

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

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

**ORDINANCE NO. 2013-01**

**AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2013 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, 2013 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 Any prior version of the Ohio Basic Code which may have been previously adopted by the municipality is hereby repealed as obsolete and is hereby replaced in its entirety by this Ohio Basic Code, 2013 Edition.

**Section 2.** One copy of American Legal Publishing's Ohio Basic Code, 2013 Edition, certified as correct by the Mayor and Fiscal Officer 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 Fiscal Officer of the municipality and retained as a permanent ordinance record of the municipality. The Fiscal Officer 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or inconsistent with any provision of the Ohio Basic Code, 2013 Edition, as adopted in Section 1 hereof, are hereby repealed as of the effective date of this ordinance, except as follows: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, 2013 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

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legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.

(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 enacted prior to the adoption of this ordinance and said legislation supercedes prior ordinances of the municipality, including an ordinance adopting prior versions 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.

**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: 1-14-13

James D. VanKuren  
Mayor

Attest:

Loretta Baker  
Fiscal Officer of the Legislative Authority



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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, 2013 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, 2013 Edition.
- Section 2.** One copy of American Legal Publishing's Ohio Basic Code, 2013 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, 2013 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, 2013 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.

**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.

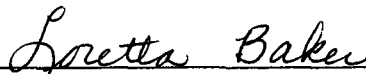
Date

Passed: 1-14-13

Attest:



Mayor



Clerk of the Legislative Authority

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Exhibit A

OHIO BASIC CODE, 2013 EDITION — SUMMARY OF CONTENTS

Notice is hereby given that on the 14th day of January, 2013, 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, 2013 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.

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10.06	Conflicting provisions
10.07	Severability
10.08	Reference to offices
10.09	Errors and omissions
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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:

Thomas D. Van Kester  
Mayor

Louisa Baker  
Clerk of the Legislative Authority

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CERTIFICATION OF CODIFIED ORDINANCES

We, Tom VanUlerak, Mayor, and Loretta 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.

Thomas D. VanUlerak

Mayor

Loretta Baker

Clerk of the Legislative Authority

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

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

**ORDINANCE NO. 2013-02**

**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, 2013.**

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**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



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

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: \$75.00 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

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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.


Section 11. This Ordinance shall be retrospective in nature and take effect as of the expiration of the prior Ordinance and Agreement for the provision of Emergency Medical Service to Harrison Township, also known as Ordinance No. 2012-01.

ENACTED THIS 14th day of January, 2013.



MAYOR, VILLAGE OF ANTWERP

Attest:



Fiscal Officer

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

ORDINANCE NO. 2013-03

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

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

Section 2 of this Ordinance. The user fees as established shall take effect at 12:01 A.M. on January 1, 2013.

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

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

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

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: \$75.00 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.

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


**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 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 11.** This Ordinance shall be retrospective in nature and take effect as of the expiration of the prior Ordinance and Agreement for the provision of Emergency Medical Service to Carryall Township, also known as Ordinance 2012-02.

ENACTED THIS 14th day of January, 2013.

  
MAYOR, VILLAGE OF ANTWERP

Attest:

  
Fiscal Officer

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

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

**ORDINANCE NO. 2013-04**

**AN ORDINANCE TO PROHIBIT PARKING ON THE SIDES OF CERTAIN PORTIONS OF SOUTH ERIE STREET IN THE VILLAGE OF ANTWERP, OHIO, AND DECLARING THE SAME AN EMERGENCY**

WHEREAS, the Council of the Village of Antwerp, Ohio (the "Council") deems it necessary to regulate parking on the north and south sides of certain portions of South Erie Street in the Village of Antwerp, Ohio, by prohibiting parking along that street; and

WHEREAS, the Council deems it necessary to prohibit parking on certain portions of South Erie Street in order to expedite the flow and direction of traffic, to eliminate congestion, and to provide for the safety of passengers in motor vehicles and pedestrians traveling on that street in the Village of Antwerp, Ohio.

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

Section 1. Parking is hereby prohibited on the north and south sides of South Erie Street from the south corporation limit of the Village of Antwerp, Ohio on South Erie Street north to the four way stop sign controlling traffic at South Erie Street and East Canal Street.

Section 2. The Administrator for the Village of Antwerp is hereby authorized to purchase and install any necessary signage to designate the no parking zones identified in Section 1 of this Ordinance herein in compliance with all legal requirements.

Section 3. Whoever violates this Ordinance by parking in the prohibited area defined herein is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this Ordinance is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this Ordinance is guilty of a misdemeanor of the third degree.

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

Section 5. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village of Antwerp, Ohio and for the further reason that parking regulations are necessary for the portions designated herein of South Erie Street 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 14 day of January, 2013.

Tom VanVlerah  
Tom VanVlerah, Mayor

Attest:

Loretta Baker  
Loretta Baker, Fiscal Officer



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

ORDINANCE NO. 2013-05

AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO  
TRANSFER \$27,500.00 FROM THE GENERAL FUND TO THE POLICE FUND,  
AND DECLARING THE SAME AN EMERGENCY

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

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

WHEREAS, this is a transfer of funds pursuant to Ohio Revised Code Section 5705.14(E), which 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 and Zero Cents (\$27,500.00) from the

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

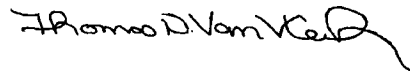
Passed \_\_\_\_\_, 20\_\_\_\_

General Fund to the Police Fund.

Section 2. The transfer of these funds from the General Fund to the Police Fund is necessary for the operation of 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 2-25-13

Tom VanVlerah,  
Mayor of the Village of Antwerp

Attest:



Loretta Baker, Fiscal Officer

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

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

ORDINANCE NO. 2013-06

AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO  
TRANSFER \$8,000.00 FROM THE GENERAL FUND TO THE STREET  
LIGHTING FUND, AND DECLARING THE SAME AN EMERGENCY

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

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

WHEREAS, this is a transfer of funds pursuant to Ohio Revised Code Section 5705.14(E), which 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 Lighting 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 Dollars and Zero Cents (\$8,000.00) from the General Fund to the Street Lighting

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

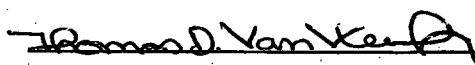
Passed \_\_\_\_\_, 20\_\_\_\_

Fund.

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

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

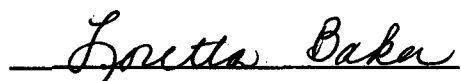
Section 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village and for the further reason that the Village is in immediate need of funds to pay street lighting expenses necessary for the well being 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 2-25-13

Tom VanVlerah,

Mayor of the Village of Antwerp

Attest:



Loretta Baker, Fiscal Officer

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

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

**ORDINANCE NO. 2013-07**

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS FROM THE WATER RESERVE FUND IN THE AMOUNT OF \$23,707.00 TO THE WATER FUND AND TO ELIMINATE THE WATER RESERVE FUND SINCE IT IS NO LONGER NECESSARY FOR THE PURPOSE FOR WHICH IT WAS ESTABLISHED, AND DECLARING THE SAME TO BE AN EMERGENCY**

WHEREAS, the Village Fiscal Officer has determined that it is necessary to transfer the funds in the Water Reserve Fund to the Water Fund, and

WHEREAS, the Village Council passed Ordinance No. 79-4 to provide for the waterworks system capital improvements and a loan was thereafter obtained requiring the Village to establish the Water Reserve Fund to accumulate then available resources representing one annual payment for the loan obtained from GMAC, which loan is now held by the Antwerp Exchange Bank, and

WHEREAS, the Antwerp Exchange Bank does not require the Village to reserve funds for the waterworks system capital improvements loan and the Village Council deems it in the best interest of the Village to transfer the funds from the Water Reserve Fund to the Water Fund and to eliminate the Water Reserve Fund as this fund is no longer necessary for the purpose for which it was established.

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 total sum of Twenty-Three Thousand Seven Hundred Seven Dollars and Zero Cents (\$23,707.00) from the Water Reserve Fund to the Water Fund.

Section 2. The Water Reserve Fund is no longer necessary for the purpose for which it was established and the Water Reserve Fund is hereby eliminated.

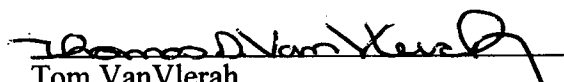
Section 3. It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings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

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


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

**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 Water Reserve Fund is no longer necessary for the purpose for which it was established, 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 2-25-13

  
Tom VanVlerah,  
Mayor of the Village of Antwerp

Attest:

  
Loretta Baker, Fiscal Officer

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

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

**ORDINANCE NO. 2013-08**

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS FROM THE SEWER RESERVE FUND IN THE AMOUNT OF \$63,000.00 TO THE SEWER FUND AND TO ELIMINATE THE SEWER RESERVE FUND SINCE IT IS NO LONGER NECESSARY FOR THE PURPOSE FOR WHICH IT WAS ESTABLISHED, AND DECLARING THE SAME TO BE AN EMERGENCY**

WHEREAS, the Village Fiscal Officer has determined that it is necessary to transfer the funds in the Sewer Reserve Fund to the Sewer Fund, and

WHEREAS, the Village Council passed Ordinance No. 82-27 to provide for the sanitary sewer capital improvements and a loan was thereafter obtained requiring the Village to establish the Sewer Reserve Fund to accumulate then available resources representing one annual payment for the loan obtained from GMAC, which loan is now held by the Antwerp Exchange Bank, and

WHEREAS, the Antwerp Exchange Bank does not require the Village to reserve funds for the sanitary sewer system capital improvements loan and the Village Council deems it in the best interest of the Village to transfer funds from the Sewer Reserve Fund to the Sewer Fund and to eliminate the Sewer Reserve Fund as this fund is no longer necessary for the purpose for which it was established.

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 total sum of Sixty Three Thousand Dollars (\$63,000.00) from the Sewer Reserve Fund to the Sewer Fund.

Section 2. The Sewer Reserve Fund is no longer necessary for the purpose for which it was established and the Sewer Reserve Fund is hereby eliminated.

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 Sewer Reserve Fund is no longer necessary for the purpose for which it was established, 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 2-25-13

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

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

Attest:

Loretta Baker  
Loretta Baker, Fiscal Officer

Tom VanVlerah  
Tom VanVlerah,  
Mayor of the Village of Antwerp



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

ORDINANCE NO. 2013-09

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE  
VILLAGE OF ANTWERP, TO ENTER INTO LOAN AND DISPLAY AGREEMENT  
WITH THE VETERANS OF FOREIGN WARS POST 5087;  
AND DECLARING THE SAME AN EMERGENCY**

WHEREAS, the Village of Antwerp, Ohio (the "Village") owns and currently has in its possession certain Military articles, including a display case, hereinafter referred to collectively as "Military articles"; and

WHEREAS, the Village desires to loan the Military articles to the Veterans of Foreign Wars Post 5087 (the "VFW") for display purposes; and

WHEREAS, the VFW agrees to display the Military articles and the Village will retain ownership of the Military articles.

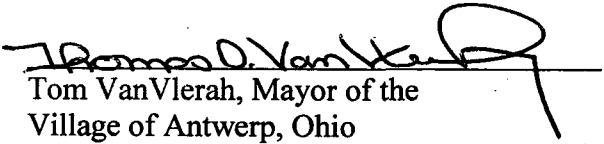
NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, County of Paulding, State of Ohio:

Section 1. The Mayor of the Village of Antwerp, Ohio, is hereby authorized to enter into the Loan and Display Agreement by and between the Village and the VFW for the Village to loan the Military articles to the VFW for display purposes. A true and accurate copy of said Agreement is attached hereto and incorporated herein by reference.

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

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village and to expedite the transfer of the Military articles to the VFW for public display purposes. This Ordinance shall take effect and be in force immediately after its passage and approval; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 2 - 25, 2013.

  
Tom VanVlerah, Mayor of the  
Village of Antwerp, Ohio

Attest:

  
Loretta Baker, Fiscal Officer

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

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

## LOAN AND DISPLAY AGREEMENT

**THIS LOAN AND DISPLAY AGREEMENT** (this "Agreement") dated this 25 day of February, 2013, by and between the Village of Antwerp, Ohio, an Ohio municipal corporation with an address of 118 North Main Street, Antwerp, Ohio 45813 (the "Village"), and the Veterans of Foreign Wars Post 5087, an Ohio non-profit corporation with an address of 105 Railroad Street, Antwerp, Ohio 45813 (the "VFW").

**WHEREAS**, the Village owns and currently has in its possession certain Military articles, including a display case ("Military articles"), which Military articles are further described on the inventory attached hereto marked as Exhibit "A" and made a part of this Agreement by incorporation herein;

**WHEREAS**, the Village has agreed to loan the Military articles to the VFW for display purposes; and

**WHEREAS**, the VFW agrees to display the Military articles. The Village shall retain ownership of the Military articles.

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Village and the VFW hereby agree as follows:

1. The parties agree that the Village retains ownership of the Military articles and display case identified in the inventory attached hereto marked as Exhibit "A" and incorporated herein by reference.
2. The VFW agrees to transport the Military articles to the VFW for display at its facility located at 105 Railroad Street, Antwerp, Ohio.

# RECORD OF ORDINANCES

0045

Dayton Legal Blank, Inc.

Form No. 30043

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

Passed \_\_\_\_\_

, 20\_\_\_\_

3. The Village agrees to insure the Military articles for the purpose of protecting those articles from any loss and/or damage. The VFW shall promptly notify the Village of any loss and/or damage to the Military articles, and if the VFW fails to give the Village prompt notice of any loss and/or damage to these articles, then the VFW shall reimburse the Village for any loss and/or damage to the Military articles.

4. The parties agree that in the event the VFW shall no longer occupy the premises located at 105 Railroad Street, Antwerp, Ohio, the Village retains the authority to remove the Military articles from the VFW facility located on 105 Railroad Street, Antwerp, Ohio.

5. The VFW shall indemnify and hold the Village, its officers, appointees, employees, agents, and assigns harmless from and against any and all judgments, losses, damages, liabilities, claims, demands, suits, costs, action or proceeding, or expenses (including attorney fees) that are asserted against or incurred by the Village arising out of or in connection with any claim related to the VFW's display, storage or possession of the Military articles.

6. The Village shall promptly give notice to the VFW of any claim for indemnification under this Agreement ("Indemnification Claim") and shall give the VFW a reasonable opportunity to defend, at the VFW's sole expense and with counsel selected by the VFW, any Indemnification Claim. The VFW, at its sole cost and expense, will diligently provide for the defense of any action or suit upon the Military articles; provided, however, that the Village may participate in the defense, at its own option and expense. If, within thirty (30) days of receipt of written notice of an Indemnification Claim, the VFW fails to undertake the defense of an Indemnification Claim, the Village shall have the right, but not the obligation, to defend and to compromise or settle (exercising reasonable business judgment) the Indemnification Claim for the account of and at the risk and expense of the VFW.

{7100/068/00161136-2ANH}

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

7. Each party shall make available such information and assistance as the other party shall reasonably request in connection with an Indemnification Claim.

8. The VFW shall not assign this Agreement without the prior written consent of the Village, which consent may be withheld in the Village's sole and absolute discretion.

9. This Agreement shall be binding upon the parties and their respective successors and permitted assigns.

10. This Agreement shall be governed and construed in accordance with the laws of the State of Ohio.

11. This Agreement constitutes the complete and exclusive agreement between the parties. It supersedes all prior written and oral statements. This Agreement may not be amended without the prior written consent of the parties. Any modification or amendment of this Agreement must be in writing signed by both parties.

12. Notwithstanding any other provision of this Agreement to the contrary, this Agreement may be terminated by either party at any time and for any reason by means of written notification of termination by either party to the other. Written notification of termination must be received a minimum of one week prior to the removal of the Military articles.

13. This Loan and Display Agreement has been executed by the parties' duly authorized agents as of the date set forth next to their signatures.

VILLAGE OF ANTWERP

Date: 2/25/13By: Tom VanVlerah  
Tom VanVlerah

ATTEST:

Loretta Baker  
Loretta Baker

{7100/068/00161136-2ANH}

RECORD OF ORDINANCES

0047

Dayton Legal Blank, Inc.

Form No. 30043

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

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

VFW POST 5087

Date:

2-25-13

By:

Eric M. Miller  
Eric Miller, Commander

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

**VFW INVENTORY**

- #1 India knife from Anthony Perriello**
- #2 Canteen from Ressie Smith**
- #3 Japanese hat**
- #4 Officer dress hat from Mrs. Jesse Bissell**
- #5 Japanese hat**
- #6 German helmet - Erhart collection**
- #7 Campaign hat - unknown**
- #8 German steel helmet from Percy Smith**
- #9 Steel helmet from H. J. Donnell**
- #10 American helmet from Percy Smith**
- #11 WWI steel helmet from Percy Smith**
- #12 British WWI helmet - unknown**
- #13 WWI gasmask from H. J. Donnell**
- #14 WWI gasmask from H. J. Donnell**
- #15 WWI gasmask from H. J. Donnell**
- #16 Compass**
- #17 Water bag from H. J. Donnell**
- #18 Leggings 1 set**
- #19 Leggings 1 set**
- #20 Leggings 1 set**
- #21 Leggings 1 set**
- #22 Canteen**
- #23 German buckle**
- #24 Field sewing kit**
- #25 Silver star**
- #26 Ribbon from Sam Grimes**
- #27 Pistol lanyard**
- #28 Red Cross bag**
- #29 Mail pouch**
- #30 Flying tigers flag from Anthony Perriello**
- #31 Holster WWII Henry Donnell**
- #32 Canteen cover WWII Henry Donnell**
- #33 Ammo belt WWII Henry Donnell**
- #34 Canteen from Otto Erhart**
- #35 WWI Ammo belt**
- #36 Mess kit Henry Donnell**
- #37 Canteen WWII from Percy Smith**

# RECORD OF ORDINANCES

0049

Dayton Legal Blank, Inc.

Form No. 30043

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

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

- #38 Japanese knife from H. J. Donnell**
- #39 Trench knife from H. J. Donnell**
- #40 First aid pack from H. J. Donnell**
- #41 Ordnance 12 grenades, shells, etc.**
- #42 Civil War relic**
- #43 Bayonet**
- #44 Bayonet**
- #45 Japanese uniform from Clarence Rumbaugh**
- #46 Army sword from H. J. Donnell**
- #47 Bayonet - Civil War w/ scabbard**
- #48 Bayonet - Civil War w/scabbard**
- #49 WWI uniform from Mrs. Jesse Bissell**
- #50 Army dress sword and sheath from Henry Donnell**
- #51 Army dress artillery uniform**
- #52 Sword and sheath Civil War carried by Captain James Mooney**
- #53 Army dress uniform**
- #54 Khaki uniform**
- #55 1864 Parker Snow rifle w/bayonet L. D. on stock**
- #56 1864 58 cal w/ bayonet Parker Snow**
- #57 1864 58 cal w/ bayonet Parker Snow M M on stock**
- #58 Blood-stained Japanese flag**
- #59 3x5 50 star flag**
- #60 5x8 48 star flag**
- #61 1931-32 Ohio map**
- #62 Henry Donnell picture**
- #63 War club from Henry Donnell**
- #64 Head rest from Henry Donnell**
- #65 Solomon Donat discharge from 100 day war dated 1864**
- #66 1 wooden cabinet with 4 sliding doors and 3 drawers**

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

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

**RESOLUTION NO. 2013-01**

**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 TWO-MILL FOR A RENEWAL LEVY FOR POLICE PROTECTION FOR  
A FIVE YEAR PERIOD COMMENCING IN 2014**

WHEREAS, the Council for the Village of Antwerp finds it necessary to request the Auditor of Paulding County to certify the current tax valuation and the dollar amount of revenue that would be generated by a renewal of the two-mill levy for police protection pursuant to Ohio Revised Code Section 5705-19(J);

WHEREAS, a renewal of a tax for the benefit of the Village of Antwerp for the purpose of police protection at a rate not exceeding two-mill for each one dollar of valuation is necessary as the current levy for such purposes expires at the end of the calendar year 2013; and

WHEREAS, the Council for the Village of Antwerp deems it necessary to request the certification from the County Auditor in order for the Village of Antwerp to place a renewal levy on the ballot for the upcoming general election for police protection for a five (5) year period, commencing in 2014, first due in calendar year 2015.

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 the County Auditor to certify the current tax valuation and dollar amount of revenue that would be generated by two-mill pursuant to Ohio Revised Code Section 5705.19(J). The purpose of requesting this certification from the

{7100/068/00164191-1 MLF}



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

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

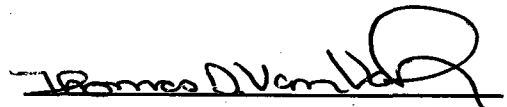
County Auditor is for the Village to place a renewal levy on the ballot for the upcoming general election for police protection. The renewal levy will be for a five (5) year period commencing in 2014, first due in calendar year 2015.

**Section 2.** This Resolution is in accordance with the Secretary of State's Advisory Opinion No. 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 resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

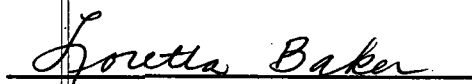
**Section 4.** This Resolution shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

ENACTED THIS 15<sup>th</sup> day of April, 2013.



Tom VanVlerah, Mayor

Attest:



Loretta Baker, Fiscal Officer

First Reading: 2-25-13

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

Second Reading: 3-18-13

Third Reading: 4-15-13

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

(Ordinance No. 2011-23)

PID No. 88349

Project No. \_\_\_\_\_ (2013)

**RESOLUTION NO. 2013-02**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION, FOR PROJECT IDENTIFIED AS PAU-ANTWERP SIDEWALKS PID NO. 88349, 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 17<sup>th</sup> day of October, 2011, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

**The project consists of constructing 922 L.F. of sidewalk on Canal Road west of Kroos Drive and a connector to the existing school walkway to the south, including curb ramps, signs and crosswalk markings, lying within the Village of Antwerp.**

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

**The Village agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation, and further, the Villages agrees to assume and bear one hundred percent (100%) of the cost of Preliminary Engineering and Right-of-Way, excluding in-house preliminary engineering and Right-of-Way charges incurred by the State.**

In view of the fact that the LPA's share of the project is now estimated in the amount of **Zero and -----00/100 Dollars (\$0.00)**, therefore, the Village will not be required to deposit any funds at this time. The LPA's ultimate share of the cost will be determined when final actual costs and allocations 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

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

WHEREAS, the LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

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

- Section 1. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- Section 2. That the LPA enter into a contract with the State, and that the Mayor be, and is hereby authorized to execute said contract, for improving the described project.
- Section 3. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.
- 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 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 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 this Resolution and the required contract(s) shall be returned to the Ohio Department of Transportation, Office of Estimating to allow final processing and a sale (bid) date in March 2013 and 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 in force after the earliest period allowed by law.
- Section 7. This is to certify that the LPA has compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the 25<sup>th</sup> day of February, 2013, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.
- Section 8. The LPA further certifies that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume 6, at Page 49, and under date of February 25, 2013.

RECORD OF ORDINANCES

0055


Dayton Legal Blank, Inc.

Form No. 30043

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

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

Legislative Authority of the  
Village of Antwerp, Ohio

  
Tom VanVlerah, Mayor

ATTEST:

  
Loretta Baker, Fiscal Officer

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

## ORDINANCE NO. 2013-10

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS FROM THE GENERAL FUND TO THE WATER FUND IN THE AMOUNT OF \$15,000.00 AND DECLARE THE SAME TO BE AN EMERGENCY**

WHEREAS, the Village of Antwerp Ohio has determined that it is necessary to transfer certain funds from the General Fund to the Water 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 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 transfer 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:

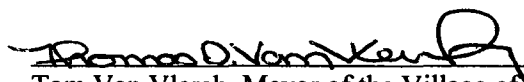
Section 1. The Village Fiscal Officer is hereby authorized to transfer the sum of Fifteen Thousand Dollars (\$15,000.00) from the General Fund to the Water Fund.

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 water 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 3-18-13

  
Tom Van Vlerah, Mayor of the Village of Antwerp

Attest:

  
Lynette Baker  
Fiscal Officer

{7100/071/00174129-2ANH}

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

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

**ORDINANCE NO. 2013-11**

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER  
TO TRANSFER FUNDS FROM THE WATER FUND (E1) TO THE  
SOUTH ERIE WATERLINE FUND (D7) IN THE AMOUNT OF \$32,607.52,  
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 (E1) to the South Erie Waterline Fund (D7), 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 (E1) to the South Erie Waterline Fund (D7) 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 (E1) to the South Erie Waterline Fund (D7).

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 total sum of Thirty-Two Thousand Six Hundred Seven Dollars and Fifty-Two Cents (\$32,607.52) from the Water Fund (E1) to the South Erie Waterline Fund (D7). This sum may be transferred from the Water Fund (E1) to the South Erie Waterline Fund (D7) in such increments as the Village Fiscal Officer deems it necessary based on the invoices received for the South Erie Waterline Project up to the total amount of Thirty-Two Thousand Six Hundred Seven Dollars and Fifty-Two Cents (\$32,607.52).

Section 2. This transfer of funds is necessary to provide the funds for the South Erie Waterline 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 South Erie Waterline 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 3-18-13

James D. Van Vlerah  
Tom Van Vlerah, Mayor of the Village of Antwerp

Attest: Loretta Baker  
Loretta Baker, Fiscal Officer

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

**ORDINANCE NO. 2013-12**

AN ORDINANCE GRANTING FRANCHISE TO OHIO POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO ACQUIRE, CONSTRUCT, MAINTAIN, AND OPERATE IN THE STREETS, THOROUGHFARES, ALLEYS, BRIDGES, AND PUBLIC PLACES OF THE VILLAGE OF ANTWERP, STATE OF OHIO, AND ITS SUCCESSORS, LINES FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRIC ENERGY TO THE VILLAGE OF ANTWERP, STATE OF OHIO, AND THE INHABITANTS THEREOF FOR LIGHT, HEAT, POWER, AND OTHER PURPOSES, AND FOR THE TRANSMISSION AND DISTRIBUTION OF THE SAME WITHIN, THROUGH, OR ACROSS SAID VILLAGE OF ANTWERP, STATE OF OHIO, AND DECLARING THE SAME AN EMERGENCY.

**WHEREAS**, the Ohio Power Company has requested that the Village of Antwerp, Ohio (“Village of Antwerp”), grant it a franchise for it, its successors and assigns, to have the right to acquire, construct, maintain, and operate in the streets, thoroughfares, alleys, bridges, and public places of the Village of Antwerp, lines for the transmission and distribution of electric energy to the Village of Antwerp, and the inhabitants thereof for light, heat, power, and other purposes, and for the transmission and distribution of the same within, through, or across said Village of Antwerp;

**WHEREAS**, that Ordinance No. 840 granted a similar franchise to the Ohio Power Company for a fifty (50) year period, which franchise is set to expire in April 2013;

**WHEREAS**, the Ohio Power Company has requested that the Village of Antwerp continue to grant it a franchise for the purposes provided herein for a fifteen (15) year period under the terms and conditions set forth herein.

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

**Section 1.** Ohio Power Company, its successors, and assigns (hereinafter called “Grantee”) are hereby granted the right privilege, franchise, and authority to acquire, construct, maintain, and operate in, above, under, across, and along the streets, thoroughfares, alleys, bridges, and public places (as the same now exist or may hereafter be laid out) of the Village of Antwerp, State of Ohio, lines for the transmission and distribution of electric energy, either by means of overhead or underground conductors, with all the necessary or desirable appurtenances [and appliances, including electric substations], to render public utility service in said Village and to the inhabitants thereof by supplying electric energy to said Village and the inhabitants thereof, and persons or corporations beyond the limits thereof for light, heat, power, or any other purposes or purpose for which electric energy is now or may hereafter be used, and the transmission and distribution of the same within, through, or across said Village of Antwerp, State of Ohio.

**Section 2.** Said lines, appurtenances [and appliances] shall be constructed so as to interfere as little as possible with the traveling public in its use of the streets, thoroughfares, alleys, bridges, and public places.



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

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

**Section 3.** The rights, privileges, and franchise hereby granted shall be in force and effect for a period of fifteen (15) years from the date of the passage of this Ordinance.

The rights, privileges, and franchise hereby granted shall not be construed to be exclusive and the Council of the Village of Antwerp, Ohio, hereby reserves the power to grant similar rights, privileges, and franchises to any other person or persons, firm or firms, corporation or corporations.

**Section 4.** Said Grantee shall save the Village of Antwerp harmless from any and all liability arising in any way from Grantee's acts and/or omissions in the erection, maintenance, or operation of said lines for the distribution and transmission of electric energy.

**Section 5.** Whenever said Grantee shall begin the erection or installation of any lines or equipment, it shall promptly and diligently prosecute the work to completion and leave the streets, thoroughfares, alleys, bridges, and public places where such work is done in as good condition of repair as before such work was commenced.

**Section 6.** Wherever in this Ordinance, reference is made to the Village of Antwerp or the Grantee, it shall be deemed to include the respective successors or assigns of either; and all rights, privileges, [franchises] and obligations herein contained by or on behalf of said Village, or by or on behalf of said Grantee, shall be binding upon, and inure to the benefit of the respective successors or assigns of said Village, or of said Grantee, whether so expressed or not.

**Section 7.** This Ordinance shall be accepted by the Grantee within sixty (60) days from the date of the passage of same.

**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 of Antwerp and for the further reason that the franchise previously granted to the Ohio Power Company is set to expire in April 2013, 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 3-18-13

Tom Van Vlerah  
Tom Van Vlerah,  
Mayor of the Village of Antwerp

Attest:

Loretta Baker  
Loretta Baker, Fiscal Officer

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

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

**CERTIFICATION OF MINUTES OF VILLAGE COUNCIL**

Village of Antwerp, Ohio

Minutes of Meeting of Council held at March 18, 2013, at 5:30 P.M.

3-18, 2013

The Village Council met in regular session at the Council Chamber in Village Hall.

Council President Jan Reeb in the Chair.

There were present:

Jan Reeb

Karen Lee

Larry Ryan

Rudie Reeb

Ken Reinhart

Steve Derck

There were absent:

Steve Derck

The Minutes of the previous meeting were read, and upon motion duly made and seconded, approved as read.

Ordinance No. 2013- 12 said Ordinance being entitled "An Ordinance granting to the Ohio Power Company, its successors and assigns, the right to acquire, construct, maintain and operate in the streets, thoroughfares, alleys, bridges and public places of the Village of Antwerp, State of Ohio, and its successors, lines for the distribution of electric energy to the Village of Antwerp and inhabitants thereof for light, heat, power and other purposes and for the transmission of the same within, through or across said Village of Antwerp, State of Ohio," was read by the Fiscal Officer.

Moved by Ken Reinhart, seconded by Larry Ryan, to suspend the rules to pass the Ordinance as an emergency measure.

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

Upon roll call, the vote upon the motion was as follows:

<u>Ken Reinhart</u>	<u>Karen Lee</u>
<u>Larry Ryan</u>	<u>Rudie Reeb</u>
<u>Jan Reeb</u>	

Yeas 5 Nays 0, motion carried and approved.Moved by Rudie Reeb, seconded by Jan Reeb, that Ordinance No. 2013- 12 be adopted and passed as read.

Upon roll call, the vote upon the motion was as follows

<u>Rudie Reeb</u>	<u>Karen Lee</u>
<u>Jan Reeb</u>	<u>Larry Ryan</u>
<u>Ken Reinhart</u>	

Yeas 5 Nays 0, motion carried and approved.

That the following is a true copy of the Minutes of a meeting of the Council of the Village of Antwerp, Ohio, held on the 18<sup>th</sup> day of March, 2013, and correctly sets forth the procedure of said Council on the passage of the Ordinance No. 2013- 12.

A summary of Ordinance No. 2013- 12 was duly published in a newspaper of general circulation in the Village of Antwerp, Ohio, on the 27 day of March, 2013.

Loretta Baker  
Loretta Baker, Fiscal Officer  
Village of Antwerp, Ohio

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

ORDINANCE NO. 2013-13

AN ORDINANCE AUTHORIZING THE MAYOR OF THE  
VILLAGE OF ANTWERP, OHIO TO ENTER INTO LOAN AND PRESERVATION  
AGREEMENT WITH MARK FEASBY FOR WATERFOWL EXHIBIT;  
AND DECLARING THE SAME AN EMERGENCY

WHEREAS; the Village of Antwerp, Ohio (the "Village") owns and currently has in its possession certain waterfowl articles, including preserved waterfowl species, hereinafter referred to collectively as the "waterfowl exhibit"; and

WHEREAS, the Village desires to loan the waterfowl exhibit to Mark Feasby ("Mr. Feasby") for preservation purposes; and

WHEREAS, Mr. Feasby agrees to preserve the waterfowl exhibit and the Village will retain ownership of the waterfowl exhibit.

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

Section 1. The Mayor of the Village of Antwerp, Ohio, is hereby authorized to enter into the Loan and Preservation Agreement by and between the Village and Mr. Feasby for the Village to loan the waterfowl exhibit to Mr. Feasby for preservation purposes. A true and accurate copy of said Agreement is attached hereto and incorporated herein by reference.

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

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village and to expedite the transfer of the waterfowl exhibit to Mr. Feasby for preservation purposes. This Ordinance shall take effect and be in force immediately after its passage and approval; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: April 15, 2013.

Thomas D. Van Vlerah  
Tom VanVlerah, Mayor of the  
Village of Antwerp, Ohio

Attest:

Loretta Baker  
Loretta Baker, Fiscal Officer

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

## LOAN AND PRESERVATION AGREEMENT

**THIS LOAN AND PRESERVATION AGREEMENT** (this "Agreement") dated this 15th day of April, 2013, by and between the Village of Antwerp, Ohio, an Ohio municipal corporation with an address of 118 North Main Street, Antwerp, Ohio 45813 (the "Village"), and Mark Feasby, an Ohio resident with an address of 3419 Township Rd. 144, Antwerp, Ohio 45813 ("Mr. Feasby").

**WHEREAS**, the Village owns and currently has in its possession certain waterfowl articles, including preserved waterfowl species ("waterfowl exhibit"), which waterfowl exhibit is further described on the inventory attached hereto marked as Exhibit "A" and made a part of this Agreement by incorporation herein;

**WHEREAS**, the Village has agreed to loan the waterfowl exhibit to Mr. Feasby for preservation and storage purposes; and

**WHEREAS**, Mr. Feasby agrees to preserve the waterfowl exhibit, and the Village shall retain ownership of the waterfowl exhibit.

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Village and Mr. Feasby hereby agree as follows:

1. The parties agree that the Village retains ownership of the waterfowl exhibit identified in the inventory attached hereto marked as Exhibit "A" and incorporated herein by reference.
2. Mr. Feasby agrees to transport the waterfowl exhibit to his residence located at 3419 Township Rd. 144, Antwerp, Ohio, for preservation and storage purposes.

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

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

3. The Village agrees to insure the waterfowl exhibit for the purpose of protecting those articles from any loss and/or damage. Mr. Feasby shall promptly notify the Village of any loss and/or damage to the waterfowl exhibit, and if Mr. Feasby fails to give the Village prompt notice of any loss and/or damage to these articles, then Mr. Feasby shall reimburse the Village for any loss and/or damage to the waterfowl exhibit.

4. The parties agree that in the event Mr. Feasby shall no longer reside in Paulding County, Ohio, or at Mr. Feasby's death, the Village retains the authority to remove the waterfowl exhibit from Mr. Feasby's residence.

5. Mr. Feasby acknowledges receipt of a copy of a report issued by The Industrial Solutions Group, Inc. on September 17, 2005 (the "Report"), which assessed the airborne concentrations of arsenic dust on certain contents of the Otto E. Ehrhart-Paulding County Historical Society Museum, which may have included the waterfowl exhibit, and provided recommendations regarding the handling of the museum contents. Mr. Feasby acknowledges the potential risk of injury and permanent damage that may be caused from any arsenic dust on the waterfowl exhibit and hereby releases and waives any and all claims for damage or loss to any person and/or property that may be made against the Village. Mr. Feasby agrees to take all necessary and reasonable steps to protect himself and others in the handling, transfer, preservation and storage of the waterfowl exhibit.

6. Mr. Feasby shall indemnify and hold the Village, its officers, appointees, employees, agents, and assigns harmless from and against any and all judgments, losses, damages, liabilities, claims, demands, suits, costs, action or proceeding, or expenses (including attorney fees) that are asserted against or incurred by the Village arising out of or in connection with any claim related to the waterfowl exhibit, including but not limited to any claims related to

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

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

any damage and/or loss from exposure to any potential contaminants disclosed in paragraph 5 herein above and/or identified in the Report provided to Mr. Feasby.

7. The Village shall promptly give notice to Mr. Feasby of any claim for indemnification under this Agreement ("Indemnification Claim") and shall give Mr. Feasby a reasonable opportunity to defend, at Mr. Feasby's sole expense and with counsel selected by Mr. Feasby, any Indemnification Claim. Mr. Feasby, at his sole cost and expense, will diligently provide for the defense of any action or suit upon the waterfowl exhibit; provided, however, that the Village may participate in the defense, at its own option and expense. If, within thirty (30) days of receipt of written notice of an Indemnification Claim, Mr. Feasby fails to undertake the defense of an Indemnification Claim, the Village shall have the right, but not the obligation, to defend and to compromise or settle (exercising reasonable business judgment) the Indemnification Claim for the account of and at the risk and expense of Mr. Feasby.

8. Each party shall make available such information and assistance as the other party shall reasonably request in connection with an Indemnification Claim.

9. Mr. Feasby shall not assign this Agreement without the prior written consent of the Village, which consent may be withheld in the Village's sole and absolute discretion.

10. This Agreement shall be binding upon the parties and their respective successors and permitted assigns. At the death of Mr. Feasby, the waterfowl exhibit shall be returned to the Village of Antwerp.

11. This Agreement shall be governed and construed in accordance with the laws of the State of Ohio.

12. This Agreement constitutes the complete and exclusive agreement between the parties. It supersedes all prior written and oral statements. This Agreement may not be amended



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

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

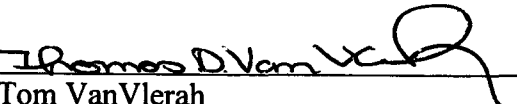
without the prior written consent of the parties. Any modification or amendment of this Agreement must be in writing signed by both parties.

13. Notwithstanding any other provision of this Agreement to the contrary, this Agreement may be terminated by either party at any time and for any reason by means of written notification of termination by either party to the other. Written notification of termination must be received a minimum of one week prior to the removal of the waterfowl exhibit.

14. This Loan and Preservation Agreement has been executed by the parties or their duly authorized agents as of the date set forth next to their signatures.

## VILLAGE OF ANTWERP

Date: 4-15-13

By:   
Tom VanVlerah

ATTEST:

  
Loretta Baker

Date: 4-25-13

  
Mark Feasby

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

**ORDINANCE NO. 2013-14**

**AN ORDINANCE AMENDING ORDINANCE NO. 2011-25, WHICH ORDINANCE AMENDED ORDINANCE NO. 2008-63, AND THE PRESENT ORDINANCE AMENDS SECTION 1 OF ORDINANCE NO. 2011-25, ONLY AS TO THE AMENDMENT MADE TO SECTION 2 OF ORDINANCE NO. 2008-63, AUTHORIZING THE CHANGE OF WATER AND SEWER RATES, TAP FEES AND RE-CONNECT FEES FOR THE VILLAGE OF ANTWERP, COUNTY OF PAULDING, OHIO; AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council of the Village of Antwerp, Ohio, adopted 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, said Ordinance designated as No. 2008-63, and passing by a majority vote of the Council of the Village of Antwerp, Ohio, after three (3) readings, on January 19, 2009; and

**WHEREAS**, the Council, by way of Ordinance No. 2008-63, established a section, specifically Section 2, that provided the quarterly water rates for users/consumers within the Village corporation limits effective April 1, 2009, as well as rates for January 1, 2010, and January 1, 2011; and

**WHEREAS**, the Council adopted an Ordinance amending Ordinance No. 2008-63 authorizing a change of water and sewer rates, tap fees and re-connect fees for the Village of Antwerp, County of Paulding, Ohio, said Ordinance designated as No. 2011-25, and passing by a majority vote of the Council of the Village of Antwerp, Ohio, after three (3) readings, on December 19, 2011; and

**WHEREAS**, the Council, by way of Ordinance No. 2011-25, changed the water rates in the amended Section 2 thereof by providing an increase of three percent (3%) for each of three (3) years in the rate for each one thousand (1,000) gallons of all water used effective January 1, 2012, January 1, 2013, and January 1, 2014; and

**WHEREAS**, the Council did not intend to increase the minimum water rate imposed in Section 2 of Ordinance No. 2008-63 but due to a typographical error, the quarterly water rates for users/consumers within the Village corporation limits was noted in Ordinance No. 2011-25 to be a minimum of \$19.60 effective January 1, 2012, January 1, 2013, and January 1, 2014, and said minimum quarterly water rate for each of said years is \$19.16.

**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. 2011-25 amending Section 2 of Ordinance No. 2008-63 of the Village of Antwerp, Ohio, regarding the change of water rates for the Village of Antwerp, Ohio, is amended to correct a typographical error and shall read as follows:

“Section 2. The quarterly water rates for users/consumers within the Village corporation limits effective January 1, 2012, will be as follows: A minimum of \$19.16 for each tap plus \$4.33 for each one thousand (1,000) gallons of all water

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

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

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 quarterly water rates effective January 1, 2013, and January 1, 2014, will be as follows:

January 1, 2013	\$19.16 minimum charge plus \$4.46 for each one thousand (1,000) gallons
January 1, 2014	\$19.16 minimum charge plus \$4.59 for each one thousand (1,000) gallons."

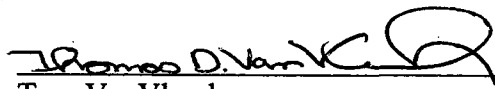
All other remaining sections of Section 1 of Ordinance No. 2011-25 shall remain in full force and effect as provided in said Ordinance.

**Section 2.** Previous ordinances and/or any portions thereof, including Ordinance Nos. 81-32, 82-24, 94-05, 2002-14, 2005-07, 2008-15, 2008-16, 2008-63, and 2011-25, and rules of the Village of Antwerp that are not consistent with this Ordinance, are hereby set aside, revoked and held for naught. The amendment language provided in Section 1 above shall be retroactive and take effect as of the passage and/or enactment of Ordinance No. 2011-25 to correct the typographical error regarding the minimum water rate for users/consumers within the Village corporation limits effective January 1, 2012, and thereafter.

**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 meeting of the Council, and that all deliberations of the Council and of 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 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 correct the typographical error to identify the minimum quarterly water rate for users/consumers within the Village corporation limits effective January 1, 2012, January 1, 2013, and January 1, 2014, 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: April 15, 2013.

  
Tom VanVlerah,  
Mayor of the Village of Antwerp

Attest:

  
Loretta Baker, Fiscal Officer

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

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

**ORDINANCE NO. 2013-15****AN ORDINANCE ESTABLISHING A POLICY THAT MAINTENANCE AND ENERGY COST ESTIMATES WILL BE OBTAINED IN DETERMINING WHETHER TO EXPEND PUBLIC FUNDS FOR PROPOSED PUBLIC IMPROVEMENT PROJECTS IN THE VILLAGE OF ANTWERP, OHIO**

**WHEREAS**, the Council of the Village of Antwerp determines whether public funds should be expended for public improvement projects, including the construction, renovation or remodeling of public structures within the Village of Antwerp; and

**WHEREAS**, the Council of the Village of Antwerp is desirous of establishing a policy requiring that maintenance and energy cost estimates be obtained in determining whether to expend public funds for any public improvement project, including the construction, renovation or remodeling of a public structure within the Village of Antwerp.

