

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**RESOLUTION NO. R 2006-07**

**A RESOLUTION OF THE VILLAGE OF ANTWERP TO SELL REAL ESTATE TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF HIGHWAY, AND DECLARING THE SAME AN EMERGENCY**

WHEREAS, the Ohio Department of Transportation ("ODOT") is constructing a new highway, which highway will run over and/or through real estate owned by the Village of Antwerp;

WHEREAS, the State of Ohio desires to acquire certain parcel(s) of land for highway purposes on and over certain lands, owned by the Village of Antwerp, and more particularly described as follows:

PARCEL(S): 172WL, T  
PAU 24-0.00

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

WHEREAS, the State of Ohio has offered the sum of \$14,471.00 for the purchase of said certain parcel(s) of land.

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

Section 1. The offer to purchase made by the State of Ohio for the parcel(s) identified above for \$14,471.00 is hereby accepted.

Section 2. The President of the Council, Ronald Farnsworth, shall be, and hereby is, the duly authorized, empowered, and acting agent of the Village of Antwerp for the purpose of executing and delivering to the State of Ohio all necessary instruments to effect a good and sufficient conveyance of said certain parcel(s) identified above from the Village of Antwerp to the State of Ohio, for the hereinabove mentioned consideration.

Section 3. It is found and determined that all formal actions of the Council concerning and relating to the passage of this resolution 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, resolutions and any applicable provisions of Section 121.22 of the Ohio Revised Code.

Section 4. This resolution 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 selling of the above identified real estate is necessary to allow the construction of a highway that will benefit the Village and its inhabitants, and this resolution 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.

ENACTED THIS 14<sup>th</sup> day of August, 2006.

*Margaret Womack*  
MAYOR, VILLAGE OF ANTWERP

Attest:

*Shuta Dilton*

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**EXHIBIT A**

Page 1 of 2

RX 252  
Rev. 04/03

PIC  
PARCEL  
CTY-RTE-SEC  
Version Date

24334  
172-WL  
PAU 24-0.00  
August 30, 2004

**PARCEL 172-WL  
PAU- 24 -0.00**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE  
IN THE FOLLOWING DESCRIBED PROPERTY  
INCLUDING LIMITATION OF ACCESS**

Grantor/Owner, his heirs, executors, administrators, successors and assigns forever, are hereby divested of any and all abutter's rights, including access rights in, over and to the above described real estate, including such rights with respect to any highway facility constructed thereon. (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the Township of Carryall, County of Paulding, State of Ohio, and in the northwest quarter of Section 35, Township 3 North, Range 1 East, being part of a 52.45 acre parcel conveyed in record Volume 174, Page 430 and lying on both sides of the centerline of right of way for U.S. Route 24 as shown on PAU-24-0.00 right of way plans at the Ohio Department of Transportation, at Lima, Ohio, centerline survey plat as recorded in Plat Volume 10, Page 95 in the office of the Paulding County Recorder, and being more particularly described as follows:

Commencing at an iron pin found marking the southeast corner of the northwest quarter of Section 35;

thence on and along the south line of said northwest quarter, North 88 degrees 49 minutes 36 seconds West, a distance of 488.29 feet to an iron pin set on the new south limited Access right of way line for U.S. Route 24, and being the TRUE POINT OF BEGINNING;

- 1) thence continuing on and along the south line of said northwest quarter, North 83 degrees 49 minutes 36 seconds West, a distance of 760.73 feet to an iron pin set on the new north limited Access right of way line for U.S. Route 24, and being at 155.00 feet left of U.S. Route 24, centerline Station 940+03.77;
- 2) thence on and along the new north Limited Access right of way line of U.S. Route 24, North 64 degrees 29 minutes 59 seconds East, a distance of 489.39 feet to an iron pin set at 170.00 feet left of U.S. Route 24, centerline Station 945+00.00;
- 3) thence on and along the new north Limited Access right of way line of U.S. Route 24, North 63 degrees 45 minutes 54 seconds East, a distance of 492.54 feet to an iron pin set at 170.00 feet left of U.S. Route 24, centerline Station 950+00.00;
- 4) thence on and along the new north Limited Access right of way line of U.S. Route 24, North 62 degrees 25 minutes 39 seconds East, a distance of 121.26 feet to an iron pin set on the east line of said 52.45 acre tract, and being at 169.53 feet left of U.S. Route 24, centerline Station 951+23.08;

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**EXHIBIT A**

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PID 24334  
PARCEL 172-WL  
CTY-RTE-SEC PAU 24-0.00  
Version Date August 30, 2004

- 5) thence on and along the east line of said 52.45 acre tract, South 01 degrees 20 minutes 50 seconds West, a distance of 382.42 feet to an iron pin set on the new south Limited Access right of way line of U.S. Route 24, and being 165.00 feet right of U.S. Route 24, centerline Station 949+37.73;
- 6) thence on and along the new south Limited Access right of way line of U.S. Route 24, South 01 degrees 59 minutes 15 seconds West, 250.83 feet to the TRUE POINT OF BEGINNING.

Containing 5.291 acres gross, of which 0.000 acres is PRO (present roadway occupied ), leaving a net take of 5.291 acres.

The above described area is part of currently assigned Paulding County Auditor's Parcel 11-35-005-00.

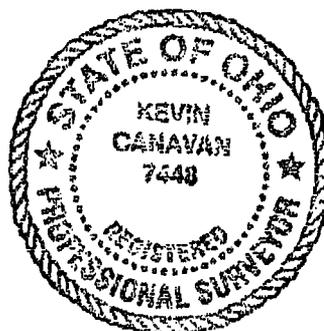
All bearings are based on the State Plane Coordinate System, Ohio North zone, NAD 1983 (95) adjustment.

Iron pins set in the above description are 3/4 inch by 30 inch reinforcing rods with an aluminum cap, stamped "ODOT R/W DISTRICT 1".

This description was prepared on August 30, 2004 by Kevin Canavan, Professional Surveyor Number 7448 for the Ohio Department of Transportation.

Kevin Canavan  
Signature and seal in BLUE ink.

Date 8-30-2004



DESCRIPTION CHECKED  
& APPROVED  
PLD. CO. ENGINEER'S OFFICE  
BY 20512 11-18-2004

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RX 286  
(94/03)

**EXHIBIT A**

Page 1 of 1

PID	24334
PARCEL	172T
CTY-RTE-SEC	PAU 24-0.00
Version Date	July 21, 2004

**PARCEL 172T  
PAU-24-0.00**

**TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING THE WORK  
NECESSARY TO CONNECT DRAINAGE TILE  
FOR APPROX. THIRTY-SIX MONTHS FROM DATE OF ENTRY BY GRANTEE**

[Surveyor's description of the premises follows]

Situated in the Township of Carryall, County of Paulding, State of Ohio, and in the north west quarter of Section 35, Township 3 North, Range 1 East, being part of a 52.45 acre parcel conveyed in record Volume 174, Page 430 and lying on the left side of the centerline of right of way for U.S. Route 24 as shown on PAU-24-0.00 right of way plans on record at the Ohio Department of Transportation, at Lima, Ohio, centerline survey plat as recorded in Plat Volume 10, Page 95 in the office of the Paulding County Recorder, and being more particularly described as follows:

**BEGINNING** on the north right of way line of U.S. Route 24 at a point 172.67 feet left of U.S. Route 24 centerline of right of way Station 947+68.61;

- 1) thence perpendicular to the north right of way line of U.S. Route 24, North 26 degrees 14 minutes 07 seconds West, a distance of 10.00 feet to a point 182.67 feet left of U.S. Route 24 centerline of right of way Station 947-68.63;
- 2) thence parallel to the north right of way line of U.S. Route 24, North 63 degrees 45 minutes 54 seconds East, a distance of 10.00 feet to a point 182.65 feet left of U.S. Route 24 centerline of right of way Station 947-78.79;
- 3) thence perpendicular to the north right of way line of U.S. Route 24, South 26 degrees 14 minutes 07 seconds East, a distance of 10.00 feet to a point 172.65 feet left of U.S. Route 24 centerline of right of way Station 947+78.77;
- 4) thence on and along the north right of way line of U.S. Route 24, South 63 degrees 45 minutes 54 seconds West, a distance of 10.00 feet to the point of beginning;

containing in all 0.002 acres.

The above described area is part of currently assigned Paulding County Auditor's Parcel 11-35-005-00.

All bearings are based on the State Plane Coordinate System, Ohio North zone, NAD 1983 (95) adjustment.

This description was prepared on July 21, 2004 by Kevin Canavan, Professional Surveyor No. 7448 for the Ohio Department of Transportation.

Kevin Canavan  
Signature and seal in BLUE ink.

Date 7-21-2004



Antwerp

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_\_

Form Supervised by State Auditor (Rev. 9-70)

Dayton Legal Blank, Inc., Form No. 11012

**RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR**

(VILLAGE COUNCIL)

Rev. Code, Secs. 5705.34, 5705.35

The Council of the Village of Antwerp, Paulding County, Ohio, met in Special session on the 16th day of August, 2006 at the office of Town Hall with the following members present:

Karen Lee

Tom Vanvlerah

Jan Reeb

Dan Gordon

Darlene Fillmore

Mr. Dan Gordon moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1st, 2007; and

WHEREAS, The Budget Commission of Paulding County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation; therefore be it

RESOLVED, By the Council of the Village of Antwerp, Paulding County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said Village the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

RECORD OF ORDINANCES

SCHEDULE A

Document Blank, Inc.

Form No. 30043

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION, AND COUNTY AUDITOR'S ESTIMATED TAX RATES

Ordinance No. _____	Passed _____	Amount, 20____		County Auditor's Estimate of Tax Rate to be Levied	
		Amount to Be Derived from Levies Outside 10 Mill Limitation	Approved by Budget Commission Inside 10 Mill Limitation	Inside 10 Mill Limit	Outside 10 Mill Limit
FUND		Column II	Column IV	V	VI
General Fund		55049	39044	1.8	2.7
General Bond Retirement Fund					
CEMETERY		14616			.8
Park Fund					
Recreation Fund					
FIRE		16323			2.
FIRE / EMS Fund		19473			1.
Police Fund		107799			7.5
EMS		6258			.5
Ag-RES 13055710					
OTHR 7204520					
PP 1432290					
21,692,520					
TOTAL					

SCHEDULE B

LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	Maximum Rate Authorized to Be Levied	County Auditor's Estimate of Yield of Levy (Carry to Schedule A, Column II)
General Fund:		
Current expense levy authorized by voters or _____	11 20.05,	1,
for not to exceed 5 years. 05-09		
Current expense levy authorized by voters or _____	11 20.51,	1.7
for not to exceed 5 years. 02-06		
Total General Fund outside 10 m. Limitation.		
Park Fund: Levy authorized by voters on _____	20_____	
for not to exceed _____ years.		
Recreation Fund: Levy authorized by voters on _____	20_____	
for not to exceed _____ years.		
CEM Fund: Levy authorized by voters on _____	11 20.00,	.8
for not to exceed 5 years. 01-05		

for not to exceed 5 years. 01-05

FIRE

Fund: Levy authorized by voters on

RECORD OF ORDINANCES

2.

0007

20

for not to exceed CONT years.

Dayton Legal Bank, Inc.

FIRE / EMS

Fund: Levy authorized by voters on

11-02

1.

Form No. 30043

20

Ordinance No. 03-07

Passed

20

POLICE

5-1984

5.5

CONT

POLICE

3-04

2.

5 YRS 04-08

EMS

11-86

.5

CONT

and be it further

*Fiscal Officer*

RESOLVED, That the Clerk of this Council be, and he is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

Mr. VanVlerah seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

Mr. Dan Gordon, yes

Mr. Tom VanVlerah, yes

Mrs. Karen Lee, yes

Mrs. Jan Reeb, yes

Mrs. Darlene Fillmore, yes

Mr. \_\_\_\_\_, \_\_\_\_\_

Mr. \_\_\_\_\_, \_\_\_\_\_

Adopted the 16th day of August, 2006

Attest:

*Ronald L. Farnsworth*

President of Council

No. R2006-05

COUNCIL OF THE VILLAGE OF

Village of Antwerp

Building \_\_\_\_\_ County, Ohio

RESOLUTION

ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. \*\* (Village Council)

Adopted August 16, 2006

*Maria Miller*  
President

*Maria Miller*  
Clerk of Council

Filed FILED \_\_\_\_\_, 20\_\_

AUG 24 2006

BILL BOLENBAUGH  
County Auditor

PAUL DINEEN  
Deputy

\*\*EXCEPT FOR CURRENT EXPENSE LEVY AUTHORIZED BY VOTERS ON NOV. 2001 LISTED ON SCHEDULE B OF R2006-05, AND DECLARING THE SAME AN EMERGENCY.

Ordinance No.

Dayton Legal Blank, Inc.

1. A copy of this Resolution must be certified to the County Auditor before the first day of October in each year, or at such later date as may be approved by the Board of Tax Appeals.

The State of Ohio, Paulding County, ss. *Maria Miller*  
I, Sheila Hilton, Clerk of the Council of the Village of Antwerp, within and for said County, and in whose custody the Files and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original now on file, that the foregoing has been compared by me with said original document, and that the same is a true and correct copy thereof.  
WITNESS my signature, this 16th day of August, 2006.  
*Maria Miller*  
Clerk of Council  
*Maria Miller*  
State Officer

CERTIFICATE TO COPY ORIGINAL ON FILE

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RESOLUTION NO. R 2006-05

**A RESOLUTION AUTHORIZING THE MAYOR OF THE VILLAGE OF ANTWERP, OHIO TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING THE SAME AN EMERGENCY.**

**WHEREAS,** The State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

**WHEREAS,** the Village of Antwerp is planning to make capital improvements to the E. Daggett Street Waterline Replacement, and

**WHEREAS,** the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the Ohio Public Works Commission ("OPWC") programs.

**NOW THEREFORE, BE IT RESOLVED** by the Council of the Village of Antwerp, State of Ohio:

**Section 1:** That the Mayor of the Village of Antwerp is hereby authorized to apply to the OPWC for funds as described above.

**Section 2:** The Mayor of the Village of Antwerp is further authorized to enter into any agreements as may be necessary and appropriate for obtaining the financial assistance.

**Section 3:** It is found and determined that all formal actions of the council concerning and relating to the passage of this Resolution 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 regulations including all lawful Ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

**Section 4:** This Resolution 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 waterline repairs and capital improvements for the well being of the residents and this Resolution shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in full force after the earliest period allowed by law.

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ADOPTED: 09/11/06

Margaret Womack  
Margaret Womack, Mayor

ATTEST:

Shirley Hester  
Fiscal Officer

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ORDINANCE No. 2006-24

**AN ORDINANCE REPEALING ORDINANCE NO. 2006-21 OF THE VILLAGE OF ANTWERP, OHIO; AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council of the Village of Antwerp passed Ordinance No. 2006-21, an Ordinance Imposing a Municipal Income Tax and Authorizing the Mayor to Enter into any and all Necessary Agreements with City of Cleveland Central Collection Agency for the Purpose of Administering the Income Tax Laws and Providing Central Collection Services for the Collection of said Municipal Income Tax; and Declaring the Same an Emergency, which reads as follows:

WHEREAS, the Council for the Village of Antwerp has determined that it is necessary to provide funds for the purpose of emergency services (fire, police and rescue), maintenance of equipment, new equipment, extension, enlargement and improvement of municipal services and facilities, and capital improvements of the municipality and the debt reduction (loans, notes and/or bonds) for the Village of Antwerp;

WHEREAS, the Council for the Village of Antwerp currently has determined the source of funds to provide for the above-referenced services, equipment, facilities, capital improvements and debt reduction is to impose a municipal income tax on all salaries, wages, commissions and other compensation earned by residents of this municipality; on all salaries, wages, commissions and other compensation earned by non-residents of this municipality; for work done or services performed or rendered in this municipality or other activities conducted by residents of this municipality; on the net profits earned on all businesses, professions or other activities conducted in this municipality by non-residents, and on the net profits earned by all corporations doing business in this municipality as the result of work done or services performed or rendered in this municipality; and

WHEREAS, the Council for the Village of Antwerp authorizes the Mayor to enter into any and all necessary agreements with the City of Cleveland Central Collection Agency for the purpose of administering the income tax laws of the municipality and providing central collection services for the municipality.

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

SECTION A. PURPOSE

1. Purpose of Levy

To provide funds for the purpose of emergency services (fire, police and rescue), maintenance of equipment, new equipment, extension, enlargement and improvement of municipal services and facilities, and capital improvements of the municipality and the debt reduction (loans, notes and/or bonds) for the Village of Antwerp, on all salaries, wages, commissions and other compensation earned by residents of this

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municipality; on all salaries, wages, commissions and other compensation earned by non-residents of this municipality; for work done or services performed or rendered in this municipality or other activities conducted by residents of this municipality; on the net profits earned on all businesses, professions or other activities conducted in this municipality by non-residents, and on the net profits earned by all corporations doing business in this municipality as the result of work done or services performed or rendered in this municipality; requiring the filing of returns and furnishing of information by employers and all those subject to said tax; imposed on employers the duty of collecting the tax at the source and paying the same to this municipality; providing for the administration, collection and enforcement of said tax, declaring violation thereof to be a misdemeanor of the first degree and imposing penalties therefore; and declaring the same an emergency.

#### SECTION B. DEFINITIONS

##### 1. Definitions Generally

For the purposes of this ordinance the terms, phrases, words and their derivative shall have the meanings given in the next succeeding sections. The singular shall include the plural, and the masculine shall include the feminine and the neuter.

##### 2. Adjusted Federal Taxable Income

"Adjusted Federal Taxable Income" means a C corporations federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code adjusted, as set forth in Sections 718.01(A)(1) of the Revised Code.

##### 3. Administrative Rulings

"Administrative Rulings" mean the rulings issued by the Tax Administrator, upon the request of a taxpayer or employer, interpreting this ordinance and the Rules and Regulations. Administrative Rulings shall be binding and effective upon issuance as to the taxpayer or employer requesting the ruling.

##### 4. Administrator

"Administrator" means the person designated to administer and enforce the provisions of the Village Income Tax Ordinance, who also may be referred to in this Ordinance as the "Tax Administrator."

##### 5. Association

"Association" means any partnership, limited partnership, limited liability company, limited liability partnership, Subchapter S corporation ("S corporation") as defined in the Internal Revenue Code, or any other form of unincorporated business or

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enterprise taxed on a pass-through basis under the Internal Revenue Code. The terms "association," "pass-through entity," and "unincorporated business entity" are synonymous for purposes of this Ordinance and the Rules and Regulations.

6. Board of Review

"Board of Review" means the Board created by and constituted as provided in Section M1.

7. Board of Tax Appeals

"Board of Tax Appeals" means the state board created pursuant to Section 5703.02 of the Revised Code.

8. Business

"Business" means any enterprise, activity, profession or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by an individual, partnership, association, corporation or any other entity, including but not limited to the renting or leasing of property, real, personal or mixed. For purposes of determining if "business is conducted within the village," any direct and/or indirect ownership of an interest in an association, pass-through entity or unincorporated business entity that conducts business within the Village is considered included.

9. Village

"Village" means the Village of Antwerp, Ohio.

10. Corporation

"Corporation" means a corporation or joint stock association organized under the laws of the United States, the State of Ohio or any other state, territory or foreign country or dependency, or any unincorporated entity treated as a corporation for federal income tax purposes. "Corporation" also includes a combined company, an electric company and a telephone company, as defined in Section 5727.01 of the Revised Code.

11. Employee

"Employee" means one who works for qualifying wages in the service of an employer.

12. Employer

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"Employer" means an individual, partnership, association, corporation, governmental body, unit or agency, or any other entity, whether or not organized for profit, who or that employs one or more persons on a qualifying wage basis.

#### 13. Fiscal Year

"Fiscal year" means an accounting period of twelve months or less ending on any day other than December 31.

#### 14. Gross Receipts

"Gross receipts" means total revenue from any source whatsoever.

#### 15. Intangible Income

"Intangible income" means that income specified in Section 718.01(A)(5) of the Revised Code including any of the following types of income: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange or other disposition of intangible property including, but not limited to, investments, deposits, money or credits as those terms are defined in Chapter 5701 of the Ohio Revised Code, and patents, copyrights, trademarks, tradenames, investments in real estate investment trusts, investments in regulated investment companies, and appreciation or deferred compensation. "Intangible income" does not include prizes, awards or other income associated with, attributable to or derived from any lottery winnings or other similar games of chance.

#### 16. Internal Revenue Code

"Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended.

#### 17. Net Profits

"Net profits" mean (i) if the taxpayer is a corporation, the corporation's "adjusted federal taxable income" as that term is defined in Sections 718.01(A)(1)(a)-(f) of the Revised Code; (ii) if the taxpayer is an "association," "pass-through entity," or "unincorporated business entity," "adjusted federal taxable income" as that term is defined in Section 718.01(A)(1)(g) of the Revised Code; and (iii) if the taxpayer is an individual, the individual's profit, other than amounts specifically excluded in Section 718.01(F) of the Revised Code, required to be reported on federal Schedule C, Schedule E, or Schedule F, as provided by the Internal Revenue Service.

The "net profits" of a taxpayer shall be adjusted in accordance with the provisions of this Ordinance and the Rules and Regulations.

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18. Nonresident

“Nonresident” means an individual domiciled outside the Village of Antwerp, Ohio.

19. Nonresident Owner

“Nonresident owner” means an individual domiciled outside the Village who has a direct or indirect ownership interest in an association, pass-through entity or unincorporated business entity that conducts business in the village or a corporation that has a direct or indirect ownership interest in an association, pass-through entity or unincorporated business entity that conducts business in the Village.

20. Nonresident Unincorporated Business Entity

“Nonresident unincorporated business entity” means an unincorporated business entity not having an office or place of business within the Village.

21. Ohio Revised Code

“Ohio Revised Code” means the codified statutes of the State of Ohio, as amended.

22. Other Payer

“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.

23. Owner

“Owner” means an individual, partner, member, or any other person having an ownership interest in an association, pass-through entity, or unincorporated business entity.

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24. Pass-Through Entity

“Pass-through entity” means a partnership, limited liability company, S corporation or any other type of entity the income or profits of which are given pass-through treatment under the Internal Revenue Code. “Income from a pass-through entity” includes partnership income of partners, membership interests of members of a limited liability company, distributive shares of shareholders of an S corporation, or other distributive or proportionate ownership shares of income from other pass-through entities.

25. Person

“Person” means individuals, firms, companies, business trusts, estates, trusts, partnerships, limited liability companies, associations, corporations, governmental entities, and any other entity.

With respect to provisions of this ordinance that impose or prescribe a penalty, the term “person” shall mean the owners of an association, pass-through entity and unincorporated business entity and the officers of a corporation.

26. Place of Business

“Place of business” means any bona fide office (other than a mere statutory office), factory, warehouse or other space which is occupied and used by the taxpayer in carrying on any business activity individually or through one or more of his regular employees regularly in attendance.

27. Qualifying Wages

“Qualifying wages” means wages, as defined in section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as provided in division (A)(2) of Section 718.03 of the Revised Code. “Qualifying wages” includes compensation attributable to a nonqualified deferred compensation plan or program as defined in section 3121(v)(2)(C) of the Internal Revenue Code and compensation arising from the sale, exchange or other disposition of a stock option, the exercise of a stock option, or the sale, exchange or other disposition of stock purchased by the stock option. “Qualifying wages” does not include compensation deferred before January 1, 2004, to the extent that the deferred compensation does not constitute “qualifying wages” when paid or distributed.

28. Resident

“Resident” means an individual domiciled in the Village.

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29. Resident Owner

“Resident owner” means an individual domiciled in the Village who has an interest in an association, pass-through entity or unincorporated business entity.

30. Resident Unincorporated Business Entity

“Nonresident unincorporated business entity” means an unincorporated business entity not having an office or place of business within the Village.

31. Rules and Regulations

“Rules and Regulations” mean the Rules and Regulations promulgated by the Tax Administrator and approved by the Board of Review.

32. S Corporation

“S Corporation” means a corporation that has made an election under Subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.

33. State

“State” means the State of Ohio.

34. Tax Commissioner

“Tax Commissioner” means the Tax Commissioner of the State of Ohio.

35. Taxable Income

“Taxable income” means all qualifying wages, net profits and all other income from whatever source derived set forth in Section C1, and the Rules and Regulations as taxable.

36. Taxable Situs

“Taxable Situs” means that portion of a taxpayer’s net profits attributable to the Village where the taxpayer conducts a business or profession both within and without the Village, determined in accordance with Section 718.02 of the Ohio Revised Code.

37. Taxable Year

“Taxable year” means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.

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## 38. Taxpayer

"Taxpayer" means a person subject to the tax imposed by this ordinance, whether the tax is imposed on the taxable income of the entity in the hands of the entity or on the taxable income from the entity in the hands of the owners of the entity. "Taxpayer" does not include any person that is a disregarded entity or a qualifying subchapter S subsidiary for federal income tax purposes, but "taxpayer" includes any other person who owns the disregarded entity or qualifying subchapter S subsidiary.

## 39. Unincorporated Business Entity

"Unincorporated Business Entity" means either an "association," "pass-through entity" or "corporation," determined by the treatment afforded such entity for federal income tax purposes.

## SECTION C. IMPOSITION OF INCOME TAX

## 1. Rate and Taxable Income

For the purposes specified in Section A1, on and after August 1, 2006, an annual tax of one percent (1%) per annum shall be imposed upon the hereinafter specified income. Such tax shall be imposed upon all taxable income as follows:

- (a) On all qualifying wages, net profits and other taxable income earned and/or received on and after August 1, 2006, by residents of the Village;
- (b) (1) On all qualifying wages, earned and/or received on and after August 1, 2006, by nonresidents of the Village for work done or services performed or rendered within the Village or attributable to the Village; on all net profits earned and/or received by a nonresident from the operation or conduct of any business or profession within the Village; and on all other taxable income earned and/or received by a nonresident derived from or attributable to sources, events or transactions within the Village;
- (2) For nonresidents employed at a place of business or profession within the Village, only those qualifying wages earned and/or received by such nonresident that are specifically attributable to a place or location worked that is outside the Village will be treated as earned outside the Village;
- (c) (1) On the portion attributable to the Village of the net profits earned and/or received on and after August 1, 2006, of all resident associations, pass-through entities or other unincorporated business entities treated as a pass-through entity for federal income tax purposes or professions or other activities, derived from sales made, work done, services performed or rendered, and business, or other activities conducted in the Village and/or

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derived from sales made, work done, services performed or rendered and business or other activities attributable to the Village;

(2) On the portion of the distributive share of the net profits earned and/or received on and after August 1, 2006, of a resident partner or owner of a resident association, pass-through entity or other unincorporated business entity treated as a pass-through entity for federal income tax purposes not attributable to the Village and upon which the Village's income tax has not been imposed and levied;

(d) (1) On the portion attributable to the Village of the net profits earned and/or received on and after August 1, 2006, of all nonresident associations, pass-through entities or other unincorporated business entities treated as a pass-through entity for federal income tax purposes, professions or other activities, derived from sales made, work done, services performed or rendered, and business, or other activities conducted in the Village and/or derived from sales made, work done, services performed or rendered and business or other activities attributable to the Village, whether or not such association, pass-through entity or other unincorporated business entity treated as a pass-through entity for federal income tax purposes has an office or place of business in the Village;

(2) On the portion of the distributive share of the net profits earned and/or received on and after August 1, 2006, of a resident partner or owner of a nonresident association, pass-through entity or other unincorporated business entity treated as a pass-through entity for federal income tax purposes not attributable to the Village and upon which the Village's income tax has not been imposed and levied from wherever such business is located;

(e) On the portion attributable to the Village of the net profits earned and/or received on and after August 1, 2006, of all corporations and all other entities and business activities not defined herein as associations, pass-through entity or unincorporated business entity treated as a pass-through entity for federal income tax purposes derived from sales made, work done, services performed or rendered, and business, or other activities conducted in the Village, and/or derived from sales made, work done, services performed or rendered, and business, or other activities attributable to the Village, whether or not such corporations, entities or business activities have an office or place of business in the Village;

(f) On the net profits of an electric company, combined company or telephone company apportioned and attributable to the Village in accordance with Section 718.01(F)(6) of the Revised Code and Chapter 5745 of the Revised Code;

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(g) On all income derived from prizes, awards, gaming, wagering, lotteries or other similar games of chance by a resident from whatever source and from anywhere derived;

(h) On all income earned and/or received from covenants not to compete or similar agreements and on all income attributable to cancellation of indebtedness to the extent reported on the taxpayer's federal income tax return;

(i) On all guardian, executor, conservator, trustee or administrator fees earned and/or received by a taxpayer in connection with the operation or conduct of a business or profession;

(j) On all other compensation, net profits and income earned and/or received by the taxpayer that is not specifically exempted from the tax imposed by this ordinance as set forth in Section E1 and Section 718.01(F) of the Revised Code;

(k) (1) For taxable years beginning on or after January 1, 2006, the net profits from a business or profession shall be taxed only to the extent of the taxpayer's adjusted federal taxable income except that nothing shall be construed as limiting the ability of the Tax Administrator to administer, audit, or enforce the provisions of this Ordinance including making all necessary adjustments and allocations to adjusted federal taxable income to produce a fair and proper allocation of net profits to the Village;

(2) Division (k)(1) of this section shall not apply to any taxpayer required to file a return under Section 5745.03 of the Revised Code or to the net profits from a sole proprietorship;

(l) For taxable years beginning on or after January 1, 2005, in the case of a taxpayer who has a net profit from a business or profession that is operated as a sole proprietorship, or in the case of a taxpayer who has a net profit from a business and the taxpayer is an individual, the Village shall not tax or use as the base for determining the amount of the net profit that shall be considered as having a taxable situs in the Village, an amount other than the net profit required to be reported on Internal Revenue Service Schedules C or F from such sole proprietorship for the taxable year; and

(m) For taxable years beginning on or after January 1, 2006, in the case of a taxpayer who has a net profit from rental activity required to be reported on Internal Revenue Service Schedule E, the Village shall not tax or use as the base for determining the amount of the net profit that shall be considered as having a taxable situs in the Village, an amount other than the net profit from rental activities required to be reported by the taxpayer on Schedule E for the taxable year.

## 2. Effective Date

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The village income tax shall be levied, imposed, collected and paid on any and all qualifying wages, net profits and taxable income as provided in Section C1, earned and/or received on and after August 1, 2006.

**SECTION D. DETERMINATION OF TAX ALLOCATION**

**1. Method of Determination**

This Section does not apply to taxpayers that are subject to and required to file reports under Chapter 5745 of the Revised Code.

(a) Except as otherwise provided in division (d) of this section, for taxable years beginning on or after January 1, 2006, the net profits from a business or profession conducted both within and without the Village shall be considered as having a taxable situs in the Village for purposes of imposing the village income tax to the extent of the amount determined by multiplying the entire net profits by a business allocation percent determined by the average ratio of the following:

(1) The average original cost of the real 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 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 this division (a)(1), "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 thereof by eight (8).

(2) Wages, salaries and other compensation paid during the taxable period to persons employed in the business or profession for services performed in the Village to wages, salaries and other compensation paid during the same period to persons employed in the business or profession, wherever their services are performed, excluding compensation that is not taxable by the Village under Section 718.011 of the Revised Code.

(3) Gross receipts of the business or profession from sales made and services performed during the taxable period in the Village to gross receipts of the business or profession during the same period from sales and services, wherever made or performed.

In the event that the foregoing apportionment formula does not produce an equitable result, another basis may be substituted, under the Rules and Regulations, so as to produce an equitable result.

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(b) For taxable years beginning on or after January 1, 2006, no taxpayer shall use the books and records method of apportionment. Except as otherwise provided in Section 718.02 of the Revised Code and division (a) of this section, all taxpayers shall use the statutory apportionment formula set forth in this section.

(c) Except as otherwise provided in division (d) of this section, for taxable years beginning on or after January 1, 2006, the net profits from rental activity not constituting a business or profession shall be subject to tax by the Village only if the property generating the net profit is located in the Village.

(d) This section shall not apply to individuals who are residents of the Village and, except as otherwise provided in Section 718.01 of the Revised Code, the Village shall impose its tax on all income earned and/or received by residents of the Village from whatever source derived in accordance with Section C1 of this ordinance.

## 2. Sales Made in the Village

As used in Section D1(a)(3), "sales made in the Village" means:

(a) All sales of tangible personal property delivered within the Village regardless of where title passes if shipped or delivered from a stock of goods within the Village;

(b) All sales of tangible personal property delivered within the Village regardless of where title passes even though transported from a point outside the Village, if 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; or

(c) All sales of tangible personal property shipped from a place within the Village to purchasers outside of the Village regardless of where title passes if the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.

## 3. Total Allocation

Add together the percentages determined in accordance with Section D1, or such of the aforesaid percentages as are applicable to the particular taxpayer, and divide the total so obtained by the number of percentages used in deriving the total in order to obtain the business allocation percentage referred to in Section D1.

A factor is applicable even though it may be allocable entirely within or without the Village.

## 4. Rentals

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(a) Rental income received by a taxpayer shall be included in the computation of net profits from business activities under divisions (c) to (e) of Section C1, only if and to the extent that the rental, ownership, management or operations of the real estate from which such rentals are derived, whether so rented, managed or operated by a taxpayer individually or through agents or other representatives, constitutes a business activity of the taxpayer in whole or in part.

(b) Where the gross monthly rental of any and all real properties, regardless of number and value, aggregates in excess of One hundred fifty dollars (\$150.00) per month, it shall be prima-facie evidence that the rental, ownership, management or operation of such properties, is a business activity of such taxpayer, and the net income of such rental property shall be subject to tax. However, in the case of commercial property, the owner shall be considered engaged in a business activity when the rental is based on a fixed or fluctuating percentage of gross or net sales, receipts or profits, of the lessee, whether or not such rental exceeds One hundred fifty dollars (\$150.00) per month; provided further that in the case of farm property, the owner shall be considered engaged in a business activity when he shares in crops or when the rental is based on a percentage of the gross or net receipts derived from the farm, whether or not the gross income exceeds One hundred fifty dollars (\$150.00) per month. It is provided further that the person who operates a licensed rooming house shall be considered in business whether or not the gross income exceeds One hundred fifty dollars (\$150.00) per month.

5. Operating Loss; Carry Forward

(a) The portion of a net operating loss sustained in any taxable year subsequent to August 1, 2006 allocable to the Village may be applied against the portion of the net profit of succeeding tax years allocable to the Village, until exhausted but in no event for more than five (5) taxable years immediately following the year in which the loss occurred. No portion of a net operating loss shall be carried back against net profits of any prior year.

(b) The portion of net operating loss sustained shall be allocated to the Village in the same manner as provided herein for allocating net profits to the Village.

(c) The Tax Administrator shall provide by Rules and Regulations the manner in which such net operating loss carry forward shall be determined.

SECTION E. EXEMPTIONS

1. Sources of Income Not Taxed

The tax provided for in this ordinance shall not be levied on the following:

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- (a) Military pay or allowance of members of the armed forces of the United States and of members of their reserve components, including the Ohio National Guard;
- (b) Income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent that such income is derived from tax exempt real estate, tax exempt tangible or intangible property or tax exempt activities;
- (c) Proceeds from welfare benefits, unemployment benefits, social security benefits;
- (d) Proceeds of insurance paid by reason of the death of the insured; pensions, disability benefits, annuities, or gratuities not in the nature of compensation for services rendered from whatever source derived;
- (e) Receipts from seasonal or casual entertainment, amusements, sports events, and health and welfare activities when any such are conducted by bona fide charitable, religious, or educational organizations and associations;
- (f) Alimony received;
- (g) Personal earnings of any natural person under eighteen (18) years of age;
- (h) Compensation for personal injuries or for damages to property by way of insurance or otherwise;
- (i) Interest, dividends, gains, and other revenue from intangible property described in Section 718.01(A)(5) of the Revised Code;
- (j) Gains from involuntary conversion; cancellation of indebtedness, to the extent exempt from federal income tax; interest on Federal obligations; items of income already taxed by the State that the Village is specifically prohibited from taxing; and income of a decedent's estate during the period of administration, except such income from the operation of a business;
- (k) An S corporation shareholder's distributive share of net profits of the S corporation to the extent such distributive shares are allocated or apportioned to sources outside the State of Ohio other than any portion of the distributive shares 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 Service Code;
- (l) The rental value of a parsonage, or the rental allowance furnished as compensation and actually used for a parsonage, by a minister;

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(m) Compensation and net profits, the taxation of which is prohibited by the United States Constitution or any act of Congress limiting the power of the states or their political subdivisions to impose net income taxes on income derived from interstate commerce;

(n) Compensation and net profits, the taxation of which is prohibited by the Constitution of the State or any act of the Ohio General Assembly limiting the power of the Village to impose net income tax;

(o) Only the income items listed in this Section E1 are not subject to the tax imposed by this ordinance. All other compensation, net profits and other income earned and/or received by a taxpayer shall be subject to the tax imposed by this ordinance unless prohibited by State or federal law.

SECTION F. RETURNS

1. Date for Filing Returns

(a) Each taxpayer who engages in business or whose qualifying wages are subject to the tax imposed by this ordinance, except as herein provided, shall, whether or not a village income tax is due thereon, make and file a return on or before April 30 of the year following August 1, 2006, and on or before April 30 of each year thereafter. When the return is made for a fiscal year or other period different from the calendar year, the return shall be filed within four months from the end of such fiscal year or period.

(b) Unless the filing exemption in division (e) of this section applies, for taxable years beginning after 2005, each taxpayer shall, whether or not a village income tax is due thereon, make and file an annual village income tax return or report on the fifteenth (15th) day of the fourth (4th) month following the end of the taxpayer's taxable year.

(c) No taxpayer shall be required to file an annual village income tax return or report prior to the filing date for the corresponding tax reporting period as prescribed for such taxpayer under the Internal Revenue Code.

(d) Tax returns required to be filed under this section shall be deemed filed when postmarked by the United States Postal Service or the date of receipt recorded by authorized delivery service as defined in Sections 5703.056 of the Revised Code. Tax returns otherwise delivered to the Tax Administrator during normal business hours shall be deemed filed on the date received.

(e) The Tax Administrator is authorized to provide by regulation that the return of an employer, showing the amount of tax deducted by the employer from the qualifying wages of an employee, and paid by him or them to the Tax Administrator

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shall be accepted as the return required of any employee whose sole income, subject to tax under this ordinance, is such qualifying wages. This filing exemption is limited to nonresident taxpayers whose sole income is qualifying wages for which the tax imposed by this ordinance has been withheld and remitted to the Village by the employer.

## 2. Form and Content of Return

The village income tax return shall be filed with the Tax Administrator on a form prescribed by and obtainable upon request from the Tax Administrator or on a generic form in accordance with Section 718.05 of the Revised Code, setting forth:

- (a) The aggregate amounts of all qualifying wages net profits and all other taxable income earned and/or received by the taxpayer during the taxable year and subject to the village income tax;
- (b) The amount of the tax imposed by this ordinance on such qualifying wages, net profits; and all other taxable income;
- (c) Such other pertinent statements, schedules, information, returns, copies of federal or state tax returns or any other information as the Tax Administrator may require; and
- (d) In accordance with Section 718.051 of the Revised Code and the Rules and Regulations, taxpayers subject to the village income tax on the net profits from a business or profession may file the village income tax return by using the Ohio Business Gateway.

## 3. Extension of Time for Filing Returns

- (a) Except as otherwise provided in division (g) of this section, any taxpayer who has requested an extension for filing a federal income tax return may request an extension for filing the village income tax return for the same taxable year by filing a copy of the request for federal extension with the Tax Administrator in accordance with Section 718.05 of the Revised Code and the Rules and Regulations. Any taxpayer not required to file a federal income tax return may request an extension for filing the village income tax return in accordance with Section 718.05 of the Revised Code and the Rules and Regulations.
- (b) Requests for extensions are not automatic and may be denied in accordance with Section 718.05 of the Revised Code.
- (c) If granted, request for extensions filed before January 1, 2006, shall extend the due date of the village income tax return for a period not less than the period of the federal extension requested.

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(d) For taxable years beginning after 2005, if the request for extension to file the village income tax return is granted, the extended due date shall be the last day of the month following the month to which the due date of the federal income tax return has been extended.

(e) The granting of an extension to file the village income tax return does not extend the last date to pay any village income tax due without penalty or interest in accordance with Sections H1 and H2 of this ordinance.

(f) No late filing penalty shall be imposed if the village income tax return is filed on or before the due date as extended.

(g) In accordance with Section 718.051 of the Revised Code and the Rules and Regulations, taxpayers subject to the village income tax on the net profits from a business or profession that have received an extension to file the federal income tax return by using the Ohio Business Gateway will receive an extension to file the village income tax return for the same taxable year provided that, the requirements of Section 718.051 of the Revised Code are met. In accordance with that Section, the extended due date will be the last day of the same month to which the due date for filing the federal return has been extended.

(h) Extensions to file the village income tax return granted through the Ohio Business Gateway do not extend the time to pay any village income tax due without penalty or interest in accordance with Sections H1 and H2 of this ordinance.

4. Consolidated Returns

(a) Filing of consolidated returns may be permitted or required in accordance with the Rules and Regulations prescribed by the Tax Administrator. A consolidated return may be filed by any affiliated group of corporations subject to the tax imposed by this ordinance if that affiliated group filed for the same taxable year a consolidated return for federal income tax purposes pursuant to Section 1501 of the Internal Revenue Code. If an affiliated group of corporations subject to the tax imposed by this ordinance is required to file a consolidated return or files a consolidated return in accordance with this Section, the affiliated group of corporations must continue to file consolidated returns including that group of corporations and any other group of corporations included in the federal consolidated filing group for all subsequent taxable years that the group files a consolidated tax return for federal tax purposes unless, on or before the due date for filing the village income tax return for the taxable year, the affiliated group obtains written permission from the Tax Administrator to file separate returns for that year.

(b) In the case of a corporation that carried on transactions with its stockholders or with other corporations related by stock ownership, interlocking directorates or some other method, or in case any person operates a division, branch, factory, office,

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laboratory or activity within the Village constituting a portion only of its total business, the Tax Administrator shall require such additional information as he may deem necessary to ascertain whether net profits are properly allocated to the Village. If the Tax Administrator finds that net profits are not properly allocated to the Village by reason of transactions with stockholders or with other corporations related by stock ownership, interlocking directorates or transactions with such division, branch, factory, office, laboratory or activity or by some other method, the Tax Administrator shall make such allocation to produce a fair and proper allocation of net profits to the Village.

#### 5. Amended Returns

(a) Where necessary an amended return shall be filed in order to report additional income and pay any additional village income tax due, or claim a refund of village income tax overpaid, subject to the requirements, limitations, or both, contained in Sections I; J. Such amended return shall be on a form prescribed by and obtainable upon request from the Tax Administrator. A taxpayer may not change the method of accounting, filing status or method of apportionment of the net profits after the due date for filing the original village income tax return.

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

### SECTION G. PAYMENT OF TAX

#### 1. Payment of Tax on Filing of Return

(a) The taxpayer making a village income tax return shall, at the time of the filing thereof, pay to the Tax Administrator the amount of taxes shown as due thereon. However, where any portion of the tax so due has been deducted at the source pursuant to the provisions of Section G2, or where any portion of the tax has been paid by the taxpayer pursuant to the provisions of Section G3, or where an income tax has been paid to another municipality, credit for the amount so paid in accordance with Section J1, shall be deducted from the amount shown to be due and only the balance, if any, shall be due and payable at the time of filing the return.

(b) Subject to the limitations set forth in Section I2, any taxpayer who has overpaid the amount of tax to which the Village is entitled under the provisions of this ordinance may have such overpayment applied against any subsequent liability hereunder or, at his election indicated on the return, such overpayment, or part thereof, shall be refunded, provided that no additional taxes or refunds of less than One dollar (\$1.00) shall be assessed, collected or refunded.

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2. Collection at Source

(a) In accordance with this Ordinance, and the Rules and Regulations, each employer, agent of any employer or other payer within or doing business within the Village who employs one or more persons shall deduct when any qualifying wages are earned and/or received by the taxpayer, the amount of village income tax imposed by Section C1 on the gross qualifying wages earned and/or received by the taxpayer and except as otherwise provided in divisions (f) and (g) of this section shall, on or before the twentieth day of the month following the close of each calendar quarter make a return and pay to the Tax Administrator the amount of village income taxes so deducted from such qualifying wages, subject to the provisions of divisions (c) to (e) of this section. Returns shall be on a form or forms prescribed by or acceptable to the Tax Administrator, and shall be subject to the Rules and Regulations prescribed therefore by the Tax Administrator. Such employer shall be liable for the payment of the village income tax required to be deducted and withheld, whether or not such taxes have in fact been withheld.

(b) Each employer, agent of any employer or other payer in collecting the village income tax shall be deemed to hold the same, until payment is made by such employer, agent of any employer or other payer to the Village, as a trustee for the benefit of the Village and any such tax collected by such employer, agent of any employer or other payer from his employees shall, until the same is paid to the Village, be deemed a trust fund in the hands of such employer, agent of any employer or other payer. Each employer, agent of any employer and other payer shall be liable for the payment of village income tax required to be deducted and withheld, whether or not such taxes have in fact been withheld.

(c) Each employer, agent of any employer or other payer who deducts and withholds village income tax of One hundred dollars (\$100.00) or more per month shall pay to the Tax Administrator before the twentieth of the following month the amount of taxes so deducted on a monthly basis beginning with the first month the employer, agent of any employer or other payer exceeds One hundred dollars (\$100.00) in village income taxes withheld.

(d) Payments shall be reported on a form or forms prescribed by and obtainable upon request from the Tax Administrator.

(e) No employer, agent of an employer or other payer shall be required to withhold the village income tax on qualifying wages or other taxable income paid to domestic servants employed by such employer or other payer exclusively in or about such employer or other payer's residence, even though such residence is in the Village, but such employee shall be subject to all of the requirements of this ordinance.

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- (f) (1) Any person who shall employ or contract for the services of any entertainer, entertainment act, sports event, promotional booth, special event, band, orchestra, rock group, theatrical performance, or
- (2) Any person who, acting as a promoter, booking agent or employer, engages the services of, or arranges the appearance of any entertainer, entertainment act, sports event, band, orchestra, rock group, theatrical performance in the Village, and who makes any payment arising from said appearance in the Village shall be deemed to be an employer and shall, for purposes of the collection of the village income tax, be required to withhold, report and remit as required by this section to the Tax Administrator the village income tax at the rate provided in Section C1 hereof, on the gross amount so paid to the entertainer, athlete, etc., on completion of the engagement for the services performed in the Village. The reports required by this section shall be made and filed on forms prescribed by and obtainable from the Tax Administrator.
- (g) Any person, as defined in Section B25, who rents facilities to any entertainer, entertainment act, sport event, promotional booth, special event, band, orchestra, rock group, theatrical performance for use in performing services in the Village, and who makes any payment arising from said use of facilities shall be deemed to be an employer and shall, for purposes of the collection of the village income tax, be required to withhold, report and remit as required by this section to the Tax Administrator the village income tax at the rate provided in Section C1 hereof based on the gross amount so paid to the entertainer, athlete, etc., on completion of the engagement for the services performed in the Village. The reports required by this section shall be made and filed on forms prescribed by and obtainable from the Tax Administrator.
- (h) For taxable years beginning after 2005, no employer or agent of an employer or other payer shall be required to withhold tax with respect to any amount other than qualifying wages. Nothing in this Section prohibits an employer from withholding tax on a basis greater than qualifying wages.
- (i) Every employer, agent of an employer or other payer required to withhold and remit the village income tax in accordance with this ordinance, shall be directly liable to the Village for the payment of such tax, whether or not actually withheld or collected.
- (j) For taxable years beginning after 2005, no employer is required to make any withholding with respect to an individual's disqualifying disposition of an incentive stock option if, at the time of the disqualifying disposition, the individual is not an employee of the corporation with respect to whose stock the option has been issued.

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(k) (1) An employee is not relieved from liability for paying the village income tax by the failure of the employer to withhold the tax as required by this Section G2 or the employer's exemption from the requirement to withhold the tax.

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

(l) In accordance with Section 718.051 of the Revised Code, the Rules and Regulations of the State Tax Commissioner, this Ordinance and the Rules and Regulations, any employer subject to this Section G2 may report the amount of village income tax withheld from qualifying wages and remit such amounts by using the Ohio Business Gateway.

3. Declarations of Income Not Collected at Source

Every person who anticipates earning and/or receiving any taxable income which is not subject to Section G2, or who engages in any business, profession, enterprise or activity subject to the tax imposed by Section C1 shall file a declaration setting forth such estimated income or the estimated profit or loss from such business activity together with the estimated tax due thereon, if any. However, if a person's income is wholly from qualifying wages from which the village income tax will be withheld and remitted to the Village in accordance with Section G2, such person need not file a declaration.

4. Filing of Declaration

(a) For taxable years beginning after 2005, the declaration required by Section G3 shall be filed on or before April 15 of each year during the effective period set forth in Section C2 or on or before the fifteenth (15th) day of the fourth (4th) month following the date the taxpayer becomes subject to tax for the first time.

(b) For taxable years beginning after 2005, for those taxpayers reporting on a fiscal year or period other than a calendar year, the declaration required by Section G3 shall be filed on or before the fifteenth (15th) day of the fourth (4th) month after the beginning of each fiscal year or period.

(c) In accordance with Section 718.051 of the Revised Code, the Rules and Regulations of the State Tax Commissioner, this Ordinance, and the Rules and Regulations, any taxpayer subject to the village income tax on the net profits from a business or profession may file declarations of estimated net profits and pay estimated village tax due thereon by using the Ohio Business Gateway.

5. Form of Declaration

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(a) The declaration required by Section G3 shall be filed upon forms prescribed by and obtainable from the Tax Administrator, or acceptable generic form, and credit shall be taken for Village income tax to be withheld from any portion of such income. In accordance with the provisions of Section J1, credit may be taken for village income tax to be paid to or withheld and remitted to another taxing municipality.

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

#### 6. Payment to Accompany Declaration

(a) For taxpayers who are individuals, the declaration of estimated village income tax required by Section G3, shall be accompanied by a payment of at least twenty-two and one-half percent (22.5%) of such taxpayer's estimated village income tax for the taxable year, and at least twenty-two and one-half percent (22.5%) of such estimated village income tax shall be paid on or before each of the last day of the seventh, tenth and thirteenth months after the beginning of the taxable year.

(b) For taxpayers that are not individuals, the declaration of estimated village income tax required by Section G3, shall be accompanied by a payment of at least twenty-two and one-half percent (22.5%) of such taxpayer's estimated village income tax for the taxable year, and at least twenty-two and one-half percent (22.5%) of such estimated village tax shall be paid on or before each of the fifteenth (15th) day of the sixth, ninth and twelfth months after the beginning of the taxable year.

(c) No declaration shall be deemed filed unless accompanied by the required payment of estimated village income tax.

(d) Declarations required to be filed by Section G3, shall be deemed filed when the declaration with required payment are postmarked by the United States Postal Service or the date of receipt recorded by authorized delivery service as defined in Section 5703.056 of the Revised Code. Declarations otherwise delivered with the required payment to the Tax Administrator during normal business hours shall be deemed filed on the date received.

(e) A declaration of estimated village income tax may be amended at any time, in accordance with the Rules and Regulations. In the event that an amended declaration has been filed, the unpaid balance shown due thereon shall be paid in equal installments on or before the remaining payment dates set forth in this Section.

#### 7. Annual Return

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

For taxable years beginning after 2005, the annual village income tax return required to be filed after filing such declaration or amended declaration shall be filed on or before the fifteenth (15th) day of the fourth (4th) month following the end of the taxpayer's taxable year (calendar or fiscal year). Any balance of village income tax remaining due in accordance with Section G1 shall be remitted with the village income tax return.

**SECTION H. INTEREST AND PENALTIES**

**1. Interest on Unpaid Tax**

All village income taxes imposed and all monies withheld or required to be withheld by employers under the provisions of this ordinance and remaining unpaid after they become due shall bear interest at the rate of one and one half percent (1 1/2%) per month or fraction thereof.

**2. Penalties on Unpaid Tax**

In addition to interest as provided in Section H1, penalties are imposed on all village income tax remaining unpaid after it becomes due as follows:

- (a) For failure to pay village income taxes due other than taxes withheld: one and one half percent (1 1/2%) of such outstanding tax per month for each month that the tax remains outstanding or fraction thereof;
- (b) For failure to file an annual village income tax return by the due date or extended due date: a minimum of fifty dollars (\$50.00);
- (c) For failure to remit village income taxes withheld or required to be withheld from employees: Three percent (3%) of the outstanding unremitted tax per month or fraction thereof for each month that the unremitted tax remains outstanding; and
- (d) In accordance with the Rules and Regulations, the Tax Administrator may impose such other interest and penalty assessment as the Tax Administrator deems necessary for the administration and enforcement of the provisions of this ordinance.

**3. Exceptions to Penalties**

A penalty shall not be assessed on an additional tax assessment made by the Tax Administrator when a village income tax return has been filed in good faith and the tax paid thereon within the time prescribed by Section F1 provided that the additional tax assessment shall be paid within the time prescribed by the Tax Administrator for payment of such additional tax; and provided further, that in the absence of fraud, neither penalty nor interest shall be assessed on any additional village income tax assessment resulting from a federal audit, providing an amended village income tax

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

return is filed and the additional village income tax is paid within three months after a final determination of the federal income tax liability.

#### 4. Abatement of Interest and Penalty

Upon recommendation of the Tax Administrator, the Board of Review may abate penalty or interest, or both, or upon a written appeal by the taxpayer upon the refusal of the Tax Administrator to recommend abatement of penalty, interest, or both, the Board may nevertheless abate penalty or interest, or both, for reasonable cause shown.

The Rules and Regulations may authorize the Tax Administrator to abate penalty, interest, or both, for reasonable cause shown in certain circumstances.

#### 5. Violations

No person shall:

- (a) Fail, neglect, or refuse to make any return or declaration required by this ordinance; or
- (b) Knowingly make any incomplete, false, or fraudulent return; or
- (c) Willfully fail, neglect, or refuse to pay the tax, penalties or interest imposed by this ordinance; or
- (d) Fail, neglect, or refuse to withhold village income tax from his employees; or
- (e) Refuse to permit the Tax Administrator or any duly authorized agent or employee to examine his books, records, papers, and federal income tax returns relating to the income or net profits of a taxpayer; or
- (f) Fail to appear before the Tax Administrator and to produce his books, records, papers or Federal income tax returns relating to the income or net profits of a taxpayer upon order or subpoena of the Tax Administrator; or
- (g) Refuse to disclose to the Tax Administrator any information with respect to such person's income or net profits or, in the case of a person responsible for maintaining information relating to his employers' income or net profits, such person's employer's income or net profits; or
- (h) Fail to comply with the provisions of this ordinance or any order or subpoena of the Tax Administrator authorized hereby; or

# RECORD OF ORDINANCES

0035

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

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(i) To avoid imposition or collection of village income tax, willfully give to an employer or prospective employer false information as to his true name, correct social security number and residence address, or willfully fail to promptly notify an employer or a prospective employer of any change in residence address and date thereof; or

(j) Fail, as an employer, agent of an employer, or other payer, to maintain proper records of employees residence addresses, total wages paid and village tax withheld, or to knowingly give the Tax Administrator false information; or

(k) Fail to remit or cause to be remitted the village income tax withheld from all qualifying wages of employees to the Village as required by Section G2; or

(l) Willfully fail, neglect, or refuse to make any payment of estimated village income tax for any taxable year or part of any taxable year in accordance with Section G6; or

(m) 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.

(n) For purposes of this Section H5, any violation that does not specify a culpable mental state or intent, shall be one of strict liability and no culpable mental state or intent shall be required for a person to be guilty of that violation.

(o) For purposes of this Section H5, the term "person" shall, in addition to the meaning prescribed in Section B25, include in the case of a corporation, association, pass-through entity or unincorporated business entity not having any resident owner or officer within the village, any employee or agent of such corporation, association, pass-through entity or unincorporated business entity who has control or supervision over or is charged with the responsibility of filing the village income tax returns and making the payments of the village income tax as required by Sections F1, G2, and Section G6.

## 6. Limitation of Prosecution

Prosecutions for an offense made punishable under this ordinance shall be commenced within three (3) years after the commission of the offense, except that in the case of fraud, failure to file a return, or the omission of twenty-five (25%) or more of the taxable income required to be reported, prosecutions shall be commenced within six (6) years after the commission of the offense.

## 7. Failure to Procure Tax Forms

The failure of any employer, other payer, taxpayer or person to receive or procure a village income tax return, declaration or other required form shall not excuse such

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Passed \_\_\_\_\_, 20\_\_\_\_

employer, other payer, taxpayer or person from making any information return, or village income tax return or declaration, from filing such return, or from paying the village income tax due.

#### SECTION I. UNPAID TAXES AND REFUNDS

##### 1. Unpaid Taxes Recoverable as Other Debts

All taxes imposed by this ordinance shall be collectible, together with any interest and penalties thereon, as other debts of like amount are recoverable, including, but not limited to, collection by suit. Any suit shall be brought within three (3) years after the village income tax was due or the return was filed, whichever is later. Except in the case of fraud, of omission of twenty-five (25%) or more of taxable income required to be reported, or of failure to file a return, no additional assessment shall be made after three (3) years from the time the village income tax was due or the village income tax return was filed, whichever is later.

##### 2. Refund of Taxes Erroneously Paid

(a) Taxes erroneously paid shall not be refunded unless a claim for refund is made within three (3) years from the date on which such payment was made or the return was due, or within three (3) months after the final determination of the federal tax liability, whichever is later.

(b) No interest shall be paid by the Village on any refunded overpayment of village income tax if the overpayment is refunded within ninety (90) days after the due date for filing the village income tax return or ninety (90) days after the complete return is filed, whichever is later. For purposes of computing the payment of interest on overpayments, no amount of village income tax for any taxable year shall be treated as having been paid before the date on which the village income tax return for that taxable year was due, without regard to any extension of time for filing that return. Interest on any overpayment of village income tax shall be paid at the rate of interest prescribed by Sections 718.12 and 5703.47 of the Revised Code.

##### 3. Limitation on Collection and Refunds

Amounts of less than One dollar (\$1.00) shall not be collected or refunded.

#### SECTION J. TAXPAYER RELIEF AND RECIPROCITY

##### 1. Village Resident Subject to Income Tax in Other Municipality

It is the intent of this section that a taxpayer who is a resident of the Village, but who is subject to tax in another municipality on the same income, and who has complied with the provisions hereof, shall be entitled to a credit for said tax paid the other

municipality but limited to a tax rate of one-half percent (½%). Accordingly, notwithstanding any other provisions of this ordinance:

(a) When a resident of the Village is subject to and has paid, or has acknowledged liability for, a municipal income tax in another municipality on the same income taxable under this Ordinance, and such other municipality does not allow a credit to its non-residents, for taxes paid or due the Village of Antwerp, such Village resident may claim as a credit, the amount of such tax paid to such other municipality. The credit is limited to one-half percent (½%) of the income subject to tax in such other municipality. The credit allowed by this section shall not be allowed unless the same is claimed in a timely return on forms acceptable to and filed with the Tax Administrator. In the event a taxpayer fails, neglects or refuses to file such timely return or form, including authorized extensions, said taxpayer shall not be entitled to such credit and shall be liable for the full amount of tax assessed by this Ordinance, together with such interest and penalties, both civil and criminal, as are prescribed by this Ordinance.

(b) In the event a resident is entitled to credit for taxes paid another municipality, such resident is required to file a return on a form in such manner as the Tax Administrator may prescribe.

(c) Assignment of any claim for refund to which a resident may be entitled from another municipality shall be tentatively accepted as payment of that portion of village income tax represented by such assignment. However, if satisfactory evidence is offered that the taxpayer is entitled to the claim covered by the assignment, such taxpayer shall not be deprived of credit therefor because of fault or neglect on the part of either municipality.

(d) In the event such resident fails, neglects or refuses to file such return or form as is prescribed by the Tax Administrator, such resident shall not be entitled to such credit and shall be considered in violation of this ordinance for failure to file a return and make payment of taxes due hereunder.

(e) A resident owner of a pass-through entity that does not conduct business in the Village and that has paid an income tax to another municipality may claim a credit equal to the lesser of (i) the resident owner's proportionate share of the amount, if any, of income tax paid by the pass-through entity to another municipality in the State; or (ii) the resident owner's proportionate share of the amount of village income tax that would be imposed on the pass-through entity if the pass-through entity conducted business in the Village.

(f) In no case shall the amount of the credit allowed under division (e) of this Section exceed the tax assessed by this ordinance on the resident owner's taxable income subject to tax by another municipality.

(g) The credits provided in Section 718.021 and 718.121 shall be available to residents, if applicable.

(h) Except as otherwise provided in Sections 718.021; 718.121 and 718.14 of the Revised Code, this ordinance and the Rules and Regulations, where a nonresident is subject to the tax imposed by this ordinance and is subject to tax on the same taxable income in the municipality where such nonresident resides, no credit against the village income tax levied by this ordinance shall be allowed.

## 2. Claim for Credit

Any claim for credit for taxes paid by a resident to another municipality on the same income taxable under this ordinance or claim for or assignment of any refund due to the credit provided for in Section J1, must be filed with the Tax Administrator on a form acceptable to the Tax Administrator within three (3) years from the due date of the village income tax return. If the resident, fails, neglects, or refuses to file such claim for refund or credit within the time prescribed by this section, such failure, neglect, or refusal shall render such credit, claim for refund, or assignment null and void and the resident shall be liable for the full amount of tax assessed by this ordinance, together with interest and penalties.

## SECTION K. FUND DEPOSIT AND DISBURSEMENT

### 1. Deposit of Funds

All monies collected by the Tax Administrator under the provisions of this ordinance shall be kept in the General Fund of the Village of Antwerp, Ohio..

### 2. Disbursement of Funds Collected

The funds collected under the provisions of this ordinance shall be disbursed in the following manner: Twenty five (25%) percent of the total income tax collected shall be transferred out of the General Fund to emergency services, which include police, fire and emergency medical services. Seventy five (75%) percent of the total income tax collected shall be transferred out of the General Fund for maintenance of equipment, new equipment, extension, enlargement and improvement of municipal services and facilities, and capital improvements of the municipality and the debt reduction (loans, notes, and/or bonds) for the Village of Antwerp.

## SECTION L. DUTIES AND AUTHORITY OF ADMINISTRATOR

### 1. Receipt and Records of Tax

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

The Tax Administrator shall collect and receive the tax imposed by this ordinance in the manner prescribed herein from the taxpayers, keep an accurate record thereof, and report all monies so received.

2. Enforcement of Collection

The Tax Administrator shall enforce payment of all income taxes owing to the Village, keep accurate records for a minimum of five years (5) years, showing the amount due from each taxpayer required to file a declaration of estimated municipal income tax and make any return, or both, including returns of taxes withheld and show the dates and amounts of payments thereon.

3. Authority to Make and Enforce Regulations

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

(b) Upon the request of a taxpayer or employer subject to this ordinance, the Tax Administrator is empowered to issue Administrative Rulings interpreting this ordinance and the Rules and Regulations. Those Administrative Rulings shall be binding and effective upon issuance as to the taxpayer or employer requesting the Ruling. Administrative Rulings may be appealed to the Board of Review.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

#### 4. Authority to Arrange Installment Payments

(a) The Tax Administrator is authorized to arrange for the payment of unpaid taxes, interest and penalties on a schedule of installment payments, not to exceed twelve (12) months, when the taxpayer has proved to the Tax Administrator that, due to certain hardship conditions, he is unable to pay the full amount of the tax due. Such authorization shall not be granted until proper returns are filed by the taxpayer for all amounts owed by him under this ordinance.

(b) Failure to make any deferred payment when due, shall cause the total unpaid amount, including penalty and interest, to become payable on demand, and the provisions of Sections I1 and C1 shall apply.

#### 5. Authority to Determine Amount of Tax Due

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

#### 6. Investigations

The Tax Administrator, or any authorized agent, representative or employee, is authorized to examine the books, papers, records and federal income tax returns of any employer or of any taxpayer or any person subject to, or whom 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 made, to ascertain the tax or withholding due under this ordinance. Every such employer, supposed employer, taxpayer or supposed taxpayer is directed and required to furnish within fifteen (15) days upon written request by the Administrator, or his duly authorized agent, representative, or employee, the means, facilities and opportunities for making such examinations and investigations as are hereby authorized.

#### 7. Authority to Compel Production of Records

The Tax Administrator is hereby authorized to order any person presumed to have knowledge of the facts to appear before him and may examine such person, under oath, concerning any income which was or should have been reported or withheld for village income tax purposes or any transaction tending to affect such income, and for this purpose may compel the production of books, papers, records and federal income tax returns and the attendance of all persons before him, whether as parties or witnesses, whenever he believes such persons have knowledge of such income or information pertinent to such inquiry.

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**8. Refusal to Produce Records**

The refusal to produce books, papers, records and federal income tax returns, or the refusal to submit to such examination by any employer or persons subject or presumed to be subject to the village income tax or by any officer, agent or employee of a person subject to the village income tax or required to withhold such tax or the failure of any person to comply with the provisions of this ordinance, including this section, or with an order or subpoena of the Tax Administrator is a violation of this ordinance punishable in accordance with Section O.

**9. Confidential Nature of Information; Disclosure of Returns and Return Information**

(a) Any information gained as a result of returns, investigations, hearings or verifications required or authorized by this ordinance or Chapter 718 of the Revised Code shall be confidential and no person shall 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.

(b) The Tax Administrator may furnish copies of returns filed under this ordinance to the Internal Revenue Service and to the State Tax Commissioner.

**10. Taxpayer Required to Retain Records**

Every taxpayer shall retain all records necessary to compute his village income tax liability for a period of five (5) years from the date his village income tax return is filed or the village income taxes required to be withheld are paid.

**11. Authority to Contract for Central Collection of Tax**

The Mayor of the Village is authorized to enter into an agreement on behalf of the Village with the City of Cleveland Central Collection Agency for the purpose of administering the income tax laws of the Village as its agent and to provide central collection services for the collection of taxes imposed by the Village's Income Tax Ordinance.

**12. Withholding Taxes from Federal Employees**

The Tax Administrator is authorized to enter into an agreement on behalf of the Village with the United States Secretary of the Treasury for the purpose of withholding village income or employment taxes from the compensation of federal employees whose regular place of federal employment is within the territorial jurisdiction of the Village.

**SECTION M. BOARD OF REVIEW**

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

1. Board of Review Established

A Board of Review, consisting of three (3) persons, that must be appointed by the Village Council and approved by the Mayor within one hundred eight (180) after passage of this ordinance, is hereby created and shall be maintained to hear appeals by taxpayers of decisions and Administrative Rulings issued by the Tax Administrator regarding a municipal income tax obligation that is subject to appeal as provided in Section 718.11 of the Revised Code, this ordinance or the Rules and Regulations. The Board shall select, each year for a one (1) year term, one of its members to serve as Chairman and one to serve as Secretary. A majority of the members of the Board shall constitute a quorum. The Board shall adopt its own procedural rules and shall keep a record of its transactions. Any hearing by the Board may be conducted privately and the provisions of Section 19 with reference to the confidential character of information required to be disclosed by this ordinance shall apply to such matters as may be heard before the Board on appeal.

2. Board to Approve Regulations and Hear Appeals

All Rules and Regulations and amendments or changes thereto, which are adopted by the Tax Administrator under the authority conferred by this ordinance, must be approved by the Board of Review before the same become effective. The Board shall hear and pass on appeals from any Administrative Ruling or decision issued by the Tax Administrator.

3. Right of Appeal

In accordance with Section 718.11 of the Revised Code and Rules and Regulations, any person dissatisfied with any Administrative Ruling or decision of the Tax Administrator that is made under the authority conferred by this ordinance may appeal there from to the Board of Review within thirty (30) days from the announcement of such Administrative Ruling or decision by the Tax Administrator. The Board shall, on hearing, have jurisdiction to affirm, reverse or modify any such ruling or decision, or any part thereof. Such appeal shall be deemed filed when postmarked by the United States Postal Service or the date of receipt recorded by authorized delivery service as defined in Sections 5703.056 of the Revised Code. Appeals otherwise delivered to the Tax Administrator during normal business hours shall be deemed filed on the date received.

In accordance with the procedures set forth in Section 5717.011 of the Revised Code, for matters relating to taxable years beginning on or after January 1, 2006, the taxpayer or Tax Administrator may appeal decisions of the Board of Review to the State Board of Tax Appeals or a court of common pleas as otherwise provided by law.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**SECTION N. INTENT AND TAX CONTINUATION**

**1. Declaration of Legislative Intent**

If any sentence, clause, section or part of this ordinance, or any tax imposed against, or exemption from tax granted to, any taxpayer or forms of income specified herein is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall affect only such clause, sentence, section or part of this ordinance so found 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, clause, section or part thereof not been included in this ordinance.

**2. Collection of Tax after Termination of Ordinance**

(a) This Ordinance shall continue effective insofar as the levy of taxes is concerned until repealed, and insofar as the collection of taxes levied hereunder and actions and proceedings for collection any tax so levied or enforcing any provisions of this ordinance are concerned, it shall continue effective until all of the taxes levied in the aforesaid period are fully paid and any and all suits and prosecutions for the collection of taxes or for the punishment of violations of this ordinance have been fully terminated, subject to the limitations contained in Sections I and H5; H6; H7.

(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 F1 and G2, as though the same were continuing.

**SECTION O. PENALTY**

**1. Penalty**

(a) Whoever violates any of the provisions of Sections H5 or L8 shall be guilty of a misdemeanor of the first degree for each violation. Each violation constitutes a separate offense.

(b) Whoever violates Section L9 shall be guilty of a misdemeanor of the first degree for each such disclosure. Each disclosure shall constitute a separate offense. In addition to the above penalty, any employee of the Village who violates Section L9 shall be guilty of an offense punishable by immediate dismissal.

**SECTION P. EMERGENCY MEASURE**

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 in that

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

it is necessary for the provisions of funds for emergency services, maintenance of equipment, new equipment, extension, enlargement and improvement of municipal services and facilities, and capital improvements of the municipality and the debt reduction for the Village to impose a municipal income tax, 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.

WHEREAS, the Council has decided to repeal Ordinance No. 2006-21 in its entirety.

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

Section 1. Ordinance No. 2006-21 is hereby repealed.

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 regulations 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 in that it is necessary to repeal Ordinance No. 2006-21 in order to avoid any unnecessary litigation and expense that may be incurred by the Village regarding the passage of Ordinance No. 2006-21, 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.

DATED: 09/11/06

Margaret Womack  
Margaret Womack, Mayor

ATTEST:  
Shirley Helton  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE No. 2006-25

**AN ORDINANCE REPEALING ORDINANCE NO. 2006-22 OF THE VILLAGE OF ANTWERP, OHIO; AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council of the Village of Antwerp passed Ordinance No. 2006-22, an Ordinance Amending Section J (Taxpayer Relief and Reciprocity) of Ordinance No. 2006-21 Imposing a Municipal Income Tax and Authorizing the Mayor to Enter into any and all Necessary Agreements with City of Cleveland Central Collection Agency for the Purpose of Administering the Income Tax Laws and Providing Central Collection Services for the Collection of said Municipal Income Tax; and Declaring the Same an Emergency, which reads as follows:

WHEREAS, the Council of the Village of Antwerp, Ohio, adopted an Ordinance imposing a municipal income tax and authorizing the Mayor to enter into any and all necessary agreements with City of Cleveland Central Collection Agency for the purpose of administering the income tax laws and providing central collection services for the collections of said municipal income tax, said Ordinance designated as No. 2006-21 and passing by a majority vote of the Council of the Village of Antwerp, Ohio, as an emergency measure on July 10, 2006; and

WHEREAS, the Council, by way of Ordinance No. 2006-21, established a section, specifically, Section J, allowing for taxpayer relief and reciprocity for a village resident subject to income tax in other municipality in Ohio; and

WHEREAS, due to the proximity of the Village of Antwerp, Ohio, to the state line with the State of Indiana, the Council of the Village of Antwerp amends Section J of Ordinance No. 2006-21 in order to provide a credit for tax paid by village residents for a county income tax in the State of Indiana.

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

Section 1. Section J of Ordinance No. 2006-21 of the Village of Antwerp, Ohio, regarding Taxpayer Relief and Reciprocity is amended to read as follows:

**SECTION J. TAXPAYER RELIEF AND RECIPROCITY**

1. Village Resident Subject to Income Tax in Other Municipality in Ohio and/or County Tax of a County located in the State of Indiana

It is the intent of this section that a taxpayer who is a resident of the Village, but who is subject to tax in another municipality in the State of Ohio ("other municipality") and/or county tax of a county located in the State of Indiana ("Indiana county") on the same income, and who has complied with the provisions hereof, shall be entitled to a credit for said tax paid the other municipality and/or Indiana county but limited to a tax rate of one-half percent (1/2%). Accordingly, notwithstanding any other provisions of this ordinance:

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

- (a) When a resident of the Village is subject to and has paid, or has acknowledged liability for, a municipal income tax in an other municipality and/or county tax of an Indiana county on the same income taxable under this Ordinance, and such other municipality and/or Indiana county does not allow a credit to its non-residents for taxes paid or due the Village of Antwerp, such Village resident may claim as a credit, the amount of such tax paid to such other municipality and/or Indiana county. The credit is limited to one-half percent ( $\frac{1}{2}\%$ ) of the income subject to tax in such other municipality and/or Indiana county. The credit allowed by this section shall not be allowed unless the same is claimed in a timely return on forms acceptable to and filed with the Tax Administrator. In the event a taxpayer fails, neglects or refuses to file such timely return or form, including authorized extensions, said taxpayer shall not be entitled to such credit and shall be liable for the full amount of tax assessed by this Ordinance, together with such interest and penalties, both civil and criminal, as are prescribed by this Ordinance.
- (b) In the event a resident is entitled to credit for taxes paid an other municipality and/or an Indiana county, such resident is required to file a return on a form in such manner as the Tax Administrator may prescribe.
- (c) Assignment of any claim for refund to which a resident may be entitled from an other municipality and/or Indiana county shall be tentatively accepted as payment of that portion of village income tax represented by such assignment. However, if satisfactory evidence is offered that the taxpayer is entitled to the claim covered by the assignment, such taxpayer shall not be deprived of credit therefor because of fault or neglect on the part of either the other municipality or the Indiana county.
- (d) In the event such resident fails, neglects or refuses to file such return or form as is prescribed by the Tax Administrator, such resident shall not be entitled to such credit and shall be considered in violation of this ordinance for failure to file a return and make payment of taxes due hereunder.
- (e) A resident owner of a pass-through entity that does not conduct business in the Village and that has paid an income tax to an other municipality and/or Indiana county may claim a credit equal to the lesser of (i) the resident owner's proportionate share of the amount, if any, of income tax paid by the pass-through entity to an other municipality and/or Indiana county; or (ii) the resident owner's proportionate share of the amount of village income tax that would be imposed on the pass-through entity if the pass-through entity conducted business in the Village.
- (f) In no case shall the amount of the credit allowed under division (e) of this Section exceed the tax assessed by this ordinance on the resident owner's taxable income subject to tax by an other municipality and/or Indiana county.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_

- (g) The credits provided in Section 718.021 and 718.121 shall be available to residents, if applicable.
- (h) Except as otherwise provided in Sections 718.021; 718.121 and 718.14 of the Revised Code, this ordinance and the Rules and Regulations, where a nonresident is subject to the tax imposed by this ordinance and is subject to tax on the same taxable income in the other municipality and/or Indiana county where such nonresident resides, no credit against the village income tax levied by this ordinance shall be allowed.

2. Claim for Credit

Any claim for credit for taxes paid by a resident to an other municipality and/or Indiana county on the same income taxable under this ordinance or claim for or assignment of any refund due to the credit provided for in Section J1, must be filed with the Tax Administrator on a form acceptable to the Tax Administrator within three (3) years from the due date of the village income tax return. If the resident, fails, neglects, or refuses to file such claim for refund or credit within the time prescribed by this section, such failure, neglect, or refusal shall render such credit, claim for refund, or assignment null and void and the resident shall be liable for the full amount of tax assessed by this ordinance, together with interest and penalties.

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 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 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, necessary for the well-being of the residents and to benefit those residents that pay income taxes in an Indiana county by providing a tax credit and this Ordinance shall be in full force and effect as of the passage of Ordinance No. 2006-21 so as to provide the tax credit to village residents as of the imposition of the municipal income tax; otherwise, it shall take effect and be in force after the earliest period allowed by law.

**WHEREAS**, the Council has decided to repeal Ordinance No. 2006-22 in its entirety.

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

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**Section 1.** Ordinance No. 2006-22 is hereby repealed.

**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 regulations 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 in that it is necessary to repeal Ordinance No. 2006-21 in order to avoid any unnecessary litigation and expense that may be incurred by the Village regarding the passage of Ordinance No. 2006-21 and Ordinance No. 2006-22 must also be repealed in that it amended Ordinance No. 2006-21, 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.

DATED: 09/11/06

*Margaret Womack*  
Margaret Womack, Mayor

ATTEST:

*Shirley Helton*

Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2006-24

**AN ORDINANCE IMPOSING A MUNICIPAL INCOME TAX  
IN THE VILLAGE OF ANTWERP, OHIO; AND  
DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council for the Village of Antwerp has determined that it is necessary to provide funds for the purpose of emergency services (fire, police and rescue), maintenance of equipment, new equipment, extension, enlargement and improvement of municipal services and facilities, and capital improvements of the municipality and the debt reduction (loans, notes and/or bonds) for the Village of Antwerp; and

**WHEREAS**, the Council for the Village of Antwerp currently has determined the source of funds to provide for the above-referenced services, equipment, facilities, capital improvements and debt reduction is to impose a municipal income tax on all salaries, wages, commissions and other compensation earned by residents of this municipality; on all salaries, wages, commissions and other compensation earned by non-residents in this municipality; for work done or services performed or rendered in this municipality or other activities conducted by residents of this municipality; on the net profits earned on all businesses, professions or other activities conducted in this municipality by non-residents, and on the net profits earned by all corporations doing business in this municipality as the result of work done or services performed or rendered in this municipality.

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

**SECTION A. PURPOSE**

**1. Purpose of Levy**

To provide funds for the purpose of emergency services (fire, police and rescue), maintenance of equipment, new equipment, extension, enlargement and improvement of municipal services and facilities, and capital improvements of the municipality and the debt reduction (loans, notes and/or bonds) for the Village of Antwerp, on all salaries, wages, commissions and other compensation earned by residents of this municipality; on all salaries, wages, commissions and other compensation earned by non-residents in this municipality; for work done or services performed or rendered in this municipality or other activities conducted by residents of this municipality; on the net profits earned on all businesses, professions or other activities conducted in this municipality by non-residents, and on the net profits earned by all corporations doing business in this municipality as the result of work done or services performed or rendered in this municipality; requiring the filing of returns and furnishing of information by employers and all those subject to said tax; imposed on employers the duty of collecting the tax at the source and paying the same to this municipality; providing for the administration, collection and enforcement of said tax, declaring violation thereof to be a misdemeanor of the first degree and imposing penalties therefore; and declaring the same an emergency.

**SECTION B. DEFINITIONS**

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**1. Definitions Generally**

For the purposes of this ordinance the terms, phrases, words and their derivative shall have the meanings given in the next succeeding sections. The singular shall include the plural, and the masculine shall include the feminine and the neuter.

**2. Adjusted Federal Taxable Income**

"Adjusted Federal Taxable Income" means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code adjusted, as set forth in Sections 718.01(A)(1) of the Ohio Revised Code.

**3. Administrative Rulings**

"Administrative Rulings" mean the rulings issued by the Tax Administrator, upon the request of a taxpayer or employer, interpreting this ordinance and the Rules and Regulations. Administrative Rulings shall be binding and effective upon issuance as to the taxpayer or employer requesting the ruling.

**4. Administrator**

"Administrator" means the person designated and charged with direct responsibility to administer and enforce the provisions of the Village Income Tax Ordinance, who also may be referred to in this Ordinance as the "Tax Administrator." The Village of Antwerp designates the City of Cleveland Central Collection Agency as the Tax Administrator as provided in 718.01(A)(10)(a) of the Ohio Revised Code.

**5. Association**

"Association" means any partnership, limited partnership, limited liability company, limited liability partnership, Subchapter S corporation ("S corporation") as defined in the Internal Revenue Code, or any other form of unincorporated business or enterprise taxed on a pass-through basis under the Internal Revenue Code. The terms "association," "pass-through entity," and "unincorporated business entity" are synonymous for purposes of this Ordinance and the Rules and Regulations.

**6. Board of Review**

"Board of Review" means the Board created by and constituted as provided in Section M1 of this ordinance as set forth hereinafter.

**7. Board of Tax Appeals**

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

“Board of Tax Appeals” means the board created pursuant to Section 718.11 of the Ohio Revised Code also known as the “Board of Review”.

**8. Business**

“Business” means any enterprise, activity, profession or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by an individual, partnership, association, corporation or any other entity, including but not limited to the renting or leasing of property, real, personal or mixed. For purposes of determining if “business is conducted within the village,” any direct and/or indirect ownership of an interest in an association, pass-through entity or unincorporated business entity that conducts business within the Village is considered included.

**9. Village**

“Village” means the Village of Antwerp, Ohio.

**10. Corporation**

“Corporation” means a corporation or joint stock association organized under the laws of the United States, the State of Ohio or any other state, territory or foreign country or dependency, or any unincorporated entity treated as a corporation for federal income tax purposes.

“Corporation” also includes a combined company, an electric company and a telephone company, as defined in Section 5727.01 of the Ohio Revised Code.

**11. Employee**

“Employee” means one who works for qualifying wages in the service of an employer.

**12. Employer**

“Employer” means an individual, partnership, association, corporation, governmental body, unit or agency, or any other entity, whether or not organized for profit, who or that employs one or more persons on a qualifying wage basis.

**13. Fiscal Year**

“Fiscal year” means an accounting period of twelve months or less ending on any day other than December 31.

**14. Gross Receipts**

“Gross receipts” means total revenue from any source whatsoever.

**15. Intangible Income**

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Passed \_\_\_\_\_, 20\_\_\_\_

“Intangible income” means that income specified in Section 718.01(A)(5) of the Ohio Revised Code including any of the following types of income: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange or other disposition of intangible property including, but not limited to, investments, deposits, money or credits as those terms are defined in Chapter 5701. of the Ohio Revised Code, 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, attributable to or derived from any lottery winnings or other similar games of chance.

#### 16. Internal Revenue Code

“Internal Revenue Code” means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. References to Schedule C, Schedule E, and Schedule F mean the internal revenue service schedules C, E or F filed by a taxpayer pursuant to the Internal Revenue Code. References to Form 2106 mean internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.

#### 17. Net Profits

“Net profits” mean (i) if the taxpayer is a corporation, the corporation’s “adjusted federal taxable income” as that term is defined in Sections 718.01(A)(1)(e)-(f) of the Revised Code; (ii) if the taxpayer is an “association,” “pass-through entity,” or “unincorporated business entity,” “adjusted federal taxable income” as that term is defined in Section 718.01(A)(1)(g) of the Revised Code; and (iii) if the taxpayer is an individual, the individual’s profit, other than amounts specifically excluded in Section 718.01(F) of the Ohio Revised Code, required to be reported on federal Schedule C, Schedule E, or Schedule F, as provided by the Internal Revenue Service.

The “net profits” of a taxpayer shall be adjusted in accordance with the provisions of this Ordinance and the Rules and Regulations.

#### 18. Nonresident

“Nonresident” means an individual domiciled outside the Village of Antwerp, Ohio.

#### 19. Nonresident Owner

“Nonresident owner” means an individual domiciled outside the Village who has a direct or indirect ownership interest in an association, pass-through entity or unincorporated business entity that conducts business in the village or a corporation that has a direct or indirect ownership interest in an association, pass-through entity or unincorporated business entity that conducts business in the Village.

#### 20. Nonresident Unincorporated Business Entity

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

“Nonresident unincorporated business entity” means an unincorporated business entity not having an office or place of business within the Village.

**21. Ohio Revised Code**

“Ohio Revised Code” means the codified statutes of the State of Ohio, as amended, also referred to herein as “Revised Code”.

**22. Other Payer**

“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.

**23. Owner**

“Owner” means an individual, partner, member, or any other person having an ownership interest in an association, pass-through entity, or unincorporated business entity.

**24. Pass-Through Entity**

“Pass-through entity” means a partnership, limited liability company, S corporation or any other type of entity the income or profits of which are given pass-through treatment under the Internal Revenue Code. “Income from a pass-through entity” includes partnership income of partners, membership interests of members of a limited liability company, distributive shares of shareholders of an S corporation, or other distributive or proportionate ownership shares of income from other pass-through entities.

**25. Person**

“Person” includes individuals, firms, companies, business trusts, estates, trusts, partnerships, limited liability companies, associations, corporations, governmental entities, and any other entity. With respect to provisions of this ordinance that impose or prescribe a penalty, the term “person” shall include the owners of an association, pass-through entity and unincorporated business entity and the officers of a corporation.

**26. Place of Business**

“Place of business” means any bona fide office (other than a mere statutory office), factory, warehouse or other space which is occupied and used by the taxpayer in carrying on any business activity individually or through one or more of his regular employees regularly in attendance.

**27. Qualifying Wages**

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“Qualifying wages” means wages, as defined in section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as provided in division (A)(2) of Section 718.03 of the Revised Code. “Qualifying wages” includes compensation attributable to a nonqualified deferred compensation plan or program as defined in section 3121(v)(2)(C) of the Internal Revenue Code and compensation arising from the sale, exchange or other disposition of a stock option, the exercise of a stock option, or the sale, exchange or other disposition of stock purchased by the stock option. “Qualifying wages” does not include compensation deferred before January 1, 2004, to the extent that the deferred compensation does not constitute “qualifying wages” when paid or distributed.

