTERNATE

INTENT: It is the intent of this article to regulate the location of mobile homes and to encourage, stabilize, and protect the development of well-planned mobile home parks.

304.01 Permitted, Conditional and Accessory Uses – See also Table in Section 311.

- a) Single family detached dwelling units
- b) Schools, libraries governmental buildings, treatment plants and governmental facilities of a similar nature.
- c) Churches
- d) Mobile Home Park

304.02 Approval Procedures.

Mobile home parks may be located only in R-1-A districts. For mobile home parks, the requirements of Sections 304 and 305 of this ordinance shall govern. Procedure for approval of mobile home parks shall follow the procedure as specified in Sections 304, inclusive.

304.03 General Standards for Mobile Home Parks.

The Commission and Board of Zoning Appeals shall review particular facts and circumstances of each proposed mobile home park in terms of the following standards and shall find adequate evidence showing that the mobile home development:

- 1. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area; Will not be hazardous or detrimental to existing or future neighboring uses;
- 2. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such services;
- 3. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- 4. Will be consistent with the intent and purpose of this ordinance and the comprehensive plan;
- 5. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads;
- 6. Will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance; and
- 7. Will meet all the requirements of the Ohio Revised Code and Sanitary Codes.

304.04 Contents of Application

A written application shall be filed with the Chairman of the Commission. At a minimum, the application shall contain the following information:

- 1. Name, address, and phone number of applicant;

2. Legal description of property;
3. Present use;
4. Present zoning district;
5. Proposed zoning district;
6. A vicinity map at a scale approved by the Commission, showing property lines, streets, existing and proposed zoning, and such other items as the Commission may require to show the relationship of the development to the comprehensive plan;
7. A plan at a scale approved by the Commission showing the location and dimensions of streets, and other roadways; lots; typical lot improvements; areas for recreation, storage, and off or on street parking; buffering, screening, or fencing; provisions for garbage and trash removal; location of utilities including street lighting, pedestrian walkways, and such other things the Commission deems necessary; and
8. The fees as established by the Village or Village Council.

304.05 Mobile Home Park Requirements

Mobile home parks shall meet the requirements of Section 304, inclusive.

304.06 Park Size.

A mobile home park shall contain a minimum of five (5) acres.

304.07 Density.

The maximum density shall not exceed six (6) mobile homes per gross acre.

304.08 Width and Depth.

The minimum width of the mobile home development shall not be less than two hundred fifty (250) feet. The ratio of width to depth shall not exceed one to five (1:5).

304.09 Yards.

All mobile homes or accessory buildings shall be located no closer than thirty-five (35) feet from the front property lines, nor closer than twenty (20) feet from the side or rear property line. However, if the side or rear property line abuts an arterial street as shown on the Major Thoroughfare Plan, the minimum side or rear yard shall be thirty-five (35) feet.

304.10 Access.

All mobile home parks should have access to adequate collector streets with a right-of-way not less than fifty (50) feet in width. Marginal access roads may be required if deemed necessary for mobile home parks that would have direct access onto an arterial street.

304.11 Streets.

The design and construction of the interior street system shall be sufficient to adequately serve the size and density of the development. All streets shall be paved and curbs and gutters shall be installed. The pavement width of all streets shall not be less than thirty (30) feet. The design and construction of the interior street system shall conform to the requirements of the Village engineer. Parking on interior streets shall not be permitted unless the pavement width is thirty-five (35) feet at a minimum. Street width shall be measured from back of curb to back of curb.

304.12 Walkways.

All mobile home parks shall have paved pedestrian walkways at least four (4) feet in width. The location of necessary walkways shall be decided by the Commission and Board and may vary relative to location, intensity of use, and location of recreational areas and service buildings.

304.13 Recreation and open Space.

At least ten (10) percent of the gross land area of the mobile home park shall be reserved for recreational and open space uses. This figure is in addition to any other open areas required by yard requirements or other sections of this ordinance. A clustering of units is encouraged.

304.14 Buffering and Screening.

The outer boundaries of a mobile home park shall contain a buffer zone. This buffer zone shall be composed of a green strip, not less than twenty (20) feet in width, located along all park boundaries. The type of plantings shall be approved by the Commission and Board. This green strip may be in a yard adjacent to a street or road, provided all other provisions of the ordinance are met.

304.15 Mobile Home Lot Requirements.

Individual mobile home lots within mobile home parks shall conform to the requirements of Sections 304.16 to 304.28, inclusive of this ordinance.

304.16 Lot Size.

Each mobile home lot shall contain a minimum area of four thousand (4,000) square feet.

304.17 Lot Width and Depth.

The minimum width of each mobile home lot shall be forty (40) feet and the minimum depth of each lot shall be one hundred (100) feet. The minimum width of corner lots, however, shall be fifty (50) feet.

304.18 Clearance.

There shall be a minimum clearance of twenty (20) feet between individual mobile homes.

304.19 Driveway and Parking.

Each mobile home lot shall be provided with a paved driveway to accommodate off street parking for two (2) vehicles. The size of the driveway shall not be less than four hundred (400) square feet.

304.20 Walkway.

Each mobile home lot shall be provided with a three (3) foot walkway leading from the main entrance to the main walkway or adjacent street.

304.21 Mobile Home Stand.

Each mobile home lot shall be provided with a stable base upon which to place the mobile home. This base shall be approved by the Commission and Board.

304.22 Patio.

Each mobile home lot shall be provided with a paved patio area at least one hundred (100) square feet in area. The patio should be located on the entrance side of the mobile home.

304.23 Anchors

Each mobile home lot shall be provided with anchors and tie downs such as cast-in-place concrete “dead men” eyelets imbedded in the concrete runways, screw augers, arrowhead anchors, or other devices for securing the stability of the mobile home.

304.24 Corner Markers.

The four (4) corners of each mobile home lot shall be marked in a manner acceptable to the Commission and Board.

304.25 Skirting.

Each mobile home shall be skirted, entirely enclosing the bottom section, within ninety (90) days after its placement.

304.26 Landscaping.

On each mobile home lot at least one (1) deciduous hardwood tree a minimum of one and a half (1 ½”), caliper shall be planted in the front yard.

304.27 Floor Area.

Each mobile home placed within the mobile home park shall have a minimum area of four hundred (400) square feet.

304.28 Height.

The maximum height of mobile homes and accessory buildings shall not exceed twenty (20) feet.

304.29 Mobile Home Utilities and Other Services.

Mobile home park utility and other services shall conform to the requirements of Sections 304-30 to 30 .37, inclusive of this ordinance.

304.30 Storm Drainage.

Within each mobile home park storm drainage shall be provided in accordance with the following requirements:

1. All areas of a mobile home park shall be graded in a manner so that there will be no poorly drained areas. Grading shall not obstruct the natural drainage of surrounding properties.
2. Open drainage ditches are prohibited. All drainage systems shall be designed in accordance with the Village engineer.

304.31 Water.

Within each mobile home park there shall be installed a water supply and distribution system in conformance with the requirements of the Ohio Department of Health. Each mobile home lot shall be connected to this system.

304.32 Sewage Disposal.

Within each mobile home park there shall be installed a sanitary waste distribution system which shall be connected with the municipal sewer system where available. Where a municipal sewer system is not

available, a central treatment plant shall be located, constructed, and maintained in accordance with the regulations of the Ohio Department of Health. Each mobile home lot shall be connected to this system.

304.33 Electrical System.

Each mobile home shall be provided with suitable electrical equipment in accordance with the National Electrical Code and local codes to provide not less than sixty (60) amperes of power capability. All equipment shall be grounded and weatherproofed.

304.34 Lighting.

All interior streets and walkways shall be lighted by not less than three-tenths (3/10) foot candle of artificial light.

304.35 Underground Utilities.

Within each mobile home park, all utility lines, including those for electricity and telephone service shall be located underground.

304.36 Garbage and Refuse Storage.

The storage and collection of garbage and refuse within each mobile home park shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards, or air pollution. All garbage shall be stored in fly-tight, rodent-proof containers. The containers shall be located no more than one hundred fifty (150) feet from any mobile home lot, and shall be collected at least once weekly.

304.37 Fire Protection.

Within each mobile home park there shall be provided a fire protection system approved by the Ohio Department of Health and the local fire authority. Standard fire hydrants should be located within four hundred (400) feet of all mobile homes. If standard fire hydrants are not feasible, there shall be installed within three hundred (300) feet of each mobile home lot a two (2) inch frost protected riser with a two and one half (2-1/2) inch hose connection. Portable fire extinguishers should be provided at convenient and accessible locations.

304.38 Service Building.

Service buildings may be provided by the management for offices, repair and storage, laundry facilities, and indoor recreation areas. No such building shall be located closer than fifty (50) feet from any mobile home.

304.39 Supplementary Conditions and Safeguards.

In approving any mobile home park, the Commission may recommend and the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of this ordinance and punishable under Section 512 of this ordinance.

Mobile home parks shall also meet the requirements of Chapter HE-27 of the Ohio Sanitary Code adopted by the Public Health Council under the authority of the Ohio Revised Code Section 3733-02.

SECTION 305 R-2 MULTIPLE FAMILY DISTRICT

INTENT: To provide alternatives to single family dwelling units which can meet the housing needs of those persons who do not elect single family home ownership.

305.01 Permitted – see also table in section 311

- a) Single family detached dwelling units
- b) Two Family dwelling units
- c) Three family or more dwellings
- d) Schools, libraries, governmental buildings, treatment plants and governmental facilities of a similar nature.
- e) Churches

305.02 Conditional – see also table in section 311

- a) Hospitals & clinics
- b) Nursing homes, assisted living, extended care facilities
- c) Funeral Homes
- d) Public utility substations & transmission facilities
- e) Home Occupations
- f) Resident Office Space

305.03 Accessory Uses – See also Table in Section 311.

- a) Residential Garages
- b) Outbuildings.
- c) Greenhouse
- d) Resident parking areas
- e) Swimming Pools

305.04 Yard Requirements

- a) Front Yard: The minimum front yard setback measured from the centerline of the street, shall be:
 - 55 ft. for Single family detached
 - 55 ft. for two-family D. U.
 - 65 ft. for Apartment buildings
- b) Side Yards:
 1. Single family D.U. or Two-family D. U. A minimum of 20% of the lot width shall be devoted to side yard setbacks. The minimum dimension of each side yard shall be 5 ft.
 2. Apartment Buildings – A minimum of 20% of the lot width shall be devoted to side yard setbacks. The minimum dimensions of each side yard shall be 10 ft. Side yards between two or more structures on the same parcel shall maintain a distance not less than the height of the tallest building. Whenever an apartment building is constructed adjacent to an R-1 District, the required side yard between such building and R-1 District shall be no less than one-half the height of the apartment building.

- c) Rear Yards
 - 1. Single family D. U. or two-family D. U. The minimum rear yard setback shall be 5 ft **(per Ordinance 2009-17)**
 - 2. Apartment Building – The minimum rear yard requirement shall be 1-1/2 times the height of the tallest apartment building.

- d) Height – No structure shall be erected in excess of 3 stories or 40 ft.

- e) Parking Requirements - also See Section 311
 - 1. Single or two-family D.U.
 - a. A minimum of two off street parking spaces shall be provided.
 - b. Garages shall meet all building set back requirements.

 - 2. Apartment building – A minimum of two off street parking spaces per dwelling unit shall be provided.

 - 3. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zone property other than in completely enclosed buildings. However, one boat and one travel trailer may be stored in the rear yard of they have a current license.

SECTION 306 B-1 BUSINESS DISTRICT

INTENT: To provide for downtown retail activity, along with housing options and professional and service uses in a downtown environment.

306.01 Permitted – see also table in section 311

- a) Upper floor dwelling units
- b) Schools, libraries, governmental buildings, ~~treatment plants and governmental facilities of a similar nature.~~
- c) Churches
- d) Hospitals & clinics
- e) Funeral homes
- f) Personal service businesses including barber shops, beauty parlors, shoe repair shops, laundry and dry cleaning pick-up stations, photography studios and similar businesses (not including a drive in or drive through facility).
- g) General merchandising including, but not limited to, hardware, clothing, dry goods, groceries, dairy products, catalogue sales, office supplies, drug stores
- h) Production and sales of art and art-related products such as pottery, paintings, graphic design, sculpture, jewelry, etc.
- i) Financial Institutions and Restaurants (not including a drive in or drive through facility).
- j) Professional Offices
- k) Youth Activity Center
- l) Lodges, fraternal organizations, private clubs
- m) Physical fitness center
- n) Theaters (indoor)
- o) Pharmacy
- p) Coffee Shops

306.02 Conditional

- a) Nursing homes, assisted living, extended care fac.
- b) Public utility substations & transmission facilities
- c) Financial Institutions and Restaurants (including a drive in or drive through facility).
- d) Any retail or service business that involves a drive in or drive through
- e) Motels and hotels.
- f) Gas Station (with or without convenience retail and or drive in or drive through facility)

306.03 Yard Requirements

1. Front Yard – No front yard setback required
2. Side Yard – No side yard setback requirement if fire resistant construction materials are utilized.
3. Rear Yard – A minimum rear yard setback of 30 ft. shall be required.
4. Height – The maximum permissible height shall be 3 stories or 40 ft.

306.04 Off-Street Parking Requirements

No off-street parking is required in the B-1 Zoning District.

SECTION 307 I-1 INDUSTRIAL DISTRICT

INTENT: To provide employment opportunities through orderly industrial development consistent with the objective of restricting noxious aspects of industrial uses from adversely affecting less intensive development.

307.01 Permitted – see also table in section 311

- (a) Any use permitted in the B-1 District excepting residential uses.
- (b) Light manufacturing uses including but not limited to, bottling plants, contractor storage yards, lumber yards, concrete batch plants, food or dairy processing grain storage railroad yard or shops, trucking terminals or uses of a similar nature.
- (c) billboards or advertising structures.

307.02 Conditional

- (a) Any industrial activity which by virtue of its operation or nature constitutes a significant risk to the general health safety and welfare of the community (i.e. smoke, noise dust, flammability volatile liquids, etc.) including gasoline tank farms, forging, animal slaughter houses, quarries or uses of a similar nature.

307.03 Accessory Uses

Any accessory use or structure customarily associated with, but incidental to the primary use shall be allowed.

307.04 Yard Requirements

No building, structure or permanent improvement of any kind shall be permitted within 100 feet of a property line, except:

- (a) parking areas which shall be not less than 30 feet from a property line;
- (b) Fences or security guard substations;
- (c) Utility or lighting poles required for service.

307.05 Height

The height of structures shall not be restricted.

307.06 Parking Requirements – also See Section 311

A minimum of one (1) off-street parking space shall be required for each employee on the major work shift and one (1) space for each company vehicle.

307.07 Off-street Loading and Unloading

Reasonable off-street loading and unloading facilities, including docks, shall be provided as determined by the zoning inspector.

SECTION 308 I-2 INDUSTRIAL GRAIN DISTRICT (Created by Ordinance 2006-14)

INTENT: To provide growth opportunities through orderly development for grain elevators.

To the extent that the provisions set forth in this section 308 are contradictory to or in, conflict with any other provisions of the Zoning Ordinance, the provisions included herein for an Industrial Grain District shall prevail for any area zoned as "I-2"

308.01 Permitted Uses – See also Table in Section 311.

- (a) Any use permitted in the B-1 District excepting residential uses
- (b) grain storage & drying
- (c) feed sales
- (d) seed sales
- (f) pesticide sales and storage (no larger than 55gal. drums)

308.02 Conditional Uses – also See Table in Section 311.

- (a) There shall be no Conditional Uses

308.03 Accessory Uses – also See Table in Section 311.

- (a) Fertilizer sales & pesticide application services
- (b) parking lots

308.04 Yard Requirements

- (a) Front Yard: There shall be a minimum front yard setback of 60ft. from the center line of the street
- (b) Side Yard: No requirement, except where it abuts any residential district, there shall be a minimum side yare of not less than 5 ft for each side.
- (c) Rear Yard: No rear setbacks shall be required; unless it abuts a residential then 5ft to include screening (section 308.09)

308.05 Height

The height of structures shall not be regulated.

308.06 Corner Lots

Corner lots shall have 1 front yard setback of 60ft and 1 setback of 33 ft from the centerline of the street.

308.07 Parking Requirements – See also Section 311

- (a) A minimum of one (1) off-street parking space shall be required for each employee on the major work shift and one (1) space for each company vehicle
- (b) Reasonable off-street loading and unloading facilities, including docks, shall be provided as determined by the zoning inspector.

308.08 Landscape. Screening and Barriers Requirements

Where the property line abuts the right-of-way of a street

- a. continuous landscaping strip of no less than two (2) feet and no more than four (4) feet in width shall be located between the right-of-way and the property, except where driveways or other openings may necessitate other treatment.

Where the property line abuts a residential property line:

- b. a landscaping strip of no less than two (2) feet in width shall be located between property lines.

(1) Traditional Green Landscaping and Screening

- a. Evergreens, trees and etc.
- b. Height at installation: 6ft – 8ft

(2) Traditional Structural Barriers and Screening

- a. Fencing, walls and etc.
- b. Height: 6ft – 8ft

Proposed Fall 2022

SECTION 309 B-2 GATEWAY COMMERCIAL DISTRICT (Created by Ordinance 2016-19, Revised Ord. 2021-27)

INTENT: To provide for a high quality mixed-use development area located near US 24. This area is identified as being important to the Village of Antwerp in its Comprehensive Plan. It offers considerable development potential with easy highway access and the opportunity to express quality community character and image with development standards.

309.01 Permitted, Conditional and Accessory Uses –also See Table in Section 311

(a) Permitted:

- 1) Crop cultivation
- 2) Road side produce or farm product stands
- 3) Public Use
- 4) Quasi-public Use
- 5) Single family detached dwelling units
- 6) Two Family dwelling units
- 7) Three family or more dwellings
- 8) Upper floor dwelling units
- 9) Schools, libraries, governmental buildings, treatment plants and governmental facilities of a similar nature.
- 10) Churches
- 11) Hospitals & clinics
- 12) Nursing homes, assisted living, extended care facilities
- 13) Funeral homes
- 14) Residential Garages & Outbuildings
- 15) Personal service businesses including barber shops, beauty parlors, shoe repair shops, laundry and dry cleaning pick-up stations, photography studios and similar businesses (not including a drive in or drive through facility).
- 16) General merchandising including, but not limited to, hardware, clothing, dry goods, groceries, dairy products, catalog sales, office supplies, drug stores
- 17) Production and sales of art and art-related products such as pottery, paintings, graphic design, sculpture, jewelry, etc.
- 18) Financial Institutions and Restaurants (including a drive in or drive through facility).
- 19) Financial Institutions and Restaurants (not including a drive in or drive through facility).
- 20) Any retail or service business that involves a drive in or drive through
- 21) Professional Offices
- 22) Youth Activity Center
- 23) Lodges, fraternal organizations, private clubs
- 24) Physical fitness center
- 25) Gas Station (with or without convenience retail)
- 26) Theaters (indoor)

- 27) Motels and hotels.
- 28) Vehicle Sales and Service
- 29) Pharmacy
- 30) Coffee Shops
- 31) Animal hospitals and veterinary offices (no outside runs or kennels).

(b) Conditional:

- 1) Public utility substations & transmission facilities
- 2) Major automobile engine and body repair
- 3) Contractors' offices if when all equipment and construction materials area located within an enclosed building.

(c) Accessory:

- 1) Accessory Parking Areas
- 2) Swimming Pools

309.02 Yard Requirements

Business:

- (a) Front Yard: The minimum front yard setback measured from the centerline of the street, shall be: 65 foot front yard setback required
- (b) Side Yard - 20 foot side yard setback required
- (c) Rear Yard - A minimum rear yard setback of 25 ft. shall be required.
- (d) Height - The maximum permissible height shall be 3 stories or 40 ft.

Residential:

- (a) Front Yard: The minimum front yard setback measured from the centerline of the street, shall be:
 - a. 55 ft. for Single family detached
 - b. 55 ft. for two-family Dwelling Unit (D. U.)
 - c. 65 ft. for Apartment buildings
- (b) Side Yards:
 - a. Single family D.U. or Two-family D. U.
 - i. A minimum of 20% of the lot width shall be devoted to side yard setbacks. The minimum dimension of each side yard shall be 5 ft.
 - b. Apartment Buildings –
 - i. A minimum of 20% of the lot width shall be devoted to side yard setbacks.
 - ii. The minimum dimensions of each side yard shall be 5 ft (ord. 2009-17).
 - iii. Side yards between two or more structures on the same parcel shall maintain a distance not less than the height of the tallest building.

- iv. Whenever an apartment building is constructed adjacent to an R-1 District, the required side yard between such building and R-1 District shall be no less than one-half the height of the apartment building.

(c) Rear Yards

- a. Single family D. U. or two-family D. U. The minimum rear yard setback shall be 5 ft (ord. 2009-17).
- b. Apartment Building - The minimum rear yard requirement shall be 1-1/2 times the height of the tallest apartment building.

- (d) Height - No structure shall be erected in excess of 3 stories or 40 ft.

309.03 Lot Coverage and impervious Area Coverage

No more than 60 percent of a lot may be covered by principal or accessory buildings. Further, no more than 80 percent of a lot may be covered by impervious surfaces. Impervious surfaces include rooftops, parking areas, driveways, walkways, and similar surfaces that are paved, or otherwise improved to provide a hard and impervious surface.

309.04 Residential Density

Multi-family residential development (condominiums, apartments, townhomes, etc.) may not exceed a density of 12 housing units per acre (net- exclusive of road right-of-way)

309.05 Parking and Loading Off-Street

Parking Requirements are listed in Section 311. Further, parking lots should be designed to avoid large expanses of asphalt. Where possible, parking lots should wrap around two or more sides of a building. Wherever a parking area must abut a public street, a landscaped strip 10 feet wide is required to help separate the pedestrian from surfaces designed for vehicles. This landscaped strip should include a combination of man-made materials (such as fences or masonry columns) along with plant material that screens at least 50% of that parking area to a height of 3 feet.

309.06 Sidewalks

Public sidewalks are required along the full frontage of the lot to be developed. Further, private sidewalks, or walkways are required to connect the public sidewalk to the building entrance. In instances where there is a parking lot between the building entrance and the public sidewalk, a defined pedestrian space shall be created using contrasting materials to define spaces for pedestrian movement

309.07 Large Building Facades

Whenever a building of more than a 50,000 sq. ft. is proposed as a result of new construction, building consolidation, or renovation, steps to design the building to appear to be several smaller buildings should be taken where possible.

309.08 Windows

Whenever a building faces a public street, at least 30 percent of the facade shall be windows.

309.09 Roof lines

Pitched roofs are generally preferred, but in cases where that is not possible, variations in the facade at the roof line are necessary to add visual interest. All roof-top mechanical equipment should be hidden from view.

309.10 Exterior Building Materials

To provide an atmosphere of endurance and quality. Use of multiple exterior materials makes a building more complex and visually interesting. New construction should incorporate variations in exterior materials and renovation activity should seek to maintain (or add to) the visual complexity of the building. While brick materials are generally preferred, the use of multiple colors and materials is a key consideration to help make the building more complex and visually interesting. Exterior Design shall be subject to approval by the Planning & Zoning Commission.

309.11 Signage

Proposed signage needs to be submitted and approved by the Planning & Zoning Commission before zoning application approval.

309.12 Lighting

Building illumination is encouraged to accentuate the building facade or signage. The lighting source should generally be separate from the building with light washing onto the structure itself to highlight signage or architectural elements of the building. Only low intensity light should be used to accent signage or building elements without light "spillover" on to adjacent property. The light source affixed to a building should not direct light outward toward the street or any public space.

309.13 Screening

Above ground utilities structures such as transformers, meters, manifolds, generators, switches, junctions, etc., shall be screened from view by masonry walls, wood fences, wood/plastic composite fences, decorative ornamental metal fences, or appropriate landscape coverage.

SECTION 311 PERMITTED, CONDITIONAL, ACCESSORY USE TABLE

Land Uses P= Permitted, C= Conditional, A=Accessory	Zoning Districts									
	A-1	R-1	R-1-A	R-2	B-1	B-2	I-1	I-2 ⁽¹⁾		
Agricultural Uses										
Dairy farming	P									
Crop cultivation	P					P				
Livestock farming	P									
Road side produce or farm product stands	P					P				
Specialized animal raising and care	C									
Commercial billboards	C									
Semi-public uses	C					P				
Farm homestead	A									
Quarters for seasonal employees	A									
Barns, silos, windmills, and similar structures or facilities customary and incidental to farming operations.	A									
Residential & Related Uses										
Single family detached dwelling units		P	P	P		P				
Two Family dwelling units				P		P				
Three family or more dwellings				P		P				
Upper floor dwelling units					P	P				
Schools, libraries, governmental buildings, treatment plants and governmental facilities of a similar nature.		P	P	P	P	P		P		
Churches		P	P	P	P	P		P		
Hospitals & clinics		C	C	C	P	P		P		
Nursing homes, assisted living, extended care fac.		C	C	C	P	P				
Funeral homes		C	C	C	P	P		P		
Public utility substations & transmission facilities		C	C	C	C	C				
Home Occupations		C	C	C						
Resident Office Space		C	C	C						
Residential Garages & Outbuildings		A	A	A		P				
Greenhouse (residential scale)		A	A	A						
Residential Accessory Buildings		A	A	A						
Mobile Home Parks			P							

Zoning Districts

Land Uses P= Permitted, C= Conditional, A=Accessory	A-1	R-1	R-1-A	R-2	B-1	B-2		I-1	I-2 ⁽¹⁾
Resident Parking Areas				A					
Swimming Pools		A		A		A			
Business and Related Uses									
Professional Offices					P	P		P	P
Parking Lots									A
Personal service businesses including barber shops, beauty parlors, shoe repair shops, laundry and dry cleaning pick-up stations, photography studios and similar businesses (not including a drive in or drive through facility).					P	P		P	P
General merchandising including, but not limited to, hardware, clothing, dry goods, groceries, dairy products, catalogue sales, office supplies, drug stores, automotive supplies					P	P		P	P
Production and sales of art and art-related products such as pottery, paintings, graphic design, sculpture, jewelry, etc.					P	P		P	P
Financial Institutions and Restaurants (including a drive in or drive through facility).					C	P			
Financial Institutions and Restaurants (not including a drive in or drive through facility).					P	P		P	P
Any retail or service business that involves a drive in or drive through					C	P			
Rehabilitation Clinic (Ordinance 2010-40)					P				
Youth or Senior Activity Center					P	P		P	P
Lodges, fraternal organizations, private clubs				C	P	P		P	P
Physical fitness center					P	P		P	P
Major automobile engine and body repair						C		P	
Gas Station (with or without convenience retail (Ordinance 2010-40) and or a drive in or drive through facility)					C	P			
Truck Stop / Travel Center									
Theaters (indoor)					P	P		P	P
Motels and hotels.					C	P			
Greenhouse (commercial scale)								P	
Vehicle Sales and Service						P			
Pharmacy					P	P		P	P
Coffee Shops					P	P		P	P
Animal hospitals and veterinary offices (no outside runs or kennels).						P		P	

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Zoning Districts

Land Uses P= Permitted, C= Conditional, A=Accessory	A-1	R-1	R-1-A	R-2	B-1	B-2	I-1	I-2 ⁽¹⁾
Kennels, animal hospitals and veterinary offices with outside runs and kennels.							P	
Carpenter or cabinet shop if conducted wholly within an enclosed building.							P	
Sexually-Oriented Businesses							C	
Grain storage, including handling and transferring of grain;							P	P
Feed sales, seed sales; and pesticide sales and storage (no larger than 55gal. drums).								P
Distributors' warehouses and wholesale outlets with no outdoor storage, and no processing or fabrication.							P	
Fertilizer sales & application services; and							C	A
Contractors' offices if when all equipment and construction materials area located within an enclosed building.						C	P	
Contractors' offices with outside storage of equipment and construction materials							P	
Industrial plants manufacturing or assembling the following: boats; small metal products such as bolts, nuts, screws, washers, rivets, nails, etc.; clothing; drugs and medicines; electrical equipment; glass products from previously manufactured glass; furniture and wood products; and plastic products for production of finished equipment.							P	
Life science technology and medical laboratories, including but not limited to biomedical engineering, materials engineering, biotechnology, genomics, proteomics, molecular and chemical ecology.							P	
Limited light manufacturing of prototypes and related research & development, where all processing, fabricating, assembly, or disassembly of items takes places wholly within an enclosed building and no outside storage of raw material or finished products are involved.							P	
Light manufacturing uses including, but not limited to, bottling plants, food or dairy processing or uses of a similar nature.							P	
Railroad yard or shops.							P	
Electronic computing facilities.							P	
Bulk storage of petroleum products.							C	
Warehouses.							P	
Research laboratories.							P	

Zoning Districts

Land Uses P= Permitted, C= Conditional, A=Accessory	A-1	R-1	R-1-A	R-2	B-1	B-2		I-1	I-2 ⁽¹⁾
Asphalt mixing plant.								C	
Cement product or cinder block manufacture.								C	
Iron, steel, brass or copper foundry.								C	
Metal stamping.								C	
Trucking Terminals								P	A

(1) Specifically prohibited uses in I-2 include, residential uses, chemical & pesticide application services; livestock operations; open grain storage.

PARKING REQUIREMENTS

Use	Parking Required
Agricultural sales and service use	1 for each 1 employee, plus 1 for each 100 square feet of both temporary and permanent area devoted primarily to retail sales
Animal hospital / Veterinary Clinic	1 space for every 2 on-duty employees, plus 1 space per doctor, plus 1 space per examination room
Antique shop	1 off-street parking space for each 600 square feet of floor area
Appliance and equipment repair establishment	1 per each 800 square feet of usable floor area, plus 1 per each employee
Auction house	1 space per 4 seats in designed capacity
Automobile dealership	1 per each 200 square feet of usable floor area
Automobile parts store	1 space per 350 square feet of gross floor area
Automobile service station	1 space for each gas pump island, plus 2 spaces for each working bay, plus 1 parking space for each employee on largest shift
Bakery	1 per 300 square feet of gross floor area
Bank, drive-thru	1 for each employee per largest work shift, plus a minimum of 3 additional parking spaces
Bank, without drive-thru	1 for each 150 square feet of usable floor space
Barber/beauty shop	1 per chair and 1 per employee
Bed and breakfast inn	1 for every facility, plus 1 for every guest room
Book store	4.5 spaces for every 1,000 square feet of gross floor area
Bowling alley	2 spaces for each alley, plus 1 additional space for each 2 employees
Café	1 per 100 square feet of gross building area
Car wash	1 space per each employee, plus reserve spaces equal to 3 times the wash lane capacity
Church	1 per 10 seating spaces
Clinic	1 space for each 300 square feet of floor area
Condominium	2 spaces per dwelling unit
Construction sales and service establishment	1 space per 250 square feet, plus 1 space per 1,000 square feet of outdoor storage and display area
Day care center	1 space per 375 square feet of gross floor area
Dental office	1 space per 250 square feet of gross floor area
Drug store	1 space per 200 square feet
Dry cleaning establishment	1 space per 100 square feet of gross floor area
Dwelling	2 spaces per dwelling unit
Elderly housing (assisted living)	0.75 spaces per dwelling unit

Use	Parking Required
Farm supply store	4 per 1,000 square feet
Flea market	1 per 600 square feet of site area
Florist	1 off-street parking space for each 400 square feet of floor area
Funeral home	1 per 3 persons capacity
Gas station and mini-mart	1 for each employee, plus 1; 1 for each 150 square feet of floor area used for retail sales
Golf course	1 per 3 golf holes, plus 1 per each 2 employees
Golf course, miniature	1 space per hole, plus 1 space per employee on the largest work shift
Grain Elevators and ancillary facilities	A minimum of one (1) off-street parking space shall be required for each employee on the major work shift and one (1) space for each company vehicle. Reasonable off-street loading and unloading facilities, including docks, shall be provided as determined by the zoning inspector
Greenhouse	1 space per 400 square feet of sales area
Gun shop	4 per 1,000 square feet
Hardware store	1 per each 660 square feet of floor area
Hotel	1 space for each guest room without kitchen facilities and 1.5 spaces for each guest room with kitchen facilities, plus 1 space per each 100 square feet of banquet, assembly, meeting, or restaurant seating area
Industrial use, unless otherwise specified	1 space for every 2 employees during shift of maximum employment and 1 space for every truck to be stored or stopped simultaneously
Laundromat	1 space per 250 square feet
Martial arts studio	1 space per 150 square feet of floor area
Mini-warehouse	1 per 25 storage units, plus 1 per employee
Office use (unless otherwise specified)	1 space per 250 square feet of primary floor area
Personal services establishment	1 per 200 square feet of floor area
Photography studio	1 off-street parking space for each 600 square feet of floor area
Recreation facility, indoor	1 space for each 4 persons in designed capacity
Repair service establishment	1 space per 300 square feet of gross floor area plus repair services
Retail use, unless otherwise specified	Retail sales establishment under 150,000 square feet: 1 space per 200 square feet. Retail sales establishment 150,000 square feet or greater: 1 space per 300 square feet
Shopping center, regional (a center with at least 500,000 square feet of gross floor Area)	1 per 250 square feet of gross leasable area
Tanning salon	1 per 250 square feet of gross floor area
Tattoo parlor/body-piercing studio	2 spaces per tattoo or body piercing artist
Truck stop	1 truck parking space for each 10,000 square feet of site area, plus 1 vehicle parking space per 200 square feet of building area
Warehouse	1 parking space for each 1.5 employees, plus 1 space for every vehicle used in connection with the business
Wholesale establishment	1 space per 500 square feet

SECTION 311 (C) OFF-STREET LOADING REQUIREMENTS.

Except in the B-1 District, every building used for nonresidential purposes which customarily receives or distributes goods by motor vehicle shall provide sufficient space on the premises for all loading and service purposes on the basis of the following minimum regulations:

(a) Every building shall be provided with at least one off-street loading and unloading space, adequate to insure that the truck and trailer shall not impede traffic unless deemed necessary by the Planning & Zoning Commission during their Site Plan Review.

(b) Access to loading and unloading space shall be provided directly from a public street or alley or from any right of way that will not interfere with public convenience and will permit the orderly and safe movement of such loading vehicles.

(c) Loading space as required under this section shall be provided as area additional to off-street parking spaces and shall not be considered as supplying off-street parking space.

Proposed Fall 2021

ARTICLE 400 ADMINISTRATION

SECTION 401 OFFICE OF ZONING INSPECTOR CREATED.

A Zoning Inspector designated by the Mayor shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the Mayor shall direct.

SECTION 402 DUTIES OF ZONING INSPECTOR

For the purpose of this ordinance, the Zoning Inspector shall have the following duties:

1. Upon finding that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, ordering the action necessary to correct such violation;
2. Order discontinuance of illegal uses of land, buildings, or structures;
3. Order removal of illegal buildings or structures or illegal additions or structural alterations;
4. Order discontinuance of any illegal work being done;
5. Take any other action authorized by this ordinance to ensure compliance with or to prevent violations of this ordinance. This may include the issuance of, and action on, zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law.

SECTION 403 PROCEEDINGS OF PLANNING AND ZONING COMMISSION

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Zoning Inspector.

SECTION 404 PLANNING AND ZONING COMMISSION CREATED

A Planning and Zoning Commission is hereby created, which shall consist of the Mayor and four (4) members to be appointed by the Mayor, with the consent of the Village Council. Members of the Commission shall serve five (5) year-terms except that the initial appointments shall be one (1) member each for one (1), two (2), three (3), four (4), and five (5) year terms. Each member shall be a resident elector of the Village during his continuance in such capacity. Excepting the Mayor, members of the Board may be removed from office by the Village Council for cause upon written charges after public hearing.

SECTION 405 DUTIES OF PLANNING AND ZONING COMMISSION.

For the purpose of this ordinance the Commission shall have the following duties:

1. Initiate proposed amendments to this ordinance;
2. Review all proposed amendments to this ordinance and make recommendations to the Village Council as specified in Article 700.

SECTION 406 BOARD OF ZONING APPEALS CREATED.

A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Mayor, with the consent of the Village Council, each for a term of five (5) years, except that the initial appointments shall be one (1) member each for one (1), two (2), three (3), four (4), and five (5) year terms. Each member shall be a resident elector of the Village during his continuance in such capacity. Members of the Board may be removed from office by the Village Council for cause upon written charges after public hearing. Vacancies shall be filled by appointment by the Mayor, with the consent of Village Council, for the unexpired term of the member affected.

SECTION 407 PROCEEDINGS OF THE BOARD OF ZONING APPEALS.

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine.

All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Zoning Inspector.

SECTION 408 DUTIES OF THE BOARD OF ZONING APPEALS.

In exercising its duties, the Board may, hear appeals from the decisions of the Zoning Inspector and, as long as such action is in conformity with the terms, spirit, and intent of this ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination so appealed. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter which it is required to pass under this ordinance or to effect any variation in the application of this ordinance. For the purpose of this ordinance the Board has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector;

2. To authorize such variances from the terms of this ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done;
3. To grant conditional use permits under the conditions specified in Section 420 including such additional safeguards as will uphold the intent of this ordinance.

SECTION 409 DUTIES OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL

It is intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law.

The Board of Zoning Appeals may also consider appeals from decisions of the Planning Commission when it is acting in an administrative capacity with respect to Site Plan Review. In such circumstances, the Board of Zoning Appeals shall consider the same standards for review as considered by the Planning Commission and determine if required modifications, restrictions, and conditions attached to Site Plan Approval are onerous and burdensome, and not clearly related to such standards. The Board of Zoning Appeals may also find that other modifications, restrictions, and conditions would be acceptable and equally effective in meeting the standards for review.

Amended by ordinance 2013-22

It is further the intent of this ordinance that the duties of the Village Council in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this ordinance. Under this ordinance the Village Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this ordinance as provided by law, and of establishing a schedule of fees and charges as stated in Section 513 of this ordinance. Nothing in this ordinance shall be interpreted to prevent any official of the Village from appealing a decision of the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's written decision.

SECTION 410 PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES.

Appeals and variances shall conform to the procedures and requirements of Sections 411 to 419, inclusive, of this ordinance. As specified in Section 408, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

SECTION 411 APPEALS

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

SECTION 412 STAY OF PROCEEDINGS.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

SECTION 413 VARIANCES

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this ordinance would result in unnecessary hardship.

SECTION 414 APPLICATION AND STANDARDS FOR VARIANCES.

A Variance from the terms of this ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing:

1. Name, address, and phone number of applicants;
2. Legal description of property;
3. Description of nature of variance requested;
4. A narrative statement demonstrating that the requested variance conforms to the following standards:

- a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
- b. That a literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of title ordinance;
- c. That special conditions and circumstances do not result from the actions of the applicant;
- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by subsection 604 of this section have been met by the applicant.

SECTION 415 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this ordinance and punishable under Section 512 of this ordinance.

SECTION 416 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

SECTION 417 NOTICE OF PUBLIC HEARING IN NEWSPAPER.

Before holding the public hearing required in Section 416, notice of such hearing shall be given in one or more newspapers of general circulation of the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

SECTION 418 NOTICE TO PARTIES IN INTEREST.

Before holding the public hearing required in Section 416, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days

before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 417.

SECTION 419 ACTION BY BOARD OF ZONING APPEALS.

Within thirty (30) days after the public hearing required in Section 416, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 415, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. Appeals from Board decisions shall be made in the manner specified in Section 409.

SECTION 420 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE PERMITS.

Conditional uses shall conform to the procedures and requirements of Sections 421 to 427, inclusive of this ordinance.

SECTION 421 GENERAL

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article 300, shall follow the procedure and requirements set forth in Sections 422-427, inclusive.

SECTION 422 CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT.

An application for conditional use permit shall be filed with the Chairman of the Board of Zoning Appeals by at least one owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant;
2. Legal description of property;
3. Description of existing use;
4. Zoning district;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this ordinance;
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of

- the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan;
8. Such other information as may be required by the Board.

SECTION 423 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES.

In addition, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use established for the zoning district involved;
2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Village's comprehensive plan and/or the zoning ordinance;
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
4. Will not be hazardous or disturbing to existing or future neighboring uses;
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

SECTION 424 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this ordinance and punishable under Section 512 of this ordinance.

SECTION 425 PROCEDURE FOR HEARING, NOTICE.

Upon receipt of the application for a conditional use permit specified in Section 422, the Board shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in Sections through

SECTION 426 ACTION BY THE BOARD OF ZONING APPEALS.

Within thirty (30) days after the public hearing required in Section 416, the Board shall either approve, approve with supplementary conditions as specified in Section 424, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section

SECTION 427 EXPIRATION OF CONDITIONAL USE PERMIT.

A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than two (2) years.

SECTION 428 SITE PLAN REVIEW (ORDINANCE NO: 2013-22)

The purposes of site plan review procedures and requirements are to provide a means and process to review the proposed development of structures and establishment of land uses in a way that considers the following concerns and, where necessary, requires modification of development proposals to eliminate or reduce potential land use conflicts and nuisances. The principle areas of concern are:

1. Balancing of landowners' rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without land use conflicts;
2. The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;
3. The protection of surface or ground water from pollution and the adequacy of waste disposal methods;
4. The protection of natural environmental features on the site and in adjacent areas;
5. Aesthetic issues regarding the form of the proposed development as it relates to the inclusion of architectural features that are inviting to the public, help create a sense of place and urban character, and provide a more human scale urban environment.

428.01 Projects Requiring Site Plan Review

No permit for the construction, exterior alteration, relocation, occupancy, or change in use of any building shall be given, and no existing use shall be expanded in floor area, when such activity results in the creation of five or more off-street parking spaces, except in conformity with a site plan approved by the Planning Commission.

428.02 Procedure/Related Approvals

An applicant proposing a development subject to site plan review pursuant to this section shall file ten (10) copies of the site plan documents required, along with the required application fee with the Zoning Inspector. When other zoning approvals are required, such as conditional uses or variances, any

additional required information shall be submitted with the site plan, and related approval issues shall be addressed subsequent to site plan review by the Planning Commission.

After determining that an application for site plan approval is complete, the Zoning Inspector shall transmit copies of the application to the Planning Commission. If all information required is not provided, the Building and Zoning Inspector shall promptly notify the applicant of the items needed. Following the determination that the application is complete, and after proper notifications are provided, the Planning Commission shall consider the proposed site plan and take action. Action on the site plan shall consist of either:

1. Approval of the site plan based upon a determination that the proposed plan is in compliance with the standards set forth herein.
2. Approval of the site plan, subject to any conditions, modifications, and restrictions that will ensure that the project meets the standards set forth in herein.

428.03 Submission Requirements

A site plan shall be prepared at a scale of 1 inch equal twenty feet (20 ft.). Developments greater than five acres may be drawn at a scale of 1 inch equal fifty feet (50 ft.) on standard 24" x 36" sheets. A site plan shall include all data, details, and supporting information as required by this Section. Additional fees may be required to defray the expenses associated with the public review of the plans, including the need to retain a registered professional engineer, planner, architect, or landscape architect, or other professional consultant to advise the Planning Commission on any or all aspects of the site plan. Said additional fees, once determined based on the size of the proposed development, must be submitted to the Zoning Inspector, and said additional fees will be escrowed to provide for the payment of expenses contemplated by this section.

428.04 Standards for Review

The Planning Commission shall review the site plan and supporting documents, taking into consideration the reasonable fulfillment of the objectives listed as follows.

1. Traffic: Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
2. Parking: Provisions for the off street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control.
3. Services: Reasonable demands placed on municipal services and infrastructure.
4. Pollution Control: Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes reducing soil erosion both during and after construction.
5. Nuisances: Protection of abutting properties and municipal amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, storm water runoff, etc.
6. Existing Vegetation: Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.

7. Amenities: The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space.
8. Community Character: The building setbacks, area and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding landscape.
9. Design Standards: Compliance with any applicable design standards or other community planning documents adopted and in force.

428.05 Site Plan Content

A site plan shall include the following data, details, and supporting plans. The number of pages submitted will depend on the proposal's size and complexity. All of the requirements must be met in each plan, with notations explaining the reasons for any omissions. All site plans shall be prepared by a registered professional engineer, architect, or landscape architect. Items required for submission include:

1. Name of the project, boundaries, legal description and location maps showing sites' location in the Village, date, north arrow, and scale of the plan.
2. Name and address of the owner of record, developer, and seal of the engineer, architect, or landscape architect who prepared the site plan.
3. Names and addresses of all owners of record of abutting parcels and those within two hundred feet (ft.) of any property line of the subject property.
4. All existing lot lines, easements, and rights of way. Include area in acres or square feet, abutting land uses, and the location and use of structures within two hundred feet (200 ft.) of the site.
5. The location and use of all existing and proposed buildings and structures within the proposed development.
6. All dimensions of height and floor area, showing all exterior entrances, and all anticipated future additions and alterations.
7. An illustration of traffic movement, ingress and egress, and the location of all present and proposed public and private drives, parking areas, driveways, sidewalks, ramps, curbs, paths, landscaping, walls, and fences. Location, type, and screening details for all waste disposal containers shall also be shown.
8. The location, height, intensity, and bulb type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
9. The location, height, size, materials, and design of all proposed signage.
10. The location, height, size, materials, and design of all proposed structures.
11. Plans for fire protection and emergency vehicle movement and access.
12. The location of all present and proposed utility systems including, sewage or septic systems, water supply system, telephone, cable and electrical systems, storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales.
13. All existing natural land features, trees, forest cover, and water sources, and all proposed changes to these features including size and type of plant material. Water sources will include ponds, lakes, streams, wetlands, flood plains, and drainage retention areas.

14. Zoning for adjacent parcels, including those across the street.
15. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within one hundred feet (100 ft.) of the site (including those on opposite sides of a street). A pedestrian circulation plan shall also be shown.
16. A table containing the following information must be included:
 - (a) Area of building to be used for a particular use such as retail operation, office, storage, etc.
 - (b) Maximum number of employees.
 - (c) Maximum seating capacity, where applicable.
 - (d) Number of parking spaces provided for the intended use(s).
17. Elevation plans at a scale of 1/4" = 1' or 1/8" = 1' for all exterior facades of the proposed structure(s) showing architectural design features and the type and color of materials to be used.
18. A landscape plan showing proposed areas of vegetation to be maintained.
19. A Traffic Impact Study (if required according to Section 408.06).
20. For larger development projects, the Zoning Inspector and/or Village Engineer may require the following:
 - (a) Copies of Soil logs and percolation tests
 - (b) Storm water runoff calculations and plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table, and flooding of other properties, as applicable
 - (c) Existing and proposed topography at a one (1) foot contour intervals. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the 100 year flood plain, the area will be shown and base flood elevations given. Indicate areas within the proposed site and within fifty feet (50 ft.) of the proposed site, where ground removal or filling is required, and give its approximate volume in cubic yards.

428.06 Traffic Impact Study

In cases where the proposed development (both new developments and expansions of existing buildings and uses) will produce more than 100 vehicular trips in the peak hour of traffic generation as defined by the most recent Trip Generation Manual, published by the Institute of Transportation Engineers, a Traffic Impact Study may be required by the Planning Commission. Such a study is intended to minimize impacts to the existing roadway system. The scope of the traffic study shall concentrate on the subject property and adjacent property including properties across the road. All traffic impact studies shall include the following items:

1. A description of the site, surroundings, and study area: Illustrations and a narrative shall describe the characteristics of the site and adjacent roadway system (functional classification, lanes, speed limits, etc.). This description shall include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features and a description of any planned roadway improvements. The study shall define and justify the study area selected for analysis.
2. A description of the proposed development: A description of factors such as the number and types of dwelling units, the gross and usable floor area, the number of employees, and shift change factors. Intended phasing or future expansion shall also be noted.

3. Description of existing traffic conditions: Traffic counts: Existing conditions including existing peak hour traffic volumes (and daily volumes if applicable) on street(s) adjacent to the site. Existing counts and levels of service for intersections in the vicinity, which are expected to be impacted, shall be provided. Traffic count data shall not be more than two (2) years old.
4. Background Traffic Growth: For any project requiring a Traffic Impact Study with a construction completion date beyond one (1) year at the time of the traffic study, the analysis shall also include a scenario analyzing forecast traffic at date of construction completion.
5. Trip Generation: Forecasted trip generation of the proposed development for the a.m. (if applicable) and p.m. peak hour and average day shall be calculated. This forecast shall be based on the data and procedures outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE).
6. Trip Distribution: The projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at site access points and nearby intersections where required.
7. Impact Analysis: Level of service or "capacity" analysis at the proposed access points using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board shall be provided. Before and after capacity analyses shall be performed for all street intersections where the expected traffic generated at the site will comprise at least five percent (5%) of the existing intersection capacity.
8. Access Design/Access Management Standards: The study shall include a map and description of the location and design of proposed access (driveways or new street intersections) including: any sight distance limitations, dimensions from adjacent driveways and intersections within two hundred fifty feet (250 ft.) on either side of the main roadway, data to demonstrate that the number of driveways proposed is the fewest necessary, and support that the access points will provide safe and efficient traffic operation.
9. Other Study Items: The Traffic Impact Study shall also include the following:
 - (a) Need for, or provision of, any additional right of way where planned or desired by the Village.
 - (b) Changes that should be considered to the site plan layout.
 - (c) Description of how the proposed site plan conforms to thoroughfare policies described in the Village Comprehensive Plan.
 - (d) If the use involves a drive through facility, the adequacy of the queuing area shall be evaluated.
 - (e) If a traffic signal is being requested, the applicable traffic signal warrants shall be provided along with an analysis of traffic progression along the roadway through coordination with other signals.
 - (f) Description of site circulation and available sight distances at site driveways.
 - (g) Description of opportunities to improve pedestrian circulation to and from the site and any anticipated impact relative to existing or planned bike/walking trails and/or dedicated bike lanes in roadways.
10. Mitigation/Alternatives: The Traffic Impact Study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements shall be described. The mitigation measures may include items such as roadway widening, turn lane geometries, changes to signalization, elimination or combination of access points, or reduction in the proposed intensity of use. Any applicable local or State agency shall review proposed mitigation measures. The responsibility for construction and timing of roadway improvements shall be described.