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

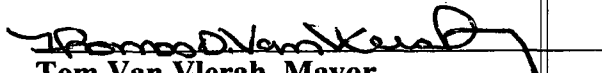
**Section 1.** The Council of the Village of Antwerp hereby establishes a policy that it shall obtain maintenance and energy cost estimates in determining whether to expend public funds for public improvement projects within the Village of Antwerp, including the construction, renovation or remodeling of public structures.

**Section 2.** The Council of the Village of Antwerp authorizes the Village Administrator to obtain the maintenance and energy cost estimates to submit to the Council for its review in making determinations on whether to expend public funds for the public improvement projects referenced herein.

**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: 6-17-, 2013.

  
Tom Van Vlerah, Mayor  
Village of Antwerp

**Attest:**

{7100/071/00176445-1 ANH}

Loretta Baker  
Loretta Baker, Fiscal Officer

First Reading: 4-15-13

Second Reading: 5-20-13

Third Reading: 6-17-13

ORDINANCE NO. 2013-16

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 6A 250	CRA Cap Outlay-Survey for Dollar Gen	0.00	750.00
B1 6D 2611	Loan CE13P Cleve-Wash St	0.00	964.71
B9 1A 250	Fire Capital Improvements	6,000.00	16,000.00
D4 7X 271	Advance out Reim for Depot Project	0.00	42,485.00
D5 5D 250	Cleveland/Wash St Resurface	87,518.89	77,689.39
D7 5D 250	S. Erie Waterline Proj.	122,150.26	130,191.26
E1 5E 250	Water Pumping Capital Outlay	1,500.00	9,500.00
E1 5X 270	Trans. From Water to S. Erie Waterline	0.00	32,607.52

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.

RECORD OF ORDINANCES

0073

Dayton Legal Blank, Inc.

Form No. 30043

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

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

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

Date 5-20-13

Mayor Thomas D. Von Kester

Attest: Lynette Baker Fiscal Officer

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

**ORDINANCE NO. 2013-17****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 of Antwerp, Paulding County, Ohio (the "Village") is authorized by law to retain the services of legal counsel to be known as the Village Solicitor, and

**WHEREAS**, the Council of the Village deems it necessary to retain the services of legal counsel to act as Solicitor for the Village in civil, contract, and criminal matters.

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

**Section 1.** Legal counsel shall be provided to act in civil, contract, and criminal matters for the Village, and the person retained as such counsel shall be known as the Solicitor of the Village of Antwerp.

**Section 2.** The Village will compensate the Solicitor for legal services rendered on behalf of the Village at the rate of one hundred twenty Dollars (\$120.00) 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. 2011-05, except the hourly rate provided herein shall be in effect as of June 1, 2013.

**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.

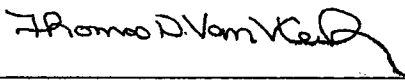


Ordinance No. \_\_\_\_\_

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

**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.

Passed this 20<sup>th</sup> day of May, 2013.

  
\_\_\_\_\_  
**Tom VanVlerah, Mayor**  
**The Village of Antwerp, Ohio**

Attest:  
  
\_\_\_\_\_  
**Loretta Baker, Fiscal Officer**

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

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

**ORDINANCE NO. 2013-18****AN ORDINANCE ENACTING THE FIRE DAMAGED STRUCTURES  
REPAIR OR REMOVAL FUND FOR THE VILLAGE OF ANTWERP, OHIO  
PURSUANT TO OHIO REVISED CODE SECTION 3929.86**

WHEREAS, the Council for the Village of Antwerp, Ohio, deems it necessary to the health, safety, and welfare of the residents of the Village of Antwerp that a fund be provided for the prompt repair or removal of structures damaged by fire within the Village of Antwerp, Ohio, as provided in Ohio Revised Code Section 3929.86.

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

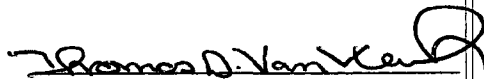
Section 1. That the Village of Antwerp hereby authorizes the procedure described in Ohio Revised Code Section 3929.86(C) and (D) be implemented whereby no insurance company doing business in the State of Ohio shall pay a claim of a named insured for fire damage to a structure located within the Village of Antwerp unless the applicable provisions of Ohio Revised Code Section 3929.86 are fully complied with as more fully set forth therein.

Section 2. The Fire Chief of the Village of Antwerp is hereby designated as the officer authorized to carry out the duties of Ohio Revised Code Section 3929.86 on behalf of the Village of Antwerp, Ohio. The Village of Antwerp Fire Chief shall file a certified copy of this Ordinance with the State Superintendent of Insurance.

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

PASSED: 7-15-13

  
Tom VanVlerah, Mayor

Attest:

  
Loretta Baker, Fiscal Officer

1<sup>st</sup> reading: 5-20-132<sup>nd</sup> reading: 6-17-133<sup>rd</sup> reading: 7-15-13

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

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

**RESOLUTION 2013-03**

**A RESOLUTION DETERMINING TO PROCEED WITH THE  
SUBMISSION TO THE ELECTORS OF THE QUESTION OF  
LEVYING A TAX IN EXCESS OF THE TEN-MILL LIMITATION  
(O.R.C. SECTIONS 5705.19, 5705.191, 5705.25, 5705.26)**

THE COUNCIL OF THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO, MET IN REGULAR SESSION ON THE 15<sup>th</sup> DAY OF July, 2013, AT TOWN HALL FOR THE VILLAGE OF ANTWERP WITH THE FOLLOWING MEMBERS PRESENT:

JAN REEB  
LARRY RYAN  
STEVE DERCK  
KAREN LEE  
KENNETH REINHART  
RUDIE REEB

Larry Ryan MOVED THE ADOPTION OF THIS RESOLUTION:

**WHEREAS, ON THE 15<sup>TH</sup> DAY OF APRIL, 2013, THIS COUNCIL ADOPTED A RESOLUTION REQUESTING THE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION AND DOLLAR AMOUNT GENERATED BY TWO-MILL FOR A RENEWAL LEVY FOR POLICE PROTECTION FOR A FIVE YEAR PERIOD COMMENCING IN 2014 (RESOLUTION NO. 2013-01); AND**

**WHEREAS, ON THE 17<sup>TH</sup> DAY OF APRIL, 2013, THE COUNTY AUDITOR CERTIFIED THAT THE TOTAL CURRENT TAX VALUATION OF THE VILLAGE OF ANTWERP, OHIO IS \$19,091,430.00, AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED ANNUALLY BY THE STATED MILLAGE WOULD BE \$33,710.00 (SAID FIGURES BASED ON ESTIMATED PROPERTY TAX GROSS REVENUES COLLECTED FOR THE VILLAGE OF ANTWERP); AND**

**WHEREAS, ON THE 15<sup>th</sup> DAY OF July, 2013, THIS COUNCIL ADOPTED THIS RESOLUTION DETERMINING TO SUBMIT TO THE ELECTORS OF THE VILLAGE OF ANTWERP, OHIO, THE QUESTION OF LEVYING A TAX IN EXCESS OF THE TEN-MILL LIMITATION, AS DESCRIBED BELOW, A COPY OF WHICH RESOLUTION WILL BE CERTIFIED TO THE COUNTY AUDITOR OF PAULDING COUNTY.**

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

**SECTION 1. THIS COUNCIL DESIRES AND DETERMINES TO PROCEED WITH THE SUBMISSION TO THE ELECTORS OF THE QUESTION OF LEVYING A TAX IN EXCESS OF THE TEN-MILL LIMITATION FOR THE BENEFIT OF THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO FOR THE PURPOSE OF POLICE PROTECTION, INCLUDING BUT NOT LIMITED TO FOR THE PURPOSE OF PROVIDING AND MAINTAINING MOTOR VEHICLES, COMMUNICATIONS, OTHER EQUIPMENT, BUILDINGS, AND SITES FOR SUCH BUILDINGS USED DIRECTLY IN THE OPERATION OF THE POLICE DEPARTMENT AND THE PAYMENT OF SALARIES OF PERMANENT OR PART-TIME POLICE, COMMUNICATIONS, OR ADMINISTRATIVE PERSONNEL TO OPERATE THE SAME, AT A RATE NOT EXCEEDING 2.0 MILLS FOR EACH ONE DOLLAR OF VALUATION,**

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

WHICH AMOUNTS TO \$.20 FOR EACH ONE HUNDRED DOLLARS OF VALUATION FOR FIVE (5) YEARS, AND WHICH LEVY IS A RENEWAL OF AN EXISTING LEVY OF 2.0 MILLS. SEE O.R.C. SECTION 5705.19(J).

**SECTION 2.** THE QUESTION OF APPROVING THE LEVY SHALL BE SUBMITTED TO THE ELECTORS OF THE VILLAGE OF ANTWERP, OHIO AT THE ELECTION TO BE HELD ON THE 5<sup>TH</sup> DAY OF NOVEMBER, 2013, RENEWAL LEVY WILL BE FOR A FIVE (5) YEAR PERIOD COMMENCING IN YEAR 2014 FIRST DUE IN THE CALENDAR YEAR 2015, IN COMPLIANCE WITH THE PROVISIONS OF O.R.C. SECTION 5705.34, IF A MAJORITY OF THE ELECTORS VOTING THEREON VOTE IN FAVOR THEREOF.

**SECTION 3.** THE FISCAL OFFICER OF THE VILLAGE OF ANTWERP IS DIRECTED TO CERTIFY A COPY OF THIS RESOLUTION TO THE BOARD OF ELECTIONS OF PAULDING COUNTY, OHIO, NOT LESS THAN NINETY (90) DAYS BEFORE THE ELECTION, 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.

**SECTION 4.** IT IS FOUND AND DETERMINED THAT ALL FORMAL ACTIONS OF THIS COUNCIL CONCERNING AND RELATING TO THE ADOPTION OF THIS RESOLUTION WERE ADOPTED IN AN OPEN MEETING OF THIS COUNCIL, AND THAT ALL DELIBERATION OF THIS COUNCIL AND OF ANY OF ITS COMMITTEES THAT RESULTED IN SUCH FORMAL ACTIONS WERE IN MEETINGS OPEN TO THE PUBLIC, IN COMPLIANCE WITH LAW.

Rudie Reeb SECONDED THE RESOLUTION AND THE ROLL BEING CALLED UPON ITS ADOPTION, THE VOTE RESULTED AS FOLLOWS:

<u>Jan Reeb</u>	<u>yes</u>
<u>Kenneth Reinhart</u>	<u>yes</u>
<u>Karen Lee</u>	<u>yes</u>
<u>Larry Ryan</u>	<u>yes</u>
<u>Rudie Reeb</u>	<u>yes</u>
<u>Steve Derek</u>	<u>yes</u>

ADOPTED THE 15th DAY OF July, 2013.

Thomas D. VanVlerah  
Tom VanVlerah, Mayor

Attest:

Loretta Baker  
Loretta Baker, Fiscal Officer

FIRST READING 5-20-13

SECOND READING 6-17-13

THIRD READING 7-15-13

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

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

THE STATE OF OHIO, PAULDING COUNTY

I, LORETTA BAKER, AS THE FISCAL OFFICER OF THE VILLAGE OF ANTWERP, OHIO, DO HEREBY CERTIFY THAT THE FOREGOING IS TAKEN AND COPIED FROM THE RECORD OF PROCEEDINGS OF SAID VILLAGE OF ANTWERP, AND THE SAME HAS BEEN COMPARED BY ME WITH THE RESOLUTION OF SAID RECORD, AND THAT IT IS A TRUE AND CORRECT COPY THEREOF.

WITNESS MY SIGNATURE THIS 15th DAY OF July, 2013.

Loretta Baker  
LORETTA BAKER, FISCAL OFFICER OF THE  
VILLAGE OF ANTWERP, OHIO

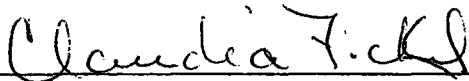
Ordinance No. \_\_\_\_\_

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

DTE 140R  
R.C. §5705.03(B)  
Rev. 5/11**Certificate of Estimated Property Tax Revenue**

The county auditor of Paulding County, Ohio, does hereby certify the following:

1. On April 17, 2013, the taxing authority of the Village of Antwerp certified a copy of its resolution or ordinance adopted April 15, 2013, requesting the county auditor to certify the current tax valuation of the subdivision and the amount of revenue that would be produced by two and zero tenths (2.0) mills, to levy a tax outside the ten-mill limitation for the purpose of police protection, pursuant to Revised Code §5705.19(j), to be placed on the ballot at the November 5, 2013 election. The levy type is a renewal five (5) year levy, commencing tax year 2014, first due in calendar year 2015.
2. The *estimated* property tax gross revenue that will be produced by the stated millage, assuming the tax valuation of the subdivision remains constant throughout the life of the levy, is calculated to be \$33,710.\*
3. The total tax valuation of the subdivision used in calculating the estimated property tax revenue is \$19,091,430.



Auditor's signature

4-18-13

Date

\*NOTE: This is **ONLY** an estimate and is based on **gross** tax dollars collected.

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

**ORDINANCE NO. 2013-19**

**AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF A NOTE TO PAY A PORTION OF THE COST OF INSTALLING THE LIFT STATION IN THE COLONY SUBDIVISION 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 was completed and a contract was awarded to the lowest and best bidder to install the lift station; and

**WHEREAS**, a lift station has been installed in the Colony Subdivision located in the Village of Antwerp, Paulding County, Ohio; and

**WHEREAS**, the Village of Antwerp must continue to pay a portion of the cost incurred in installing the lift station in the Colony Subdivision; 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 \$54,075.38 shall be issued for the purpose set forth herein, which is to pay a portion of the cost of installing the lift station in the Colony Subdivision located in the Village of Antwerp, Paulding County, Ohio, 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 2.25% annually 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, and 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.

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

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

**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 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 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 must continue to pay a portion of the cost incurred by having the lift station installed in the Colony Subdivision 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.

**Section 10.** This Ordinance shall be retroactive and take effect as of the maturity of the of the Note referenced in Ordinance No. 2012-11, said Ordinance for the issuance of a Note for the purpose of installing a lift station in the Colony Subdivision located in the Village of Antwerp, County of Paulding, Ohio.

Date: 6-17-13

Thomas D. Van Vlerah  
Tom VanVlerah, Mayor

Attest:

Loretta Baker  
Loretta Baker, Fiscal Officer



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

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

## ORDINANCE NO. 2013-20

### AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER \$27,500.00 FROM THE GENERAL FUND TO THE POLICE FUND, AND DECLARING THE SAME AN EMERGENCY

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

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

**WHEREAS**, this is a transfer of funds pursuant to Ohio Revised Code Section 5705.14(E), which 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:

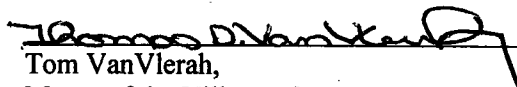
**Section 1.** The Village Fiscal Officer is hereby authorized to transfer the sum of Twenty-Seven Thousand Five Hundred Dollars and Zero Cents (\$27,500.00) from the General Fund to the Police Fund.

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

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

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

Date 6-17-13

  
Tom VanVlerah,  
Mayor of the Village of Antwerp

Attest:

  
Loretta Baker, Fiscal Officer

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

**ORDINANCE NO. 2013-21****AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS FROM THE GENERAL FUND TO THE WATER FUND IN THE AMOUNT OF \$ 30,000.00 AND DECLARE THE SAME TO BE AN EMERGENCY**

WHEREAS, the Village Of Antwerp Ohio has determined that it is necessary to transfer certain funds from the General Fund to the Water 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 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 dollars (\$30,000.00) from the General Fund to the Water 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 water 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 6-17-13

Thomas D. Van Klee  
Mayor of the Village of Antwerp

Attest:

Loretta Baker  
Fiscal Officer

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

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

**ORDINANCE NO: 2013-22**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE VILLAGE OF ANTWERP, OHIO TO ADD SECTION 428 FOR SITE PLAN REVIEW AND AMEND SECTION 409 FOR APPEALS OF SITE PLAN REVIEW, AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Planning and Zoning Commission of the Village of Antwerp recommended, by the adoption of a motion, to amend the Zoning Ordinance of the Village of Antwerp to add Section 428 requiring Site Plan Review for projects resulting in the creation of five (5) or more off-street parking spaces and amend Section 409 regarding the appeals process related to Site Plan Review, said recommendation made in compliance with Section 703 of the Zoning Ordinance of the Village of Antwerp, Ohio; and

**WHEREAS**, the Planning and Zoning Commission of the Village of Antwerp transmitted its recommendation on said proposed amendments 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**, a public hearing on this recommendation was held on the 10<sup>th</sup> day of June, 2013, in compliance with Section 708 of the Zoning Ordinance of the Village of Antwerp, Ohio, after notice of said public hearing was published and any required notice mailed to property owners in compliance with Sections 709 and 710 of the Zoning Ordinance of the Village of Antwerp, Ohio.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Antwerp, Paulding County, Ohio, that the recommendation of the Planning and Zoning Commission be adopted and approval of 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 add Section 428 requiring Site Plan Review for projects resulting in the creation of five (5) or more off-street parking spaces and amend Section 409 regarding the appeals process related to Site Plan Review, a copy of Section 428 for Site Plan Review and the amended Section 409 is attached hereto and incorporated herein by reference.

Section 2. The amendments to the Zoning Ordinance identified herein 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.

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

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

Section 4. This Ordinance is deemed an emergency measure necessary for the preservation of the public health, safety and welfare, and for the further reason to comply with Section 711 of the Zoning Ordinance, which requires the Village Council to act within thirty (30) days of the public hearing on the proposed amendment, and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

ENACTED THIS 17 day of June, 2013.

Thomas D. Van Vlerah  
Tom Van Vlerah, Mayor

Attest:

Loretta Baker  
Loretta Baker, Fiscal Officer

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

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

**428 SITE PLAN REVIEW**

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

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

**428.01 PROJECTS REQUIRING SITE PLAN REVIEW**

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

**428.02 PROCEDURE/RELATED APPROVALS**

An applicant proposing a development subject to site plan review pursuant to this section shall file ten (10) copies of the site plan documents required, along with the required application fee with the Zoning Inspector. When other zoning approvals are required, such as conditional uses or variances, any additional required information shall be submitted with the site plan, and related approval issues shall be addressed subsequent to site plan review by the Planning Commission.

After determining that an application for site plan approval is complete, the Zoning Inspector shall transmit copies of the application to the Planning Commission. If all information required is not provided, the Zoning Inspector shall promptly notify the applicant of the items needed. Following the determination that the application is complete, and after proper notifications are provided, the Planning Commission shall hold a public hearing considering the proposed site plan. The public hearing shall be held within thirty (30) days after the receipt of a complete application, unless the applicant waives the requirement to have the public hearing in the thirty (30) day time period required herein. Before holding the public hearing, notice of such hearing shall be published in at least one (1) newspaper of general circulation of the Village at least ten (10) days before the date of said hearing. The Planning Commission shall take action following the public hearing, which action on the site plan shall consist of either:

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

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

428.03 SUBMISSION REQUIREMENTS

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

428.04 STANDARDS FOR REVIEW

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

- 1. **Traffic:** Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
- 2. **Parking:** Provisions for the off street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control.
- 3. **Services:** Reasonable demands placed on municipal services and infrastructure.
- 4. **Pollution Control:** Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes reducing soil erosion both during and after construction.
- 5. **Nuisances:** Protection of abutting properties and municipal amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, storm water runoff, etc.
- 6. **Existing Vegetation:** Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
- 7. **Amenities:** The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space.
- 8. **Community Character:** The building setbacks, area and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding landscape.
- 9. **Design Standards:** Compliance with any applicable design standards or other community planning documents adopted and in force.

428.05 SITE PLAN CONTENT

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

# RECORD OF ORDINANCES

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Dayton Legal Blank, Inc.

Form No. 30043

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

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

1. Name of the project, boundaries, legal description and location maps showing sites' location in the Village, date, north arrow, and scale of the plan.
2. Name and address of the owner of record, developer, and seal of the engineer, architect, or landscape architect who prepared the site plan.
3. Names and addresses of all owners of record of abutting parcels and those within two hundred feet (ft.) of any property line of the subject property.
4. All existing lot lines, easements, and rights of way. Include area in acres or square feet, abutting land uses, and the location and use of structures within two hundred feet (200 ft.) of the site.
5. The location and use of all existing and proposed buildings and structures within the proposed development.
6. All dimensions of height and floor area, showing all exterior entrances, and all anticipated future additions and alterations.
7. An illustration of traffic movement, ingress and egress, and the location of all present and proposed public and private drives, parking areas, driveways, sidewalks, ramps, curbs, paths, landscaping, walls, and fences. Location, type, and screening details for all waste disposal containers shall also be shown.
8. The location, height, intensity, and bulb type (e.g., fluorescent, sodium, incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
9. The location, height, size, materials, and design of all proposed signage.
10. The location, height, size, materials, and design of all proposed structures.
11. Plans for fire protection and emergency vehicle movement and access.
12. The location of all present and proposed utility systems including, sewage or septic systems, water supply system, telephone, cable and electrical systems, storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales.
13. All existing natural land features, trees, forest cover, and water sources, and all proposed changes to these features including size and type of plant material. Water sources will include ponds, lakes, streams, wetlands, flood plains, and drainage retention areas.
14. Zoning for adjacent parcels, including those across the street.
15. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within one hundred feet (100 ft.) of the site (including those on opposite sides of a street). A pedestrian circulation plan shall also be shown.
16. A table containing the following information must be included:
  - (a) Area of building to be used for a particular use such as retail operation, office, storage, etc.
  - (b) Maximum number of employees.
  - (c) Maximum seating capacity, where applicable.
  - (d) Number of parking spaces provided for the intended use(s).
17. Elevation plans at a scale of 1/4" = 1' or 1/8" = 1' for all exterior facades of the proposed structure(s) showing architectural design features and the type and color of materials to be used.
18. A landscape plan showing proposed areas of vegetation to be maintained.
19. A Traffic Impact Study (if required according to Section 428.06).

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

20. For larger development projects that propose construction of structures of 10,000 square feet or greater, the Zoning Inspector and/or an engineer retained by the Planning Commission to review the site plan may require the following:
- (a) Copies of Soil logs and percolation tests.
  - (b) Stormwater runoff calculations and plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table, and flooding of other properties, as applicable.
  - (c) Existing and proposed topography at a one (1) foot contour intervals. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the 100 year flood plain, the area will be shown and base flood elevations given. Indicate areas within the proposed site and within fifty feet (50 ft.) of the proposed site, where ground removal or filling is required, and give its approximate volume in cubic yards.

428.06 TRAFFIC IMPACT STUDY

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

- 1. **A description of the site, surroundings, and study area:** Illustrations and a narrative shall describe the characteristics of the site and adjacent roadway system (functional classification, lanes, speed limits, etc.). This description shall include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features and a description of any planned roadway improvements. The study shall define and justify the study area selected for analysis.
- 2. **A description of the proposed development:** A description of factors such as the number and types of dwelling units, the gross and usable floor area, the number of employees, and shift change factors. Intended phasing or future expansion shall also be noted.
- 3. **Description of existing traffic conditions:** Traffic counts: Existing conditions including existing peak hour traffic volumes (and daily volumes if applicable) on street(s) adjacent to the site. Existing counts and levels of service for intersections in the vicinity, which are expected to be impacted, shall be provided. Traffic count data shall not be more than two (2) years old.
- 4. **Background Traffic Growth:** For any project requiring a Traffic Impact Study with a construction completion date beyond one (1) year at the time of the traffic study, the analysis shall also include a scenario analyzing forecast traffic at date of construction completion.
- 5. **Trip Generation:** Forecasted trip generation of the proposed development for the a.m. (if applicable) and p.m. peak hour and average day shall be calculated. This forecast shall be based on the data and procedures outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE).



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

6. **Trip Distribution:** The projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at site access points and nearby intersections where required.
7. **Impact Analysis:** Level of service or "capacity" analysis at the proposed access points using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board shall be provided. Before and after capacity analyses shall be performed for all street intersections where the expected traffic generated at the site will comprise at least five percent (5%) of the existing intersection capacity.
8. **Access Design/Access Management Standards:** The study shall include a map and description of the location and design of proposed access (driveways or new street intersections) including: any sight distance limitations, dimensions from adjacent driveways and intersections within two hundred fifty feet (250 ft.) on either side of the main roadway, data to demonstrate that the number of driveways proposed is the fewest necessary, and support that the access points will provide safe and efficient traffic operation.
9. **Other Study Items:** The Traffic Impact Study shall also include the following:

(a) Need for, or provision of, any additional right of way where planned or desired by the Village.

(b) Changes that should be considered to the site plan layout.

(c) Description of how the proposed site plan conforms to thoroughfare policies described in the Village Comprehensive Plan.

(d) If the use involves a drive through facility, the adequacy of the queuing area shall be evaluated.

(e) If a traffic signal is being requested, the applicable traffic signal warrants shall be provided along with an analysis of traffic progression along the roadway through coordination with other signals.

(f) Description of site circulation and available sight distances at site driveways.

(g) Description of opportunities to improve pedestrian circulation to and from the site and any anticipated impact relative to existing or planned bike/walking trails and/or dedicated bike lanes in roadways.
10. **Mitigation/Alternatives:** The Traffic Impact Study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements shall be described. The mitigation measures may include items such as roadway widening, turn lane geometries, changes to signalization, elimination or combination of access points, or reduction in the proposed intensity of use. Any applicable local or State agency shall review proposed mitigation measures. The responsibility for construction and timing of roadway improvements shall be described.

428.07 CHANGES TO SITE PLANS

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

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Ordinance No. _____		Passed _____, 20____	

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

428.08 EXPIRATION OF APPROVAL

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

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

409      Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal.

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. The Board of Zoning Appeals may also consider appeals from decisions of the Planning Commission when it is acting in an administrative capacity with respect to Site Plan Review. In such circumstances, the Board of Zoning Appeals shall consider the same standards for review as considered by the Planning Commission and determine if required modifications, restrictions, and conditions attached to Site Plan Approval are onerous and burdensome, and not clearly related to such standards. The Board of Zoning Appeals may also find that other modifications, restrictions, and conditions would be acceptable and equally effective in meeting the standards for review.

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

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

**ORDINANCE NO. 2013-23**

**AN ORDINANCE REPEALING ANY AND ALL ORDINANCES PROVIDING FOR THE DEMOLITION OF UNSAFE OR INSECURE BUILDINGS LOCATED IN THE VILLAGE OF ANTWERP, OHIO, AND ANY AMENDMENTS THERETO; AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council of the Village of Antwerp, Ohio (“Council”) passed Ordinance No. 94-11, an ordinance providing for the demolition of unsafe or insecure buildings located in the Village of Antwerp, Ohio, said ordinance passed after three readings on August 8, 1994; and

**WHEREAS**, the Council passed Ordinance No. 2000-08, an ordinance providing for the demolition of insecure and unsafe buildings located in the Village of Antwerp, Ohio, said ordinance passed as an emergency measure on February 29, 2000; and

**WHEREAS**, the Council passed Ordinance No. 2009-27, an ordinance amending Ordinance No. 2000-08, said ordinance providing for the demolition of insecure and unsafe buildings located in the Village of Antwerp, Ohio, said ordinance passed as an emergency measure on October 19, 2009; and

**WHEREAS**, the Council passed Ordinance No. 2011-14, an ordinance amending Section 7 of Ordinance No. 2009-27, which amended Ordinance No. 2000-08, providing for the demolition of insecure and unsafe buildings located in the Village of Antwerp, Ohio, said ordinance passing as an emergency measure on May 16, 2011; and

**WHEREAS**, the Council has deemed it necessary to pass a new ordinance providing for the demolition of insecure and unsafe buildings located in the Village of Antwerp, Ohio, and in order to avoid confusion based on prior ordinances and amendments thereto, Council deems it necessary to repeal prior ordinances passed providing for the demolition of unsafe or insecure buildings located in the Village of Antwerp, Ohio, said ordinances including those ordinances referenced above, specifically Ordinance No. 94-11, Ordinance No. 2000-08, Ordinance No. 2009-27, and Ordinance No. 2011-14.

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

Section 1. The Council of the Village of Antwerp, Ohio (“Council”), hereby repeals Ordinance No. 94-11, an ordinance providing for the demolition of unsafe or insecure buildings located in the village limits of the Village of Antwerp, Ohio, said ordinance attached hereto and incorporated herein by reference.

Section 2. The Council hereby repeals Ordinance No. 2000-08, an ordinance providing for the demolition of insecure and unsafe buildings located in the Village of Antwerp, Ohio, said ordinance attached hereto and incorporated herein by reference.

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

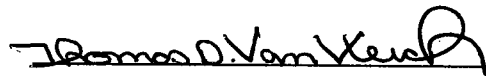
Section 3. The Council hereby repeals Ordinance No. 2009-27, an ordinance amending Ordinance No. 2000-08, said ordinance providing for the demolition of insecure and unsafe buildings located in the Village of Antwerp, Ohio, said ordinance attached hereto and incorporated herein by reference.

Section 4. The Council hereby repeals Ordinance No. 2011-14, an ordinance amending Section 7 of Ordinance No. 2009-27, which ordinance amended Ordinance No. 2000-08, providing for the demolition of insecure and unsafe buildings located in the Village of Antwerp, Ohio, said ordinance attached hereto and incorporated herein by reference.


Section 5. It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal action, were in meetings open to the public, and in compliance with all legal requirements.

Section 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 to repeal prior ordinances providing for the demolition of unsafe and insecure buildings located in the Village of Antwerp, Ohio, and to allow the Council to implement a new ordinance providing for the procedures for the same, and this Ordinance 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.

PASSED THIS 15th day of July, 2013.

  
TOM VANVLERAH, Mayor  
Village of Antwerp

ATTEST:

  
LORETTA BAKER  
Fiscal Officer, Village of Antwerp

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

**ORDINANCE NO. 2013-24****AN ORDINANCE REPEALING ANY AND ALL ORDINANCES ESTABLISHING REGULATIONS OF WEEDS WITHIN THE VILLAGE OF ANTWERP, OHIO, AND ANY AMENDMENTS THERETO; AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council of the Village of Antwerp, Ohio ("Council"), passed Ordinance No. 98-10, an ordinance establishing regulations of weeds within the Village of Antwerp, said ordinance passed as an emergency measure on November 9, 1999; and

**WHEREAS**, the Council passed Ordinance No. 2008-04, an ordinance amending Ordinance No. 1998-10, entitled An Ordinance Establishing the Regulations of Weeds within the Village of Antwerp, said ordinance passed after three readings on March 17, 2008; and

**WHEREAS**, the Council passed Ordinance No. 2011-08, an ordinance amending Section 5 of Ordinance No. 2008-04, establishing the regulations of weeds within the Village of Antwerp, said ordinance passed as an emergency measure on April 18, 2011; and

**WHEREAS**, the Council has deemed it necessary to pass a new ordinance providing for the regulation of weeds on private property and to include the regulation of litter on private property in the Village of Antwerp, Ohio, in order to avoid confusion based on prior ordinances and amendments thereto, Council deems it necessary to repeal prior ordinances passed establishing regulations of weeds within the Village of Antwerp, Ohio, said ordinances, including those ordinances referenced above, specifically Ordinance No. 98-10, Ordinance No. 2008-04, and Ordinance No. 2011-08.

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

**Section 1.** The Council of the Village of Antwerp, Ohio ("Council"), hereby repeals Ordinance No. 1998-10, an ordinance establishing regulations of weeds within the Village of Antwerp, said ordinance attached hereto and incorporated herein by reference.

**Section 2.** The Council hereby repeals Ordinance No. 2008-04, an ordinance amending Ordinance No. 1998-10, entitled An Ordinance Establishing the Regulations of Weeds Within the Village of Antwerp, said ordinance attached hereto and incorporated herein by reference.

**Section 3.** The Council hereby repeals Ordinance No. 2011-08, an ordinance amending Section 5 of Ordinance No. 2008-04 establishing the regulations of weeds within the Village of Antwerp, said ordinance attached hereto and incorporated herein by reference.

**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 the Council, and that all deliberations of the Council and any of its committees that resulted in such formal action, were in meetings open to the public, and in compliance with all legal requirements.

**Section 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 to {7100/071/00204950-1 SLS}

# RECORD OF ORDINANCES

0097

Dayton Legal Blank, Inc.

Form No. 30043

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

repeal prior ordinances establishing the regulations of weeds within the Village of Antwerp, Ohio, and to allow the Council to implement a new ordinance providing for the procedures for the same and for litter on private property in the Village of Antwerp, Ohio, and this Ordinance 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.

PASSED THIS 15th day of July, 2013.

Thomas D. Van Vlerah  
TOM VANVLERAH, Mayor  
Village of Antwerp

ATTEST:

Loretta Baker  
LORETTA BAKER  
Fiscal Officer, Village of Antwerp

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

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

**ORDINANCE NO. 2013-25****AN ORDINANCE REPEALING ANY AND ALL ORDINANCES PROVIDING THE REGULATIONS OF LITTER AND/OR JUNK MOTOR VEHICLES ON PRIVATE PROPERTY IN THE VILLAGE OF ANTWERP, OHIO, AND ANY AMENDMENTS THERETO; AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council of the Village of Antwerp, Ohio ("Council"), passed Ordinance No. 90-9, an ordinance declaring the keeping of motor vehicles in an inoperative condition, motor vehicles unfit for future use or automobile parts within the Village to be a nuisance, providing penalties therefor and authorizing abatement thereof by the Village, said ordinance passed as an emergency measure on October 8, 1990; and

**WHEREAS**, the Council passed Ordinance No. 2000-09, 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 an emergency, said ordinance passed as an emergency measure on April 10, 2000; and

**WHEREAS**, Council passed Ordinance No. 2008-05, an ordinance amending Ordinance No. 2009-09, and now entitled An Ordinance Regulating the Removal of Litter and the Removal or Cover of Junk Motor Vehicles, said ordinance passed after three readings on March 17, 2008; and

**WHEREAS**, the Council has deemed it necessary to pass a new ordinance regulating the removal or cover of junk motor vehicles on private property in the Village of Antwerp, Ohio, and including language regarding litter in the ordinance establishing the regulations of weeds located in the Village of Antwerp, Ohio, and, in order to avoid confusion based on prior ordinances and amendments thereto, Council deems it necessary to repeal prior ordinances passed providing the regulations of litter and/or junk motor vehicles on private property in the Village of Antwerp, Ohio, said ordinances including those ordinances referenced above, specifically Ordinance No. 90-9, Ordinance No. 2000-09, and Ordinance No. 2008-05.

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

**Section 1.** The Council of the Village of Antwerp, Ohio ("Council"), hereby repeals Ordinance No. 90-9, an ordinance declaring the keeping of motor vehicles in an inoperative condition, motor vehicles unfit for future use or automobile parts within the Village to be a nuisance, providing penalties therefor and authorizing abatement thereof by the Village, said ordinance attached hereto and incorporated herein by reference.

**Section 2.** The Council hereby repeals Ordinance No. 2000-09, 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 No. 915 and declaring an emergency, said ordinance attached hereto and incorporated herein by reference.



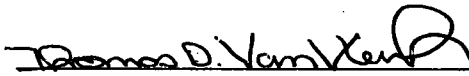
Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

Section 3. The Council hereby repeals Ordinance No. 2008-05, an ordinance amending Ordinance No. 2000-09, now entitled An Ordinance Regulating the Removal of Litter and the Removal or Cover of Junk Motor Vehicles, said ordinance attached hereto and incorporated herein by reference.

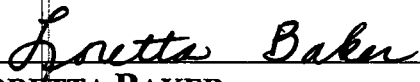
Section 4. It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal action, were in meetings open to the public, and in compliance with all legal requirements.

Section 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 to repeal prior ordinances providing the regulations of litter and/or junk motor vehicles on private property in the Village of Antwerp, Ohio, and to allow the Council to implement a new ordinance providing for the procedures for the regulations of junk motor vehicles on private property in the Village of Antwerp, Ohio, and this Ordinance 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.

PASSED THIS 15th day of July, 2013.

  
TOM VANVLERAH, Mayor  
Village of Antwerp

ATTEST:

  
LORETTA BAKER  
Fiscal Officer, Village of Antwerp

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

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

**ORDINANCE NO: 2013-26**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE  
VILLAGE OF ANTWERP, OHIO, TO REZONE CERTAIN LOTS ADJACENT  
TO WEST DAGGETT STREET IN THE VILLAGE OF ANTWERP FROM  
MULTIPLE FAMILY DISTRICT (R-2) TO BUSINESS DISTRICT (B-1),  
AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Planning and Zoning Commission of the Village of Antwerp recommended, by the adoption of a motion, to amend the Official Zoning Map of the Village of Antwerp and re-zone or change the classification of certain lots in the Village of Antwerp, specifically, Lots 38 and 39, Daggett 1<sup>st</sup> Addition, Parcel Nos. 23-10S-075-00 and 12-10S-074-00, which Lots are adjacent to West Daggett Street in the Village of Antwerp, from Multiple Family District (R-2) to Business District (B-1), said recommendation made in compliance with Section 703 of the Zoning Ordinance of the Village of Antwerp, Ohio; and

**WHEREAS**, the Planning and Zoning Commission of the Village of Antwerp transmitted its recommendation on said proposed 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 10<sup>th</sup> day of July, 2013, in compliance with Section 708 of the Zoning Ordinance of the Village of Antwerp, Ohio, after notice of said public hearing was published and any required notice mailed to property owners in compliance with Sections 709 and 710 of the Zoning Ordinance of the Village of Antwerp, Ohio.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Antwerp, Paulding County, Ohio, that the Council adopts the 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 Official Zoning Map be amended and that the real estate located at Lots 38 and 39, Daggett 1<sup>st</sup> Addition, Parcel Nos. 23-10S-075-00 and 12-10S-074-00, which Lots are adjacent to West Daggett Street in the Village of Antwerp, be re-zoned or the classification of this real estate changed from Multiple Family District (R-2) to Business District (B-1).

**Section 2.** The amendment in Section 1 shall be incorporated into the Official Zoning Map of the Village of Antwerp upon the date this Ordinance becomes effective by law. Attached hereto and incorporated herein by reference is a map depicting the area which is the subject of the zoning map amendment.

**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.

(7100/071/00201445-1 ANH)

# RECORD OF ORDINANCES

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Dayton Legal Blank, Inc.

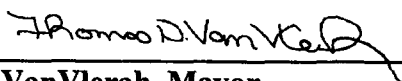
Form No. 30043

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

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


**Section 4.** This Ordinance is deemed an emergency measure necessary for the preservation of the public health, safety and welfare, and for the further reason to comply with Section 711 of the Zoning Ordinance, which requires the Village Council to act within thirty (30) days of the public hearing on the proposed amendment, and this Ordinance 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 15th day of July, 2013.



Tom Van Vlerah, Mayor  
Village of Antwerp, Ohio

Attest:

  
Loretta Baker, Fiscal Officer

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

**ORDINANCE NO: 2013-27**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE OF ANTWERP, OHIO, TO REZONE CERTAIN LOT ADJACENT TO EAST RIVER STREET IN THE VILLAGE OF ANTWERP FROM SINGLE FAMILY DISTRICT (R-1) TO MULTIPLE FAMILY DISTRICT (R-2), AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Planning and Zoning Commission of the Village of Antwerp recommended, by the adoption of a motion, to amend the Official Zoning Map of the Village of Antwerp and re-zone or change the classification of certain lot in the Village of Antwerp, specifically, PT E 1/2 SE 1/4 OUTLOTS S-27, Parcel No. 12-38S-013-00, which Lot is adjacent to East River Street in the Village of Antwerp, from Single Family District (R-1) to Multiple Family District (R-2), said recommendation made in compliance with Section 703 of the Zoning Ordinance of the Village of Antwerp, Ohio; and

**WHEREAS**, the Planning and Zoning Commission of the Village of Antwerp transmitted its recommendation on said proposed 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 10<sup>th</sup> day of July, 2013, in compliance with Section 708 of the Zoning Ordinance of the Village of Antwerp, Ohio, after notice of said public hearing was published and any required notice mailed to property owners in compliance with Sections 709 and 710 of the Zoning Ordinance of the Village of Antwerp, Ohio.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Antwerp, Paulding County, Ohio, that the Council adopts the 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 Official Zoning Map be amended and that the real estate located at PT E 1/2 SE 1/4 OUTLOTS S-27, Parcel No. 12-38S-013-00, which Lot is adjacent to East River Street in the Village of Antwerp, which Lot is adjacent to East River Street in the Village of Antwerp, be re-zoned or the classification of this real estate changed from Single Family District (R-1) to Multiple Family District (R-2).

**Section 2.** The amendment in Section 1 shall be incorporated into the Official Zoning Map of the Village of Antwerp upon the date this Ordinance becomes effective by law. Attached hereto and incorporated herein by reference is a map depicting the area which is the subject of the zoning map amendment.

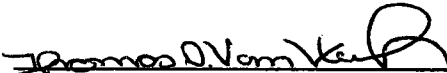
**Section 3.** It is found and determined that all formal actions of the council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this council, and that all deliberations of the council and of any of its committees that resulted in such formal action, were in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

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

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

**Section 4.** This Ordinance is deemed an emergency measure necessary for the preservation of the public health, safety and welfare, and for the further reason to comply with Section 711 of the Zoning Ordinance, which requires the Village Council to act within thirty (30) days of the public hearing on the proposed amendment, and this Ordinance 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 15th day of July, 2013.

  
\_\_\_\_\_  
Tom VanVlerah, Mayor  
Village of Antwerp, Ohio

Attest:

  
\_\_\_\_\_  
Loretta Baker, Fiscal Officer

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

**ORDINANCE NO: 2013-28**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE OF ANTWERP, OHIO, TO REZONE CERTAIN LOTS ADJACENT TO NORTH MAIN STREET IN THE VILLAGE OF ANTWERP FROM MULTIPLE FAMILY DISTRICT (R-2) TO BUSINESS DISTRICT (B-1), AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Planning and Zoning Commission of the Village of Antwerp recommended, by the adoption of a motion, to amend the Official Zoning Map of the Village of Antwerp and re-zone or change the classification of certain lots in the Village of Antwerp, specifically, Lots 8 and 9, Block B, Parcel Nos. 12-03S-021-00 and 12-03S-020-00, which Lots are adjacent to North Main Street in the Village of Antwerp, from Multiple Family District (R-2) to Business District (B-1), said recommendation made in compliance with Section 703 of the Zoning Ordinance of the Village of Antwerp, Ohio; and

**WHEREAS**, the Planning and Zoning Commission of the Village of Antwerp transmitted its recommendation on said proposed 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 10<sup>th</sup> day of July, 2013, in compliance with Section 708 of the Zoning Ordinance of the Village of Antwerp, Ohio, after notice of said public hearing was published and any required notice mailed to property owners in compliance with Sections 709 and 710 of the Zoning Ordinance of the Village of Antwerp, Ohio.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Antwerp, Paulding County, Ohio, that the Council adopts the 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 Official Zoning Map be amended and that the real estate located at Lots 8 and 9, Block B, Parcel Nos. 12-03S-021-00 and 12-03S-020-00, which Lots are adjacent to North Main Street in the Village of Antwerp, be re-zoned or the classification of this real estate changed from Multiple Family District (R-2) to Business District (B-1).