### 28. Resident

“Resident” means an individual domiciled in the Village.

### 29. Resident Owner

“Resident owner” means an individual domiciled in the Village who has an interest in an association, pass-through entity or unincorporated business entity.

### 30. Resident Unincorporated Business Entity

“Nonresident unincorporated business entity” means an unincorporated business entity not having an office or place of business within the Village.

### 31. Rules and Regulations

“Rules and Regulations” mean the Rules and Regulations promulgated by the Tax Administrator and approved by the Board of Review.

### 32. S Corporation

“S Corporation” means a corporation that has made an election under Subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.

### 33. State

“State” means the State of Ohio.

### 34. Tax Commissioner

“Tax Commissioner” means the Tax Commissioner of the State of Ohio.

### 35. Taxable Income

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Passed \_\_\_\_\_, 20\_\_\_\_

“Taxable income” means all qualifying wages, net profits and all other income from whatever source derived set forth in Section C1 of this ordinance, and the Rules and Regulations as taxable.

**36. Taxable Situs**

“Taxable Situs” means that portion of a taxpayer’s net profits attributable to the Village where the taxpayer conducts a business or profession both within and without the Village, determined in accordance with Section 718.02 of the Ohio Revised Code.

**37. Taxable Year**

“Taxable year” means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.

**38. Taxpayer**

“Taxpayer” means a person subject to the tax imposed by this ordinance, whether the tax is imposed on the taxable income of the entity in the hands of the entity or on the taxable income from the entity in the hands of the owners of the entity. “Taxpayer” does not include any person that is a disregarded entity or a qualifying subchapter S subsidiary for federal income tax purposes, but “taxpayer” includes any other person who owns the disregarded entity or qualifying subchapter S subsidiary.

**39. Unincorporated Business Entity**

“Unincorporated Business Entity” means either an “association,” “pass-through entity” or “corporation,” determined by the treatment afforded such entity for federal income tax purposes.

**SECTION C. IMPOSITION OF INCOME TAX**

**1. Rate and Taxable Income**

For the purposes specified in Section A1 of this ordinance, on and after the effective date of this Ordinance as provided in Section C2 of this Ordinance, an annual tax of one percent (1%) per annum shall be imposed upon the hereinafter specified income. Such tax shall be imposed upon all taxable income as follows:

- (a) On all qualifying wages, net profits and other taxable income earned and/or received on and after the effective date of this Ordinance, by residents of the Village;
- (b) (1) On all qualifying wages, earned and/or received on and after the effective date of this Ordinance, by nonresidents of the Village for work done or services performed or rendered within the Village or attributable to the Village; on all net profits earned and/or received by a nonresident from the operation or conduct of any business or profession within the Village; and on all other taxable income earned and/or received

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by a nonresident derived from or attributable to sources, events or transactions within the Village;

- (2) For nonresidents employed at a place of business or profession within the Village, only those qualifying wages earned and/or received by such nonresident that are specifically attributable to a place or location worked that is outside the Village will be treated as earned outside the Village;
- (c) (1) On the portion attributable to the Village of the net profits earned and/or received on and after the effective date of this Ordinance, of all resident associations, pass-through entities or other unincorporated business entities treated as a pass-through entity for federal income tax purposes or professions or other activities, derived from sales made, work done, services performed or rendered, and business, or other activities conducted in the Village and/or derived from sales made, work done, services performed or rendered and business or other activities attributable to the Village;
- (2) On the portion of the distributive share of the net profits earned and/or received on and after the effective date of this Ordinance, of a resident partner or owner of a resident association, pass-through entity or other unincorporated business entity treated as a pass-through entity for federal income tax purposes not attributable to the Village and upon which the Village's income tax has not been imposed and levied;
- (d) (1) On the portion attributable to the Village of the net profits earned and/or received on and after the effective date of this Ordinance, of all nonresident associations, pass-through entities or other unincorporated business entities treated as a pass-through entity for federal income tax purposes, professions or other activities, derived from sales made, work done, services performed or rendered, and business, or other activities conducted in the Village and/or derived from sales made, work done, services performed or rendered and business or other activities attributable to the Village, whether or not such association, pass-through entity or other unincorporated business entity treated as a pass-through entity for federal income tax purposes has an office or place of business in the Village;
- (2) On the portion of the distributive share of the net profits earned and/or received on and after the effective date of this Ordinance, of a resident partner or owner of a nonresident association, pass-through entity or other unincorporated business entity treated as a pass-through entity for federal income tax purposes not attributable to the Village and upon which the Village's income tax has not been imposed and levied from wherever such business is located;
- (e) On the portion attributable to the Village of the net profits earned and/or received on and after the effective date of this Ordinance, of all corporations and all other entities and business activities not defined herein as associations, pass-through entity or unincorporated business entity treated as a pass-through entity for federal income tax purposes derived from

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sales made, work done, services performed or rendered, and business, or other activities conducted in the Village, and/or derived from sales made, work done, services performed or rendered, and business, or other activities attributable to the Village, whether or not such corporations, entities or business activities have an office or place of business in the Village;

- (f) On the net profits of an electric company, combined company or telephone company apportioned and attributable to the Village in accordance with Section 718.01(F)(6) of the Revised Code and Chapter 5745. of the Revised Code;
- (g) On all income derived from prizes, awards, gaming, wagering, lotteries or other similar games of chance by a resident from whatever source and from anywhere derived;
- (h) On all income earned and/or received from covenants not to compete or similar agreements and on all income attributable to cancellation of indebtedness to the extent reported on the taxpayer's federal income tax return;
- (i) On all guardian, executor, conservator, trustee or administrator fees earned and/or received by a taxpayer in connection with the operation or conduct of a business or profession;
- (j) On all other compensation, net profits and income earned and/or received by the taxpayer that is not specifically exempted from the tax imposed by this ordinance as set forth in Section E1 of this ordinance and Section 718.01(F) of the Revised Code;
- (k)
  - (1) For taxable years beginning on or after January 1, 2004, the net profits from a business or profession shall be taxed only to the extent of the taxpayer's adjusted federal taxable income except that nothing shall be construed as limiting the ability of the Tax Administrator to administer, audit, or enforce the provisions of this Ordinance including making all necessary adjustments and allocations to adjusted federal taxable income to produce a fair and proper allocation of net profits to the Village;
  - (2) Division (k)(1) of this section shall not apply to any taxpayer required to file a return under Section 5745.03 of the Revised Code or to the net profits from a sole proprietorship;
- (l) For taxable years beginning on or after January 1, 2004, in the case of a taxpayer who has a net profit from a business or profession that is operated as a sole proprietorship, or in the case of a taxpayer who has a net profit from a business and the taxpayer is an individual, the Village shall not tax or use as the base for determining the amount of the net profit that shall be considered as having a taxable situs in the Village, an amount other than the net profit required to be reported on Internal Revenue Service Schedules C or F from such sole proprietorship for the taxable year; and
- (m) For taxable years beginning on or after January 1, 2004, in the case of a taxpayer who has a net profit from rental activity required to be reported on Internal Revenue Service Schedule

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E, the Village shall not tax or use as the base for determining the amount of the net profit that shall be considered as having a taxable situs in the Village, an amount other than the net profit from rental activities required to be reported by the taxpayer on Schedule E for the taxable year.

## 2. Effective Date

The village income tax shall be levied, imposed, collected and paid on any and all qualifying wages, net profits and taxable income as provided in Section C1 of this ordinance, earned and/or received on and after September 12, 2006.

## SECTION D. DETERMINATION OF TAX ALLOCATION

### 1. Method of Determination

This Section does not apply to taxpayers that are subject to and required to file reports under Chapter 5745. of the Revised Code.

(a) Except as otherwise provided in division (d) of this section, for taxable years beginning on or after January 1, 2004, the net profits from a business or profession conducted both within and without the Village shall be considered as having a taxable situs in the Village for purposes of imposing the village income tax to the extent of the amount determined by multiplying the entire net profits by a business allocation percent determined by the average ratio of the following:

- (1) The average original cost of the real 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 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 this division (a)(1), "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 (8).

- (2) Wages, salaries and other compensation paid during the taxable period to persons employed in the business or profession for services performed in the Village to wages, salaries and other compensation paid during the same period to persons employed in the business or profession, wherever their services are performed, excluding compensation that is not taxable by the Village under Section 718.011 of the Revised Code.
- (3) Gross receipts of the business or profession from sales made and services performed during the taxable period in the Village to gross receipts of the business or profession during the same period from sales and services, wherever made or performed.

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In the event that the foregoing apportionment formula does not produce an equitable result, another basis may be substituted, under the Rules and Regulations, so as to produce an equitable result.

- (b) For taxable years beginning on or after January 1, 2004, no taxpayer shall use the books and records method of apportionment. Except as otherwise provided in Section 718.02 of the Revised Code and division (a) of this section, all taxpayers shall use the statutory apportionment formula set forth in this section.
- (c) Except as otherwise provided in division (d) of this section, for taxable years beginning on or after January 1, 2004, the net profits from rental activity not constituting a business or profession shall be subject to tax by the Village only if the property generating the net profit is located in the Village.
- (d) This section shall not apply to individuals who are residents of the Village and, except as otherwise provided in Section 718.01 of the Revised Code, the Village shall impose its tax on all income earned and/or received by residents of the Village from whatever source derived in accordance with Section C1 of this ordinance.

**2. Sales Made in the Village**

As used in Section D1(a)(3) of this ordinance, "sales made in the Village" means:

- (a) All sales of tangible personal property delivered within the Village regardless of where title passes if shipped or delivered from a stock of goods within the Village;
- (b) All sales of tangible personal property delivered within the Village regardless of where title passes even though transported from a point outside the Village, if 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; or
- (c) All sales of tangible personal property shipped from a place within the Village to purchasers outside of the Village regardless of where title passes if the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.

**3. Total Allocation**

Add together the percentages determined in accordance with Section D1 of this ordinance, or such of the aforesaid percentages as are applicable to the particular taxpayer, and divide the total so obtained by the number of percentages used in deriving the total in order to obtain the business allocation percentage referred to in Section D1 of this ordinance.

A factor is applicable even though it may be allocable entirely within or without the Village.

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#### 4. Rentals

- (a) Rental income received by a taxpayer shall be included in the computation of net profits from business activities under divisions (c) to (e) of Section C1 of this ordinance, only if and to the extent that the rental, ownership, management or operations of the real estate from which such rentals are derived, whether so rented, managed or operated by a taxpayer individually or through agents or other representatives, constitutes a business activity of the taxpayer in whole or in part.
- (b) Where the gross monthly rental of any and all real properties, regardless of number and value, aggregates in excess of One hundred fifty dollars (\$150.00) per month, it shall be prima-facie evidence that the rental, ownership, management or operation of such properties, is a business activity of such taxpayer, and the net income of such rental property shall be subject to tax. However, in the case of commercial property, the owner shall be considered engaged in a business activity when the rental is based on a fixed or fluctuating percentage of gross or net sales, receipts or profits, of the lessee, whether or not such rental exceeds One hundred fifty dollars (\$150.00) per month; provided further that in the case of farm property, the owner shall be considered engaged in a business activity when he shares in crops or when the rental is based on a percentage of the gross or net receipts derived from the farm, whether or not the gross income exceeds One hundred fifty dollars (\$150.00) per month. It is provided further that the person who operates a licensed rooming house shall be considered in business whether or not the gross income exceeds One hundred fifty dollars (\$150.00) per month.

#### 5. Operating Loss; Carry Forward

- (a) The portion of a net operating loss sustained in any taxable year subsequent to the effective date of this Ordinance, allocable to the Village may be applied against the portion of the net profit of succeeding tax years allocable to the Village, until exhausted but in no event for more than five (5) taxable years immediately following the year in which the loss occurred. No portion of a net operating loss shall be carried back against net profits of any prior year.
- (b) The portion of net operating loss sustained shall be allocated to the Village in the same manner as provided herein for allocating net profits to the Village.
- (c) The Tax Administrator shall provide by Rules and Regulations the manner in which such net operating loss carry forward shall be determined.

### SECTION E. EXEMPTIONS

#### 1. Sources of Income Not Taxed

The tax provided for in this ordinance shall not be levied on the following:

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- (a) Military pay or allowance of members of the armed forces of the United States and of members of their reserve components, including the Ohio National Guard;
- (b) Income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent that such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities;
- (c) Proceeds from welfare benefits, unemployment benefits, social security benefits;
- (d) Proceeds of insurance paid by reason of the death of the insured; pensions, disability benefits, annuities, or gratuities not in the nature of compensation for services rendered from whatever source derived;
- (e) Receipts from seasonal or casual entertainment, amusements, sports events, and health and welfare activities when any such are conducted by bona fide charitable, religious, or educational organizations and associations;
- (f) Alimony received;
- (g) Personal earnings of any natural person under eighteen (18) years of age;
- (h) Compensation for personal injuries or for damages to property by way of insurance or otherwise;
- (i) Interest, dividends, gains, and other revenue from intangible property described in Section 718.01(A)(5) of the Revised Code;
- (j) Gains from involuntary conversion; cancellation of indebtedness, to the extent exempt from federal income tax; interest on Federal obligations; items of income already taxed by the State that the Village is specifically prohibited from taxing; and income of a decedent's estate during the period of administration, except such income from the operation of a business;
- (k) An S corporation shareholder's distributive share of net profits of the S corporation, other than any part of the distributive 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 Service Code;
- (l) The rental value of a parsonage, or the rental allowance furnished as compensation and actually used for a parsonage, by a minister;
- (m) Compensation and net profits, the taxation of which is prohibited by the United States Constitution or any act of Congress limiting the power of the states or their political subdivisions to impose net income taxes on income derived from interstate commerce;

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- (n) Compensation and net profits, the taxation of which is prohibited by the Constitution of the State or any act of the Ohio General Assembly limiting the power of the Village to impose net income tax;
- (o) Those items listed in Section 718.01(F) and Section 718.011 of the Ohio Revised Code as not subject to taxation;
- (p) Only the income items listed in this Section E1 of this ordinance are not subject to the tax imposed by this ordinance. All other compensation, net profits and other income earned and/or received by a taxpayer shall be subject to the tax imposed by this ordinance unless prohibited by State or federal law.

## SECTION F. RETURNS

### 1. Date for Filing Returns

- (a) Each taxpayer who engages in business or whose qualifying wages are subject to the tax imposed by this ordinance, except as herein provided, shall, whether or not a village income tax is due thereon, make and file a return on or before April 30 of the year following the effective date of the passage of this Ordinance, and on or before April 30 of each year thereafter. When the return is made for a fiscal year or other period different from the calendar year, the return shall be filed within four months from the end of such fiscal year or period.
- (b) Unless the filing exemption in division (e) of this section applies, for taxable years beginning after 2005, each taxpayer shall, whether or not a village income tax is due thereon, make and file an annual village income tax return or report on the fifteenth (15<sup>th</sup>) day of the fourth (4<sup>th</sup>) month following the end of the taxpayer's taxable year.
- (c) No taxpayer shall be required to file an annual village income tax return or report prior to the filing date for the corresponding tax reporting period as prescribed for such taxpayer under the Internal Revenue Code.
- (d) Tax returns required to be filed under this section shall be deemed filed when postmarked by the United States Postal Service or the date of receipt recorded by authorized delivery service as defined in Sections 5703.056 of the Revised Code. Tax returns otherwise delivered to the Tax Administrator during normal business hours shall be deemed filed on the date received.
- (e) The Tax Administrator is authorized to provide by regulation that the return of an employer, showing the amount of tax deducted by the employer from the qualifying wages of an employee, and paid by him or them to the Tax Administrator shall be accepted as the return required of any employee whose sole income, subject to tax under this ordinance, is such qualifying wages. This filing exemption is limited to nonresident taxpayers whose sole

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income is qualifying wages for which the tax imposed by this ordinance has been withheld and remitted to the Village by the employer.

**2. Form and Content of Return**

The village income tax return shall be filed with the Tax Administrator on a form prescribed by and obtainable upon request from the Tax Administrator or on a generic form in accordance with Section 718.05 of the Revised Code, setting forth:

- (a) The aggregate amounts of all qualifying wages net profits and all other taxable income earned and/or received by the taxpayer during the taxable year and subject to the village income tax;
- (b) The amount of the tax imposed by this ordinance on such qualifying wages, net profits; and all other taxable income;
- (c) Such other pertinent statements, schedules, information, returns, copies of federal or state tax returns or any other information as the Tax Administrator may require; and
- (d) In accordance with Section 718.051 of the Revised Code and the Rules and Regulations, taxpayers subject to the village income tax on the net profits from a business or profession may file the village income tax return by using the Ohio business gateway.

**3. Extension of Time for Filing Returns**

- (a) Except as otherwise provided in division (g) of this section, any taxpayer who has requested an extension for filing a federal income tax return may request an extension for filing the village income tax return for the same taxable year by filing a copy of the request for federal extension with the Tax Administrator in accordance with Section 718.05 of the Revised Code and the Rules and Regulations. Any taxpayer not required to file a federal income tax return may request an extension for filing the village income tax return in accordance with Section 718.05 of the Revised Code and the Rules and Regulations.
- (b) Requests for extensions are not automatic and may be denied in accordance with Section 718.05 of the Revised Code.
- (c) If granted, request for extensions filed before January 1 of the applicable taxable year shall extend the due date of the village income tax return for a period not less than the period of the federal extension requested.
- (d) For taxable years beginning after 2005, if the request for extension to file the village income tax return is granted, the extended due date shall be the last day of the month following the month to which the due date of the federal income tax return has been extended.

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- (e) The granting of an extension to file the village income tax return does not extend the last date to pay any village income tax due without penalty or interest in accordance with Sections H1 and H2 of this ordinance.
- (f) No late filing penalty shall be imposed if the village income tax return is filed on or before the due date as extended.
- (g) In accordance with Section 718.051 of the Revised Code and the Rules and Regulations, taxpayers subject to the village income tax on the net profits from a business or profession that have received an extension to file the federal income tax return by using the Ohio business gateway will receive an extension to file the village income tax return for the same taxable year provided that, the requirements of Section 718.051 of the Revised Code are met. In accordance with that Section, the extended due date will be the last day of the same month to which the due date for filing the federal return has been extended.
- (h) Extensions to file the village income tax return granted through the Ohio business gateway do not extend the time to pay any village income tax due without penalty or interest in accordance with Sections H1 and H2 of this ordinance.

#### 4. Consolidated Returns

- (a) Filing of consolidated returns may be permitted or required in accordance with the Rules and Regulations prescribed by the Tax Administrator. A consolidated return may be filed by any affiliated group of corporations subject to the tax imposed by this ordinance if that affiliated group filed for the same taxable year a consolidated return for federal income tax purposes pursuant to Section 1501 of the Internal Revenue Code. If an affiliated group of corporations subject to the tax imposed by this ordinance is required to file a consolidated return or files a consolidated return in accordance with this Section, the affiliated group of corporations must continue to file consolidated returns including that group of corporations and any other group of corporations included in the federal consolidated filing group for all subsequent taxable years that the group files a consolidated tax return for federal tax purposes unless, on or before the due date for filing the village income tax return for the taxable year, the affiliated group obtains written permission from the Tax Administrator to file separate returns for that year.
- (b) In the case of a corporation that carried on transactions with its stockholders or with other corporations related by stock ownership, interlocking directorates or some other method, or in case any person operates a division, branch, factory, office, laboratory or activity within the Village constituting a portion only of its total business, the Tax Administrator shall require such additional information as it may deem necessary to ascertain whether net profits are properly allocated to the Village. If the Tax Administrator finds that net profits are not properly allocated to the Village by reason of transactions with stockholders or with other corporations related by stock ownership, interlocking directorates or transactions with such division, branch, factory, office, laboratory or activity or by some other method, the Tax

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Administrator shall make such allocation to produce a fair and proper allocation of net profits to the Village.

**5. Amended Returns**

- (a) Where necessary an amended return shall be filed in order to report additional income and pay any additional village income tax due, or claim a refund of village income tax overpaid, subject to the requirements, limitations, or both, contained in Sections I and J of this ordinance. Such amended return shall be on a form prescribed by and obtainable upon request from the Tax Administrator. A taxpayer may not change the method of accounting, filing status or method of apportionment of the net profits after the due date for filing the original village income tax return.
- (b) Within three months from the final determination of any federal tax liability affecting the taxpayer's village tax liability, such taxpayer shall make and file an amended village return showing income subject to the village income tax based upon such final determination of federal tax liability, and pay any additional village income tax shown due thereon or make claim for refund of any overpayment.

**SECTION G. PAYMENT OF TAX**

**1. Payment of Tax on Filing of Return**

- (a) The taxpayer making a village income tax return shall, at the time of the filing thereof, pay to the Tax Administrator the amount of taxes shown as due thereon. However, where any portion of the tax so due has been deducted at the source pursuant to the provisions of Section G2 of this ordinance, or where any portion of the tax has been paid by the taxpayer pursuant to the provisions of Section G3 of this ordinance, or where an income tax has been paid to another municipality, credit for the amount so paid in accordance with Section J1 of this ordinance, shall be deducted from the amount shown to be due and only the balance, if any, shall be due and payable at the time of filing the return.
- (b) Subject to the limitations set forth in Section I2 of this ordinance, any taxpayer who has overpaid the amount of tax to which the Village is entitled under the provisions of this ordinance may have such overpayment applied against any subsequent liability hereunder or, at his election indicated on the return, such overpayment, or part thereof, shall be refunded, provided that no additional taxes or refunds of less than One dollar (\$1.00) shall be assessed, collected or refunded.

**2. Collection at Source**

- (a) In accordance with this Ordinance, and the Rules and Regulations, each employer, agent of any employer or other payer within or doing business within the Village who employs one or more persons shall deduct when any qualifying wages are earned and/or received by the taxpayer, the amount of village income tax imposed by Section C1 of this ordinance on the

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gross qualifying wages earned and/or received by the taxpayer and except as otherwise provided in divisions (f) and (g) of this section shall, on or before the twentieth (20<sup>th</sup>) day of the month following the close of each calendar quarter make a return and pay to the Tax Administrator the amount of village income taxes so deducted from such qualifying wages, subject to the provisions of divisions (c) to (e) of this section. Returns shall be on a form or forms prescribed by or acceptable to the Tax Administrator, and shall be subject to the Rules and Regulations prescribed therefore by the Tax Administrator. Such employer shall be liable for the payment of the village income tax required to be deducted and withheld, whether or not such taxes have in fact been withheld.

- (b) Each employer, agent of any employer or other payer in collecting the village income tax shall be deemed to hold the same, until payment is made by such employer, agent of any employer or other payer to the Village, as a trustee for the benefit of the Village and any such tax collected by such employer, agent of any employer or other payer from his employees shall, until the same is paid to the Village, be deemed a trust fund in the hands of such employer, agent of any employer or other payer. Each employer, agent of any employer and other payer shall be liable for the payment of village income tax required to be deducted and withheld, whether or not such taxes have in fact been withheld.
- (c) Each employer, agent of any employer or other payer who deducts and withholds village income tax of One hundred dollars (\$100.00) or more per month shall pay to the Tax Administrator before the twentieth (20<sup>th</sup>) of the following month the amount of taxes so deducted on a monthly basis beginning with the first month the employer, agent of any employer or other payer exceeds One hundred dollars (\$100.00) in village income taxes withheld.
- (d) Payments shall be reported on a form or forms prescribed by and obtainable upon request from the Tax Administrator.
- (e) No employer, agent of an employer or other payer shall be required to withhold the village income tax on qualifying wages or other taxable income paid to domestic servants employed by such employer or other payer exclusively in or about such employer or other payer's residence, even though such residence is in the Village, but such employee shall be subject to all of the requirements of this ordinance.
- (f) (1) Any person who shall employ or contract for the services of any professional entertainer, entertainment act, sports event, promotional booth, special event, band, orchestra, rock group, theatrical performance, or
- (2) Any person who, acting as a promoter, booking agent or employer, engages the services of, or arranges the appearance of any professional entertainer, entertainment act, sports event, band, orchestra, rock group, theatrical performance in the Village, and who makes any payment arising from said appearance in the Village shall be deemed to be an employer and shall, for purposes of the collection of the village income tax, be required to withhold, report and remit as required by this section to

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the Tax Administrator the village income tax at the rate provided in Section C1 of this ordinance, on the gross amount so paid to the entertainer, athlete, etc., on completion of the engagement for the services performed in the Village. The reports required by this section shall be made and filed on forms prescribed by and obtainable from the Tax Administrator.

- (g) Any person, as defined in Section B25 of this ordinance, who rents facilities to any professional entertainer, entertainment act, sport event, promotional booth, special event, band, orchestra, rock group, theatrical performance for use in performing services in the Village, and who makes any payment arising from said use of facilities shall be deemed to be an employer and shall, for purposes of the collection of the village income tax, be required to withhold, report and remit as required by this section to the Tax Administrator the village income tax at the rate provided in Section C1 of this ordinance based on the gross amount so paid to the professional entertainer, athlete, etc., on completion of the engagement for the services performed in the Village. The reports required by this section shall be made and filed on forms prescribed by and obtainable from the Tax Administrator.
- (h) For taxable years beginning after 2005, no employer or agent of an employer or other payer shall be required to withhold tax with respect to any amount other than qualifying wages. Nothing in this Section prohibits an employer from withholding tax on a basis greater than qualifying wages.
- (i) Every employer, agent of an employer or other payer required to withhold and remit the village income tax in accordance with this ordinance, shall be directly liable to the Village for the payment of such tax, whether or not actually withheld or collected.
- (j) For taxable years beginning after 2005, no employer is required to make any withholding with respect to an individual's disqualifying disposition of an incentive stock option if, at the time of the disqualifying disposition, the individual is not an employee of the corporation with respect to whose stock the option has been issued.
- (k)
  - (1) An employee is not relieved from liability for paying the village income tax by the failure of the employer to withhold the tax as required by this Section G2 of this ordinance or the employer's exemption from the requirement to withhold the tax.
  - (2) The failure of an employer to remit to the Village the tax withheld relieves the employee from liability for that tax unless the employee colluded with the employer in connection with the failure to remit the tax withheld.
- (l) In accordance with Section 718.051 of the Revised Code, the Rules and Regulations of the State Tax Commissioner, this Ordinance and the Rules and Regulations, any employer subject to this Section G2 of this ordinance may report the amount of village income tax withheld from qualifying wages and remit such amounts by using the Ohio business gateway.

**3. Declarations of Income Not Collected at Source**

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Every person who anticipates earning and/or receiving any taxable income which is not subject to Section G2 of this ordinance, or who engages in any business, profession, enterprise or activity subject to the tax imposed by Section C1 of this ordinance shall file a declaration setting forth such estimated income or the estimated profit or loss from such business activity together with the estimated tax due thereon, if any. However, if a person's income is wholly from qualifying wages from which the village income tax will be withheld and remitted to the Village in accordance with Section G2 of this ordinance, such person need not file a declaration.

#### 4. Filing of Declaration

- (a) For taxable years beginning after 2005, the declaration required by Section G3 of this ordinance shall be filed on or before April 15 of each year during the effective period set forth in Section C2 of this ordinance or on or before the fifteenth (15<sup>th</sup>) day of the fourth (4<sup>th</sup>) month following the date the taxpayer becomes subject to tax for the first time.
- (b) For taxable years beginning after 2005, for those taxpayers reporting on a fiscal year or period other than a calendar year, the declaration required by Section G3 of this ordinance shall be filed on or before the fifteenth (15<sup>th</sup>) day of the fourth (4<sup>th</sup>) month after the beginning of each fiscal year or period.
- (c) In accordance with Section 718.051 of the Revised Code, the Rules and Regulations of the State Tax Commissioner, this Ordinance, and the Rules and Regulations, any taxpayer subject to the village income tax on the net profits from a business or profession may file declarations of estimated net profits and pay estimated village tax due thereon by using the Ohio business gateway.

#### 5. Form of Declaration

- (a) The declaration required by Section G3 of this ordinance shall be filed upon forms prescribed by and obtainable from the Tax Administrator, or acceptable generic form, and credit shall be taken for Village income tax to be withheld from any portion of such income. In accordance with the provisions of Section J1 of this ordinance, credit may be taken for village income tax to be paid to or withheld and remitted to another taxing municipality.
- (b) The original declaration, or any subsequent amendment thereof, may be increased or decreased on or before any subsequent quarterly payment date as provided for herein.

#### 6. Payment to Accompany Declaration

- (a) For taxpayers who are individuals, the declaration of estimated village income tax required by Section G3 of this ordinance, shall be accompanied by a payment of at least twenty-two and one-half percent (22.5%) of such taxpayer's estimated village income tax for the taxable year, and at least twenty-two and one-half percent (22.5%) of such estimated village income tax shall be paid on or before each of the last day of the seventh, tenth and thirteenth months after the beginning of the taxable year.

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- (b) For taxpayers that are not individuals, the declaration of estimated village income tax required by Section G3 of this ordinance, shall be accompanied by a payment of at least twenty-two and one-half percent (22.5%) of such taxpayer's estimated village income tax for the taxable year, and at least twenty-two and one-half percent (22.5%) of such estimated village tax shall be paid on or before each of the fifteenth (15<sup>th</sup>) day of the sixth, ninth and twelfth months after the beginning of the taxable year.
- (c) No declaration shall be deemed filed unless accompanied by the required payment of estimated village income tax.
- (d) Declarations required to be filed by Section G3 of this ordinance, shall be deemed filed when the declaration with required payment are postmarked by the United States Postal Service or the date of receipt recorded by authorized delivery service as defined in Section 5703.056 of the Revised Code. Declarations otherwise delivered with the required payment to the Tax Administrator during normal business hours shall be deemed filed on the date received.
- (e) A declaration of estimated village income tax may be amended at any time, in accordance with the Rules and Regulations. In the event that an amended declaration has been filed, the unpaid balance shown due thereon shall be paid in equal installments on or before the remaining payment dates set forth in this Section.

**7. Annual Return**

For taxable years beginning after 2005, the annual village income tax return required to be filed after filing such declaration or amended declaration shall be filed on or before the fifteenth (15<sup>th</sup>) day of the fourth (4<sup>th</sup>) month following the end of the taxpayer's taxable year (calendar or fiscal year). Any balance of village income tax remaining due in accordance with Section G1 of this ordinance shall be remitted with the village income tax return.

**SECTION H. INTEREST AND PENALTIES**

**1. Interest on Unpaid Tax**

All village income taxes imposed and all monies withheld or required to be withheld by employers under the provisions of this ordinance and remaining unpaid after they become due shall bear interest at the rate of one and one half percent (1½%) per month or fraction thereof.

**2. Penalties on Unpaid Tax**

In addition to interest as provided in Section H1 of this ordinance, penalties are imposed on all village income tax remaining unpaid after it becomes due as follows:

- (a) For failure to pay village income taxes due other than taxes withheld: one and one half percent (1½%) of such outstanding tax per month for each month that the tax remains outstanding or fraction thereof;

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- (b) For failure to file an annual village income tax return by the due date or extended due date: a minimum of fifty dollars (\$50.00);
- (c) For failure to remit village income taxes withheld or required to be withheld from employees: Three percent (3%) of the outstanding unremitted tax per month or fraction thereof for each month that the unremitted tax remains outstanding; and
- (d) In accordance with the Rules and Regulations, the Tax Administrator may impose such other interest and penalty assessment as the Tax Administrator deems necessary for the administration and enforcement of the provisions of this ordinance.

### 3. Exceptions to Penalties

A penalty shall not be assessed on an additional tax assessment made by the Tax Administrator when a village income tax return has been filed in good faith and the tax paid thereon within the time prescribed by Section F1 of this ordinance provided that the additional tax assessment shall be paid within the time prescribed by the Tax Administrator for payment of such additional tax; and provided further, that in the absence of fraud, neither penalty nor interest shall be assessed on any additional village income tax assessment resulting from a federal audit, providing an amended village income tax return is filed and the additional village income tax is paid within three months after a final determination of the federal income tax liability.

### 4. Abatement of Interest and Penalty

Upon recommendation of the Tax Administrator, the Board of Review may abate penalty or interest, or both, or upon a written appeal by the taxpayer upon the refusal of the Tax Administrator to recommend abatement of penalty, interest, or both, the Board may nevertheless abate penalty or interest, or both, for reasonable cause shown.

The Rules and Regulations may authorize the Tax Administrator to abate penalty, interest, or both, for reasonable cause shown in certain circumstances.

### 5. Violations

No person shall:

- (a) Fail, neglect, or refuse to make any return or declaration required by this ordinance; or
- (b) Knowingly make any incomplete, false, or fraudulent return; or
- (c) Willfully fail, neglect, or refuse to pay the tax, penalties or interest imposed by this ordinance; or
- (d) Fail, neglect, or refuse to withhold village income tax from his employees; or

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- (e) Refuse to permit the Tax Administrator or any duly authorized agent or employee to examine his books, records, papers, and federal income tax returns relating to the income or net profits of a taxpayer; or
- (f) Fail to appear before the Tax Administrator and to produce his books, records, papers or Federal income tax returns relating to the income or net profits of a taxpayer upon order or subpoena of the Tax Administrator; or
- (g) Refuse to disclose to the Tax Administrator any information with respect to such person's income or net profits or, in the case of a person responsible for maintaining information relating to his employers' income or net profits, such person's employer's income or net profits; or
- (h) Fail to comply with the provisions of this ordinance or any order or subpoena of the Tax Administrator authorized hereby; or
- (i) To avoid imposition or collection of village income tax, willfully give to an employer or prospective employer false information as to his true name, correct social security number and residence address, or willfully fail to promptly notify an employer or a prospective employer of any change in residence address and date thereof; or
- (j) Fail, as an employer, agent of an employer, or other payer, to maintain proper records of employees' residence addresses, total wages paid and village tax withheld, or to knowingly give the Tax Administrator false information; or
- (k) Fail to remit or cause to be remitted the village income tax withheld from all qualifying wages of employees to the Village as required by Section G2 of this ordinance; or
- (l) Willfully fail, neglect, or refuse to make any payment of estimated village income tax for any taxable year or part of any taxable year in accordance with Section G6 of this ordinance; or
- (m) 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.

For purposes of this Section H5 of this ordinance, any violation that does not specify a culpable mental state or intent, shall be one of strict liability and no culpable mental state or intent shall be required for a person to be guilty of that violation.

For purposes of this Section H5 of this ordinance, the term "person" shall, in addition to the meaning prescribed in Section B25 of this ordinance, include in the case of a corporation, association, pass-through entity or unincorporated business entity not having any resident owner or officer within the village, any employee or agent of such corporation, association, pass-through entity or unincorporated business entity who has control or supervision over or is charged with the responsibility of filing the village income tax returns and making the payments of the village income tax as required by Sections F1, G2, and Section G6 of this ordinance.

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**6. Limitation of Prosecution**

Prosecutions for an offense made punishable under this ordinance shall be commenced within three (3) years after the commission of the offense, except that in the case of fraud, failure to file a return, or the omission of twenty-five (25%) or more of the taxable income required to be reported, prosecutions shall be commenced within six (6) years after the commission of the offense.

**7. Failure to Procure Tax Forms**

The failure of any employer, other payer, taxpayer or person to receive or procure a village income tax return, declaration or other required form shall not excuse such employer, other payer, taxpayer or person from making any information return, or village income tax return or declaration, from filing such return, or from paying the village income tax due.

**SECTION I. UNPAID TAXES AND REFUNDS****1. Unpaid Taxes Recoverable as Other Debts**

All taxes imposed by this ordinance shall be collectible, together with any interest and penalties thereon, as other debts of like amount are recoverable, including, but not limited to, collection by suit. Any suit shall be brought within three (3) years after the village income tax was due or the return was filed, whichever is later. Except in the case of fraud, of omission of twenty-five (25%) or more of taxable income required to be reported, or of failure to file a return, no additional assessment shall be made after three (3) years from the time the village income tax was due or the village income tax return was filed, whichever is later.

**2. Refund of Taxes Erroneously Paid**

- (a) Taxes erroneously paid shall not be refunded unless a claim for refund is made within three (3) years from the date on which such payment was made or the return was due, or within three (3) months after the final determination of the federal tax liability, whichever is later.
- (b) No interest shall be paid by the Village on any refunded overpayment of village income tax if the overpayment is refunded within ninety (90) days after the due date for filing the village income tax return or ninety (90) days after the complete return is filed, whichever is later. For purposes of computing the payment of interest on overpayments, no amount of village income tax for any taxable year shall be treated as having been paid before the date on which the village income tax return for that taxable year was due, without regard to any extension of time for filing that return. Interest on any overpayment of village income tax shall be paid at the rate of interest prescribed by Sections 718.12 and 5703.47 of the Revised Code.

**3. Limitation on Collection and Refunds**

Amounts of less than One dollar (\$1.00) shall not be collected or refunded.

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**SECTION J. TAXPAYER RELIEF AND RECIPROCITY****1. Village Resident Subject to Income Tax in Other Municipality and/or County Tax of a County located in the State of Indiana**

It is the intent of this section that a taxpayer who is a resident of the Village, but who is subject to tax in another municipality and/or county tax of a county located in the State of Indiana on the same income, and who has complied with the provisions hereof, shall be entitled to a credit for said tax paid the other municipality and/or county tax paid in the county in the State of Indiana but limited to a tax rate of one-half percent (½%). Accordingly, notwithstanding any other provisions of this ordinance:

- (a) When a resident of the Village is subject to and has paid, or has acknowledged liability for, a municipal income tax in another municipality and/or county tax of a county located in the State of Indiana on the same income taxable under this Ordinance, and such other municipality and/or county in the State of Indiana does not allow a credit to its non-residents, for taxes paid or due the Village of Antwerp, such Village resident may claim as a credit, the amount of such tax paid to such other municipality and/or county in the State of Indiana. The credit is limited to one-half percent (½%) of the income subject to tax in such other municipality and/or county located in the State of Indiana. The credit allowed by this section shall not be allowed unless the same is claimed in a timely return on forms acceptable to and filed with the Tax Administrator. In the event a taxpayer fails, neglects or refuses to file such timely return or form, including authorized extensions, said taxpayer shall not be entitled to such credit and shall be liable for the full amount of tax assessed by this Ordinance, together with such interest and penalties, both civil and criminal, as are prescribed by this Ordinance.
- (b) In the event a resident is entitled to credit for taxes paid another municipality and/or county tax of a county located in the State of Indiana, such resident is required to file a return on a form in such manner as the Tax Administrator may prescribe.
- (c) Assignment of any claim for refund to which a resident may be entitled from another municipality and/or county tax of a county located in the State of Indiana shall be tentatively accepted as payment of that portion of village income tax represented by such assignment. However, if satisfactory evidence is offered that the taxpayer is entitled to the claim covered by the assignment, such taxpayer shall not be deprived of credit therefor because of fault or neglect on the part of either municipality and/or county located in the State of Indiana.
- (d) In the event such resident fails, neglects or refuses to file such return or form as is prescribed by the Tax Administrator, such resident shall not be entitled to such credit and shall be considered in violation of this ordinance for failure to file a return and make payment of taxes due hereunder.
- (e) A resident owner of a pass-through entity that does not conduct business in the Village and that has paid an income tax to another municipality and/or county tax of a county located in the State of Indiana may claim a credit equal to the lesser of (i) the resident owner's

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proportionate share of the amount, if any, of income tax paid by the pass-through entity to another municipality in the State of Ohio and/or county tax of a county located in the State of Indiana; or (ii) the resident owner's proportionate share of the amount of village income tax that would be imposed on the pass-through entity if the pass-through entity conducted business in the Village.

- (f) In no case shall the amount of the credit allowed under division (e) of this Section exceed the tax assessed by this ordinance or the resident owner's taxable income subject to tax by another municipality and/or county tax of a county located in the State of Indiana.
- (g) The credits provided in Section 718.021 and 718.121 shall be available to residents, if applicable.
- (h) Except as otherwise provided in Sections 718.021; 718.121 and 718.14 of the Revised Code, this ordinance and the Rules and Regulations, where a nonresident is subject to the tax imposed by this ordinance and is subject to tax on the same taxable income in the municipality where such nonresident resides, no credit against the village income tax levied by this ordinance shall be allowed.

**2. Claim for Credit**

Any claim for credit for taxes paid by a resident to another municipality and/or county tax of a county located in the State of Indiana on the same income taxable under this ordinance or claim for or assignment of any refund due to the credit provided for in Section J1 of this ordinance, must be filed with the Tax Administrator on a form acceptable to the Tax Administrator within three (3) years from the due date of the village income tax return. If the resident, fails, neglects, or refuses to file such claim for refund or credit within the time prescribed by this section, such failure, neglect, or refusal shall render such credit, claim for refund, or assignment null and void and the resident shall be liable for the full amount of tax assessed by this ordinance, together with interest and penalties.

**SECTION K. FUND DEPOSIT AND DISBURSEMENT**

**1. Deposit of Funds**

All monies collected by the Tax Administrator under the provisions of this ordinance shall be kept in the General Fund of the Village of Antwerp, Ohio..

**2. Disbursement of Funds Collected**

The funds collected under the provisions of this ordinance shall be disbursed in the following manner: Twenty five (25%) percent of the total income tax collected shall be transferred out of the

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General Fund to emergency services, which include police, fire and emergency medical services. Seventy five (75%) percent of the total income tax collected shall be transferred out of the General Fund for maintenance of equipment, new equipment, extension, enlargement and improvement of municipal services and facilities, and capital improvements of the municipality and the debt reduction (loans, notes, and/or bonds) for the Village of Antwerp.

**SECTION L. DUTIES AND AUTHORITY OF ADMINISTRATOR**

**1. Receipt and Records of Tax**

The Tax Administrator shall collect and receive the tax imposed by this ordinance in the manner prescribed herein from the taxpayers, keep an accurate record thereof, and report all monies so received.

**2. Enforcement of Collection**

The Tax Administrator shall enforce payment of all income taxes owing to the Village, keep accurate records for a minimum of five years (5) years, showing the amount due from each taxpayer required to file a declaration of estimated municipal income tax and make any return, or both, including returns of taxes withheld and show the dates and amounts of payments thereof.

**3. Authority to Make and Enforce Regulations**

- (a) The Tax Administrator is hereby charged with the enforcement of the provisions of this ordinance and is hereby empowered, subject to the approval of the Board of Review, to adopt and promulgate and to enforce and interpret rules and regulations relating to any matter or thing pertaining to the collection of taxes and the administration and enforcement of the provisions of this ordinance, including provisions for the re-examination and correction of returns.
- (b) Upon the request of a taxpayer or employer subject to this ordinance, the Tax Administrator is empowered to issue Administrative Rulings interpreting this ordinance and the Rules and Regulations. Those Administrative Rulings shall be binding and effective upon issuance as to the taxpayer or employer requesting the Ruling. Administrative Rulings may be appealed to the Board of Review.

**4. Authority to Arrange Installment Payments**

- (a) The Tax Administrator is authorized to arrange for the payment of unpaid taxes, interest and penalties on a schedule of installment payments, not to exceed twelve (12) months, when the taxpayer has proved to the Tax Administrator that, due to certain hardship conditions, he is unable to pay the full amount of the tax due. Such authorization shall not be granted until proper returns are filed by the taxpayer for all amounts owed by him under this ordinance.

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(b) Failure to make any deferred payment when due, shall cause the total unpaid amount, including penalty and interest, to become payable on demand, and the provisions of Sections I1 and C1 of this ordinance shall apply.

**5. Authority to Determine Amount of Tax Due**

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

**6. Investigations**

The Tax Administrator, or any authorized agent, representative or employee, is authorized to examine the books, papers, records and federal income tax returns of any employer or of any taxpayer or any person subject to, or whom 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 made, to ascertain the tax or withholding due under this ordinance. Every such employer, supposed employer, taxpayer or supposed taxpayer is directed and required to furnish within fifteen (15) days upon written request by the Administrator, or his duly authorized agent, representative, or employee, the means, facilities and opportunities for making such examinations and investigations as are hereby authorized.

**7. Authority to Compel Production of Records**

The Tax Administrator is hereby authorized to order any person presumed to have knowledge of the facts to appear before him and may examine such person, under oath, concerning any income which was or should have been reported or withheld for village income tax purposes or any transaction tending to affect such income, and for this purpose may compel the production of books, papers, records and federal income tax returns and the attendance of all persons before him, whether as parties or witnesses, whenever he believes such persons have knowledge of such income or information pertinent to such inquiry.

**8. Refusal to Produce Records**

The refusal to produce books, papers, records and federal income tax returns, or the refusal to submit to such examination by any employer or persons subject or presumed to be subject to the village income tax or by any officer, agent or employee of a person subject to the village income tax or required to withhold such tax or the failure of any person to comply with the provisions of this ordinance, including this section, or with an order or subpoena of the Tax Administrator is a violation of this ordinance punishable in accordance with Section O of this ordinance.

**9. Confidential Nature of Information; Disclosure of Returns and Return Information**

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- (a) Any information gained as a result of returns, investigations, hearings or verifications required or authorized by this ordinance or Chapter 718. of the Revised Code shall be confidential and no person shall 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.
- (b) The Tax Administrator may furnish copies of returns filed under this ordinance to the Internal Revenue Service and to the State Tax Commissioner.

**10. Taxpayer Required to Retain Records**

Every taxpayer shall retain all records necessary to compute his village income tax liability for a period of five (5) years from the date his village income tax return is filed or the village income taxes required to be withheld are paid.

**11. Withholding Taxes from Federal Employees**

The Tax Administrator is authorized to enter into an agreement on behalf of the Village with the United States Secretary of the Treasury for the purpose of withholding village income or employment taxes from the compensation of federal employees whose regular place of federal employment is within the territorial jurisdiction of the Village.

**SECTION M. BOARD OF REVIEW**

**1. Board of Review Established**

A Board of Review, consisting of three (3) persons, that must be appointed by the Village Council and approved by the Mayor within one hundred eight (180) after passage of this ordinance, is hereby created and shall be maintained to hear appeals by taxpayers of decisions and Administrative Rulings issued by the Tax Administrator regarding a municipal income tax obligation that is subject to appeal as provided in Section 718.11 of the Revised Code, this ordinance or the Rules and Regulations. The Board shall select, each year for a one (1) year term, one of its members to serve as Chairman and one to serve as Secretary. A majority of the members of the Board shall constitute a quorum. The Board shall adopt its own procedural rules and shall keep a record of its transactions. Any hearing by the Board may be conducted privately and the provisions of Section L9 of this ordinance with reference to the confidential character of information required to be disclosed by this ordinance shall apply to such matters as may be heard before the Board on appeal.

**2. Board to Approve Regulations and Hear Appeals**

All Rules and Regulations and amendments or changes thereto, which are adopted by the Tax Administrator under the authority conferred by this ordinance, must be approved by the Board of Review before the same become effective. The Board shall hear and pass on appeals from any Administrative Ruling or decision issued by the Tax Administrator.

**3. Right of Appeal**

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In accordance with Section 718.11 of the Revised Code and Rules and Regulations, any person dissatisfied with any Administrative Ruling or decision of the Tax Administrator that is made under the authority conferred by this ordinance may appeal the decision to the Board of Review within thirty (30) days from the announcement of such Administrative Ruling or decision by the Tax Administrator. The Board shall, on hearing, have jurisdiction to affirm, reverse or modify any such ruling or decision, or any part thereof. Such appeal shall be deemed filed when postmarked by the United States Postal Service or the date of receipt recorded by authorized delivery service as defined in Sections 5703.056 of the Revised Code. Appeals otherwise delivered to the Tax Administrator during normal business hours shall be deemed filed on the date received.

In accordance with the procedures set forth in Section 5717.011 of the Revised Code, for matters relating to taxable years beginning after 2005, the taxpayer or Tax Administrator may appeal decisions of the Board of Review to the State Board of Tax Appeals or a court of common pleas as otherwise provided by law.

#### **SECTION N: INTENT AND TAX CONTINUATION**

##### **1. Declaration of Legislative Intent**

If any sentence, clause, section or part of this ordinance, or any tax imposed against, or exemption from tax granted to, any taxpayer or forms of income specified herein is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall affect only such clause, sentence, section or part of this ordinance so found 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, clause, section or part thereof not been included in this ordinance. If any provision of this ordinance conflicts with Chapter 718. of the Ohio Revised Code, then the provisions of Chapter 718. of the Ohio Revised Code shall govern the village income tax imposed herein as to those conflicting provisions. It is the intent of the Council that Chapter 718. of the Ohio Revised Code should supplement the provisions of this ordinance.

##### **2. Collection of Tax after Termination of Ordinance**

- (a) This Ordinance shall continue effective insofar as the levy of taxes is concerned until repealed, and insofar as the collection of taxes levied hereunder and actions and proceedings for collection any tax so levied or enforcing any provisions of this ordinance are concerned, it shall continue effective until all of the taxes levied in the aforesaid period are fully paid and any and all suits and prosecutions for the collection of taxes or for the punishment of violations of this ordinance have been fully terminated, subject to the limitations contained in Sections I and H5; H6; H7 of this ordinance.
- (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 F1 and G2 of this ordinance, as though the same were continuing.

#### **SECTION O. PENALTY**

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**1. Penalty**

- (a) Whoever violates any of the provisions of Sections H5 or L8 of this ordinance shall be guilty of a misdemeanor of the first degree for each violation. Each violation constitutes a separate offense.
- (b) Whoever violates Section L9 of this ordinance shall be guilty of a misdemeanor of the first degree for each such disclosure. Each disclosure shall constitute a separate offense. In addition to the above penalty, any employee of the Village who violates Section L9 of this ordinance shall be guilty of an offense punishable by immediate dismissal.

**SECTION P. EMERGENCY MEASURE**

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 in that it is necessary for the provisions of funds for emergency services, maintenance of equipment, new equipment, extension, enlargement and improvement of municipal services and facilities, and capital improvements of the municipality and the debt reduction for the Village to impose a municipal income tax, 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.

DATED: 09/11/04

Margaret Womack  
Margaret Womack, Mayor

ATTEST:

Shula Necton  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2006-27

**AN ORDINANCE DESIGNATING CITY OF CLEVELAND CENTRAL  
COLLECTION AGENCY AS THE TAX ADMINISTRATOR FOR THE  
VILLAGE OF ANTWERP; AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council for the Village of Antwerp has passed an Ordinance imposing a municipal income tax and desires to designate the City of Cleveland Central Collection Agency as the Administrator and/or Tax Administrator as provided in Ordinance No. 2006-26; and

**WHEREAS**, the Council authorizes the Mayor to enter into any and all necessary agreements with the City of Cleveland Central Collection Agency for the purpose of administering the income tax laws of the municipality and providing central collection services for the municipality.

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

Section 1. The City of Cleveland Central Collection Agency as the Tax Administrator of the Village of Antwerp shall administer the municipal income tax laws of the Village of Antwerp as provided in Chapter 718. of the Ohio Revised Code and as specified in Ordinance No. 2006-26 of the Village of Antwerp.

Section 2. The City of Cleveland Collection Agency as the Tax Administrator of the Village of Antwerp shall provide central collection services for the collection of the municipal income tax imposed by the Council of the Village of Antwerp as provided in Chapter 718. of the Ohio Revised Code and as specified in Ordinance No. 2006-26 of the Village of Antwerp.

Section 3. The Mayor is authorized to enter into any and all necessary agreements with the City of Cleveland Central Collection Agency to act as the Tax Administrator of the Village of Antwerp, and to administer the municipal income tax laws and provide central collection services for the collection of the municipal income tax on behalf of the Village of Antwerp.

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 regulations including all lawful Ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

Section 5. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village in that it is necessary to retain the services of the City of Cleveland Central Collection Agency to administer the municipal income tax laws and provide collection services for the collection of the municipal income tax imposed by the Council of the Village of Antwerp for the provision of funds for emergency services, maintenance of equipment, new equipment, extension, enlargement and improvement of municipal services and facilities, and capital improvements of the municipality

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Cayton Legal Blank, Inc.

Form No. 30043

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and debt reduction for the Village, 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.

DATED: 09/11/06

Margaret Womack  
Margaret Womack, Mayor

ATTEST:

Anita Hein  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2006-28**

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$82,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY A PORTION OF THE COST OF CONSTRUCTING, FURNISHING AND EQUIPPING AN EMERGENCY MEDICAL SERVICE BUILDING AND IMPROVING ITS SITE, AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Ordinance No. 2000-23, passed on October 19, 2000, there were issued \$110,000 Emergency Medical Service Building Construction Notes, Series 2000 (the Series 2000 Notes), in anticipation of bonds for the purpose stated in Section 1; and

WHEREAS, pursuant to Ordinance No. 2001-06, passed on February 15, 2001, there were issued \$28,000 Emergency Medical Service Building Construction Notes, Series 2001 (the Series 2001 Notes), in anticipation of bonds for the purpose stated in Section 1; and

WHEREAS, the Series 2000 Notes and the Series 2001 Notes were retired at maturity, together with other funds available to the Village, with the proceeds of \$137,000 Emergency Medical Service Building Construction Notes, Series 2001, issued in anticipation of bonds pursuant to Ordinance No. 2001-21, passed on October 8, 2001, which notes were retired at maturity, together with other funds available to the Village, with the proceeds of \$127,000 Emergency Medical Service Building Construction Notes, Series 2002, issued in anticipation of bonds pursuant to Ordinance No. 2002-12, passed on October 14, 2002, which notes were retired at maturity, together with other funds available to the Village, with the proceeds of \$116,000 Emergency Medical Service Building Construction Notes, Series 2003, issued in anticipation of bonds pursuant to Ordinance No. 2003-12, passed on October 14, 2003, which notes were retired at maturity, together with other funds available to the Village, with the proceeds of the \$105,000 Emergency Medical Service Building Construction Notes, Series 2004, issued in anticipation of bonds pursuant to Ordinance No. 2004-16, passed October 12, 2004, which notes were retired at maturity, together with other funds available to the Village, with the proceeds of the \$93,000 Emergency Medical Service Building Construction Notes, Series 2005 (the Outstanding Notes), issued in anticipation of bonds pursuant to Ordinance No. 2005-13, passed October 11, 2005, which Outstanding Notes mature on October 20, 2006; and

WHEREAS, this Council finds and determines that the Village should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the Village; and

WHEREAS, the Fiscal Officer, as fiscal officer of this Village, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 18 years, and the maximum maturity of \$54,000 of the Notes described in Section 3, to be issued in anticipation of the related Bonds, is October 26, 2020, and of \$28,000 of the Notes described in Section 3, to be issued in anticipation of the related Bonds, is March 9, 2001;

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

Section 1. It is necessary to issue bonds of this Village in the aggregate principal amount of \$82,000 (the Bonds) to pay a portion of the cost of constructing, furnishing and equipping an emergency medical service building and improving its site.

Section 2. The Bonds shall be dated approximately October 1, 2007, shall bear interest at the now estimated rate of 5.5% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 18 annual principal installments on December 1 of each year that are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2008.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$82,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds and to retire, together with other funds available to the Village, the Outstanding Notes. The Notes shall be dated the date of issuance and shall mature on October 19, 2007. The Notes shall bear interest at the rate of 4.40% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity or at any date of earlier prepayment as provided for in Section 4 and until the principal amount is paid or payment is provided for.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America and shall be payable, without deduction for services of the Village's paying agent, at the office of the Fiscal Officer of the Village, Antwerp, Ohio (the Paying Agent). The Notes shall be prepayable without penalty or premium at the option of the Village at any time prior to maturity (the Prepayment Date) as provided in this Ordinance. Prepayment prior to maturity shall be made by deposit with the Paying Agent of the principal amount of the Notes together with interest accrued thereon to the Prepayment Date. The Village's right of prepayment shall be exercised by mailing a notice of prepayment, stating the Prepayment Date and the name and address of the Paying Agent, by certified or registered mail to the Original Purchaser and to the Paying Agent not less than seven days prior to the Prepayment Date. If money for prepayment is on deposit with the Paying Agent on the Prepayment Date following the giving of that notice, interest on the principal amount prepaid shall cease to accrue on the Prepayment Date. The Fiscal Officer may request the Original Purchaser (as defined in Section 6) to use its best efforts to arrange for the delivery of the Notes at the designated office of the Paying Agent for prepayment, surrender and cancellation.

Section 5. The Notes shall be signed by the Mayor and the Fiscal Officer, in the name of the Village and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the Fiscal Officer. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Fiscal Officer will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Fiscal Officer that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall

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not have coupons attached, shall be numbered as determined by the Fiscal Officer and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

Section 6. The Notes are hereby sold at par plus accrued interest to The Antwerp Exchange Bank Company, Antwerp, Ohio (the Original Purchaser), in accordance with law and the provisions of this Ordinance. The Fiscal Officer shall cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Fiscal Officer, the Administrator, the Solicitor and other Village officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Fiscal Officer is authorized, if it is determined to be in the best interest of the Village, to combine the issue of Notes with one or more other note issues of the Village into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the Village, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

Section 10. The Village covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The Village further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for

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federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Village hereby represents that the Outstanding Notes are treated as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code. The Village hereby covenants that it will redeem the Outstanding Notes from proceeds of, and within 90 days after issuance of, the Notes, and represents that all other conditions are met for treating the Notes as "qualified tax-exempt obligations" and as not to be taken into account under subparagraph (D) of Section 265(b)(3) of the Code, without necessity for further designation, by reason of subparagraph (D)(ii) of Section 265(b)(3) of the Code. Further, the Village represents and covenants that, during any time or in any manner as might affect the status of the Notes as "qualified tax-exempt obligations", it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The Village further represents that the Notes are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

The Fiscal Officer, as the fiscal officer, or any other officer of the Village having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the Village with respect to the Notes as the Village is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the Village, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the Village, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the Village regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Each covenant made in this section with respect to the Notes is also made with respect to all issues any portion of the debt charges on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax

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purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes.

Section 11. The Fiscal Officer is directed to deliver a certified copy of this Ordinance to the Paulding County Auditor.

Section 12. This Council determines that all acts and conditions necessary to be done or performed by the Village or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the Village have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the Village are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 13. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 14. This Ordinance is 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 this Ordinance must be immediately effective so that the Notes can be delivered at the earliest possible date to make their proceeds available to enable the Village to retire the Outstanding Notes and thereby preserve its good credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed: October 16, 2006

Ronald Farnsworth  
President of Council

Shirley Helton  
Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**RESOLUTION NO. 2006- 06**  
**A RESOLUTION IN COMPLIANCE WITH OHIO REVISED CODE §709.03 (D)**  
**RELATING TO ANNEXATION OF TERRITORY BY PETITION OF THE OWNER, OLEN**  
**McMICHAEL, AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Village of Antwerp, Ohio, received notice that a Petition for Annexation of certain territory in Carryall Township, Paulding County, Ohio, was filed in the office of the Paulding County Commissioners by Olen McMichael, said notice issued by and through petitioner's agent, Stanley J. Yoder; and

**WHEREAS**, in compliance with Ohio Revised Code §709.03 (D), the Council for the Village of Antwerp, Ohio ("Village Council"), by this Resolution, adopts a statement indicating the services the Village will provide, and an approximate date by which those services will be provided, to the territory proposed for annexation, upon annexation.

**NOW, THEREFORE, BY IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO, THAT:**

**Section 1.** The Village Council declares that it will provide the annexed territory with all customary governmental services in the same manner and upon the same terms and conditions as are applicable to the provision of those services to all other lands within the municipal corporation limits, and that general governmental services will be provided immediately upon annexation. In addition, the Village will make available municipal water, sewer and storm services to the territory proposed for annexation. These services will be made available within six (6) months of the completed annexation.

**Section 2.** A true copy of this Resolution shall be certified by the Fiscal Officer of the Village and forwarded to the Board of County Commissioners of Paulding County, Ohio and to the petitioner.

**Section 3.** It is found and determined that all formal actions of the Council concerning or relating to the passage of this Resolution 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 4.** This Resolution is deemed an emergency measure necessary for the preservation of the public health, safety and welfare, and for the further reason that Ohio Revised Code §709.033 requires that the Resolution be filed with the Board of County Commissioners to consider following the hearing on the petition to annex, and said hearing is scheduled for October 23, 2006. This Resolution shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be enforced after the earliest period allowed by law.

Passed this 16<sup>th</sup> day of October, 2006.

Margaret Womack  
 Margaret Womack, Mayor

Attest: [Signature]  
 Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**RESOLUTION NO. 2006-07**

**A RESOLUTION AMENDING RESOLUTION NO. 2006-05 AUTHORIZING THE MAYOR OF THE VILLAGE OF ANTWERP, OHIO TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING THE SAME AN EMERGENCY.**

**WHEREAS**, the Village of Antwerp adopted a resolution authorizing the Mayor of the Village of Antwerp, Ohio to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program and to execute contracts as required, and declaring the same an emergency, said resolution passed by the Council of the Village of Antwerp, Ohio at a regular council meeting on September 11, 2006; and

**WHEREAS**, the Council identified in the recitals of Resolution No. 2006-05 that the Village of Antwerp is planning to make capital improvements to the E. Daggett Street Waterline Replacement; and

**WHEREAS**, the Council, due to a typographical error, incorrectly identified the project, which project is the West Daggett (instead of E. Daggett) Street Waterline Replacement project.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Village of Antwerp, State of Ohio:

Section 1. Resolution No. 2006-05 of the Village of Antwerp, Ohio, captioned as "A Resolution Authorizing the Mayor of the Village of Antwerp, Ohio to Prepare and Submit an Application to Participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program and to Execute Contracts as Required, and Declaring the Same an Emergency" is amended to read as follows:

**WHEREAS**, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

**WHEREAS**, the Village of Antwerp is planning to make capital improvements to the West Daggett Street Waterline Replacement project, and

**WHEREAS**, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the Ohio Public Works Commission ("OPWC") programs.

**NOW THEREFORE, BE IT RESOLVED** by the Council of the Village of Antwerp, State of Ohio:

**Section 1:** That the Mayor of the Village of Antwerp is hereby authorized to apply

# RECORD OF ORDINANCES

0089

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

to the OPWC for funds as described above.

**Section 2:** The Mayor of the Village of Antwerp is further authorized to enter into any agreements as may be necessary and appropriate for obtaining the financial assistance.

**Section 3:** It is found and determined that all formal actions of the council concerning and relating to the passage of this Resolution 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 regulations including all lawful Ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

**Section 4:** This Resolution 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 waterline repairs and capital improvements for the well being of the residents and this Resolution shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in full force after the earliest period allowed by law.

Section 2. It is found and determined that all formal actions of the Council concerning and relating to the passage of this Resolution 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 Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution 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 waterline repairs and capital improvements for the well being of the residents and this Resolution shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in full force after the earliest period allowed by law.

DATED: 10-16-06

Margaret Womack

Margaret Womack, Mayor

ATTEST:

[Signature]

Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2006-29****AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS TO THE POLICE FUND IN THE AMOUNT OF \$25000.00 AND DECLARE THE SAME TO BE 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, 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 transfer does not require a 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 even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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-Five Thousand Dollars (\$25,000.00) from the General Fund to the Police Fund.

Section 2. This ordinance is necessary to provide for the operating funds for 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: 11/20/06

*Margaret Nomack*  
 \_\_\_\_\_  
 Mayor of the Village of Antwerp

Attest:

*Shirley Bell*  
 \_\_\_\_\_  
 Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2006- 30**

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO AMEND APPROPRIATIONS FOR 2006 AND DECLARING THE SAME AN EMERGENCY**

WHEREAS, the Village Fiscal Officer has determined that it is necessary to amend the appropriations as set forth below.

WHEREAS, the Village Council must approve the amendment of the appropriations pursuant to Ohio Revised Code § 5705.40.

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

Section 1. The Village Council hereby authorizes the Village Fiscal Officer to amend the following appropriations:

<u>Fund</u>	<u>Description</u>	<u>New Appropriation Amount</u>
EMS	Grant - Equipment	\$ <u>2500.00</u>

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and well being of the residents in that it is necessary for the Village of Antwerp to maintain the emergency medical service equipment and operations.

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.

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

ENACTED THIS 20<sup>th</sup> day of November, 2006.

*Margaret Womack*  
MAYOR, VILLAGE OF ANTWERP

Attest:

*Shirley Nelson*  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

PID No. 24334

**Ordinance# 2006-31  
Consent Legislation for ODOT Project "PAU-24-0.06"  
Declaring the Same an Emergency**

The following is an Ordinance enacted by the Village of Antwerp, Paulding County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

**SECTION I - Project Description**

WHEREAS, the LPA has identified the need for the described project:

Construct US Route 24 as a new four lane highway on new alignment, from the Indiana state line to US Route 127. Relocated US24 will be located just south of the Village of Antwerp. An interchange will be constructed at SR49 (Erie Street) and an overhead will be constructed at Township Road 43 (Harrmann Street). Both routes will go over relocated US24. Improvements to both routes will end just inside the south corporation limit of the Village of Antwerp.

WHEREAS, said portion of described project is within the village corporation limits.

NOW THEREFORE, be it ordained by the Village of Antwerp of Paulding County, Ohio.

**SECTION II - Consent Statement**

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

**SECTION III - Cooperation Statement**

The LPA shall cooperate with the Director of Transportation in the above described project as follows.

The Ohio Department of Transportation (ODOT) and the Federal Highway Administration (FHWA) shall assume and bear 100% of the necessary costs of the State's highway improvement project. In the event that the LPA requests certain features or appurtenances be included within the State highway improvement project's design and/or construction, and which features and appurtenances are determined by the State and FHWA to be not necessary for the State's project, the LPA shall contribute 100% of the cost of those items.

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

PID No. 24334

**SECTION IV - Utilities and Right-of-Way Statement**

The LPA agrees that all right-of-way required (if applicable) for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodations, relocations and reimbursements will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**SECTION V - Maintenance**

Upon completion of the project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

**SECTION VI - Authority to Sign**

The Mayor of said Village of Antwerp is hereby empowered on behalf of the Village of Antwerp to enter into agreements with the Director of Transportation necessary to complete the above described project.

Passed: November 20, 2006.  
(Date)

Attested: [Signature]  
(Fiscal Officer)

[Signature]  
(Mayor)

Attested: [Signature]  
(Title) Village Administrator

[Signature]  
(President of Council)

This Ordinance is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

PID No. 24334

CERTIFICATE OF COPY  
STATE OF OHIO

Village of Antwerp of Paulding County, Ohio

I, Sheila Hilton, as Fiscal Officer of the Village of Antwerp, of Paulding County, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance adopted by the legislative Authority of the said Village of Antwerp on the 20<sup>th</sup> day of November 20, 2006, that the publication of such Ordinance has been made and certified of record according to law: that no proceedings looking to a referendum upon such Ordinance have been taken; and that such Ordinance certified of publication thereof are of record in 2006 - 31, Page \_\_\_\_\_.  
(Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 20<sup>th</sup> day of November, 2006.

Sheila Hilton  
Fiscal Officer

(SEAL)  
(If Applicable)

Village of Antwerp of Paulding County, Ohio.

The foregoing is accepted as a basis for proceeding with the project herein described.

For the Village of Antwerp of Paulding County, Ohio

Attest: Paul Keenan  
Village Administrator

Margaret Monack, Date 11/20/06  
Contractual Officer (Mayor)

\*\*\*\*\*

For the State of Ohio

Attest: Jane A. Fields

Gordon Proctor, Date 11/27/06  
Director, Ohio Department of Transportation

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2006-32

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS TO THE POLICE, FIRE, EMS AND CEMETERY FUNDS IN THE AMOUNT OF \$228.88 AND DECLARE THE SAME TO BE AN EMERGENCY**

WHEREAS, the Village Fiscal Officer has determined that it is necessary to transfer certain funds from the General Fund to the Police, Fire, EMS and Cemetery Funds, 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 transfer does not require a 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, Fire, EMS and Cemetery Funds even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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 Two Hundred Twenty-Eight Dollars and Eighty-eight cents (\$228.88) from the General Fund to the Police, Fire, EMS and Cemetery Funds.

Section 2. This ordinance is necessary to provide for the operating funds for the Police, Fire, EMS and Cemetery departments 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, Fire, EMS and Cemetery departments 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: 11/20/04

Margaret Womack  
Mayor of the Village of Antwerp

Attest:

[Signature]  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

RESOLUTION NO. R2006-08

A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO FILE AN APPLICATION WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES, NATURE WORKS PROGRAM, AND DECLARING THE SAME AN EMERGENCY.

WHEREAS, the State of Ohio through the Ohio Department of Natural Resources administers financial assistance for public recreation purposes through the federal Land and Water Conservation Fund Program and/or the State of Ohio Nature Works Program, and

WHEREAS, the Village of Antwerp, Ohio desires to obtain financial assistance from the Ohio Department of Natural Resources, Nature Works Program, for the purpose of using those funds for improvements to Riverside Park.

NOW, THEREFORE, be it resolved by the Council of the Village of Antwerp, Paulding County, Ohio, that:

Section 1. That the Council of the Village of Antwerp approves the filing of an application for financial assistance from the Ohio Department of Natural Resources, Nature Works Program.

Section 2. That the Village Administrator is hereby authorized and directed to execute and file an application with the Ohio Department of Natural Resources, Nature Works Program and to provide all information and documentation required to have the Village of Antwerp, Ohio become eligible for possible funding and assistance.

Section 3. That the Village of Antwerp agrees to appropriately obligate the funds required to satisfactorily complete the proposed project and maintain eligibility for reimbursement under the terms of the Nature Works Program.

Section 4. It is found and determined that all formal actions of the Council concerning or relating to the passage of this Resolution 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 Section 121.22 of the Ohio Revised Code.

Section 5. This Resolution is deemed an emergency measure necessary for the preservation of the public health, safety and welfare, and for the further reason that the deadline for applying for this grant of financial assistance is February 1, 2007. This Resolution shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be enforced after the earliest period allowed by law.

Passed this 11 day of December, 2006.

Margaret Womack  
Margaret Womack, Mayor

Attest:

Shelia Hilton  
Shelia Hilton, Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2006-33

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE OF ANTWERP, OHIO, SPECIFICALLY, AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF REAL ESTATE LOCATED AT 307 HARRMANN ROAD, ANTWERP, OHIO FROM B-1, BUSINESS DISTRICT, TO R-2, MULTIPLE FAMILY DISTRICT**

WHEREAS, the Planning and Zoning Commission of the Village of Antwerp recommended by the adoption of a motion to amend the Official Zoning Map in compliance with Section 703 of the Zoning Ordinance of the Village of Antwerp, Ohio;

WHEREAS, the Planning and Zoning Commission of the Village of Antwerp transmitted its recommendation on said proposed amendment within sixty (60) days from making a motion to amend the zoning map 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 the 16<sup>th</sup> day of October, 2006, in compliance with Section 708 of the Zoning Ordinance of the Village of Antwerp, Ohio, after notice of said public hearing was published and notice of the public hearing was sent 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 recommendation of the Planning and Zoning Commission 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 that the real estate located at 307 Harrmann Road, Antwerp, Ohio 45813, legally described on Exhibit "A" attached hereto and incorporated herein by reference, be reclassified from B-1, Business District, to R-2, Multiple Family District, for both Unit No. 1 and Unit No. 6.

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 are resolved in such formal action, were in meetings open to the public, in compliance with all legal regulations including all lawful ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

Section 3: This Ordinance shall take effect and be enforced at the earliest date permitted by law ENACTED THIS 15<sup>th</sup> day of January, 2007.

Margaret Homack  
MAYOR, VILLAGE OF ANTWERP

Attest:

Shirley Nelson  
Fiscal Officer

1<sup>st</sup> reading: 12/11/06

2<sup>nd</sup> reading: 12/27/06

3<sup>rd</sup> reading: 1/15/06

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

EXHIBIT A

Part NE ¼ Section 34, Carryall Township, Village of Antwerp, Ohio. Being parcels of land located along the Westerly side of Twp. Rd. 43 (Harrmann Road) in the Village of Antwerp, Ohio, known as Outlots 1, and 6.

1. Formerly known as Outlot #1, (Unit 1) containing 2.1796 acres now owned by Quail Hill Development, Ltd., vol. 517 Pg. 118 deed records of Paulding County, Ohio, in the Village of Antwerp.

2. Formerly known as Outlot #3 (Unit 6) containing 4.175 acres owned by B & Y Limited, LLC< part of NW ¼ of Section 34 Carryall Twp., Village of Antwerp, Ohio, currently zoned B-1, Lying adjacent to Harman St., Twp. Rd. 43, Antwerp, Ohio.

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 3006-34

**AN ORDINANCE AUTHORIZING THE FISCAL OFFICER TO AMEND APPROPRIATIONS FOR 2006 AND DECLARING IT AN EMERGENCY**

WHEREAS, The Fiscal Officer has determined that it is necessary to amend the following appropriations.

WHEREAS, Council must approve the amending of appropriations pursuant to Ohio Revised Code Section 5705.40, and

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

Section 1: The Fiscal Officer is hereby authorized to amend the following appropriations:

FUND	DESCRIPTION	AMOUNT
B9 Fire	Increase per Revenue	\$3,843.92
B8 Permissive Tax	Increase Per Revenue	\$14,360.00
E2 Wastewater Fund	Increase Per Revenue	\$37,605.01
G5 Cemetery	Increase Per Revenue	\$314.78

Section 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and well being of the residents.

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

Date: 12/27/06

Margaret Nomack  
Mayor of the Village of Antwerp

Attest:

Shelia Keltner  
Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2006-35**2007 SALARY ORDINANCE WORKSHEET****AN ORDINANCE ESTABLISHING SALARIES AND VACATIONS FOR THE VILLAGE OF ANTWERP, OHIO FOR THE CALENDAR YEAR 2007**

WHEREAS, it is desirable that the salaries of Village officials and employees for year 2007 be set forth in an ordinance, and

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

SECTION 1. That beginning with the first pay period of year 2007, salaries of Village officials and employees be as follows: (except where revised - pay will start at the date stated by Council)

	<u>2006</u>	<u>2007</u>	
Mayor	6,000.00	Same	
Council Members	1,800.00	Same	
Clerk-Treasurer	19,000.00	19,665.00	
Village Administrator	30,600.00	31,671.00	
Chief of Police	32,000.00	33,120.00	
Assistant Chief of Police	25,750.00	Same	
Police - Full Time - On Probation	20,000 to 23,175	20,000 to 23,986	
Police - Full Time	23,175 to 27,410	23,986 to 28,369	
Police - Part Time	8.00 to 12.55	8.28 to 12.99	per hour
Police - Reserves	8.00 to 10.45	8.28 to 10.82	per hour
Fire Chief	1,177.00	1,213.00	
Fire Dept. Secretary	295.00	306.00	
Fire Chief Assistant	295.00	306.00	
	5.00	3.28	per meeting
	10.40	10.76	first hour
	8.00	8.28	each add. Hour
Fire Captains	88.00	91.00	
Fire Lieutenants	61.00	63.00	
Volunteer Firemen	8.00	8.28	per meeting
	8.00	8.28	first hour
	8.00	8.28	each add. Hour
EMS Coordinator	941.00	974.00	
EMS Maintenance Man	530.00	549.00	
EMS Drivers	7.10	7.35	per hour
EMT - A (BLS - Basic Life Support)	8.25	8.88	per hour
EMT - B (Intermediate Life Support)	11.09	11.48	per hour
All EMS Personnel	8.25	8.54	per meeting
General Labor/Utilities Billing Clerk	5.00 to 10.45	6.85 to 10.82	per hour
Mayor's Court Clerk/EMS Billing Clerk	5.00 to 10.45	6.85 to 10.82	per hour
Tech I Water/Sewer/Assigned Duties	9.00 to 12.20	9.32 to 12.63	per hour
Tech II Water/Sewer/Assigned Duties	11.33 to 15.15	11.70 to 15.68	per hour

RECORD OF ORDINANCES

0101

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

SECTION 2. The annual salaries set forth in this ordinance include any holiday pay an employee would otherwise be entitled to under the personnel manual.

Holidays recognized by the Village of Antwerp:

*New Years Day, Thanksgiving Day, Day after Thanksgiving Presidents Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Martin Luther King Day, Veterans Day & Christmas Day.*

SECTION 3. This Ordinance repeals any other ordinance inconsistent herewithin.

SECTION 4. Paid Vacation will be awarded based on years of service. Vacation pay may not be carried from one year to the next.

Paid Vacation shall be determined as follows:

ONE YEAR	2 Weeks Vacation Pay
SEVEN YEARS	3 Weeks Vacation Pay
FIFTEEN YEARS	4 Weeks Vacation Pay

SECTION 5. All full time employees shall be provided health insurance. Coverage shall include spouse and all dependents.

SECTION 6. This ordinance hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village.

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

*Margaret Homack*  
\_\_\_\_\_  
Mayor

*Shirley [Signature]*  
\_\_\_\_\_  
Fiscal Officer

*12-27-06*  
\_\_\_\_\_  
Date

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2006-36

An ORDINANCE to make appropriations for Current Expenses and other Expenditures of the Village of Antwerp, State of Ohio, during the fiscal year ending December 31, 2007, and declaring the same an emergency.

Section 1. BE IT RESOLVED 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, 2007 the following sums be and they are hereby set aside and appropriated as follows, viz: *SEE ATTACHED*

SECTION 2. TOTAL OF ALL APPROPRIATIONS \$1,698,309.59.

SECTION 3. And the Fiscal Officer is hereby authorized to draw warrants on the Village Treasurer for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefor, 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 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and well being of the residents.

SECTION 5. This Ordinance shall take effect and be in full force from and after the earliest period allow by law

Passed 12/27/06

*Ronald Farnsworth*  
President of Council

Attest: *Sheila Hilton*  
Fiscal Officer

CERTIFICATE

Section 5705.39, O.R.C. - "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, ss.

I, Sheila Hilton, Fiscal Officer of 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 has been compared by me with the said original and that the same is a true and correct copy thereof.

Witness my signature, this 27<sup>th</sup> day of December 2007

*Sheila Hilton*  
Fiscal Officer of the Village of Antwerp, Paulding County, Ohio

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2007-01

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A CONTRACT WITH CRANE TOWNSHIP FOR PROVIDING EMERGENCY MEDICAL SERVICE AND DECLARING AN EMERGENCY**

WHEREAS, THE COUNTY OF PAULDING PREVIOUSLY HAD A COUNTY WIDE EMERGENCY AMBULANCE SERVICE LEVY; AND

WHEREAS, SAID LEVY HAS BEEN DISCONTINUED COUNTY WIDE; AND

WHEREAS, THE VILLAGE OF ANTWERP OWNS AN EMERGENCY AMBULANCE VEHICLE AND HAS IN THE PAST PROVIDED EMERGENCY AMBULANCE SERVICE; AND

WHEREAS, THE VILLAGE OF ANTWERP AND CRANE TOWNSHIP HAVE NEGOTIATED FOR EMERGENCY AMBULANCE SERVICE.

NCW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

SECTION 1. THAT THE MAYOR AND THE FISCAL OFFICER OF THE VILLAGE OF ANTWERP ARE AUTHORIZED TO ENTER INTO AN AGREEMENT PROVIDING CRANE TOWNSHIP WITH EMERGENCY AMBULANCE SERVICE FOR THE ANNUAL SUM OF \$2,800.00 WHICH WILL BE PAID IN THE AMOUNT OF \$700.00 QUARTERLY - COLLECTED WHEN TOWNSHIP RECEIVES ITS TAX SETTLEMENTS COMMENCING JANUARY 01, 2007.

SECTION 2. THE MAYOR AND THE FISCAL OFFICER OF VILLAGE OF ANTWERP ARE HEREBY AUTHORIZED TO EXECUTE AN AGREEMENT WITH CRANE TOWNSHIP FOR THE ABOVE CONSIDERATION.

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 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.

ADOPTED: 1/15/06

MAYOR: Margaret Homack

ATTEST:

FISCAL OFFICER: [Signature]

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_

ORDINANCE NO. 2007-02

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A CONTRACT WITH CARRYALL TOWNSHIP FOR PROVIDING EMERGENCY MEDICAL SERVICE AND DECLARING AN EMERGENCY**

WHEREAS, THE COUNTY OF PAULDING PREVIOUSLY HAD A COUNTY WIDE EMERGENCY AMBULANCE SERVICE LEVY; AND

WHEREAS, SAID LEVY HAS BEEN DISCONTINUED COUNTY WIDE; AND

WHEREAS, THE VILLAGE OF ANTWERP OWNS AN EMERGENCY AMBULANCE VEHICLE AND HAS IN THE PAST PROVIDED EMERGENCY AMBULANCE SERVICE; AND

WHEREAS, THE VILLAGE OF ANTWERP AND CARRYALL TOWNSHIP HAVE NEGOTIATED FOR EMERGENCY AMBULANCE SERVICE.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

SECTION 1. THAT THE MAYOR AND THE FISCAL OFFICER OF THE VILLAGE OF ANTWERP ARE AUTHORIZED TO ENTER INTO AN AGREEMENT PROVIDING CARRYALL TOWNSHIP WITH EMERGENCY AMBULANCE SERVICE FOR THE SUM OF THE COLLECTED AMOUNT THE TOWNSHIP RECEIVED FROM ITS TAX SETTLEMENTS COMMENCING JANUARY 01, 2007.

SECTION 2. THE MAYOR AND THE FISCAL OFFICER OF THE VILLAGE OF ANTWERP ARE HEREBY AUTHORIZED TO EXECUTE AN AGREEMENT WITH CARRYALL TOWNSHIP FOR THE ABOVE CONSIDERATION.

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 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.

ADOPTED: 1/15/07

MAYOR: Margaret Homack

ATTEST:

FISCAL OFFICER: Shirley Wilson

RECORD OF ORDINANCES

0105

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2007-03

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A CONTRACT WITH HARRISON TOWNSHIP FOR PROVIDING EMERGENCY MEDICAL SERVICE AND DECLARING AN EMERGENCY.**

WHEREAS, THE COUNTY OF PAULDING PREVIOUSLY HAD A COUNTY WIDE EMERGENCY AMBULANCE SERVICE LEVY; AND

WHEREAS, SAID LEVY HAS BEEN DISCONTINUED COUNTY WIDE; AND

WHEREAS, THE VILLAGE OF ANTWERP OWNS AN EMERGENCY AMBULANCE VEHICLE AND HAS IN THE PAST PROVIDED EMERGENCY AMBULANCE SERVICE; AND

WHEREAS, THE VILLAGE OF ANTWERP AND HARRISON TOWNSHIP HAVE NEGOTIATED FOR EMERGENCY AMBULANCE SERVICE.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

SECTION 1. THAT THE MAYOR AND THE FISCAL OFFICER OF THE VILLAGE OF ANTWERP ARE AUTHORIZED TO ENTER INTO AN AGREEMENT PROVIDING HARRISON TOWNSHIP WITH EMERGENCY AMBULANCE SERVICE FOR THE SUM OF \$1,319.00 COMMENCING JANUARY 01, 2007.

SECTION 2. THE MAYOR AND THE FISCAL OFFICER OF THE VILLAGE OF ANTWERP ARE HEREBY AUTHORIZED TO EXECUTE AN AGREEMENT WITH HARRISON TOWNSHIP FOR THE ABOVE CONSIDERATION.

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 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.

ADOPTED: 1/15/07

MAYOR: Margaret Womack

ATTEST:

FISCAL OFFICER: Shuta Heek

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2007-04

AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2007 EDITION, AS THE CODE OF ORDINANCES FOR THE MUNICIPALITY OF Antwerp, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, the present general and permanent ordinances of the municipality are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the municipality and for the proper conduct of its affairs.

WHEREAS, American Legal Publishing Corporation publishes a Code of Ordinances suitable for adoption by municipalities in Ohio.

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE MUNICIPALITY OF Antwerp, OHIO:

- Section 1.** American Legal Publishing's Ohio Basic Code, 2007 Edition, as reviewed and approved by the Legislative Authority, is hereby adopted and enacted. Any prior version of the Ohio Basic Code which may have been previously adopted by the municipality is hereby repealed as obsolete and is hereby replaced in its entirety by this Ohio Basic Code, 2007 Edition.
- Section 2.** One copy of American Legal Publishing's Ohio Basic Code, 2007 Edition, certified as correct by the Mayor and Clerk of the Legislative Authority, as required by Ohio Revised Code § 731.23, shall be kept in its initial form on file in the office of the Clerk of the municipality and retained as a permanent ordinance record of the municipality. The Clerk of the municipality 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, 2007 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, 2007 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 \_\_\_\_\_, 20\_\_\_\_

**Exhibit A**

**OHIO BASIC CODE, 2006 EDITION — SUMMARY OF CONTENTS**

Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_, 2007, 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, 2007 Edition, as the Code of Ordinances for the Municipality of \_\_\_\_\_, 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**

- 31.01 Executive power; where vested

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Passed \_\_\_\_\_, 20\_\_

(3) 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.

**Section 4.** 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 this municipality, and shall take effect at the earliest date provided by law.