428.07 Changes to Site Plans

After the approval of a Site Plan, the developer, individual property owners or subsequent property owners may wish to make major or minor modifications to site plans. To distinguish between major and minor modifications, and to provide an abbreviated a process through which minor changes to previously approved site plans can be approved, the following procedures shall be followed:

1. An application for an "Amendment to an Approved Site Plan" shall be filed with the Building and Zoning Inspector. The application shall include five copies of revised development plans clearly showing the proposed changes. The building and Zoning Inspector shall review the proposed modifications and shall determine if the scope of the proposed changes is major or minor in nature.
2. To qualify as a minor modification, the Building and Zoning Inspector shall determine that the proposed modification(s) consists of activity that results in only minor adjustments to the size and location of existing structures, existing off street parking areas and other existing features such as loading areas, ponds, pools, decking, dumpster locations, patios and required screening, fencing, lighting, landscaping and other improvements. Minor modifications typically include no more than a twenty-five (25%) increase in building mass of a principal structure through an increase in height, length or percent of lot coverage. If the Building and Zoning Inspector determines that a proposed change is a minor modification, he or she may approve such minor changes provided they meet all applicable codes and regulations.
3. Proposed changes to Site Plans that are not determined to be a minor change, must be reviewed by the Planning Commission in the same manner as a new Site Plan.

428.08 Changes to Site Plans

A decision to approve the site plan including an approval subject to any conditions, modifications or restrictions, expires twelve (12) months from the date of the Planning Commission's approval, unless the building permit has been obtained. The Planning Commission, upon written request, may grant a single six (6) month extension to the applicant.

429 Comprehensive Plan

*see footnote

ARTICLE 500 ENFORCEMENT

SECTION 501 ZONING PERMITS

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefor, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this ordinance unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance. Issuance of a zoning permit for a business use is contingent on verification that any required state building permits have been obtained and approved by the State.

Revised Ordinance 2010-39

SECTION 502 CONTENTS OF APPLICATION FOR ZONING PERMIT.

The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year or substantially completed within two and one-half (2-1/2) years. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant;
2. Legal description of property;
3. Existing use;
4. Proposed use;
5. Zoning district;
6. Two copies of plans drawn to scale showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed buildings or alteration;
7. Building heights;
8. Number of off-street parking spaces or loading berths;
9. Number of dwelling units;
10. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.

SECTION 503 APPROVAL OF ZONING PERMIT.

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this ordinance. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the

Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting the fact that the use or alteration is in conformance with the provisions of this ordinance.

SECTION 504 SUBMISSION TO DIRECTOR OF TRANSPORTATION.

Before any zoning permit is issued affecting any land within three-hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of five-hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail to the Director of Transportation that he shall not issue a zoning permit for one-hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one-hundred twenty (120) day period of any extension thereof agreed upon the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this ordinance, issue the zoning permit.

*see footnote

SECTION 505 EXPIRATION OF ZONING PERMIT

If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two and one half (2-1/2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

SECTION 506 CERTIFICATE OF OCCUPANCY.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the Zoning Inspector stating that the proposed use of the buildings or land conforms to the requirements of this ordinance.

SECTION 507 TEMPORARY CERTIFICATE OF OCCUPANCY.

A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

SECTION 508 RECORD OF ZONING PERMITS AND CERTIFICATES OF OCCUPANCY.

The Zoning Inspector shall maintain a record of all zoning permits and certificates of occupancy and copies shall be furnished upon request to any person.

SECTION 509 FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF OCCUPANCY.

Failure to obtain a zoning permit or certificate of occupancy shall be a violation of this ordinance and punishable under Section 512 of this ordinance.

SECTION 510 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES.

Zoning Permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this ordinance, and punishable as provided in Section 512 of this ordinance.

SECTION 511 COMPLAINTS REGARDING VIOLATIONS.

Whenever a violation of this Zoning ordinance occurs, or is alleged to have occurred, any person who resides, owns or leases property, or operates a business within the Village of Antwerp, may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

SECTION 512 PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this ordinance, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one-hundred (100) dollars, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties

herein provided. Nothing herein contained shall prevent the Village from taking such other lawful action is necessary to prevent or remedy any violation.

SECTION 513 SCHEDULE OF FEES, CHARGES, AND EXPENSES

The Village shall by ordinance establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this ordinance requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Village Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

*see footnote

Proposed Fall 2022

ARTICLE 600 NON-CONFORMITIES

SECTION 601 INTENT

Within the districts established by this ordinance or amendments that may later be adopted there exists lots, uses of land, structures, and uses of structures and land in combination which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

SECTION 602 INCOMPATIBILITY OF NON-CONFORMITIES

Non-conformities are declared by this ordinance to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of a structure, a nonconforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

SECTION 603 AVOIDANCE OF UNDUE HARDSHIP.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction provided that the work shall be carried out diligently.

SECTION 604 SINGLE NON-CONFORMING LOTS OF RECORD.

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the

district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Articles 300 and 900 of this ordinance other than lot area or width shall be obtained only through action of the Board of Zoning Appeals as provided in Section 411 through 419.

SECTION 605 NON-CONFORMING LOTS OF RECORD IN COMBINATION.

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this ordinance.

SECTION 606 NON-CONFORMING USES OF LAND.

Where, at the time of adoption of this ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this ordinance, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land that was occupied at the effective date of adoption or amendment of this ordinance;
2. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this ordinance;
3. If any such non-conforming uses of land are discontinued or abandoned for more than one (1) year (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located;
4. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land.

SECTION 607 NON-CONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its locations on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;
2. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this ordinance;
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 608 NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION.

If a lawful use involving structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any non-conforming use of a structure or structure and land, may upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this ordinance;
4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
5. When a non-conforming use of a structure, or structure and land in combination is discontinued or abandoned for more than one (1) year (except when government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
6. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

SECTION 609 REPAIRS AND MAINTENANCE

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-

conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 610 USES UNDER CONDITIONAL USE PROVISIONS NOT NON-CONFORMING USES.

Any use which is permitted as a conditional use in a district under the terms of this ordinance shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

Proposed Fall 2022

ARTICLE 700 AMENDMENT

SECTION 701 PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES

This ordinance may be amended utilizing the procedures specified in Sections 702 to 713, inclusive of this ordinance.

SECTION 702 GENERAL

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Village Council may by ordinance after receipt of recommendation thereon from the Planning Commission, and subject to procedure provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

SECTION 703 INITIATION OF ZONING AMENDMENTS.

Amendments to this ordinance may be initiated in one of the following ways:

1. By adoption of a motion by the Planning and Zoning Commission;
2. By adoption of a resolution by Village Council;
3. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

SECTION 704 CONTENTS OF APPLICATION.

Applications for amendments to the Official Zoning Map adopted as part of this ordinance by Section 200 shall contain at least the following information:

1. Name, address, and phone number of applicant;
2. Proposed amending ordinance, approved as to form by the Village Legal Advisor;
3. Present use;
4. Present zoning district;
5. Proposed use;
6. Proposed zoning district;
7. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning and such other items as the Zoning Inspector may require;
8. A list of all property owners and their mailing addresses appearing on the County Auditor's current tax list or the Treasurer's mailing list who are within, continuous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a

substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;

9. A statement on how the proposed amendment relates to the comprehensive plan;
10. A fee as established by Village Council

*see footnote

Applications for amendments proposing to amend, supplement, change, or repeal portions of this ordinance other than the Official Zoning Map shall include items (1), (2), (9) and (10) listed above.

SECTION 705 TRANSMITTAL TO PLANNING AND ZONING COMMISSION.

Immediately after the adoption of an ordinance by the Village Council or the filing of an application by at least one (1) owner or lessee of property, said ordinance or application shall be transmitted to the Commission.

SECTION 706 SUBMISSION TO THE DIRECTOR OF TRANSPORTATION.

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director of Transportation. The Commission may proceed as required by law, however, the Village Council shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Village that he shall proceed to acquire the land needed, then the Village shall refuse to approve the rezoning. If the Director of Transportation notifies the Village that acquisition at this time is not in the public interest or upon the expiration of one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Village Council shall proceed as required by law.

*see footnote

SECTION 707 RECOMMENDATION BY PLANNING AND ZONING COMMISSION.

Within sixty (60) days from the receipt of the proposed amendment, the Planning and Zoning Commission shall transmit its recommendation to the Village Council. The Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

SECTION 708 PUBLIC HEARING BY VILLAGE COUNCIL

Upon receipt of recommendation from the Planning and Zoning Commission, Village Council shall schedule a public hearing. Said hearing shall be not more than forty (40) days from the receipt of the recommendation from the Planning Commission.

SECTION 709 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Notice of the public hearing required in Section shall be given by Village Council by at least one publication in one (1) or more newspapers of general circulation in the Village affected. Said notice shall be published at least thirty (30) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

SECTION 710 NOTICE TO PROPERTY OWNERS BY VILLAGE COUNCIL

If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail, at least twenty (20) days before the day of public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by Village Council. The failure to deliver the notification, as provided in this section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 408.

SECTION 711 ACTION BY VILLAGE COUNCIL

Within thirty (30) days after the public hearing required by Section 408, the Village Council shall either adopt or deny the recommendation of the Planning and Zoning Commission or adopt some modification thereof. In the event the Village Council denies or modifies the recommendation of the Planning and Zoning Commission, it must do so by not less than three-fourths of the full membership of Village Council. No such ordinance shall be passed unless it has been fully and distinctly read on three different days except that such ordinance may become emergency legislation if three-fourths of the members of Village Council vote to dispense with this rule.

SECTION 712 EFFECTIVE DATE AND REFERENDUM.

Such amendment adopted by Village Council shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after passing the ordinance there is presented to the Village Clerk a petition, signed by a number of qualified voters residing in the Village equal to not less than ten (10) per cent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Village Council to submit the zoning amendment to the electors of the Village for approval or rejection at the next general election. No amendment for which such referendum vote has been requested shall be

put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

SECTION 713 ANNEXATION.

All land annexed to the Village subsequent to the adoption of this ordinance shall remain subject to the previous County or Township zoning district until such time as the Official Village Zoning Map is amended according to the provisions of this Article. All land annexed to the Village which, prior to annexation, is not subject to County or Township zoning shall remain unzoned until the Official Village Zoning Map is amended according to the provisions of this Article.

Proposed Fall 2022

ARTICLE 800 DEFINITIONS

Interpretations of Terms or Words: For the purpose of this ordinance certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
5. The word "lot" includes the words "plot" or "parcel"

Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Agriculture: The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Automotive Repair: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

Automotive, Mobile Home, Trailer, and Farm Implement Sales: The sale or rental of new and used motor vehicle, mobile homes, trailers, or farm implements, but not including repair work except incidental warranty repair of same to be displayed and sold on the premises.

Automotive Wrecking: The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Basement: A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

Boarding House, Rooming House, Lodging House, or Dormitory: A building or part thereof, other than a hotel, motel, or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

Building, Accessory: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

Building, Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Line: See Setback line

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Business, Convenience: Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores, if less than 10,000 square feet in floor area. Uses in this classification tend to serve a day to day need in the neighborhood.

Business General: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day to day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department stores; and discount stores.

Cemetery: Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Channel: A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

Clinic: A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are provided with board or room or kept overnight on the premises.

Club: A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

Commercial Entertainment Facilities: Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

Comprehensive Development Plan: A plan, or any portion thereof, adopted by the planning commission and/or the legislative authority of the Village of Antwerp showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major streets, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

Conditional Use: A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the board of zoning appeals. Additional uses permitted in each district are presented in the Official Schedule of District Regulations.

Conditional Use Permit: A use issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

Corner Lot: See Lot Types

Cul-de-Sac: See Thoroughfare

Dead-end Street: See Thoroughfare

Density: A unit of measurement; the number of dwelling units per acre of land. (D.U.) means dwelling unit.

a. **Gross Density** - the number of dwelling units per acre of the total land to be developed.

b. **Net Density** - the number of dwelling units per acre of land when the acreage involved includes the and devoted to residential uses.

Dwelling Unit: Space, within a building, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

Dwelling, Single Family: A building consisting of a single dwelling unit only, separated from other dwelling units by open space.

Dwelling, Two-Family: A building consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

Dwelling, Multi-Family: A building consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.

Dwelling, Mobile Home, Modular Home, Industrialized Unit, Manufactured Home: See individual names. Amended 1-18-99 Ordinance # 98-14.

Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Essential Services: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

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Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption, or marriage, no such family shall contain over five persons.

Flood Fringe: That portion of the flood plain, excluding the flood way, where development may be allowed under certain restrictions.

Flood Plain: That land, including the flood fringe and the flood way, subject to inundation by the regional flood.

Flood, Regional: Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.

Flood-way: That portion of the flood plain, including the channel, which is reasonably required to discharge the bulk of the regional flood waters. Floods of less frequent recurrence are usually contained completely within the flood-way.

Floor Area of a Residential Building: The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

Floor Area of a Non-Residential Building (To Be Used in Calculating Parking Requirements): The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

Floor Area, Usable: Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Food Processing: The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

Garages, Private: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:

1. Not more than one space is rented for parking to persons not resident on the premises;
2. No more than one commercial vehicle per dwelling unit is parked or stored; and
3. The Commercial vehicle permitted does not exceed two tons capacity.

Garage, Public: A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no services shall be provided for remuneration.

Garage, Service Station: Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made:

1. Sales and service of spark plugs, batteries, and distributors parts;
2. Tire servicing and repair, but not recapping or regrooving;

3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors and the like;
4. Radiator cleaning and flushing;
5. Washing, polishing, and sale of washing and polishing materials;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps, and lines;
8. Minor servicing and repair of carburetors;
9. Adjusting and repairing brakes;
10. Minor motor adjustment not involving removal of the head on crankcase or racing the motor;
11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principle operations;
12. Provisions of road maps and other informational material to customers, provision of restroom facilities and
13. Warranty maintenance and safety inspections.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operation condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor a body shop.

Highway Director: The director of the Ohio Department of Highways.

Home Occupation: An occupation conducted in a dwelling unit, provided that:

1. No person other than members of the family residing on the premises shall be engaged in such occupation;
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 per cent of floor area of the dwelling unit shall be used in the conduct of the home occupation;
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building;
4. No home occupation shall be conducted in any accessory building;
5. There shall be no sales on the premises;
6. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance, and shall not be located in a required front yard; and
7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit or conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuations in line voltage off the premises.

Hotel or Motel and Apartment Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

Industrialized Unit: means a building unit or assembly of closed construction that is fabricated in an off-site facility and is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use, such as a pre-fabricated or panelized home. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. Once at the site, the unit must be placed on a permanent foundation. See permanent foundation. Amended 1-18-99 Ordinance # 98-14.

Institution: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

Junk Buildings, Junk Shops, Junk Yards: Any land, property, structure, building, or combination of the same, on which junk is stored or processed.

Kennel or Cattery: Any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

Loading Space, Off-Street: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Location Map: See Vicinity Map.

Lot: For the purposes of this ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this section.

Lot, Minimum Area of: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

Lot Measurements: A lot shall be measured as follows:

1. Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. Width of lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line, provided, however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) per cent of the required lot width.

Lot of Record: A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types: Terminology used in this ordinance with reference to corner lots, interior lots and through lots is as follows:

1. A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
2. An interior lot is a lot other than a corner lot with only one frontage on a street.
3. A through lot is a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
4. A reversed frontage lot is a lot on which frontage is at right angle to the general pattern in the area. A reversed frontage lot may also be a corner lot.

Major Thoroughfare Plan: The comprehensive plan adopted by the Village Planning-Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the incorporated limits of Antwerp and/or unincorporated areas within three (3) miles thereof.

Maintenance and Storage Facilities: Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

Manufacturing, Heavy: Manufacturing processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

Manufactured Home: means a factory assembled housing unit or portion thereof assembled in closed construction and is fabricated in an off-site facility that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. It is to be considered real property and must be constructed with only wooded floor joists. It must be transported to one site by truck or trailer or on a set of wheels, whether or not the wheels are detachable. Once at the site, the unit, or portion thereof, are fastened together, placed on a permanent foundation. See permanent foundation. Other components, if not included in the unit at the factory, including, but not limited to, roof or portion thereof, porches, bay windows, trim, part of the exterior siding, etc. may be added at the construction site.

This type of home must be a least twenty-four (24) feet by forty (40) feet in width and length and must conform to all State and local building codes and certifications required for manufactured homes including construction limitations, restrictions pertaining to lot size, side yard, front yard and rear yard setback requirements. It must also conform to building codes as to wiring, plumbing, type and size of studding, floor joists, roof rafters, ceiling joists, roof slope, insulation, etc. In addition, this home should be placed on a permanent foundation and site immediately. The title, if any, must be surrendered to the proper county authorities and the zoning inspector notified of the date and time of action within two (2) months of time that it is placed within the Municipality. No manufactured home as herein above defined may be placed in any part of the Municipality unless a zoning permit approved by the zoning inspector has been issued. Amended 1-18-99 Ordinance # 98-14.

Manufacturing, Light: Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

Mobile Home: is defined as a building unit or assembly of closed construction that is fabricated in an off-site facility and is more than thirty-five(35) body feet in length, or, when erected on site, is three hundred and twenty(320) or more feet, that is built on a permanent chassis and transportable in one or more sections, and that does not qualify as a manufactured home, modular home or industrialized unit. Once at the site, the mobile home must be placed on a permanent foundation. See permanent foundation. Mobile Homes are only permitted in R-1-A Single Family District-Alternate. Amended 1-18-99 Ordinance # 98-14.

Mobile Home Park: Any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

Modular Homes: See Manufactured home. Amended 1-18-99 Ordinance # 98-14.

Nonconforming Use: A building, structure, or use of land existing at the time of enactment of this ordinance 9 and which does not conform to the regulations of the district or zone in which it is situated.

Nursery, Nursing Home: A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

Nursery, Plant Materials: Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

Open Space: An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, any other recreational facilities that the planning commission deems permissive. Streets, structures for habitation, and the like shall not be included.

Parking Space, Off-Street: For the purpose of this ordinance, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Performance Bond or Surety Bond: An agreement by a sub-divider or developer with the Village, County for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the sub-divider's agreement.

Permanent Foundation: means permanent masonry, concrete, or locally approved footing or foundation that meets all of the following criteria:

1. The foundation must be of poured concrete or cement block with poured footer and no less than three(3) feet deep and eight(8) inches wide with a height of eighteen(18) inches or two(2) eight(8) inch blocks.
2. At no time should foundation ever be covered by skirting.
3. Structure should be permanently attached to foundation leaving no visible gaps between foundation and home.

Amended 1-18-99 Ordinance # 98-14.

Personal Services: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

Planned Unit Development: An area of land, in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a preplanned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

Professional Activities: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

Public Service Facility: The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

Public Uses: Public parks, schools, and administrative, and cultural, buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway right-of-way, road sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

Quasi-public Use: Churches, Sunday Schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

Research Activities: Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing and development shall be carried on

within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

Roadside Stand: A temporary structure designed or used for the display or sale of agricultural and related products.

Right-of-Way: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Seat: For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

Steps, Deck, Porch or Add-on: means additional structures that may or may not be attached to the home.

1. All steps must be constructed on site and must fit entrance accordingly.
2. All decks must be wooden and anchored to the ground by footers.
3. All porches and add-ons must be constructed to fit the style of home.

Amended 1-18-99 Ordinance # 98-14.

Setback Line: A line established by the subdivision regulations and/or zoning ordinance, generally parallel with and measured from the centerline of street pavement, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said codes. (See Yards)

Sewers, Central or Group: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

Sewers, On-Site: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Sidewalk: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic. See "Walkway".

Story: That part of a building between the surface of a floor and the ceiling immediately above.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.

Supply Yards: A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

Swimming Pool: A pool, pond, lake or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager.

1. Private: Exclusively used without paying additional charge for admission by the residents and guests of a single household, a multifamily development, or a community; the members and guests of a club; or the patrons of a motel or hotel.
2. Community: Operated with a charge for admission.

Travel Trailer: means a non-self-propelled recreational vehicle that does not exceed an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and contains less than three hundred and twenty (320) square feet when erected on site. "Travel trailer" continues to include a tent-type fold-out camper trailer as defined in section 4517.01 of the Revised Code. Amended 1-18-99 Ordinance # 98-14.

Thoroughfare, Street, or Road: The full width between property lines bounding every public way or whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
3. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
4. Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. Local Street: A street primarily for providing access to residential, commercial, or other abutting property.
7. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
8. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street).

Through Lot: See Lot Types.

Use: The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Variance: A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Veterinary Animal Hospital or Clinic: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation.

Vicinity Map: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within Village of Antwerp in order to better locate and orient the area in question.

Walkway: A dedicated public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1. Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
2. Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Zoning Permit: A document issued by the zoning inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

Proposed Fall 2022

ARTICLE 900 SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 901 PURPOSE

The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered.

SECTION 902 CONVERSION OF DWELLING TO MORE UNITS.

A residence may not be converted to accommodate an increased number of dwelling units unless:

1. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;
2. The lot area per family equals the lot area requirements for new structures in that district;
3. The conversion is in compliance with all other relevant codes and ordinances.

SECTION 903 PRIVATE SWIMMING POOLS.

No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet shall be allowed in any commercial or residential district, except and an accessory use and unless it complies with the following conditions and requirements:

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;
2. It may not be located closer than ~~ten (10)~~ five (5) feet to any property line;
3. ~~The~~ An inground swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than four (4) ~~six (6)~~ feet in height and maintained in good condition with a gate and lock. Exception: A swimming pool with a power safety cover or a spa with a safety cover complying with ASTM F 1346 need not comply with the fence or wall requirement.

SECTION 904 COMMUNITY OR CLUB SWIMMING POOLS.

Community and club swimming pools are permitted in any commercial or residential district, but shall comply with the following conditions and requirements.

1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
 2. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line;
 3. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the thoroughfare or adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.
- Exception: A swimming pool with a power safety cover or a spa with a safety cover complying with ASTM F 1346 need not comply with this section.

SECTION 905 TEMPORARY BUILDINGS.

(A) Temporary buildings, construction trailers, equipment and material used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the Zoning Inspector.

(B) Portable Storage Containers that are loaded with materials and placed on a residential property for the purpose of temporarily storing materials are permitted with the following regulations:

(1) Portable Storage Containers shall not be located on any parcel for a period exceeding fourteen days from date of delivery. At the end of fourteen days, an extension for a maximum fourteen additional days may be granted by the Zoning Inspector based on just cause.

(2) Portable Storage Containers shall not be located on any parcel for a period exceeding twenty-eight days per calendar year.

(3) Portable Storage Containers shall be kept in the driveway of the property at the furthest accessible point from the street. The location of the Portable Storage Container on a driveway shall not obstruct visibility nor block the sidewalk. If no driveway is present, approval from Village departments for the placement of the Portable Storage Container prior to its delivery is required.

(4) Only one Portable Storage Container shall be placed at any residential property at one time.

Revised 10/19/2020, Ordinance 2020-15

SECTION 906 PARKING AND STORAGE OF CERTAIN VEHICLES.

Automotive vehicles or trailers of and kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. However, one boat and one travel trailer may be stored in the rear yard if they have a current license.

SECTION 907 REQUIRED TRASH AREAS.

All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence or at least four (4) feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Inspector shall be required.

SECTION 908 SUPPLEMENTAL YARD AND HEIGHT REGULATIONS

In addition to all yard regulations specified in the Official Schedule of District Regulations and in other sections of this ordinance, the provisions of Sections 909 to 915, inclusive shall be used for interpretation and clarification.

SECTION 909 SETBACK REQUIREMENTS FOR CORNER BUILDINGS.

On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

SECTION 910 VISIBILITY AT INTERSECTIONS.

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half (2-1/2) and (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection.

SECTION 911 FENCE AND WALL RESTRICTIONS IN FRONT YARDS.

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of two and a half (2 1/2) feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of two and a half (2-1/2) feet and ten (10) feet.

SECTION 912 YARD REQUIREMENTS FOR MULTI-FAMILY DWELLINGS.

Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

SECTION 913 SIDE AND REAR YARD REQUIREMENTS FOR NONRESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS.

Nonresidential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty (50) per cent of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within fifty (50) feet of an intersection.

SECTION 914 ARCHITECTURAL PROJECTIONS

Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard.

SECTION 915 EXCEPTIONS TO HEIGHT REGULATIONS.

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

SECTION 916 SPECIAL PROVISIONS FOR COMMERCIAL AND INDUSTRIAL USES.

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the performance requirements in Sections 917 to 926, inclusive.

SECTION 917 FIRE HAZARDS.

Any activity involving use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

SECTION 918 RADIOACTIVITY OR ELECTRICAL DISTURBANCE.

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

SECTION 919 NOISE.

Objectionable noise as determined by the Zoning Inspector which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

SECTION 920 VIBRATION.

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

SECTION 921 AIR POLLUTION.

Air pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

SECTION 922 GLARE.

No direct or reflected glare shall be permitted which is visible from any property outside a manufacturing district or from any street.

SECTION 923 EROSION.

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

SECTION 924 WATER POLLUTION.

Water pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

SECTION 925 ENFORCEMENT PROVISIONS.

The Zoning Inspector, prior to the issuance of a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

SECTION 926 MEASUREMENT PROCEDURES.

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, the Manufacturing Chemists' Association, Inc., Washington D.C., The United States Bureau of Mines, and the Ohio Environmental Protection Agency.

SECTION 927 FLOOD FRINGE AREAS.

Any use of the flood fringe areas designated on the official zoning map are to be generally associated with open space, recreational and agricultural land uses and shall not hinder the movement of flood waters. Any proposed use of areas within the designated flood fringe area will require a conditional use permit in accordance with Section 420.

Proposed Fall 2012

FOOTNOTES:

Section 429: Comprehensive Plan established by Ordinance 2014-13 available on the Village of Antwerp website as a separate document

Section 504: The Village of Antwerp does not currently have a position titled, "Director of Transportation". As this is an administrative function, the Mayor, or someone designated by the Mayor will execute the requirements of this section.

Section 513: \$250 See Ordinance 2015-19

Section 704.10: \$250 See Ordinance 2015-19

Section 706: The Village of Antwerp does not currently have a position titled, "Director of Transportation". As this is an administrative function, the Mayor, or someone designated by the Mayor will execute the requirements of this section.

Ordinance No.

Passed 19.....

ORDINANCE NO. 2022-27

AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO RESIDE OUTSIDE THE VILLAGE OF ANTWERP

WHEREAS, the current Fiscal Officer resided in the Village of Antwerp at the time of her appointment; and

WHEREAS, the Fiscal Officer moved outside the Village corporation limits subsequent to her appointment, and her travel time to the Village of Antwerp town hall, where her office is located, is less than five (5) minutes; and

WHEREAS, Ohio Revised Code § 733.262 provides that the Village Fiscal Officer shall be a resident of the municipality, unless her residence outside the municipality is approved by ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ANTWERP, COUNTY OF PAULDING, OHIO:

Section 1. That Aimee Lichty's residence outside the Village of Antwerp is approved so long as she continues to reside at her current residence or so long as she continues to reside at a location within five (5) miles of the Village corporation limits.

Section 2. It is found and determined that all formal actions of the Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions in Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance shall take effect and be in force after the earliest period allowed by law.

Passed: Jan 18, 2023

Jan Reeb, Mayor
Village of Antwerp

Attest:

Aimee Lichty, Fiscal Officer
Village of Antwerp

First Reading: Dec 19, 2022

Second Reading: Dec 28, 2022

Third Reading: Jan 18, 2023

Ordinance No.

Passed

19

ORDINANCE NO. 2022-28

AN ORDINANCE ESTABLISHING COMPENSATION FOR THE VILLAGE OF ANTWERP, OHIO FOR THE CALENDAR YEAR 2023, AND DECLARING THE SAME AN EMERGENCY

WHEREAS, O.R.C. Section 731.13 provides that the legislative authority of a village shall fix compensation, and the Village Council hereby fixes the compensation of Village officials, employees, appointees, and volunteers for the Village of Antwerp, Ohio for the calendar year 2023 as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Ohio:

Section 1. That compensation and wage rates for the various Village officials, employees, appointees, and volunteers for calendar year 2023 is hereby adopted as follows:

Position	Compensation / Wage Rate	
Mayor	\$9,600.00	Base annual salary
Council Members –existing Newly elected Council Members	\$3,800.00 to \$4,200.00	Base annual salary
Fiscal Officer	\$32,479.20	Base annual salary
Village Administrator	\$62,580.18	Base annual salary
Chief of Police	\$56,344.86	Base annual salary
Police - Full Time - On Probation	\$29,964.16 to \$34,318.42	Base annual salary
Police - Full Time	\$34,294.18 to \$40,590.32	Base annual salary
Police - Part Time	\$11.09 to \$21.40	per hour
Police - Reserves	\$11.09 to \$17.12	per hour
Fire Chief	\$2,996.04	Base annual salary
Fire Dept. Secretary	\$471.82	Base annual salary
Fire Chief Assistant	\$471.82	Base annual salary
	\$12.79	per meeting
	\$16.60	first hour
	\$12.92	each add'l hour

Ordinance No.

Passed 19.....

ORDINANCE NO. 2022-25

AN ORDINANCE ACCEPTING THE FINAL PLAT OF THE MAUMEE LANDING SUBDIVISION - PHASE 11 (LOT 20) TO THE ADDITION TO THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO, PURSUANT TO ORDINANCE NO. 94-17, AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Village of Antwerp approved the preliminary plat of the Maumee Landing Subdivision submitted by Olen McMichael, the developer for the Maumee Landing Subdivision. Said preliminary plat was discussed, approved and accepted by the council at its regular meeting on May 8, 2006; however, the minutes from that meeting failed to reflect council's action on the preliminary plat. At the special meeting of the council on July 30, 2008, the council renewed its motion to accept the preliminary plat for the Maumee Landing Subdivision, which motion was passed by a unanimous vote of the council members present.

WHEREAS, Olen McMichael has submitted the final plat of the Maumee Landing Subdivision - Phase 11 (Lot 20) to the Village of Antwerp Planning Commission, n/k/a Planning and Zoning Commission (the "Commission"), as well as to the Village of Antwerp Council, as required by Ordinance No. 94-17, the Village Subdivision Ordinance.

WHEREAS, the Commission recommended that the final plat for Phase 11 (Lot 20) of the Maumee Landing Subdivision and the infrastructure improvements provided thereon be accepted.

WHEREAS, the final plat has been prepared by a licensed land surveyor, and in accordance with the Subdivision Ordinance, Ordinance No. 94-17, action will be taken by the Village Council within thirty (30) days after the submission of the final plat.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Paulding County, Ohio:

Section 1. That the recommendation of the Commission as to the final plat of the Maumee Landing Subdivision - Phase 11 (Lot 20) to the addition to the Village of Antwerp, Paulding County, Ohio, described in **Exhibit A**, which is attached hereto and made a part hereof, is hereby approved, and that the final plat of the Maumee Landing Subdivision - Phase 11 (Lot 20) is hereby accepted.

Section 2. That the Village's engineer shall, upon the written request by the developer herein, inspect the construction of the streets, sewers, water mains, fire hydrants, and other infrastructure improvements identified in the plat and make a determination whether those improvements have been constructed in accordance with the specifications set forth in the approved plat and that such improvements are in good repair, which such findings shall be endorsed on the approved plat, and such endorsement shall constitute an acceptance of the improvements for public use by the Village.

Ordinance No. _____

Passed _____

19

Section 3. That all or parts of drives, roads and avenues as shown on the plat and not heretofore dedicated are hereby dedicated to public use as such, and easements shown on the plat are for the construction, operation and maintenance of all public and private utility purposes above and beneath the surface of the ground and, where necessary, are for the construction, operation and maintenance of service connections to all adjacent lots and lands and for storm water drainage, said streets identified by the developer on Exhibit A.

Section 4. That none of the lots as proposed on the plat be sold to any third party until all infrastructure improvements, as shown on the attached plat, have been completed and accepted by the Village of Antwerp, Paulding County, Ohio.

Section 5. That all requirements for the final plat have been provided as set forth in Ordinance No. 94-17, including, but not limited to, a notarized certification of the owners of the adoption of the plat, the dedication of the streets and other public areas, the approval and the signature of Village officials concerned with the specifications and inspection of utility installations and improvements, and certification by the County Auditor that there are no unpaid taxes on the property involved.

Section 6. That the Fiscal Officer for the Village of Antwerp, Ohio, is hereby authorized to record the final plat with the Paulding County Recorder and to obtain the certification of the Paulding County Recorder that the plat has been recorded. The payment of the recording fees are the responsibility of the developer.

Section 7. It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of section 121.22 of the Ohio Revised Code.

Section 8. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village and for the further reason that the final plat for Phase 11 (Lot 20) of the Maumee Landing Subdivision must be approved in order to comply with the Village's Subdivision Ordinance and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Passed this 21 day of November, 2022


 Jan Reeb,
 Mayor of the Village of Antwerp

ATTEST:


 Aimee Lichty, Fiscal Officer

Ordinance No.

Passed 19

ORDINANCE NO: 2022-26

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE VILLAGE OF ANTWERP, OHIO TO AMEND CERTAIN PERMITTED USES, ACCESSORY USES, AND CONDITIONAL USES IN A-1 AGRICULTURAL, R-1 SINGLE FAMILY, R-2 MULTIPLE FAMILY, B-1 BUSINESS, AND B-2 GATEWAY COMMERCIAL DISTRICTS (AND THE TABLE IN SECTION 311 TO REFLECT THESE AMENDMENTS), TO ADD SECTION 311(C) ON OFF-STREET LOADING REQUIREMENTS, TO AMEND SECTION 511 ON COMPLAINTS REGARDING VIOLATIONS, AND TO AMEND SECTIONS 903 AND 904 ON SWIMMING POOLS, AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Planning and Zoning Commission of the Village of Antwerp recommended, by the adoption of a motion, to amend the Zoning Ordinance of the Village of Antwerp, specifically to amend the following:

1. Section 302.01 removing dairy farming and livestock farming as permitted uses in A-1 Agricultural District;
2. Section 302.03 removing windmills as accessory use in A-1 Agricultural District;
3. Section 303.03 adding swimming pools as accessory use in R-1 Single Family District;
4. Section 305.03 adding swimming pools as accessory use in R-2 Multiple Family District;
5. Section 306.01 removing treatment plants and governmental facilities of a similar nature as permitted uses in B-1 Business District;
6. Section 306.02 adding Gas Station (with or without convenience retail and or drive in or drive through facility) as conditional use in B-1 Business District;
7. Section 309.01(c) adding swimming pools as accessory use in a E-2 Gateway Commercial District;
8. Section 311 amending Permitted, Conditional, Accessory Use Table to reflect amendments noted above (1-7);
9. Section 311(C) adding new section on Off-Street Loading Requirements;
10. Section 511 adding language on those that may file a written complaint to include those who reside, own, or lease property, or operate a business within the Village of Antwerp;
11. Section 903 on private swimming pools reducing from ten (10) feet to five (5) for location of swimming pools to any property line, adding that an inground swimming pool must have a fence or wall of not less than four (4) feet in height (reduced from six (6) feet in height), and inserting an exception to such fence or wall requirement if a swimming pool has a power safety cover or a spa with a safety cover complying with ASTM F 1346; and
12. Section 904 on community or club swimming pools adding an exception to the fence or wall requirement if a swimming pool has a power safety cover or a spa with a safety cover complying with ASTM F 1346.

These recommendations were made in compliance with Section 703 of the Zoning Ordinance of the Village of Antwerp, Ohio; and

WHEREAS, the Planning and Zoning Commission of the Village of Antwerp transmitted its recommendation on said proposed amendments to the Council at its regular meeting on September 19,

Ordinance No.

Passed

19

2022, and Council scheduled a public hearing in compliance with Section 708 of the Zoning Ordinance of the Village of Antwerp, Ohio; and

WHEREAS, the Council of the Village of Antwerp held a public hearing on this recommendation on October 20, 2022, in compliance with Section 708 of the Zoning Ordinance of the Village of Antwerp, Ohio, after notice of said public hearing was published and any required notice mailed to property owners in compliance with Sections 709 and 710 of the Zoning Ordinance of the Village of Antwerp, Ohio.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Paulding County, Ohio, that the Council adopts the recommendations of the Planning and Zoning Commission and approves the amendments to the Zoning Ordinance with modifications as follows:

Section 1. The Council of the Village of Antwerp moves to adopt the recommendations of the Planning and Zoning Commission that the Zoning Ordinance be amended, as set forth in detail above in the recitals of this Ordinance, with the following modifications: (a) in Section 511 add the word "Zoning" to refer to this "Zoning" ordinance on making a complaint regarding violations; (b) in Section 903 add language that the exception of a power safety cover on inground swimming pools only applies to the wall or fence requirements; and (c) in Section 904 remove the language on the exception of a power safety cover for the wall or fence requirements regarding community or club swimming pools. These amendments are also reflected in **Exhibit A** attached hereto, which is a copy of the Zoning Ordinance highlighting those amendments that add language to the Zoning Ordinance and redlining those amendments that strike language from the Zoning Ordinance, including the modifications noted herein.

Section 2. The amendments with modifications in Section 1 of this Ordinance shall be incorporated into the Zoning Ordinance of the Village of Antwerp upon the date this Ordinance becomes effective by law.

Section 3. It is found and determined that all formal actions of the council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this council, and that all deliberations of the council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including all lawful Ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is deemed an emergency measure necessary for the preservation of the public health, safety and welfare, and for the further reason to comply with Section 711 of the Zoning Ordinance, which requires the Village Council to act within thirty (30) days of the public hearing on the proposed amendments, and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

PASSED THIS 21 day of November, 2022.

Janice Reeb

Jan Reeb, Mayor
Village of Antwerp, Ohio

Attest:

Aimee Lichty
Aimee Lichty, Fiscal Officer

RECORD OF ORDINANCES

Ordinance No.

Passed 19

Position	Compensation / Wage Rate	
Fire Captains	\$139.30	Base annual salary
Fire Lieutenants	\$97.40	Base annual salary
Volunteer Fireman	\$12.79	per training hour.
	\$12.79	first hour
	\$12.79	each add'l hour
EMS Coordinator	\$2,853.06 to \$4,279.58	Base annual salary
EMS Maintenance Man	\$822.28	Base annual salary
EMS Assistant	\$393.48	Base annual salary
EMS Secretary	\$393.48	Base annual salary
EMS Drivers	\$11.34	per hour
EMR	\$12.52	per hour
EMT – A (BLS – Basic Life Support)	\$13.69	per hour
EMT - B (Immediate Life Support)	\$17.70	per hour
All EMS Personnel	\$13.19	per training hour
Supervisor	\$23.92 to \$31.20	per hour
General Labor/Utilities Billing Clerk	\$10.05 to \$20.00	per hour
Mayor's Court Clerk/EMS Billing Clerk	\$10.05 to \$16.68	per hour
Tech I Water/Sewer/Assigned Duties	\$16.85 to \$21.75	per hour
Tech II Water/Sewer/Assigned Duties	\$18.60 to \$23.92	per hour

Section 2. Each Department Head has the authority to establish a wage rate and change in an employee's compensation within the wage structure above based upon the Village's finances and an employee's level of education, performance, attendance, certifications / licensures, knowledge, skill, abilities, variety and scope of responsibilities, and such other attributes the Department Head considers necessary for the position.

Ordinance No.

Passed 19

Section 3. Any and all other benefits to which Village officials and employees may be entitled are as set forth in the Village of Antwerp's Personnel Manual, subject to any and all amendments thereto, and any applicable Ordinances and Resolutions of the Village.

Section 4. It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

Section 5. All prior legislation, or any part thereof, which is inconsistent with this Ordinance is hereby repealed as to the inconsistent parts thereof.

Section 6. This Ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health and safety of the Village, and for the further reason that compensation must be established for Village officials, employees, appointees, and volunteers for the provision of services that are essential to the public peace, health and safety, and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: Dec 19, 2022

Jan Reeb
Jan Reeb
Mayor of the Village of Antwerp

Attest:

Aimee Lichty
Aimee Lichty, Fiscal Officer

Ordinance No.

Passed

19

ORDINANCE NO. 2022-29

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF ANTWERP, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2023, AND DECLARING THE SAME AN EMERGENCY

Section 1. BE IT ORDAINED by the Council of Village of Antwerp, State of Ohio, that, to provide for the current expenses and other expenditures of the said Village of Antwerp during the fiscal year ending December 31, 2023, the following sums be and they are hereby set aside and appropriated as follows:

Appropriations by Fund	Amount
A1 - General	\$ 564,026.25
B1 - Street Construction, Maintenance, and Repair	\$ 173,138.12
B2 - State Highway and Improvement	\$ 10,000.00
B5 - Law Enforcement Training	\$ 1,714.20
B7 - Fed-Mayor's Court	\$ 200.00
B8 - Permissive Tax Budget	\$ 25,000.00
B9 - Fire	\$ 74,500.00
B10 - Fire Truck	\$ -
B11 - EMS	\$ 155,000.00
B12 - EMS Vehicle Replacement	\$ -
B14 - Severance Pay Reserve Fund	\$ 60,760.01
B15 - VET's Memorial	\$ 600.00
B17 - Ind Dr Alcohol Monitor	\$ -
B18 - COVID Relief	\$ -
B20 - FEMA - Grant	\$ -
D01 - Permanent Improvement	\$ 42,151.00
D02 - Ohio DOD Infrastructure Grant	\$ -
E1 - Water	\$ 475,432.16
E2 - Sewer	\$ 295,332.52
E5 - Trash	\$ 62,000.00
E6 - Deposit	\$ 600.00
E8 - Compos:	\$ 17,000.00
E14 - Storm Sewer	\$ 74,000.00

RECORD OF ORDINANCES

Dayton Legal Blank	G5 - Cemetery	\$ 22,080.00	Form No. 30043
Ordinance No.	G6 - Indigent Driver	\$ -	19
	G7 - FOJ	\$ 2,536.28	
	G8 - Mayor's Court	\$ 7,000.00	
	H1 - Police	\$ 297,000.00	
	H3 - Street Lighting	\$ 30,000.00	
		\$2,390,070.54	

Section 2. The Fiscal Officer is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore, approved by the board or officers authorized by law to approve the same, or an ordinance or resolution of council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance. Provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the village, and for purposes other than those covered by other specific appropriations herein made.

Section 3. It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village and for the further reason that the appropriations identified herein need to be approved by council prior to January 1, 2023, and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Passed 12-19-22

Dean Rister

 Dean Rister, President of Council

Attest: *Aimee Lichy*

 Aimee Lichy, Fiscal Officer

Ordinance No.

CERTIFICATE

19

Section O.R.C 5705.39 - "No appropriation measure shall become effective until the county auditor files with the appropriating authority . . . a certificate that the total appropriations from each fund, taken together with all other outstanding appropriations, do not exceed such official estimate or amended official estimate. When the appropriation does not exceed such official estimate, the county auditor shall give such certificate forthwith upon receiving from the appropriating authority a certified copy of the appropriation measure"

The State of Ohio Paulding County,

I, Aimee Lichty, Fiscal Officer of the Village of Antwerp in said County, and in whose custody the files, journals, and records are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing Annual Appropriation Ordinance is taken and copied from the original Ordinance now on file with said Village, that the foregoing Ordinance has been compared by me with the said original and that the same is a true and correct copy thereof.

Witness my signature this 19 day of Dec, 2022.

Aimee Lichty
Aimee Lichty, Fiscal Officer
Village of Antwerp, Paulding
County, Ohio

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No......

Passed..... 19.....