**Section 2.** The amendment in Section 1 shall be incorporated into the Official Zoning Map of the Village of Antwerp upon the date this Ordinance becomes effective by law. Attached hereto and incorporated herein by reference is a map depicting the area which is the subject of the zoning map amendment.

**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.

# RECORD OF ORDINANCES

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Dayton Legal Blank, Inc.

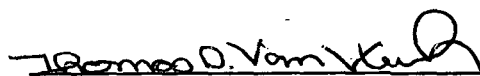
Form No. 30043

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

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

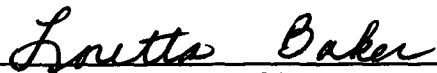
**Section 4.** This Ordinance is deemed an emergency measure necessary for the preservation of the public health, safety and welfare, and for the further reason to comply with Section 711 of the Zoning Ordinance, which requires the Village Council to act within thirty (30) days of the public hearing on the proposed amendment, and this Ordinance 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 15<sup>th</sup> day of July, 2013.



Tom VanVlerah, Mayor  
Village of Antwerp, Ohio

Attest:



Loretta Baker, Fiscal Officer

Dayton Legal Blank, Inc.	Form No. 30043
Ordinance No. _____	Passed _____, 20____

**ORDINANCE NO: 2013-29**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE OF ANTWERP, OHIO, TO REZONE CERTAIN LOT ADJACENT TO WEST RIVER STREET IN THE VILLAGE OF ANTWERP FROM AGRICULTURAL DISTRICT (A-1) TO BUSINESS DISTRICT (B-1), AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Planning and Zoning Commission of the Village of Antwerp recommended, by the adoption of a motion, to amend the Official Zoning Map of the Village of Antwerp and re-zone or change the classification of certain lot in the Village of Antwerp, specifically, PT SE 1/4 OUTLOTS S-28, Parcel No. 12-36S-004-00, which lot is adjacent to West River Street in the Village of Antwerp, from Agricultural District (A-1) to Business District (B-1), said recommendation made in compliance with Section 703 of the Zoning Ordinance of the Village of Antwerp, Ohio; and

**WHEREAS**, the Planning and Zoning Commission of the Village of Antwerp transmitted its recommendation on said proposed 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 10<sup>th</sup> day of July, 2013, in compliance with Section 708 of the Zoning Ordinance of the Village of Antwerp, Ohio, after notice of said public hearing was published and any required notice mailed to property owners in compliance with Sections 709 and 710 of the Zoning Ordinance of the Village of Antwerp, Ohio.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Antwerp, Paulding County, Ohio, that the Council adopts the 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 Official Zoning Map be amended and that the real estate located at PT SE 1/4 OUTLOTS S-28, Parcel No. 12-36S-004-00, which lot is adjacent to West River Street in the Village of Antwerp, be re-zoned or the classification of this real estate changed from Agricultural District (A-1) to Business District (B-1).

**Section 2.** The amendment in Section 1 shall be incorporated into the Official Zoning Map of the Village of Antwerp upon the date this Ordinance becomes effective by law. Attached hereto and incorporated herein by reference is a map depicting the area which is the subject of the zoning map amendment.

**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.

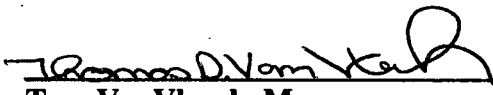


Ordinance No. \_\_\_\_\_

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

**Section 4.** This Ordinance is deemed an emergency measure necessary for the preservation of the public health, safety and welfare, and for the further reason to comply with Section 711 of the Zoning Ordinance, which requires the Village Council to act within thirty (30) days of the public hearing on the proposed amendment, and this Ordinance 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 15<sup>th</sup> day of July, 2013.

  
\_\_\_\_\_  
Tom VanVlerah, Mayor  
Village of Antwerp, Ohio

Attest:

  
\_\_\_\_\_  
Loretta Baker, Fiscal Officer

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

ORDINANCE NO. 2013-30

AN ORDINANCE ESTABLISHING THE REGULATIONS OF WEEDS AND LITTER ON PRIVATE PROPERTY IN THE VILLAGE OF ANTWERP, OHIO; AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Council of the Village of Antwerp, Ohio (the "Council"), is desirous of implementing standards and time periods for the cutting and destroying of weeds and removal of litter on private property in the Village of Antwerp, Ohio (the "Village"); and

WHEREAS, the Council adopted the Ohio Basic Code, which contains regulations regarding weeds and litter on private property; and

WHEREAS, the Council deems it in the best interest of the residents of the Village to implement standards and time periods for the cutting and destroying of weeds and removal of litter, including the requirement that weeds on private property be mowed throughout the months of April through October.

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

Section 1. Keeping Down Weeds.

- (A) 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 of a height of twelve (12) inches or more during the months of April, May, June, July, August, September and October.
- (B) Noxious weeds and rank vegetation shall include but not be limited to:
  - (1) Any weeds such as the following: Apple of Peru, Buckthorn, 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, Marestail, 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;
  - (2) Grapevines when growing in groups of 100 or more and not pruned, sprayed, cultivated, or otherwise maintained for two (2) consecutive years;
  - (3) Bushes of the species of tall, common, or European barberry, further known as *berberis vulgaris* or its horticultural varieties; and

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

(4) Any weeds, grass or plants, other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding twelve (12) inches.

Referred to herein collectively as "noxious weeds."

(C) The Village Administrator shall cause an annual notice to be published in a newspaper of general circulation in the Village notifying the residents of the requirement of this section.

**Section 2. Notice to Owner to Cut Noxious Weeds.**

(A) Upon written information that noxious weeds are growing on lands in the Village and are about to spread or mature seeds, the Village Council 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.

(B) The fact that noxious weeds twelve (12) inches or more in height exist on any lot on any date during the months of April, May, June, July, August, September and October is prima facie evidence of willful failure to comply with the notice, and each subsequent period of five (5) days that noxious weeds twelve (12) inches or more in height exist on any lot during these designated months constitutes a separate offense.

**Section 3. Litter on Private Property and Notice to Owner.**

(A) Upon written information that litter has been placed on lands in a municipality, and has not been removed, and constitutes a detriment to public health, the Village Council 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 15 days after the service of the notice. The determination of the placement and failure to remove litter in violation of this Ordinance is hereby delegated by the Village Council to the Village Administrator.

(B) As used in 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, oil of an unsightly or unsanitary nature, or anything else of an unsightly or unsanitary nature.

(C) If the owner or other person having charge of the land is a nonresident 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

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

land is unknown it is sufficient to publish the notice once in a newspaper of general circulation in the county.

(D) This section does not apply to land being used under a Village building or construction permit or license, a 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 R.C. Chapter 3734, R.C. §§ 4737.05 through 4737.12, or R.C. Chapter 6111.

**Section 4. Fees for Service and Return.** The Police Chief, any police officer, or the Village Administrator may make service and return of the notices 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 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 Council 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. The charge for cutting and destroying noxious weeds on any lot in the Village shall be \$50.00, except for a lot that is larger than one-half (½) acre. The charge for cutting and destroying noxious weeds on any lot in the Village that is larger than one-half (½) acre shall be \$75.00.

**Section 6. Written Return to County Auditor; Amount as a Lien Upon Property.** If the Village employs the necessary labor to cut and destroy noxious weeds, the Village Administrator shall make a written return to the County Auditor of the Village's action under 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. The Village shall also include a \$25.00 processing fee to each account certified to the County Auditor for collection from the real property taxes. The processing fee shall pay the expenses relating to the coordination of activities for the certification process. 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 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.

**Section 8.** Previous Ordinances and Rules of the Village that are not consistent with this Ordinance are hereby set aside, revoked and held for naught.

**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.

# RECORD OF ORDINANCES

0111

Dayton Legal Blank, Inc.

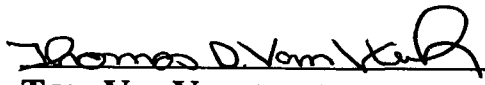
Form No. 30043

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

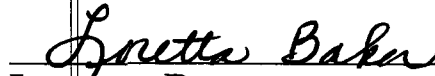
Passed \_\_\_\_\_, 20\_\_\_\_

**Section 10.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public safety, health, peace and welfare, to implement standards and time periods for cutting and destroying of noxious weeds and removal of litter from private property in 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 THIS 15<sup>th</sup> day of July, 2013.

  
\_\_\_\_\_  
**TOM VANVLERAH**, Mayor  
Village of Antwerp

ATTEST:

  
\_\_\_\_\_  
**LORETTA BAKER**  
Fiscal Officer, Village of Antwerp

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

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

**ORDINANCE NO. 2013-31****AN ORDINANCE REGULATING THE REMOVAL OR COVER OF JUNK MOTOR VEHICLES IN THE VILLAGE OF ANTWERP, OHIO;  
AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council of the Village of Antwerp, Ohio (the "Council"), is desirous of implementing standards and time periods for the removal or cover of junk motor vehicles on private property in the Village of Antwerp, Ohio (the "Village"); and

**WHEREAS**, the Council adopted the Ohio Basic Code, which contains regulations regarding the removal or cover of junk motor vehicles on private property in the Village; and

**WHEREAS**, the Council deems it in the best interest of the residents to implement standards and time periods for the removal or cover of junk motor vehicles in the Village including the implementation of procedures by which to notify property owners of removal or cover of junk motor vehicles.

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

**Section 1. 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. It is a violation of this Ordinance if any junk motor vehicle 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 2. Notice of 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 3. Imposition of Penalty for 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 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

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motor vehicle continues to be so left constitutes a separate offense. Whoever violates this Ordinance and does not comply with the notice required by this Ordinance is guilty of a minor misdemeanor on a first offense. If the offender previously has been convicted of or pled guilty to a violation of this Ordinance, then whoever violates this Ordinance and does not comply with the notice required by this Ordinance is guilty of a misdemeanor of the fourth degree. If the offender previously has been convicted of or pled guilty to two (2) or more violations of this Ordinance and does not comply with the notice required by this Ordinance, then whoever violates this Ordinance is guilty of a misdemeanor of the third degree. Any violation of an Ordinance previously enacted by the Village regarding the removal or cover of junk motor vehicles or of a similar Ohio Basic Code section will be considered a prior offense for purposes of this section.

**Section 4.** Previous Ordinances and Rules of the Village that are not consistent with this Ordinance are hereby set aside, revoked and held for naught.

**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 in 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 safety, health, peace and welfare, to implement standards and time periods for the removal or cover of junk motor vehicles on private property in 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 THIS 15th day of July, 2013.



**TOM VANVLERAH**, Mayor  
Village of Antwerp

**ATTEST:**



**LORETTA BAKER**  
Fiscal Officer, Village of Antwerp

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

**ORDINANCE NO. 2013-32****AN ORDINANCE PROVIDING FOR THE DEMOLITION OF INSECURE AND UNSAFE BUILDINGS LOCATED IN THE VILLAGE OF ANTWERP, OHIO; AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council of the Village of Antwerp, Ohio (the "Council"), has observed the existence of certain buildings and structures within the Village of Antwerp, Ohio (the "Village") in such an advanced state of disrepair as to endanger the health, safety and welfare of the citizens of the community and determined that legislation is necessary to abate the nuisance thereby permitted to exist by certain property owners.

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

**Section 1.** No owner of a building, dwelling or structure within the boundaries of the Village shall permit the same to remain in such an advanced state of disrepair as to endanger the health, safety and welfare of the citizens of the community or as to be a public nuisance by reason of its condition.

**Section 2.** The Village Chief of Police shall have free access at any reasonable hour, upon showing appropriate identification when a building is occupied, to make inspection, examination, and survey of any building, dwelling or structure located within the Village, where the Chief of Police has probable cause to believe the building, dwelling or structure is unsafe, insecure, structurally defective or in an unhealthful, unsanitary condition, and thereby dangerous to the citizens of the Village.

**Section 3.** Upon a determination by the Village Chief of Police that any building, dwelling or structure is in such an advanced state of disrepair by reason of defective or inadequate plumbing or sanitary facilities or faulty or defective electrical wiring; accumulation of debris, filth, rubbish or garbage; general deterioration of the structure by reason of age, neglect, exposure to the elements or vandalism; partial damage to the structure by reason of deterioration or damage to the foundation; or any combination of these deficiencies so as to endanger the health, safety and welfare of the public creating a public nuisance, the Chief of Police shall give written notice, by certified mail, to the holders of legal or equitable liens of record upon the real property on which such building, dwelling or structure is located and to the owners of record of such property at the last known address of said lienholders and owners, directing them to effect the repairs necessary to put the building, dwelling or structure in a reasonably safe condition within thirty (30) days of the receipt of such notice, or if any of the lienholders or owners are unknown and cannot be located, by publishing a notice in a newspaper of general circulation in the Village for a period of not less than two (2) consecutive weeks, notifying said lienholders and/or owners to effect such repairs as are necessary to put the building in a reasonably safe condition within thirty (30) days of the second notice. No repairs shall be made unless requirements of applicable governmental building and/or zoning codes are complied with in making the repairs. In making the determination whether a building, dwelling or structure creates a public nuisance under this Section, the Chief of Police may utilize the services of a building inspector, building and/or demolition contractor or other suitable person.

{7100/071/00200979-1 ANH}



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**Section 4.** Within forty-eight (48) hours after receiving the notice referenced in Section 3 above from the Chief of Police or within forty-eight (48) hours after any notice is published in a newspaper, the owner of said real property must secure the building, dwelling or structure to ensure the public cannot access said building, dwelling or structure and must make any emergency corrections of hazardous conditions as referenced in the notice. If the owner of the real property fails to adequately secure the building, dwelling or structure or to make any emergency corrections of hazardous conditions, then the Chief of Police is hereby authorized to take any actions necessary to secure the building, dwelling or structure or to make any emergency corrections of hazardous conditions.

**Section 5.** Within thirty (30) days after the receipt of such notice or the last publication of the same in a newspaper, as provided herein, the owner may appeal in writing to the Council the finding by the Chief of Police that any such building, dwelling or structure is in such an advanced state of disrepair as to endanger the health, safety and welfare of the public.

**Section 6.** Upon receipt of written appeal as provided for in Section 5 hereof, Council shall set the matter for hearing within thirty (30) days after receiving said notice of appeal and the owner shall have an opportunity to appear before the Council and to present evidence that the building, dwelling or structure is not in such an advanced state of disrepair for any of the reasons set forth in Section 3 of this Ordinance as to endanger the health, safety and welfare of the public, therefore not creating a public nuisance.

**Section 7.** If no appeal is filed from the finding of the Chief of Police within the thirty (30) day period referenced in Section 5 of this Ordinance or if the Council affirms the findings of the Chief of Police and determines the building, dwelling or structure involved to be a public nuisance, Council shall order the Village Administrator to advertise for bids for the demolition and removal of the building, dwelling or structure (unless demolition costs do not exceed \$25,000.00) in accordance with requirements of all applicable governmental building and/or zoning codes. In the event Council is apprised that the owner has appealed its determination to the proper state court, then all proceedings shall be stayed pending final determination by the proper state court and appellate courts.

**Section 8.** That all charges, costs and expenses arising out of or connected with the demolition and removal of any insecure, unsafe or unhealthful building, dwelling or structure pursuant to this Ordinance, including any charges, costs and expenses in securing the building, dwelling or structure at issue or in making any emergency corrections of hazardous conditions, shall be paid by the owner of the premises upon which any such building, dwelling or structure is situated, within ninety (90) days after the demolition, removal or securing and/or making of emergency corrections thereof as provided for in this Ordinance, and if not paid within said ninety (90) day period, the Village Fiscal Officer shall certify to the Auditor of Paulding County, Ohio, the total costs of such demolition, removal or securing and/or making of emergency corrections, and the County Auditor shall place the costs on the tax list and duplicate of the property, with the interest and penalties allowed by law, and be collected as other taxes pursuant to Section 715.261(B)(1) of the Ohio Revised Code. The Village shall include a \$25.00 processing fee to each account certified to the County Auditor for collection from the real property taxes. The processing fee shall pay the expenses relating to the coordination of activities for the certification process.

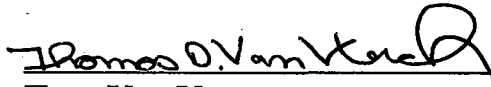
Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**Section 9.** Previous Ordinances and Rules of the Village that are not consistent with this Ordinance are hereby set aside, revoked and held for naught.

**Section 10.** 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 Section 121.22 of the Ohio Revised Code.

**Section 11.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public safety, health, peace and welfare, by reason of the fact that the demolition of insecure, unsafe and unhealthful buildings and structures will prevent possible injury to the citizens of this community, as well as eliminate the existence of conditions conducive for the growth of contagious, malignant and infectious diseases, and this Ordinance shall be in full force and effect immediately upon its passage; otherwise, it shall take effect and be in full force after the earliest period allowed by law.

PASSED this 15<sup>th</sup> day of July, 2013.

  
TOM VANVLERAH, Mayor  
Village of Antwerp

ATTEST:

  
LORETTA BAKER  
Fiscal Officer, Village of Antwerp

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

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

**ORDINANCE NO. 2013-33**

**AN ORDINANCE ADOPTING REVISIONS TO THE PERSONNEL MANUAL FOR THE VILLAGE OF ANTWERP, OHIO, SAID REVISED PERSONNEL MANUAL TO BE EFFECTIVE AS OF SEPTEMBER 16, 2013**

**WHEREAS**, the Finance Committee of the Village of Antwerp submits proposed revisions to the personnel manual to the Council of the Village of Antwerp, Ohio; and

**WHEREAS**, the Finance Committee recommends that the personnel manual be revised as proposed in the attached Personnel Manual, and the revised personnel manual replace the personnel manual currently in effect for the Village of Antwerp.

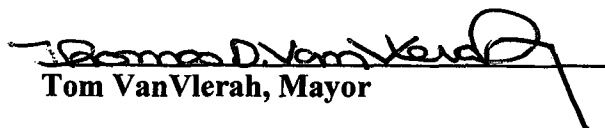
**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Antwerp, County of Paulding, State of Ohio:

**Section 1.** The Village of Antwerp, Ohio hereby accepts the revisions to the Personnel Manual and adopts the same, a copy of said revised personnel manual being attached hereto and made a part hereof as Exhibit "A". The Personnel Manual shall be in effect as of September 16, 2013.

**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 from and after the earliest period allowed by law.

**Passed: September 16, 2013.**

  
Tom VanVlerah, Mayor

**Attest:**

  
Loretta Baker, Fiscal Officer

First Reading: 7/15/13

Second Reading: 8/19/13

Third Reading: 9/16/13

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

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

**ORDINANCE NO. 2013-34**

**AN ORDINANCE GRANTING TO OHIO GAS COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO MAINTAIN A GAS DISTRIBUTION SYSTEM AND TO LAY, EXTEND, MAINTAIN, OPERATE, REPAIR, AND REMOVE MAINS AND PIPE IN, THROUGH, OR UNDER THE STREETS, ALLEYS, PUBLIC PLACES OF THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO, FOR SUPPLYING GAS TO THE VILLAGE AND ITS INHABITANTS, AND THE TRANSPORTATION THEREOF IN AND THROUGH THE VILLAGE.**

**WHEREAS**, the Ohio Gas Company ("Company") has requested the Village of Antwerp, Ohio ("Village"), to grant it a franchise for it, its successors and assigns, to have the right to maintain a gas distribution system to lay, extend, maintain, operate, repair, remove mains and pipe in, through, or under the streets, alleys, public places of the Village for supplying gas to the Village and its inhabitants, and the transportation thereof in and through the Village;

**WHEREAS**, that Ordinance No. 843 granted a similar franchise to Central States Natural Gas Company, the predecessor of Ohio Gas Company, for a 50-year period, which franchise is set to expire in November 2013; and

**WHEREAS**, the Company has requested that the Village continue to grant it a franchise for the purposes provided herein for a 5-year period under the terms and conditions set forth herein.

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

**Section 1:** That subject to the terms, conditions, and provisions hereinafter stated and set forth there is hereby granted to Company, its successors and assigns, the right to maintain and operate a gas distribution system within the corporate limits of the Village, for supplying gas to the Village and its inhabitants, and the transportation of gas in and through the Village, and is hereby granted the use of right-of-way along, through and under the streets, avenues, alleys, lanes, sidewalks, public squares, and public places in the Village for the purpose of laying, constructing, maintaining, removing, using and operating one or more lines of gas main and branch pipe with the necessary feeders, service pipes, valves, regulators, meters, and other devices necessary or convenient to the successful operation of such lines and pipes for supplying gas to the Village and its inhabitants and the transportation of gas in and through the Village.

**Section 2:** The existing locations and construction of all pipes, mains, conduits, attachments, fixtures and appurtenances, both above and below the public thoroughfares or in other places in the Village are hereby approved and shall be maintained and operated under and subject to the provisions of this Ordinance. The extensions of gas distribution mains and service lines is governed by the Company's tariff identified as Public Utilities Commission of Ohio No.1 Gas Service General Service Rules and Regulations, Section 7, issued September 1, 2001, effective October 1, 2001, filed under Authority of Case No. 01-1828-GA-ATA, Third Revised Sheet No. 10, a copy of Section 7 is attached hereto and incorporated herein by reference.

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

**Section 3:** Pursuant to this Ordinance, the Company is exempt from any future ordinances, rules, or other instruments enacted by the Village during the franchise term established herein, including any ordinances, rules, or other instruments enacted pursuant to Chapter 4939 of the Ohio Revised Code, that modify or increase the fees charged or collected by the Village for use of the right-of-way along, through and under the streets, avenues, alleys, lanes, sidewalks, public squares, and public places in the Village for the purpose of laying, constructing, maintaining, removing, using and operating one or more lines of gas main and branch pipe with the necessary feeders, service pipes, valves, regulators, meters, and other devices necessary or convenient to the successful operation of such lines and pipes in the supplying, storing, conducting and delivering of gas to the Village and its inhabitants and the transportation of gas in and through the Village.

**Section 4:** The Company, before the laying of any pipes, mains, or conduits, shall make a report to the Village Fiscal Officer showing the location or locations within the Village limits where such pipes, mains, and conduits are proposed to be laid, and likewise stating whether or not any excavating will be done in connection therewith, with the exception that such report need not be made or given before the laying of any pipes, mains, or conduits when there is a leak or break so as to put a financial burden on the Company or to endanger life, limb or property.

**Section 5:** The Company, after doing any excavating, shall replace all materials, except surface materials or pavement, which have been removed, and shall leave the fill in a neatly graded condition, and thereafter the Company shall continue to fill any and all such excavations so made with material proper for such purpose to the extent required by the settlement thereof. After the excavations have been sufficiently filled and are ready for repaving and resurfacing, the Company shall promptly undertake the resurfacing or repaving, and shall do the same in a proper and workmanlike manner. All expenses properly incident to the cost of repaving or resurfacing shall be borne by the Company. In the event that the Company fails to undertake such resurfacing or repaving, the Village shall undertake such resurfacing or repaving and shall promptly invoice the Company. The Company shall promptly pay the Village the amount thereof within a reasonable time after receipt by the Company of invoices covering the same. The Company shall, during construction, repair or renewal of all work performed hereunder, maintain such barriers and danger signals as will reasonably avoid damage to life, limb and property.

**Section 6:** All pipes, mains, and conduits laid subsequent to the effective date of this Ordinance by the Company in the streets, alleys, avenues, parkways, and other public places in the Village shall be laid not less than two (2) feet below the surface of the street or other public place where laid, and in every case, shall be so placed, maintained, and performed as not to interfere unreasonably with ordinary travel on the streets and highways of the Village or with any water or sewer pipes, drains, conduits, or electric cables now existing, or which may hereafter be laid provided, however, that any water or sewer pipes, drains, conduits, or electric cables as may be laid by the Village hereafter shall not unreasonably interfere with any gas pipes, mains, or conduits installed prior thereto under the terms of this Ordinance. In the case of bringing to grade or change of grade of any street or alley, the Company shall change its structures so as to conform thereto, shall pay all the costs necessarily incurred in connection with the changes made, and shall not be entitled to damages by reason of any change of grade of any street or alley. In laying pipes, mains, and conduits, the Company shall, wherever practicable,

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

bore the same under the surface of the pavement of all streets, alleys, avenues, parkways, and other public places; provided, however, that where such methods shall be impracticable, the Company shall have the right to remove the surface or pavement and to make all necessary excavations for the purpose of laying such pipes, mains, and conduits.

**Section 7:** The Company shall have full and exclusive control of the operation of its gas distribution system. No other persons, company, or corporation shall at any time tap, alter, change, or perform any work on its gas mains, services, pipes, regulators, or meters for any purpose whatsoever, except under the discretion of the Company.

**Section 8:** The Company shall have the right to temporarily shut off gas, to be supplied hereunder for any of the purposes permitted by this Ordinance, from its mains and service pipes, or any part thereof; provided, however, that such action shall in each case be taken for the sole and express purpose of making repairs or extensions to works, mains, or service pipes, or for safety reasons, and Company shall not be liable to the Village or to any customer or consumer of gas for any damage caused by such temporary suspension of the supply of gas; provided further, however, that the repairs and extensions are made with due diligence by the Company and that notice be given when possible by the Company to any customer who may be affected by such temporary suspension of the supply of gas except where it is not feasible to give such notice for safety reasons.

**Section 9:** The Company, its successors, and assigns shall at all times hold and save the Village harmless from any and all liability, loss, costs, damage, or expenses that may accrue to the Village in any way from Company's acts and/or omissions in the construction, operation, or maintenance of the gas distribution system in the Village.

**Section 10:** The Company, its successors, and assigns, hereby agrees to make available to the Village and its inhabitants an adequate supply of gas for normal purposes, except that the Company shall not be responsible or liable for delay or failure in the performance of the promises and agreements on its part to be performed under any section or sections of this Ordinance if such delay or failure be due to any cause beyond its control, such as, but not limited to strikes, fires, floods, storms, accidents, breakage of lines or machinery, governmental regulations or orders, acts of public enemies, mobs or rioters, and acts of God, or inability of the Company to obtain adequate gas from its pipeline suppliers.

**Section 11:** The gas supplied, sold, or transported under the terms of this Ordinance shall be of such quality as provided in Ordinance or Ordinances governing rates to be charged to the Village, or, if no such Ordinance is entered and accepted in writing by the Company, as provided in tariffs approved by the Public Utilities Commission of Ohio.

**Section 12:** Upon request, the Company shall provide to the Village its most current Village District map.

**Section 13:** The Company shall have the power to make all needful rules and regulations for the collection of its revenues, the prevention of waste of its property and gas supply, and the conduct and management of its business as it may from time to time deem necessary, and the Village, at the request of the Company, may enact any needful and requisite ordinances

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necessary to protect the Company and its works and properties from damage, imposition and frauds, and to prevent unnecessary waste of gas supplied for any of the purposes permitted by this Ordinance.

**Section 14:** The Village has the right to purchase from the Company the distribution system that now exists or shall hereafter be erected within the Village by the Company that serves the Village, in accordance with Ohio law, provided, however, that the Village may not purchase the Company's main operation system that does not serve the Village. This provision is applicable only to distribution plant within Village corporation boundaries through which natural gas flows to end-users.

**Section 15:** In the event that the Public Utilities Commission of Ohio or any other body, board, commission, or court of competent jurisdiction shall adjudge any provision or provisions of this Ordinance invalid or illegal, or direct a change by the Company in any matter or thing herein contained, such invalidity, illegality, or change shall in no way affect the remaining provisions of this Ordinance, or their validity or legality, and this Ordinance in all other respects shall continue in full force and effect, as if the provision or provisions had not been so adjudged invalid or illegal or such change directed.

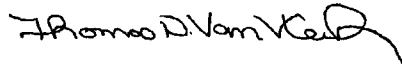
**Section 16:** This Ordinance shall take effect and be in force from and after the earliest date allowed by law and its acceptance by the Company, in writing within thirty (30) days from the date of passage of this Ordinance, and shall continue in effect for a preliminary term of (5) years continuing thereafter from year to year subject to cancellation (subsequent to the preliminary term) by either party on twelve (12) months' written notice.

**Section 17:** The Company shall give notice of the expiration of this Franchise not less than one hundred eighty (180) days prior to the expiration to the Mayor, Council, and Village Attorney.

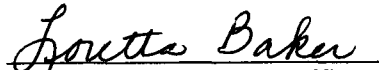
**Section 18:** It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in 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.

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**Section 19:** The Company shall pay for the publication of this Ordinance.

PASSED: 10-21, 2013Tom VanVlerah,  
Mayor of the Village of Antwerp

ATTEST:

  
Loretta Baker, Fiscal OfficerFirst Reading: 8-19-13Section Reading: 9-16-13Third Reading: 10-21-13



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

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

OHIO GAS COMPANY

Third Revised Sheet No. 10  
(Cancels Second Revised Sheet No. 10)  
Page 1 of 3

P.U.C.O. No. 1  
GAS SERVICE  
GENERAL SERVICE RULES AND REGULATIONS

SECTION 7. EXTENSIONS OF GAS DISTRIBUTION MAINS AND  
SERVICE LINES

Ohio Gas Company will extend its distribution mains for the furnishing of gas on any dedicated street or highway without imposing a specific charge on the consumer for such extension so long as at least one consumer on an average of each 100 feet of pipe in the street or highway in which the extension is to be run shall first agree to take a supply of gas at the applicable rate, measurement to be taken from the end of the nearest distribution main with adequate capacity. Where application for service is made and when providing such service would require an extension of a main in excess of an average of 100 feet for each applicant for service Ohio Gas Company may enter into an extension agreement with the applicant or applicants providing for a deposit with Ohio Gas Company of a sum deemed adequate by Ohio Gas Company to cover the cost to be incurred by it for that portion of the extension in excess of the average of 100 feet for each applicant to be served. The agreement covering the main extension must be signed by the owner of the premises to be served. Moreover, if the applicant elects the monthly payment option in the main extension agreement, as more fully described below, said agreement shall require the applicant to inform the prospective and subsequent owners at the premises of the monthly payment terms and conditions. The applicant and the Company must agree on meter location and point of delivery of gas before any piping is laid or installed on the premises to be served.

When an extension of the Company's main to serve an applicant amounts to more than 100 feet per customer, the Company shall offer an applicant who is an end-use customer the option of making the required payment in the form of: a) a one-time deposit, or b) a monthly payment. An applicant who is not an end-use customer shall not be eligible for the monthly payment option. If the Company determines, in its sole judgment, that the nature of a main extension is such that it puts the Company at undue risk of recovery, the Company may require different arrangements as a condition of such main extension. The required payment(s) shall be determined as follows:

Issued: September 21, 2001

Effective: October 1, 2001

Filed Under Authority of Case No. 01-1828-GA-ATA

Issued by Richard P. Hallett, President  
Bryan, Ohio

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

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

OHIO GAS COMPANY

Third Revised Sheet No. 10  
(Cancels Second Revised Sheet No. 10)  
Page 2 of 3

- a) The one-time deposit shall equal the estimated construction cost, net of the applicable entitlement extension footage for each permanent customer initially connected to the main extension.
- b) Where the applicant has elected the monthly payment option, said monthly payment shall be billed to the applicant or subsequent customers at the same premises for the shorter of a period of 7 years or until the cost of the main extension is included in the rates and charges for service and shall be considered part of the utility bill subject to disconnection of service for non-payment. The monthly payment shall equal that amount needed to compensate Ohio Gas for the embedded cost of service associated with the main extension. Such cost of service shall include operation and maintenance expense including taxes, depreciation, and return on rate base reflected in the current rates on the construction cost, net of the applicable entitlement extension footage. The monthly payment amount shall be determined by an economic feasibility study based on recovery of the embedded cost of service of the main extension and related facilities. The Company shall retain for the duration of the payment period the economic feasibility study setting forth the embedded cost of service and provide it to the customer(s) upon request.

Where a one-time deposit is received by Ohio Gas Company pursuant to a main extension agreement, said deposit shall be subject to refund within a period of 10 years from the date of the main extension agreement at a rate equivalent to the rate per 100 feet deposited. In no event shall the amount of a refund of a one-time main extension deposit exceed the amount deposited. No refund of a one-time main extension deposit shall be made after 10 years from the date of the main extension agreement and such deposit shall, over such period, become the property of Ohio Gas Company. One-time main extension deposits shall bear no interest. No reimbursement applies to the further extensions or lateral extensions of the main.

Issued: September 21, 2001

Effective: October 1, 2001

Filed Under Authority of Case No. 01-1828-GA-ATA

Issued by Richard P. Hallett, President  
Bryan, Ohio

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

**OHIO GAS COMPANY**

Third Revised Sheet No. 10  
(Cancels Second Revised Sheet No. 10)  
Page 3 of 3

Where the applicant has elected the monthly payment option, the Company shall credit such monthly payment commencing when each additional customer connects to the main extension. Such credit shall be the embedded cost of service associated with 100-foot entitlement of each additional customer using the methodology consistent to the original monthly payment calculation. In no case shall the monthly credit for additional customers exceed the initial monthly payment. No reimbursement applies to the further extensions or lateral extensions of the main.

Ohio Gas Company shall not be required to lay service lines across paved streets or highways or be required to make any extensions of its mains or lay any service lines during the months of December, January, February and March of any year.

Ohio Gas Company may enter into a service line extension agreement with the applicant or applicants providing for the recovery of such amount, as Ohio Gas deems adequate to install that portion of the service line required to furnish gas service to the applicant. The applicant shall be responsible for the entire cost of any service line required to furnish gas service on the applicant's premises. All service lines shall remain the property of Ohio Gas Company and said Company shall have the right of access to said service lines for repairs, maintenance, leak surveys, replacement and other reasonable purposes.

The Company shall have the option of offering the customer one of two methods of payment for service line extensions: a) a lump sum payment, or b) a monthly payment. The monthly payment option shall be for up to 5 years and include carrying charges. Where the customer has agreed to the monthly payment offered by the Company, the monthly payment shall be billed to the applicant or subsequent customers at the same premises for a period of up to 5 years and shall be considered part of the utility bill subject to disconnection of service for non-payment. The agreement covering the service line extension must be signed by the owner of the premises to be served. If the applicant has agreed to the monthly payment option offered by the Company, the agreement shall require the applicant to inform the prospective and subsequent owners at the premises of the monthly payment terms and conditions.

Issued: September 21, 2001 Effective: October 1, 2001

Filed Under Authority of Case No. 01-1828-GA-ATA

Issued by Richard P. Hallett, President  
Bryan, Ohio

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

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

**ORDINANCE NO. 2013-35**  
**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO**  
**TRANSFER \$27,500.00 FROM THE GENERAL FUND TO THE POLICE FUND,**  
**AND DECLARING THE SAME AN EMERGENCY**

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

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

**WHEREAS**, this is a transfer of funds pursuant to Ohio Revised Code Section 5705.14(E), which 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:

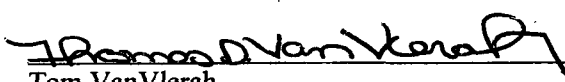
**Section 1.** The Village Fiscal Officer is hereby authorized to transfer the sum of Twenty-Seven Thousand Five Hundred Dollars and Zero Cents (\$27,500.00) from the General Fund to the Police Fund.

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

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

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

Date 8-19-13

  
Tom Van Vlerah,  
Mayor of the Village of Antwerp

Attest:

  
Loretta Baker, Fiscal Officer

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

ORDINANCE NO. 2013-36

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 6A 250	CRA Cap Outlay-Survey for Dollar Gen	750.00	21,650.00
A1 7B 250	Council Capital Outlay	2,000.00	6,500.00
A1 7C 239	State Rotary Fees	0.00	2,423.00
A1 7E 250	Lands & Building Capital Outlay	500.00	8,500.00
A1 7I 231	Audit Fees	14,000.00	16,400.00
B167X 250	Safe Routes to School	38,671.00	0.00
B8 6A 250	Permissive Tax Capital Improvement	21,000.00	13,836.00
D4 8A 230	Depot Rehabilitation Expense	163,076.82	55,801.84
E1 5E 250	Water Pumping Capital Outlay	9,500.00	10,000.00

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.

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

Date 8-19-13

Mayor Ronald D. VonKlee

Attest: Loretta Baker Fiscal Officer

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

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

**RESOLUTION NO. 2013-04**

**A RESOLUTION CONSENTING TO THE TERMINATION OF THE  
PAULDING COUNTY EMERGENCY MANAGEMENT AGENCY AGREEMENT;  
AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, an emergency management agency was formed for Paulding County, Ohio, the original said Agreement regarding the formation of Paulding County Emergency Management Agency being dated November 8, 1989; and

**WHEREAS**, the Council for the Village of Antwerp, Ohio ("Council"), passed a Resolution, Resolution No. 2012-05, a Resolution authorizing the Mayor of the Village of Antwerp, Ohio, to sign the Agreement issued by the Paulding County Board of Commissioners for the formation of the Paulding County Emergency Management Agency, said Ordinance passed by emergency measure on the 19<sup>th</sup> day of March, 2012; and

**WHEREAS**, the Paulding County Board of Commissioners requested each of the participants in the formation of the Paulding County Emergency Management Agency to consent to the termination of the Paulding County Emergency Management Agency Agreement in order to change the method of providing emergency management services to Paulding County, Ohio; and

**WHEREAS**, Council has considered this request and been informed by the Paulding County Board of Commissioners of the necessity to change the method of providing emergency management services to Paulding County, Ohio.

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

**Section 1.** Council hereby consents to the termination of the Paulding County Emergency Management Agency Agreement regarding the formation of the Paulding County, Ohio Emergency Management Agency as originally implemented by an Agreement dated November 8, 1989, for the reasons presented by the Paulding County Board of Commissioners that it is necessary to change the method of providing emergency management services to Paulding County, Ohio.

**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, and 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 and for the further reason that the Village consents to the termination of the current county-wide emergency management services agreement in order to participate in the newly-formed county-wide emergency management agency organized by the Paulding County Board of Commissioners 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 full force after the earliest period allowed by law.

PASSED: 8-19-13.

Tom Van Vlerah  
Tom Van Vlerah, Mayor  
Village of Antwerp

Attest:

Loretta Baker  
Loretta Baker, Fiscal Officer



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

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

**RESOLUTION NO. 2013-05**

**A RESOLUTION AUTHORIZING THE VILLAGE OF ANTWERP,  
OHIO TO PARTICIPATE IN A COUNTY-WIDE PROGRAM FOR  
EMERGENCY MANAGEMENT AS ORGANIZED BY THE  
PAULDING COUNTY BOARD OF COMMISSIONERS, AND  
DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Village of Antwerp, Ohio ("Village"), has been provided information from the Paulding County Board of Commissioners regarding the formation of the Paulding County Emergency Management Program for Paulding County, Ohio, which the Paulding County Board of Commissioners are organizing in accordance with the provisions of the Ohio Revised Code on county-wide emergency management agencies; and

**WHEREAS**, Council for the Village of Antwerp, Ohio ("Council") believes it is in the best interest of the residents of the Village to have the Village participate in the program for county-wide emergency management for Paulding County, Ohio, as organized by the Paulding County Commissioners.

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

**Section 1.** Council hereby authorizes the Village to participate in a program for county-wide emergency management for Paulding County, Ohio as organized by the Paulding County Board of Commissioners.

**Section 2.** The Mayor of the Village of Antwerp, Ohio, is hereby authorized to sign any necessary agreement or other documents that may be presented by the Paulding County Board of Commissioners regarding the Village's participation in the program for county-wide emergency management for Paulding County, Ohio as organized by the Paulding County Commissioners.

**Section 3.** The Fiscal Officer of the Village of Antwerp, Ohio, is hereby authorized to appropriate the necessary funds required for the Village of Antwerp, Ohio, to participate in the program for county-wide emergency management for Paulding County, Ohio as organized by the Paulding County Commissioners.

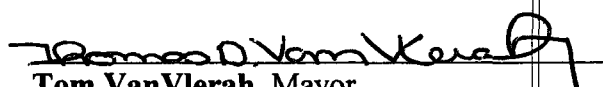
**Section 4.** It is found and determined that all formal actions of the Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action, were in meetings open to the public, and 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 needs to participate in a county-wide emergency management agency to avoid the necessity of forming its own emergency management agency for the well being of the residents

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

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: 8-19-13.

  
Tom VanVlerah, Mayor  
Village of Antwerp

Attest:

  
Loretta Baker, Fiscal Officer

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

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

**ORDINANCE NO. 2013-37**

**AN ORDINANCE DETERMINING THE VIDEO SERVICE PROVIDER FEE TO BE PAID BY A VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE IN THE VILLAGE OF ANTWERP PURSUANT TO A VIDEO SERVICE AUTHORIZATION; AUTHORIZING THE MAYOR TO GIVE NOTICE TO THE VIDEO SERVICE PROVIDER OF THE VIDEO SERVICE PROVIDER FEE; AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, pursuant to O.R.C. Section 1332.23, any new video service provider intending to provide video service to subscribers in the Village of Antwerp, Ohio must apply for and obtain a video service authorization from the Director of the Ohio Department of Commerce; and

**WHEREAS**, O.R.C. Section 1332.23 provides that a video service provider that is providing service to subscribers in the Village of Antwerp pursuant to a state-issued video service authorization shall pay a video service provider fee ("VSP Fee") to the Village of Antwerp calculated quarterly by determining the provider's gross revenue in accordance with O.R.C. Section 1332.23; and

**WHEREAS**, O.R.C. Section 1332.23 requires that the percentage of gross revenues on which VSP Fees are paid must be the same as the percentage of gross revenues that a cable operator pays pursuant to a franchise agreement that is in effect, or, if there is no effective franchise agreement under which franchise fees are payable for a given calendar quarter, the VSP Fee shall be as is specified in an ordinance or resolution of the VSP Fee not to exceed five percent (5%) of gross revenue; and

**WHEREAS**, O.R.C. Section 1332.23(C)(2) further requires the Village of Antwerp to provide all video service providers with notice of the VSP Fee percentage within ten (10) days after the Village of Antwerp receives notice that the video service provider will commence to provide access to video service in the Village of Antwerp; and

**WHEREAS**, O.R.C. Section 1332.23(B)(2)(g) provides that the VSP Fee is paid on gross revenue unless the Village of Antwerp enacts an ordinance that uniformly applies to all video service providers, that advertising revenue shall be included on which the VSP Fee is paid; and

**WHEREAS**, O.R.C. Section 1332.23(B)(2)(g) requires the Village of Antwerp to promptly notify affected video service providers of the ordinance enacted to include advertising revenue on which the VSP Fee is paid, which ordinance shall not take effect until the first day of the first calendar quarter that begins more than thirty (30) days after the notice; and

**WHEREAS**, in order to provide timely notice to a video service provider of the VSP Fee, it is necessary for this Council to determine that the percentage of gross revenue on which the VSP Fee will be paid is five percent (5%) and that advertising revenue shall be included on which the VSP Fee is paid, and to authorize the Mayor to provide notice of the VSP Fee to a video service provider within ten (10) days of the Village receiving notice that a video service provider will commence to provide access to video service in the Village of Antwerp.

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

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

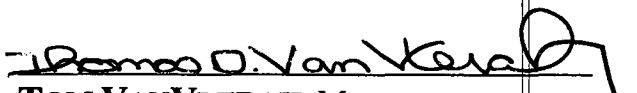
**Section 1.** In accordance with the requirements of O.R.C. Section 1332.23, all video service providers providing video service in the Village of Antwerp pursuant to a video service authorization obtained from the Director of the Ohio Department of Commerce shall pay a VSP Fee in the amount of five percent (5%) of gross revenue, which shall include advertising revenue. The VSP Fee shall be paid quarterly, not sooner than forty-five (45) days or later than sixty (60) days after the end of each calendar quarter.