Date Passed: 1/16/07

Attest:

Margaret Homack  
Mayor

Shirley  
Clerk of the Legislative Authority

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**Mayor**

- 31.05 Term of Mayor; power and duties
- 31.06 General duties of the Mayor
- 31.07 Communications to the Legislative Authority
- 31.08 Protest against excess of expenditures
- 31.09 Supervision of conduct of officers
- 31.10 Annual report to the Legislative Authority
- 31.11 Mayor to file charges against delinquent officers
- 31.12 Vacancies in office of Mayor
- 31.13 Disposition of fines and other moneys

**Clerk**

- 31.20 Election, term, qualifications of the Clerk
- 31.21 Powers and duties of Clerk
- 31.22 Books and accounts; merger of offices
- 31.23 Seal of Clerk
- 31.24 Combined offices of Clerk and Treasurer; Fiscal Officer

**Treasurer**

- 31.30 Election, term, qualifications of the Treasurer
- 31.31 Accounts of Treasurer
- 31.32 Powers and duties
- 31.33 Quarterly account; annual report
- 31.34 Receipt and disbursement of funds
- 31.35 Duty of delivering money and property

**Street Commissioner**

- 31.40 Qualifications
- 31.41 General duties
- 31.42 Assistants

**Other Officials**

- 31.50 Legal counsel
- 31.51 Administrator
- 31.52 Board of Trustees of Public Affairs
- 31.53 Fire Engineer, Engineer and Superintendent of Markets

**Chapter 32: Legislative Authority**

Section

**General Provisions**

- 32.01 Members of the Legislative Authority; election; terms of office
- 32.02 President Pro Tempore; employees
- 32.03 Vacancy when President Pro Tempore becomes Mayor
- 32.04 Qualifications of members of the Legislative Authority
- 32.05 Compensation and bonds of municipal officers and employees
- 32.06 Vacancy
- 32.07 Judge of election and qualification of members; quorum and special meetings
- 32.08 Rules; journal; expulsion of members
- 32.09 Meetings
- 32.10 General powers
- 32.11 Failure to take oath or give bond
- 32.12 Notice when new bond required
- 32.13 Care, supervision and management of public institutions

**Contracts, Bids and Proceedings**

- 32.25 Contracts by the Legislative Authority or Administrator
- 32.26 Bids and proceedings
- 32.27 Alterations or modifications of contract

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- 32.28 Contract restrictions
- 32.29 Award to lowest responsive and responsible bidder

**Ordinances and Resolutions**

- 32.40 Ordinances and resolutions as evidence
- 32.41 Passage procedure
- 32.42 Style of ordinances
- 32.43 Subject and amendment of ordinances and resolutions
- 32.44 Authentication and recording of ordinances and resolutions
- 32.45 Publication of ordinances and resolutions; proof of publication and circulation
- 32.46 Notice for proposed amendments to the municipal Charter
- 32.47 Times of publication required
- 32.48 Publication and certification of ordinances in book form
- 32.49 Adoption of technical ordinances and codes
- 32.50 Certificate of Clerk as to publication
- 32.51 Publication when no newspaper published in municipality
- 32.52 Effect of non-making publication
- 32.53 Ordinances providing for appropriations or street improvements; emergency ordinances

**Initiative and Referendum**

- 32.70 Initiative petitions
- 32.71 Referendum petitions
- 32.72 More than one ordinance required; application of subchapter
- 32.73 Presentation of petitions
- 32.74 Copy of proposed ordinance or measure to be filed with Clerk
- 32.75 Words to be printed in red
- 32.76 Designation of committee filing petition; public inspection of petitions; ordinances passed or repealed prior to election
- 32.77 Itemized statement by circulator of petition
- 32.78 Prohibited practices relative to petitions
- 32.79 Accepting premiums for signing
- 32.80 Threats in securing signatures
- 32.81 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

# RECORD OF ORDINANCES

0111

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

## 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

#### *Traffic-Control Devices*

- 70.20 Obeying traffic-control devices
- 70.21 Signal lights
- 70.22 Signals over reversible lanes
- 70.23 Ambiguous or non-working traffic signals
- 70.24 Pedestrian-control signals
- 70.25 Flashing traffic signals
- 70.26 Unauthorized signs and signals prohibited
- 70.27 Alteration, defacement, or removal prohibited
- 70.28 Unauthorized possession or sale of devices
- 70.29 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*

- 71.10 Prohibited acts
- 71.11 Permitting minor to operate vehicle prohibited; temporary instruction permit; probationary license
- 71.12 License required as driver or commercial driver on public or private property; nonresident exemption
- 71.13 Employment of a minor to operate a taxicab prohibited
- 71.14 Restriction against owner lending vehicle for use of another
- 71.15 Suspension of driver's licenses; license suspended by court of record
- 71.16 Display of license
- 71.17 Prohibition against false statements
- 71.18 Driving under suspension or in violation of license restriction
- 71.19 Operating motor vehicle without valid license

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**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
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- 70.04 Exceptions generally; emergency, public safety and coroner vehicles exempt
- 70.05 Persons riding or driving animals upon roadways
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- 70.20 Obeying traffic-control devices
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**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
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**Driver's Licenses**

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- 71.16 Display of license
- 71.17 Prohibition against false statements
- 71.18 Driving under suspension or in violation of license restriction
- 71.19 Operating motor vehicle without valid license

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- 71.20 Driving under OVI suspension
- 71.21 Driving under financial responsibility law suspension or cancellation
- 71.22 Failure to reinstate license

**Commercial Driver's Licenses**

- 71.25 Definitions
- 71.26 Use of actual gross weight in lieu of rating
- 71.27 Prohibited acts
- 71.28 Prerequisites to operation of commercial motor vehicle
- 71.29 Physical qualification to operate commercial motor vehicles
- 71.30 Criminal offenses
- 71.31 Application of federal regulations
- 71.32 Employment of drivers of commercial vehicles
  
- 71.99 Penalty

**Chapter 72: Traffic Rules**

Section

**General Provisions**

- 72.01 Lanes of travel upon roadways
- 72.02 Driving through safety zone
- 72.03 Vehicles traveling in opposite directions
- 72.04 Rules governing overtaking and passing of vehicles
- 72.05 Permission to overtake and pass on the right
- 72.06 Driving to left of center line
- 72.07 Prohibition against driving upon left side of roadway
- 72.08 Hazardous zones
- 72.09 One-way highways and rotary traffic islands
- 72.10 Rules for driving in marked lanes
- 72.11 Space between moving vehicles
- 72.12 Divided roadways
- 72.13 Rules for turns at intersections
- 72.14 U-turns and turning in roadway prohibited
- 72.15 Starting and backing vehicles
- 72.16 Turn and stop signals
- 72.17 Hand and arm signals

**Right-of-Way**

- 72.20 Right-of-way at intersections
- 72.21 Right-of-way when turning left
- 72.22 Right-of-way at through highways; stop signs; yield signs
- 72.23 Stop at sidewalk area; stop signs on private roads and driveways
- 72.24 Right-of-way on public highway
- 72.25 Pedestrian on sidewalk has right-of-way
- 72.26 Right-of-way of public safety vehicles
- 72.27 Funeral procession has right-of-way
- 72.28 Pedestrians yield right-of-way to public safety vehicle
- 72.29 Pedestrian on crosswalk has right-of-way
- 72.30 Right-of-way yielded to blind person
- 72.31 Right-of-way yielded by pedestrian

**Pedestrians**

- 72.35 Pedestrian movement in crosswalks
- 72.36 Pedestrian walking along highway
- 72.37 Prohibition against soliciting rides; riding on outside of vehicle
- 72.38 Pedestrian on bridge or railroad crossing
- 72.39 Persons operating motorized wheelchairs
- 72.40 Intoxicated or drugged pedestrian hazard on highway
- 72.41 Operation of electric personal assistive mobility devices

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**Grade Crossings**

- 72.45 Stop signs at grade crossings
- 72.46 Driving vehicle across railroad grade crossing
- 72.47 Vehicles required to stop at grade crossings
- 72.48 Slow-moving vehicles or equipment crossing railroad tracks

**Prohibitions**

- 72.55 Obstruction and interference affecting view and control of driver
- 72.56 Occupying travel trailer while in motion
- 72.57 Driving upon closed highway prohibited
- 72.58 Driving upon sidewalk area or paths exclusively for bicycles
- 72.59 Obstructing passage of other vehicles
- 72.60 Following an emergency or public vehicle prohibited; approaching stationary public safety vehicle with caution
- 72.61 Driving over unprotected fire hose
- 72.62 Placing injurious material on highway or depositing litter from motor vehicle
- 72.63 Transporting child not in child-restraint system prohibited
- 72.64 Occupant restraining devices
- 72.65 Use of engine brakes prohibited
- 72.66 Operating motor vehicle while wearing earphones or earplugs
- 72.67 Chauffeured limousines and livery services
- 72.68 Operating traction engine upon improved highway
- 72.69 Cracking exhaust noises; peeling out
- 72.70 Shortcutting across private property

**School Buses**

- 72.80 Regulations concerning school buses
- 72.81 Violation of regulations; report; investigation; citation; warning
- 72.82 Restrictions on the operation of school buses
- 72.83 School bus inspection
- 72.84 School bus not used for school purposes
- 72.85 Licensing by Department of Public Safety
- 72.86 Registration and identification of school buses
- 72.87 School bus marking
- 72.88 Flashing light signal lamps
- 72.89 Occupant restraining device for operator

**Chapter 73: Motor Vehicle Crimes**

Section

**General Provisions**

- 73.01 Driving under the influence of alcohol or drugs
- 73.011 Implied consent
- 73.012 Physical control of vehicle while under the influence
- 73.02 Driving commercial vehicle with impaired alertness or ability; use of drugs
- 73.03 Immobilizing or disabling device violation

**Reckless Operation**

- 73.05 Reckless operation of vehicles
- 73.06 Reckless operation off streets and highways; competitive operation
- 73.07 Operator to be in reasonable control

**Speed Regulations**

- 73.10 Speed limits
- 73.11 Slow speed or stopping
- 73.12 Emergency vehicles excepted from speed limitation
- 73.13 Street racing defined; prohibited on public highways
- 73.14 Speed regulations on bridges

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**Resisting Officer**

- 73.15 Prohibition against resisting officer
- 73.16 Presenting false name or information to officer

**Stopping After Accident**

- 73.20 Exchange of identity and vehicle registration
- 73.21 Accident involving injury to persons or property
- 73.22 Accident involving damage to realty
- 73.23 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 and emblem on slow-moving vehicles; lights and reflectors on multi-wheel agricultural tractors or farm machinery
- 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
- 74.35 Requirements for vehicles transporting explosives
- 74.37 Studded tires; seasonal use permitted
- 74.38 Safety inspection decals for buses
- 74.39 Air bags

**Loads**

- 74.40 Permit required to exceed load limits
- 74.41 Limitation of load extension on left side of vehicle
- 74.42 All loads shall be properly secured
- 74.43 Towing requirements; exception to size and weight restrictions
- 74.44 Weighing of vehicle; removal of excess load

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- 74.45 Operation of vehicle exceeding weight limits prohibited
- 74.46 Load limits
- 74.47 Maximum width, height, and length
- 74.48 Statement of gross vehicle weight
- 74.49 Wheel protectors required on heavy commercial vehicles
- 74.50 Liability for damages; prosecution; application of monies
- 74.51 Weight exceptions for coal trucks, farm trucks, farm machinery, log trucks, and solid waste haul 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 Rules for bicycles, motorcycles, and snowmobiles
- 75.04 Prohibition against attaching bicycles and sleds to vehicles
- 75.05 Riding bicycles; motorcycles abreast
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This summary of contents has been verified and authorized for publication by the Legislative Authority of the Municipality of Antwerp, Ohio.

Signed:

Margaret Nomack  
Mayor

Shirley Wilson  
Clerk of the Legislative Authority

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 3007-05****AN ORDINANCE CREATING AN INCENTIVE DISTRICT, DECLARING IMPROVEMENTS TO PARCELS WITHIN THE DISTRICT TO BE A PUBLIC PURPOSE, APPROVING THE WRITTEN ECONOMIC DEVELOPMENT PLAN PREPARED BY THE ENGINEER FOR THE VILLAGE OF ANTWERP, OHIO, AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the requirements to establish a Tax Increment Financing ("TIF") program are set forth in Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 (collectively the "TIF Statute"), which provides that a municipality may create incentive districts for parcels of real property located in the Village, and declare improvements to be a public purpose, said improvements defined as the increase in the assessed value of any real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of an ordinance adopted pursuant to the TIF Statute were it not for the exemption granted by that ordinance to such parcels of real property located in such incentive districts;

**WHEREAS**, in connection with the creation of such incentive districts, a municipality may grant a real property tax exemption to the Improvements (as defined herein), as permitted under the TIF Statute, and require that the owners, including any future owners of the parcels make service payments in lieu of taxes to be used for the construction of public infrastructure improvements that will benefit or serve the Improvements;

**WHEREAS**, B & Y Limited, LLC has control of certain parcels of real property located in the Village and specifically identified in Exhibit A (the "Site"), attached hereto and incorporated herein by reference, and wishes to construct, or cause to be constructed, improvements to the real property, provided that the public Improvements be made by the Village;

**WHEREAS**, pursuant to Ohio Revised Code Section 5709.40(C), the Village Council of the Village of Antwerp, Ohio (the "Village") desires to create an incentive district with respect to the Site and to declare that the service payments made in lieu of taxes be used for construction of certain public infrastructure improvements as further described in Exhibit B (the "Public Improvements" and/or "Improvements"), attached hereto and incorporated herein by reference;

**WHEREAS**, there has been placed on file with the Fiscal Officer of the Village a written economic development plan (the "Development Plan") describing the development that will take place within the area described as The Colony Subdivision (said Development Plan identifying the private improvements to be made to the Site less the public Improvements identified in Exhibit B), which Development Plan is attached hereto as Exhibit C and incorporated herein by reference, and within which the proposed Incentive District will be located;

**WHEREAS**, the Engineer for the Village has certified to Council that (i) the specific parcels of real property described and depicted to be located within the proposed Incentive District is located in the Village, (ii) the proposed Incentive District is less than 300 acres in size, (iii) the proposed Incentive District is enclosed by a continuous boundary, and (iv) the existing public infrastructure serving the

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proposed Incentive District is inadequate to meet the development needs of the proposed Incentive District as evidenced by the Development Plan;

**WHEREAS**, the Council has determined that it is necessary and appropriate and in the best interest of the Village to exempt from taxation the Improvements located within the Incentive District as permitted and provided in Section 5709.40(C) of the Ohio Revised Code, and to simultaneously direct and require the owners of the real property within the Incentive District to make service payments in lieu of taxes as provided by this Ordinance;

**WHEREAS**, pursuant to and in the manner prescribed by Section 5709.40(E) of the Ohio Revised Code, the Village delivered notice to the Board of County Commissioners of Paulding County, Ohio, stating the Village's intent to adopt this Ordinance creating the Incentive District, including a copy of this proposed Ordinance and all other information required to be provided by Section 5709.40(E)(1) of the Ohio Revised Code, and the Board of County Commissioners forwarded to the Village a certified copy of a resolution approving the tax exemption for the Improvements located within the Incentive District and waiving its right to any compensation as provided in Section 5709.40(E)(2) of the Ohio Revised Code for a portion of the real property taxes that would have been received by Paulding County with respect to the Improvements but for the exemption for the Improvements granted pursuant to this Ordinance; and

**WHEREAS**, pursuant to and in the manner prescribed by Section 5709.83 of the Ohio Revised Code, the Village delivered notice to the Board of Education for the Antwerp Local Schools and Vantage Vocational School stating the Village's intent to adopt this Ordinance, including a copy of the proposed ordinance, and the Antwerp Local Schools forwarded to the Village a certified copy of a resolution of its Board of Education, which resolution approved the exemption for the Improvements located in the Incentive District and waiving its right to any compensation for a portion of the real property taxes that would have been received by the Antwerp Local Schools with respect to the Improvements but for the exemption for the Improvements granted pursuant to this Ordinance.

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

Section 1. Construction of the Improvements a Public Purpose. It is hereby declared that construction of the Improvements described in Exhibit B comprising the Site is a public purpose benefitting the Village and its residents and that the duration of the such public purpose shall be thirty (30) years.

Section 2. Approval of the Development Plan. The Village hereby acknowledges and accepts the Development Plan as attached hereto as Exhibit C. Further, pursuant to Section 5709.40(A)(5) of the Ohio Revised Code, the Village hereby acknowledges and approves the certification of the engineer for the Village that the existing public infrastructure serving the proposed Incentive District is inadequate to meet the development needs of such development.

Section 3. Creation of the Incentive District. Pursuant to Section 5709.40(C) of the Ohio Revised

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Passed \_\_\_\_\_, 20\_\_\_\_

Code, the Council hereby creates the Colony Subdivision Incentive District, which is described in Exhibit A attached hereto. The Incentive District shall have a life commencing with the tax year in which an increase in the assessed value of the real property in the Incentive District and the assessed value of the Improvements that would first appear on the tax list and duplicate of real and public utility property after the effective date of this Ordinance were it not for the exemption granted by this Ordinance (the "Commencement Date"), and ending on the thirtieth (30<sup>th</sup>) anniversary of such Commencement Date or the date the Public Improvements are paid in full, whichever occurs first (the "Exemption Period").

Section 4. TIF Exemption. The Council hereby determines that the Improvements are a public purpose and are exempt from taxation as provided herein. One hundred percent (100%) of the Improvements shall be exempt from real property taxation (the "TIF Exemption"). The TIF Exemption shall take effect with respect to a parcel located in the Incentive District when an exemption for the respective Improvement to such parcel is claimed in the manner provided for hereinabove.

Section 5. Payment of Service Payments. The owners of the real property within the Incentive District (collectively the "Owners") shall make service payments in lieu of taxes (the "Service Payments"), which Service Payments shall be paid to the Paulding County Treasurer and collected and distributed as set forth in Ohio Revised Code Section 5709.42. Such Service Payments shall be due on or before the final dates for payment of real property taxes. The Service Payments shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement if it were not exempt from taxation.

Section 6. Compensation to Antwerp Local Schools. Pursuant to Ohio Revised Code Sections 5709.40, 5790.42, 5709.43 and 5709.82, the Village provided the required notice to the School District, and the School District provided the Village with a certified copy of its resolution expressly waiving its right to any compensation that it may be entitled to as a result of the TIF Exemption in the Incentive District as a result of this Ordinance.

Section 7. Compensation to Paulding County. Pursuant to Ohio Revised Code Section 5709.40(E), the Village provided the required notice to the County, and the County Commissioners provided the Village with a certified copy of its resolution expressly waiving the right to any compensation that the County may be entitled to as a result of the TIF Exemption in the Incentive District as a result of this Ordinance.

Section 8. Creation of TIF Funds. The Council hereby establishes within the Village treasury a municipal public improvement tax increment equivalent funds, with respect to the Incentive District, to be known as the Colony Subdivision Incentive District Tax Increment Fund (the "Colony Subdivision TIF Fund"). The Village shall deposit the Service Payments received from the Owners and distributed to the Village by the County Treasurer into the Colony Subdivision TIF Fund and allocate the money in such fund as specified in Section 5 hereof. The Colony Subdivision TIF Fund may be combined with other funds created by ordinances of this Council authorizing other such projects. TIF Service Payments can be used to make such paid in lieu of tax ("PILOT") payments as may hereafter be required should any of the levies mentioned in Ohio Revised Code Section

# RECORD OF ORDINANCES

0129

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

5709.40(F) be hereinafter enacted. Money in the Colony Subdivision TIF Fund shall be used to finance the Public Improvements, and may, to the extent provided in further ordinances of the Council, be pledged to the repayment of bonds and/or notes issued to finance such improvements.

Section 9. Further Authorizations. The Council further hereby authorizes and directs the Mayor, the Fiscal Officer, the Village Administrator, the Village Solicitor, or other appropriate officers of the Village to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance.

Section 10. Notification of Passage. The Fiscal Officer is hereby directed to deliver, not later than fifteen (15) days after the effective date of this Ordinance, a copy thereof to the Director of Development of the State of Ohio and to further deliver to such Director, not later than March 31 of each year during which the tax exemption remains in effect, a status report outlining the progress of the project herein described.

Section 11. Open Meetings. 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 12. Effective Date. 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 in that it is necessary for the development to commence at the Site and for the TIF Exemption to be in effect prior to any Public Improvements to the Site, 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.

ENACTED THIS 15<sup>th</sup> day of January, 2007.

*Margaret Womack*  
MAYOR, VILLAGE OF ANTWERP

Attest:

*Shirley Weston*  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**“EXHIBIT A”**

**ECONOMIC DEVELOPMENT PLAN**

**Prepared by:**

**Village of Antwerp  
Office of Administrator  
August, 2006**

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**Economic Development Plan**

**Introduction:**

The creation of Tax Increment Financing Districts is being proposed for areas identified in the Economic Development Plan. The Proposed TIF District will provide funding for important public infrastructure improvements for the proposed development as identified in the Economic Development Plan. The following pages discuss the development included in the TIF District along with the Analysis and Assessment Section which identifies the overall need and funding uses.

**Proposed Development – The Colony Subdivision**

The area of the proposed TIF District consists of 56.10 acres zoned R-1, R-2 and B-1. The development will include 39 single family lots. Values of the homes to be built will range from \$125,000 to \$200,00. There will be 24 lots for duplex units, 4.6 acres for apartments and 5.1 acres for assisted living. Retail and outlots will occupy 7.4 acres. Paved roads, driveways and sidewalks will be installed at the time of construction by the developer. Sewer, water and storm improvements will be developed on-site and paid for by the developer.

Ordinance No. \_\_\_\_\_

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Analysis and Assessment

As part of the development process, The Village of Antwerp has completed a Wastewater Study. Poggemeyer Design Group delivered the study to the Village of Antwerp in June of 2006. Improvements projected to cost \$119,690.00 with contingencies and engineering costs through construction is estimated to cost \$152,409.00 are necessary to provide for upgrades to the existing system and growth for new customers. These improvements will be necessary to allow development to proceed.

A Water Study may be done in the future. Improvements to existing water mains and treatment equipment may also be needed. Roadways and addition of traffic control devised may be necessary to support increased traffic. Future studies will be completed as necessary to determine exact projects.

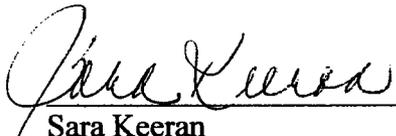
Residential growth also impacts the Village's ability to provide services such as police, fire, street maintenance and snow removal. Additional facilities necessary to provide for these services may become necessary during the term of the TIF.

Residential development is an important driver of the Village's economic development. The public infrastructure improvements will allow for continued economic development in Antwerp. The residential development will support the current commercial growth and provide housing for employees.

Conclusion:

The proposed TIF District is located in a residential area served by infrastructure systems built for a smaller area. The approved subdivision provides for housing that is necessary to support growing commercial development in the Village and it is a critical economic development component as the Village's population continues to mature.

I hereby certify that the above economic development plan is accurate in stating the needs of the Village's infrastructure system.

  
\_\_\_\_\_  
Sara Keeran  
Village of Antwerp Administrator

Date 1-9-2007

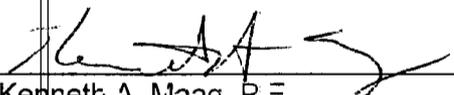
Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

"EXHIBIT B"

PROBABLE PROJECT COST ESTIMATE  
ANTWERP COLONY PUMP STATION  
VILLAGE OF ANTWERP, OHIO

Item	Quantity	Unit	Unit Price	Total Price
4" Force Main	673	l.f.	\$30.00	\$20,190.00
Boring for 4" force main	50	l.f.	\$200.00	\$10,000.00
4" Bend	1	each	\$500.00	\$500.00
8" x 4" Tapping Sleeve & Valve	1	each	\$3,500.00	\$3,500.00
Pump Station	1	l.s.	\$82,500.00	\$82,500.00
Seeding & Mulching	1	l.s.	\$500.00	\$500.00
12" & Under Conduit Repair	100	l.f.	\$10.00	\$1,000.00
Asphalt Repair Type I	10	s.y.	\$75.00	\$750.00
Compaction Testing Allowance	1	l.s.	\$750.00	\$750.00
<b>CONSTRUCTION SUBTOTAL</b>				\$119,690.00
Contingency (10%)				\$11,969.00
<b>CONSTRUCTION TOTAL</b>				\$131,659.00
Design				\$11,250.00
Bidding				\$2,000.00
Construction Administration				\$2,500.00
Construction Observation (full or part time?)				\$5,000.00
<b>TOTAL ESTIMATED COST</b>				\$152,409.00

I hereby state that this is an accurate estimate of probable cost and that the useful life of the project is at least 40 years. These improvements are necessary to provide services which will promote continued growth for the Village of Antwerp, OH.

  
Kenneth A. Maag P.E.  
Ohio Registration #53316

(Stamp/Seal)

1-8-07  
(Date)



Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_

, 20 \_\_\_\_\_

**B & Y LIMITED, LLC**

4633 RD 94  
PAYNE, OHIO 45880  
PHONE 419-263-3311

**"EXHIBIT C"**

December 25, 2006

Village of Antwerp  
Attn: Sara Keeran, Village Administrator  
P.O. Box 1046  
Antwerp, Ohio 45813

Re: TIF Certifications

Dear Ms. Keeran:

B & Y Limited, LLC hereby declares that certain improvements will be constructed or cause to be constructed within the district for the TIF program's Development Plan, to serve our Phase 1 Subdivision. The estimated cost of these private improvements is \$130,000.

If there are any questions, please call.

Sincerely,



Don Benschneider, member

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_ 20\_\_

IN THE MATTER OF APPROVING THE TAX INCREMENTAL FINANCING (TIF) DISTRICT FOR B & Y LIMITED, LLC  
BY THE VILLAGE OF ANTWERP

Office of the Board of County Commissioners  
Paulding County, Ohio  
December 6, 2006

This day, the Board of County Commissioners met in special session with the following members present:

Martin Harmon, Tony Burkley, and Nola Ginter, Clerk      Ron Lane, Absent

Mr. Tony Burkley moved to adopt the following Resolution:

WHEREAS, the Village of Antwerp has annexed an area known as the Colony Subdivision; and

WHEREAS, B & Y Limited, LLC has control of certain parcels of real property located in the Village, and

WHEREAS, the Village of Antwerp is intending to create a Tax Incremental Financing (TIF) program as proposed by B & Y Limited, LLC for this real property; and

WHEREAS, the redirected taxes will be used for infrastructure; and

WHEREAS, the Village of Antwerp has provided a written request that the Paulding County Commissioners approve the exemption for the improvements and waive its right to any compensation for a portion of the real property taxes that would have been received by the County but for the exemption for the improvements granted pursuant to their TIF ordinance; therefore now

BE IT RESOLVED, to acknowledge the notice from the Antwerp Village on behalf of the Tax Incremental Financing (TIF) district fro B & Y Limited, LLC and further moves to waive any right to any compensation that Paulding County may be entitled to as a result of the Tax Incremental Financing (TIF) district as proposed by B & Y Limited, LLC.

The motion was seconded by Mr. Martin Harmon. Upon the call of the roll, the following vote resulted:

*Martin Harmon*      *yes*  
*Tony Burkley*  
PAULDING COUNTY COMMISSIONERS      *yes*

ATTEST: *Nola Ginter*  
Adopted: December 6, 2006      Clerk

CC: Village of Antwerp  
Economic Development

THE MATTER OF MONIEVIN TIF

Journal 50  
Page 240

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

## RECORD OF PROCEEDINGS

Minutes of \_\_\_\_\_

Meeting \_\_\_\_\_

DAYTON LEGAL BLANK, INC., FORM NO. 10143

Held \_\_\_\_\_

20\_\_\_\_

November 30, 2006

The pledge of allegiance was recited by the board members.

A special meeting of the Board of Education of the Antwerp Local School Board was held at the above date and was called to order at 7:30 A.M. by President Lee Zuber.

1. Upon roll call the following were present: Mr. Zuber, Mrs. Bok, Mrs. Friend and Mr. Taylor.  
Absent: Mr. Herber.
2. **SUPERINTENDENT ITEMS:**
  - a. Issue # 5 "Smoke-Free Workplace Act"
  - b. Staff Safety Meeting
  - c. Building Concerns - signs
  - d. Colony Subdivision - TIF Ordinance.
3. **CONSENT ITEMS:**
  - a. Approve Bob Herber for new term as Vantage Board Representative.
  - b. Approve a resolution to accept the TIF ordinance from the Village of Antwerp, and that the Antwerp Local School understands that it waives its right for a portion of the real property taxes that would have been received by the school except for the exemption granted pursuant to the TIF ordinance.
  - c. Approve November NEOLA Policy/Guidelines/Forms update.

A motion was made by Mrs. Bok seconded by Mr. Taylor to approve the above consent items.

Roll Call: Ayes: Mrs. Bok, Mr. Taylor, Mrs. Friend and Mr. Zuber.

Nays: None Motion Passed,

4. **MOTION TO ADJOURN** - 8:24 A.M.

There being no further business the meeting was adjourned with a motion from Mrs. Friend seconded by Mr. Zuber.

Roll Call: Ayes: Mrs. Friend, Mr. Zuber, Mrs. Bok and Mr. Taylor

Nays: None Motion Passed.

\_\_\_\_\_  
TREASURER

\_\_\_\_\_  
PRESIDENT

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2007-06**

**AN ORDINANCE ACCEPTING THE FINAL PLAT OF THE COLONY SUBDIVISION, PHASE NO. I TO THE ADDITION TO THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO, PURSUANT TO ORDINANCE NO. 94-17**

**WHEREAS**, the Village of Antwerp approved the preliminary plat of The Colony Subdivision submitted by B & Y Limited LLC, the developer for The Colony Subdivision. Said preliminary plat was approved and accepted on March 13, 2006.

**WHEREAS**, B & Y Limited LLC has submitted the final plat to the Village of Antwerp Planning Commission, as well as the Village of Antwerp Council, as required by Ordinance No. 94-17.

**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 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 final plat of The Colony Subdivision, Phase I 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 accepted, subject to the streets being constructed in accordance with the specifications and requirements set forth in Ordinance No. 94-16, said streets identified by the developer on Exhibit A.

**SECTION 2.** 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, subject to the streets being constructed in accordance with the specifications and requirements of Ordinance No. 94-16, said streets identified by the developer on Exhibit A.

**SECTION 3.** 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 4.** 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 inspector of utility installations and improvements, and certification by the County Auditor that there are no unpaid taxes on the property involved.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**SECTION 5.** 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 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 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 7.** This Ordinance shall take effect and be in force at the earliest date permitted by law.

DATED: 02/12/07

Margaret Womack  
Margaret Womack, Mayor

ATTEST:

Sheila Hilton  
Fiscal Officer, Sheila Hilton

1<sup>st</sup> reading: 01/15/07

2<sup>nd</sup> reading: 02/05/07

3<sup>rd</sup> reading: 02/12/07

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**RESOLUTION NO. R2007-01**

A RESOLUTION TO ACCEPT THE APPLICATION FOR ANNEXATION FILED BY OWNER AND PETITIONER, OLEN MCMICHAEL, AS REQUIRED BY OHIO REVISED CODE SECTIONS 709.04 AND 709.06.

**WHEREAS**, this resolution is required by Ohio Revised Code Sections 709.04 and 709.06; and

**WHEREAS**, owner and petitioner Olen McMichael filed a petition with the County Commissioners of Paulding County, Ohio to annex certain land to the Village of Antwerp; and

**WHEREAS**, the land sought to be annexed consists of approximately 20.161 acres, more or less, and is described in the Petition for Annexation; and

**WHEREAS**, on the 23<sup>rd</sup> day of October, 2006 the County Commissioners of Paulding County ordered that the prayer in the Petition for Annexation be granted and that the territory described in the Petition may be annexed to the Village of Antwerp, all according to the County Commissioners' Resolution on Petition No. #1-06; and

**WHEREAS**, the transcript of the proceedings were filed and received by the Fiscal Officer of the Village of Antwerp in the ordinary course of business; and

**WHEREAS**, Ohio Revised Code Section 709.04 requires that at the next regular session of the legislative authority of the municipal corporation to which annexation is proposed, after the expiration of 60 days from the date of filing as required by 709.033 of the Ohio Revised Code, the Fiscal Officer of the municipal corporation shall lay the transcript and the accompanying map or plat and the Petition before the legislative authority; and

**WHEREAS**, the Fiscal Officer has now laid before the Council of the Village of Antwerp the above named documents; and

**WHEREAS**, Council has considered all of these documents and has determined that it is in the public interest to accept the application for annexation.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO, THAT:**

**Section 1:** It is ordered that the application for Annexation of the property described in the Petition for Annexation is hereby accepted in accordance with Ohio Revised Code Section 709.04.

**Section 2:** It is further ordered, in accordance with Ohio Revised Code Section 709.06, that the Fiscal Officer of the Village of Antwerp shall make three copies of the following documents:

C:\Documents and Settings\Antwerp Village\Local Settings\Temporary Internet Files\Content.IE5\WPSZKJWZ\Resolution to Approve Annexation-McMichael-1st rev-srz.doc

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

- A. the Petition of owner and petitioner Olen McMichael;
- B. the map accompanying the Petition;
- C. a transcript of the proceedings of the Board of County Commissioners;
- D. Resolution No. 2006-06, passed by the Council of the Village of Antwerp on October 11, 2006, which relates to the annexation; and
- E. this Resolution accepting the annexation

together with a certificate to each copy stating that it is correct. Said certificate shall be signed by the Fiscal Officer of the Village of Antwerp and shall be authenticated by the seal of the municipal corporation.

**Section 3:** The Fiscal Officer shall then forthwith deliver one such copy of the documents listed in Section 2 to the County Auditor, one such copy to the County Recorder who shall make a copy thereof in the proper book of records and file and preserve it, and shall forward the third copy to the Secretary of State of Ohio.

**Section 4:** All formal actions of Council relating to the adoption of this resolution, and all deliberations of Council and any of its committees leading to such action, were in meetings open to the public as required by law.

**Section 5:** This resolution shall take effect from and after the earliest time allowed by law.

Passed this 12<sup>th</sup> day of February, 2007.

Margaret Womack  
Margaret Womack, Mayor

ATTEST: Sheila Hilton  
Sheila Hilton, Fiscal Officer

1st reading: 02/15/07

2nd reading: 02/05/07

3rd reading: 02/12/07

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**NOTICE OF PETITION FOR ANNEXATION**

On July 19, 2006 a Petition was filed with the Board of County Commissioners of Paulding County, Ohio, signed by all of the owners of real estate in the following territory praying that the territory be annexed to the Village of Antwerp, Ohio as provided by law. The territory sought to be annexed is described as follows:

Situated in the Township of Carryall, County of Paulding and in the State of Ohio and being known as:

A parcel of land situated as being part of the East Half of Section 28, Town 3 North, Range 1 East, Carryall Township, Paulding County, Ohio, also being part of a 35.925 acre tract of land as recorded in Official Records Volume 509, Page 1732 of the Deed Records of Paulding County, Ohio and more particularly described as follows:

Beginning at a 1-1/2 inch iron pipe found marking the Southeast Corner of the Northeast Quarter of Section 28 (also being the Southeast corner of the above mentioned 35.925 acre tract) and the POINT OF BEGINNING; Thence North 89°51'06" West along the North line of Dutchman Cove Addition as recorded in Plat Volume 10, Page 67 of the Paulding County Plat Records (also being the South line of the Northeast Quarter of Section 28) a distance of 855.55 feet to a 1-1/2 inch iron pipe found marking the Northwest corner of said Dutchmans Cove Addition;

Thence along a new division the following courses:

North 15°15'46" East a distance of 140.89 feet;  
 North 16°19'08" East a distance of 139.66 feet;  
 North 08°03'33" East a distance of 150.56 feet;  
 North 01°20'48" East a distance of 158.10 feet;  
 North 04°01'55" West a distance of 167.65 feet;  
 North 07°11'13" West a distance of 138.53 feet;  
 North 11°13'16" West a distance of 123.81 feet;  
 North 29°52'24" West a distance of 129.17 feet to a point on the North line of the previously mentioned 35.925 acre tract;

Thence South 89°34'50" East along the North line of said 35.925 acre tract a distance of 873.37 feet to a 5/8 inch rebar found on the East line of the Northeast Quarter of Section 28 marking the Northeast corner of said 35.925 acre parcel, passing a 5/8 inch rebar found at 566.96 feet; thence South 00°04'20" West along the East line of the Northeast Quarter of Section 28 a distance of 1,111.04 feet (also being the East line of said

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**FILED**

JUL 17 2006

CLERK OF THE PAULDING  
COUNTY COMMISSIONERS**PETITION FOR ANNEXATION**

TO: Board of County Commissioners of Paulding County, Ohio

The undersigned, being a majority of the owners of real estate in the territory, hereby petition for the annexation of the following territory to the Village of Antwerp, Paulding County, Ohio:

Situated in the Township of Carryall, County of Paulding and in the State of Ohio and being known as:

A parcel of land situated as being part of the East Half of Section 28, Twn 3 North, Range 1 East, Carryall Township, Paulding County, Ohio, also being part of a 35.925 acre tract of land as recorded in Official Records Volume 509, Page 1732 of the Deed Records of Paulding County, Ohio and more particularly described as follows:

Beginning at a 1-1/2 inch iron pipe found marking the Southeast Corner of the Northeast Quarter of Section 28 (also being the Southeast corner of the above mentioned 35.925 acre tract) and the POINT OF BEGINNING; Thence North 89°51'06" West along the North line of Dutchman Cove Addition as recorded in Plat Volume 10, Page 67 of the Paulding County Plat Records (also being the South line of the Northeast Quarter of Section 28) a distance of 855.55 feet to a 1-1/2 inch iron pipe found marking the Northwest corner of said Dutchmans Cove Addition;

Thence along a new division the following courses:

North 15° 5'46" East a distance of 140.89 feet;  
 North 16° 19'08" East a distance of 139.66 feet;  
 North 08°03'33" East a distance of 150.56 feet;  
 North 01°20'48" East a distance of 158.10 feet;  
 North 04°01'55" West a distance of 167.65 feet;  
 North 07° 1'13" West a distance of 138.53 feet;  
 North 11°13'16" West a distance of 123.81 feet;  
 North 29°52'24" West a distance of 129.17 feet to a point on the North line of the previously mentioned 35.925 acre tract;

Thence South 89°34'50" East along the North line of said 35.925 acre tract a distance of 873.37 feet to a 5/8 inch rebar found on the East line of the Northeast Quarter of Section 28 marking the Northeast corner of said 35.925 acre parcel, passing a 5/8 inch rebar found at 566.96 feet; thence South 00°04'20" West along the East line of the Northeast Quarter of Section

# RECORD OF ORDINANCES

0143

Dayton Legal Elark, Inc.

Form No. 30043

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Passed \_\_\_\_\_ 20\_\_\_\_

28 a distance of 1,111.04 feet (also being the East line of said 35.925 acre parcel) to the POINT OF BEGINNING, said parcel containing 20.161 acres of land, more or less.

Subject to all legal highways, easements, and restrictions of use whether apparent and/or of record and is from an actual field survey performed in May, 2006, under the supervision of Ohio Professional Surveyor Gregory A. Bockrath, Ohio Surveyor No. 8306

NOTE: The bearings used in this description are on an assumed meridian assuming the North line of Dutchman Cove Addition as recorded in P at Volume 10, Page 67 of the Paulding County Plat Records (also being the South line of the Northeast Quarter of Section 28) to be North 89°51'06" West and are for the purpose of angle determination only.

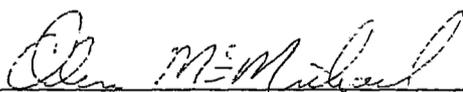
The territory is adjacent and contiguous with the Village of Antwerp, Paulding County, Ohio.

Attached is an accurate plat showing the boundaries of the territories sought to be annexed, marked "Petitioned to be Annexed into the Village of Antwerp".

There is one owner of the real estate in the territory sought to be annexed.

Stanley J. Yoder, 401 Wayne Avenue, Defiance, Ohio 43512, is appointed Agent for the Petitioners as required by RC 709.02, with full power to amend, increase or decrease the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this petition, without further express consent of the Petitioners.

Attached to this Petition and marked as "Exhibit A" is a list of all tracts, lots or parcels of real estate located adjacent to or directly across the road from the territory to be annexed.

  
\_\_\_\_\_  
Olen McMichael

Dated: July 14, 2006

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

35.925 acre parcel.) to the POINT OF BEGINNING, said parcel containing 20.161 acres of land, more or less.

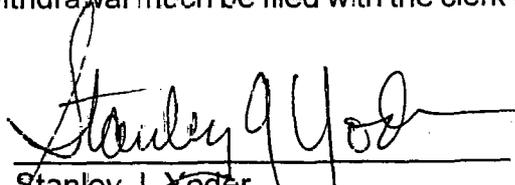
Subject to all legal highways, easements, and restrictions of use whether apparent and/or of record and is from an actual field survey performed in May, 2006, under the supervision of Ohio Professional Surveyor Gregory A. Bockrath, Ohio Surveyor No. 8306.

NOTE: The bearings used in this description are on an assumed meridian assuming the North line of Dutchman Cove Addition as recorded in Plat Volume 10, Page 67 of the Paulding County Plat Records (also being the South line of the Northeast Quarter of Section 23) to be North 89°51'06" West and are for the purpose of angle determination only.

The undersigned is named in the Petition as the Agent of the Petitioners. The Petition contains a full description and an accurate map/plat of the territory sought to be annexed, and states that there is one owner of real estate in the territory. A copy of the Petition is attached to this notice. The full Petition may be viewed at the office of The Paulding County Commissioners 115 North Williams Street, Room B-1, Paulding, Ohio 45879.

The Board of County Commissioners has fixed 10:00 o'clock a.m. on October 2, 2006, at 115 North Williams Street, Room B-1, Paulding, Ohio as the time, date and location for the hearing on the Petition.

Any owner who signed the original Petition may withdraw their signature by filing a written notice of withdrawal of that owner's signature with the clerk of the Board of Paulding County Commissioners. This written notice of withdrawal must be filed with the clerk within 21 days of the mailing of this notice.



Stanley J. Yoder  
WEANER, ZIMMERMAN, BACON,  
YODER & HUBBARD  
401 Wayne Avenue  
Defiance, Ohio 43512  
Telephone: (419) 782-3010

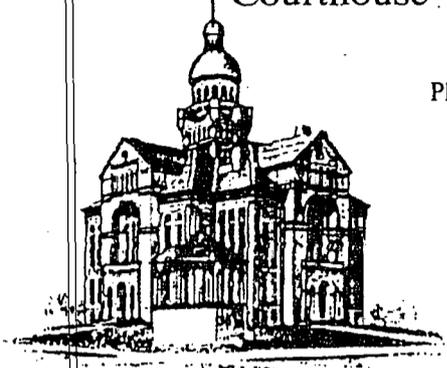
Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**Paulding County Commissioners**

Courthouse — 115 North Williams Street — Room B-1  
Paulding, Ohio 45879

Phone: (419) 399-8215 Fax: (419) 399-8299

E-Mail: pcco:mmissioners@adelphia.net



**NOTICE TO AGENT FOR THE PETITIONER  
OF DATE, TIME, AND PLACE  
SET BY THE BOARD OF PAULDING COUNTY COMMISSIONERS  
TO HEAR ANNEXATION PETITION**

DATE: July 25, 2006

TO: Stanley J. Yoder  
Agent for the Petitioner

In accordance to Ohio Revised Code Section §709.03 and Resolution of the Board of Paulding County Commissioners, you, as Agent for the Petitioner, are hereby notified that on Monday, October 2, 2006, at 10:00 a.m. in the Paulding County Commissioners' office is the date, time, and place set for the Board of Paulding County Commissioners to hear the Petition filed with the Board on July 19, 2006, to annex 20.161 Acres to the Village of Antwerp located in the NE Quarter of Section 28 in Carryall Township, County of Paulding, Ohio.

*Nola R. Ginter*

Nola R. Ginter, Clerk  
Board of Paulding County Commissioners

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_

20 \_\_\_\_\_

Journal 50  
Page 190/191

IN THE MATTER OF ANNEXATION TO THE VILLAGE OF ANTWERP

ANNEXATION PETITION #1-06

20.61 Acres in Carryall Township  
NE Quarter, Section 28

Office of the Board of County Commissioners  
Paulding County, Ohio  
October 23, 2006

This day, the Board of County Commissioners met in regular session with the following members present:

Martin Harmon, Tony Burkley, Ron Lane, and Nola Ginter, Clerk

Mr. Tony Burkley moved to adopt the following Resolution:

WHEREAS, this matter came on for hearing pursuant to Section 709.32 of the Ohio Revised Code upon a petition filed on the 19<sup>th</sup> day of July, 2006, with the Clerk of the Board of Paulding County Commissioners to annex 20.61 acres into the Village of Antwerp, Mr. Stanley Yoder as Agent for the Petitioner; and

WHEREAS, upon the evidence presented, the Board of Paulding County Commissioners finds:

1. The Petition contains all matters required in Section 709.02 of the Ohio Revised Code
2. Notice has been published as required by Section 709.031
3. The persons whose names are subscribed to in petition are owners of real estate
4. The Village of Antwerp by Resolution has adopted a statement indicating what services the municipality proposes to provide the territory seeking annexation to the Village of Antwerp
5. The territory included in the annexation petition is not unreasonably large and no island will be created
6. Referred the legal description and map to the County Engineer and the County Engineer reported his recommendation to the Board that the plat and description as they were presented are adequate
7. The general good of the territory sought to be annexed will be served by granting of the petition

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_

now, therefore

BE IT RESOLVED, that Annexation Petition #1-06 to the Village of Antwerp shall be and hereby is GRANTED; and further

RESOLVED, that the foregoing resolution was adopted and all actions and deliberations of the Board of Commissioners of Paulding County, Ohio, relating thereto were conducted in meetings open to the public, in compliance with all applicable legal requirements.

The motion was seconded by Mr. Tony Burkley. Upon the call of the roll, the following vote resulted.

*Martin Hammer*      yes  
*Tony Burkley*            yes  
*Steve Jones*              yes  
 PAULDING COUNTY COMMISSIONERS

ATTEST: *Paula R. Anzic*, Clerk  
Adopted: October 23, 2006

- CC: Stanley Yoder, Agent for the Petitioner
- Debra Altic, Township Clerk
- Sheila Hilton, Village Clerk
- Paulding County Engineer
- Paulding County Auditor
- Paulding County Prosecutor

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

Journal 50  
Page 191

THE STATE OF OHIO  
PAULDING COUNTY ss CERTIFICATE

I, Nola R. Ginter, the undersigned Clerk of the Paulding County Commissioners, Paulding County, Ohio, do hereby certify that the foregoing Resolution on Page 190, Journal 50 is a true and correct record of the original now on file in the office of the Paulding County Commissioners.

IN TESTIMONY WHEREOF, I hereby subscribe my name officially on this 25th day of October, 2006.

Nola R. Ginter Clerk  
Paulding County Commissioners

Ordinance No. \_\_\_\_\_

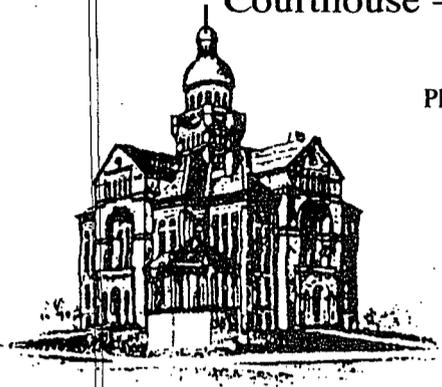
Passed \_\_\_\_\_, 20\_\_\_\_

# Paulding County Commissioners

Courthouse — 115 North Williams Street — Room B-1  
Paulding, Ohio 45879

Phone: (419) 399-8215 Fax: (419) 399-8299

E-Mail: pccommissioners@adelphia.net



THE STATE OF OHIO

SS: CERTIFICATE

PAULDING COUNTY

I, Nola R. Ginter, the undersigned Clerk of the Board of the Paulding County Commissioners, Paulding County, Ohio, do hereby certify that the enclosed papers regarding Annexation Petition #1-06 is a true and correct record of the papers now on file in the office of the Commissioners. And I further certify filing said papers with the Clerk of the Village of Antwerp according to Ohio Revised Code Section 709.033 on the date listed below.

IN TESTIMONY WHEREOF, I hereunto subscribe my name officially on this 30<sup>th</sup> day of October, 2006.

*Nola R. Ginter*

\_\_\_\_\_  
Nola R. Ginter, Clerk  
of the Board of County Commissioners  
Paulding County, Ohio

*Martin Harmon*

\_\_\_\_\_  
Martin Harmon, Paulding County Commissioner

*Tony Burkley*

\_\_\_\_\_  
Tony Burkley, Paulding County Commissioner

*Ron Lane*

\_\_\_\_\_  
Ron Lane, Paulding County Commissioner

*Shelia Hilton*  
\_\_\_\_\_  
Shelia Hilton, Fiscal Officer  
Village of Antwerp

RECEIVED  
10/31/06

Date: 10/31/06

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**RESOLUTION NO. 2006-06  
A RESOLUTION IN COMPLIANCE WITH OHIO REVISED CODE §709.03 (D)  
RELATING TO ANNEXATION OF TERRITORY BY PETITION OF THE OWNER, OLEN  
McMICHAEL, AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Village of Antwerp, Ohio, received notice that a Petition for Annexation of certain territory in Carryall Township, Paulding County, Ohio, was filed in the office of the Paulding County Commissioners by Olen McMichael, said notice issued by and through petitioner's agent, Stanley J. Yoder; and

**WHEREAS**, in compliance with Ohio Revised Code §709.03 (D), the Council for the Village of Antwerp, Ohio ("Village Council"), by this Resolution, adopts a statement indicating the services the Village will provide, and an approximate date by which those services will be provided, to the territory proposed for annexation, upon annexation.

**NOW, THEREFORE, BY IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO, THAT:**

**Section 1.** The Village Council declares that it will provide the annexed territory with all customary governmental services in the same manner and upon the same terms and conditions as are applicable to the provision of those services to all other lands within the municipal corporation limits, and that general governmental services will be provided immediately upon annexation. In addition, the Village will make available municipal water, sewer and storm services to the territory proposed for annexation. These services will be made available within six (6) months of the completed annexation.

**Section 2.** A true copy of this Resolution shall be certified by the Fiscal Officer of the Village and forwarded to the Board of County Commissioners of Paulding County, Ohio and to the petitioner.

**Section 3.** It is found and determined that all formal actions of the Council concerning or relating to the passage of this Resolution 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 4.** This Resolution is deemed an emergency measure necessary for the preservation of the public health, safety and welfare, and for the further reason that Ohio Revised Code §709.033 requires that the Resolution be filed with the Board of County Commissioners to consider following the hearing on the petition to annex, and said hearing is scheduled for October 23, 2006. This Resolution shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be enforced after the earliest period allowed by law.

Passed this 16th day of October, 2006.

Margaret Womack  
Margaret Womack, Mayor

Attest:  
Shula Nelson  
Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_ 25 \_\_\_\_\_

2007-07

PAU-24-0.00  
PID 24334

**ORDINANCE OF THE VILLAGE OF ANTWERP  
AGREEING TO COOPERATE WITH THE DIRECTOR OF TRANSPORTATION  
(Chapter 5521 Ohio Revised Code)**

Mrs. Jan Reeb moved the adoption of the following ordinance: **BE IT RESOLVED**, by the Village of Antwerp, Ohio, that **WHEREAS**, the public interest demands the improvement hereinafter described, therefore, **BE IT RESOLVED**, that the public interest demands the construction of that part of U.S. Route 24 situated in the Village of Antwerp, State of Ohio, and described as follows:

*Construct a four lane divided highway on new alignment between the Indiana State Line and U.S. Route 127. One (1) roadway will be altered within the Village of Antwerp by grade separation from the new route, with the local roadway going over the new route.*

**BE IT FURTHER RESOLVED**, that the Village of Antwerp, Ohio, under the provisions of Chapter 5521 of the Revised Code of Ohio does hereby agree to cooperate with the Director of Transportation hereinafter referred to as the STATE, in said improvement in the following ways and extent:

**SECTION I**

The Village of Antwerp consents to the use of village right-of-way and agrees to vacate and/or alter village streets as follows:

- A. Consent to the use of village highway right-of-way for state highway purposes in conjunction with improvements to the following local roadways:**
  - 1. Township Road 43 (grade separated with relocated US24, with TR43 going over US24;*
- B. Consent to the relocation and/or alteration of village streets as required by said improvements, as follows:**
  - 1. Agree to alter Township Road 43 for a length of approximately 2,800 feet by grade separating its intersection with relocated U.S. Route 24, constructing TR43 over U.S. Route 24, beginning at a point approximately 0.1 mile north of the intersection of TR43 and TR162.*

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_ 20\_\_\_\_

SECTION II

The Village of Antwerp agrees to maintain reconstructed or relocated village streets, to wit:

A. Maintain relocated village streets, as follows:

- 1. Township Road 43 (grade separated with relocated US24, with TR43 going over US24)

SECTION III

General

- 1. The Village will assume the responsibility of performing maintenance of grade separated TR43 inside Village limits, including traveled lanes, shoulders, slopes and ditches, inclusive of snow removal, it being understood that the STATE will maintain all parts of the roadway and bridges over or under the state highway within the linearly projected limited access right-of-way along U.S. Route 24.
- 2. It is understood that any compensation and damages, legally due any property owners abutting the portion of the highway to be closed, shall be paid by the STATE during acquisition of the right-of-way for the state highway improvement and pursuant to procedures provided by law relating to the STATE.
- 3. It is further understood that said improvements of village streets and access, frontage and service roads will be built to state standard specifications.

PAU-24-0.00  
PID 24334

SECTION VI - Authority to Sign

The Mayor of said Village of Antwerp is hereby empowered on behalf of the Village of Antwerp to enter into agreements with the Director of Transportation necessary to complete the above described project.

Passed: February 12, 2007.  
(Date)

Attested: [Signature]  
(Clerk) Fiscal Officer

[Signature]  
(Mayor)

Attested: [Signature]  
(Title)

[Signature]  
(President of Council)

This Ordinance is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

PAU-24-0.00  
PID 24334

CERTIFICATION OF COPY  
STATE OF OHIO

I, Sheela Hilton <sup>Fiscal Officer</sup> as Clerk of the Village of Antwerp of Paulding County, Ohio, do hereby certify that the foregoing is a true and correct copy of ordinance adopted by the Legislative Authority of the said Village of Antwerp, on the 12<sup>th</sup> day of February, 2007, that the publication of such ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such ordinance have been taken; and that such ordinance certified of publication thereof are of record in \_\_\_\_\_, page \_\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 12<sup>th</sup> day of February, 2007.

(SEAL)

Sheela Hilton  
<sup>CLERK</sup>  
Fiscal Officer  
Village of Antwerp of Paulding County, Ohio.

The foregoing is accepted as a basis for proceeding with the project herein described.

Margaret Hornack, Date 2-12-07  
Mayor, Village of Antwerp, of Paulding County, Ohio.

Attest: [Signature]

ACCEPTED AND APPROVED  
FOR THE STATE OF OHIO

\_\_\_\_\_, Date \_\_\_\_\_  
Director, Department of Transportation

Attest: \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

(Ordinance No. 2006-31)

PID No. 24334

Project No. \_\_\_\_\_ (2007)

**RESOLUTION NO. 2007- 02**

**A RESOLUTION FOR THE APPROPRIATION OF FUNDS IN REGARD TO THE HIGHWAY PROJECT IDENTIFIED HEREIN AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE STATE OF OHIO PROVIDING FOR THE PAYMENT OF MONEY FOR SAID PROJECT, AND DECLARING THE SAME AN EMERGENCY.**

The following Final Resolution enacted by the Village of Antwerp, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", in the matter of the stated described project.

WHEREAS, on 20<sup>th</sup> day of November, 2006, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

Construct proposed 4-lane divided highway including various side road intersections and an interchange at State Route 49. Project is on new alignment and is proposed to tie in with the PAU/DEF-24-12.30/0.00 on the east end and with INDOT's DES 0300314 project in the west. Total work length of project being approximately 18.19 miles.

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The Village has no financial obligation in the improvement except as shown on the construction plans (said construction plans are located in the Offices of the Ohio Department of Transportation, Office of Estimating, and are incorporated herein by reference). The Village agrees to assume and bear one hundred percent (100%) of the construction cost of those items shown in the construction plans as one hundred percent (100%) Village, and further, to assume and bear one hundred percent (100%) of the construction cost of any other items requested by the Village which is determined not to be eligible for Federal and State participation.

The share of the cost of the LPA is now estimated in the amount of Sixty Six Thousand Nine Hundred Twenty and --- 00/100 Dollars, (\$66,920.00), but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

NOW, THEREFORE, be it resolved by the Council of the Village of Antwerp, Paulding, Ohio, that:

**Section 1.** That the estimated sum of Sixty Six Thousand Nine Hundred Twenty and ---00/100 Dollars, (\$66,920.00), is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement (said funds to be retained in an escrow account at the Antwerp Exchange Bank and paid as set forth in the Escrow Agreement for Highway Department). We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds.

**Section 2.** That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

**Section 3.** That the LPA enter into a contract with the State, and that the Mayor be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project, and the Mayor is hereby authorized to execute the Escrow Agreement for Highway Department.

**Section 4.** That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

**Section 5.** It is found and determined that all formal actions of the Council concerning or relating to the passage of this Resolution were adopted in an opening 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 Section 121.22 of the Ohio Revised Code.

**Section 6.** This Resolution is deemed an emergency measure necessary for the preservation of the public health, safety and welfare, and for the further reason that this Resolution and the required contract and escrow agreement shall be returned to the Ohio Department of Transportation, Office of Estimating, no later than April 6, 2007, in order to allow the construction project to commence (said construction project as described herein). This Resolution shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be enforced after the earliest period allowed by law.

Passed this 12<sup>th</sup> day of February, 2007.

Legislative Authority of the Village of Antwerp, Ohio

Margaret Womack  
Margaret Womack, Mayor

ATTEST:

[Signature]  
Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

RESOLUTION NO. B2007-03

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT  
WITH REDFLEX TRAFFIC SYSTEMS, INC. FOR AUTOMATED PHOTO  
SPEED AND PHOTO RED LIGHT ENFORCEMENT PROGRAM  
FOR THE VILLAGE OF ANTWERP, OHIO**

ORDINANCE NO. 2007-08

**AN ORDINANCE ENACTING A NEW SECTION OF THE TRAFFIC CODE  
ENTITLED "CIVIL PENALTIES FOR AUTOMATED TRAFFIC ENFORCEMENT  
CAMERA SYSTEM VIOLATIONS" FOR THE VILLAGE OF ANTWERP, OHIO.**

ORDINANCE NO. 2007-09

**AN ORDINANCE ENACTING A NEW SECTION OF THE TRAFFIC CODE  
ENTITLED "CIVIL PENALTIES FOR AUTOMATED RED LIGHT CAMERA SYSTEM  
VIOLATIONS" FOR THE VILLAGE OF ANTWERP, OHIO.**

*These 3 Ordinances were tabled  
at the Apr. 12, 2007 meeting, until  
we find out results of Supreme  
Court hearings.*

*Mayor  
Margaret Homack*

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2007-10

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE VILLAGE OF ANTWERP TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE SANITARY PUMP STATION CONTRACT; AND DECLARING THE SAME AN EMERGENCY**

WHEREAS, the Village of Antwerp is in need of improvements to provide a sanitary pump station to handle anticipated future growth, which sanitary pump station will be located at 407 S. Harrmann Road, Antwerp, Ohio 45813; and

WHEREAS, the Village of Antwerp advertised for bids to be submitted for the work required to perform the necessary labor, services and materials to construct the sanitary pump station; and

WHEREAS, H & K Construction Services, Ltd submitted the lowest and most responsive bid in the amount of \$118,408.00 to perform the necessary work for the construction of the sanitary pump station.

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

Section 1. That the Mayor of the Village of Antwerp is authorized to enter into a contract with H & K Construction Services, Ltd., who provided a bid in the amount of \$118,408.00 for the construction of the sanitary pump station.

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 open meetings 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.

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 necessary for the expansion of the Village's sanitary service to serve future development, 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: Apr. 9, 2007

Margaret Womack  
Margaret Womack, Mayor

ATTEST:

Shelia Hilton  
Shelia Hilton, Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

RESOLUTION NO. R 2007-04

A RESOLUTION REQUESTING THE COUNTY AUDITOR TO CERTIFY TO THE VILLAGE OF ANTWERP THE TOTAL CURRENT TAX VALUATION AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY 1 MILL FOR A REPLACEMENT LEVY FOR FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES, AND DECLARING THE SAME AN EMERGENCY.

WHEREAS, the Council for the Village of Antwerp finds it necessary to request the County Auditor to certify the current tax valuation and the dollar amount of revenue that would be generated by 1 mill.

WHEREAS, the Council for the Village of Antwerp deems it necessary to request this certification from the County Auditor in order for the Village of Antwerp to place a replacement levy on the ballot for the upcoming general election for fire protection and emergency medical services.

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

Section 1. The Village of Antwerp is requesting from the County Auditor to certify the current tax valuation and dollar amount of revenue that would be generated by one mill. The purpose of requesting this certification from the County Auditor is for the village to place a replacement levy on the ballot for the upcoming general election for fire protection and emergency medical services.

Section 2. This resolution is in accordance with the Secretary of State's Advisory 2003.04.

Section 3. It is found and determined that all formal actions of the Council concerning or relating to the passage of this Resolution 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 Section 121.22 of the Ohio Revised Code.

Section 4. This resolution is deemed an emergency measure necessary for the preservation of the public health, safety and welfare of the Village and for the further reason that it is necessary for the Village to obtain this information from the County Auditor in order to place a replacement levy on the ballot for the upcoming general election for fire protection and emergency medical services. This Resolution shall be in

# RECORD OF ORDINANCES

0159

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

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

ENACTED THIS 9<sup>th</sup> day of April, 2007.

Margaret Womack  
Mayor

Attest:

Ashley Helton  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

Resolution No. A 2007-05

**A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO PREPARE AND EXECUTE APPLICATION FOR TRANSPORTATION ENHANCEMENT FUNDS FOR THE DEPOT PROJECT AND AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO ANY AND ALL NECESSARY CONTRACTS REGARDING THE DEPOT PROJECT, AND DECLARING THE SAME IN EMERGENCY**

The following is a Resolution enacted by the Village of Antwerp, Paulding County, Ohio, hereinafter referred to as the Local Public Agency ("LPA"), in the matter of the stated described project.

WHEREAS, the United States Congress has set aside monies for Transportation Enhancement Projects through the State of Ohio, Department of Transportation; and

WHEREAS, LPAs can apply for these monies and be selected for funding by the State of Ohio, Department of Transportation; and

WHEREAS, the renovation of the train depot station located within the Village (the "Project") is a transportation activity eligible to receive federal funding; and

WHEREAS, if requested funds are granted, the ("Village") shall be responsible for at least twenty (20%) percent of the construction costs, and for 100% of all other costs associated with the architecture/engineering plans, environmental studies and documentation, right-of-way plans, and right-of-way acquisition, if necessary.

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

**SECTION ONE:** The Village Administrator of said LPA is hereby empowered on (behalf of the LPA to prepare and execute an application for Transportation Enhancement funds for the stated described project and to submit same to the State of Ohio, Department of Transportation.

**SECTION TWO:** The total construction cost of the project is estimated to be \$367,774, of which the LPA, if awarded the funds, commits to pay at least twenty (20%) percent (hereinafter known as the local portion) of the actual construction cost, estimated to be \$73,555. The local portion shall be funded by the LPA using funds donated by the Antwerp Community Development Corporation. The LPA further agrees to pay One Hundred Percent (100%) of the construction cost over and above the maximum amount provided by the State of Ohio, Department of Transportation and for all costs associated with design, environmental and right-of-way activities.

RECORD OF ORDINANCES

0161

Dayton, Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_

, 20\_\_\_\_

**SECTION THREE:** Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal laws, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) if necessary, maintain the right-of-way, keeping it free of obstructions; and (4) if necessary, hold said right-of-way inviolate for public highway purposes.

**SECTION FOUR:** If the application is approved for the funding, the Village Administrator of said LPA is hereby empowered on behalf of the LPA to enter into a contract with the Director of the Ohio Department of Transportation necessary to complete the above described project.

**SECTION FIVE:** It is found and determined that all formal actions of the Council concerning or relating to the passage of this Resolution 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 SIX:** This Resolution is deemed an emergency measure necessary for the preservation of the public health, safety and welfare, and for the further reason that this Resolution and the required application for funds must be submitted to meet the transportation enhancement application deadline, which is May 1, 2007, in order to allow the proposed project to be considered for federal funding. This Resolution shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be enforced after the earliest period allowed by law.

Passed: April 9, 2007.

*Margaret Womack*

\_\_\_\_\_  
Margaret Womack, Mayor

Attested: *Shirley Weston*  
Fiscal Officer

Ordinance No. \_\_\_\_\_ **A RESOLUTION AUTHORIZING THE DEPARTMENTS AND AGENCIES  
OF THE VILLAGE OF ANTWERP, OHIO TO UTILIZE THE  
NATIONAL INCIDENT MANAGEMENT SYSTEM AS PRESCRIBED  
BY THE DEPARTMENT OF HOMELAND SECURITY AND AUTHORIZING  
THE MAYOR TO ARRANGE FOR ALL VILLAGE DEPARTMENTS  
AND AGENCIES TO PARTICIPATE IN THE  
NATIONAL INCIDENT MANAGEMENT SYSTEM  
TRAINING, AND DECLARING THE SAME AN EMERGENCY**

WHEREAS, President Bush issued Homeland Security Presidential Directive (HSPD)-5, Management of Domestic Incidents, on February 28, 2003, directing the Secretary of Homeland Security to develop, submit for review to the Homeland Security Council, and administer a National Incident Management System (NIMS); and

WHEREAS, NIMS will provide a consistent nationwide approach allowing federal, state, local and tribal governments to work effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents; and

WHEREAS, the Department of Homeland Security has sought extensive input on NIMS from state, local, and tribal officials, the emergency response community, and the private sector and has incorporated the best practices currently in use by incident managers; and

WHEREAS, effective homeland security incident management involves new concepts, processes, and protocols that will require refinement over time. The collective input and guidance from all homeland security partners has been, and will continue to be, vital to the further development of an effective and comprehensive national incident management system; and

WHEREAS, NIMS was published by the Department of Homeland Security on March 1, 2004; and

WHEREAS, HSPD-5 and NIMS require all federal departments and agencies to adopt NIMS and use it in domestic incident management and emergency prevention, preparedness, response, recovery, and mitigation programs and activities, as well as to assist state, local or tribal entities; and

WHEREAS, HSPD-5 and NIMS require federal departments and agencies to make state, tribal and local organizations adopt NIMS as a condition for federal preparedness assistance beginning in federal FY 2005; and

WHEREAS, short-term compliance will include adopting the basic tenets of the Incident Command System identified in the NIMS document. By October 1, 2004, the Secretary of Homeland Security will publish standards, guidelines, and protocols for determining compliance.

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

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

Section 1. All departments and agencies of the Village of Antwerp shall utilize the National Incident Management System (NIMS) as prescribed by the Department of Homeland Security.

Section 2. That the Mayor shall arrange for all Village departments and agencies to participate in NIMS training.

Section 3. It is found and determined that all formal actions of the Council concerning or relating to the passage of this Resolution 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 4. This Resolution is deemed an emergency measure necessary for the preservation of the public health, safety and welfare, to provide NIMS to be utilized by the departments and agencies of the Village of Antwerp and that training be arranged for the Village departments and agencies to participate in NIMS. This Resolution 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 14<sup>th</sup> day of May, 2007.

Margaret Womack  
Margaret Womack, Mayor  
Village of Antwerp

Attest:

Shelia Hilton  
Shelia Hilton, Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2007-11**

**ORDINANCE TO RETAIN THE SERVICES OF MELANIE L. FARR AS SOLICITOR FOR THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO, AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Village is authorized by law to retain the services of legal counsel to be known as the Village Solicitor, and

**WHEREAS**, the Council 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; and

Section 2. The Village will compensate the Solicitor for legal services rendered on behalf of the Village at the rate of One Hundred Dollars (\$100.00) per hour, plus out-of-pocket expenses for long distance telephone charges, fax charges, 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.

Section 3. Melanie L. Farr, 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. This Ordinance shall be retroactive and take effect as of the expiration of the prior Ordinance retaining the services of such counsel as the Solicitor of the Village of the Antwerp, also known as Ordinance No. 2005-11.

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 the public health, safety and welfare, and for the further reason that the Village will 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

0165

Dayton Legal Blank, Inc.

Form No. 300-3

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

Passed this 14<sup>th</sup> day of May, 2007.

*Margaret Womack*

Margaret Womack, Mayor  
Village of Antwerp

Attest:

*Shelia Hilton*

Shelia Hilton, Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2007-12

**AN ORDINANCE AUTHORIZING THE FISCAL OFFICER TO AMEND APPROPRIATION AND DECLARING IT AN EMERGENCY**

WHEREAS, the Fiscal Officer has determined that it is necessary to amend the following appropriations.

WHEREAS, Council must approve the amending of appropriations pursuant to Ohio Revised Code Section 5705.40, and

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

Section 1: This Ordinance is necessary for the immediate preservation of the public peace, health or safety.

Section 2: The Fiscal Officer is hereby authorized to amend the following appropriations:

<u>Fund</u>	<u>Description</u>	<u>New Appropriation Amount</u>
A1-3B-230	Parks Contractual	1000.00
A1-7A-230	Mayor Contractual	100.00
A1-7A-250	Mayor Capital Outlay	0.00
A1-7B-212	General Leg Benefits - Sara	5000.00
A1-7B-220	General Leg. Travel - Sara	200.00
Additional appropriations Amount are "attached hereto incorporated into this	identified by Fund, Description and and marked as Exhibit A, Which Ordinance by reference."	New Appropriation Exhibit A is

Section 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and well being of the residents

Section 4: This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

# RECORD OF ORDINANCES

0167

Dayton Legal Bank, Inc.

Form No. 5043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

## Exhibit A

<u>FUND</u>	<u>DESCRIPTION</u>	<u>NEW APPROPRIATION</u>
A1-7B-250	General Leg. Cap. Outlay	\$0.00
A1-7C-230	Mayor's Court Cont	\$550.00
A1-7C-240	Mayor's Court O & M	\$2,000.00
E1-5E-240	Water Pump O & M	\$20,000.00
E1-5E-250	Water Pump Cap Outlay	\$5,000.00
E1-5F-230	Water Dist. Cont	\$29,000.00
E1-5F-250	Casing Pipes	\$54,500.00
E1-5H-240	Water Auto O & M	\$3,000.00
E1-5A-230	Water Clerk Computer	\$2,800.00
E1-5A-240	Water Clerk O & M	\$1,000.00
E1-5B-220	Water Billing T & T	\$200.00
E1-5B-230	Water Billing Cont	\$3,000.00
E1-5B-240	Water Billing O & M	\$2,500.00
E1-5D-230	Water Filter Cont	\$1,000.00
E1-5D-240	Water Filter O & M	\$4,000.00
E1-5E-230	Water Pumping Cont	\$15,000.00
E2-5F-250	Casing Pipes	\$2,306.00
E2-5D-250	Dump Truck	\$0.00
E2-5C-250	Lift Station	\$118,408.00
E2-5A-230	Sewer Clerk Computer	\$2,300.00
E2-5A-240	Sewer Clerk O & M	\$500.00
E2-5B-240	Sewer Billing O & M	\$1,000.00

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

*Exhibit A continued*

E2-5C-230	Sewer Utilities	\$30,000.00
E2-5G-230	Sewer Collect Cont	\$500.00

# RECORD OF ORDINANCES

0169

Rayton Legal Blank, Inc.

Form No. 30043

*Amack*

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

Date 5/14/07

Mayor Margaret Thomack

Attest:

Fiscal Officer Shirley Helm

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2007-13**

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS TO THE POLICE FUND IN THE AMOUNT OF \$20,000.00 AND DECLARE THE SAME TO BE 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, 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 transfer does not require a 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 even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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 (\$20,000.00) from the General Fund to the Police Fund.

Section 2. This ordinance is necessary to provide for the operating funds for 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.

# RECORD OF ORDINANCES

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Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2007-14

**AN ORDINANCE TO PROHIBIT THE PARKING OF COMMERCIAL VEHICLES ON PUBLIC STREETS WITHIN THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO.**

**WHEREAS**, commercial vehicles are being parked on public streets within the Village of Antwerp, Ohio, at all times of the day and night; and

**WHEREAS**, the parking of these commercial vehicles on public streets removes the assessability to certain businesses due to the lack of parking spots therein; and

**WHEREAS**, the parking of these commercial vehicles on the public streets creates a dangerous condition to pedestrians, other motor vehicles and people using said streets due to the reduced visibility created by the commercial vehicles' presence; and

**WHEREAS**, the Council for the Village of Antwerp, Ohio, deems it to be in the best interests of the public and the Village to prohibit the parking of commercial vehicles on public streets within the Village of Antwerp, Ohio.

**NOW, THEREFORE**, be it Ordained by the Council of the Village of Antwerp, Paulding County, Ohio:

**Section 1.** No person shall stand or park a commercial vehicle on any street within the Village of Antwerp, Ohio, except when necessary to avoid conflict with other traffic or to comply with the provisions of this Ordinance, or while obeying the directions of a police officer or a traffic control device.

**Section 2.** The other provisions of this Ordinance notwithstanding, this section shall not apply to commercial vehicles in unloading and delivery or pickup and loading of materials, if done in an expeditious manner, and in no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.

**Section 3.** For the purposes of this section, commercial vehicles shall mean any vehicle used or designed to be used for business or commercial purposes, and includes, but is not limited to, a bus, cement truck, commercial tree trimming equipment, construction equipment, dump truck, panel truck, semi-tractor, semi-tractor with trailer, or any other non-recreational trailer used for commercial purposes such as a stage bed truck, step van, tank truck, tar truck, or other commercial-type vehicle licensed by the Ohio State Bureau of Motor Vehicles as a commercial vehicle or truck.

**Section 4.** That the Mayor and Fiscal Officer of the Village are authorized to purchase and cause to be installed the necessary signs designating said streets as prohibited places for the parking of commercial vehicles as defined herein.

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# RECORD OF ORDINANCES

Form No. 30043

Dayton Legal Blank, Inc.

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**Section 5.** Whoever violates this Ordinance is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender has been previously convicted of or pleaded guilty to a violation of this Ordinance, then said offender is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender has been previously convicted of or pleaded guilty to two (2) or more violations of this Ordinance, then the offender is guilty of a misdemeanor of the third degree

**Section 6.** 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 open meetings 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.

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

Enacted this 9<sup>th</sup> day of July, 2007

Margaret Womack  
Margaret Womack, Mayor

ATTEST:

Debra Helton  
Village Fiscal Officer

First Reading: 6/11/07

Second Reading: 6/25/07

Third Reading: 7/9/07

PASSED: \_\_\_\_\_

RECORD OF ORDINANCES

173c  
0499

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2007-15

**AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR TO LET BIDS FOR THE COLLECTION AND REMOVAL OF GARBAGE, RUBBISH, REFUSE AND BULKY WASTE FROM THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO**

**WHEREAS**, the Council of the Village of Antwerp, Paulding County, Ohio, has deemed it necessary for the public health and welfare to let bids for the collection and removal of garbage, rubbish, refuse and bulky waste from the Village of Antwerp; and

**WHEREAS**, the Council of the Village of Antwerp deems it acceptable for individual Businesses to independently contract for the aforesaid services so that the letting of bids will not apply to those Businesses.

**NOW, THEREFORE**, be it Ordained by the Council of the Village of Antwerp, Paulding County, Ohio:

**Section 1.** That the Village Administrator, be and hereby is authorized and directed to let bids for the collection and removal of garbage, rubbish, refuse, and bulky waste from the Village of Antwerp, Ohio.

**Section 2.** That the Fiscal Officer for the Village of Antwerp is hereby instructed and directed to cause a legal notice to bidders to be published for two (2) consecutive weeks in a newspaper of general circulation within the Village of Antwerp, Ohio. The Village of Antwerp reserves the right to reject any and all bids.

**Section 3.** That the letting of bids by the Village of Antwerp in this respect will not apply to individual Businesses. Businesses shall include schools, factories, wholesale, retail and service oriented operations.

**Section 4.** 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 open meetings 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.

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

Enacted this 9<sup>th</sup> day of July, 2007

Margaret Womack  
Margaret Womack, Mayor

ATTEST:

Shirley Nelson  
Village Fiscal Officer

First Reading: 6/11/07

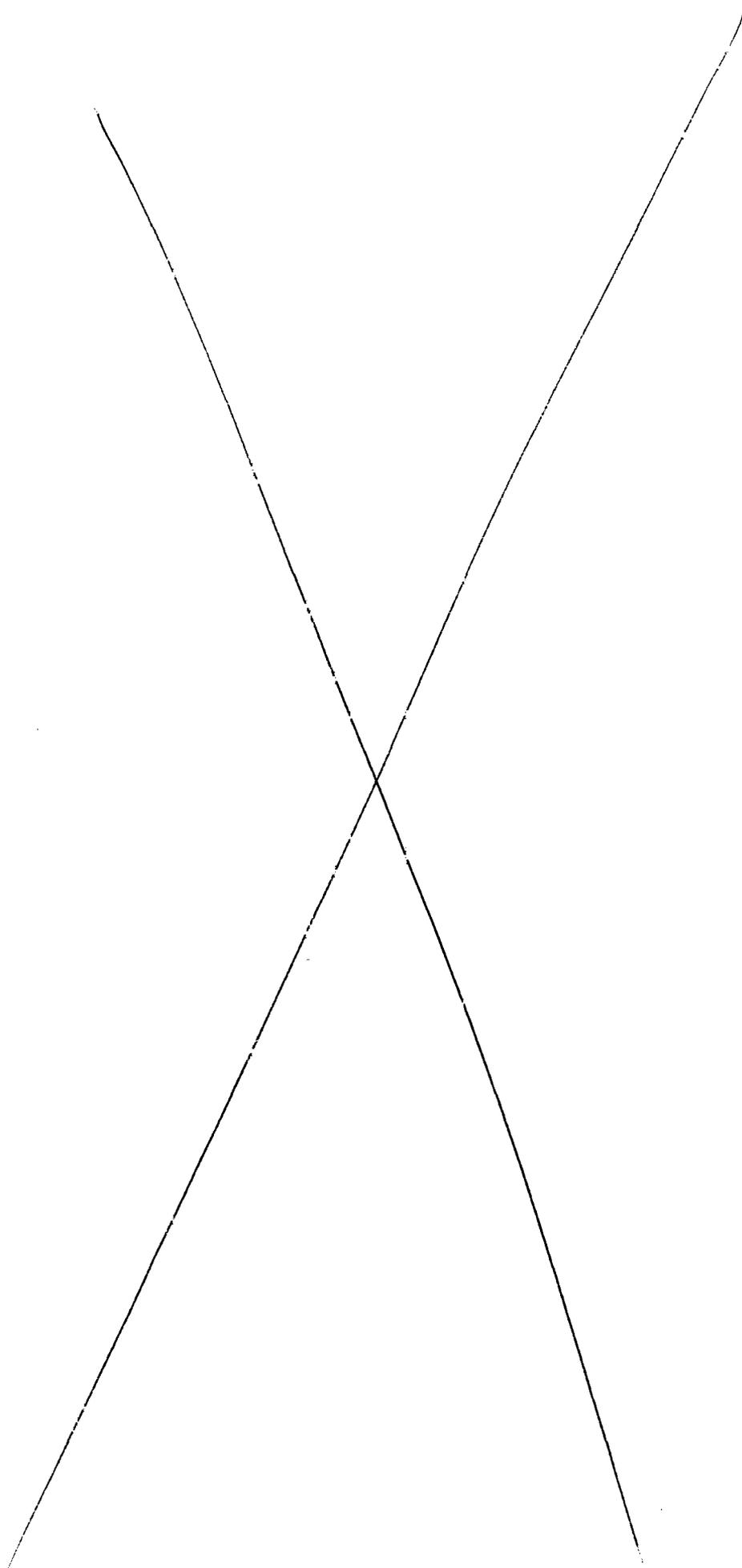
Second Reading: 6/25/07

Third Reading: 7/9/07

PASSED: \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_



RECORD OF ORDINANCES

0170

Dayton Legal Blar.k, Inc.

Form No. 33043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

*Signature for Ord. 2007-13  
out of sequence!*

Date: 6/11/07

Margaret Monahan  
Mayor of the Village of Antwerp

Attest:

Shirley Hill  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2007-16**

**AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF A NOTE FOR THE PURPOSE OF INSTALLING A LIFT STATION IN THE VILLAGE OF ANTWERP, COUNTY OF PAULDING, OHIO, AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Village of Antwerp authorized the bidding of the project to install a lift station in the Village of Antwerp, Paulding County, Ohio, in the Colony Subdivision; and

**WHEREAS**, the bidding process is complete and a contract has been awarded to the lowest and best bidder to install the lift station; and

**WHEREAS**, the Village of Antwerp must obtain financing for this project, even though the Village implemented a Tax Increment Financing (TIF) program that will redirect real estate tax monies to offset said financing for the improvement in the future.

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

Section 1. A Note in the principal amount of \$139,159.00 shall be issued for the purpose set forth herein to install a lift station in the Village of Antwerp, Paulding County, Ohio, in the Colony Subdivision with a financing cost thereof incurred in connection with the issuance of said note.

Section 2. Said Note shall bear interest at a rate not exceeding 5.250% annually for two years, payable at maturity, to wit: two years after date of said note. In the event of default, the Note shall become immediately due and payable. Said maturity date shall occur two years from the date of said Note provided the maturity date is not a business day, the Note shall mature on the first business day immediately preceding such date.

Section 3. The Village covenants that it will take, cause to be taken, or has taken such actions which may be required of it for the interest on the Note to remain excluded from gross income for federal income tax purposes, and will not take or permit to be taken any actions which would adversely affect that exclusion, and that it, or persons acting for it, will, among other acts of compliance, apply proceeds all in a manner and to the extent necessary to assure such exclusion of that interest under the Internal Revenue Code. The Fiscal Officer and any other appropriate officers are hereby authorized and directed to take any and all actions, make calculations and rebate payments, and make or give reports and certifications as may be appropriate to assure such exclusion of that interest.

Section 4. The Note shall be the full general obligation of the Village and the full faith, credit and revenue of said Village are hereby pledged for the prompt payment of the same.

Section 5. It is hereby determined and recited that all acts, conditions and things required to be done precedent to and in the issuance of the Note, in order to make them legal, valid and binding obligations of the Village of Antwerp, have happened, been done, and performed in regular and

RECORD OF ORDINANCES

0173

Dayton Legal Blends, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

due form as required by law; that the full faith, credit and revenue of said Village shall be and is hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of said Note.

Section 6. The Fiscal Officer, or other officer, is authorized to prepare, execute and deliver to the purchaser of said Note a preliminary and final official statement or any other appropriate disclosure document in connection with the sale and delivery of the Note.

Section 7. The Mayor and Fiscal Officer of said Village are hereby authorized to sign and execute the Note on behalf of said Village and the Council approves any action taken by such officials in that regard.

Section 8. 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 ordinance and any applicable provisions of Section 121.22 of the Ohio Revised Code.

Section 9. 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 the financing to install the lift station 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: 6/25/07

Margaret Womack  
Margaret Womack, Mayor

Attest:  
[Signature]  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

## HALLER & COLVIN<sup>PC</sup>

ATTORNEYS AT LAW

ROBERT W. HALLER  
 SHERRILL WM. COLVIN  
 STEPHEN E. LEWIS  
 VINCENT J. HEINY  
 JOHN O. FEIGNER  
 MARK E. GIACINTA  
 MARK C. CHAMBERS  
 ROBERT W. EHERENMAN  
 SUZANNE M. WAGNER  
 CHARLES J. HEINY  
 MARTIN E. SEIFERT  
 MELANIE L. FAER\*  
 AARON J. BUTLER  
 MARK F. LUBA

444 EAST MAIN STREET  
 FORT WAYNE, IN 46802  
 Telephone: (260) 426-0444  
 Fax: (260) 422-0274

\*Admitted in Ohio  
 Email: [mfarr@hallercolvin.com](mailto:mfarr@hallercolvin.com)

June 25 2007

Via Fax Only: (419) 258-9371

Ronald D. Eschbach, President  
 Antwerp Exchange Bank Company  
 Antwerp, Ohio 45813

**Re: *Written Opinion for Ordinance to Provide for the Issuance of a Note for the Purpose of Installing a Lift Station, and Declaring the Same an Emergency***

Dear Mr. Eschbach:

I have reviewed an ordinance of the Village of Antwerp to provide for the issuance of a note for the purpose of installing a lift station in the Colony Subdivision in the Village of Antwerp, Ohio, for the principal amount of \$139,159.00, bearing interest at the rate of 5.250% per year, payable at maturity, maturing two years from the date of the Note. A meeting of the Village Council will be conducted today, June 25, 2007, at 5:00 p.m., and this ordinance is on the agenda for review.

Based on an examination, I am of the opinion that, under existing law:

- (1) The Note constitutes a valid and legal general obligation of the Village, and the principal of and interest on the Note, unless paid from other sources, and subject to bankruptcy laws and other laws affecting creditors' rights and to the exercise of judicial discretion, is to be paid from the municipal income tax receipts (after approval by village council to transfer said income tax receipts from the general fund for said purpose) and a Tax Increment Financing (TIF) program that will redirect real estate tax monies to pay for the improvement in the future.
- (2) The interest on the Note is excluded from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1936, as amended (the "Code"), also located at 26 U.S.C. § 103, and is not an item of tax preference under Section 57 of the Code for purposes of the alternative minimum tax imposed on individuals and corporations. The Note is a "qualified tax exempt obligation" as defined in Section 265(b)(3)(B) of the Code. The interest on the Note, and any profit made on its sale, exchange or other disposition, is exempt from the Ohio personal income tax, the net

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

Ronald D. Eschbach, President  
 Antwerp Exchange Bank Company  
 June 25, 2007  
 Page 2

income base of the Ohio corporate franchise tax, and municipal and school district income taxes in Ohio. I express no opinion as to any other tax consequences regarding the Note.

In giving the foregoing opinion with respect to the treatment of the interest on the Note and the status of the Note under the federal tax laws, I have assumed and relied upon compliance with the Village's covenants and the accuracy, which have not been independently verified, of the Village's representations and certifications. The accuracy of those representations and certifications and compliance by the Village with those covenants may be necessary for the interest to be and to remain excluded from gross income for federal income tax purposes and for the other federal tax effects stated above. Failure to comply with certain of those covenants subsequent to the issuance could cause the interest on the Note to be included in gross income for federal income tax purposes retroactive to its date of issuance.