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2023 EXPENSE

Appropriations by Fund	Amount
A1 - General	\$ 564,026.25
B1 - Street Construction, Maintenance, and Repair	\$ 173,138.12
B2 - State Highway and Improvement	\$ 10,000.00
B5 - Law Enforcement Training	\$ 1,714.20
B7 - Fed-Mayor's Court	\$ 200.00
B8 - Permissive Tax Budget	\$ 25,000.00
B9 - Fire	\$ 74,500.00
B10 - Fire Truck	\$ -
B11 - EMS	\$ 155,000.00
B12 - EMS Vehicle Replacement	\$ -
B14 - Severance Pay Reserve Fund	\$ 60,760.01
B15 - VET's Memorial	\$ 600.00
B17 - Ind Dr Alcohol Monitor	\$ -
B18 - COVID Relief	\$ -
B20 - FEMA - Grant	\$ -
D01- Permanent Improvement	\$ 42,151.00
D02-Ohio DOD Infrastructure Grant	\$ -
E1 - Water	\$ 475,432.16
E2 - Sewer	\$ 295,332.52
E5 - Trash	\$ 62,000.00
E6 - Deposit	\$ 600.00
E8- Compost	\$ 17,000.00
E14 - Storm Sewer	\$ 74,000.00
G5 - Cemetery	\$ 22,080.00
G6 - Indigent Driver	\$ -
G7 - FOJ	\$ 2,536.28
G8 - Mayor's Court	\$ 7,000.00
H1 - Police	\$ 297,000.00
H3 - Street Lighting	\$ 30,000.00
	\$ 2,390,070.54

2023 Revenue

Revenue by Fund	Amount
A1 - General	\$ 1,180,551.82
B1 - Street Construction, Maintenance, and Repair	\$ 214,371.62
B2 - State Highway and Improvement	\$ 38,276.08
B5 - Law Enforcement Training	\$ 1,714.20
B7 - Fed-Mayor's Court	\$ 1,432.54
B8 - Permissive Tax Budget	\$ 57,713.13
B9 - Fire	\$ 86,276.36
B10 - Fire Truck	\$ 116,669.47
B11 - EMS	\$ 242,006.14
B12 - EMS Vehicle Replacement	\$ 65,875.00
B14 - Severance Pay Reserve Fund	\$ 60,760.01
B15 - VET's Memorial	\$ 2,524.88
B17 - Ind Dr Alcohol Monitor	\$ 100.00
B18 - COVID Relief	\$ -
B20 - FEMA - Grant	\$ -
D01- Permanent Improvement	\$ 42,151.00
D02-Ohio DOD Infrastructure Grant	\$ 4,000.00
E1 - Water	\$ 596,175.87
E2 - Sewer	\$ 635,254.20
E5 - Trash	\$ 74,446.87
E6 - Deposit	\$ 8,676.30
E8 - Compost	\$ 26,807.84
E14 - Storm Sewer	\$ 213,190.65
G5 - Cemetery	\$ 22,080.00
G6 - Indigent Driver	\$ 3,699.66
G7 - FOJ	\$ 2,536.28
G8 - Mayor's Court	\$ 7,562.40
H1 - Police	\$ 297,169.66
H3 - Street Lighting	\$ 37,180.82
	\$ 4,039,202.80

2023 GENERAL FUND REVENUE

REVENUE

A01-A-111	Real Estate Tax	50,000.00	
A01-A-111-1	General Trailer Tax	300.00	
A01-A-112	Gen. Tangible Pers. Prop. Tax	—————	
A01-A-114	Village Income Tax	335,000.00	320K in 2022 budget
A01-B-122	General Inheritance Tax	—————	
A01-B-123	Gen. Cigarette Tax	125.00	
A01-B-125	Gen. Liquor Tax	2,900.00	
A01-B-127	Gen. State Income Tax	32,000.00	
A01-B-128	Gen. Local Gov/Rev. Assistance	—————	
A01-A-129	Other Local Tax		
A01-B-129	Intergovernmental	7,500.00	
A01-D-142	Engineering		created 8/21
A01-D-142-3	OPWC/Natureworks Grant		
A01-F-162	Gen. Licenses & Permits	7,500.00	Mediacom
A01-F-163	Prisoners	—————	
A01-H-182	General Interest	500.00	
A01-H-184	Gen. Miscellaneous	1,000.00	
A01-H-185	Payment in lieu of taxes-CRA	1,150.00	Mowery/SOLAR
	TOTAL	437,975.00	
	Approx. Carryover	737,376.82	
	Balance	1,175,351.82	

IN & OUT

A01-F-161	Gen. Fines & Forfeitures	5,000.00
A01-F-161-A	Police - from fines	200.00

Amount Available for Expenses 1,180,551.82

2023 APPROPRIATIONS FOR GENERAL FUND

LINE	DESCRIPTION	AMOUNT	
A01-1-A-220	POLICE T&T	4,000.00	
A01-1-A-240	POLICE OPER & MAINT	-	
A01-2-B-230	PUBLIC HEALTH & WELFARE	-	
A01-3-B-211	PARKS SALARIES	36,000.00	
A01-3-B-212	PARKS BENEFITS	7,000.00	
A01-3-B-220	PARKS TRAVEL & TRAINING	150.00	MOSQUITO TRAINING
A01-3-B-230	PARKS CONTRACTUAL	1,500.00	AEP
A01-3-B-240	PARKS OPER. & MAINT.	15,000.00	
A01-3-B-250	PARKS CAPITAL	35,000.00	5-10k for footers at Vet Mem Cemetery (cost is abt 25k to complete)
A01-3-B-251	CDBG - VILLAGE MATCH PARK DRAINAGE	-	and Choice One master pain 4500.00
A01-4-A-230	GENERAL ZONING BOARD CONTRACTUAL	3,500.00	2500SAL 1000 INSP
A01-4-A-240	GENERAL ZONING OPER & MAINT.	500.00	POSTAGE FOR ZONING
A01-4-B-230	HOUSING INSPECTOR CONTRACTUAL	-	WAGES
A01-4-B-240	HOUSING INSPECTOR OPER & MAINT	-	INS
A01-5-D-250	ENGINEERING		NEWLY CREATED 8/21
A1-6A-250	CRA CAPITAL OUTLAY	-	
A1-7-A-211	GENERAL MAYOR SALARY	9,600.00	
A1-7-A-212	GENERAL MAYOR BENEFITS	2,000.00	
A1-7-A-220	GENERAL MAYOR TRAVEL & TRAINING	1,000.00	
A1-7-A-230	GENERAL MAYOR CONTRACTUAL	1,500.00	MONTHLY BILLS
A1-7-A-240	GENERAL MAYOR OPER. & MAINT.	1,000.00	
A1-7-A-250	GENERAL MAYOR CAPITAL OUTLAY	-	
A1-7-B-211	COUNCIL SALARIES	24,400.00	4200x4 + 3800x2
A1-7-B-2111	ADMINISTRATOR SALARIES	34,000.00	
A1-7-B-212	GENERAL LEGISLATIVE BENEFITS	3,500.00	
A1-7-B-2121	ADMINISTRATOR BENEFITS	17,000.00	
A1-7-B-220	COUNCIL/ADMINISTRATIVE TRAVEL & TRAINING	1,500.00	
A1-7-B-230	COUNCIL CONTRACTUAL	16,000.00	
A1-7-B-240	COUNCIL OPER. & MAINT.	4,100.00	
A1-7-B-250	COUNCIL CAPITAL OUTLAY	5,000.00	
A1-7-C-211	MAYOR'S COURT CLERK SALARIES	6,500.00	
A1-7-C-212	MAYOR'S COURT CLERK BENEFITS	2,000.00	
A1-7-C-220	MAYOR'S COURT CLERK TRAVEL	1,000.00	
A1-7-C-230	MAYOR'S COURT CONTRACTUAL	2,500.00	Baldwin
A1-7C-239	STATE ROTARY FEES M/C	-	
A1-7-C-240	GEN. MAYOR'S COURT OPERATION	2,200.00	translator/BALDWIN
A1-7-D-211	FISCAL OFFICER-TREAS SALARIES	18,000.00	
A1-7-D-212	FISCAL OFFICER-TREAS BENEFITS	18,000.00	
A1-7-D-220	FISCAL OFFICER TRAVEL & TRAINING	1,000.00	
A1-7-D-230	FISCAL OFFICER CONTRACTUAL	2,000.00	
A1-7-D-240	FISCAL OFFICER OPER. & MAINT.	2,000.00	
A1-7-D-250	FISCAL OFFICER CAPITAL OUTLAY	1,000.00	
A1-7-E-230	GEN LANDS & BUILDING CONTRACTUAL	14,000.00	MONTHLY BILLS
A1-7-E-240	GEN LANDS & BUILDING OPER. & MAINT.	11,000.00	
A1-7-E-250	GEN LANDS & BUILDINGS CAPITAL	6,000.00	5k locator
A1-7-G-230	PAULDING COUNTY AUDITOR FEES CONTRACTUAL	4,000.00	
A1-7-I-230	RITA ADMIN FEE	14,000.00	
A1-7-I-231	STATE AUDITOR FEE	20,000.00	
A-1-7-I-239	INCOME TAX REFUNDS	500.00	added to ss 8/21
A1-7-J-230	GEN ELECTIONS & WORKERS COMP	8,000.00	2023 premium - pay end of year
A1-7-K-230	SOLICITOR CONTRACTUAL	30,000.00	
A1-7-X-212	EMPLOYEE HEALTH DEDUCTIBLE	-	disc for 2022
		386,950.00	

IN & OUT

A1-7-X-270	GEN FUND TRANSFER-Police-Water-lighting	167,000.00	152,000 police 15000 light
A1-7-X-2714	GEN FUND TRANSFER TO SEVERANCE PAY	9,576.25	SEVERANCE PAY FUND TRANSFER
A1-1-A-250	POLICE - CAP. FROM FINES	500.00	

TOTAL APPROPRIATIONS 564,026.25

152,000 (MAY ADD 38k MORE NOT USED IN 2022) police in 2022, 15000 | 2023 Transfer
 152,000 police in 2022, 7500 lighting | 2022 Transfer
 152,000 police in 2021 (no lighting or fire needed) | 2021 Transfer
 152K - 2021, 152K - 2020, 148K - 2019, 128k - 2018, 179K - 2017 for cruise | Police
 0 - 2021, 0 - 2020, 35K - 2019, 0 - 2018, 10K - 2017 | Water Fund
 7500 - 2020, 7500 - 2019, 7500 - 2018, 7500 - 2022 | Severance Fund
 Lighting

2023 STREET BUDGET

REVENUE

B1-B-124	Street MVR Fees	10,000.00
B1-B-126	Street Gas Tax	85,000.00
B1-H-182	Street Interest	-
B1-H-184	Misc.	-
B1-H-185	Transfer from General	-
TOTAL		95,000.00
Approx. Carryover		119,371.62
Amount Available for Expenses		214,371.62

APPROPRIATIONS

Streets		
B1-6-B-211	Salaries/Wages	34,000.00
B1-6-B-212	Employee Benefits	20,000.00
B1-6-B-220	Travel & Training	-
B1-6-B-230	Street Repair Contractual	8,500.00
B1-6-B-240	Oper & Maint.	12,000.00
B1-6-B-250	Capital Outlay	70,000.00
B1-6-D-230	Street Contractual	6,000.00
B1 6D 261	OPWC Loan-Daggett St	708.70
B1 6D 2611	OPWC Loan-Cleve-Wash	1,929.42
Snow Removal		
B1-6-C-230	Contractual	8,000.00
B1-6-C-240	Oper & Maint.	4,000.00
B1-6-C-250	Capital Outlay	-
Traffic Signals/Signs		
B1-6-E-230	Contractual	5,000.00
B1-6-E-240	Oper & Maint.	2,000.00
B1-6-E-250	Capital Outlay	1,000.00
TOTAL APPROPRIATIONS		173,138.12

22k PAT/PAV 23k RR St(see wat&storm), 20k shaff
monthly bills

SNOW PLOW COMP
salt for spreader
plow for 2023

MONTHLY BILLS
SIGNS

** shaffer rd eng cost to come ouf of Cares fund

2023 STATE HIGHWAY BUDGET

REVENUE

B02-B-124	MVR Fees	700.00
B02-B-126	Gas Tax	6,500.00
B02-H-182	Interest	-
	TOTAL	7,200.00
	Approx. Carryover	31,076.08
	Amount Avail. For Expenses	38,276.08

APPROPRIATIONS

B02-6-A-250	Capital Improvements	10,000.00
	TOTAL	10,000.00

2023 LAW ENFORCEMENT TRAINING

REVENUE

B5-D-144	CPT GRANT	-
	TOTAL	-
	Approx. Carryover	1,714.20
	Amount Avail. For Expenses	1,714.20

APPROPRIATIONS

B5-1A-230	LAW ENFOR TRAINING	1,714.20
	TOTAL	1,714.20

2023 FEDERAL REV. - MAYOR'S COURT BUDGET

REVENUE

B7-F-161	From Fines and Forf.	200.00
	TOTAL	200.00
	Approx. Carryover	1,232.54
	Amount Avail. For Expenses	1,432.54

APPROPRIATIONS

B7-7-A-240	Operation & Maintenance	200.00
B7-7-A-250	Capital Outlay	-
	TOTAL	200.00

baldwin gen may court

2023 PERMISSIVE TAX BUDGET

REVENUE

B8-B-113	State License Plate Tax	16,000.00
B8-B-128	County Permissive Tax	9,000.00
B8-H-182	Permissive Tax Checking Interest	-
	Approx. Carryover	32,713.13
	Amount Avail. For Expenses	57,713.13

APPROPRIATIONS

B8-6-A-250	Capital Improvements	25,000.00
	TOTAL	25,000.00

Brian says no more pat&pave

20K is for erie st

Sara says we take 5000 out of street for patching so a total of close to 30K for paving

2023 FIRE BUDGET

REVENUE

B09-A-111	Real Estate	21,000.00	Fire Truck Has own fund
B09-A-111-1	Trailer Tax	100.00	
B09-A-112	Personal Property Tax	—————	
B09-A-152	Misc.	-	DONATIONS
B09-B-129	Intergovernmental	2,800.00	
B09-D-142	BWC Grant	-	
B09-D-146	Fire Training Grants	-	
B09-D-147	Fire Protection Clothing Grant	—————	ash says its w equip grant
B09-D-148	Fire Grant MARCS	3,360.00	Mark's radio SERVICE
B09-D-149	Fire Equip Grant - include clothin	-	
B09-E-151-1	Contracts	21,479.44	17K Carryall 4479.44 Harrison
B09-G-170	Loan for fire truck	-	
B09-H-182	CD Interest	—————	
B09-H-191	Transfer In		
	TOTAL	48,739.44	
	Approx. Carryover	37,536.92	
	Amount Avail. For Expenses	86,276.36	

APPROPRIATIONS

B9-1-A-211	Salary	17,000.00	
B9-1-A-212	Benefits	2,500.00	
B9-1-A-220	Travel & Training	3,000.00	
B9-1-A-230	Contractual	20,000.00	MARKS SERVICE 3360.00
B9-1-A-240	Operation & Maint.	14,000.00	paint OUTSIDE/1800 OIL CHGS
B9-1-A-250	Capital	18,000.00	garage door openers/cabinets
B9-1-A-251	Protective Clothing Grant/training		
B9-1-A-253	BWC Grant	-	
B09-1-A-0261100	Tanker Truck Principle		moved payment to B10 2021 (pay-off)
B09-1-A-0261200	Tanker Truck Interest		moved payment to B10 2021 (pay-off)
B09-1-A-2620000	Fire Truck Loan Interest		pd off 2020
B09-1-B-0250000	Tanker Truck Original Purchase	—————	pd in 2016
	TOTAL	74,500.00	

2023 FIRE TRUCK LEVY

REVENUE

B10-A-111	Fire Truck Levy Real Estate	50,000.00
B10-A-111-10	Fire Truck Levy TRAILER tax	300.00
B10-B-129	Intergovernmental	2,000.00
	TOTAL	52,300.00
	Approx. Carryover	64,369.47
	Amount Avail. For Expenses	116,669.47

APPROPRIATIONS

B10-1-B-261	Fire Truck Loan Principle	_____
B10-1-B-262	Fire Truck Loan Interest	_____
	TOTAL	-

Levy to bring in 50K

2023 EMS BUDGET

REVENUE

B11-B-111	Real Estate	13,000.00
B11-B-111-1	Trailer Tax	90.00
B11-B-112	Personal Property	-----
B11-B-129	State Rollback-Intergovernmental	2,000.00
B11-B-152	Miscellaneous	-
B11-B-152-1	Contracts	22,000.00
B11-B-1522	EMS Building Note	-----
B11-B-1523	EMS Grant	5,000.00
B11-E-152	Run Receipts	60,000.00
B11-I-192	Transfer from General	-
	TOTAL	102,090.00
	Approx. Carryover	139,916.14
	Amount Avail. For Expenses	242,006.14

APPROPRIATIONS

B11-1-B-211	Salary	50,000.00
B11-1-B-212	Benefits	10,000.00
B11-1-B-220	Travel & Training	10,000.00
B11-1-B-230	Contractual	30,000.00
B11-1-B-240	Oper. & Maint.	24,000.00
B11-1-B-250	Capital Outlay	20,000.00
B11-1B-2501	EMS Vehicle Replacement set aside	10,000.00
B11-7X-291	Reimbursement - other use	1,000.00
	TOTAL	155,000.00

meeting room - entry doors/camers keyless entry

2023 EMS VEHICLE REPLACEMENT BUDGET

2022 REVENUE

B12-E-152	EMS Vehicle Replacement	10,000.00
	TOTAL	10,000.00
	Approx. Carryover	55,875.00
	Amount Avail. For Expenses	65,875.00

2022 Appropriations

B126B 250	EMS VEHICLE FUND	-
	Total Appropriations	0.00

2023 SEVERANCE PAY RESERVE FUND

REVENUE

B14-10191	Transfer In	9,576.25
	TOTAL	9,576.25
	Approx. Carryover	51,183.76
	Amount Avail. For Expenses	60,760.01

APPROPRIATIONS

B14-7X0211	Severance Pay	60,760.01
	TOTAL	60,760.01

George as of Dec 2022- 2510 (/2) + 60 FOR 2023 - 1315 hrs avail at 25.00 p/h(84.2) =32875.00
 Curtis as of Dec 2022 1100/2 + 60 FOR 2021 = 610 hrs avail at 27.05 =16500.50, NOT OLD ENOUGH
 Bill as of Dec 2022 1079/2 + 60 FOR 2021 = 599.5 hrs avail at 18.99 = 11384.51
 Aimee does not have 10 years in
 Chris does not have 10 years in

2023 VETS MEMORIAL

REVENUE

B15 H 183	Vet's Memorial Revenue	75.00
		-
		-
TOTAL		75.00
Approx. Carryover		2,449.88
Amount Avail. For Expenses		2,524.88

APPROPRIATIONS

B15 3B 240	Vet's Memorial Expenses	600.00	
			engraving 600
TOTAL		600.00	

2023 IND DR ALCOHOL MONITOR

REVENUE

B17-B-161	IND DR ALCOHOL MONITOR	
	TOTAL	-
	Approx. Carryover	100.00
	Amount Avail. For Expenses	100.00

APPROPRIATIONS

B17-1-A-250	MONITOR DEVICE	-
	TOTAL	-

2023 COVID

REVENUE

B18D014100	CARES ACT	-
B18D014200	ARPA (American Rescue Plan Act)	-
	TOTAL	-
	Approx. Carryover	-
	Amount Avail. For Expenses	-

APPROPRIATIONS

B18-1-X-273-00	CARES ACT	-	
B18-1-X-274-00	ARPA (American Rescue Plan Act)	-	make match rev
	TOTAL	-	

2023 FEMA GRANT

REVENUE

B20D0142	FEMA GRANT	-
B20I0192	TRANSFER IN - VILLAGE MATCH	-
	TOTAL	-
	Approx. Carryover	-
	Amount Avail. For Expenses	-

APPROPRIATIONS

B201B0250	FEMA FIRE GRANT EXP	-
	TOTAL	-

2023 PERMANENT IMPR

REVENUE

D01H018110	SALE OF BLDGS	-
		-
	TOTAL	-
	Approx. Carryover	42,151.00
	Amount Avail. For Expenses	42,151.00

APPROPRIATIONS

D017X0250	CAPITAL OUTLAY	42,151.00
	TOTAL	42,151.00

2023 PERMANENT IMPR

REVENUE

D02D014200	INFRASTRUCTURE GRANT	-
		-
	TOTAL	-
	Approx. Carryover	4,000.00
	Amount Avail. For Expenses	4,000.00

APPROPRIATIONS

D025X0250	GRANT CAPITAL OUT	-
D027X0275	ADVANCE OUT	
	TOTAL	-

2023 WATER REVENUE

REVENUE

E1-E-155-1	Water Rent	475,000.00	2023 (325K + 150K)
E1-E-155-2	Water Tap Fees	750.00	
E1-E-155-3	Bulk Water	-	
E1-E-1556	Loan Antwerp Bank was Capmark		
E1-E-155-7	Water Misc.	100.00	
E1-H-182	CD Interest	_____	
E1-I-192	Transfer from general	-	
	TOTAL	475,850.00	
	Approx. Carryover	120,325.87	
	Amount Avail. For Expenses	596,175.87	

2023 WATER APPROPRIATIONS

FISCAL OFFICER			
E1-5-A-211	Salaries/Wages	11,000.00	
E1-5-A-212	Employee Benefits	10,000.00	ins
E1-5-A-220	Travel & Training	500.00	
E1-5-A-230	Contractual	1,500.00	MONTHLY BILLS
E1-5-A-240	Oper & Maint.	1,000.00	
E1-5-A-250	Capital Outlay	1,000.00	
Billing			
E1-5-B-211	Salaries/Wages	7,000.00	
E1-5-B-212	Employee Benefits	1,100.00	
E1-5-B-220	Travel & Training	-	
E1-5-B-230	Contractual	3,000.00	MONTHLY BILLS
E1-5-B-240	Oper & Maint.	1,500.00	MAKE SURE 50%
E1-5-B-250	Capital Outlay	500.00	new handheld
Filtration			
E1-5-D-211	Salaries/Wages	78,000.00	
E1-5-D-212	Employee Benefits	40,000.00	
E1-5-D-220	Travel & Training	1,200.00	
E1-5-D-230	Contractual	43,000.00	MONTHLY BILLS (26000 aep)
E1-5-D-231	Chemicals	30,000.00	
E1-5-D-240	Oper & Maint.	10,000.00	
E1-5-D-250	Capital Outlay	5,000.00	2k for scale OR CHLORNATOR
Pumping			
E1-5-E-230	Contractual	15,000.00	MONTHLY BILLS
E1-5-E-240	Oper & Maint.	28,000.00	
E1-5-E-250	Capital Outlay	14,000.00	13K LAYMANS STAGES
Distribution			
E1-5-F-230	Contractual	12,000.00	Pudge
E1-5-F-240	Oper & Maint.	10,000.00	REPAIR CLAMPS
E1-5-F-250	Capital Outlay	43,000.00	3 HYDRANTS/23000 RR SV/15K New handhl
Meters			
E1-5-G-240	Oper & Maint.	6,000.00	METERS SUPPLIES
E1-5-G-250	Capital Outlay	5,000.00	METERS
Automotive			
E1-5-H-240	Oper & Maint.	4,000.00	50% SEWER
E1-5-H-250	Capital Outlay	2,000.00	
Lands & Buildings			
E1-5-I-230	Contractual	350.00	MONTHLY BILLS & FRIE EXT TEST
E1-5-I-240	Oper & Maint.	2,000.00	
E1-5-I-250	Capital Outlay	2,000.00	
Other			
E1-5-J-230	Other Misc	500.00	refund water
E1-5-J-240	Oper & Maint.	1,000.00	
E1-5-J-250	Capital Outlay	1,000.00	
Loan Payments			
E1-5X-260	OPWC CE15W CANAL/MAIN	6,916.72	repeat yearly
E1-5X-260-D	OWDA 4453 PRINCIPAL	49,732.90	
E1-5X-260-J	OPWC-W. DAGGET CE48M	3,063.56	repeat yearly
E1-5X-260-K	OPWC-W. DAGGET-CT19M	3,829.46	repeat yearly
E1-5X-260L	OPWC-US24-CE23N	1,389.12	repeat yearly
E1-5X-260M	OPWC WOODCOX CE09S	4,198.66	repeat yearly
E1-5X-260N	OPWC WATER TRMT PLANT	2,924.16	repeat yearly
E1-5X-260P	OWDA WATER TRMT PLANT	1,298.05	chgs yearly
E1-5X-260Q	OWDA ASSET MGMT PLAN	2,540.80	repeat yearly
E1-5X-2610	WATER SYSTEM INTEREST		
E1-5X-261D	OWDA 4453 INTEREST	6,888.24	
E1-5X-261P	OWDA 8168 INTEREST	1,500.49	chgs yearly

TOTAL APPROPRIATIONS 475,432.16

2023 SEWER REVENUE

REVENUE

E2-B-129	Intergovernmental TIF	0.00	ck in 2023 to see if 0.00
E2-E-155	Loan from Antwerp Bank		paid off 2017
E2-E-156	Loan from Antwerp Bank was capmark		paid off 2019
E2-E-156-1	Sewer Rent	300000.00	increase 10K from 2022
E2-E-156-3	Sewer Application Fee	150.00	
E2-E-156-4	Sewer Land Rent	5084.80	
E2-H-182	CD Interest/Transfer from General	0.00	
E2-H-184	Sewer Misc.		
E2-H-185	MISC TIFF Agreement	0.00	
	TOTAL	305,234.80	
	Approx. Carryover	330,019.40	
	Amount Avail. For Expenses	635,254.20	

2023 TRASH

REVENUE

E5 E 155	TRASH COLLECTION	62,000.00
E5 X 192	TRANS FROM GENERAL	_____
E5 X 193	ADVANCE IN	_____
		-
	TOTAL	62,000.00
	Approx. Carryover	12,446.87
	Amount Avail. For Expenses	74,446.87

APPROPRIATIONS

E 55E 230	TRASH CONTRACTUAL	62,000.00
E 55X 274	ADVANCE OUT	_____
	TOTAL	62,000.00

2023 DEPOSIT FUND

REVENUE

E6-E-157	WATER DEPOSITS	\$600.00	
	Approx. Carryover	\$8,076.30	
	amount avail for Expenses	\$8,676.30	

EXPENSES

E6-5F-272	Deposit Refunded	\$300.00	
E6-5F-273	Deposit Applied	\$300.00	
	Total	\$600.00	

2023 COMPOST

REVENUE

E08-E-0157	Compost Collections	11,000.00
		-
		-
TOTAL		11,000.00
Approx. Carryover		15,807.84
Amount Avail. For Expenses		26,807.84

APPROPRIATIONS

E08-5E-0230	Compost Contractual	17,000.00
E08-5E-240	Compost Operation & Maint	
		-
		-
TOTAL		17,000.00

2023 STORM SEWER

REVENUE

E14-H-155	Loan from Antwerp Bank	_____
E14-H-1522	Storm Sewer Tap Fee	_____
E14-H-1851	Storm Sewer Maint Fees	44,000.00
E14-H-192	Storm Sewer Other	_____
TOTAL		44,000.00
Approx. Carryover		169,190.65
Amount Avail. For Expenses		213,190.65

APPROPRIATIONS

E146D-211	Storm Sewer Salaries/Wages	5,000.00
E146D-212	Storm Sewer Benefits	1,000.00
E146D-230	Storm Sewer Contractual	10,000.00
E146D-240	Storm Sewer Supplies	20,000.00
E146D-250	Storm Sewer Capital	38,000.00
E146D-261	Storm Sewer Debt-Principal	_____
E146D-262	Storm Sewer Debt-Interest	_____
TOTAL		74,000.00

catch basin/ rr st 23k

2023 CEMETERY FUND BUDGET

REVENUE

G5-A-111	General Real Estate Tax	21,000.00
G5-A-111-1	House Trailer Tax	80.00
G5-A-112	Property Tax	-
G5-B-129	Intergovernmental	1,000.00
TOTAL		22,080.00
Approx. Carryover		-
Amount Avail. For Expenses		22,080.00

shld never be any

APPROPRIATIONS

G5-2-A-230	Auditor's Fees	1,000.00
G5-2-A-270	Cemetery Trust	21,080.00
TOTAL		22,080.00

INDIGENT DRIVER ALCOHOL FUND 2023 BUDGET

REVENUE

G6-A-161	Indigent Driver	
	TOTAL	-
	Approx. Carryover	3,699.66
	Amount Avail. For Expenses	3,699.66

No Appropriations

2023 FOJ FUND

REVENUE

G7-F-161	Fines	-
	TOTAL	-
	Approx. Carryover	2,536.28
	Amount Avail. For Expenses	2,536.28

APPROPRIATIONS

G7-7-X-240	FOJ Supplies & Materials	-
G7-7-X-250	FOJ Capital Outlay	
G7-7-X-273	FOJ Other Uses	2,536.28
	TOTAL	2,536.28

2023 MAYOR'S COURT RECEIPTS

REVENUE

G8 I 195	Mayor Court Receipts	7,000.00
	TOTAL	7,000.00
	Approx. Carryover	562.40
	Amount Avail. For Expenses	7,562.40

APPROPRIATIONS

G8 7X 240	Mayor Court Misc	100.00
G8 7X 275	Payment to State	1,500.00
G8 7X 2751	Payment to Village	5,400.00
	TOTAL	7,000.00

POLICE 2023 BUDGET

REVENUE

H1-A-111	Real Estate Tax	90,000.00
H1-A-111-1	Trailer Tax	550.00
H1-A-112	Personal Property Tax	-
H1-B-129	Intergovernmental - State	12,400.00
H1-H-184	Misc.	-
H1-H-185	General Fund Transfer	152,000.00
	Approx. Carryover	42,219.66
	TOTAL	297,169.66

38K not used in 2022

APPROPRIATIONS

H1-1-A-211	Salary	175,500.00
H1-1-A-212	Benefits	84,000.00
H1-1-A-230	Contractual	18,000.00
H1-1-A-240	Operation & Maint.	17,000.00
H1-1-A-250	Capital	2,500.00
	TOTAL	297,000.00

Projecting collection of \$25,000.00 in fines that go to General Fund
POLICE CAN'T FUND THE POLICE FUND WITH FINE MONEY
 Fine money goes into general fund - then we transfer to police from general
 Only income in police fund is levy money

2023 STREET LIGHTING BUDGET

REVENUE

H3-C-136	Auditor	15,000.00
H3-H-182	Transfer from General Fund	15,000.00
H3-H-184	Misc	-
TOTAL		30,000.00
Approx. Carryover		7,180.82
Amount Avail. For Expenses		37,180.82

APPROPRIATIONS

H3-1-A-230	Contractual	30,000.00	INCREASE
H3-1-A-240	Operations & Maintenance	-	
TOTAL		30,000.00	

Ordinance No.

Passed 19.....

ORDINANCE NO. 2022-30

AN ORDINANCE AUTHORIZING THE FISCAL OFFICER OF THE VILLAGE OF ANTWERP, OHIO TO AMEND APPROPRIATIONS AND DECLARING IT AN EMERGENCY

WHEREAS, the Fiscal Officer has determined that it is necessary to amend the following appropriations, and

WHEREAS, Council must approve the amending of appropriations pursuant to Ohio Revised Code Section 5705.40.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Ohio:

Section 1: The Fiscal Officer is hereby authorized to amend the following appropriations:

**VILLAGE OF ANTWERP
2022 REAPPROPRIATIONS**

	ORIGINAL APPR	ADJUSTMENT	REAPPROP BALANCE
A01 - GENERAL FUND	\$ 558,373.00	(131,988.15)	426,384.85
B01 - STREET FUND	\$ 196,138.12	(110,662.53)	85,475.59
B02 - STATE HIGHWAY FUND	\$ 10,000.00	(8,695.00)	1,305.00
B05 - LAW ENFORCEMENT FUND	\$ 1,131.34	(1,131.34)	-
B07 - FED-MAYOR COURT	\$ 2,000.00	(1,890.00)	110.00
B08 - PERMISSIVE TAX	\$ 25,000.00	(1,800.00)	23,200.00
B09 - FIRE FUND	\$ 73,500.00	(11,463.17)	62,036.83
B10 - FIRE TRUCK LEVY FUND	\$ -	-	-
B11 - EMS FUND	\$ 132,000.00	(17,472.49)	114,527.51

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

<i>Ordinance No.</i>	<i>Passed</i>			<i>19</i>
	\$			
B12 - EMS VEHICLE REPL FUND	-	-	-	
	\$			
B14 - SEVERANCE PAY RES FUND (NEW IN 2017)	55,356.76	(55,356.76)	-	
	\$			
B15 - VETS MEMORIAL	600.00	(180.00)	420.00	
	\$			
B17 - IND DR ALCOHOL MONITOR	-	-	-	
	\$			
B18 - CARES ACT OTHER USES	176,296.04	(17,499.49)	158,796.55	
	\$			
B20 - FEMA FIRE GRANT CAPITAL	-	-	-	
	\$			
D01 - PERMANENT IMPROVEMENT FUND	42,151.00	(42,151.00)	-	
	\$			
D02 - DOD WATER INFRASTRUCTURE GRANT	-	37,785.38	37,785.38	
	\$			
E01 - WATER FUND	417,241.94	(69,398.01)	347,843.93	
	\$			
E02 - WASTEWATER FUND	282,732.52	(16,889.78)	265,842.74	
	\$			
E05 - TRASH	62,000.00	188.93	62,188.93	
	\$	\$		
E06 - DEPOSIT FUND	600.00	1,160.91	1,760.91	
	\$			
E08 - COMPOST FUND	15,000.00	1,020.60	16,020.60	
	\$			
E14 - STORM SEWER	51,000.00	(33,914.18)	17,085.82	

7100/104/00862061-2BT

RECORD OF ORDINANCES

503

Dayton Legal Blank Co.

Form No. 30043

	\$	Passed		19
G05 - CEMETERY FUND <small>Ordinance No.</small>	22,080.00	1,254.63	23,334.63	
G06 - INDIGENT DRIVER	-	-	-	
G07 - FOJ FUND	2,536.28	(2,536.28)	-	
G08 - MAYORS COURT	25,000.00	(14,131.50)	10,868.50	
H01 - POLICE FUND	295,500.00	(59,202.30)	236,297.70	
H03- STREET LIGHTING	21,700.00	4,596.84	26,296.84	
GRAND TOTAL	\$ 2,467,937.00	\$ (550,504.69)	\$1,917,432.31	

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

Section 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village and for the further reason that the appropriations identified herein need to be amended in 2022 and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Date: 12-28-22

Janice Reeb
 Jan Reeb
 Mayor of the Village of Antwerp

Attest:
Aimee Lichy
 Aimee Lichy, Fiscal Officer

7100/104/00862061-2B1

see other
 side

RECORD OF ORDINANCES

Ordinance No. _____ Passed _____ 19____

G05 - CEMETERY FUND	\$ 22,080.00	1,254.63	23,334.63
G06 - INDIGENT DRIVER	\$ -	-	-
G07 - FOJ FUND	\$ 2,536.28	(2,536.28)	-
G08 - MAYORS COURT	\$ 25,000.00	(14,131.50)	10,868.50
H01 - POLICE FUND	\$ 295,500.00	(59,202.30)	236,297.70
H03- STREET LIGHTING	\$ 21,700.00	4,596.84	26,296.84
GRAND TOTAL	\$ 2,467,937.00	\$ (550,354.69)	\$1,917,582.31

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

Section 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village and for the further reason that the appropriations identified herein need to be amended in 2022 and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Date: 12.28.22

Janice Reeb
Jan Reeb
Mayor of the Village of Antwerp

Attest:
Aimee Lichty
Aimee Lichty, Fiscal Officer

Ordinance No.

Passed 19

ORDINANCE NO. 2023-01

AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER \$114,000.00 FROM THE GENERAL FUND TO THE POLICE FUND, AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Village Fiscal Officer has determined that it is necessary to transfer certain funds from the General Fund to the Police Fund to provide necessary funding for the operations of the police department, and

WHEREAS, the Village Council must approve certain transfers pursuant to Ohio Revised Code Section 5705.14, and

WHEREAS, this is a transfer of funds pursuant to Ohio Revised Code Section 5705.14(E), which requires a majority vote of the Village Council to authorize transfers from the General Fund to any other fund of the Village, and

WHEREAS, the Village Council elects to approve the transfer of funds from the General Fund to the Police Fund with the understanding that the Village is not required to seek any other approvals as may be required for other transfers of funds under Ohio Revised Code Sections 5705.15 and 5705.16.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Paulding County, Ohio:

Section 1. The Village Fiscal Officer is hereby authorized to transfer the sum of One Hundred Fourteen Thousand Dollars and Zero Cents (\$114,000.00) from the General Fund to the Police Fund.

Section 2. The transfer of these funds from the General Fund to the Police Fund is necessary for the operation of the police department of the Village of Antwerp.

Section 3. It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village and for the further reason that the Village is in immediate need of funds for the operation of the police department necessary for the well being of the residents and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Date Jan 18, 2023

Jan Reeb
Jan Reeb,
Mayor of the Village of Antwerp

Attest:
Aimee Lichty
Aimee Lichty, Fiscal Officer

Ordinance No.

Passed

19

ORDINANCE NO. 2023-02

AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER \$15,000.00 FROM THE GENERAL FUND TO THE STREET LIGHTING FUND, AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Village Fiscal Officer has determined that it is necessary to transfer certain funds from the General Fund to the Street Lighting Fund to provide the necessary revenue to pay the street lighting expenses from this fund; and

WHEREAS, the Village Council must approve certain transfers pursuant to Ohio Revised Code Section 5705.14; and

WHEREAS, this is a transfer of funds pursuant to Ohio Revised Code Section 5705.14(E), which requires a majority vote of the Village Council to authorize transfers from the General Fund to any other fund of the Village; and

WHEREAS, the Village Council elects to approve the transfer of funds from the General Fund to the Street Lighting Fund with the understanding that the Village is not required to seek any other approvals as may be required for other transfers of funds under Ohio Revised Code Sections 5705.15 and 5705.16.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Paulding County, Ohio:

Section 1. The Village Fiscal Officer is hereby authorized to transfer the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00) from the General Fund to the Street Lighting Fund.

Section 2. The transfer of these funds from the General Fund to the Street Lighting Fund is necessary to provide the revenue to pay the street lighting expenses of the Village of Antwerp.

Section 3. It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village and for the further reason that the Village is in immediate need of funds to provide the necessary revenue to pay the street lighting expenses necessary for the wellbeing of the residents and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Date Jan 18, 2023

Jan Reeb
Jan Reeb
Mayor of the Village of Antwerp

Attest:

Aimee Lichty
Aimee Lichty, Fiscal Officer

Ordinance No. ORDINANCE NO. 2023-03 Passed 19

AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER \$9,576.25 FROM THE GENERAL FUND TO THE SEVERANCE PAY RESERVE FUND

WHEREAS, the Village Fiscal Officer has determined that it is necessary to transfer certain funds from the General Fund to the Severance Pay Reserve Fund to accumulate the necessary resources for the payment of accumulated benefits as may be appropriate, which may include accumulated sick leave and/or vacation leave, and/or for payments in lieu of taking compensatory time off, payable upon the termination of employment or retirement of officers and employees of the Village of Antwerp, Ohio; and

WHEREAS, the Village Council, pursuant to Ohio Revised Code Section 5705.13(B), may transfer money to this special revenue fund from any other fund of the Village; and

WHEREAS, the Village Council desires to transfer funds from the General Fund to the Severance Pay Reserve Fund to accumulate the necessary resources for the purposes set forth in Ohio Revised Code Section 5705.13(B).

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Paulding County, Ohio:

Section 1. The Village Fiscal Officer is hereby authorized to transfer the sum of Nine Thousand Five Hundred Seventy-Six and 25/100 Dollars (\$9,576.25) from the General Fund to the Severance Pay Reserve Fund.

Section 2. The transfer of these funds from the General Fund to the Severance Pay Reserve Fund is necessary to accumulate the resources for the payment of accumulated benefits as may be appropriate, which may include accumulated sick leave and/or vacation leave, and/or for payments in lieu of taking compensatory time off, payable upon the termination of employment or retirement of officers and employees of the Village of Antwerp, Ohio.

Section 3. It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance shall take effect and be in force after the earliest period allowed by law.

Date: 3/20/2023

Jan Reeb
Jan Reeb
Mayor of the Village of Antwerp

Attest:
Kevin Hornish
Kevin Hornish, Fiscal Officer

First reading: January 18, 2023

Second reading: February 15, 2023

Third reading: March 20, 2023

Ordinance No.

Passed

19

ORDINANCE NO. 2023-04

AN ORDINANCE ADOPTING THE PERSONNEL MANUAL FOR THE VILLAGE OF ANTWERP, OHIO, INCLUDING ANY AND ALL AMENDMENTS THERETO AND ALL APPLICABLE STATEMENTS ATTACHED THERETO, FOR CALENDAR YEAR 2023, AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Council of the Village of Antwerp desires to adopt the Personnel Manual, including any and all amendments thereto and all applicable statements attached thereto, for the Village of Antwerp, Ohio, to be in effect for calendar year 2023.


NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, County of Paulding, State of Ohio:

Section 1. The Village of Antwerp, Ohio, adopts the Personnel Manual, including any and all amendments thereto and all applicable statements attached thereto, for calendar year 2023. The Personnel Manual, including any and all amendments thereto and all applicable statements, is kept in the office of the Fiscal Officer.

Section 2. It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 3. This Ordinance is deemed an emergency measure necessary for the preservation of the public health, safety and welfare and for the further reason to adopt the Personnel Manual for calendar year 2023, and this Ordinance shall take effect and be in force immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Date: Jan 18, 2023


Jan Reeb, Mayor

Attest:


Aimee Lichty, Fiscal Officer

Ordinance No. _____ **ORDINANCE NO. 2023-05** ^{Passed} _____ 19

AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO THIRD ADDENDUM TO THE AGREEMENT FOR COLLECTION, TRANSPORTATION AND DISPOSAL OF RESIDENTIAL SOLID WASTE WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF ANTWERP, OHIO

WHEREAS, the Village of Antwerp entered into an Agreement with Real Waste Disposal, LLC for the collection, transportation and disposal of residential solid waste within the corporate limits of the Village of Antwerp, Ohio (the "Agreement"), for a one (1) year period beginning April 1, 2020, and ending on March 31, 2021; and

WHEREAS, the Agreement provides that in its sole discretion, the Village of Antwerp may extend the term of the Agreement for four (4) successive one (1) year periods; and

WHEREAS, the Council authorized the first extension of this Agreement for a one (1) year period beginning April 1, 2021, and ending on March 31, 2022; and

WHEREAS, the Council authorized the second extension of this Agreement for a one (1) year period beginning April 1, 2022, and ending on March 31, 2023; and

WHEREAS, the Village desires to extend the Agreement for another one (1) year period beginning April 1, 2023, and ending on March 31, 2024; and

WHEREAS, the Council of the Village of Antwerp authorizes the Village Administrator to enter into a Third Addendum to the Agreement for the one (1) year period extension.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ANTWERP, COUNTY OF PAULDING, OHIO:

Section 1. That the Village of Antwerp elects to extend the one (1) year period of the Agreement with Real Waste Disposal, LLC for the collection, transportation and disposal of residential solid waste within the corporate limits of the Village of Antwerp, Ohio, for a one (1) year period beginning on April 1, 2023, and ending on March 31, 2024, and the Village Administrator is authorized to enter into a Third Addendum to the Agreement for this extension, which Addendum is attached hereto and incorporated herein by reference.

Section 2. That if any other prior ordinance or resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid, only that portion shall be held invalid and the remainder shall be in full force and effect.

Section 3. It is found and determined that all formal actions of the Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and


Ordinance No.

Passed 19

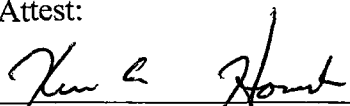
that all deliberations of the Council and any of its committees that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions in Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance shall take effect and be in force after the earliest period allowed by law.

Passed: 03, 20, 2023.


Jan Reeb, Mayor
Village of Antwerp

Attest:


Kevin Hornish, Fiscal Officer
Village of Antwerp

First Reading: January 18, 2023

Second Reading: February 15, 2023

Third Reading: March 20, 2023

Ordinance No. _____ Passed _____ 19__


**THIRD ADDENDUM TO AGREEMENT FOR THE COLLECTION,
TRANSPORTATION AND DISPOSAL OF RESIDENTIAL SOLID
WASTE WITHIN THE CORPORATE LIMITS OF THE
VILLAGE OF ANTWERP, OHIO**

THIS THIRD ADDENDUM is to amend an Agreement for the Collection, Transportation and Disposal of Residential Solid Waste within the Corporate Limits of the Village of Antwerp, Ohio between the Village of Antwerp, Ohio, and Real Waste Disposal, LLC ("Agreement"), which Agreement was entered into as of the 16th day of March, 2020.

The term of this Agreement was for a one (1) year period beginning on April 1, 2020, and ending on March 31, 2021, which was renewed for a successive one (1) year period beginning on April 1, 2021, and ending on March 31, 2022, and renewed for a second successive one (1) year period beginning on April 1, 2022, and ending on March 31, 2023. The Village now elects to extend the Agreement for another one (1) year period as provided in Section 1.1 of the Agreement and the Agreement is amended to reflect the term of the Agreement is for a one (1) year period beginning on April 1, 2023, and ending on March 31, 2024.

All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Third Addendum this 20 day of March, 2023.



Brian Davis, Administrator
Village of Antwerp

ATTEST:



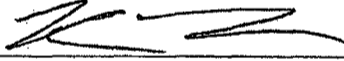
Kevin Horrish, Fiscal Officer

APPROVED AS TO FORM:



Melanie L. Farr, Village Solicitor

Real Waste Disposal, LLC

By:  _____

Name: Ryan Lassiter

Title: Member

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No......

Passed.....19.....

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Exhibit A

OHIO BASIC CODE, 2023 EDITION — SUMMARY OF CONTENTS

Notice is hereby given that on the 15 day of Feb., 2023, there was enacted by the Legislative Authority of the Municipality of _____, Ohio, an ordinance entitled "An Ordinance Approving, Adopting and Enacting American Legal Publishing's Ohio Basic Code, 2023 Edition, as the Code of Ordinances for the Municipality of Antwerp, Ohio."

A summary of the subjects, including all new matters contained in the Code of Ordinances, as adopted, are as follows. The majority of Basic Code provisions are based directly on state law.

TITLE I: GENERAL PROVISIONS

Chapter 10: General Provisions

- Section
- 10.01 Short titles
 - 10.02 Definitions
 - 10.03 Rules of construction
 - 10.04 Revivor; effect of amendment or repeal
 - 10.05 Construction of section references
 - 10.06 Conflicting provisions
 - 10.07 Severability
 - 10.08 Reference to offices
 - 10.09 Errors and omissions
 - 10.10 Ordinances repealed
 - 10.11 Ordinances unaffected
 - 10.12 Ordinances saved
 - 10.13 Application to future ordinances
 - 10.14 Interpretation
 - 10.15 Amendments to code; amendatory language
 - 10.16 Statutory references
 - 10.17 Preservation of penalties, offenses, rights and liabilities
 - 10.18 Determination of legislative intent

 - 10.99 General penalty

TITLE III: ADMINISTRATION

Chapter 30: General Provisions

- Section
- 30.01 Application of Title III
 - 30.02 Qualifications; oaths
 - 30.03 Bonds of officers and employees; amount
 - 30.04 Additional bond; where bonds recorded and kept
 - 30.05 Approval of bonds
 - 30.06 Sufficiency of form of bond
 - 30.07 Filling vacancies in offices
 - 30.08 Public records available
 - 30.09 Records Commission
 - 30.10 Meetings of public bodies to be open; exceptions; notice
 - 30.11 Municipal officers may attend conference or convention; expenses
 - 30.12 Residency requirements prohibited; exceptions

Chapter 31: Executive Authority

- Section
- General Provisions*
- 31.001 Executive power; where vested

Mayor

- 31.015 Term of Mayor; power and duties
- 31.016 General duties of the Mayor
- 31.017 Communications to the Legislative Authority
- 31.018 Protest against excess of expenditures
- 31.019 Supervision of conduct of officers
- 31.020 Annual report to the Legislative Authority
- 31.021 Mayor to file charges against delinquent officers
- 31.022 Vacancies in office of Mayor
- 31.023 Disposition of fines and other moneys

Clerk

- 31.040 Election, term, qualifications of the Clerk
- 31.041 Powers and duties of Clerk
- 31.042 Books and accounts; merger of offices
- 31.043 Seal of Clerk
- 31.044 Combined offices of Clerk and Treasurer; Fiscal Officer

Treasurer

- 31.060 Election, term, qualifications of the Treasurer
- 31.061 Accounts of Treasurer
- 31.062 Powers and duties
- 31.063 Quarterly account; annual report
- 31.064 Receipt and disbursement of funds
- 31.065 Duty of delivering money and property
- 31.066 Liability for loss of public funds

Street Commissioner

- 31.080 Qualifications
- 31.081 General duties
- 31.082 Assistants

Other Officials

- 31.100 Legal counsel
- 31.101 Administrator
- 31.102 Board of Trustees of Public Affairs
- 31.103 Fire Engineer, Engineer and Superintendent of Markets

Chapter 32: Legislative Authority

Section

General Provisions

- 32.001 Members of the Legislative Authority; election; terms of office
- 32.002 President Pro Tempore; employees
- 32.003 Vacancy when President Pro Tempore becomes Mayor
- 32.004 Qualifications of members of the Legislative Authority
- 32.005 Compensation and bonds of municipal officers and employees
- 32.006 Vacancy
- 32.007 Judge of election and qualification of members; quorum and special meetings
- 32.008 Rules; journal; expulsion of members
- 32.009 Meetings
- 32.010 General powers
- 32.011 Failure to take oath or give bond
- 32.012 Notice when new bond required
- 32.013 Care, supervision and management of public institutions

Contracts, Bids and Proceedings

- 32.025 Contracts by the Legislative Authority or Administrator

- 32.026 Bids and proceedings
- 32.027 Alterations or modifications of contract
- 32.028 Contract restrictions
- 32.029 Award to lowest responsive and responsible bidder

Ordinances and Resolutions

- 32.040 Ordinances and resolutions as evidence
- 32.041 Passage procedure
- 32.042 Style of ordinances
- 32.043 Subject and amendment of ordinances and resolutions
- 32.044 Authentication and recording of ordinances and resolutions
- 32.045 Publication of ordinances and resolutions; proof of publication and circulation
- 32.046 Notice for proposed amendments to the municipal Charter
- 32.047 Times of publication required
- 32.048 Publication and certification of ordinances in book form
- 32.049 Adoption of technical ordinances and codes
- 32.050 Certificate of Clerk as to publication
- 32.051 Publication when no newspaper published in municipality
- 32.052 Effect of not making publication
- 32.053 Ordinances providing for appropriations or street improvements; emergency ordinances

Initiative and Referendum

- 32.070 Initiative petitions
- 32.071 Referendum petitions
- 32.072 More than one ordinance required; application of subchapter
- 32.073 Presentation of petitions
- 32.074 Copy of proposed ordinance or measure to be filed with Clerk
- 32.075 Words to be printed in red
- 32.076 Designation of committee filing petition; public inspection of petitions; ordinances passed or repealed prior to election
- 32.077 Itemized statement by petition circulator
- 32.078 Prohibited practices relative to petitions
- 32.079 Accepting premiums for signing
- 32.080 Threats in securing signatures
- 32.081 Application of subchapter if Charter adopted

Chapter 33: Judicial Authority

Section

General Provisions

- 33.01 Jurisdiction in ordinance cases and traffic violations
- 33.02 Powers of Mayor and Mayor's Court Magistrate in criminal matters
- 33.03 Duties of Mayor and Mayor's Court Magistrate; fees; office; seal
- 33.04 Mayor's Court Magistrate
- 33.05 Powers to suspend driver's license in OVI cases

Contempt of Court

- 33.20 Summary punishment for contempt
- 33.21 Acts in contempt of court
- 33.22 Hearing
- 33.23 Contempt action for failure to pay support, failure to comply or interference with a visitation order; summons
- 33.24 Right of accused to bail
- 33.25 Hearing on contempt; penalties; support orders; failure to withhold or deduct money pursuant to support order
- 33.26 Imprisonment until order obeyed
- 33.27 Proceedings when party released on bail fails to appear
- 33.28 Release of prisoner committed for contempt
- 33.29 Judgment final
- 33.30 Alternative remedy

Chapter 34: Police Department

Section	
34.01	Marshal and Police Chief synonymous
34.02	Appointment of Marshal
34.03	Deputy marshals and police officers
34.04	Auxiliary police units
34.05	Offenses affecting employment of law enforcement officers; probationary period; final appointment
34.06	Removal proceedings; suspension; appeals
34.07	General powers
34.08	Powers and duties of Marshal
34.09	Disposition of fines and penalties
34.10	Property recovered by police
34.11	Disposition to claimant
34.12	Sale of unclaimed property; disposition of proceeds
34.13	Expenses of storage and sale; notice
34.14	Contracts for police protection; nonresident service without contract
34.15	Peace officer administering oaths; acknowledging complaints, summonses, affidavits and returns of court orders

Chapter 35: Fire Department

Section	
	<i>General Provisions</i>
35.01	Municipal fire regulations; fire department
35.02	Fire Chief; Fire Prevention Officer; employment of firefighters; criminal records check for firefighters
35.03	Schooling of officers and firefighters of fire department
35.04	Legislative Authority may purchase engines and equipment
35.05	Buildings for department
35.06	Records
35.07	Maximum consecutive hours for firefighters on duty
35.08	Investigation of cause of fire
35.09	Right to examine buildings, premises, and vehicles
35.10	Burning buildings for firefighting instruction or research
35.11	Impersonating fire safety inspector
35.12	Standards for equipment
35.13	Persons entitled to be known as firefighters
35.14	Firefighting and emergency services agreements
35.15	Regulation of construction in fire limits
	<i>Volunteer Firefighters' Dependents Fund Board</i>
35.30	Definitions
35.31	Establishment
35.32	Membership; vacancies
35.33	Election and term of members
35.34	Organization; rules and regulations; roster
35.35	Compensation and expenses of Board; legal advisor

Chapter 36: Civil Actions Against the Municipality

Section	
36.01	Definitions
36.02	Nonliability of municipality; exceptions
36.03	Defenses and immunities
36.04	Limitation of actions
36.05	Damages
36.06	Satisfaction of judgments
36.07	Defending and indemnifying employees
36.08	Liability insurance
36.09	Certain actions unaffected
36.10	Certain charges against municipal officers filed with Probate Judge; proceedings