**Section 2.** That, no later than ten (10) days from receipt of notice from a video service provider that it will commence to provide access to video service in the Village of Antwerp pursuant to a state-issued video service authorization, the Mayor is authorized and directed to provide such video service provider with notice of the VSP Fee as determined by this Council above, which notice may be given by overnight (return receipt) or certified mail or other manner of delivery no later than ten (10) days from receipt of the video service provider's notice.

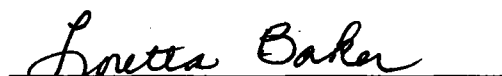
**Section 3.** That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements.

**Section 4.** This Ordinance is hereby determined to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare in order to ensure that the Village of Antwerp receives appropriate fees from persons providing video and/or cable service in the Village using the Village's rights-of-way, and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in full force from and after the earliest period allowed by law.

**PASSED THIS** 16<sup>th</sup> day of September, 2013.

  
**TOM VANVLERAH**, Mayor  
Village of Antwerp

**ATTEST:**

  
**LORETTA BAKER**  
Fiscal Officer, Village of Antwerp

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

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

ORDINANCE NO. 2013-38

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF A NOTE FOR THE PURPOSE OF  
SANITARY SEWERAGE SYSTEM IN THE VILLAGE OF ANTWERP, OHIO,  
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 \$394,628.43 shall be issued by the Antwerp Exchange Bank to the Village of Antwerp for the Village's sanitary sewerage system capital improvement 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 2% 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 the Note on behalf of said Village.

Section 8. It is found and determined that all formal actions of the Council concerning and  
{7100/000/00237877-1 MLF}

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

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

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 a sanitary sewerage system 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: 10-21-13

*Tom VanVlerah*

Tom VanVlerah, Mayor

Attest:

*Loretta Baker*  
Loretta Baker, Fiscal Officer

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

**ORDINANCE NO. 2013-39**

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A CONTRACT WITH CRANE TOWNSHIP FOR PROVIDING EMERGENCY MEDICAL SERVICE FOR YEARS 2014, 2015, AND 2016, AND DECLARING THE SAME TO BE 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 services to outlying areas; and

**WHEREAS**, the Village of Antwerp and Crane Township negotiated the terms and conditions of the Village providing emergency medical service 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 (the "Village") will provide emergency medical service to that portion of Crane Township (the "Township") as provided in an Agreement to Provide Emergency Medical Services (the "Agreement") and shall be compensated by the Township paying an annual charge of \$3,824.54 for calendar year 2014, an annual charge of \$3,939.28 for calendar year 2015, and an annual charge of \$4,057.46 for calendar year 2016, with the annual charges to be paid on a quarterly basis in each calendar year, 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, 2014.

**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: \$75.00 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 service for the consideration identified herein, said Agreement to be effective as of January 1, 2014.

**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.



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

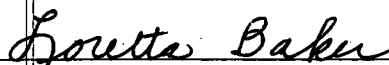
Passed \_\_\_\_\_, 20\_\_\_\_

**Section 10.** 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 it is necessary for the provision of emergency medical services in Crane Township effective January 1, 2014, 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 THIS** 16<sup>th</sup> day of December, 2013.

  
**Tom VanVlerah, MAYOR**  
**VILLAGE OF ANTWERP**

**Attest:**

  
**Loretta Baker, Fiscal Officer**

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

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

## ORDINANCE NO. 2013-40

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF A NOTE FOR THE PURPOSE  
OF A WATERWORKS SYSTEM IN THE VILLAGE OF ANTWERP, OHIO,  
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 \$115,103.94 shall be issued by the Antwerp Exchange Bank to the Village of Antwerp for the Village's waterworks system capital improvement 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 2% 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 the Note on behalf of said Village.

# RECORD OF ORDINANCES

0141

Dayton Legal Blank, Inc.

Form No. 30043

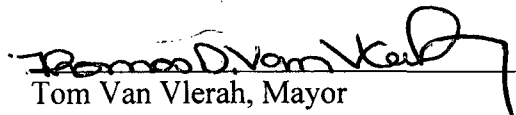
Ordinance No. \_\_\_\_\_

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

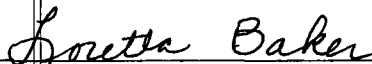
Section 8. It is found and determined that all formal actions of the Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings 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 a waterworks system 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: 11-18-13

  
Tom Van Vlerah, Mayor

Attest:

  
Loretta Baker, Fiscal Officer

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

**ORDINANCE NO. 2013-41****AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS FROM THE GENERAL FUND TO THE WATER FUND IN THE AMOUNT OF \$ 20,000.00 AND DECLARE THE SAME TO BE AN EMERGENCY**

WHEREAS, the Village Of Antwerp Ohio has determined that it is necessary to transfer certain funds from the General Fund to the Water 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 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:

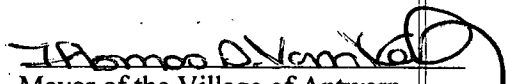
Section 1. The Village Fiscal Officer is hereby authorized to transfer the sum of Twenty thousand dollars (\$20,000.00) from the General Fund to the Water Fund.

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 water 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 11-19-13

  
Mayor of the Village of Antwerp

Attest:

  
Fiscal Officer

Ordinance No. R-2013-06 Passed \_\_\_\_\_, 20\_\_\_\_

(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  
(Village Council)  
Revised Code, Secs. 5705.34, - .35.

The Council of the Village of Antwerp, Paulding County, Ohio, met in Regular session on the 18th day of November 2013, at the office of Village Town Hall with the following members present:

Jan Reeb  
Karen Lee  
Larry Ryan  
Steve Derek  
Rudic Reeb  
Kenneth Reinhart

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>, 2014; 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		\$34365.		1.80	
1976 FIRE Levy			13251.		2.00
1984 Police Levy			59022.		5.50
1986 EMS Levy			5367.		.50
2006 Cemetery			14317.		.80
2008 FIRE & EMS Levy			18459.		1.00
2004 POLICE			33710.		2.00
2005 Current Expense			17897.		1.00
Total		\$34365.	\$162023.	1.80	12.80

\$14,800,880. Ag/Res  
3,402,040. Com/In  
888,510. PP  
19,091,430. Total

Schedule B  
Levies Outside 10 Mill Limitation, Exclusive of Debt Levies

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

Fund	Date of Vote	Maximum Rate Authorized To Be Levied	County Auditor's Estimate of Yield of Levy (Carry to Schedule A, Column II)
<b>Special Revenue Funds:</b>			
<b>1976 FIRE</b> levy authorized by voters on for not to exceed CONT years.	11-05-85	2.00	\$13251.
<b>1984 POLICE</b> Levy authorized by voters on for not to exceed CONT. years.	05-08-84	5.50	\$59022.
<b>1986 EMS</b> Levy authorized by voters on For not to exceed CONT. years	11-04-86	.50	\$5367.
<b>2006 Cemetery</b> Levy authorized by voters on for not to exceed 5 years.	11-08-11	.80	\$14317.
<b>2008 FIRE &amp; EMS</b> Levy authorized by voters on for not to exceed 5 years.	11-06-07	1.00	\$18459.
<b>2004 POLICE</b> Levy authorized by voters on for not to exceed 5 years.	11-03-09	2.00	\$33710.
<b>2005 CURRENT EXPENSE</b> Levy authorized by voters on for not to exceed 5 years.	11-02-10	1.00	\$17897.

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

Mr./Ms. Karen Lee yes  
Mr./Ms. Jan Reeb yes  
Mr./Ms. Larry Ryan yes  
Mr./Ms. Kenneth Reinhart yes  
Mr./Ms. Rodic Reeb \_\_\_\_\_  
Mr./Ms. \_\_\_\_\_  
Mr./Ms. \_\_\_\_\_  
Mr./Ms. \_\_\_\_\_

Adopted the 18th day of November, 2013.

Attest:

Loretta Baker  
Clerk of Council

Janice A Reeb x  
President of Council

CERTIFICATE OF COPY  
Original On File

The State of Ohio, Paulding County, ss.

I, Loretta Baker, Clerk of the Council of the Village of Antwerp

RECORD OF ORDINANCES

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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

*minutes of the regular council meeting*

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 18th day of November 2013  
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. 2013-06

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 November 18, 2013

Loretta Baker, Clerk of Council

FILED

Filed 2013

NOV 21 2013

AUDITOR County Auditor.  
PAULDING COUNTY

By Deputy.

1st Reading 9-16-13

2nd Reading 10-21-13

3rd Reading 11-18-13

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

ORDINANCE NO. 2013-42

AN ORDINANCE ESTABLISHING COMPENSATION FOR THE  
VILLAGE OF ANTWERP, OHIO FOR THE CALENDAR YEAR 2014,  
AND DECLARING THE SAME AN EMERGENCY

WHEREAS, it is desirable that the compensation of Village officials, employees, appointees, and volunteers for the Village of Antwerp, Ohio for the year 2014 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 2014, the compensation of Village officials and employees be as follows:

Village Official	2013	2014
Mayor	\$8,000.00	\$8,000.00
Council Members —existing	\$3,000.00	\$3,000.00
Newly elected Council Members	\$3,400.00	\$3,400.00
Fiscal Officer	\$26,520.00	\$27,050.40
Village Administrator	\$40,800.00	\$41,616.00
Chief of Police	\$40,972.96	\$41,792.42
Assistant Chief of Police	\$25,750.00	Same
Police - Full Time - On Probation	\$23,997.56 to \$27,484.27	\$24,477.51 to \$28,033.96



RECORD OF ORDINANCES

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Dayton Legal Blank, Inc.

Form No. 30043

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

Village Official	2013	2014
Police - Full Time	\$27,484.10 to \$32,507.21	\$28,033.78 to \$33,157.35
Police - Part Time	\$11.43 to \$17.14	\$11.37 to \$17.48 per hour
Police - Reserves	\$11.43 to \$13.71	\$11.66 to \$13.98 per hour
Fire Chief	\$2,284.90	\$2,330.60 Base amount- plus hrly rate as below
Fire Dept. Secretary	\$359.87	\$367.07 Base amount- plus hrly rate as below
Fire Chief Assistant	\$359.87	\$367.07 Base amount- plus hrly rate as below
	\$9.75	\$9.95 per meeting
	\$12.65	\$12.90 first hour
	\$9.86	\$10.06 each add. hour
Fire Captains	\$106.24	\$108.36 Base amount- plus hrly rate as below
Fire Lieutenants	\$74.26	\$75.75 Base amount plus hrly rate as below
Volunteer Fireman	\$9.75	\$9.95 per training hr.

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

Village Official	2013	2014	
Volunteer Fireman	\$9.75	\$9.95	first hour
Volunteer Fireman	\$9.75	\$9.95	each add. hour
EMS Coordinator	\$2,284.90 to \$3,427.34	\$2330.60 to \$3,495.89	Base amount- plus hrly rate as below
EMS Maintenance Man	\$645.49	\$658.40	Base rate plus hrly rate below
EMS Assistant	\$300.00	\$306.00	Base rate plus hrly rate below
EMS Secretary	\$300.00	\$306.00	Base rate plus hrly rate below
EMS Drivers	\$8.65	\$8.82	per hour
EMT - A (BLS-Basic Life Support)	\$10.44	\$10.65	per hour
EMT - B (Immediate Life Support)	\$13.50	\$13.77	per hour
All EMS Personnel	\$10.05	\$10.25	per training hour
General Labor/Utilities Billing Clerk	\$8.05 to \$12.72	\$8.21 to \$12.97	per hour
Mayor's Court Clerk/EMS Billing Clerk	\$8.05 to \$12.72	\$8.21 to \$12.97	per hour
Tech I Water/Sewer/Assigned Duties	\$10.97 to \$15.19	\$11.19 to \$15.49	per hour
Tech II Water/Sewer/Assigned Duties	\$13.76 to \$18.45	\$14.04 to \$18.82	per hour

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, subject to any and all

RECORD OF ORDINANCES

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Dayton Legal Blank, Inc.

Form No. 30043

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

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

amendments thereto.

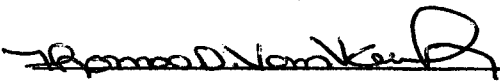
Section 3. It is found and determined that all formal actions of the Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings 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 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: 12-16, 2013.



Tom VanVlerah, Mayor

Attest: Loretta Baker

Loretta Baker, Fiscal Officer

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

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

ORDINANCE NO. 2013-43

AN ORDINANCE AUTHORIZING THE FISCAL OFFICER OF THE VILLAGE OF  
ANTWERP, OHIO TO AMEND APPROPRIATIONS AND DECLARING IT AN  
EMERGENCY

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

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

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

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

FUND	DESCRIPTION	NEW APPROPRIATION	
		AMOUNT	
		Original	New Amount
A1 1A 220	Police Travel and Training	\$2,500.00	\$119.45
A1 1A 250	Police Cap from Fines	\$10,000.00	\$240.12
A1 7A 211	Mayor Salary	\$8,000.00	\$8,004.00
A1 3B 211	Park Salaries	\$14,383.50	\$14,890.00
A1 3B 212	Park Benefits	\$11,237.19	\$11,700.00
A1 7B 2111	Administrator Salary	\$4,080.00	\$4,232.00
A1 7B 2121	Administrator Benefits	\$1,800.00	\$2,150.00
A1 7B 220	Council/Administrator Travel	\$3,000.00	\$1,200.00
A1 7B 250	Council Capital Outlay	\$6,500.00	\$7,400.00
A1 7C 211	Mayors Court Clerk Salary	\$4,950.00	\$4,960.00
A1 7D 212	Fiscal Officer Benefits	\$12,800.00	\$13,100.00
A1 7I 239	Income Tax Refunds	\$0.00	\$671.00
A1 7J 230	Workman's Comp	\$36,000.00	\$33,462.26
A1 7K 230	Solicitor Contractual	\$16,000.00	\$20,153.31
A1 7K 270	General Fund Transfer	\$205,000.00	\$183,000.00
B1 6B 211	Street Maint and Repair Wages	\$21,000.00	\$22,000.00
B1 6B 212	Street Maint & Repair Benefits	\$7,400.00	\$7,900.00
B1 6D 230	Street Contractual (Poggemeyer)	\$0.00	\$5,301.68

RECORD OF ORDINANCES

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Dayton Legal Blank, Inc.

Form No. 30043

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

B1 6E 230	Street Traffic Lights -signs-Signals	\$4,000.00	\$5,100.00
B1 6E 250	Lights-Signs Capital	\$2,000.00	\$0.00
B6 7A2501	FEMA	\$3,291.07	\$3,692.07
B9 1A 230	Fire Contractual Services	\$10,000.00	\$11,000.00
B9 1A 220	Fire Travel and Training	\$2,000.00	\$0.00
E1 5B 212	Water Billing Clk Benefits	\$870.00	\$900.00
E1 5B 240	Water Billing Clk Oper & Maint	\$600.00	\$895.13
E1 5D 211	Water Filtration Wages	\$66,100.00	\$71,000.00
E1 5D 212	Water Filtration Benefits	\$30,300.00	\$31,300.00
E1 5D 230	Water Filter Cont Service	\$39,000.00	\$46,000.00
E1 5D 231	Water Filtration Chemcials	\$21,000.00	\$8,880.00
E1 5D 250	Filtration Capital Outlay	\$25,000.00	\$0.00
E2 5B 212	Water Billing Clerk Benefits	\$440.00	\$470.00
E2 5B 240	Sewer Billing Clerk Oper & Maint	\$550.00	\$880.00
E2 5C 211	Sewer Pumping Salaries	\$56,500.00	\$59,500.00
E2 5C 230	Sewer Pump Cont Service	\$42,000.00	\$27,500.00
E2 5C 250	Pumping Cap Outlay	\$5,000.00	\$0.00
E2 5E 230	Lands & Buildings Contra Service	\$12,750.00	\$1,500.00
G5 2A270	Cemetary Trust Transfer	\$13,500.00	\$14,237.39
G8 7X 240	Mayors Court Misc	\$200.00	\$224.00
H1 1A 230	Police Contractual	\$15,700.00	\$16,500.00
H1 1A 250	Police Capital Outlay	\$30,000.00	\$8,645.17
H3 1A 230	Street Lighting Contractual Service	\$21,000.00	\$21,086.82

**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.** 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.

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

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

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

Date 12-16-13Mayor *James D. Van Kere*

Attest:

*Louella Baker*

Fiscal Officer

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

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

## ORDINANCE NO. 2013-44

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, 2014, and declaring the same an emergency.

Section 1. BE IT ORDAINED by the Council of Village of Antwerp, State of Ohio, that, to provide for the current expenses and other expenditures of the said Village of Antwerp during the fiscal year ending December 31, 2014 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 R.C. 5705.40 , the sum of **\$468,936.80**.

Section 3. That there be appropriated from the **STREET CONSTRUCTION, MAINTENANCE AND REPAIR FUND** in the sum of **\$75,073.41**.

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 **\$36,688.92**

Section 6. That there be appropriated from the **FED-MAYOR'S COURT FUND** in the sum of **\$3,500.00**.

Section 7. That there be appropriated from the **LAW ENFORCEMENT TRAINING** in sum of **\$0**.

Section 8. That there be appropriated from the **PERMISSIVE TAX BUDGET** in the sum of **\$14,000.00**.

Section 9. That there be appropriated from the **FIRE FUND** in the sum of **\$50,000.00**.

Section 10. That there be appropriated from the **EMS FUND** in the sum of **\$92,500.00**.

Section 11. That there be appropriated from the **WATER FUND** in the sum of **\$454,321.89**.

Section 12. That there be appropriated from the **SEWER FUND** in the sum of **\$661,539.84**.

Section 13. That there be appropriated from the **DEPOSIT FUND** in the sum of **\$800.00**.

Section 14. That there be appropriated from the **CEMETERY FUND** in the sum of **\$14,750.00**.

Section 15. That there be appropriated from the **INDIGENT DRIVER FUND** in the sum of **\$0**.

Section 16. That there be appropriated from the **FOJ FUND** in the sum of **\$0**.

Section 17. That there be appropriated from the **POLICE FUND** in the sum of **\$234,500.00**.

Section 18. That there be appropriated from the **STREET LIGHTING FUND** in the sum of **\$21,000.00**.

Section 19. That there be appropriated from the **EMS VEHICLE REPLACEMENT FUND** in the sum of **\$0**.

Section 20. That there be appropriated from the **VET'S MEMORIAL FUND** in the sum of **\$600.00**.

Section 21. That there be appropriated from the **MAYOR'S COURT ACCOUNT FUND** in the sum of **\$16,400.00**

Section 22.. **Total of all appropriations \$2,149,610.86.**

Ordinance No.

Passed

, 20

~~SECTION 23. And the Fiscal Officer is hereby authorized to draw warrants on the Village Fiscal Officer for payments~~  
from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore approved by the board or officers authorized by law to approve the same, or an ordinance or resolution of council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance. Provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the village, and for purposes other than those covered by other specific appropriations herein made.

SECTION 24. 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 25. 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.

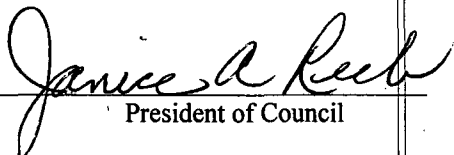
#### CERTIFICATE

Section O.R.C 5705.39, -"No appropriation measure shall become effective until the county auditor files with the appropriating authority a certificate that the total appropriations from each fund, taken together with all other outstanding appropriations, do not exceed such official estimate or amended official estimate. When the appropriation does not exceed such official estimate, the county auditor shall give such certificate forthwith upon receiving from the appropriating authority a certified copy of the appropriation measure."

The State of Ohio Paulding County,

I, Loretta Baker, Fiscal Officer of Village of Antwerp in said County, and in whose custody the Files, Journals, and Records of the Village of Antwerp, Ohio 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 and has been compared by me with the said original and that the same is a true and correct copy thereof.

Passed 12-16-13

  
President of Council

Attest: Loretta Baker Fiscal Officer



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

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

**ORDINANCE NO. 2013-45**

**AN ORDINANCE AUTHORIZING AN AGREEMENT BY AND BETWEEN THE  
VILLAGE OF ANTWERP, OHIO, AND PARAGON TEMPERED GLASS, LLC  
FOR THE SUPPLY AND PURCHASE OF WATER AND PROVISION OF  
SEWER SERVICE, AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Village of Antwerp, Ohio, has previously supplied water to Paragon Tempered Glass, LLC and treated sewage discharge from its facility; and

**WHEREAS**, it is desirable for the Village to have an agreement with Paragon Tempered Glass, LLC for the sale and purchase of water and treatment of sewage discharge from its facility by the Village of Antwerp, Ohio.

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

Section 1. The Village of Antwerp, Ohio (the "Village"), is hereby authorized to enter into an agreement for furnishing water and receiving sewage for treatment with Paragon Tempered Glass, LLC pursuant to the following rates and terms:

FOR CALENDAR YEARS 2014 AND 2015:

- A.** Paragon Tempered Glass, LLC shall pay the Village a monthly charge for the transportation and treatment of water delivered from the Village to Paragon Tempered Glass, LLC. The monthly charge for water so delivered to Paragon Tempered Glass, LLC shall be \$2.98 for each 1,000 gallons of water, plus a flat rate of \$16.74 per quarter, which shall be paid at the rate of \$5.58 per month.
- B.** Paragon Tempered Glass, LLC shall pay the Village the sum of \$1.62 per 1,000 gallons of sewage collected into the Village's sewer treatment system from Paragon Tempered Glass, LLC's facility for treatment per month, plus a flat rate of \$38.13 per quarter, which shall be billed at the rate of \$12.71 per month.

Section 2. That Paragon Tempered Glass, LLC shall install, operate and maintain in accordance with the Village's regulations all required meters.

Section 3. As additional consideration for the Village supplying water and/or sewer service to Paragon Tempered Glass, LLC, Paragon Tempered Glass, LLC, its subsidiaries, successors and assigns (collectively "Paragon Tempered Glass, LLC") agree that upon demand by the Village and within ten (10) days of said demand that it will execute the necessary petition to have the property to which the water and/or sewer service is supplied to be annexed into the Village of Antwerp, Ohio, and further shall cooperate with the Village in having said property annexed and further will not resist annexation proceedings to have said property annexed into the corporation limits of the Village of Antwerp, Ohio. Should Paragon Tempered Glass, LLC fail or refuse to execute said annexation petition and/or other documents and things necessary for annexation within the aforesaid ten (10) day period or fail to cooperate with the Village to have said property annexed or resist said annexation, the Village then shall have the right to increase the water and/or sewer rates set forth herein. In this event, the Village may increase the water and/or sewer rates provided herein to the outside corporation limits rates established by the Village Council, which may be determined to be the same rates provided in this Ordinance plus an additional seventy-five percent (75%) of those rates. If the Village increases the water or sewer rate, it must give two (2) months' advance written notice to Paragon Tempered Glass, LLC to that effect.

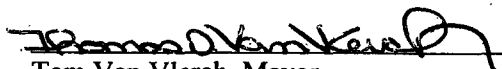
Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**Section 4.** The agreement by and between the Village of Antwerp, Ohio, and Paragon Tempered Glass, LLC for the supply and purchase of water and provision of sewer service shall be in effect from January 1, 2014, to and including December 31, 2015.

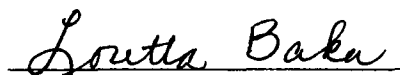
**Section 5.** It is found and determined that all formal actions of the Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings 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 welfare, convenience and prosperity of the Village and necessary to allow the supply and purchase of water and provision of sewer services to Paragon Tempered Glass, LLC, 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: 12-16-13

  
Tom Van Vlerah, Mayor  
Village of Antwerp

Attest:

  
Loretta Baker, Fiscal Officer

Accepted by Paragon Tempered Glass, LLC:

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date signed: \_\_\_\_\_

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

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

**ORDINANCE NO. 2013-46**

**AN ORDINANCE TO ESTABLISH TIME AND PLACE OF REGULAR MEETINGS OF THE COUNCIL FOR THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO, FOR CALENDAR YEAR 2014, AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council of the Village of Antwerp, Paulding County, Ohio, is desirous of holding monthly regular council meetings in calendar year 2014; and

**WHEREAS**, in accordance with Ohio Revised Code Section 731.46, the Village Council hereby establishes the time and place of regular meetings of the Council for calendar year 2014 as provided herein.

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

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


**Section 2.** Regular meetings of the Council shall be held on the third (3<sup>rd</sup>) Monday of each month at 5:30 p.m. (Eastern Standard Time), except for those third (3<sup>rd</sup>) Mondays that are deemed a holiday under the personnel manual of the Village of Antwerp, then the regular council meeting shall be the fourth (4<sup>th</sup>) Monday of that month, except for the regular meeting of the Council for January 2014 shall be conducted on January 13, 2014.

**Section 3.** This Ordinance shall be in effect for regular meetings of the Council starting in January 2014, and be subject to amendment at the request of the Mayor of the Village of Antwerp or at the request of a member of the Council. Notice of any change in the time and/or place of a regular meeting of the Council shall be provided in accordance with Ordinance No. 2012-18.


**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 action, were in meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of section 121.22 of the Ohio Revised Code.

**Section 5.** This Ordinance 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 16th day of December, 2013.

  
Tom VanVlerah, Mayor  
Village of Antwerp

Attest:

  
Loretta Baker, Fiscal Officer

{7100/071/00249947-2SLS}

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

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

**ORDINANCE NO. 2013-47****AN ORDINANCE ADOPTING AN AMENDMENT TO THE PERSONNEL MANUAL FOR THE VILLAGE OF ANTWERP, OHIO, TO ADD CHRISTMAS EVE AS A HOLIDAY AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council of the Village of Antwerp desires to amend the Personnel Manual for the Village of Antwerp, Ohio.

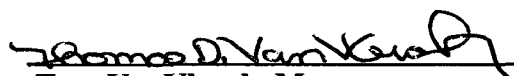
**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Antwerp, County of Paulding, State of Ohio:

**Section 1.** The Village of Antwerp, Ohio, amends the Personnel Manual, Section XXI.C. to add Christmas Eve as a holiday if it falls on a weekday. A copy of amended Section XXI.C. is 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 deemed an emergency measure necessary for the preservation of the public health, safety and welfare and for the further reason to modify the Personnel Manual effective upon passage of this Ordinance, and this Ordinance shall take effect and be in force immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

**Passed:** 12-16, 2013.

  
Tom Van Vlerah, Mayor

**Attest:**

  
Loretta Baker, Fiscal Officer

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

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

**ORDINANCE NO. 2013-48**

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER \$27,500.00 FROM THE GENERAL FUND TO THE POLICE FUND, AND DECLARING THE SAME AN EMERGENCY**

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

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

**WHEREAS**, this is a transfer of funds pursuant to Ohio Revised Code Section 5705.14(E), which 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:

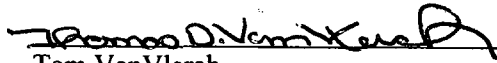
**Section 1.** The Village Fiscal Officer is hereby authorized to transfer the sum of Twenty-Seven Thousand Five Hundred Dollars and Zero Cents (\$27,500.00) from the General Fund to the Police Fund.

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

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

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

Date 12-16-13

  
Tom Van Vlerah,  
Mayor of the Village of Antwerp

Attest:

  
Loretta Baker, Fiscal Officer

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

**RESOLUTION NO: 2013-07****A RESOLUTION INITIATING AMENDMENTS TO THE OFFICIAL ZONING MAP OF THE VILLAGE OF ANTWERP, OHIO, TO REZONE CERTAIN LOTS IN THE VILLAGE OF ANTWERP FROM AGRICULTURAL TO RESIDENTIAL, AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, there are several lots in the Village of Antwerp, Ohio (the "Village"), that are zoned as Agricultural Districts (A-1) even though the use of said property has been residential in nature for several years; and

**WHEREAS**, the Village Council desires to initiate amendments to the Official Zoning Map of the Village pursuant to Section 703 of the Zoning Ordinance and requests the Planning and Zoning Commission of the Village of Antwerp to review proposed zoning map amendments and transmit its recommendation to the Village Council pursuant to Section 707 of the Zoning Ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Village of Antwerp, Paulding County, Ohio, that the Council initiates amendments to the Official Zoning Map as follows:

**Section 1.** The Council of the Village of Antwerp initiates the amendment process to the Official Zoning Map pursuant to Section 703 of the Zoning Ordinance and requests the Planning and Zoning Commission review certain lots in the Village to be rezoned from agricultural to residential. Attached hereto and incorporated herein by reference is a copy of the Official Zoning Map with the areas highlighted, which are the subject of the proposed zoning map amendments.

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

**Section 3.** 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 Village is initiating the process to amend the Official Zoning Map for zoning designations to comply with the use of property within the Village, 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.

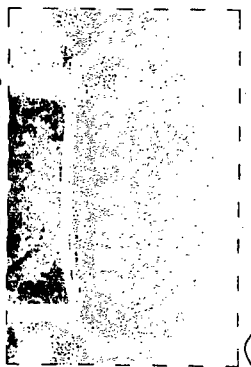
**PASSED THIS** 16<sup>th</sup> day of December, 2013.



Tom VanVlerah, Mayor  
Village of Antwerp, Ohio

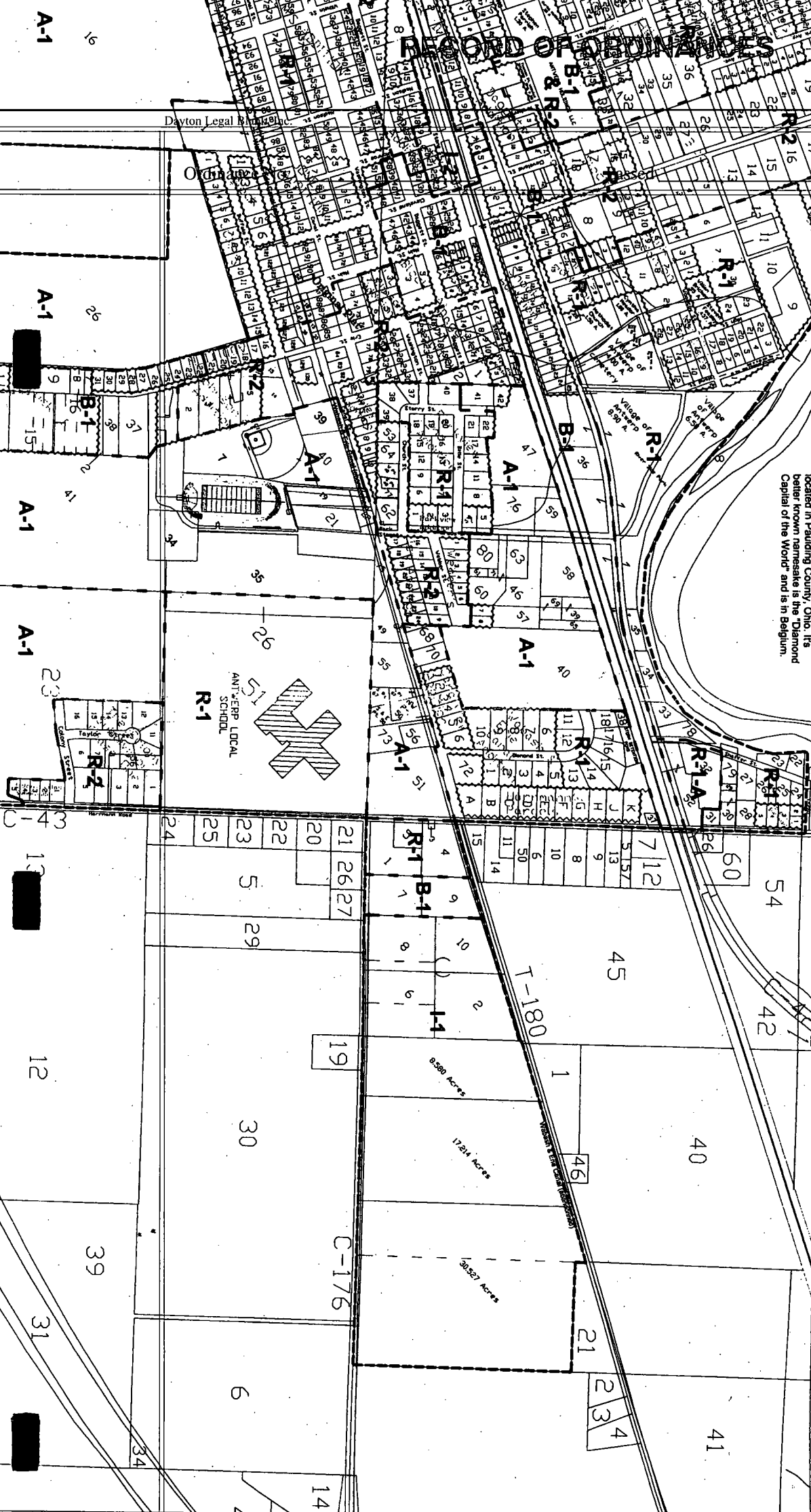
**Attest:**

  
Loretta Baker, Fiscal Officer



**Antwerp, Ohio**  
The "Diamond" of Northwest Ohio is located in Paulding County, Ohio. It's better known namesake is the Diamond Capital of the World and is in Belgium.

VILLAGE OF  
**ANTWERP**  
CARRYALL TOWNSHIP  
PAULDING COUNTY STATE OF OHIO  
**ZONING MAP**



\* Note: This drawing has been updated digitally, compiling information available from previous Village zoning maps, existing zoning ordinances, and from map information provided by the Paulding County Engineer's Office. This map represents the best information available at this time and will be updated as zoning changes occur.

revisions & notes:

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

**ORDINANCE NO. 2013-49****AN ORDINANCE ADOPTING THE MODEL ORDINANCE PREPARED BY  
THE OHIO ATTORNEY GENERAL PURSUANT TO SECTION 715.55 OF THE  
OHIO REVISED CODE ON REGULATIONS GOVERNING SEXUALLY  
ORIENTED BUSINESSES AND EMPLOYEES****(I) PURPOSE AND INTENT**

(A) In enacting this Ordinance, pursuant to Section 715.55 of the Ohio Revised Code, the Council of the Village of Antwerp, Ohio (the "Village"), makes the following statement of intent and findings:

(1) Adult entertainment establishments require special supervision from the public safety agencies of the Village in order to protect and preserve the health, safety, morals, and welfare of the patrons and employees of the businesses as well as the citizens of the Village.

(2) The Village Council finds that adult entertainment establishments are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.

(3) The concern over sexually transmitted diseases is a legitimate health concern of the Village that demands reasonable regulation of adult entertainment establishments by the Village in the specified manner and expanded authority for reasonable regulation of adult entertainment establishments by local governments, in order to protect the health and well-being of the citizens.

(4) Minimal regulations enacted by the Village are a legitimate and reasonable means of accountability to ensure that operators of adult entertainment establishments comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.

(5) There is convincing documented evidence that adult entertainment establishments, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, cause increased crime, particularly in the overnight hours, and downgrade property values.

(6) The Village Council desires to minimize and control these adverse effects by regulating adult entertainment establishments in the specified manner. And by minimizing and controlling these adverse effects, the Village Council seeks to protect the health, safety, and welfare of the citizenry; protect the citizens from



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

increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight.

(7) The Village Council has determined that current local zoning and other locational criteria do not adequately protect the health, safety, and general welfare of the people of the Village and that expanded regulation of adult entertainment establishments is necessary.

(8) It is not the intent of the Village Council in enacting this Ordinance to suppress or authorize the suppression of any speech activities protected by the First Amendment, but to enact content-neutral statutes that address the secondary effects of adult entertainment establishments.

(9) It is not the intent of the Village Council to condone or legitimize the distribution of obscene material, and the Village Council recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in this state.

(B) It is the intent of the Village Council in enacting this Ordinance to regulate in the specified manner adult entertainment establishments in order to promote the health, safety, morals, and general welfare of the citizens of the Village and establish reasonable regulations to prevent the deleterious secondary effects of adult entertainment establishments within the Village. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent of the Village Council in enacting this Ordinance to restrict or deny, or authorize the restriction or denial of, access by adults to sexually oriented materials protected by the First Amendment, or to deny, or authorize the denial of, access by the distributors and exhibitors of adult entertainment and adult materials to their intended market. Neither is it the intent nor effect of the Village Council in enacting this Ordinance to condone or legitimize the distribution or exhibition of obscene material.

(C) Based on evidence concerning the adverse secondary effects of adult uses on communities presented in hearings and in reports made available to the legislature and subsequently adopted by the Ohio General Assembly as findings under Section 3 of House Bill 23 (and on findings incorporated in the cases of *Township of Littleton, Colorado v. Z.J. Gifts D-4, L.L.C.* (2004), 541 U.S. 774; *Township of Erie v. Pap's A.M.* (2000), 529 U.S. 277; *Barnes v. Glen Theatre, Inc.* (1991), 501 U.S. 560; *Township of Renton v. Playtime Theatres, Inc.* (1986), 475 U.S. 41; *Young v. American Mini Theatres* (1976), 426 U.S. 50; *California v. LaRue* (1972), 409 U.S. 109; *DLS, Inc. v. Township of Chattanooga* (6th Cir. 1997), 107 F.3d 403; *East Brooks Books, Inc. v. Township of Memphis* (6th Cir. 1995), 48 F.3d 220; *Harris v. Fitchville Township Trustees* (N.D. Ohio 2000), 99 F. Supp.2d 837; *Bamon Corp. v. Township of Dayton* (S.D. Ohio 1990), 730 F. Supp. 90, *aff'd* (6th Cir. 1991), 923 F.2d 470; *Broadway Books v. Roberts* (E.D. Tenn. 1986), 642 F. Supp. 486; *Bright Lights, Inc. v. Township of Newport* (E.D. Ky. 1993),

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830 F. Supp. 378; *Richland Bookmart v. Nichols* (6th Cir. 1998), 137 F.3d 435; *Deja Vu v. Metro Government* (6th Cir. 1999), 1999 U.S. App. LEXIS 535; *Threesome Entertainment v. Strittmather* (N.D. Ohio 1998), 4 F.Supp.2d 710; *J.L. Spoons, Inc. v. Township of Brunswick* (N.D. Ohio 1999), 49 F. Supp.2d 1032; *Triplett Grille, Inc. v. Township of Akron* (6th Cir. 1994), 40 F.3d 129; *Nightclubs, Inc. v. Township of Paducah* (6th Cir. 2000), 202 F.3d 884; *O'Connor v. Township and County of Denver* (10th Cir. 1990), 894 F.2d 1210; *Deja Vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County* (6th Cir. 2001), 2001 U.S. App. LEXIS 26007; *State of Ohio ex rel. Rothal v. Smith* (Ohio C.P. 2002), Summit C.P. No. CV 01094594; *Z.J. Gifts D-2, L.L.C. v. Township of Aurora* (10th Cir. 1998), 136 F.3d 683; *Connection Distrib. Co. v. Reno* (6th Cir. 1998), 154 F.3d 281; *Sundance Assocs. v. Reno* (10th Cir. 1998), 139 F.3d 804; *American Library Association v. Reno* (D.C. Cir. 1994), 33 F.3d 78; *American Target Advertising, Inc. v. Giani* (10th Cir. 2000), 199 F.3d 1241; and other cases and on reports of secondary effects occurring in and around adult entertainment establishments in Phoenix, Arizona (1984); Minneapolis, Minnesota (1980); Houston, Texas (1983); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma Township, Oklahoma (1986); Cleveland, Ohio (1977); Dallas, Texas (1997); St. Croix County, Wisconsin (1993); Bellevue, Washington (1998); Newport News, Virginia (1996); Tucson, Arizona (1990); St. Paul, Minnesota (1988); Oklahoma Township, Oklahoma (1986 and 1992); Beaumont, Texas (1982); New York, New York (1994); Ellicottville, New York (1998); Des Moines, Iowa (1984); Islip, New York (1980); Adams County, Colorado (1987); Manatee County, Florida (1987); New Hanover County, North Carolina (1989); Las Vegas, Nevada (1978); Cattaraugus County, New York (1998); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso, Texas (1986); New York Times Square study (1994); Report to ACLJ on the Secondary Impacts of Sex Oriented Businesses (1996); findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); and on testimony to Congress in 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636, 134 Cong. Rec. E. 3750; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; and from various other police reports, testimony, newspaper reports, and other documentary evidence), and subsequent findings in *Sensations, Inc. v. City of Grand Rapids, Michigan Decency Action Council* (6th Cir. 2008), 526 F.3d 291; 729, *Inc. v. Kenton County Fiscal Court* (6th Cir. 2008), 515 F.3d 485; and *Andy's Rest. & Lounge, Inc. v. City of Gary* (7th Cir. 2006), 466 F.3d 550, and the Village Council's independent review of the same), the Village Council finds:

- (1) Adult entertainment establishments lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments.

# RECORD OF ORDINANCES

0165

Dayton Legal Blank, Inc.

Form No. 30043

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

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

(2) Certain employees of adult entertainment establishments, as defined in this Ordinance as adult theaters and cabarets, engage in a higher incidence of certain types of illicit sexual behavior than employees of other establishments.

(3) Sexual acts, including masturbation and oral and anal sex, occur at adult entertainment establishments, especially those that provide private or semiprivate booths or cubicles for viewing films, videos, or live sex shows. The "couch dances" or "lap dances" that frequently occur in adult entertainment establishments featuring live nude or seminude dancers constitute or may constitute the offense of "engaging in prostitution" under Section 2907.25 of the Revised Code.

(4) Offering and providing private or semi-private booths or cubicles encourages such activities, which creates unhealthy conditions.

(5) Persons frequent certain adult theaters, adult arcades, and other adult entertainment establishments for the purpose of engaging in sexual activity within the premises of those adult entertainment establishments.

(6) Numerous communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis salmonella, campylobacter and shigella infections, chlamydial, myoplasmal and ureoplasmal infections, trichomoniasis, and chancroid.

(7) Since 1981 and to the present, there have been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States: 600 in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985, and 253,448 through December 31, 1992.

(8) A total of 10,255 AIDS cases had been reported in Ohio as of January 1999. Ohio has required HIV case reporting since 1990, and the reported information shows 7,969 people living with (HIV) (4,213) and (AIDS) (3,756) in the state.

(9) Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in Ohio.

(10) The number of cases of early (less than one year) syphilis in the United States reported annually has risen. 33,613 cases were reported in 1982, and 45,200 cases were reported through November 1990.

(11) The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.

(12) The Surgeon General of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted

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through sexual contact, intravenous drug abuse, and exposure to infected blood and blood components, and from an infected mother to her newborn.

(13) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.

(14) Sanitary conditions in some adult entertainment establishments are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

(15) The findings noted in divisions (C)(1) to (14) of this section raise substantial governmental concerns.

(16) Adult entertainment establishments have operational characteristics that require or mandate subject them to reasonable government regulation in order to protect those substantial governmental concerns.

(17) The enactment of this Ordinance will promote the general welfare, health, morals, and safety of the citizens of the Village.

## **(II) DEFINITIONS**

### **(A) As used in this Ordinance:**

(1) "adult bookstore," "adult cabaret," "adult motion picture theater," "adult video store," "characterized by," "nude," "nudity," "state of nudity," "seminude," "state of semi nudity," "sexual device," "sexual device shop," "sexual encounter center," "specified anatomical areas," and "specified sexual activity" have the same meanings as in Section 2907.40 of the Revised Code; and

(2) "adult arcade," "adult entertainment," "adult entertainment establishment," "adult novelty store," "adult theater," "distinguished or characterized by their emphasis upon," "nude or seminude model studio," "regularly features," "regularly shown," and "sexual encounter establishment" have the same meanings as in Section 2907.39 of the Revised Code.