If you need additional information or have any questions or concerns, please do not hesitate to contact me. Thank you for your assistance on this matter.

Sincerely yours,

**HALLER & COLVIN, P.C.**



Melanie L. Farr  
 MLF/

cc: Margaret Womack, Mayor  
 Sheila Hilton, Fiscal Officer  
 Sara Keeran, Administrator

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2007-17

AN ORDINANCE AUTHORIZING THE FISCAL OFFICER TO AMEND APPROPRIATION AND DECLARING IT AN EMERGENCY

WHEREAS, the Fiscal Officer has determined that it is necessary to amend the following appropriations.

WHEREAS, Council must approve the amending of appropriations pursuant to Ohio Revised Code Section 5705.40, and

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

Section 1: This Ordinance is necessary for the immediate preservation of the public peace, health or safety.

Section 2: The Fiscal Officer is hereby authorized to amend the following appropriations:

<u>Fund</u>	<u>Description</u>	<u>increased to. New Appropriation Amount</u>
B9-D-146	Fire Grant	750.00
B1-6B-230	Streets Contractual	7000.00
E1-5E-250	Water Pumping Contract.	8500.00
B14-6D-230	Storm Sewer Contract.	1500.00
B14-6D-240	Storm Sewer Supplies	600.00

Section 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and well being of the residents

Section 4: This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Date 6/25/07

Mayor Margaret Womack

Attest:

Fiscal Officer Shirley Hick

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 3007-18

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE VILLAGE OF ANTWERP TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE STORM SEWER IMPROVEMENT CONTRACT; AND DECLARING THE SAME AN EMERGENCY**

WHEREAS, the Village of Antwerp is in need of improvements to provide storm sewer improvements to alleviate flooding in the Village of Antwerp which will effect Buckeye/Maple/Woodland/Oak/Park Streets and the immediate area surrounding those streets; and

WHEREAS, the Village of Antwerp advertised for bids to be submitted for the work required to perform the necessary labor, services and materials to construct the storm sewer improvements; and

WHEREAS, Vernon Nagel, Inc. submitted the lowest and most responsive bid in the amount of \$416,820.00 to perform the necessary work for the construction of the storm sewer improvements.

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

Section 1. That the Mayor of the Village of Antwerp is authorized to enter into a contract with Vernon Nagel, Inc., who provided a bid in the amount of \$416,820.00 for the construction of the storm sewer improvements.

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 open meetings 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

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 necessary for the expansion of the Village's sanitary service to serve future development, 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: 7/2/07

*Margaret Womack*  
Margaret Womack, Mayor

ATTEST:  
*Shelia Hilton*  
Shelia Hilton, Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_

, 20\_\_\_\_

ORDINANCE NO. 2007-19

AN ORDINANCE ACCEPTING COMPLETED INFRASTRUCTURE IMPROVEMENTS, AS SHOWN ON THE FINAL PLAT AND/OR AS-BUILT DRAWINGS OF THE COLONY PHASE ONE ADDITION TO THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO, SAID PLAT ACCEPTED BY ORDINANCE NO. 2007-06; AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Village of Antwerp accepted the final plat of the Colony Subdivision, Phase One, an addition to the Village of Antwerp, Paulding County, Ohio, by Ordinance No. 2007-06; and

WHEREAS, the Village of Antwerp, provided by Ordinance No. 2007-06 that none of the lots identified in the final plat for the Colony Subdivision, Phase One, could be sold to any third party until the infrastructure improvements are completed and accepted by the Village of Antwerp.

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

SECTION 1. That the infrastructure improvements identified in the accepted final plat and more specifically on the as-built drawings showing the infrastructure improvements on County Road 43, excepting streets, (attached hereto as Exhibit A and incorporated herein by reference) for the Colony Subdivision, Phase One, have been completed. The passage of this Ordinance is subject to the engineer for the Village of Antwerp certifying that the infrastructure improvements identified on these as-built drawings have been constructed in accordance with the conditions imposed by the Council for the Village of Antwerp.

SECTION 2. Subject to the engineer's certification set forth in Section 1, the Council for the Village of Antwerp hereby accepts the infrastructure improvements identified in Exhibit A.

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, and in compliance with all legal requirements.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the welfare, convenience and prosperity of the Village of Antwerp and necessary to permit the development of the Colony Phase One Addition to continue and lots to be sold to third parties pursuant to Ordinance No. 2007-06. 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: 7/9/07

*Margaret Womack*  
Margaret Womack, Mayor

ATTEST:

*Shirley Peters*  
Fiscal Officer

RECORD OF ORDINANCES

0179

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_ 20\_\_\_\_

R-2007-9

national graphics

National Graphics Corp., C.S., O. Form No. AH-1

RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX IN EXCESS OF THE TEN MILL LIMITATION

Rev. Code, Sec. 5705.09, 52.26

The Village of Antwerp, Paulding County, Ohio, met in Regular session on the 9th day of July, 2007, at the office of Town Hall with the following members present:

- Ron Farnsworth - Council Pres.
Tom Van Vlerah, Karer Lee
Jan Reeb, Dan Gordon
Mike Rohrs

Mr. Ron Farnsworth moved the adoption of the following Resolution.

WHEREAS, The amount of taxes which may be raised within the ten mill limitation will be insufficient to provide an adequate amount for the necessary requirements of said Village of Antwerp, Paulding County, Ohio; therefore be it

RESOLVED, by the Council of the Village of Antwerp, Paulding County, Ohio, two-thirds of all members elected thereto concurring, that it is necessary to levy a tax in excess of the ten mill limitation for the benefit of Village of Antwerp for the purpose of Fire Protection and Emergency Medical Services ORC 5705.19 (E)

at a rate not exceeding 1.00% mills for each one dollar of valuation, which amounts to .10 (ten cents) for each one hundred dollars of valuation, for 5 years 2008-2012

(If the levy is a renewal of an existing levy, or an increase or decrease, insert as part of the resolution and which levy is a renewal of an existing levy of... mills or and which levy is a renewal of an existing levy of... mills and an increase of...mills to constitute a tax of...mills or and which levy is a renewal or part of an existing levy, being a reduction of...mills to constitute a tax of...mills.) a replacement of tax of 1 mill

RESOLVED, That said levy be placed upon the tax list of the current year after the February settlement next succeeding the election, if a majority of the electors voting thereon vote in favor thereof; and be it further

RESOLVED, That the Clerk of this Council Village of Antwerp be and he is hereby directed to certify a copy of this Resolution to the Board of Elections, Paulding County, Ohio, 75 days prior to the election

upon which it will be voted and notify said Board of Elections to cause notice of election on the question of levying said tax to be given as required by law.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 2007

Mr. Dan Gordon seconded the Motion and the roll being called upon its adoption the vote resulted as follows:

- Mr. Ron Farnsworth, Mr. Dan Gordon, yes, yes
- Mr. Tom Van Vlerah, yes
- Mr. Mike Rohrs, yes
- Mr. s Jan Reeb, yes
- M s. Karen Lee, yes

Adopted the 9th day of July, 2007

1st Reading - 06/11/2007      Sheila Hilton  
 Fiscal Officer  
 2nd Reading - 06/19/07      Village of Antwerp  
 (Name of Subdivision)  
 Paulding County, Ohio

1. This Resolution is to be passed and certified to the Board of Elections prior to the day before the election upon which it will be voted.
2. Board of County Commissioners, Council of the City or Village, Board of Education, or Board of Township Trustees.
3. Name of Subdivision.
4. Here insert any one of the purposes listed in Sec 5705.19 R. C.
5. Inset: for all subdivisions including schools under 5705.19 the rate indebtedness or the number of years the levy is to run and in the case of schools under 5705.192 the amount of the increase which may be continued for an indefinite period of time.
6. Schools under 5705.192 shall also list the portion of the increase in rate, if any proposed to be levied in order to qualify for the distribution of school funds under Chapter 3317 R. C. and the portion of the increased rate, if any, in excess of the amount necessary to qualify under Chapter 3317 R. C.
7. Such resolution shall also provide that the portion of the increased rate in excess of that required to allow the school district to meet the 10 mill levy provisions under Chapter 3317 R. C. shall be in effect not longer than 0 years, and that portion of the increased rate shall be in effect until such time as the rate may be decreased pursuant to section 5705.261 or Section 5705.11 or such portion may be so decreased for a period of not to exceed one year and from year to year by a majority vote of the Board of Education.
8. This notice to be given by the Board of Elections shall be published in a newspaper of general circulation in the subdivision once a week for four consecutive weeks prior to the election.

The State of Ohio, Paulding County, ss.

I, Sheila Hilton, Fiscal Officer of Village of Antwerp

do hereby certify that the foregoing is taken and copied from the Record of the Proceedings of said Village; that the same has been compared by me with the Resolution on said Record and that it is a true and correct copy thereof.

Witness my signature, this 9th day of July, 2007

Sheila Hilton  
Fiscal Officer

No. R2007-09

Village of Antwerp  
Paulding County, Ohio

RESOLUTION  
DECLARING IT NECESSARY TO LEVY A  
TAX IN EXCESS OF THE TEN  
MILL LIMITATION

Filed

By

Deputy



Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2007- 20**

**AN ORDINANCE AUTHORIZING THE FISCAL OFFICER TO AMEND APPROPRIATION AND DECLARING IT AN EMERGENCY**

WHEREAS, the Fiscal Officer has determined that it is necessary to amend the following appropriations.

WHEREAS, Council must approve the amending of appropriations pursuant to Ohio Revised Code Section 5705.40, and

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

Section 1: This Ordinance is necessary for the immediate preservation of the public peace, health or safety.

Section 2: The Fiscal Officer is hereby authorized to amend the following appropriations:

FUND	DESCRIPTION	NEW APPROPRIATION AMOUNT	
		Original	New amount
A1 3B 240 Parks Oper/Main	Increase Appropriation	\$1,500	\$3,000
A1 4A 230 Zoning Inspector Contractural	Increase Appropriation	\$100	\$250
E1 5E 250 Water Pump. Cap. Outlay	Increase Appropriation	\$8,500	\$15,000
E1 5E 230 Water Pump Contractual Services	Increase Appropriation	\$15,000	\$25,000
E1 5F 250 Casing Pipes	Increase Appropriation	\$54,600	\$67,000
E2 5B 230 Bill Clerk Contractual Service	Increase Appropriation	\$1,217.38	\$1,800
B1-6-B-230 Streets Contractual	Increase Appropriation	\$7,000	\$33,000
E2 5G 230 Sewer Coll. Contractual	Increase Appropriation	\$500	\$2,000

Section 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and well being of the residents.

Section 4: This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Date August 13, 2007

Mayor Margaret Womack

Attest: Loretta Baker

Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2007-21**  
**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS TO THE POLICE FUND IN THE AMOUNT OF \$30,000 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, 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 transfer does not require a 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 even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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 \$30,000.00 from the General Fund to the Police Fund.

Section 2. This ordinance is necessary to provide for the operating funds for 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: Aug. 13, 2007

Margaret Nomach  
 Mayor of the Village of Antwerp

Attest:

Loretta Baker  
 Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

RESOLUTION NO. 2007-10

**A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED FOR WATERLINE REPAIRS ALONG SHAFFER ROAD; AND DECLARING THE SAME AN EMERGENCY.**

**WHEREAS**, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

**WHEREAS**, the Village of Antwerp must make capital improvements to the Shaffer Road Waterline; and

**WHEREAS**, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs.

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

**Section 1.** The Mayor is further authorized to apply to the OPWC for funds as described above.

**Section 2.** The Mayor is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

**Section 3.** The Village has experienced a real and present emergency arising in connection with the operation and maintenance of its Water Works System, specifically, the Waterline located on Shaffer Road, and the Village authorizes the Administrator for the Village of Antwerp to enter into a contract for the work to be done and to purchase any supplies and materials without formal bidding and advertising pursuant to Ohio Revised Code § 735.051.

**Section 4.** It is found and determined that all formal actions of the Council of the Village of Antwerp, Ohio, concerning or relating to the passage of this Resolution were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that result in such formal action, were in meetings open to the public, in compliance with all legal requirements.

**Section 5.** This Resolution 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 waterline repairs on Shaffer Road for the well being of the residents and this Resolution shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in full force after the earliest period allowed by law.

Passed: 8/29, 2007.

*Margaret Womack*  
MARGARET WOMACK, Mayor

ATTEST:

*Loretta Baker, Fiscal Officer*  
LORETTA BAKER, Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2007-22

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF A NOTE IN ANTICIPATION OF THE ISSUANCE OF BOND FOR THE PURPOSE OF STORM SEWER CAPITAL IMPROVEMENTS AND DECLARING THE SAME AN EMERGENCY

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

Section 1. A Note in the principal amount of \$160,000 shall be issued in anticipation of issuance of bond for the purpose set forth herein to make necessary storm sewer capital improvements with a financing cost thereof incurred in connection with the issuance of said Note.

Section 2. Said Note shall bear an interest rate not exceeding 4.79 % for ten years, payable in semi-annual payments to begin on February 28, 2008 in an amount of \$10,162.42. In the event of default, the Note shall become immediately due and payable. Said maturity date shall occur one year from the date of said Note provided the maturity date is not a business day, the Note shall mature on the first business day immediately preceding such date.

Section 3. The Village covenants that it will take or cause to be taken such actions which may be required of it for the interest on the Note to remain excluded from gross income for federal income tax purposes, and will not take or permit to be taken any actions which would adversely affect that exclusion, and that it, or persons acting for it, will, among other acts of compliance, apply proceeds, all in a manner and to the extent necessary to assure such exclusion of that interest under the Internal Revenue Code. The Village Fiscal Officer and any other appropriate officers are hereby authorized and directed to take any and all actions, make calculations and rebate payments, and make or give reports and certifications as may be appropriate to assure such exclusion of that interest.

Section 4. The Note shall be the full general obligation of the Village and the full faith, credit and revenue of said Village are hereby pledged for the prompt payment of the same.

Section 5. It is hereby determined and recited that all acts, conditions and things required to be done precedent to and in the issuance of the Note, in order to make them legal, valid and binding obligations of the Village of Antwerp, have happened, been done, and performed in regular and due form as required by law; that the full faith, credit and revenue of said Village shall be and is hereby irrevocably pledged for the prompt payment of the principal and interest thereon at maturity; that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of said Note.

Section 6. The Village Fiscal Officer, or other officer, is authorized to prepare, execute and deliver to the purchaser of said Note a preliminary and final official statement or any other appropriate disclosure document in connection with the sale and delivery of the Note.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

Section 7. The Mayor and Fiscal Officer of said Village are hereby authorized to sign and execute the Ncte on behalf of said Village.

Section 8. 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 9. 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 storm sewer capital improvements 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: 8-29-07

Margaret Womack  
Margaret Womack, Mayor

Loretta Bada  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_

ORDINANCE NO. 2007-23

## AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO A PROFESSIONAL STATE FUND SERVICE CONTRACT WITH GATES, McDONALD &amp; COMPANY; AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Village of Antwerp utilizes Gates, McDonald & Company as its Administrator for the Group Plan the Village of Antwerp has for Worker's Compensation purposes; and

WHEREAS, the Village of Antwerp has been notified by Gates, McDonald & Company that the Village of Antwerp will not qualify for a group discount in the following year due to rating issues; and

WHEREAS, Gates, McDonald & Company, by way of a Professional Services Contract, will assist the Village of Antwerp in obtaining any available discounts for Worker's Compensation services, for an annual service fee of \$749.00.

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

**Section 1.** The Village Administrator of the Village of Antwerp, Ohio, is hereby authorized to enter into the Professional State Fund Service Contract with Gates, McDonald & Company in order for Gates, McDonald & Company to assist the Village of Antwerp in reviewing other programs for which the Village of Antwerp may be eligible and which may lower the Worker's Compensation costs for the Village of Antwerp.

**Section 2.** The Village of Antwerp authorizes the Village Fiscal Officer to pay the service fee provided for in the Gates, McDonald & Company Professional State Fund Service Contract of \$749.00 to provide the services as provided in said Contract.

**Section 3.** 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 of any of its committees that result in such formal action, were in meetings open to the public, in compliance with all legal requirements.

**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 obtaining any discounts which it may be eligible for Worker's Compensation costs and in order to attain the professional services of Gates, McDonald & Company, the Contract for said services must be signed on or before September 1, 2007, and returned to Gates, McDonald & Company, and this Ordinance shall be in force and effect immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Passed: 8-29, 2007.

*Margaret Womack*  
MARGARET WOMACK, Mayor  
Village of Antwerp

Attest:

*Loretta Baker, Fiscal Officer*  
LORETTA BAKER, Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2007-24**

**AN ORDINANCE AMENDING ORDINANCE NO. 2007-15 AUTHORIZING THE VILLAGE ADMINISTRATOR TO LET BIDS FOR THE COLLECTION AND REMOVAL OF GARBAGE, RUBBISH, REFUSE AND BULKY WASTE FOR THE VILLAGE OF ANTWERP; AND DECLARING THE SAME AN EMERGENCY**

WHEREAS, the Council of the Village, Ohio, adopted an Ordinance authorizing the Village of Antwerp to let bids for the collection and removal of garbage, rubbish, refuse and bulky waste for the Village of Antwerp, Paulding County, Ohio, said Ordinance designated as Ordinance No. 2007-15, which was passed by a majority vote of the Council of the Village of Antwerp, Ohio, as an emergency measure on July 9, 2007; and

WHEREAS, the Council has determined that prior to the Village of Antwerp letting bids for the collection and removal of garbage, rubbish, refuse and bulky waste for the Village of Antwerp, the Council deems it necessary for the Village of Antwerp to obtain additional information from prospective bidders; and

WHEREAS, the Council of the Village of Antwerp amends Ordinance No. 2007-15 in order to authorize the Village Administrator to obtain estimates, rather than to let bids, for the collection and removal of garbage, rubbish, refuse and bulky waste from the Village of Antwerp.

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

**Section 1.** Ordinance No. 2007-15 of the Village of Antwerp, Ohio, authorizing the Village Administrator to let bids for the collection and removal of garbage, rubbish, refuse and bulky waste from the Village of Antwerp, Paulding County, Ohio, is amended to read as follows:

**AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR TO OBTAIN ESTIMATES FOR THE COLLECTION AND REMOVAL OF GARBAGE, RUBBISH, REFUSE AND BULKY WASTE FROM THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO; AND DECLARING THE SAME AN EMERGENCY.**

WHEREAS, the Village of Antwerp, Paulding County, Ohio, has deemed it necessary for the public health and welfare to obtain estimates for the collection and removal of garbage, rubbish, refuse and bulky waste for the Village of Antwerp; and

WHEREAS, the Council of the Village of Antwerp deems it acceptable for individual businesses to independently contract for the aforesaid services so that the estimates obtained will not include businesses

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

**Section 1:** That the Village Administrator, be and hereby is authorized and directed to obtain estimates for the collection and removal of garbage, rubbish, refuse and

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_

bulky waste from the Village of Antwerp, Ohio.

**Section 2:** That the obtaining of estimates by the Village of Antwerp in this respect will not include said services for individual businesses. Businesses shall include schools, factories, wholesale, retail and service-orientated operations.

**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 result 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 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 welfare, convenience and prosperity of the Village of Antwerp and necessary to permit the immediate improvement of properties in the Village of Antwerp, and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in full force after the earliest period allowed by law.

**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 result 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 welfare, convenience and prosperity of the Village of Antwerp and necessary to permit the immediate improvement of properties in the Village of Antwerp; and this Ordinance shall be in full force and effect immediately after its passage, otherwise, it shall take effect and be in full force after the earliest period allowed by law.

Passed: 8-29, 2007.

*Margaret Womack*  
MARGARET WOMACK, Mayor  
Village of Antwerp

Attest:

*Loretta Baker, fiscal officer*  
LORETTA BAKER, Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_ 20\_\_

ORDINANCE NO. 2007- 25

**AN ORDINANCE AUTHORIZING THE FISCAL OFFICER TO AMEND APPROPRIATIONS AND DECLARING SAME AN EMERGENCY**

WHEREAS, the Fiscal Officer has determined that it is necessary to amend the appropriations described below; 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 Anwerp, Ohio:

Section 1: This Ordinance is necessary for the immediate preservation of the public peace, health or safety.

Section 2: The Fiscal Officer is hereby authorized to amend the following appropriations:

FUND	DESCRIPTION	NEW APPROPRIATION AMOUNT	
		Original	New amount
B111B 250EMS Capital Outlay	Increase Appropriation	\$11,550	\$42,550
G5 2A 270 Cemetery Trust Fund	Increase Appropriation	\$12,241.78	\$13,000
E2 5X 260 Sewer Debt Service	Increase Appropriation	\$61,650	\$62,300

Section 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and well being of the residents.

Section 4: This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Date 8-29-2007

Mayor Margaret Monack

Attest:

Louisa Baker  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_ 20\_\_\_\_

RESOLUTION NO. 2007-11

A RESOLUTION BY THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO, HERINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY ("LPA"), AUTHORIZING THE VILLAGE ADMINISTRATOR TO APPLY FOR MONIES FOR SAFE ROUTES TO SCHOOL PROJECTS; AND DECLARING THE SAME AN EMERGENCY.

WHEREAS, the United States Congress has set aside monies for Safe Routes to School Projects through the State of Ohio, Department of Transportation; and

WHEREAS, LPAs can apply for these monies and be selected for funding by the State of Ohio, Department of Transportation; and

WHEREAS, the development of a Safe Route to School Travel Plan is a transportation activity eligible to receive federal funding.

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

**Section 1:** The Administrator of said LPA is hereby empowered on behalf of the LPA to prepare and execute an application for Safe Route to School funds for the stated described project to develop a Safe Route to School Travel Plan and to submit same to the State of Ohio, Department of Transportation.

**Section 2:** The total cost of the project is estimated to be \$5,500.00, of which the LPA, if awarded said fund, further agrees to pay One Hundred Percent (100%) of the planning costs over and above the maximum amount provided by the State of Ohio, Department of Transportation, maximum planning grant loans has been established by the Ohio Department of Transportation as being \$6,000.00 per school involved.

**Section 3:** If the application is approved for funding, the Administrator of the LPA is hereby empowered on behalf of the LPA to enter into a Contract with the Director of the Ohio Department of Transportation necessary to complete the above-described project of developing a Safe Route to School Travel Plan.

**Section 4:** It is found and determined that all formal actions of the Council of the Village of Antwerp, Ohio, concerning or relating to the passage of this Resolution were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that result in such formal action, were in meetings open to the public, in compliance with all legal requirements.

**Section 5:** This Resolution 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 establishing a travel plan for safe routes to the school located within the Village of Antwerp and in order to apply for said funds in a timely manner, this Resolution must be passed as an emergency measure, and this Resolution shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in full force after the earliest period allowed by law.

Passed: 8-29, 2007

*Margaret Womack*  
MARGARET WOMACK, Mayor

ATTEST:

*Loretta Baker, Fiscal Officer*  
LORETTA BAKER, Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

RESOLUTION NO. 2007-12

**A RESOLUTION AUTHORIZING THE MAYOR, MARGARET WOMACK TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM, TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING SAME AN EMERGENCY.**

WHEREAS, The State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

WHEREAS, the Village of Antwerp is planning to make capital improvements to the W. Daggett Street Waterline Replacement, and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs.

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

**Section 1:** That the Mayor, Margaret Womack is hereby authorized to apply to the OPWC for funds as described above.

**Section 2:** The Mayor, Margaret Womack is further authorized to enter into any agreements as may be necessary and appropriate for obtaining the financial assistance.

**Section 3:** 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 Resolution were adopted in an open meeting of the 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 4:** This Resolution 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 waterline repairs and capital improvements for the well being of the residents and this Resolution shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in full force after the earliest period allowed by law.

ADOPTED: 8-29-07

*Margaret Womack*  
Margaret Womack, Mayor

ATTEST: *Loretta Baker, Fiscal Officer*  
Loretta Baker, Fiscal Officer

**RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR**

(Village Council)

*Emergency Resolution*

Dayton Legal Blank, Inc.

Revised Code, Secs. 5705.34, - .35.

Form: No. 36043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

The Council of the Village of Antwerp, Paulding County, Ohio, met in

Council session on the 10th day of Sept, 2007, at the office of

Village of Antwerp with the following members present:

- Ron Farnsworth
- Mike Rohrs
- Jan Reeb
- Tom Van Ukerah
- Dan Gordan

Jan Reeb

moved the adoption of the following Resolut on:

S, This Council in accordance with the provisions of law has previously adopted a Tax Budget at succeeding fiscal year commencing January 1<sup>st</sup>, 2008; and

S, The Budget Commission of Paulding County, Ohio, has certified its action thereon to this Council with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, part thereof is without, and what part within, the ten mil tax limitation; therefore be it

D, By the Council of the Village of Antwerp, Paulding County, Ohio, that the amounts and determined by the Budget Commission in its certification, be and the same are hereby acceptec; and

D, That there be and is hereby levied on the tax duplicate of said Village the rate of each tax to be levied within and without the ten mill limitation as follows:

**SCHEDULE A**

**Summary of Amounts Required From General Property Tax Approved By Budget Commission and County Auditor's Estimated Tax Rates**

# RECORD OF ORDINANCES

3610

Total 17,613,380.

Form No. 30043  
1,273,450  
pp

Dayton Lega: Elank, Inc.

\$13,158,500.02 Ag/Res  
3,181,430. Com/In

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_

Fund	Amount Approved By Budget Commission Inside 10 Mill Limit	Amount To Be Derived From Levies Outside 10 Mill Limit	Column II	Column I	Total
1976 FIRE Levy		13764.		\$31704.	2.00
1984 Police Levy		59562.			5.50
1986 EMS Levy		5414.			.50
2006 Cemetery		14090.			.80
2002 Current Expense		28299.			1.70
2003 FIRE & EMS Levy		16646.			1.00
2004 POLICE		20135.			2.00
2005 Current Expense		17613.			1.00
<b>General Fund</b>				<b>\$31704.</b>	
		1.80			
					<b>14.50</b>

**SCHEDULE A**  
Summary of Amounts Requested From General Property Tax Approved By Budget Commission and County Auditor's Estimated Tax Rates

**RESOLVED**, That there be and is hereby levied on the tax duplicate of said Village the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

**RESOLVED**, By the Council of the Village of Antwerp, Paulding County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

**WHEREAS**, This Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1st, 2008; and

**WHEREAS**, The Budget Commission of Paulding County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within, the ten mill tax limitation; therefore be it

**RESOLVED**, The Budget Commission of Paulding County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

Mr. (MS) Jan Reeb moved the adoption of the following Resolution:

Ron Farnsworth  
Mike Roberts  
Jan Reeb  
Tom Van Labeck  
Dan Gordon

The Council of the Village of Antwerp, Paulding County, Ohio, met in Council session on the 10th day of Sept, 2007, at the office of Village of Antwerp with the following members present:

(1) RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR  
Revised Code, Secs. 5705.34, - .35.  
Emergency Resolution

K 2007-19

0194  
 RESOLUTION ACCEPTING THE AMOUNTS AND RATES DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR  
 (Village Council) *Emergency Resolution*

Dayton Legal Blank, Inc.

Revised Code, Secs. 5735.34, - 35.

Form No. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_  
 The Council of the Village of Antwerp, Paulding County, Ohio, met in  
Council session on the 10th day of Sept, 2007, at the office of  
Village of Antwerp with the following members present:

Ron Farnsworth  
Mike Rohrs  
Jan Reeb  
Tom Van Ukerah  
Dan Gordan

Mr. (M) Jan Reeb moved the adoption of the following Resolution:

**WHEREAS**, This Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1<sup>st</sup> 2008; and

**WHEREAS**, The Budget Commission of Paulding County, Ohio has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within, the ten mill tax limitation; therefore be it

**RESOLVED**, By the Council of the Village of Antwerp, Paulding County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

**RESOLVED**, That there be and is hereby levied on the tax duplicate of said Village the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

**SCHEDULE A**

**Summary of Amounts Required From General Property Tax Approved By Budget Commission and County Auditor's Estimated Tax Rates**

Fund	Amount Approved By Budget Commission Inside 10 Mill Limitation	Amount To Be Derived From Levies Outside 10 Mill Limitation	County Auditor's Estimate Of Tax Rate To Be Levied	
			Inside 10 Mill Limit	Outside 10 Mill Limit
	Column I	Column II	III	IV
General Fund	\$31704.		1.80	
1976 FIRE Levy		13764.		2.00
1984 Police Levy		53562.		5.50
1986 EMS Levy		5414.		.50
2006 Cemetery		14090.		.80
2002 Current Expense		23299.		1.70
2003 FIRE & EMS Levy		16646.		1.00
2004 POLICE		20135.		2.00
2005 Current Expense		17613.		1.00
<b>Total</b>	<b>\$31704.</b>	<b>\$175,523.</b>	<b>1.80</b>	<b>14.50</b>

\$13,158,500. Ag/Res  
 3,181,430. Com/In  
 1,273,450. PP  
 17,613,380. Total

**RECORD OF ORDINANCES**  
 Levies Outside 10 Mill Limitation, Exclusive of Debt Levies

0195

Dayton Legal Blank, Inc.		Maximum Rate	County Auditor's
Ordinance No.	Date of Vote	Authorized To Be Levied	Estimate of Yield of Levy (Carry to Schedule A, Column II)
<b>Special Revenue Funds:</b>			
1976 EMS Levy authorized by voters on for not to exceed CONT years.	11-05-85	2.00	\$13764.
1984 POLICE Levy authorized by voters on for not to exceed CONT. years.	05-08-84	5.50	\$59562.
1986 EMS Levy authorized by voters on For not to exceed CONT. years	11-04-86	.50	\$5414.
2006 Cemetery Levy authorized by voters or for not to exceed 5 years.	11-08-05	.80	\$14090.
2002 Current Expense Levy authorized by voters on for not to exceed 5 years.	11-06-01	1.70	\$28299.
2003 FIRE & EMS Levy authorized by voters on for not to exceed 5 years.	11-05-02	1.00	\$16646.
2004 POLICE Levy authorized by voters on for not to exceed 5 years.	03-02-04	2.00	\$20135.
2005 CURRENT EXPENSE Levy authorized by voters on for not to exceed 5 years.	11-08-05	1.00	\$17613.

and be it further

**RESOLVED**, That the Clerk of this Council be, and he is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

Mr./Ms. Tom VanVlerah seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

- Mr./Ms. Michael A. Robie
- Mr./Ms. Dan [unclear]
- Mr./Ms. James D. Van [unclear]
- Mr./Ms. Janice A. Keib
- Mr./Ms. Ronald F. Fausman
- Mr./Ms. \_\_\_\_\_
- Mr./Ms. \_\_\_\_\_
- Mr./Ms. \_\_\_\_\_

Adopted the 10th day of Sept, 2007

Attest:  
Louisa Baker Clerk of Council  
Ronald F. Fausman President of Council

RECORD OF ORDINANCES

The State of Ohio, Paulding County, ss.

Dayton Legal Blank, Inc.

Form No. 30043

I, Loretta Baker Clerk of the Council of the Village of Antwerp,  
Ordinance No. \_\_\_\_\_ File No. \_\_\_\_\_, 2007  
Within and for said County, and in whose custody the Files and Records of said Council are required by the  
Laws of the state of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original

now on file, that the foregoing has been compared by me with said original document, and that the same is  
a true and correct copy thereof.

Witness my signature, this 10th day of Sept 2007  
Loretta Baker  
Clerk of Council

(1) A copy of this Resolution must be certified to the County Auditor within the time prescribed by Sec. 5705.34 R. C., or at such  
later date as may be approved by the Board of Tax Appeals.

Resolution No. 2007 -13  
Council of the Village of Antwerp Paulding County Ohio

RESOLUTION

ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND  
AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.  
(VILLAGE COUNCIL)

ADOPTED Sept 10, 2007  
Loretta Baker, Clerk of Council

Filed \_\_\_\_\_, 20\_\_\_\_  
\_\_\_\_\_  
County Auditor.  
By \_\_\_\_\_ Deputy.

Dayton Legal Blank, Inc.

ORDINANCE NO. 2007-27

Form No. 30043

AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS TO THE POLICE FUND IN THE AMOUNT OF 10,000 AND <sup>20</sup> ~~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, 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 transfer does not require a 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 even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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 10,000 from the General Fund to the Police Fund.

Section 2. This ordinance is necessary to provide for the operating funds for 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

Date: 9/10/07

Margaret Homack

Mayor of the Village of Antwerp

Attest:

Loretta Baker

Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2007-28**

**AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO AN ANTENNA SITE LEASE AGREEMENT WITH METALINK TECHNOLOGIES, INC.; AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Village has been approached and asked to allow MetaLINK Technologies, Inc. ("MetaLINK") to install antenna and other equipment necessary for a Communications Facility on the Water Tower located at 302 East Washington Street in the Village of Antwerp; and

**WHEREAS**, it is desirable for the Village to have an Antenna Site Lease Agreement with MetaLINK for the provision of high speed internet access for the residents of the Village of Antwerp.

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

**Section 1.** The Village Administrator of the Village of Antwerp, Ohio, is hereby authorized to enter into an Antenna Site Lease Agreement with MetaLINK for the installation of antenna and other equipment necessary for a Communications Facility on the Water Tower located at 302 East Washington Street in the Village of Antwerp pursuant to the terms and conditions set forth in the Agreement attached hereto and incorporated herein by reference.

**Section 2.** The Council for the Village of Antwerp, Ohio, authorizes the Village Administrator to execute the Antenna Site Lease Agreement for the consideration provided within the Agreement attached hereto.

**Section 3.** 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 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 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 antenna and related equipment must be installed before inclement weather prevents the installation of said equipment, 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.

Enacted this 24<sup>th</sup> day of September, 2007.

Margaret Womack  
Margaret Womack, Mayor

Attest:

Loretta Baker, Fiscal Officer  
Loretta Baker, Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_



**VAN HORN, HOOVER  
& ASSOCIATES, INC.**

P.O. BOX 612  
FINDLAY, OHIO 45839

Ph.: (419) 423-5631  
Fax: (419) 423-5771

**SURVEYING & ENGINEERING**

LEGAL DESCRIPTION

FOR: Village of Antwerp

Lot #40  
Parkview 2nd Add.  
Village of Antwerp  
0.583 Acres

Situated in the Village of Antwerp, County of Paulding, State of Ohio and being Lot #40 in the Parkview 2nd Addition, a tract of land bounded and described as follows:

Beginning at a 1/2" Rebar set marking the southeast corner of Lot #40 in the Parkview 2nd Addition, also marking the intersection of the north right-of-way line of Washington Street (60' R/W) with the east right-of-way line of Starry Street (60' R/W);

Thence from the above described point of beginning, and along the south line of said Lot #40, also being the north right-of-way line of Washington Street, N 88°00'00" W, a distance of 129.85 feet (measured) to a 1/2" Rebar set marking the southwest corner of said Lot #40;

Thence along the west line of said Lot #40, N 01°39'00" E, a distance of 195.46 feet to a 1/2" Rebar set marking the northwest corner of said Lot #40;

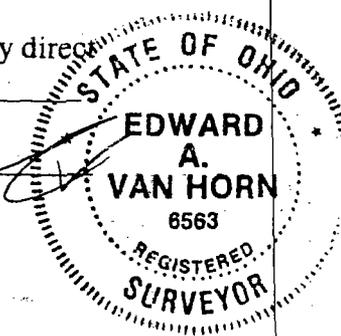
Thence along the north line of Lot #40, S 88°00'00" E, a distance of 129.85 feet (measured) to a 1/2" Rebar set marking the northeast corner of said Lot #40;

Thence along the east line of said Lot #40, also being the west right-of-way line of Starry Street, S 01°39'00" W, a distance of 195.46 feet to the point of beginning, and containing 0.583 Acres of land, more or less, subject however to all legal highways and prior easements of record.

NOTE: All bearings used are based on prior deeds and plats of record, and are assumed for the purpose of description only.

I certify that this survey was prepared and completed by myself or under my direct supervision, and is based on a field survey performed in DEC. 2003

*Edward A. Van Horn*  
Edward A. Van Horn  
Registered Surveyor #6563



Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2007-\_\_29\_\_

AN ORDINANCE AUTHORIZING THE FISCAL OFFICER TO AMEND APPROPRIATION AND DECLARING IT AN EMERGENCY

WHEREAS, the Fiscal Officer has determined that it is necessary to amend the following appropriations.

WHEREAS, Council must approve the amending of appropriations pursuant to Ohio Revised Code Section 5705.40, and

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

Section 1: This Ordinance is necessary for the immediate preservation of the public peace, health or safety.

Section 2: The Fiscal Officer is hereby authorized to amend the following appropriations:

FUND	DESCRIPTION	NEW APPROPRIATION AMOUNT		
		Original Appropriation	Increase	New Appropriation
B126 B 250 - EMS Vehicle Fund	Increase Appropriation per additional revenue	\$1,950.00	\$124,900	\$126,850

Section 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and well being of the residents.

Section 4: This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Date 9-24-07

Mayor Margaret Nomack

Attest:

Loretta Baker Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**RESOLUTION NO. 2007-14**

**A RESOLUTION AUTHORIZING THE EMS COORDINATOR TO ENTER INTO A PURCHASE AGREEMENT FOR THE PURCHASE OF AN EMS SQUAD VEHICLE; AND DECLARING THE SAME AN EMERGENCY.**

**WHEREAS**, the insurance company for the Village of Antwerp has approved the issuance of insurance proceeds for the replacement cost of the Emergency Medical Services ("EMS") squad vehicle involved in the accident of July 20, 2007; and

**WHEREAS**, the EMS agency for the Village of Antwerp must enter into a purchase agreement to purchase a replacement EMS squad vehicle, which purchase agreement will be with Life Star Rescue, Inc. for a Braun Chief XL EMS squad vehicle on a Chevy G 3500 chassis; and

**WHEREAS**, the replacement of the EMS squad vehicle is considered to be a priority need for the community.

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

**Section 1.** The EMS Coordinator is authorized to enter into the Purchase Agreement with Life Star Rescue, Inc. for the Braun Chief XL EMS squad vehicle on a Chevy G 3500 chassis.

**Section 2.** The funds to purchase the replacement EMS squad vehicle, which purchase price is \$124,900.00, will be provided by the insurance company for the Village of Antwerp, less the applicable \$500.00 deductible. The Village Council authorizes the Fiscal Officer for the Village of Antwerp to issue the \$500.00 deductible amount toward the purchase price of the EMS squad vehicle described herein.

**Section 3.** The Village has experienced a real and present emergency arising in connection with the loss of the EMS squad vehicle as a result of the accident on July 20, 2007, and the Village Council authorizes the EMS Coordinator to enter into the Purchase Agreement described herein without formal bidding and advertising.

**Section 4.** It is found and determined that all formal actions of the Council of the Village of Antwerp, Ohio, concerning or relating to the passage of this Resolution were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that result in such formal action, were in meetings open to the public, in compliance with all legal requirements.

**Section 5.** This Resolution 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 a replacement EMS squad vehicle for the well being and safety of the residents and this Resolution shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in full force after the earliest period allowed by law.

Passed: 9/24, 2007.

*Margaret Womack*  
 MARGARET WOMACK, Mayor

ATTEST:

*Loretta Baker, Fiscal Officer*  
 LORETTA BAKER, Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2007-30**

**AN ORDINANCE AMENDING ORDINANCE NO. 2001-19 ESTABLISHING A PROGRAM TO CHARGE A USER FEE FOR THE DELIVERY OF EMERGENCY MEDICAL RESCUE SERVICES PROVIDED BY THE VILLAGE OF ANTWERP EMS**

**WHEREAS**, the Council of the Village of Antwerp, Ohio, adopted an ordinance establishing a program to charge a user fee for the delivery of emergency medical rescue services provided by the Village of Antwerp EMS, said ordinance designated as Ordinance No. 2001-19 and passing by a majority vote of the Council of the Village of Antwerp, Ohio, after three (3) readings, on November 12, 2001; and

**WHEREAS**, the Council, due to the increase in the costs to provide emergency medical rescue services, amends Ordinance No. 2001-19 in order to establish new rates for the emergency medical rescue services provided by the Village of Antwerp EMS.

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

Section 1. That Ordinance No. 2001-19 establishing a program to charge a user fee for the delivery of emergency medical rescue services provided by the Village of Antwerp EMS is amended to read as follows:

WHEREAS, emergency medical rescue service run activity is increasing each year, and

WHEREAS, the Village has investigated different methods to maintain the level of quality of emergency services throughout times of constantly increasing service demands; and

WHEREAS, the Village Council desires to implement a fair and equitable procedure by which to collect said user fees; and

WHEREAS, the Council of the Village of Antwerp, Ohio deems it necessary and advisable to charge for Emergency Medical Rescue Services.

**BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ANTWERP, OHIO:**

Section 1. That the Village of Antwerp Emergency Medical Services Department, hereinafter referred to as "the Village" shall initiate a user fee for delivery of emergency medical rescue services rendered by the Village. The rate of the user fee shall be that as established in Section 2 of this Ordinance. The user fees as established shall take effect at 12:01 A.M. on January 1, 2008.

# RECORD OF ORDINANCES

0203

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

Section 2. That the Council of the Village of Antwerp, Ohio hereby authorizes and approves the following rates for emergency medical rescue services when services are rendered by the Village, to any person, as follows:

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.

Section 3. That the user fee shall be incurred by the user of the emergency medical rescue services provided by the Village upon treatment.

Section 4a. 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, and initial care of poison and burn patients, and emergency extrication from entrapment.

Section 4b. 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, blood draws and start IO infusions.

Section 5. That all amounts collected as a result of this Ordinance shall be placed into the fund(s) established by the Fiscal Officer as follows: \$50.00 of each user fee collected (except from partial payments, Medicare or Medicaid) shall be placed into a Vehicle Replacement Fund and the remainder shall be placed into the EMS Revenue Fund. A transfer shall be done once or twice yearly from the EMS Revenue Fund to the Vehicle Replacement Fund.

Section 6. 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 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.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

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

ENACTED THIS 26th day of December, 2007.

Margaret Hornade  
MAYOR, VILLAGE OF ANTWERP

Attest:

Loretta Baker  
Fiscal Officer

1<sup>st</sup> reading: 11-13-07

2<sup>nd</sup> reading: 12-10-07

3<sup>rd</sup> reading: 12-26-07

~~AN ORDINANCE AUTHORIZING THE FISCAL OFFICER TO AMEND~~<sup>20</sup>  
~~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: This Ordinance is necessary for the immediate preservation of the public peace, health or safety.

Section 2: The Fiscal Officer is hereby authorized to amend the following appropriations:

FUND	DESCRIPTION	NEW APPROPRIATION AMOUNT		
		Last Amended Appropriation	Increase	New Appropriation
E15E 250 Water Pump. Cap. Outlay	Increase Appropriation	\$15,000.00	\$5,000.	\$20,000.00
B126B 250 EMS Replacement	Increase Appropriation	\$126,850	\$31,000	\$157,850
		Last Amended Appropriation	Decrease	New Appropriation
B111E 250 EMS Operation/Maintenance	Reduce Appropriation	\$42,550	\$31,000	\$11,550

Section 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and well being of the residents.

Section 4: This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Date 10-15-07

Mayor Margaret Nomack

Ates::

Loretta Baker  
 Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

RESOLUTION NO. 2007-15

**A RESOLUTION AUTHORIZING THE MAYOR OF THE VILLAGE OF ANTWERP, OHIO TO ENTER INTO THE FIRST AMENDMENT TO THE 2005 PAULDING COUNTY COMMUNITY REINVESTMENT AREA AGREEMENT BY AND BETWEEN TDM3 LTD., D/B/A ESSEN HOUSE ASSISTED LIVING & RESTAURANT, LTD., THE VILLAGE OF ANTWERP, OHIO, AND THE ANTWERP LOCAL SCHOOL, AND DECLARING THE SAME AN EMERGENCY**

WHEREAS, TDM3 Ltd., d/b/a Essen House Assisted Living & Restaurant, Ltd., the Village of Antwerp, Ohio, and the Antwerp Local School entered into the 2005 Paulding County Community Reinvestment Area Agreement (the "Agreement"), with the approval of the Mayor to enter into this Agreement made by Resolution No. 2005-07;

WHEREAS, the parties desire to enter into a First Amendment to the Agreement to provide for a change in ownership of the Project, an increase in the total investment amounts, an increase in the number of jobs created for the Project, and for the Antwerp Local School to expressly waive any compensation; and

WHEREAS, the Board of Education for the Antwerp Local Schools received a copy of the First Amendment to the Agreement and have sent the Village a certified copy of its Resolution approving the First Amendment to the Agreement.

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

Section 1. The Mayor of the Village of Antwerp is hereby authorized to enter into and execute on behalf of the Village of Antwerp the First Amendment to the Agreement related to the Project identified in the Agreement.

Section 2. It is found and determined that all formal actions of the Council concerning and relating to the passage of this Resolution 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 Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village necessary for the well being of the residents and this Resolution 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: 10-29-07

*Margaret Womack*  
Margaret Womack, Mayor

Attest:

*Loretta Baker*  
Fiscal Officer

**Paulding County Community  
Reinvestment Area Agreement  
Amendment**

**Ohio-Indiana Development Co., LLC,  
d/b/a Manor House Assisted Living &  
EsSEN House Restaurant Ltd.**

**(A.K.A. TDM3 Ltd)**

**&**

**Village of Antwerp**

**&**

**Antwerp Village School**

**2007**



Ordinance No. ....

Passed .....

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**FIRST AMENDMENT TO THE 2005 PAULDING COUNTY COMMUNITY REINVESTMENT AREA AGREEMENT BY AND BETWEEN TDM3 LTD., D/B/A ESSEN HOUSE ASSISTED LIVING & RESTAURANT, LTD., THE VILLAGE OF ANTWERP, OHIO, AND THE ANTWERP LOCAL SCHOOL**

This first amendment to the 2005 Paulding County Community Reinvestment Area Agreement by and between TDM3 Ltd., d/b/a Essen House Assisted Living & Restaurant, Ltd., the Village of Antwerp, Ohio, and the Antwerp Local School (the "Agreement") is amended as set forth herein, all other terms and conditions of said Agreement to remain in full force and effect.

WHEREAS, TDM3 Ltd., d/b/a Essen House Assisted Living & Restaurant, Ltd., the Village of Antwerp, Ohio (the "Village"), and the Antwerp Local School (the "School") entered into the Agreement in 2005, a true and accurate copy of which is attached hereto as Exhibit 1, and the parties desire to amend the Agreement as specifically set forth herein, with the understanding that all other provisions remain in full force and effect as provided in the Agreement attached as Exhibit 1;

WHEREAS, TDM3 Ltd., d/b/a Essen House Assisted Living & Restaurant, Ltd. has assigned its interest in the Agreement to Ohio-Indiana Development Co., LLC, d/b/a Essen House Assisted Living & Restaurant, Ltd., and the assignee is further enhancing the construction and/or remodeling of the commercial building (hereinafter referred to as the "Project") within the boundaries of the Community Reinvestment Area (Village of Antwerp CRA #04A) defined in Exhibit A to the Agreement attached hereto as Exhibit 1, provided that the appropriate development incentives are available to support the economic viability of said Project.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree to amend the Agreement as follows:

I. Company name change:

The tax exemption for real property acquired in conjunction with the Project as set forth in the Agreement attached hereto as Exhibit 1 is assigned and transferred from TDM3 Ltd., d/b/a Essen House Assisted Living & Restaurant, Ltd. to Ohio-Indiana Development Co., LLC, d/b/a Manor House Assisted Living & Essen House Restaurant Ltd. (referred to herein as "Essen House"), said assignment effective as of January 17, 2007.

II. Section 1 of the Agreement amended, in part, to increase the original amount of real estate investment, personal property investment, and completion date:

The Project will involve a total investment by Essen House of \$2,771,000.00, plus or minus 10%, at the 204 Archer Drive, Antwerp, Ohio 45813 site. The maximum investment for the project to qualify for exemption is \$3,048,100.00 and a minimum investment for the project to qualify is \$2,493,900.00. An estimated

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Dayton Legal Blank Co.

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additional \$700,000.00 in personal property will be invested. The Project will be completed by August 31, 2009.

III. Section 2 of the Agreement amended, in part, to increase the number of jobs created:

Essen House's schedule for hiring is as follows: create the equivalent of 29 new full-time and 6 part-time permanent job opportunities. The job creation will be in place by August 31, 2009. The 29 full-time employees will result in approximately \$603,200.00 in new annual payroll.

IV. Section 4 of the Agreement, including the Community Reinvestment Area Compensation/Donation Agreement Related to TDM3 Ltd., d/b/a Essen House Assisted Living & Restaurant, Ltd. attached as Appendix 2 to the Agreement amended, in part, to remove compensation provided to the School:

The Antwerp Local School has expressly waived any compensation/donation they may be entitled to as a result of the tax abatement to the Essen House as a result of the Agreement.

Appendix 2 amended, in part, to those sections of the Compensation/Donation Agreement restated herein and to add a section regarding the School's express waiver of any compensation:

**DISTRIBUTION OF FUNDS.** The Company agrees to make payments described hereinafter attributable to the Village, Vantage Vocational School, and to the PCED for distribution to those parties.

**PAYMENT AMOUNT.** The average annual payment to the Village is nineteen percent (19%) of the tax exemptions afforded to the Company and two percent (2%) of the tax exemptions to Vantage Vocational School, covered by a separate agreement by which Vantage Vocational School expressly consented to receiving a smaller percentage of the tax exemption than provided to other taxing units herein.

**WAIVER OF SCHOOL.** The Antwerp Local School hereby waives any compensation/donation it may be entitled to as a result of the tax abatement in favor of the Essen House as a result of the Agreement and First Amendment to said Agreement.

**FULL OBLIGATION OF VILLAGE.** The parties agree that the Antwerp Local School has waived any compensation/donation it may be entitled to as a result of the tax abatement in favor of the Essen House, and agree that the Village is not obligated to pay to the School, as now or may in the future be required of the

Ordinance No. ....

Passed .....

19 .....

Village, representing the anticipated tax revenues which the School would have received had the tax exemptions as the result of the subject Agreement not been granted to Company. Further, the School, by executing this First Amendment to the Agreement, waives and releases the Village from any further obligation of payment related to this Agreement and First Amendment to the Agreement, and the taxes exempted thereby.

V. Except as amended herein above, all other provisions of the Agreement attached hereto as **Exhibit 1** shall remain in full force and effect.

Witnesses:

Karl A. Langhammer

Ohio-Indiana Development Company, LLC

By: Louis A. Lengacher  
Louis A. Lengacher, Owner

State of Ohio )  
County of Paulding ) SS:

On this 2 day of November, 2007, before me, a Notary Public in and for said County, personally appeared Louis A. Lengacher, Member/Owner of Ohio-Indiana Development Company, LLC who acknowledged that he is authorized to sign the foregoing instrument and that the same act is his free will and deed and the free will act and deed of the company.

In testimony whereof, I have hereunto affixed my name and this official seal this 2 day of November, 2007.

My Commission Expires:

9/14/2010



Karl A. Langhammer  
Notary Public, State of Ohio  
Karl A. Langhammer  
Notary Public

Witnesses:

Village of Antwerp  
Consent to Agreement

Melanie G. Fair  
Paul Keenan

By: Margaret Womack  
Mayor, Margaret Womack

Resolution No. R-2007-15

RECORD OF ORDINANCES

0207

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

State of Ohio )  
County of Paulding ) SS:

On this 29<sup>th</sup> day of Oct., 2007, before me, a Notary Public in and for said County, personally appeared Margaret Womack, the Mayor of the Village of Antwerp, Ohio, who acknowledged that they are authorized to sign the foregoing instrument and that the same act is her free will and deed and the free will act and deed of the Village.

In testimony whereof, I have hereunto affixed my name and this official seal this 29<sup>th</sup> day of Oct, 2007.

My Commission Expires:  
March 30, 2011

Ruth S. Baker  
Notary Public

Approved as to form:

Melanie L. Farr  
Melanie L. Farr  
Village of Antwerp Solicitor

Witnesses:

**Board of Education of the  
Antwerp Local Schools**

Karl W. Hartman

By: Mark W. Hartman  
Mark Hartman, Superintendent

Resolution No. \_\_\_\_\_

State of Ohio )  
County of Paulding ) SS:

On this 2<sup>nd</sup> day of November, 2007, before me, a Notary Public in and for said County, personally appeared Mark Hartman, Superintendent of Antwerp Local School District, who acknowledged that he is authorized to sign the foregoing instrument and that the same act is his free will and deed and the free will act and deed of the school.

In testimony whereof, I have hereunto affixed my name and this official seal this 2<sup>nd</sup> day of November, 2007.

My Commission Expires:  
7/8/2009

Peggy A. Savage  
Notary Public

Ordinance No. \_\_\_\_\_ **AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE OF ANTWERP, OHIO, SPECIFICALLY, ~~AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF~~ REAL ESTATE LOCATED AT 111 DIAMOND DRIVE FROM A-1, AGRICULTURAL DISTRICT, TO R-1, SINGLE FAMILY DISTRICT**

**WHEREAS**, the Planning and Zoning Commission of the Village of Antwerp recommended by the adoption of a motion to amend the Official Zoning Map in compliance with Section 703 of the Zoning Ordinance of the Village of Antwerp, Ohio;

**WHEREAS**, the Planning and Zoning Commission of the Village of Antwerp transmitted its recommendation on said proposed amendment within sixty (60) days from making a motion to amend the zoning map 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 the 1<sup>ST</sup> day of October, 2007, in compliance with Section 708 of the Zoning Ordinance of the Village of Antwerp, Ohio, after notice of said public hearing was published and notice of the public hearing was sent 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 recommendation of the Planning and Zoning Commission 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 that the real estate located at 111 Diamond Drive, Antwerp, Ohio 45813, legally described on Exhibit "A" attached hereto and incorporated herein by reference, be reclassified from A-1, Agricultural District, to R-1, Single Family District, for Lots 11, 12, 13, 14, 15, 16, 17 and 18.

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 regulations including all lawful ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

Section 3: This Ordinance shall take effect and be in force from the earliest date permitted by law.

ENACTED THIS 13<sup>th</sup> day of November, 2007.

*Margaret Tomack*  
 \_\_\_\_\_  
 MAYOR, VILLAGE OF ANTWERP

Attest:

*Loretta Baker*  
 \_\_\_\_\_  
 Fiscal Officer

1<sup>st</sup> reading: 10-15-07

2<sup>nd</sup> reading: 10-29-07

3<sup>rd</sup> reading: 11-13-07

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_ 20 \_\_\_\_\_

DEDICATION

WE, THE UNDERSIGNED OWNERS OF THE PROPERTY HEREBY DEDICATED DO HEREBY VOLUNTARILY CONSENT TO THE DEDICATION OF THIS PLAT AND...

HARRMANN ENTERPRISES, OWNER

STATE OF OHIO, PALMINDO COUNTY, as PERSONALLY APPEARED BEFORE ME THE ATTORNEY WHO DO ACKNOWLEDGE...

ACCEPTANCE

WE, THE BOARD OF THE VILLAGE OF ANTIWERP, OHIO DO HEREBY ACCEPT...

DATE: 1988 PALMINDO COUNTY RECORDER

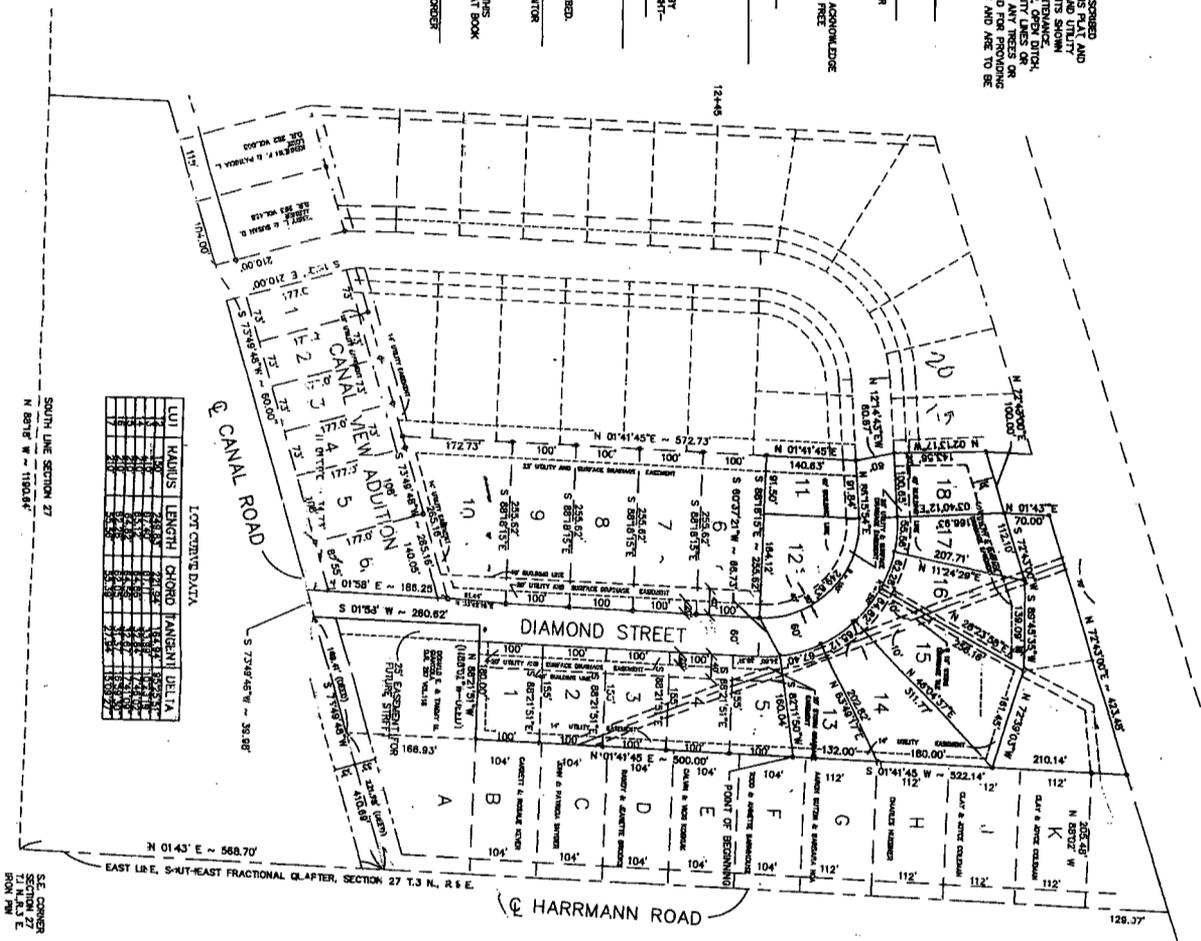


Table with 3 columns: LOT, HARRIS LENGTH, and HARRMANN BIRTH. It lists lot numbers and their corresponding dimensions and owner information.

FINAL PLAT OF WABASH AND ERIE CANAL ADDITION, SECTION II AN ADDITION TO THE VILLAGE OF ANTIWERP, OHIO

A PART OF THE EAST HALF OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 27, TOWNSHIP 2 NORTH, RANGE 1 EAST, PALMINDO COUNTY, OHIO

DEVELOPED BY HARRMANN ENTERPRISES, 201 SOUTH HARRMANN ROAD, ANTIWERP, OHIO 45813. ENGINEER/SURVEYOR: STEVEN R. WATSON, INC., 201 SOUTH HARRMANN ROAD, ANTIWERP, OHIO 45813.



Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2007-33**

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE VILLAGE OF ANTWERP TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE WATER LINE IMPROVEMENT REPAIRS ON SHAFFER ROAD; AND DECLARING THE SAME AN EMERGENCY**

WHEREAS, the Village of Antwerp is in need of improvements to its existing water line on Shaffer Road in the Village of Antwerp which repairs will affect the water services provided to residents on Shaffer and Harrmann Roads and the immediate area surrounding those roads; and

WHEREAS, the Village of Antwerp requested bids to be submitted for the work required to perform the necessary labor, services and materials to make the necessary water line improvements; and

WHEREAS, H & K Construction Services LTD submitted the lowest and most responsive bid in the amount of \$112,657.00 to perform the necessary work for the repairs and improvements to the Shaffer Road water line.

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

Section 1. That the Mayor of the Village of Antwerp is authorized to enter into a contract, along with any and all necessary documents ancillary to this contract, with H & K Construction Services LTD, who provided a bid in the amount of \$112,657.00 for the repairs and improvements to the Shaffer Road water line.

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 open meetings 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.

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 Village is in immediate need of water line repairs on Shaffer Road 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: 10-15-07

Margaret Womack  
Margaret Womack, Mayor

ATTEST:

Loretta Baker, Fiscal Officer  
Loretta Baker, Fiscal Officer

AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS TO THE POLICE FUND IN THE AMOUNT OF 10,000 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, 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 transfer does not require a 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 even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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 10,000 ) from the General Fund to the Police Fund.

Section 2. This ordinance is necessary to provide for the operating funds for 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: 10-15-07

Margaret Nomack
Mayor of the Village of Antwerp

Attest:
Loretta Baker
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2007-35

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF A NOTE IN ANTICIPATION OF THE ISSUANCE OF BOND TO PAY A PORTION OF THE COST OF CONSTRUCTING, FURNISHING AND EQUIPPING AN EMERGENCY MEDICAL SERVICE BUILDING AND IMPROVING ITS SITE, AND DECLARING THE SAME AN EMERGENCY

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

Section 1. A Note in the principal amount of \$68,283.00 shall be issued in anticipation of issuance of bond for the purpose set forth herein to pay a portion of the cost of constructing, furnishing and equipping an emergency medical service building and improving its site with a financing cost thereof incurred in connection with the issuance of said Note.

Section 2. Said Note shall bear an interest rate not exceeding 4.40% for one year, payable at maturity, to wit: one year after date of said Note. In the event of default, the Note shall become immediately due and payable. Said maturity date shall occur one year from the date of said Note provided the maturity date is not a business day, the Note shall mature on the first business day immediately preceding such date.

Section 3. The Village covenants that it will take or cause to be taken such actions which may be required of it for the interest on the Note to remain excluded from gross income for federal income tax purposes, and will not take or permit to be taken any actions which would adversely affect that exclusion, and that it, or persons acting for it, will, among other acts of compliance, apply proceeds, all in a manner and to the extent necessary to assure such exclusion of that interest under the Internal Revenue Code. The Village Fiscal Officer and any other appropriate officers are hereby authorized and directed to take any and all actions, make calculations and rebate payments, and make or give reports and certifications as may be appropriate to assure such exclusion of that interest.

Section 4. The Note shall be the full general obligation of the Village and the full faith, credit and revenue of said Village are hereby pledged for the prompt payment of the same.

Section 5. It is hereby determined and recited that all acts, conditions and things required to be done precedent to and in the issuance of the Note, in order to make them legal, valid and binding obligations of the Village of Antwerp, have happened, been done, and performed in regular and due form as required by law; that the full faith, credit and revenue of said Village shall be and is hereby irrevocably pledged for the prompt payment of the principal and interest thereon at maturity; that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of said Note.

Section 6. The Village Fiscal Officer, or other officer, is authorized to prepare, execute and

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Dayton Legal Elark, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

deliver to the purchaser of said Note a preliminary and final official statement or any other appropriate disclosure document in connection with the sale and delivery of the Note.

Section 7. The Mayor and Fiscal Officer of said Village are hereby authorized to sign and execute the Note on behalf of said Village.

Section 8. 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 9. 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 an emergency medical service building to provide emergency medical services to 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: 10-29-07

Margaret Womack  
Margaret Womack, Mayor

Loretta Baker  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2007- 36****AN ORDINANCE AUTHORIZING THE FISCAL OFFICER TO AMEND APPROPRIATION AND DECLARING IT AN EMERGENCY**

WHEREAS, the Fiscal Officer has determined that it is necessary to amend the following appropriations.

WHEREAS, Council must approve the amending of appropriations pursuant to Ohio Revised Code Section 5705.40, and

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

Section 1: This Ordinance is necessary for the immediate preservation of the public peace, health or safety.

Section 2: The Fiscal Officer is hereby authorized to amend the following appropriations:

FUND	DESCRIPTION	NEW APPROPRIATION AMOUNT	
		Original- Last Amended	New amount
A1 3B 211 Parks Salaries	Increase Appropriation	2,844	\$4,444
A1 3B 240 Parks Oper. & Maintenance	Increase Appropriation	\$3,000	\$4,000
A1 7A 220 Gen Mayor Travel & Training	Increase Appropriation	\$500	\$1,200
A1 7A 230 Gen Mayor Contractual	Increase Appropriation	\$100	\$300
A1 7A 24 Gen Mayor Oper & Maintenance	Increase Appropriation	\$200	\$350
A1 7B 220 Council/Admin Travel & Training	Increase Appropriation	\$200	\$700
A1 7B 230 Council Contractual	Increase Appropriation	\$10,000	\$11,000
* A1 7B 240 Council Oper. & Maintenance	Increase Appropriation	\$2,500	\$2,700
A1 7C 230 Mayor's Court Contractual	Increase Appropriation	\$550	\$700
A1 7D 230 Fiscal Officer Cont. Services	Increase Appropriation	\$500	\$4,500
A1 7E 230 Land/Bldg Cont.	Increase Appropriation	\$10,000	\$11,000

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# RECORD OF ORDINANCES

0215

Dayton Legal Blank, Inc.

Form No. 3CD43

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

A1 7I 230 CCA Fees Income Tax	Increase Appropriation	\$2,400	\$4,000
A1 7X 270 Gen Fund Transfer	Increase Appropriation	\$20,000	\$90,000
B1 6B 211 Street Main & Repair Wages	Increase Appropriation	\$19,85.20	\$22,900
B1 6B 212 Street Main & Repair Benefits	Increase Appropriation	\$5,792.45	\$8,400
B1 6B 230 Street Main & Repair Contractual Services	Increase Appropriation	\$33,000	\$40,000
B1 6B 240 Street Main & Repair Oper & Maintenance	Increase Appropriation	\$6,000	\$6,700
B1 6E 250 Street Traffic Signals Capital Outlay	Increase Appropriation	\$1,000	\$1,500
B9 1A 230 Fire Contractual Services	Increase Appropriation	\$10,500	\$12,000
B1 11B 230 EMS Contractual Services	Increase Appropriation	\$9,450	\$13,400
B1 11B 240 EMS Oper & Maintenance	Increase Appropriation	\$11,550	\$13,000
B146D 230 Storm Sewer Contractual	Increase Appropriation	\$7,800	\$11,000
B146D 240 Storm Sewer Supplies	Increase Appropriation	\$5,400	\$7,000
E1 5F 250 Casing Pipes	Decrease Appropriation	\$67,000	\$39,000
E1 5D 250 Filtration Capital Outlay	Increase Appropriation	\$500	\$6,700
G5 2A 230 Cemetery Trust Auditors	Increase Appropriation	\$400	\$450
G5 2A 270 Cemetery Trust Transfer	Increase Appropriation	\$13,000	\$13,189.58
H3 1A 230 Street Lighting Contractual Service	Increase Appropriation	\$13,171.46	\$16,500

Section 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and well being of the residents.

Section 4: This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Date 11-13-07

Mayor Margaret Hornack

Attest:

Loretta Baker

Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2007-37****AN ORDINANCE ESTABLISHING SALARIES AND VACATIONS FOR THE VILLAGE OF ANTWERP, OHIO FOR THE CALENDAR YEAR 2008**

WHEREAS, it is desirable that the salaries of Village officials and employees for year 2008 set forth in an ordinance, and

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

SECTION 1. That beginning with the first pay period of year 2008 salaries of Village officials and employees be as follows: (except where revised - pay will start at the date stated by Council)

	<u>2007</u>	<u>2008</u>	
Mayor	6,000.00	Same	
Council Members	1,800.00	Same	
Fiscal Officer	19,665.00	22,000.00	
Village Administrator	31,671.00	33,671.00	
Chief of Police	33,120.00	34,113.60	
Assistant Chief of Police	25,750.00	Same	
Police - Full Time - On Probation	20,000 to 23,986	20,600 to 24,705	
Police - Full Time	23,986 to 28,369	24,705 to 29,220	
Police - Part Time	8.28 to 12.99	10.00 to 15.00	per hour
Police - Reserves	8.28 to 10.82	10.00 to 12.00	per hour
Fire Chief	1,218.00	2,000.00	
Fire Dept. Secretary	306.00	315.00	
Fire Chief Assistant	306.00	315.00	
	8.28	8.53	per meeting
	10.76	11.08	first hour
	8.28	8.63	each add. Hour
Fire Captains	91.00	93.00	
Fire Lieutenants	63.00	65.00	
Volunteer Firemen	8.28	8.53	per meeting
	8.28	8.53	first hour
	8.28	8.53	each add. Hour
EMS Coordinator	974.00	2,000 to 3,000	
EMS Maintenance Man	549.00	565.00	
EMS Drivers	7.35	7.57	per hour
EMT - A (BLS - Basic Life Support)	8.88	9.15	per hour
EMT - B (Intermediate Life Support)	11.43	11.82	per hour
All EMS Personnel	8.54	8.80	per meeting
General Labor/Utilities Billing Clerk	6.85 to 10.82	7.05 to 11.14	per hour
Mayor's Court Clerk/EMS Billing Clerk	6.85 to 10.82	7.05 to 11.14	per hour
Tech I Water/Sewer/Assigned Duties	9.32 to 12.63	9.60 to 13.01	per hour
Tech II Water/Sewer/Assigned Duties	11.70 to 15.68	12.05 to 16.15	per hour

# RECORD OF ORDINANCES

0217

Dayton Legal Bank, Inc.

Form No. 50043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

SECTION 2. The annual salaries set forth in this ordinance include any holiday pay an employee would otherwise be entitled to under the personnel manual.

Holidays recognized by the Village of Antwerp:

*New Years Day, Thanksgiving Day, Day after Thanksgiving Presidents Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Martin Luther King Day, Veterans Day & Christmas Day.*

SECTION 3. This Ordinance repeals any other ordinance inconsistent herewithin.

SECTION 4. Paid Vacation will be awarded based on years of service. Vacation pay may not be carried from one year to the next.

Paid Vacation shall be determined as follows:

ONE YEAR	2 Weeks Vacation Pay
SEVEN YEARS	3 Weeks Vacation Pay
FIFTEEN YEARS	4 Weeks Vacation Pay

SECTION 5. All full time employees shall be provided health insurance. Coverage shall include spouse and all dependents.

SECTION 6. This ordinance hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village.

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

Margaret Nomack  
Mayor

Luella Baker  
Fiscal Officer

12-17-09  
Date

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_  
 ORDINANCE NO. 2007-38

An ORDINANCE to make appropriations for Current Expenses and other Expenditures of the Village of Antwerp, State of Ohio, during the fiscal year ending December 31, 2008.

Section 1. BE IT RESOLVED 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, 2008 the following sums be and they are hereby set aside and appropriated as follows, viz:

SECTION 2. That there be appropriated from the **GENERAL FUND** for contingencies for purposes not otherwise provided for, to be expended in accordance with the provisions of Section 5705.40 R.C., the sum of **\$287,311.10**.

SECTION 3. That there be appropriated from the **STREET CONSTRUCTION, MAINTENANCE AND REPAIR FUND** in the sum of **\$67,007.89**.

SECTION 4. That there be appropriated from the **STATE HIGHWAY AND IMPROVEMENT FUND** in the sum of **6,000**.

SECTION 5. That there be appropriated from the **STORM SEWER FUND** in the amount of **\$76,100.00**

SECTION 6. That there be appropriated from the **ISSUE II/OPWC** in the sum of **\$138,773.50**

SECTION 6. That there be appropriated from the **FED-MAYOR'S COURT FUND** in the sum of **\$1,100.00**.

SECTION 7. That there be appropriated from the **INDIGENT DRIVER'S FUND** in the some of **0**.

SECTION 8. That there be appropriated from the **CAPITAL PROJECT FUND** in the sum of **0**.

SECTION 9. That there be appropriated from the **WATER CAPITAL FUND** in the sum of **\$0**.

SECTION 10. That there be appropriated from the **CEMETERY FUND** the sum of **\$13,650.00**.

SECTION 11. That there be appropriated from the **STREET LIGHTING FUND** in the sum of **\$17,500.00**.

SECTION 12. That there be appropriated from the **FIRE FUND** in the sum of **\$51,660.00**.

SECTION 13. That there be appropriated from the **EMS FUND** in the sum of **\$83,550.00**.

SECTION 14. That there be appropriated from the **EMS VEHICLE REPLACEMENT FUND** in the sum of **\$27,000.00**

SECTION 15. That there be appropriated from the **POLICE FUND** in the sum of **\$198,518.35**.

SECTION 16. That there be appropriated from the **PERMISSIVE TAX FUND** in the sum of **\$30,000.00**.

SECTION 17. That there be appropriated from the **WATER FUND** in the sum of **\$369,533.25**.

SECTION 18. That there be appropriated from the **WATER DEPOSIT** in the sum of **\$600.00**

SECTION 19. That there be appropriated from the **SEWER FUND** in the sum of **\$186,013.00**.

SECTION 20. That there be appropriated from the **FOJ FUND** in the sum of **\$0**.

SECTION 21. **TOTAL OF ALL APPROPRIATIONS \$1,554,317.09**

SECTION 22. And the Village Fiscal Officer is hereby authorized to draw warrants on the Village Treasurer for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefor, 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.

RECORD OF ORDINANCES

0219

Cayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

SECTION 23. This resolution shall take effect at the earliest period allow by law.

Passed 12-10-07

Ronald L. Fausnaugh  
President of Council

Attest: Loretta Baker  
Fiscal Officer

CERTIFICATE

Section 5705.39, O.R.C. - "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, ss.

I, Loretta Baker, Clerk of 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 has been compared by me with the said original and that the same is a true and correct copy thereof.

Witness my signature, this 17th day of December 2007

Loretta Baker / Fiscal Officer  
Fiscal Officer of the Village of Antwerp, Paulding County, Ohio

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2007- 39**  
**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS TO THE POLICE FUND IN THE AMOUNT OF \$0,000 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, 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 transfer does not require a 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 even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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 \_\_\_\_\_ from the General Fund to the Police Fund.

Section 2. This ordinance is necessary to provide for the operating funds for 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: 12-10-07

Margaret Nomach  
Mayor of the Village of Antwerp

Attest:

Loretta Baker / Fiscal Officer  
Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2007-\_\_40\_\_**

**AN ORDINANCE AUTHORIZING THE FISCAL OFFICER TO AMEND APPROPRIATIONS AND DECLARING IT AN EMERGENCY**

WHEREAS, the Fiscal Officer has determined that it is necessary to amend the following appropriations.

WHEREAS, Council must approve the amending of appropriations pursuant to Ohio Revised Code Section 5705.40, and

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

Section 1: This Ordinance is necessary for the immediate preservation of the public peace, health or safety.

Section 2: The Fiscal Officer is hereby authorized to amend the following appropriations:

FUND	DESCRIPTION	NEW APPROPRIATION AMOUNT	
		Original-Last Amended	New amount
A1 4A 230 Zoning Inspector Contractual	Increase Appropriation	\$250.00	\$270.00
A1 7B 211 Council/Admin Salaries	Increase Appropriation	\$13,967.10	\$14,120.67
A1 7B 240 Council Oper. & Maintenance	Increase Appropriation	\$2,700.00	\$2,828.61
A1 7D 211 Fiscal Officer Salaries	Increase Appropriation	\$10,000.00	\$10,281.88
A1 7D 212 Fiscal Officer Benefits	Increase Appropriation	\$1,530.00	1,582.88
A1 7I 230 CCA Fees Income Tax	Increase Appropriation	\$4,000.00	\$9,254.09
B1 6B 212 Street Main & Repair Benefits	Increase Appropriation	\$8,400.00	\$9,572.49
B1 6E 240 Street Traffic Lights Oper & Main	Increase Appropriation	\$2,000.00	\$4,991.95
E1 5A 211 Water Clerk Salaries	Increase Appropriation	\$5,000.00	\$5,288.94
E1 5A 212 Water Clerk Benefits	Increase Appropriation	\$765.00	\$819.71

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

E1 5B 211 Water Billing Clerk Salaries	Increase Appropriation	\$4,095.00	\$5,150.76
E1 5B 212 Water Billing Clerk Benefits	Increase Appropriation	\$626.54	\$769.35
E1 5D 211 Water Filt. Salaries	Increase Appropriation	\$36,087.23	\$45,412.29
E1 5D 212 Water Filt. Benefits	Increase Appropriation	14,819.88	\$21,248.24
E1 5D 230 Water Filt Cont. Service-Utilities	Increase Appropriation	\$31,000.00	\$32,875.28
E1 5D 231 Water Filtration Chemicals	Increase Appropriation	\$9,000.00	\$13,719.10
E1 5D 240 Water Filtration Oper & Main	Increase Appropriation	\$4,000.00	\$8,582.71
E1 5E 240 Water Pumping Oper. & Main.	Increase Appropriation	20,000.00	\$20,837.10
E1 5F 240 Water Distribution Repair Clamps	Increase Appropriation	\$1,000.00	\$1,641.24
E1 5X 260F Water Debt-OWDA	Increase Appropriation	0	\$2,500.00
E2 5A 211 Sewer Clerk Salaries	Increase Appropriation	\$5,000.00	\$5,228.94
E2 5A 212 Sewer Clerk Benefits	Increase Appropriation	\$765.00	\$815.99
E2 5B 211 Sewer Billing Salaries	Increase Appropriation	\$626.54	\$664.50
E2 5B 240 Billing Clerk Oper & Main	Increase Appropriation	\$1,000.00	\$1,420.19
E2 5C 211 Sewer Pumping Salaries	Increase Appropriation	\$36,087.33	\$36,106.62
E2 5C 212 Sewer Pumping Benefits	Increase Appropriation	\$14,819.88	\$18,345.95
E2 5C 230 Sewer Pumping Con. Ser. Utilities	Increase Appropriation	\$30,000.00	\$36,789.77
E2 5C 250 Pumping Capital Outlay	Increase Appropriation	\$118,408.00	151,442.94
E2 5E 230 Lands/Building Contractual Services	Increase Appropriation	\$1,156.95	\$1,342.68
E2 5E 270 Lands & Building Transfers	Increase Appropriation	0	\$14,731.00
E2 5X 260A Loan Interest Lift Station	Increase Appropriation	0	\$1,276.48
G5 2A 270 Cemetery Trust Transfer	Increase Appropriation	\$13,189.58	\$13,284.20
G5 2A 230 Cemetery Trust Auditors	Increase Appropriation	\$450.00	\$458.63

# RECORD OF ORDINANCES

0223

Dayton Legal Blank, Inc.

Form No. 3004E

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

H1 1A 211 Police Salaries	Increase Appropriation	\$88,658.00	\$90,262.26
H1 1A 230 Police Contractual Services	Increase Appropriation	\$13,500.00	\$13,944.65
H1 1A 240 Police Oper & Main	Increase Appropriation	\$12,000.00	\$13,507.18

Section 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and well being of the residents.

Section 4: This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Date 12-26-07

Mayor Margaret Monack

Attest:

Loretta Baker  
Fiscal Officer

Ordinance No.                      <sup>Fiscal Officer</sup> ~~AN ORDINANCE AUTHORIZING THE VILLAGE CLERK/TREASURER TO TRANSFER FUNDS TO THE EMS FUND IN THE AMOUNT OF \$11,131.67 AND DECLARE THE SAME TO BE AN EMERGENCY~~ <sub>passed</sub>

WHEREAS, the Village Clerk-Treasurer has determined that it is necessary to transfer certain funds from the General Fund to the EMS 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 transfer does not require a 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 EMS Fund even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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

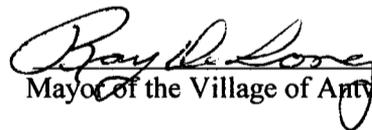
Section 1. The Village Clerk/Treasurer is hereby authorized to transfer the sum of Eleven Thousand one hundred thirty one dollars and sixty seven cents (\$11,131.67) from the General Fund to the EMS Fund.

Section 2. This ordinance is necessary to provide for operating funds for the EMS department of the Village of Antwerp.

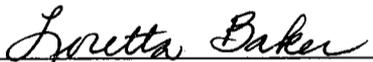
Section 3. It is found and determined that all formal actions of the Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings 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 12/31/07

  
 Mayor of the Village of Antwerp

Attest:

  
 Clerk-Treasurer Fiscal Officer

*Fiscal Officer*  
~~ORDINANCE AUTHORIZING THE VILLAGE CLERK/TREASURER TO TRANSFER FUNDS TO THE WASTEWATER FUND IN THE AMOUNT OF \$793.85 AND DECLARE THE SAME TO BE AN EMERGENCY~~

WHEREAS, the Village Clerk-Treasurer has determined that it is necessary to transfer certain funds from the General Fund to the Wastewater 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 transfer does not require a 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 Wastewater Fund even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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

Section 1. The Village Clerk/Treasurer is hereby authorized to transfer the sum of Seven hundred ninety three dollars and eighty five cents(\$793.85) from the General Fund to the Wastewater Fund.

Section 2. This ordinance is necessary to provide for operating funds for the Wastewater 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 12/31/07

*Ray McKong*  
 Mayor of the Village of Antwerp

Attest:  
*Loretta Baker*  
 Clerk-Treasurer *Fiscal Officer*

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-01

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A CONTRACT WITH CRANE TOWNSHIP FOR PROVIDING EMERGENCY MEDICAL SERVICE AND DECLARING AN EMERGENCY**

WHEREAS, THE COUNTY OF PAULDING PREVIOUSLY HAD A COUNTY WIDE EMERGENCY AMBULANCE SERVICE LEVY; AND

WHEREAS, SAID LEVY HAS BEEN DISCONTINUED COUNTY WIDE; AND

WHEREAS, THE VILLAGE OF ANTWERP OWNS AN EMERGENCY AMBULANCE VEHICLE AND HAS IN THE PAST PROVIDED EMERGENCY AMBULANCE SERVICE; AND

WHEREAS, THE VILLAGE OF ANTWERP AND CRANE TOWNSHIP HAVE NEGOTIATED FOR EMERGENCY AMBULANCE SERVICE.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

SECTION 1. THAT THE MAYOR AND THE FISCAL OFFICER OF THE VILLAGE OF ANTWERP ARE AUTHORIZED TO ENTER INTO AN AGREEMENT PROVIDING CRANE TOWNSHIP WITH EMERGENCY AMBULANCE SERVICE FOR THE ANNUAL SUM OF \$2,800.00 WHICH WILL BE PAID IN THE AMOUNT OF \$700.00 QUARTERLY - COLLECTED WHEN TOWNSHIP RECEIVES ITS TAX SETTLEMENTS COMMENCING JANUARY 01, 2008.

SECTION 2. THE MAYOR AND THE FISCAL OFFICER OF VILLAGE OF ANTWERP ARE HEREBY AUTHORIZED TO EXECUTE AN AGREEMENT WITH CRANE TOWNSHIP FOR THE ABOVE CONSIDERATION.

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 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.

ADOPTED: 1-21-08

MAYOR: [Signature]

ATTEST:

FISCAL OFFICER: [Signature]

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-02

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A CONTRACT WITH CARRYALL TOWNSHIP FOR PROVIDING EMERGENCY MEDICAL SERVICE AND DECLARING AN EMERGENCY**

WHEREAS, THE COUNTY OF PAULDING PREVIOUSLY HAD A COUNTY WIDE EMERGENCY AMBULANCE SERVICE LEVY; AND

WHEREAS, SAID LEVY HAS BEEN DISCONTINUED CCUNTY WIDE; AND

WHEREAS, THE VILLAGE OF ANTWERP OWNS AN EMERGENCY AMBULANCE VEHICLE AND HAS IN THE PAST PROVIDED EMERGENCY AMBULANCE SERVICE; AND

WHEREAS, THE VILLAGE OF ANTWERP AND CARRYALL TOWNSHIP HAVE NEGOTIATED FOR EMERGENCY AMBULANCE SERVICE.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

SECTION 1. THAT THE MAYOR AND THE FISCAL OFFICER OF THE VILLAGE OF ANTWERP ARE AUTHORIZED TO ENTER INTO AN AGREEMENT PROVIDING CARRYALL TOWNSHIP WITH EMERGENCY AMBULANCE SERVICE FOR THE SUM OF THE COLLECTED AMOUNT THE TOWNSHIP RECEIVED FROM ITS TAX SETTLEMENTS COMMENCING JANUARY 01, 2008.

SECTION 2. THE MAYOR AND THE FISCAL OFFICER OF THE VILLAGE OF ANTWERP ARE HEREBY AUTHORIZED TO EXECUTE AN AGREEMENT WITH CARRYALL TOWNSHIP FOR THE ABOVE CONSIDERATION.

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 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.

ADOPTED: 1-21-08

MAYOR: *Ray DeLong*

ATTEST:

FISCAL OFFICER *Loretta Baker*

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-03

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A CONTRACT WITH HARRISON TOWNSHIP FOR PROVIDING EMERGENCY MEDICAL SERVICE AND DECLARING AN EMERGENCY.**

WHEREAS, THE COUNTY OF PAULDING PREVIOUSLY HAD A COUNTY WIDE EMERGENCY AMBULANCE SERVICE LEVY; AND

WHEREAS, SAID LEVY HAS BEEN DISCONTINUED COUNTY WIDE; AND

WHEREAS, THE VILLAGE OF ANTWERP OWNS AN EMERGENCY AMBULANCE VEHICLE AND HAS IN THE PAST PROVIDED EMERGENCY AMBULANCE SERVICE; AND

WHEREAS, THE VILLAGE OF ANTWERP AND HARRISON TOWNSHIP HAVE NEGOTIATED FOR EMERGENCY AMBULANCE SERVICE.