TITLE V: PUBLIC WORKS

[Reserved]

TITLE VII: TRAFFIC CODE

Chapter 70: General Provisions

Section

General Provisions

- 70.01 Definitions
- 70.02 Compliance with order of police officer
- 70.03 Emergency vehicles to proceed cautiously past red or stop signal
- 70.04 Exceptions generally; emergency, public safety and coroner vehicles exempt
- 70.05 Persons riding or driving animals upon roadways
- 70.06 Prohibitions against pedestrians and slow-moving vehicles on freeways
- 70.07 Use of private property for vehicular travel
- 70.08 Names of persons damaging real property by operation of vehicle to be provided to owner
- 70.09 Limited access highways; barriers along; vehicles to enter and leave at designated intersections
- 70.10 Through highways
- 70.11 Officer may remove ignition key
- 70.12 Removal of vehicles after accidents

Traffic-Control Devices

- 70.30 Obeying traffic-control devices
- 70.31 Signal lights
- 70.32 Signals over reversible lanes
- 70.33 Ambiguous or non-working traffic signals
- 70.34 Pedestrian-control signals
- 70.35 Unauthorized signs and signals prohibited
- 70.36 Alteration, defacement, or removal prohibited
- 70.37 Unauthorized possession or sale of devices
- 70.38 Signal preemption devices; prohibitions

- 70.99 Penalty

Chapter 71: Licensing Provisions

Section

Motor Vehicle Licensing

- 71.01 Display of license plates or validation stickers; registration
- 71.02 Improper use of noncommercial motor vehicle
- 71.03 Operating motor vehicle ordered immobilized; forfeiture
- 71.04 Operation or sale without certificate of title
- 71.05 Display of certificate of registration
- 71.06 Use of unauthorized plates
- 71.07 Operating without dealer or manufacturer license plates

Driver's Licenses

- 71.20 Prohibited acts
- 71.21 Permitting minor to operate vehicle prohibited; temporary instruction permit; probationary license
- 71.22 License required as driver or commercial driver on public or private property; nonresident exemption
- 71.23 Employment of a minor to operate a taxicab prohibited
- 71.24 Restriction against owner lending vehicle for use of another
- 71.25 Suspension of driver's licenses; license suspended by court of record
- 71.26 Display of license
- 71.27 Prohibition against false statements
- 71.28 Driving under suspension or in violation of license restriction
- 71.29 Operating motor vehicle or motorcycle without valid license
- 71.30 Driving under OVI suspension

- 71.31 Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgment suspension
- 71.32 Failure to reinstate license

Commercial Driver's Licenses

- 71.45 Definitions
- 71.46 Use of actual gross weight in lieu of rating
- 71.47 Prohibited acts
- 71.48 Prerequisites to operation of commercial motor vehicle
- 71.49 Physical qualification to operate commercial motor vehicles
- 71.50 Criminal offenses
- 71.51 Application of federal regulations
- 71.52 Employment of drivers of commercial vehicles

- 71.99 Penalty

Chapter 72: Traffic Rules

Section

General Provisions

- 72.001 Lanes of travel upon roadways
- 72.002 Driving through safety zone
- 72.003 Vehicles traveling in opposite directions
- 72.004 Rules governing overtaking and passing of vehicles
- 72.005 Permission to overtake and pass on the right
- 72.006 Driving to left of center line
- 72.007 Prohibition against driving upon left side of roadway
- 72.008 Hazardous zones
- 72.009 One-way highways and rotary traffic islands
- 72.010 Rules for driving in marked lanes
- 72.011 Space between moving vehicles
- 72.012 Divided roadways
- 72.013 Rules for turns at intersections
- 72.014 U-turns and turning in roadway prohibited
- 72.015 Starting and backing vehicles
- 72.016 Turn and stop signals
- 72.017 Hand and arm signals

Right-of-Way

- 72.030 Right-of-way at intersections
- 72.031 Right-of-way when turning left
- 72.032 Right-of-way at through highways; stop signs; yield signs
- 72.033 Stop at sidewalk area; stop signs on private roads and driveways
- 72.034 Right-of-way on public highway
- 72.035 Pedestrian on sidewalk has right-of-way
- 72.036 Right-of-way of public safety vehicles
- 72.037 Funeral procession has right-of-way
- 72.038 Pedestrians yield right-of-way to public safety vehicle
- 72.039 Pedestrian on crosswalk has right-of-way
- 72.040 Right-of-way yielded to blind person
- 72.041 Right-of-way yielded by pedestrian

Pedestrians

- 72.055 Pedestrian movement in crosswalks
- 72.056 Pedestrian walking along highway
- 72.057 Prohibition against soliciting rides; riding on outside of vehicle
- 72.058 Pedestrian on bridge or railroad crossing
- 72.059 Persons operating motorized wheelchairs
- 72.060 Intoxicated or drugged pedestrian hazard on highway
- 72.061 Operation of electric personal assistive mobility devices
- 72.062 Operation of personal delivery device on sidewalks and crosswalks
- 72.063 Low-speed micromobility devices

Grade Crossings

- 72.075 Stop signs at grade crossings
- 72.076 Driving vehicle across railroad grade crossing
- 72.077 Vehicles required to stop at grade crossings
- 72.078 Slow-moving vehicles or equipment crossing railroad tracks

School Buses

- 72.090 Regulations concerning school buses
- 72.091 Violation of regulations; report; investigation; citation; warning
- 72.092 Restrictions on the operation of school buses
- 72.093 School bus inspection
- 72.094 School bus not used for school purposes
- 72.095 Licensing by Department of Public Safety
- 72.096 Registration and identification of school buses
- 72.097 School bus marking
- 72.098 Flashing light signal lamps
- 72.099 Occupant restraining device for operator

Prohibitions

- 72.115 Obstruction and interference affecting view and control of driver
- 72.116 Occupying travel trailer while in motion
- 72.117 Driving upon closed highway prohibited
- 72.118 Driving upon sidewalk area or paths exclusively for bicycles
- 72.119 Obstructing passage of other vehicles
- 72.120 Following an emergency or public vehicle prohibited; approaching stationary public safety vehicle and certain other vehicles with caution
- 72.121 Driving over unprotected fire hose
- 72.122 Placing injurious material on highway or depositing litter from motor vehicle
- 72.123 Transporting child not in child-restraint system prohibited
- 72.124 Occupant restraining devices
- 72.125 Use of engine brakes prohibited
- 72.126 Operating motor vehicle while wearing earphones or earplugs
- 72.127 Chauffeured limousines and livery services
- 72.128 Operating traction engine upon improved highway
- 72.129 Cracking exhaust noises; peeling out
- 72.130 Shortcutting across private property
- 72.131 Texting while driving prohibited
- 72.132 Use of electronic wireless communication devices by minors or probationary drivers while driving prohibited

Chapter 73: Motor Vehicle Crimes

Section

General Provisions

- 73.01 Driving under the influence of alcohol or drugs
- 73.02 Implied consent
- 73.03 Physical control of vehicle while under the influence
- 73.04 Driving commercial vehicle with impaired alertness or ability; use of drugs
- 73.05 Reckless operation of vehicles
- 73.06 Reckless operation off streets and highways; competitive operation
- 73.07 Operator to be in reasonable control
- 73.08 Immobilizing or disabling device violation
- 73.09 Street racing defined; prohibited on public highways
- 73.10 Speed limits
- 73.11 Slow speed or stopping
- 73.12 Emergency vehicles excepted from speed limitation
- 73.13 Speed regulations on bridges
- 73.14 Presenting false name or information to officer
- 73.15 Prohibition against resisting officer
- 73.16 Operation restricted for mini-trucks and low-speed, under-speed, or utility vehicles

Stopping After Accident

- 73.30 Failure to stop after accident
- 73.31 Stopping after accident on other than public roads or highways
- 73.32 Accident involving damage to realty
- 73.33 Failure to report accident

Chapter 74: Equipment and Loads

Section

Equipment

- 74.01 Unsafe vehicles, prohibition against operation
- 74.02 Bumpers on motor vehicles
- 74.03 Lighted lights required
- 74.04 Headlights
- 74.05 Tail lights and illumination of rear license plate
- 74.06 Red reflectors required
- 74.07 Safety lighting of commercial vehicles
- 74.08 Stoplight regulations
- 74.09 Obscured lights on vehicles
- 74.10 Red light or flag required
- 74.11 Lights on parked vehicles
- 74.12 Lights, emblems, and reflectors on slow-moving vehicles, farm machinery, agricultural tractors, and animal-drawn vehicles
- 74.13 Spotlight and auxiliary driving lights
- 74.14 Cowl, fender, and back-up lights
- 74.15 Two lights displayed
- 74.16 Headlights required
- 74.17 Lights of less intensity
- 74.18 Number of lights permitted; red and flashing lights
- 74.19 Standards for lights on snow removal equipment and oversize vehicles
- 74.20 Flashing lights permitted for certain types of vehicles
- 74.21 Lights and sign on transportation for preschool children
- 74.22 Focus and aim of headlights
- 74.23 Brake equipment; specifications
- 74.24 Brake fluid
- 74.25 Minimum standards for brakes and components
- 74.26 Horns, sirens, and warning devices
- 74.27 Mufflers; excessive smoke or gas
- 74.28 Rearview mirrors
- 74.29 Windshields and wipers
- 74.30 Solid tire requirements
- 74.31 Requirements for safety glass in motor vehicles; use of tinted glass or reflectorized material
- 74.32 Directional signals
- 74.33 Installation and sale of seat safety belts required; definition
- 74.34 Requirements for extra signal equipment
- 74.35 Display of warning devices on disabled vehicles
- 74.36 Requirements for vehicles transporting explosives
- 74.37 Studded tires; seasonal use permitted
- 74.38 Safety inspection decals for buses
- 74.39 Air bags

Loads

- 74.50 Permit required to exceed load limits
- 74.51 Limitation of load extension on left side of vehicle
- 74.52 All loads shall be properly secured
- 74.53 Towing requirements; exception to size and weight restrictions
- 74.54 Weighing of vehicle; removal of excess load
- 74.55 Operation of vehicle exceeding weight limits prohibited
- 74.56 Load limits
- 74.57 Maximum width, height, and length
- 74.58 Statement of gross vehicle weight
- 74.59 Wheel protectors required on heavy commercial vehicles

- 74.60 Liability for damages; prosecution; application of monies
- 74.61 Weight exceptions for certain vehicles

Chapter 75: Bicycles, Motorcycles and Off-Road Vehicles

Section

General Provisions

- 75.01 Bicycles; application of Title VII
- 75.02 Operation of motorized bicycle
- 75.03 Electric bicycles
- 75.04 Rules for bicycles, motorcycles, and snowmobiles
- 75.05 Prohibition against attaching bicycles and sleds to vehicles
- 75.06 Riding bicycles; motorcycles abreast
- 75.07 Equipment of bicycles

Snowmobiles, Off-Highway Motorcycles, and All-Purpose Vehicles

- 75.25 Definitions
- 75.26 Equipment
- 75.27 Code application; prohibited operation
- 75.28 Permitted operation
- 75.29 Licensing requirements of operator
- 75.30 Maintenance of vehicles for hire
- 75.31 Accident reports
- 75.32 Impounding of vehicle
- 75.33 Local control within police power
- 75.34 Registration of vehicles
- 75.35 Certificate of title; prohibitions

Chapter 76: Parking Regulations

Section

- 76.01 Prohibition against parking on highways
- 76.02 Condition when motor vehicle left unattended
- 76.03 Police may remove illegally parked vehicle
- 76.04 Parking prohibitions
- 76.05 Parking near curb; privileges for persons with disabilities
- 76.06 Parking on private property in violation of posted prohibition
- 76.07 Selling, washing or repairing vehicle upon roadway
- 76.08 Truck loading zones
- 76.09 Bus stops and taxicab stands
- 76.10 Parking in alleys and narrow streets; exceptions
- 76.11 Registered owner prima facie liable for unlawful parking
- 76.12 Waiver

TITLE IX: GENERAL REGULATIONS

Chapter 90: Animals

Section

Animals Running at Large

- 90.01 Dogs or other animals running at large; nuisance, dangerous or vicious dogs; hearings
- 90.02 Confining animal found at large; publication of notice; lien
- 90.03 Unavoidable escapes
- 90.04 Fees
- 90.05 Rabies quarantine orders of Mayor
- 90.06 Interfering with enforcement of quarantine orders
- 90.07 Dogs may be killed for certain acts

Offenses Relating to Animals

- 90.20 Abandoning animals
- 90.21 Injuring animals
- 90.22 Poisoning animals

- 90.23 Cruelty to animals; cruelty to companion animals
- 90.24 Animal fights
- 90.25 Trapshooting
- 90.26 Loud dog
- 90.27 Dog tags
- 90.28 Nuisance, dangerous and vicious dog defined; transfer of ownership certificate; form stating dog's prior behavior
- 90.29 Failure to register dog or dog kennel
- 90.30 Hindering the capture of unregistered dog
- 90.31 Unlawful tag
- 90.32 Rights of blind, deaf or hearing impaired, or mobility impaired person, or trainer with assistance dog
- 90.33 Retail sale and transportation of dogs
- 90.34 Coloring rabbits or baby poultry; regulation of sale and display
- 90.35 Jacklighting prohibited
- 90.36 Restrictions on dog ownership for certain convicted felons
- 90.37 Sexual conduct with an animal

- 90.99 Penalty

Chapter 91: Fireworks, Explosives, Fire Prevention

Section

Fireworks and Explosives

- 91.01 Definitions
- 91.02 Possession, sale, and use of fireworks
- 91.03 Permit to use fireworks
- 91.04 Manufacturing or wholesale sale without a license; prohibitions
- 91.05 Purchasers to comply with law; unauthorized purchases
- 91.06 Exhibition without a license; prohibitions
- 91.07 Unauthorized transportation or shipping
- 91.08 Application of subchapter
- 91.09 Arrest of offender; seizure and forfeiture of fireworks; distribution of fines
- 91.10 Safety requirements for fireworks showroom structures
- 91.11 Storage of explosives
- 91.12 Blasting permit

Fire Prevention

- 91.30 Removal of flammable materials or obstructions
- 91.31 Protective appliances
- 91.32 Compliance with order
- 91.33 Waste receptacles
- 91.34 Hotel to have fire warning device producing visible signal
- 91.35 Fire suppression systems
- 91.36 Violations of State Fire Code prohibited
- 91.37 Posting arson notices in hotels, motels and other places
- 91.38 Negligent burning
- 91.39 Spreading alarm of unfriendly fire
- 91.40 Unvented heaters

Open Burning

- 91.55 Definitions
- 91.56 Relations to other prohibitions
- 91.57 Open burning in restricted areas
- 91.58 Permission and notice to open burn

- 91.99 Penalty

Chapter 92: Intoxicating Liquors

Section

- 92.01 Definitions
- 92.02 Exemptions from chapter
- 92.03 Restrictions applicable to sale of beer and intoxicating liquor for consumption on the premises

- 92.04 Restrictions on sale of beer and liquor
- 92.05 Permit required; activities prohibited without permit
- 92.06 Illegal transportation prohibited
- 92.07 Open container prohibited; exception
- 92.08 Underage person shall not purchase intoxicating liquor or beer
- 92.09 Prohibitions; minors under 18 years; low-alcohol beverages
- 92.10 Alcohol vaporizing devices prohibited
- 92.11 Misrepresentation to obtain alcoholic beverage for a minor prohibited
- 92.12 Misrepresentation by a minor under 21 years
- 92.13 Sale to underage persons prohibited
- 92.14 Posting of card
- 92.15 Good faith acceptances of spurious identification
- 92.16 Consumption in motor vehicle prohibited
- 92.17 Hours of sale or consumption
- 92.18 Obstructing search of premises prohibited
- 92.19 Illegal possession of intoxicating liquor prohibited
- 92.20 Sale or possession of diluted liquor and refilled containers prohibited
- 92.21 Keeping place where beer or intoxicating liquors are sold in violation of law
- 92.22 Intoxicating liquors shall not be sold in brothels
- 92.23 Use of intoxicating liquor in a public dance hall prohibited; exceptions
- 92.24 Poisonously adulterated liquors
- 92.25 Tavern keeper permitting rioting or drunkenness
- 92.26 Notice of action to prohibit liquor business
- 92.27 Procedure when injunction violated
- 92.28 Liquor transaction scans
- 92.29 Affirmative defenses

- 92.99 Penalty

Chapter 93: Nuisances

Section

General Provisions

- 93.01 Application of the chapter
- 93.02 Definitions
- 93.03 Nuisances generally; injunctions; violation; contempt
- 93.04 Maintaining certain nuisances
- 93.05 Collection of cost of abating dangerous property condition; injunction; rehabilitation
- 93.06 Trimming of trees and shrubbery to prevent obstruction

Septic Tanks, Cesspools, and Refuse

- 93.20 Location of privy vaults, cesspools, and septic tanks
- 93.21 Unsanitary vaults
- 93.22 Removal of contents of vault
- 93.23 Deposit of dead animals, offal upon land or water
- 93.24 Defiling spring or well prohibited
- 93.25 Dumping of refuse in municipality prohibited
- 93.26 Abandoned refrigerators
- 93.27 Discarding litter prohibited
- 93.28 Power of municipality to fill or drain land

Weeds and Litter on Private Property

- 93.40 Keeping down weeds
- 93.41 Notice to owner to cut noxious weeds, remove litter; service
- 93.42 Fees for service and return
- 93.43 Procedure when owner fails to comply with notice
- 93.44 Written return to County Auditor; amount as a lien upon property

Unclean Habitations

- 93.60 Permitting unclean habitations
- 93.61 When habitations are deemed unsanitary

- 93.62 Order for abatement or vacation of premises
- 93.63 Enforcement of vacation order by Fire Chief or Police Chief
- 93.64 Enforcement through court proceedings

- 93.99 Penalty

Chapter 94: Streets and Sidewalks

Section

General Provisions

- 94.01 Conditions precedent to improving streets
- 94.02 Opening permit required
- 94.03 Application and cash deposit
- 94.04 Restoration of pavement
- 94.05 Barriers around excavations
- 94.06 Warning lights
- 94.07 Sidewalk construction by the municipality
- 94.08 Unloading on street or sidewalk
- 94.09 Street or sidewalk obstruction
- 94.10 Materials on street or sidewalk
- 94.11 Duty to keep sidewalks in repair and clean of ice and snow
- 94.12 Ramped curbing for persons with disabilities
- 94.13 Flagpole along right-of-way
- 94.14 Altering or injuring marker or monument

Construction and Repair

- 94.25 Construction and repair may be required
- 94.26 Resolution of necessity
- 94.27 Notice to construct or repair
- 94.28 Assessments of costs against owner
- 94.29 Proceedings may include different owners
- 94.30 Making and levying assessments

Changes in Streets

- 94.40 Change of name, vacating or narrowing streets by petition
- 94.41 Change of name, vacating or narrowing streets without petition
- 94.42 Notice; exception
- 94.43 Publication of notice
- 94.44 Effect of order of vacation
- 94.45 Effect on public utility easements

- 94.99 Penalty

Chapter 95: Unclaimed and Abandoned Vehicles

Section

- 95.01 Impounding motor vehicle on private property; requirements
- 95.02 Impounding motor vehicle on public property; notice; disposition
- 95.03 Disposition of vehicle ordered into storage
- 95.04 Disposition of abandoned junk motor vehicles
- 95.05 Abandonment of junk motor vehicle prohibited
- 95.06 Junk motor vehicle; order to cover or remove; notice; exceptions

Chapter 96: Watercraft

Section

- 96.01 Definitions; applicability
- 96.02 Failure to comply with law enforcement order; fleeing
- 96.03 Duty upon approach of law enforcement vessel
- 96.04 Flashing lights prohibited; exceptions
- 96.05 Siren prohibited; exceptions
- 96.06 Regulations for operation of powercraft of more than ten horsepower
- 96.07 Restrictions on child operators; duty of supervisory adult
- 96.08 Reckless operation; maintaining sufficient control; wakes restricted

- 96.09 Unsafe conditions
- 96.10 Marking of bathing and vessel areas
- 96.11 Mooring prohibited in certain areas
- 96.12 Operating under influence of alcohol or drugs prohibited
- 96.13 Implied consent
- 96.14 Incapacitated operators prohibited
- 96.15 Water skiing confined to ski zones
- 96.16 Observer required when towing skier
- 96.17 Water skiing after dark prohibited
- 96.18 Personal flotation device required for towed person
- 96.19 Ski jumps prohibited
- 96.20 Permit for special water events
- 96.21 Sale of single celled inflatable vessels prohibited
- 96.22 Sitting, standing, walking on moving vessels restricted
- 96.23 Engine warm-up required
- 96.24 Personal flotation devices for children under ten
- 96.25 Operation without personal flotation devices prohibited
- 96.26 Distress signal or flag required
- 96.27 Anchor requirements
- 96.28 Specification for fire extinguishers
- 96.29 Backfire flame control device required
- 96.30 Ventilation requirement on powercraft
- 96.31 Abandonment of junk vessels or outboard motors
- 96.32 Exhaust muffler required; noise levels; exceptions
- 96.33 Safety equipment on rental vessels
- 96.34 Capacity plate
- 96.35 Littering prohibited
- 96.36 Dwellings; sanitary systems
- 96.37 Prima facie evidence of negligence
- 96.38 Requirements for operating personal watercraft
- 96.39 Numbering
- 96.40 Registration
- 96.41 Tags indicating expiration date; attachment of identification number
- 96.42 Altering of serial numbers; false information prohibited
- 96.43 Accident reports
- 96.44 Enforcement
- 96.45 Firearms offenses; signaling devices
- 96.46 Tampering with navigation aid or vessel prohibited
- 96.47 Certificate of title; exceptions
- 96.48 Manufacturer's or importer's certificate
- 96.49 Prohibitions relating to certificates of title
- 96.50 Permanently displayed hull identification number

- 96.99 Penalty

TITLE XI: BUSINESS REGULATIONS

Chapter 110: General Provisions

- | | |
|---------|----------------------------------------------------------------------|
| Section | |
| | 110.01 Licenses required to engage in certain businesses; exceptions |
| | 110.02 Application for license |
| | 110.03 Issuance of license |
| | 110.04 Date and duration of license |
| | 110.05 License not transferable |
| | 110.06 License certificate to be displayed |
| | 110.07 Revocation or suspension |
| | 110.08 Appeal and review |
| |
 |
| | 110.99 General penalty for Title XI |

Chapter 111: Taxicabs

Section

- 111.01 Definitions
- 111.02 Certificate of public convenience and necessity required
- 111.03 Application for certificate
- 111.04 Issuance of certificate
- 111.05 Liability insurance required
- 111.06 License fees
- 111.07 Transfer of certificates and licenses
- 111.08 Suspension and revocation of certificates
- 111.09 Taxicab driver's license
- 111.10 Application for driver's license
- 111.11 Examination of applicant; motor vehicle operator's permit required
- 111.12 Police investigation of applicant; traffic and police record
- 111.13 Consideration of application
- 111.14 Issuance of license; duration; annual fee
- 111.15 Display of license
- 111.16 Suspension and revocation of license
- 111.17 Failure to comply with federal, state and municipal laws
- 111.18 Vehicle equipment and maintenance
- 111.19 Designation of taxicabs
- 111.20 Taximeter and display of rates required
- 111.21 Number of passengers allowed
- 111.22 Articles left in vehicles
- 111.23 Vehicles from other municipalities
- 111.24 Receipts
- 111.25 Refusal of passenger to pay legal fare
- 111.26 Solicitation, acceptance and discharge of passengers
- 111.27 Open stands; use
- 111.28 Taxicab service
- 111.29 Manifests
- 111.30 Records and reports of holders
- 111.31 Police department; duty to enforce chapter
- 111.32 Disposition of vehicle license fees

Chapter 112: Peddlers, Itinerant Merchants, and Solicitors

Section

- 112.01 Definitions
- 112.02 License requirement
- 112.03 Application procedure
- 112.04 Standards for issuance
- 112.05 Revocation procedure
- 112.06 Standards for revocation
- 112.07 Appeal procedure
- 112.08 Exhibition of identification
- 112.09 Municipal policy on soliciting
- 112.10 Notice regulating soliciting
- 112.11 Duty of solicitors
- 112.12 Uninvited soliciting prohibited
- 112.13 Time limit on soliciting

Chapter 113: Commercial Amusements

Section

- 113.01 Bowling; billiards and pool
- 113.02 Circuses, carnivals, shows and other such entertainment
- 113.03 Deposit required
- 113.04 License fee for public entertainment or exhibition
- 113.05 License fee may be waived for civic interest

Chapter 114: Tattooing and Body Piercing Services

Section

- 114.01 Definitions
- 114.02 Prohibitions
- 114.03 Application for license; fees; issuance

- 114.04 Inspection of facilities
- 114.05 Suspension or revocation of license
- 114.06 Consent for performing procedures on persons under 18
- 114.07 Prohibitions relating to persons under 18
- 114.08 Defenses to violations
- 114.09 Training standards; records; safety and sanitation; equipment
- 114.10 Application of local regulation on chapter

- 114.99 Penalty

TITLE XIII: GENERAL OFFENSES

Chapter 130: General Provisions

Section

- 130.01 Application of Title XIII
- 130.02 Definitions
- 130.03 Classification of offenses
- 130.04 Common law offenses abrogated
- 130.05 Rules of construction
- 130.06 Limitation of criminal prosecutions
- 130.07 Requirements for criminal liability; voluntary intoxication
- 130.08 Culpable mental states
- 130.09 Organizational criminal liability
- 130.10 Personal accountability for organizational conduct
- 130.11 Attempt
- 130.12 Complicity
- 130.13 Presumption of innocence; proof of offense; affirmative defense
- 130.14 Battered woman syndrome
- 130.15 Delinquency adjudications deemed convictions
- 130.16 Criminal law jurisdiction
- 130.17 Disposition of unclaimed or forfeited property held by Police Department
- 130.18 Imposing sentence for misdemeanor
- 130.19 Multiple sentences
- 130.20 Apprehension, detention, or arrest of persons on bond
- 130.21 Self defense: limitations on duty to retreat prior to using force

- 130.99 Penalty for Title XIII

Chapter 131: Offenses Against Property

Section

- 131.01 Definitions
- 131.02 Arson; determining property value or amount of physical harm
- 131.03 Criminal damaging or endangering; vehicular vandalism
- 131.04 Criminal mischief
- 131.05 Damaging or endangering aircraft or airport operations
- 131.06 Criminal trespass; aggravated trespass
- 131.07 Tampering with coin machines
- 131.08 Theft
- 131.09 Unauthorized use of a vehicle
- 131.10 Unauthorized use of property, including telecommunication property and computers; possession of municipal property
- 131.11 Passing bad checks
- 131.12 Misuse of credit cards
- 131.13 Making or using slugs
- 131.14 Prima facie evidence of purpose to defraud
- 131.15 Tampering with records
- 131.16 Securing writings by deception
- 131.17 Defrauding creditors
- 131.18 Receiving stolen property
- 131.19 Value of stolen property
- 131.20 Degree of offense when certain property involved
- 131.21 Injuring vines, bushes, trees, or crops

- 131.22 Detention and arrest of shoplifters and those committing motion picture piracy; protection of institutional property
- 131.23 Insurance fraud; workers' compensation fraud; Medicaid fraud
- 131.24 Injury to property by hunters
- 131.25 Evidence of intent to commit theft of rented property; evidence of lack of capacity to consent
- 131.26 Forgery of identification cards
- 131.27 Criminal simulation
- 131.28 Personating an officer
- 131.29 Trademark counterfeiting
- 131.30 Diminishing or interfering with forfeitable property
- 131.31 Recording credit card, telephone or Social Security numbers
- 131.32 Prosecutions for theft of utilities
- 131.33 Motion picture piracy
- 131.34 Railroad vandalism; criminal trespass; interference with operation of train; grade crossing device vandalism.
- 131.35 Desecration

Chapter 132: Offenses Against Public Peace

Section

- 132.01 Riot
- 132.02 Failure to disperse
- 132.03 Justifiable use of force to suppress riot
- 132.04 Disorderly conduct
- 132.05 Disturbing a lawful meeting
- 132.06 Misconduct at an emergency
- 132.07 Telecommunications harassment
- 132.08 Inducing panic
- 132.09 Making false alarms
- 132.10 Inciting to violence
- 132.11 Unlawful display of law enforcement emblem
- 132.12 Impersonating a peace officer
- 132.13 Safety of crowds attending live entertainment performances
- 132.14 Misconduct involving a public transportation system

Chapter 133: Sex Offenses

Section

- 133.01 Definitions
- 133.02 Unlawful sexual conduct with a minor
- 133.03 Sexual imposition
- 133.04 Public indecency
- 133.05 Voyeurism
- 133.06 Polygraph examinations for victims: restrictions on use
- 133.07 Procuring; engagement in sexual activity for hire
- 133.08 Soliciting; loitering to engage in
- 133.09 Prostitution
- 133.10 Disseminating matter harmful to juveniles
- 133.11 Displaying matter harmful to juveniles
- 133.12 Deception to obtain matter harmful to juveniles
- 133.13 Rules of evidence
- 133.14 Declaratory judgment
- 133.15 Injunction; abatement of nuisance
- 133.16 Unlawful operation of viewing booths depicting sexual conduct
- 133.17 Juveniles on the premises of adult entertainment establishments prohibited
- 133.18 Sexually oriented businesses; illegal operation and activity
- 133.19 Unlawful advertising of massage
- 133.20 Nonconsensual dissemination of private sexual images

- 133.99 Sentencing for sexually oriented offenses; sexual predators; registration

Chapter 134: Gambling Offenses

Section

- 134.01 Definitions
- 134.02 Prohibitions against gambling; exception
- 134.03 Operating a gambling house
- 134.04 Public gaming

- 134.05 Cheating
- 134.06 Regulations concerning operation of licensed bingo game
- 134.07 Records to be kept
- 134.08 Requirements for bingo game operators
- 134.09 Bingo games for amusement only
- 134.10 Prohibitions where instant bingo game is conducted
- 134.11 Raffle drawings
- 134.12 Instant bingo other than at bingo sessions
- 134.13 Restrictions on owner or lessor of location at instant bingo
- 134.14 Skill-based amusement machines; prohibited conduct
- 134.15 Electronic instant bingo; prohibited conduct

Chapter 135: Offenses Against Persons

Section

- 135.01 Definitions
- 135.02 Negligent homicide
- 135.03 Vehicular homicide; vehicular manslaughter; vehicular assault
- 135.04 Assault; negligent assault
- 135.05 Injury to persons by hunters
- 135.06 Menacing; aggravated menacing; menacing by stalking
- 135.07 Unlawful restraint
- 135.08 Unlawful collection of bodily substances
- 135.09 Coercion
- 135.10 Bigamy
- 135.11 Unlawful abortion; failure to perform viability testing
- 135.12 Abortion trafficking
- 135.13 Nonsupport of dependents
- 135.14 Endangering children
- 135.15 Interference with custody; interference with support orders
- 135.16 Domestic violence
- 135.17 Hazing prohibited
- 135.18 Contributing to unruliness or delinquency of a child
- 135.19 Failure to provide for functionally impaired person
- 135.20 Patient abuse or neglect; patient endangerment; exceptions; false statements; retaliation
- 135.21 Interference with right of person to engage in housing transactions because of race, religion, or the like
- 135.22 Ethnic intimidation
- 135.23 Violating a protection order, consent agreement, anti-stalking protection order or order issued by a court of another state
- 135.24 Adulteration of food
- 135.25 Illegal distribution of cigarettes, other tobacco products, or alternative nicotine products; transaction scans
- 135.26 Nonsmoking areas in places of public assembly
- 135.27 Spreading contagion
- 135.28 Abuse of a corpse

Chapter 136: Offenses Against Justice and Administration

Section

- 136.01 Definitions
- 136.02 Falsification
- 136.03 Compounding a crime
- 136.04 Failure to report a crime
- 136.05 Failure to aid a law enforcement officer
- 136.06 Obstructing official business
- 136.07 Obstructing justice
- 136.08 Resisting arrest
- 136.09 Having an unlawful interest in a public contract
- 136.10 Soliciting or receiving improper compensation
- 136.11 Dereliction of duty
- 136.12 Interfering with civil rights
- 136.13 Illegal conveyance of prohibited items onto grounds of a detention facility or other specified governmental facilities
- 136.14 False report of child abuse or neglect
- 136.15 Assaulting police dog or horse, or assistance dog
- 136.16 Disclosure of confidential peace officer information
- 136.17 Intimidation of crime victim or witness

- 136.18 Using sham legal process
- 136.19 Making false allegation of peace officer misconduct
- 136.20 Misuse of 9-1-1 system
- 136.21 Failure to disclose personal information

Chapter 137: Weapons Control

Section

- 137.01 Definitions
- 137.02 Carrying concealed weapons
- 137.03 Using weapons while intoxicated
- 137.04 Improperly handling firearms in a motor vehicle
- 137.05 Possessing criminal tools
- 137.06 Failure to secure dangerous ordnance
- 137.07 Unlawful transactions in weapons
- 137.08 Underage purchase of firearm or handgun
- 137.09 Pointing and discharging firearms and other weapons
- 137.10 License or permit to possess dangerous ordnance
- 137.11 Possession of an object indistinguishable from a firearm in a school safety zone
- 137.12 Possession of deadly weapon while under detention
- 137.13 Concealed handgun licenses: possession of a revoked or suspended license; additional restrictions; posting of signs prohibiting possession
- 137.14 Defaced firearms

Chapter 138: Drug Offenses

Section

- 138.01 Definitions
- 138.02 Trafficking in controlled substances; gift of marihuana
- 138.03 Drug possession offenses
- 138.04 Possessing drug abuse instruments
- 138.05 Permitting drug abuse
- 138.06 Illegal cultivation of marihuana
- 138.07 Abusing harmful intoxicants
- 138.08 Illegal dispensing of drug samples
- 138.09 Federal prosecution bar to municipal prosecution
- 138.10 Nitrous oxide: improper dispensing or distribution; possession in a motor vehicle
- 138.11 Laboratory report required
- 138.12 Counterfeit controlled substances
- 138.13 Use, possession, or sale of drug paraphernalia
- 138.14 Controlled substance or prescription labels
- 138.15 Possession, sale and disposal of hypodermics
- 138.16 Controlled substance schedules
- 138.17 Unlawful furnishing of prescription to enable persons to be issued handicapped parking placards or license plates
- 138.18 Sale of pseudoephedrine
- 138.19 Sale of pure caffeine product
- 138.20 Sale of dextromethorphan

TITLE XV: LAND USAGE

Chapter 150: General Provisions

Section

Parks and Recreation

- 150.01 Recreation Board
- 150.02 Board of Park Trustees

Planning and Zoning

- 150.15 Planning Commission
- 150.16 Board of Zoning Appeals

This summary of contents has been verified and authorized for publication by the Legislative Authority of the Municipality of Antwerp, Ohio.

Signed:

Jan Reel
Mayor

Annaherby
Clerk of the Legislative Authority

CERTIFICATION OF CODIFIED ORDINANCES

We, Jan Reeb, Mayor, and Aimee Lichty^{EO} Clerk of the Legislative Authority, of the Municipality of Antwerp, Ohio, pursuant to Ohio Revised Code §§ 731.23 and 731.42, hereby certify that the general and permanent ordinances of the Municipality, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes and titles are correct as and constitute the Code of Ordinances for the Municipality of Antwerp, Ohio.

Jan Reeb
Mayor

Aimee Lichty
~~Clerk of the Legislative Authority~~
F.O.

Ordinance No.

Passed 19.....

ORDINANCE NO. 2023-06

AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2023 EDITION, AS THE CODE OF ORDINANCES FOR THE VILLAGE OF ANTWERP, OHIO, AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Council of the Village of Antwerp, Ohio ("Village") has in the past adopted the American Legal Publishing's Ohio Basis Code for the complete preservation of the public peace, health, safety and general welfare of the Village and for the proper conduct of its affairs; and

WHEREAS, the American Legal Publishing Corporation publishes this Code of Ordinances each year suitable for adoption by municipalities in Ohio; and

WHEREAS, it is necessary to provide for the usual daily operation of the Village and for the immediate preservation of the public peace, health, safety and general welfare of the Village that this Ordinance take effect at an early date.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ANTWERP, COUNTY OF PAULDING, STATE OF OHIO:

Section 1. American Legal Publishing's Ohio Basic Code, 2023 Edition, as reviewed and approved by the Council of the Village, is hereby adopted and enacted. Any prior version of the Ohio Basic Code which may have been previously adopted by the Village is hereby repealed as obsolete and is hereby replaced in its entirety by this Ohio Basic Code, 2023 Edition, except as provided in Section 3 of this Ordinance.

Section 2. One copy of American Legal Publishing's Ohio Basic Code, 2023 Edition, certified as correct by the Mayor and Fiscal Officer of the Village, as required by Ohio Revised Code § 731.23, shall be kept in its initial form on file in the office of the Fiscal Officer of the Village and retained as a permanent ordinance record of the Village. The Fiscal Officer of the Village is authorized and directed to publish a summary of all new matters contained in the Code of Ordinances as required by Ohio Revised Code § 731.23. Such summary is attached hereto and marked as "Exhibit A."

Section 3. All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the Ohio Basic Code, 2023 Edition, as adopted in Section 1 hereof, are hereby repealed as of the effective date of this Ordinance, except as follows:

(A) The enactment of the Ohio Basic Code, 2023 Edition, 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 purpose of revision and codification.

Ordinance No.

Passed 19

- (B) The repeal provided above shall not affect:
- (1) The grant or creation of a franchise, license, right, easement or privilege;
 - (2) The purchase, sale, lease or transfer of property;
 - (3) The appropriation or expenditure of money or promise or guarantee of payment;
 - (4) The assumption of any contract or obligation;
 - (5) The issuance and delivery of any bonds, obligations or other instruments of indebtedness;
 - (6) The levy or imposition of taxes, assessments or charges;
 - (7) The establishment, naming, vacating or grade level of any street or public way;
 - (8) The dedication of property or plat approval;
 - (9) The annexation or detachment of territory;
 - (10) Any legislation enacted subsequent to the adoption of this Ordinance;
 - (11) Any legislation specifically superseding the provision of the Ohio Basic Code, such as legislation enacted prior to the adoption of this Ordinance and said legislation was enacted to supersede prior ordinances adopted by the Council of the Village, including a provision contained in prior versions of the Ohio Basic Code; and
 - (12) Any legislation enacted prior to the adoption of this Ordinance that amends any sections of prior versions of the Ohio Basic Code, including any legislation adding new sections to those sections contained in prior versions of the Ohio Basic Code, which includes but is not limited to the legislation to add section 112.14 to the Ohio Basic Code as provided in Ordinance No. 2021-20. The addition of any new sections previously adopted, including section 112.14, are hereby incorporated into the 2023 edition of the Ohio Basic Code.

Section 4. Whenever reference is made in any documents, publications, or signs of the Village, including but not limited to traffic tickets and traffic-control signs, to a section as it existed in a former edition of the Ohio Basic Code, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered.

Section 5. It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 6. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health safety and general welfare of the people of the Village, and shall take effect at the earliest date provided by law.

RECORD OF ORDINANCES

517

Dayton Legal Blank Co.

Form No. 30043

Ordinance No.

Passed 19

Date Passed: Feb 15, 2023

Jan Reeb
Jan Reeb, Mayor

Attest:

Aimee Lichy
Aimee Lichy, Fiscal Officer

Ordinance No.

Passed 19

ORDINANCE NO. 2023-07

AN ORDINANCE AUTHORIZING EXPENDITURE AND DIRECTING THE ADVERTISEMENT TO SOLICIT BIDS FOR THE VILLAGE OF ANTWERP, OHIO TO PURCHASE EQUIPMENT TO CONSTRUCT SPLASH PAD; AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Antwerp Community Development Committee, Inc. applied for grant funds to purchase the equipment necessary to construct the splash pad in the Riverside Veterans Memorial Park, such equipment outlined in the specifications and bid documents (referred to herein as the "splash pad equipment"); and

WHEREAS, the Ohio Department of Natural Resources ("ODNR") is the oversight agency for the grant awarded for said purposes, and due to the grant funding requirements, the Village of Antwerp will need to be the project sponsor and purchase the equipment necessary to construct the splash pad in the Riverside Veterans Memorial Park; and

WHEREAS, the Council of the Village authorizes said expenditure of funds, which funds will be reimbursed once documentation is submitted to the State of Ohio, and directs the Village Administrator, with the assistance of the Maumee Valley Planning Organization, to solicit bids for the purchase of the splash pad equipment, which will be owned by the Village; and

WHEREAS, this Council authorizes the Village Administrator to purchase said equipment following the process set forth in Ohio Revised Code § 731.141.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Paulding County, Ohio:

Section 1. It is hereby found that the Village shall act as the project sponsor and expend the funds necessary to purchase the equipment to construct the splash pad in the Riverside Veterans Memorial Park, which funds will be reimbursed once documentation is submitted to the State of Ohio.

Section 2. The Village Administrator is hereby authorized to advertise for bids for the Village to purchase the splash pad equipment, such advertisement to notify potential bidders that the specifications and bid documents for the splash pad equipment will be available for bidders to review and submit bids in response thereto.

Section 3. The Village Administrator, with the assistance of Maumee Valley Planning Organization, is hereby instructed and directed to cause legal notice to bidders to be published once a week for two (2) consecutive weeks in a newspaper of general circulation within the Village for the Village to solicit bids for the purchase of the splash pad equipment.

Ordinance No.

Passed 19.....

Section 4. The Village Administrator shall make a written contract with the lowest and best bidder responding fully to the advertisement for bids, the bid specifications, and the bid documents made available to potential bidders, and the contract shall be executed in the name of the Village and signed on its behalf by the Village Administrator and Village Fiscal Officer. The Village Administrator may reject any and all bids.

Section 5. It is hereby found and determined that all formal actions of this Council concerning or relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6. This Ordinance is hereby declared to be an emergency measure, necessary to expedite the bidding process relating to the purchase of the splash pad equipment so construction can commence in a timely manner, and shall take effect immediately upon its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Date 2-15-23

Jan Reeb
Jan Reeb, Mayor of the Village of Antwerp

Attest:

Aimee Lichty
Aimee Lichty, Fiscal Officer

Ordinance No.

Passed

19

ORDINANCE NO. 2023-08

AN ORDINANCE AUTHORIZING EXPENDITURE AND DIRECTING THE ADVERTISEMENT TO SOLICIT BIDS FOR THE VILLAGE OF ANTWERP, OHIO TO PURCHASE A GENERATOR FOR THE WATER PLANT; AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Village of Antwerp, Ohio ("Village") is in need of a generator for the water plant, plus all warranties, service and warranty support, delivery, regulatory approvals, and required components as outlined in the specifications and bid documents (referred to herein as the "water plant generator"); and

WHEREAS, the Village applied for a grant with the Ohio Environmental Protection Agency, through the Division of Drinking and Ground Waters ("Ohio EPA"), for emergency generator equipment; and

WHEREAS, the grant has been awarded to the Village, and the grant funds will be used to partially fund the purchase of the water plant generator; and

WHEREAS, the Council of the Village authorizes the expenditure of funds, which a portion of said funds will be reimbursed once documentation is submitted to the Ohio EPA, and directs the Village Administrator, with the assistance of the Maumee Valley Planning Organization, to solicit bids for the purchase of the water plant generator, which will be owned by the Village; and

WHEREAS, this Council authorizes the Village Administrator to purchase said equipment following the process set forth in Ohio Revised Code § 731.141.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Paulding County, Ohio:

Section 1. It is hereby found that the Village is in need of emergency generator equipment, and Council authorizes the expenditures of funds to purchase the water plant generator, which a portion of said funds will be reimbursed once documentation is submitted to the Ohio EPA.

Section 2. The Village Administrator is hereby authorized to advertise for bids for the Village to purchase the water plant generator, such advertisement to notify potential bidders that the specifications and bid documents for the water plant generator will be available for bidders to review and submit bids in response thereto.

Section 3. The Village Administrator, with the assistance of the Maumee Valley Planning Organization, is hereby instructed and directed to cause legal notice to bidders to be published once a week for two (2) consecutive weeks in a newspaper of general circulation within the Village for the Village to solicit bids for the purchase of the water plant generator.

**OHIO ENVIRONMENTAL PROTECTION AGENCY
GENERATOR GRANT AGREEMENT
SFY 2023**

THIS Agreement is effective on the date when the last required signature is affixed hereto. This Agreement is entered into by and between the Director of the Ohio Environmental Protection Agency, hereinafter referred to as the "Ohio EPA" or "Grantor," and Antwerp Village PWS, hereinafter referred to as the "Grantee." This Agreement is made to administer the Ohio EPA Grant Award for the Grant Project submitted for funding by the Grantee assigned grant number **GEN-23-049**.

WHEREAS, Ohio EPA desires to award a grant to the Grantee; and

WHEREAS, the Grantee desires to perform and complete such work, activities, and requirements as prescribed in the approved application and in this Agreement by Grantor;

NOW, THEREFORE, In consideration of the mutual promises, covenants and agreements set forth herein, the parties hereby agree as follows:

ARTICLE I: CONTACT AND COORDINATION AND NATURE OF RELATIONSHIP

- 1.1 **(Grantor)** On behalf of the Director of Ohio EPA, the Division of Drinking and Ground Waters "DDAGW" shall be responsible for evaluation of the Grantee's adherence to this agreement, authorization of payment of the award to the Grantee, and authorization of modification(s) to this Agreement. The Ohio EPA DDAGW Chief, or his/her designee, shall coordinate communications with the Grantee's Project Director of the Grant Project or Grantee's Authorizing Agent.
- 1.2 **(Grantee's Project Director)** The Grantee's Project Director shall, in accordance with the proposed budget, coordinate 1) the work activities, and requirements set forth in the body of this Agreement in order to procure the supplies, training and equipment described in the approved application and 2) the work, activities and requirements set forth in the Grant Application. The Grantee's Project Director shall coordinate all work through the DDAGW Chief, or his/her designee.
- 1.3 **(Grantee's Authorizing Agent)** The Grantee's "Authorizing Agent" shall be the person who executes this Agreement on behalf of the Grantee. If the Grantee's Authorizing Agent wishes to communicate with the Grantor, such communication must be with the DDAGW Chief or his/her designee.
- 1.4 **(Grantor's Authorizing Agent)** The Grantor's "Authorizing Agent" shall be the Director or his/her delegated signatory who executes this Agreement on behalf of Ohio EPA.

- 1.5 **(Signatory Authority)** If the Grantee wishes to delegate signatory authority to a representative, written confirmation of the delegation shall be sent to the DDAGW Chief.
- 1.6 **(Reliance on Grantee's Representation)** Grantor enters into this Agreement in reliance upon Grantee's representations that it has the necessary expertise and experience to perform its obligations hereunder, and Grantee warrants that it does possess the necessary expertise and experience. Further, Grantee agrees and represents that all persons involved in Grantee's performance of work under this Agreement are properly qualified, trained and competent, and possess the required licenses, permits, certifications, and registrations necessary to lawfully provide the services.
- 1.7 **(Grantee Responsible)** Grantee shall be responsible for the performance of the requirements under this Agreement and Grantor shall not hire, supervise, or pay any assistants of Grantee in Grantee's performance under this Agreement. The management of the work, including the exclusive right to control or direct the manner or means by which the work is performed, remains with Grantee. Grantor retains the right to ensure that Grantee's work is in conformity with the terms and conditions of this Agreement.
- 1.8 **(Grantee's Independence)** It is fully understood and agreed that the Grantee is an independent contractor and neither Grantee nor its personnel shall at any time, or for any purpose, be considered as agents or employees of the State of Ohio. Grantee acknowledges and agrees any individual providing services under this Agreement is not a public employee for purposes of Ohio Revised Code ("ORC") Chapter 145.
- 1.9 **(Reimbursement/Confidentiality)** In the event of a termination of this Agreement by Grantor, Grantee shall be compensated in accordance with the Termination of Grantee's Services article of this Agreement. The provisions of this Agreement relating to "confidentiality", if any, shall remain binding upon Grantee in the event of termination.
- 1.10 **(Grantee Responsible for Business Expenses)** Grantee shall be responsible for all of Grantee's business expenses, including, but not limited to, computers, internet access, software, phone services, required licenses and permits, employees' wages, salaries and benefits, insurance of every type and description, and all business and personal taxes, including income and Social Security taxes and contributions for Workers' Compensation and Unemployment Compensation coverage, if any.
- 1.11 **(Neither Party May Bind Other)** Except as expressly provided herein, neither party shall have the right to bind or obligate the other party in any manner without the other party's prior written consent.

- 1.12 **(Compliance with ORC)** It is expressly agreed by the parties that none of the rights, duties, and obligations herein shall be binding on either party if award of this Agreement would be contrary to the terms of ORC Sections 3517.13 or 127.16, or Chapter 102.