(B) "EMPLOYEE" means any individual on a full-time, part-time, or contract basis, regardless of whether the individual is denominated an employee, independent contractor, agent, or otherwise, but does not include an individual exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

(C) "IMMEDIATE FAMILY" means a person's spouse residing in the person's household, parents, siblings of the whole or of the half blood, and children, including adopted children.

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

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

(D) "LICENSE" means a license to act or operate a sexually oriented business, issued pursuant to this Ordinance.

(E) "LICENSEE" means a person in whose name a license to operate has been issued, as well as the individual(s) designated on the license application as principally responsible for the operation of the sexually oriented business. With respect to an Employee license issued under this Ordinance, licensee means an employee as defined by Section (II), sub-section (B) above in whose name a license has been issued authorizing employment at sexually oriented business.

(F) "OPERATE" means to control or hold primary responsibility for the operation of a sexually oriented business, either as a business entity, as an individual, or as part of a group of individuals with shared responsibility. "Operate" or "Cause to be Operated" shall mean to cause to function or to put or keep in operation.

(G) "OPERATOR" means any individual on the premises of a sexually oriented business who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.

(H) "PATRON" means any individual on the premises of a sexually oriented business, except for any of the following:

- (1) An operator or an employee of the sexually oriented business;
- (2) An individual who is on the premises exclusively for repair or maintenance of the premises or for the delivery of goods to the premises;
- (3) A public employee or a volunteer firefighter or emergency medical services worker acting within the scope of the public employee's or volunteer's duties as a public employee or volunteer's duties as a public employee or volunteer.

(I) "PERSON" means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

(J) "PREMISES" means the real property on which the sexually oriented business is located and all appurtenances to the real property, including, but not limited, to the sexually oriented business, the grounds, private walkways, and parking lots or parking garages adjacent to the real property under the ownership, control, or supervision of the owner or operator of the sexually oriented business.

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(K) "SEXUALLY ORIENTED BUSINESS" means an adult arcade, adult bookstore, adult cabaret, adult entertainment establishment, adult motion picture theater, adult novelty store, adult theater, adult video store, sexual device shop, sexual encounter center, and sexual encounter establishment as defined by Section (II), sub-section (A) of this Ordinance, but does not include a business solely by reason of its showing, selling, or renting materials that may depict sex.

(L) "SPECIFIED CRIMINAL ACTIVITY" means any of the following offenses:

(1) Prostitution or promoting prostitution; soliciting; loitering to engage in solicitation; sexual performance by a child; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar offenses to those described above under the criminal or penal code of any local jurisdiction, state, or country;

(2) for which:

(a) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; or

(b) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense.

(3) The fact that a conviction is being appealed shall not prevent such conviction from constituting a specified criminal activity as defined in this section.

(M) "TRANSFER OF OWNERSHIP OR CONTROL" of a sexually oriented business shall mean any of the following:

(1) the sale, lease, or sublease of the business;

(2) the transfer of securities which constitute a controlling interest in the business whether by sale, exchange, or similar means; or

(3) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

### (III) LICENSE REQUIRED

(A) No person shall:

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(1) Operate a sexually oriented business as defined by Section (II), sub-section (K) without a valid sexually oriented business license issued by the Village pursuant to this Ordinance.

(2) In connection with operating a sexually oriented business, retain the services of a person as an employee, as defined in this Ordinance, who is not licensed as a sexually oriented business employee by the Village pursuant to this Ordinance.

(B) Any person who violates sub-section (A)(1) above shall be guilty of a misdemeanor of the second degree for a first offense, and a misdemeanor of the first degree for a second offense.

(C) A violation of sub-section (A)(2) above shall be a ground for the suspension of a sexually oriented business license as provided for in Section (IX) of this Ordinance.

(D) No person shall act as an employee, as defined in this Ordinance, on the premises of a sexually oriented business without having secured a sexually oriented business employee license ("employee license") pursuant to this Ordinance.

(E) A violation of this section shall be a ground for the suspension of a sexually oriented business employee license as provided for in Section (IX) of this Ordinance.

#### (IV) APPLICATION FOR LICENSE

(A) An original or renewal application for a sexually oriented business license shall be submitted to the Village Council or its designee on a form provided by the Village Council. The Village's application may require and the applicant shall provide such information as reasonably necessary (including fingerprints) to enable the Village to determine whether the applicant meets the qualifications established in this Ordinance.

(B) A filing fee shall be paid at the time of filing the application, as follows:

The applicant shall pay a filing fee of \$750.00 made payable to the Village of Antwerp, Ohio. Said filing fee is non-refundable and will be used to offset the costs of administering and ensuring compliance with this Ordinance. However, if the license application is denied, any fees remaining for administering the license shall be refunded to the applicant.

(C) An application for a sexually oriented business license shall identify and be signed by the following persons:

(1) If the business entity is owned by an individual, that individual.

(2) If the business entity is owned by a corporation, each Officer or Director of the corporation, any individual owning or controlling more than fifty (50) percent of the voting shares of the corporation, and any person with an ownership

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interest in the corporation who will be principally responsible for the operation of the proposed sexually oriented business.

(3) If the business entity is owned by a partnership (general or limited), a joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, each partner (other than limited partners); and any other person entitled to share in the profits of the organization, whether or not such person is also obligated to share in the liabilities of the organization, who will be principally responsible for the operation of the proposed sexually oriented business.

(D) An application for a sexually oriented business license must designate one or more individuals who are to be principally responsible for the operation of the proposed sexually oriented business, if a license is granted. At least one person so designated must be involved in the day-to-day operation of the proposed sexually oriented business on a regular basis. Each person so designated, as well as the business entity itself, shall be considered a license applicant, must qualify as a licensee under this Ordinance, and shall be considered a licensee if a license is granted.

(E) An application for a sexually oriented business license shall be completed according to the instructions on the application form, which shall require the following

(1) If the applicant is:

(a) an individual, state the legal name and any aliases of such individual; or

(b) a partnership, state the complete name of the partnership and all of its partners and whether the partnership is general or limited, and provide a copy of the partnership agreement, if any; or

(c) a joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, state the complete name of the organization and provide a copy of the legal document establishing the organization, if any; or

(d) a corporation, state the complete name of the corporation and the date of its incorporation, provide evidence that the corporation is in good standing under the laws of its state of incorporation, and state the names and capacities of all Officers and Directors, the name of the registered corporate agent, and the address of the registered office for service of process.

(2) If the applicant intends to operate the sexually oriented business under a name other than that of the applicant, state the fictitious name to be used and submit copies of documentation evidencing the registration of the business name under applicable laws.



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- (3) State whether any applicant has been convicted of a specified criminal activity as defined in this Ordinance, and if so, the specified criminal activity involved and the date, place, and jurisdiction of each such conviction.
- (4) State whether any applicant has had a previous license under this Ordinance or other similar regulation of another jurisdiction denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation; and state whether the applicant has been a partner in a partnership or an officer, or fifty (50) percent or greater owner of a corporation licensed under this Ordinance whose license has previously been denied, suspended or revoked, including the name and location of the business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.
- (5) State whether any applicant holds any other licenses under this Ordinance or other similar regulation from this or another jurisdiction and, if so, the names and locations of such other licensed businesses.
- (6) State the location of the proposed sexually oriented business, including a legal description of the property (i.e., permanent parcel number), street address, and telephone number(s), if any.
- (7) State the mailing address and residential address of each applicant and each person signing the application.
- (8) Submit a recent photograph of each applicant who is a natural person, taken by the Antwerp Police Department that clearly shows the applicant's face.
- (9) Submit the fingerprints of each applicant who is a natural person, recorded by the Antwerp Police Department.
- (10) For any applicant who is a natural person, describe and identify the location of any tattoos on such person's face, arms, legs, or hands, or any other anatomical area that normally would be visible when such person is on the premises of the proposed sexually oriented business.
- (11) State the driver's license number and Social Security number of each applicant who is a natural person and each person signing the application, or, for an applicant that is not a natural person, the applicant's federally issued tax identification number.
- (12) Submit proof that each applicant who is a natural person is at least eighteen (18) years old.
- (13) Submit a sketch or diagram showing the configuration of the premises of the sexually oriented business. The diagram shall also designate the place at which the adult business license will be conspicuously posted, if granted. The

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sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

(14) The above-required disclosures facilitate the police investigation into the applicant's criminal background regarding crimes of a sexual nature so that the Village can determine whether the Ordinance's civil disabilities provisions apply. Such provisions exist to combat the sex crimes connected with sexually oriented establishments by temporarily prohibiting those recently convicted of such crimes from employment with those establishments. In addition, the required disclosures ensure continuing compliance with the Ordinance's licensing and permitting requirements.

(15) The information gathered pursuant to the above provisions constitute protected private information and are exempt from Ohio's Public Records Act in accordance with the decision of the Sixth Circuit Court of Appeals in *DejaVu of Cincinnati v. Union Township* (6th Cir. 2005), 411 F.3d 777.

#### (V) ISSUANCE OF A LICENSE

(A) Upon receipt of an application for a sexually oriented business license, the Antwerp Police Department or its designee shall promptly review the information provided in the application concerning the criminal background of the applicant(s) and that the Antwerp Police Department or its designee shall document in writing the results of its investigation within five (5) days of the completion of its investigation.

(B) Within five (5) days of receipt of an application for a sexually oriented business, the Antwerp Police Department or its designee shall notify the Village Fire Chief and the Paulding County Health Department of such application. In making such notification, the Antwerp Police Department or its designee shall request that the Fire Chief and the Paulding County Health Department promptly inspect the premises for which the sexually oriented business license is sought to assess compliance with the regulations under their respective jurisdictions.

(C) The Fire Chief shall provide to the Antwerp Police Department or its designee a written certification of whether the premises are in compliance with the Village Fire Regulations within ten (10) days of receipt of notice of the application.

(D) The Antwerp Police Department or its designee shall commence the inspection of the premises for which a sexually oriented business license is sought promptly upon receipt of the application, and shall complete, within ten (10) days after receipt of the application, a written certification of whether the premises are in compliance with the Village Zoning Ordinance and the provisions of this Ordinance related to physical characteristics of the premises, and whether the Village has received notice from any state or county agency of the premises being in violation of any applicable state building or property codes. The Antwerp Police Department or its designee shall complete its

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inspection of compliance with the Village Zoning Ordinance in conjunction with the Village's Zoning Inspector.

(E) Within twenty-one (21) days after receipt of a completed sexually oriented business license application, the Antwerp Police Department or its designee shall approve or deny the issuance of a license. The Antwerp Police Department or its designee shall approve the issuance of a license to an applicant unless he/she determines that one or more of the following findings are true:

- (1) An applicant who is a natural person is under eighteen (18) years of age.
- (2) An applicant has failed to provide all information and documents required for issuance of the license as requested on the application form, or has provided information or documents as requested on the application that are insufficient on their face; provided, however, that no license shall be denied solely on the ground that an applicant has refused to disclose its social security number in accordance with the provisions of the Privacy Act of 1974, Pub. L. No. 93-579, § 7(a)(1).
- (3) An applicant has, within the preceding twelve (12) months, been denied a sexually oriented business license by any jurisdiction or has had a license to operate a sexually oriented business revoked by any jurisdiction.
- (4) An applicant has been convicted of a specified criminal activity as defined in this Ordinance.
- (5) The proposed sexually oriented business would violate or fail to be in compliance with any provisions of this Ordinance, the Village Zoning Ordinance, or state statute or regulation.
- (6) The application and investigation fee required by this Ordinance has not been paid.
- (7) An applicant is in violation of or not in compliance with any provision of this Ordinance, except as provided in Section (V), sub-section (F) of this section.

(F) If the Antwerp Police Department or its designee determines that one or both of the following findings are true, the license issued pursuant to this section shall contain a requirement that the licensee correct all deficiencies specified within 120 days of the date the license is issued:

- (1) The results of inspections of the premises by the Fire Chief or its designee or the Paulding County Health Department or its designee indicate that the premises are not in compliance with applicable laws and regulations under their respective jurisdictions.
- (2) An applicant is overdue in payment to the Village of taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business, which are not the subject of a pending appeal or other legal challenge.

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(G) A sexually oriented business license shall state on its face the name of the applicant, the expiration date, and the address of the licensed sexually oriented business. All sexually oriented business licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

(H) The Antwerp Police Department or its designee shall advise the applicant in writing within three (3) days of the Antwerp Police Department decision of the reasons for any license denial. If the Village finds, subsequent to denial, that the basis for the denial of the license has been corrected or abated, the applicant may reapply.

#### **(VI) EMPLOYEE LICENSE APPLICATION**

(A) An application for an Employee license shall be submitted to the Antwerp Police Department or its designee on a form provided by the Antwerp Police Department. The application may request, and the applicant shall provide, such information as reasonably necessary (including fingerprints) to enable the Village to determine whether the applicant meets the qualifications established in this Ordinance.

(B) An application for an employee license shall be completed according to the instructions of the application form, which shall require the following:

- (1) State the applicant's name and any other names (including "stage" names) or aliases used by the applicant.
- (2) State the applicant's date and place of birth.
- (3) State the applicant's height, weight, and hair and eye color.
- (4) Submit a recent photograph of the applicant, taken by the Antwerp Police Department, which clearly shows the applicant's face.
- (5) Submit the applicant's fingerprints, recorded by the Antwerp Police Department.
- (6) Describe and identify the location of any tattoos on the applicant's face, arms, legs, or hands, or any other anatomical area that normally would be visible when the applicant is on the premises of the proposed sexually oriented business.
- (7) State the applicant's present residence address and telephone number.
- (8) State the applicant's present or intended business address and telephone number.
- (9) State the applicant's driver's license number and Social Security number.
- (10) Submit proof that the applicant is at least eighteen (18) years old.

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(11) Provide a statement detailing the sexually oriented business-related license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate a sexually oriented business, in this or any other jurisdiction, and whether the applicant has ever had a sexually oriented business-related license, permit, or authorization to do business denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name of the issuing or denying jurisdiction and describe in full the reason for the denial, revocation, or suspension. Attach a copy of any order of denial, revocation, or suspension.

(12) State whether the applicant has been convicted of a specified criminal activity as defined in this Ordinance and, if so, the specified criminal activity involved and the date, place and jurisdiction of each such conviction.

(13) The above-required disclosures facilitate the police investigation into the applicant's criminal background regarding crimes of a sexual nature so that the Village can determine whether the Ordinance's civil disabilities provisions apply. Such provisions exist to combat the sex crimes connected with sexually oriented establishments by temporarily prohibiting those recently convicted of such crimes from employment with those establishments. In addition, the required disclosures ensure continuing compliance with the Ordinance's licensing and permitting requirements.

(14) The information gathered pursuant to the above provisions constitutes protected private information and is exempt from Ohio's Public Records Act in accordance with the decision of the Sixth Circuit Court of Appeals in *DejaVu of Cincinnati v. Union Township* (6th Cir. 2005), 411 F.3d 777.

**(VII) ISSUANCE OF SEXUALLY ORIENTED BUSINESS EMPLOYEE LICENSE**

(A) Upon the filing of a completed application for an employee license, the Antwerp Police Department or its designee shall issue a license to said applicant immediately.

(B) Within five (5) days of receipt of a completed application for an employee license, the Antwerp Police Department or its designee shall initiate an investigation of the information provided in the application concerning the criminal background of the applicant. The Antwerp Police Department shall document the results of its investigation in writing within five (5) days of the completion of its investigation.

(C) Within ten (10) days after completion of the criminal background investigation of the applicant, the Antwerp Police Department or its designee shall either affirm the prior issuance of the license or revoke the license. The Antwerp Police Department or its designee shall affirm the prior issuance of a license to an applicant unless he/she determines that one or more of the following findings are true:

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(1) The applicant has failed to provide all information and documents required for issuance of the license as requested on the application form, or has provided information or documents as requested on the application that are insufficient on their face; provided, however, that no license shall be denied solely on the ground that an applicant has refused to disclose its social security number in accordance with the provisions of the Privacy Act of 1974, Pub. L. No. 93-579, § 7(a)(1).

(2) The applicant is under eighteen (18) years of age.

(3) The applicant has been convicted of a specified criminal activity as defined in this Ordinance.

(4) The employee license is to be used for employment in a business prohibited by local, state, or federal law, statute, rule or regulation.

(5) The applicant has, within the preceding twelve (12) months, been denied an employee license by any jurisdiction or has had an employee license revoked by any jurisdiction.

(D) If the employee license is revoked, the Antwerp Police Department or its designee shall advise the applicant in writing within three (3) days of the reason(s) for any such revocation.

#### **(VIII) EXPIRATION AND RENEWAL OF LICENSE**

(A) Each license issued pursuant to this Ordinance shall expire one year from the date of issuance and may be renewed by making application as provided in this section. Application for renewal shall be made no more than ninety (90) days and no less than twenty-one (21) days before the expiration date. If application is made less than twenty-one (21) days before the expiration date, the license will not be extended pending a decision on the application, but will expire on its normal expiration date.

(B) An application for renewal of a sexually oriented business license shall be submitted to the Antwerp Police Department or its designee on a form provided by the Antwerp Police Department. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial license application pursuant to this Ordinance. Copies of any document or material submitted in connection with the initial license application shall accompany the completed renewal application that has been revised or such application shall be revised to reflect any change in circumstances or conditions. Sketches or diagrams submitted with an initial sexually oriented business license application may be resubmitted with subsequent renewal applications, provided that the applicant certifies in writing that the sketch or diagram still depicts the premises accurately.

(C) The Antwerp Police Department or its designee shall make determinations concerning the approval of license renewals based on the same criteria and time mandates used to evaluate applications for new licenses under this Ordinance.

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(D) The Antwerp Police Department or its designee shall advise the applicant in writing within three (3) days of the reason(s) for any denial of a license renewal.

(E) An application for renewal of an employee license shall be submitted to the Antwerp Police Department or its designee on a form provided by the Antwerp Police Department. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial license application pursuant to this Ordinance. Copies of any document or material submitted in connection with the initial license application shall accompany the completed renewal application that has been revised or requires revision to reflect any change in circumstances or conditions.

(F) When the Village denies an application for renewal of a license, the applicant shall not be issued another license for one year from the date of denial. However, if the Village finds, subsequent to denial, that the basis for the denial of the renewal license has been corrected or abated, the applicant may reapply prior to the expiration of the one year period.

**(IX) SUSPENSION**

(A) The Village shall suspend a sexually oriented business license for a period not to exceed thirty (30) days if it determines that a licensee:

- (1) has violated or is not in compliance with any section of this Ordinance; or
- (2) has knowingly allowed an employee to violate or fail to comply with any section of this Ordinance.

(B) The Village shall suspend a sexually oriented business license for a period not to exceed thirty (30) days if it determines that a licensee or its employee or agent has refused to allow, or has prohibited or has interfered with, an inspection of the licensed sexually oriented business premises as authorized by Section (V), sub-sections (B) – (C) of this Ordinance or any other reasonable inspection.

(C) The Village shall suspend an employee license for a period not to exceed thirty (30) days if it determines that a licensee has violated or is not in compliance with any section of this Ordinance.

(D) The Antwerp Police Department or its designee shall advise the licensee in writing within three (3) days of the reason(s) for any suspension.

**(X) REVOCATION**

(A) The Village shall revoke a sexually oriented business license or employee license if a cause of suspension under this Ordinance occurs and the license has been suspended two times within the preceding twelve (12) months.

(B) The Village shall revoke a sexually oriented business license if it determines that:

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(1) a licensee failed to provide all information and documents required for issuance of the license as requested on the application form, or provided information or documents as requested on the application that are false;

(2) the licensee(s) failed to comply with any requirement stated in the license, pursuant to this Ordinance, to correct specified deficiencies within 120 days;

(3) a licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;

(4) a licensee has knowingly allowed prostitution, solicitation, or the commission of a felony on the premises;

(5) a licensee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;

(6) a licensee has knowingly allowed any act of specified sexual activity, as defined in this Ordinance, to occur in or on the licensed premises;

(7) a licensee has been convicted of a specified criminal activity, as defined in this Ordinance, during the term of the license; or

(8) a licensee is delinquent in payment to the Township, County, or State for any taxes or fees that were assessed or imposed in relation to any business.

(C) The Village shall revoke an employee license if it determines that:

(1) the licensee failed to provide all information and documents required for issuance of the license as requested on the application form, or provided information or documents as requested on the application that are false;

(2) the licensee has knowingly acted as an employee on the premises of a sexually oriented business during a period of time when the licensee's license was suspended; or

(3) the licensee has been convicted of a specified criminal activity, as defined in this Ordinance during the term of the license.

(D) The Antwerp Police Department or its designee shall advise the licensee in writing within three (3) days of the reason(s) for any revocation.

(E) When the Village revokes a license pursuant to sub-sections (A), (B)(3) – (7), (C)(2) or (3) above, the licensee shall not be issued another license for one (1) year from the date the revocation became effective.

(F) When the Village revokes a license pursuant to sub-sections (B)(1), (B)(8) or (C)(1) above, the applicant may be granted a license if the basis for the revocation has



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been corrected or abated and at least thirty (30) days have elapsed since the date the revocation became effective.

**(XI) APPEAL RIGHTS**

(A) Any denial, suspension, or revocation of a license under this Ordinance may be appealed to the Village Council by written notice within ten (10) days of such denial, suspension, or revocation. Unless the applicant requests a longer period, the Village Council must hold a hearing on the appeal within twenty-one (21) days and must issue a decision affirming or reversing the denial, suspension, or revocation within five (5) days after the hearing. During the time between the date of the denial, suspension, or revocation of a license and the date of the Village Council decision affirming or reversing the denial, suspension, or revocation, the status quo of the license holder or applicant shall be maintained.

(B) In the event that the Village Council denies, suspends, or revokes a new or renewal license under this Ordinance, or any action taken on an appeal that is provided by this Ordinance, the applicant may pursue an appeal to Paulding County Court of Common Pleas pursuant to Revised Code Chapter 2506. The failure of the Village Council to render a decision on the application within the time prescribed in Section (IX), sub-section (A) above shall be considered an affirmance of the denial, suspension, or revocation of the license and the applicant may pursue an appeal to Paulding County Court of Common Pleas pursuant to Revised Code Chapter 2506. This appeal provision is intended to comply with the requirement for prompt judicial review stated by the United States Supreme Court in *Township of Littleton, Colorado v. Z. J. Gifts D-4* (2004), 541 U.S. 774.

(C) Any licensee lawfully operating a sexually oriented business prior to the denial of a license renewal application, or the suspension or revocation of a license, shall retain said license and all privileges attendant thereto, subject to all other terms of this Ordinance, so that the status quo of the licensee is maintained during the pendency of an appeal to the Village Council of a decision rendered under this Ordinance and during the entire time required for the court to rule on the appeal pursuant to sub-section (B) above.

(D) Any licensee lawfully acting as an employee in a sexually oriented business prior to the denial of a license renewal application, or the suspension or revocation of a license, shall retain said license and all privileges attendant thereto, subject to all other terms of this Ordinance, so that the status quo of the licensee is maintained during the pendency of an appeal to the Village Council of a decision rendered under this Ordinance and during the entire time required for the court to rule on the appeal pursuant to sub-section (B) above.

(E) In the event that any judicial review of the denial of a new or renewal license application or the revocation or suspension of a license is still pending thirty (30) days before the expiration date of any license, the licensee may file a renewal license application with the Antwerp Police Department or its designee pursuant to this Ordinance. In the event that an application for renewal of a license is denied and the

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applicant seeks judicial review of that denial, the Village has the right to consolidate such review with any pending judicial actions in regards to the previous denial, suspension or revocation of a license.

(F) If, during the pendency of any appeal pursued under sub-section (B) above, there are additional denials of a renewal license application or suspensions or revocations of that license, the Village has the right to consolidate the appeal pursued under Section (XI), sub-section (B) above for the additional denials, suspensions or revocations with any pending appeal for that same licensee.

## **(XII) TRANSFER OF LICENSE**

(A) A sexually oriented business license is not transferable from one licensee to another or from one location to another. Any purported transfer of a sexually oriented business license shall automatically and immediately revoke that license.

(B) An employee license is not transferable from one licensee to another, but the use of the license by the individual to whom it was issued may be transferred from one licensed sexually oriented business to another such licensed establishment during the term of the license, provided that the licensee gives written notice of such transfer to the Antwerp Police Department or its designee within fifteen (15) days of such transfer.

## **(XIII) ADDITIONAL REGULATIONS CONCERNING THE OPERATION OF A SEXUALLY ORIENTED BUSINESS**

### **(A) Sexual Activity, Live Entertainment and Performances**

(1) No person shall, in a sexually oriented business, appear before a patron or patrons in a state of nudity, regardless of whether such public nudity is expressive in nature.

(2) Any employee appearing on the premises of a sexually oriented business in a state semi-nudity, as defined by this Ordinance, must be on a stage that is at least twenty-four (24) inches from the floor, and at a distance at least thirty-six (36) inches from all parts of a clearly designated area in which patrons will be present.

(3) All live entertainment and performances in a sexually oriented business must take place on a stage that is at least twenty-four (24) inches from the floor and a distance of at least thirty-six (36) inches from all parts of a clearly designated area in which patrons will be present.

(4) The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. If the premises has two (2) or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the

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premises to which any patron is permitted access for any purpose from at least one of the operator's stations. It is the duty of the operator to ensure that at least one employee is on duty and situated in an operator's station at all times that any patron is on the portion of the premises monitored by the operator station. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

(5) No employee shall knowingly or intentionally, in a sexually oriented business, appear within view of any patron in a nude or semi-nude condition unless the employee, while nude or semi-nude, shall be and remain at least six (6) feet from all patrons.

(6) Employees in a sexually oriented business shall maintain a minimum distance of five (5) feet from areas on the business premises occupied by patrons for a minimum of sixty (60) minutes after the employee appears in a nude or semi-nude condition within view of any patron. This regulation is not intended to prohibit ingress or egress from the premises. It is intended to control illicit sexual contact and reduce the incidents of prostitution occurring in the establishments.

(7) No patron who is not a member of the employee's immediate family shall knowingly touch an employee while that employee is nude or seminude or touches the clothing of any employee while that employee is nude or semi-nude.

(8) No employee who regularly appears nude or seminude on the premises of a sexually oriented business and while nude or seminude, shall knowingly touch a patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family or the clothing of a patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family or allow the patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family to touch the employee or the clothing of the employee.

(9) The provisions of sub-sections (A) (1) – (8) shall not apply to an employee's use of any restroom or any single-sex dressing room that is accessible only to employees.

(10) In addition, sub-sections (A) (1) – (8) shall not apply to live performances in which the patron and employee are separated by an impenetrable barrier such as, but not limited too, glass or Plexiglas.

(B) **Minors Prohibited.** No person under the age of 18 years shall be permitted on the premises of a sexually oriented business.

(C) **Hours of Operation.** No sexually oriented business shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day, except that a sexually

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oriented business that holds a liquor permit pursuant to Chapter 4303 of the Revised Code may remain open until the hour specified in that permit if it does not conduct, offer, or allow sexually oriented business activity in which the performers appear nude.

**(XIV) SEVERABILITY CLAUSE**

If any section, sub-section, paragraph or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, sub-sections, paragraphs, and clauses shall not be affected.

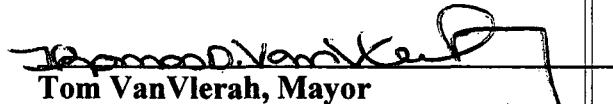
**(XV) PASSAGE AT OPEN MEETINGS**

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.

**(XVI) EFFECTIVE DATE**

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

Passed: 3-17, 2014.

  
Tom VanVlerah, Mayor

Attest:

  
Loretta Baker, Fiscal Officer

First Reading: 12-16-13

Second Reading: 2-24-14

Third Reading: 3-17-14

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

**ORDINANCE NO. 2013-50**

**AN ORDINANCE ADOPTING THE MODEL ORDINANCE PREPARED BY THE OHIO ATTORNEY GENERAL PURSUANT TO SECTION 715.55 OF THE OHIO REVISED CODE ON REGULATIONS GOVERNING CRIMINAL CONDUCT IN SEXUALLY ORIENTED BUSINESSES**

**(I) PURPOSE AND INTENT**

(A) In enacting this Ordinance, pursuant to Section 715.55 of the Ohio Revised Code, the Council of the Village of Antwerp, Ohio (the "Village Council") makes the following statement of intent and findings:

- (1) Adult entertainment establishments require special supervision from the public safety agencies of the Village of Antwerp, Ohio (the "Village") in order to protect and preserve the health, safety, morals, and welfare of the patrons and employees of the businesses as well as the citizens of the Village.
- (2) The Village Council finds that adult entertainment establishments are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.
- (3) The concern over sexually transmitted diseases is a legitimate health concern of the Village that demands reasonable regulation of adult entertainment establishments by the Village in the specified manner, and expanded authority for reasonable regulation of adult entertainment establishments by local governments, in order to protect the health and well-being of the citizens.
- (4) Minimal regulations enacted by the Village are a legitimate and reasonable means of accountability to ensure that operators of adult entertainment establishments comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
- (5) There is convincing documented evidence that adult entertainment establishments, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, cause increased crime, particularly in the overnight hours, and downgrade property values.
- (6) The Village Council desires to minimize and control these adverse effects by regulating adult entertainment establishments in the specified manner. And by minimizing and controlling these adverse effects, the Village Council seeks to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight.

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(7) The Village Council has determined that current local zoning and other locational criteria do not adequately protect the health, safety, and general welfare of the people of the Village and that expanded regulation of adult entertainment establishments is necessary.

(8) It is not the intent of the Village Council in enacting this Ordinance to suppress or authorize the suppression of any speech activities protected by the First Amendment, but to enact content-neutral statutes that address the secondary effects of adult entertainment establishments.

(9) It is not the intent of the Village Council to condone or legitimize the distribution of obscene material, and the Village Council recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in this state.

(B) It is the intent of the Village Council in enacting this Ordinance to regulate in the specified manner adult entertainment establishments in order to promote the health, safety, morals, and general welfare of the citizens of the Village and establish reasonable regulations to prevent the deleterious secondary effects of adult entertainment establishments within the Village. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent of the Village Council in enacting this Ordinance to restrict or deny, or authorize the restriction or denial of, access by adults to sexually oriented materials protected by the First Amendment, or to deny, or authorize the denial of, access by the distributors and exhibitors of adult entertainment and adult materials to their intended market. Neither is it the intent nor effect of the Village Council in enacting this Ordinance to condone or legitimize the distribution or exhibition of obscene material.

(C) Based on evidence concerning the adverse secondary effects of adult uses on communities presented in hearings and in reports made available to the legislature and subsequently adopted by the Ohio General Assembly as findings under Section 3 of House Bill 23 (and on findings incorporated in the cases of *Township of Littleton, Colorado v. Z.J. Gifts D-4, L.L.C.* (2004), 541 U.S. 774; *Township of Erie v. Pap's A.M.* (2000), 529 U.S. 277; *Barnes v. Glen Theatre, Inc.* (1991), 501 U.S. 560; *Township of Renton v. Playtime Theatres, Inc.* (1986), 475 U.S. 41; *Young v. American Mini Theatres* (1976), 426 U.S. 50; *California v. LaRue* (1972), 409 U.S. 109; *DLS, Inc. v. Township of Chattanooga* (6th Cir. 1997), 107 F.3d 403; *East Brooks Books, Inc. v. Township of Memphis* (6th Cir. 1995), 48 F.3d 220; *Harris v. Fitchville Township Trustees* (N.D. Ohio 2000), 99 F. Supp.2d 837; *Bamon Corp. v. Township of Dayton* (S.D. Ohio 1990), 730 F. Supp. 90, *aff'd* (6th Cir. 1991), 923 F.2d 470; *Broadway Books v. Roberts* (E.D. Tenn. 1986), 642 F. Supp. 486; *Bright Lights, Inc. v. Township of Newport* (E.D. Ky. 1993), 830 F. Supp. 378; *Richland Bookmart v. Nichols* (6th Cir. 1998), 137 F.3d 435; *Deja Vu v. Metro Government* (6th Cir. 1999), 1999 U.S. App. LEXIS 535; *Threesome Entertainment v. Strittmather* (N.D. Ohio 1998), 4 F.Supp.2d 710; *J.L. Spoons, Inc. v. Township of Brunswick* (N.D. Ohio 1999), 49 F. Supp.2d 1032; *Triplett Grille, Inc. v. Township of Akron* (6th Cir. 1994), 40 F.3d 129; *Nightclubs, Inc. v. Township of Paducah* (6th Cir. 2000), 202 F.3d 884; *O'Connor*

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v. *Township and County of Denver* (10th Cir. 1990), 894 F.2d 1210; *Deja Vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County* (6th Cir. 2001), 2001 U.S. App. LEXIS 26007; *State of Ohio ex rel. Rothal v. Smith* (Ohio C.P. 2002), Summit C.P. No. CV 01094594; *Z.J. Gifts D-2, L.L.C. v. Township of Aurora* (10th Cir. 1998), 136 F.3d 683; *Connection Distrib. Co. v. Reno* (6th Cir. 1998), 154 F.3d 281; *Sundance Assocs. v. Reno* (10th Cir. 1998), 139 F.3d 804; *American Library Association v. Reno* (D.C. Cir. 1994), 33 F.3d 78; *American Target Advertising, Inc. v. Giani* (10th Cir. 2000), 199 F.3d 1241; and other cases and on reports of secondary effects occurring in and around adult entertainment establishments in Phoenix, Arizona (1984); Minneapolis, Minnesota (1980); Houston, Texas (1983); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma Township, Oklahoma (1986); Cleveland, Ohio (1977); Dallas, Texas (1997); St. Croix County, Wisconsin (1993); Bellevue, Washington (1998); Newport News, Virginia (1996); Tucson, Arizona (1990); St. Paul, Minnesota (1988); Oklahoma Township, Oklahoma (1986 and 1992); Beaumont, Texas (1982); New York, New York (1994); Ellicottville, New York (1998); Des Moines, Iowa (1984); Islip, New York (1980); Adams County, Colorado (1987); Manatee County, Florida (1987); New Hanover County, North Carolina (1989); Las Vegas, Nevada (1978); Cattaraugus County, New York (1998); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso, Texas (1986); New York Times Square study (1994); Report to ACLJ on the Secondary Impacts of Sex Oriented Businesses (1996); findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); and on testimony to Congress in 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636, 134 Cong. Rec. E. 3750; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; and from various other police reports, testimony, newspaper reports, and other documentary evidence), and subsequent findings in *Sensations, Inc. v. City of Grand Rapids, Michigan Decency Action Council* (6th Cir. 2008), 526 F.3d 291; 729, *Inc. v. Kenton County Fiscal Court* (6th Cir. 2008), 515 F.3d 485; and *Andy's Rest. & Lounge, Inc. v. City of Gary* (7th Cir. 2006), 466 F.3d 550, and the Village Council's independent review of the same), the Village Council finds:

- (1) Sexually oriented businesses, as a category of commercial uses, are often associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation.
- (2) Illegal and unsanitary acts involving nudity, including lewd conduct, masturbation, oral and anal sex, occur at unregulated sexually oriented businesses, including those businesses which provide private or semi-private rooms, booths, or cubicles for viewing films, videos, or live performances.

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(3) Each of the foregoing negative secondary effects constitutes a harm which the Village has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the Village's rationale for this Ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the Village's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the Village. The Village finds that the cases and documentation relied on in this Ordinance are reasonably believed to be relevant to said secondary effects.

(4) The enactment of this Ordinance will promote the general welfare, health, morals, and safety of the citizens of the Village.

## **(II) DEFINITIONS**

### **(A) As used in this Ordinance:**

(1) "adult bookstore," "adult cabaret," "adult motion picture theater," "adult video store," "characterized by," "nude," "nudity," "state of nudity," "seminude," "state of semi nudity," "sexual device," "sexual device shop," "sexual encounter center," and "specified anatomical areas" have the same meanings as in Section 2907.40 of the Revised Code; and

(2) "adult arcade," "adult entertainment," "adult entertainment establishment," "adult novelty store," "adult theater," "distinguished or characterized by their emphasis upon," "nude or seminude model studio," "regularly features," "regularly shown," and "sexual encounter establishment" have the same meanings as in Section 2907.39 of the Revised Code.

(B) "EMPLOYEE" means any individual on a full-time, part-time, or contract basis, regardless of whether the individual is denominated an employee, independent contractor, agent, or otherwise, but does not include an individual exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

(C) "IMMEDIATE FAMILY" means a person's spouse residing in the person's household, parents, siblings of the whole or of the half blood, and children, including adopted children.

(D) "LICENSE" means a license to act or operate a sexually oriented business, issued pursuant to this Ordinance.

(E) "LICENSEE" means a person in whose name a license to operate has been issued, as well as the individual(s) designated on the license application as principally responsible for the operation of the sexually oriented business. With respect to an Employee license issued under this Ordinance, licensee means an employee as defined by sub-section (B) above in whose name a license has been issued authorizing employment at sexually oriented business.



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(F) "OPERATE" means to control or hold primary responsibility for the operation of a sexually oriented business, either as a business entity, as an individual, or as part of a group of individuals with shared responsibility. "Operate" or "Cause to be Operated" shall mean to cause to function or to put or keep in operation.

(G) "OPERATOR" means any individual on the premises of a sexually oriented business who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.

(H) "PATRON" means any individual on the premises of a sexually oriented business, except for any of the following:

- (1) An operator or an employee of the sexually oriented business;
- (2) An individual who is on the premises exclusively for repair or maintenance of the premises or for the delivery of goods to the premises;
- (3) A public employee or a volunteer firefighter or emergency medical services worker acting within the scope of the public employee's or volunteer's duties as a public employee or volunteer's duties as a public employee or volunteer.

(I) "PERSON" means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

(J) "PREMISES" means the real property on which the sexually oriented business is located and all appurtenances to the real property, including, but not limited, to the sexually oriented business, the grounds, private walkways, and parking lots or parking garages adjacent to the real property under the ownership, control, or supervision of the owner or operator of the sexually oriented business.

(K) "SEXUALLY ORIENTED BUSINESS" means an adult arcade, adult bookstore, adult cabaret, adult entertainment establishment, adult motion picture theater, adult novelty store, adult theater, adult video store, sexual device shop, sexual encounter center, and sexual encounter establishment as defined by Section (II), sub-section (A) of this Ordinance, but does not include a business solely by reason of its showing, selling, or renting materials that may depict sex.

### (III) UNLAWFUL ACTIVITIES

(A) Nothing contained in this Ordinance is intended, or shall be construed, to permit or authorize activities which are unlawful under state or local law. It is unlawful and a violation of this Ordinance for an operator to knowingly or intentionally violate the provisions of this Ordinance or to allow, either knowingly or intentionally, an employee or a patron to violate the provisions of this Ordinance. It shall be a defense to prosecution that the person prosecuted was powerless to prevent the violation.

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(B) No person shall knowingly or intentionally, in a sexually oriented business, appear before a patron or patrons in a state of nudity, regardless of whether such public nudity is expressive in nature.

(C) No employee shall knowingly or intentionally, in a sexually oriented business, appear within view of any patron in a semi-nude condition unless the employee, while semi-nude, shall be and remain at least six (6) feet from all patrons and on a fixed stage at least twenty-four (24) inches from the floor and at least thirty-six (36) inches from all parts of a clearly designated area in which patrons will be present.

(D) The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. If the premises has two (2) or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the operator's stations. The view required in this paragraph must be by direct line of sight from the operator's station. It is the duty of the operator to ensure that at least one (1) employee is on duty and situated in an operator's station at all times that any patron is on the portion of the premises monitored by that operator station. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

(E) Sexually oriented businesses that do not have stages or interior configurations which meet at least the minimum requirements of this section shall be given one hundred eighty (180) days from the effective date of Section III of this Ordinance to comply with the stage and building requirements of this section. During said one hundred eighty (180) days, any employee who appears within view of any patron in a semi-nude condition shall nevertheless remain, while semi-nude, at least six (6) feet from all patrons.

(F) No patron who is not a member of the employee's immediate family shall knowingly touch an employee while that employee is nude or seminude or touches the clothing of any employee while that employee is nude or semi-nude.

(G) No employee who regularly appears nude or seminude on the premises of a sexually oriented business and while nude or seminude, shall knowingly touch a patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family or the clothing of a patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family or allow the patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family to touch the employee or the clothing of the employee.

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(H) **Minors Prohibited.** No person under the age of 18 years shall be permitted on the premises of a sexually oriented business.

(I) **Hours of Operation.** No sexually oriented business shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day, except that a sexually oriented business that holds a liquor permit pursuant to Chapter 4303 of the Revised Code may remain open until the hour specified in that permit if it does not conduct, offer, or allow sexually oriented business activity in which the performers appear nude.

(J) The provisions of Section (III), Unlawful Activities, shall not apply to an employee's use of any restroom or any single-sex dressing room that is accessible only to employees, and live performances in which the patron and employee are separated by an impenetrable barrier such as, but not limited too, glass or Plexiglas.

**(IV) SCIENTER REQUIRED TO PROVE VIOLATION OR BUSINESS LIABILITY**

This Ordinance does not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a knowing or reckless mental state is necessary to establish a violation of a provision of Section (III) of this Ordinance. Notwithstanding anything to the contrary, for the purposes of Section (III), an act by an employee shall be imputed to the sexually oriented business for purposes of finding a violation of this Section (III) only if an officer, director, general partner or licensee, or a person who managed, supervised, or controlled the operation of the business premises, knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act.

**(V) PENALTY; EQUITABLE REMEDIES**

(A) Any person, business, or entity violating or refusing to comply with any provisions of this Ordinance, (except for violations of Section (III), sub-sections (F), (G) or (I)), shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$500, a term of imprisonment not exceeding six months, or both. Each day that a violation is permitted to exist or occur, and each separate occurrence, shall constitute a separate offense. Further, any premises in which a sexually oriented business, as defined in Section (II), sub-section (K) of this Ordinance, is repeatedly operated or maintained in violation of the provisions of this Ordinance shall constitute a public nuisance and shall be subject to civil abatement proceedings initiated by the Village Council in a court of competent jurisdiction. Each day that a violation is permitted to exist or occur shall constitute a separate operation or maintenance of the violation.

(B) Whoever violates Section (III), sub-sections (F) or (G) of this Ordinance shall be guilty of illegal sexually oriented activity in a sexually oriented business. If the offender touches a specified anatomical area of the patron or employee, or the clothing covering a specified anatomical area, a violation of Section (III), sub-sections (F) or (G) of this Ordinance is a misdemeanor of the first degree. If the offender does not touch a specified anatomical area of the patron or employee, or the clothing covering a specified anatomical area, a violation of Section (III), sub-sections (F) or (G) of this Ordinance is a misdemeanor of the fourth degree.

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(C) Whoever violates Section (III), sub-section (I) of this Ordinance is guilty of illegally operating a sexually oriented business, a misdemeanor of the first degree.

(D) Notwithstanding Section (V), sub-section (A) hereof, the Village Council may employ any remedy available at law or in equity to prevent or remedy a violation of any provision of this Ordinance.

**(VI) SEVERABILITY**

If any section, sub-section, paragraph or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, sub-sections, paragraphs, and clauses shall not be affected.

**(VII) PASSAGE AT 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.

**(VIII) EFFECTIVE DATE**

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

Passed: 3-17-, 2014.