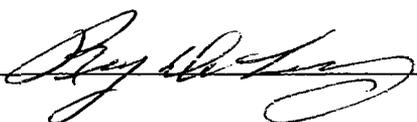
NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

SECTION 1. THAT THE MAYOR AND THE FISCAL OFFICER OF THE VILLAGE OF ANTWERP ARE AUTHORIZED TO ENTER INTO AN AGREEMENT PROVIDING HARRISON TOWNSHIP WITH EMERGENCY AMBULANCE SERVICE FOR THE SUM OF \$1,319.00 COMMENCING JANUARY 01, 2008.

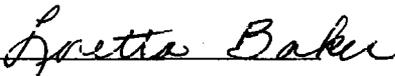
SECTION 2. THE MAYOR AND THE FISCAL OFFICER OF THE VILLAGE OF ANTWERP ARE HEREBY AUTHORIZED TO EXECUTE AN AGREEMENT WITH HARRISON TOWNSHIP FOR THE ABOVE CONSIDERATION.

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 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.

ADOPTED: 1-31-08

MAYOR: 

ATTEST:

FISCAL OFFICER: 

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2008-04**

**AN ORDINANCE AMENDING ORDINANCE NO. 1998-10 ENTITLED  
AN ORDINANCE ESTABLISHING THE REGULATIONS OF WEEDS  
WITHIN THE VILLAGE OF ANTWERP**

**WHEREAS**, the Council of the Village of Antwerp, Ohio, adopted an ordinance establishing the regulations of weeds within the Village of Antwerp, said ordinance designated as Ordinance No. 1998-10 and passed by an emergency vote of the Council of the Village of Antwerp, Ohio, on November 9, 1999; and

**WHEREAS**, the Council, in order to amend certain definitions, procedures and time frames as provided in Ordinance No. 1998-10 amends Ordinance No. 1998-10 as further set forth herein.

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

Section 1. That Ordinance No. 1998-10 is amended to read as follows:

**WHEREAS**, the Council for the Village of Antwerp is desirous of implementing standards and time periods for the keeping down of weeds; and

**WHEREAS**, the Village Council desires to implement a fair and equitable procedure by which to notify property owners to cut and destroy weeds in violation of this Ordinance; and

**WHEREAS**, the Council of the Village of Antwerp, Ohio deems it necessary and advisable to implement fines for the violation of this Ordinance.

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

**Section 1. Keeping Down Weeds.** Any person owning or having charge of land within the Village shall keep such property free and clear from all noxious weeds and rank vegetation and shall be required to cut all such weeds and vegetation on the lots owned or controlled by him or her at least twice in every year, once between June 1 and July 1 and once between August 1 and September 1. Noxious weeds and rank vegetation shall include but not be limited to: (a) Any weeds such as the following: Apple of Peru, Buckhorn, Canada Thistle, Columbus Grass, Corncockle, Cressleaf Groundsel, Curly Dock, Dodder, Field Bindweed, French Weed, Giant Hogweed, Hairy Whitetop (Ballcress), Hedge Bindweed, Heart-podded Hoary Cress, Horsenettle, Johnsongrass, Leafy Spurge, Maretail, Mile-A-Minute Weed, Musk Thistle, Oxeye Daisy, Perennial Snowthistle, Poison Hemlock, Purple Loosestrife, Quackgrass, Russian Knapweed, Russian Thistle, Serrated Tussock, Shatter Cane, Wild Carrot, Wild Garlic, Wild Mustard, Wild Onion, Wild Parsnip; (b) Grapevines when growing in groups of 100 or more and not pruned, sprayed, cultivated, or otherwise maintained for two (2) consecutive years; (c) Bushes of the species of tall, common, or European barberry, further

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

known as *berberis vulgaris* or its horticultural varieties; and (d) Any weeds, grass or plants, other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding twelve (12) inches.

Section 2. Notice to Owner to Cut Noxious Weeds. Upon written information that noxious weeds are growing on lands in the Village and are about to spread or mature seeds, the Village Administrator shall cause written notice to be served on the owner, lessee, agent, or tenant having charge of such land, notifying him or her that noxious weeds are growing on such lands and that they must be cut and destroyed within five (5) days after service of such notice. The determination of the keeping of weeds in violation of this Ordinance is hereby delegated by the Village Council to the Village Administrator.

Section 3. Notice of Violation. If the owner or other person having charge of the land identified in this Ordinance is a non-resident of the Village whose address is known, the notice shall be sent to his or her address by certified mail, return receipt requested. If the address of the owner or other person having charge of the land is unknown, it is sufficient to publish the notice once in a newspaper of general circulation in the county. The Police Chief, any police officer, or the Village Administrator may make service and return of the notice provided herein and shall be allowed the same fees as that provided for service and return of summons in civil cases before a magistrate.

Section 4. Procedure When Owner Fails to Comply with Notice of Violation. If the owner, lessee, agent, or tenant having charge of the lands mentioned in this Ordinance fails to comply with the notice required by Section 2, the Village Administrator may cause such noxious weeds to be cut and destroyed and may employ the necessary labor to perform the task. All expenses incurred shall, when approved by the Village Council, be paid out of the money in the treasury of the Village not otherwise appropriated.

Section 5. Written Return to County Auditor; Amount as a Lien Upon Property. If the Village Administrator pursues the procedure allowed under Section 4 of this Ordinance for the cutting and destroying of noxious weeds, the Village Administrator shall make a written return to the County Auditor of his/her action under Section 4 of this Ordinance, with a statement of the charges for the services, the amount paid for labor, the fees of the officers serving the notices, and a proper description of the premises. These amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry and be collected as other taxes and returned to the Village with the general fund.

Section 6. Imposition of Penalty for Violation Whoever violates this Ordinance shall be punished by a fine not exceeding \$500.00, a term of imprisonment not exceeding six (6) months, or both. A separate offense shall be deemed committed each day during or on which a violation continues or occurs.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

Section 7. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and shall supercede any previous ordinances.

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 from the earliest period allowed by law.

ENACTED THIS 17<sup>th</sup> day of March, 2008.

*Ray C. DeLong*

MAYOR, VILLAGE OF ANTWERP

Attest:

Louetta Baker  
Fiscal Officer

1<sup>st</sup> reading: 1-21-08

2<sup>nd</sup> reading: 2-11-08

3<sup>rd</sup> reading: 3-17-08

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-05

**AN ORDINANCE AMENDING ORDINANCE NO. 2000-09 AND NOW ENTITLED  
AN ORDINANCE REGULATING THE REMOVAL OF LITTER AND THE  
REMOVAL OR COVER OF JUNK MOTOR VEHICLES**

**WHEREAS**, the Council of the Village of Antwerp, Ohio, adopted an ordinance regulating the storage of refuse, rubbish, used building materials, wood, motor vehicles in an inoperative condition, motor vehicles unfit for further use, automobile parts, and scrap metal and repealing Ordinance 915 and declaring emergency, said ordinance designated as Ordinance No. 2000-09 and passed by an emergency vote of the Council of the Village of Antwerp, Ohio, on April 10, 2000; and

**WHEREAS**, the Council, in order to amend certain definitions, procedures and time frames as provided in Ordinance No. 2000-09 amends Ordinance No. 2000-09 as further set forth herein.

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

Section 1. That Ordinance No. 2000-09 is amended to read as follows:

**WHEREAS**, the Council for the Village of Antwerp is desirous of implementing standards and time periods for the removal of litter and removal or cover of junk motor vehicles; and

**WHEREAS**, the Village Council desires to implement a fair and equitable procedure by which to notify property owners of the removal of litter and removal or cover of junk motor vehicles in violation of this Ordinance; and

**WHEREAS**, the Council of the Village of Antwerp, Ohio deems it necessary and advisable to implement fines for the violation of this Ordinance.

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

Section 1. Notice to Owner to Remove Litter. Upon a finding by the Village Administrator that litter has been placed on lands in the Village, and has not been removed, and constitutes a detriment to public health, the Village Administrator shall cause a written notice to be served upon the owner and, if different, upon the lessee, agent, or tenant having charge of the littered land, notifying him or her that litter is on the land, and that it must be collected and removed within fifteen (15) days after the service of the notice. The determination of litter on said lands is hereby delegated by the Village Council to the Village Administrator.

Section 2. Definition of Litter. As used in Section 1 of this Ordinance, litter includes any garbage, waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass,

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

oil of an unsightly or unsanitary nature, or anything else of an unsightly or unsanitary nature.

Section 3. Exception for Certain Permitted Uses. Section 1 of this Ordinance does not apply to land being used under a Village building or construction permit or license, Village permit or license, or a conditional zoning permit or variance to operate a junkyard, scrap metal processing facility, or similar business, or a permit or license issued pursuant to Ohio Revised Code Chapter 3734, Ohio Revised Code §§ 4737.05 through 4737.12, or Ohio Revised Code Chapter 6111.

Section 4. Notice of Section 1 Violation. If the owner or other person having charge of the land identified in Section 1 of this Ordinance is a non-resident of the Village whose address is known, the notice shall be sent to his or her address by certified mail. If the address of the owner or other person having charge of the land is unknown, it is sufficient to publish the notice once in a newspaper of general circulation in the county. The Police Chief, any police officer, or the Village Administrator of the Village may make service and return of the notice provided herein and shall be allowed the same fees as that provided for service and return of summons in civil cases before a magistrate.

Section 5. Procedure When Owner Fails to Comply with Notice of Section 1 Violation. If the owner, lessee, agent, or tenant having charge of the lands mentioned in Section 1 of this Ordinance fails to comply with the notice required by Section 4, the Village Administrator may cause such litter removed and may employ the necessary labor to perform the task. All expenses incurred shall, when approved by the Village Council, be paid out of the money in the treasury of the Village not otherwise appropriated.

Section 6. Written Return to County Auditor; Amount as a Lien Upon Property. If the Village Administrator pursues the procedure allowed under Section 5 of this Ordinance for the removal of litter, the Village Administrator shall make a written return to the County Auditor of his/her action under Section 5 of this Ordinance, with a statement of the charges for the services, the amount paid for labor, the fees of the officers serving the notices, and a proper description of the premises. These amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry and be collected as other taxes and returned to the Village with the general fund.

Section 7. Imposition of Penalty for Section 1 Violation. Whoever violates Section 1 of this Ordinance and does not comply with the notice required by Section 4 of this Ordinance shall be punished by a fine not exceeding \$500.00, a term of imprisonment not exceeding six (6) months, or both. A separate offense shall be deemed committed each day during or on which a violation continues or occurs.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

Section 8. Junk Motor Vehicle, Order to Cover or Remove. For purposes of this Ordinance, junk motor vehicle means any motor vehicle that (a) is three years old or older, (b) is extensively damaged (such damage including, but not limited to the missing of wheels, tires, motor, or transmission), (c) is apparently inoperable, and (d) has a fair market value of \$1,500.00 or less, that is left uncovered in the open on private property for more than 72 hours with the permission of the person having the right to possession of the property, except if the person is operating a junk yard or scrap motor processing facility licensed under the authority of Ohio Revised Code §§ 4737.05 through 4737.12, or otherwise regulated under authority of the Village; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is a part of a bona fide commercial operation; or if the motor vehicle is a collector's vehicle. The Village shall not prevent a person from storing or keeping, or restrict him or her in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that the Village may require a person having such permission to conceal, by means of buildings, fences, vegetation, terrain or other suitable obstruction, any unlicensed collector's vehicle stored in the open.

Section 9. Notice of Section 8 Violation. The Police Chief, any police officer, or the Village Administrator may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten (10) days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.

Section 10. Imposition of Penalty for Section 8 Violation. No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten (10) days after receipt of a notice as provided in Section 9 of this Ordinance. The fact that a junk motor vehicle is so left is prima facie evidence of willful failure to comply with the notice, and each subsequent period of thirty (30) days that a junk motor vehicle continues to be so left constitutes a separate offense. Whoever violates Section 8 of this Ordinance and does not comply with the notice required by Section 9 of this Ordinance is guilty of a minor misdemeanor on a first offense. If the offender previously has been convicted of or pleaded guilty to one violation of Section 8 of this Ordinance, whoever violates Section 8 of this Ordinance and does not comply with the notice required by Section 9 of this Ordinance is guilty of a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to two (2) or more violations of Section 8 of this Ordinance and does not comply with the notice required by Section 9 of this Ordinance, whoever violates Section 8 of this Ordinance is guilty of a misdemeanor of the third degree.

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

Section 1. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and shall supercede any previous ordinances.

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 from the earliest period allowed by law.

ENACTED THIS 17th day of March, 2008.

*Ray E. DeLong*  
MAYOR, VILLAGE OF ANTWERP

Attest:

*Luetta Baker*  
Fiscal Officer

1<sup>st</sup> reading: 1-21-08  
2<sup>nd</sup> reading: 2-11-08  
3<sup>rd</sup> reading: 3-17-08

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-06

AN ORDINANCE ACCEPTING AND DEDICATING STREETS AND AREAS NECESSARY FOR PUBLIC AND PRIVATE UTILITIES OF WABASH AND ERIE CANAL ADDITION TO THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO AND DECLARING THE SAME AN EMERGENCY

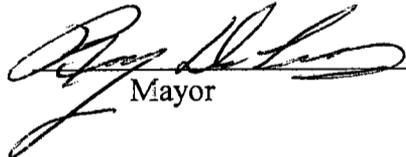
NOW THEREFORE BE IT ORDAINED as follows:

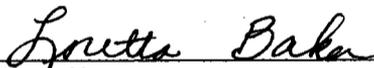
SECTION 1. That the as built infrastructure drawings of the Wabash and Erie Canal Addition to the Village of Antwerp, Paulding County, Ohio described in "Exhibit A" attached hereto and made a part hereof be and the same is hereby accepted.

SECTION 2. That all or parts of the drives, road, and avenues as shown on the plat and not heretofore dedicated are hereby dedicated to public use as such, and easements shown on the plans 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.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, peace, and safety of the residents of the Village of Antwerp and for the further purpose of development of said subdivision cannot benefit the Village until said plat is accepted and therefore shall become effective at the earliest time provided by law.

Date: 1-21-08

  
Mayor

  
Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-07

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS AND INCREASE APPROPRIATIONS ACCORDINGLY TO THE POLICE FUND IN THE AMOUNT OF \$ 10,000.00 AND DECLARE THE SAME TO BE 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, 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 transfer does not require a 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 even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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 Ten Thousand (\$10,000) from the General Fund to the Police Fund.

Section 2. This ordinance is necessary to provide for operating funds for 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: 1-21-08

Ray LaSoy  
Mayor of the Village of Antwerp

Attest:  
Fiscal Officer: Loretta Baker

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-08

**ORDINANCE TO ESTABLISH TIME AND PLACE OF REGULAR MEETINGS OF THE COUNCIL FOR THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO, AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council of the Village of Antwerp, Paulding County, Ohio (the "Council") is desirous of holding monthly regular council meetings; and

**WHEREAS**, the Council, in accordance with Ohio Revised Code § 731.46, is establishing the time and place of regular meetings of the Council.

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

Section 1. Regular council 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 council meetings of the Council shall be held on the third (3<sup>rd</sup>) Mondays of each month at 6:30 p.m. (Eastern Standard Time).

Section 3. This Ordinance shall be retroactive and take effect as of the beginning of the year of 2008 and be subject to amendment at the request of the Mayor of the Village of Antwerp or at the request of the members of the Council with notice of said change in council time and/or place to be given to the local media and any other person requesting such notification.

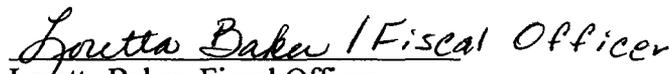
Section 4. It is found and determined that all formal action of the Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal actions, were in meetings 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 5. 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 that the time and place of regular Council meetings be established. 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 11<sup>th</sup> day of February, 2008.

  
Ray DeLong, Mayor  
Village of Antwerp

Attest:

  
Loretta Baker, Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-09

AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2008 EDITION, AS THE CODE OF ORDINANCES FOR THE MUNICIPALITY OF Antwerp, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, the present general and permanent ordinances of the municipality are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the municipality and for the proper conduct of its affairs.

WHEREAS, American Legal Publishing Corporation publishes a Code of Ordinances suitable for adoption by municipalities in Ohio.

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE MUNICIPALITY OF Antwerp, OHIO:

Section 1. American Legal Publishing's Ohio Basic Code, 2008 Edition, as reviewed and approved by the Legislative Authority, is hereby adopted and enacted. Any prior version of the Ohio Basic Code which may have been previously adopted by the municipality is hereby repealed as obsolete and is hereby replaced in its entirety by this Ohio Basic Code, 2008 Edition.

Section 2. One copy of American Legal Publishing's Ohio Basic Code, 2008 Edition, certified as correct by the Mayor and Clerk of the Legislative Authority, as required by Ohio Revised Code § 731.23, shall be kept in its initial form on file in the office of the Clerk of the municipality and retained as a permanent ordinance record of the municipality. The Clerk of the municipality 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, 2008 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, 2008 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 \_\_\_\_\_, 20\_\_\_\_

(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.

**Section 4.** 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 this municipality, and shall take effect at the earliest date provided by law.

Date Passed: 2-11-08

Attest:

  
Mayor

  
Clerk of the Legislative Authority

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

Exhibit A

OHIO BASIC CODE, 2008 EDITION — SUMMARY OF CONTENTS

Notice is hereby given that on the \_\_\_\_\_ day of Feb, 2008, there was enacted by the Legislative Authority of the Municipality of Antwerp, Ohio, an ordinance entitled "An Ordinance Approving, Adopting and Enacting American Legal Publishing's Ohio Basic Code, 2008 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 Reviver; 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

- 31.01 Executive power; where vested

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**Mayor**

- 31.05 Term of Mayor; power and duties
- 31.06 General duties of the Mayor
- 31.07 Communications to the Legislative Authority
- 31.08 Protest against excess of expenditures
- 31.09 Supervision of conduct of officers
- 31.10 Annual report to the Legislative Authority
- 31.11 Mayor to file charges against delinquent officers
- 31.12 Vacancies in office of Mayor
- 31.13 Disposition of fines and other moneys

**Clerk**

- 31.20 Election, term, qualifications of the Clerk
- 31.21 Powers and duties of Clerk
- 31.22 Books and accounts; merger of offices
- 31.23 Seal of Clerk
- 31.24 Combined offices of Clerk and Treasurer; Fiscal Officer

**Treasurer**

- 31.30 Election, term, qualifications of the Treasurer
- 31.31 Accounts of Treasurer
- 31.32 Powers and duties
- 31.33 Quarterly account; annual report
- 31.34 Receipt and disbursement of funds
- 31.35 Duty of delivering money and property

**Street Commissioner**

- 31.40 Qualifications
- 31.41 General duties
- 31.42 Assistants

**Other Officials**

- 31.50 Legal counsel
- 31.51 Administrator
- 31.52 Board of Trustees of Public Affairs
- 31.53 Fire Engineer, Engineer and Superintendent of Markets

**Chapter 32: Legislative Authority**

Section

**General Provisions**

- 32.01 Members of the Legislative Authority; election; terms of office
- 32.02 President Pro Tempore; employees
- 32.03 Vacancy when President Pro Tempore becomes Mayor
- 32.04 Qualifications of members of the Legislative Authority
- 32.05 Compensation and bonds of municipal officers and employees
- 32.06 Vacancy
- 32.07 Judge of election and qualification of members; quorum and special meetings
- 32.08 Rules; journal; expulsion of members
- 32.09 Meetings
- 32.10 General powers
- 32.11 Failure to take oath or give bond
- 32.12 Notice when new bond required
- 32.13 Care, supervision and management of public institutions

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***Contracts, Bids and Proceedings***

- 32.25 Contracts by the Legislative Authority or Administrator
- 32.26 Bids and proceedings
- 32.27 Alterations or modifications of contract
- 32.28 Contract restrictions
- 32.29 Award to lowest responsive and responsible bidder

***Ordinances and Resolutions***

- 32.40 Ordinances and resolutions as evidence
- 32.41 Passage procedure
- 32.42 Style of ordinances
- 32.43 Subject and amendment of ordinances and resolutions
- 32.44 Authentication and recording of ordinances and resolutions
- 32.45 Publication of ordinances and resolutions; proof of publication and circulation
- 32.46 Notice for proposed amendments to the municipal Charter
- 32.47 Times of publication required
- 32.48 Publication and certification of ordinances in book form
- 32.49 Adoption of technical ordinances and codes
- 32.50 Certificate of Clerk as to publication
- 32.51 Publication when no newspaper published in municipality
- 32.52 Effect of not making publication
- 32.53 Ordinances providing for appropriations or street improvements; emergency ordinances

***Initiative and Referendum***

- 32.70 Initiative petitions
- 32.71 Referendum petitions
- 32.72 More than one ordinance required; application of subchapter
- 32.73 Presentation of petitions
- 32.74 Copy of proposed ordinance or measure to be filed with Clerk
- 32.75 Words to be printed in red
- 32.76 Designation of committee filing petition; public inspection of petitions; ordinances passed or repealed prior to election
- 32.77 Itemized statement by circulator of petition
- 32.78 Prohibited practices relative to petitions
- 32.79 Accepting premiums for signing
- 32.80 Threats in securing signatures
- 32.81 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

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- 33.28 Release of prisoner committed for contempt
- 33.29 Judgment final
- 33.30 Alternative remedy

#### Chapter 34: Police Department

Section

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- 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

##### *General Provisions*

- 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
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0259

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

This summary of contents has been verified and authorized for publication by the Legislative Authority of the Municipality of Antwerp, Ohio.

Signed:

Ray DeLong  
Mayor

Luella Baker  
Clerk of the Legislative Authority

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**CERTIFICATION OF CODIFIED ORDINANCES**

We, Ray DeLong, Mayor, and Loretta Baker, Clerk of the Legislative Authority, of the Municipality of \_\_\_\_\_, 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.

*Ray DeLong*  
Mayor

*Loretta Baker / fiscal officer*  
Clerk of the Legislative Authority

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-10

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS AND INCREASE APPROPRIATIONS ACCORDINGLY TO THE POLICE FUND IN THE AMOUNT OF \$ 10,000.00 AND DECLARE THE SAME TO BE 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, 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 transfer does not require a 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 even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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

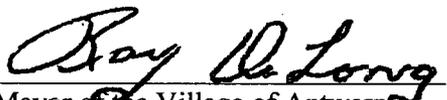
Section 1. The Village Fiscal Officer is hereby authorized to transfer the sum of Ten Thousand (\$10,000) from the General Fund to the Police Fund.

Section 2. This ordinance is necessary to provide for operating funds for 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 the 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 2-11-08

  
Mayor of the Village of Antwerp

Attest:

  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-11

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS AND INCREASE APPROPRIATIONS ACCORDINGLY TO THE POLICE FUND IN THE AMOUNT OF \$ 10,000.00 AND DECLARE THE SAME TO BE 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, 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 transfer does not require a 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 even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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

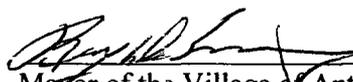
Section 1. The Village Fiscal Officer is hereby authorized to transfer the sum of Ten Thousand (\$10,000) from the General Fund to the Police Fund.

Section 2. This ordinance is necessary to provide for operating funds for 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 3/24/08

  
Mayor of the Village of Antwerp

Attest:

Loretta Baker  
Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2008-\_\_12\_\_**

**AN ORDINANCE AUTHORIZING THE FISCAL OFFICER TO AMEND APPROPRIATIONS AND DECLARING IT AN EMERGENCY**

WHEREAS, the Fiscal Officer has determined that it is necessary to amend the following appropriations.

WHEREAS, Council must approve the amending of appropriations pursuant to Ohio Revised Code Section 5705.40, and

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

Section 1: This Ordinance is necessary for the immediate preservation of the public peace, health or safety.

Section 2: The Fiscal Officer is hereby authorized to amend the following appropriations:

FUND	DESCRIPTION	NEW APPROPRIATION AMOUNT	
		Original	New amount
E2 5C 250 Pumping Capital Outlay – Sewer	Increase Appropriation	\$2,000	\$39,051.69
E2 5F 250 Other Capital Outlay - Sewer	Increase Appropriation	\$1,500	\$2,000
B5 1A 230 Law Enforce. Training	Increase Appropriation	-0-	\$1,600.00
A1 7E 250 Lands-Building Capital	Increase Appropriation	\$500.00	\$4,500.00
A1 3B 250 Parks Capital	Increase Appropriation	-0-	\$5,000.00

Section 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and well being of the residents.

Section 4: This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Date 3/24/08

Mayor 

Attest:  
Louisa Baker  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

RESOLUTION NO.   R2008-01  

**A RESOLUTION REQUESTING THE COUNTY AUDITOR TO CERTIFY TO THE VILLAGE OF ANTWERP THE TOTAL CURRENT TAX VALUATION AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY 2 MILL FOR A RENEWAL LEVY FOR POLICE PROTECTION, AND DECLARING THE SAME AN EMERGENCY**

WHEREAS, the Council for the Village of Antwerp finds it necessary to request the County Auditor to certify the current tax valuation and the dollar amount of revenue that would be generated by 2 mill for a renewal levy for police protection. *pursuant to Revised Code Section 5905.19J.*

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

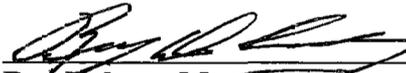
**Section 1.** The Village of Antwerp is requesting from the County Auditor to certify the current tax valuation and dollar amount of revenue that would be generated by 2 mill. The purpose of requesting this certification from the County Auditor is for the Village to place a renewal levy on the ballot for the upcoming general election for police protection.

**Section 2.** This Resolution is in accordance with the Secretary of State's Advisory 2003.04.

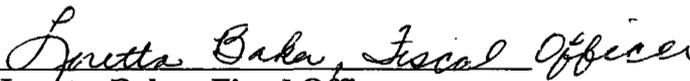
**Section 3.** It is found and determined that all formal actions of the Council of the Village of Antwerp, Ohio, concerning or relating to the passage of this Resolution were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that result in such formal action, were in meetings open to the public, in compliance with all legal requirements.

**Section 4.** This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village and necessary for the provision of police protection in the Village. This Resolution 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.

ENACTED THIS   24th   day of March, 2008.

  
Ray DeLong, Mayor

Attest:

  
Loretta Baker, Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_

<sup>R</sup>  
RESOLUTION NO. 2008-02

**A RESOLUTION MEMORIALIZING THE VILLAGE OF ANTWERP, OHIO'S  
OPEN RECORDS MISSION STATEMENT AND STATEMENT OF  
PRINCIPLES; AND DECLARING THE SAME AN EMERGENCY.**

**WHEREAS**, the Village of Antwerp desires to be consistent with the premise that government at all levels exists first and foremost to serve the interests of the people; and

**WHEREAS**, the Village of Antwerp declares it is our mission and intent to at all times fully comply with and abide by both the spirit and the letter of Ohio's Open Records Act and Open Meeting Act.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL FOR THE VILLAGE OF ANTWERP, COUNTY OF PAULDING, STATE OF OHIO:**

**Section 1.** The Village of Antwerp enacts this formal resolution memorializing the Village's Open Records Mission Statement: To be consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is our mission and intent to at all times fully comply with and abide by both the spirit and the letter of Ohio's Open Records Act and Open Meetings Act;

**Section 2.** The Village of Antwerp will ensure that all personnel becomes and remains fully trained in and aware of the provision of the acts;

**Section 3.** The Village of Antwerp will adopt policies that encourage employees to immediately report incidents of non-compliance with the acts that they may observe;

**Section 4.** That the Village of Antwerp will do nothing that abridges the public's right to obtain information about their government or that inhibits or discourages citizens from doing so;

**Section 5.** That the Village of Antwerp will do everything possible to aid those who are seeking information, including but not limited to, fully explaining the scope and operation of the acts and assisting citizens in the formulation of requests;

**Section 6.** The Village of Antwerp will construe the provisions of the acts in a manner that favors compliance with requests for information;

**Section 7.** The Village of Antwerp will seek guidance from the Office of the Ohio Attorney General whenever a question arises about the application of the acts or about the appropriateness of a request for information;

**Section 8.** The Village of Antwerp will clearly and concisely state the reason or reasons why a request for information has been denied.

**Section 9.** It is found and determined that all formal actions of the Council of the Village of Antwerp, Ohio, concerning or relating to the passage of this Resolution were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

result in such formal action, were in meetings open to the public, in compliance with all legal requirements.

**Section 10.** This Resolution 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 comply with the directives issued by the Ohio Attorney General's Office in adopting a formal resolution setting forth the Village's Open Records Mission Statement and Statement of Principles to ensure fair access to public records by the public, and this Resolution shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in full force after the earliest period allowed by law.

Passed: 4/21, 2008.

  
Ray DeLong, Mayor

ATTEST:

  
Loretta Baker, Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-13

**AN ORDINANCE ESTABLISHING A PUBLIC RECORDS POLICY  
FOR THE VILLAGE OF ANTWERP, OHIO, AND  
DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Village of Antwerp desires to be consistent with the premise that government at all levels exists first and foremost to serve the interests of the people; and

**WHEREAS**, the Village of Antwerp declares it is our mission and intent to at all times fully comply with and abide by both the spirit and the letter of Ohio's Open Records Act and Open Meeting Act; and

**WHEREAS**, the Village of Antwerp, in order to accomplish the mission of fully complying with both the letter and spirit of the Open Records and Open Meetings Acts, does hereby adopt the Public Records Policy attached hereto as Exhibit "A".

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

**Section 1.** The "Public Records Policy" which is attached hereto and made a part hereof as Exhibit "A" shall be and hereby is determined to be the policy of the Village of Antwerp, Ohio for responding to public records requests.

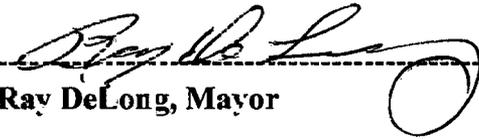
**Section 2.** It is found and determined that all formal actions of the Council of the Village of Antwerp, Ohio, concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that result in such formal action, were in meetings open to the public, 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 for the further reason that the Village comply with the directives issued by the Ohio Attorney General's Office in adopting a formal policy concerning the public records of the Village, and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in full force after the earliest period allowed by law.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

Passed: 4-21, 2008.

  
Ray DeLong, Mayor

ATTEST:

  
Loretta Baker, Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**Village of Antwerp**

PO Box 1046  
 Antwerp, OH 45813  
 Phone: 419-258-7422  
 Fax: 419-258-1337

**PUBLIC RECORDS POLICY**

The records request policy establishes office procedures for responding to requests for public records. This policy supersedes any and all previous records request policies.

**MISSION STATEMENT**

It is the policy of the Village of Antwerp (the "Village") that openness leads to a better informed citizenry, which leads to better government and better public policy. Consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is the mission and intent of the Village to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act and Open Meetings Act.

It is the policy of (his office) to strictly adhere to the state's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

**SECTION 1. PUBLIC RECORDS**

This office, in accordance with the Ohio Revised Code, defines records as including the following: Any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the Village are public unless they are specifically exempt from disclosure under the Ohio Revised Code, or are confidential attorney-client work product or communications. All records must be organized and maintained so that they are readily available for inspection and copying.

**SECTION 1.1**

It is the policy of the Village of Antwerp that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See Section 4 for the e-mail record policy). Record retention schedules are to be updated regularly and posted prominently.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**SECTION 2. RECORD REQUESTS**

Each request for public records should be evaluated for a response using the following guidelines:

**SECTION 2.1**

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.

**SECTION 2.2**

The requester does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record. It is this office's general policy that this information is not to be requested.

**SECTION 2.3**

Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

**SECTION 2.4**

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows.

All requests for public records must either be satisfied (see Section 2.4) or be acknowledged in writing by the Village within three business days following the office's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following:

**SECTION 2.4A** – An estimated number of business days it will take to satisfy the request.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_

**SECTION 2.4B** – An estimated cost if copies are requested.

**SECTION 2.4C** – Any items within the request that may be exempt from disclosure.

**SECTION 2.5**

Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

**SECTION 3. COSTS FOR PUBLIC RECORDS**

Those seeking public records will be charged only the actual cost of making copies. A requestor is required to pay in advance for costs involved in providing the copies.

**SECTION 3.1**

The charge for paper copies is 5 cents per page.

**SECTION 3.2**

The charge for downloaded computer files to a compact disc is \$1 per disc.

**SECTION 3.3**

There is no charge for documents e-mailed, as long as those documents are maintained by the Village in an electronic format capable of being e-mailed to the requestor of those documents.

**SECTION 3.4**

Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

**SECTION 4. E-MAIL**

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

**SECTION 4.1**

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this office are instructed to retain their

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

e-mails that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to the office's records custodian.

**SECTION 4.2**

The records custodian is to treat the e-mails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

**SECTION 5. FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST**

The Village recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the Village's failure to comply with a request may result in a court ordering the Village of Antwerp to comply with the law and to pay the requester attorney's fees and damages.

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2008-14**

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS TO THE POLICE FUND IN THE AMOUNT OF \$10,000.00 AND DECLARE THE SAME TO BE 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, 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 transfer does not require a 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 even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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 Ten Thousand Dollars (\$10,000.00) from the General Fund to the Police Fund.

Section 2. This ordinance is necessary to provide for the operating funds for 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: 4-21-08

  
\_\_\_\_\_  
Mayor of the Village of Antwerp

Attest:  
Fiscal Officer: Loretta Baker, fiscal officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2008-15**

**AN ORDINANCE AMENDING SECTION 5 OF ORDINANCE NO. 2005-07 ESTABLISHING REGULATIONS FOR USE OF WATER, METHODS OF PAYMENT, COLLECTION METHODS, AND WATER RATES FOR THE VILLAGE OF ANTWERP, COUNTY OF PAULDING, OHIO**

WHEREAS, the Council of the Village of Antwerp, Ohio, adopted an Ordinance establishing regulations for use of water, methods of payment, collection methods, and water rates for the Village of Antwerp, said Ordinance designated as No. 2005-07 and passing by a majority vote of the Council of the Village of Antwerp, Ohio, on April 11, 2005; and

WHEREAS, the Council, by way of Ordinance No. 2005-07, established a section, specifically Section 5, providing the due date, imposing additional charges for late payments, and providing deadlines to terminate service to the users/consumers of the Village's water utility system; and

WHEREAS, in order to amend the due dates and deadline to terminate service to the users/consumers of the Village's water utility system for those residing within the Village corporation limits, the Council of the Village of Antwerp amends Section 5 of Ordinance No. 2005-07 as provided herein.

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

Section 1. Section 5 of Ordinance No. 2005-07 of the Village of Antwerp, Ohio, is amended to read as follows:

"Section 5.

A. The Village of Antwerp will issue bills to users/consumers of water within the Village corporation limits on a quarterly basis. The charges for water are due the fifteenth (15<sup>th</sup>) of the month following the month the bill is issued to the user/consumer. Specifically, the Village will issue bills to users/consumers the first business day of the following months: January, April, July and October. The charges for water are then due the fifteenth (15<sup>th</sup>) day of the following months: February, May, August and November. The bill mailed in January and due on or before February 15<sup>th</sup> will be for water charges incurred in September, October and November. The bill mailed in April and due on or before May 15<sup>th</sup> will be for water charges incurred in December, January and February. The bill mailed in July and due on or before August 15<sup>th</sup> will be for water charges incurred in March, April and May. Finally, the bill mailed in October and due on or before November 15<sup>th</sup> will be for water charges incurred in June, July and August. The term "business day" as used in this Ordinance means "Monday through Friday, except for federal or state holidays."

B. If any charge for water is not paid when due (which is the 15<sup>th</sup> of the month following the month the bill is issued to the user/consumer and more specifically

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

defined in Section 5(A) of this Ordinance), a late charge of ten percent (10%) of the amount of the principal balance set forth on the bill shall be added to the amount due and collected by the Village of Antwerp. When any water account is not paid in ten (10) business days from the date the bill is due (see Section 5(A) above), water service to the user/consumer shall be terminated by the Village of Antwerp, with the notice of termination signed by the Village Administrator. Further, said user's/consumer's water service shall not be restored until the user/consumer has paid all past due accounts, late charges, and a \$25.00 service fee to have the water service reconnected. Past due water bills of users/consumers no longer residing in the Village of Antwerp will be assessed against the real estate that received water service in the Paulding County Auditor's Office."

Section 2. Previous ordinances and/or any portions thereof, including Section 5 of Ordinance No. 2005-07, and rules of the Village of Antwerp that are not consistent with this Ordinance are hereby set aside, revoked and held for naught.

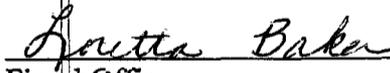
Section 3. It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings 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 4. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

ENACTED THIS 19th day of May, 2008.

  
MAYOR, VILLAGE OF ANTWERP

Attest:

  
Fiscal Officer

1<sup>st</sup> reading: 4-21-08

2<sup>nd</sup> reading: 5-12-08

3<sup>rd</sup> reading: 5-19-08

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2008-16****AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE NO. 81-32 ESTABLISHING RATES AND CHARGES FOR THE USE AND SERVICE OF THE MUNICIPAL SEWAGE WORKS FOR THE MUNICIPALITY OF ANTWERP, COUNTY OF PAULDING, OHIO**

WHEREAS, the Council of the Village of Antwerp, Ohio, adopted an Ordinance establishing rates and charges for the use and service of the municipal sewage works for the Village of Antwerp, said Ordinance designated as No. 81-32 and passing by a majority vote of the Council of the Village of Antwerp, Ohio, as an emergency measure on November 16, 1981; and

WHEREAS, the Council, by way of Ordinance No. 81-32, established a section, specifically Section 4, providing the due date, imposing additional charges for late payments, and providing deadlines to terminate service to the users/consumers of the Village's sanitary sewer system; and

WHEREAS, in order to amend the due dates and deadline to terminate service to the users/consumers of the Village's sanitary sewer system for those residing within the Village corporation limits, the Council of the Village of Antwerp amends Section 4 of Ordinance No. 81-32 as provided herein.

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

Section 1. Section 4 of Ordinance No. 81-32 of the Village of Antwerp, Ohio, is amended to read as follows:

“Section 4.

A. The Village of Antwerp will issue bills to users/consumers of the sanitary sewer system within the Village corporation limits on a quarterly basis. The charges for sanitary sewer are due the fifteenth (15<sup>th</sup>) of the month following the month the bill is issued to the user/consumer. Specifically, the Village will issue bills to users/consumers the first business day of the following months: January, April, July and October. The charges for sanitary sewer are then due the fifteenth (15<sup>th</sup>) day of the following months: February, May, August and November. The bill mailed in January and due on or before February 15<sup>th</sup> will be for sanitary sewer charges incurred in September, October and November. The bill mailed in April and due on or before May 15<sup>th</sup> will be for sanitary sewer charges incurred in December, January and February. The bill mailed in July and due on or before August 15<sup>th</sup> will be for sanitary sewer charges incurred in March, April and May. Finally, the bill mailed in October and due on or before November 15<sup>th</sup> will be for sanitary sewer charges incurred in June, July and August. The term “business day” as used in this Ordinance means “Monday through Friday, except for federal or state holidays.”

B. If any charge for sanitary sewer is not paid when due (which is the 15<sup>th</sup> of the month following the month the bill is issued to the user/consumer and more

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

specifically defined in Section 4(A) of this Ordinance), a late charge of ten percent (10%) of the amount of the principal balance set forth on the bill shall be added to the amount due and collected by the Village of Antwerp. When any sanitary sewer account is not paid in ten (10) business days from the date the bill is due (see Section 4(A) above), sanitary sewer service to the user/consumer shall be terminated by the Village of Antwerp, with the notice of termination signed by the Village Administrator. Further, said user's/consumer's sanitary sewer service shall not be restored until the user/consumer has paid all past due accounts, late charges, and a \$25.00 service fee to have the sanitary sewer service reconnected. Past due sanitary sewer bills of users/consumers no longer residing in the Village of Antwerp will be assessed against the real estate that received sanitary sewer service in the Paulding County Auditor's Office."

Section 2. Previous ordinances and/or any portions thereof, including Section 4 of Ordinance No. 81-32 and Ordinance Nos. 82-23, 94-05, 98-12, and 2002-14, and rules of the Village of Antwerp that are not consistent with this Ordinance are hereby set aside, revoked and held for naught.

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

ENACTED THIS 19th day of May, 2008.

*Ray E. DeLong*  
 \_\_\_\_\_  
 MAYOR, VILLAGE OF ANTWERP

Attest:

*Loretta Baker*  
 \_\_\_\_\_  
 Fiscal Officer

1<sup>st</sup> reading: 4-21-08

2<sup>nd</sup> reading: 5-12-08

3<sup>rd</sup> reading: 5-19-08

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-17

**AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE NO. 2005-10 ESTABLISHING A STORM WATER UTILITY PROGRAM, METHODS OF PAYMENTS, REGULATIONS, AND COLLECTION METHODS FOR THE VILLAGE OF ANTWERP, COUNTY OF PAULDING, OHIO**

WHEREAS, the Council of the Village of Antwerp, Ohio, adopted an Ordinance establishing a storm water utility program, methods of payments, regulations, and collection methods for the Village of Antwerp, said Ordinance designated as No. 2005-10 and passing by a majority vote of the Council of the Village of Antwerp, Ohio, on June 13, 2005; and

WHEREAS, the Council, by way of Ordinance No. 2005-10, established a section, specifically Section 4, providing the due date, imposing additional charges for late payments, and providing deadlines to terminate service to the users/consumers of the Village's storm water utility program; and

WHEREAS, in order to amend the due dates and deadline to terminate service to the users/consumers of the Village's storm water utility program for those residing within the Village corporation limits, the Council of the Village of Antwerp amends Section 4 of Ordinance No. 2005-10 as provided herein.

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

Section 1. Section 4 of Ordinance No. 2005-10 of the Village of Antwerp, Ohio, is amended to read as follows:

"Section 4.

A. The Village of Antwerp will issue bills to users/consumers of the storm water utility program within the Village corporation limits on a quarterly basis. The charges for storm water are due the fifteenth (15<sup>th</sup>) of the month following the month the bill is issued to the user/consumer. Specifically, the Village will issue bills to users/consumers the first business day of the following months: January, April, July and October. The charges for storm water are then due the fifteenth (15<sup>th</sup>) day of the following months: February, May, August and November. The bill mailed in January and due on or before February 15<sup>th</sup> will be for storm water charges incurred in September, October and November. The bill mailed in April and due on or before May 15<sup>th</sup> will be for storm water charges incurred in December, January and February. The bill mailed in July and due on or before August 15<sup>th</sup> will be for storm water charges incurred in March, April and May. Finally, the bill mailed in October and due on or before November 15<sup>th</sup> will be for storm water charges incurred in June, July and August. The term "business day" as used in this Ordinance means "Monday through Friday, except for federal or state holidays."

B. If any charge for storm water is not paid when due (which is the 15<sup>th</sup> of the month following the month the bill is issued to the user/consumer and more specifically

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

defined in Section 4(A) of this Ordinance), a late charge of ten percent (10%) of the amount of the principal balance set forth on the bill shall be added to the amount due and collected by the Village of Antwerp. When any storm water account is not paid in ten (10) business days from the date the bill is due (see Section 4(A) above), storm water service to the user/consumer shall be terminated by the Village of Antwerp, with the notice of termination signed by the Village Administrator. Further, said user's/consumer's storm water service shall not be restored until the user/consumer has paid all past due accounts, late charges, and a \$25.00 service fee to have the storm water service reconnected. Past due storm water bills of users/consumers no longer residing in the Village of Antwerp will be assessed against the real estate that received storm water service in the Paulding County Auditor's Office."

Section 2. Previous ordinances and/or any portions thereof, including Section 4 of Ordinance No. 2005-10, and rules of the Village of Antwerp that are not consistent with this Ordinance are hereby set aside, revoked and held for naught.

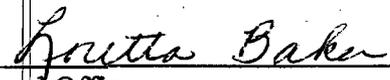
Section 3. It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings 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 4. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

ENACTED THIS 19<sup>th</sup> day of May, 2008.

  
 \_\_\_\_\_  
 MAYOR, VILLAGE OF ANTWERP

Attest:

  
 \_\_\_\_\_  
 Fiscal Officer

1<sup>st</sup> reading: 4-21-08

2<sup>nd</sup> reading: 5-12-08

3<sup>rd</sup> reading: 5-19-08

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008- 18

AN ORDINANCE AUTHORIZING THE FISCAL OFFICER TO AMEND APPROPRIATIONS AND DECLARING IT AN EMERGENCY

WHEREAS, the Fiscal Officer has determined that it is necessary to amend the following appropriations.

WHEREAS, Council must approve the amending of appropriations pursuant to Ohio Revised Code Section 5705.40, and

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

Section 1: This Ordinance is necessary for the immediate preservation of the public peace, health or safety.

Section 2: The Fiscal Officer is hereby authorized to amend the following appropriations:

FUND	DESCRIPTION	NEW APPROPRIATION AMOUNT	
		Original	New amount
A1 1A 250 Police Capital from Fines	Increase Appropriation	-0-	\$1,400.00
E2 5C 250 Pumping Capital Outlay	Increase Appropriation	\$2,500.00	\$5,000.00
E2 5F 230 Other Contractual Service	Increase Appropriation	\$12,000.00	\$20,000.00

Section 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and well being of the residents.

Section 4: This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Date 4-21-08

Mayor [Signature]

Attest:

Loretta Baker, fiscal officer  
Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2008-19**

**AN ORDINANCE AMENDING ORDINANCE NO. 2008-01 AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A CONTRACT WITH CRANE TOWNSHIP FOR PROVIDING EMERGENCY MEDICAL SERVICE AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council of the Village of Antwerp, Ohio, adopted an ordinance authorizing the Mayor and the Fiscal Officer for the Village to enter into a contract with Crane Township (the "Township") for the provision of emergency medical services to the Township, said ordinance designated as Ordinance No. 2008-01 and passing by a majority vote of the Council of the Village of Antwerp, Ohio, as an emergency measure, on January 21, 2008; and

**WHEREAS**, the Council, in order to revise certain terms and conditions set forth in the contract with the Township, amends Ordinance No. 2008-01 in order to more specifically identify the rates for the emergency medical rescue services provided by the Village of Antwerp EMS to the Township and the billing and collection procedures to be utilized in regard to the provision of these services.

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

Section 1. That Ordinance No. 2008-01 authorizing the Mayor and the Fiscal Officer of the Village to enter into a contract with Crane Township for providing emergency medical service and declaring the same an emergency is amended to read as follows:

**WHEREAS**, the County of Paulding previously had a county-wide emergency ambulance service levy; and

**WHEREAS**, said levy has been discontinued county-wide; and

**WHEREAS**, the Village of Antwerp owns an emergency ambulance vehicle and has in the past provided emergency ambulance service to outlying areas; and

**WHEREAS**, the Village of Antwerp and Crane Township have negotiated the terms and conditions of the Village providing emergency medical services to certain portions of Crane 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 Emergency Medical Services Department, hereinafter referred to as "the Village", will provide emergency medical services to that portion of Crane Township identified in an Agreement to Provide Emergency Medical Services (the "Agreement") to Crane Township and shall be compensated by the

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

Township paying an annual charge of \$2,800.00 to be paid on a quarterly basis with payments of \$700.00 each, in combination with a user fee for delivery of emergency medical rescue services rendered by the Village. The rate of the user fee shall be that as established in Section 2 of this Ordinance. The user fees as established shall take effect at 12:01 A.M. or January 1, 2008.

Section 2. That the Council of the Village of Antwerp, Ohio hereby authorizes and approves the following rates for emergency medical rescue services when services are rendered by the Village, to any person in the area provided in the Agreement, as follows:

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.

Section 3. That the user fee shall be incurred by the user of the emergency medical rescue services provided by the Village upon treatment.

Section 4a. 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.

Section 4b. 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.

Section 5. That the Village shall bill the users of the emergency medical services and collect any monies due for said services. Any and all monies collected on behalf of the users shall be sent to the Township on a monthly basis. The Village shall submit monthly invoices to the Township for the amounts billed, collected and then paid to the Township for the provision of emergency medical services, 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 6. All amounts collected as a result of this Ordinance shall be placed into the fund(s) established by the Fiscal Officer as follows: \$50.00 of each user fee collected

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

shall be placed into a Vehicle Replacement Fund and the remainder shall be placed into the EMS Revenue Fund. A transfer shall be done once or twice yearly from the EMS Revenue Fund to the Vehicle Replacement Fund.

Section 7. That the Mayor and the Fiscal Officer of the Village are authorized to enter into the Agreement with Crane Township to provide emergency medical services for the consideration identified herein.

Section 8. 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 9. 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 10. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the public and 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.

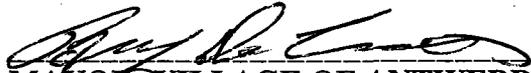
Section 2. It is found and determined that all formal actions of the Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal actions, were in meetings 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 is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the public, and for the further reason that the Village have an agreement in place with the Township that reflects the compensation to be paid to the Village for providing emergency medical services to the Township, 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.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ENACTED THIS 21<sup>st</sup> day of April, 2008.

  
MAYOR, VILLAGE OF ANTWERP

Attest:

Louetta Baker, fiscal officer  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2008-20**

**AN ORDINANCE AMENDING ORDINANCE NO. 2008-02 AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A CONTRACT WITH CARRYALL TOWNSHIP FOR PROVIDING EMERGENCY MEDICAL SERVICE AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council of the Village of Antwerp, Ohio, adopted an ordinance authorizing the Mayor and the Fiscal Officer for the Village to enter into a contract with Carryall Township (the "Township") for the provision of emergency medical services to the Township, said ordinance designated as Ordinance No. 2008-02 and passing by a majority vote of the Council of the Village of Antwerp, Ohio, as an emergency measure, on January 21, 2008; and

**WHEREAS**, the Council, in order to revise certain terms and conditions set forth in the contract with the Township, amends Ordinance No. 2008-02 in order to more specifically identify the rates for the emergency medical rescue services provided by the Village of Antwerp EMS to the Township and the billing and collection procedures to be utilized in regard to the provision of these services.

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

Section 1. That Ordinance No. 2008-02 authorizing the Mayor and the Fiscal Officer of the Village to enter into a contract with Carryall Township for providing emergency medical service and declaring the same an emergency is amended to read as follows:

**WHEREAS**, the County of Paulding previously had a county-wide emergency ambulance service levy; and

**WHEREAS**, said levy has been discontinued county-wide; and

**WHEREAS**, the Village of Antwerp owns an emergency ambulance vehicle and has in the past provided emergency ambulance service to outlying areas; and

**WHEREAS**, the Village of Antwerp and Carryall Township have negotiated the terms and conditions of the Village providing emergency medical services to Carryall 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 Emergency Medical Services Department, hereinafter referred to as "the Village", will provide emergency medical services to Carryall Township as set forth in an Agreement to Provide Emergency Medical Services (the "Agreement") to Carryall Township and shall be compensated by the

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

Township paying an annual charge of \$2,800.00 to be paid on a quarterly basis with payments of \$700.00 each, in combination with a user fee for delivery of emergency medical rescue services rendered by the Village. The rate of the user fee shall be that as established in Section 2 of this Ordinance. The user fees as established shall take effect at 12:01 A.M. on January 1, 2008.

Section 2. That the Council of the Village of Antwerp, Ohio hereby authorizes and approves the following rates for emergency medical rescue services when services are rendered by the Village, to any person in the area provided in the Agreement, as follows:

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.

Section 3. That the user fee shall be incurred by the user of the emergency medical rescue services provided by the Village upon treatment.

Section 4a. 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.

Section 4b. 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.

Section 5. That the Village shall bill the users of the emergency medical services and collect any monies due for said services. Any and all monies collected on behalf of the users shall be sent to the Township on a monthly basis. The Village shall submit monthly invoices to the Township for the amounts billed, collected and then paid to the Township for the provision of emergency medical services, 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 6. All amounts collected as a result of this Ordinance shall be placed into the fund(s) established by the Fiscal Officer as follows: \$50.00 of each user fee collected

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

shall be placed into a Vehicle Replacement Fund and the remainder shall be placed into the EMS Revenue Fund. A transfer shall be done once or twice yearly from the EMS Revenue Fund to the Vehicle Replacement Fund.

Section 7. That the Mayor and the Fiscal Officer of the Village are authorized to enter into the Agreement with Carryall Township to provide emergency medical services for the consideration identified herein.

Section 8. 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 9. 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 10. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the public and 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.

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 is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the public, and for the further reason that the Village have an agreement in place with the Township that reflects the compensation to be paid to the Village for providing emergency medical services to the Township, 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.

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

ENACTED THIS 21st day of April, 2008.

  
MAYOR, VILLAGE OF ANTWERP

Attest:

Louisa Baker, Fiscal officer  
Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-21

**AN ORDINANCE AMENDING ORDINANCE NO. 2008-03 AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A CONTRACT WITH HARRISON TOWNSHIP FOR PROVIDING EMERGENCY MEDICAL SERVICE AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council of the Village of Antwerp, Ohio, adopted an ordinance authorizing the Mayor and the Fiscal Officer for the Village to enter into a contract with Harrison Township (the "Township") for the provision of emergency medical services to the Township, said ordinance designated as Ordinance No. 2008-03 and passing by a majority vote of the Council of the Village of Antwerp, Ohio, as an emergency measure, on January 21, 2008; and

**WHEREAS**, the Council, in order to revise certain terms and conditions set forth in the contract with the Township, amends Ordinance No. 2008-03 in order to more specifically identify the rates for the emergency medical rescue services provided by the Village of Antwerp EMS to the Township and the billing and collection procedures to be utilized in regard to the provision of these services.

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

Section 1. That Ordinance No. 2008-03 authorizing the Mayor and the Fiscal Officer of the Village to enter into a contract with Harrison Township for providing emergency medical service and declaring the same an emergency is amended to read as follows:

**WHEREAS**, the County of Paulding previously had a county-wide emergency ambulance service levy; and

**WHEREAS**, said levy has been discontinued county-wide; and

**WHEREAS**, the Village of Antwerp owns an emergency ambulance vehicle and has in the past provided emergency ambulance service to outlying areas; and

**WHEREAS**, the Village of Antwerp and Harrison Township have negotiated the terms and conditions of the Village providing emergency medical 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 Emergency Medical Services Department, hereinafter referred to as "the Village", will provide emergency medical services to that portion of Harrison Township identified in an Agreement to Provide Emergency Medical Services (the "Agreement") to Harrison Township and shall be compensated

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

by the Township paying an annual charge of \$2,800.00 to be paid on a quarterly basis with payments of \$700.00 each, in combination with a user fee for delivery of emergency medical rescue services rendered by the Village. The rate of the user fee shall be that as established in Section 2 of this Ordinance. The user fees as established shall take effect at 12:01 A.M. on January 1, 2008.

Section 2. That the Council of the Village of Antwerp, Ohio hereby authorizes and approves the following rates for emergency medical rescue services when services are rendered by the Village, to any person in the area provided in the Agreement, as follows:

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.

Section 3. That the user fee shall be incurred by the user of the emergency medical rescue services provided by the Village upon treatment.

Section 4a. 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.

Section 4b. 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.

Section 5. That the Village shall bill the users of the emergency medical services and collect any monies due for said services. Any and all monies collected on behalf of the users shall be sent to the Township on a monthly basis. The Village shall submit monthly invoices to the Township for the amounts billed, collected and then paid to the Township for the provision of emergency medical services, 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 6. All amounts collected as a result of this Ordinance shall be placed into the fund(s) established by the Fiscal Officer as follows: \$50.00 of each user fee collected

RECORD OF ORDINANCES

0291

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

shall be placed into a Vehicle Replacement Fund and the remainder shall be placed into the EMS Revenue Fund. A transfer shall be done once or twice yearly from the EMS Revenue Fund to the Vehicle Replacement Fund.

Section 7. That the Mayor and the Fiscal Officer of the Village are authorized to enter into the Agreement with Harrison Township to provide emergency medical services for the consideration identified herein.

Section 8. 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 9. 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.

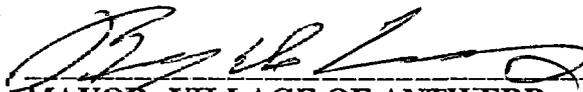
Section 10. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the public and the well being of the residents and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

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 is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the public, and for the further reason that the Village have an agreement in place with the Township that reflects the compensation to be paid to the Village for providing emergency medical services to the Township, 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.

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

ENACTED THIS 21st day of April, 2008.

  
MAYOR, VILLAGE OF ANTWERP

Attest:

Louetta Baker, Fiscal Officer  
Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-22

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS AND INCREASE APPROPRIATIONS ACCORDINGLY TO THE SEWER FUND IN THE AMOUNT OF \$ 14,000.00 AND DECLARE THE SAME TO BE AN EMERGENCY**

WHEREAS, the Village Fiscal Officer has determined that it is necessary to transfer certain funds from the General Fund to the Sewer 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 transfer does not require a 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 Sewer Fund even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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 Fourteen Thousand (\$14,000) from the General Fund to the Sewer Fund.

Section 2. This ordinance is necessary to provide for operating funds for the Sewer 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 Sewer 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 5/12/08

Ray F. [Signature] 5/13/2008  
Mayor of the Village of Antwerp

Attest:

Loretta Baker  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2008-23**

**AN ORDINANCE AUTHORIZING THE FISCAL OFFICER TO AMEND APPROPRIATIONS AND DECLARING IT AN EMERGENCY**

WHEREAS, the Fiscal Officer has determined that it is necessary to amend the following appropriations.

WHEREAS, Council must approve the amending of appropriations pursuant to Ohio Revised Code Section 5705.40, and

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

Section 1: This Ordinance is necessary for the immediate preservation of the public peace, health or safety.

Section 2: The Fiscal Officer is hereby authorized to amend the following appropriations:

FUND	DESCRIPTION	NEW APPROPRIATION AMOUNT	
		Original	New amount
A1 7D 220 Fiscal Officer Travel & Training	Increase Appropriation	\$500.00	\$1,500.00
E1 5D 250 Filtration Capital Outlay (Water)	Increase Appropriation	\$500.00	\$4,500.00
E2 5B 240 Billing Clerk Oper. & Maintenance	Increase Appropriation	\$1,000.00	\$1,500.00
E2 5C 230 Sewer Pump. Con. Serv. Utilities	Increase Appropriation	\$35,000.00	\$38,000.00
D2 5E 261 Water Capital Improvement	Increase Appropriation	\$0	\$6,248.58

# RECORD OF ORDINANCES

0295

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

Section 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and well being of the residents.

Section 4: This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Date 5-19-08

Mayor *Ray DeLong*

Attest:  
*Louisa Baker*

Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-24

**AN ORDINANCE ESTABLISHING A POLICY THAT DEVELOPER SHALL DEPOSIT FUNDS INTO AN ESCROW ACCOUNT WITH THE VILLAGE OF ANTWERP FOR THE REVIEW OF INFRASTRUCTURE PLANS BY THE ENGINEER OF THE VILLAGE OF ANTWERP, OHIO**

**WHEREAS**, the Village of Antwerp has in place a Subdivision Ordinance for the development of subdivisions within the Village of Antwerp; and

**WHEREAS**, the Village of Antwerp is desirous of establishing a policy requiring any developer or owner of a subdivision that is proposing a new housing development, or any and all additions or expansions of an existing housing development, which includes infrastructure improvements that will be dedicated to the Village of Antwerp, to deposit funds into an escrow account for the Village of Antwerp's engineer to review and ensure that the final infrastructure plans meet the Village of Antwerp's subdivision regulations; and

**WHEREAS**, the amount to be deposited into an escrow account for this purpose shall be determined at the time the initial infrastructure plans are given to the Village of Antwerp, said amount to be calculated by the engineer on a time and materials basis.

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

**Section 1.** The Village of Antwerp hereby establishes its policy that any developer or owner of a subdivision proposing a new housing development, or any and all additions or expansions to an existing housing development, which includes infrastructure improvements that will be dedicated to the Village of Antwerp, is required to deposit funds into an escrow account for the benefit of the Village of Antwerp to compensate its engineer to review and ensure that the final infrastructure plans submitted by the developer meet the Village of Antwerp's subdivision regulations.

**Section 2.** The Village of Antwerp authorizes the Village Administrator to obtain an estimate from the Village's engineer to review and ensure the final infrastructure plans meet the Village of Antwerp's subdivision regulations, said estimate to be determined on a time and materials basis at the time the developer / owner of the subdivision project submits the initial infrastructure plans.

**Section 3.** 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 of any of its committees that result in such formal action, were in meetings open to the public, in compliance with all legal requirements.

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

# RECORD OF ORDINANCES

0297

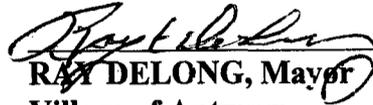
Cayton Legal Blank, Inc.

Form No. 30043

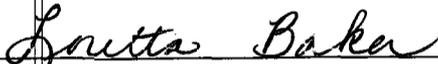
Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

Passed: 7/21, 2008.

  
RAY DELONG, Mayor  
Village of Antwerp

Attest:

  
LORETTA BAKER, Fiscal Officer

First Reading: 5-19-08

Second Reading: 6-16-08

Third Reading: 7-21-08

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-25

**AN ORDINANCE REGULATING THE USE OF STREETS WITHIN THE VILLAGE OF ANTWERP, SPECIFICALLY TO RESTRICT TRAVEL ON WATER PLANT DRIVE LOCATED WITHIN THE VILLAGE OF ANTWERP, OHIO, AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, this Ordinance is enacted pursuant to Ohio Revised Code Section 723.01, which gives the Village of Antwerp the special power to regulate the use of streets within said Village, and

**WHEREAS**, it is the opinion of the legislative authority that there is good cause to restrict the use of Water Plant Drive, which is hereinafter described in more detail, and that such restrictions shall not be detrimental to the general interest.

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

**Section 1.** That portion of Water Plant Drive that intersects with the roadway leading to the Antwerp Local School, specifically a stone road heading east to the weight room in the Antwerp Local School, is hereby restricted as to use with the installation of three way stop signs at said intersection. The traffic control signs and installation of such signs shall conform to the Ohio Manual of Uniform Traffic Control Devices.

**Section 2.** That portion of Water Plant Drive where a curve in said roadway is adjacent to the Village of Antwerp Water Plant facilities is hereby restricted as to use with the installation of a speed bump at said curve with warning signs to be installed approaching said speed bump from each direction advising of the speed bump. The traffic control signs and installation of such signs shall conform to the Ohio Manual of Uniform Traffic Control Devices.

**Section 3.** Any traffic rule violations resulting from this Ordinance shall be governed by the applicable provisions of the Ohio Basic Code and/or the Ohio Revised Code.

**Section 4.** The Village Administrator is hereby instructed to purchase and install street signs advising of the restrictions of use on the portions of Water Plant Drive identified in Section 1 and Section 2 of this Ordinance.

**Section 5.** It is found and determined that all formal actions of 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 6.** 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 to ensure safe travel on this road way as described herein, 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.

RECORD OF ORDINANCES

0299

Dayton Legal Blank, Inc

Form No. 30043

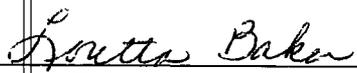
Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

Passed: 5-19, 2008.

  
Ray DeLong, Mayor of the Village of Antwerp

Attest:

  
Loretta Baker, Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-26

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS TO THE POLICE FUND IN THE AMOUNT OF \$ 30,000.00 AND DECLARE THE SAME TO BE 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, 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 transfer does not require a 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 even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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

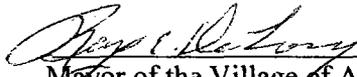
Section 1. The Village Fiscal Officer is hereby authorized to transfer the sum of Thirty Thousand (\$30,000) from the General Fund to the Police Fund.

Section 2. This ordinance is necessary to provide for operating funds for the police department of the Village of Antwerp.

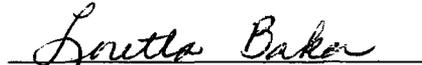
Section 3. It is found and determined that all formal actions of the Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings 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 5-19-08

  
Mayor of the Village of Antwerp

Attest:

  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-27

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS TO THE EMS FUND IN THE AMOUNT OF \$6,933.29 AND DECLARE THE SAME TO BE AN EMERGENCY**

WHEREAS, the Village Fiscal Officer has determined that it is necessary to transfer certain funds from the General Fund to the EMS 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 transfer does not require a 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 EMS Fund even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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

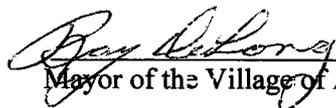
Section 1. The Village Fiscal Officer is hereby authorized to transfer the sum of Six Thousand nine hundred thirty-three dollars and 29/100 (\$6,933.29) from the General Fund to the EMS Fund.

Section 2. This ordinance is necessary to provide for operating funds for the EMS department of the Village of Antwerp.

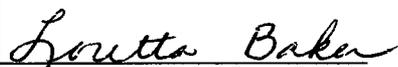
Section 3. It is found and determined that all formal actions of the Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings 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 EMS 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 5-19-08

  
Mayor of the Village of Antwerp

Attest:

  
Fiscal Officer

RECORD OF ORDINANCES

RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX IN EXCESS OF THE TEN MILL LIMITATION

The Ordinance No. Village Passed of

Antwerp, Paulding County, Ohio, met in Regular (Regular or Special)

session on the 16th day of JUNE, 2008, at the office of Village of Antwerp with the following members present:

- Ron Farnsworth
Larry Ryan
Jan Reeb
Mike Rohrs
Karen Lee (absent) Tom Van Vlerah

M Mike Rohrs moved the adoption of the following Resolution:

WHEREAS, The amount of taxes which may be raised within the ten mill limitation will be insufficient to provide an adequate amount for the necessary requirements of said

Village of Antwerp Paulding County, Ohio; therefore be it

RESOLVED, by the Council of the

Village of Antwerp, Paulding County, Ohio, two-thirds of all members elected thereto concurring, that it is necessary to levy a tax in excess of the ten mill limitation for the benefit of the Village of Antwerp

for the purpose of providing and maintaining motor vehicles, communications and other equipment used directly in the operation of a police department and payment of salaries of police personnel.

O.R.C. 5705.19 (J)

at a rate not exceeding two (2) mills for each one dollar of valuation, which amounts to twenty or ten cents

for each one hundred dollars of valuation, for 5 years 2009-2013

a renewal of a tax of 2 mills

RESOLVED, That the question of levying additional taxes be submitted to the electors of said

Village of Antwerp

at the general election to be held at the usual voting places within said Village of Antwerp, Ohio

on the 4th day of November 2008; and be it further

RESOLVED, That said levy be placed upon the tax list of the current year after the February settlement next succeeding the election, if majority of the electors voting thereon vote in favor thereof; and be it further

Dayton Legal Blank, Inc.

Form No. 30043

and notify said Board of Elections to cause notice of election on the question of levying said tax to be given as required by law. Passed 20

M Jan Reeb seconded the Motion and the roll being called upon its adoption the vote resulted as follows:

- M Mike Rohrs ..... yes
- M Jan Reeb ..... yes
- M Tom Van Ulerah ..... yes
- M Ron Farnsworth ..... yes
- M Karen Lee, Absent .....

Adopted the 16th day of June, 2008

1st Reading 5/12/08  
 2nd Reading 5/19/08

Loretta Baker  
 (Clerk or Auditor) Fiscal Officer

Village of Antwerp  
 (Name of Subdivision)  
 Paulding County, Ohio

1. This Resolution is to be passed and certified to the Board of Elections 75 days prior to the election upon which it will be voted, except see Emergency School Levy 5705.194.
2. Board of County Commissioners, Council of the City or Village, Board of Education, or Board of Township Trustees.
3. Name of Subdivision.
4. Here insert any one of the purposes listed in Sec. 5705.19 R.C. Not applicable to school districts.
5. For all the subdivisions including schools under 5705.19, the life indebtedness or the number of years the levy is to run.  
 Here insert one of the following:  
 "\_\_\_\_\_ an additional tax of \_\_\_\_\_ mills"  
 "\_\_\_\_\_ a renewal of an existing tax of \_\_\_\_\_ mills"  
 "\_\_\_\_\_ a renewal of a tax of \_\_\_\_\_ mills and an increase of \_\_\_\_\_ mills to constitute a tax of \_\_\_\_\_ mills"  
 "\_\_\_\_\_ a renewal of a part of a \_\_\_\_\_ mill existing levy, being a reduction of \_\_\_\_\_ mills to constitute a tax of \_\_\_\_\_ mills"  
 "\_\_\_\_\_ a replacement of tax of \_\_\_\_\_ mills"  
 "\_\_\_\_\_ a replacement of \_\_\_\_\_ mills and an increase of \_\_\_\_\_ mills to constitute a tax of \_\_\_\_\_ mills"  
 "\_\_\_\_\_ a replacement of part of an existing levy, being a reduction of \_\_\_\_\_ mills, to constitute a tax of \_\_\_\_\_ mills"  
 Schools also see 5705.212, 5705.213 O.R.C.
6. See Emergency School Levy under 5705.194. Also 5705.21, 5705.212, 5705.213 schools.
7. This notice to be given by the Board of Elections shall be published in a newspaper of general circulation in the county once a week. See 5705.19, .191, .194 R.C. for time.

The State of Ohio, Paulding County, ss.  
 I, Loretta Baker, Fiscal Officer Village of Antwerp,  
 Clerk of

do hereby certify that the foregoing is taken and copied from the Record of the Proceedings of said Village; that the same has been compared by me with the Resolution on said Record, and that it is a true and correct copy thereof.

Witness my signature, this 16th day of June, 2008

Loretta Baker  
 Clerk  
 Fiscal Officer

No. R 2008-03  
 Village of Antwerp  
 Paulding County, Ohio  
 RESOLUTION  
 DECLARING IT NECESSARY TO LEVY A  
 TAX IN EXCESS OF THE TEN  
 MILL LIMITATION  
 Filed \_\_\_\_\_  
 By \_\_\_\_\_ Deputy

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

No 2008-28

Skipped #

Next Ord.

2008-29

Ordinance No. 2008-29

Pg 2

Passed \_\_\_\_\_ 19\_\_\_\_

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 health, safety and welfare of the public, and for the further reason that the Village have an agreement in place with Carryall Township that reflects the compensation to be paid to the Village for providing emergency medical services to the Township, 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.

ENACTED THIS 16th day of June, 2008.

*Ray E. DeLong* 6/16/2008  
MAYOR, VILLAGE OF ANTWERP

Attest:

*Loretta Baker*  
Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2008-29**

**AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2008-20 AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO A CONTRACT WITH CARRYALL TOWNSHIP FOR PROVIDING EMERGENCY MEDICAL SERVICE AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council of the Village of Antwerp, Ohio, adopted an Ordinance authorizing the Mayor and Fiscal Officer to enter into a contract with Carryall Township for providing emergency medical service to Carryall Township, said Ordinance designated as No. 2008-20 and passing by a unanimous vote of the Council of the Village of Antwerp, Ohio, as an emergency measure on April 21, 2008; and

**WHEREAS**, the Council, by way of Ordinance No. 2008-20, established a section, specifically Section 1, providing the rates and charges for the provision of emergency medical services to the Township; and

**WHEREAS**, in order to correct the clerical error as to the fixed annual charge to the Township for the provision of emergency medical services by the Village of Antwerp, the Council of the Village of Antwerp amends Section 1 of Ordinance No. 2008-20 as provided herein.

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

**Section 1.** Section 1 of Ordinance No. 2008-20 of the Village of Antwerp, Ohio, is amended to read as follows:

“Section 1. That the Village of Antwerp Emergency Medical Services Department, hereinafter referred to as “the Village”, will provide emergency medical services to Carryall Township as set forth in an Agreement to Provide Emergency Medical Services (the “Agreement”) and shall be compensated by the Township paying an 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, in combination with a user fee for delivery of emergency medical rescue services rendered by the Village. The rate of the user fee shall be that as established in Section 2 of this Ordinance. The user fees as established shall take effect at 12:01 A.M. on January 1, 2008.”

**Section 2.** Previous ordinances and/or any portions thereof, including Section 1 of Ordinance No. 2008-20, and rules of the Village of Antwerp that are not consistent with this Ordinance are hereby set aside, revoked and held for naught.

**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 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

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-30

**AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2008-21  
AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO A  
CONTRACT WITH HARRISON TOWNSHIP FOR PROVIDING EMERGENCY  
MEDICAL SERVICE AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council of the Village of Antwerp, Ohio, adopted an Ordinance authorizing the Mayor and Fiscal Officer to enter into a contract with Harrison Township for providing emergency medical service to Harrison Township, said Ordinance designated as No. 2008-21 and passing by a unanimous vote of the Council of the Village of Antwerp, Ohio, as an emergency measure on April 21, 2008; and

**WHEREAS**, the Council, by way of Ordinance No. 2008-21, established a section, specifically Section 1, providing the rates and charges for the provision of emergency medical services to the Township; and

**WHEREAS**, in order to correct the clerical error as to the fixed annual charge to the Township for the provision of emergency medical services by the Village of Antwerp, the Council of the Village of Antwerp amends Section 1 of Ordinance No. 2008-21 as provided herein.

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

**Section 1.** Section 1 of Ordinance No. 2008-21 of the Village of Antwerp, Ohio, is amended to read as follows:

“Section 1. That the Village of Antwerp Emergency Medical Services Department, hereinafter referred to as “the Village”, will provide emergency medical services to that portion of Harrison Township identified in an Agreement to Provide Emergency Medical Services (the “Agreement”) and shall be compensated by the Township paying an annual charge of \$1,319.00, in combination with a user fee for delivery of emergency medical rescue services rendered by the Village. The rate of the user fee shall be that as established in Section 2 of this Ordinance. The user fees as established shall take effect at 12:01 A.M. on January 1, 2008.”

**Section 2.** Previous ordinances and/or any portions thereof, including Section 1 of Ordinance No. 2008-21, and rules of the Village of Antwerp that are not consistent with this Ordinance are hereby set aside, revoked and held for naught.

**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 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.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**Section 4.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the public, and for the further reason that the Village have an agreement in place with Harrison Township that reflects the compensation to be paid to the Village for providing emergency medical services to the Township, 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.

ENACTED THIS 16th day of June, 2008.

  
\_\_\_\_\_  
MAYOR, VILLAGE OF ANTWERP

Attest:

  
\_\_\_\_\_  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

RESOLUTION NO. 2008-04

**A RESOLUTION ESTABLISHING A FUND FOR MONIES TO BE ALLOCATED TO THE CAPITAL IMPROVEMENT PROJECT KNOWN AS THE TRAIN DEPOT PROJECT LOCATED IN THE VILLAGE OF ANTWERP, OHIO, AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council for the Village of Antwerp must establish a separate fund for the monies to be allocated to the capital improvement project known as the Train Depot Project located within the Village of Antwerp, Ohio.

**WHEREAS**, the Council for the Village of Antwerp deems it necessary to establish this fund in order to receive monies and allocate any monies to be used on the Train Depot Project.

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

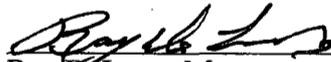
**Section 1.** The Village of Antwerp hereby establishes a fund for monies to be received and distributed from for the Train Depot Project, and the Fiscal Officer of the Village is hereby directed to establish such a fund for the purposes set forth herein. This fund shall be maintained in order to keep all monies to be used for the Train Depot Project in a separate fund.

**Section 2.** This Resolution is in accordance with the Auditor of State's Advisory No. 5705.12 - approval to establish special funds.

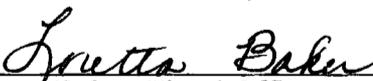
**Section 3.** It is found and determined that all formal actions of the Council concerning or relating to the passage of this Resolution were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal actions, were in meetings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

**Section 4.** This Resolution is deemed an emergency measure necessary for the preservation of the public health, safety and welfare of the Village and for the further reason that it is necessary for the Village to maintain this separate fund in order to properly account for all funds to be used in the Train Depot Project. This Resolution shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force by the earliest period allowed by law.

ENACTED THIS 16th day of June, 2008.

  
Ray DeLong, Mayor

Attest:

  
Loretta Baker, Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

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 health, safety and welfare of the public, and for the further reason that the Village have an agreement in place with Carryall Township that reflects the compensation to be paid to the Village for providing emergency medical services to the Township, 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.

ENACTED THIS 16<sup>th</sup> day of JUNE, 2008.

*Ray E. de Long* 6/16/2008  
MAYOR, VILLAGE OF ANTWERP

Attest:

*Loretta Baker*  
\_\_\_\_\_  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-31

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS TO THE WATER CAPITAL IMPROVEMENT FUND IN THE AMOUNT OF \$ 3748.58 AND DECLARE THE SAME TO BE AN EMERGENCY**

WHEREAS, the Village Fiscal Officer has determined that it is necessary to transfer certain funds from the General Fund to the Water Capital improvement 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 transfer does not require a 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 Water Capital Improvement Fund even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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 Three Thousand seven hundred forty eight dollars and fifty eight cents (\$3748.58) from the General Fund to the Water Capital Improvement Fund.

Section 2. This ordinance is necessary to provide for operating funds for the water 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 6/16/08

Ray DeLong 6/16/08  
Mayor of the Village of Antwerp

Attest:

Lynette Baker Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2008-32**

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS TO THE POLICE FUND IN THE AMOUNT OF \$ ~~10,000~~ AND DECLARE THE SAME TO BE 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, 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 transfer does not require a 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 even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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 Ten Thousand Dollars (~~\$10,000~~) from the General Fund to the Police Fund.

Section 2. This ordinance is necessary to provide for the operating funds for 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: 6-16-08

Ray C. DeLong  
Mayor of the Village of Antwerp

Attest:  
Fiscal Officer: Loretta Baker

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2008- 33**

**AN ORDINANCE AUTHORIZING THE FISCAL OFFICER TO AMEND APPROPRIATIONS AND DECLARING IT AN EMERGENCY**

WHEREAS, the Fiscal Officer has determined that it is necessary to amend the following appropriations.

WHEREAS, Council must approve the amending of appropriations pursuant to Ohio Revised Code Section 5705.40, and

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

Section 1: This Ordinance is necessary for the immediate preservation of the public peace, health or safety.

Section 2: The Fiscal Officer is hereby authorized to amend the following appropriations:

FUND	DESCRIPTION	NEW APPROPRIATION AMOUNT	
		Original	New amount
E1 5H 240 Water Auto Oper & Maint.	Increase Appropriation	\$1,000.00	\$2,000.00
D2 5E 261 Water Capital Improvement	Decrease Appropriation	\$6,248.58	-0-
E1 5G250 Water Meters Cap. Outlay	Increase Appropriation	\$3,000.00	\$6,000.00
E2 5E 230 Lands & Building Contract. Service	Increase Appropriation	\$1,300.00	\$1,800.00
E2 5E 250 Lands & Building Capital Outlay	Increase Appropriation	\$500.00	\$8,376.79

Section 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and well being of the residents.

Section 4: This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Date 6-16-08

Mayor *Ray W. Long*

Attest:  
*Loretta Baker*  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**RESOLUTION NO. 2008-05**

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF THE PAULDING COUNTY ECONOMIC DEVELOPMENT DIRECTOR AS THE HOUSING OFFICER FOR ALL COMMUNITY REINVESTMENT AREAS CREATED BY THE VILLAGE OF ANTWERP, OHIO; AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Village of Antwerp has created several Community Reinvestment Areas ("CRAs") within the Village of Antwerp;

**WHEREAS**, the Village of Antwerp desires to appoint the Director of the Paulding County Economic Development ("PCED") as the Housing Officer for these CRAs;

**WHEREAS**, the current Director of the PCED, Tony Langham, is desirous of accepting said appointment as the Housing Officer of the CRAs located within the Village of Antwerp.

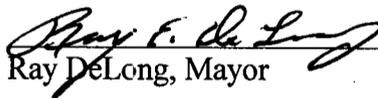
**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Village of Antwerp, County of Paulding, Ohio:

**Section 1.** The Council for the Village of Antwerp hereby appoints the Director of the PCED to act as the Housing Officer of the CRAs created in the Village of Antwerp, or to be created in the Village of Antwerp, and perform the duties of a Housing Officer as provided by any and all applicable agreements, contracts, ordinances, resolutions, policies, guidelines and other applicable law. Specifically, the Housing Officer shall be responsible for monitoring the construction of any improvements identified in the particular CRAs and notifying the County Auditor as to the completion of any construction.

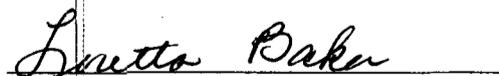
**Section 2.** It is found and determined that all formal actions of the Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action, were in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

**Section 3.** This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the welfare, convenience and prosperity of the Village of Antwerp and necessary to allow the Housing Officer to prepare the annual reports and coordinate the same with the relevant county officers. This Resolution 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.

Enacted this 16th day of June, 2008.

  
Ray DeLong, Mayor

ATTEST:

  
Loretta Baker, Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-34

AN ORDINANCE AUTHORIZING THE CHIEF OF THE ANTWERP POLICE DEPARTMENT TO RESIDE OUTSIDE THE VILLAGE OF ANTWERP, OHIO CORPORATION LIMITS

WHEREAS, George Clemens, III is the duly appointed Chief of the Village of Antwerp Police Department, and has been the acting Chief of Police since the 1st day of January, 2003; and

WHEREAS, Ohio Revised Code § 737.15 provides that the Chief of Police shall be a resident of the municipality, unless the residency requirement is waived by ordinance; and

WHEREAS, Chief Clemens is desirous of moving his residence outside the Village of Antwerp; however, his new residence will be located 1.3 miles from the Village of Antwerp.

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

Section 1. That the requirement that Chief Clemens reside in the Village of Antwerp is hereby waived so long as he remains at a residence within 3 miles from the Village of Antwerp corporation limits.

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 shall take effect and be in force after the earliest period allowed by law.

ENACTED THIS 15<sup>th</sup> day of Sept, 2008.

  
MAYOR, VILLAGE OF ANTWERP

Attest:

Loretta Baker  
Village Fiscal Officer

1<sup>st</sup> reading: 7-21-08

2<sup>nd</sup> reading 8-18-08

3<sup>rd</sup> reading 9-15-08

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-35

**AN ORDINANCE ESTABLISHING A RECORDS RETENTION SCHEDULE FOR THE VILLAGE OF ANTWERP, OHIO, AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Village of Antwerp desires to be consistent with the premise that government at all levels exists first and foremost to serve the interests of the people; and

**WHEREAS**, the Village of Antwerp declares it is our mission and intent to at all times fully comply with and abide by both the spirit and the letter of Ohio's Open Records Act and Open Meeting Act; and

**WHEREAS**, the Village of Antwerp, in order to accomplish the mission of fully complying with both the letter and spirit of the Open Records and Open Meetings Acts, does hereby establish a public records retention schedule.

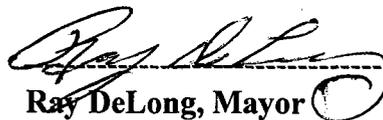
**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE VILLAGE OF ANTWERP, COUNTY OF PAULDING, STATE OF OHIO:**

**Section 1.** The Village of Antwerp, Ohio shall follow the records retention schedule set forth in the OHIO MUNICIPAL RECORDS MANUAL, Third Revised Edition (January 2000) as published by The Ohio Historical Society, a copy of said schedule being attached hereto and made a part hereof as Exhibit "A".

**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 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 comply with the directives issued by the Ohio Attorney General's Office in adopting a formal policy concerning a schedule for the retention of public records of the Village, and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in full force after the earliest period allowed by law.

Passed: 7/21/08, 2008.

  
Ray DeLong, Mayor

  
Louetta Baker  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

*Exhibit "A"*

**OHIO MUNICIPAL RECORDS MANUAL**  
**Suggested Records Retention Periods**

**Third Revised Edition - January 2000**

**THE OHIO HISTORICAL SOCIETY**  
State Archives of Ohio  
Local Government Records Program  
1982 Velma Avenue  
Columbus, Ohio 43211-2497  
[www.ohiohistory.org](http://www.ohiohistory.org)  
[localrecs@ohiohistory.org](mailto:localrecs@ohiohistory.org)

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

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Passed 2, 20\_\_\_\_

## Ohio's Municipal Records Program

Government cannot function without the records that serve as an institutional memory. If they are created, maintained, and disposed of in an orderly manner, the records will serve their purpose well and be an asset to the public office that created them. If, on the other hand, they are created, maintained, or disposed of in a haphazard manner, the same records will become a legal liability, waste valuable space, increase operating expenses, and squander staff time.

The purpose of this manual is to provide a foundation for Ohio municipal officials who wish to establish and maintain a basic records management program. Although many municipal record series are listed, some are not. To establish a retention period for a record series use the four values listed under Appraisal. The retention periods found in this manual are only suggestions. Before any municipal records may be disposed of in any manner, the municipal records commission must approve the action in an open meeting (Sec. 121.22 ORC) and submit the approved forms to the Ohio Historical Society's Local Government Records Program (LGRP). The LGRP will then send the forms to the Ohio Auditor of State. The Auditor of State returns the approved forms to the LGRP, which retains the original and sends a copy back to the municipal records commission. The commission should send a copy to the originating office. Questions about this manual or records retention and disposition should be addressed to Ohio Historical Society, State Archives of Ohio, Local Government Records Program (LGRP), 1982 Velma Avenue, Columbus, Ohio 43211-2497 (614/297-2553) or localrecs@ohiohistory.org

### ESTABLISHING A RECORDS PROGRAM

There are five basic steps in establishing a sound record management program.

1) Inventory. The ideal is to inventory all the records found in each municipal office. The reality is that a total inventory is difficult unless a full-time records manager does it. However, it can be done if you divide up the work by office and each office completes a records inventory. The basic unit of the inventory is the records series. A records series is a sequence of records classified and filed as a single filing system. Examples of separate record series are checks, vouchers, minutes, and leave requests. A records inventory should include all records series whether they are located in an office or storage area.