ARTICLE II: SCOPE OF WORK

- 2.1 **(Scope of Work)** The Grantee shall successfully perform and complete: 1) the work, activities, and requirements set forth in the body of this Agreement; 2) the work, activities, and requirements set forth in the Grant Application, which is attached hereto and labeled "**Exhibit A**"; Exhibit A is hereby made a part of this Agreement and incorporated herein by reference as if fully rewritten.
- 2.2 **(Adherence to Budget)** The Grantee has submitted to the Grantor, as a condition precedent to this Agreement, a proposed Budget. The Grantee stipulates and agrees that the proposed Budget accurately reflects anticipated project resources and expenditures for the term of this Agreement. The Grantee shall complete the work, activities, and requirements set forth in the body of this Agreement and in "**Exhibit A**" (attached hereto and incorporated herein) in accordance with the proposed Budget (Section 3 of Exhibit A). If the Grantee desires to modify the Budget, the Grantee may only do so in accordance with the terms of Article XIX of this Agreement.
- 2.3 **(Fiscal and Activity Reports)** The Grantee shall provide Grantor with fiscal and activity reports in accordance with the terms set forth in Article VIII of this Agreement.

ARTICLE III: TIME OF PERFORMANCE

- 3.1 **(Term of Agreement)** The parties agree that this Agreement is effective on the date when the last required signature is affixed hereto and runs through the date Grantor issues a written letter of closure, except that the Grantee agrees to retain fiscal records according to Article VII.
- 3.2 **(Project Period)** The parties agree that the "Project Period" is from the date when the last required signature is affixed hereto, to a date within six (6) months from said date when reimbursement is requested by the grantee for the equipment, supplies and training acquisition. The Project Period may not be extended without the express agreement of the parties through a written request of the Grantee and the written approval of the Grantor.

ARTICLE IV: AWARD PAYMENTS AND EXPENDITURES

- 4.1 **(Award Amount)** Grantor hereby awards a grant amount not to exceed **\$50,000.00** to the Grantee.

- 4.2 **(Payments)** The payment(s) to the Grantee will be on a reimbursement basis. The Grantee shall submit payment requests on a form provided by Grantor, with copies of supporting documents including invoices, after costs are incurred. The amount of the payment request shall be equal to the costs incurred. Reimbursement payment requests may be submitted within six (6) months from the grant award letter date unless a written time extension has been awarded by Grantor to the Grantee.
- 4.3 **(Satisfactory Performance)** The parties understand and agree that all payments made under this grant award are based on actual costs and are made in consideration of the Grantee's promises and the Grantee's satisfactory performance as set forth in this Agreement.
- 4.4 **(Expenditures Incurred Prior to Effective Date of Agreement)** The Grantee may not utilize any funds granted under this Agreement for payment of expenses or debts incurred prior to the effective date of this grant agreement.
- 4.5 **(No Reimbursement for Expenses)** The Grantee shall not be reimbursed for travel, lodging, or other expenses incurred in the performance of this Agreement. Grantee's award shall be limited to the amount specified in Article IV, Paragraph 4.1.
- 4.6 **(Prohibited Expenditures)** The Grantee may not use any funds granted under this Agreement for payment of: a) real estate acquisitions; b) capital improvements of permanent structures; c) fund-raising or membership drives; d) political campaigning for elective office or political candidates; e) legislative lobbying before a legislative body or administrative agency; f) grants or scholarships; g) food or beverage; h) indirect or overhead charges. All costs must be directly attributed to the procurement of the equipment identified in the grant application.
- 4.7 **(Payment of Debts)** The Grantee assumes full responsibility for the payment of all expenses or debts incurred in the performance of its obligations pursuant to this Agreement. Grantor and its employees and/or agents assume no responsibility for the payment of any expense or debt incurred by the Grantee.
- 4.8 **(Liability)** Grantor, its employees and/or agents shall not be liable for any damages or claims made by any party that result from the expenditure of funds for the purposes of the Grant Award.

ARTICLE V: AVAILABILITY OF FUNDS

- 5.1 **(Funds Available)** It is expressly understood and agreed by the parties that none of the rights, duties, and obligations described in this Agreement shall be binding on either party until Grantor gives the Grantee notice that such funds have been made available to Grantor from Grantor's funding source. If Grantor

should learn that funds are unavailable to meet its obligations set forth herein, Grantor shall use best efforts to promptly notify Grantee and this Agreement shall be deemed void *ab initio*.

ARTICLE VI: DISPUTES AND TERMINATION

- 6.1 **(Dispute Regarding Duties Other than Payments)** Any controversy, claim or dispute regarding the duties of the Grantee or arising out of or relating to this Agreement, or breach thereof, shall be resolved by the Director of Ohio EPA, after DDAGW's Chief has endeavored to resolve the dispute through discussions with the Grantee's Project Director.
- 6.2 **(Suspension/Termination)** As part of the resolution of any controversy, claim or dispute regarding the duties of the Grantee or arising out of or relating to this Agreement, or breach thereof, the Grantor may immediately, with written notice to the Grantee, suspend or terminate this Agreement and any obligations incidental thereto, in whole or in part, and/or require total or partial refund of payments made to the Grantee by Grantor or its agents, if it appears to the Grantor that 1) the Grantee has not substantially performed according to the terms of this Agreement; 2) the Grantee has not shown the ability to perform in the future; 3) the Grantee has violated federal or state laws or regulations; or 4) the effective performance of this Agreement is substantially endangered.
- 6.3 **(Cessation of Activities)** The Grantee, upon receipt of notice to suspend or terminate project operations, shall cease all work under this Agreement, shall take all necessary and appropriate steps to cease the incurring of debts, and shall furnish a report concerning the work performed to that date.
- 6.4 **(Grantee Waiver)** Grantee agrees to waive any right to, and shall make no claim for, additional funds against Grantor by reason of such suspension or termination.

ARTICLE VII: RECORD KEEPING

- 7.1 **(Records Retention)** The Grantee agrees to keep full and complete documentation of all fiscal accounting on file for five years from the date the conditions of this Agreement are finalized in a manner not less stringent than required in 2 CFR Parts 200 and 1500. Documentation supporting fiscal accounting shall be filed in a manner allowing it to be readily located. Grantee shall maintain, in a manner consistent with generally accepted accounting procedures, auditable records of all financial records pertaining to this Agreement.
- 7.2 **(Separate Accounting)** The Grantee shall establish and maintain separate accounting records for the management of funds pursuant to this Agreement consistent with generally accepted accounting practices.

- 7.3 **(Supporting Records)** The Grantee shall be responsible for the expenditure of funds and for maintaining adequate supporting records for such expenditures consistent with generally accepted accounting practices.
- 7.4 **(Access and Audit)** As applicable, the Grantee shall comply with all fiscal and compliance audit requirements in accordance with 2 CFR 200; and Generally Accepted Auditing Standards. Subrecipient shall comply with the audit requirements of 2 CFR 200 Subpart F, and by June 15 of each year notify Ohio EPA in writing if such audit is required and provide Ohio EPA, within the time instructed, all documents or information requested. An audited Grantee shall submit to the Federal Audit Clearinghouse and make available for public inspection a copy of the audit, data collection form and reporting package as described in 2 CFR 200 Subpart F – Audit Requirements within the earlier of 30 days after receipt of the auditor's report(s) or nine months after the end of the audit period. In addition, Grantees must notify the Grantor when their audit reporting package is submitted to the Federal Audit Clearinghouse. Notification should be sent to Ohio EPA and must take place within seven (7) days following submission of the reporting package to the Federal Audit Clearinghouse. The Grantee shall provide Grantor with access to any and all financial records necessary to document the utilization of funds provided under this Grant within two (2) weeks following the Grantor's written request for such access. DDAGW's Chief, or his/her designee, shall have the right to conduct a compliance audit of the Grantee's financial records of the Grant Project and to take such other action as is necessary to verify the accuracy of the amounts of compensation claimed by the Grantee hereunder.

ARTICLE VIII: GRANTEE PROJECT REPORTS

- 8.1 **(Closing Report)** A Closing Report shall describe all fiscal activities and all project activities and accomplishments covering the entire project period. The reports must be signed by two individuals, unless the parties agree otherwise. The reports may be signed by the Grantee's Project Director, Authorizing Agent and/or Fiscal Agent. These Closing Reports are due **when the documentation for reimbursement is submitted at the end of the Project Period.**

ARTICLE IX: RELATED AGREEMENTS

- 9.1 **(Grantee Remains Responsible)** An agreement between the Grantee and a third-party for goods and/or services related to the grant project shall not relieve the Grantee of any of its responsibility under the terms and conditions of this Agreement.
- 9.2 **(Grantee Shall Bind Subcontractors to Terms of This Agreement)** Grantee shall bind its subcontractors to the terms of this Agreement, so far as applicable to the work of the subcontractor, and shall not agree to any provision which

seeks to bind Grantor to terms inconsistent with, or at variance from, this Agreement. In addition, the Grantee agrees not to allow the third party to spend money in a manner prohibited by this Agreement or the Grant Guidelines. For example, the Grantee agrees not to use Grantor's grant dollars to pay a third party any costs for contractual services. Upon request, Grantee shall furnish to Grantor a list of all subcontractors, their addresses, tax identification numbers, and the dollar amount of any subcontract, if any.

ARTICLE X: CONFLICTS OF INTEREST AND ETHICS COMPLIANCE

- 10.1 **(No Acquisition of Interest)** In the performance of this Agreement, Grantee agrees that neither Grantee nor any personnel of Grantee shall, prior to the completion of the duties and obligations of this Agreement, acquire any interest, direct or indirect, that is incompatible or in conflict with the discharge and fulfillment of Grantee's functions and responsibilities with respect to this Agreement.
- 10.2 **(Disclosure of Conflicting Interest)** Any person who has or acquires, whether voluntarily or involuntarily, an interest in contravention of paragraph 10.1 of this Article, shall immediately disclose such interest to the Grantor in writing. Thereafter, that person shall not participate in any action affecting the work under this Agreement, unless the Grantor shall determine that, in light of the interest disclosed, the person's participation in any such action would not be contrary to the public interest.
- 10.3 **(Compliance with Other Ohio Ethics and Conflicts of Interest Laws)** Grantee represents, warrants, and certifies that Grantee and all personnel of Grantee engaged in the administration or performance of this Agreement are knowledgeable of and understand the Ohio Ethics and Conflicts of Interest laws. Grantee further represents, warrants, and certifies that Grantee and all personnel of Grantee are currently in compliance with, and will continue to adhere to, the requirements of these laws and will take no action inconsistent with such laws.

ARTICLE XI: NONDISCRIMINATION OF EMPLOYMENT

- 11.1 **(Nondiscrimination in Hiring)** Pursuant to ORC. Section 125.111, Grantee agrees that Grantee, any subcontractor, and any person acting on behalf of Grantee or subcontractor, will not discriminate, by reason of race, color, religion, sex, military status, age, disability as defined in ORC. Section 4112.01, national origin, or ancestry, against any citizen of this state in hiring of any person qualified and available to perform the work under this Agreement.
- 11.2 **(Nondiscrimination in Employment)** Grantee further agrees that Grantee, any subcontractor, and any person acting on behalf of Grantee or subcontractor shall not, in any manner, discriminate against, intimidate, or retaliate against any employee hired for the performance of work under this Agreement on account of

race, color, religion, sex, military status, age, disability as defined in ORC Section 4112.01, national origin, or ancestry.

- 11.3 **(Affirmative Action)** If required by ORC Section 125.111 to have an affirmative action program, Grantee represents that it has a written affirmative action program for the employment and effective utilization of economically disadvantaged persons and shall file an affirmative action verification form with the equal employment opportunity office of the Department of Administrative Services. (The form may be completed with an electronic filing through the Ohio Gateway, available at [http://www.business.ohio.gov/.](http://www.business.ohio.gov/))
- 11.4 **(Compliance with Labor Laws)** Grantee represents, warrants, and certifies that Grantee, any subcontractor, and any person acting on behalf of Grantee or a subcontractor shall comply with all applicable federal, state, and local laws, rules, regulations, and ordinances governing fair labor and employment practices.

ARTICLE XII: PURCHASING REQUIREMENTS; PROHIBITION AGAINST PERFORMANCE OF SERVICES OFFSHORE AND PURCHASES OF SERVICES FROM OR INVESTMENTS IN RUSSIAN INSTITUTIONS AND COMPANIES

- 12.1 **(Purchase Ohio)** Pursuant to Executive Order 2008-12S, Grantee and subcontractors, if any, shall make a good faith effort to purchase from Ohio companies any goods and services acquired under this Agreement.
- 12.2 **(Purchase Minority, Diversity, and Equity)** Pursuant to Executive Order 2008-13S, Grantee and subcontractors, if any, shall make a good faith effort to purchase goods and services from certified Minority Business Enterprise (MBE) and Encouraging Diversity, Growth, and Equity (EDGE) program vendors. EDGE program guidance may be found by accessing the following website: <http://www.das.ohio.gov/Eod/Edge/ProgOverview.pdf>, and a list of State-certified MBE businesses is at: <http://www.das.ohio.gov/Eod/EODMBEOff.htm>.
- 12.3 The Grantee affirms to have read and understands Executive Order 2019-12D and Executive Order 2022-02D and shall abide by those requirements in the performance of this Agreement and shall perform no services required under the Agreement outside of the United States or purchase services from or investment in Russian institutions and companies. Notwithstanding any other terms of this Agreement, the State reserves the right to recover any funds paid for services the Grantee performs outside of the United States for which it did not receive a waiver or funds paid for services from or investments in Russian institutions and companies. The State does not waive any other rights and remedies provided the State in this Agreement. The Executive Orders are available at:

<https://governor.ohio.gov/wps/portal/gov/governor/media/executive-orders/2019-12d>

<https://governor.ohio.gov/media/executive-orders/executive-order-2022-02d>

The Grantee also affirms, understands, and agrees to immediately notify the State of any change or shift in the location(s) of services performed by the Grantee or its subcontractors under this Agreement, and no services shall be changed or shifted to a location(s) that are outside of the United States.

If the Grantee or any of its subcontractors perform services under this Agreement outside of the United States, or purchase services from or investments in Russian institutions and companies, the performance of such services shall be treated as a material breach of the Agreement. The State is not obligated to pay and shall not pay for such services. If Grantee or any of its subcontractors perform any such services, Grantee shall immediately return to the State all funds paid for those services. The State may also recover from the Grantee all costs associated with any corrective action the State may undertake, including but not limited to an audit or a risk analysis, as a result of the Grantee performing services outside the United States or purchases of services from or investments in Russian institutions and companies.

The State may, at any time after the breach, terminate the Agreement, upon written notice to the Grantee. The State may recover all accounting, administrative, legal and other expenses reasonably necessary for the preparation of the termination of the Agreement and costs associated with the acquisition of substitute services from a third party.

The State, in its sole discretion, may provide written notice to Grantee of a breach and permit the Grantee to cure the breach. Such cure period shall be no longer than 21 calendar days. During the cure period, the State may buy substitute services from a third party and recover from the Grantee any costs associated with acquiring those substitute services.

Notwithstanding the State permitting a period of time to cure the breach or the Grantee's cure of the breach, the State does not waive any of its rights and remedies provided the State in this Agreement, including but not limited to recovery of funds paid for services the Grantee performed outside of the United States, purchases of services from or investments in Russian institutions and companies, costs associated with corrective action, or liquidated damages.

ARTICLE XIII: RIGHTS IN MATERIALS AND COPYRIGHTS/PUBLIC USE

- 13.1 **(Public Record)** The parties hereto understand and agree that it is the intent of the Grantor to make all materials submitted as a part of this project available to the public.
- 13.2 **(Right to Reproduce)** Grantor, its agents and employees reserve a royalty-free, nonexclusive, and irrevocable license and right to reproduce, distribute, or

otherwise use, and to authorize others to use (in whole or in part) any report, data, or material prepared by Grantee pursuant to this Grant Agreement unless otherwise expressly prohibited by law (e.g., ORC Section 3345.14 for state colleges and universities.) No such documents or other materials produced (in whole or in part) with funds provided to Grantee by this Grant Agreement shall be subject to copyright by Grantee in the United States or any other country.

ARTICLE XIV: RESPONSIBILITY/DAMAGES

- 14.1 **(Indemnity)** The Grantee agrees to indemnify and to hold the Grantor and the State of Ohio harmless from any and all claims for injury and damages arising from this Agreement that are attributable to the Grantee's own actions or omissions or those of its trustees, officers, agents, employees, subcontractors, suppliers, third parties utilized by the Grantee, or joint ventures while acting under this Agreement. Such claims shall include any claims made under the Fair Labor Standards Act or under any other federal or state law involving wages, overtime, or employment matters and any claims involving patents, copyrights, and trademarks. Grantee shall bear all costs associated with defending the Grantor and the State of Ohio against any claims.
- 14.2 **(Responsibility)** Each party will be responsible for its own acts and omissions and will be responsible for any and all damages, costs, and expenses that arise out of the performance of this Agreement and that are due to that party's own negligence, tortious acts, or other conduct or are due to the negligence, tortious acts, or other conduct of that party's respective agents, officers, or employees.
- 14.3 **(No Special Damages)** In no event shall either party be liable to the other party for indirect, consequential, incidental, special, or punitive damages, or lost profits.

ARTICLE XV: COMPLIANCE WITH LAWS

- 15.1. **(Compliance With Other Laws.)** In addition to complying with the laws specifically referenced in this Grant Agreement, including but not limited to those identified in the ORC and 2 CFR 200, Grantee agrees to comply with all applicable federal, state, and local laws, not specifically referenced herein, in the performance of this Agreement. Grantee accepts full responsibility for payment of taxes, including without limitation, unemployment compensation insurance premiums, all income tax deductions, social security deductions, and any and all other taxes or payroll deductions required for all employees engaged by Grantee in the performance of the work required to fulfill its obligations under this Agreement.

ARTICLE XVI: DRUG FREE WORKPLACE

- 16.1 **(Drug-Free Workplace)** Grantee agrees to comply with all applicable federal, state, and local laws regarding smoke-free and drug-free workplaces and shall

make a good faith effort to ensure that none of its employees or permitted subcontractors engaged in the work being performed hereunder purchase, transfer, use, or possess alcohol, illegal drugs, or abuse prescription drugs in any way during the performance of this Agreement.

ARTICLE XVII: CAMPAIGN CONTRIBUTIONS

- 17.1 **(Campaign Contributions)** Grantee hereby certifies that all applicable parties listed in ORC Section 3517.13(I)(3) or (J)(3) are in full compliance with ORC Section 3517.13(I)(1) and (J)(1). The Grantee agrees not to use any funds received under this Agreement to support any political campaign for elective office or to support attempts to lobby legislation before a legislative body or administrative agency.

ARTICLE XVIII: ENTIRE AGREEMENT/WAIVER

- 18.1 **(Entire Agreement)** This Agreement contains the entire agreement between the parties hereto and shall not be modified, amended, or supplemented, or any rights herein waived, unless specifically agreed upon in writing by the parties hereto.
- 18.2 **(Supersedence)** This Agreement supersedes any and all previous agreements, whether written or oral, between the parties.
- 18.3 **(No Continuing Waiver)** A waiver by any party of any breach or default by the other party under this Agreement shall not constitute a continuing waiver by such party of any subsequent act in breach of or in default hereunder.

ARTICLE XIX: MODIFICATION OF PROJECT BUDGET AND PROJECT ACTIVITIES

- 19.1 **(Project Budget Modifications)** The Grantee may modify a budget line item, as contained in Exhibit A, with prior written approval of the Grantor, provided these modifications do not modify the project scope and do not increase the total project cost in excess of \$50,000.00. The Grantee shall provide the Grantor written notice of these changes and a revised budget in written form within thirty (30) days after the Grantee's determination that a revision to the budget is needed. Further, the Grantee shall maintain in its fiscal records documentation of all budget line item modifications.
- 19.2 **(Project Activity Modifications)** The Grantee may NOT modify the plan to procure the specific equipment, supplies and training as contained in Exhibit A, without prior written approval of the Grantor.

ARTICLE XX: HEADINGS

20.1 **(Headings)** The paragraph and article titles and headings in this Agreement have been inserted for convenient reference only and shall not be considered in any questions of interpretation or construction of this Agreement.

ARTICLE XXI: SEVERABILITY

21.1 **(Severability)** A determination that any part of this Agreement is invalid shall not invalidate or impair the force or effect of any other part hereof, except to the extent that such other part is wholly dependent for its operation on the part so declared invalid.

ARTICLE XXII: CONTROLLING LAW

22.1 **(Governing Law)** This Agreement shall be interpreted and the rights of the parties determined in accordance with the laws of the State of Ohio and only Ohio courts shall have jurisdiction over any action or proceeding concerning the Agreement and/or performance thereunder.

ARTICLE XXIII: SUCCESSORS AND ASSIGNS

23.1 **(Written Consent Required)** Neither this Agreement, nor any rights, duties, nor obligations hereunder, may be assigned or transferred in whole or in part by Grantee without the prior written consent of the Grantor. Any attempted assignment or delegation not consented to may be deemed void by Grantor.

ARTICLE XXIV: FINDINGS OF RECOVERY

24.1 **(No Unresolved Findings of Recovery)** Grantee warrants that it is not subject to an "unresolved" finding for recovery under ORC Section 9.24. Grantee agrees that if Grantee is subject to an "unresolved" finding for recovery under ORC Section 9.24, this Agreement is void *ab initio* and Grantee shall immediately repay to the Grantor any funds paid under this Agreement.

ARTICLE XXV: DEBARMENT

25.1 Grantee represents and warrants that it is not barred from consideration for contract awards by the Director of the Department of Administrative Services, pursuant to either ORC Sections 153.02 or 125.25. If this representation and warranty is false, this Agreement is void *ab initio* and Grantee shall immediately repay to Grantor any funds paid under this Agreement.

ARTICLE XXVI: EXECUTION/EFFECTIVE DATE

26.1 **(Full Execution Required)** This Agreement is not binding upon the parties unless executed in full.

26.2 **(Execution)** Two or more copies of this Agreement may be executed contemporaneously, each of which copy shall be deemed an original, but all of which together shall constitute one and the same instrument.

The remainder of this page was left intentionally blank.

By signing the signature page, the Grantee assures and certifies that the specific information detailed in this Agreement, and Exhibit A (Grant Application) are current, accurate and complete.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by officials thereunto duly authorized as of the date and year signed below.

Jan Reeb
Signature of Grantee's Authorizing Agent.

1/26/23
Date

Jan Reeb - Mayor
Name and Title of Authorizing Agent
(Please type or print)

Village of Antwerp
Name of Organization
(Please type or Print)

E-SIGNED by Anne Vogel
on 2023-02-28 11:02:55 EST
Anne M. Vogel, Director, or Authorized Agent
Ohio Environmental Protection Agency

2023-02-28 11:02:55 UTC
Date

Ordinance No.

Passed 19

Section 4. The Village Administrator shall make a written contract with the lowest and best bidder responding fully to the advertisement for bids, the bid specifications, and the bid documents made available to potential bidders, and the contract shall be executed in the name of the Village and signed on its behalf by the Village Administrator and Village Fiscal Officer. The Village Administrator may reject any and all bids.

Section 5. It is hereby found and determined that all formal actions of this Council concerning or relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6. This Ordinance is hereby declared to be an emergency measure, necessary to expedite the bidding process relating to the purchase of the water plant generator, and shall take effect immediately upon its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Date Feb 15, 2023

Jan Reeb
Jan Reeb, Mayor of the Village of Antwerp

Attest:

Aimee Lichty
Aimee Lichty, Fiscal Officer

Ordinance No.

Passed 19

ORDINANCE NO. 2023-09

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO EASEMENT PAY SCHEDULES AND TO EXECUTE EASEMENT AND RIGHT OF WAY AND SUPPLEMENTAL EASEMENT AND RIGHT OF WAY TO THE OHIO POWER COMPANY, A UNIT OF AMERICAN ELECTRIC POWER, ACROSS PROPERTIES OWNED BY THE VILLAGE OF ANTWERP (PARCEL NOS. 12-08S-008-01 AND 12-20S-013-00) FOR THE PAYNE – SOUTH HICKSVILLE LINE (LINE NO. TLN160:09090), AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Village of Antwerp, Ohio, owns real estate along Maumee Lane, more particularly described as Carryall Township, NW Quarter section, Section 27, Lot(s) 4, Block G, Village of Antwerp, Tax Parcel Number 12-08S-008-01, Paulding County, State of Ohio (referred to herein as "Parcel No. 1") and real estate along Woodland Drive, more particularly described as Part of Lot 18, Kauffman Addition, Village of Antwerp, Tax Parcel Number 12-20S-013-00, Paulding County, State of Ohio (referred to herein as "Parcel No. 2") (collectively referred to herein as the "Real Estate"); and

WHEREAS, an original easement under, across, and over Parcel No. 1 was granted to the Ohio Power Company, a unit of American Electric Power (referred to herein as "AEP") by the Village of Antwerp in 1937; and

WHEREAS, a supplemental easement under, across, and over Parcel No. 1 and an easement under, across, and over Parcel No. 2 are needed by AEP in order to rebuild the Payne – South Hicksville transmission line (Line No. TLN160:09090) which crosses the Real Estate, said easement and supplemental easement areas described in the Exhibit A attached to the Supplemental Easement and Right of Way for Parcel No. 1 and in the Exhibit A attached to the Easement and Right of Way for Parcel No. 2 that are attached hereto and collectively marked as **Exhibit 1**, incorporated herein by reference; and

WHEREAS, the Village finds it to be in the best interest of the Village and its residents to grant the easement and supplemental easement to AEP under, across, and over the Real Estate and finds that the grant of an easement and supplemental easement will not interfere with the Village's use of the Real Estate for a municipal purpose and the interests so conveyed are not needed by the Village for a municipal purpose.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Paulding County, Ohio:

Section 1. The Village Council hereby determines that the easement and supplemental easement described in **Exhibit 1** are not needed by the Village of Antwerp for any of the purposes described in said Supplemental Easement and Right of Way for Parcel No. 1 and Easement and Right of Way for Parcel No. 2.

Section 2. It is hereby found that an easement and supplemental easement under,

Ordinance No.

Passed 19.....

across, and over the Real Estate currently owned by the Village of Antwerp shall be granted to AEP for the purpose of rebuilding the Payne – South Hicksville transmission line which crosses the Real Estate.

Section 3. The Mayor is authorized to enter into the Payment Schedules, a proposed copy of both schedules attached hereto as **Exhibit 2**, and to execute the Supplemental Easement and Right of Way for Parcel No. 1 and the Easement and Right of Way for Parcel No. 2 (collectively attached as **Exhibit 1**).

Section 4. As a condition, AEP shall pay all costs associated with the granting of said easement and supplemental easement under, across, and over the Real Estate, which may include, but not limited to, costs for preparing all documents such as the Supplemental Easement and Right of Way for Parcel No. 1 and the Easement and Right of Way for Parcel No. 2 and costs of recording any such documents.

Section 5. It is hereby found and determined that all formal actions of this Council concerning or relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6. This Ordinance is hereby declared to be an emergency measure, necessary to authorize the grant of the easement area and supplemental easement area for rebuilding the Payne – South Hicksville transmission line, and shall take effect immediately upon its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Passed this 22 day of March, 2023.



Jan Reeb, Mayor of the Village of Antwerp

Attest:



Kevin Hornish, Fiscal Officer

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No......

Passed..... 19

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Line Name: Payne - South Hicksville
Line No.: TLN160:09090 **Easement No.:** 198

SUPPLEMENTAL EASEMENT AND RIGHT OF WAY

On this ___ day of _____, 2023, **The Incorporated Village of Antwerp, Paulding County, Ohio**, whose address is PO Box 1046, Antwerp, Ohio 45813, (“Grantor”), whether one or more persons, owns an interest in a tract of real property that is more particularly described lands of the Grantor, situated in the State of Ohio, Paulding County, Carryall Township, NW Quarter section, Section 27, Lot(s) 4, Block G, Village of Antwerp, Tax Parcel Number 12-08S-008-01 in that certain document, dated 11/05/1920 recorded in DV 162, Page 334, of the real property records of Paulding County, Ohio, and such tract is subject to easements and rights-of-way granted in favor of Ohio Power Company.

Ohio Power Company, a(n) Ohio corporation, a unit of American Electric Power, whose principal business address is 1 Riverside Plaza, Columbus, Ohio 43215, (“AEP”) is the current owner and holder of the rights, title, and interest, or a portion thereof, granted in or arising under that certain right of way and easement, dated 12/29/1937, and recorded in DV 129, Page 144, of the official records of Paulding County, Ohio (the “Original Easement”).

NOW, THEREFORE, in consideration of the sum of Ten and NO/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby grants, conveys and warrants this Supplemental Easement and Right of Way (“Easement”) to AEP for electric transmission, distribution, and communication lines and appurtenant equipment and fixtures, being, in, on, over, under, through and across to supplement the Original Easement insofar as it encumbers such tract of real property owned by Grantor as more particularly described above.

Auditor/Key/Tax Number: 12-08S-008-01

The location, width, and boundaries of the easement area are hereby revised, modified, and clarified to be as described and depicted on Exhibit “A”, attached hereto and made a part hereof (“Easement Area”).

The Easement is also supplemented by the addition of the following language:

AEP, its successors and assigns, are granted the right to construct, reconstruct, operate, maintain, alter, inspect and patrol (by ground or air), protect, repair, replace, renew, upgrade, relocate within the Easement Area, remove and replace poles, towers, and structures, made of wood, metal, concrete or other materials, including crossarms, guys, anchors, anchoring systems, grounding systems, underground conduits, ducts, vaults, transformers, pedestals, risers, pads, communications facilities, and all other appurtenant equipment and fixtures, and to string conductors, wires and cables. The electric facilities may consist of a variable number of towers, poles, wires, guys, anchors and associated fixtures, including the right to enlarge, and may transmit electricity of any voltage or amperage, together with the right to add to said facilities from time to time, and the right to do anything necessary, useful or convenient for the enjoyment of the Easement Area herein granted, together with the privilege of removing at any time any or all of said facilities erected on the Easement Area.

AEP and its successors and assigns, shall have the right, in AEP's reasonable discretion, to cut down, trim, and otherwise control, using herbicides or tree growth regulators, or other means, and at AEP's option, to remove from the Easement Area any and all trees, overhanging branches, vegetation, brush, including all root systems or other obstructions. AEP shall also have the right to cut down, trim, remove, and otherwise control trees situated on lands of the Grantor which adjoin the Easement Area, when in the reasonable opinion of AEP those trees may endanger the safety of, or interfere with the construction, operation or maintenance of AEP's facilities or ingress or egress to, from or along the Easement Area.

AEP and its successors and assigns are granted the right of unobstructed ingress and egress, at any and all times, on, over, across, along and upon the Easement Area, and across the adjoining lands of Grantor as may be reasonably necessary to access the Easement Area for the above referenced purposes.

In no event shall Grantor, its heirs, successors, and assigns plant or cultivate any trees or place, construct, install, erect or permit any temporary or permanent building, structure, improvement or obstruction including but not limited to, storage tanks, billboards, signs, sheds, dumpsters, light poles, water impoundments, above ground irrigation systems, swimming pools or wells, or permit any alteration of the ground elevation, over or within the Easement Area. AEP may, at Grantor's cost, remove any structure or obstruction if placed within the Easement Area and may re-grade any alterations of the ground elevation within the Easement Area. AEP shall repair or pay Grantor for actual damages to growing crops, fences, gates, field tile, drainage ways, drives, or lawns caused by AEP in the exercise of the rights herein granted.

The failure of AEP to exercise any of the rights granted herein, including but not limited to the removal of any obstructions from the Easement Area, shall not be deemed to constitute a waiver of the rights granted herein and the removal of any facilities from the Easement Area shall not be deemed to constitute a permanent abandonment or release of the rights granted herein.

Except as modified by this Supplemental Easement and Right of Way, all terms and provisions of the Original Easement and all rights arising in connection with the Original Easement shall remain

in full force and effect, and the Original Easement shall keep its priority in title as of the date of its recording. Those provisions and rights are expressly ratified, reaffirmed by and incorporated within this Supplemental Easement and Right of Way. The Original Easement along with this Supplemental Easement and Right of Way shall for all purposes function as a single instrument, however, to the extent any terms or provisions of the Original Easement conflict with, limit or are inconsistent with any term or provision of the Supplemental Easement and Right of Way, the terms and provisions of this Supplemental Easement and Right of Way shall control. Nothing herein will in any manner vary, change, modify, or restrict the rights and privileges that AEP may have acquired through any instrument other than the Original Easement or by any other means.

The terms and conditions as supplemented by this instrument, are the complete agreement, expressed or implied between the parties hereto and shall inure to the benefit of and be binding on their respective successors, assigns, heirs, executors, administrators, lessees, tenants, licensees, and legal representatives.

This instrument may be executed in counterparts, each of which will be deemed an original, but all of which taken together will constitute one and the same instrument.

Any remaining space on this page intentionally left blank. See next page(s) for signature(s).

IN WITNESS WHEREOF, the Grantor has executed this Easement effective the day, month and year first above written.

GRANTOR

The Incorporated Village of Antwerp,
Paulding County, Ohio

By: _____
Title: Authorized Signer

State of §

County of §

This instrument was acknowledged before me on the _____ day of _____, 2023, by _____, Authorized Signer of The Incorporated Village of Antwerp, Paulding County, Ohio, on behalf of said village.

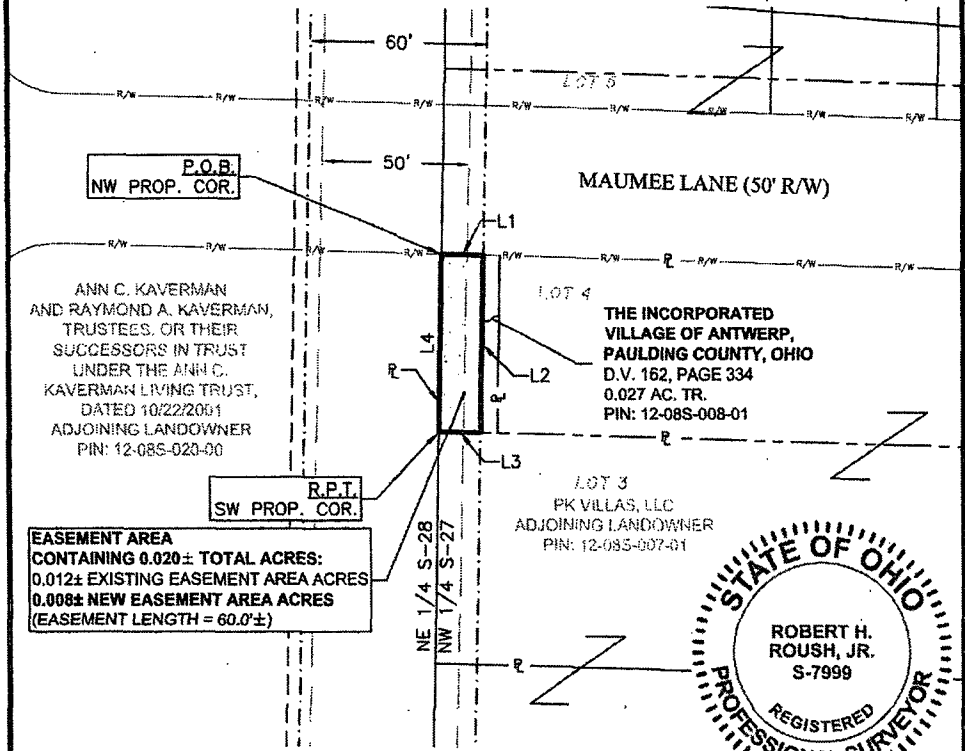
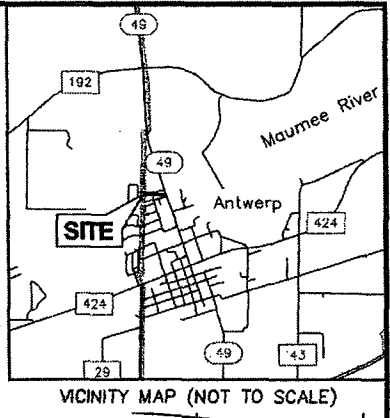
Notary Public
Print Name: _____
My Commission Expires: _____

This instrument prepared by Thomas G. St. Pierre, Associate General Counsel - Real Estate, American Electric Power Service Corporation, 1 Riverside Plaza, Columbus, OH 43215 for and on behalf of Ohio Power Company, a unit of American Electric Power.

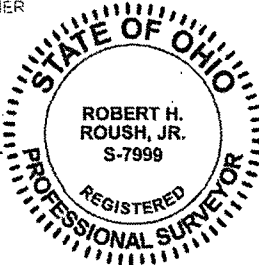
When recorded return to: American Electric Power - Transmission Right of Way, 8600 Smiths Mill Road, New Albany, OH 43054.

EXHIBIT "A"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S88°21'38"E	14.37'
L2	S01°09'59"W	60.00'
L3	N88°21'38"W	14.33'
L4	N01°07'46"E	60.00'



EASEMENT AREA
 CONTAINING 0.020± TOTAL ACRES:
 0.012± EXISTING EASEMENT AREA ACRES
 0.008± NEW EASEMENT AREA ACRES
 (EASEMENT LENGTH = 60.0'±)



NOTES:
 THIS DESCRIPTION WAS PREPARED FOR THE LIMITED USE OF OHIO POWER COMPANY FOR EASEMENT PURPOSES ONLY AND IS NOT INTENDED TO REPRESENT A COMPLETE SURVEY OF THE PROPERTY, STREET AND ALLEY DIMENSIONS ARE PER PLAT, COUNTY ENGINEER, OR SURVEY RECORDS.

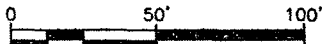
LAND OWNERSHIP INFORMATION IS PROVIDED BY VOLKERT, INC. NO ADDITIONAL VERIFICATION HAS BEEN PERFORMED BY SAM, LLC.

BEARINGS AND DISTANCES SHOWN HEREON WERE DERIVED FROM GPS OBSERVATIONS BASED ON GRID NORTH, OHIO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD83 (2011), U.S. SURVEY FEET.

- LEGEND**
- P.O.B. POINT OF BEGINNING
 - R.P.T. REFERENCE POINT TIE-DOWN
 - RIGHT-OF-WAY LINE
 - ROAD RIGHT-OF-WAY LINE
 - NEW EASEMENT AREA
 - EXISTING EASEMENT AREA
 - PROPERTY LINE (APPROXIMATE)

SAM
 929 Eastwind Drive,
 Suite 207
 Westerville, Ohio 43081
 Ofc: 614.899.0079
 email: info@sam.biz

Robert H. Roush, Jr.
 ROBERT H. ROUSH, JR.
 PROFESSIONAL SURVEYOR No. 7999
 2-7-23
 DATE



SAM PROJ. #: 56800
 LINE NAME: PAYNE - S. HICKSVILLE
 LINE NUMBER: TLN160:09090
 EASEMENT NUMBER: 198
 SUPPLEMENT TO ORIG. ESMT. NO. 64A (JOSEPH AND MARY E. BARKER)
 REVISED: 02/07/2023 (MEH)

OHIO POWER COMPANY
 EASEMENT ACROSS THE LANDS OF
 THE INCORPORATED VILLAGE OF ANTWERP,
 PAULDING COUNTY, OHIO
 CONTAINING 0.020± ACRES
 SITUATED IN THE STATE OF OHIO, COUNTY OF PAULDING, TOWNSHIP OF
 CARRYALL. LOCATED IN NW 1/4 SECTION 27, T3N, R-1E
 SCALE: 1"=50' DATE: 12/16/2022 FILE: 188_12-08S-008-01 SHEET: 1 OF 1

Line Name: Payne - South Hicksville

Line No.: TLN160:09090 **Easement No.:** 177

EASEMENT AND RIGHT OF WAY

On this ___ day of _____, 2023, in consideration of Ten and NO/100 Dollars (\$10.00), and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and the covenants hereinafter set forth, **Village of Antwerp**, whose address is PO Box 1046, Antwerp, Ohio 45813, ("Grantor"), whether one or more persons, hereby grants, sells, conveys, and warrants to **Ohio Power Company**, a(n) Ohio corporation, a unit of American Electric Power, whose principal business address is 1 Riverside Plaza, Columbus, Ohio 43215, ("AEP") and its successors, assigns, lessees and tenants a permanent easement and right of way ("Easement"), for electric transmission, distribution, and communication lines and appurtenant equipment and fixtures, being, in, on, over, under, through and across the following described lands of the Grantor, situated in the State of Ohio, Paulding County, part of Lot 18, Kauffman Addition, Village of Antwerp, Tax Parcel Number 12-20S-013-00.

Grantor claims title by Quit Claim Deed, Volume 168, Page 530, recorded on 06/10/1966; in the Paulding County Recorder's Office.

Auditor/Key/Tax Number: 12-20S-013-00

The Easement Area is more fully described and depicted on Exhibit "A", a copy of which is attached hereto and made a part hereof ("Easement Area").

GRANTOR FURTHER GRANTS AEP THE FOLLOWING RIGHTS:

The right, now or in the future, to construct, reconstruct, operate, maintain, alter, improve, extend, inspect and patrol (by ground or air), protect, repair, remove, replace, upgrade and relocate within the Easement Area, poles, towers, and structures, made of wood, metal, concrete or other materials, and crossarms, guys, anchors, grounding systems, and all other appurtenant equipment and fixtures, and to string conductors, wires and cables; together with the right to add to said facilities from time to time, and the right to do anything necessary, useful or convenient for the enjoyment of the Easement herein granted.

The right, in AEP's discretion, now or in the future, to cut down, trim, remove, and otherwise control, using herbicides or tree growth regulators or other means, any and all trees, overhanging branches, vegetation or brush situated within the Easement Area. AEP shall also have the right to cut down, trim or remove trees situated on lands of Grantor which adjoin the Easement Area when in the opinion of AEP those trees may endanger the safety of, or interfere with the construction, operation or maintenance of AEP's facilities or ingress or egress to, from or along the Easement Area.

The right of unobstructed ingress and egress, at any and all times, over, across and along and upon the Easement Area, and across the adjoining lands of Grantor as may be necessary for access to and from the Easement Area for the above referenced purposes.

THIS GRANT IS SUBJECT TO THE FOLLOWING CONDITIONS:

The Grantor reserves the right to cultivate annual crops, pasture, construct fences (provided gates are installed that adequately provide AEP the access rights conveyed herein) and roads or otherwise use the lands encumbered by this Easement in any way not inconsistent with the rights herein granted. In no event, however, shall Grantor, its heirs, successors, and assigns plant or cultivate any trees or place, construct, install, erect or permit any temporary or permanent building, structure, improvement or obstruction including but not limited to, storage tanks, billboards, signs, sheds, dumpsters, light poles, water impoundments, above ground irrigation systems, swimming pools or wells, or permit any alteration of the ground elevation, over, or within the Easement Area. AEP may, at Grantor's cost, remove any structure or obstruction if placed within the Easement Area, and may re-grade any alterations of the ground elevation within the Easement Area.

AEP agrees to repair or pay the Grantor for actual damages sustained by Grantor to crops, fences, gates, irrigation and drainage systems, drives, or lawns that are permitted herein, when such damages arise out of AEP's exercise of the rights herein granted.

The failure of AEP to exercise any of the rights granted herein, or the removal of any facilities from the Easement, shall not be deemed to constitute an abandonment or waiver of the rights granted herein.

This instrument contains the complete agreement, expressed or implied between the parties herein and shall inure to the benefit of and be binding on their respective successors, assigns, heirs, executors, administrators, lessees, tenants, and licensees.

This Easement may be executed in counterparts, each of which shall be deemed an original, but all of which, taken together, shall constitute one and the same instrument.

Any remaining space on this page left intentionally blank. See next page for signatures.

IN WITNESS WHEREOF, the Grantor has executed this Easement effective the day, month and year first above written.

GRANTOR
Village of Antwerp

By: _____
Title: Authorized Signer

State of §
 §
County of §

This instrument was acknowledged before me on the _____ day of _____, 2023, by _____, Authorized Signer of Village of Antwerp, on behalf of said village.

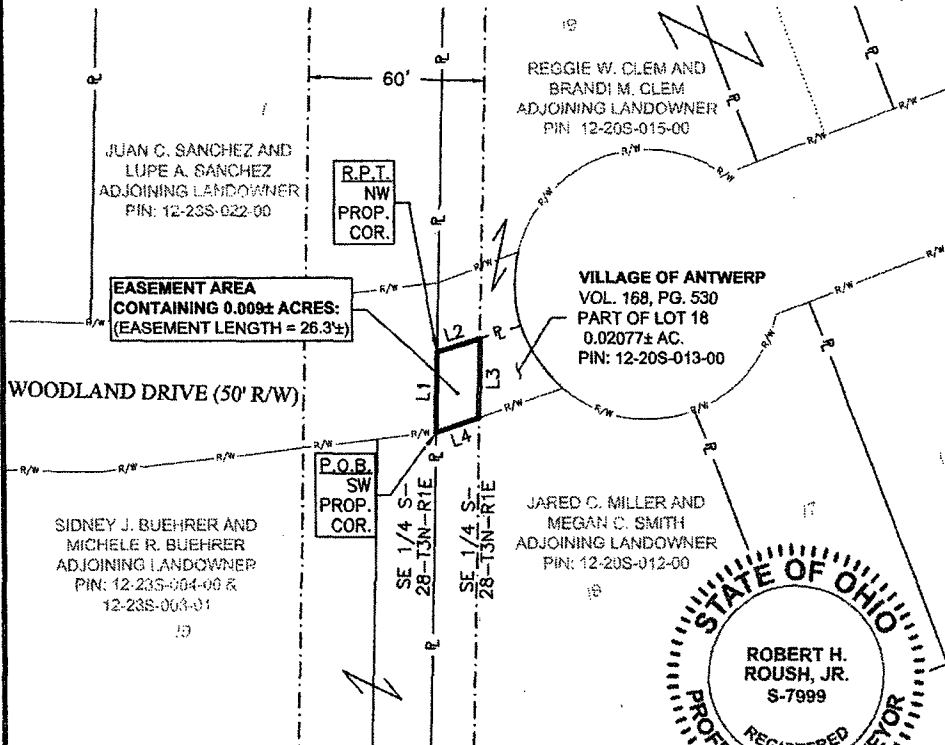
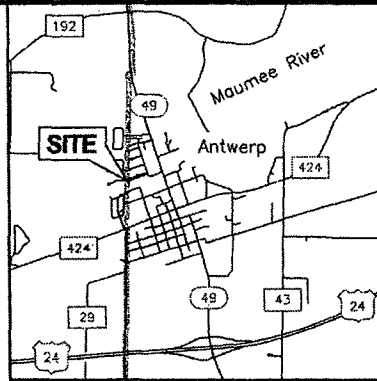
Notary Public
Print Name: _____
My Commission Expires: _____

This instrument prepared by Thomas G. St. Pierre, Associate General Counsel - Real Estate, American Electric Power Service Corporation, 1 Riverside Plaza, Columbus, OH 43215 for and on behalf of Ohio Power Company, a unit of American Electric Power.

When recorded return to: American Electric Power - Transmission Right of Way, 8600 Smiths Mill Road, New Albany, OH 43054.

EXHIBIT "A"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N01°12'26"E	26.77'
L2	N72°59'01"E	15.36"
L3	S01°09'59"W	26.27'
L4	S71°16'03"W	15.54'



NOTES:

THIS DESCRIPTION WAS PREPARED FOR THE LIMITED USE OF OHIO POWER COMPANY FOR EASEMENT PURPOSES ONLY AND IS NOT INTENDED TO REPRESENT A COMPLETE SURVEY OF THE PROPERTY. STREET AND ALLEY DIMENSIONS ARE PER PLAT, COUNTY ENGINEER, OR SURVEY RECORDS.

LAND OWNERSHIP INFORMATION IS PROVIDED BY VOLKERT, INC. NO ADDITIONAL VERIFICATION HAS BEEN PERFORMED BY SAM, LLC.

BEARINGS AND DISTANCES SHOWN HEREON WERE DERIVED FROM GPS OBSERVATIONS BASED ON GRID NORTH, OHIO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD83 (2011), U.S. SURVEY FEET.

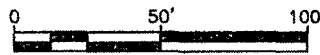
LEGEND

- P.O.B. POINT OF BEGINNING
- R.P.T. REFERENCE POINT TIE-DOWN
- RIGHT-OF-WAY LINE
- ROAD RIGHT-OF-WAY LINE
- EASEMENT AREA
- PROPERTY LINE (APPROXIMATE)



929 Eastwind Drive,
Suite 201
Westerville, Ohio 43081
Ofc: 614.899.0079
email: info@sam.biz

Robert H. Roush, Jr. 2-28-23
ROBERT H. ROUSH, JR. DATE
PROFESSIONAL SURVEYOR No. 7999



SAM PROJ. #: 56800

LINE NAME: PAYNE - S. HICKSVILLE

LINE NUMBER: TLN160:09090

EASEMENT NUMBER: 177

REVISED: 02/28/2023 (MEH)

OHIO POWER COMPANY

EASEMENT ACROSS THE LANDS OF
VILLAGE OF ANTWERP
CONTAINING 0.009± ACRES

SITUATED IN THE STATE OF OHIO, COUNTY OF PAULding, VILLAGE OF ANTWERP. LOCATED IN SW 1/4 SECTION 27, T3N, R-1E

SCALE: 1"=50' DATE: 2/14/2023 FILE: 177_12-20S-013-00 SHEET: 1 OF 1

Line Name: Payne - South Hicksville

Exhibit 2

Line No.: TLN160:09090 Easement No.: 198

EASEMENT PAYMENT SCHEDULE

THE UNDERSIGNED:

GRANTOR: The Incorporated Village of Antwerp, Paulding County, Ohio

ADDRESS: PO Box 1046, Antwerp, OH, 45813

HEREBY OFFER to accept amount as determined in accordance with the schedule below in full payment of the Easement and Right of Way for an electric transmission, distribution and communication lines, being, in, on, over, under, through and across the land of the Undersigned under an easement dated _____, 2023 from the Undersigned to the Company, to wit:

PAYMENT SCHEDULE

Easement Acquisition Cost Description:	Easement Paid	Damages Paid
New Easement Consideration Paid – 0.008 Acres +/- @ Unit Price of <u>\$1,500.00</u> =	\$1,500.00	
Existing Easement Consideration Paid – 0.012 Acres +/- @ Unit Price of <u>\$2,500.00</u> =	\$2,500.00	
Carryall Township, NW Quarter section, Section 27, Lot(s) 4, Block G, Village of Antwerp, Tax Parcel Number 12-08S-008-01, Paulding County, State of Ohio.		
Pre-Constructions Cost Descriptions:		
		\$
		\$
		\$
Sub-Totals	\$4,000.00	\$
Total Consideration includes Initial Consideration Paid		

The amounts so determined are full payment for the Easement and Right of Way. Any construction damages will be paid separately unless noted above.