Tom Van Vlerah  
Tom Van Vlerah, Mayor

Attest:

Loretta Baker  
Loretta Baker, Fiscal Officer

First Reading: 12-16-13

Second Reading: 2-24-14

Third Reading: 3-17-14

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ORDINANCE 2013-51

AN ORDINANCE OF THE VILLAGE OF ANTWERP, OHIO, AMENDING CHAPTER 138 OF THE OHIO BASIC CODE ADOPTED BY THE VILLAGE OF ANTWERP, OHIO, TO INCLUDE SECTION 138.19 PROHIBITING THE MANUFACTURE, SALE, DISTRIBUTION AND POSSESSION OF SYNTHETIC DRUGS AND SYNTHETIC DRUG LOOKALIKE SUBSTANCES.

WHEREAS, the manufacture, sale, distribution and possession of synthetic drugs and synthetic drug lookalike substances has increased rapidly across the United States and presents serious risks to the health, safety and welfare of the citizens of the Village of Antwerp, Ohio.

WHEREAS, many municipalities and the State of Ohio have passed regulations prohibiting the manufacture, sale, distribution and possession of synthetic drugs but the increasing attempts by the manufacturers of said substances to alter the chemical composition of the synthetic drugs to avoid violating existing laws makes it difficult for the municipalities and the State to keep up with the ever changing practices of said manufacturers;

WHEREAS, in an effort to protect the health, safety and welfare of the citizens of the Village of Antwerp, Ohio, and to address the ever changing chemical compositions of synthetic drugs, the Council desires to adopt a comprehensive law to prohibit the manufacture, sale, distribution and possession of synthetic drugs as well as synthetic drug lookalike substances, including those commonly referred to as "bath salts" and "spice" and further to provide for the enforcement of these provisions, including penalties for violations.

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

**Section 1:** The existing Chapter 138 – **Drug Offenses** – of the Ohio Basic Code adopted by the Village of Antwerp, Ohio, be, and hereby is amended to include **Section 138.19 – Prohibition on the Manufacture, Sale, Distribution and Possession of Synthetic Drugs and Synthetic Drug Lookalike Substances**, which shall provide as follows:

**138.19 PROHIBITION ON THE MANUFACTURE, SALE, DISTRIBUTION AND POSSESSION OF SYNTHETIC DRUGS AND SYNTHETIC DRUG LOOKALIKE SUBSTANCES.**

(a) For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words, terms, phrases and their derivatives used in this section which are not defined in this section shall have the meanings given to them by the Ohio Basic Code and/or Ohio Revised Code.

- (1) "Distribute" means to sell, leave with, give away, dispose of or deliver.
- (2) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of synthetic cannabinoids, substituted cathinones, synthetic drugs, or synthetic drug lookalike substances, either directly or indirectly, by extraction from substances of natural origin or independently by means of chemical

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synthesis, and includes any packaging or repackaging of synthetic cannabinoids, substituted cathinones, synthetic drugs, or synthetic drug lookalike substances, or labeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of synthetic cannabinoids, substituted cathinones, synthetic drugs, or synthetic drug lookalike substances as incident to lawful research, teaching or chemical analysis and not for sale.

(3) "Possess" or "Possession" means exercising control over synthetic cannabinoids, substituted cathinones, synthetic drugs or synthetic drug lookalike substances.

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

(5) "Substitute Cathinones" means any compound (except bupropion), mixture, or preparation structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is modified in any of the following ways, that is to say:

(A) By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;

(B) By substitution at the 3-position with an acyclic alkyl substituent;

(C) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in cyclic structure;

These include but are not limited to 3, 4-Methylenedipxypyrovalerone (MDPV), 4-methylmethcathinone (mephedrone, 4-MMC), 4-fluoromethcathinone (flepheдрone), 3, 4-methylenedioxy methcathinone (methylone), butylone, and naphyrone. These compounds are often found in a class of novelty products commonly sold as "bath salts" these substances are sold with trade names including but not limited to MDPK, Magic, Super Coke, PV, POSH, Cloud 9, Ivory Wave, Ocean, Charge Plus, White Lightning, Scarface, Hurricane Charlie, Vanilla Sky, Bonzai Grow, Blue Silk, Serenity Now, Lovey Dovey, Euphoria, Aura, Red Dove and White Dove.

(6) "Synthetic Cannabinoids" means any material, compound, mixture, or preparation containing any detectable quantity of synthetically produced cannabinoids, their salts, isomers and salts of isomer, unless specifically excepted elsewhere in this section. Since nomenclature of these synthetically produced cannabinoids is not internationally standardized and may continually evolve, these structures or compounds of these structures shall be included under this subsection, regardless of their specific numerical designation of atomic positions covered, so long as it can be determined through some form of scientific testing or analysis that

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the substance contains properties that fit within one or more of the following categories:

(A) Tetrahydrocannabinols

Meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)

(B) Naphthoylindoles

Any compound containing a 3-(1-naphthoyl) indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidineyl) methyl or 2-(4-morpholinyl) ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

(C) Naphthylmethylinroles

Any compound containing a 1H-indo-3-yl-(1-naphthyl) methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

(D) Naphthoylpyrroles

Any compound containing a 3-(1-naphthoyl) pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group whether or not further substituted in the pyrrole ring to any extent whether or not substituted in the naphthyl ring to any extent.

(E) Naphthylmethylindenes

Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-

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morpholinyl) ethyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent.

(F) Phenylacetylindoles

Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny) methyl or 2-(4-morpholinyl) ethyl group whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent.

(G) Cyclohexylphenols

Any compound containing a 2-(3-hydroxycyclohexyl) phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny) methyl or 2-(4-morpholinyl) ethyl group whether or not substituted in the cyclohexyl ring to any extent.

(H) Benzoylindoles

Any compound containing a 3-(benzoyl) indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny) methyl or 2-(4-morpholinyl) ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

(I) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl) pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone

Some trade or other names: WIN 55,212-2.

(J) Tricyclic Benzopyrans

Any compound, except nabilone or compounds listed under a different schedule, structurally derived from 6,6' dimethyl-benzo[c]chromene by substitution at the 3-position with either alkyl(C3 to C8), methyl cycloalkyl, or adamantyl groups, whether or not the compound is further modified in any of the following ways, that is to say—

(i) By partial to complete saturation of the C-ring; or

(ii) By substitution at the 1-position with a hydroxyl or methoxy group; or

(iii) By substitution at the 9-position with a hydroxyl, methyl, or methyl hydroxyl group; or,



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(iv) By modification of the possible 3-alkyl group with a 1,1 dimethyl moiety, a 1, 1' cyclic moiety, an internal methylene group, an internal acethylene group, or a terminal halide, cyano, azido, or dimethyl carboxamido group.

(7) "Synthetic Drug" means a substance of one or more of the compounds or mixtures that are found in the definitions of synthetic cannabinoids or substituted cathinones.

(8) "Synthetic Drug Lookalike Substance" means either of the following:

(A) A substance, other than synthetic cannabinoids, substituted cathinones or synthetic drugs, which any of the factors listed in sub-section i would lead a reasonable person to believe to be a synthetic cannabinoid, substituted cathinone or synthetic drug.

(i) In determining whether a substance is a synthetic drug lookalike substance pursuant to Subsection 8(A), the following factors may be considered:

(a) The overall appearance of a dosage unit of the substance, including its shape, color, size, markings or lack of markings, taste, consistency, and any other identifying physical characteristics;

(b) How the substances are packaged for sale or distribution, including the shape, color, size, markings or lack of markings, and any other identifying physical characteristics of the packaging;

(c) Any statement made by the owner or person in control of the substance concerning the substance's nature, use or effect;

(d) Any statement made to the buyer or recipient of the substance suggesting or implying that the substance is a synthetic cannabinoid, substitute cathinone or synthetic drug;

(e) Any statement made to the buyer or recipient of the substance suggesting or implying that the substance may be resold for profit;

(f) The overall circumstances under which the substance is distributed including whether the distribution included an exchange of or demand for money or other proper consideration and whether the amount of the consideration was substantially greater than the reasonable retail market value of the substance the seller claims the substance to be.

(B) A substance other than synthetic cannabinoid, substitute cathinone or synthetic drugs to which both of the following apply:

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(i) The chemical structure of the substance is substantially similar to the structure of a synthetic cannabinoid, substituted cathinone or synthetic drug; and

(ii) One of the following applies regarding the substance.

(a) The substance has a stimulant, depressant, or a hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a synthetic cannabinoid, substitute cathinone or synthetic drug;

(b) With respect to a particular person, that person represents or intends the substance to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a synthetic cannabinoid, substitute cathinone or synthetic drug.

(C) The term “synthetic drug lookalike substance” does not include the following:

- (i) Food and food ingredients;
- (ii) Alcohol;
- (iii) Tobacco;
- (iv) Dietary Supplements.

(b) It shall be unlawful for any person to knowingly or under circumstances where one reasonably should know, to manufacture, sell, or otherwise distribute to any persons any product containing the substances included in the definition of synthetic cannabinoids, substituted cathinones, synthetic drugs or synthetic drug lookalike substances.

(c) It shall be unlawful for any person, to knowingly, or under any circumstances where one reasonably should know, display for sale or possess with intent to distribute any product containing the substances included in the definition of synthetic cannabinoids, substituted cathinones, synthetic drugs or synthetic drug lookalike substances.

(d) It shall be unlawful for any person to possess with intent to use, ingest, inhale, or otherwise introduce into the human body, any product containing the substances included in the definition of synthetic cannabinoids, substituted cathinones, synthetic drugs or synthetic drug lookalike substances.

# RECORD OF ORDINANCES

0197

Dayton Legal Blank, Inc.

Form No. 30043

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

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

(e) Whoever violates sections 138.19(b) or 138.19(c) is guilty of manufacturing, selling, or distributing synthetic cannabinoids, substituted cathinones, synthetic drugs or synthetic drug lookalike substances.

(1) A violation of 138.19(b) or 138.19(c) is a misdemeanor of the first degree

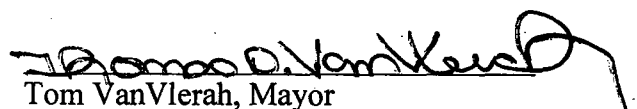
(f) Whoever violates section 138.19(d) is guilty of possessing or using synthetic cannabinoids, substituted cathinones, synthetic drugs or synthetic drug lookalike substances.

(1) A violation of 138.19(d) is a misdemeanor of the first degree.

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 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 full force and effect from and after the earliest period allowed by law.

PASSED: 3-14, 2014.

  
Tom VanVlerah, Mayor  
Village of Antwerp

Attest:

  
Loretta Baker, Fiscal Officer

1<sup>st</sup> READING: 12-16-13

2<sup>nd</sup> READING: 2-24-14

3<sup>rd</sup> READING: 3-17-14

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

**ORDINANCE NO. 2014-01****AN ORDINANCE ADOPTING THE PERSONNEL MANUAL  
FOR THE VILLAGE OF ANTWERP, OHIO, INCLUDING ALL APPLICABLE  
STATEMENTS ATTACHED THERETO, FOR CALENDAR YEAR 2014  
AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council of the Village of Antwerp desires to adopt the Personnel Manual, including all applicable statements attached thereto, for the Village of Antwerp, Ohio, to be in effect for calendar year 2014.


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

**Section 1.** The Village of Antwerp, Ohio, adopts the Personnel Manual, including all applicable statements attached thereto, for calendar year 2014. A copy of the Personnel Manual is 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 deemed an emergency measure necessary for the preservation of the public health, safety and welfare and for the further reason to adopt the Personnel Manual for calendar year 2014, and this Ordinance shall take effect and be in force immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

**Passed:** 2 - 24, 2014.

  
Tom VanVlerah, Mayor

**Attest:**

  
Loretta Baker, Fiscal Officer

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

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

**ORDINANCE NO. 2014-02**

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A CONTRACT WITH HARRISON TOWNSHIP FOR PROVIDING EMERGENCY MEDICAL SERVICE IN CALENDAR YEAR 2014, 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 services to outlying areas; and

**WHEREAS**, the Village of Antwerp and Harrison Township negotiated the terms and conditions of the Village providing emergency medical service 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 (the "Village") will provide emergency medical service to that portion of Harrison Township (the "Township") as provided 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 for calendar year 2014, with the annual charge to be paid during the 2014 calendar year, 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, 2014.

**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: \$75.00 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 of Antwerp are authorized to enter into the Agreement with Harrison Township to provide emergency medical service for the consideration identified herein, said Agreement to be effective as of January 1, 2014.

**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.

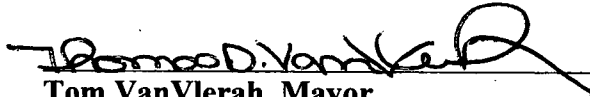
Ordinance No. \_\_\_\_\_

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

**Section 10.** This Ordinance shall be retrospective in nature and take effect as of the expiration of the prior ordinance adopted by the Council of the Village of Antwerp and the Agreement for the provision of emergency medical service in Harrison Township, as reflected in Ordinance No. 2013-02.

**Section 11.** 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 it is necessary to have an agreement in place for the provision of emergency medical services in Harrison Township that reflects the compensation to be paid for the Village providing those 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 full force after the earliest period allowed by law.

PASSED THIS 24<sup>th</sup> day of Feb., 2014.

  
Tom VanVlerah, Mayor  
VILLAGE OF ANTWERP

Attest:

  
Loretta Baker, Fiscal Officer

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

**ORDINANCE NO. 2014-03**

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A CONTRACT WITH CARRYALL TOWNSHIP FOR PROVIDING EMERGENCY MEDICAL SERVICE IN CALENDAR YEAR 2014, 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 services to outlying areas; and

**WHEREAS**, the Village of Antwerp and Carryall Township negotiated the terms and conditions of the Village providing emergency medical service 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 (the "Village") will provide emergency medical service to Carryall Township (the "Township") as provided 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 of Antwerp as the Township collects such tax settlement monies from the Paulding 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, 2014.

**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: \$75.00 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 of Antwerp are authorized to enter into the Agreement with Carryall Township to provide emergency medical service for the consideration identified herein, said Agreement to be effective as of January 1, 2014.

**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.

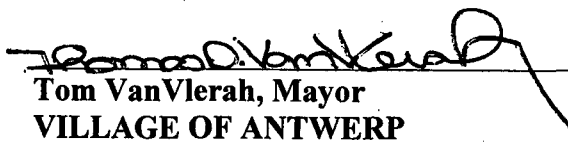
Ordinance No. \_\_\_\_\_

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

**Section 10.** This Ordinance shall be retrospective in nature and take effect as of the expiration of the prior ordinance adopted by the Council of the Village of Antwerp and the Agreement for the provision of emergency medical service in Carryall Township, as reflected in Ordinance No. 2013-03.

**Section 11.** 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 it is necessary to have an agreement in place for the provision of emergency medical services in Carryall Township that reflects the compensation to be paid for the Village providing those 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 full force after the earliest period allowed by law.

PASSED THIS 24<sup>th</sup> day of Feb., 2014.

  
Tom VanVlerah, Mayor  
VILLAGE OF ANTWERP

Attest:

  
Loretta Baker, Fiscal Officer

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

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

**ORDINANCE NO. 2014-04**

**AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2014 EDITION, AS THE CODE OF ORDINANCES FOR THE VILLAGE OF ANTWERP, OHIO, AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the present general and permanent ordinances of the Village of Antwerp, Ohio ("Village") 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 Village and for the proper conduct of its affairs; and

**WHEREAS**, the American Legal Publishing Corporation publishes a Code of Ordinances suitable for adoption by municipalities in Ohio; and

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

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

**Section 1.** American Legal Publishing's Ohio Basic Code, 2014 Edition, as reviewed and approved by the Council of the Village, is hereby adopted and enacted. Any prior version of the Ohio Basic Code which may have been previously adopted by the Village is hereby repealed as obsolete and is hereby replaced in its entirety by this Ohio Basic Code, 2014 Edition.

**Section 2.** One copy of American Legal Publishing's Ohio Basic Code, 2014 Edition, certified as correct by the Mayor and Fiscal Officer of the Village, as required by Ohio Revised Code § 731.23, shall be kept in its initial form on file in the office of the Fiscal Officer of the Village and retained as a permanent ordinance record of the Village. The Fiscal Officer of the Village is authorized and directed to publish a summary of all new matters contained in the Code of Ordinances as required by Ohio Revised Code § 731.23. Such summary is attached hereto and marked as "Exhibit A."

**Section 3.** All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the Ohio Basic Code, 2014 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, 2014 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

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

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

legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.

(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 enacted prior to the adoption of this Ordinance and said legislation was enacted to supersede prior ordinances adopted by the Council of the Village, including a provision contained in prior versions of the Ohio Basic Code.

**Section 4.** Whenever reference is made in any documents, publications, or signs of the Village, including but not limited to traffic tickets and traffic-control signs, to a section as it existed in a former edition of the Ohio Basic Code, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered.

**Section 5.** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health safety and general welfare of the people of the Village, and shall take effect at the earliest date provided by law.

Date Passed: 2-24-14

Tom Van Vlerah  
Tom Van Vlerah, Mayor

Attest:

Loretta Baker  
Loretta Baker, Fiscal Officer

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

Exhibit A

OHIO BASIC CODE, 2014 EDITION — SUMMARY OF CONTENTS

Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, 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, 2014 Edition, as the Code of Ordinances for the Municipality of Antwerp, Ohio."

A summary of the subjects, including all new matters contained in the Code of Ordinances, as adopted, are as follows. The majority of Basic Code provisions are based directly on state law.

TITLE I: GENERAL PROVISIONS

Chapter 10: General Provisions

Section	
10.01	Short titles
10.02	Definitions
10.03	Rules of construction
10.04	Revivor; effect of amendment or repeal
10.05	Construction of section references
10.06	Conflicting provisions
10.07	Severability
10.08	Reference to offices
10.09	Errors and omissions
10.10	Ordinances repealed
10.11	Ordinances unaffected
10.12	Ordinances saved
10.13	Application to future ordinances
10.14	Interpretation
10.15	Amendments to code; amendatory language
10.16	Statutory references
10.17	Preservation of penalties, offenses, rights and liabilities
10.18	Determination of legislative intent
10.99	General penalty

TITLE III: ADMINISTRATION

Chapter 30: General Provisions

Section	
30.01	Application of Title III
30.02	Qualifications; oaths
30.03	Bonds of officers and employees; amount
30.04	Additional bond; where bonds recorded and kept
30.05	Approval of bonds
30.06	Sufficiency of form of bond
30.07	Filling vacancies in offices
30.08	Public records available
30.09	Records Commission
30.10	Meetings of public bodies to be open; exceptions; notice
30.11	Municipal officers may attend conference or convention; expenses
30.12	Residency requirements prohibited; exceptions

Chapter 31: Executive Authority

Section	
	<i>General Provisions</i>
31.001	Executive power; where vested

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

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

*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

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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:

Thomas D. Nantz  
Mayor

Louetta Baker  
Clerk of the Legislative Authority

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

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

## CERTIFICATION OF CODIFIED ORDINANCES

We, Tom VanVlerah, Mayor, and Loretta 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.

Thomas D. VanVlerah  
Mayor

Loretta Baker  
Clerk of the Legislative Authority



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

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

**ORDINANCE NO. 2014-05**

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER \$27,500.00 FROM THE GENERAL FUND TO THE POLICE FUND, AND DECLARING THE SAME AN EMERGENCY**

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

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

**WHEREAS**, this is a transfer of funds pursuant to Ohio Revised Code Section 5705.14(E), which 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:

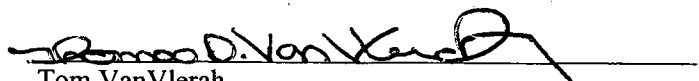
**Section 1.** The Village Fiscal Officer is hereby authorized to transfer the sum of Twenty-Seven Thousand Five Hundred Dollars and Zero Cents (\$27,500.00) from the General Fund to the Police Fund.

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

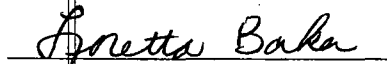
**Section 3.** It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in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

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

Date 2-24-14

  
Tom VanVlerah,  
Mayor of the Village of Antwerp

Attest:

  
Loretta Baker, Fiscal Officer

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

## ORDINANCE NO. 2014-06

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS FROM THE GENERAL FUND TO THE WATER FUND IN THE AMOUNT OF \$15,000.00, AND DECLARING THE SAME TO BE AN EMERGENCY**

**WHEREAS**, the Village of Antwerp Ohio has determined that it is necessary to transfer certain funds from the General Fund to the Water 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 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 transfer 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 Thousand Dollars and Zero Cents (\$15,000.00) from the General Fund to the Water Fund.

**Section 2.** This transfer of funds from the General Fund to the Water Fund is necessary for the operation of 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 water 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 2-24-14

  
Tom Van Vlerah, Mayor of the Village of Antwerp

Attest:

  
Loretta Baker, Fiscal Officer

{7100/075/00174129-4AB}

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

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

ORDINANCE NO. 2014-07

AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO  
TRANSFER \$6,000.00 FROM THE GENERAL FUND TO THE STREET FUND,  
AND DECLARING THE SAME TO BE AN EMERGENCY

WHEREAS, the Village of Antwerp Ohio 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 transfer 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:

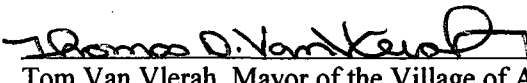
Section 1. The Village Fiscal Officer is hereby authorized to transfer the sum of Six Thousand Dollars and Zero Cents (\$6,000.00) from the General Fund to the Street Fund.

Section 2. This transfer of funds from the General Fund to the Street Fund is necessary for the operation of 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 2-24-14

  
Tom Van Vlerah, Mayor of the Village of Antwerp

Attest:

  
Loretta Baker, Fiscal Officer

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

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

**ORDINANCE NO. 2014-08**

**AN ORDINANCE ADOPTING AN AMENDMENT TO THE PERSONNEL MANUAL FOR THE VILLAGE OF ANTWERP, OHIO, TO ADD SECTION ON EMPLOYEE COMPENSATION WHEN WEATHER EMERGENCY DECLARED FOR PAULDING COUNTY, OHIO, AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council of the Village of Antwerp desires to amend the Personnel Manual for the Village of Antwerp, Ohio.

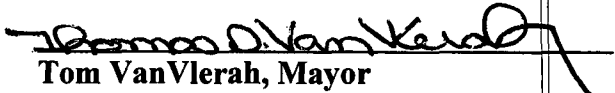
**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Antwerp, County of Paulding, State of Ohio:

**Section 1.** The Village of Antwerp, Ohio, amends the Personnel Manual, and adds a new section entitled "Weather Emergencies," which will be designated as Section XXII. The new Section XXII on Weather Emergencies provides the policy adopted by the Council of the Village of Antwerp governing weather emergencies and the compensation of Village employees. A copy of the new Section XXII is attached hereto and made a part hereof as **Exhibit A**. The remaining provisions of the Personnel Manual are hereby amended to correct the numbering of subsequent sections due to the addition of this new section.

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

**Section 3.** This Ordinance is deemed an emergency measure necessary for the preservation of the public health, safety and welfare and for the further reason to modify the Personnel Manual effective upon passage of this Ordinance, and this Ordinance shall take effect and be in force immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Passed: 3-17, 2014

  
Tom Van Vlerah, Mayor

Attest:

  
Loretta Baker, Fiscal Officer

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

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

**EXHIBIT A**

**SECTION XXII: WEATHER EMERGENCIES**

**Section 22.01 Declaration of Weather Emergency**

A weather emergency may be declared by the Paulding County Sheriff or the County Sheriff's designee for purposes of limiting a Village employee's obligation to travel to and from work for a specific period of time. Village employees will be compensated at their regular rate of pay for the number of hours for which they were scheduled to work during the emergency period if they were instructed not to report to work or were sent home.

**Section 22.02 Previously Scheduled Vacation or Continuing Sick Leave**

Employees not scheduled to work because of scheduled vacation or continuing sick leave will be charged for the leave regardless of the declared emergency. If vacation or sick leave ends prior to the end of the declared emergency, no leave time will be charged for the remainder of the emergency.

**Section 22.03 Compensation**

An employee who is absent, tardy or leaves work early on days when weather conditions interfere with travel but when no emergency has been declared by the County Sheriff is absent without leave and therefore in no-pay status. The employee may with approval of the appointing authority account for time during which the employee was absent from his or her job due to inclement weather by working such time in addition to the employee's regular schedule or by charging it to vacation leave or compensatory time; otherwise, leave without pay will be charged. Inclement weather is not a valid reason for the use of sick leave.

**Section 22.04 Overtime Compensation**

During weather emergencies, those agencies required to maintain twenty-four-hour or emergency service may continue to use available personnel beyond regularly scheduled hours. Eligible employees required by their appointing authority to work beyond their regular shift shall be paid overtime for such additional hours of work, in accordance with Section 9.03 of the Village's Personnel Manual.

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

RESOLUTION NO. 2014-02

A RESOLUTION AUTHORIZING THE MAYOR OF THE VILLAGE OF ANTWERP, OHIO, TO PREPARE AND SUBMIT AN APPLICATION TO THE PAULDING COUNTY BOARD OF COMMISSIONERS FY 2014 COMPETITIVE COMMUNITY DEVELOPMENT BLOCK GRANT CRITICAL INFRASTRUCTURE PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED FOR WATERLINE REPAIRS AND/OR REPLACEMENT ALONG WEST WOODCOX STREET; AND DECLARING THE SAME AN EMERGENCY.

WHEREAS, the Paulding County Board of Commissioners Community Development Block Grant (“CDBG”) Critical Infrastructure Program provides financial assistance to political subdivisions for capital improvements to public infrastructure; and

WHEREAS, the Village of Antwerp must make capital improvements to the West Woodcox Street 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 CDBG Critical Infrastructure Program.

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

**Section 1.** The Mayor of the Village of Antwerp, Ohio, is hereby authorized to apply to the Paulding County Board of Commissioners Community Development Block Grant Critical Infrastructure Program for funds to make capital improvements to the West Woodcox Street Waterline.

**Section 2.** The Mayor of the Village of Antwerp, Ohio, 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 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 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/or replacement on West Woodcox Street 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

RECORD OF ORDINANCES

0233

Dayton Legal Blank, Inc.

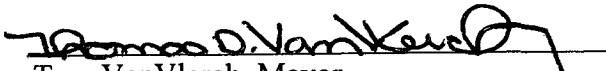
Form No. 30043

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

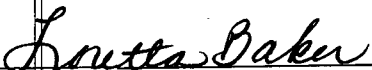
Passed \_\_\_\_\_, 20\_\_\_\_

earliest period allowed by law.

Passed: 3-17, 2014.

  
Tom VanVlerah, Mayor  
Village of Antwerp

Attest:

  
Loretta Baker, Fiscal Officer

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

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

**RESOLUTION NO. 2014-03****A RESOLUTION OF THE VILLAGE OF ANTWERP TO PURCHASE  
REAL ESTATE AND ENTER INTO AN AGREEMENT TO PURCHASE THE REAL  
ESTATE, SAID REAL ESTATE BEING PURCHASED FOR CEMETERY  
PURPOSES; AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Village of Antwerp has found it necessary to purchase real estate adjacent to the Maumee Cemetery, which is a union cemetery, and said real estate will be purchased in conjunction with Carryall Township and the Antwerp Carryall Township Cemetery Board; and

**WHEREAS**, the Council for the Village of Antwerp, in exercising its general powers under OHIO REVISED CODE § 715.01, *et seq.*, and the specific power as it relates to union cemeteries under OHIO REVISED CODE § 759.27, has found it necessary to purchase the real estate located at 10488 Road 1, Antwerp, Ohio 45813.

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

**Section 1.** The Council of the Village of Antwerp, Ohio considers it necessary to purchase real estate for cemetery purposes in conjunction with Carryall Township and the Antwerp Carryall Township Cemetery Board, and has determined to purchase the fee simple interest in and to the premises located at 10488 Road 1, Antwerp, Ohio 45813.

**Section 2.** The Mayor is authorized to enter into an agreement to purchase the real estate. A true and accurate copy of said Agreement is attached hereto and incorporated herein as **Exhibit A**. Once it is determined that seller has marketable title to the real estate, the Village will proceed with a closing on the sale of the real estate and the fiscal officer is authorized to issue payment in compliance with the Agreement.

**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 purchase of real estate is necessary for cemetery purposes, 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.



RECORD OF ORDINANCES

0235

Dayton Legal Blank, Inc.

Form No. 30043

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

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

ENACTED THIS 17<sup>th</sup> day of March, 2014.

Thomas D. VanVlerah  
Tom VanVlerah, Mayor  
Village of Antwerp

Attest:

Loretta Baker  
Loretta Baker, Fiscal Officer

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

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

## RESOLUTION NO. 2014-01

**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 1 MILL FOR A RENEWAL LEVY FOR CURRENT EXPENSES**

**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 for a renewal levy for current expenses, which includes the street lighting fund, pursuant to Ohio Revised Code Section 5705-19(A).

**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 the County Auditor to certify the current tax valuation and dollar amount of revenue that would be generated by 1 mill pursuant to Ohio Revised Code Section 5705.19(A). The Village of Antwerp is requesting this certification in order to place a renewal levy on the ballot for the upcoming general election for current expenses, which includes the street lighting fund.

**Section 2.** This Resolution is in accordance with the Secretary of State's Advisory No. 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 resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

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

Passed this 21<sup>st</sup> day of April, 2014.

  
Tom Van Vlerah, Mayor

Attest:

  
Loretta Baker, Fiscal Officer

RECORD OF ORDINANCES

0237

Dayton Legal Blank, Inc.

Form No. 30043

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

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

First Reading: 2-24-14

Second Reading: 3-17-14

Third Reading: 4-21-14

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

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

**RESOLUTION NO. 2014-04****A RESOLUTION OF THE VILLAGE OF ANTWERP TO ENTER INTO THE REVISED AGREEMENT TO PURCHASE THE REAL ESTATE, SAID REAL ESTATE BEING PURCHASED FOR CEMETERY PURPOSES; AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Village of Antwerp passed a Resolution on March 17, 2014, entitled "A Resolution of the Village of Antwerp to Purchase Real Estate and Enter into an Agreement to Purchase the Real Estate, said Real Estate being Purchased for Cemetery Purposes; and Declaring the Same an Emergency", said resolution was designated as Resolution No. 2014-03; and

**WHEREAS**, the Real Estate Purchase Agreement approved by Council provided that no survey was necessary and the closing on the real estate purchase would occur on or before April 30, 2014; and

**WHEREAS**, subsequent to the passage of Resolution No. 2014-03, the legal description provided in the prior deed of record for the real estate at issue has been found to be insufficient requiring the necessity of a survey of the real estate; and

**WHEREAS**, the sellers of the real estate have not executed the prior version of the real estate purchase agreement and a revised agreement needs to be approved to address the need for a survey and to continue the closing date.

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

**Section 1.** The Council of the Village of Antwerp, Ohio authorizes the Mayor to enter into the revised agreement to purchase the real estate located at 14828 Road 43, Antwerp, Ohio 45813, the correct mailing address for the real estate being purchased for cemetery purposes, and said revised agreement to purchase real estate addresses the need for a survey and to continue the closing date of said real estate purchase in order to allow a survey to be obtained. A true and accurate copy of the revised agreement is attached hereto as **Exhibit A** and incorporated herein by reference.

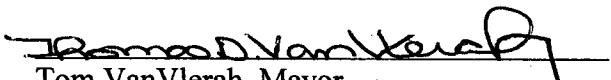
**Section 2.** It is found and determined that all formal actions of the Council concerning and relating to the passage of this Resolution were adopted in open meetings of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in 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 3.** This Resolution is hereby declared to be an emergency measure necessary for the {7100/077/00286203-1 MLF}

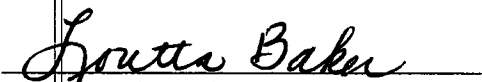
Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

immediate preservation of the public health, safety and welfare of the Village and for the further reason that the purchase of real estate is necessary for cemetery purposes, 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 11<sup>th</sup> day of April, 2014.

  
Tom VanVlerah, Mayor  
Village of Antwerp

Attest:

  
Loretta Baker, Fiscal Officer

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

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

RESOLUTION NO. 2014-05

A RESOLUTION OF THE VILLAGE OF ANTWERP URGING OHIO VOTERS  
TO SUPPORT STATE ISSUE 1, RENEWAL OF THE STATE CAPITAL  
IMPROVEMENTS PROGRAM, ON THE MAY 6, 2014 BALLOT; AND  
DECLARING THE SAME AN EMERGENCY

WHEREAS, Ohio local communities are in continuing need of support for vital road, bridge, sewer, water and other infrastructure projects; and

WHEREAS, Ohio has in place a state program of support for local communities which not only helps to fund infrastructure projects, but also creates large numbers of construction and allied jobs; and

WHEREAS, the Ohio State Capital Improvements Program has successfully provided support for more than 11,500 such projects and resulting job creation since its inception in 1987; and

WHEREAS, Issue 1 on the May 6, 2014 statewide ballot provides Ohio voters with the opportunity to renew the program by authorizing issuance of \$1.875 billion in capital improvement bonds; and

WHEREAS, no new taxes are required to fund repayment of the bonds.

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

**Section 1.** The Council of the Village of Antwerp, Ohio declares its support for State Issue 1, and urges Ohio voters to cast their votes in support of continuing the infrastructure improvement and job creation Issue 1 will foster.

**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 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 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 State Issue 1 is on the statewide ballot for May 6, 2014, 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.

RECORD OF ORDINANCES

0241

Dayton Legal Blank, Inc.

Form No. 30043

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

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

ENACTED THIS 31st day of April, 2014.

Tom VanVlerah  
Tom VanVlerah, Mayor  
Village of Antwerp

Attest:

Loretta Baker  
Loretta Baker, Fiscal Officer

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

RESOLUTION NO. 2014-06

A RESOLUTION DETERMINING TO PROCEED WITH THE SUBMISSION TO THE ELECTORS  
OF THE QUESTION OF LEVYING A TAX IN EXCESS OF THE TEN-MILL LIMITATION  
OHIO REVISED CODE SECTIONS 5705.19, 5705.191, 5705.25, AND 5705.26

THE COUNCIL OF THE VILLAGE OF ANTWERP OF PAULDING COUNTY, OHIO, MET IN REGULAR SESSION  
OF THE COUNCIL ON THE 21<sup>st</sup> DAY OF July, 2014.

THE COUNCIL MET AT TOWN HALL FOR THE VILLAGE OF ANTWERP LOCATED AT 118 NORTH MAIN  
STREET, ANTWERP, OHIO, WITH THE FOLLOWING MEMBERS PRESENT:

Jan Reeb  
Steve Derck  
Rudie Reeb  
Keith West  
Kenneth Reinhart  
Larry Ryan

Jan Reeb MOVED THE ADOPTION OF THE FOLLOWING RESOLUTION:

WHEREAS, ON THE 21<sup>st</sup> DAY OF APRIL, 2014, THE COUNCIL OF THE VILLAGE OF ANTWERP ADOPTED 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  
ONE MILL FOR A RENEWAL LEVY FOR CURRENT EXPENSES PURSUANT TO OHIO REVISED CODE SECTION  
5705.19(A) FOR A FIVE (5) YEAR PERIOD COMMENCING IN TAX YEAR 2015, FIRST DUE IN CALENDAR  
YEAR 2016, IN ORDER TO SUBMIT TO THE ELECTORS THE QUESTION OF LEVYING A TAX IN EXCESS OF  
THE TEN-MILL LIMITATION AS DESCRIBED HEREIN, A COPY OF WHICH RESOLUTION WAS CERTIFIED TO  
THE COUNTY AUDITOR OF PAULDING COUNTY; AND

WHEREAS, THE COUNTY AUDITOR HAS CERTIFIED TO THE VILLAGE OF ANTWERP THAT THE TOTAL  
CURRENT TAX VALUATION OF THE VILLAGE OF ANTWERP IS \$19,032,780.00, AND THE DOLLAR AMOUNT  
OF REVENUE THAT WILL BE PRODUCED ANNUALLY BY THE MILLAGE STATED BELOW WOULD BE  
\$18,042.00; AND

WHEREAS, THE COUNCIL OF THE VILLAGE OF ANTWERP DECLARES THAT THE AMOUNT OF TAXES WHICH  
MAY BE RAISED WITHIN THE TEN-MILL LIMITATION WILL BE INSUFFICIENT TO PROVIDE FOR THE  
NECESSARY REQUIREMENTS OF THE VILLAGE AND IT IS NECESSARY TO LEVY A TAX IN EXCESS OF THE  
LIMITATION.

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



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

**SECTION 1.** THE COUNCIL OF THE VILLAGE OF ANTWERP DESIRES AND DETERMINES TO PROCEED WITH THE SUBMISSION TO THE ELECTORS OF THE QUESTION OF LEVYING A TAX IN EXCESS OF THE TEN-MILL LIMITATION FOR THE BENEFIT OF THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO FOR THE PURPOSE OF CURRENT EXPENSES PURSUANT TO OHIO REVISED CODE SECTION 5705.19(A) AT A RATE NOT EXCEEDING ONE MILL FOR EACH ONE DOLLAR OF VALUATION, WHICH AMOUNTS TO TEN CENTS (\$0.10) FOR EACH ONE HUNDRED DOLLARS OF VALUATION FOR FIVE (5) YEARS, AND WHICH LEVY IS A RENEWAL LEVY OF AN EXISTING LEVY OF ONE MILL.

**SECTION 2.** THE QUESTION OF APPROVING THE LEVY SHALL BE SUBMITTED TO THE ELECTORS OF THE VILLAGE OF ANTWERP AT THE ELECTION TO BE HELD ON THE 4<sup>TH</sup> DAY OF NOVEMBER, 2014. THE RENEWAL LEVY WILL BE FOR A FIVE (5) YEAR PERIOD COMMENCING IN YEAR 2015, FIRST DUE IN THE CALENDAR YEAR 2016, IN COMPLIANCE WITH THE PROVISIONS OF OHIO REVISED CODE SECTION 5705.34, IF A MAJORITY OF THE ELECTORS VOTING THEREON VOTE IN FAVOR THEREOF.

**SECTION 3.** THE FISCAL OFFICER OF THE VILLAGE OF ANTWERP IS DIRECTED TO CERTIFY A COPY OF THIS RESOLUTION TO THE BOARD OF ELECTIONS OF PAULDING COUNTY, OHIO, NOT LESS THAN NINETY DAYS BEFORE THE ELECTION, 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.

**SECTION 4.** IT IS FOUND AND DETERMINED THAT ALL FORMAL ACTIONS OF THE COUNCIL OF THE VILLAGE OF ANTWERP CONCERNING AND RELATING TO THE ADOPTION OF THIS RESOLUTION WERE ADOPTED IN AN OPEN MEETING OF THE COUNCIL, AND THAT ALL DELIBERATION OF THE COUNCIL AND OF ANY OF ITS COMMITTEES THAT RESULTED IN THOSE FORMAL ACTIONS WERE IN MEETINGS OPEN TO THE PUBLIC, IN COMPLIANCE WITH LAW.

Keith West SECONDED THE RESOLUTION AND THE ROLL BEING CALL UPON ITS ADOPTION, THE VOTE RESULTED AS FOLLOWS:

<u>Jan Reeb</u>	<u>yes</u>
<u>Keith West</u>	<u>yes</u>
<u>Kenneth Reinhart</u>	<u>yes</u>
<u>Rudic Reeb</u>	<u>yes</u>
<u>Steve Derek</u>	<u>yes</u>
<u>Larry Ryan</u>	<u>yes</u>

ADOPTED THE 21st DAY OF July, 2014.

Loretta Baker  
FISCAL OFFICER

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

FIRST READING: 5-19-14

SECOND READING: 6-16-14

THIRD READING: 7-21-14

STATE OF OHIO, PAULDING COUNTY:

I, LORETTA BAKER, FISCAL OFFICER OF THE VILLAGE OF ANTWERP, OHIO, DO HEREBY CERTIFY THAT THE FOREGOING IS TAKEN AND COPIED FROM THE RECORD OF PROCEEDINGS OF THE COUNCIL OF THE VILLAGE OF ANTWERP, AND THE SAME HAS BEEN COMPARED BY ME WITH THE RESOLUTION OF SAID RECORD, AND THAT IT IS A TRUE AND CORRECT COPY THEREOF.

WITNESS MY SIGNATURE THIS 21<sup>st</sup> DAY OF July 2014.

Loretta Baker  
FISCAL OFFICER

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

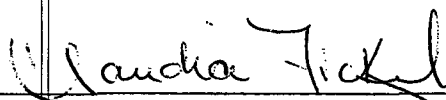
Passed \_\_\_\_\_, 20\_\_\_\_

DTE 140R  
R.C. §5705.03(B)  
Rev. 5/11

**Certificate of Estimated Property Tax Revenue**

The county auditor of Paulding County, Ohio, does hereby certify the following:

1. On April 24, 2014, the taxing authority of the Village of Antwerp certified a copy of it's resolution or ordinance adopted April 21, 2014, requesting the county auditor to certify the current tax valuation of the subdivision and the amount of revenue that would be produced by one and zero tenths (1.00) mills, to levy a tax outside the ten-mill limitation for the purpose of current expenses, which includes the street lighting fund pursuant to Revised Code §5705.19(a), to be placed on the ballot at the November 4, 2014 election. The levy type is a renewal five (5) year levy, commencing tax year 2015, first due in calendar year 2016.
2. The *estimated* property tax gross revenue that will be produced by the stated millage, assuming the tax valuation of the subdivision remains constant throughout the life of the levy, is calculated to be \$18,042.\*
3. The total tax valuation of the subdivision used in calculating the estimated property tax revenue is \$19,032.780



Auditor's signature

4-24-14

Date

**\*NOTE:** This is **ONLY** an estimate and is based on **gross** tax dollars collected.

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

**RESOLUTION NO. 2014-07****RESOLUTION OF NECESSITY: A RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX OUTSIDE THE TEN-MILL LIMITATION AND REQUESTING THE CERTIFICATION FROM THE COUNTY AUDITOR PURSUANT TO OHIO REVISED CODE SECTION 5705.03; AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council for the Village of Antwerp declares it necessary to levy outside the ten-mill limitation; and

**WHEREAS**, before seeking to have a levy approved by the electors of the Village of Antwerp, the Council must seek certification of the Paulding County Auditor in compliance with Section 5705.03 of the Ohio Revised Code, submitted for the general election held on the 4<sup>th</sup> day of November, 2014; and

**WHEREAS**, the Council of the Village is seeking the County Auditor to certify the current tax valuation of the Village and the number of mills required to generate \$250,000.00 in revenue for an additional levy for the purposes provided under Ohio Revised Code Section 5705.19(I) including but not limited to providing and maintaining fire apparatus, appliances, and equipment including a pumper/tanker fire engine and fire gear for firefighting personnel.

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

**Section 1.** The Council of the Village of Antwerp declares it necessary to levy outside the ten-mill limitation and requests the County Auditor to certify the current tax valuation of the Village and the number of mills required to generate \$250,000.00 in revenue.

**Section 2.** The Council is requesting this certification in order to place an additional levy on the ballot for the upcoming general election for the purposes provided under Ohio Revised Code Section 5705.19(I) including but not limited to providing and maintaining fire apparatus, appliances, and equipment including a pumper/tanker fire engine and fire gear for firefighting personnel.