2) Appraisal. This second step is difficult and generally raises the most questions. Appraisal is the determination of the appropriate retention period of each record series, based on its administrative, legal, fiscal, and historical value to the municipality or the State of Ohio.

A record has administrative value if it is needed to conduct the current business of the public office that creates it. Administrative value diminishes over time because it is no longer needed for current business.

A record has legal value if it documents or protects the legal rights of the public entity that created it. Records possessing legal value should be retained until the legal rights or obligations to which they pertain expire.

A record has fiscal value if it is used in accounting for public funds. Records having fiscal value must be retained at least until the accounts have been audited. Records of local activities funded with combinations of state and federal funds might have to be retained longer than records pertaining solely to local funds.

A record has historical (archival) value if it has continuing historical value to the State of Ohio and its citizens. The Ohio Historical Society Local Government Records Program staff makes this determination.

The retention periods suggested in this manual are based upon the application of each of the four values of records to each records series. Records often possess more than one value; retention periods are based on satisfying the value with the longest retention need. For example, a records series having administrative value of one month may be required to be retained for two years to be audited; therefore, the retention period

# RECORD OF ORDINANCES

0319

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

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should be three years. A city may adopt retention periods different from those suggested in this manual. Please contact the OHS Local Government Records Program (LGRP) if you have questions concerning these suggested retention periods or the disposal process.

3) Adopt Retention Schedules. Municipal records may be disposed of only through the process mandated in section 149.39 Ohio Revised Code. Only three forms are used in the LGR Program. Master copies can be found on our website at <http://www.ohiohistory.org/resource/lgr/> or by requesting that copies be mailed. A properly approved Schedule of Records Retention and Destruction (RC-2) constitutes continuing authority to dispose of records when the scheduled retention period has expired.

An Application for One-Time Record Disposal of Obsolete Records (RC-1) is used for the one-time disposition of obsolete records, and does not represent continuing authority to destroy records. It is absolutely valid for only the obsolete records listed on the form and can only be used for one disposal.

Retention periods may be expressed in one of three ways:

- 1) As a specific time period (e.g., retain five years, then destroy);
- 2) In relation to an event (e.g., destroy after audited by the Auditor of State and audit report is released);
- 3) As a combination of both of these (e.g., retain five years after audited, then destroy).

Retention periods should always be clearly stated to avoid confusion or improper disposal. The best retention period is one that everyone can follow. Therefore, a specific time period is probably the safest one to use.

4) Disposal. Once a records retention schedule has been properly approved for a municipal department it should be followed and reviewed annually. Following an approved schedule is a good business practice that will prevent an unwanted accumulation of useless records that have outlived their value.

Before the disposal of any municipal records can occur, a Certificate of Records Disposal (RC-3) must be filed with the OHS Local Government Records Program, which in turn, will send the RC-3 to the Auditor of State's Records Officer in Columbus. The Certificate of Disposal (RC-3) should be filed a minimum of fifteen (15) business days before the proposed disposal or destruction date. To prevent improper records disposal, all municipal employees involved with records retention or disposition activities should be familiar with Sections 149.31, 149.351, and 149.39 of the Ohio Revised. Errors can cost the municipality both money and embarrassment. Consult your legal counsel if you have any doubts concerning records disposal. To safeguard and protect public records, Section 149.31 ORC requires a written agreement between the Ohio Historical Society and certain entities concerning the transfer of records.

5) Maintenance of Records of Long - Term Value. Records with retention periods exceeding 10 years are often viewed as being long-term. Providing appropriate storage facilities is essential for the preservation of long-term records. Most municipalities can not afford record storage centers or the latest equipment for controlling temperature and humidity. Nevertheless, it is important to provide a cool, dry, and secure storage area for municipal records, especially records having a long-term value. Exhaust fans, portable dehumidifiers, fire extinguishers, metal shelving, and regular cleaning will go a long way toward increasing the life span of paper records. Storing records in leaky attics, musty basements, and unheated outdoor storage sheds goes against common sense and good business practices. Commercial records storage may provide an alternative economic storage solution for seldom-needed records. However, examine all storage charges and access fees for a complete cost benefit analysis. Microfilm is another storage medium which, when properly utilized, can be a valuable asset in a records program. It can be used to reduce bulk or to provide security copies of vital records. Before beginning a microfilm program, thoroughly evaluate and cost justify it. Be sure to include the cost of a reader-printer if you wish to use the microfilm in lieu of the original (Sec. 9.01 ORC) or for public access (Sec. 149.43 ORC). All microfilming should meet or exceed American National Standards Institute (ANSI) standards. Currently, there are no ANSI standards for retaining permanent records either on optical disks or in other electronic formats.

The Ohio Historical Society, through the Ohio Network of American History Research Centers (ONAHRC), administers a program for the preservation of local government records that have continuing historical value. Municipalities devoting space to the storage of historical records that have outlived their administrative,

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legal, and fiscal value should consider transferring these records to the appropriate network center for permanent preservation in a true archival setting at no cost to the municipality and while permitting access to researchers.

#### Using this Manual

This manual is presented in a columnar format for quick and easy reference. The chapters correspond to major functional divisions common to municipal governments in Ohio. All municipal departments, boards, commissions should use the General Records Retention Schedules and other entities associated with municipality. The more complex functions are further divided when appropriate. Each entry includes the title of a record series and the suggested retention period. It is extremely difficult to create a comprehensive list of all municipal records therefore some records are not listed. Contact the OHS State Archives Local Government Records Program (614\297-2553) with your constructive comments and suggestions. Our E - Mail address is :localrecs@ohiohistory.org.

#### Role of the Ohio Historical Society

The Ohio Historical Society (OHS) is designated by section 149.31, Ohio Revised Code, as the "archives administration for the State of Ohio and its political subdivisions." It also has the first right to select for historical purposes local records which have continuing historical value to the State of Ohio and its citizens (Sec. 149.39 ORC). To fulfill these responsibilities, OHS administers the Local Government Records Program (LGRP). The LGRP works with municipalities to develop a practical records management program. The Ohio Historical Society has designated eight Ohio Network of American History Research Centers (Network Centers) as depositories for local government records within their respective regions. Municipal records transferred to the custody of a network center retain their own identity as records belonging to the originating municipality, and are available to the originating municipality should the need arise.

#### Note:

**"Audited" and "Provided Audited" , when used in this manual and on all RC 1, RC 2 and RC 3s, means: the years encompassed by the records have been audited by the Ohio Auditor of State and the audit report has been released pursuant to Section 117.26 Ohio Revised Code. To confirm audit periods and release dates, contact your fiscal officer or the Ohio Auditor of State's Clerk of the Bureau, Columbus.**

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OHIO NETWORK OF AMERICAN HISTORY RESEARCH CENTERS

1. University of Akron - Archives Services  
 Polsky Building  
 225 S. Main St.  
 Akron, OH 44325-1702  
 (330) 972-7670
  
2. Center for Archival Collections  
 Jerome Library - 5th Floor  
 Bowling Green State University  
 Bowling Green, OH 43403-0175  
 (419) 372-2411
  
3. Archives & Rare Books Department  
 Blegen Library - 8th Floor  
 University of Cincinnati  
 Cincinnati, OH 45221-0113  
 (513) 556-1959
  
4. Local Government Records Program (LGRP)  
 Ohio Historical Society - State Archives  
 1982 Velma Avenue  
 Columbus, OH 43211-2497  
 (614) 297-2553
  
5. Archives and Special Collections  
 Ohio University - Alden Library  
 Athens, OH 45701-2978  
 (740) 593-2710
  
6. Western Reserve Historical Society Library  
 10825 East Blvd.  
 Cleveland, OH 44106-1788  
 (216) 721-5722
  
7. Archives and Special Collections  
 Wright State University - Dunbar Library  
 Dayton, OH 45435-0001  
 (937) 775-2092
  
8. Youngstown Historical Center of Industry and Labor  
 151 West Wood Street  
 PO Box 533  
 Youngstown, OH 44501-0533  
 (330) 743-5934

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### Suggested Records Retention Periods for OHIO MUNICIPAL RECORDS

#### Section 1. - General Administrative Records

Records listed in this section are generally found in most municipal offices. These General Administrative and General Financial record retention schedules (Section 8) apply to every municipal department, board, commission or other municipal related entities unless superseded by a specific schedule.

Record Series Title	Suggested Retention Period
1. Accident Reports \ Files Employee injury Report Bodily Injury to non-employee Damage to Municipal Vehicle or Property	Place in personnel file 6 years provided no action pending 6 years provided no action pending
2. Activity Reports - All types	2 years
3. Agendas	6 years
4. Annual Departmental Budget	5 years
5. Annual Departmental Report	Permanent - at 50 years appraise for historical value
6. Annual Municipal Budget	Permanent - at 50 years appraise for historical value
7. Annual Municipal Report	Permanent - at 50 years appraise for historical value
8. Attendance Reports \ Records	3 years
9. Audiovisual, PR & Training Materials	Until information is superseded, obsolete, or replaced, then appraise for historical value
10. Badges and ID's	Turn in upon termination
11. Blank Forms	Until obsolete or superseded
12. Blueprints \ Vellums	Until updated, superseded or obsolete, appraise for historical value
13. Budget Preparation Documents (Working Papers)	4 years
14. Bulletins, Posters and Notices to Employees	Until no longer administratively necessary
15. Calibration Records - All types	5 years
16. City Manager's / Mayor's Journal	Permanent
17. Compliance Reports - All Types	5 years
18. Continuing Education Certifications \ Class \ Seminar \ Training Attendance Records	Place in personnel file
19. Contracts and Agreements	15 years after expiration or termination

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- |     |   |  |
|-----|---|--|
| 20. | Copies - All media<br>Official File copy<br>Reading \ Informational \ Reference Copy                  | Use applicable records series retention period<br>Until no longer administratively necessary |
| 21. | Correspondence<br>Routine Form Letters<br>General<br>With Legislative Branch<br>Executive             | 1 year<br>2 years<br>3 years<br>5 years  |
| 22. | Delivery Slips \ Packing Slips  | 2 years  |
| 23. | Disaster Plans  | Until updated or superseded  |
| 24. | Dispatcher Radio/Phone Calls Audio Recordings   | 30 days erase and reuse provided no action pending   |
| 25. | Drafts - All Media  | Until no longer administratively needed  |
| 26. | Drawings, Tracings, Mylars  | Until updated, superseded or obsolete, appraise for historical value                         |
| 27. | Equipment Inventories   | 3 years  |
| 28. | Equipment Maintenance Records   | Life of the equipment  |
| 29. | Equipment Records - Persona Use Items<br>(E.g. tools weapons, clothing etc.)                          | Until equipment returned by employee   |
| 30. | Executive Orders  | Until superseded, obsolete, or replaced; then appraise for historical value                  |
| 31. | Expense Records   | 3 years  |
| 32. | Facsimile (FAX)<br>Logs<br>Messages   | 1 year<br>Treat as correspondence  |
| 33. | Flow Charts - Operations  | 2 years  |
| 34. | Fuel Usage Records  | 3 years  |
| 35. | General Orders, Directives, Policies,<br>Rules, Regulations or Procedures                             | Until superseded, retain one copy until audited  |
| 36. | Grant Files \ Records - Federal \ State   | 5 years provided audited and disputes resolved   |
| 37. | Hearings (Not Employee Related)<br>Audio and Video Recordings<br>Report of Proceedings<br>Transcripts | 1 year<br>Permanent<br>5 years   |
| 38. | Leases<br>Equipment<br>Real Estate  | 2 years after expiration<br>5 years after expiration   |
| 39. | Licenses, Permits, Certificacins  | 1 year after expiration  |
| 40. | Mail  |  |

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Unsolicited Mail (e.g. anonymous \ slanderous letters, groundless complaints, sales materials transitory messages, informational brochures, etc.)	Until no longer administratively necessary
Postal Reccrds (e.g. Registered \ Certified \ Insured Logs or Receipts \ Postal Meter Documents)	2 years
Electronic Mail ( E-Mail )	Retain according to content. See Correspondence
41. Mailing Lists	Until updated, superseded or obsolete
42. Management \ Operations Reports	Until incorporated into an annual report
Monthly \ Quarterly \ Semiannual	5 years
Annual	5 years
Consultant	5 years
43. Manuals, Handbooks and Directives	Until superseded, obsolete, or replaced. Retain one file copy 5 years
44. Maps \ Plats	Until updated, superseded or obsolete, then appraise for historical value
45. Material Safety Sheets	Until superseded
45 Meeting Nctices (Sec. 121.22 ORC)	1 year
47 Memoranda	Use correspondence retention pericds
43. Minutes of Meetings	Permanent
Approved Hardcopy	1 year provided information concerning the meeting is substantially transcribed to hard copy
Audio and Video Recordings of Meetings	Until hardcopy of minutes approved
Drafts \ Notes	
49. Municipal Publications	Until superseded or obsolete, retain one copy
50. 911 System	Life of System
Documentation	3 years
Logs	1 year
Printouts	30 days then reuse provided no action pending
Recording Tapes	
51. Oaths of Office of Elected Officials	10 years after leaving office
52. Photo File (includes prints, slides, negatives, Transparencies and related phtographic tems)	Until information is no longer current, then appraise for historical value
53. Press \ News Releases	3 years
54 Printing Orders	3 years
55. Project Plans \ Drawings \ As Built	Life of project or obsolete then appraise for historical value
56. Receipts/Receipt Books	2 years provided audited
57. Receiving Documents	3 years
58. Records Retention Documents	25 years
RC 1, RC 2, RC 3	

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59. Records Requests	2 years
60. Reference \ Library Materials	Until superseded, obsolete or replaced
61. Requisitions	3 years
62. Research Files	5 years
63. Rosters \ Directories	1 year after superseded or obsolete
64. Scrapbooks, Yearbooks	Appraise for historical value
65. Speeches \ Presentations	3 years
66. Statistical Reports	Until incorporated into yearly compilation
Monthly \ Quarterly \ Semiannual	5 years
Annual	5 Years
Consultant produced	
67. Surveying - Field Notes	Permanent
68. Surveillance Tapes \ Videos	30 days then reuse provided no action pending
69. Table of Organization \ Organizational Charts	Until superseded
70. Telephone Messages - Telephone Records	
Charges \ Bills \ Call Detail Records	2 years provided audited
Documentation	Life of system
Messages	Until no longer administratively necessary
Service Records	2 years
System Equipment Inventory	Continually updated, retain superseded data 1 year
71. Training Material \ Lesson Plans	Until superseded
72. Uniform Record	3 years, provided audited
73. Vehicle Maintenance Records	Until vehicle sold
74. Vehicle Mileage Records	Until vehicle sold
75. Visitors' Log or Sign-in Sheets	1 year
76. Voice Mail	
Messages	Until no longer administratively necessary
System Documentation	Life of system
77. Warranties	2 years after expiration
78. Work Orders	2 years
79. Work Schedules	1 year after schedule changed

## Section 2 - Airport Records

Records Series Title Suggested Retention Period

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- 1. Air Traffic Reports  
Monthly 1 year  
Annual Permanent
- 2. FAA reports 5 years
- 3. Parking Lot Receipts and Ticket Stubs Until audited

Section 3. Building, Planning and Zoning Records

Record Series Title	Suggested Retention Period
1. Annexation Case Files	Permanent
2. Annexation Record	Permanent
3. Appeals on Interpretation of Code	Permanent
4. Area Commission Files	25 years
5. Board of Zoning Adjustments Case Files	10 years
6. Board of Zoning Adjustments Journal	Permanent
7. Building Applications	Until occupancy permit issued
8. Building Cards	Permanent
9. Building Folders	Review at 5 years
10. Building Inspection Reports	5 years
11. Building Permit Record	Permanent
12. Building Plans Residential 3 years Commercial 5 years Municipal owned Life of structure, appraise for historical value	
13. Building Sign Inspection Files	Permanent
14. Case Files - Board of Building Standards and Appeals	10 years
15. Case Files - Board of Zoning Appeals	10 years
16. Certificates of Insurance	2 years after expiration, provided no claims pending
17. City Building Code	Until superseded; retain 1 copy permanently
18. Community Development Reports	Until no longer of administrative value
19. Complaints	2 years, provided no action pending

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20. Condemnation and Demolition Records	Permanent
21. Contractor's Registration	2 years
22. Demolition Permits	Permanent
23. House Number Record	Permanent
24. Housing, Land Use, Population, and Other Special Studies	Until no longer of administrative value; appraise for historical value
25. Index to Board of Zoning Adjustments Case Files	25 years
26. Index to Variance Record	25 years
27. Index to Zoning Case Record	25 years
28. Industrial Use Permit Reviews	Permanent
29. Legislative Research Files \ Drafts	Until no longer of administrative value
30. Loan and Grant Applications (copies)	3 years, provided audited
31. Occupancy Permit Record	Permanent
32. Performance Bonds - Contractors	10 years after expiration
33. Permits - All types	3 years provided audited
34. Planning Briefs	25 years
35. Planning Commission Case Files	10 years, provided no action pending
36. Project Planning Files	5 years after completion of final project report
37. Project Reports	25 years, appraise for historical value
38. Quadrant Files	5 years
39. Rezoning Applications	Until final action taken and recorded
40. Rezoning Case Files	5 years after final decision rendered
41. Street Name Change Record	Permanent
42. Street \ Alley Vacation Case Files	Permanent
43. Subdivision Files	Permanent
44. Transportation Research Files	10 years; appraise for historical value
45. Urban Renewal Files	Obsolete; appraise for historical value
46. Violations	Until corrected or adjudicated by a Court
47. Zoning Case Log	25 years
48. Zoning Certificate for Occupancy	

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and Use of Land and Buildings

Permanent

49. Zoning Change Request

5 years, provided no action pending

50. Zoning Permit Applications

1 year after final decision rendered

51. Zoning Permit Record

Permanent

52. Zoning Variance Case Files

5 years after final decision, provided no action pending

## Section 4 - Cemetery Records

Record Series Title	Suggested Retention Period
1. Burial Fee Receipts	3 years, provided audited
2. Burial Transit Permits	5 years
3. Burial Permit	Permanent
4. Deposit Record - Perpetual Care	Permanent
5. Deed Book	Permanent
6. Index to Burial Plots	Permanent
7. Minutes	Permanent
8. Plat Maps	Permanent
9. Record of Lot Sales	Permanent
10. Register of Interments	Permanent
11. Rules and Regulations	Permanent

## Section 5 - Council Records

Record Series Title	Suggested Retention Period
1. Charter and Amendments	Permanent
2. Council Member's Files	Term of Office then appraise for historical value
3. Index to Council Minutes	Permanent
4. Index to Ordinances & Resolutions	Permanent
5. Liquor License Requests	
Approved	3 years
Denied	1 year
6. Ordinances	Permanent

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- |     |   |           |
|-----|---|-----------|
| 7.  | Petitions (Miscellaneous not filed elsewhere) | 5 years   |
| 8.  | Proclamations                                 | 2 years   |
| 9.  | Reports to Council                            | 5 years   |
| 10. | Resolutions                                   | Permanent |
| 11. | Subject and Administrative Files              | 5 years   |

## Section 6 Court Records

Record Series Title	Suggested Retention Period
<b>A. Justice of Peace</b>	
1. Case Files	Appraise for Historical Value
2. Docket	Appraise for Historical Value
3. Execution and Lien Docket	Appraise for Historical Value
<b>B. Mayor's Court</b>	
1. Annual Statement and Yearly Report	Permanent
2. Case Files	
Criminal	5 years provided audited
OMVI	7 years provided audited
Traffic	5 years provided audited
3. Case Transfers	Transfer all relevant records per 1905.032 ORC
4. Cash Payment Records	4 years provided audited
5. Citations - Parking	Until paid and audited
6. Citations - Traffic	3 years if maintained separately
7. Complaints and Warrants	In case files
8. Docket, Index, Journal	Permanent
9. Expungements	Seal then destroy as Case Files
10. Fine and Fee Record	3 years provided audited
11. Marriage Licenses	5 years after audited, provided Certificate sent to Probate Court Per Sec. 3101.13 & 3101.14 ORC
12. Monthly Statements and Reports	3 years provided audited

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13. Receipt Books

4 years provided audited

**C. Municipal Court Records - Effective October 1, 1997**

Municipal Court Administrative and Court Records are governed by the Supreme Court Rules of Superintendence, Rules 26 to 26.05. Please thoroughly read and follow these Supreme Court Rules.

**D. Police Court Records**

1. Case Files

Appraise for Historical Value

2. Cash Book

Appraise for Historical Value

3. Court Dockets

Appraise for Historical Value

**Section 7 - Engineering and Street Records**

Record Series Title

Suggested Retention Period

**A. Engineering Records**

1. Aerial Photographs

Until superseded then appraise for historical value

2. Bridge Plans

Life of bridge

3. Bridge Inspection Reports

10 years

4. Change Orders

Place in Project File

5. City Properties File

Permanent

6. City Zoning Maps

Permanent

7. Contractors' Prevailing Wage Records

5 years

8. Day Books

3 years

9. Federal Project Files  
audited

5 years after completion of project provided

10. House Number Record

Permanent

11. Job Orders

3 years

12. Maintenance Orders

2 years

13. Project Files (Contracts, specifications,  
change orders, progress reports etc.)

15 years after completion of project

14. Project Inspection Records

Include in project files

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- 15. Sanitary Sewer Records Permanent
- 16. Sewer Testing Records 5 years
- 17. Special Assessments Record 3 years after final payment, provided audited

**B. Street Records**

- 1. Blueprints, Maps and Plans Life of Infrastructure then appraise for historical value
- 2. Haul Tickets 2 years, provided audited
- 3. Pesticide Application Records 5 years
- 4. Proposals for Street Improvement Until approved or proposal rejected
- 5. Sewer Repair Sheets 10 years
- 6. Street Lighting Assessment Records Until paid off  
 Petitions 3 years  
 Pole Locations Until updated
- 7. Street Opening Permits 3 years
- 8. Street Repair Cost Summary Record 3 years, provided audited
- 9. Street Repair Record 3 years
- 10. Traffic Study Files Until superseded then appraise for historical value

## Section 8 Financial Records

Record Series Title Suggested Retention Period

**A. General Financial Records**

- 1. Acceptance of Utility Rate Ordinance Notices Permanent
- 2. Accounts Ledger 5 years after last entry, provided audited
- 3. Accounts Payable Record 3 years, provided audited
- 4. Accounts Receivable Ledger, General 3 years, provided audited
- 5. Accounts Receivable Ledger, Income Tax 6 years
- 6. Annual Appropriation Ordinances (copies) 5 years
- 7. Annual Certificate of Estimated Resources 7 years

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8. Annual Municipal Financial Report	Permanent
9. Annual Report to Auditor of State	5 years
10. Appropriation Ledger	5 years, provided audited
11. Assessment Record	Until paid and audited
12. Audit Reports - Internal Federal \ Auditor of State	5 years 5 years
13. Bad Check or Bad Debt Records	2 years after payment or settlement
14. Balance Sheets	3 years
15. Bank Deposit Records (Receipts, Reconciliation, Slips, Statements etc.)	3 years provided audited
16. Bid Bonds Successful bidder Unsuccessful bidder	Retain until acceptance of project performance bond Return after projected awarded
17. Bids - Successful	15 years after completion of project
18. Bids - Unsuccessful	2 years after letting of the contract
19. Block Grant Documentation	5 years
20. Bond Register	Permanent
21. Canceled Checks	3 years provided audited
22. Canceled Warrants	3 years, provided audited
23. Capital Improvement Bonds	Until paid off and audited, appraise for historical value
24. Cash Books \ Cash Reports	3 years
25. Cash Receipts and Disbursements	3 years, provided audited
26. Cash Register Tapes \ Records	2 years provided internal control established
27. Certificate of Result of Election (Bond Issues)	Until expiration of bond issue
28. Chargeback Reports \ Records	3 years
29. Check Registers \ Stubs \ Carbon	3 years, provided audited
30. Checking Account Statement	3 years, provided audited
31. Checks - Voided	Until audited
32. Client Payment Files	3 years
33. Computer Generated Financial Reports Monthly, Quarterly, Semiannual Annual	Until replaced by next printout or annual report printed out 5 years

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34.	Computer Records	Create Separate Schedule
35.	Cost Control Reports	3 years
36.	Report of Cash Received	3 years, provided audited
37.	Damage Claims	Until settled and all appeals exhausted
38.	Deposit Refund Requests	Until deposit is refunded and account audited
39.	Encumbrance Documents	3 years
40.	Encumbrance and Expenditure Journal	7 years, provided audited
41.	Federal Revenue Sharing Account	7 years, provided audited
42.	Fixed Assets Record	10 years
43.	General Ledger	25 years
44.	Indebtedness Statement	Permanent
45.	Insurance Policies	2 years after expiration, provided all claims settled
46.	Intergovernmental Tax Receipts	3 years provided audited
47.	Investment Records	3 years provided audited
48.	Invitation to Bid (ITB)	2 years
49.	Invoices and Supporting documents	3 years
50.	Licenses	Term of license plus 1 year
51.	Monthly Report of Municipal Court	3 years, provided audited
52.	Monthly Statement of Balances	3 years, provided audited
53.	Mortgages	Until paid and canceled, provided audited
54.	Oil and Gas Drilling Permit	Permanent
55.	Pay-In Records	3 years, provided audited
56.	Performance Bonds	After project successfully completed and accepted
57.	Permits	3 years, provided audited
58.	Personal or Professional Services Invoice or Statement of Services	3 years
59.	Petty Cash Record	3 years provided audited
60.	Phone Quotes \ Confirmations	2 years
61.	Posting Sheets and Cards for Paid Bills	3 years, provided audited

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62. Prevailing Wage Reccrds	3 years	
63. Property Inventories	3 years	
64. Purchase Orders Original	3 years	
Copies	Until no longer administratively necessary	
65. Receipts and Expenditures Report to Auditor Of State	3 years	
66. Receiving Documents	3 years	
67. Reconciliation Sheets, Bank Accounts	3 years, provided audited	
68. Record of Funds Received	3 years, provided audited	
69. Refund Check Ledger	5 years provided audited	
70. Remittance Advice	3 years	
71. Request for Proposals (RFPs)	2 years	
72. Retirement System Payments \ Records	Permanent	
73. Retirement System Exemption Record (Waiver)	Permanent	
74. Sales Tax Records	4 years	
75. Settlement Sheet or Tax Distribution from County Auditor	10 years	
76. Solicitor's or Feddler's Permit	1 year after expiration	
77. Special Assessments	Until paid off and audited	
78. Surety Bonds - Special	10 years after expiration	
79. Surety Bonds of Officials or Employees	10 years after termination of officer or employee	
80. Tax Abatement Records	Duration of the abatement plus 1-year	
81. Tax Settlement Reports	3 years, provided audited	
82. Trial Balance Records	3 years	
83. Transmittal of Ohio Wage and Tax Statement	6 years, provided audited	
84. Travel Expense Records	3 years	
85. Treasury Investment Board Report	10 years	
86. Unemployment Compensation Records	3 years, provided audited	
87. Uniform Allowance Record	3 years, provided audited	
88. Vouchers Original	3 years, provided audited	

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Copies

Until no longer administratively necessary

**B. Municipal Income Tax Records**

- 1. Accounts Receivable 6 years
- 2. Annual Summary of Cash Collected, 3 years, provided audited
- 3. Business Income Tax Reconciliation Form 6 years
- 4. Closed Account 6 years
- 5. Control Sheet 6 years
- 6. Corporate Partnership Fiduciary Income Tax Return 6 years
- 7. Daily Posting Recapitulation 3 years, provided audited
- 8. Detailed Cash Receipt Record 6 years
- 9. Delinquent Account Records Until paid and audited
- 10. Declaration of Estimated Income Tax, Business and Individual 6 years
- 11. Final Return for the Year 6 years
- 12. Individual's Tax Return 6 years
- 13. Quarterly Notice of Installment Due 6 years
- 14. Quarterly Payment Statement 6 years
- 15. Refund Voucher 6 years
- 16. Uncollectible Income Tax Accounts 6 years

**C. Sinking Fund Records**

- 1. Bond Issue Ledger Permanent
- 2. Bond Transcripts 10 years after issue redeemed
- 3. Bonds (Redeemed) 2 years after issue is paid off then appraise for historical value
- 4. Call Notices - Securities 10 years after call
- 5. Cash Journal 10 years, provided audited

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- |                                     |  |
|-------------------------------------|--|
| 6. Coupons (Redeemed)               | 4 years after audited then appraise for historical value |
| 7. Electronic Fund Transfer Records | 10 years   |
| 8. Monthly Financial Statement      | Until incorporated in annual report                      |
| 9. Record of Registered Bonds       | Permanent  |
| 10. Sinking Fund Ledger or Journal  | Permanent  |

## Section 9 - Fire and Police Records

Record Series Title	Suggested Retention Period
<b>A. Fire Department Records</b>	
1. Above and Underground Storage Tank Records	10 years after tank is out of service or removed
2. Alarm Response Reports	5 years
3. Annexation Files	Until superseded
4. Arson Reports	50 years appraise for historical value
5. Burning Complaint File	1 year
6. Daily Alarm Log	5 years
7. Dispatch Sheets \ Logs	3 years
8. Disaster Plan	Until Superseded
9. Emergency Medical Services Records	7 Years
10. EPA Burning Violation Record	5 years after violation corrected
11. Fire Code	Until superseded
12. Fire Incident Reports	10 years
13. Fire Investigation Files and Index	50 years appraise for historical value
14. Fire and Loss Record	Permanent
15. Fireworks Application and Permits	1 year after expiration
16. Gas and Oil Disbursement Record	1 year, provided audited
17. Hydrant Location Record	Permanent
18. Hydrant Maintenance Record	2 years after test date
19. Inspection Reports \ Cards - all types	3 years

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- |  |   |
|--|---|
| 20. Insurance Claim File               | 10 years after final settlement                         |
| 21. Master Rur Reports                 | 3 years   |
| 22. Mutual Aid Agreements              | 10 years after superseded                               |
| 23. Radio/Phone Calls Audio Recordings | 30 days then erase and reuse provided no action pending |
| 24. Standpipe Test                     | 3 years   |
| 25. Station House Daily Logs           | 10 years appraise for historical value                  |
| 26. Violation Notices                  | 1 year after violation corrected                        |
| 27. Water Surveys                      | 3 years   |

**B. Police Department Records**

- |   |   |
|---|---|
| 1. Accident Reports<br>Property Damage, Bodily<br>Injury and Traffic  | 3 years   |
| 2. Alcohol Breath Testing Records<br>Operator Permits<br>Breath Test Result Forms<br>Calibration Records<br>Radio Frequency Interference Survey | Until renewed<br>3 years<br>3 years<br>Until the machine is moved                     |
| 3. Animal Complaints  | 2 years   |
| 4. Arrest Cards \ Records (Non - Traffic)   | 15 years  |
| 5. Arrest Cards \ Records (Traffic)   | 10 years  |
| 6. Arrest Cards \ Records \ Reports (Juvenile)  | Until person turns 18 years of age or when<br>Expungement order received from a Court |
| 7. Arrest Reports (Adult)   | 50 years  |
| 8. Assignment Schedules \ Sheets  | 3 years   |
| 9. Bicycle License Receipts   | 3 years, provided audited   |
| 10. Bicycle License Register  | 7 years   |
| 11. Bicycle Theft Log   | 3 years   |
| 12. Block Watch Records   | 1 year  |
| 13. Business Security Records   | Until superseded, review annually   |
| 14. Child Abuse Case Records  | 7 years after case closed   |

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- |  |   |
|--|---|
| 15. Citizen Complaints                             | 4 years provided no action pending  |
| 16. Compliance Reports                             | 5 years, provided no action pending   |
| 17. Criminal Case Files - Felonies Except Homicide | 6 years, provided no action pending   |
| 18. Criminal Case files - Misdemeanors             | 2 years, provided no action pending   |
| 19. Daily Slating Records                          | 1 year  |
| 20. Dispatch Sheet \ Log (Record of Runs)          | 3 years   |
| 21. Expunged Records per Expungement Orders        | Destroy all files, records and computer references when Expungement order received from a Court |
| 22. FBI \ BCI Investigation Reports                | 3 years   |
| 23. Field Interrogation Cards                      | 6 months  |
| 24. Fingerprints                                   | 50 years  |
| 25. Firearm Records and Inventories                | 3 years, provided audited   |
| 26. Homicide Reports & Evidence (Closed cases)     | 30 years after all appeals exhausted  |
| 27. House \ Business Alarm Records                 | 90 days   |
| 28. Incident Log \ Reports                         | 5 years   |
| 29. Investigations                                 |   |
| Homicide & Rape including evidence (Pending)       | Permanent   |
| Homicide including evidence (Closed)               | 10 years after all appeals exhausted  |
| Internal Affairs                                   | 4 years   |
| 30. Jail Daily Book - In Records                   | 3 years   |
| 31. Jail Inmate Records                            |   |
| Commissary records                                 | 2 years   |
| Intake \ Discharge Records                         | 6 years   |
| Medical Records                                    | 6 years   |
| Personal Property Returned                         | 2 years   |
| 32. Jail Register \ Log Book                       | 25 years  |
| 33. Junk Vehicle Records                           | 2 years after sale or other disposition   |
| 34. Juvenile Records                               | Until person turns 18 year old or when Expungement order received from a Court                  |
| 35. Law Enforcement Automatic Data System Records  |   |
| Logs   | 2 years   |
| Printouts  | Destroy when no longer administratively necessary   |
| 36. Liquor Permit Records                          | 3 years   |
| 37. Master Name Index                              | Permanent   |
| 38. Missing Person Reports                         | 20 years, or until found  |

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39. Offense Reports, Felonies Except Homicide	6 years, provided no action pending
40. Offense Reports, Misdemeanors	2 years, provided no action pending
41. Parking Citations \ Infractions	3 years
42. Parking Meter Collection Record	Until audited
43. Prisoner Booking Video Recording Tape	30 days, erase and reuse provided no action pending
44. Property Room Log Records (Releases, Transfers, Disposals etc.)	25 years 5 years
45. Radio \ Phone Calls Audio Recordings	30 days erase and reuse, provided no action pending
46. Radio and Telephone Log	2 years
47. Records (Background) Check Requests	2 years
48. Recovered Property Record	2 years after disposal of property
49. Ride Along Forms	3 years
50. Seizure Log \ Record	6 years
51. State of Ohio Traffic Crash Reports (OH-1)	3 years
52. Stolen Property Hot List or Cards	3 years
53. Subpoenas, Summonses, or Warrants	Until served, discharged, answered or withdrawn
54. Tow Tickets	3 years after paid, provided audited
55. Traffic Citations	3 years, provided audited
56. Type of Crime File	Permanent
57. Uniform Crime Reports (UCR)	3 years
58. Vacation House Check Records	30 days after owners return
59. Wanted Posters	Until person apprehended

## Section 10 - Health Records

Record Series Title	Suggested retention period
1. Affidavits (Birth)	Permanent
2. Animal Bite Notifications Reports	3 years 3 years
3. Applications	

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Birth Certificate	6 months after audit
Death Certificate	6 months after audit
License \ or permit	6 months after audit
4. Biohazards Waste Destruction Records	5 years
5. Birth Certificates \ Index	Permanent
6. Burial Transit Permits	5 years
7. Case Reports - AIDS & Selected Class A \ Reportable Disease Log	50 years
8. Certifications	5 Years
9. Chronic Disease Records	1 year after final disposition of case
10. Client Index File	20 years
11. Client Records	
Clinical Care - Adults	5 years
Children	Until 18 years old
Syphilis and HIV STD Records	50 years
12. Communicable Disease Records	Permanent
13. Dairy Farm Records - All Types	5 years
14. Dairy Producers Records - All Types	5 years
15. Death Certificates \ Index	Permanent
16. Disease / Diagnosis Index	10 years
17. Disease Statistics	10 Years
18. Environmental Monitoring Records	5 years
19. Environmental Site Assessment	30 years
20. Epidemiological Case Records	5 years after case closed
21. Family Case Files	5 years after last contact
22. Family Index Cards	5 years after last contact
23. Flu / Vaccine/ Immunization Records	10 years
24. Food Handler's Permit	While food handler employed
25. Food Service \ Establishment Records	5 years, provided audited
26. Hazardous Materials Emergency Response \ Requests \ Logs	30 years
27. Health Insurance Claims	5 years
28. Health Services Reports	Permanent

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	25
29. HIV Counseling and Test Report Forms	5 years
30. Immunization Cards	10 years after date of last entry
31. Inspection Records - All Types	5 years after date of inspection, provided all violations corrected
32. Laboratory Records	5 years
33. License Renewals	5 years
34. Medicaid Records - All Types	5 years after last contact with patient
35. Medicare Records - All types	5 years after last contact with patient
36. Milk Plant Records - All Types	5 years
37. Not - Admit Log \ Referral Forms	1 year
38. Note Books - Field Visits \ Inspections	2 years
39. Nuisance Investigation Reports	5 years
40. Nuisance Investigation Summary Records	5 years after situation is corrected
41. Nursing Service Cards	5 years after last contact with patient
42. OSHA Logs \ Records	5 years
43. Registry Information	50 years
44. Rheumatic Fever Enrollment Records	5 years after last contact
45. Sanitation Orders	1 year after compliance
46. Sewage Disposal System Applications	1 year after date of final approval
47. Solid Waste Site Record	10 years after site ceases operation
48. Stillbirth Certificates \ Index	Permanent
49. Swimming Pool Operation Reports	1 year
50. Swimming Pool Sanitation Records	5 years after pool ceases operation
51. Test Logs	5 years
52. Test Results - Computer Reports	5 years
53. Treated Sanitary Flow Agreements	Until audited
54. Tuberculin Test Records	Positive results permanent; negative results 3 years
55. Tuberculosis Case Records	Lifetime of patient
56. Tuberculosis Register Records	Lifetime of patient

## RECORD OF ORDINANCES

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57. Venereal Disease Case Records	Permanent
58. Venereal Disease Case Register or Index	Permanent
59. Venereal Disease Laboratory Reports	1 year
50. Vital Statistics Reports	5 years after date of filing
31. Water Bacteriological Examinations	2 years
62. Water Sample Cards	1 year after date of test, provided test is negative; if positive; 1 year after problem is corrected or well closed
63. Water Supply Records	5 years after well is closed
64. Well Logs	10 years
65. X - Ray Film (Employee)	20 years

## Section 11 - Legal Records

Record Series Title	Suggested Retention Period
1. Case Files, Civil	10 years, provided no action pending
2. Case Files, Criminal	20 years, provided no action pending
3. City Property Files	Permanent
4. Claims for Damages	2 years after case settled and all appeals exhausted
5. Court Transcripts	3 years after case settled
6. Deeds	Permanent
7. Easements	Permanent
8. Legal Notices Tear Sheets Proof of Publication	2 years 5 years
9. Legal Opinions from Municipal Legal Counsel	Permanent
10. Liability Waivers	3 years provided no action pending
11. Settlements	3 years
12. Worker's Compensation Claims	10 years after date of final payment

## Section 12 - Parks and Recreation Records

Record Series Title	Suggested Retention Period
1. Fee Books	3 years provided audited

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- |    |                              |                                    |
|----|------------------------------|------------------------------------|
| 2. | Golf Course Membership Cards | 2 years                            |
| 3. | Golf Course Use Records      | 3 years                            |
| 4. | Plans of Park Property       | Permanent                          |
| 5. | Permission Slips             | 2 years provided no action pending |
| 6. | Shelter House Permits        | 2 years                            |
| 7. | Swimming Pool Records        | 2 years                            |
| 8. | Team Rosters and Score Books | 1 year                             |

## Section 13 - Payroll \ Personnel Records

	Record Series Title	Suggested Retention Period
<b>A. Payroll Records</b>		
1.	Application for PERS Refund or Waiver	Permanent
2.	Court Orders for Payroll Deduction	Until employee terminates or Order rescinded
3.	Employee Earning Record	Continually compiled and updated until termination. Information placed in personnel file yearly
4.	Employee Income Tax Withholding Certificate	3 years after termination of employment, provided audited
	Withholding Payment Record	6 years, provided audited
5.	Employee Pay Records	Continually updated until termination then place into personnel file or enter data onto Employee History Card
6.	Employee Withholding Requests	Until replaced or revoked by employee
7.	Employer Quarterly Federal Tax Return	4 years, provided audited
8.	Garnishment Orders	Until employee terminates or Order rescinded
9.	Leave Balances \ Reports	Until incorporated in annual leave balances report
	BI-weekly Report of Leave Use and Balances	5 years
	Annual Employee Leave Use \ Balances Report	25 years
	Annual Leave Use and Balances by Muni Unit	Continually maintained and updated in personnel file. Purge 2 years after termination provided no outstanding balances
	Individual Employee	
10.	Notification of Pay \ Pay Step Increase	Until superseded. Copy in personnel file
11.	Overtime authorization	2 years provided
12.	Overtime Reports	2 years, provided audited

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13. Payroll Journal \ Record  
Annual Cumulative Printout  
Weekly \ Monthly Payroll Journal

50 years  
3 years, provided audited and cumulative employee payroll data retained in personnel file

14. Reports to Retirement Systems

50 years

15. State Income Tax Report

25 years

16. Tax Withholding Reports

6 years, provided audited

17. W-2 Forms

6 years, provided audited

18. W-4 Forms

Until superseded or employee terminates

**B. Personnel Records**

1. Application for Employment  
Person Hired  
Person not hired  
Copies

Place in Personnel File  
Destroy after 2 years  
Until no longer administratively needed.

2. Commendations, Promotions

Place in personnel file

3. Employee Exposure to Hazardous Chemicals \  
Biological Hazards or Infectious Diseases Reports

Place in Personnel File

4. Employee Performance Evaluation

5 years

5. Employee Sick Leave and Vacation Balances

Continually updated by fiscal office until employee terminates. Balances verified yearly and recorded in personnel file.

6. Employee Time Cards \ Sheets

3 years

7. Employee Training Records

Place in Personnel file

8. Employment History Record Card

Permanent, in lieu of personnel file

9. Grievance Hearing Records

1 year after resolved

10. Insurance Enrollment Record

1 year after employee leaves municipal employment

11. Job \ Position Descriptions

One year after superseded

12. Labor Union Agreements

15 years after termination

13. Leave Requests - All Types  
Sick, Vacation, Overtime etc.

3 years provided balances journalized

14. Letter of Appointment

Place in personnel file

15. Letters of Reference

2 years after hired

16. Letter of Resignation

Place in Personnel file

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- |  |  |
|--|--|
| 17. Personnel Actions                        | Place in Personnel File  |
| 18. Personnel File \ Records                 | Purge 2 years after employee leaves municipal service. Retain permanent record of service time, salary history, leaves balances, taxes paid, resignation letter, retirement information and waivers. In lieu of these documents, use a duly certified Employment History Card. Retain OSHA related records 20 years. |
| 19. Promotion Action                         | Place in Personnel File  |
| 20. Record of Disciplinary Action            | 4 years  |
| 21. Reports to Bureau of Employment Services | 2 years  |
| 22. Unemployment Compensation Case Files     | 4 years after date of final payment  |
| 23. Worker's Compensation Case Files         | 10 years after date of final payment   |

**C. Civil Service Commission Records**

- |   |  |
|---|--|
| 1. Background Investigations  | 2 years after position eligibility lists expires |
| 2. Civil Service Examination Forms, Tests, Booklets. Score Sheets, Answer Sheets etc. | 2 years after position eligibility lists expires |
| 3. Classified Employees List  | Until superseded                                 |
| 4. Eligibility List   | Until list expires                               |
| 5. Employment Information Files   | Until superseded                                 |
| 6. Hearing Case Files   | 10 years   |
| 7. Job Classification List  | Until superseded                                 |
| 8. Job \ Position Descriptions  | One year after superseded                        |
| 9. Polygraph \ Voice Analysis Exams   | 2 years after the eligibility list expires       |
| 10. Substance Reports   | 2 years after the eligibility list expires       |

### Section 14 - Water and Sewer Records

Record Series Title	Suggested Retention Period
---------------------	----------------------------

**A. Billing and Administration Records**

- |   |                                      |
|---|--------------------------------------|
| 1. Applications for Service                   | Until service terminated             |
| 2. Application for Water or Sewer Tap Permits | 1 year after final decision rendered |

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3. Billing Adjustment Books	Until audited
4. Billing Ledger Cards	3 years after date of final entry, provided audited
5. Cost Control Data	Until no longer of administrative value
5. Curb Box Location Record	Permanent
6. Customer Meter Reader Cards	2 years
7. Daily Meter Repair Sheets	3 years
8. Daily Over and Short Reports	3 years, provided audited
9. Daily Work Orders	3 years
10. Dam Inspection Reports	Permanent
11. House Service Cards	Permanent
12. Industrial Waste Records	Permanent
13. Meter and Valve Location Record	Permanent
14. Meter Reading Records	4 years
15. Meter Test Records	3 years
16. Monthly Account Register	10 years
17. Monthly Collection Report	3 years, provided audited
18. Project Files	Until project completed and final report issued
19. Project Final Reports	Permanent
20. Property Records (Deeds, Rights-of-Way, Annexations, Vacations, Easements)	Permanent
21. Rate Schedules	Until superseded
22. Security Deposit Records	Until refunded to the Depositor
23. Security Deposit Refund Requests	Until audited
24. Sewer Rent Record	3 years, provided audited
25. Sewer \ Water Billing Stubs	3 years provided audited
26. Shut-Off Lists	3 years
27. Special Sewer Authorizations or Hookups	Permanent
28. Suspense Account Record	Until account settled, provided audited
29. Test Boring Record	Permanent

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- |    |                               |                           |
|----|-------------------------------|---------------------------|
| 30 | Water and Sewer Receipt Books | 2 years, provided audited |
| 31 | Water and Sewer Tap Record    | Permanent                 |
| 32 | Water Main Location Record    | Permanent                 |
| 33 | Water Usage Reports           | 3 years                   |

**B. Plant Operation Records**

- |    |   |                               |
|----|---|-------------------------------|
| 1. | Analytical Data \ Chemical Analyses \ Monitoring Records \ EPA Reports \ Water Quality Reports \ Operating Logs \ Monthly Reports - All types | 10 years                      |
| 2. | Flow-Charts - Fluids  | 5 years                       |
| 3. | Laboratory Testing Records  | 5 years                       |
| 4. | Lime Sale Tickets   | 3 years, provided audited     |
| 5. | Monthly Laboratory Testing Summary Reports  | 25 years                      |
| 6. | Rainfall Statistics   | 5 years                       |
| 7. | Septic Tank Hauler Record   | 3 years, provided audited     |
| 8. | Well Maintenance and Field Logs   | 10 years after well is capped |

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## Appendix 1

Targets suggested for use in municipal planetary camera microfilm programs. (See ANSI Standards)

## Microfilm Targets for Each Roll

Target	Explanation
1. BEGIN ROLL #	Must be eye-legible; begin each record series anew with roll #1.
2. TITLE BOARD	Must be eye-legible; for example: Akron City Council Ordinances, 1945 - 1947
3. UNIT CONTINUED FROM PREVIOUS ROLL (if applicable)	Must be eye-legible.
4. PUBLIC OFFICIAL'S CERTIFICATION	Certifies microfilm is an official record of a public office and complies with Section 9.01 ORC
5. NOTES TO RESEARCHERS	Typed on white paper providing user with information such as where original the material is located, who filmed records, and where copies are available.
6. TECHNICAL TARGETS	Include the five (5) standard resolution charts and state the reduction ratio being used
7. CERTIFICATION BY MICROFILM CAMERA OPERATOR OR VENDOR	Certifies the date microfilm created and type of work performed by camera operator and vendor.
8. SPECIAL NOTATIONS MATERIAL MISSING PAGES MISNUMBERED RETAKE INSERTED HERE	Other eye-legible targets may be made up on white paper as needed.
9. UNIT CONTINUES ON NEXT ROLL	Must be eye-legible. (If applicable)
10. END OF ROLL REWIND	Must be eye-legible

## ANSI STANDARDS

For copies of ANSI/AIIM Standards which cover microfilm, microfiche, and computer output microfilm (COM), contact The Association for Information and Image Management International (AIIM), 1100 Wayne Avenue, Suite 1100, Silver Spring, Maryland 20910-5603. Printed copies of the ANSI standards and technical reports are not inexpensive. Professionals creating or processing microfilm should know and comply with ANSI standards especially if the micrographic image is replacing an original record pursuant to Section 9.01 ORC.

After microfilming, do not destroy any public record unless you have an approved RC-2 which clearly states that the records will be destroyed after microfilming and a properly completed RC-3 submitted fifteen business days prior to the disposal. Municipal Courts should dispose of their records pursuant to Sup. CT. Rule 26 (E), of the Supreme Court of Ohio Rules of Superintendence.

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Appendix 2

**1. Local Government Records Forms:**

**Application for One-Time Records Disposal of Obsolete Records (RC-1)**

This form is used to request authorization to dispose of obsolete records series or record series no longer being created. Only the specific records listed on the application may be disposed of. Once the RC -1 is been approved and signed by all parties, a completed Certificate of Records Disposal (RC-3) should be filed before the actual disposal takes place.

**Schedule of Records Retention and Disposition (RC-2)**

This form is used to request continuing authority to dispose of records after the end of the approved record retention period. Each records series must be listed separately, given a unique schedule number, and assigned a retention period. Use the retention period suggested in this manual or one based upon the administrative, fiscal, or legal value of the records to your municipality. Once a RC-2 form has been properly approved it is in effect and should be followed. Before a disposal takes place, it is not necessary for a Municipal Records Commission to review or re-approve the RC-2 that authorized the disposal.

**Certificate of Records Disposal (RC-3)**

Fifteen business days before a disposal takes place, the originating office should send an original Certificate of Records Disposal (RC-3) to the Ohio Historical Society's Local Government Records Program (LGRP) and a copy to their municipal records commission. The RC-3 certificate serves as official notification of the proposed intent to dispose of municipal records. Complete all the columns accurately so the LGRP can send the RC-3 to the Auditor of State for possible compliance verification.

**Records Inventory Form**

This form is for use when conducting a municipal records inventory. It is designed to allow for the recording of all pertinent information about each record series inventoried, and is suitable for use as a worksheet for records appraisal. Use a separate sheet for each record series.

**2. Supreme Court Rules of Superintendence - Rules 26 - 26.05. Effective October 1, 1997**

The following Rules of Superintendence for the Courts of Ohio, adopted by the Ohio Supreme Court on July 7, 1997, apply to municipal and county court records:

- Rule 26 Court Records Management and Retention
- Rule 26.01 Retention Schedule for the Administrative Records of the Courts
- Rule 26.05 Municipal and County Courts - Records Retention Schedule

Consult the Ohio Bar Journal, August 11, 1997, issue for the complete rules or contact the Ohio Supreme Court (614/466-4199) or the Supreme Court Website at : [www.state.oh.us](http://www.state.oh.us)

These rules of superintendence concern court records management and retention. Sup. Rule 26 (E)(2) requires that a written notice be sent to the Ohio Historical Society at least Sixty (60) Days prior to the destruction of a court record having a retention period greater than 10 years old or created prior to 1960. This written notice should be sent to: The Ohio Historical Society, State Archives of Ohio, Local Government Records Program (LGRP), 1982 Velma Avenue, Columbus, OH 43211-2497. During the sixty (60) day review period, the OHS - LGRP will notify the Court if any of the records set for disposal have continuing historical value. Transfer or disposition of court records to entities other than to the OHS - LGRP are subject to Section 149.31 ORC which requires a signed agreement between the Ohio Historical Society (LGRP) and the entity receiving the record. Currently, there are no American National Standards Institute (ANSI) standards for the long-term preservation of electronic data.

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Dayton Legal Blank, Inc.

Form No. 30043

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Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-36

AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS TO THE POLICE FUND IN THE AMOUNT OF \$ 20,000.<sup>00</sup> AND DECLARE THE SAME TO BE 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, 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 transfer does not require a 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 even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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 from the General Fund to the Police Fund.

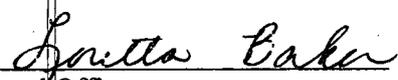
Section 2. This ordinance is necessary to provide for operating funds for the police department of the Village of Antwerp.

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 7/21/08

  
\_\_\_\_\_  
Mayor of the Village of Antwerp

Attest:  
  
\_\_\_\_\_  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-37

AN ORDINANCE TO INCREASE THE AMOUNT OF THE NOTE ISSUED IN ANTICIPATION OF THE ISSUANCE OF BOND FOR THE PURPOSE OF STORM SEWER CAPITAL IMPROVEMENTS AND DECLARING THE SAME AN EMERGENCY

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

Section 1. On August 29, 2007, Council passed Ordinance No. 2007-22 for a Note in the principal amount of \$160,000.00 to be issued in anticipation of issuance of bond for the purpose set forth in Ordinance No. 2007-22 to make necessary storm sewer capital improvements with a financing cost thereof incurred in connection with the issuance of said Note.

Section 2. Said Note was issued to the Village of Antwerp, and said Note bears interest at a rate not exceeding 4.79% for ten (10) years, payable in semi-annual payments, said payments began on February 28, 2008, in an amount of \$10,162.42 each payment. The Village paid the first and second semi-annual payments.

Section 3. Said Note in the amount of \$160,000.00 must be increased in order to provide sufficient funds for the final storm sewer capital improvements. The new Note amount is \$190,713.03.

Section 4. Said Note in the increased amount shall bear interest at a rate not exceeding 4.79% for nine (9) years, payable in semi-annual payments to begin on February 1, 2009, in an amount of \$13,170.60 each payment. In the event of default, the Note shall become immediately due and payable. Said maturity date shall occur nine (9) years from the date of said Note provided the maturity date is not a business day, the Note shall mature on the first business day immediately preceding such date.

Section 5. The Village covenants that it will take or cause to be taken such actions which may be required of it for the interest on the Note to remain excluded from gross income for federal income tax purposes, and will not take or permit to be taken any actions which would adversely affect that exclusion, and that it, or persons acting for it, will, among other acts of compliance, apply proceeds, all in a manner and to the extent necessary to assure such exclusion of that interest under the Internal Revenue Code. The Village Fiscal Officer and any other appropriate officers are hereby authorized and directed to take any and all actions, make calculations and rebate payments, and make or give reports and certifications as may be appropriate to assure such exclusion of that interest.

Section 6. The Note shall be the full general obligation of the Village and the full faith, credit and revenue of said Village are hereby pledged for the prompt payment of the same.

Section 7. It is hereby determined and recited that all acts, conditions and things required to be done precedent to and in the issuance of the Note, in order to make them legal, valid and binding

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

obligations of the Village of Antwerp, have happened, been done, and performed in regular and due form as required by law; that the full faith, credit and revenue of said Village shall be and is hereby irrevocably pledged for the prompt payment of the principal and interest thereon at maturity; that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of said Note.

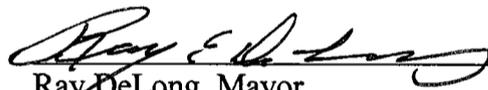
Section 8. The Village Fiscal Officer, or other officer, is authorized to prepare, execute and deliver to the purchaser of said Note a preliminary and final official statement or any other appropriate disclosure document in connection with the sale and delivery of the Note.

Section 9. The Mayor and Fiscal Officer of said Village are hereby authorized to sign and execute the Note on behalf of said Village.

Section 10. 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 11. 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 storm sewer capital improvements 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: 7-30-08

  
Ray DeLong, Mayor

  
Loretta Baker, Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2008-38**

**AN ORDINANCE ACCEPTING THE FINAL PLAT OF THE MAUMEE LANDING SUBDIVISION, PHASE NO. I (LOTS 9-15) 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 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 No. I (Lots 9-15) of the Maumee Landing Subdivision and the infrastructure improvements provided thereon be accepted with the modification that the final coat of asphalt for the streets identified in the final plat be applied no later than one (1) year from the date the Village Council passes an ordinance accepting the final plat of Phase No. I of the Maumee Landing Subdivision.

**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 No. I (Lots 9-15) 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 including the modification thereof that the final coat of asphalt for the streets identified on the final plat be applied no later than one (1) year from the date of the passage of this Ordinance by the Village Council, and that the final plat of the Maumee Landing Subdivision, Phase No. I (Lots 9-15) is hereby accepted, subject to the contingencies provided in Section 1 of Ordinance No. 94-16.

**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 \_\_\_\_\_, 20\_\_\_\_

**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, subject to the streets being constructed in accordance with the specifications and requirements of Ordinance No. 94-16, 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.

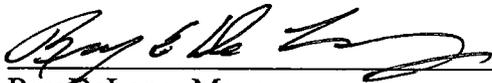
**SECTION 5.** That all requirements for the final plat have been provided as set forth in Ordinance No. 94-17, including, but not limited to, a notarized certification of the owners of the adoption of the plat, the dedication of the streets and other public areas, the approval and the signature of Village 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.

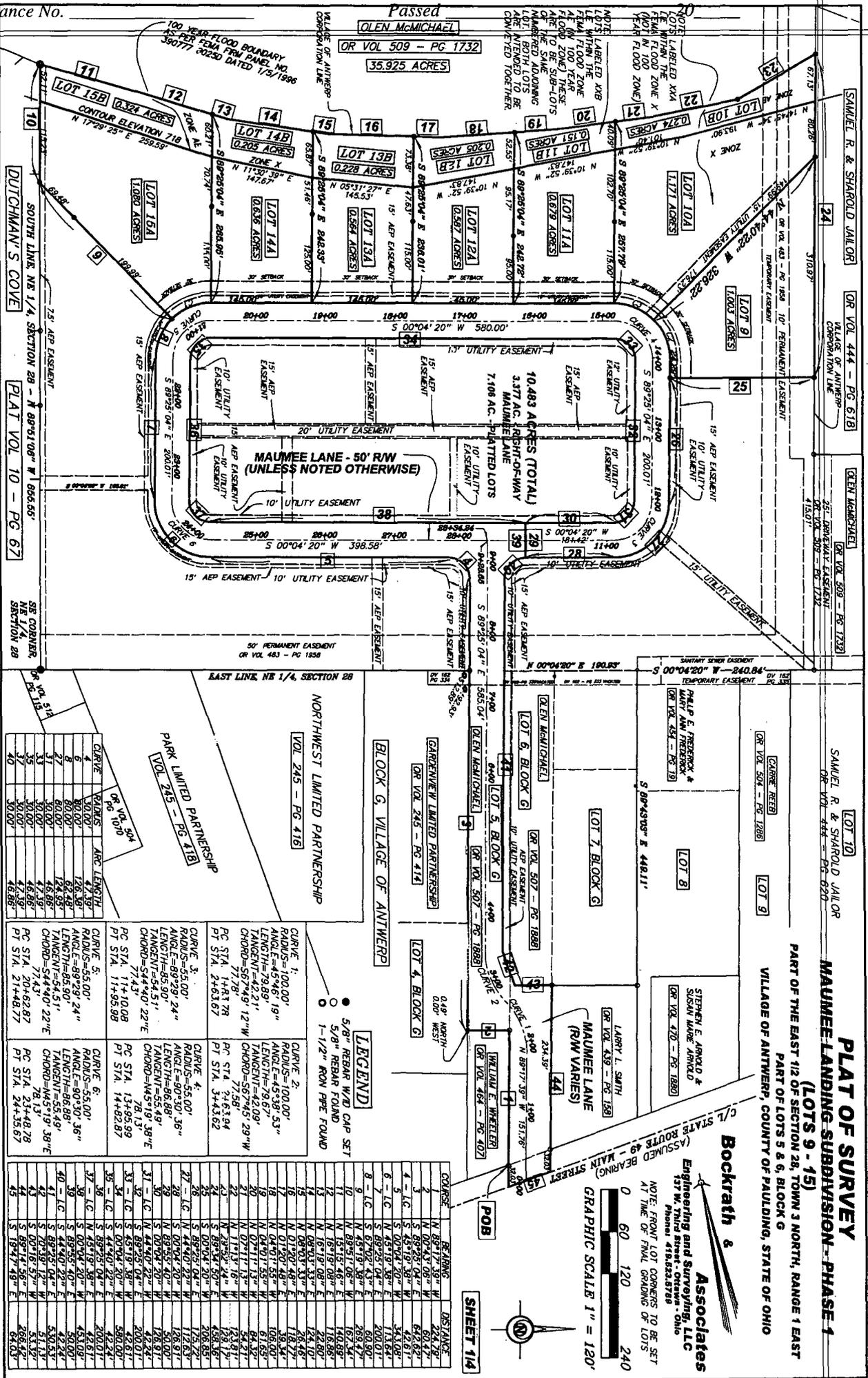
**SECTION 8.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village and for the further reason that the final plat for the real estate must be approved in order to comply with the Village's Subdivision 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.

Date: 7/30/00

  
Ray DeLong, Mayor

Attest:  
  
Loretta Baker, Fiscal Officer

Ordinance No.



**PARK LIMITED PARTNERSHIP**  
VOL 245 - PG 418

CURVE	BEARS	ARC LENGTH
1	100.00'	47.19'
2	100.00'	47.19'
3	100.00'	47.19'
4	100.00'	47.19'
5	100.00'	47.19'
6	100.00'	47.19'
7	100.00'	47.19'
8	100.00'	47.19'
9	100.00'	47.19'
10	100.00'	47.19'
11	100.00'	47.19'
12	100.00'	47.19'
13	100.00'	47.19'
14	100.00'	47.19'
15	100.00'	47.19'
16	100.00'	47.19'
17	100.00'	47.19'
18	100.00'	47.19'
19	100.00'	47.19'
20	100.00'	47.19'
21	100.00'	47.19'
22	100.00'	47.19'
23	100.00'	47.19'
24	100.00'	47.19'
25	100.00'	47.19'
26	100.00'	47.19'
27	100.00'	47.19'
28	100.00'	47.19'
29	100.00'	47.19'
30	100.00'	47.19'
31	100.00'	47.19'
32	100.00'	47.19'
33	100.00'	47.19'
34	100.00'	47.19'
35	100.00'	47.19'
36	100.00'	47.19'
37	100.00'	47.19'
38	100.00'	47.19'
39	100.00'	47.19'
40	100.00'	47.19'

**LEGEND**

- 5/8" REBAR W/D CAP SET
- 1-1/2" RON PIPE FOUND

CURVE	RADIUS	ANGLE	LENGTH	TANGENT	CHORD	PC STA.	PT STA.	PVI STA.
1	100.00'	45.96°	19.00'	17.89'	42.21'	77.78'	148.33'	148.33'
2	100.00'	45.96°	19.00'	17.89'	42.21'	148.33'	214.67'	214.67'
3	100.00'	45.96°	19.00'	17.89'	42.21'	214.67'	281.01'	281.01'
4	100.00'	45.96°	19.00'	17.89'	42.21'	281.01'	347.35'	347.35'
5	100.00'	45.96°	19.00'	17.89'	42.21'	347.35'	413.69'	413.69'
6	100.00'	45.96°	19.00'	17.89'	42.21'	413.69'	480.03'	480.03'
7	100.00'	45.96°	19.00'	17.89'	42.21'	480.03'	546.37'	546.37'
8	100.00'	45.96°	19.00'	17.89'	42.21'	546.37'	612.71'	612.71'
9	100.00'	45.96°	19.00'	17.89'	42.21'	612.71'	679.05'	679.05'
10	100.00'	45.96°	19.00'	17.89'	42.21'	679.05'	745.39'	745.39'
11	100.00'	45.96°	19.00'	17.89'	42.21'	745.39'	811.73'	811.73'
12	100.00'	45.96°	19.00'	17.89'	42.21'	811.73'	878.07'	878.07'
13	100.00'	45.96°	19.00'	17.89'	42.21'	878.07'	944.41'	944.41'
14	100.00'	45.96°	19.00'	17.89'	42.21'	944.41'	1010.75'	1010.75'
15	100.00'	45.96°	19.00'	17.89'	42.21'	1010.75'	1077.09'	1077.09'
16	100.00'	45.96°	19.00'	17.89'	42.21'	1077.09'	1143.43'	1143.43'
17	100.00'	45.96°	19.00'	17.89'	42.21'	1143.43'	1209.77'	1209.77'
18	100.00'	45.96°	19.00'	17.89'	42.21'	1209.77'	1276.11'	1276.11'
19	100.00'	45.96°	19.00'	17.89'	42.21'	1276.11'	1342.45'	1342.45'
20	100.00'	45.96°	19.00'	17.89'	42.21'	1342.45'	1408.79'	1408.79'
21	100.00'	45.96°	19.00'	17.89'	42.21'	1408.79'	1475.13'	1475.13'
22	100.00'	45.96°	19.00'	17.89'	42.21'	1475.13'	1541.47'	1541.47'
23	100.00'	45.96°	19.00'	17.89'	42.21'	1541.47'	1607.81'	1607.81'
24	100.00'	45.96°	19.00'	17.89'	42.21'	1607.81'	1674.15'	1674.15'
25	100.00'	45.96°	19.00'	17.89'	42.21'	1674.15'	1740.49'	1740.49'
26	100.00'	45.96°	19.00'	17.89'	42.21'	1740.49'	1806.83'	1806.83'
27	100.00'	45.96°	19.00'	17.89'	42.21'	1806.83'	1873.17'	1873.17'
28	100.00'	45.96°	19.00'	17.89'	42.21'	1873.17'	1939.51'	1939.51'
29	100.00'	45.96°	19.00'	17.89'	42.21'	1939.51'	2005.85'	2005.85'
30	100.00'	45.96°	19.00'	17.89'	42.21'	2005.85'	2072.19'	2072.19'
31	100.00'	45.96°	19.00'	17.89'	42.21'	2072.19'	2138.53'	2138.53'
32	100.00'	45.96°	19.00'	17.89'	42.21'	2138.53'	2204.87'	2204.87'
33	100.00'	45.96°	19.00'	17.89'	42.21'	2204.87'	2271.21'	2271.21'
34	100.00'	45.96°	19.00'	17.89'	42.21'	2271.21'	2337.55'	2337.55'
35	100.00'	45.96°	19.00'	17.89'	42.21'	2337.55'	2403.89'	2403.89'
36	100.00'	45.96°	19.00'	17.89'	42.21'	2403.89'	2470.23'	2470.23'
37	100.00'	45.96°	19.00'	17.89'	42.21'	2470.23'	2536.57'	2536.57'
38	100.00'	45.96°	19.00'	17.89'	42.21'	2536.57'	2602.91'	2602.91'
39	100.00'	45.96°	19.00'	17.89'	42.21'	2602.91'	2669.25'	2669.25'
40	100.00'	45.96°	19.00'	17.89'	42.21'	2669.25'	2735.59'	2735.59'
41	100.00'	45.96°	19.00'	17.89'	42.21'	2735.59'	2801.93'	2801.93'
42	100.00'	45.96°	19.00'	17.89'	42.21'	2801.93'	2868.27'	2868.27'
43	100.00'	45.96°	19.00'	17.89'	42.21'	2868.27'	2934.61'	2934.61'
44	100.00'	45.96°	19.00'	17.89'	42.21'	2934.61'	3000.95'	3000.95'
45	100.00'	45.96°	19.00'	17.89'	42.21'	3000.95'	3067.29'	3067.29'

**BOCKRATH & ASSOCIATES**  
Engineering and Surveying, LLC  
137 W. Third Street - Dayton, Ohio  
Phone: 454.251.1788

NOTE: FRONT LOT CORNERS TO BE SET AT TIME OF FINAL GRADING OF LOTS

GRAPHIC SCALE 1" = 120'

0 60 120 240

**SHEET 114**

**PLAT OF SURVEY**  
**MAUMEE LANDING SUBDIVISION - PHASE 1**  
(LOTS 9 - 15)  
PART OF THE EAST 1/2 OF SECTION 28, TOWN 3 NORTH, RANGE 1 EAST  
PART OF LOTS 5 & 6, BLOCK G  
VILLAGE OF ANTIWERP, COUNTY OF PAULding, STATE OF OHIO

**LOT 10**  
SAMUEL R. & SHAROLD JAIL OR  
OR VOL 444 - PG 620

**LOT 9**  
OR VOL 504 - PG 1266

**LOT 8**  
STEPHEN E. ANKOLD &  
SUSAN MARIE ANKOLD  
OR VOL 470 - PG 1880

**LOT 7, BLOCK G**  
OR VOL 507 - PG 1888

**LOT 6, BLOCK G**  
OR VOL 507 - PG 1888

**LOT 5, BLOCK G**  
OR VOL 507 - PG 1888

**LOT 4, BLOCK G**  
OR VOL 484 - PG 407

**LOT 3, BLOCK G**  
OR VOL 507 - PG 1888

**LOT 2, BLOCK G**  
OR VOL 484 - PG 407

**LOT 1, BLOCK G**  
OR VOL 484 - PG 407

**LOT 15A**  
OR VOL 509 - PG 1732

**LOT 14A**  
OR VOL 509 - PG 1732

**LOT 13A**  
OR VOL 509 - PG 1732

**LOT 12A**  
OR VOL 509 - PG 1732

**LOT 11A**  
OR VOL 509 - PG 1732

**LOT 10A**  
OR VOL 509 - PG 1732

**LOT 9A**  
OR VOL 509 - PG 1732

**LOT 15B**  
OR VOL 509 - PG 1732

**LOT 14B**  
OR VOL 509 - PG 1732

**LOT 13B**  
OR VOL 509 - PG 1732

**LOT 12B**  
OR VOL 509 - PG 1732

**LOT 11B**  
OR VOL 509 - PG 1732

**LOT 10B**  
OR VOL 509 - PG 1732

**LOT 9B**  
OR VOL 509 - PG 1732

Ordinance No.	Passed	20
	<p><b>LEGEND</b></p> <p>X "X" CUT INTO CONC. CURB</p>	<p><b>CERTIFICATION</b></p> <p>I, THE PAULDING COUNTY AUDITOR, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT TAXES ON THE PROPERTY HEREIN DESCRIBED AND APPROVE THIS PLAT FOR TRANSFER ON THIS DAY <u>2008</u></p> <p>PAULDING COUNTY AUDITOR _____</p>
<p>I, THE UNDERSIGNED SURVEYOR HEREBY CERTIFIES THAT THIS IS A TRUE COPY OF A SURVEY MADE UNDER MY DIRECT SUPERVISION AND THAT ALL BOUNDARIES, LOT CORNERS AND ROAD CENTERLINES ARE MONUMENTED AS SHOWN ON THE ACCOMPANYING PLAT.</p> <p>Date: _____</p> <p><b>Bockraith &amp; Associates</b>                  Engineering and Surveying, LLC                  Gregory A. Bockraith P.S.                  Registered Land Surveyor No. 8306                  137 W. Third Street                  Ottawa, OH 43875                  Phone: (419) 523-5789</p>	<p><b>CERTIFICATION</b></p> <p>I, THE PAULDING COUNTY RECORDER, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN RECORDED IN VOL. _____ PAGE _____ OF THE PLAT RECORDS OF THE COUNTY OF PAULDING, OHIO.</p> <p>ON THIS DAY _____ 2008 FEE: _____</p> <p>PAULDING COUNTY RECORDER _____</p>	<p><b>ACCEPTANCE</b></p> <p>WE, THE COUNCIL OF THE VILLAGE OF ANTIWERP, OHIO DO HEREBY APPROVE THIS PLAT AND ACCEPT THE DEDICATED STREETS AND UTILITY EASEMENTS TO THE VILLAGE OF ANTIWERP, OHIO.</p> <p>BY ORDNANCE NO. _____ THIS _____ DAY OF _____</p> <p>BY: _____</p>
<p><b>Bockraith &amp; Associates</b>                  Engineering and Surveying, LLC                  137 W. Third Street - Ottawa - OH                  Phone 513.523.5789</p> <p><b>SHEET 314</b></p>	<p>STATE OF OHIO:                  PAULDING COUNTY, SS                  PERSONALLY APPEARED BEFORE ME THE AFORESAID WHO DID ACKNOWLEDGE THAT HE DID SIGN THIS PLAT AND THAT THE SAME IS HIS FREE ACT AND DEED.</p> <p>SUBSCRIBED IN MY PRESENCE THIS _____ DAY OF _____ 2008</p> <p>OLEN MOMICHAEL</p> <p>NOTARY PUBLIC _____</p>	<p>I, THE UNDERSIGNED OWNER OF THE PROPERTY HEREIN DESCRIBED DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT AND DEDICATE THE ROAD RIGHT-OF-WAY AND UTILITY EASEMENTS FOR PUBLIC USE. THE EASEMENTS SHOWN ON THIS PLAT ARE FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT OR REMOVAL OF WATER, STORM SEWER, SANITARY SEWER, GAS, ELECTRIC, TELEPHONE OR OTHER UTILITY LINES OR SERVICES AND FOR PROVIDING INGRESS AND EGRESS TO THE UTILITIES.</p> <p>DATE: _____</p>

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_

20 \_\_\_\_\_

**MAUMEE LANDING SUBDIVISION PHASE 1 (LOTS 9-15 and MAUMEE LANE RIGHT-OF-WAY)**  
 Situated as being part of Lots 5 and 6, Block G and part of the East Half of Section 28, Town 3 North, Range 1 East, Village of Antwerp, Paulding County, Ohio, also being part of a tract of land as recorded in Official Record Volume 507, Page 1888 and Official Record Volume 509, Page 1732, respectively, of the Deed Records of Paulding County, Ohio, and also being part of a former road right-of-way recorded in Deed Volume 162, Page 333 (said right-of-way vacated as per the Village of Antwerp Ordinance) and more particularly described as follows:

Beginning on the centerline of Main Street (State Route 49) marking the Northeast Corner of Lot Number 5 of Block G and the POINT OF BEGINNING,  
 Thence along the outer perimeter of the right-of-way of Maumee Lane which is to be dedicated to public use as part of this plat the following eight (8) courses:

North 89°17'39" West along said North line a distance of 224.79 feet to a 5/8 inch rebar found, passing a 5/8 inch rebar found at 32.03 feet;  
 South 00°43'08" East along the West line of a tract of land as recorded in Official Record Volume 464, Page 407 a distance of 60.47 feet to a point on the North line of Lot 4 of Block G (referenced by a 5/8 inch rebar found 0.49 feet North of said corner);

North 89°25'04" West along said North line of Lot 4 of Block G and said line extended a distance of 842.62 feet to a point of curvature, passing a 5/8 inch rebar found at 492.83 feet and a 5/8 inch rebar with ID cap set at 512.89 feet;  
 Along a curve to the left, having a radius of 30.00 feet, a delta of 90°30'36", an arc length of 47.39 feet, and a chord which bears South 45°19'38" West having a chord distance of 42.61 feet to a point of tangency;

South 00°04'20" West a distance of 343.08 feet to a point of curve;  
 Along a curve to the right, having a radius of 80.00 feet, a delta of 44°44'42", an arc length of 62.48 feet, and a chord which bears North 67°02'43" West having a chord distance of 60.90 feet to a 5/8 inch rebar with ID cap set;  
 North 89°25'04" West a distance of 200.01 feet to a point of curve;

Along a curve to the right, having a radius of 80.00 feet, a delta of 90°30'36", an arc length of 126.91 feet, and a chord which bears South 45°19'38" West having a chord distance of 113.64 feet to a point of tangency;  
 North 89°25'04" West a distance of 200.01 feet to a point of curve;  
 Along a curve to the right, having a radius of 30.00 feet, a delta of 90°30'36", an arc length of 47.39 feet, and a chord which bears North 45°19'38" East having a chord distance of 42.61 feet to a point of tangency;

North 00°04'20" East a distance of 453.09 feet to a point;  
 Thence South 89°55'40" East through said Maumee Lane right of way a distance of 50.00 feet to a point on the outer perimeter of said Maumee Lane;  
 Thence along said outer perimeter of Maumee Lane right of way which is to be dedicated to public use as part of this plat the following six (6) courses:

Along a curve to the left, having a radius of 30.00 feet, a delta of 89°29'24", an arc length of 46.86 feet, and a chord which bears South 44°40'22" East having a chord distance of 42.24 feet to a point of tangency;  
 South 89°25'04" East a distance of 530.53 feet to a point for corner;  
 North 00°16'57" East a distance of 51.13 feet to a point for corner;  
 North 15°15'46" East a distance of 140.89 feet to a point;  
 North 16°19'08" East a distance of 116.86 feet to a 5/8 inch rebar with ID cap set;  
 North 09°03'33" East a distance of 22.80 feet to a point;  
 North 09°03'33" East a distance of 124.10 feet to a 5/8 inch rebar with ID cap set;  
 North 01°20'46" East a distance of 26.46 feet to a point;  
 North 04°21'46" East a distance of 39.37 feet to a point;  
 North 04°01'55" West a distance of 106.00 feet to a point;  
 North 04°01'55" West a distance of 61.65 feet to a point;  
 North 07°11'13" West a distance of 84.32 feet to a 5/8 inch rebar with ID cap set;  
 North 07°11'13" West a distance of 54.21 feet to a point;  
 North 11°13'16" West a distance of 123.81 feet to a 5/8 inch rebar with ID cap set;  
 North 29°52'24" West a distance of 129.17 feet to a 5/8 inch rebar with ID cap set, on the South line of a tract of land conveyed to Samuel & Sharold Jailer as recorded in Official Record Volume 444, Page 618;

Thence South 89°34'50" East along said South line and the Village of Antwerp Corporation line a distance of 458.36 feet to a 5/8 inch rebar with ID cap set, passing a 5/8 inch rebar with ID cap set at 147.39 feet;  
 Thence South 00°04'20" West along a new division a distance of 206.85 feet to a 5/8 inch rebar with ID cap set;

Thence along the outer perimeter of the right-of-way of Maumee Lane which is to be dedicated to public use as part of this plat the following three (3) courses:  
 South 89°25'04" East a distance of 175.72 feet to a point of curve;

Along a curve to the right, having a radius of 80.00 feet, a delta of 89°29'24", an arc length of 124.95 feet, and a chord which bears South 44°40'22" East having a chord distance of 112.63 feet to a point of tangency;  
 South 00°04'20" West a distance of 126.91 feet to a point;  
 Thence North 89°55'40" West through said right of way of Maumee Lane a distance of 50.00 feet to a point on the inner right of way line of said Maumee Lane;

Thence along the inner perimeter of said Maumee Lane right of way which is to be dedicated to public use as part of this plat the following nine (9) courses:

North 00°04'20" East a distance of 126.91 feet to a point of curve;  
 Along a curve to the left, having a radius of 30.00 feet, a delta of 89°29'24", an arc length of 46.86 feet, and a chord which bears North 44°41'22" West having a chord distance of 42.24 feet to a point of tangency;  
 North 89°25'04" West a distance of 200.01 feet to a point of curve;

Along a curve to the left, having a radius of 30.00 feet, a delta of 90°30'36", an arc length of 47.39 feet, and a chord which bears South 45°19'38" West having a chord distance of 42.61 feet to a point of tangency;  
 South 00°04'20" West a distance of 580.00 feet to a point of curve;

Along a curve to the left, having a radius of 30.00 feet, a delta of 89°29'24", an arc length of 46.86 feet, and a chord which bears South 44°40'22" East having a chord distance of 42.24 feet to a point of tangency;  
 South 89°25'04" East a distance of 200.01 feet to a point of curve;

Along a curve to the left, having a radius of 30.00 feet, a delta of 90°30'36", an arc length of 47.39 feet, and a chord which bears North 45°19'38" East having a chord distance of 42.61 feet to a point of tangency;  
 North 00°04'20" East a distance of 453.09 feet to a point;  
 Thence South 89°55'40" East through said Maumee Lane right of way a distance of 50.00 feet to a point on the outer perimeter of said Maumee Lane;

Thence along said outer perimeter of Maumee Lane right of way which is to be dedicated to public use as part of this plat the following six (6) courses:

Along a curve to the left, having a radius of 30.00 feet, a delta of 89°29'24", an arc length of 46.86 feet, and a chord which bears South 44°40'22" East having a chord distance of 42.24 feet to a point of tangency;  
 South 89°25'04" East a distance of 530.53 feet to a point for corner;  
 North 00°16'57" East a distance of 51.13 feet to a point for corner;  
 North 15°15'46" East a distance of 140.89 feet to a point;  
 North 16°19'08" East a distance of 116.86 feet to a 5/8 inch rebar found on the South line of Lot 7 of Block G;  
 Thence South 89°14'56" East along said South line a distance of 266.42 feet to a point on the centerline of Main Street (State Route 49), passing a 5/8 inch rebar found at 32.03 feet;

Thence South 19°47'49" East along said centerline a distance of 64.01 feet to the POINT OF BEGINNING, said parcel containing 10.483 acres of land, more or less, of which 3.377 acres consists of the platted right-of-way of Maumee Lane and 7.106 acres consists of platted Lots 9 through 15.

Subject to all legal highways, easements, and restrictions of use whether apparent and/or of record and is from an actual field survey performed in July, 2008, under the supervision of Ohio Professional Surveyor Gregory A. Bockrath, Ohio Surveyor No. 8306.

Note: The bearings used in this description are on an assumed meridian assuming the Centerline of Main Street (State Route 49) to be South 19 degrees 47 minutes 49 seconds East and are for the purpose of angle determination only.

**Bockrath & Associates**  
 Engineering and Surveying, LLC  
 157 W. Third Street - Ottawa - Ohio  
 Phone: 419.533.5788

SHEET 314

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_

20

**RESTRICTIONS FOR MALUMEE LANDING SUBDIVISION ANTWERP, OHIO**

The purpose of the restrictions herein is to enhance and protect the value, attractiveness and desirability of the above described real estate by placing restrictive covenants on the above lots whereby each lot shall be held, sold and conveyed only subject to the following easements, covenants, conditions, and restrictions, which shall constitute covenants running with the land and shall be binding on all parties having any right, title or interest in the above described property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof. The restrictive covenants are as follows:

1. The premises shall not be used for other than a single family dwelling. The ground floor area of the main structure, exclusive of porches, open porches and garages, shall not be less than sixteen hundred (1600) square feet for a one story dwelling, and one thousand square feet for a one and one half story dwelling or a two story dwelling except for lots 1, 2, 3, and 4 which may be either a single or double family dwelling.
2. No buildings shall be erected, placed or altered on any building plot in the subdivision until the building plans, specifications, and plot plan showing the location of such building have been approved in writing as to conformity in design with other structures in the subdivision, by the sub-divisor or his representative.
3. Any dwelling erected on these premises shall be constructed of new materials. All construction of any kind shall be new material. No log style structures shall be permitted. Any storage building shall be constructed of same material as home.
4. Any variance must be approved by the grantor, Oley McMichael, Roy Koverman, his successors or assigns.
5. When construction of any building has been commenced, work thereon must be continued diligently. Exterior construction must be completed within twelve (12) months from the date of commencement. This includes the driveway, which must be concrete or blacktop pavement and sidewalks where required.
6. The finish grade (top of the garage floor) is to be 18 to 24 above the top of curb at the 30 setback line. The finish grade of the public sidewalks shall be 6 to 8 above the top of curb and sloped 1 toward the street. The finish grades (foundation and sidewalk) must be approved by the developer or his representative prior to performing the work. The finish (final) grading of site must be approved by the developer or his representative (prior to seeding grass and/or plantings). Excess soil (in excess of lot owners landscaping needs) to remain in the development and moved to site/s within the development approved by the developer.
7. No residence shall be occupied until the exterior of said structure has been completed.
8. No outbuilding, garage, shed, tent, trailer, or temporary building of any kind shall be erected, constructed, permitted or maintained prior to commencement of the erection of a residence, as is permitted hereby, and no outbuilding, garage, shed, tent, trailer, basement or temporary building shall be used for a permanent or temporary residence purposes; provided, however, that this paragraph shall not be deemed or construed to prevent the use of temporary construction shed during the period of actual construction of any structure on such property, nor shall the use of adequate sanitary toilet facilities for workmen which shall be provided during such construction. A garage may be constructed of the same exterior materials as residence following completion of residence.
9. No house trailer, mobile home, double wide side by side mobile home, modular home or recreational vehicle shall be used as a permanent residence. All structures must be built upon a permanent foundation and have roofs constructed with 2 x 6 rafters or comparable trusses; provided however, that this paragraph shall not be deemed or construed to prevent the use of pre-fabricated housing of standard construction.
10. A minimum building setback of thirty (30) feet shall be required on all lots.
11. No nuisance, advertising sign, billboard, or other advertising device shall be permitted, erected, placed or suffered to remain upon said premises, nor shall the premises be used in any way or for any purpose which may endanger the health or unreasonably disturb the quiet of any holder of adjoining land. This provision shall not be construed to prevent the grantor or grantee, their respective successors and assigns, from maintaining on the premises an advertising sign or device relating to the sale or rental of the above realty premises.
12. No animals, birds or fowl shall be kept or maintained on any part of the property, except dogs, cats, and pet birds, which may be kept thereon in reasonable numbers as pets for the pleasure and use of the occupants but not for any commercial use or purpose. Birds shall be confined in cages. There shall be no dog runs or kennels.
13. No commercial truck, vehicles, camper trailers, boats, boat trailers or recreational vehicles shall be kept or stored on premises except in an enclosed garage. No unlicensed vehicle shall be permitted to sit on the roadway or in a driveway for more than fourteen (14) days.

14. No portion of the within described premises which would be considered front yard or front lawn, shall be used for any purpose other than that of a lawn. Nothing herein contained, however, shall be construed as preventing the use of such portion of said premises for walks and drives; and planting of trees or shrubbery, the growing of flowers or ornamental plants, or for statuary fountains and similar ornamentalities for the purpose of beautifying said premises, but no vegetables or so called, nor grains of the ordinary garden or field variety shall be grown upon such portion of premises and no weeds, underbrush, or other unsightly growths shall be permitted to grow or remain anywhere upon said premises, and no unsightly objects shall be placed or suffered to remain anywhere thereon.