Accepted on _____, 2023

Signed on _____, 2023

ORC Utility & Infrastructure Land Services, LLC Contract Agent for:

GRANTOR

Ohio Power Company

By: _____
Field Agent: Rebecca Morehart

By: _____
Print Name: _____
Its: Authorized Signer

Attach Required W-9

For Office Use Only:

GL	PCBU	Project BPID	Work Order	Account	Dept.	CC	Act	ZIP CODE
160	TRANS	P20015003	T10133713001	1070001	10425	942	412	43215

Line Name: Payne - South Hicksville
 Line No.: TLN160:09090 Easement No.: 177

EASEMENT PAYMENT SCHEDULE

THE UNDERSIGNED:

GRANTOR: Village of Antwerp
ADDRESS: PO Box 1046, Antwerp, OH, 45813

HEREBY OFFER to accept amount as determined in accordance with the schedule below in full payment of the Easement and Right of Way for an electric transmission, distribution and communication lines, being, in, on, over, under, through and across the land of the Undersigned under an easement dated _____, 2023 from the Undersigned to the Company, to wit:

PAYMENT SCHEDULE

Easement Acquisition Cost Description:	Easement Paid	Damages Paid
Easement Consideration Paid - 0.009 Acres +/- @ Unit Price of <u>\$1,500.00</u> =	\$1,500.00	
Part of Lot 18, Kauffman Addition, Village of Antwerp, Tax Parcel Number 12-20S-013-00, Paulding County, State of Ohio.		
Pre-Constructions Cost Descriptions:		
		\$
		\$
		\$
Sub-Totals	\$1,500.00	\$
Total Consideration includes Initial Consideration Paid		

The amounts so determined are full payment for the Easement and Right of Way. Any construction damages will be paid separately unless noted above.

Accepted on _____, 2023

Signed on _____, 2023

ORC Utility & Infrastructure Land Services, LLC Contract Agent for:

GRANTOR

Ohio Power Company

By: _____
 Field Agent: Rabecca Morehart

By: _____

Print Name: _____
 Its: Authorized Signer

Attach Required W-9

For Office Use Only:

GL	PCBU	Project BPID	Work Order	Account	Dept.	CC	Act	ZIP CODE
160	TRANS	P20015003	T10133713001	1070001	10425	942	412	43215

Ordinance No.

Passed

19.....

ORDINANCE NO. 2023-10

AN ORDINANCE AUTHORIZING THE MAYOR OF THE VILLAGE OF ANTWERP, OHIO TO ENTER INTO LOAN AND DISPLAY / PRESERVATION AGREEMENT WITH JOHN PAULDING HISTORICAL SOCIETY, INC. FOR WATERFOWL EXHIBIT; AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Village of Antwerp, Ohio (the "Village") owns certain waterfowl articles, including preserved waterfowl species, hereinafter referred to collectively as the "waterfowl exhibit"; and

WHEREAS, the Village desires to loan the waterfowl exhibit to the John Paulding Historical Preservation Society, Inc. (the "JPHS") for display and preservation purposes; and

WHEREAS, the JPHS agrees to display and preserve the waterfowl exhibit and the Village will retain ownership of the waterfowl exhibit.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, County of Paulding, State of Ohio:

Section 1. The Mayor of the Village of Antwerp, Ohio, is hereby authorized to enter into the Loan and Display / Preservation Agreement by and between the Village and the JPHS for the Village to loan the waterfowl exhibit to the JPHS for display and preservation purposes. A true and accurate copy of said Agreement is attached hereto and incorporated herein by reference.

Section 2. It is found and determined that all formal actions of the Council of the Village of Antwerp, Ohio, concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal action, were in meetings open to the public, and in compliance with all legal requirements.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village and to expedite the transfer of the waterfowl exhibit to the JPHS for display and preservation purposes. This Ordinance shall take effect and be in force immediately after its passage and approval; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: March 20, 2023.

Jay Reeb, Mayor

Attest:

Kevin Hornish, Fiscal Officer

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No.

Passed 19

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LOAN AND DISPLAY / PRESERVATION AGREEMENT

THIS LOAN AND DISPLAY / PRESERVATION AGREEMENT (this “Agreement”) dated this 30 day of March, 2023, by and between the Village of Antwerp, Ohio, an Ohio municipal corporation with an address of 118 North Main Street, Antwerp, Ohio 45813 (the “Village”), and the John Paulding Historical Society, Inc., an Ohio non-profit corporation with an address of 600 Fairground Drive, Paulding, Ohio 45879 (the “JPHS”).

WHEREAS, the Village owns certain waterfowl articles, including preserved waterfowl species (“waterfowl exhibit”), which waterfowl exhibit is further described on the inventory attached hereto marked as Exhibit “A” and made a part of this Agreement by incorporation herein;

WHEREAS, the Village loaned the waterfowl exhibit to Mark Feasby, for his lifetime, and he passed away recently and the waterfowl exhibit is located in his residence;

WHEREAS, the Village has agreed to loan the waterfowl exhibit to the JPHS for display and preservation purposes; and

WHEREAS, the JPHS agrees to display and preserve the waterfowl exhibit, and the Village shall retain ownership of the waterfowl exhibit.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Village and the JPHS hereby agree as follows:

1. The parties agree that the Village retains ownership of the waterfowl exhibit identified in the inventory attached hereto marked as Exhibit “A” and incorporated herein by reference.

2. The Village agrees to transport the waterfowl exhibit from Mark Feasby's residence to the JPHS's building located at 600 Fairground Drive, Paulding, Ohio, for display and preservation purposes.

3. The Village agrees to insure the waterfowl exhibit for the purpose of protecting those articles from any loss and/or damage. The JPHS shall promptly notify the Village of any loss and/or damage to the waterfowl exhibit, and if the JPHS fails to give the Village prompt notice of any loss and/or damage to these articles, then the JPHS shall reimburse the Village for any loss and/or damage to the waterfowl exhibit.

4. The parties agree that in the event the JPHS becomes an inactive Ohio non-profit corporation or no longer has a suitable facility to display the waterfowl exhibit in Paulding County, Ohio, the Village retains the authority to remove the waterfowl exhibit from the JPHS.

5. The JPHS acknowledges receipt of a copy of a report issued by The Industrial Solutions Group, Inc. on September 17, 2005 (the "Report"), which assessed the airborne concentrations of arsenic dust on certain contents of the Otto E. Ehrhart-Paulding County Historical Society Museum, which may have included the waterfowl exhibit, and provided recommendations regarding the handling of the museum contents. The JPHS acknowledges the potential risk of injury and permanent damage that may be caused from any arsenic dust on the waterfowl exhibit and hereby releases and waives any and all claims for damage or loss to any person and/or property that may be made against the Village. The JPHS agrees to take all necessary and reasonable steps to protect itself, its representatives and agents, and others in the handling, transfer, display and preservation of the waterfowl exhibit.

6. The JPHS shall indemnify and hold the Village, its officers, appointees, employees, agents, and assigns harmless from and against any and all judgments, losses, damages, liabilities, claims, demands, suits, costs, action or proceeding, or expenses (including

attorney fees) that are asserted against or incurred by the Village arising out of or in connection with any claim related to the waterfowl exhibit, including but not limited to any claims related to any damage and/or loss from exposure to any potential contaminants disclosed in paragraph 5 herein above and/or identified in the Report provided to the JPHS.

7. The Village shall promptly give notice to the JPHS of any claim for indemnification under this Agreement (“Indemnification Claim”) and shall give the JPHS a reasonable opportunity to defend, at the JPHS’s sole expense and with counsel selected by the JPHS, any Indemnification Claim. The JPHS, at its sole cost and expense, will diligently provide for the defense of any action or suit upon the waterfowl exhibit; provided, however, that the Village may participate in the defense, at its own option and expense. If, within thirty (30) days of receipt of written notice of an Indemnification Claim, the JPHS fails to undertake the defense of an Indemnification Claim, the Village shall have the right, but not the obligation, to defend and to compromise or settle (exercising reasonable business judgment) the Indemnification Claim for the account of and at the risk and expense of the JPHS.

8. Each party shall make available such information and assistance as the other party shall reasonably request in connection with an Indemnification Claim.

9. The JPHS shall not assign this Agreement without the prior written consent of the Village, which consent may be withheld in the Village’s sole and absolute discretion.

10. This Agreement shall be binding upon the parties and their respective successors and permitted assigns.

11. This Agreement shall be governed and construed in accordance with the laws of the State of Ohio.

12. This Agreement constitutes the complete and exclusive agreement between the parties. It supersedes all prior written and oral statements. This Agreement may not be amended

without the prior written consent of the parties. Any modification or amendment of this Agreement must be in writing signed by both parties.

13. Notwithstanding any other provision of this Agreement to the contrary, this Agreement may be terminated by either party at any time and for any reason by means of written notification of termination by either party to the other. Written notification of termination must be received a minimum of one week prior to the removal of the waterfowl exhibit.

14. This Loan and Display / Preservation Agreement has been executed by the parties or their duly authorized agents as of the date set forth next to their signatures.

VILLAGE OF ANTWERP

Date: March 20/2023

By: Jan Reeb
Jan Reeb, Mayor

ATTEST:

Kevin Hornish
Kevin Hornish, Fiscal Officer

JOHN PAULDING HISTORICAL SOCIETY,
INC.

Date: _____

Printed name: _____

Its: _____

RECORD OF ORDINANCES

527

Dayton Legal Blank Co.

Form No. 30043

Ordinance No......

Passed.....*19*.....

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RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No......

Passed..... 19



Ordinance No.

Passed

19

ORDINANCE NO. 2023-12

AN ORDINANCE AUTHORIZING EXPENDITURE AND DIRECTING THE ADVERTISEMENT TO SOLICIT BIDS FOR THE VILLAGE OF ANTWERP, OHIO FOR WORK ASSOCIATED WITH THE RAILROAD STREET PROJECT; AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Village of Antwerp, Ohio ("Village") is in need of expanding the parking, updating water and/or storm sewer improvements, constructing handicap accessible sidewalk, and/or resurfacing the street, said improvements to begin at the intersection of South Main Street and Railroad Street and terminate at Railroad Street and Cleveland Street ("Railroad Street project");

WHEREAS, the Council of the Village passed a resolution, Resolution No. 2022-02, by an emergency measure at its regular meeting held on March 21, 2022, said resolution supporting the Railroad Street project; and

WHEREAS, the Village applied for a grant with the Ohio Community Development Block Grant ("CDBG") program by and through the Paulding County Commissioners for the Railroad Street project; and

WHEREAS, the grant has been awarded to the Village, and the grant funds will be used to partially fund the Railroad Street project; and

WHEREAS, the Council of the Village authorizes the expenditure of funds, which a portion of said funds will be provided by the CDBG awarded to the Village for said project, and directs the Village Administrator, with the assistance of the Maumee Valley Planning Organization, to solicit bids for the work associated with the Railroad Street project, including but not limited to installation of a new two-inch (2") waterline, removal and replacement of concrete curbs, installation of gutters and ADA ramps, storm sewer repair, tile repair, and street grinding / resurfacing; and

WHEREAS, this Council authorizes the Village Administrator to contract for said work following the process set forth in Ohio Revised Code § 731.141.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Paulding County, Ohio:

Section 1. It is hereby found that the Village is in need of expanding the parking, updating water and/or storm sewer improvements, constructing handicap accessible sidewalk, and/or resurfacing the street, said improvements to begin at the intersection of South Main Street and Railroad Street and terminate at Railroad Street and Cleveland Street, and Council authorizes the expenditure of funds for the work associated with the Railroad Street project, which a portion of said funds will be provided by the CDBG awarded to the Village for said project.

Ordinance No.

Passed 19

Section 2. The Village Administrator is hereby authorized to advertise for bids for the Village for the work associated with the Railroad Street project, such advertisement to notify potential bidders that the specifications and bid documents for the Railroad Street project will be available for bidders to review and submit bids in response thereto.

Section 3. The Village Administrator, with the assistance of the Maumee Valley Planning Organization, is hereby instructed and directed to cause legal notice to bidders to be published once a week for two (2) consecutive weeks in a newspaper of general circulation within the Village for the Village to solicit bids for the work associated with the Railroad Street project.

Section 4. The Village Administrator shall make a written contract with the lowest and best bidder responding fully to the advertisement for bids, the bid specifications, and the bid documents made available to potential bidders, and the contract shall be executed in the name of the Village and signed on its behalf by the Village Administrator and Village Fiscal Officer. The Village Administrator may reject any and all bids.

Section 5. It is hereby found and determined that all formal actions of this Council concerning or relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6. This Ordinance is hereby declared to be an emergency measure, necessary to expedite the bidding process relating to the Railroad Street project, and shall take effect immediately upon its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Date 3/20/2023

Jan Reeb
Jan Reeb, Mayor of the Village of Antwerp

Attest:

Kevin Hornish
Kevin Hornish, Fiscal Officer

Ordinance No.

Passed 19

ORDINANCE NO. 2023-13

AN ORDINANCE AMENDING ORDINANCE NO. 2022-23, AN ORDINANCE TO ESTABLISH THE TIME AND PLACE OF REGULAR MEETINGS OF THE COUNCIL FOR THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO, FOR CALENDAR YEAR 2023, SPECIFICALLY AMENDING SECTION 2 FOR TIME OF REGULAR COUNCIL MEETINGS; AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Council of the Village of Antwerp, Paulding County, Ohio, adopted Ordinance No. 2022-23 to establish the time and place of regular council meetings for the calendar year 2023; and

WHEREAS, due to scheduling issues in meeting on the third (3rd) Monday of each month and in accordance with Section 3 of Ordinance No. 2022-23, the Council desires to amend the time of regular meetings of the Council for calendar year 2023 starting with the regular council meeting in May as provided herein.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Paulding County, Ohio, as follows:

Section 1. That Section 2 of Ordinance No. 2022-23 currently reads as follows:

Section 2. Regular meetings of the Council shall be held on the third (3rd) Monday of each month at 5:30 p.m., except for those third (3rd) Mondays that are deemed a holiday under the personnel manual of the Village of Antwerp, then the regular council meeting shall be the third (3rd) Wednesday of that month at 5:30 p.m., which includes the regular meeting of the Council for January 2023, February 2023, and June 2023. The regular meeting of the Council for January 2023 will be held on January 18, 2023, at 5:30 p.m., the regular meeting of the Council for February 2023 will be held on February 15, 2023, at 5:30 p.m., and the regular meeting of the Council for June 2023, will be held on June 21, 2023, at 5:30 p.m.

Section 2. That Section 2 of Ordinance No. 2022-23 is hereby amended as follows:

Section 2. Regular meetings of the Council shall be held on the second (2nd) Wednesday of each month at 5:30 p.m.

Section 3. This Ordinance shall be in effect for regular meetings of the Council starting in May 2023 and be subject to amendment at the request of the Mayor of the Village of Antwerp or at the request of a member of the Council. Notice of any change in the time and/or place of a regular meeting of the Council shall be provided in accordance with Ordinance No. 2012-18 and Ordinance No. 2022-09.

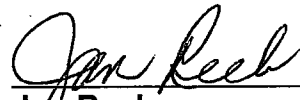
Section 4. It is found and determined that all formal actions of the Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of section 121.22 of the Ohio Revised Code.

Ordinance No.

Passed 19

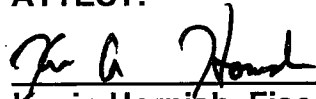
Section 5. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village and for the further reason that due to scheduling conflicts, Council is requesting this change to the regular council meeting times effective for the May 2023 council meeting and the regular council meetings for the remainder of calendar year 2023, and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Passed this 17 day of April, 2023.



Jan Reeb
Mayor of the Village of Antwerp

ATTEST:



Kevin Hornish, Fiscal Officer

Ordinance No.

Passed 19

ORDINANCE NO. 2023-14

AN ORDINANCE TO RETAIN THE SERVICES OF SHANE MICHAEL LEE AS SOLICITOR FOR THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO, AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Village of Antwerp, Paulding County, Ohio (the "Village") is authorized by law to retain the services of legal counsel to be known as the Village Solicitor; and

WHEREAS, the Council of the Village deems it necessary to retain the services of legal counsel to act as Solicitor for the Village in civil, contract, and criminal matters.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Paulding County, Ohio as follows:

Section 1. Legal counsel shall be provided to act in civil, contract, and criminal matters for the Village, and the person retained as such counsel shall be known as the Solicitor of the Village of Antwerp.

Section 2. The Village will compensate the Solicitor for legal services rendered on behalf of the Village at the rate of One Hundred Forty Dollars (\$140.00) per hour, plus legal support staff used by the Solicitor and out-of-pocket expenses incurred in providing such legal services, including but not limited to postage and photocopying at the rate of No Dollars and Fifteen Cents (\$0.15) per page. This Ordinance to retain the legal services of a Solicitor shall be in force and effect for a period not exceeding two (2) years commencing on May 1, 2023.

Section 3. Shane Michael Lee, an attorney at law, is licensed to practice law in the State of Ohio and is hereby appointed as Solicitor for the Village of Antwerp, Paulding County, Ohio.

Section 4. It is found and determined that all formal actions of the Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of § 121.22 of the Ohio Revised Code.

RECORD OF ORDINANCES


Ordinance No.....

Passed.....

19.....

Section 5. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public health, safety, and welfare, and for the further reason that the Village needs to be represented by legal counsel. This Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Passed this 17 day of April, 2023.



Jan Reeb, Mayor
Village of Antwerp, Ohio

Attest:



Kevin Hornish, Fiscal Officer

Ordinance No.

Passed

19

ORDINANCE NO. 2023-11

AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO RESIDE OUTSIDE THE VILLAGE OF ANTWERP

WHEREAS, the Mayor of the Village of Antwerp appointed Kevin A. Hornish to be the Village Fiscal Officer, and such appointment was approved by a majority vote of the Village Council at its regular council meeting on February 15, 2023; and

WHEREAS, Ohio Revised Code § 733.262 provides that the Village Fiscal Officer shall become a resident of the municipality within six months of his appointment by the Mayor and confirmation of such appointment by Council, unless his residence outside the municipality is approved by ordinance; and

WHEREAS, Kevin A. Hornish resides in Oakwood, Ohio, which allows a travel time of approximately thirty (30) minutes for him to arrive from his residence to the Village of Antwerp.


NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ANTWERP, COUNTY OF PAULDING, OHIO:

Section 1. That Kevin A. Hornish's residence outside the Village of Antwerp is approved so long as he continues to reside at his current residence or so long as he continues to reside at a location within thirty (30) miles of the Village corporation limits.

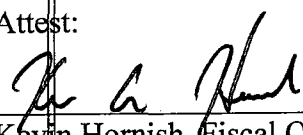
Section 2. It is found and determined that all formal actions of the Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions in Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance shall take effect and be in force after the earliest period allowed by law.

Passed: May 10th, 2023.


Jan Reeb, Mayor
Village of Antwerp

Attest:


Kevin Hornish, Fiscal Officer
Village of Antwerp

Ordinance No.

Passed 19

First Reading: March 20, 2023

Second Reading: April 17, 2023

Third Reading: May 10, 2023

Ordinance No.

Passed 19.....

ORDINANCE NO. 2023 - 16

**AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2015-31
AUTHORIZING THE VILLAGE OF ANTWERP TO UTILIZE A CONTRACT
FOR UTILITY SERVICES PROVIDED TO PROPERTY OWNERS THAT RENT
SAID PROPERTY TO TENANTS IN THE VILLAGE OF ANTWERP, OHIO, AND
DECLARING AN EMERGENCY**

WHEREAS, the Council of the Village of Antwerp previously enacted Ordinance No. 2015-31 authorizing the Village of Antwerp to utilize a contract for utility services provided to property owners that rent property to tenants in the Village of Antwerp, Ohio; and

WHEREAS, due to the cost increase for utility services in the Village of Antwerp, Ohio, there is a need to increase the security deposit required for rental properties from \$150.00 to \$250.00 and to revise the Contract for Utility Services to reflect this increase.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Paulding County, Ohio, as follows:

Section 1. That Section 2 of Ordinance No. 2015-31 currently reads as follows:

This Contract will provide a security deposit to the Village of Antwerp of \$150.00 to be paid by tenants renting property in order to protect the Village of Antwerp in providing utility services to these rental properties. In addition, the Contract makes the property owner ultimately responsible for any past-due utility service charges not paid by tenants of said rental properties.

Section 2. That Section 2 of Ordinance No. 2015-31 is amended to read as follows:

This Contract will provide a security deposit to the Village of Antwerp of \$250.00 to be paid by tenants renting property in order to protect the Village of Antwerp in providing utility services to these rental properties. In addition, the Contract makes the property owner ultimately responsible for any past-due utility service charges not paid by tenants of said rental properties.

Section 3. Previous ordinances and/or any portions thereof, including Section 2 of Ordinance No. 2015-31, and rules of the Village of Antwerp that are not consistent with this Ordinance are hereby set aside, revoked and held for naught.

Section 4. That all formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and all deliberations of this Council, or any of its Committees, which resulted in such formal actions, were in meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.


Section 5. That this Ordinance is hereby declared to be and is passed as an emergency measure, the emergency being the need for the prudent and efficient administration of the Village affairs. Said Ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare of the Village of Antwerp.

Ordinance No.

Passed 19

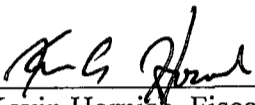
Section 6. This Ordinance shall be in full force and take effect immediately after its passage; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Date: 7/12/23



Jan Reeb, Mayor of the Village of Antwerp

Attest:



Kevin Hornish, Fiscal Officer

Ordinance No.

Passed 19

ORDINANCE NO. 2023-17

AN ORDINANCE AUTHORIZING AN AGREEMENT BY AND BETWEEN THE VILLAGE OF ANTWERP, OHIO AND PARAGON TEMPERED GLASS, LLC FOR THE SUPPLY AND PURCHASE OF WATER AND PROVISION OF SEWER SERVICE, AND DECLARING AN EMERGENCY

WHEREAS, the Village of Antwerp, Ohio (“the Village”), has previously supplied water to Paragon Tempered Glass, LLC (“Paragon Tempered Glass”) and treated sewage discharge from its facility located at 5406 County Road 424, Antwerp, OH 45813 (the “Paragon Antwerp Facility”); and

WHEREAS, it is desirable for the Village to have an agreement with Paragon Tempered Glass for the sale and purchase of water and treatment of sewage discharge from the Paragon Antwerp facility by the Village.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Paulding County, Ohio, as follows:

Section 1. The Village is hereby authorized to enter into an agreement for furnishing water and receiving sewage for treatment with Paragon Tempered Glass, LLC pursuant to the following rates and terms:

FOR CALENDAR YEAR 2024, 2025, AND 2026

A. Paragon Tempered Glass, LLC shall pay the Village a monthly charge for the transportation and treatment of water delivered from the Village to the Paragon Antwerp Facility. The monthly charge for water so delivered to the Paragon Antwerp Facility shall be \$3.25 for each 1,000 gallons of water, plus a flat rate of \$114.99 per quarter, which shall be paid at the rate of \$38.33 per month.

B. Paragon Tempered Glass, LLC shall pay the Village the sum of \$1.80 per 1,000 gallons of sewage collected into the Village’s sewer treatment system from the Paragon Antwerp Facility for treatment per month, plus a flat rate of \$90.51 per quarter, which shall be billed at the rate of \$30.17 per month.

Section 2. Paragon Tempered Glass, LLC shall install, operate and maintain all required meters in accordance with the Village’s regulations.

Section 3. The agreement by and between the Village and Paragon Tempered Glass, LLC for the supply and purchase of water and provision of sewer service shall be in effect from January 1, 2024, to and including December 31, 2026.

Ordinance No.

Passed

19

Section 4. It is found and determined that all formal actions of the Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including all lawful ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

Section 5. That this Ordinance is hereby declared to be and is passed as an emergency measure, the emergency being the need for the prudent and efficient administration of the Village affairs, to include having an agreement with Paragon Tempered Glass in effect before the prior agreement expires on December 31, 2023. Said Ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare of the Village of Antwerp.

Section 6. This Ordinance shall be in full force and take effect immediately after its passage; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 11/8/2023

Janice Reeb
Jan Reeb, Mayor

ATTEST:

Kevin Hornish
Kevin Hornish, Fiscal Officer

VILLAGE OF ANTWERP INCOME TAX ORDINANCE

Effective January 1, 2016

Exhibit A to Ordinance No. 2015-27

SECTION 1 AUTHORITY TO LEVY TAX; PURPOSE OF TAX.

(A) To provide funds for the purposes of general municipal operations, maintenance, new equipment, extension and enlargement of municipal services and facilities and capital improvements, the Village of Antwerp (the "Village") hereby levies an annual municipal income tax on income, qualifying wages, commissions and other compensation, and on net profits as hereinafter provided.

(B)(1) The annual tax is levied at a rate of 1% (one percent). The tax is levied at a uniform rate on all persons residing in or earning or receiving income in the Village. The tax is levied on income, qualifying wages, commissions and other compensation, and on net profits as hereinafter provided in Section 3 of this Ordinance and other sections as they may apply.

(2) Intentionally left blank.

(C) The tax on income and the withholding tax established by Ordinance No. 2015-27 are authorized by Article XVIII, Section 3 of the Ohio Constitution. The tax is levied in accordance with, and is intended to be consistent with, the provisions and limitations of Ohio Revised Code 718 (ORC 718).

SECTION 2 DEFINITIONS.

(A) Any term used in this Ordinance that is not otherwise defined in this Ordinance has the same meaning as when used in a comparable context in laws of the United States relating to federal income taxation or in Title LVII of the ORC, unless a different meaning is clearly required. If a term used in this Ordinance that is not otherwise defined in this Ordinance is used in a comparable context in both the laws of the United States relating to federal income tax and in Title LVII of the ORC and the use is not consistent, then the use of the term in the laws of the United States relating to federal income tax shall control over the use of the term in Title LVII of the ORC.

(B) The singular shall include the plural, and the masculine shall include the feminine and the gender-neutral.

(C) As used in this Ordinance:

(1) "**Adjusted federal taxable income,**" for a person required to file as a C corporation, or for a person that has elected to be taxed as a C corporation under (C)(24)(d) of this division, means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

(a) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.

(b) Add an amount equal to five percent (5%) of intangible income deducted under division (C)(1)(a) of this section, but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in Section 1221 of the Internal Revenue Code;

(c) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in Section 1221 or 1231 of the Internal Revenue Code;

(d)(i) Except as provided in (C)(1)(d)(ii) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in Section 1221 or 1231 of the Internal Revenue Code;

(ii) Division (C)(1)(d)(i) of this section does not apply to the extent the income or gain is income or gain described in Section 1245 or 1250 of the Internal Revenue Code.

(e) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income;

(f) In the case of a real estate investment trust or regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income;

(g) Deduct, to the extent not otherwise deducted or excluded in computing federal taxable income, any income derived from a transfer agreement or from the enterprise transferred under that agreement under Section 4313.02 of the ORC;

(h)(i) Except as limited by divisions (C)(1)(h)(ii), (iii), and (iv) of this section, deduct any net operating loss incurred by the person in a taxable year beginning on or after January 1, 2017.

The amount of such net operating loss shall be deducted from net profit that is reduced by exempt income to the extent necessary to reduce municipal taxable income to zero, with any remaining unused portion of the net operating loss carried forward to not more than five consecutive taxable years following the taxable year in which the loss was incurred, but in no case for more years than necessary for the deduction to be fully utilized.

(ii) No person shall use the deduction allowed by division (C)(1)(h) of this section to offset qualifying wages.

(iii)(a) For taxable years beginning in 2018, 2019, 2020, 2021, or 2022, a person may not deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, more than fifty percent (50%) of the amount of the deduction otherwise allowed by division (C)(1)(h)(i) of this section.

(b) For taxable years beginning in 2023 or thereafter, a person may deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, the full amount allowed by (C)(1)(h)(i) of this section.

(iv) Any pre-2017 net operating loss carryforward deduction that is available must be utilized before a taxpayer may deduct any amount pursuant to (C)(1)(h) of this section.

(v) Nothing in division (C)(1)(h)(iii)(a) of this section precludes a person from carrying forward, use with respect to any return filed for a taxable year beginning after 2018, any amount of net operating loss that was not fully utilized by operation of division (C)(1)(h)(iii)(a) of this section. To the extent that an amount of net operating loss that was not fully utilized in one or more taxable years by operation of division (C)(1)(h)(iii)(a) of this section is carried forward for use with respect to a return filed for a taxable year beginning in 2019, 2020, 2021, or 2022, the limitation described in division (C)(1)(h)(iii)(a) of this section shall apply to the amount carried forward.

(i) Deduct any net profit of a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that net profit in the group's federal taxable income in accordance with division (V)(3)(b) of Section 5.

(j) Add any loss incurred by a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that loss in the group's federal taxable income in accordance with division (V)(3)(b) of Section 5.

If the taxpayer is not a C corporation, is not a disregarded entity that has made an election described in division (C)(48)(b) of this section, is not a publicly traded partnership that has made the election described in division (C)(24)(d) of this section, and is not an individual, the taxpayer shall compute adjusted federal taxable income under this section as if the taxpayer were a C corporation, except guaranteed payments and other similar amounts paid or accrued to a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deductible expense unless such payments are in consideration for the use of capital and treated as payment of interest under Section 469 of the Internal Revenue Code or United States treasury regulations. Amounts paid or accrued to a qualified self-employed retirement plan with respect to a partner, former partner, shareholder, former shareholder, member, or former member of the taxpayer, amounts paid or accrued to or for health insurance for a partner, former partner, shareholder, former shareholder, member, or former member, and amounts paid or accrued to or for life insurance for a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deduction.

Nothing in division (C)(1) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

(2)(a) "Assessment" means a written finding by the Tax Administrator that a person has underpaid municipal income tax, or owes penalty and interest, or any combination of tax, penalty, or interest, to the municipal corporation that commences the person's time limitation for making an appeal to the Board of Tax Review pursuant to Section 21, and has "ASSESSMENT" written in all capital letters at the top of such finding.

(b) "Assessment" does not include a notice denying a request for refund issued under division (C)(3) of Section 9, a billing statement notifying a taxpayer of current or past-due balances owed to the municipal corporation, a Tax Administrator's request for additional information, a notification to the taxpayer of mathematical errors, or a Tax Administrator's other written correspondence to a person or taxpayer that does not meet the criteria prescribed by division (C)(2)(a) of this section.

(3) "Audit" means the examination of a person or the inspection of the books, records, memoranda, or accounts of a person, ordered to appear before the Tax Administrator, for the purpose of determining liability for a municipal income tax.

(4) **"Board of Tax Review"** or "Board of Review" or "Board of Tax Appeals", or other named local board constituted to hear appeals of municipal income tax matters, means the entity created under Section 21.

(5) **"Calendar quarter"** means the three-month period ending on the last day of March, June, September, or December.

(6) **"Casino operator" and "casino facility"** have the same meanings as in Section 3772.01 of the ORC.

(7) **"Certified mail," "express mail," "United States mail," "postal service,"** and similar terms include any delivery service authorized pursuant to Section 5703.056 of the ORC.

(8) **"Disregarded entity"** means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.

(9) **"Domicile"** means the true, fixed, and permanent home of a taxpayer and to which, whenever absent, the taxpayer intends to return. A taxpayer may have more than one residence but not more than one domicile.

(10) **"Employee"** means an individual who is an employee for federal income tax purposes.

(11) **"Employer"** means a person that is an employer for federal income tax purposes.

(12) **"Exempt income"** means all of the following:

(a) The military pay or allowances of members of the armed forces of the United States or members of their reserve components, including the national guard of any state.

(b) Intangible income. However, a municipal corporation that taxed any type of intangible income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 116th general assembly, may continue to tax that type of income if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of intangible income after 1988 voted in favor thereof at an election held on November 8, 1988.

(c) Social security benefits, railroad retirement benefits, unemployment compensation, pensions, retirement benefit payments, payments from annuities, and similar payments made to an employee or to the beneficiary of an employee under a retirement program or plan, disability payments received from private industry or local, state, or federal governments or from charitable, religious or educational organizations, and the proceeds of sickness, accident, or liability insurance policies. As used in division (C)(12)(c) of this section, "unemployment compensation" does not include supplemental unemployment compensation described in Section 3402(o)(2) of the Internal Revenue Code.

(d) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities.

(e) Compensation paid under Section 3501.28 or 3501.36 of the ORC to a person serving as a precinct election official to the extent that such compensation does not exceed \$1,000 for the taxable year. Such compensation in excess of \$1,000 for the taxable year may be subject to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.

(f) Dues, contributions, and similar payments received by charitable, religious, educational, or literary organizations or labor unions, lodges, and similar organizations;

(g) Alimony and child support received.

(h) Compensation for personal injuries or for damages to property from insurance proceeds or otherwise, excluding compensation paid for lost salaries or wages or compensation from punitive damages.

(i) Income of a public utility when that public utility is subject to the tax levied under Section 5727.24 or 5727.30 of the ORC. Division (C)(12)(i) of this section does not apply for purposes of Chapter 5745. of the ORC.

(j) Gains from involuntary conversions, interest on federal obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business.

(k) Compensation or allowances excluded from federal gross income under Section 107 of the Internal Revenue Code.

(l) Employee compensation that is not qualifying wages as defined in division (C)(35) of this section.

(m) Compensation paid to a person employed within the boundaries of a United States air force base under the jurisdiction of the United States air force that is used for the housing of members of the United States air force and is a center for air force operations, unless the person is subject to taxation because of residence or domicile. If the compensation is subject to taxation because of residence or domicile, tax on such income shall be payable only to the municipal corporation of residence or domicile.

(n) An S corporation shareholder's share of net profits of the S corporation, other than any part of the share of net profits that represents wages as defined in Section 3121(a) of the Internal Revenue Code or net earnings from self-employment as defined in Section 1402(a) of the Internal Revenue Code.

(o) All of the income of individuals under 18 years of age.

(p)(i) Except as provided in divisions (C)(12)(p)(ii), (iii), and (iv) of this section, qualifying wages described in division (C)(2) or (5) of Section 4 to the extent the qualifying wages are not subject to withholding for the Village under either of those divisions.

(ii) The exemption provided in division (C)(12)(p)(i) of this section does not apply with respect to the municipal corporation in which the employee resided at the time the employee earned the qualifying wages.

(iii) The exemption provided in division (C)(12)(p)(i) of this section does not apply to qualifying wages that an employer elects to withhold under division (C)(4)(b) of Section 4.

(iv) The exemption provided in division (C)(12)(p)(i) of this section does not apply to qualifying wages if both of the following conditions apply:

(a) For qualifying wages described in division (C)(2) of Section 4, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employee's principal place of work is situated, or, for qualifying wages described in division (C)(5) of Section 4, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located;

(b) The employee receives a refund of the tax described in division (C)(12)(p)(iv)(a) of this section on the basis of the employee not performing services in that municipal corporation.

(q)(i) Except as provided in division (C)(12)(q)(ii) or (iii) of this section, compensation that is not qualifying wages paid to a nonresident individual for personal services performed in the Village on not more than 20 days in a taxable year.

(ii) The exemption provided in division (C)(12)(q)(ii) of this section does not apply under either of the following circumstances:

(a) The individual's base of operation is located in the municipal corporation.

(b) The individual is a professional athlete, professional entertainer, or public figure, and the compensation is paid for the performance of services in the individual's capacity as a professional athlete, professional entertainer, or public figure. For purposes of division (C)(12)(q)(ii)(b) of this section, "professional athlete," "professional entertainer," and "public figure" have the same meanings as in Section 4 (C).

(iii) Compensation to which division (C)(12)(q) of this section applies shall be treated as earned or received at the individual's base of operation. If the individual does not have a base of operation, the compensation shall be treated as earned or received where the individual is domiciled.

(iv) For purposes of division (C)(12)(q) of this section, "base of operation" means the location where an individual owns or rents an office, storefront, or similar facility to which the individual regularly reports and at which the individual regularly performs personal services for compensation.

(r) Compensation paid to a person for personal services performed for a political subdivision on property owned by the political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another person performing services for the subdivision under a contract with the subdivision, if the property on which services are performed is annexed to a municipal corporation pursuant to Section 709.023 of the ORC on or after March 27, 2013, unless the person is subject to such taxation because of residence. If the compensation is subject to taxation because of residence, municipal income tax shall be payable only to the municipal corporation of residence.

(s) Income the taxation of which is prohibited by the constitution or laws of the United States.

Any item of income that is exempt income of a pass-through entity under division (C) of this section is exempt income of each owner of the pass-through entity to the extent of that owner's distributive or proportionate share of that item of the entity's income.

(13) **"Form 2106"** means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.

(14) **"Generic form"** means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability or for filing a refund claim.

(15) **"Gross receipts"** means the total revenue derived from sales, work done, or service rendered.

(16) **"Income"** means the following:

(a)(i) For residents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the resident, including the resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the resident and any net profit of the resident, except as provided in (C)(24)(d) of this division.

(ii) For the purposes of division (C)(16)(a)(i) of this section:

(a) Any net operating loss of the resident incurred in the taxable year and the resident's distributive share of any net operating loss generated in the same taxable year and attributable to the resident's ownership interest in a pass-through entity shall be allowed as a deduction, for that taxable year and the following five taxable years, against any other net profit of the resident or the resident's distributive share of any net profit attributable to the resident's ownership interest in a pass-through entity until fully utilized, subject to division (C)(16)(a)(iv) of this section;

(b) The resident's distributive share of the net profit of each pass-through entity owned directly or indirectly by the resident shall be calculated without regard to any net operating loss that is carried forward by that entity from a prior taxable year and applied to reduce the entity's net profit for the current taxable year.

(iii) Division (C)(16)(a)(ii) of this section does not apply with respect to any net profit or net operating loss attributable to an ownership interest in an S corporation unless shareholders' shares of net profits from S corporations are subject to tax in the municipal corporation as provided in division (C)(12)(n) or (C)(16)(e) of this section.

(iv) Any amount of a net operating loss used to reduce a taxpayer's net profit for a taxable year shall reduce the amount of net operating loss that may be carried forward to any subsequent year for use by that taxpayer. In no event shall the cumulative deductions for all taxable years with respect to a taxpayer's net operating loss exceed the original amount of that net operating loss available to that taxpayer.

(b) In the case of nonresidents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the nonresident for work done, services performed or rendered, or activities conducted in the municipal corporation, including any net profit of

the nonresident, but excluding the nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the nonresident.

(c) For taxpayers that are not individuals, net profit of the taxpayer;

(d) Lottery, sweepstakes, gambling and sports winnings, winnings from games of chance, and prizes and awards. If the taxpayer is a professional gambler for federal income tax purposes, the taxpayer may deduct related wagering losses and expenses to the extent authorized under the Internal Revenue Code and claimed against such winnings.

(e) Intentionally left blank.

(17) "Intangible income" means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Ordinance 5701. of the ORC, and patents, copyrights, trademarks, tradenames, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. "Intangible income" does not include prizes, awards, or other income associated with any lottery winnings, gambling winnings, or other similar games of chance.

(18) "Internal Revenue Code" has the same meaning as in Section 5747.01 of the ORC.

(19) "Limited liability company" means a limited liability company formed under Ordinance 1705. of the ORC or under the laws of another state.

(20) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under Section 715.691 , 715.70 , 715.71 , or 715.74 of the ORC.

(21)(a) "Municipal taxable income" means the following:

(i) For a person other than an individual, income reduced by exempt income to the extent otherwise included in income and then, as applicable, apportioned or sitused to the Village under Section 3, and further reduced by any pre-2017 net operating loss carryforward available to the person for the Village.

(ii)(a) For an individual who is a resident of the Village, income reduced by exempt income to the extent otherwise included in income, then reduced as provided in division (C)(21)(b) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the municipal corporation.

(b) For an individual who is a nonresident of the Village, income reduced by exempt income to the extent otherwise included in income and then, as applicable, apportioned or sitused to the municipal corporation under Section 3, then reduced as provided in division (C)(21)(b) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the Village.

(b) In computing the municipal taxable income of a taxpayer who is an individual, the taxpayer may subtract, as provided in division (C)(21)(a)(ii)(a) or (C)(21)(b) of this section, the amount of the individual's employee business expenses reported on the individual's form 2106 that the individual

deducted for federal income tax purposes for the taxable year, subject to the limitation imposed by Section 67 of the Internal Revenue Code. For the municipal corporation in which the taxpayer is a resident, the taxpayer may deduct all such expenses allowed for federal income tax purposes, but to the extent the expenses do not relate to exempt income. For a municipal corporation in which the taxpayer is not a resident, the taxpayer may deduct such expenses only to the extent the expenses are related to the taxpayer's performance of personal services in that nonresident municipal corporation and are not related to exempt income.

(22) "Municipality" or "Village" means the same as the Village of Antwerp. If the terms are capitalized in the ordinance they are referring to the Village of Antwerp. If not capitalized they refer to a municipal corporation other than the Village of Antwerp.

(23) "Net operating loss" means a loss incurred by a person in the operation of a trade or business. "Net operating loss" does not include unutilized losses resulting from basis limitations, at-risk limitations, or passive activity loss limitations.

(24)(a) "Net profit" for a person other than an individual means adjusted federal taxable income.

(b) "Net profit" for a person who is an individual means the individual's net profit required to be reported on schedule C, schedule E, or schedule F reduced by any net operating loss carried forward. For the purposes of division (C)(24)(b) of this section, the net operating loss carried forward shall be calculated and deducted in the same manner as provided in division (C)(1)(h) of this section.

(c) For the purposes of this Ordinance, and notwithstanding division (C)(24)(a) of this section, net profit of a disregarded entity shall not be taxable as against that disregarded entity, but shall instead be included in the net profit of the owner of the disregarded entity.

(d) A publicly traded partnership that is treated as a partnership for federal income tax purposes, and that is subject to tax on its net profits by the Village, may elect to be treated as a C corporation for the Village. The election shall be made on the annual return for the Village. The Village will treat the publicly traded partnership as a C corporation if the election is so made.

(25) "Nonresident" means an individual that is not a resident.

(26) "Ohio Business Gateway" means the online computer network system, created under Section 125.30 of the ORC, that allows persons to electronically file business reply forms with state agencies and includes any successor electronic filing and payment system.

(27) "Other payer" means any person, other than an individual's employer or the employer's agent that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.

(28) "Pass-through entity" means a partnership not treated as an association taxable as a C corporation for federal income tax purposes, a limited liability company not treated as an association taxable as a C corporation for federal income tax purposes, an S corporation, or any other class of entity from which the income or profits of the entity are given pass-through treatment for federal income tax purposes. "Pass-through entity" does not include a trust, estate, grantor of a grantor trust, or disregarded entity.

(29) "Pension" means any amount paid to an employee or former employee that is reported to the recipient on an IRS form 1099-R, or successor form. Pension does not include deferred compensation, or

amounts attributable to nonqualified deferred compensation plans, reported as FICA/Medicare wages on an IRS form W-2, Wage and Tax Statement, or successor form.

(30) "Person" includes individuals, firms, companies, joint stock companies, business trusts, estates, trusts, partnerships, limited liability partnerships, limited liability companies, associations, C corporations, S corporations, governmental entities, and any other entity.

(31) "Postal service" means the United States postal service.

(32) "Postmark date," "date of postmark," and similar terms include the date recorded and marked in the manner described in division (B)(3) of Section 5703.056 of the ORC.

(33)(a) "Pre-2017 net operating loss carryforward" means any net operating loss incurred in a taxable year beginning before January 1, 2017, to the extent such loss was permitted, by a resolution or ordinance of the Village that was adopted by the Village before January 1, 2016, to be carried forward and utilized to offset income or net profit generated in the Village in future taxable years.

(b) For the purpose of calculating municipal taxable income, any pre-2017 net operating loss carryforward may be carried forward to any taxable year, including taxable years beginning in 2017 or thereafter, for the number of taxable years provided in the resolution or ordinance or until fully utilized, whichever is earlier.

(34) "Publicly traded partnership" means any partnership, an interest in which is regularly traded on an established securities market. A "publicly traded partnership" may have any number of partners.

(35) "Qualifying wages" means wages, as defined in Section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows:

(a) Deduct the following amounts:

(i) Any amount included in wages if the amount constitutes compensation attributable to a plan or program described in Section 125 of the Internal Revenue Code.

(ii) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or other payer.

(iii) Intentionally left blank.

(iv) Intentionally left blank.

(v) Any amount included in wages that is exempt income.

(b) Add the following amounts:

(i) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986.

(ii) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option. Division (C)(35)(b)(ii) of this section applies only to those amounts constituting ordinary income.

(iii) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Division (C)(35)(b)(ii) of this section applies only to employee contributions and employee deferrals.

(iv) Any amount that is supplemental unemployment compensation benefits described in Section 3402(o)(2) of the Internal Revenue Code and not included in wages.

(v) Any amount received that is treated as self-employment income for federal tax purposes in accordance with Section 1402(a)(8) of the Internal Revenue Code.

(vi) Any amount not included in wages if all of the following apply:

(a) For the taxable year the amount is employee compensation that is earned outside the United States and that either is included in the taxpayer's gross income for federal income tax purposes or would have been included in the taxpayer's gross income for such purposes if the taxpayer did not elect to exclude the income under Section 911 of the Internal Revenue Code;

(b) For no preceding taxable year did the amount constitute wages as defined in Section 3121(a) of the Internal Revenue Code;

(c) For no succeeding taxable year will the amount constitute wages; and

(d) For any taxable year the amount has not otherwise been added to wages pursuant to either division (C)(35)(b) of this section or Section 4, as that section existed before the effective date of H.B. 5 of the 130th General Assembly, March 23, 2015.

(36) "Related entity" means any of the following:

(a) An individual stockholder, or a member of the stockholder's family enumerated in Section 318 of the Internal Revenue Code, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty percent (50%) of the value of the taxpayer's outstanding stock;

(b) A stockholder, or a stockholder's partnership, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, estates, trusts, or corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty percent (50%) of the value of the taxpayer's outstanding stock;

(c) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under division (C)(36)(d) of this section, provided the taxpayer owns directly, indirectly, beneficially, or constructively, at least fifty percent of the value of the corporation's outstanding stock;

(d) The attribution rules described in Section 318 of the Internal Revenue Code apply for the purpose of determining whether the ownership requirements in divisions (C)(36)(a) to (c) of this section have been met.

(37) "**Related member**" means a person that, with respect to the taxpayer during all or any portion of the taxable year, is either a related entity, a component member as defined in Section 1563(b) of the Internal Revenue Code, or a person to or from whom there is attribution of stock ownership in accordance with Section 1563(e) of the Internal Revenue Code except, for purposes of determining whether a person is a related member under this division, "twenty percent (20%)" shall be substituted for "five percent (5%)" wherever "five percent (5%)" appears in Section 1563(e) of the Internal Revenue Code.

(38) "**Resident**" means an individual who is domiciled in the municipal corporation as determined under Section 3(E).

(39) "**S corporation**" means a person that has made an election under subchapter/ordinance S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.

(40) "**Schedule C**" means internal revenue service schedule C (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(41) "**Schedule E**" means internal revenue service schedule E (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(42) "**Schedule F**" means internal revenue service schedule F (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(43) "**Single member limited liability company**" means a limited liability company that has one direct member.

(44) "**Small employer**" means any employer that had total revenue of less than \$500,000 during the preceding taxable year. For purposes of this division, "total revenue" means receipts of any type or kind, including, but not limited to, sales receipts; payments; rents; profits; gains, dividends, and other investment income; compensation; commissions; premiums; money; property; grants; contributions; donations; gifts; program service revenue; patient service revenue; premiums; fees, including premium fees and service fees; tuition payments; unrelated business revenue; reimbursements; any type of payment from a governmental unit, including grants and other allocations; and any other similar receipts reported for federal income tax purposes or under generally accepted accounting principles. "Small employer" does not include the federal government; any state government, including any state agency or instrumentality; any political subdivision; or any entity treated as a government for financial accounting and reporting purposes.

(45) "**Tax Administrator**" means the individual charged with direct responsibility for administration of an income tax levied by the Village in accordance with this Ordinance.

(46) "**Tax return preparer**" means any individual described in Section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15.

(47) "**Taxable year**" means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.

(48)(a) "Taxpayer" means a person subject to a tax levied on income by a municipal corporation in accordance with this Ordinance. "Taxpayer" does not include a grantor trust or, except as provided in division (C)(48)(b)(i) of this section, a disregarded entity.