**Section 3.** This Resolution is in accordance with the Secretary of State's Advisory No. 2003-04.

**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 resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

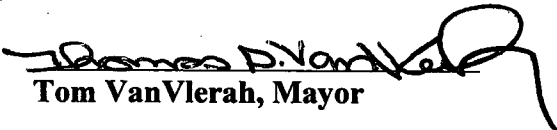
**Section 5.** This Resolution is hereby declared to be an emergency measure necessary for the

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

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

immediate preservation of the public health, safety and welfare of the Village and for the further reason that in order to place the issue of an additional tax levy on the ballot for the upcoming general election for the purpose allowed under Ohio Revised Code Section 5705.19(I), the Village must obtain the necessary certified information from the County Auditor, 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 19th day of May, 2014.

  
Tom VanVlerah, Mayor

Attest:

  
Loretta Baker, Fiscal Officer

**Fiscal Officer Certification**

I, Loretta Baker, of the Village of Antwerp, Paulding County, Ohio, certify this Resolution to be a true and correct copy of Resolution No. 2014-07, as adopted by the Council of the Village of Antwerp, Paulding County, Ohio, and recorded in the official record of proceedings of the meeting held on May 19, 2014.

  
Loretta Baker, Fiscal Officer

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

**ORDINANCE NO. 2014-09****AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO  
TRANSFER \$27,500.00 FROM THE GENERAL FUND TO THE POLICE FUND,  
AND DECLARING THE SAME AN EMERGENCY**

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

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

**WHEREAS**, this is a transfer of funds pursuant to Ohio Revised Code Section 5705.14(E), which 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:

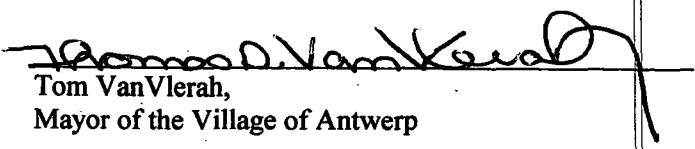
**Section 1.** The Village Fiscal Officer is hereby authorized to transfer the sum of Twenty-Seven Thousand Five Hundred Dollars and Zero Cents (\$27,500.00) from the General Fund to the Police Fund.

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


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

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

Date 5-19-14

  
Tom Van Vlerah,  
Mayor of the Village of Antwerp

Attest:

  
Loretta Baker, Fiscal Officer

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

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

**ORDINANCE NO. 2014-10**

**AN ORDINANCE AUTHORIZING THE LEASE OF REAL ESTATE OWNED BY THE VILLAGE OF ANTWERP, OHIO PURSUANT TO OHIO REVISED CODE § 721.03 AND AUTHORIZING THE MAYOR TO ENTER INTO LEASE AGREEMENT WITH THE HIGHEST AND BEST BIDDER**

**WHEREAS**, the Village of Antwerp, Ohio owns real estate consisting of 22.4 acres of tillable farm ground, located in Section 35 of Carryall Township, more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference (the "Real Estate"); and

**WHEREAS**, the Real Estate is not needed for any municipal purpose and the Council of the Village of Antwerp, Ohio passed, by unanimous approval, a motion at its meeting on March 17, 2014, authorizing the Fiscal Officer for the Village of Antwerp to let bids for the lease of said Real Estate to be occupied and used for agricultural purposes only; and

**WHEREAS**, the Council, pursuant to Ohio Revised Code § 721.03 desires to lease the Real Estate for agricultural purposes to the highest and best bidder.

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

**Section 1.** The Real Estate be leased to the highest and best bidder for agricultural purposes only for a five (5) year period commencing on January 1, 2015, said highest and best bidder being Mike Wiesehan.

**Section 2.** The Mayor of the Village of Antwerp is hereby authorized and directed to execute the Lease Agreement by and between the Village of Antwerp, Ohio, as the Landlord, and Mike Wiesehan, as the Renter, which Lease Agreement is attached hereto and marked as **Exhibit B** and incorporated herein by reference.

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

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

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

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

Date

8/28/14Thomas D. Van Vlerah  
Tom Van Vlerah, Mayor of the Village of Antwerp

Attest:

Loretta Baker  
Loretta Baker, Fiscal Officer1<sup>st</sup> READING:5-19-142<sup>nd</sup> READING:6-16-143<sup>rd</sup> READING:8-18-14



# LEASE AGREEMENT

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## SECTION I

### DATE, CONTRACTING PARTIES, DESCRIPTION OF PROPERTY AND TERM OF LEASE

1. This lease is made this 5th day of May, 2014, between the **VILLAGE OF ANTWERP, OHIO** (hereinafter referred to as the "Landowner"), and **MIKE WIESEHAN**, (hereinafter referred to as the "Renter").

2. The Landowner, in consideration of the agreements with the Renter leases to the Renter, to occupy and to use for agricultural purposes only, the real estate containing 22.4 acres, located in Section 35 of Carryall Township, more particularly described in **Exhibit A** attached hereto and incorporated herein (the "Real Estate").

3. This lease shall become effective on the 1st day of January, 2015, and shall continue in force for a period of five (5) crop years and shall end on the last day the crops on the Real Estate are harvested for the 2019 crop year or December 31, 2019, whichever occurs first, unless terminated earlier as provided herein.

## SECTION II

### LAND USE AND CROPPING PROGRAM

1. Approximately 22.4 acres of the Real Estate are to be cultivated.

## SECTION III

### AMOUNT OF RENT AND TIME OF PAYMENT

1. The Renter shall pay to the Landowner at the end of each calendar year this lease is in effect the sum of four thousand six hundred thirty six dollars and eighty cents (\$4,636.80) annual rent for the entire Real Estate, referred to in Section I, calculated as follows:

22.4 acres of cultivated land @ \$207.00 per acre = \$4,636.80

Total annual cash rent = \$4,636.80

2. The annual cash rent shall be paid in a lump sum payment during each contract year. This lump sum payment shall be paid at the end of each calendar year this lease is in effect. Any unpaid rent shall bear interest at the rate of eight percent (8%) per annum from the date due until paid. All rent due shall be paid in full before the Renter removes Renter's personal property from the Real Estate at the termination of this lease.

3. Renter's failure to pay the full amount of the annual cash rent on or before the due date shall be an event of default under this Lease, as hereinafter provided.

4. All sums payable to Landowner under this Lease shall be paid to Landowner at the following address: Town Hall, 118 N. Main Street, Antwerp Ohio 45813, attention Fiscal Officer, or at such other address as Landowner shall designate in writing delivered to Renter.

5. All sums received by Landowner shall be applied first to rent due and unpaid, second to any late charges due and unpaid, and finally to any other sums due hereunder.

#### **SECTION IV** **USE OF REAL ESTATE**

1. Renter shall use the Real Estate only for the purpose of farming.

2. Renter shall not use, or permit the use of, the Real Estate for any unlawful purpose or in violation of any law, order or regulation of any governmental authority or any restrictive covenant relating to the use or occupancy of the Real Estate.

3. If any use of the Real Estate increases insurance premiums, Renter shall pay Landowner, upon demand, a sum equal to the increases in premiums.

4. Renter shall not permit any waste or misuse of the Real Estate.

5. Possession and Crops Rights. So long as Renter is not in default under this Lease, Renter shall have the right to farm the Real Estate; provided however, that Landowner shall have the right to, unilaterally and in its sole discretion, terminate this Lease upon thirty (30) days written notice to Renter. If Landowner gives Renter such written notice, Renter shall not have the right to farm or plant any crops on the Real Estate. However, if Renter has already planted crops on the Real Estate when the Landowner gives its written notice, then Renter shall be entitled to the reasonable costs of the supplies and materials purchased and actually used by Renter, including, but not limited to, any seed, fertilizer, weed control, and other supplies, minus the reasonable cost of supplies and materials that can be salvaged or otherwise used by Renter elsewhere in Renter's farming operations. Payment made pursuant to this Subsection of the Lease is a waiver by Renter of any statutory lien rights that Renter may have in the Real Estate. Renter acknowledges that it has no security interest in crops growing on the Real Estate, and that if any conflicting interest arises with the Landowner, then the Landowner's interest shall prevail as long as payment is made pursuant to this Subsection of the Lease.

#### **SECTION V** **RENTER ACCEPTS REAL ESTATE**

1. Renter has inspected the Real Estate and is satisfied with its physical condition. Except as otherwise specified in this Lease:

- (a) Renter's taking possession of the Real Estate shall be conclusive evidence of receipt thereof in good condition for the purposes of this Lease.
- (b) Renter acknowledges that neither Landowner nor any of its agents has made any representation as to the condition of the Real Estate or made any agreements or promises to repair or improve it either before or after execution of this Lease.

**SECTION VI**  
**THE LANDOWNER AGREES TO:**

- 1. Furnish the land referred to in Section I.
- 2. Pay all the taxes and the assessments against the Real Estate.
- 3. Furnish all materials for the repair, improvement, and construction of drains and fences on the Real Estate.
- 4. Provide the labor for making all major improvements and major repairs on drains and fences on the Real Estate.

**SECTION VII**  
**THE RENTER AGREES TO:**

- 1. Keep the Real Estate in good repair and condition, at Renter's sole expense.
- 2. Surrender the Real Estate at the expiration of this Lease in as good repair and condition as existed at the date of execution hereof, reasonable wear and tear excepted.
- 3. Comply with all statutes and ordinances concerning the maintenance of the Real Estate.
- 4. Follow the farming practices that are generally recommended for and that are best adapted to this type of Real Estate and for this locality unless other practices are agreed upon.
- 5. Furnish all labor, power, machinery, and moveable equipment and all operation and maintenance expenses therefor to operate the Real Estate.
- 6. Furnish all labor for the minor repair and the minor improvement of fences and drains.
- 7. Haul to the Real Estate, except when other arrangements are agreed to with the Landowner, any material provided by the Landowner for the minor repair or minor improvement of fences and drains; and do all the necessary hauling on the Real Estate at no expense to the Landowner.

8. Protect from leaching all manure made on the Real Estate, as far as facilities available permit, and spread all available manure on the land where it will be most beneficial to the crops produced.

9. Cut the weeds in lots, fence rows, and along roads whenever necessary to prevent re-seeding.

10. Follow generally recommended practices in plowing, planting, and cultivating to prevent excessive loss of soil and water through sheet erosion. Control gullies in their early stages.

11. Neither assign this lease to any person or persons nor sublet any part of the Real Estate for any purpose without the written consent of the Landowner.

12. Keep livestock out of the fields when the soil is soft and protect sod crops, especially new seedings from too close grazing that might impair the following year's crop.

13. Yield peaceable possession of the Real Estate at the termination of this lease.

#### **Section VIII** **RIGHTS AND PRIVILEGES**

1. The Landowner or Landowner's designee shall have the right of entry at any mutually convenient time to inspect the property and/or the farming methods being used.

2. Landowner or its agents shall have the right to enter the Real Estate (without causing or constituting a termination of this Lease or an interference with Renter's possession) at all reasonable times for the purposes of showing the Real Estate to prospective buyers or tenants, examining its condition or use.

3. The Renter shall have the right to erect, maintain, and remove at Renter's expense, temporary fence and moveable buildings on the Real Estate, provided that the fence or buildings or their removal do not damage the Landowner's property in any way.

4. The Renter shall have the right of entry for the purpose of harvesting crops seeded before the termination of the lease in accordance with normal farm practices, or to sell Renter's interest in the crops either to the Landowner or to the succeeding renter. If the Renter, in view of the approaching termination of the lease, fails to plant crops in accordance with accepted farming practices, the Landowner or a designated agent shall have the right of entry to plant such crops.

5. If this lease is terminated before the Renter shall have obtained the benefits from any other labor or expense Renter may have made in operating the Real Estate, according to contract or agreement with the Landowner during the current lease year, the Landowner shall reimburse the Renter for that labor or expense. The Renter shall present, in writing to the

Landowner, any claim for this reimbursement at least one hundred eighty (180) days before the termination of this lease.

**Section IX**  
**ALTERATIONS / IMPROVEMENTS**

1. Without Landowner's prior written consent, Renter shall make no alteration of or improvement to the Real Estate. Landowner's decision to refuse such consent shall be conclusive.

2. Should Landowner elect to give such consent, Renter shall protect, indemnify and save Landowner harmless against:

- (a) any lien for labor or material furnished, or
- (b) any claim which any subcontractor, lessor of equipment, journeyman or laborer may have under law against an owner of real property for services, material or machinery, or
- (c) any liability for personal injury or damage to property associated in any way with an alteration or addition.

3. Landowner may also require Renter to furnish security, insurance, or other assurance as Landowner may reasonably require to protect Landowner against the liens, claims and liabilities described in Subsection 2, and to assure that the work will be performed in a lawful and workmanlike manner and with proper materials.

4. Upon the termination of this Lease, or when Renter abandons, quits or vacates the Real Estate, whichever shall first occur, any alteration or improvement made pursuant to this Section shall become Landowner's property and shall remain upon the Real Estate, all without compensation, allowance or credit to Renter. However, Renter may remove any trade fixtures which it has installed. Renter shall repair any damage to the Real Estate caused by Renter or its agents in removing any property therefrom.

**Section X**  
**RISK OF LOSS**

1. Renter shall bear the risk of loss arising for damage to the Real Estate or loss of Renter's personal property (including crops) on the Real Estate.

2. If use of the Real Estate is for business, Renter shall bear the risk of loss arising from interruption of business use.

3. Renter shall bear the risk of, and Renter shall save the Landowner harmless from loss, cost or expense by reason of claims for personal injury and property damage arising out of

Renter's occupancy and use of the Real Estate, whether due to the fault of Renter or others, excepting only fault of Landowner. Renter may fulfill its obligations by reason of this Subsection 3 by maintaining a public liability and property damage insurance policy naming Landowner as an additional insured, in the amount of \$100,000.00 for each person and \$300,000.00 for each occurrence of personal injury and \$50,000.00 for property damage. Renter shall furnish a certificate of any such insurance coverage to Landowner.

4. Notwithstanding any provisions to the contrary in this Lease, if the Real Estate shall be destroyed or damaged by casualty to such an extent as will make the Real Estate unusable for the purpose(s) described in Subsection 3 above, either party (excepting any party whose fault caused the casualty) has the right to terminate this Lease by giving notice of such termination to the other party within thirty (30) days after the date the casualty occurs. Termination of this Lease shall then be effective as of the date of such casualty. Rent shall be prorated to the date of termination.

5. Nothing in this Section shall bar a claim of one party against the other for injury or damage caused by the fault of the other party.

#### **Section XI**

#### **CONDEMNATION**

1. If the whole of the Real Estate, or such portion thereof as will make the Real Estate unusable for the purpose(s) described in Section I above, is condemned and sold for any public use or purpose by any legally constituted authority, this Lease shall terminate when possession is taken by such authority; and rent shall be prorated as of the date possession is so taken. Termination of this Lease under this Section shall not prejudice the rights of either Landowner or Renter to recover compensation from the condemning authority for any loss or damage caused by such condemnation. Neither Landowner nor Renter shall have any rights in or to any award made to the other by the condemning authority.

#### **Section XII**

#### **DEFAULTS AND REMEDIES**

1. **Defaults by Renter.** A default by Renter will have occurred under this Lease IF:
  - (a) Renter fails to pay the full amount of any rent on or before the date when it is due and payable; or
  - (b) Renter fails to observe or perform any other provision of this Lease for thirty (30) days after Landowner has given Renter notice of the nature of Renter's failure; or
  - (c) Renter files a petition in bankruptcy or for an arrangement under any present or future federal or state bankruptcy law, or is adjudicated a

bankrupt or insolvent, or makes an assignment for the benefit of creditors, or admits in writing its inability to pay debts as they become due; or

- (d) a receiver or trustee of Renter or of the Real Estate is appointed and, in the case of a proceeding brought against Renter, is not discharged within ninety (90) days after the appointment, or Renter consents to or acquiesces in the appointment; or
- (e) Renter abandons, quits or vacates the Real Estate; or
- (f) any activity of Renter causes the cancellation of the hazard insurance coverage on the Real Estate; or
- (g) the interest of Renter under this Lease is ordered sold under execution or other legal process.

2. **Remedies of Landowner for Default by Renter.** If a default by Renter has occurred under this Lease and is continuing, Landowner has the following remedies:

- (a) The right to reenter and repossess the Real Estate, and the right to remove all persons and property from the Real Estate, all in a lawful manner.
- (b) The right to give Renter notice of Landowner's termination of this Lease as of a date specified in the notice, the date to be not earlier than the date of the notice.
- (c) The right to relet the Real Estate, or any part of it, for the account of Renter, for such term or terms and on such conditions as Landowner, in its sole discretion, determines. Landowner shall not be responsible or liable to collect any rent payable upon any reletting.
- (d) The right to advance money or make any expenditure to cure any default of Renter other than default in payment of rent.
- (e) The right to collect from Renter by any lawful means:
  - i. any rent due and unpaid,
  - ii. any deficiency which results from default of Renter and the failure of any subletting to give Landowner the rent provided by this Lease,
  - iii. any money advanced or expenditure made by Landowner pursuant to Subsection (d), and
  - iv. any other amount which Renter owes Landowner under this Lease.

3. **Effect of Exercise of Remedies by Landowner.**

- (a) Upon exercise by Landowner of its right to reenter and repossess, or to remove persons and property from, the Real Estate or upon termination of this Lease pursuant to Subsection (b), Renter and each person claiming by or through Renter shall forthwith quit the Real Estate and surrender it to Landowner, and Landowner shall be entitled to all remedies at law or in equity to effect this right. Upon reentry, Landowner shall again have possession of the Real Estate as though this Lease had not been made.
- (b) Upon the date specified in Landowner's notice of intention to terminate this Lease, this Lease shall terminate, and Renter and any person claiming by or through Renter shall become a Renter at sufferance.
- (c) Within seven (7) days of Renter's vacation of the Real Estate, Renter shall remove therefrom all of its personal property. If Renter fails to so remove, said property shall be deemed as abandoned by Renter and shall become the property of Landowner.

4. **Defaults by Landowner.** A default by Landowner will have occurred under this Lease if Landowner fails to observe or perform any obligation imposed upon Landowner by this Lease for thirty (30) days after Renter has given Landowner notice of the nature of Landowner's failure.

5. **Remedies of Renter for Default by Landowner.** If a default by Landowner has occurred under this Lease and is continuing, Renter has the following remedies:

- (a) The right to bring an action against Landowner to recover such damages as Renter may have incurred as a result of Landowner's default.
- (b) The right to claim an eviction as provided by law.

6. **Provisions Applicable to Defaults and Remedies.**

- (a) Failure or omission of either party to exercise any remedy shall not constitute a waiver, or bar or abridge exercise of a remedy upon any subsequent default.
- (b) Receipt of rent by Landowner with knowledge of default by Renter shall not constitute a waiver as to such default or as to a remedy available in respect of such default.



- (c) No right or remedy of either party shall be exclusive of any other right or remedy, and each and every right or remedy shall be cumulative and in addition to any other right or remedy given by this Lease or now or hereafter existing at a law or in equity. Termination of this Lease by Landowner shall not prohibit Landowner from recovering any monies due or to become due pursuant to Subsection 2.
- (d) In addition to any remedies given Landowner by any previous provision of this Lease, Landowner shall be entitled, to the extent permitted by law, to injunctive relief in case of any violation, or attempted or threatened violation, of any of the covenants, agreements or provisions of this Lease.
- (e) Each party is entitled to recover its reasonable attorney fees, costs and expenses incurred by reason of exercising its remedies under this Lease.
- (f) If Landowner, without its fault, is made a party to any litigation commenced against Renter or because of Renter's activities, and if Renter, at its expense, fails to provide Landowner with legal counsel satisfactory to Landowner, Renter shall pay all costs and reasonable attorney fees incurred or paid by Landowner in connection with such litigation.
- (g) Each party shall be entitled to enforce any of its rights or exercise any of its remedies without relief from valuation and appraisal laws.
- (h) Notice by one party of the nature of the other party's failure to observe or perform an obligation shall specify the details of such failure to a reasonable degree so that the party who has the obligation may reasonably understand its failure. If a default cannot, with diligence, be cured within the time provided by this Lease, the party whose obligation it is to cure may give the other party notice of that fact and of appropriate details and if the party is proceeding with diligence and in good faith to cure the default, the time within which the failure may be cured shall be extended for such period as may be needed to complete the curing in diligence and good faith.

### **Section XIII**

#### **SUBORDINATION OF LEASE TO EXISTING AND FUTURE MORTGAGES**

1. This Lease is subject and subordinate at all times to the lien of existing and future mortgages upon the Real Estate, together with any renewals or extensions thereof, as may have been, or may hereafter be, granted by Landowner. Although no instrument or act on the part of Renter shall be necessary to effectuate such subordination, Renter shall, nonetheless, execute and deliver such further instruments subordinating this Lease to the lien of any such mortgage, as may be desired or requested by a mortgagee of Landowner. Renter hereby irrevocably appoints

Landowner as its attorney-in-fact, for the limited purpose of executing and delivering any such subordination instrument for and on behalf of Renter.

**SECTION XIV**  
**ENFORCEMENT OF AGREEMENTS**

1. Failure of either the Landowner or the Renter to comply with the agreements set forth in this lease shall make that party liable for damages to the other party. Any claim by either party for damages shall be presented, in writing to the other party, at least one hundred eighty (180) days before the termination of this lease.

2. If Renter shall die during the term of the lease, the provisions of this lease shall be binding on the heirs, executors, administrators, and assigns of the Renter.

3. Renter shall not assign, mortgage or encumber this Lease, nor sublet or permit the Real Estate or any part thereof to be used by others, without the prior written consent of Landowner. If this Lease is assigned, or if the Real Estate or any part thereof is sublet, or occupied by a party other than Renter, Landowner may, after default by Renter, collect rent from the assignee, subtenant or occupant as the case may be, and apply the amounts so collected to the rent herein reserved. No such assignment, subletting, occupancy or collection shall be deemed to be a waiver of this covenant, or the acceptance of the assignee, subtenant or occupant as a Renter, or a release of Renter from its further performance of the covenants contained in this Lease. A consent by Landowner to an assignment or subletting shall not be construed to relieve Renter from again obtaining Landowner's written consent to any subsequent assignment or subletting.

4. If legal action is initiated by either party for the purpose of enforcing or interpreting this Lease, the prevailing party shall be entitled to its attorney's fees and costs in enforcing this Lease.

5. The validity and interpretation of any of the terms or provisions of this Lease or of the rights or duties of any of the parties hereunder shall be governed by the laws of the State of Ohio.

6. Headings are for convenient reference only and do not affect the expressed terms, covenants, agreements and provisions of this Lease.

7. Any change in, or modification or discharge of, this Lease shall be in writing signed by all persons who at the time are parties to this Lease.

8. The invalidation of any clause or provision of this Lease shall have no effect on the remaining provisions of this Lease, and as such, the remaining Lease shall remain in full force and effect, and be interpreted as consistently as possible.

9. It is understood and agreed by the parties hereto that the signatories to the Lease have been duly authorized to execute this Lease on behalf of the respective parties, and that the

parties hereby waive any challenge or defense to the validity of this Lease based on lack of capacity, or irregularity in the procedures surrounding the execution of this Lease.

10. Any notice required to be given hereunder, shall be given as follows:

The Village of Antwerp

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

\_\_\_\_\_  
Attn: \_\_\_\_\_

\_\_\_\_\_  
Telephone: \_\_\_\_\_

**"LANDOWNER"**

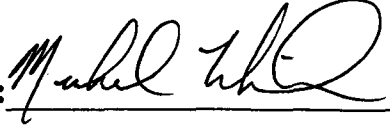
**VILLAGE OF ANTWERP, OHIO**

BY:   
**TOM VANVLERAH, Mayor**

BY:   
**LORETTA BAKER, Fiscal Officer**

**"RENTER"**



BY: 

ITS: \_\_\_\_\_

STATE OF OHIO                    )  
  ) SS:  
COUNTY OF PAULDING        )

Before me, the undersigned Notary Public, in and for said County and State, personally appeared **TOM VANVLERAH**, the Mayor of the Village of Antwerp, Ohio, and acknowledged the execution of the above and foregoing to be his voluntary act and deed this 7 day of

May, 20 14.

My Commission Expires:

June 27, 2016

Resident Of:

Paulding County, Ohio

  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary Public

**Sara A. Keeran**  
Notary Public, State of Ohio  
My Commission Expires June 27, 2016

STATE OF OHIO                    )  
  ) SS:  
COUNTY OF PAULDING        )

Before me, the undersigned Notary Public, in and for said County and State, personally appeared **LORETTA BAKER**, the Fiscal Officer of the Village of Antwerp, Ohio, and acknowledged the execution of the above and foregoing to be her voluntary act and deed this

7 day of May, 20 14.

My Commission Expires:

June 27, 2016

Resident Of:

Paulding County, Ohio

  
Signature of Notary Public

**Sara A. Keeran**  
Printed Name of Notary Public  
Notary Public, State of Ohio  
My Commission Expires June 27, 2016

STATE OF OHIO                    )  
  ) SS:  
COUNTY OF PAULDING        )

Before me, the undersigned Notary Public, in and for said County and State, personally appeared Mike Wiesehan, of 12282 Rd 21, Antwerp Ohio 45813, and acknowledged the execution of the above and foregoing to be the voluntary act and deed of the corporation this 23rd day of June, 2014.

My Commission Expires LORETTA S. BAKER  
Notary Public, State of Ohio  
My Commission Expires March 31, 2016

Resident Of: Paulding Cty

Loretta Baker  
Signature of Notary Public

Loretta Baker  
Printed Name of 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 Recorder's Stamps

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

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

**ORDINANCE NO. 2014-11**

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS FROM THE GENERAL FUND TO THE WATER FUND IN THE AMOUNT OF \$25,000.00 AND DECLARE THE SAME TO BE AN EMERGENCY**

WHEREAS, the Village of Antwerp Ohio has determined that it is necessary to transfer certain funds from the General Fund to the Water 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 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 transfer 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 Water 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 water 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 6-16-14

Tom Van Vlerah  
Tom Van Vlerah, Mayor of the Village of Antwerp

Attest:

Loretta Baker  
Fiscal Officer

{7100/071/00174129-2ANH}

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

**ORDINANCE NO. 2014-12**

**AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF A NOTE TO PAY A PORTION OF THE COST OF INSTALLING THE LIFT STATION IN THE COLONY SUBDIVISION 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 was completed and a contract was awarded to the lowest and best bidder to install the lift station; and

**WHEREAS**, a lift station has been installed in the Colony Subdivision located in the Village of Antwerp, Paulding County, Ohio; and

**WHEREAS**, the Village of Antwerp must continue to pay a portion of the cost incurred in installing the lift station in the Colony Subdivision; 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 \$35,292.07 shall be issued for the purpose set forth herein, which is to pay a portion of the cost of installing the lift station in the Colony Subdivision located in the Village of Antwerp, Paulding County, Ohio, 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 2% annually 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, and 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.

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

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

**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 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.

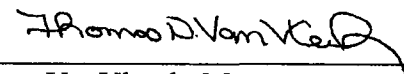
**Section 7.** The Mayor and Fiscal Officer of said Village are hereby authorized to sign and execute the Note on behalf of said Village and the Council approves any action taken by such officials in that regard.

**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 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 must continue to pay a portion of the cost incurred by having the lift station installed in the Colony Subdivision 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.

**Section 10.** This Ordinance shall be retroactive and take effect as of the maturity of the of the Note referenced in Ordinance No. 2013-19, said Ordinance for the issuance of a Note for the purpose of installing a lift station in the Colony Subdivision located in the Village of Antwerp, County of Paulding, Ohio.

Date: 6-16-14

  
Tom VanVlerah, Mayor

Attest:

  
Loretta Baker, Fiscal Officer



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

**ORDINANCE NO: 2014-13****AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE  
VILLAGE OF ANTWERP, OHIO TO ADD SECTION 429 ADOPTING A  
COMPREHENSIVE PLAN FOR THE VILLAGE OF ANTWERP,  
AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Planning and Zoning Commission of the Village of Antwerp recommended, by the adoption of a motion, to amend the Zoning Ordinance of the Village of Antwerp to add Section 429, which is a Comprehensive Plan for the Village of Antwerp to serve as a guide for community development in a comprehensive fashion, said recommendation made in compliance with Section 703 of the Zoning Ordinance of the Village of Antwerp, Ohio; and

**WHEREAS**, the Planning and Zoning Commission of the Village of Antwerp transmitted its recommendation on said proposed 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**, a public hearing on this recommendation was held on the 11<sup>th</sup> day of June, 2014, in compliance with Section 708 of the Zoning Ordinance of the Village of Antwerp, Ohio, after notice of said public hearing was published and any required notice mailed to property owners in compliance with Sections 709 and 710 of the Zoning Ordinance of the Village of Antwerp, Ohio.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Antwerp, Paulding County, Ohio, that the recommendation of the Planning and Zoning Commission be adopted and approval of 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 add Section 429, which is the Comprehensive Plan for the Village of Antwerp, a copy of Section 429, the Comprehensive Plan, is attached hereto as **Exhibit A** and incorporated herein by reference.

Section 2. The amendments to the Zoning Ordinance identified herein 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 is deemed an emergency measure necessary for the preservation of the public health, safety and welfare, and for the further reason to comply with Section 711 of the Zoning Ordinance, which requires the Village Council to act within thirty (30) days of the public

{7100/075/00299392-1 MLF}

*Exhibit A*



# VILLAGE OF ANTWERP

COMPREHENSIVE PLAN 2014

[www.villageofantwerp.com](http://www.villageofantwerp.com)

Planning Consultant - Poggemeyer Design Group, Inc.

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# Introduction

## Planning for the Future

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### Background

This Comprehensive Plan is the result of a year-long, participatory planning process involving multiple organizations and input from residents. It is the collective voice of nearly 200 people who completed surveys, attended meetings and provided insights and perspectives. It sets the stage for action and defines a desired vision for Antwerp in the future. It looks forward 10-years and describes key community attributes in the future, along with a list of necessary action steps to achieve specific goals.

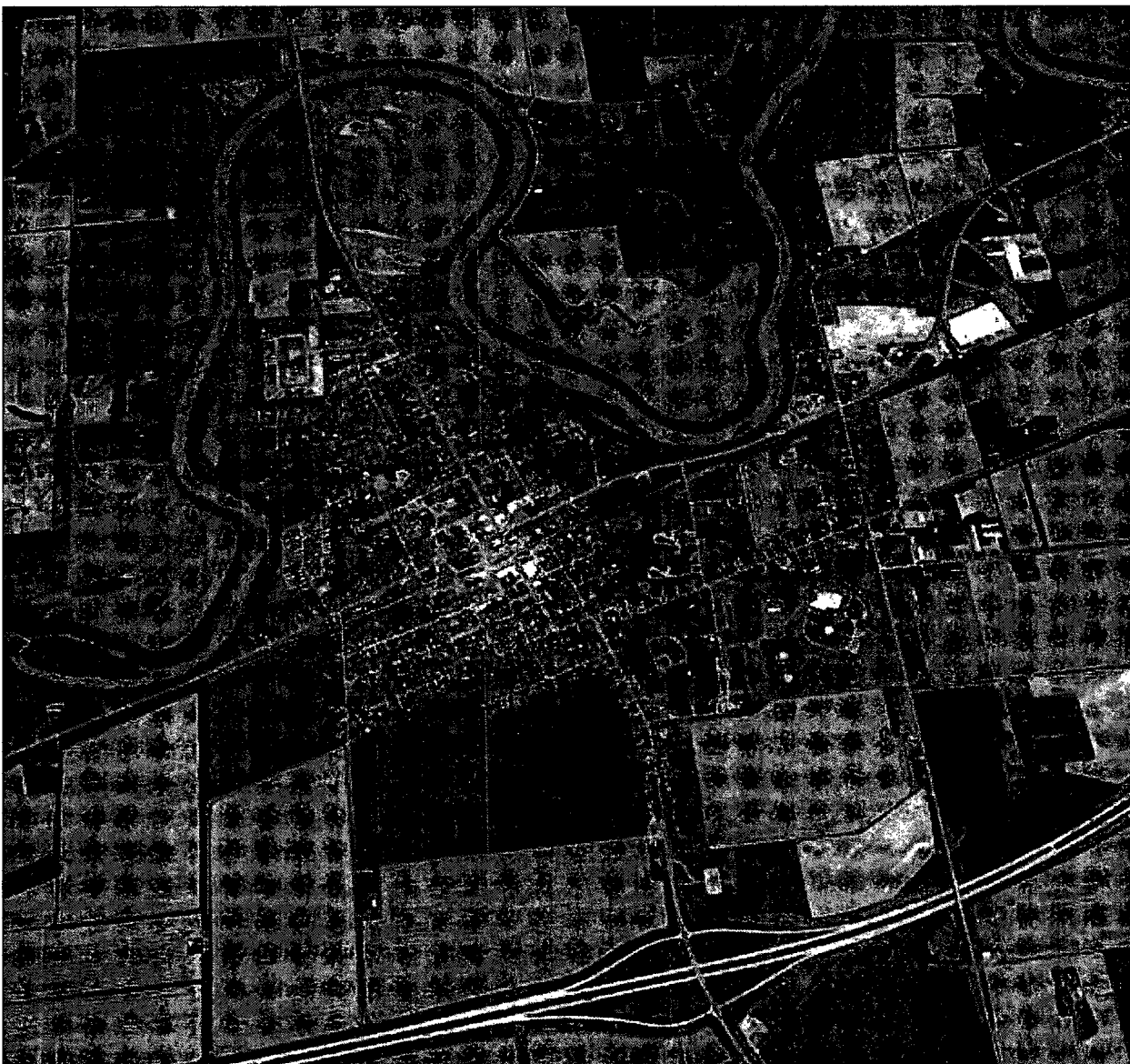
### Comprehensive Plans

Communities are constantly evolving. They grow, age, develop and redevelop. Sometimes physical change is subtle and nearly imperceptible. Other times, physical change can be dramatic as larger development projects occur. This change is the product of decisions made by residents, property owners and community leaders, and village we see today is the result of large and small decisions made over many decades. The Village has made decisions about what public infrastructure to build and maintain, while private interests have made development decisions to respond to a wide range of needs and demands.

Apart from the pace of community change is the larger question whether a community is becoming more livable, economically stable and attractive. This key question is best answered from a long-term perspective and it naturally leads to conversations about the future and what can be. The purpose of a Comprehensive Plan is to provide this vision, capturing and articulating desired community goals, based on community attitudes and preferences. Effective Comprehensive Plans serve as a guide for those day-to-day decisions that shape the community in the context of long-term community goals and objectives.

Comprehensive plans typically have several common characteristics. First (as the name implies), they address major elements of community development in a comprehensive way. This means providing an overall and long-term vision of development in a way that is cognizant of the interrelated elements of community fabric. This includes how land is used, how people move from place to place, and what public facilities are built to support human needs.

## Village of Antwerp



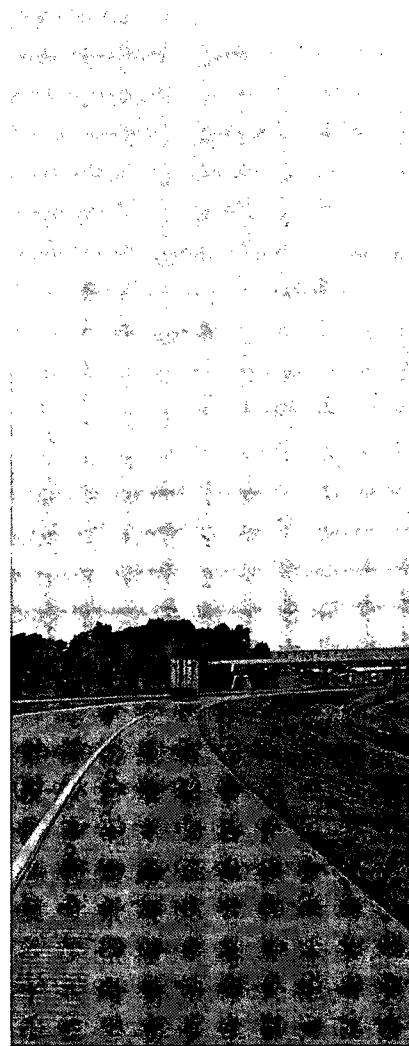
Source: Google Maps

# Our Community

## Overview of Antwerp

The Village of Antwerp is a small rural community located in Paulding County in the northwest corner of Ohio. It is located along the upper reaches of the Maumee River, about 3 miles east of the Ohio/Indiana state line. Named after a large city in Belgium, Antwerp has community roots that go back to the early 1800's. Antwerp was platted in 1841, and grew as a community located midway between Fort Wayne Indiana and Defiance, Ohio. In the mid to early 1800's, communities such as Antwerp grew after the Wabash and Erie Canal was completed. This canal connected the Maumee River with the Wabash River in Indiana. The completion of this project enabled goods to be transported between the Great Lakes, the Ohio River and ultimately the Gulf of Mexico.

Today, transportation improvements are still influencing Antwerp. After many years of planning, engineering and construction, the "Fort to Port" project was recently completed. This massive highway project involved new construction to replace major parts of the old rural two-lane US 24 with a new four-lane limited access highway. Large segments of US 24 were notorious for serious accidents and US 24 was often congested. Today, US 24 is a much safer and efficient connection between Fort Wayne, Indiana with the Port of Toledo. A large portion of the vehicles on US 24 are trucks and there are significant economic benefits to improved safety and efficiency in this region. The newly constructed portion of US 24 is located along the southern edge of Antwerp. The completion of improvements to US 24 now provides for a short 30-minute trip between Antwerp and downtown Fort Wayne, Indiana.





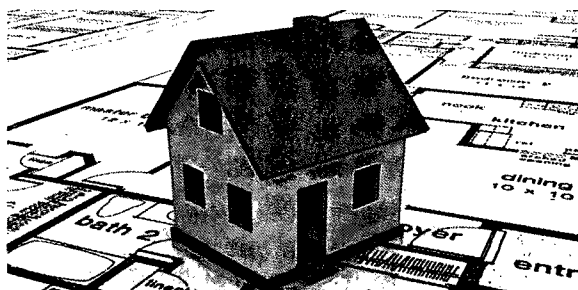


## Population

According to the 2010 US Census, Antwerp, Ohio has 1,736 residents. The median age of these residents is 37.9 years old. This median age is actually somewhat less than the median age for Ohio as a whole – which was 38.8. Antwerp's residents are almost all white (98.6%) and they live in 752 households in the Village. Most (464) of these households are "family households" wherein the residents consist of people related by blood, marriage or adoption. The other 288 households are non-family householders and mostly individuals living alone. The average household size is 2.31.

## Housing

Antwerp has 838 housing units. Among all of these units, 752 are occupied and 86 are vacant (most vacant units are for rent or for sale). Nearly 2 out of 3 (64.2%) of the housing units are owner-occupied (35.8 % are rental units). This mix of owner/rental housing units is nearly equal to the State of Ohio as a whole – where 67.6% of all housing units are owner-occupied and 32.4% are rental units. Housing is very affordable in Antwerp as the median value of an owner occupied unit in Antwerp is \$86,000. The median value of an owner-occupied housing unit for Ohio as a whole was \$135,600. Like most villages and smaller communities in Ohio, most (65.9%) of the housing stock is detached single family units. Additionally, it is evident that about 2/3 of all housing units in Antwerp were built before 1960.

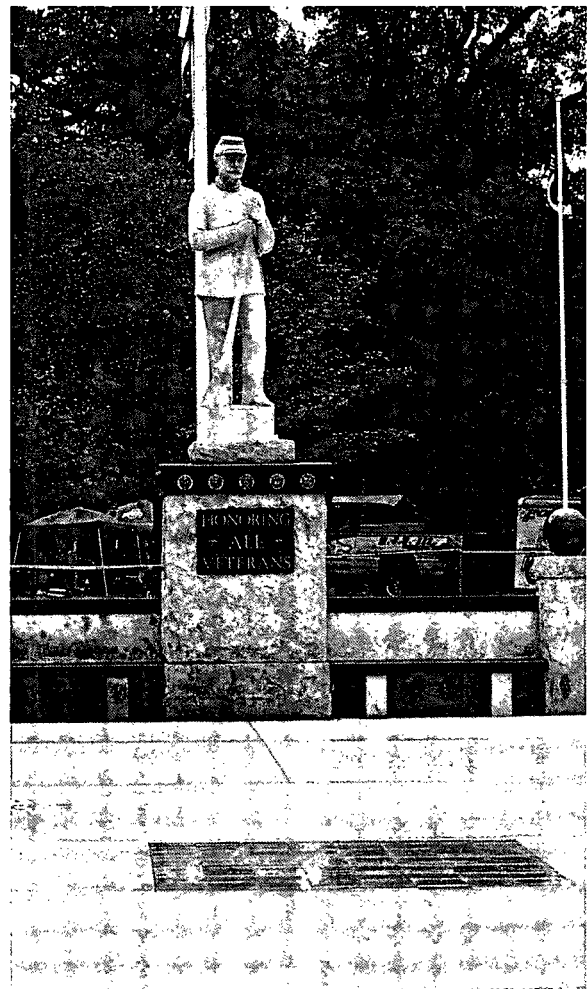


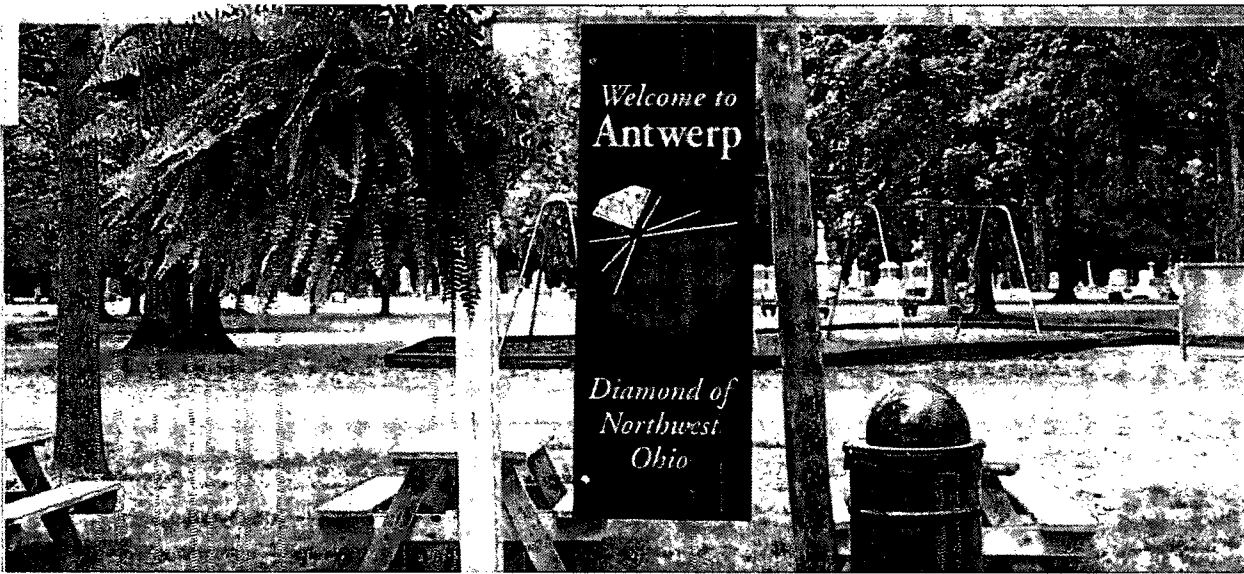
## Jobs

Among all of Antwerp's 1,736 residents, 915 people are considered to be in the labor force. Among those that are both in the labor force and employed, the mean travel time to work is 23.7 minutes and the dominant industries are manufacturing, educational services and retail trade. Antwerp's mean travel to work time is only slightly higher than the mean for the whole State of Ohio, which is 22.9 minutes. For the most part, Antwerp's employment opportunities are related to the proximity of Fort Wayne, Indiana. The eastern edge of the Fort Wayne Urban area is less than 20 minutes to the west, and the recent completion of the US 24 (Fort to Port) project allows for a comparatively short commute to Fort Wayne, a city of more than ¼ million people, and the surrounding Allen County Indiana area, which includes more than 355,000 people outside Fort Wayne.