15. If the grantee, or its successors and assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any person or persons owning any real property situated in said subdivision to prosecute any proceedings in law or in equity against the person or persons violating or attempting to violate any such covenant and either to prevent it or then from so doing, or to recover damages or other dues for such violation.

16. The herein enumerated restrictions, rights, reservations, limitations, agreements, covenants and conditions shall be deemed as covenants and not as conditions hereof and shall run with the land and shall bind the grantee, its successors and assigns, until the 11th day of January 2015, at which time said covenants shall automatically extend for successive periods of five (5) years, unless by a vote of majority or then owners of the lots in said subdivision, it is agreed to change deed covenants in whole or part.

17. Invalidation of any one of these covenants by judgment or court order shall in no ways affect any of the other provisions which shall in full force and effect.

18. The above covenants, reservations and restrictions shall be incorporated verbatim or by reference in every deed hereafter issued conveying any part of the premises above described.

19. These restrictions, covenants and conditions shall run with the land and shall binding on all future owners of all building sites, and all person claiming under them until January, 2015 after which time said covenants, conditions, and restrictions shall be automatically extended for successive periods of ten years each; provided that the owners of a three-fourths (3/4) majority of the building sites may, in writing, change, modify, alter, amend or annul any of the other restrictions, reservations or conditions at any time.

**Bockrath & Associates**  
 Engineering and Surveying, LLC  
 137 W. Third Street - Ottawa - Ohio  
 Phone: 419.523.9788

**SHEET 414**

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2008-39**

**AN ORDINANCE AUTHORIZING THE FISCAL OFFICER TO AMEND APPROPRIATIONS AND DECLARING IT AN EMERGENCY**

WHEREAS, the Fiscal Officer has determined that it is necessary to amend the following appropriations.

WHEREAS, Council must approve the amending of appropriations pursuant to Ohio Revised Code Section 5705.4), and

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

Section 1: This Ordinance is necessary for the immediate preservation of the public peace, health or safety.

Section 2: The Fiscal Officer is hereby authorized to amend the following appropriations:

<u>Fund</u>	<u>Description</u>	<u>New Appropriation Amount</u>	
		Original	New Amount
A1 3B 250	Parks Capitol	\$5,000.00	\$12,000.00
A1 7I 230	CCA Fees Income Tax	\$8,000.00	\$10,000.00
A1 7X 270	General Fund Transfer	\$120,000.00	\$187,771.66
B1 6B 250	Street Maint & Repair Capitol	\$ 0	\$8,586.79
B146D 230	Storm Sewer Contractual	\$6,300.00	\$6,800.00
B146D 250	Storm Sewer Capitol	\$35,000.00	\$85,900.00
E1 5D 231	Water Filtration Chemicals	\$13,000.00	\$15,400.00
E1 5G 240	Meters Supplies and Material	\$1,500.00	\$3,000.00
E1 5H 250	Automotive Capital Outlay	\$ 0	\$15,000.00
E1 5X 270	Transfer funds from Water	\$ 0	\$5,498.93
E2 5C 240	Sewer Pumping Oper & Main	\$2,000.00	\$5,000.00
E2 5C 250	Pumping Capital Outlay	\$53,051.69	\$56,051.69
H3 1A 240	Street Lighting Oper & Main	\$1,000.00	\$1,715.00

# RECORD OF ORDINANCES

0367

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

Section 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and well being of the residents

Section 4: This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Date

8/18/08

Mayor

Ray DeLong

Attest:

Fiscal Officer

Louetta Baker

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-40

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS TO THE POLICE FUND IN THE AMOUNT OF \$ 15,000 AND DECLARE THE SAME TO BE 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, 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 transfer does not require a 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 even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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 \$ 15,000 from the General Fund to the Police Fund.

Section 2. This ordinance is necessary to provide for operating funds for 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 8/18/08

*Ray Dulong*  
Mayor of the Village of Antwerp

Attest:

*Loretta Baker*  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-41

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS TO THE STREET FUND IN THE AMOUNT OF \$ 8,586.79 AND DECLARE THE SAME TO BE AN EMERGENCY**

WHEREAS, the Village Fiscal Officer has determined that it is necessary to transfer certain funds from the General Fund to the Street 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 transfer does not require a 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 Fund even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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

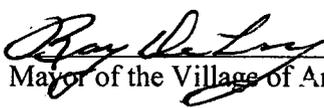
Section 1. The Village Fiscal Officer is hereby authorized to transfer the sum of eight thousand five hundred eighty six dollars and seventy nine cents from the General Fund to the Street Fund.

Section 2. This ordinance is necessary to provide for operating funds for the street 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 street 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 8/18/08

  
Mayor of the Village of Antwerp

Attest:  
 Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2008-42**

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS FROM THE WATER FUND TO THE SHAFFER ROAD WATERLINE FUND IN THE AMOUNT OF \$5,498.93, AND DECLARING THE SAME TO BE AN EMERGENCY**

WHEREAS, the Village Fiscal Officer has determined that it is necessary to transfer certain funds from the Water Fund to the Shaffer Road Waterline Fund, and

WHEREAS, the Village Council must approve certain transfers according to the laws of the State of Ohio, and

WHEREAS, the Village Council deems it in the best interest of the Village to transfer funds from the Water Fund to the Shaffer Road Waterline Fund for the purpose of providing the funds to support this waterworks improvement project, and

WHEREAS, the Village Council elects to approve the Transfer of Funds from the Water Fund to the Shaffer Road Waterline Fund.

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 Four Hundred Ninety-Eight Dollars and Ninety-Three Cents (\$5,498.93) from the Water Fund to the Shaffer Road Waterline Fund.

Section 2. This transfer of funds is necessary to provide the funds for the Shaffer Road Waterline improvement project in 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 Shaffer Road Waterline improvement project, 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 9-8-08

  
Mayor of the Village of Antwerp

Attest:

 Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-43

**AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE NO. 2008-37 TO INCREASE THE AMOUNT OF THE NOTE ISSUED IN ANTICIPATION OF THE ISSUANCE OF BOND FOR THE PURPOSE OF STORM SEWER CAPITAL IMPROVEMENTS AND DECLARING THE SAME AN EMERGENCY**

WHEREAS, the Council of the Village of Antwerp, Ohio, adopted an Ordinance to increase the amount of the note issued in anticipation of the issuance of bond for the purpose of storm sewer capital improvements, said Ordinance designated as No. 2008-37 and passing by a unanimous vote of the Council of the Village of Antwerp, Ohio, as an emergency measure on July 30, 2008; and

WHEREAS, the Council, by way of Ordinance No. 2008-37, provided a section, specifically Section 4, setting out the terms of the Note, including the semi-annual payment amount due on said Note; and

WHEREAS, in order to correct the mathematical computation as to the amount of the semi-annual payment due on the Note by the Village of Antwerp, the Council of the Village of Antwerp amends Section 4 of Ordinance No. 2008-37 as provided herein.

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

**Section 1.** Section 4 of Ordinance No. 2008-37 of the Village of Antwerp, Ohio, is amended to read as follows:

“Section 4. Said Note in the increased amount shall bear interest at a rate not exceeding 4.79 % for nine (9) years, payable in semi-annual payments to begin on February 1, 2009, in an amount of \$13,169.46 each payment. In the event of default, the Note shall become immediately due and payable. Said maturity date shall occur nine (9) years from the date of said Note provided the maturity date is not a business day, the Note shall mature on the first business day immediately preceding such date.”

**Section 2.** Previous ordinances and/or any portions thereof, including Section 4 of Ordinance No. 2008-37, and rules of the Village of Antwerp that are not consistent with this Ordinance are hereby set aside, revoked and held for naught.

**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 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.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**Section 4.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the public, and for the further reason that the Note amount referenced in the prior ordinance be corrected to reflect the proper semi-annual payment due by the Village, 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.

ENACTED THIS 18<sup>th</sup> day of August, 2008.

Ray DeLong  
MAYOR, VILLAGE OF ANTWERP

Attest:

Loretta Baker  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**RESOLUTION NO. 20 -08-06**

**A RESOLUTION AUTHORIZING THE MAYOR OF THE VILLAGE OF ANTWERP, OHIO TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM AND TO EXECUTIVE CONTRACTS AS REQUIRED, AND DECLARING THE SAME AN EMERGENCY.**

**WHEREAS**, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

**WHEREAS**, the Village of Antwerp is planning to make capital improvements to the West Daggett Street and Stone Street Waterline Replacement , and

**WHEREAS**, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the Ohio Public Works Commission ("OPWC") programs.

**NOW THEREFORE, BE IT RESOLVED** by the Council of the Village of Antwerp, State of Ohio:

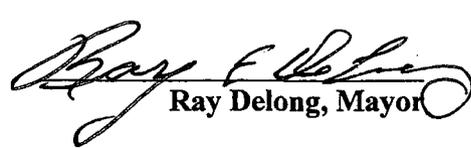
**Section 1:** That the Mayor of the Village of Antwerp is hereby authorized to apply to the OPWC for funds as described above.

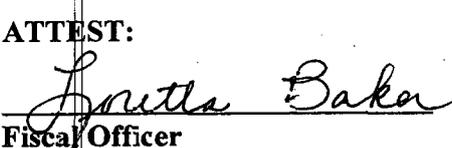
**Section 2:** The Mayor of the Village of Antwerp is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

**Section 3:** It is found and determined that all formal actions of the council concerning and relating to the passage of this Resolution 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 regulations including all lawful Ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

**Section 4:** This Resolution 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 waterline repairs and capital improvements for the well being of the residents and this Resolution shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in full force after the earliest period allowed by law.

ADOPTED: 8/18/08  
Date

  
Ray Delong, Mayor

ATTEST:  
  
Cynthia Baker  
Fiscal Officer

R 2008-07

0374

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

RECORD OF ORDINANCES

COUNTY AUDITOR (Village Council) By emergency

Cayton Legal Blank, Inc.

Revised Code, Secs. 5705 34, - .35.

Form No. 30043

Ordinance No. The Council of the Village of Antwerp Passed \_\_\_\_\_, Paulding County, Ohio, met in

Special session on the 8th day of Sept, 2008, at the office of Village of Antwerp with the following members present:

- Row Farnsworth
Mike Rohrs
Jan Reeb
Tom VanVlerah
Larry Ryan

Mr./Ms. Tom VanVlerah moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1st, 2009; and

WHEREAS, The Budget Commission of Paulding County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within, the ten mill tax limitation; therefore be it

RESOLVED, By the Council of the Village of Antwerp, Paulding County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said Village the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A

Summary of Amounts Required From General Property Tax Approved By Budget Commission and County Auditor's Estimated Tax Rates

Table with 5 columns: Fund, Amount Approved By Budget Commission Inside 10 Mill Limitation, Amount To Be Derived From Levies Outside 10 Mill Limitation, County Auditor's Estimate Of Tax Rate To Be Levied (Inside 10 Mill Limit, Outside 10 Mill Limit), and Total. Rows include General Fund, 1976 FIRE Levy, 1984 Police Levy, 1986 EMS Levy, 2006 Cemetery, 2003 FIRE & EMS Levy, 2004 POLICE, 2005 Current Expense, and Total.

\$13,835,060. Ag/Res
3,208,850. Com/In
765,905. PP
17,809,815. Total

FILED

SEP 12 2008

AUDITOR PAULDING COUNTY

# RECORD OF ORDINANCES

0375

Levies Outside 10 Mill Limitation, Exclusive of Debt Levies

	Fund No. _____ Ordinance No. _____	Date of Vote _____	Maximum Rate Authorized To Be Levied	County Auditor's Estimate of Field of Levy (Carry to Schedule A, Column II)
<b>Special Revenue Funds:</b>				
	<b>1976 EMS</b> Levy authorized by voters on for not to exceed. CONT. years.	11-05-85	2.00	\$12,867
	<b>1984 POLICE</b> Levy authorized by voters on for not to exceed. CONT. years.	05-08-84	5.50	\$57,331
	<b>1986 EMS</b> Levy authorized by voters on For not to exceed. CONT. years	11-04-86	.50	\$5,211
	<b>2006 Cemetery</b> Levy authorized by voters on for not to exceed 5 years.	11-08-05	.80	\$13,825
	<b>2003 FIRE &amp; EMS</b> Levy authorized by voters on for not to exceed 5 years.	11-05-02	1.00	\$16,304
	<b>2004 POLICE</b> Levy authorized by voters on for not to exceed 5 years.	03-02-04	2.00	\$32,610
	<b>2005 CURRENT EXPENSE</b> Levy authorized by voters on for not to exceed 5 years.	11-08-05	1.00	\$17,280

and be it further

**RESOLVED**, That the Clerk of this Council be, and he is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

Mr./Ms. Harry Ryan seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

- Mr./Ms. Harry Ryan \_\_\_\_\_
- Mr./Ms. Neil A. P... \_\_\_\_\_
- Mr./Ms. Ronald L. F... \_\_\_\_\_
- Mr./Ms. Thomas D. Van... \_\_\_\_\_
- Mr./Ms. James A. Ke... \_\_\_\_\_
- Mr./Ms. \_\_\_\_\_
- Mr./Ms. \_\_\_\_\_
- Mr./Ms. \_\_\_\_\_

Adopted the 8th day of Sept., 2008.

Attest:  
  
Loretta Baker  
Clerk of Council

Ronald L. F...  
President of Council

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Loretta Baker

Clerk of the Council of the Village of Antwerp

Form No. 30043

Within and for said County, and in whose custody the Files and Records of said Council are required by the  
Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_ 20\_\_\_\_  
Laws of the state of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original

now on file, that the foregoing has been compared by me with said original document, and that the same is  
a true and correct copy thereof.

Witness my signature, this 8th day of Sept. 2008

Loretta Baker  
Clerk of Council

(1) A copy of this Resolution must be certified to the County Auditor within the time prescribed by Sec. 5705.34 R. C., or at such  
later date as may be approved by the Board of Tax Appeals.

Resolution No. R 2008-07

Council of the Village of Antwerp Paulding County Ohio

## RESOLUTION

ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND  
AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.  
(VILLAGE COUNCIL)

ADOPTED Sept 8th, 2008

Loretta Baker, Clerk of Council

Filed \_\_\_\_\_, 2008

\_\_\_\_\_  
County Auditor.

By \_\_\_\_\_ Deputy.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-44

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE OF ANTWERP, OHIO, SPECIFICALLY, AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF THE LOTS WITHIN THE MAUMEE LANDING SUBDIVISION LOCATED IN THE VILLAGE OF ANTWERP, OHIO, FROM A-1, AGRICULTURAL DISTRICT, TO R-1, SINGLE FAMILY DISTRICT OR R-2, MULTI-FAMILY RESIDENTIAL DISTRICT, AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Planning and Zoning Commission of the Village of Antwerp, by the adoption of a motion, recommended to amend the Official Zoning Map in compliance with Section 703 of the Zoning Ordinance of the Village of Antwerp, Ohio, as it pertains to the lots contained within the Maumee Landing Subdivision;

**WHEREAS**, the Planning and Zoning Commission of the Village of Antwerp transmitted its recommendation on said proposed amendment within sixty (60) days from making a motion to amend the zoning map 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 the 8<sup>th</sup> day of September, 2008, at 6:00 p.m., in compliance with Section 708 of the Zoning Ordinance of the Village of Antwerp, Ohio, after notice of said public hearing was published and notice of the public hearing was sent 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 recommendation of the Planning and Zoning Commission 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 that the real estate located within the Maumee Landing Subdivision, Antwerp, Ohio 45813, legally described on **Exhibit "A"** attached hereto and incorporated herein by reference, be reclassified from A-1, Agricultural District, to R-1, Single Family District, for Lots 5, 6, 7, 8, 9, 10A, 10B, 11A, 11B, 12A, 12B, 13A, 13B, 14A, 14B, 15A, 15B, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32; and from A-1, Agricultural District, to R-2, Multi-Family Residential District, for Lots 1, 2, 3, and 4.

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 regulations 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

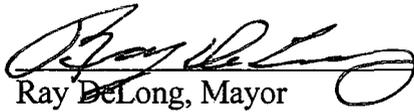
RECORD OF ORDINANCES

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

further reason that the real estate must be zoned in accordance with the classifications designated in the Village's Zoning Ordinance following the annexation of this real estate into the Village 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: 9-8-08

  
Ray DeLong, Mayor

Attest:

  
Loretta Baker, Fiscal Officer

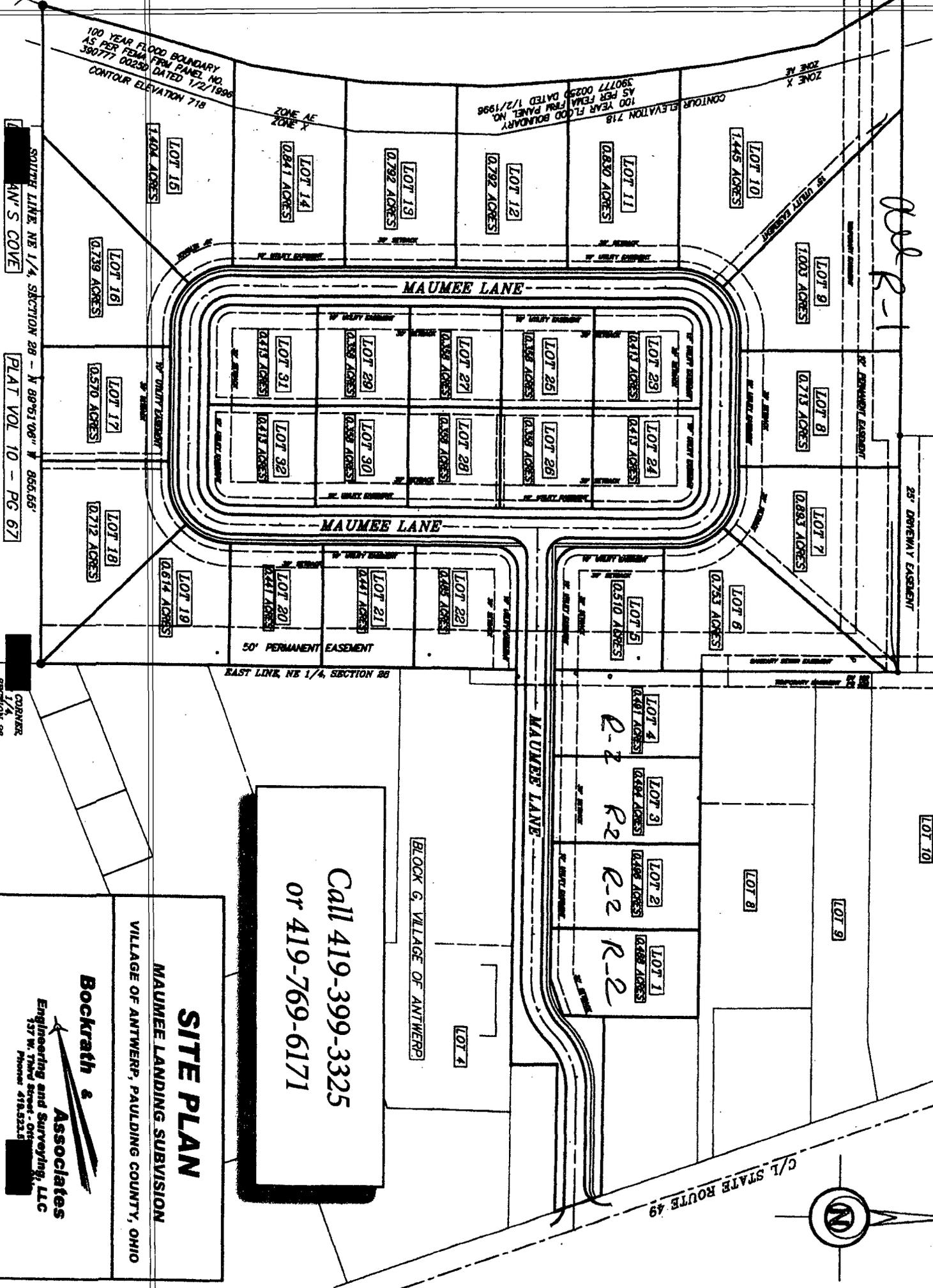
Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_

20\_\_

City Sewer, Water and underground utilities  
make this an easy choice for your country life.

*Handwritten:* R-1



Call 419-399-3325  
or 419-769-6171

**SITE PLAN**

MAUMEE LANDING SUBVISION  
VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO

**Bockrath & Associates**  
Engineering and Surveying, LLC  
137 W. Third Street - OHIO  
Phone: 419.523.2125

SOUTH LINE NE 1/4 SECTION 28 - N 89°51'06" W 866.65'  
PLAT VOL 10 - PG 67

CORNER  
1/4  
SECTION 28

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-45

**AN ORDINANCE ESTABLISHING RULES AND GUIDELINES FOR THE CONFINEMENT OF ANIMALS WITHIN THE VILLAGE OF ANTWERP, OHIO**

**WHEREAS**, the Village of Antwerp, Ohio, is concerned that animals are allowed to run at large within the Village of Antwerp, Ohio; and

**WHEREAS**, the Council for the Village of Antwerp, Ohio, is concerned for the safety, health and well being of the residents of the Village of Antwerp, Ohio, and deems it necessary to establish certain rules and guidelines regarding the confinement of animals within the Village of Antwerp, Ohio; and

**WHEREAS**, the Village Council hereby adopts such rules and guidelines in order to require owners, keepers or harborers of animals to confine those animals on their respective properties.

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

**SECTION 1**  
**ANIMALS RUNNING LARGE**

A. No person, being the owner, keeper or harbinger of any dog, cat or other animal shall permit such animal to run at large within the limits of the Village of Antwerp, Ohio, except as may be provided hereafter. Unauthorized entry by such animal upon any private premises or upon any public street or land shall constitute the running at large of said animal within the meaning of this Section.

B. An animal is presumed to be running at large if such animal is not within an enclosed area or securely attached with physical restraint or leash, not more than six (6) feet in length, and of a size and type necessary to control the behavior of such animal.

C. While upon any public way or property of another, such animal must be under the reasonable restraint and control of the responsible person. "Reasonable restraint and control" means restraint which conforms to the animal's weight, size and strength, and to the person who is of suitable age, size and strength to control such animal.

D. No owner, keeper or harbinger of any female dog shall permit it to go beyond the premises of the owner, keeper or harbinger at any time that the dog is in heat, unless the dog is under a proper restraint.

**SECTION 2**  
**CONFINEMENT OF ANIMAL**

A. The owner, keeper or harbinger of any dog, cat or other animal shall at all times keep the animal either physically confined or restrained upon the premises of such owner, keeper or harbinger by a leash, chain, adequate fence or secure enclosure necessary to prevent the animal

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

from leaving the premises of the owner, keeper or harborer. Any method of containment is not considered sufficient during any period of time that the method of containment fails to properly secure such animal.

B. Any owner, keeper or harborer of any animal relying upon an electronic fence, "invisible fence," or similar containment system must post visible signage evidencing that such containment system is in place. It shall not be a defense to a charge under this Section that the electronic fence or containment system is not working or that it failed to keep an animal from leaving the owner's premises.

**SECTION 3**  
**PRESUMPTION OF ANIMAL OWNER, KEEPER OR HARBORER**

A person shall be presumed to be the owner, keeper or harborer of any animal if such person does or permits any of the following:

1. Knowingly allows any animal to remain upon his or her property more than twenty-four (24) hours;
2. Knowingly or recklessly feeds such animal food or water on a regular basis for more than twenty-four (24) hours;
3. Knowingly restrains such animal from leaving his or her property for more than twenty-four (24) hours; or
4. Knowingly accepts responsibility for the care of another's animal.

**SECTION 4**  
**MAINTENANCE OF ANIMAL WASTE**

A. Any animal waste (feces) caused by a dog, cat or other animal upon any public land or right-of-way or upon private property, other than that of the owner or person in charge of such animal, creates an unsanitary and unhealthy condition and constitutes a nuisance.

B. Any person having control or charge of a dog, cat or other animal, while away from such person's premises, shall have on their person an appropriate container for removing such animal waste. Further, any person having control or charge of such animal shall be responsible for the immediate removal of any waste caused by such animal.

C. No person shall leave or dispose of any animal waste on any property, public or private, other than in an appropriate receptacle or upon the property of the owner or person in charge of such animal.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**SECTION 5**  
**EXCEPTIONS**

It shall be an affirmative defense to a violation of this Ordinance that the animal was:

1. Owned by a public law enforcement agency or licensed private law enforcement agency, or authorized member thereof, and was being utilized for law enforcement purposes; and
2. Owned or kept by a person who is legally blind or has some other disability which requires the use of a dog or other animal for the express purpose of aiding such person.

**SECTION 6**  
**PENALTIES**

- A. Whoever violates any provision of this Ordinance shall be guilty of a minor misdemeanor for a first offense.
- B. Whoever violates any provision of this Ordinance for a second or third offense shall be guilty of a misdemeanor of the fourth degree.
- C. Whoever violates any provision of this Ordinance for more than a third offense shall be guilty of a misdemeanor of the third degree.

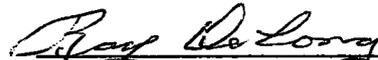
**SECTION 7**

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 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 regulations including all lawful ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

**SECTION 8**

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

ENACTED this 27<sup>th</sup> day of Oct, 2008.

  
\_\_\_\_\_  
MAYOR, VILLAGE OF ANTWERP

RECORD OF ORDINANCES

0383

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**Attest:**

*Suzetta Baker*  
Fiscal Officer

1st reading: 9-8-08

2nd reading: 9-15-08

3rd reading: 10-27-08

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-46

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF A NOTE IN ANTICIPATION OF THE ISSUANCE OF BOND FOR THE PURPOSE OF WATER REPAIRS AND CAPITAL IMPROVEMENTS AND DECLARING THE SAME AN EMERGENCY

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

Section 1. A Note in the principal amount of \$42,357.74 shall be issued in anticipation of issuance of bond for the purpose set forth herein to make necessary water repairs and capital improvements with a financing cost thereof incurred in connection with the issuance of said Note.

Section 2. Said Note shall bear an interest rate not exceeding 4.750% for one year, payable at maturity, to wit: one year after date of said Note. In the event of default, the Note shall become immediately due and payable. Said maturity date shall occur one year from the date of said Note provided the maturity date is not a business day, the Note shall mature on the first business day immediately preceding such date.

Section 3. The Village covenants that it will take or cause to be taken such actions which may be required of it for the interest on the Note to remain excluded from gross income for federal income tax purposes, and will not take or permit to be taken any actions which would adversely affect that exclusion, and that it, or persons acting for it, will, among other acts of compliance, apply proceeds, all in a manner and to the extent necessary to assure such exclusion of that interest under the Internal Revenue Code. The Village Fiscal Officer and any other appropriate officers are hereby authorized and directed to take any and all actions, make calculations and rebate payments, and make or give reports and certifications as may be appropriate to assure such exclusion of that interest.

Section 4. The Note shall be the full general obligation of the Village and the full faith, credit and revenue of said Village are hereby pledged for the prompt payment of the same.

Section 5. It is hereby determined and recited that all acts, conditions and things required to be done precedent to and in the issuance of the Note, in order to make them legal, valid and binding obligations of the Village of Antwerp, have happened, been done, and performed in regular and due form as required by law; that the full faith, credit and revenue of said Village shall be and is hereby irrevocably pledged for the prompt payment of the principal and interest thereon at maturity; that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of said Note.

Section 6. The Village Fiscal Officer, or other officer, is authorized to prepare, execute and deliver to the purchaser of said Note a preliminary and final official statement or any other appropriate disclosure document in connection with the sale and delivery of the Note.

Section 7. The Mayor and Fiscal Officer of said Village are hereby authorized to sign and execute

RECORD OF ORDINANCES

0385

Dayton: Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

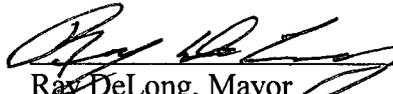
Passed \_\_\_\_\_, 20\_\_\_\_

the Note on behalf of said Village.

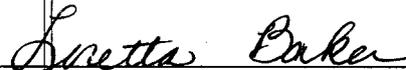
Section 8. It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings 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 9. 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 water repairs and capital improvements 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: 9-8-08

  
Ray DeLong, Mayor

Attest:

  
Loretta Baker, Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-47

**AN ORDINANCE REPEALING ORDINANCE NO. 94-07 CLARIFYING  
CERTAIN CONDITIONS OF THE ZONING CODE REGARDING  
SIDEWALKS IN THE VILLAGE OF ANTWERP, OHIO**

**WHEREAS**, Ordinance No. 94-07, an Ordinance clarifying certain conditions of the Zoning Code regarding sidewalks, reads as follows:

“WHEREAS, questions have arisen regarding the necessity of issuing a building permit for putting in sidewalks and the council wishes to resolve said matter.

NOW THEREFORE BE IT CRDAINED AS FOLLOWS:

1. That no building permit shall be necessary for the installation of sidewalks within the Village of Antwerp.”

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

**Section 1.** Ordinance No. 94-07 is hereby repealed.

**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 regulations including all lawful ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

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

DATED: 10-27-08

Ray DeLong  
Ray DeLong, Mayor

ATTEST:

Louetta Baker  
Fiscal Officer

# RECORD OF ORDINANCES

0387

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

1<sup>st</sup> reading: 9-8-08

2<sup>nd</sup> reading: 9-15-08

3<sup>rd</sup> reading: 10-27-08

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-48

**AN ORDINANCE REPEALING ORDINANCE NO. 94-12 TO ESTABLISH  
A POLICY FOR THE INSTALLATION AND REPLACEMENT OF  
SIDEWALKS IN THE VILLAGE OF ANTWERP, OHIO**

**WHEREAS**, Ordinance No. 94-12, an Ordinance to establish a policy for the installation and replacement of sidewalks, reads as follows:

“WHEREAS, the Council of the Village of Antwerp, Ohio, has determined that it is necessary to establish a uniform policy for the installation and replacement of sidewalks within the Village of Antwerp, Ohio,

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

Section 1. The Village will inspect sidewalks to determine whether they create a hazard and the Village will investigate all complaints filed with it by any citizen that believes a sidewalk creates a hazard.

Section 2. A property owner will be notified to repair a sidewalk if it is severely cracked, chipped or broken and/or there is a grade variation of not less than 3/4 inch between sidewalks.

Section 3. The sidewalk shall be installed, repaired, or replaced according to the following conditions and specifications:

- A. The sidewalk grade shall be established by the Village.
- B. All areas are to inspected by the Village Building Inspector prior to their being poured with new concrete.
- C. The area along the sidewalks shall be filled, so that no void will be more than 1 ½ inches deep.
- D. If a block or square of sidewalk needs to be replaced, the area to be replaced shall be cut and squared. Proper gravel fill shall be used and concrete shall be poured properly.
- E. If one or two blocks are tilted, cuts shall be made, the blocks lifted, the gravel retamped and leveled, and the blocks replaced.
- F. If one end of the block is raised just slightly, slight grinding or leveling shall be permitted to reduce any obstruction.
- G. Filler cement shall not be permitted to level an obstruction.

# RECORD OF ORDINANCES

0389

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

H. All sidewalks shall be maintained free of obstructions and debris such as weeds, sticks and tufts of grass, and snow and ice as defined.

I. Sidewalk width on newly constructed sidewalks shall be a minimum of 48 inches, and on replacement sidewalks shall normally be 48 inches, but will conform to the width of adjacent sidewalks.

J. Concrete in sidewalks shall be four inches in thickness, and in driveway crossings shall be either six or eight inches to correspond with the driveway thickness.

K. The subgrade shall be shaped and uniformly compacted.

L. The forms shall be of wood or metal and extend for the depth of the concrete, and of sufficient strength to resist the pressure of the concrete with springing.

M. The subgrade shall be moistened thoroughly, immediately prior to placing concrete. The concrete shall be deposited in a single layer. It shall be struck off with a template and smoothed with a float to remove irregularities. No plastering will be permitted. All outside edges and joints shall be edged with a radius edging tool. Joints may also be cut. The surface of the sidewalk shall be divided into equally spaced blocks at approximately five foot intervals, to rectangular blocks. Expansion joint filler ½ inch thick shall be installed between the walk and any fixed structure, extending the full depth of the sidewalk. The expansion joint filler shall be one inch thick where sidewalks are installed against the back of curbs, which is on a 250 foot or smaller radius, such as at street intersections.

N. The surface of the sidewalk shall be broomed to slightly roughen the surface. If the sidewalk is installed to replace broken sections, the surface texture shall match adjacent sidewalks.

O. The walk shall have transverse slope of 1/4 inch per foot, with the low side adjacent to the roadway unless the topography dictates sloping away from the roadway.

P. The minimum sidewalk concrete mix design shall be as follows:

1600 # stone  
1500 # sand - Equals 1 cubic yard of concrete  
594 # cement of 6 bag mix

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

Section 4. In the event any property owner does not repair or replace sidewalks that do not conform to the standards as set out in this Ordinance, the Village shall serve notice on the person burdened with the duty to maintain such sidewalk, instructing that person to take appropriate corrective action by the date specified in the notice. Such notice may, at the option of the Village, be coordinated with the passage of a resolution of necessity. However, the notice shall provide not less than the minimum period of corrective action set forth in Ohio Revised Code Chapter 729, and the notice shall be delivered according to that Chapter.

In the event the person burdened with the duty to maintain the sidewalk, neglects to construct, reconstruct, repair, reset or resurface a sidewalk within the time specified herein, the Village may direct the Village Administrator to repair, reconstruct, resurface or reset the sidewalk, and that all costs and expenses associated with the execution of the work shall, as directed by Ordinance of Council, be assessed as provided in Ohio Revised Code Chapter 729.

In the event the person burdened with the duty to maintain the sidewalk, does not pay within the required or specified times, the Village shall have the option to place all costs upon the real estate tax duplicate."

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

**Section 1.** Ordinance No. 94-12 is hereby repealed.

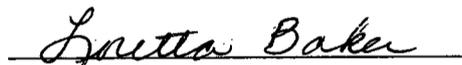
**Section 2.** It is found and determined that all formal actions of the council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this council, and that all deliberations of the council and of any of its committees that resulted in such formal action, were in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

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

DATED: 10-27-08

  
Ray DeLong, Mayor

ATTEST:

  
Lynette Baker  
Fiscal Officer

# RECORD OF ORDINANCES

0391

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

1<sup>st</sup> reading: 9-8-08

2<sup>nd</sup> reading: 9-15-08

3<sup>rd</sup> reading: 10-27-08

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2008-49****AN ORDINANCE ESTABLISHING POLICIES AND PROCEDURES FOR THE CONSTRUCTION, RECONSTRUCTION, REPAIR, REPLACEMENT, AND MAINTENANCE OF SIDEWALKS IN THE VILLAGE OF ANTWERP, OHIO**

**WHEREAS**, the Village of Antwerp, Ohio (the "Village") deems it necessary and in the best interest of the Village to develop policies and procedures relating to the construction, reconstruction, repair, replacement, and maintenance of sidewalks located within the Village.

**WHEREAS**, the Council of the Village, by passage of this Ordinance, has developed policies and procedures to provide uniform handling of all issues in regard to the construction, reconstruction, repair, replacement, and maintenance of sidewalks located within the Village.

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

**Section 1. Duty to Keep Sidewalks in Repair and Clean of Ice and Snow.**

No owner or occupant of lots or lands abutting any sidewalk shall fail to keep the sidewalks in repair and free from snow, ice or any nuisance, and to remove from such sidewalks all snow and ice accumulated thereon within a reasonable time, which will ordinarily not exceed twelve (12) hours after any storm during which snow or ice is accumulated.

**Section 2. Maintenance of Existing Sidewalks.**

No owner or occupant of lots or lands abutting any sidewalk shall fail to maintain the existing sidewalk along any street, alley, public ground, or other public way adjacent to the owner or occupant's lots or lands which would allow any of the "defined sidewalk hazards and undesirable conditions" (a complete copy of which is attached hereto and may be amended from time to time and kept on file with the Village Administrator). Said conditions within the "defined sidewalk hazards and undesirable conditions" may be deleted completely or in part, amended, or added to as the Council of the Village may deem fit by a motion of approval by a majority of Council.

**Section 3. Inspections.**

(a) Upon a complaint setting forth the location of a defective sidewalk, the name of the complainant, and any other necessary information, the Village Administrator shall schedule an inspection of that sidewalk.

(b) The Village Administrator shall establish a routine inspection of sidewalks within the Village. A regularized inspection of the condition of sidewalks throughout the Village shall be accomplished in a cyclical basis, which cycle shall be established by the Village Administrator and approved by the Council, and inspection with notice to construct, reconstruct, repair and/or replace shall be accomplished according to the guidelines set forth herein.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

(c) Standards and Specifications. All new construction, grading, repairing or replacing of such sidewalks shall comply with the requirements and specifications established by the Ohio Department of Transportation ("O.D.O.T."), including the requirements and specifications when the sidewalk is part of a driveway. The Office of the Village Administrator shall maintain copies of these specifications for the public's review and copy.

**Section 4. Intersection Responsibility.**

The Village shall be responsible for the maintenance and repair of sidewalks located at intersections. This does not obligate the Village to be responsible for snow removal on these sidewalks. It will still be the property owner's responsibility to maintain adequate snow removal and to control icy conditions when present on these sidewalks.

**Section 5. Statement of Repair: Notice to Owner.**

When the Village Administrator, upon any such inspection, determines that it is necessary to construct, grade, repair, or replace any sidewalk within the Village in accordance with standards and specifications prescribed and on file in the office of the Village Administrator, the Village Administrator shall prepare a statement showing: (a) the location of the sidewalk, (b) the nature of the construction, repairs or replacement necessary, and (c) shall serve such statement and notice personally or by mail to the owner or occupant of the lots or lands abutting the sidewalk. In the event that the owner or occupant cannot be notified by personal service or by mail, the notice shall be served by publishing such notice on two separate occasions in two separate consecutive weeks in a newspaper of general circulation within the Village. This notice shall fix a time within which such construction, repairs or replacement must be completed.

**Section 6. Repair by Owner or Contractor.**

No person, firm or corporation except an employee of the Village or person, firm or corporation having a contract with the Village for relaying, replacing or repairing sidewalks shall install, replace, relay, or repair any sidewalk within a public street or grounds in the Village unless or until a permit therefor has been issued in writing by the Village Administrator or the Village Administrator's duly authorized representative. Each owner or occupant of any lots or lands in the Village shall obtain a sidewalk permit from the Village Administrator's office prior to any sidewalk construction, reconstruction, repair and/or replacement.

**Section 7. Prohibition Against Removal of Existing Sidewalks.**

No person may remove existing sidewalks without replacing the sidewalks with new sidewalks in conformity with the applicable Ordinance at time of replacement.

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**Section 8.** Sidewalk Variance.

(a) Request for sidewalk variance. If an owner of a lot or parcel of land in the Village is repairing or replacing an existing sidewalk or is installing a new sidewalk, he/she may petition in writing to the Village Council for a variance to the requirements of this Ordinance.

(b) Conditions for granting of variances.

(1) Special conditions and circumstances must exist which are peculiar to the proposed replacing or installation of sidewalks.

(2) The special conditions and circumstances may not be created solely by the applicant.

**Section 9.** Assessment of the Installation of Sidewalks.

At its option, the Village may utilize the provisions contained in Chapters 727 or 729 of the Ohio Revised Code to construct, repair or replace any sidewalks in violation of any Section of the Antwerp Codified Ordinances.

**Section 10.** Inspection Standards.

The Village Administrator is directed to have on file and available to the public at all times construction standards for sidewalk construction, repair and replacement.

**Section 11.** Requirements for New Sidewalks.

The Village Administrator is directed to recommend to Council procedures to develop a needs assessment for the construction of sidewalks in certain areas of the Village where none exist. The purpose of this program will be to eliminate hazards to the safety of pedestrians and to provide access for pedestrians to schools, churches, businesses, recreation areas, etc. The needs assessment shall identify these specific areas where sidewalks may be needed and shall recommend procedures for establishing required criteria, conduct a survey to determine such areas which need new sidewalks based on criteria, and recommend an order of priorities.

**Section 12.** 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 13.** 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.

RECORD OF ORDINANCES

0395

Dayton, Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**Section 14.** This Ordinance shall be in force and take effect from and after the earliest period allowed by law.

**PASSED:** 10-27-08

*Ray DeLorva*  
**MAYOR, VILLAGE OF ANTWERP**

Attest:

*Suzette Baker*  
Fiscal Officer

1<sup>st</sup> reading: 9-8-08

2<sup>nd</sup> reading: 9-15-08

3<sup>rd</sup> reading: 10-27-08

*Tabled -*

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20

*No Action*

*Taken*

ORDINANCE NO: 2008-50

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE VILLAGE OF ANTWERP, OHIO TO REQUIRE THE ISSUANCE OF SIDEWALK PERMITS PRIOR TO ANY CONSTRUCTION, REPAIR OR REPLACEMENT OF SIDEWALKS IN THE VILLAGE OF ANTWERP, OHIO**

**WHEREAS**, the Planning and Zoning Commission of the Village of Antwerp recommended by the adoption of a motion to amend the Zoning Ordinance to require the issuance of sidewalk permits prior to any construction, repair or replacement of the sidewalks in the Village of Antwerp, Ohio; and

**WHEREAS**, the Planning and Zoning Commission of the Village of Antwerp transmitted its recommendation on said proposed amendment within sixty (60) days from making a motion to amend the zoning ordinance 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 the \_\_\_\_ day of \_\_\_\_\_, 2008, in compliance with Section 708 of the Zoning Ordinance of the Village of Antwerp, Ohio, after notice of said public hearing was published and notice of the public hearing was sent 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 recommendation of the Planning and Zoning Commission and approves the amendment to the Zoning Ordinance as follows:

Section 1. The Council of the Village of Antwerp moves to adopt the recommendation of the Planning and Zoning Commission that the Zoning Ordinance be amended to require the issuance of sidewalk permits prior to any construction, repair or replacement of any sidewalks in the Village of Antwerp, Ohio.

Section 2. The amendment requiring the issuance of a sidewalk permit prior to any construction, repair or replacement of any sidewalks 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 regulations 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 enforced after the earliest period allowed by law.

**ENACTED THIS** \_\_\_\_\_ day of \_\_\_\_\_, 2008.

RECORD OF ORDINANCES

0397

Dayton Legal Bank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
**MAYOR, VILLAGE OF ANTWERP**

Attest:

\_\_\_\_\_  
Fiscal Officer

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-51

**AN ORDINANCE ACCEPTING THE FINAL PLAT OF THE COLONY VILLA SUBDIVISION, PHASE NO. I, REFERENCING LOTS 20 THRU 22 AS BEING VACATED, AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Village of Antwerp approved the preliminary plat of The Colony Subdivision submitted by B & Y Limited, LLC, the developer for The Colony Subdivision. Said preliminary plat was approved and accepted on March 13, 2006.

**WHEREAS**, B & Y Limited, LLC submitted the final plat to the Village of Antwerp Planning Commission, as well as the Village of Antwerp Council, as required by Ordinance No. 94-17.

**WHEREAS**, the Village Council approved the recommendation of the Planning Commission and accepted the final plat of The Colony Subdivision, Phase I to the Addition to the Village of Antwerp, Paulding County, Ohio, after three (3) readings on February 12, 2007.

**WHEREAS**, B & Y Limited, LLC thereafter filed a petition pursuant to Ohio Revised Code § 711.17 for the partial vacation of lots located in the lands platted in the recorded plat of The Colony Subdivision, Phase I, said lots affected by the petition as follows:

A parcel of land being part of the Northeast Quarter of Section 34, Township 3 North, Range 1 East, Village of Antwerp, Paulding County, Ohio and being more particularly described as follows:

Lots 17, 18, 19, 20, 21 and the south 20 feet of lot 20, and 22 platted in of Colony Subdivision, Phase One, in the plat recorded in Plat Volume 10 Pages 195 and 196 in the records of the Paulding County Recorder.

Said affected portion of the lots located in The Colony Subdivision identified in **Exhibit A** attached hereto and incorporated herein by reference.

**WHEREAS**, the Common Pleas Court of Paulding County, Ohio ordered on August 14, 2008, that the petition described herein be granted and that the lots located in the lands platted in the recorded plat of The Colony Subdivision, Phase I, in the Village of Antwerp, Paulding County, Ohio as described above and shown in **Exhibit A** be and hereby are vacated.

**WHEREAS**, B & Y Limited, LLC has re-submitted a final plat related to the lots shown in **Exhibit A** to the Village of Antwerp Planning Commission, as well as the Village of Antwerp Council, as required by Ordinance No. 94-17, for approval as to the re-configuration of the lots vacated by the Common Pleas Court of Paulding County, Ohio.

**WHEREAS**, the final plat as to those lots has been prepared by a licensed 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 submission of the final plat.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

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

**SECTION 1.** That the final plat of the Colony Villa Subdivision, as to lots in Phase No. I previously designated as set forth above and described in **Exhibit A**, and re-configured as described in **Exhibit B**, which is attached hereto and made a part hereof, is hereby accepted, subject to the contingencies provided in Section 1 of Ordinance No. 94-16 and provided in Ordinance No. 2007-06 as to the acceptance of the original final plat submitted and approved in regard to The Colony Subdivision, Phase I to the Addition to the Village of Antwerp, Paulding County, Ohio.

**SECTION 2.** 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 3.** That the Village Council accepted the infrastructure improvements identified in the final plat accepted on February 12, 2007, which are not affected by the Village Council's approval of the plat identified as **Exhibit B**, said acceptance of the infrastructure improvements provided by way of Ordinance No. 2007-19 with the contingency that the Village's engineer certify that the infrastructure improvements were constructed in accordance with the conditions imposed by the Village Council.

**SECTION 4.** 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 5.** That the Fiscal Officer for the Village of Antwerp, Ohio is hereby authorized to record the plat identifying the re-configured lots as set forth herein 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 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 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 7.** 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 the real estate 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.



RECORD OF ORDINANCES

0401

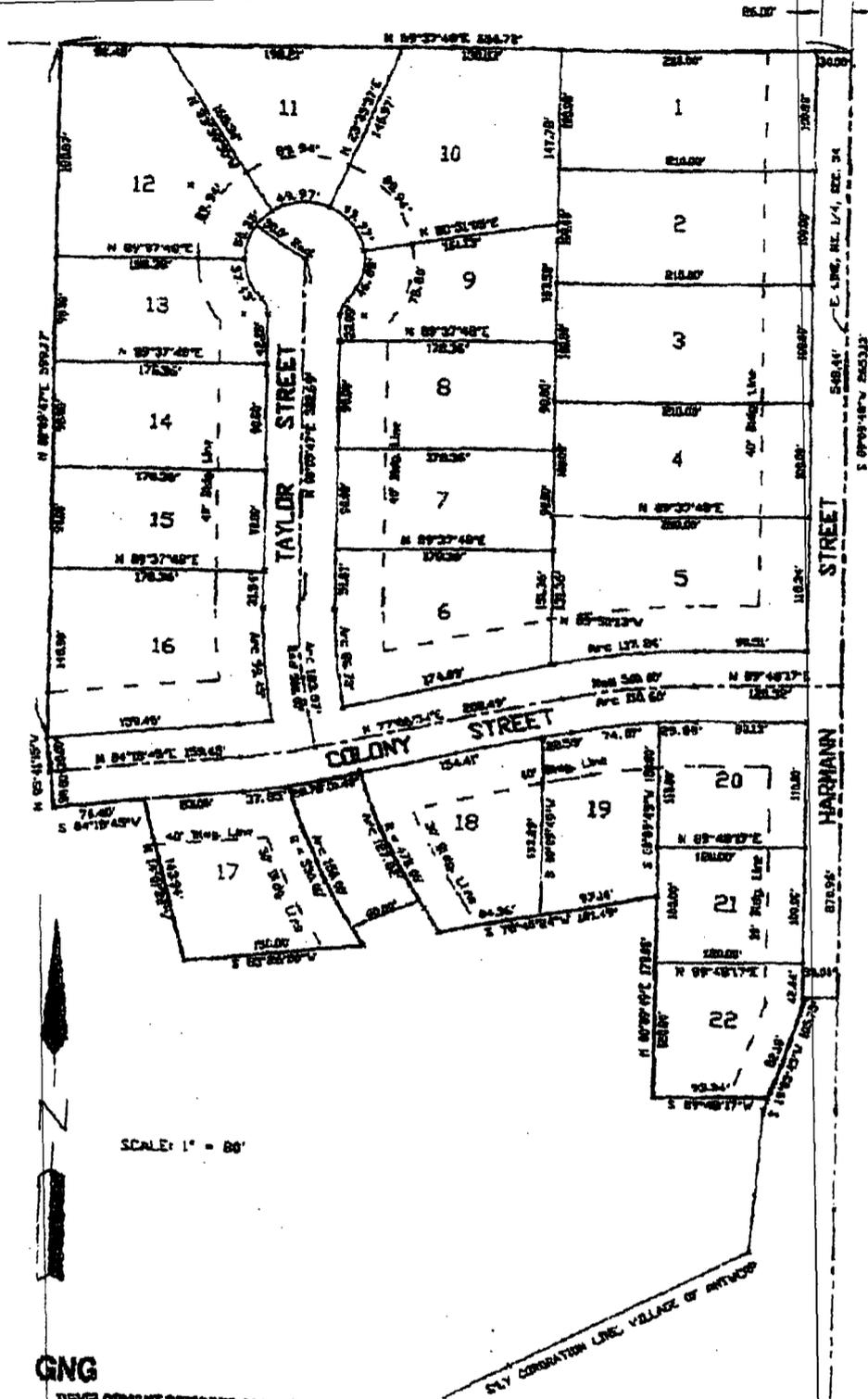
Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_ 20  
LOCATED IN THE VILLAGE OF ANTIWERP, OHIO

"EXHIBIT A"



**GNG**  
 DEVELOPMENT SERVICES, LLC  
 1000 Corporate Avenue • Dayton, Ohio 45422  
 454.794.1004

These 22 lots are the East Part of the original plat, originally shown as B-1 and R-  
 The balance of the planned development has 69 lots and 7.4 acres un-platted.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-52

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS TO THE POLICE FUND IN THE AMOUNT OF \$ 8,000.00 AND DECLARE THE SAME TO BE 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, 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 transfer does not require a 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 even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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

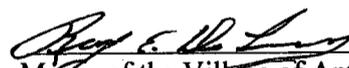
Section 1. The Village Fiscal Officer is hereby authorized to transfer the sum of \$8,000.00 from the General Fund to the Police Fund.

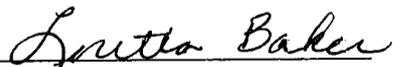
Section 2. This ordinance is necessary to provide for operating funds for the police department of the Village of Antwerp.

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 9-15-08

  
Mayor of the Village of Antwerp

Attest:  
  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-53

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF A NOTE IN ANTICIPATION OF THE ISSUANCE OF BOND TO PAY A PORTION OF THE COST OF CONSTRUCTING, FURNISHING AND EQUIPPING AN EMERGENCY MEDICAL SERVICE BUILDING AND IMPROVING ITS SITE, AND DECLARING THE SAME AN EMERGENCY

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

Section 1. A Note in the principal amount of \$53,970.68 shall be issued in anticipation of issuance of bond for the purpose of paying a portion of the cost of constructing, furnishing and equipping an emergency medical service building and improving its site with a financing cost thereof incurred in connection with the issuance of said Note.

Section 2. Said Note shall bear an interest rate not exceeding 4.40% for one year, payable at maturity, to wit: one year after date of said Note. In the event of default, the Note shall become immediately due and payable. Said maturity date shall occur one year from the date of said Note provided the maturity date is not a business day, the Note shall mature on the first business day immediately preceding such date.

Section 3. The Village covenants that it will take or cause to be taken such actions which may be required of it for the interest on the Note to remain excluded from gross income for federal income tax purposes, and will not take or permit to be taken any actions which would adversely affect that exclusion, and that it, or persons acting for it, will, among other acts of compliance, apply proceeds, all in a manner and to the extent necessary to assure such exclusion of that interest under the Internal Revenue Code. The Village Fiscal Officer and any other appropriate officers are hereby authorized and directed to take any and all actions, make calculations and rebate payments, and make or give reports and certifications as may be appropriate to assure such exclusion of that interest.

Section 4. The Note shall be the full general obligation of the Village and the full faith, credit and revenue of said Village are hereby pledged for the prompt payment of the same.

Section 5. It is hereby determined and recited that all acts, conditions and things required to be done precedent to and in the issuance of the Note, in order to make them legal, valid and binding obligations of the Village of Antwerp, have happened, been done, and performed in regular and due form as required by law; that the full faith, credit and revenue of said Village shall be and is hereby irrevocably pledged for the prompt payment of the principal and interest thereon at maturity; that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of said Note.

Section 6. The Village Fiscal Officer, or other officer, is authorized to prepare, execute and deliver

# RECORD OF ORDINANCES

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

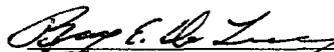
to the purchaser of said Note a preliminary and final official statement or any other appropriate disclosure document in connection with the sale and delivery of the Note.

Section 7. The Mayor and Fiscal Officer of said Village are hereby authorized to sign and execute the Note on behalf of said Village.

Section 8. 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 9. 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 an emergency medical service building to provide emergency medical services to 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: 9-15-08

  
Ray DeLong, Mayor

  
Loretta Baker, Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2008-54**

**AN ORDINANCE AUTHORIZING THE FISCAL OFFICER TO AMEND APPROPRIATIONS AND DECLARING IT AN EMERGENCY**

WHEREAS, the Fiscal Officer has determined that it is necessary to amend the following appropriations.

WHEREAS, Council must approve the amending of appropriations pursuant to Ohio Revised Code Section 5705.40, and

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

Section 1: This Ordinance is necessary for the immediate preservation of the public peace, health or safety.

Section 2: The Fiscal Officer is hereby authorized to amend the following appropriations:

FUND	DESCRIPTION	NEW APPROPRIATION	
		AMOUNT	
		Original	New Amount
A1 7A 220 General Mayor Travel & Training	Increase Appropriation	\$1,200.00	\$1,300.00
A1 7G 230 PC Auditor Fees Contractual	Increase Appropriation	\$5,500.00	\$6,400.00
A1 7 I 230 CCA Fees Income Tax	Increase Appropriation	\$10,000.00	\$12,100.00
B1 6B 240 Street Maint & Repair Oper. & Maint	Increase Appropriation	\$6,700.00	\$16,700.00
B1 6B 250 Street Maint. & Repair Capital	Increase Appropriation	\$8,586.79	\$11,586.79
E1 5A 240 Water Clerk Oper. & Maint	Increase Appropriation	\$500.00	\$700.00
E1 5A 240 Water Clerk Travel and Training	Decrease Appropriation	\$200.00	\$0.00
E1 5B 220 Water Billing Travel	Decrease Appropriation	\$150.00	\$0.00
E1 5B 240 Water Billing Oper & Maint	Increase Appropriation	\$1,600.00	\$1,750.00
E1 5D 230 Water Flit Cont Service Utilities	Increase Appropriation	\$31,000.00	\$38,200.00
E1 5E 230 Water Pumping Contractual Service	Increase Appropriation	\$16,900.00	\$18,900.00

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

E1 5H 240 Water Automotive Oper & Maint	Increase Appropriation	\$2,000.00	\$5,000.00
E2 5D 240 Automotive Equip. Oper. & Maint	Increase Appropriation	\$2,500.00	\$5,500.00
E2 5G 230 Sewage Coll Contractual	Increase Appropriation	\$2,000.00	\$7,000.00
G5 2A 230 Cemetery Trust Auditors	Increase Appropriation	\$450.00	\$500.00
G5 2A 270 Cemetery Trust Transfer	Increase Appropriation	\$13,200.00	\$14,000.00

**Section 3:** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and well being of the residents.

**Section 4:** This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Date 9-15-08

Mayor *Ray E. McLaughlin*

Attest:

*Loretta Baker*  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-55

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS TO THE STREET FUND IN THE AMOUNT OF \$ 13,000.00 AND DECLARE THE SAME TO BE AN EMERGENCY**

WHEREAS, the Village Fiscal Officer has determined that it is necessary to transfer certain funds from the General Fund to the Street 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 transfer does not require a 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 Fund even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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

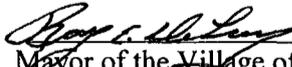
Section 1. The Village Fiscal Officer is hereby authorized to transfer the sum of thirteen thousand dollars from the General Fund to the Street Fund.

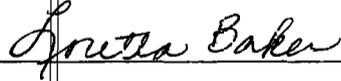
Section 2. This ordinance is necessary to provide for operating funds for the street department of the Village of Antwerp.

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 street 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 9-15-08

  
Mayor of the Village of Antwerp

Attest:  
 Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-56

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS TO THE POLICE FUND IN THE AMOUNT OF \$ 29,000 AND DECLARE THE SAME TO BE 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, 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 transfer does not require a 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 even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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 nine thousand from the General Fund to the Police Fund.

Section 2. This ordinance is necessary to provide for operating funds for 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 10-27-08

Ray E. DeLong  
Mayor of the Village of Antwerp

Attest:

Loretta Baker  
Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2008-57**

**AN ORDINANCE AUTHORIZING THE FISCAL OFFICER TO AMEND APPROPRIATIONS AND DECLARING IT AN EMERGENCY**

WHEREAS, the Fiscal Officer has determined that it is necessary to amend the following appropriations.

WHEREAS, Council must approve the amending of appropriations pursuant to Ohio Revised Code Section 5705.40, and

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

Section 1: This Ordinance is necessary for the immediate preservation of the public peace, health or safety.

Section 2: The Fiscal Officer is hereby authorized to amend the following appropriations:

FUND	DESCRIPTION	NEW APPROPRIATION	
		AMOUNT	
		Original	New Amount
A1 3B 240 Parks Oper & Maintenance	Increase Appropriation	\$4,000.00	\$5,000.00
A1 7A 230 General Mayor Contractual	Increase Appropriation	\$300.00	\$400.00
A1 7B 220 Council/Admin Travel & Training	Increase Appropriation	\$700.00	\$1,500.00
A1 7B 230 Council Contractual	Increase Appropriation	\$11,000.00	\$11,500.00
A1 7C 230 Mayor's Court Contractual	Increase Appropriation	\$700.00	\$850.00
A1 7D 211 Fiscal Officer Salary	Increase Appropriation	\$10,000.00	\$11,000.00
A1 7D 212 Fiscal Officer Benefits	Increase Appropriation	\$1,530.00	\$1,700.00
A1 7X 230 Solicitor Contractual	Increase Appropriation	\$20,000.00	\$29,000.00
A1 7X 270 General Fund Transfer	Increase Appropriation	\$187,771.66	\$202,000.00
A1 7X 272 General Fund Advance	Increase Appropriation	\$0.00	\$2,200.00
B1 6B 211 Street Maint & repair Wages	Increase Appropriation	\$15,036.00	\$19,000.00

## RECORD OF ORDINANCES

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

B1 6B 212 Street Maint. & Repair Benefits	Increase Appropriation	\$7,761.49	\$9,500.00
B1 6B 230 Street Maint & Repair Contractual	Increase Appropriation	\$24,000.00	\$34,000.00
B1 6B 240 Street Maint. & Repair Oper. & Maint.	Increase Appropriation	\$16,700.00	\$23,800.00
B2 6A 250 State Highway Capitol Improvement	Increase Appropriation	\$6,000.00	\$16,000.00
B9 1A 230 Fire Contractual Services	Increase Appropriation	\$10,500.00	\$11,500.00
B11B 240 EMS Oper and Maintenance	Increase Appropriation	\$11,550.00	\$12,500.00
B11B 250 EMS Capitol Outlay	Decrease Appropriation	\$5,000.00	\$3,000.00
B111B 260 EMS Loan Payment	Increase Appropriation	\$17,325.00	\$71,295.68
B146D 230 Storm Sewer Contractual	Increase Appropriation	\$6,800.00	\$12,000.00
E1 5A 212 Water Office Clerk Benefits	Increase Appropriation	\$849.75	\$875.00
E1 5B 212 Water Billing Clerk Benefits	Increase Appropriation	\$759.50	\$830.00
E1 5B 240 Water Billing Oper & Maint	Increase Appropriation	\$1,750.00	\$2,050.00
E1 5D 231 Water Filtration Chemicals	Increase Appropriation	\$15,400.00	\$23,000.00
E1 5F 240 Water Distribution Repair Clamps	Increase Appropriation	\$2,000.00	\$5,000.00
E1 5E 250 Water Pumping Captitol Outlay	Increase Appropriation	\$6,000.00	\$11,000.00
E1 5X 260C Water Debt Antwerp Bank	Increase Appropriation	\$4,000.00	\$46,857.74
E2 5A 230 Sewer Clerk Contractual Services	Decrease Appropriation	\$2,800.00	\$1,400.00
E2 5B 230 Billing Clerk Contractual Service	Increase Appropriation	\$1,800.00	\$2,100.00
E2 5B 240 Billing Clerk Oper and Maintenance	Increase Appropriation	\$1,500.00	\$1,800.00
E2 5C 211 Sewer Pumping Salary/Wages	Increase Appropriation	\$25,724.88	\$31,724.88
E2 5C 212 Sewer Pumping Employees Benefits	Increase Appropriation	\$13,554.87	\$18,554.87
E2 5C 240 Sewer Pumping Oper & Maintenance	Increase Appropriation	\$5,000.00	\$5,600.00
E2 5F 230 Other Contractual Services	Increase Appropriation	\$20,000.00	\$26,000.00

# RECORD OF ORDINANCES

0411

Cayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

E2 5G 230 Sewage Coll Contractual	Increase Appropriation	\$7,000.00	\$10,000.00
E2 5G 240 Sewage Coll. Supplies and Maintenance	Increase Appropriation	\$1,500.00	\$2,500.00
F1 1A 211 Police Salaries/Wages	Increase Appropriation	\$91,782.60	\$110,982.60
H1 1A 240 Police Operations and Maintenance	Increase Appropriation	\$12,500.00	\$16,500.00
H1 1A 250 Police Capitol Outlay	Decrease Appropriation	\$32,500.00	\$29,800.00
H3 1A 240 Street Lighting Operation and Maintenance	Increase Appropriation	\$1,715.00	\$3,200.00

**Section 3:** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and well being of the residents.

**Section 4:** This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Date 10-27-08

Mayor Ray E. De Long

Attest:

Loretta Baker  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2008-59**

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS TO THE STREET FUND IN THE AMOUNT OF \$ 11,000.00 AND DECLARE THE SAME TO BE AN EMERGENCY**

WHEREAS, the Village Fiscal Officer has determined that it is necessary to transfer certain funds from the General Fund to the Street 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 transfer does not require a 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 Fund even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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 eleven thousand dollars from the General Fund to the Street Fund.

Section 2. This ordinance is necessary to provide for operating funds for the street department of the Village of Antwerp.

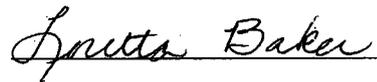
Section 3. It is found and determined that all formal actions of the Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings 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 street 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 10-27-08

  
Mayor of the Village of Antwerp

Attest:

 Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

*Ordinance tabled  
Pending Further  
Review / Input by  
Utility Committee*

**ORDINANCE NO. 2008-58**

**AN ORDINANCE AUTHORIZING THE CHANGE OF WATER AND SEWER RATES, TAP FEES AND RE-CONNECT FEES FOR THE VILLAGE OF ANTWERP, COUNTY OF PAULDING, OHIO**

WHEREAS, it has come to the attention of the Council of the Village of Antwerp, Ohio, that additional revenue is needed in the water and sewer funds in order to operate these utilities adequately, expand facilities, and provide better and more efficient service in the future; and

WHEREAS, the Council of the Village of Antwerp, Ohio, has determined it to be in the best interest of the Village for each unit within a multiple unit dwelling to be billed as provided herein whether such unit is occupied or vacant.

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

Section 1. Water rates for all users/consumers of water within the Village corporation limits shall be increased 8.5% effective January 1, 2009. An increase of 8.5% shall also be implemented on January 1, 2010, and January 1, 2011, which rate increases will be reviewed annually to determine whether the increases scheduled for 2010 and 2011 are sufficient.

Section 2. The quarterly water rates for users/consumers within the Village corporation limits effective January 1, 2009, will be as follows: A minimum of \$16.28 for each tap plus \$3.58 for each one thousand (1,000) gallons of all water used. As to those users/consumers that qualify for the homestead tax exemption, the quarterly water rates will be a minimum of \$15.24 for each tap plus \$2.71 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. The rates effective January 1, 2010, and January 1, 2011, will be as follows:

January 1, 2010	\$17.66 minimum charge plus \$3.88 for each one thousand (1,000) gallons
January 1, 2011	\$19.16 minimum charge plus \$4.20 for each one thousand (1,000) gallons

Section 3. The minimum water rate provided above will be charged for each unit in a multiple unit dwelling whether said unit is occupied or vacant. Multiple unit dwellings include apartment complexes, mobile home trailer courts, or any other dwelling containing multiple units, which will be collectively referred to herein as "Multiple Unit Dwelling(s)".

Section 4. Water may be purchased at the waterworks located in the Village of Antwerp. The purchase price of said water shall be \$4.00 for each one thousand (1,000) gallons (effective January 1, 2010, \$4.34 for each one thousand (1,000) gallons, and effective January 1, 2011, \$4.70 for each one thousand (1,000) gallons). The purchaser of said water shall sign their name and the number of gallons of water pumped on the clipboard provided for that purpose located at

*Ordinance - out of  
Order  
59 → 58  
58 Tabled*

## RECORD OF ORDINANCES

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

the waterworks. Each purchaser shall be billed once each year on the first (1<sup>st</sup>) day of November, and the water bill for the purchase of bulk water is due and payable on or before the fifteenth (15<sup>th</sup>) day of November of that same year.

Section 5. Users/consumers of water outside the Village corporation limits shall pay the same rate as users/consumers identified in section 2 above plus an additional seventy-five percent (75%) of that rate, which results in the following rates: A minimum of \$28.49 for each tap plus \$6.26 for each one thousand (1,000) gallons of all water used. The rates effective January 1, 2010, and January 1, 2011, will be as follows:

January 1, 2010	\$30.91 minimum charge plus \$6.79 for each one thousand (1,000) gallons
January 1, 2011	\$33.52 minimum charge plus \$7.36 for each one thousand (1,000) gallons

Section 6. In the event that water service is disconnected to any user/consumer, water service shall not be restored until all past due accounts, late charges, a \$35.00 service fee and any other applicable fees are paid to the Village for the water service to be reconnected. When a building is vacated and the owner/occupant of said building notifies the Village to discontinue water service to the building, the property owner must do either of the following: (1) have the water meter removed, the water service disconnected, and a fee of \$35.00 is hereby established to reinstall the meter and reconnect the water service; or (2) have the water disconnected at the water meter, leave the water meter in place, and pay the quarterly minimum charge for each tap.

Section 7. The tapping fee for a 3/4 inch waterline will be \$750.00 per tap. In the event a road cut is necessary or the tap must be pushed under a street, alley or highway, the tapping fee will be \$950.00 per tap.

Section 8. Sewer rates for all users/consumers within the Village corporation limits shall be increased 8.5% effective January 1, 2009. An increase of 8.5% shall also be implemented on January 1, 2010, and January 1, 2011, which rate increases will be reviewed annually to determine whether the increases scheduled for 2010 and 2011 are sufficient.

Section 9. The quarterly sewer rates for users/consumers within the Village corporation limits effective January 1, 2009, will be as follows: \$38.26 for the first six thousand (6,000) gallons plus \$1.53 for each one thousand (1,000) gallons over the first six thousand (6,000) gallons with a minimum sewer rate per month of \$38.26. The rates effective January 1, 2010, and January 1, 2011, will be as follows:

January 1, 2010	\$41.51 minimum charge (including first six thousand (6,000) gallons) plus \$1.75 for each one thousand (1,000) gallons
January 1, 2011	\$45.03 minimum charge (including first six thousand (6,000) gallons) plus \$1.90 for each one thousand (1,000) gallons

Section 10. The quarterly sewer rates of users/consumers outside the Village corporation limits shall pay the same rate as users/consumers identified in section 9 above plus an additional

# RECORD OF ORDINANCES

0415

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

fifty percent (50%) of that rate, which results in the following rates: \$76.89 for the first six thousand (6,000) gallons plus \$4.06 for each one thousand (1,000) gallons over the first six thousand (6,000) gallons with a minimum sewer rate per month of \$76.89. The rates effective January 1, 2010, and January 1, 2011, will be as follows:

January 1, 2010	\$83.42 minimum charge (including first six thousand (6,000) gallons) plus \$4.40 for each one thousand (1,000) gallons
January 1, 2011	\$90.51 minimum charge (including first six thousand (6,000) gallons) plus \$4.77 for each one thousand (1,000) gallons

Section 11. In the event that sewer service is disconnected to any user/consumer, sewer service shall not be restored until all past due accounts, late charges, a \$35.00 service fee and any other applicable fees are paid to the Village for the sewer service to be reconnected.

Section 12. The fee to connect into the Village sewer line is \$150.00 per application. In the event a road cut is necessary or the connection must be pushed under a street, alley or highway, the sewer connection fee is \$250.00 per application. In addition to this application fee, the user/consumer shall be responsible for all expenses relating to said connection, including but not limited to, tapping saddle, piping from Village sewer line, required clean outs, backfill, and road repair.

Section 13. Each unit within a Multiple Unit Dwelling shall pay the minimum water and sewer charges provided herein whether the unit is occupied or vacant. In the event that water and/or sewer usage is greater than the total of the minimum usage billed to each unit (to be determined by the meter at the Multiple Unit Dwelling), the overage shall be charged to the owner of said Multiple Unit Dwelling. The owner of each Multiple Unit Dwelling shall certify to the Village Administrator the number of units within the Multiple Unit Dwelling and shall promptly notify the Village Administrator of any change in the number of units within the Multiple Unit Dwelling. The Village Administrator may independently verify the number of units within the Multiple Unit Dwelling as certified by the owner.

Section 14. The amounts to be charged and paid by the industrial users/consumers of the water and sewer utility services of the Village of Antwerp are established by the contracts in effect for each industrial user/consumer.

Section 15. Previous ordinances and/or any portions thereof, including Ordinance Nos. 81-32, 82-24, 94-05, 2002-14, 2005-07, 2008-15, 2008-16, and rules of the Village of Antwerp that are not consistent with this Ordinance are hereby set aside, revoked and held for naught.

Section 16. 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.

# RECORD OF ORDINANCES

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

Section 17. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

ENACTED THIS \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Ray DeLong, Mayor

Attest:

Loretta Baker  
Loretta Baker, Fiscal Officer

1<sup>st</sup> reading: 10-27-08

2<sup>nd</sup> reading: 11-6-08

3<sup>rd</sup> reading: \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2008-60**

**AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO A LEASE / LICENSE AGREEMENT WITH MAUMEE & WESTERN RAILROAD CORPORATION; AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, Maumee & Western Railroad Corporation (the "Railroad") owns real estate within the Village of Antwerp containing 11,000 sq. ft., more or less, a parcel 55 ft. wide and 200 ft. long beginning approximately at SS 3766+10 and ending approximately at SS 3768+10 (the "Premises"), and the Premises are further shown outlined in red on a plan, dated August 26, 2008, which is attached to this Ordinance and incorporated herein and made a part hereof; and

**WHEREAS**, the Village of Antwerp desires to let, rent and lease the Premises from the Railroad to use said Premises as a parking lot for local businesses; and

**WHEREAS**, the Village of Antwerp may let, rent and lease the premises from the Railroad by executing the Lease / License Agreement and submitting an initial fee of \$300.00 and agreeing to make annual payments of no less than \$525.00.

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

**Section 1.** The Village Administrator of the Village of Antwerp, Ohio, is hereby authorized to enter into the Lease / License Agreement with the Railroad in order to let, rent and lease the Premises from the Railroad for use as a parking lot.

**Section 2.** The Village of Antwerp authorizes the Village Fiscal Officer to pay the initial fee of \$300.00 and to pay the required annual fee of no less than \$525.00 to the Railroad as provided in said Lease / License Agreement.

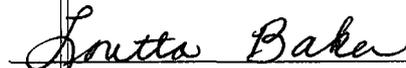
**Section 3.** It is found and determined that all formal actions of the Council of the Village of Antwerp, Ohio, concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

**Section 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 letting, renting or leasing the premises from the Railroad in order to provide necessary parking to local businesses, and this Ordinance shall be in force and effect immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Passed: 11/6, 2008.

  
Ray DeLong, Mayor

Attest:

  
Loretta Baker, Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**RESOLUTION NO. R2008-08**

**A RESOLUTION APPROVING A SAFE ROUTES TO SCHOOL TRAVEL PLAN AND TO AUTHORIZE THE VILLAGE ADMINISTRATOR OF THE VILLAGE OF ANTWERP, OHIO TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE SAFE ROUTES TO SCHOOL PROGRAM AND TO EXECUTIVE CONTRACTS AS REQUIRED, AND DECLARE THE SAME AN EMERGENCY.**

**WHEREAS**, Congress has reserved funds to encourage primary and middle school students to walk and bicycle to school by assisting local public authorities with the cost of improvements necessary to the safe use of non-motorized transportation; and,

**WHEREAS**, Safe Routes to School funds are administered by the Ohio Department of Transportation and awarded to local units of government selected for funding by the Department of Transportation; and,

**WHEREAS**, the Village of Antwerp and the Antwerp Local School District have developed a School Travel Plan for the Antwerp Local School; and,

**WHEREAS**, the Harrmann Road and E. Canal sidewalk improvement project is a transportation activity eligible to receive federal funding; and

**NOW THEREFORE, BE IT RESOLVED** by the Council of the Village of Antwerp, State of Ohio:

**Section 1:** That the School Travel Plan is approved and adopted.

**Section 2:** That the Village Administrator is directed to submit an application to the Department of Transportation for the SRTS funds for the Harrmann and E. Canal Sidewalk Improvement Project

**Section 3:** The total cost of the project is estimated to be \$151,151.00, of which the Village, if awarded the funds, the Village further agrees to pay One Hundred Percent (100%) of the construction cost over and above the maximum amount provided by the State of Ohio, Department of Transportation.

**Section 4:** If the application is approved for the funding, the Village Administrator of said Village is hereby empowered on behalf of the Village to enter into a contract with the Director of the Ohio Department of Transportation necessary to complete the above described project.

**Section 5:** It is found and determined that all legislative actions pertaining to the adoption of this Resolution were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session duly convened in compliance with all legal requirements including all lawful ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

# RECORD OF ORDINANCES

0419

Dayton Legal Blak, Inc.

Form No. 30043

Ordinance No \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**Section 5:** This Resolution is hereby declared to be an emergency measure necessary to preserve the health, safety and welfare of the community for the reason that the application for Safe Routes To School funding deadline is due immediately and applications must be submitted to receive timely consideration for funding. This Resolution 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

11/6/08

  
Mayor of the Village of Antwerp

Attest:

  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

*Failed  
12-15-08*

**ORDINANCE NO. 2008-41**

**AN ORDINANCE AUTHORIZING THE EMS COORDINATOR OF THE VILLAGE OF ANTWERP, OHIO TO ENTER INTO THE ANCILLARY PROVIDER AGREEMENT WITH ANTHEM BLUE CROSS AND BLUE SHIELD**

**WHEREAS**, the Village of Antwerp Emergency Medical Services Department ("EMS") provides emergency medical services to patients insured by Anthem Blue Cross and Blue Shield; and

**WHEREAS**, the EMS has been notified by Anthem Blue Cross and Blue Shield that it will no longer submit payments to the EMS for emergency medical services provided to its insureds unless the EMS enters into an Ancillary Provider Agreement with Anthem Blue Cross and Blue Shield; and

**WHEREAS**, the EMS is unable to collect the insurance obligations on the emergency medical services provided to patients insured by Anthem Blue Cross and Blue Shield without an Ancillary Provider Agreement in effect between the EMS and Anthem Blue Cross and Blue Shield.

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

**Section 1.** The EMS Coordinator of the Village of Antwerp, Ohio, is hereby authorized to enter into the Anthem Blue Cross and Blue Shield Ancillary Provider Agreement to allow the EMS to obtain payment from Anthem Blue Cross and Blue Shield for emergency medical services provided by patients insured by Anthem Blue Cross and Blue Shield.

**Section 2.** The EMS Billing Clerk of the Village of Antwerp, Ohio, is hereby authorized to submit the executed Ancillary Provider Agreement to Anthem Blue Cross and Blue Shield and conduct any and all necessary activities in order to properly submit claims for payment to Anthem Blue Cross and Blue Shield in accordance with the Ancillary Provider Agreement.

**Section 3.** 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 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 4.** This Ordinance shall take effect and be in force after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2008.

**Ray DeLong, Mayor**

Attest:

\_\_\_\_\_  
**Loretta Baker, Fiscal Officer**

1<sup>st</sup> reading: 11-06-08

2<sup>nd</sup> reading: 11-17-08

3<sup>rd</sup> reading: 12-15-08

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-62

**AN ORDINANCE ADOPTING PERSONNEL MANUAL FOR THE VILLAGE OF ANTWERP, OHIO, TO BE EFFECTIVE JANUARY 1, 2009, AND DECLARING THE SAME AN EMERGENCY**

WHEREAS, the Personnel Committee of the Village of Antwerp submits a proposed personnel manual to the Council of the Village of Antwerp, Ohio; and

WHEREAS, the Personnel Committee recommends that the personnel manual be adopted and replace the personnel manual currently in effect for the Village of Antwerp; and

WHEREAS, the Council of the Village of Antwerp hereby accepts the recommendation of the Personnel Committee and adopts the personnel manual to be effective as of January 1, 2009.

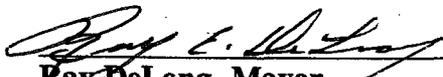
**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE VILLAGE OF ANTWERP, COUNTY OF PAULDING, STATE OF OHIO:**

**Section 1.** The Village of Antwerp, Ohio shall follow the Personnel Manual, a copy of said personnel manual being attached hereto and made a part hereof as Exhibit "A". The Personnel Manual shall be in effect as of January 1, 2009.

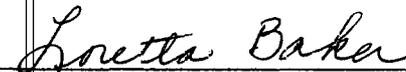
**Section 2.** It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in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

**Section 3.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village, and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in full force after the earliest period allowed by law.

Passed: 12-15-08, 2008.

  
Ray DeLong, Mayor

Attest:

  
Loretta Baker, Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2008-63**

**AN ORDINANCE AUTHORIZING THE CHANGE OF WATER AND SEWER RATES, TAP FEES AND RE-CONNECT FEES FOR THE VILLAGE OF ANTWERP, COUNTY OF PAULDING, OHIO**

WHEREAS, it has come to the attention of the Council of the Village of Antwerp, Ohio, that additional revenue is needed in the water and sewer funds in order to operate these utilities adequately, expand facilities, and provide better and more efficient service in the future; and

WHEREAS, the Council of the Village of Antwerp, Ohio, has determined it to be in the best interest of the Village for each occupied unit within a multiple unit dwelling be billed the minimum water and sewer charges as provided herein.

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

Section 1. Water rates for all users/consumers of water within the Village corporation limits shall be increased 8.5% effective April 1, 2009. An increase of 8.5% shall also be implemented on January 1, 2010, and January 1, 2011, which rate increases will be reviewed annually to determine whether the increases scheduled for 2010 and 2011 are sufficient.

Section 2. The quarterly water rates for users/consumers within the Village corporation limits effective January 1, 2009, will be as follows: A minimum of \$16.28 for each tap plus \$3.53 for each one thousand (1,000) gallons of all water used. As to those users/consumers that qualify for the homestead tax exemption, the quarterly water rates will be a minimum of \$15.24 for each tap plus \$2.71 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. The rates effective January 1, 2010, and January 1, 2011, will be as follows:

January 1, 2010	\$17.66 minimum charge plus \$3.88 for each one thousand (1,000) gallons
January 1, 2011	\$19.16 minimum charge plus \$4.20 for each one thousand (1,000) gallons

Section 3. The minimum water rate provided above will be charged for each occupied unit in a multiple unit dwelling. Multiple unit dwellings include apartment complexes, mobile home trailer courts, or any other dwelling containing multiple units, which will be collectively referred to herein as "Multiple Unit Dwelling(s)".

Section 4. Water may be purchased at the waterworks located in the Village of Antwerp. The purchase price of said water shall be \$4.00 for each one thousand (1,000) gallons (effective January 1, 2010, \$4.34 for each one thousand (1,000) gallons, and effective January 1, 2011, \$4.70 for each one thousand (1,000) gallons). The purchaser of said water shall sign their name and the number of gallons of water pumped on the clipboard provided for that purpose located at the waterworks. Each purchaser shall be billed once each year on the first (1<sup>st</sup>) day of November, and the water bill for the purchase of bulk water is due and payable on or before the fifteenth (15<sup>th</sup>) day of November of that same year.

# RECORD OF ORDINANCES

0423

Dayten Legal Blank, Inc.

Form No. 3C043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

Section 5. Users/consumers of water outside the Village corporation limits shall pay the same rate as users/consumers identified in section 2 above plus an additional seventy-five percent (75%) of that rate, which results in the following rates: A minimum of \$28.49 for each tap plus \$6.26 for each one thousand (1,000) gallons of all water used. The rates effective January 1, 2010, and January 1, 2011, will be as follows:

January 1, 2010	\$30.91 minimum charge plus \$6.79 for each one thousand (1,000) gallons
January 1, 2011	\$33.52 minimum charge plus \$7.36 for each one thousand (1,000) gallons

Section 6. In the event that water service is disconnected to any user/consumer, water service shall not be restored until all past due accounts, late charges, a \$35.00 service fee and any other applicable fees are paid to the Village for the water service to be reconnected. When a building is vacated and the owner/occupant of said building notifies the Village to discontinue water service to the building, the property owner must do either of the following: (1) have the water meter removed, the water service disconnected, and a fee of \$35.00 is hereby established to reinstall the meter and reconnect the water service; or (2) have the water disconnected at the water meter, leave the water meter in place, and pay the quarterly minimum charge for each tap.

Section 7. The tapping fee for a 3/4 inch waterline will be \$750.00 per tap. In the event a road cut is necessary or the tap must be pushed under a street, alley or highway, the tapping fee will be \$950.00 per tap.

Section 8. Sewer rates for all users/consumers within the Village corporation limits shall be increased 8.5% effective April 1, 2009. An increase of 8.5% shall also be implemented on January 1, 2010, and January 1, 2011, which rate increases will be reviewed annually to determine whether the increases scheduled for 2010 and 2011 are sufficient.

Section 9. The quarterly sewer rates for users/consumers within the Village corporation limits effective January 1, 2009, will be as follows: \$38.26 for the first six thousand (6,000) gallons plus \$1.63 for each one thousand (1,000) gallons over the first six thousand (6,000) gallons with a minimum sewer rate per month of \$38.26. The rates effective January 1, 2010, and January 1, 2011, will be as follows:

January 1, 2010	\$41.51 minimum charge (including first six thousand (6,000) gallons) plus \$1.75 for each one thousand (1,000) gallons
January 1, 2011	\$45.03 minimum charge (including first six thousand (6,000) gallons) plus \$1.90 for each one thousand (1,000) gallons

Section 10. The quarterly sewer rates of users/consumers outside the Village corporation limits shall pay the same rate as users/consumers identified in section 9 above plus an additional fifty percent (50%) of that rate, which results in the following rates: \$76.89 for the first six thousand (6,000) gallons plus \$4.06 for each one thousand (1,000) gallons over the first six

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

thousand (6,000) gallons with a minimum sewer rate per month of \$76.89. The rates effective January 1, 2010, and January 1, 2011, will be as follows:

January 1, 2010	\$83.42 minimum charge (including first six thousand (6,000) gallons) plus \$4.40 for each one thousand (1,000) gallons
January 1, 2011	\$90.51 minimum charge (including first six thousand (6,000) gallons) plus \$4.77 for each one thousand (1,000) gallons

Section 11. In the event that sewer service is disconnected to any user/consumer, sewer service shall not be restored until all past due accounts, late charges, a \$35.00 service fee and any other applicable fees are paid to the Village for the sewer service to be reconnected.

Section 12. The fee to connect into the Village sewer line is \$150.00 per application. In the event a road cut is necessary or the connection must be pushed under a street, alley or highway, the sewer connection fee is \$250.00 per application. In addition to this application fee, the user/consumer shall be responsible for all expenses relating to said connection, including but not limited to, tapping saddle, piping from Village sewer line, required clean outs, backfill, and road repair.

Section 13. Each occupied unit within a Multiple Unit Dwelling shall pay the minimum water and sewer charges provided herein. In the event that water and/or sewer usage is greater than the total of the minimum usage billed to each unit (to be determined by the meter at the Multiple Unit Dwelling), the overage shall be charged to the owner of said Multiple Unit Dwelling. The owner of each Multiple Unit Dwelling shall certify to the Village Administrator the number of occupied units within the Multiple Unit Dwelling and shall promptly notify the Village Administrator of any change in the number of occupied units within the Multiple Unit Dwelling. The Village Administrator may independently verify the number of occupied units within the Multiple Unit Dwelling as certified by the owner.

Section 14. The amounts to be charged and paid by the industrial users/consumers of the water and sewer utility services of the Village of Antwerp are established by the contracts in effect for each industrial user/consumer.

RECORD OF ORDINANCES

0425

Ordinance No. \_\_\_\_\_

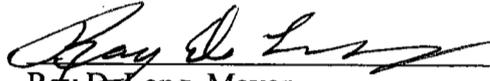
Passed \_\_\_\_\_, 20\_\_\_\_

Section 15. Previous ordinances and/or any portions thereof, including Ordinance Nos. 81-32, 82-24, 94-05, 2002-14, 2005-07, 2008-15, 2008-16, and rules of the Village of Antwerp that are not consistent with this Ordinance are hereby set aside, revoked and held for naught.