(b)(i) A single member limited liability company that is a disregarded entity for federal tax purposes may be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:

(a) The limited liability company's single member is also a limited liability company.

(b) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004.

(c) Not later than December 31, 2004, the limited liability company and its single member each made an election to be treated as a separate taxpayer under division (L) of ORC 718.01 as that section existed on December 31, 2004.

(d) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member.

(e) The Ohio municipal corporation that was the primary place of business of the sole member of the limited liability company consented to the election.

(ii) For purposes of division (C)(48)(b)(ii) of this section, a municipal corporation was the primary place of business of a limited liability company if, for the limited liability company's taxable year ending in 2003, its income tax liability was greater in that municipal corporation than in any other municipal corporation in Ohio, and that tax liability to that municipal corporation for its taxable year ending in 2003 was at least \$400,000.

(49) "Taxpayers' rights and responsibilities" means the rights provided to taxpayers in Sections 9, 12, 13, 19(B), 20, 21, and Sections 5717.011 and 5717.03 of the ORC, and the responsibilities of taxpayers to file, report, withhold, remit, and pay municipal income tax and otherwise comply with Ordinance 718. of the ORC and resolutions, ordinances, and rules and regulations adopted by the Village for the imposition and administration of a municipal income tax.

(50) "Video lottery terminal" has the same meaning as in Section 3770.21 of the ORC.

(51) "Video lottery terminal sales agent" means a lottery sales agent licensed under Chapter 3770. of the ORC to conduct video lottery terminals on behalf of the state pursuant to Section 3770.21 of the ORC.

SECTION 3 IMPOSITION OF TAX.

The income tax levied by the Village at a rate of one percent (1%) is levied on the Municipal Taxable Income of every person residing in and/or earning and/or receiving income in the Village.

Individuals.

(A) For residents of the Village, the income tax levied herein shall be on all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the resident, including the resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the resident and any net profit of the resident. This is further detailed in the definition of income (Section 2 (C)(16)).

(B) For nonresidents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the nonresident for work done, services performed or rendered, or activities conducted in the municipal corporation, including any net profit of the nonresident, but excluding the nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the nonresident.

(C) For residents and nonresidents, income can be reduced to "Municipal Taxable Income" as defined in Section 2 (C)(21). Exemptions which may apply are specified in Section 2 (C)(12).

Refundable credit for Nonqualified Deferred Compensation Plan.

(D)(1) As used in this division:

(a) "Nonqualified deferred compensation plan" means a compensation plan described in Section 3121(v)(2)(C) of the Internal Revenue Code.

(b) "Qualifying loss" means the amount of compensation attributable to a taxpayer's nonqualified deferred compensation plan, less the receipt of money and property attributable to distributions from the nonqualified deferred compensation plan. Full loss is sustained if no distribution of money and property is made by the nonqualified deferred compensation plan. The taxpayer sustains a qualifying loss only in the taxable year in which the taxpayer receives the final distribution of money and property pursuant to that nonqualified deferred compensation plan.

(c)(i) "Qualifying tax rate" means the applicable tax rate for the taxable year for the which the taxpayer paid income tax to the Village with respect to any portion of the total amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan.

(ii) If different tax rates applied for different taxable years, then the "qualifying tax rate" is a weighted average of those different tax rates. The weighted average shall be based upon the tax paid to the Village each year with respect to the nonqualified deferred compensation plan.

(d) "Refundable credit" means the amount of the Village's income tax that was paid on the non-distributed portion, if any, of a nonqualified deferred compensation plan.

(2) If, in addition to the Village, a taxpayer has paid tax to other municipal corporations with respect to the nonqualified deferred compensation plan, the amount of the credit that a taxpayer may claim from each municipal corporation shall be calculated on the basis of each municipal corporation's proportionate share of the total municipal corporation income tax paid by the taxpayer to all municipal corporations with respect to the nonqualified deferred compensation plan.

(3) In no case shall the amount of the credit allowed under this section exceed the cumulative income tax that a taxpayer has paid to the Village for all taxable years with respect to the nonqualified deferred compensation plan.

(4) The credit allowed under this division is allowed only to the extent the taxpayer's qualifying loss is attributable to:

(a) The insolvency or bankruptcy of the employer who had established the nonqualified deferred compensation plan; or

(b) The employee's failure or inability to satisfy all of the employer's terms and conditions necessary to receive the nonqualified deferred compensation.

Domicile.

(E)(1)(a) An individual is presumed to be domiciled in the Village for all or part of a taxable year if the individual was domiciled in the Village on the last day of the immediately preceding taxable year or if the Tax Administrator reasonably concludes that the individual is domiciled in the Village for all or part of the taxable year.

(b) An individual may rebut the presumption of domicile described in division (E)(1)(a) of this section if the individual establishes by a preponderance of the evidence that the individual was not domiciled in the Village for all or part of the taxable year.

(2) For the purpose of determining whether an individual is domiciled in the Village for all or part of a taxable year, factors that may be considered include, but are not limited to, the following:

(a) The individual's domicile in other taxable years;

(b) The location at which the individual is registered to vote;

(c) The address on the individual's driver's license;

(d) The location of real estate for which the individual claimed a property tax exemption or reduction allowed on the basis of the individual's residence or domicile;

(e) The location and value of abodes owned or leased by the individual;

(f) Declarations, written or oral, made by the individual regarding the individual's residency;

(g) The primary location at which the individual is employed.

(h) The location of educational institutions attended by the individual's dependents as defined in Section 152 of the Internal Revenue Code, to the extent that tuition paid to such educational institution is based on the residency of the individual or the individual's spouse in the municipal corporation where the educational institution is located;

(i) The number of contact periods the individual has with the Village. For the purposes of this division, an individual has one "contact period" with the Village if the individual is away overnight from the individual's abode located outside of the Village and while away overnight from that abode spends at least some portion, however minimal, of each of two consecutive days in the Village.

(3) All additional applicable factors are provided in the Rules and Regulations.

Businesses.

(F) This division applies to any taxpayer engaged in a business or profession in the Village, unless the taxpayer is an individual who resides in the Village or the taxpayer is an electric company, combined company, or telephone company that is subject to and required to file reports under Chapter 5745. of the ORC.

(1) Except as otherwise provided in division (F)(2) of this section, net profit from a business or profession conducted both within and without the boundaries of the Village shall be considered as having a taxable situs in the Village for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(a) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the Village during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated.

As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;

(b) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the Village to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under Section 4 (C);

(c) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the Village to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed.

(2)(a) If the apportionment factors described in division (F)(1) of this section do not fairly represent the extent of a taxpayer's business activity in the Village, the taxpayer may request, or the Tax Administrator of the Village may require, that the taxpayer use, with respect to all or any portion of the income of the taxpayer, an alternative apportionment method involving one or more of the following:

(i) Separate accounting;

(ii) The exclusion of one or more of the factors;

(iii) The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the municipal corporation;

(iv) A modification of one or more of the factors.

(b) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the Tax Administrator denies the request in an assessment issued within the period prescribed by Section 12 (A).

(c) The Tax Administrator may require a taxpayer to use an alternative apportionment method as described in division (F)(2)(a) of this section, but only by issuing an assessment to the taxpayer within the period prescribed by Section 12 (A).

(d) Nothing in division (F)(2) of this section nullifies or otherwise affects any alternative apportionment arrangement approved by the Tax Administrator or otherwise agreed upon by both the Tax Administrator and taxpayer before January 1, 2016.

(3) As used in division (F)(1)(b) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:

(a) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:

(i) The employer;

(ii) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;

(iii) A vendor, customer, client, or patient of a person described in (F)(3)(a)(ii) of this section, or a related member of such a vendor, customer, client, or patient.

(b) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;

(c) Any other location, if the Tax Administrator determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (F) (3)(a) or (b) of this section solely in order to avoid or reduce the employer's municipal income tax liability. If the Tax Administrator makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the Tax Administrator's determination was unreasonable.

(4) For the purposes of division (F)(1)(c) of this section, receipts from sales and rentals made and services performed shall be situated to a municipal corporation as follows:

(a) Gross receipts from the sale of tangible personal property shall be situated to the municipal corporation in which the sale originated. For the purposes of this division, a sale of property originates in the Village if, regardless of where title passes, the property meets any of the following criteria:

(i) The property is shipped to or delivered within the Village from a stock of goods located within the Village.

(ii) The property is delivered within the Village from a location outside the Village, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the Village and the sales result from such solicitation or promotion.

(iii) The property is shipped from a place within the Village to purchasers outside the municipal corporation, provided that the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.

(b) Gross receipts from the sale of services shall be situated to the Village to the extent that such services are performed in the Village.

(c) To the extent included in income, gross receipts from the sale of real property located in the Village shall be situated to the Village.

(d) To the extent included in income, gross receipts from rents and royalties from real property located in the Village shall be situated to the Village.

(e) Gross receipts from rents and royalties from tangible personal property shall be situated to the Village based upon the extent to which the tangible personal property is used in the Village.

(5) The net profit received by an individual taxpayer from the rental of real estate owned directly by the individual, or by a disregarded entity owned by the individual, shall be subject to the Village's tax only if the property generating the net profit is located in the Village or if the individual taxpayer that receives the net profit is a resident of the Village. The Village shall allow such taxpayers to elect to use separate accounting for the purpose of calculating net profit situated under this division to the municipal corporation in which the property is located.

(6)(a) Commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be situated to the municipal corporation in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to the Village, if applicable, based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the Village to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.

(b) An individual who is a resident of the Village shall report the individual's net profit from all real estate activity on the individual's annual tax return for the Village. The individual may claim a credit for taxes the individual paid on such net profit to another municipal corporation to the extent that such a credit is allowed under the Village's income tax ordinance. (7) When calculating the ratios described in division (F)(1) of this section for the purposes of that division or division (F)(2) of this section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.

(7) Intentionally left blank.

(8) Intentionally left blank.

SECTION 4 COLLECTION AT SOURCE.

Withholding provisions.

(A) Each employer, agent of an employer, or other payer located or doing business in the Village shall withhold an income tax from the qualifying wages earned and/or received by each employee in the Village. Except for qualifying wages for which withholding is not required under Section 3 or division

(B)(4) or (6) of this section, the tax shall be withheld at the rate, specified in Section 3 of this Ordinance, of 1%. An employer, agent of an employer, or other payer shall deduct and withhold the tax from qualifying wages on the date that the employer, agent, or other payer directly, indirectly, or constructively pays the qualifying wages to, or credits the qualifying wages to the benefit of, the employee.

(B)(1) Except as provided in division (B)(2) of this section, an employer, agent of an employer, or other payer shall remit to the Tax Administrator of the Village the greater of the income taxes deducted and withheld or the income taxes required to be deducted and withheld by the employer, agent, or other payer according to the following schedule:

(a) Taxes required to be deducted and withheld shall be remitted monthly to the Tax Administrator if the total taxes deducted and withheld or required to be deducted and withheld by the employer, agent, or other payer on behalf of the Village in the preceding calendar year exceeded \$2,399, or if the total amount of taxes deducted and withheld or required to be deducted and withheld on behalf of the Village in any month of the preceding calendar quarter exceeded \$200.

Payment under division (B)(1)(a) of this section shall be made so that the payment is received by the Tax Administrator not later than 15 days after the last day of each month for which the tax was withheld.

(b) Any employer, agent of an employer, or other payer not required to make payments under division (B)(1)(a) of this section of taxes required to be deducted and withheld shall make quarterly payments to the Tax Administrator not later than the 15th day of the month following the end of each calendar quarter.

(c) Intentionally left blank.

(2) If the employer, agent of an employer, or other payer is required to make payments electronically for the purpose of paying federal taxes withheld on payments to employees under Section 6302 of the Internal Revenue Code, 26 C.F.R. 31.6302-1, or any other federal statute or regulation, the payment shall be made by electronic funds transfer to the Tax Administrator of all taxes deducted and withheld on behalf of the Village. The payment of tax by electronic funds transfer under this division does not affect an employer's, agent's, or other payer's obligation to file any return as required under this section.

(3) An employer, agent of an employer, or other payer shall make and file a return showing the amount of tax withheld by the employer, agent, or other payer from the qualifying wages of each employee and remitted to the Tax Administrator. A return filed by an employer, agent, or other payer under this division shall be accepted by Tax Administrator and the Village as the return required of a non-resident employee whose sole income subject to the tax under this Ordinance is the qualifying wages reported by the employee's employer, agent of an employer, or other payer.

(4) An employer, agent of an employer, or other payer is not required to withhold the Village's income tax with respect to an individual's disqualifying disposition of an incentive stock option if, at the time of the disqualifying disposition, the individual is not an employee of either the corporation with respect to whose stock the option has been issued or of such corporation's successor entity.

(5)(a) An employee is not relieved from liability for a tax by the failure of the employer, agent of an employer, or other payer to withhold the tax as required under this Ordinance or by the employer's, agent's, or other payer's exemption from the requirement to withhold the tax.

(b) The failure of an employer, agent of an employer, or other payer to remit to the Village the tax withheld relieves the employee from liability for that tax unless the employee colluded with the employer, agent, or other payer in connection with the failure to remit the tax withheld.

(6) Compensation deferred before June 26, 2003, is not subject to the Village's income tax or income tax withholding requirement to the extent the deferred compensation does not constitute qualifying wages at the time the deferred compensation is paid or distributed.

(7) Each employer, agent of an employer, or other payer required to withhold taxes is liable for the payment of that amount required to be withheld, whether or not such taxes have been withheld, and such amount shall be deemed to be held in trust for the Village until such time as the withheld amount is remitted to the Tax Administrator.

(8) On or before the last day of February of each year, an employer shall file a withholding reconciliation return with the Tax Administrator listing:

(a) The names, addresses, and social security numbers of all employees from whose qualifying wages tax was withheld or should have been withheld for the Village during the preceding calendar year;

(b) The amount of tax withheld, if any, from each such employee, the total amount of qualifying wages paid to such employee during the preceding calendar year;

(c) The name of every other municipal corporation for which tax was withheld or should have been withheld from such employee during the preceding calendar year;

(d) Any other information required for federal income tax reporting purposes on Internal Revenue Service form W-2 or its equivalent form with respect to such employee;

(e) Other information as may be required by the Tax Administrator.

(9) The officer or the employee of the employer, agent of an employer, or other payer with control or direct supervision of or charged with the responsibility for withholding the tax or filing the reports and making payments as required by this section, shall be personally liable for a failure to file a report or pay the tax due as required by this section. The dissolution of an employer, agent of an employer, or other payer does not discharge the officer's or employee's liability for a failure of the employer, agent of an employer, or other payer to file returns or pay any tax due.

(10) An employer is required to deduct and withhold the Village's income tax on tips and gratuities received by the employer's employees and constituting qualifying wages, but only to the extent that the tips and gratuities are under the employer's control. For the purposes of this division, a tip or gratuity is under the employer's control if the tip or gratuity is paid by the customer to the employer for subsequent remittance to the employee, or if the customer pays the tip or gratuity by credit card, debit card, or other electronic means.

(11) The Tax Administrator shall consider any tax withheld by an employer at the request of an employee, when such tax is not otherwise required to be withheld by this Ordinance, to be tax required to be withheld and remitted for the purposes of this section

Occasional Entrant - Withholding.

(C)(1) As used in this division:

(a) "Employer" includes a person that is a related member to or of an employer.

(b) "Fixed location" means a permanent place of doing business in this state, such as an office, warehouse, storefront, or similar location owned or controlled by an employer.

(c) "Principal place of work" means the fixed location to which an employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location, "principal place of work" means the worksite location in this state to which the employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location or worksite location, "principal place of work" means the location in this state at which the employee spends the greatest number of days in a calendar year performing services for or on behalf of the employee's employer.

If there is not a single municipal corporation in which the employee spent the "greatest number of days in a calendar year" performing services for or on behalf of the employer, but instead there are two or more municipal corporations in which the employee spent an identical number of days that is greater than the number of days the employee spent in any other municipal corporation, the employer shall allocate any of the employee's qualifying wages subject to division (C)(2)(a)(i) of this section among those two or more municipal corporations. The allocation shall be made using any fair and reasonable method, including, but not limited to, an equal allocation among such municipal corporations or an allocation based upon the time spent or sales made by the employee in each such municipal corporation. A municipal corporation to which qualifying wages are allocated under this division shall be the employee's "principal place of work" with respect to those qualifying wages for the purposes of this section.

For the purposes of this division, the location at which an employee spends a particular day shall be determined in accordance with division (C)(2)(b) of this section, except that "location" shall be substituted for "municipal corporation" wherever "municipal corporation" appears in that division.

(d) "Professional athlete" means an athlete who performs services in a professional athletic event for wages or other remuneration.

(e) "Professional entertainer" means a person who performs services in the professional performing arts for wages or other remuneration on a per-event basis.

(f) "Public figure" means a person of prominence who performs services at discrete events, such as speeches, public appearances, or similar events, for wages or other remuneration on a per-event basis.

(g) "Worksite location" means a construction site or other temporary worksite in this state at which the employer provides services for more than 20 days during the calendar year. "Worksite location" does not include the home of an employee.

(2)(a) Subject to divisions (C)(3), (5), (6), and (7) of this section, an employer is not required to withhold the Village's income tax on qualifying wages paid to an employee for the performance of personal services in the Village if the employee performed such services in the Village on 20 or fewer days in a calendar year, unless one of the following conditions applies:

(i) The employee's principal place of work is located in the Village.

(ii) The employee performed services at one or more presumed worksite locations in the Village. For the purposes of this division, "presumed worksite location" means a construction site or other temporary worksite in the Village at which the employer provides or provided services that can reasonably be, or would have been, expected by the employer to last more than 20 days in a calendar year. Services can "reasonably be expected by the employer to last more than 20 days" if either of the following applies at the time the services commence:

(a) The nature of the services are such that it will require more than 20 days of the services to complete the services;

(b) The agreement between the employer and its customer to perform services at a location requires the employer to perform the services at the location for more than 20 days.

(iii) The employee is a resident of the Village and has requested that the employer withhold tax from the employee's qualifying wages as provided in Section 4.

(iv) The employee is a professional athlete, professional entertainer, or public figure, and the qualifying wages are paid for the performance of services in the employee's capacity as a professional athlete, professional entertainer, or public figure.

(b) For the purposes of division (C)(2)(a) of this section, an employee shall be considered to have spent a day performing services in the Village only if the employee spent more time performing services for or on behalf of the employer in the Village than in any other municipal corporation on that day. For the purposes of determining the amount of time an employee spent in a particular location, the time spent performing one or more of the following activities shall be considered to have been spent at the employee's principal place of work:

(i) Traveling to the location at which the employee will first perform services for the employer for the day;

(ii) Traveling from a location at which the employee was performing services for the employer to any other location;

(iii) Traveling from any location to another location in order to pick up or load, for the purpose of transportation or delivery, property that has been purchased, sold, assembled, fabricated, repaired, refurbished, processed, remanufactured, or improved by the employee's employer;

(iv) Transporting or delivering property described in division (C)(2)(b)(iii) of this section, provided that, upon delivery of the property, the employee does not temporarily or permanently affix the property to real estate owned, used, or controlled by a person other than the employee's employer;

(v) Traveling from the location at which the employee makes the employee's final delivery or pick-up for the day to either the employee's principal place of work or a location at which the employee will not perform services for the employer.

(3) If the principal place of work of an employee is located in another Ohio municipal corporation that imposes an income tax, the exception from withholding requirements described in division (C)(2)(a) of this section shall apply only if, with respect to the employee's qualifying wages described in that division, the employer withholds and remits tax on such qualifying wages to that municipal corporation.

(4)(a) Except as provided in division (C)(4)(b) of this section, if, during a calendar year, the number of days an employee spends performing personal services in the Village exceeds the 20-day threshold, the employer shall withhold and remit tax to the Village for any subsequent days in that calendar year on which the employer pays qualifying wages to the employee for personal services performed in the Village.

(b) An employer required to begin withholding tax for the Village under division (C)(4)(a) of this section may elect to withhold tax for the Village for the first 20 days on which the employer paid qualifying wages to the employee for personal services performed in the Village.

(5) If an employer's fixed location is the Village and the employer qualifies as a small employer as defined in Section 2, the employer shall withhold municipal income tax on all of the employee's qualifying wages for a taxable year and remit that tax only to the Village, regardless of the number of days which the employee worked outside the corporate boundaries of the Village.

To determine whether an employer qualifies as a small employer for a taxable year, the employer will be required to provide the Tax Administrator with the employer's federal income tax return for the preceding taxable year.

(6) Divisions (C)(2)(a) and (4) of this section shall not apply to the extent that a Tax Administrator and an employer enter into an agreement regarding the manner in which the employer shall comply with the requirements of Section 4.

SECTION 5 ANNUAL RETURN; FILING.

(A) An annual Village income tax return shall be completed and filed by every individual taxpayer eighteen (18) years of age or older and any taxpayer that is not an individual for each taxable year for which the taxpayer is subject to the tax, whether or not a tax is due thereon.

(1) The Tax Administrator may accept on behalf of all nonresident individual taxpayers a return filed by an employer, agent of an employer, or other payer under Section 5 of this Ordinance when the nonresident individual taxpayer's sole income subject to the tax is the qualifying wages reported by the employer, agent of an employer, or other payer, and no additional tax is due the Village.

(2) Retirees having no Municipal Taxable Income for the Village income tax purposes may file with the Tax Administrator a written exemption from these filing requirements on a form prescribed by the Tax Administrator. The written exemption shall indicate the date of retirement and the entity from which retired. The exemption shall be in effect until such time as the retiree receives Municipal Taxable Income taxable to the Village, at which time the retiree shall be required to comply with all applicable provisions of this Ordinance.

(B) If an individual is deceased, any return or notice required of that individual shall be completed and filed by that decedent's executor, administrator, or other person charged with the property of that decedent.

(C) If an individual is unable to complete and file a return or notice required by the Village, the return or notice required of that individual shall be completed and filed by the individual's duly authorized agent,

guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual.

(D) Returns or notices required of an estate or a trust shall be completed and filed by the fiduciary of the estate or trust.

(E) The Village shall permit spouses to file a joint return.

(F)(1) Each return required to be filed under this division shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer. The return shall include the taxpayer's social security number or taxpayer identification number. Each return shall be verified by a declaration under penalty of perjury.

(2) The Tax Administrator shall require a taxpayer who is an individual to include, with each annual return; and amended return, copies of the following documents: all of the taxpayer's Internal Revenue Service form W-2, "Wage and Tax Statements," including all information reported on the taxpayer's federal W-2, as well as taxable wages reported or withheld for any municipal corporation; the taxpayer's Internal Revenue Service form 1040; and, with respect to an amended tax return, any other documentation necessary to support the adjustments made in the amended return. An individual taxpayer who files the annual return required by this section electronically is not required to provide paper copies of any of the foregoing to the Tax Administrator unless the Tax Administrator requests such copies after the return has been filed.

(3) The Tax Administrator may require a taxpayer that is not an individual to include, with each annual net profit return, amended net profit return, or request for refund required under this section, copies of only the following documents: the taxpayer's Internal Revenue Service form 1041, form 1065, form 1120, form 1120-REIT, form 1120F, or form 1120S, and, with respect to an amended tax return or refund request, any other documentation necessary to support the refund request or the adjustments made in the amended return.

A taxpayer that is not an individual and that files an annual net profit return electronically through the Ohio Business Gateway or in some other manner shall either mail the documents required under this division to the Tax Administrator at the time of filing or, if electronic submission is available, submit the documents electronically through the Ohio Business Gateway.

(4) After a taxpayer files a tax return, the Tax Administrator may request, and the taxpayer shall provide, any information, statements, or documents required by the Village to determine and verify the taxpayer's municipal income tax liability. The requirements imposed under division (F) of this section apply regardless of whether the taxpayer files on a generic form or on a form prescribed by the Tax Administrator.

(G)(1)(a) Except as otherwise provided in this Ordinance, each individual income tax return required to be filed under this section shall be completed and filed as required by the Tax Administrator on or before the date prescribed for the filing of state individual income tax returns under division (G) of Section 5747.08 of the ORC. The taxpayer shall complete and file the return or notice on forms prescribed by the Tax Administrator or on generic forms, together with remittance made payable to the Village. No remittance is required if the net amount due is ten dollars or less.

(b) Except as otherwise provided in this Ordinance, each annual net profit return required to be filed under this section by a taxpayer that is not an individual shall be completed and filed as required by the

Tax Administrator on or before the fifteenth day of the fourth month following the end of the taxpayer's taxable year. The taxpayer shall complete and file the return or notice on forms prescribed by the Tax Administrator or on generic forms, together with remittance made payable to the Village. No remittance is required if the net amount due is ten dollars or less.

(2) Any taxpayer that has duly requested an automatic six-month extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of the Village's income tax return. The extended due date of the Village's income tax return shall be the 15th day of the tenth month after the last day of the taxable year to which the return relates. An extension of time to file under this division is not an extension of the time to pay any tax due unless the Tax Administrator grants an extension of that date.

(a) A copy of the federal extension request shall be included with the filing of the Village's income tax return.

(b) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may request that the Tax Administrator grant the taxpayer a six-month extension of the date for filing the taxpayer's the Village's income tax return. If the request is received by the Tax Administrator on or before the date the Village income tax return is due, the Tax Administrator shall grant the taxpayer's requested extension.

(3) If the tax commissioner extends for all taxpayers the date for filing state income tax returns under division (G) of Section 5747.08 of the ORC, a taxpayer shall automatically receive an extension for the filing of a the Village's income tax return. The extended due date of the Village's income tax return shall be the same as the extended due date of the state income tax return.

(4) If the Tax Administrator considers it necessary in order to ensure the payment of the tax imposed by the Village, the Tax Administrator may require taxpayers to file returns and make payments otherwise than as provided in this division, including taxpayers not otherwise required to file annual returns.

(5) To the extent that any provision in this division (G) of this section conflicts with any provision in divisions (N), (O), (P), or (Q) of this section, the provisions in divisions (N), (O), (P), or (Q) prevail.

(H)(1) For taxable years beginning after 2015, the Village shall not require a taxpayer to remit tax with respect to net profits if the net amount due is ten dollars or less.

(2) Any taxpayer not required to remit tax to the Village for a taxable year pursuant to division (H)(1) of this section shall file with the Village an annual net profit return under division (F)(3) of this section.

(I) If a payment is required to be made by electronic funds transfer, the payment is considered to be made when the payment is credited to an account designated by the Tax Administrator for the receipt of tax payments, except that, when a payment made by electronic funds transfer is delayed due to circumstances not under the control of the taxpayer, the payment is considered to be made when the taxpayer submitted the payment. This division shall not apply to payments required to be made under division (B)(1)(a) of Section 4 or provisions for semi-monthly withholding.

(J) Taxes withheld for the Village by an employer, the agent of an employer, or other payer as described in Section 4 shall be allowed to the taxpayer as credits against payment of the tax imposed on the taxpayer by the Village, unless the amounts withheld were not remitted to the Village and the recipient

colluded with the employer, agent, or other payer in connection with the failure to remit the amounts withheld.

(K) Each return required by the Village to be filed in accordance with this division shall include a box that the taxpayer may check to authorize another person, including a tax return preparer who prepared the return, to communicate with the Tax Administrator about matters pertaining to the return.

(L) The Tax Administrator shall accept for filing a generic form of any income tax return, report, or document required by the Village, provided that the generic form, once completed and filed, contains all of the information required by ordinance, resolution, or rules and regulations adopted by the Village or the Tax Administrator, and provided that the taxpayer or tax return preparer filing the generic form otherwise complies with the provisions of this Ordinance and of the Village's ordinance, resolution, or rules and regulations governing the filing of returns, reports, or documents.

Filing via Ohio Business Gateway.

(M)(1) Any taxpayer subject to municipal income taxation with respect to the taxpayer's net profit from a business or profession may file the Village's income tax return, estimated municipal income tax return, or extension for filing a municipal income tax return, and may make payment of amounts shown to be due on such returns, by using the Ohio Business Gateway.

(2) Any employer, agent of an employer, or other payer may report the amount of municipal income tax withheld from qualifying wages, and may make remittance of such amounts, by using the Ohio Business Gateway.

(3) *Nothing in this section affects the due dates for filing employer withholding tax returns.*

Extension for service in or for the armed forces.

(N) Each member of the national guard of any state and each member of a reserve component of the armed forces of the United States called to active duty pursuant to an executive order issued by the president of the United States or an act of the congress of the United States, and each civilian serving as support personnel in a combat zone or contingency operation in support of the armed forces, may apply to the Tax Administrator of the Village for both an extension of time for filing of the return and an extension of time for payment of taxes required by the Village during the period of the member's or civilian's duty service, and for 180 days thereafter. The application shall be filed on or before the one hundred eightieth day after the member's or civilian's duty terminates. An applicant shall provide such evidence as the Tax Administrator considers necessary to demonstrate eligibility for the extension.

(O)(1) If the Tax Administrator ascertains that an applicant is qualified for an extension under this section, the Tax Administrator shall enter into a contract with the applicant for the payment of the tax in installments that begin on the 181st day after the applicant's active duty or service terminates. The Tax Administrator may prescribe such contract terms as the Tax Administrator considers appropriate. However, taxes pursuant to a contract entered into under this division are not delinquent, and the Tax Administrator shall not require any payments of penalties or interest in connection with those taxes for the extension period.

(2) If the Tax Administrator determines that an applicant is qualified for an extension under this section, the applicant shall neither be required to file any return, report, or other tax document nor be

required to pay any tax otherwise due to the municipal corporation before the 181st day after the applicant's active duty or service terminates.

(3) Taxes paid pursuant to a contract entered into under (O)(1) of this division are not delinquent. The Tax Administrator shall not require any payments of penalties or interest in connection with those taxes for the extension period.

(P)(1) Nothing in this division denies to any person described in this division the application of divisions (N) and (O) of this section.

(2)(a) A qualifying taxpayer who is eligible for an extension under the Internal Revenue Code shall receive both an extension of time in which to file any return, report, or other tax document and an extension of time in which to make any payment of taxes required by a municipal corporation in accordance with this Ordinance. The length of any extension granted under division (P)(2)(a) of this section shall be equal to the length of the corresponding extension that the taxpayer receives under the Internal Revenue Code. As used in this division, "qualifying taxpayer" means a member of the national guard or a member of a reserve component of the armed forces of the United States called to active duty pursuant to either an executive order issued by the president of the United States or an act of the congress of the United States, or a civilian serving as support personnel in a combat zone or contingency operation in support of the armed forces.

(b) Taxes whose payment is extended in accordance with division (P)(2)(a) of this section are not delinquent during the extension period. Such taxes become delinquent on the first day after the expiration of the extension period if the taxes are not paid prior to that date. The Tax Administrator shall not require any payment of penalties or interest in connection with those taxes for the extension period. The Tax Administrator shall not include any period of extension granted under division (C)(2)(a) of this section in calculating the penalty or interest due on any unpaid tax.

(Q) For each taxable year to which division (N), (O), or (P) of this section applies to a taxpayer, the provisions of divisions (O)(2) and (3) of this section, as applicable, apply to the spouse of that taxpayer if the filing status of the spouse and the taxpayer is married filing jointly for that year.

Consolidated municipal income tax return.

(R) As used in this section:

(1) "Affiliated group of corporations" means an affiliated group as defined in Section 1504 of the Internal Revenue Code, except that, if such a group includes at least one incumbent local exchange carrier that is primarily engaged in the business of providing local exchange telephone service in this state, the affiliated group shall not include any incumbent local exchange carrier that would otherwise be included in the group.

(2) "Consolidated federal income tax return" means a consolidated return filed for federal income tax purposes pursuant to Section 1501 of the Internal Revenue Code.

(3) "Consolidated federal taxable income" means the consolidated taxable income of an affiliated group of corporations, as computed for the purposes of filing a consolidated federal income tax return, before consideration of net operating losses or special deductions. "Consolidated federal taxable income" does not include income or loss of an incumbent local exchange carrier that is excluded from the affiliated group under division (R)(1) of this section.

(4) "Incumbent local exchange carrier" has the same meaning as in Section 4927.01 of the ORC.

(5) "Local exchange telephone service" has the same meaning as in Section 5727.01 of the ORC.

(S)(1) For taxable years beginning on or after January 1, 2016, a taxpayer that is a member of an affiliated group of corporations may elect to file a consolidated municipal income tax return for a taxable year if at least one member of the affiliated group of corporations is subject to the Village's income tax in that taxable year, and if the affiliated group of corporations filed a consolidated federal income tax return with respect to that taxable year. The election is binding for a five-year period beginning with the first taxable year of the initial election unless a change in the reporting method is required under federal law. The election continues to be binding for each subsequent five-year period unless the taxpayer elects to discontinue filing consolidated municipal income tax returns under division (S)(2) of this section or a taxpayer receives permission from the Tax Administrator. The Tax Administrator shall approve such a request for good cause shown.

(2) An election to discontinue filing consolidated municipal income tax returns under this section must be made in the first year following the last year of a five-year consolidated municipal income tax return election period in effect under division (S)(1) of this section. The election to discontinue filing a consolidated municipal income tax return is binding for a five-year period beginning with the first taxable year of the election.

(3) An election made under division (S)(1) or (2) of this section is binding on all members of the affiliated group of corporations subject to a municipal income tax.

(T) A taxpayer that is a member of an affiliated group of corporations that filed a consolidated federal income tax return for a taxable year shall file a consolidated the Village income tax return for that taxable year if the Tax Administrator determines, by a preponderance of the evidence, that intercompany transactions have not been conducted at arm's length and that there has been a distortive shifting of income or expenses with regard to allocation of net profits to the Village. A taxpayer that is required to file a consolidated the Village income tax return for a taxable year shall file a consolidated the Village income tax return for all subsequent taxable years, unless the taxpayer requests and receives written permission from the Tax Administrator to file a separate return or a taxpayer has experienced a change in circumstances.

(U) A taxpayer shall prepare a consolidated the Village income tax return in the same manner as is required under the United States department of treasury regulations that prescribe procedures for the preparation of the consolidated federal income tax return required to be filed by the common parent of the affiliated group of which the taxpayer is a member.

(V)(1) Except as otherwise provided in divisions (V)(2), (3), and (4) of this section, corporations that file a consolidated municipal income tax return shall compute adjusted federal taxable income, as defined in Section 2, by substituting "consolidated federal taxable income" for "federal taxable income" wherever "federal taxable income" appears in that division and by substituting "an affiliated group of corporation's" for "a C corporation's" wherever "a C corporation's" appears in that division.

(2) No corporation filing a consolidated the Village's income tax return shall make any adjustment otherwise required under Section (2)(C)(1) to the extent that the item of income or deduction otherwise subject to the adjustment has been eliminated or consolidated in the computation of consolidated federal taxable income.

(3) If the net profit or loss of a pass-through entity having at least eighty percent (80%) of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, the corporation filing a consolidated the Village's income tax return shall do one of the following with respect to that pass-through entity's net profit or loss for that taxable year:

(a) Exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in divisions (R) through (Y) of Section 5, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to the Village. If the entity's net profit or loss is so excluded, the entity shall be subject to taxation as a separate taxpayer on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group.

(b) Include the pass-through entity's net profit or loss in the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in divisions (R) through (Y) of Section 5, include the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to the Village. If the entity's net profit or loss is so included, the entity shall not be subject to taxation as a separate taxpayer on the basis of the entity's net profits that are included in the consolidated federal taxable income of the affiliated group.

(4) If the net profit or loss of a pass-through entity having less than eighty percent of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, all of the following shall apply:

(a) The corporation filing the consolidated municipal income tax return shall exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purposes of making the computations required in divisions (R) through (Y) of Section 5, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to the Village;

(b) The pass-through entity shall be subject to the Village income taxation as a separate taxpayer in accordance with this Ordinance on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group.

(W) Corporations filing a consolidated the Village income tax return shall make the computations required under divisions (R) through (Y) of Section 5 by substituting "consolidated federal taxable income attributable to" for "net profit from" wherever "net profit from" appears in that section and by substituting "affiliated group of corporations" for "taxpayer" wherever "taxpayer" appears in that section.

(X) Each corporation filing a consolidated the Village income tax return is jointly and severally liable for any tax, interest, penalties, fines, charges, or other amounts imposed by the Village in accordance with this Ordinance on the corporation, an affiliated group of which the corporation is a member for any portion of the taxable year, or any one or more members of such an affiliated group.

(Y) Corporations and their affiliates that made an election or entered into an agreement with the Village before January 1, 2016, to file a consolidated or combined tax return with the Village may continue to file consolidated or combined tax returns in accordance with such election or agreement for taxable years beginning on and after January 1, 2016.

SECTION 6 CREDIT FOR TAX PAID TO OTHER MUNICIPALITIES AND/OR INDIANA COUNTIES.

(A) Every individual taxpayer domiciled in the Village who is required to and does pay, or has acknowledged liability for, a municipal tax to another municipality and/or county tax of a county located in the State of Indiana on or measured by the same income, qualifying wages, commissions, net profits or other compensation taxable under this Ordinance, may claim a nonrefundable credit against the tax imposed by this Ordinance upon satisfactory evidence that tax has been paid to another municipality and/or county located in the State of Indiana. Subject to division (C) of this section, the credit shall not exceed 50% of the amount obtained by multiplying the income, qualifying wages, commissions, net profits or other compensation subject to tax in the other municipality or Indiana county by the LOWER of the tax rate in such other municipality / Indiana county OR the tax rate imposed under this Ordinance.

(B) The Village shall grant a credit against its tax on income to a resident of the Village who works in a joint economic development zone created under Section 715.691 or a joint economic development district created under Section 715.70, 715.71, or 715.72 of the ORC to the same extent that it grants a credit against its tax on income to its residents who are employed in another municipal corporation.

(C) If the amount of tax withheld or paid to the other municipality is less than the amount of tax required to be withheld or paid to the other municipality, then for purposes of division (A) of this section, "the income, qualifying wages, commissions, net profits or other compensation" subject to tax in the other municipality shall be limited to the amount computed by dividing the tax withheld or paid to the other municipality by the tax rate for that municipality.

(D) The Village shall grant a credit against its tax on income to a resident of the Village, who works in a county in the State of Indiana that imposes an income tax, to the same extent that it grants a credit against its tax on income to its residents who are employed in a municipal corporation.

SECTION 7 ESTIMATED TAXES.

(A) As used in this section:

(1) "Estimated taxes" means the amount that the taxpayer reasonably estimates to be the taxpayer's tax liability for the Village's income tax for the current taxable year.

(2) "Tax liability" means the total taxes due to the Village for the taxable year, after allowing any credit to which the taxpayer is entitled, and after applying any estimated tax payment, withholding payment, or credit from another taxable year.

(B)(1) Every taxpayer shall make a declaration of estimated taxes for the current taxable year, on the form prescribed by the Tax Administrator, if the amount payable as estimated taxes is at least \$200. For the purposes of this section:

(a) Taxes withheld for the Village from qualifying wages shall be considered as paid to the Village in equal amounts on each payment date unless the taxpayer establishes the dates on which all amounts were actually withheld, in which case they shall be considered as paid on the dates on which the amounts were actually withheld.

(b) An overpayment of tax applied as a credit to a subsequent taxable year is deemed to be paid on the date of the postmark stamped on the cover in which the payment is mailed or, if the payment is made by electronic funds transfer, the date the payment is submitted. As used in this division, "date of the postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the postal service.

(2) Taxpayers filing joint returns shall file joint declarations of estimated taxes. A taxpayer may amend a declaration under rules prescribed by the Tax Administrator. A taxpayer having a taxable year of less than twelve months shall make a declaration under rules prescribed by the Tax Administrator.

(3) The declaration of estimated taxes shall be filed on or before the date prescribed for the filing of municipal income tax returns under division (G) of Section 5 or on or before the fifteenth (15th) day of the fourth month after the taxpayer becomes subject to tax for the first time.

(4) Taxpayers reporting on a fiscal year basis shall file a declaration on or before the fifteenth (15th) day of the fourth month after the beginning of each fiscal year or period.

(5) The original declaration or any subsequent amendment may be increased or decreased on or before any subsequent quarterly payment day as provided in this section.

(C)(1) The required portion of the tax liability for the taxable year that shall be paid through estimated taxes made payable to the Village, including the application of tax refunds to estimated taxes and withholding on or before the applicable payment date, shall be as follows:

(a) On or before the fifteenth (15th) day of the fourth month after the beginning of the taxable year, twenty-two and one-half (22.5) percent of the tax liability for the taxable year;

(b) On or before the fifteenth (15th) day of the sixth month after the beginning of the taxable year, forty-five (45) percent of the tax liability for the taxable year;

(c) On or before the fifteenth (15th) day of the ninth month after the beginning of the taxable year, sixty-seven and one-half (67.5) percent of the tax liability for the taxable year;

(d) On or before the fifteenth (15th) day of the twelfth month of the taxable year, ninety percent (90%) of the tax liability for the taxable year.

(2) When an amended declaration has been filed, the unpaid balance shown due on the amended declaration shall be paid in equal installments on or before the remaining payment dates.

(3) On or before the fifteenth (15th) day of the fourth month of the year following that for which the declaration or amended declaration was filed, an annual return shall be filed and any balance which may be due shall be paid with the return in accordance with Section 718.05.

(D)(1) In the case of any underpayment of any portion of a tax liability, penalty and interest may be imposed pursuant to Section 18 upon the amount of underpayment for the period of underpayment, unless the underpayment is due to reasonable cause as described in division (E) of this section. The amount of the underpayment shall be determined as follows:

(a) For the first payment of estimated taxes each year, twenty-two and one-half percent (22.5%) of the tax liability, less the amount of taxes paid by the date prescribed for that payment;

(b) For the second payment of estimated taxes each year, forty-five percent (45%) of the tax liability, less the amount of taxes paid by the date prescribed for that payment;

(c) For the third payment of estimated taxes each year, sixty-seven and one-half percent (67.5%) of the tax liability, less the amount of taxes paid by the date prescribed for that payment;

(d) For the fourth payment of estimated taxes each year, ninety percent (90%) of the tax liability, less the amount of taxes paid by the date prescribed for that payment.

(2) The period of the underpayment shall run from the day the estimated payment was required to be made to the date on which the payment is made. For purposes of this section, a payment of estimated taxes on or before any payment date shall be considered a payment of any previous underpayment only to the extent the payment of estimated taxes exceeds the amount of the payment presently required to be paid to avoid any penalty.

(E) An underpayment of any portion of tax liability determined under division (D) of this section shall be due to reasonable cause and the penalty imposed by this section shall not be added to the taxes for the taxable year if any of the following apply:

(1) The amount of estimated taxes that were paid equals at least ninety percent (90%) of the tax liability for the current taxable year, determined by annualizing the income received during the year up to the end of the month immediately preceding the month in which the payment is due.

(2) The amount of estimated taxes that were paid equals at least one hundred percent of the tax liability shown on the return of the taxpayer for the preceding taxable year, provided that the immediately preceding taxable year reflected a period of twelve months and the taxpayer filed a return with the Village under Section 5 for that year.

(3) The taxpayer is an individual who resides in the Village but was not domiciled there on the first day of January of the calendar year that includes the first day of the taxable year.

SECTION 8 ROUNDING OF AMOUNTS.

A person may round to the nearest whole dollar all amounts the person is required to enter on any return, report, voucher, or other document required under this Ordinance. Any fractional part of a dollar that equals or exceeds fifty cents shall be rounded to the next whole dollar, and any fractional part of a dollar that is less than fifty cents shall be dropped. If a person chooses to round amounts entered on a document, the person shall round all amounts entered on the document.

SECTION 9 REQUESTS FOR REFUNDS.

(A) As used in this section, "withholding tax" has the same meaning as in Section 18.

(B) Upon receipt of a request for a refund, the Tax Administrator, in accordance with this section, shall refund to employers, agents of employers, other payers, or taxpayers, with respect to any income or withholding tax levied by the municipal corporation:

- (1) Overpayments of more than ten dollars or more;
- (2) Amounts paid erroneously if the refund requested exceeds ten dollars or more.

(C)(1) Except as otherwise provided in this Ordinance, requests for refund shall be filed with the Tax Administrator, on the form prescribed by the Tax Administrator within three years after the tax was due or paid, whichever is later. The Tax Administrator may require the requestor to file with the request any documentation that substantiates the requestor's claim for a refund.

(2) On filing of the refund request, the Tax Administrator shall determine the amount of refund due and certify such amount to the appropriate municipal corporation official for payment. Except as provided in division (C)(3) of this section, the administrator shall issue an assessment to any taxpayer whose request for refund is fully or partially denied. The assessment shall state the amount of the refund that was denied, the reasons for the denial, and instructions for appealing the assessment.

(3) If a Tax Administrator denies in whole or in part a refund request included within the taxpayer's originally filed annual income tax return, the Tax Administrator shall notify the taxpayer, in writing, of the amount of the refund that was denied, the reasons for the denial, and instructions for requesting an assessment that may be appealed under Section 21.

(D) A request for a refund that is received after the last day for filing specified in division (C) of this section shall be considered to have been filed in a timely manner if any of the following situations exist:

(1) The request is delivered by the postal service, and the earliest postal service postmark on the cover in which the request is enclosed is not later than the last day for filing the request.

(2) The request is delivered by the postal service, the only postmark on the cover in which the request is enclosed was affixed by a private postal meter, the date of that postmark is not later than the last day for filing the request, and the request is received within seven days of such last day.

(3) The request is delivered by the postal service, no postmark date was affixed to the cover in which the request is enclosed or the date of the postmark so affixed is not legible, and the request is received within seven days of the last day for making the request.

(E) Interest shall be allowed and paid on any overpayment by a taxpayer of any municipal income tax obligation from the date of the overpayment until the date of the refund of the overpayment, except that if any overpayment is refunded within 90 days after the final filing date of the annual return or 90 days after the completed return is filed, whichever is later, no interest shall be allowed on the refund. For the purpose of computing the payment of interest on amounts overpaid, no amount of tax for any taxable year shall be considered to have been paid before the date on which the return on which the tax is reported is due, without regard to any extension of time for filing that return. Interest shall be paid at the interest rate described in Section 18 (A)(4).

SECTION 10 SECOND MUNICIPALITY IMPOSING TAX AFTER TIME PERIOD ALLOWED FOR REFUND.

(A) Income tax that has been deposited with the Village, but should have been deposited with another municipality, is allowable by the Village as a refund but is subject to the three-year limitation on refunds.

(B) Income tax that was deposited with another municipality but should have been deposited with the Village is subject to recovery by the Village. If the Village's tax on that income is imposed after the time period allowed for a refund of the tax or withholding paid to the other municipality, the Village shall allow a nonrefundable credit against the tax or withholding the Village claims is due with respect to such income or wages, equal to the tax or withholding paid to the first municipality with respect to such income or wages.

(C) If the Village's tax rate is less than the tax rate in the other municipality, then the nonrefundable credit shall be calculated using the Village's tax rate. However, if the Village's tax rate is greater than the tax rate in the other municipality, the tax due in excess of the nonrefundable credit is to be paid to the Village, along with any penalty and interest that accrued during the period of nonpayment.

(D) Nothing in this section permits any credit carryforward.

SECTION 11 AMENDED RETURNS.

(A)(1) If a taxpayer's tax liability shown on the annual tax return for the Village changes as a result of an adjustment to the taxpayer's federal or state income tax return, the taxpayer shall file an amended return with the Village. The amended return shall be filed on a form required by the Tax Administrator.

(2) If a taxpayer intends to file an amended consolidated municipal income tax return, or to amend its type of return from a separate return to a consolidated return, based on the taxpayer's consolidated federal income tax return, the taxpayer shall notify the Tax Administrator before filing the amended return.

(B)(1) In the case of an underpayment, the amended return shall be accompanied by payment of any combined additional tax due, together with any penalty and interest thereon. If the combined tax shown to be due is ten dollars or less, no payment need be made. The amended return shall reopen those facts, figures, computations, or attachments from a previously filed return that are not affected, either directly or indirectly, by the adjustment to the taxpayer's federal or state income tax return only:

(i) to determine the amount of tax that would be due if all facts, figures, computations, and attachments were reopened; or,

(ii) if the applicable statute of limitations for civil actions or prosecutions under Section 12 has not expired for a previously filed return.

(2) The additional tax to be paid shall not exceed the amount of tax that would be due if all facts, figures, computations, and attachments were reopened; i.e., the payment shall be the lesser of the two amounts.

(C)(1) In the case of an overpayment, a request for refund may be filed under this division within the period prescribed by division (E) of Section 12 for filing the amended return, even if it is filed beyond the period prescribed in that division if it otherwise conforms to the requirements of that division. If the

amount of the refund is less than ten dollars, no refund need be paid by the Village. A request filed under this division shall claim refund of overpayments resulting from alterations only to those facts, figures, computations, or attachments required in the taxpayer's annual return that are affected, either directly or indirectly, by the adjustment to the taxpayer's federal or state income tax return, unless it is also filed within the time prescribed in Section 9.

(2) The amount to be refunded shall not exceed the amount of refund that would be due if all facts, figures, computations, and attachments were reopened. All facts, figures, computations, and attachments may be reopened to determine the refund amount due by inclusion of all facts, figures, computations, and attachments.

(D) Within 60 days after the final determination of any federal or state tax liability affecting the taxpayer's the Village's tax liability, that taxpayer shall make and file an amended the Village return showing income subject to the Village income tax based upon such final determination of federal or state tax liability. The taxpayer shall pay any additional the Village income tax shown due thereon or make a claim for refund of any overpayment, unless the tax or overpayment is less than ten dollars.

SECTION 12 LIMITATIONS.

(A)(1)(a) Civil actions to recover municipal income taxes and penalties and interest on municipal income taxes shall be brought within the later of:

- (i) Three years after the tax was due or the return was filed, whichever is later; or
- (ii) One year after the conclusion of the qualifying deferral period, if any.

(b) The time limit described in division (A)(1)(a) of this section may be extended at any time if both the Tax Administrator and the employer, agent of the employer, other payer, or taxpayer consent in writing to the extension. Any extension shall also extend for the same period of time the time limit described in division (C) of this section.

(2) As used in this section, "qualifying deferral period" means a period of time beginning and ending as follows:

(a) Beginning on the date a person who is aggrieved by an assessment files with the Board of Tax Review the request described in Section 21. That date shall not be affected by any subsequent decision, finding, or holding by any administrative body or court that the Board of Tax Review did not have jurisdiction to affirm, reverse, or modify the assessment or any part of that assessment.

(b) Ending the later of the sixtieth day after the date on which the final determination of the Board of Tax Review becomes final or, if any party appeals from the determination of the ~~local~~ board of Tax Review, the sixtieth day after the date on which the final determination of the Board of Tax Review is either ultimately affirmed in whole or in part or ultimately reversed and no further appeal of either that affirmation, in whole or in part, or that reversal is available or taken.

(B) Prosecutions for an offense made punishable under a resolution or ordinance imposing an income tax shall be commenced within three years after the commission of the offense, provided that in the case of

fraud, failure to file a return, or the omission of twenty-five percent (25%) or more of income required to be reported, prosecutions may be commenced within six years after the commission of the offense.

(C) A claim for a refund of municipal income taxes shall be brought within the time limitation provided in Section 9.

(D)(1) Notwithstanding the fact that an appeal is pending, the petitioner may pay all or a portion of the assessment that is the subject of the appeal. The acceptance of a payment by the Village does not prejudice any claim for refund upon final determination of the appeal.

(2) If upon final determination of the appeal an error in the assessment is corrected by the Tax Administrator, upon an appeal so filed or pursuant to a final determination of the Board of Tax Review, of the Ohio board of tax appeals, or any court to which the decision of the Ohio board of tax appeals has been appealed, so that the resultant amount due is less than the amount paid, a refund will be paid in the amount of the overpayment as provided by Section 9, with interest on that amount as provided by division (E) of Section 9.

(E) No civil action to recover the Village income tax or related penalties or interest shall be brought during either of the following time periods:

(1) The period during which a taxpayer has a right to appeal the imposition of that tax or interest or those penalties;

(2) The period during which an appeal related to the imposition of that tax or interest or those penalties is pending.

SECTION 13 AUDITS.

(A) At or before the commencement of an audit, the Tax Administrator shall provide to the taxpayer a written description of the roles of the Tax Administrator and of the taxpayer during the audit and a statement of the taxpayer's rights, including any right to obtain a refund of an overpayment of a tax. At or before the commencement of an audit, the Tax Administrator shall inform the taxpayer when the audit is considered to have commenced.

(B) Except in cases involving suspected criminal activity, the Tax Administrator shall conduct an audit of a taxpayer during regular business hours and after providing reasonable notice to the taxpayer. A taxpayer who is unable to comply with a proposed time for an audit on the grounds that the proposed time would cause inconvenience or hardship must offer reasonable alternative dates for the audit.

(C) At all stages of an audit by the Tax Administrator, a taxpayer is entitled to be assisted or represented by an attorney, accountant, bookkeeper, or other tax practitioner. The Tax Administrator shall prescribe a form by which a taxpayer may designate such a person to assist or represent the taxpayer in the conduct of any proceedings resulting from actions by the Tax Administrator. If a taxpayer has not submitted such a form, the Tax Administrator may accept other evidence, as the Tax Administrator considers appropriate, that a person is the authorized representative of a taxpayer.

A taxpayer may refuse to answer any questions asked by the person conducting an audit until the taxpayer has an opportunity to consult with the taxpayer's attorney, accountant, bookkeeper, or other tax practitioner.

This division does not authorize the practice of law by a person who is not an attorney.

(D) A taxpayer may record, electronically or otherwise, the audit examination.

(E) The failure of the Tax Administrator to comply with a provision of this section shall neither excuse a taxpayer from payment of any taxes owed by the taxpayer nor cure any procedural defect in a taxpayer's case.

(F) If the Tax Administrator fails to substantially comply with the provisions of this section, the Tax Administrator, upon application by the taxpayer, shall excuse the taxpayer from penalties and interest.

SECTION 14 SERVICE OF ASSESSMENT.

(A) As used in this section:

(1) "Last known address" means the address the Tax Administrator has at the time a document is originally sent by certified mail, or any address the Tax Administrator can ascertain using reasonable means such as the use of a change of address service offered by the postal service or an authorized delivery service under Section 5703.056 of the ORC.

(2) "Undeliverable address" means an address to which the postal service or an authorized delivery service under Section 5703.056 of the ORC is not able to deliver an assessment of the Tax Administrator, except when the reason for non-delivery is because the addressee fails to acknowledge or accept the assessment.

(B) Subject to division (C) of this section, a copy of each assessment shall be served upon the person affected thereby either by personal service, by certified mail, or by a delivery service authorized under Section 5703.056 of the ORC. With the permission of the person affected by an assessment, the Tax Administrator may deliver the assessment through alternative means as provided in this section, including, but not limited to, delivery by secure electronic mail.

(C)(1)(a) If certified mail is returned because of an undeliverable address, a Tax Administrator shall utilize reasonable means to ascertain a new last known address, including the use of a change of address service offered by the postal service or an authorized delivery service under Section 5703.056 of the ORC. If the Tax Administrator is unable to ascertain a new last known address, the assessment shall be sent by ordinary mail and considered served. If the ordinary mail is subsequently returned because of an undeliverable address, the assessment remains appealable within 60 days after the assessment's postmark.

(b) Once the Tax Administrator or other the Village official, or the designee of either, serves an assessment on the person to whom the assessment is directed, the person may protest the ruling of that assessment by filing an appeal with the local board of tax review within 60 days after the receipt of service. The delivery of an assessment of the Tax Administrator under division (C)(1)(a) of this section is prima facie evidence that delivery is complete and that the assessment is served.

(2) If mailing of an assessment by a Tax Administrator by certified mail is returned for some cause other than an undeliverable address, the Tax Administrator shall resend the assessment by ordinary mail. The assessment shall show the date the Tax Administrator sends the assessment and include the following statement:

"This assessment is deemed to be served on the addressee under applicable law ten days from the date this assessment was mailed by the Tax Administrator as shown on the assessment, and all periods within which an appeal may be filed apply from and after that date."

Unless the mailing is returned because of an undeliverable address, the mailing of that information is prima facie evidence that delivery of the assessment was completed ten days after the Tax Administrator sent the assessment by ordinary mail and that the assessment was served.

If the ordinary mail is subsequently returned because of an undeliverable address, the Tax Administrator shall proceed under division (C)(1)(a) of this section. A person may challenge the presumption of delivery and service under this division in accordance with division (D) of this section.

(D)(1) A person disputing the presumption of delivery and service under division (C) of this section bears the burden of proving by a preponderance of the evidence that the address to which the assessment was sent by certified mail was not an address with which the person was associated at the time the Tax Administrator originally mailed the assessment. For the purposes of this section, a person is associated with an address at the time the Tax Administrator originally mailed the assessment if, at that time, the person was residing, receiving legal documents, or conducting business at the address; or if, before that time, the person had conducted business at the address and, when the assessment was mailed, the person's agent or the person's affiliate was conducting business at the address. For the purposes of this section, a person's affiliate is any other person that, at the time the assessment was mailed, owned or controlled at least 20 percent, as determined by voting rights, of the addressee's business.

(2) If a person elects to appeal an assessment on the basis described in division (D)(1) of this section, and if that assessment is subject to collection and is not otherwise appealable, the person must do so within 60 days after the initial contact by the Tax Administrator or other the Village official, or the designee of either, with the person. Nothing in this division prevents the Tax Administrator or other official from entering into a compromise with the person if the person does not actually file such an appeal with the local board of tax review.

(E) Nothing in this section prohibits the Tax Administrator or the Tax Administrator's designee from delivering an assessment by a Tax Administrator by personal service.

(F) Collection actions taken upon any assessment being appealed under division (C)(1)(b) of this section, including those on which a claim has been delivered for collection, shall be stayed upon the pendency of an appeal under this section.

(G) Additional regulations as detailed in the Rules and Regulations shall apply.

SECTION 15 ADMINISTRATION OF CLAIMS.

(A) As used in this section, "claim" means a claim for an amount payable to the Village that arises pursuant to the Village's income tax imposed in accordance with this Ordinance.

(B) Nothing in this Ordinance prohibits a Tax Administrator from doing either of the following if such action is in the best interests of the municipal corporation:

(1) Compromise a claim;

(2) Extend for a reasonable period the time for payment of a claim by agreeing to accept monthly or other periodic payments.

(C) The Tax Administrator's rejection of a compromise or payment-over-time agreement proposed by a person with respect to a claim shall not be appealable.

(D) A compromise or payment-over-time agreement with respect to a claim shall be binding upon and shall be to the benefit of only the parties to the compromise or agreement, and shall not eliminate or otherwise affect the liability of any other person.

(E) A compromise or payment-over-time agreement with respect to a claim shall be void if the taxpayer defaults under the compromise or agreement or if the compromise or agreement was obtained by fraud or by misrepresentation of a material fact. Any amount that was due before the compromise or agreement and that is unpaid shall remain due, and any penalties or interest that would have accrued in the absence of the compromise or agreement shall continue to accrue and be due.

SECTION 16 TAX INFORMATION CONFIDENTIAL.

(A) Any information gained as a result of returns, investigations, hearings, or verifications required or authorized by this Ordinance is confidential, and no person shall access or disclose such information except in accordance with a proper judicial order or in connection with the performance of that person's official duties or the official business of the Village as authorized by this Ordinance. The Tax Administrator or a designee thereof may furnish copies of returns filed or otherwise received under this Ordinance and other related tax information to the internal revenue service, the tax commissioner, and tax administrators of other municipal corporations.

(B) This section does not prohibit the Village from publishing or disclosing statistics in a form that does not disclose information with respect to particular taxpayers.

SECTION 17 FRAUD.

No person shall knowingly make, present, aid, or assist in the preparation or presentation of a false or fraudulent report, return, schedule, statement, claim, or document authorized or required by the Village ordinance or state law to be filed with a the Tax Administrator, or knowingly procure, counsel, or advise the preparation or presentation of such report, return, schedule, statement, claim, or document, or knowingly change, alter, or amend, or knowingly procure, counsel or advise such change, alteration, or amendment of the records upon which such report, return, schedule, statement, claim, or document is based with intent to defraud the Village or the Tax Administrator.

SECTION 18 INTEREST AND PENALTIES.

(A) As used in this section:

(1) "Applicable law" means this Ordinance, the resolutions, ordinances, codes, directives, instructions, and rules adopted by the Village provided they impose or directly or indirectly address the levy, payment, remittance, or filing requirements of the Village.

(2) "Federal short-term rate" means the rate of the average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of three years or less, as determined under Section 1274 of the Internal Revenue Code, for July of the current year.

(3) "Income tax," "estimated income tax," and "withholding tax" means any income tax, estimated income tax, and withholding tax imposed by the Village pursuant to applicable law, including at any time before January 1, 2016.

(4) "Interest rate as described in division (A) of this section" means the federal short-term rate, rounded to the nearest whole number percent, plus five percent. The rate shall apply for the calendar year next following the July of the year in which the federal short-term rate is determined in accordance with division (A)(2) of this section.

(5) "Return" includes any tax return, report, reconciliation, schedule, and other document required to be filed with a the Tax Administrator or the Village by a taxpayer, employer, any agent of the employer, or any other payer pursuant to applicable law, including at any time before January 1, 2016.

(6) "Unpaid estimated income tax" means estimated income tax due but not paid by the date the tax is required to be paid under applicable law.

(7) "Unpaid income tax" means income tax due but not paid by the date the income tax is required to be paid under applicable law.

(8) "Unpaid withholding tax" means withholding tax due but not paid by the date the withholding tax is required to be paid under applicable law.

(9) "Withholding tax" includes amounts an employer, any agent of an employer, or any other payer did not withhold in whole or in part from an employee's qualifying wages, but that, under applicable law, the employer, agent, or other payer is required to withhold from an employee's qualifying wages.

(B)(1) This section applies to the following:

(a) Any return required to be filed under applicable law for taxable years beginning on or after January 1, 2016;

(b) Income tax, estimated income tax, and withholding tax required to be paid or remitted to the Village on or after January 1, 2016.

(2) This section does not apply to returns required to be filed or payments required to be made before January 1, 2016, regardless of the filing or payment date. Returns required to be filed or payments required to be made before January 1, 2016, but filed or paid after that date shall be subject to the

ordinances or rules and regulations, as adopted before January 1, 2016, of the Village to which the return is to be filed or the payment is to be made.

(C) Should any taxpayer, employer, agent of the employer, or other payer for any reason fails, in whole or in part, to make timely and full payment or remittance of income tax, estimated income tax, or withholding tax or to file timely with the Village any return required to be filed, the following penalties and interest shall apply:

(1) Interest shall be imposed at the rate described in division (A) of this section, per annum, on all unpaid income tax, unpaid estimated income tax, and unpaid withholding tax.

(2)(a) With respect to unpaid income tax and unpaid estimated income tax, the Village may impose a penalty equal to fifteen percent (15%) of the amount not timely paid.

(b) With respect to any unpaid withholding tax, the Village may impose a penalty equal to fifty percent (50%) of the amount not timely paid.

(3) With respect to returns other than estimated income tax returns, the Village may impose a penalty of \$25 for each failure to timely file each return, regardless of the liability shown thereon for each month, or any fraction thereof, during which the return remains unfiled regardless of the liability shown thereon. The penalty shall not exceed \$150 for each failure.

(D) Nothing in this section requires the Village to refund or credit any penalty, amount of interest, charges, or additional fees that the Village has properly imposed or collected before January 1, 2016.

(E) Nothing in this section limits the authority of the Village to abate or partially abate penalties or interest imposed under this section when the Tax Administrator determines, in the Tax Administrator's sole discretion, that such abatement is appropriate.

(F) By the 31st day of October of each year the Village shall publish the rate described in division (A) of this section applicable to the next succeeding calendar year.

(G) The Village may impose on the taxpayer, employer, any agent of the employer, or any other payer the Village's post-judgment collection costs and fees, including attorney's fees.

SECTION 19 AUTHORITY OF TAX ADMINISTRATOR; VERIFICATION OF INFORMATION.

Authority.

(A) Nothing in this Ordinance shall limit the authority of the Tax Administrator to perform any of the following duties or functions, unless the performance of such duties or functions is expressly limited by a provision of the ORC:

(1)(a) Exercise all powers whatsoever of an query nature as provided by law, including, the right to inspect books, accounts, records, memorandums, and federal and state income tax returns, to examine persons under oath, to issue orders or subpoenas for the production of books, accounts, papers, records,

documents, and testimony, to take depositions, to apply to a court for attachment proceedings as for contempt, to approve vouchers for the fees of officers and witnesses, and to administer oaths.

(b) The powers referred to in this division of this section shall be exercised by the Tax Administrator only in connection with the performance of the duties respectively assigned to the Tax Administrator under the Village's income tax ordinance;

(2) Appoint agents and prescribe their powers and duties;

(3) Confer and meet with officers of other municipal corporations and states and officers of the United States on any matters pertaining to their respective official duties as provided by law;

(4) Exercise the authority provided by law, including orders from bankruptcy courts, relative to remitting or refunding taxes, including penalties and interest thereon, for any reason overpaid. In addition, the Tax Administrator may investigate any claim of overpayment and, if the Tax Administrator finds that there has been an overpayment, make a written statement of the Tax Administrator's findings, and approve and issue a refund payable to the taxpayer, the taxpayer's assigns, or legal representative as provided in this Ordinance;

(5) Exercise the authority provided by law relative to consenting to the compromise and settlement of tax claims;

(6) Exercise the authority provided by law relative to the use of alternative apportionment methods by taxpayers in accordance with Section 3;

(7)(a) Make all tax findings, determinations, computations, and orders the Tax Administrator is by law authorized and required to make and, pursuant to time limitations provided by law, on the Tax Administrator's own motion, review, re-determine, or correct any tax findings, determinations, computations, or orders the Tax Administrator has made.

(b) If an appeal has been filed with the Board of Tax Review or other appropriate tribunal, the Tax Administrator shall not review, re-determine, or correct any tax finding, determination, computation, or order which the Tax Administrator has made, unless such appeal or application is withdrawn by the appellant or applicant, is dismissed, or is otherwise final;

(8) Destroy any or all returns or other tax documents in the manner authorized by law;

(9) Enter into an agreement with a taxpayer to simplify the withholding obligations described in Section 4.

Verification of accuracy of returns and determination of liability.

(B)(1) A Tax Administrator, or any authorized agent or employee thereof may examine the books, papers, records, and federal and state income tax returns of any employer, taxpayer, or other person that is subject to, or that the Tax Administrator believes is subject to, the provisions of this Ordinance for the purpose of verifying the accuracy of any return made or, if no return was filed, to ascertain the tax due under this Ordinance. Upon written request by the Tax Administrator or a duly authorized agent or employee thereof, every employer, taxpayer, or other person subject to this section is required to furnish the opportunity for the Tax Administrator, authorized agent, or employee to investigate and examine such

books, papers, records, and federal and state income tax returns at a reasonable time and place designated in the request.

(2) The records and other documents of any taxpayer, employer, or other person that is subject to, or that a Tax Administrator believes is subject to, the provisions of this Ordinance shall be open to the Tax Administrator's inspection during business hours and shall be preserved for a period of six years following the end of the taxable year to which the records or documents relate, unless the Tax Administrator, in writing, consents to their destruction within that period, or by order requires that they be kept longer. The Tax Administrator may require any person, by notice served on that person, to keep such records as the Tax Administrator determines necessary to show whether or not that person is liable, and the extent of such liability, for the income tax levied by the Village or for the withholding of such tax.

(3) The Tax Administrator may examine under oath any person that the Tax Administrator reasonably believes has knowledge concerning any income that was or would have been returned for taxation or any transaction tending to affect such income. The Tax Administrator may, for this purpose, compel any such person to attend a hearing or examination and to produce any books, papers, records, and federal and state income tax returns in such person's possession or control. The person may be assisted or represented by an attorney, accountant, bookkeeper, or other tax practitioner at any such hearing or examination. This division does not authorize the practice of law by a person who is not an attorney.

(4) No person issued written notice by the Tax Administrator compelling attendance at a hearing or examination or the production of books, papers, records, or federal or state income tax returns under this section shall fail to comply.

Identification information.

(C)(1) Nothing in this Ordinance prohibits the Tax Administrator from requiring any person filing a tax document with the Tax Administrator to provide identifying information, which may include the person's social security number, federal employer identification number, or other identification number requested by the Tax Administrator. A person required by the Tax Administrator to provide identifying information that has experienced any change with respect to that information shall notify the Tax Administrator of the change before, or upon, filing the next tax document requiring the identifying information.

(2)(a) If the Tax Administrator makes a request for identifying information and the Tax Administrator does not receive valid identifying information within 30 days of making the request, nothing in this Ordinance prohibits the Tax Administrator from imposing a penalty upon the person to whom the request was directed pursuant to Section 18, in addition to any applicable penalty described in Section 99.

(b) If a person required by the Tax Administrator to provide identifying information does not notify the Tax Administrator of a change with respect to that information as required under division (C) of Section 19 within 30 days after filing the next tax document requiring such identifying information, nothing in this Ordinance prohibits the Tax Administrator from imposing a penalty pursuant to Section 18.

(c) The penalties provided for under divisions (C)(2)(a) and (b) of this section may be billed and imposed in the same manner as the tax or fee with respect to which the identifying information is sought and are in addition to any applicable criminal penalties described in Section 99 for a violation of Section 17 and any other penalties that may be imposed by the Tax Administrator by law.

SECTION 20 REQUEST FOR OPINION OF THE TAX ADMINISTRATOR.

(A) An "opinion of the Tax Administrator" means an opinion issued under this section with respect to prospective municipal income tax liability. It does not include ordinary correspondence of the Tax Administrator.

(B) A taxpayer may submit a written request for an opinion of the Tax Administrator in accordance with the Rules and Regulations.

(C) A taxpayer is not relieved of tax liability for any activity or transaction related to a request for an opinion that contained any misrepresentation or omission of one or more material facts.

(D) A Tax Administrator may refuse to offer an opinion on any request received under this section. Such refusal is not subject to appeal.

(E) An opinion of the Tax Administrator binds the Tax Administrator only with respect to the taxpayer for whom the opinion was prepared and does not bind the Tax Administrator of any other municipal corporation.

(F) An opinion of the Tax Administrator issued under this section is not subject to appeal.

SECTION 21 BOARD OF TAX REVIEW.

(A)(1) The Board of Tax Review shall consist of three members. Two members shall be appointed by the legislative authority of the Village, but such appointees may not be employees, elected officials, or contractors with the Village at any time during their term or in the five years immediately preceding the date of appointment. One member shall be appointed by the Mayor of the Village. This member may be an employee of the Village, but may not be the director of finance or equivalent officer, or the Tax Administrator or other similar official or an employee directly involved in municipal tax matters, or any direct subordinate thereof.

(2) The term for members of the Board of Tax Review the Village shall be two years. There is no limit on the number of terms that a member may serve if the member is reappointed by the legislative authority. The board member appointed by the Mayor of the Village shall serve at the discretion of the administrative official.

(3) Members of the Board of Tax Review appointed by the legislative authority may be removed by the legislative authority by majority vote for malfeasance, misfeasance, or nonfeasance in office. To remove such a member, the legislative authority must give the member a copy of the charges against the member and afford the member an opportunity to be publicly heard in person or by counsel in the member's own defense upon not less than ten days' notice. The decision by the legislative authority on the charges is final and not appealable.

(4) A member of the Board of Tax Review who, for any reason, ceases to meet the qualifications for the position prescribed by this section shall resign immediately by operation of law.

(5) A vacancy in an unexpired term shall be filled in the same manner as the original appointment within 60 days of when the vacancy was created. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. No vacancy on the Board of Tax Review shall impair the power and authority of the remaining members to exercise all the powers of the Board of Tax Review.

(6) If a member is temporarily unable to serve on the Board of Tax Review due to a conflict of interest, illness, absence, or similar reason, the legislative authority or top administrative official that appointed the member shall appoint another individual to temporarily serve on the Board of Tax Review in the member's place. The appointment of such an individual shall be subject to the same requirements and limitations as are applicable to the appointment of the member temporarily unable to serve.

(B) Whenever a Tax Administrator issues an assessment, the Tax Administrator shall notify the taxpayer in writing at the same time of the taxpayer's right to appeal the assessment, the manner in which the taxpayer may appeal the assessment, and the address to which the appeal should be directed.

(C) Any person who has been issued an assessment may appeal the assessment to the Board of Tax Review by filing a request with the Board of Tax Review. The request shall be in writing, shall specify the reason or reasons why the assessment should be deemed incorrect or unlawful, and shall be filed within 60 days after the taxpayer receives the assessment.

(D) The Board of Tax Review shall schedule a hearing to be held within 60 days after receiving an appeal of an assessment under division (C) of this section, unless the taxpayer requests additional time to prepare or waives a hearing. If the taxpayer does not waive the hearing, the taxpayer may appear before the Board of Tax Review and may be represented by an attorney at law, certified public accountant, or other representative. The Board of Tax Review may allow a hearing to be continued as jointly agreed to by the parties. In such a case, the hearing must be completed within 120 days after the first day of the hearing unless the parties agree otherwise.

(E) The Board of Tax Review may affirm, reverse, or modify the Tax Administrator's assessment or any part of that assessment. The Board of Tax Review shall issue a final determination on the appeal within 90 days after the Board of Tax Review's final hearing on the appeal, and send a copy of its final determination by ordinary mail to all of the parties to the appeal within 15 days after issuing the final determination. The taxpayer or the Tax Administrator may appeal the Board of Tax Review's final determination as provided in Section 5717.011 of the ORC.

(F) The Board of Tax Review created pursuant to this section shall adopt rules governing its procedures and shall keep a record of its transactions. Such records are not public records available for inspection under Section 149.43 of the ORC. Hearings requested by a taxpayer before a Board of Tax Review created pursuant to this section are not meetings of a public body subject to Section 121.22 of the ORC.

SECTION 22 AUTHORITY TO CREATE RULES AND REGULATIONS.

Nothing in this Ordinance prohibits the legislative authority of the Village, or a Tax Administrator pursuant to authority granted to the administrator by resolution or ordinance, to adopt rules to administer an income tax imposed by the Village in accordance with this Ordinance. Such rules shall not conflict with or be inconsistent with any provision of this Ordinance. Taxpayers are hereby required to comply not only with the requirements of this chapter, but also to comply with the Rules and Regulations.

All rules adopted under this section shall be published and posted on the internet.

SECTION 23 RENTAL AND LEASED PROPERTY.

(A) All property owners of real property located in the Village, who rent or otherwise lease the same, or any part thereof, to any person for residential dwelling purposes, including apartments, rooms and other rental accommodations, during any calendar year, or part thereof, commencing with the effective date of this section, shall file with the Tax Administrator on or before the January 31 first following such calendar year a written report disclosing the name, address and also telephone number, if available, of each tenant known to have occupied on December 31 during such calendar year such apartment, room or other residential dwelling rental property.

(B) The Tax Administrator may order the appearance before him, or his duly authorized agent, of any person whom he believes to have any knowledge of the name, address and telephone number of any tenant of residential rental real property in the Village. The Tax Administrator, or his duly authorized agent, is authorized to examine any person, under oath, concerning the name, address and telephone number of any tenant of residential real property located in the Village. The Tax Administrator, or his duly authorized agent, may compel the production of papers and records and the attendance of all personal before him, whether as parties or witnesses, whenever he believes such person has knowledge of the name, address and telephone number of any tenant of residential real property in the Village.

(C) Any property owner or person that violates one or more of the following shall be subject to Section 99 of this Ordinance:

- (1) Fails, refuses or neglects to timely file a written report required by subsection (a) hereof; or
- (2) Makes an incomplete or intentionally false written report required by subsection (a) hereof; or
- (3) Fails to appear before the Tax Administrator or any duly authorized agent and to produce and disclose any tenant information pursuant to any order or subpoena of the Tax Administrator as authorized in this section; or
- (4) Fails to comply with the provisions of this section or any order or subpoena of the Tax Administrator.

SECTION 24 SAVINGS CLAUSE.

This Ordinance shall not apply to any person, firm or corporation, or to any property as to whom or which it is beyond the power of Council to impose the tax herein provided for. Any sentence, clause, section or part of this Ordinance or any tax against or exception granted any individual or any of the several groups of persons, or forms of income specified herein if found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall affect only such clause, sentence, section or part of this Ordinance and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this Ordinance. It is hereby declared to be the intention of Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, or part hereof, not been included therein.

SECTION 25 COLLECTION OF TAX AFTER TERMINATION OF ORDINANCE.

(A) This chapter shall continue effective insofar as the levy of taxes is concerned until repealed, and insofar as the collection of taxes levied hereunder and actions or proceedings for collecting any tax so levied or enforcing any provisions of this chapter are concerned, it shall continue effective until all of said taxes levied hereunder in the aforesaid periods are fully paid and any and all suits and prosecutions for the collection of said taxes or for the punishment of violations of this chapter shall have been fully terminated, subject to the limitations contained in Section 12 and Section 99 hereof.

(B) Annual returns due for all or any part of the last effective year of this ordinance shall be due on the date provided in Sections 5 and Section 4 of this ordinance as though the same were continuing.

SECTION 26 ADOPTION OF RITA RULES AND REGULATIONS.

The Village hereby adopts the Regional Income Tax Agency (RITA) Rules & Regulations, including amendments that may be made from time to time, for use as the Village's Income Tax Rules and Regulations. In the event of a conflict with any provision(s) of the Village Income Tax Ordinance and the RITA Rules & Regulations, the Ordinance will supersede. Until and if the contractual relationship between the Village and RITA ceases, Section 26 will supersede all other provisions within Ordinance No. 2015-27 regarding promulgation of rules and regulations by the Tax Administrator.

SECTION 99 VIOLATIONS; PENALTIES.

(A) Whoever violates Section 17, division (A) of Section 16, or Section 4 by failing to remit the Village income taxes deducted and withheld from an employee, shall be guilty of a misdemeanor of the first degree and shall be subject to a fine of not more than \$1,000 or imprisonment for a term of up to six months, or both. If the individual that commits the violation is an employee, or official, of the Village, the individual is subject to discharge from employment or dismissal from office.

(B) Any person who discloses information received from the Internal Revenue Service in violation of division (A) of Section 16 shall be guilty of a felony of the fifth degree and shall be subject to a fine of not more than \$5,000 plus the costs of prosecution, or imprisonment for a term not exceeding five years, or both. If the individual that commits the violation is an employee, or official, of the Village, the individual is subject to discharge from employment or dismissal from office.

(C) Each instance of access or disclosure in violation of division (A) of Section 16 constitutes a separate offense.

(D) If not otherwise specified herein, no person shall:

- (1) Fail, neglect or refuse to make any return or declaration required by this ordinance;
- (2) File any incomplete or false return;

(3) Fail, neglect or refuse to pay the tax, penalties or interest imposed by this Ordinance;

(4) Refuse to permit the Tax Administrator or any duly authorized agent or employee to examine his books, records, papers and federal and state income tax returns relating to the income or net profits of a taxpayer;

(5) Fail to appear before the Tax Administrator and to produce his books, records, papers or federal and state income tax returns relating to the income or net profits of a taxpayer upon order or subpoena of the Tax Administrator;

(6) Refuse to disclose to the Tax Administrator any information with respect to the income or net profits of a taxpayer;

(7) Fail to comply with the provisions of this ordinance or any order or subpoena of the Tax Administrator authorized hereby;

(8) Give to an employer false information as to his true name, correct social security number, and residence address, or fail to promptly notify an employer of any change in residence address and date thereof;

(9) Attempt to do anything whatsoever to avoid the payment of the whole or any part of the tax, penalties or interest imposed by this Ordinance.

(E) Any person who violates any of the provisions in Section 99 (D) shall be subject to the penalties provided for in Section 99 (A) of this Ordinance.

Ordinance No.

Passed 19

ORDINANCE NO. 2023-18

AN ORDINANCE TO AMEND "EXHIBIT A" TO ORDINANCE NO. 2015-27, "EXHIBIT A" BEING THE VILLAGE OF ANTWERP INCOME TAX ORDINANCE, AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Council of the Village of Antwerp adopted Ordinance No. 2006-26 on September 11, 2006, imposing a municipal income tax in the Village of Antwerp, Ohio;

WHEREAS, the Council of the Village of Antwerp adopted Ordinance No. 2015-27 on November 16, 2015, amending Ordinance No. 2006-26 and any amendments thereto, in order to enact the amendments required by House Bill 5, setting forth the Village of Antwerp Income Tax Ordinance as Exhibit A to Ordinance No. 2015-27 effective January 1, 2016;

WHEREAS, the Council of the Village of Antwerp passed Ordinance No. 2017-27 on December 18, 2017, amending Exhibit A to Ordinance No. 2015-27, specifically amending sections 2, 4, 5, 7, and 18 of Exhibit A, in order to enact certain amendments required by House Bill 49;

WHEREAS, the Council of the Village of Antwerp passed Ordinance No. 2018-06 on March 19, 2018, amending Exhibit A to Ordinance No. 2015-27, specifically amending Sections 3(F)(4)(a) and 5(S) and to add a new section, Section 27; and

WHEREAS, in order to comply with the provisions of Ohio House Bill 33 signed into law on July 3, 2023, the Council of the Village of Antwerp finds it necessary to enact certain additional amendments to Exhibit A to Ordinance No. 2015-27, specifically amendments to Sections 3(F)(1), 3(F)(4), 5(A), 5(G)(2), 5(G)(5), 18(C)(3)(a), and to add new Divisions, specifically Division (G) to Section 3, Division (G)(6) to Section 5, and Division (3)(b) to Section 18(C), said additional amendments to be effective as of January 1, 2024.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ANTWERP, COUNTY OF PAULDING, STATE OF OHIO, THAT:

Section 1. That Ordinance No. 2015-27, specifically Section 3(F)(1) to Exhibit A attached to Ordinance No. 2015-27, be amended to read as follows effective January 1, 2024:

(1) Except as otherwise provided in divisions (F)(2) and (G) of this section, net profit from a business or profession conducted both within and without the boundaries of the Village shall be considered as having a taxable situs in the Village for purposes of municipal income taxation in the same proportion as the average ratio of the following:

Section 2. That Ordinance No. 2015-27, specifically Section 3(F)(4) to Exhibit A attached to Ordinance No. 2015-27, be amended to read as follows effective January 1, 2024:

Ordinance No.

Passed

19

(4) For the purposes of division (F)(1)(c) of this section, and except as provided in division (G) of this section, receipts from sales and rentals made and services performed shall be situated to a municipal corporation as follows:

Section 3. That Ordinance No. 2015-27, specifically a new Division, Division (G) to Section 3, to Exhibit A attached to Ordinance No. 2015-27, be added to read as follows effective January 1, 2024:

(G)(1) As used in this division:

(a) "Qualifying remote employee or owner" means an individual who is an employee of a taxpayer or who is a partner or member holding an ownership interest in a taxpayer that is treated as a partnership for federal income tax purposes, provided that the individual meets both of the following criteria:

(i) The taxpayer has assigned the individual to a qualifying reporting location.

(ii) The individual is permitted or required to perform services for the taxpayer at a qualifying remote work location.

(b) "Qualifying remote work location" means a permanent or temporary location at which an employee or owner chooses or is required to perform services for the taxpayer, other than a reporting location of the taxpayer or any other location owned or controlled by a customer or client of the taxpayer. "Qualifying remote work location" may include the residence of an employee or owner and may be located outside of a municipal corporation that imposes an income tax in accordance with this chapter. An employee or owner may have more than one qualifying remote work location during a taxable year.

(c) "Reporting location" means either of the following:

(i) A permanent or temporary place of doing business, such as an office, warehouse, storefront, construction site, or similar location, that is owned or controlled directly or indirectly by the taxpayer;

(ii) Any location in this state owned or controlled by a customer or client of the taxpayer, provided that the taxpayer is required to withhold taxes under Section 4 of this Ordinance, on qualifying wages paid to an employee for the performance of personal services at that location.

(d) "Qualifying reporting location" means one of the following:

(i) The reporting location in this state at which an employee or owner performs services for the taxpayer on a regular or periodic basis during the taxable year;

Ordinance No.

Passed

19

(ii) If no reporting location exists in this state for an employee or owner under division (G)(1)(d)(i) of this section, the reporting location in this state at which the employee's or owner's supervisor regularly or periodically reports during the taxable year;

(iii) If no reporting location exists in this state for an employee or owner under division (G)(1)(d)(i) or (ii) of this section, the location that the taxpayer otherwise assigns as the employee's or owner's qualifying reporting location, provided the assignment is made in good faith and is recorded and maintained in the taxpayer's business records. A taxpayer may change the qualifying reporting location designated for an employee or owner under this division at any time.

(2) For tax years ending on or after December 31, 2023, a taxpayer may elect to apply the provisions of this division to the apportionment of its net profit from a business or profession. For taxpayers that make this election, the provisions of division (F) of this section apply to such apportionment except as otherwise provided in this division.

A taxpayer shall make the election allowed under this division in writing on or with the taxpayer's net profit return or, if applicable, a timely filed amended net profit return or a timely filed appeal of an assessment. The election applies to the taxable year for which that return or appeal is filed and for all subsequent taxable years, until the taxpayer revokes the election.

The taxpayer shall make the initial election with the tax administrator of each municipal corporation with which, after applying the apportionment provisions authorized in this division, the taxpayer is required to file a net profit tax return for that taxable year. A taxpayer shall not be required to notify the tax administrator of a municipal corporation in which a qualifying remote employee's or owner's qualifying remote work location is located, unless the taxpayer is otherwise required to file a net profit return with that municipal corporation due to business operations that are unrelated to the employee's or owner's activity at the qualifying remote work location.

After the taxpayer makes the initial election, the election applies to every municipal corporation in which the taxpayer conducts business. The taxpayer shall not be required to file a net profit return with a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in such municipal corporation.

Nothing in this division prohibits a taxpayer from making a new election under this division after properly revoking a prior election.

(3) For the purpose of calculating the ratios described in division (F)(1) of this section, all of the following apply to a taxpayer that has made the election described in division (G)(2):

(a) For the purpose of division (F)(1)(a) of this section, the average original cost of any tangible personal property used by a qualifying remote employee or owner at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

Ordinance No.

Passed

19

(b) For the purpose of division (F)(1)(b) of this section, any wages, salaries, and other compensation paid during the taxable period to a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(c) For the purpose of division (F)(1)(c) of this section, and notwithstanding division (F)(4) of this section, any gross receipts of the business or profession from services performed during the taxable period by a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(4) Nothing in this division prevents a taxpayer from requesting, or a tax administrator from requiring, that the taxpayer use, with respect to all or a portion of the income of the taxpayer, an alternative apportionment method as described in division (F)(2) of this section. However, a tax administrator shall not require an alternative apportionment method in such a manner that it would require a taxpayer to file a net profit return with a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in that municipal corporation.

(5) Except as otherwise provided in this division, nothing in this division is intended to affect the withholding of taxes on qualifying wages pursuant to Section 4 of this Ordinance.

Section 4. That Ordinance No. 2015-27, specifically Section 5(A) to Exhibit A attached to Ordinance No. 2015-27, be amended to read as follows effective January 1, 2024:

(A) An annual Village income tax return shall be completed and filed by every taxpayer for each taxable year for which the taxpayer is subject to the tax, whether or not a tax is due thereon.

Section 5. That Ordinance No. 2015-27, specifically Section 5(G)(2) to Exhibit A attached to Ordinance No. 2015-27, be amended to read as follows effective January 1, 2024:

(2) Any taxpayer that has duly requested an automatic six-month extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of the Village's income tax return. The extended due date of the Village's income tax return shall be the 15th day of the tenth month after the last day of the taxable year to which the return relates. For tax years ending on or after January 1, 2023, the extended due date of the Village's income tax return for a taxpayer that is not an individual shall be the 15th day of the eleventh month after the last day of the taxable year to which the return relates. An extension of time to file under this division is not an extension of the time to pay any tax due unless the Tax Administrator grants an extension of that date.

Ordinance No.

Passed 19

Section 6. That Ordinance No. 2015-27, specifically Section 5(G)(5) to Exhibit A attached to Ordinance No. 2015-27, be amended to read as follows effective January 1, 2024:

(5) If a taxpayer receives an extension for the filing of a municipal income tax return under division (G)(2), (3), or (4) of this section, the tax administrator shall not make any inquiry or send any notice to the taxpayer with regard to the return on or before the date the taxpayer files the return or on or before the extended due date to file the return, whichever occurs first.

If a tax administrator violates division (G)(5) of this section, the municipal corporation shall reimburse the taxpayer for any reasonable costs incurred to respond to such inquiry or notice, up to \$150.

Division (G)(5) of this section does not apply to an extension received under division (G)(2) of this section if the tax administrator has actual knowledge that the taxpayer failed to file for a federal extension as required to receive the extension under division (G)(2) of this section or failed to file for an extension under division (G)(2)(b) of this section.

Section 7. That Ordinance No. 2015-27, specifically a new Division, Division (G)(6) to Section 5, to Exhibit A attached to Ordinance No. 2015-27, be added to read as follows effective January 1, 2024:

(6) To the extent that any provision in this division (G) of this section conflicts with any provision in divisions (N), (O), (P), or (Q) of this section, the provisions in divisions (N), (O), (P), or (Q) prevail.

Section 8. That Ordinance No. 2015-27, specifically Section 18(C)(3)(a) to Exhibit A attached to Ordinance No. 2015-27, be amended to read as follows effective January 1, 2024:

(3)(a) For tax years ending on or before December 31, 2022, with respect to returns other than estimated income tax returns, [Municipality/City/Village] may impose a penalty of \$25 for each failure to timely file each return, regardless of the liability shown thereon for each month, or any fraction thereof, during which the return remains unfiled regardless of the liability shown thereon. The penalty shall not exceed \$150 for each failure.

Section 9. That Ordinance No. 2015-27, specifically a new Division, Division (3)(b) to Section 18(C), to Exhibit A attached to Ordinance No. 2015-27, be added to read as follows effective January 1, 2024:

(b) For tax years ending on or after January 1, 2023, with respect to returns other than estimated income tax returns, the Village may impose a penalty not exceeding \$25 for each failure to timely file each return, regardless of the liability shown thereon, except that the Village shall abate or refund the penalty assessed on a taxpayer's first failure to timely file a return after the taxpayer files that return.

Ordinance No.

Passed 19

Section 10. This amendment shall be effective January 1, 2024. A copy of Exhibit A, as amended pursuant to this Ordinance, is attached hereto and is incorporated herein as if fully rewritten.

Section 11. It is hereby found and determined that all formal actions of the Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 12. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of the Village and for the further reason that the Village must comply with the provisions of Ohio House Bill 33 to allow all amendments to the Village's Income Tax Ordinance in a timely manner.

Section 13. This Ordinance shall take effect and be in full force from and after January 1, 2024.

Date: 11/8/2023

Janice Reeb

Jan Reeb, Mayor

Attest:

Kevin Hornish

Kevin Hornish, Fiscal Officer

Ordinance No.

Passed 19

ORDINANCE NO. 2023-19

AN ORDINANCE ESTABLISHING COMPENSATION FOR THE VILLAGE OF ANTWERP, OHIO FOR THE CALENDAR YEAR 2024, AND DECLARING THE SAME AN EMERGENCY

WHEREAS, O.R.C. Section 731.13 provides that the legislative authority of a village shall fix compensation, and the Village Council hereby fixes the compensation of Village officials, employees, appointees, and volunteers for the Village of Antwerp, Ohio for the calendar year 2024 as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Ohio:

Section 1. That compensation and wage rates for the various Village officials, employees, appointees, and volunteers for calendar year 2024 is hereby adopted as follows:

Position	Compensation / Wage Rate	
Mayor	\$10,400.00	Base annual salary
Council Members –existing Newly elected Council Members	\$4200 to \$4,200.00	Base annual salary
Fiscal Officer	\$33,600.00	Base annual salary
Village Administrator	\$65,709.00	Base annual salary
Chief of Police	\$59,162.10	Base annual salary
Police - Full Time - On Probation	\$29,964.16 to \$34,318.42	Base annual salary
Police - Full Time	\$36,008.89 to \$42,619.84	Base annual salary
Police - Part Time	\$11.09 to \$21.40	per hour
Police - Reserves	\$11.09 to \$17.12	per hour
Fire Chief	\$3145.84	Base annual salary
Fire Dept. Secretary	\$495.41	Base annual salary
Fire Chief Assistant	\$495.41	Base annual salary
	\$13.43	per meeting
	\$19.51	first hour
	\$15.18	each add'l hour

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No.

Passed 19

Position	Compensation / Wage Rate
Position	Compensation / Wage Rate
Fire Captains	\$146.27 Base annual salary
Fire Lieutenants	\$102.27 Base annual salary
Volunteer Fireman	\$13.43 per training hour
	\$15.03 first hour
	\$15.03 each add'l hour
EMS Coordinator	\$2,995.71 to \$4,493.56 Base annual salary
EMS Maintenance Man	\$888.80 Base annual salary
EMS Assistant	\$413.15 Base annual salary
EMS Secretary	\$413.15 Base annual salary
EMS Drivers/Trainees	\$13.32 per hour
EMR	\$14.71 per hour
EMT (BLS – Basic Life Support)	\$16.09 per hour
AEMT (Advance Life Support)	\$20.80 per hour
All EMS Personnel	\$13.85 per training hour
Supervisor	\$25.00 to \$35.00 per hour
General Labor/Utilities Billing Clerk	\$10.05 to \$20.00 per hour
Mayor's Court Clerk/EMS Billing Clerk	\$10.05 to \$16.68 per hour
Tech I Water/Sewer/Assigned Duties	\$16.85 to \$21.75 per hour
Tech II Water/Sewer/Assigned Duties	\$22.00 to \$30.00 per hour

Section 2. Each Department Head has the authority to establish a wage rate and change in an employee's compensation within the wage structure above based upon the Village's finances and an employee's level of education, performance, attendance, certifications / licensures, knowledge, skill, abilities, variety and scope of responsibilities, and such other attributes the Department Head considers necessary for the position.

RECORD OF ORDINANCES

563

Dayton Legal Blank Co.

Form No. 30043

Ordinance No.

Passed

19

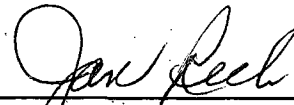
Section 3. Any and all other benefits to which Village officials and employees may be entitled are as set forth in the Village of Antwerp's Personnel Manual, subject to any and all amendments thereto, and any applicable Ordinances and Resolutions of the Village.

Section 4. It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

Section 5. All prior legislation, or any part thereof, which is inconsistent with this Ordinance is hereby repealed as to the inconsistent parts thereof.

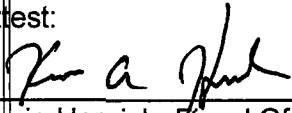
Section 6. This Ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health and safety of the Village, and for the further reason that compensation must be established for Village officials, employees, appointees, and volunteers for the provision of services that are essential to the public peace, health and safety, and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: 12/13, 2023



Jan Reeb
Mayor of the Village of Antwerp

Attest:



Kevin Hornish, Fiscal Officer

Ordinance No.

Passed 19

ORDINANCE NO. 2023-20

AN ORDINANCE TO ESTABLISH THE TIME AND PLACE OF REGULAR MEETINGS OF THE COUNCIL FOR THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO, FOR CALENDAR YEAR 2024; AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Council of the Village of Antwerp, Paulding County, Ohio, is desirous of holding regular monthly council meetings in calendar year 2024; and

WHEREAS, in accordance with Ohio Revised Code Section 731.46, the Village Council hereby establishes the time and place of regular meetings of the Council for calendar year 2024 as provided herein.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Paulding County, Ohio, as follows:

Section 1. Regular meetings of the Council shall be held at the Council Chambers located at 118 North Main Street in the Village of Antwerp, Ohio.

Section 2. Regular meetings of the Council shall be held on the second (2nd) Wednesday of each month at 5:30 p.m.

Section 3. This Ordinance shall be in effect for regular meetings of the Council starting in January 2024 and be subject to amendment at the request of the Mayor of the Village of Antwerp or at the request of a member of the Council. Notice of any change in the time and/or place of a regular meeting of the Council shall be provided in accordance with Ordinance No. 2012-18 and Ordinance No. 2022-09.

Section 4. It is found and determined that all formal actions of the Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of section 121.22 of the Ohio Revised Code.

Section 5. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Enacted this 13 day of December, 2023

Jan Reeb

Jan Reeb
Mayor of the Village of Antwerp

ATTEST:

Kevin Hornish
Kevin Hornish, Fiscal Officer

Ordinance No.

Passed 19

ORDINANCE NO. 2023-21

AN ORDINANCE TO RETAIN THE SERVICES OF CAM R. STANLEY AS SOLICITOR FOR THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO, AND DECLARING THE SAME AN EMERGENCY.

WHEREAS, the Village of Antwerp, Paulding County, Ohio (the "Village") is authorized by law to retain the services of legal counsel to be known as the Village Solicitor; and

WHEREAS, the Council of the Village deems it necessary to retain the services of legal counsel to act as Solicitor for the Village in civil, contract, and criminal matters.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Paulding County, Ohio as follows:

Section 1. Legal counsel shall be provided to act in civil, contract, and criminal matters for the Village, and the person retained as such counsel shall be known as the Solicitor of the Village of Antwerp.

Section 2. The Village will compensate the Solicitor for legal services rendered on behalf of the Village at the rate of One Hundred Forty Dollars (\$140.00) per hour, plus legal support staff used by the Solicitor and out-of-pocket expenses incurred in providing such legal services, including but not limited to postage and photocopying at the rate of No Dollars and Fifteen Cents (\$0.15) per page. This Ordinance to retain the legal services of a Solicitor shall be in force and effect for a period not exceeding two (2) years commencing on December 13, 2023.

Section 3. Cam R. Stanley, an attorney at law, is licensed to practice law in the State of Ohio and is hereby appointed as Solicitor for the Village of Antwerp, Paulding County, Ohio. The Mayor is authorized to execute a contract with Cam. R. Stanley.

Section 4. Ordinance No. 2023-14 is hereby repealed in its entirety.

Section 5. It is found and determined that all formal actions of the Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of § 121.22 of the Ohio Revised Code.

Section 6. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public health, safety, and welfare, and for the further reason that the Village needs to be represented by legal counsel. This Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

RECORD OF ORDINANCES

Ordinance No.

Passed

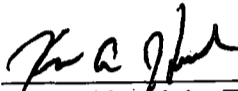
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Passed this 13 day of December, 2023.



Jan Reeb, Mayor
Village of Antwerp, Ohio

Attest:



Kevin Hornish, Fiscal Officer