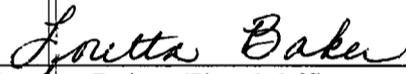
Section 16. It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings 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 17. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

ENACTED THIS 19<sup>th</sup> day of January, 2009.

  
Ray DeLong, Mayor

Attest:

  
Loretta Baker, Fiscal Officer

1<sup>st</sup> reading: 11/17/08

2<sup>nd</sup> reading: 12/15/08

3<sup>rd</sup> reading: 1/19/09

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2008-64**

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS TO THE POLICE FUND IN THE AMOUNT OF \$ 1,500.00 AND DECLARE THE SAME TO BE 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, 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 transfer does not require a 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 even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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 hundred (\$1,500.00) from the General Fund to the Police Fund.

Section 2. This ordinance is necessary to provide for operating funds for the Police department of the Village of Antwerp.

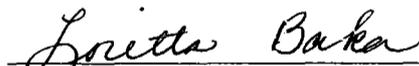
Section 3. It is found and determined that all formal actions of the Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings 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 12-15-08

  
Mayor of the Village of Antwerp

Attest:

  
Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2008-65

AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS TO THE EMS FUND IN THE AMOUNT OF \$ 3,400.00 AND DECLARE THE SAME TO BE AN EMERGENCY

WHEREAS, the Village Fiscal Officer has determined that it is necessary to transfer certain funds from the General Fund to the EMS 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 transfer does not require a 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 EMS Fund even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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 Thirty Four hundred (\$3,400.00) from the General Fund to the EMS Fund.

Section 2. This ordinance is necessary to provide for operating funds for the EMS 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 12-15-08

Ray E. DeLong Mayor of the Village of Antwerp

Attest: Louetta Baker Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

FAILED

**ORDINANCE NO. 2008-66****AN ORDINANCE ESTABLISHING SALARIES FOR THE  
VILLAGE OF ANTWERP, OHIO FOR THE CALENDAR YEAR 2009,  
AND DECLARING THE SAME AN EMERGENCY**

WHEREAS, it is desirable that the salaries of Village officials and employees for the year 2009 be set forth in an Ordinance.

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

Section 1. That beginning with the first pay period of year 2009, the salaries of Village officials and employees be as follows:

Village Official	2008	2009
Mayor	\$6,000.00	Same
Council Members	\$1,800.00	Same
Fiscal Officer	\$22,000.00	\$22,660.00
Village Administrator	\$33,671.00	\$36,671.00
Chief of Police	\$34,113.60	\$35,137.01
Assistant Chief of Police	\$25,750.00	\$25,750.00
Police - Full Time - On Probation	\$20,600.00 to \$24,500.00	\$22,218.00 to \$25,446.15
Police - Full Time	\$24,705.00 to \$29,220.00	\$25,446.00 to \$30,096.60
Police - Part Time	\$10.00 to \$15.00	\$10.30 to \$15.45 per hour
Police - Reserves	\$10.00 to \$12.00	\$10.30 to \$12.36 per hour
Fire Chief	\$2,000.00	\$2,060.00
Fire Dept. Secretary	\$315.00	\$324.45
Fire Chief Assistant	\$315.00	\$324.45
	\$8.53	\$8.79 per meeting
	\$11.08	\$11.41 first hour
	\$8.63	\$8.89 each add. hour
Fire Captains	\$93.00	\$95.79

# RECORD OF ORDINANCES

0429

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

Village Official	2008	2009
Fire Lieutenants	\$65.00	\$66.95
Volunteer Fireman	\$8.53	\$8.79
	\$8.53	\$8.79
	\$8.53	\$8.79
	\$8.53	\$8.79
EMS Coordinator	\$2,000.00 to \$3,000.00	\$2,060.00 to \$3,090.00
EMS Maintenance Man	\$565.00	\$581.95
EMS Drivers	\$7.57	\$7.80
EMT - A (BLS-Basic Life Support)	\$9.15	\$9.42
EMT - B (Immediate Life Support)	\$11.82	\$12.17
All EMS Personnel	\$8.80	\$9.06
General Labor/Utilities Billing Clerk	\$7.05 to \$11.14	\$7.25 to \$11.47
Mayor's Court Clerk/EMS Billing Clerk	\$7.05 to \$11.14	\$7.25 to \$11.47
Tech I Water/Sewer/Assigned Duties	\$9.60 to \$13.01	\$9.89 to \$13.70
Tech II Water/Sewer/Assigned Duties	\$12.05 to \$16.15	\$12.41 to \$16.63

Section 2. 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.

Section 3. This Ordinance repeals any other ordinance inconsistent therewith.

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.

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

Passed: \_\_\_\_\_, 2008.

\_\_\_\_\_  
Ray DeLong, Mayor

Attest:

\_\_\_\_\_  
Loretta Baker, Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2008-67**

**AN ORDINANCE AUTHORIZING THE FISCAL OFFICER TO AMEND APPROPRIATIONS AND DECLARING IT AN EMERGENCY**

WHEREAS, the Fiscal Officer has determined that it is necessary to amend the following appropriations.

WHEREAS, Council must approve the amending of appropriations pursuant to Ohio Revised Code Section 5705.40, and

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

Section 1: This Ordinance is necessary for the immediate preservation of the public peace, health or safety.

Section 2: The Fiscal Officer is hereby authorized to amend the following appropriations:

FUND	DESCRIPTION	NEW APPROPRIATION	
		AMOUNT	
		Original	New Amount
A1 7A 212 General Mayor Benefits	Increase Appropriation	\$950.00	\$952.32
A1 7A 230 General Mayor Contractual	Increase Appropriation	\$400.00	\$553.98
A1 7B 240 Council Oper and Maint	Increase Appropriation	\$3,875.00	\$4,655.02
A1 7C 230 Mayor's Court Contractual	Increase Appropriation	\$850.00	\$915.11
A1 7I 230 CCA Fees Income Tax	Increase Appropriation	\$12,100.00	\$16,055.00
A1 7X 270 General Fund Transfer	Increase Appropriation	\$213,000.00	\$214,500.00
A1 7X 272 General Fund Advance	Increase Appropriation	\$2,200.00	\$3,400.00
A1 1A 220 Police Travel & Training	Decrease Appropriation	\$25,000.00	\$17,343.57
B111B 211 EMS Salaries/Wages	Increase Appropriation	\$21,000.00	\$21,582.61
B145D 250 Storm Sewer Capital	Increase Appropriation	\$85,900.00	\$91,076.96
E1 5D 211 Water Filtration Salaries/Wages	Increase Appropriation	\$64,400.28	\$69,000.00
E1 5E 250 Water Pumping Capital Outlay	Increase Appropriation	\$11,000.00	\$20,658.18

# RECORD OF ORDINANCES

0431

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

E1 5X 260F Principal Payment	Increase Appropriation	\$2,500.00	\$2,885.00
E2 5A 212 Sewer Clerk Benefits	Increase Appropriation	\$849.75	\$861.84
E2 5G 230 Sewage Coll Contractual	Increase Appropriation	\$10,000.00	\$10,014.50
E2 5X 260A Loan Interest Lift Station	Increase Appropriation	\$3,000.00	\$6,214.81
G5 2A 230 Cemetary Trust Auditors	Increase Appropriation	\$500.00	\$503.56
G5 2A 270 Cemetery Trust Transfer	Increase Appropriation	\$14,000.00	\$14,335.54

**Section 3:** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and well being of the residents.

**Section 4:** This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Date 12-15-08

Mayor *Ray E. DeLong*

Attest:

*Louetta Baker*  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2008-68**

An ORDINANCE to make appropriations for Current Expenses and other Expenditures of the Village of Antwerp, State of Ohio, during the fiscal year ending December 31, 2009, and declaring the same an emergency.

Section 1. BE IT RESOLVED 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, 2009 the following sums be and they are hereby set aside and appropriated as follows;

SECTION 2. That there be appropriated from the **GENERAL FUND** for contingencies for purposes not otherwise provided for, to be expended in accordance with the provisions of Section 5705.40 R.C., the sum of **\$354,006.59**.

Section 3. That there be appropriated from the **STREET CONSTRUCTION, MAINTENANCE AND REPAIR FUND** in the sum of **\$96,342.42**.

Section 4. That there be appropriated from the **STATE HIGHWAY AND IMPROVEMENT FUND** in the sum of **\$5,000.00**.

Section 5. That there be appropriated from the **STORM SEWER FUND** in the amount of **\$46,064.25**.

Section 6. That there be appropriated from the **FED-MAYOR'S COURT FUND** in the sum of **\$1,100.00**

Section 7. That there be appropriated from the **LAW ENFORCEMENT TRAINING** in sum of **\$800.00**.

Section 8. That there be appropriated from the **PERMISSIVE TAX BUDGET** in the sum of **\$25,000.00**.

Section 9. That there be appropriated from the **FIRE FUND** in the sum of **\$40,250.00**.

Section 10. That there be appropriated from the **EMS FUND** in the sum of **\$113,650.00**.

Section 11. That there be appropriated from the **DEPOT PROJECT** in the sum of **\$34,000.00**.

Section 12. That there be appropriated from the **WATER FUND** in the sum of **\$499,351.71**.

Section 13. That there be appropriated from the **SEWER FUND** in the sum of **\$211,788.00**.

Section 14. That there be appropriated from the **DEPOSIT FUND** in the sum of **\$600.00**.

Section 15. That there be appropriated from the **CEMETERY FUND** in the sum of **\$14,800.00**

Section 16. That there be appropriated from the **INDIGENT DRIVER FUND** in the sum of **\$0**.

Section 17. That there be appropriated from the **FOJ FUND** in the sum of **\$0**.

Section 18. That there be appropriated from the **POLICE FUND** in the sum of **\$192,200.00**

Section 19. That there be appropriated from the **STREET LIGHTING FUND** in the sum of **\$19,500.00**

Section 20. That there be appropriated from the **EMS VEHICLE REPLACEMENT FUND** in the sum of **\$0**.

Section 21. **Total of all appropriations \$1,654,462.97.**

# RECORD OF ORDINANCES

0433

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

SECTION 22. And the Fiscal Officer is hereby authorized to draw warrants on the Village Treasurer for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefor, 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 23.. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and well being of the residents.

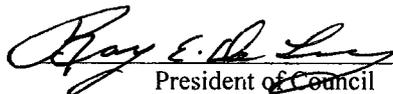
### CERTIFICATE

Section 5705.39, O.R.C - "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, ss.

I, Loretta Baker, Fiscal Officer of 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 has been compared by me with the said original and that the same is a true and correct copy thereof.

Passed 12-15-08

  
\_\_\_\_\_  
President of Council

Attest: Loretta Baker  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

No Second Ordinance Died 12-15-08

ORDINANCE NO. 2008-69

ORDINANCE TO ESTABLISH TIME AND PLACE OF REGULAR MEETINGS OF THE COUNCIL FOR THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO, AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Council of the Village of Antwerp, Paulding County, Ohio (the "Council") is desirous of holding monthly regular council meetings; and

WHEREAS, the Council, in accordance with Ohio Revised Code § 731.46, is establishing the time and place of regular meetings of the Council.

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. (Eastern Standard Time).

Section 3. This Ordinance shall be in effect for regular meetings of the Council starting in January, 2009, and be subject to amendment at the request of the Mayor of the Village of Antwerp or at the request of the members of the Council with notice of said change in meeting time and/or place to be given to the local media and any other person requesting such notification.

Section 4. It is found and determined that all formal action 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 5. 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 that the time and place of regular Council meetings be established. 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 \_\_\_\_\_ day of December, 2008.

Ray DeLong, Mayor Village of Antwerp

Attest:

Loretta Baker, Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2008-70**

**AN ORDINANCE ESTABLISHING SALARIES FOR THE VILLAGE OF ANTWERP, OHIO FOR THE CALENDAR YEAR 2009, AND DECLARING THE SAME AN EMERGENCY**

WHEREAS, it is desirable that the salaries of Village officials and employees for the year 2009 be set forth in an Ordinance.

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

Section 1. That beginning with the first pay period of year 2009, the salaries of Village officials and employees be as follows:

Village Official	2008	2009
Mayor	\$6,000.00	Same
Council Members	\$1,800.00	Same
Fiscal Officer	\$22,000.00	Same
Village Administrator	\$33,671.00	\$34,681.00
Chief of Police	\$34,113.60	\$35,137.01
Assistant Chief of Police	\$25,750.00	Same
Police - Full Time - On Probation	\$20,600.00 to \$24,500.00	\$22,218.00 to \$25,446.15
Police - Full Time	\$24,705.00 to \$29,220.00	\$25,446.00 to \$30,096.60
Police - Part Time	\$10.00 to \$15.00	\$10.30 to \$15.45 per hour
Police - Reserves	\$10.00 to \$12.00	\$10.30 to \$12.36 per hour
Fire Chief	\$2,000.00	\$2,060.00
Fire Dept. Secretary	\$315.00	\$324.45
Fire Chief Assistant	\$315.00	\$324.45
	\$8.53	\$8.79 per meeting
	\$11.08	\$11.41 first hour
	\$8.63	\$8.89 each add. hour
Fire Captains	\$93.00	\$95.79

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

Village Official	2008	2009	
Fire Lieutenants	\$65.00	\$66.95	
Volunteer Fireman	\$8.53	\$8.79	per meeting
	\$8.53	\$8.79	first hour
	\$8.53	\$8.79	each add. hour
EMS Coordinator	\$2,000.00 to \$3,000.00	\$2,060.00 to \$3,090.00	
EMS Maintenance Man	\$565.00	\$581.95	
EMS Drivers	\$7.57	\$7.80	per hour
EMT - A (BLS-Basic Life Support)	\$9.15	\$9.42	per hour
EMT - B (Immediate Life Support)	\$11.82	\$12.17	per hour
All EMS Personnel	\$8.80	\$9.06	per meeting
General Labor/Utilities Billing Clerk	\$7.05 to \$11.14	\$7.25 to \$11.47	per hour
Mayor's Court Clerk/EMS Billing Clerk	\$7.05 to \$11.14	\$7.25 to \$11.47	per hour
Tech I Water/Sewer/Assigned Duties	\$9.60 to \$13.01	\$9.89 to \$13.70	per hour
Tech II Water/Sewer/Assigned Duties	\$12.05 to \$16.15	\$12.41 to \$16.63	per hour

Section 2. The appointment of Fiscal Officer is hereby made a full-time position, and the Fiscal Officer will receive any and all benefits to which a full-time Village official and employee may be entitled as set forth in the Village of Antwerp's Personnel Manual.

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.

Section 4. This Ordinance repeals any other ordinance inconsistent therewith.

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.

Section 6. This Ordinance shall be in full force and effect and after the earliest period allowed by law.

Passed: 12-15, 2008.

Attest: Loretta Baker  
Loretta Baker, Fiscal Officer

Ray E. DeLong  
Ray DeLong, Mayor

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

RESOLUTION NO. 2008-09

**A RESOLUTION OF THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO  
TO CONVEY REAL ESTATE TO THE ANTWERP BOARD OF EDUCATION,  
AND DECLARING THE SAME AN EMERGENCY**

WHEREAS, in accordance with C.R.C. § 3313.40, the Village of Antwerp, Ohio, and the Antwerp Board of Education exchanged real estate; and

WHEREAS, the Village of Antwerp, Ohio, now desires to complete its conveyance of real estate to the Antwerp Board of Education, said real estate to be used to house the new bus garage at the new school location; and

WHEREAS, the Village of Antwerp, Ohio, desires to convey to the Antwerp Board of Education, in order to complete the exchange of real estate between the parties, the certain real estate owned by the Village of Antwerp, Ohio, more particularly described as follows:

See attached Exhibit A for legal description.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO, THAT:**

**Section 1.** The Village of Antwerp, Ohio, hereby declares to convey real estate to the Antwerp Board of Education for use as a bus garage, said real estate described in the attached Exhibit A.

**Section 2.** The Mayor and the Fiscal Officer of the Village of Antwerp, Ohio, shall be, and hereby are, the duly authorized, empowered, and acting agents of the Village of Antwerp, Ohio, for the purpose of executing and delivering to the Antwerp Board of Education all necessary instruments to effect a good and sufficient conveyance of said real estate identified herein from the Village of Antwerp, Ohio, to the Antwerp Board of Education.

**Section 3.** It is hereby determined by the Village of Antwerp, Ohio, that certain restrictions be contained in the General Warranty Deed in relation to the real estate identified herein, and said restrictions regard pavement, dust control, motor vehicle ingress and egress from the real estate, all as more specifically set forth in the General Warranty Deed.

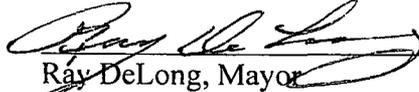
**Section 4.** It is found and determined that all formal actions of the Council concerning or relating to the passage of this Resolution were adopted in open meetings of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in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

**Section 5.** This Resolution 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 conveying the above identified real estate is necessary to effectuate the exchange of real estate in accordance with O.R.C. § 3313.40 and to allow the Antwerp Board of Education to use the real estate as a bus garage that will benefit the Village and its inhabitants, and this Resolution 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.

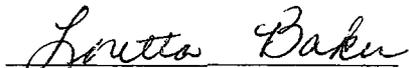
Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

Enacted this 19th day of January, 2008.

  
Ray DeLong, Mayor

Attest:

  
Loretta Baker, Fiscal Officer

# RECORD OF ORDINANCES

0439

Dayton Legal Blank, Inc.

Form No. 30043

DTE FORM 100(EX)

## Ordinance <sup>Passed</sup> <sup>20</sup> STATEMENT OF REASON FOR EXEMPTION FROM REAL PROPERTY CONVEYANCE FEE

Rev. sec 4/01

Revised Code Sections 319.202 and 319.54 (F) (3)

Dayton Legal Blank, Inc.

TYPE OR PRINT ALL INFORMATION

### FOR COUNTY AUDITOR'S USE ONLY

Instr.	Tax Dist. No.	Tax List	Date	Co. No. <b>81</b>	Number
			Land	Bldg.	Tot.

D.T.E. CODE NO. \_\_\_\_\_  Split/New Plat Remarks: \_\_\_\_\_  
Property Located in \_\_\_\_\_ Taxing District \_\_\_\_\_  
Name of Tax Duplicate \_\_\_\_\_ Tax Duplicate Year \_\_\_\_\_  
Acct. or Permanent Parcel No. \_\_\_\_\_ Map Book \_\_\_\_\_ Page \_\_\_\_\_  
Description: \_\_\_\_\_

### FOLLOWING MUST BE COMPLETED BY GRANTEE OR HIS REPRESENTATIVE

1. Grantor's Name Village of Antwerp Phone Number 419-258-2241
2. Grantee's Name \_\_\_\_\_ Phone Number \_\_\_\_\_  
Grantee's Address \_\_\_\_\_
3. Address of Property \_\_\_\_\_
4. Tax Billing Address \_\_\_\_\_
5. No Conveyance fees shall be charged because the real property is transferred:
  - (a) To or from the United States, this state, or any instrumentality, agency, or political subdivision of the United States or this state;
  - (b) Solely in order to provide or release security for a debt or obligation;
  - (c) To confirm or correct a deed previously executed and recorded;
  - (d) To evidence a gift, in trust or otherwise and whether revocable or irrevocable, between husband and wife, or parent and child or the spouse of either;
  - (e) On sale for delinquent taxes or assessments;
  - (f) Pursuant to court order, to the extent that such transfer is not the result of a sale effected or completed pursuant to such order;
  - (g) Pursuant to a reorganization of corporations or unincorporated associations or pursuant to the dissolution of a corporation, to the extent that the corporation conveys the property to a stockholder as a distribution in kind of the corporation's assets in exchange for the stockholder's shares in the dissolved corporation;
  - (h) By a subsidiary corporation to its parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of the subsidiary's stock;
  - (i) By lease, whether or not it extends to mineral or mineral rights, unless the lease is for a term of years renewable forever;
  - (j) When the value of the real property or interest in real property conveyed does not exceed one hundred dollars;
  - (k) Of an occupied residential property being transferred to the builder of a new residence when the former residence is traded as part of the consideration for the new residence;
  - (l) To a grantee other than a dealer in real property, solely for the purpose of and as a step in, its prompt sale to others;
  - (m) To or from a person when no money or other valuable and tangible consideration readily convertible into money is paid or to be paid for the real estate and the transaction is not a gift;
  - (n) Pursuant to division (E) of section 317.22 of the Revised Code, or to section 2113.61 of the Revised Code, between spouses or to a surviving spouse pursuant to section 5302.17 of the Revised Code as it existed prior to April 4, 1985, between persons pursuant to section 5302.17 or 5302.18 of the Revised Code on or after April 4, 1985, to a person who is a surviving, survivorship tenant pursuant to section 5302.17 of the Revised Code on or after April 4, 1985, or pursuant to section 5309.45 of the Revised Code;
  - (o) To a trustee acting on behalf of minor children of the deceased;
  - (p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars;
  - (q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code;
  - (r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended provided such transfer is without consideration and is in furtherance of the charitable or public purpose of such organization;
  - (s) Among the heirs at law or devisees, including a surviving spouse of a common decedent, when no consideration in money is paid or to be paid for the real property;
  - (t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust;
  - (u) To the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets;
  - (v) To the beneficiaries of a trust if the fee was paid on the transfer from the grantor of the trust to the trustee or if the transfer is made pursuant to trust provisions which became irrevocable at the death of the grantor;
  - (w) To a corporation for incorporation into a sports facility constructed pursuant to section 307.696 [307.69.6] of the Revised Code;
  - (x) Between persons pursuant to section 5302.18 of the Revised Code.
6. Has the grantor indicated that this property is entitled to receive the senior citizen, disabled person, or surviving spouse homestead exemption for the preceding or current tax year?  YES  NO. If yes, complete DTE Form 101.
7. Has the grantor indicated that this property is qualified for current agricultural use valuation for the preceding or current tax year?  
 YES  NO. If yes, complete DTE Form 102.
8. Application For 2 1/2% Reduction (NOTICE: failure to complete this application prohibits the owner from receiving this reduction until another proper and timely application is filed): Will this property be grantee's principal residence by January 1 of next year?  
 YES  NO. If yes, is the property a multi-unit dwelling?  YES  NO.

I declare under penalties of perjury that this statement has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement.

SIGNATURE OF GRANTEE OR REPRESENTATIVE

DATE

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

GENERAL WARRANTY DEED

THE VILLAGE OF ANTWERP, OHIO ("Grantor"), of Paulding County, for valuable consideration paid, grants, with general warranty covenants, to the ANTWERP BOARD OF EDUCATION ("Grantee"), whose tax-mailing address is \_\_\_\_\_, the following REAL PROPERTY: Situated in the County of Paulding in the State of Ohio as follows:

See attached Exhibit A for legal description.

SUBJECT to the following restrictive covenants that shall apply to a 300-foot radius around Well No. 5, as shown on the attached Exhibit B ("Restricted Area"):

- 1. Grantee may only construct stone pavement in the Restricted Area.
2. Grantee is prohibited from using asphalt emulsion for dust control in the Restricted Area.
3. Grantee is prohibited from building or using asphalt pavement or any other hard surface in the Restricted Area.

SUBJECT to the following restrictive covenants that shall apply to the real property described on attached Exhibit A:

- 1. Any and all plans to construct or place any pavement on the real property must be approved by Grantor.
2. Motor vehicle ingress and egress from the real estate onto and from Waterplant Drive is prohibited.
3. The use of the real property shall be limited to the construction of a path for non-motorized vehicles and for a parking lot to be used in connection with athletic events at the adjacent high school.

SUBJECT to all easements, restrictions, and limitations of record.

Prior Instrument Reference: Vol. 280, Page 263, of the Deed Records of Paulding County, Ohio.

Witness our hands this 21st day of January, 2008

Signed in the presence of:

THE VILLAGE OF ANTWERP, OHIO

Ray DeLong
Witness No. 1

BY: Village Mayor

Scottie Baka
Witness No. 2

ITS: Fiscal Officer

STATE OF OHIO )
) SS:
COUNTY OF PAULDING )

BE IT REMEMBERED, That on this 21 day of Jan, 2008, before me, the subscriber, a Notary Public in and for said state, personally came Ray DeLong of THE VILLAGE OF ANTWERP, OHIO, the Grantor in the foregoing Deed, and acknowledged the signing thereof to be his/her voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed by name and affixed my official seal on the day and year aforesaid.

Victoria Clemens
My Commission exp 06-25-2011
Notary Public

This instrument was prepared by MELANIE L. FARR, (I.D. #0070653), Haller & Colvin, P.C., 444 East Main Street, Fort Wayne, Indiana 46802; Telephone: (260) 426-0444; Fax: (260) 422-0274.

Mail document to:
Melanie L. Farr, Esq.
Haller & Colvin, P C.
444 East Main Street
Fort Wayne, IN 46802

Auditor's and Record's Stamps

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

03/07/2003 03:01 4192582292

VILLAGE OF ANTWERP

PAGE 02

LEGAL DESCRIPTION  
FOR THE VILLAGE OF ANTWERP  
OWNER: VILLAGE OF ANTWERP, OHIO  
DEED REF: OR VOLUME 280, PAGE 263

A parcel of land being part of the Northeast Quarter (1/4), Section No. 34, T3N, R1E, Carryall Township, Village of Antwerp, Paulding County, Ohio and being more particularly described as follows:

Commencing at a Railroad Spike (fd.) marking the Northeast corner of said Section No. 34, said Railroad Spike is over a cornerstone (per prior surveys of record); thence S 90° 00' 00" W (assumed bearing and baseline for the purposes of this legal description) on the North line of said Section No. 34 a measured distance of One Thousand Two Hundred Fifteen and 53/100 (1215.53) feet (prior record 1215.56 feet) to a capped iron pin (fd.), said point being the Grantor's Northeast property corner (per deed recorded in Official Records Volume 280, Page 263 the Paulding County, Ohio Recorder's Office and the True Point of Beginning; thence S 00° 09' 48" W on the East line of said Grantor's property a distance of One Thousand Two Hundred Sixty and 98/100 (1260.98) feet (per deed) to a capped iron pin (fd.), said point being the Grantor's Southeast property corner; thence S 89° 37' 48" W a distance of One Hundred Fifteen and 88/100 (115.88) feet (per deed) to an iron pin (fd.), said point being the Southwest corner, Northeast Quarter (1/4), Northeast Quarter (1/4) of said Section No. 34 (per prior surveys and deed); thence N 00° 09' 51" E a distance of Seven Hundred Thirty-five and 71/100 (735.71) feet to a capped iron pin (set); thence S 89° 22' 55" W a distance of Three Hundred Sixty-six and 89/100 (366.89) feet to a capped iron pin (set); thence N 00° 08' 54" W a distance of Ten and 00/100 (10.00) feet to a capped iron pin (set); thence N 89° 22' 55" E a distance of Three Hundred Sixty-six and 94/100 (366.94) feet to a capped iron pin (set), said point being on the West line of the Northeast Quarter (1/4), Northeast Quarter (1/4) of said Section No. 34 (per prior survey); thence N 00° 09' 51" E on the West line of the Northeast Quarter (1/4), Northeast Quarter (1/4) of said Section No. 34 a distance of Five Hundred Sixteen and 01/100 (516.01) feet to an iron pin (fd.), said point being on the North line of said Section No. 34; thence N 90° 00' 30" E on the North line of said Section No. 34 a distance of One Hundred Fifteen and 86/100 (115.86) feet to the place of beginning, said parcel containing 3.4393 acres ( 3.3551 ± acres

EXHIBIT A

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

03/07/2003 03:01 4192582292

VILLAGE OF ANTWERP

PAGE 03

being in the NE 1/4, NE 1/4, of said Section No. 34, 0.0842 ± acres being in the NW 1/4, NE 1/4, of said Section No. 34) and subject to existing easements, restrictions, agreements, and road right-of-way of record. Being Tax Parcel ID No. 11-34-017-02 and part of Tax Parcel ID No. 12-17-018-00 and 12-17-020-03.

Note: All bearings used herein are for descriptive purposes only and do not represent True or Magnetic North.

Grantor claims title by deed recorded in OR Volume 280, Page 263 in the Paulding County, Ohio Recorder's Office.

This legal description is based on deeds, prior surveys, and a survey completed in September 2002. (Poggemeyer Design Group, Inc., Project No. 1490-042) completed by and under the supervision of Merlin M. Butler, Ohio Surveyor No. 6366 - Poggemeyer Design Group, Inc., 935 Cleveland Avenue, Defiance, Ohio 43512.



*Merlin M. Butler*  
Merlin M. Butler, P.S.  
Ohio Surveyor No. 6366

RECORD OF ORDINANCES

0443

Dayton Legal Blank, Inc.

Form No 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

VENDOR'S AFFIDAVIT

STATE OF OHIO )
) SS:
COUNTY OF PAULDING )

THE VILLAGE OF ANTWERP, OHIO, by Roy DeLong, being first duly sworn state that THE VILLAGE OF ANTWERP, OHIO (hereinafter referred to, jointly and severally, as "Vendor") is this day conveying to the ANTWERP BOARD OF EDUCATION (hereinafter referred to, jointly and severally, as "Purchaser"), by General Warranty Deed, the following described Real Estate located in Paulding County, Ohio:

See attached Exhibit A for legal description.

and commonly known as Village of Antwerp (hereinafter referred to as the "Real Estate").

In connection with the sale of the Real Estate, Vendor has furnished Purchaser with a commitment for an owner's policy of title insurance for the Real Estate under date of \_\_\_\_\_, 2008, issued by \_\_\_\_\_, as Number \_\_\_\_\_.

Vendor has an indefeasible estate in fee simple in the Real Estate; and the Real Estate is free and clear of every kind or description of lien, lease or encumbrance except the following:

- 1. Easements, agreements and restrictions of record disclosed in said commitment.
2. Current taxes not delinquent.
3. Whatever matters affecting the Real Estate, if any, are disclosed in the above deed.

4. Vendor has not executed, or permitted anyone in Vendor's behalf to execute, any conveyance, mortgage, lien, lease, security agreement, financing statement or encumbrance of or upon the Real Estate or any fixtures attached thereto, except as stated above, which is now outstanding or enforceable against the Real Estate. Vendor has made no contract to sell all or a part of the Real Estate to any person other than the Purchaser, and Vendor has not given to any person an option to purchase all or any part of the Real Estate, which is enforceable or exercisable now or at any time in the future. There are no unpaid claims for labor done upon or materials furnished for the Real Estate in respect of which liens have been or may be filed. The improvements upon the Real Estate are all located entirely within the bounds of the Real Estate, and there are no encroachments thereon. There are no existing violations of zoning ordinances or other restrictions applicable to the Real Estate.

5. There is no judgment of any court of the State of Ohio or of any court of the United States that is or may become a lien on the Real Estate. No petition for bankruptcy has been filed by or against Vendor within the last six months, nor is any petition now pending with respect to Vendor for bankruptcy, insolvency or incompetency. Vendor is neither principal nor surety on any bond payable to the State of Ohio.

6. The Real Estate is now in possession of THE VILLAGE OF ANTWERP, OHIO and no other person has a right to possession or claims possession of all or any part of the Real Estate. Vendor will deliver possession of Real Estate to Purchaser on or before closing, free and clear of any right or claim of any person to the possession of the Real Estate except NONE.

7. Vendor is not acting, directly or indirectly, in any capacity whatsoever for any foreign country or national thereof, and

[Select appropriate paragraph]

8. Vendor is more than eighteen (18) years of age and a citizen of the United States.

9. Vendor is a corporation duly organized and in good standing under the laws of Ohio and the persons executing this Affidavit and the Deed on behalf of Vendor are duly elected officers of Vendor and have been fully empowered by proper resolution of the Board of Directors of Vendor to execute and deliver this Affidavit and the Deed; and Vendor has full corporate capacity to convey the real estate described herein and all necessary corporate action for the making of such conveyance has been taken and done.



# RECORD OF ORDINANCES

0445

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

03/07/2003 03:01 4192582292

VILLAGE OF ANTWERP

PAGE 02

LEGAL DESCRIPTION  
FOR THE VILLAGE OF ANTWERP  
OWNER: VILLAGE OF ANTWERP, OHIO  
DEED REF: OR VOLUME 280, PAGE 263

A parcel of land being part of the Northeast Quarter (1/4), Section No. 34, T3N, R1E, Carryall Township, Village of Antwerp, Paulding County, Ohio and being more particularly described as follows:

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F:\PDG\CLIENTS\1490\149042\Legal\Legal Section No. 34.wpd

Page 1

EXHIBIT A

03/07/03 FRI 15:01 ITX/RX NO 80921

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_

03/07/2003 03:01 4192582292

VILLAGE OF ANTWERP

PAGE 03

being in the NE 1/4, NE 1/4, of said Section No. 34, 0.0842 ± acres being in the NW 1/4, NE 1/4, of said Section No. 34) and subject to existing easements, restrictions, agreements, and road right-of-way of record. Being Tax Parcel ID No. 11-34-C17-02 and part of Tax Parcel ID No. 12-17-018-00 and 12-17-020-03.

Note: All bearings used herein are for descriptive purposes only and do not represent True or Magnetic North.

Grantor claims title by deed recorded in OR Volume 280, Page 263 in the Paulding County, Ohio Recorder's Office.

This legal description is based on deeds, prior surveys, and a survey completed in September 2002 (Poggemeyer Design Group, Inc., Project No. 1490-042) completed by and under the supervision of Merlin M. Butler, Ohio Surveyor No. 6366 - Poggemeyer Design Group, Inc., 935 Cleveland Avenue, Defiance, Ohio 43512.



*Merlin M. Butler*  
Merlin M. Butler, P.S.  
Ohio Surveyor No. 6366

# RECORD OF ORDINANCES

0447

PLAT OF SURVEY FOR:

THE VILLAGE OF ANTWERP, OHIO

Dayton Legal Blank, Inc.

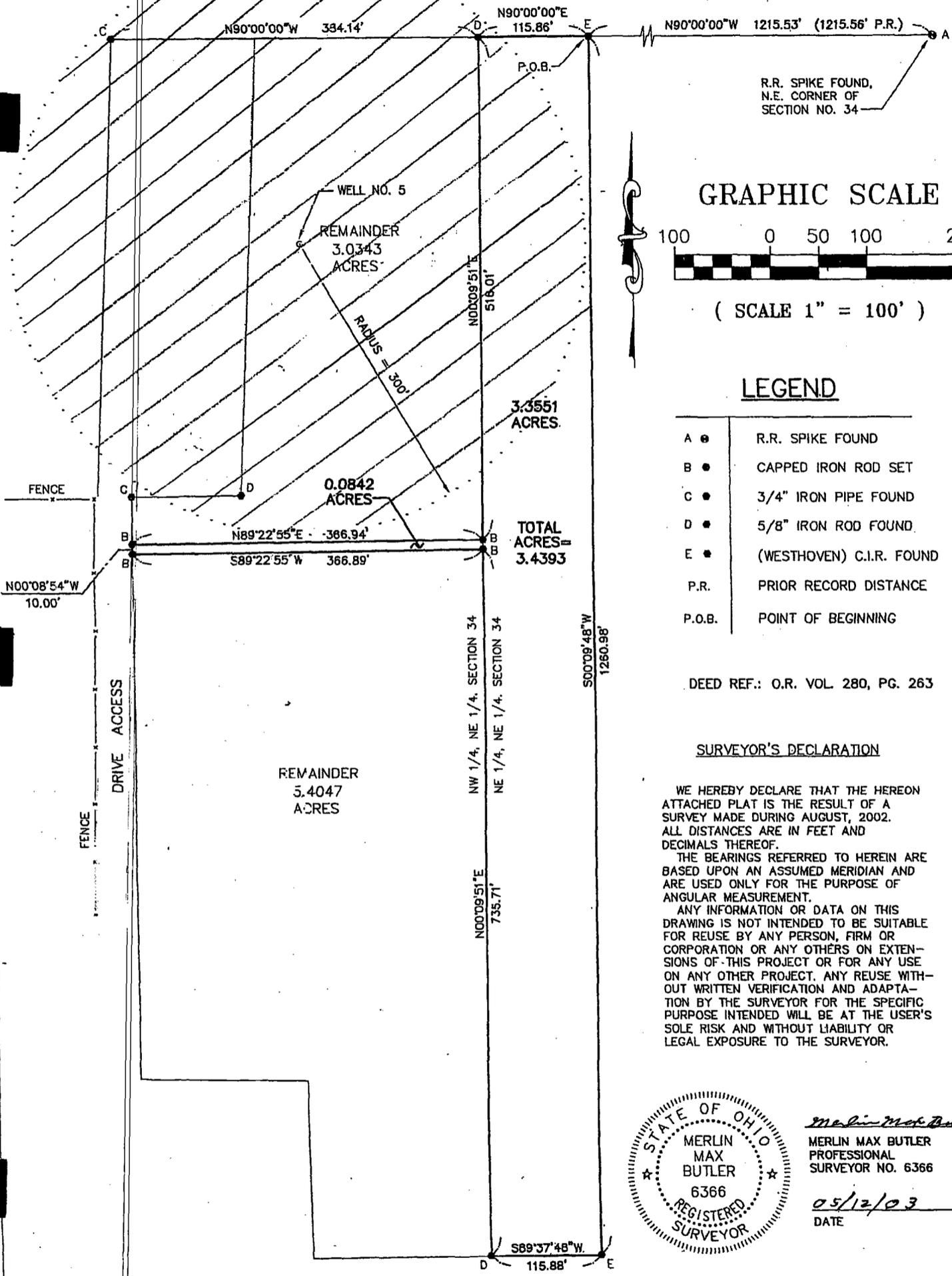
BEING PART OF THE NORTHEAST QUARTER (1/4),

Form No. 30043

SECTION NO. 34, T-3-N, R-1-E, CARRYALL TOWNSHIP,

VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO

20



## GRAPHIC SCALE



( SCALE 1" = 100' )

## LEGEND

- |        |                          |
|--------|--------------------------|
| A ●    | R.R. SPIKE FOUND         |
| B ●    | CAPPED IRON ROD SET      |
| C ●    | 3/4" IRON PIPE FOUND     |
| D ●    | 5/8" IRON ROD FOUND      |
| E ●    | (WESTHOVEN) C.I.R. FOUND |
| P.R.   | PRIOR RECORD DISTANCE    |
| P.O.B. | POINT OF BEGINNING       |

DEED REF.: O.R. VOL. 280, PG. 263

### SURVEYOR'S DECLARATION

WE HEREBY DECLARE THAT THE HEREON ATTACHED PLAT IS THE RESULT OF A SURVEY MADE DURING AUGUST, 2002. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.

THE BEARINGS REFERRED TO HEREIN ARE BASED UPON AN ASSUMED MERIDIAN AND ARE USED ONLY FOR THE PURPOSE OF ANGULAR MEASUREMENT.

ANY INFORMATION OR DATA ON THIS DRAWING IS NOT INTENDED TO BE SUITABLE FOR REUSE BY ANY PERSON, FIRM OR CORPORATION OR ANY OTHERS ON EXTENSIONS OF THIS PROJECT OR FOR ANY USE ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADAPTATION BY THE SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE SURVEYOR.



*Merlin Max Butler*  
 MERLIN MAX BUTLER  
 PROFESSIONAL SURVEYOR NO. 6366  
 05/12/03  
 DATE

\* REVISION DATED 05/12/03 - REVISED TO INCLUDE LOCATION OF WELL NO. 5 AND 300' RESTRICTION RADIUS.

EXHIBIT B



**POGEMEYER DESIGN GROUP, INC.**  
 ARCHITECTS + ENGINEERS + PLANNERS  
 935 CLEVELAND AVENUE DEFIANCE, OHIO 43512

DRAWN: MSB DATE: 09/11/2002 REVISION DATE: \* 05/12/03, JOB NO. 1490-042

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

@ 5:30 PM

ORDINANCE NO. 2009-01

**ORDINANCE TO ESTABLISH TIME AND PLACE OF REGULAR MEETINGS OF THE COUNCIL FOR THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO, FOR THE YEAR 2009, AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council of the Village of Antwerp, Paulding County, Ohio (the "Council") is desirous of holding monthly regular council meetings; and

**WHEREAS**, the Council, in accordance with Ohio Revised Code § 731.46, is establishing the time and place of regular meetings of the Council.

**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.

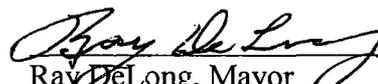
Section 2. Regular meetings of the Council shall be held on the third (3<sup>rd</sup>) Monday of each month at 5:30 p.m. (Eastern Standard Time).

Section 3. This Ordinance shall be retroactive and take effect as of the beginning of the year of 2009 and be subject to amendment at the request of the Mayor of the Village of Antwerp or at the request of the members of the Council with notice of said change in council time and/or place to be given to the local media and any other person requesting such notification.

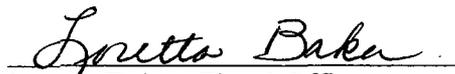
Section 4. It is found and determined that all formal actions of the Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal actions, were in meetings 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.

Section 5. 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 that the time and place of regular Council meetings be established. 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 19th day of January, 2009.

  
Ray DeLong, Mayor  
Village of Antwerp

Attest:

  
Loretta Baker, Fiscal Officer

RECORD OF ORDINANCES

~~369~~  
448A

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_ 19\_\_\_\_

ORDINANCE NO. 2009-02

AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2009 EDITION, AS THE CODE OF ORDINANCES FOR THE MUNICIPALITY OF Antwerp, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, the present general and permanent ordinances of the municipality are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the municipality and for the proper conduct of its affairs.

WHEREAS, American Legal Publishing Corporation publishes a Code of Ordinances suitable for adoption by municipalities in Ohio.

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE MUNICIPALITY OF Antwerp, OHIO:

**Section 1.** American Legal Publishing's Ohio Basic Code, 2009 Edition, as reviewed and approved by the Legislative Authority, is hereby adopted and enacted. Any prior version of the Ohio Basic Code which may have been previously adopted by the municipality is hereby repealed as obsolete and is hereby replaced in its entirety by this Ohio Basic Code, 2009 Edition.

**Section 2.** One copy of American Legal Publishing's Ohio Basic Code, 2009 Edition, certified as correct by the Mayor and Clerk of the Legislative Authority, as required by Ohio Revised Code § 731.23, shall be kept in its initial form on file in the office of the Clerk of the municipality and retained as a permanent ordinance record of the municipality. The Clerk of the municipality 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, 2009 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, 2009 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.

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(B) The repeal provided above shall not affect:

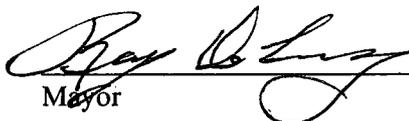
- (1) The grant or creation of a franchise, license, right, easement or privilege;
- (2) The purchase, sale, lease or transfer of property;
- (3) The appropriation or expenditure of money or promise or guarantee of payment;
- (4) The assumption of any contract or obligation;
- (5) The issuance and delivery 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.

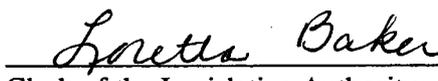
**Section 4.** Whenever reference is made in any documents, publications, or signs of the municipality, including but not limited to traffic tickets and traffic-control signs, to a section as it existed in a former edition of the Ohio Basic Code, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered. A summary of sections renumbered from the Ohio Basic Code, 2008 Edition to the Ohio Basic Code, 2009 Edition is attached as Exhibit B.

**Section 5.** 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 this municipality, and shall take effect at the earliest date provided by law.

Date Passed: 2-23-09

Attest:

  
Mayor

  
Clerk of the Legislative Authority

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## Exhibit A

### OHIO BASIC CODE, 2009 EDITION — SUMMARY OF CONTENTS

Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_, 2009, 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, 2009 Edition, as the Code of Ordinances for the Municipality of \_\_\_\_\_, 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

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**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

**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

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## *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*

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- 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

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- 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

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- 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

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Section

### General Provisions

- 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
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- 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

### Volunteer Firefighters' Dependents Fund Board

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- 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

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Section

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- 36.02 Nonliability of municipality; exceptions
- 36.03 Defenses and immunities
- 36.04 Limitation of actions
- 36.05 Damages
- 36.06 Satisfaction of judgments
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- 36.08 Liability insurance
- 36.09 Certain actions unaffected
- 36.10 Certain charges against municipal officers filed with Probate Judge; proceedings

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## TITLE V: PUBLIC WORKS

[Reserved]

## TITLE VII: TRAFFIC CODE

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Section

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- 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
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- 70.10 Through highways
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- 70.30 Obeying traffic-control devices
- 70.31 Signal lights
- 70.32 Signals over reversible lanes
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- 70.34 Pedestrian-control signals
- 70.35 Flashing traffic signals
- 70.36 Unauthorized signs and signals prohibited
- 70.37 Alteration, defacement, or removal prohibited
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- 70.39 Signal preemption devices; prohibitions
- 70.40 Traffic law photo-monitoring devices

- 70.99 Penalty

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Section

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- 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 without valid license

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71.32 Failure to reinstate license

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- 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

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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

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- 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
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- 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

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- 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 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
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- 73.01 Driving under the influence of alcohol or drugs
- 73.02 Implied consent
- 73.03 Physical control of vehicle while under the influence
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- 73.05 Reckless operation of vehicles
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- 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
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- 73.30 Exchange of identity and vehicle registration
- 73.31 Accident involving injury to persons or property
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- 73.33 Failure to report accident

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Section

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- 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
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- 74.07 Safety lighting of commercial vehicles
- 74.08 Stoplight regulations
- 74.09 Obscured lights on vehicles
- 74.10 Red light or flag required
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- 74.13 Spotlight and auxiliary driving lights
- 74.14 Cowl, fender, and back-up lights
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- 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
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- 74.24 Brake fluid
- 74.25 Minimum standards for brakes and components
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- 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
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- 74.51 Limitation of load extension on left side of vehicle
- 74.52 All loads shall be properly secured
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- 74.54 Weighing of vehicle; removal of excess load
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- 74.56 Load limits
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- 74.59 Wheel protectors required on heavy commercial vehicles
- 74.60 Liability for damages; prosecution; application of monies
- 74.61 Weight exceptions for coal trucks, farm trucks, farm machinery, log trucks, and solid waste haul vehicles

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### General Provisions

- 75.01 Bicycles; application of Title VII
- 75.02 Operation of motorized bicycle
- 75.03 Rules for bicycles, motorcycles, and snowmobiles
- 75.04 Prohibition against attaching bicycles and sleds to vehicles
- 75.05 Riding bicycles; motorcycles abreast
- 75.06 Equipment of bicycles

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- 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
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Section

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- 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
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## TITLE IX: GENERAL REGULATIONS

Section

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- 90.01 Dogs or other animals running at large; dangerous or vicious dogs
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- 90.03 Unavoidable escapes
- 90.04 Fees
- 90.05 Rabies quarantine orders of Mayor
- 90.06 Interfering with enforcement of quarantine orders
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- 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 Dangerous and vicious dog defined; transfer of ownership certificate; form stating dog's prior behavior
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- 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
  
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- 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
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- 91.08 Application of subchapter
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- 91.10 Safety requirements for fireworks showroom structures
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### *Fire Prevention*

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- 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
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- 91.55 Definitions
- 91.56 Relations to other prohibitions
- 91.57 Open burning in restricted areas
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Section

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- 92.02 Exemptions from chapter
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- 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
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Dayton Legal Blanks, Inc.

Form No. 30043

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This summary of contents has been verified and authorized for publication by the Legislative Authority of the Municipality of Antwerp, Ohio.

Signed:

Ray DeLong  
Mayor

Louetta Baker  
Clerk of the Legislative Authority

CERTIFICATION OF CODIFIED ORDINANCES

We, Ray DeLong, Mayor, and Louetta Baker, 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.

Ray DeLong  
Mayor

Louetta Baker  
Clerk of the Legislative Authority  
Fiscal Officer

Ordinance No. \_\_\_\_\_

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ORDINANCE NO. 2009-03

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A CONTRACT WITH CRANE TOWNSHIP FOR PROVIDING EMERGENCY MEDICAL SERVICE AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the County of Paulding previously had a county-wide emergency ambulance service levy; and

**WHEREAS**, said levy has been discontinued county-wide; and

**WHEREAS**, the Village of Antwerp owns an emergency ambulance vehicle and has in the past provided emergency ambulance service to outlying areas; and

**WHEREAS**, the Village of Antwerp and Crane Township have negotiated the terms and conditions of the Village providing emergency medical services to certain portions of Crane 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 Emergency Medical Services Department, hereinafter referred to as "the Village", will provide emergency medical services to that portion of Crane Township identified in an Agreement to Provide Emergency Medical Services (the "Agreement") and shall be compensated by the Township paying an annual charge of \$2,800.00 to be paid on a quarterly basis with payments of \$700.00 each, in combination with a user fee for delivery of emergency medical rescue services rendered by the Village. The rate of the user fee shall be that as established in Section 2 of this Ordinance. The user fees as established shall take effect at 12:01 A.M. on January 1, 2009.

**Section 2.** That the Council of the Village of Antwerp, Ohio hereby authorizes and approves the following rates for emergency medical rescue services when services are rendered by the Village, to any person in the area provided in the Agreement, as follows:

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.

**Section 3.** That the user fee shall be incurred by the user of the emergency medical rescue services provided by the Village upon treatment.

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Dayton Legal Blank, Inc.

Form No. 30043

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**Section 4a.** 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.

**Section 4b.** 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.

**Section 5.** That the Village shall bill the users of the emergency medical services and collect any monies due for said services. Any and all monies collected on behalf of the users shall be sent to the Township on a monthly basis. The Village shall submit monthly invoices to the Township for the amounts billed, collected and then paid to the Township for the provision of emergency medical services, 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 6.** All amounts collected as a result of this Ordinance shall be placed into the fund(s) established by the Fiscal Officer as follows: \$50.00 of each user fee collected shall be placed into a Vehicle Replacement Fund and the remainder shall be placed into the EMS Revenue Fund. A transfer shall be done once or twice yearly from the EMS Revenue Fund to the Vehicle Replacement Fund.

**Section 7.** That the Mayor and the Fiscal Officer of the Village are authorized to enter into the Agreement with Crane Township to provide emergency medical services for the consideration identified herein.

**Section 8.** 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 9.** 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 10.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the public, and for the further reason

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that the Village have an agreement in place with the Township that reflects the compensation to be paid to the Village for providing emergency medical services to the Township, 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.

ENACTED THIS 19th day of January, 2009.

*Ray De Luz*  
MAYOR, VILLAGE OF ANTWERP

Attest:

*Louisa Baker*  
Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2009-04

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A CONTRACT WITH HARRISON TOWNSHIP FOR PROVIDING EMERGENCY MEDICAL SERVICE AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the County of Paulding previously had a county-wide emergency ambulance service levy; and

**WHEREAS**, said levy has been discontinued county-wide; and

**WHEREAS**, the Village of Antwerp owns an emergency ambulance vehicle and has in the past provided emergency ambulance service to outlying areas; and

**WHEREAS**, the Village of Antwerp and HARRISON Township have negotiated the terms and conditions of the Village providing emergency medical 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 Emergency Medical Services Department, hereinafter referred to as "the Village", will provide emergency medical services to that portion of Harrison Township identified in an Agreement to Provide Emergency Medical Services (the "Agreement") and shall be compensated by the Township paying an annual charge of \$1,319.00 to be paid annually in combination with a user fee for delivery of emergency medical rescue services rendered by the Village. The rate of the user fee shall be that as established in Section 2 of this Ordinance. The user fees as established shall take effect at 12:01 A.M. on January 1, 2009.

**Section 2.** That the Council of the Village of Antwerp, Ohio hereby authorizes and approves the following rates for emergency medical rescue services when services are rendered by the Village, to any person in the area provided in the Agreement, as follows:

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.

**Section 3.** That the user fee shall be incurred by the user of the emergency medical rescue services provided by the Village upon treatment.

**Section 4a.** That "Basic Life Support" (BLS) charges shall include by way of illustration the following: opening and maintaining an airway, giving positive pressure ventilation, cardiac

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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.

**Section 4b.** 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.

**Section 5.** That the Village shall bill the users of the emergency medical services and collect any monies due for said services. Any and all monies collected on behalf of the users shall be sent to the Township on a monthly basis. The Village shall submit monthly invoices to the Township for the amounts billed, collected and then paid to the Township for the provision of emergency medical services, 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 6.** All amounts collected as a result of this Ordinance shall be placed into the fund(s) established by the Fiscal Officer as follows: \$50.00 of each user fee collected shall be placed into a Vehicle Replacement Fund and the remainder shall be placed into the EMS Revenue Fund. A transfer shall be done once or twice yearly from the EMS Revenue Fund to the Vehicle Replacement Fund.

**Section 7.** That the Mayor and the Fiscal Officer of the Village are authorized to enter into the Agreement with Harrison Township to provide emergency medical services for the consideration identified herein.

**Section 8.** 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 9.** 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 10.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the public, and for the further reason that the Village have an agreement in place with the Township that reflects the compensation to be paid to the Village for providing emergency medical services to the Township, and this

RECORD OF ORDINANCES

0455

Ordinance No. \_\_\_\_\_

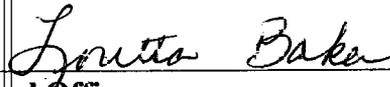
Passed \_\_\_\_\_, 20\_\_\_\_

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.

ENACTED THIS 19th day of January, 2009.

  
MAYOR, VILLAGE OF ANTWERP

Attest:

  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE NO. 2009-05

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A CONTRACT WITH CARRYALL TOWNSHIP FOR PROVIDING EMERGENCY MEDICAL SERVICE AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the County of Paulding previously had a county-wide emergency ambulance service levy; and

**WHEREAS**, said levy has been discontinued county-wide; and

**WHEREAS**, the Village of Antwerp owns an emergency ambulance vehicle and has in the past provided emergency ambulance service to outlying areas; and

**WHEREAS**, the Village of Antwerp and Carryall Township have negotiated the terms and conditions of the Village providing emergency medical services to certain portions of Carryall 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 Emergency Medical Services Department, hereinafter referred to as "the Village", will provide emergency medical services to that portion of Carryall Township identified in an Agreement to Provide Emergency Medical Services (the "Agreement") and shall be compensated by the Township paying an annual charge which equates to the total sum collected by the Township by way of tax settlement monies, which amount will be paid to the Village as the Township collects such tax settlement monies from the County Auditor's office, in combination with a user fee for delivery of emergency medical rescue services rendered by the Village. The rate of the user fee shall be that as established in Section 2 of this Ordinance. The user fees as established shall take effect at 12:01 A.M. on January 1, 2009.

**Section 2.** That the Council of the Village of Antwerp, Ohio hereby authorizes and approves the following rates for emergency medical rescue services when services are rendered by the Village, to any person in the area provided in the Agreement, as follows:

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.

**Section 3.** That the user fee shall be incurred by the user of the emergency medical rescue services provided by the Village upon treatment.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**Section 4a.** 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.

**Section 4b.** 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.

**Section 5.** That the Village shall bill the users of the emergency medical services and collect any monies due for said services. Any and all monies collected on behalf of the users shall be sent to the Township on a monthly basis. The Village shall submit monthly invoices to the Township for the amounts billed, collected and then paid to the Township for the provision of emergency medical services, 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 6.** All amounts collected as a result of this Ordinance shall be placed into the fund(s) established by the Fiscal Officer as follows: \$50.00 of each user fee collected shall be placed into a Vehicle Replacement Fund and the remainder shall be placed into the EMS Revenue Fund. A transfer shall be done once or twice yearly from the EMS Revenue Fund to the Vehicle Replacement Fund.

**Section 7.** That the Mayor and the Fiscal Officer of the Village are authorized to enter into the Agreement with Carryall Township to provide emergency medical services for the consideration identified herein.

**Section 8.** 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 9.** 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 10.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the public, and for the further reason

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

that the Village have an agreement in place with the Township that reflects the compensation to be paid to the Village for providing emergency medical services to the Township, 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.

ENACTED THIS 19th day of January, 2009.

*Ray de Luca*  
\_\_\_\_\_  
MAYOR, VILLAGE OF ANTWERP

Attest:

*Louetta Baker*  
\_\_\_\_\_  
Fiscal Officer

Ordinance No. ORDINANCE NO. 2009-06, 2009

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS TO THE POLICE FUND IN THE AMOUNT OF \$27,500.00 AND DECLARE THE SAME TO BE 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, 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 transfer does not require a 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 even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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

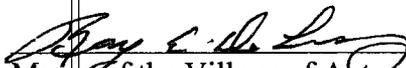
Section 1. The Village Fiscal Officer is hereby authorized to transfer the sum of Twenty seven thousand five hundred Dollars (\$27,500.00) from the General Fund to the Police Fund.

Section 2. This ordinance is necessary to provide for the operating funds for 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: 1-19-09

  
\_\_\_\_\_  
Mayor of the Village of Antwerp

Attest:  
Fiscal Officer: Louisa Baker

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**RESOLUTION NO. 2009-01**

**A RESOLUTION AUTHORIZING THE VILLAGE OF ANTWERP TO EXECUTE THE CULTURAL FACILITY MEMORANDUM OF UNDERSTANDING, THE COOPERATIVE USE AGREEMENT, THE CULTURAL FACILITY CONSTRUCTION ADMINISTRATION AND FUNDING AGREEMENT AND ANY OTHER NECESSARY DOCUMENTS IN CONNECTION WITH THE FUNDING OF THE VILLAGE OF ANTWERP CULTURAL RAILROAD DEPOT PROJECT, AND DECLARING THE SAME AN EMERGENCY**

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL FOR THE VILLAGE OF ANTWERP, COUNTY OF PAULDING, STATE OF OHIO:**

**Section 1.** The Council for the Village of Antwerp hereby approves that the Village of Antwerp enter into the Cultural Facility Memorandum of Understanding, the Cooperative Use Agreement, the Cultural Facilities Construction Administration and Funding Agreement and any such other agreements, documents, instruments or certificates necessary in connection with the funding of a certain cultural project for the Village of Antwerp, specifically restoration of the Antwerp Norfolk and Western Railroad Depot.

**Section 2.** That the Village of Antwerp agrees to raise any additional funds or provide the additional resources necessary to complete the cultural project that are not covered by the funding provided by the Ohio Cultural Facilities Commission.

**Section 3.** That the Administrator of the Village of Antwerp is hereby authorized and directed to do, or cause to be done, all such acts and things necessary and to execute and deliver or cause to be executed or delivered the Cultural Facility Memorandum of Understanding, the Cooperative Use Agreement and the Cultural Facility Construction Administration and Funding Agreement and all such other agreements, documents, instruments or certificates, in the name and on behalf of the Village of Antwerp, as the Administrator of the Village of Antwerp may deem necessary or appropriate to carry out the intent of the foregoing Resolution. The execution thereof by the Administrator of the Village of Antwerp or the taking of such action shall be conclusive evidence of the exercise of discretionary authority conferred herein.

**Section 4.** It is found and determined that all formal actions of Council concerning and relating to the passage of this Resolution 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 5.** ° This Resolution 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 deadline for submission of all necessary documents to the Ohio Cultural Facilities Commission is February 9, 2009, and this Resolution 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

RECORD OF ORDINANCES

0461

Day on Legal Blank, Inc.

Form No. 30043

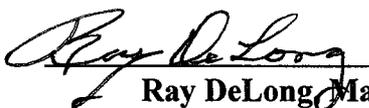
Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

law.

**IN WITNESS WHEREOF**, the undersigned hereby certifies that the foregoing Resolution was adopted by the Council of the Village of Antwerp at a meeting held on January 19, 2009.

Passed: 1-19-09

  
Ray DeLong Mayor

ATTEST:

  
Loretta Baker, Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2009-07****AN ORDINANCE AUTHORIZING THE FISCAL OFFICER TO AMEND APPROPRIATIONS AND DECLARING IT AN EMERGENCY**

WHEREAS, the Fiscal Officer has determined that it is necessary to amend the following appropriations.

WHEREAS, Council must approve the amending of appropriations pursuant to Ohio Revised Code Section 5705.40, and

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

Section 1: This Ordinance is necessary for the immediate preservation of the public peace, health or safety.

Section 2: The Fiscal Officer is hereby authorized to amend the following appropriations:

FUND	DESCRIPTION	NEW APPROPRIATION	
		AMOUNT	
		Original	New Amount
E1 5X 260 G OPWC Local match Shaffer Rd Project	Increase Appropriation:	\$0	\$5,651.23
E2 5C 230 Sewer Pumping Cont Services (telemetry)	Increase Appropriation:	\$38,000.00	\$60,700.00
A1 7J 230 Workman Comp	Increase Appropriation:	\$7,900.00	\$ 39,950.20
B1 6C 240 Street Cleaning Snow Removal (Grit)	Increase Appropriation:	\$1,800.00	\$4,500.00

Section 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and well being of the residents.

Section 4: This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

# RECORD OF ORDINANCES

0463

Dayton Legal Blank, Inc.

Form No. 3043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

Date 1-23-09

Mayor Ray De Long

Attest:

Loretta Baker  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2009-08**

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS TO THE SEWER FUND IN THE AMOUNT OF \$ 22,700.00 AND DECLARE THE SAME TO BE AN EMERGENCY**

WHEREAS, the Village Fiscal Officer has determined that it is necessary to transfer certain funds from the General Fund to the Sewer 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 transfer does not require a 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 Sewer Fund even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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

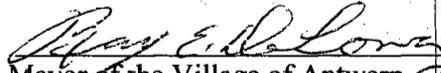
Section 1. The Village Fiscal Officer is hereby authorized to transfer the sum of Twenty two thousand seven hundred (\$22,700.00) from the General Fund to the Sewer Fund.

Section 2. This ordinance is necessary to provide for operating funds for the Sewer 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 2-23-08

  
Mayor of the Village of Antwerp

Attest:

  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2009-09**

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A CONTRACT WITH CARRYALL TOWNSHIP FOR PROVIDING FIRE PROTECTION SERVICES FOR THE YEARS 2009, 2010, AND 2011**

**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 Carryall Township have negotiated the terms and conditions of the Village providing fire protection services to certain portions of Carryall 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 Carryall Township identified in an Agreement to Provide Fire Protection Services (the "Agreement") and shall be compensated by the Township paying an annual charge of \$4,000.00 for the year 2009, \$4,400.00 for the year 2010, and \$4,840.00 for the year 2011.

**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 Carryall Township to provide fire protection services for the consideration identified herein.

**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.

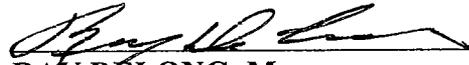
**Section 6.** It is found and determined that all formal actions of the Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal actions, were in meetings 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 \_\_\_\_\_, 20\_\_\_\_

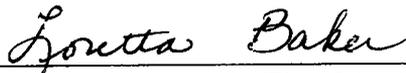
**Section 7.** This Ordinance shall take effect and be in force after the earliest period allowed by law.

Passed: 4-20-, 2009.



**RAY DELONG, Mayor**  
**Village of Antwerp**

Attest:

  
**LORETTA BAKER, Fiscal Officer**  
**Village of Antwerp**

First Reading: 2-23-09

Second Reading: 3-16-09

Third Reading: 4-20-09

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2009-10**

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A CONTRACT WITH HARRISON TOWNSHIP FOR PROVIDING FIRE PROTECTION SERVICES FOR THE YEARS 2009, 2010, AND 2011**

**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 \$1,000.00 for the year 2009, \$3,000.00 for the year 2010, and \$3,300.00 for the year 2011.

**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.

**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. \_\_\_\_\_

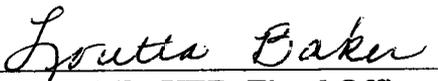
Passed \_\_\_\_\_, 20\_\_\_\_

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

Passed: 4-30, 2009.

  
RAY DELONG, Mayor  
Village of Antwerp

Attest:

  
LORETTA BAKER, Fiscal Officer  
Village of Antwerp

First Reading: 2-23-09

Second Reading: 3-16-09

Third Reading: 4-20-09

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2009-11**

**AN ORDINANCE REPEALING ORDINANCE NO. 2008-60, SAID ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO A LEASE / LICENSE AGREEMENT WITH MAUMEE & WESTERN RAILROAD CORPORATION; AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council of the Village of Antwerp passed Ordinance No. 2008-60, an Ordinance Authorizing the Village Administrator to enter into a Lease/License Agreement with Maumee & Western Railroad Corporation; and Declaring the Same an Emergency, which reads as follows:

WHEREAS, Maumee & Western Railroad Corporation (the "Railroad") owns real estate within the Village of Antwerp containing 11,000 sq. ft., more or less, a parcel 55 ft. wide and 200 ft. long beginning approximately at SS 3766+10 and ending approximately at SS 3768+10 (the "Premises"), and the Premises are further shown outlined in red on a plan, dated August 26, 2008, which is attached to this Ordinance and incorporated herein and made a part hereof; and

WHEREAS, the Village of Antwerp desires to let, rent and lease the Premises from the Railroad to use said Premises as a parking lot for local businesses; and

WHEREAS, the Village of Antwerp may let, rent and lease the premises from the Railroad by executing the Lease / License Agreement and submitting an initial fee of \$300.00 and agreeing to make annual payments of no less than \$525.00.

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

Section 1. The Village Administrator of the Village of Antwerp, Ohio, is hereby authorized to enter into the Lease / License Agreement with the Railroad in order to let, rent and lease the Premises from the Railroad for use as a parking lot.

Section 2. The Village of Antwerp authorizes the Village Fiscal Officer to pay the initial fee of \$300.00 and to pay the required annual fee of no less than \$525.00 to the Railroad as provided in said Lease / License Agreement.

Section 3. 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 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 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 letting, renting or leasing the premises from the Railroad in order to provide necessary parking to local businesses, and this Ordinance shall be in force and effect immediately after its

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

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

**WHEREAS**, the Council has decided to repeal Ordinance No. 2008-60 in its entirety.

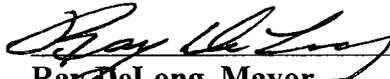
**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Antwerp, Paulding County, Ohio:

**Section 1.** Ordinance No. 2008-60 is hereby repealed.

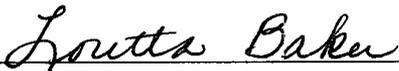
**Section 2.** It is found and determined that all formal actions of the council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this council, and that all deliberations of the council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal regulations 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 in that it is necessary to repeal Ordinance No. 2008-60 due to the inability to negotiate the terms of the Lease/License Agreement with Maumee & Western Railroad to protect the interests of the Village, 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 16th day of March, 2009.

  
Ray DeLong, Mayor  
Village of Antwerp

Attest:

  
Loretta Baker, Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_ 20\_\_

**ORDINANCE NO. 2009-12**

**ORDINANCE TO RETAIN THE SERVICES OF MELANIE L. FARR  
AS SOLICITOR FOR THE VILLAGE OF ANTWERP,  
PAULDING COUNTY, OHIO, AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Village is authorized by law to retain the services of legal counsel to be known as the Village Solicitor, and

**WHEREAS**, the Council 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; and

**Section 2.** The Village will compensate the Solicitor for legal services rendered on behalf of the Village at the rate of One Hundred Dollars (\$100.00) per hour, plus out-of-pocket expenses for long distance telephone charges, fax charges, 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.

**Section 3.** Melanie L. Farr, 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.** This Ordinance shall be retroactive and take effect as of the expiration of the prior Ordinance retaining the services of such counsel as the Solicitor of the Village of Antwerp, also known as Ordinance No. 2007-11.

**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 the 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.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

Passed this 16 day of March, 2009.

*Ray DeLong*  
Ray DeLong, Mayor  
Village of Antwerp

Attest:

*Loretta Baker*  
Loretta Baker, Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_ 20\_\_\_\_

**RESOLUTION NO. 2009-02**

**A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO THE LETTER CONTRACT-AGREEMENT BETWEEN POGGEMEYER DESIGN GROUP, INC. AND THE VILLAGE OF ANTWERP FOR PROFESSIONAL SERVICES; AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, Poggemeyer Design Group, Inc. and the Village of Antwerp have proposed a letter contract-agreement for professional engineering services regarding the Antwerp West Daggett and Stone Street Waterline Replacement project (the "Project"), designated as PDG Proposal No. 01-2C08/2073; and

**WHEREAS**, the Village of Antwerp desires to enter into the agreement for professional engineering services with Poggemeyer Design Group, Inc. pursuant to Ohio Revised Code § 743.29 allowing for the making of surveys for the Project, and to authorize the Village Administrator to enter into this agreement for professional engineering services with Poggemeyer Design Group, Inc. for the services of registered professional engineers to make such surveys; and

**WHEREAS**, the purpose of such surveys is for the replacement of the waterline at Antwerp West Daggett and Stone Street. The necessity for said surveys is for the provision of professional engineering services to make drawings, plans, specifications, estimates of cost of labor and materials, and other items of costs, and such other facts, material, data, reports, and other information and recommendations for the enlargement and improvement of the public water works, including, but not limited to, preliminary surveys, detailed plans and provision of engineer-supervision of the public work.

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

**Section 1.** That Poggemeyer Design Group, Inc. will provide professional engineering services in connection with the Project.

**Section 2.** That the Village Administrator has the authority to enter into an agreement for professional engineering services with Poggemeyer Design Group, Inc. in connection with the Project.

**Section 3.** It is found and determined that all formal actions of the Council concerning and relating to the passage of this resolution 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 4.** This Resolution 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 repairing its public water works for the well being of the residents and this resolution shall be in full force and effect immediately after its passage;

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

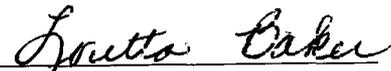
otherwise, it shall take effect and be in force after the earliest period allowed by law.

Passed this 16<sup>th</sup> day of March, 2009.

 \_\_\_\_\_

**Ray DeLong, Mayor  
Village of Antwerp**

Attest:

  
\_\_\_\_\_  
**Loretta Baker, Fiscal Officer**

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**RESOLUTION NO. 2009-03**

**A RESOLUTION AMENDING RESOLUTION NO. 2006-01 TO APPOINT THE VILLAGE ADMINISTRATOR AS THE PURCHASING AGENT FOR THE DEPARTMENT OF PURCHASE, CONSTRUCTION AND REPAIR; AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council of the Village of Antwerp, Ohio, adopted a Resolution Establishing a Department of Purchase, Construction, and Repair, said Resolution designated as No. 98-02 and becoming effective on May 11, 1998; and

**WHEREAS**, the Council, by way of Resolution No. 98-02, designated the Village Administrator as the appointed official responsible for the Department of Purchase, Construction, and Repair and designated as the purchasing agent for the Village of Antwerp; and

**WHEREAS**, the Village Administrator at the beginning of the term in 2006 resigned her position, and in an effort to maintain the Department of Purchase, Construction, and Repair until a replacement Village Administrator could be appointed, Council amended Resolution No. 98-02 to appoint the Mayor as the officer responsible for this Department and as the purchasing agent for the Village, said action taken by Resolution No. 2006-01 passed as an emergency measure on March 20, 2006.

**WHEREAS**, the Village Administrator position was thereafter filled. The Council desires to re-appoint the Village Administrator as the officer responsible for the Department of Purchase, Construction, and Repair and the Village Administrator shall be the officer designated as the purchasing agent for the Village of Antwerp. Said appointment is effective as of April 10, 2006.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Village of Antwerp, State of Ohio:

**Section 1.** Resolution No. 2006-01 (originally Resolution No. 98-02) of the Village of Antwerp, Ohio, is amended to read as follows:

The Council of the Village of Antwerp finds that it would be advantageous for the Village to establish a department of purchase, construction and repair and this department shall be under the direction of the Village Administrator of the Village of Antwerp who shall purchase all materials, supplies, tools, machinery, and equipment in each of the municipal departments whether they are established by law or ordinance.

Now therefore, **BE IT RESOLVED**, that the Village Administrator of the Village of Antwerp is hereby made the purchasing agent for the Village and is authorized to purchase all materials, supplies, tools, machinery, and equipment and shall supervise all construction, alterations, and repairs in each of the municipal departments whether they are established by law or ordinance and any ordinance, or portion thereof, establishing any other person or officer as purchasing agent is hereby repealed and shall be ineffective.

Ordinance No. \_\_\_\_\_

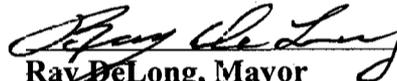
Passed \_\_\_\_\_, 20\_\_\_\_

**Section 2.** Pursuant to Ohio Revised Code § 731.141, the Village Administrator has the authority to make contracts, purchase supplies and materials, and provide labor for any work under the administrator's supervision involving not more than twenty-five thousand dollars (\$25,000.00) according to the procedure set forth in Ohio Revised Code § 731.141.

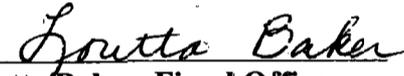
**Section 3.** It is found and determined that all formal actions of the Council concerning and relating to the passage of this Resolution were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal actions, were in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

**Section 4.** This Resolution 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 it is necessary for the Village Administrator to have the authority granted herein retroactive to April 10, 2006, and this Resolution shall be in full force and effective immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Passed this 16th day of March, 2009.

  
Ray DeLong, Mayor  
Village of Antwerp

Attest:

  
Loretta Baker, Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_

**ORDINANCE NO. 2009-13**

**AN ORDINANCE AUTHORIZING THE FISCAL OFFICER TO AMEND APPROPRIATIONS AND DECLARING IT AN EMERGENCY**

WHEREAS, the Fiscal Officer has determined that it is necessary to amend the following appropriations.

WHEREAS, Council must approve the amending of appropriations pursuant to Ohio Revised Code Section 5705.40, and

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

Section 1: This Ordinance is necessary for the immediate preservation of the public peace, health or safety.

Section 2: The Fiscal Officer is hereby authorized to amend the following appropriations:

FUND	DESCRIPTION	NEW APPROPRIATION	
		AMOUNT	
		Original	New Amount
B111B 220 EMS Travel & Training	Increase Appropriation	\$4,000.00	\$6000.00
E1 5G 25C Water Meters Capital Outlay	Increase Appropriation	\$6,000.00	\$8,000.00
E1 5X 260H Shaffer Rd. OPWC Loan Repayment	Increase Appropriation	\$0	\$ 3,357.37

Section 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and well being of the residents.

Section 4: This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

Date 4/20/2009

Mayor [Signature]

Attest:  
Loretta Baker  
Fiscal Officer

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2009-14**

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS TO THE POLICE FUND IN THE AMOUNT OF \$27,500.00 AND DECLARE THE SAME TO BE 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, 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 transfer does not require a 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 even though said approval is not required pursuant to Ohio Revised Code Section 5705.14, 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 Section 5705.14.

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 seven thousand five hundred Dollars (\$27,500.00) from the General Fund to the Police Fund.

Section 2. This ordinance is necessary to provide for the operating funds for 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.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

Date: 4-20-09

  
\_\_\_\_\_  
Mayor of the Village of Antwerp

Attest:  
Fiscal Officer: Louisa Baker

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**RESOLUTION NO. 2009-04**

**A RESOLUTION ADOPTING AN IDENTITY THEFT POLICY FOR THE VILLAGE OF ANTWERP, OHIO, AND DECLARAING THE SAME AN EMERGENCY**

**WHEREAS**, the Fair and Accurate Credit Transactions Act of 2003, an amendment to the Fair Credit Reporting Act, required rules regarding identity theft protection to be promulgated; and

**WHEREAS**, these rules became effective May 1, 2009, and require municipal utilities and other departments to implement an identity theft program and policy, and

**WHEREAS**, the Village of Antwerp, Ohio (the "Village"), has determined that the following policy is in the best interest of the municipality and its citizens.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Village of Antwerp, Ohio, that the following is hereby approved:

**IDENTITY THEFT POLICY**

**SECTION 1: BACKGROUND.**

The risk to the Village, its employees and customers from data loss and identity theft is of significant concern to the Village and can be reduced only through the combined efforts of every employee and contractor.

**SECTION 2: PURPOSE.**

The Village adopts this sensitive information policy to help protect employees, customers, contractors and the Village from damages related to the loss or misuse of sensitive information.

This policy will:

1. Define sensitive information;
2. Describe the physical security of data when it is printed on paper;
3. Describe the electronic security of data when stored and distributed; and
4. Place the Village in ccpliance with state and federal law regarding identity theft protection.

This policy enables the Village to protect existing customers, reducing risk from identity fraud, and minimize potential damage to the Village from fraudulent new accounts. The program will help the Village:

1. Identify risks that signify potentially fraudulent activity within new or existing covered accounts;
2. Detect risks when they occur in covered accounts;

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3. Respond to risks to determine if fraudulent activity has occurred and act if fraud has been attempted or committed; and
4. Update the program periodically, including reviewing the accounts that are covered and the identified risks that are part of the program.

**SECTION 3: SCOPE.**

This policy and protection program applies to employees, contractors, consultants, temporary workers, and other workers at the Village, including all personnel affiliated with third parties.

**SECTION 4: POLICY.****4.A: Sensitive Information Policy.****4.A.1: Definition of Sensitive Information.**

Sensitive information includes the following items whether stored in electronic or printed format:

**4.A.1.a: Credit card information, including any of the following:**

1. Credit card number (in part or whole)
2. Credit card expiration date
3. Cardholder name
4. Cardholder address

**4.A.1.b: Tax identification numbers, including:**

1. Social Security number
2. Business identification number
3. Employer identification numbers

**4.A.1.c: Payroll information, including, among other information:**

1. Paychecks
2. Pay stubs

**4.A.1.d: Cafeteria plan check requests and associated paperwork**

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Dayton Legal Blank, Inc.

Form No. 3004E

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**4.A.1.e:** Medical information for any employee or customer, including but not limited to:

1. Doctor names and claims
2. Insurance claims
3. Prescriptions
4. Any related personal medical information

**4.A.1.f:** Other personal information belonging to any customer, employee or contractor, examples of which include:

1. Date of birth
2. Address
3. Phone numbers
4. Maiden name
5. Names
6. Customer number

**4.A.1.g:** Village personnel are encouraged to use common sense judgment in securing confidential information to the proper extent. Furthermore, this section should be read in conjunction with the Ohio Public Records Act and the Village's open records policy. If an employee is uncertain of the sensitivity of a particular piece of information, he/she should contact their supervisor. In the event that the Village cannot resolve a conflict between this policy and the Ohio Public Records Act, the Village will consult with legal counsel.

**4.A.2: Hard Copy Distribution.**

Each employee and contractor performing work for the Village will comply with the following policies:

1. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked when not in use.
2. Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday or when unsupervised.

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3. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.
4. Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas will be erased, removed, or shredded when not in use.
5. When documents containing sensitive information are discarded they will be placed inside a locked shred bin or immediately shredded using a mechanical cross cut or Department of Defense (DOD)-approved shredding device. Locked shred bins are labeled "*Confidential paper shredding and recycling.*" Village records, however, may only be destroyed in accordance with the Village's records retention policy.

#### **4.A.3: Electronic Distribution.**

Each employee and contractor performing work for the Village will comply with the following policies:

1. Internally, sensitive information may be transmitted using approved Village e-mail. All sensitive information must be encrypted when stored in an electronic format.
2. Any sensitive information sent externally must be encrypted and password protected and only to approved recipients. Additionally, a statement such as this should be included in the e-mail:

*"This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited."*

### **SECTION 5: ADDITIONAL IDENTITY THEFT PREVENTION PROGRAM.**

#### **5.A: Covered accounts**

A covered account includes any account that involves or is designed to permit multiple payments or transactions. Every new and existing customer account that meets the following criteria is covered by this program:

1. Business, personal and household accounts for which there is a reasonably foreseeable risk of identity theft; or
2. Business, personal and household accounts for which there is a reasonably foreseeable risk to the safety or soundness of the Village from identity theft, including financial, operational, compliance, reputation, or litigation risks.

#### **5.B: Red flags.**

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**5.B.1:** The following red flags are potential indicators of fraud. Any time a red flag, or a situation closely resembling a red flag, is apparent, it should be investigated for verification.

1. Alerts, notifications or warnings from a consumer reporting agency;
2. A fraud or active duty alert included with a consumer report;
3. A notice of credit freeze from a consumer reporting agency in response to a request for a consumer report; or
4. A notice of address discrepancy from a consumer reporting agency as defined in § 334.82(b) of the Fairness and Accuracy in Credit Transactions Act.

**5.B.2:** Red flags also include consumer reports that indicate a pattern of activity inconsistent with the history and usual pattern of activity of an applicant or customer, such as:

- A recent and significant increase in the volume of inquiries;
- An unusual number of recently established credit relationships;
- A material change in the use of credit, especially with respect to recently established credit relationships; or
- An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

**5.C: Suspicious documents.**

**5.C.1:** Documents provided for identification that appear to have been altered or forged.

**5.C.2:** The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.

**5.C.3:** Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.

**5.C.4:** Other information on the identification is not consistent with readily accessible information that is on file with the Village, such as a signature card or a recent check.

**5.C.5:** An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

**5.D: Suspicious personal identifying information.**

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**5.D.1:** Personal identifying information provided is inconsistent when compared against external information sources used by the Village. For example:

- The address does not match any address in the consumer report;
- The Social Security number (SSN) has not been issued or is listed on the Social Security Administration's Death Master File; or
- Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer. For example, there is a lack of correlation between the SSN range and date of birth.

**5.D.2:** Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the Village. For example, the address on an application is the same as the address provided on a fraudulent application

**5.D.3:** Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the Village. For example:

- The address on an application is fictitious, a mail drop, or a prison; or
- The phone number is invalid or is associated with a pager or answering service.

**5.D.4:** The SSN provided is the same as that submitted by other persons opening an account or other customers.

**5.D.5:** The address or telephone number provided is the same as or similar to the address or telephone number submitted by an unusually large number of other customers or other persons opening accounts.

**5.D.6:** The customer or the person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

**5.D.7:** Personal identifying information provided is not consistent with personal identifying information that is on file with the Village.

**5.D.8:** When using security questions (mother's maiden name, pet's name, etc.), the person opening the covered account or the customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

**5.E: Unusual use of, or suspicious activity related to, the covered account.**

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**5.E.1:** Shortly following the notice of a change of address for a covered account, the Village receives a request for new, additional, or replacement goods or services, or for the addition of authorized users on the account.

**5.E.2:** A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example, the customer fails to make the first payment or makes an initial payment but no subsequent payments

**5.E.3:** A covered account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:

- Nonpayment when there is no history of late or missed payments;
- A material change in purchasing or usage patterns

**5.E.4:** A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).

**5.E.5:** Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account.

**5.E.6:** The Village is notified that the customer is not receiving paper account statements.

**5.E.7:** The Village is notified of unauthorized charges or transactions in connection with a customer's covered account.

**5.E.8:** The Village receives notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts held by the Village.

**5.E.9:** The Village is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

**SECTION 6: RESPONDING TO RED FLAGS.**

**6.A:** Once potentially fraudulent activity is detected, an employee must act quickly as a rapid appropriate response can protect customers and the Village from damages and loss.

**6.A.1:** Once potentially fraudulent activity is detected, gather all related documentation and write a description of the situation. Present this information to the designated authority for determination, which designated authority shall be the Village Administrator.

**6.A.2:** The designated authority will complete additional authentication to determine whether the attempted transaction was fraudulent or authentic.

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**6.B: If a transaction is determined to be fraudulent, appropriate actions must be taken immediately. Actions may include:**

1. Canceling the transaction;
2. Notifying and cooperating with appropriate law enforcement;
3. Determining the extent of liability of the Village; and
4. Notifying the actual customer that fraud has been attempted.

**SECTION 7: PERIODIC UPDATES TO PLAN.**

**7.A:** At periodic intervals established in the program, or as required, the program will be re-evaluated to determine whether all aspects of the program are up to date and applicable in the current business environment.

**7.B:** Periodic reviews will include an assessment of which accounts are covered by the program.

**7.C:** As part of the review, red flags may be revised, replaced or eliminated. Defining new red flags may also be appropriate.

**7.D:** Actions to take in the event that fraudulent activity is discovered may also require revision to reduce damage to the Village and its customers.

**SECTION 8: PROGRAM ADMINISTRATION.**

**8.A: Involvement of management.**

1. The Identity Theft Prevention Program shall not be operated as an extension to existing fraud prevention programs, and its importance warrants the highest level of attention.
2. The Identity Theft Prevention Program is the responsibility of the Village Council. Approval of the initial plan must be appropriately documented and maintained.
3. Operational responsibility of the program is delegated to the Village Administrator.

**8.B: Staff training.**

1. Staff training shall be conducted for all employees, officials and contractors for whom it is reasonably foreseeable that they may come into contact with accounts or personally identifiable information that may constitute a risk to the Village or its customers.
2. The Village Administrator is responsible for ensuring identity theft training for all requisite employees and contractors.

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Dayton Legal Blank Co.

Form No. 30043

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3. Employees must receive annual training in all elements of this policy.
4. To ensure maximum effectiveness, employees may continue to receive additional training as changes to the program are made.

### 8.C: Oversight of service provider arrangements.

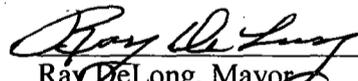
1. It is the responsibility of the Village to ensure that the activities of all service providers are conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft.
2. A service provider that maintains its own identity theft prevention program, consistent with the guidance of the red flag rules and validated by appropriate due diligence, may be considered to be meeting these requirements.
3. Any specific requirements should be specifically addressed in the appropriate contract arrangements.

### SECTION 9: PASSAGE

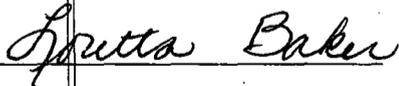
9.A. It is found and determined that all formal actions of the Council concerning and relating to the passage of this Resolution were adopted in open meetings of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings 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.

9.B. This Resolution 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 required by law to implement the Identity Theft Policy, said Policy is hereby deemed to be in effect as of May 1, 2009, and this Resolution 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<sup>th</sup> day of May, 2009.

  
Ray DeLong, Mayor

Attest:



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Passed .....

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Loretta Baker, Fiscal Officer