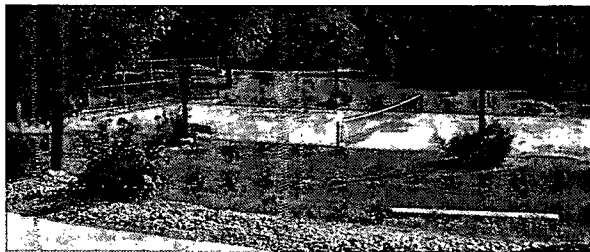
## Recreation

The Village of Antwerp has two parks. Riverside Memorial Park is located on E. River Street along the Maumee River with pedestrian access to the river. The park includes a Civil War Soldier Statue and memorial tablets





honoring Antwerp servicemen and women. In 2005, new play equipment was installed with efforts of The Friends of the Park Committee. There are five shelter houses, rest-rooms and picnic tables. Village Green Park is located next to Village Hall on N Main Street. The park area is landscaped with a pergola and tennis court.



## Public Water and Sewer Systems

The Village of Antwerp provides both public water and sewer systems. In terms of drinking water, Antwerp draws its drinking water from wells. There are three (3) wells in operation located on the southeast side of the village by the water treatment plant. This well water requires minimal treatment and, according to the Ohio EPA, the underground aquifer has a low susceptibility to contamination. In terms of sanitary sewers, the village owns and operates a wastewater treatment plant located on Rd 43. The gravity sewage collection system connects to the treatment plant which uses three lagoons to treat effluent before discharge. A system of storm sewers and catch basins also exist in Antwerp. This system collects storm water from rain events and discharges water to the receiving ditches and waterways (and ultimately the Maumee River).

## Utilities

Several private utilities provide services to Antwerp and nearby areas. These include:

- Ohio Gas Company (natural gas)
- American Electric Power (electricity)
- Mediacom (Internet/TV/phone)
- Verizon (Internet/TV/phone)
- Metalink (Internet/TV/phone)
- Brightnet (Internet/TV/phone)

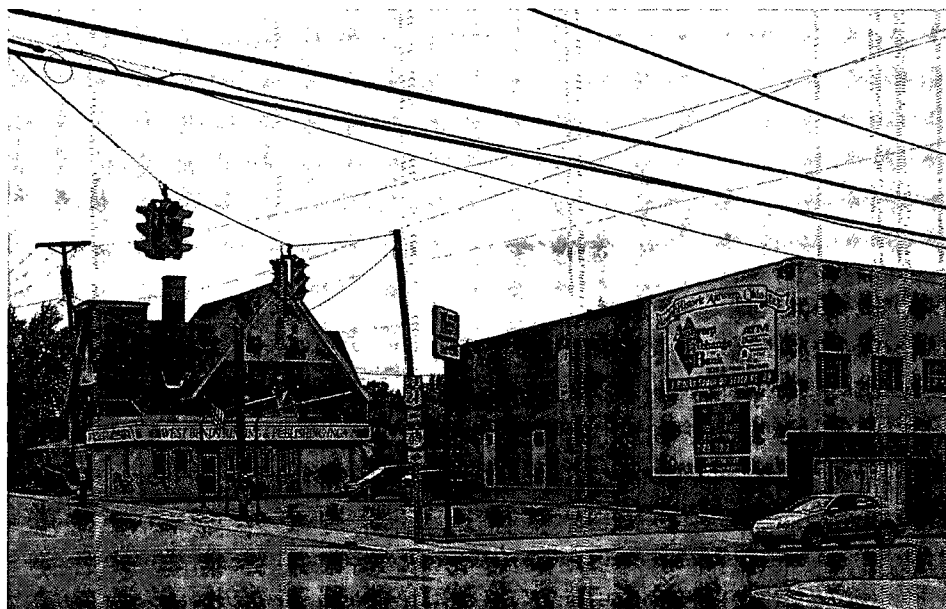
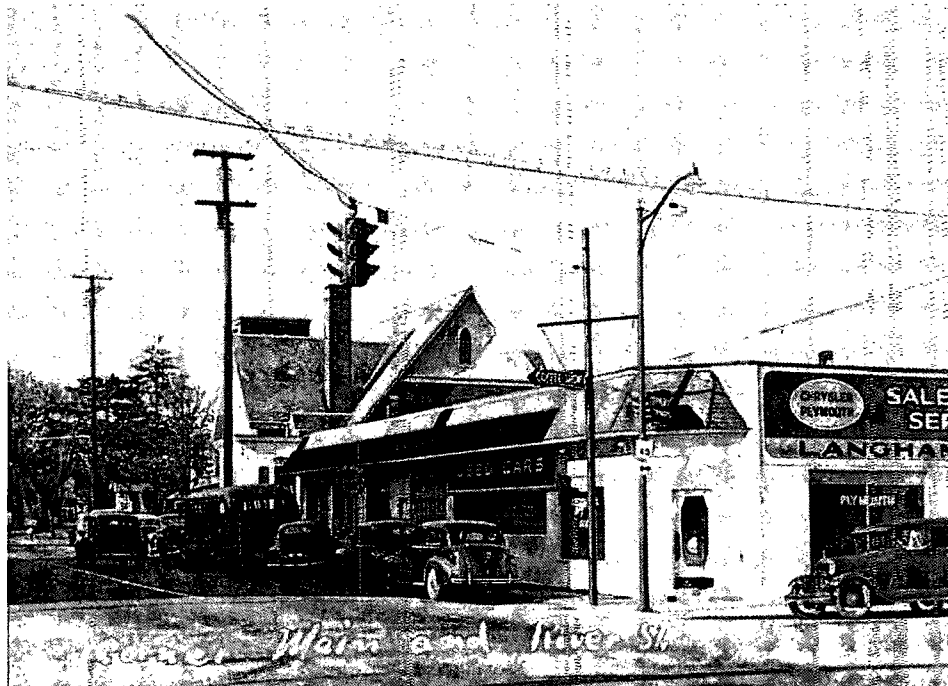
# Community Change

## Antwerp Past and Present

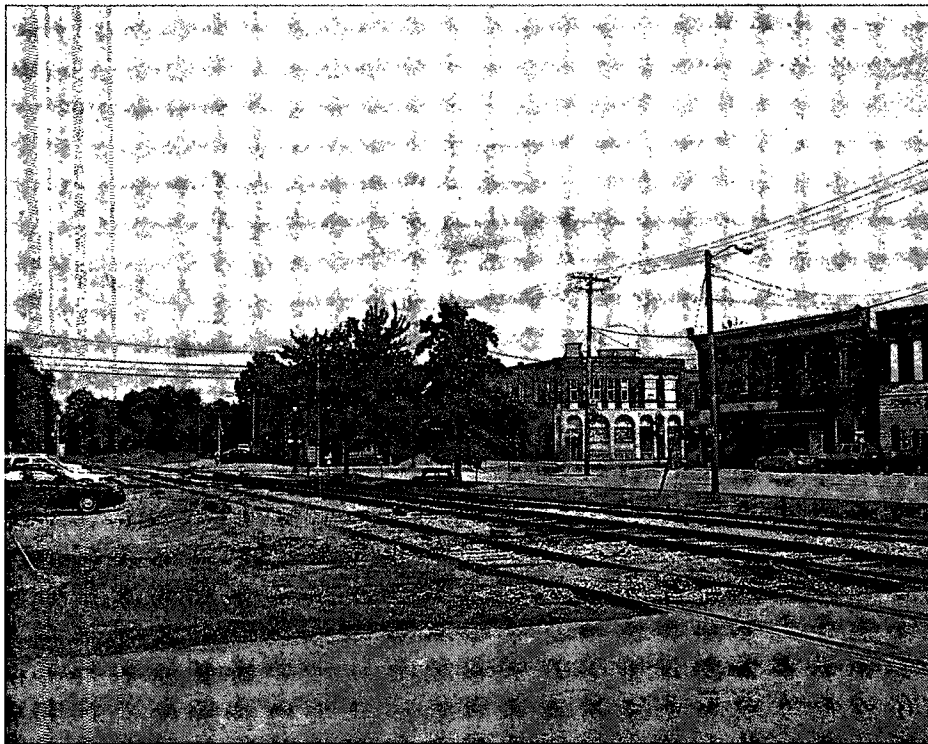
To some, the idea of considering how a community will look and function in the future can be a difficult concept to grasp since communities can seem stable and static. However, dramatic change can easily be seen over years and decades. The change that we see over a longer period of time is often shaped by private decisions related to new building construction, demolition or renovation. We also see changes to streets and other public infrastructure that add a measure of difference between the past and the present.

To put the issue of community change into context, the following images are presented to help illustrate how Antwerp has changed (or not changed) in recent decades. Historical images were obtained from the Paulding County Carnegie Library online at <http://pauldingcountylibrary.org/antwerphistoricalpictures.htm>. The dates associated with the historical photos are believed to be from the late 1940's. New photos were taken in July, 2013 by Poggemeyer Design Group, Inc.





The Chrysler Plymouth Dealer at the corner of Main and River Street no longer exists and is currently a parking lot. The absence of a building at the corner diminishes the "downtown feel" of this prominent corner property. The underutilized parking lot suggests an emptiness and lack of activity.



The heart of downtown has changed significantly with the addition of new railroad tracks and the relocation of the depot to the west side of town. The basic building forms still exist south of the railroad tracks, but the utilization of the buildings seems to have declined.

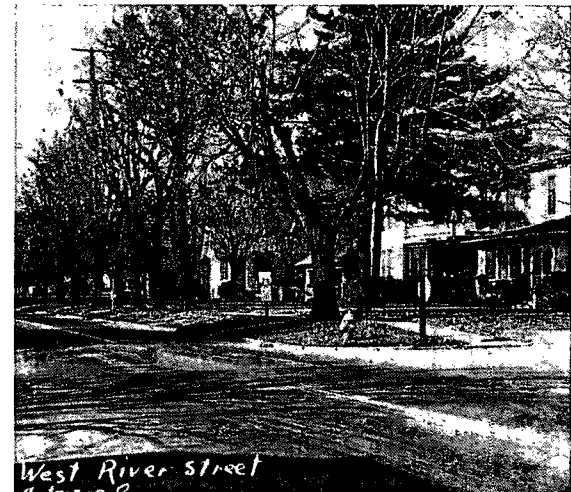
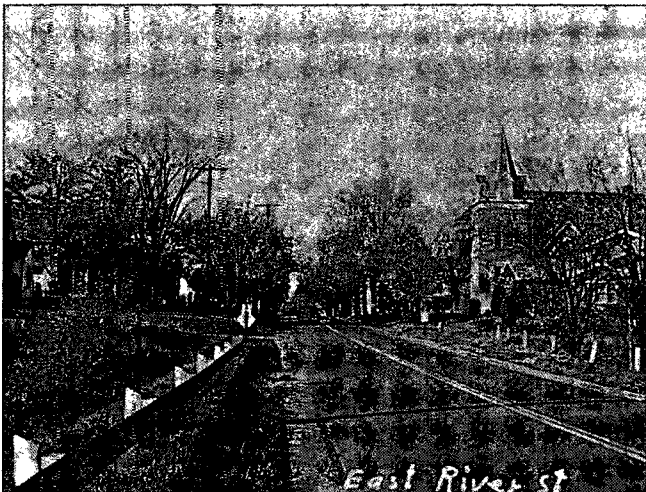
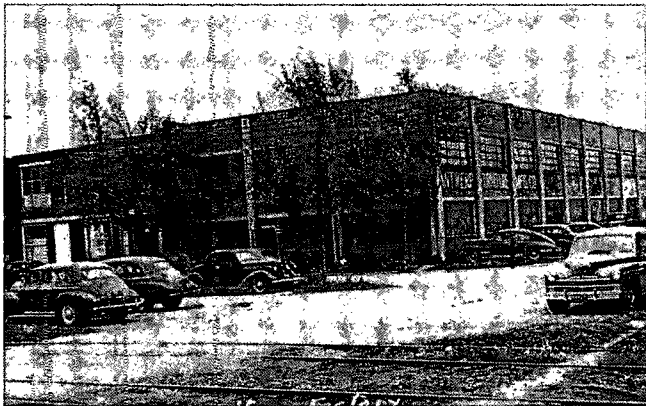
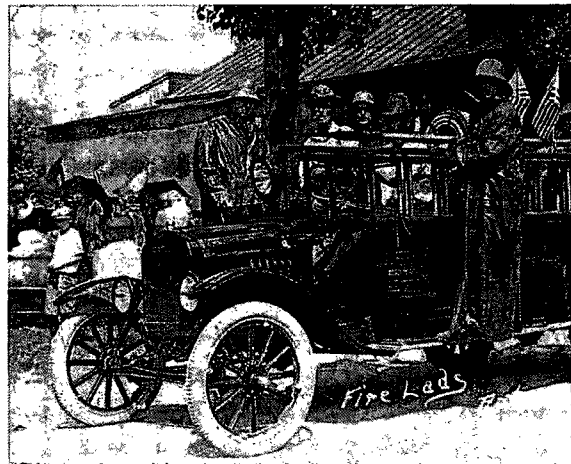
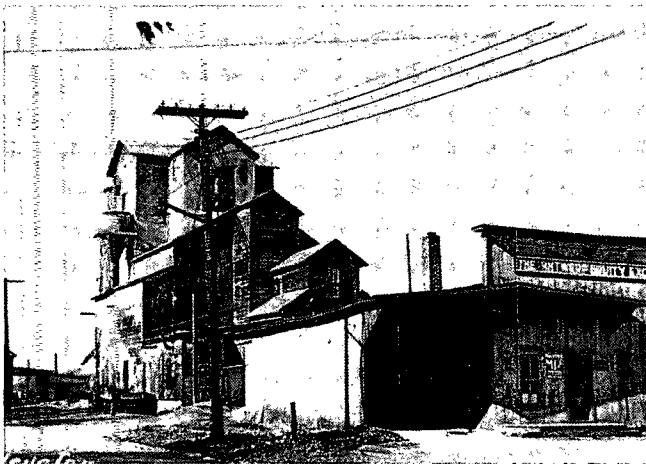


Historic building forms are still evident along South Main Street. The gas pumps have been changed – but still exist. Some utility lines have been removed which helps to reduce visual clutter.



Basic building forms are intact, but an overgrown tree blocks an attractive building façade. Additional overhead utility lines detract from a largely intact historic block and clutter the streetscape, which otherwise is an authentic, walkable and pedestrian-friendly place.





Other historical photos from the Paulding County Carnegie Library.

# Trends

## Factors Already At Work Shaping the Future

There are a number of national and local trends that are currently influencing the future of Antwerp. While it is not possible to say for certain how these trends will be manifested in Antwerp, it is helpful to recognize the potential impact they will have on how Antwerp looks and feels in the future.

### Aging Residents

The relationship between the age of residents and the physical characteristics of a community may not be immediately apparent; but in reality the connection is very strong. In recent years, the American Association of Retired Persons (AARP) has funded a number of studies (with other organizations) to address how American communities meet the needs of a growing senior population. This issue grows in importance in light of projections that indicate that during the next 20 years, the number of adults age 65 and older will nearly double in the United States.

Antwerp will experience the same trend given the age of existing residents as shown (2010 Census Data). What is immediately apparent is the fact that the some of the largest age groups in the Village are those who

will be reaching retirement age in the next 10-20 years. This is a mathematical certainty if one assumes that existing residents "age in place" which is a common desire among people entering their retirement years.



<b>Age of Residents</b>		
	<b>Number</b>	<b>Percent</b>
<b>Total</b>	<b>1,736</b>	<b>100</b>
<b>Age</b>		
Under 5 years	122	7.0
5 to 9 years	115	6.6
10 to 14 years	138	7.9
15 to 19 years	113	6.5
20 to 24 years	98	5.6
25 to 29 years	126	7.3
30 to 34 years	103	5.9
35 to 39 years	96	5.5
40 to 44 years	93	5.4
<b>45 to 49 years</b>	<b>141</b>	<b>8.1</b>
<b>50 to 54 years</b>	<b>128</b>	<b>7.4</b>
<b>55 to 59 years</b>	<b>107</b>	<b>6.2</b>
60 to 64 years	84	4.8
65 to 69 years	82	4.7
70 to 74 years	55	3.2
75 to 79 years	54	3.1
80 to 84 years	47	2.7
85 years and over	34	2.0

While each community must strike its own balance among competing planning issues, the two key areas where steps can be taken to improve livability for seniors include housing and transportation. In terms of housing, a community can encourage more diverse housing options (e.g., single family, multifamily, accessory dwelling, condos, assisted living and other supportive housing) to offer choices and alternatives. These offer choices to those interested in downsizing and lower maintenance responsibilities. Communities can also encourage mixed uses so that travel times to reach daily necessities, services and community amenities are not as great. Local government can also encourage home construction with features that serve residents across their life span. Housing options can be increased by looking for opportunities to allow accessory dwelling units (sometimes called "mother-in-law suites") which could be attached to the main house or located elsewhere on the lot.

In terms of transportation and mobility, the auto-dominated landscape of most communities works well for many residents – but not all. For some, use of an auto is not possible because of income or physical ability. Many in this latter group are elderly. Public transit is the important alternative to private auto use, but non-motorized transportation options are also important to older residents. This means reliance on a well developed sidewalk system with well defined and safe pedestrian crossings, both of which are especially important for those in wheelchairs or scooters, or those with specific mobility impairments.

## Childless Households

It is expected that in the future more and more households will be childless. Most of the growth in new households will be centered on households without children and single person households. This national trend will no doubt play out in Antwerp and its implications will be felt in the local housing market. Growth and change in the number of households fuels the demand for housing. With more and more childless households, it is expected that we will see more local demand for condominiums, town homes, duplexes, and similar housing styles.

## Health

There is a growing recognition of the connection between the health of residents in a community and how it is physically designed. Public health experts have reported that obesity rates have increased dramatically over the last 30 years, and obesity is now considered to be an epidemic in the United States. Alarming facts about health are particularly troublesome since our community planning decisions (or lack thereof) is sometimes to blame. Auto-oriented design, sprawling development patterns, and an absence of pedestrian or

bike amenities mean that people are more sedentary, and motorized vehicle travel is generally the only viable means to travel for everyone. Community design as a whole often does not encourage walking or biking, or more active living. Increasingly, it is becoming clear that the American health issues are, at least in part, an urban design issue, and that communities should take steps to provide better transportation options so that residents can choose to walk or bike and be more physically active.

Healthy eating is also at the core of some health concerns, and there has been a dramatic increase in the number of farmers markets. The popularity of farmers markets relates to both health matters, as people pursue more healthy food alternatives, and in terms of activating downtown spaces. In 2012, there was nearly four times the number of farmers markets in the U.S. as there were in 1994 (according to USDA statistics).

## Smart Growth

After decades of urban sprawl in many parts of the United States, a growing and substantial movement toward "smart growth" has emerged in many communities. The Smart Growth Network (SGN) is a leader in this effort and it is a part-

nership of government, business and civic organizations that support smart growth principles. Since 1996, the network has facilitated the sharing of best practices. It is led by a core group of partner organizations, one of which is the US EPA, a founding partner of the Smart Growth Network.

Considerably more information is available from the Smart Growth Network, and each principle can be explained in much more detail.

Ten smart growth principles are defined as follows:

- **Mix Land Uses**
- **Take Advantage of Compact Building Design**
- **Create a Range of Housing Opportunities and Choices**
- **Create Walkable Neighborhoods**
- **Foster Distinctive, Attractive Communities with a Strong Sense of Place**
- **Preserve Open Space, Farmland, Natural Beauty and Critical Environmental Areas**
- **Strengthen and Direct Development towards Existing Communities**
- **Provide a Variety of Transportation Choices**
- **Make Development Decisions Predictable, Fair and Cost Effective**
- **Encourage Community and Stakeholder Collaboration in Development Decisions**

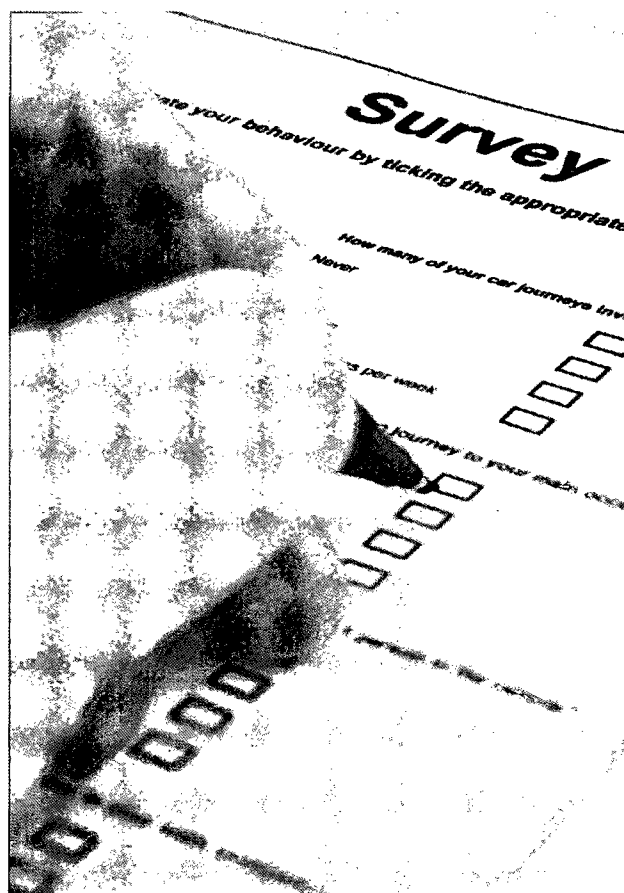
# Resident Engagement

## Conversations About The Future

Community engagement is a very important component of community planning, and typically substantial effort is made to reach out to residents for input on key issues facing the community. In Antwerp, the planning process included several efforts to reach out to residents for input into planning issues. First, an on-line survey was prepared and made available to all residents. Second, Village officials conducted a local planning workshop and invited residents to identify and discuss planning issues facing the Village.

### Survey

The community survey took place in late 2013 and it was available to be taken on-line from the municipal web site and in print form. Publicity about this survey was provided by a newspaper article and other outreach efforts. In total, 186 people completed the survey and the following list provides important insights gained from this effort:



## Key Survey Findings

- Many residents are long-term residents. Nearly half of the survey responded indicated that they have lived in Antwerp for twenty-one years or more.
- Few residents actually work in Antwerp.
- The survey included participation from a large number of younger residents. Nearly 1 in four respondents were under 18 years old.
- Some of the best reasons people can think of about living and/or working in the Village of Antwerp relates to family roots and friends nearby, the rural community atmosphere and the schools.
- The things that residents wish would get more attention in the Village include; the need to develop more job opportunities and recreational opportunities. There is also an apparent desire for more community involvement, awareness and education and greater housing choices and affordability.
- Residents are generally pro-growth and seem a bit dissatisfied with the past rate of community growth. Historically, Antwerp has grown slowly in the past 20 years and popular responses to the

question about future growth suggest that residents would like to see a little more.

- On a long list of issues for the future, residents generally consider the acquisition of additional park land to be only slightly important, while the need to create places for industrial development is considered to be very important. Other endeavors considered to be important included the following:

Encouraging further development and expansion at existing park facilities.

Encouraging/requiring architectural standards for new commercial development.

Encouraging the development of varied housing types to expand local choices.

Developing a more extensive system of bike trails and bike lanes.

Physical Improvements to downtown.

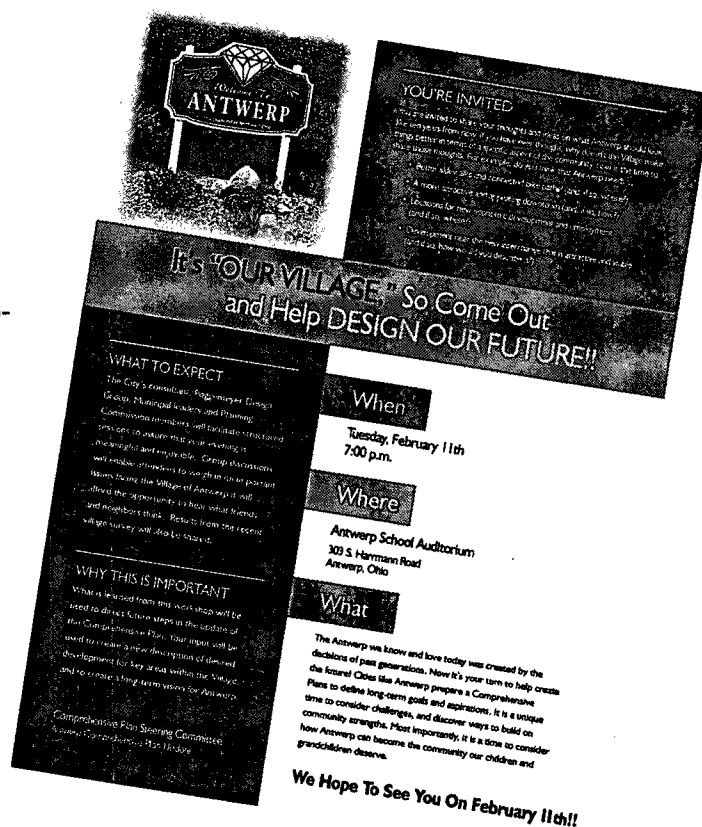
- Among all the reasons to like living in Antwerp, those mentioned most often by survey respondents included – the small town atmosphere, friends and family in the area, the proximity to Fort Wayne, the schools and the low crime rate.
- The lack of local job opportunities topped the list of things residents like least about Antwerp.
- People have feelings of attachment to Antwerp mostly in terms of their residential neighborhoods. Interestingly, school buildings provide more of a sense of attachment than downtown. This may be partially attributable to the large number of respondents who were under 18.

A complete list of survey results is available at the Village Hall.

## Visioning Session

Building on the insights gained from the survey results, a community visioning workshop was scheduled and conducted on February 11,

2014. This workshop was conducted at the Antwerp School Auditorium at 303 S. Harrmann Road. Despite very cold winter weather temperatures, about 30 people attended this event. They heard a brief presentation that recapped the planning process to date and reviewed the survey results.







Based on those survey results, four questions were discussed in several groups. These questions and the resulting responses are provided below:

**Does the Village of Antwerp need to improve on its system of sidewalks and bike routes (and, if so, where?)**

- One group felt that bike routes are not a significant issue in Antwerp. The preference was to improve sidewalks and fill gaps as necessary. Particular attention was focused on sidewalks between highway 424, Harrmann and to the School.
- Other groups identified gaps in the sidewalk system in the following locales:

East Woodcox

Park Ave

Dutchman's Cove

The "New" Addition (Jumps addition)

Harrmann Road

Erie Street

**Does the Village of Antwerp need a more appealing downtown (and, if so, how and in what way?)**

- The downtown needs awnings to be cleaned and replaced.
- Streets need to be cleaned up.
- Need improvements to the tennis courts.
- Flower pots.
- Outdoor dining venues are desirable downtown.
- A general facelift is needed.
- Specialty stores are needed.
- More parking.
- Farmers Market.
- Improve the tennis courts and hold events downtown. Events can include family nights and movie nights.
- The Village should consider a canoe/Kayak rental area.
- An entertainment venue is needed in or near downtown (movies).
- Need to "showcase" the storefront windows better.
- Need to view downtown with different eyes and get creative.



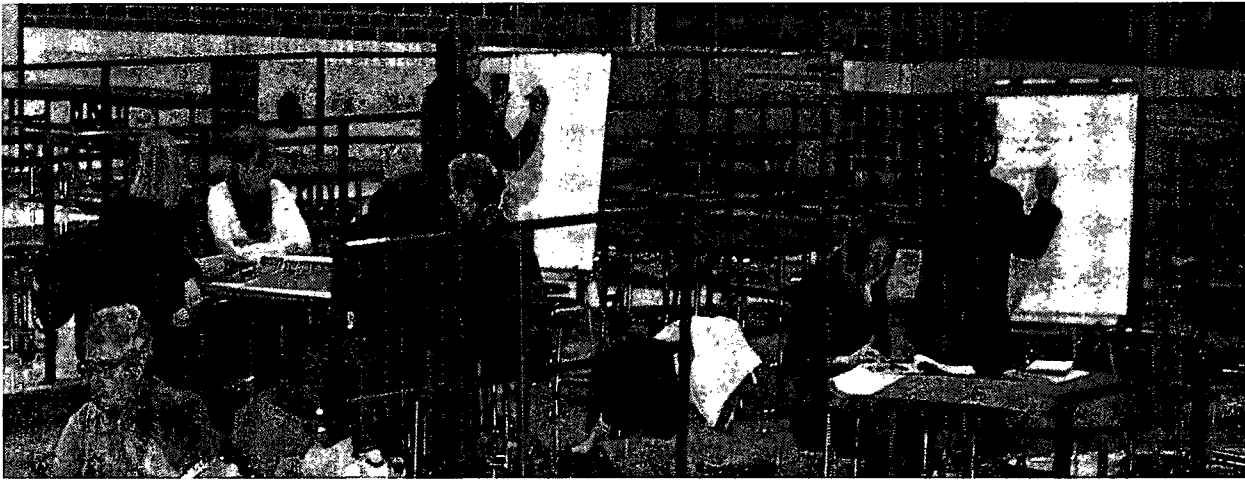
- Need to stimulate some property improvement to hope such steps become more contagious.
- Create events such as "A Taste of Antwerp" given the fact that there are several well-known eating establishments in town. Alternatively, create a shop local event or a shop - walk event.
- Need general clean up, along with flags, banners, better lighting and flowers.

**Where should the Village look to develop new places for economic development and employment?**

- Most people consider the new interchange area to be the place for future employment.
- Need to attract and support people interested in starting up businesses.

**Development near the new interchange is likely to occur in the future. What should be done to make it attractive and viable?**

- A mixed use environment is desired to include commercial spaces, housing and office uses.
- Entertainment venues are needed locally. These could include a movie theater (possibly a drive-in). Also need a fitness center and roller/ice rink.
- A retirement community is desirable here, along with potentially a satellite campus for a college/university.
- Proximity to the highway may also be appealing to a warehouse/distribution facility.
- Highway signage will be important to support development.
- It was noted that the interchange area is the area that helps to form a first impression of Antwerp. It was also noted that some communities focus on efforts to create an attractive "image area" at the primary community entrance. Such efforts often include heavy emphasis on landscaping and quality architecture. Ohio examples include communities such as Dublin near Columbus and Troy near Dayton.



# Existing Land Use

## How Our Community is Now Spatially Organized

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### Existing Land Use

Map 1 illustrates existing generalized land use patterns in Antwerp. As shown, the majority of the Village is used for residential purposes. Generally, lower density residential uses are found in more recently developed areas of town, while higher density residential areas are found within older sections of town on lots that were part of the original plat. The highest density residential areas are in manufactured home parks and in an apartment complex on the north side of town.

We find two types of commercial land uses in Antwerp. The downtown commercial spaces include some of the oldest buildings in town. They are typically pulled forward toward the sidewalk and often they include

non-retail uses in upper floors. More general commercial uses are also found near downtown and typically they are more suburban-type commercial development with parking lots between the road right-of-way and the building and a vehicular orientation.

Industrial land uses are found east of Antwerp. Here, larger industrial facilities manufacture goods and have access to the rail line. Recreational land uses include municipal parks and recreational areas owned by the local school district. Public and semi-public land uses include school facilities, churches, cemeteries and other public buildings.

# MAP 1 Antwerp Existing Land Use



## LEGEND



### Low Density Residential

Areas that are almost exclusively single family detached housing units. Common lot sizes range from 1/4 to 1/2 acre, and density is therefore generally about 1.5 - 4 dwelling units per net acre of land.



### Medium Density Residential

Areas are generally older parts of town with detached single family housing units. In some cases, large older housing units may have been converted to duplexes. Common lot sizes range from 1/8 to 1/3 acre. Density is about 3-8 dwelling units per acre of land.



### High Density Residential

These areas include manufactured home parks and apartment complexes. Density is generally above 8 dwelling units per acre.



### Downtown Commercial

Downtown commercial uses are often mixed uses with upper floors used as housing / office space. What distinguishes downtown commercial from other commercial uses are buildings close to the street.



### General Commercial

General commercial uses are found near downtown and along major corridors. Typically these uses exhibit an auto-orientation with front parking lots between buildings and the right-of-way.



### Industrial

Industrial areas are found on the east side of Antwerp. These include larger facilities and smaller operations. Existing grain operations downtown are classified as industrial.



### Public / Semi-Public

This land use category includes school facilities, cemeteries, large churches, and libraries.



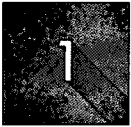
### Parks and Recreation

This category includes municipal parks and recreation facilities associated with the local school system.

# Vision

## What We Want Our Community To Be Like

Four critical elements of community vision emerge from this planning process.



### **Make the most of development opportunities near US 24 and SR 49.**

Without a doubt, development in this area holds the most promise for increasing local tax base, creating local jobs and helping to provide needed community goods and services. Development interest is real and tangible. It is known that the next US 24 interchange to the west in Indiana will soon be developed with a new truck stop and related development. In Antwerp, there has also been considerable attention paid to this area. Officials have had many conversations with entities interested in developing this area (beyond the construction of the new Dollar General Store). In fact, plans for a development called the Antwerp Commons were prepared in 2013 showing a mixed-use development, complete with new street construction providing a linkage to Harrman Road to the east. Efforts in this direction should continue guided by the following principles:

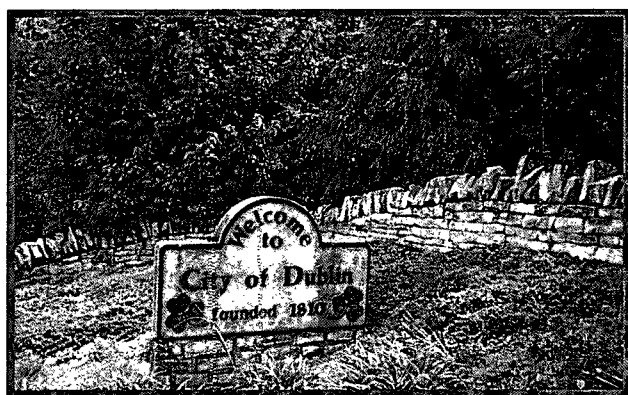
- **This development area should express quality design.** It should include architectural styles that convey impressions of value and significance. The village should avoid acceptance of standard franchise architecture and push for architectural styles that help convey a sense of place and local context. Heavy emphasis on landscaping, especially near the US 24 exit is warranted to help provide a sense of arrival to the community. This area will serve as a community gateway for generations and it should provide the impression that one has arrived at a place of quality and pride.
- **Mixed uses are desired and defined to include several residential types, retail, service and office.**
- **This area should strive to offer a blend between vehicular mobility and pedestrian/bike travel.** This non-motorized feature should link to the school facilities to the north, and ultimately connect to the rest of Antwerp.



Existing Entrance to Antwerp



Examples of Adaptations to Franchise Architecture



Examples Of Entry Signage and landscaping to Create a Sense of Arrival







2

## Revitalize Downtown

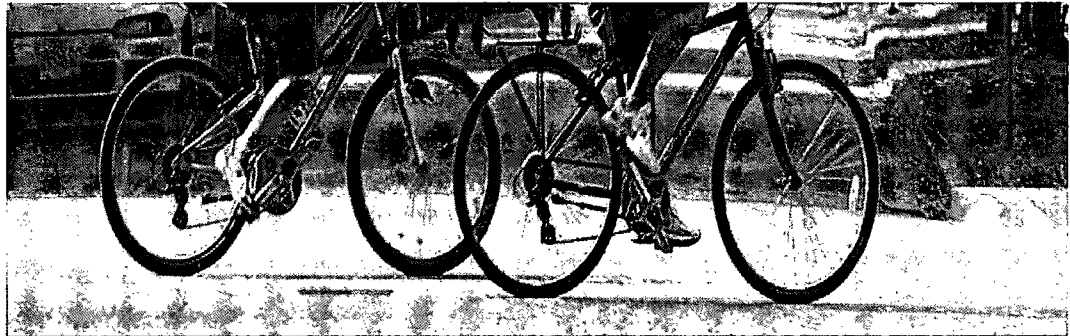
Downtown is the heart of Antwerp, but it shows signs of neglect and distress. Vacancies at both the ground floor and upper floors are evident. A downtown revitalization program is needed to improve the streetscape, fill storefronts and create events that draw people. Organizational support is also needed to help spearhead efforts.



## 3

**Antwerp Should Be More Walkable And Bikable**

Multiple opportunities exist to make Antwerp more walkable and bikeable. Non-motorized transportation options are important for both younger and older residents which supports the need for a well-developed sidewalk system with well-defined and safe pedestrian crossings. This is especially important for those in wheelchairs or scooters, or those with specific mobility impairments.



## 4

**Recreational Opportunities Should Be Expanded**

Acquisition of new recreational facilities is not necessarily needed, but ideas about how to expand local recreational opportunities are plentiful. For example, the village makes little use of the River, which could offer canoe and kayaking opportunities. Similarly, events such as movies in the park would help draw people to the area.



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# Strategy

## Strategic Steps Forward

A number of strategies have been identified as necessary steps to move the Village of Antwerp forward toward its goals. These strategies are as follows:

### Update Zoning

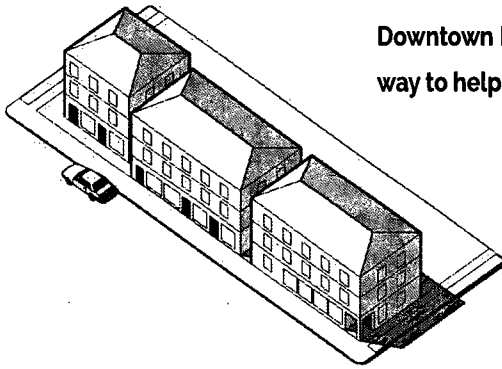
Zoning is a significant tool that can help the Village of Antwerp realize long-term goals. Zoning essentially defines what can be built where, and it defines minimum standards in terms of building placement, parking, landscaping, signage and other attributes of new development. After comparing the long-term vision of the community with existing zoning, the following issues surface:

#### **1. Create a new Zoning Classification for the US 24 & SR**

**49 Area:** One way to help ensure that new development in the US 24 & SR 49 area meets community objectives is to establish new zoning for this area. This new zoning should provide for mixed uses and urban design guidelines that will help create a quality place. The fact that a wide range of mixed uses would be allowed also suggests that there are several zoning tools and approaches to be explored and a

range of approval mechanisms to be considered. Along with architectural guidelines, new zoning requirements should include minimum landscape standards, signage requirements and lighting controls to help provide minimum standards. Zoning should not be overly restrictive, but it should be relied upon to help provide consistent design themes (especially since areas may be developed by separate entities over a long period of time). It could take many years to fully build out an area as large as the area shown on the Antwerp Commons Concept Plan.

**2. Update Downtown Zoning:** Antwerp has one business district that is associated with all commercial property in the village. Downtown Antwerp should have its own unique zoning district that is focused on desired characteristics of a downtown environment. Downtown should be a pedestrian-oriented place and the list of permitted uses should reflect desirable activity. Downtown zoning should expressly permit restaurants of all types, outdoor cafes, upper floor housing (now listed as a conditional use). Off-street parking should not be required in downtown, and uses that include



**Downtown buildings should be pulled forward toward the street right-of-way to help maintain a defined pedestrian space.**

drive in or drive-through facilities should be conditional uses. Further, while no front yard setback is now required, there should be a "build-to" requirement so that new construction will be required to be pulled forward toward the street (within 10 feet). This will help maintain a solid street frontage with building walls and a greater sense of place.

**3. Update Commercial Zoning:** After distinguishing between general commercial and downtown commercial uses, a general commercial zoning district is needed to reflect more auto-oriented and general commercial activity. There are no setbacks required in the existing general commercial zoning district and that could be problematic outside of downtown Antwerp. The list of permitted uses and other development standards should similarly be reviewed.

**4. Update Industrial Zoning:** There is one industrial zoning district defined in the Zoning Code. This industrial district is broadly defined and it also includes all commercial uses as permitted uses. This should be revis-

ited in order to clearly define places in the Village for industrial uses (rather than a blend of commercial and industrial uses). Suitable locations for industrial development are limited in Antwerp and they should be held exclusively for industrial uses to help support future job creation and economic development. Commercial uses should be directed toward existing commercial areas and the US 24 / SR 49 area.

### **Update Subdivision Regulations:**

With pending development activity at a larger scale near US 24 and SR 49, it is important for the Village of Antwerp to update its Subdivision Regulations. Municipalities and counties in Ohio have the authority to adopt regulations that define how new subdivisions will be built in terms of new public infrastructure such as new roads, utilities and pedestrian/bike travel amenities. For example, existing regulations can be strengthened to more clearly require sidewalks and bike amenities to be built along with private development activity.

## Encourage More Focused Downtown Planning and Strategy Development:

Apart from general steps to improve zoning, improvements to downtown are most likely to flow from the efforts of local merchants and property owners. The Village can and should be supportive of revitalization efforts and offer the following public actions:

**1. Embrace the Main Street Methodology:** The Main Street Approach was developed by the National Trust for Historic Preservation and it divides the workload among a minimum of four standing committees (Organization, Design, Economic Restructuring and Promotions). It tries to balance revitalization efforts by concurrently improving all aspects of what makes real estate attractive and valuable.

Organization involves getting everyone working toward the same goal and assembling the appropriate human and financial resources to implement a Main Street revitalization program. A governing board and standing committees make up the fundamental organizational structure of the volunteer-driven program. This structure not only divides the workload and clearly delineates responsibilities, but also builds consensus and cooperation among the various stakeholders.

Design means getting Main Street into top physical shape. Capitalizing on its best assets - such as historic buildings and pedestrian-oriented streets - is just part of the story. An inviting atmosphere, created through attractive window displays, parking areas, building improvements, street furniture, signs, sidewalks, street lights, and landscaping, conveys a positive visual message about the commercial district and what it has to offer. Design activities also include instilling good maintenance practices in the commercial district, enhancing the physical appearance of the commercial district by rehabilitating historic buildings, encouraging appropriate new construction, developing sensitive design management systems, and long-term planning.

Economic restructuring relates to consideration of the mix of commercial offerings in a downtown and discovering voids in the market. Often market studies document the need of one type of service or other, and may also identify business clusters that combine to create synergy and great business activities.

Promotion is the art and science of advertising and drawing attention to what downtown has to offer. It can involve marketing and branding efforts delivered via web sites, brochures, events, direct mail and a variety of other means.

## **2. Strategically pursue Financing Options to Improve**

**Downtown:** The Village of Antwerp should investigate the CDBG Downtown Revitalization Program. This program funds infrastructure improvements as well as improvements to privately owned Downtown buildings and businesses. The Competitive Downtown Revitalization Program has been re-tooled by the Ohio Development Services Agency, and is available to non-entitlement communities once again. The City should work with County officials to determine if a Downtown Revitalization grant application can be submitted on behalf of the Village of Antwerp. The grant program does allow a small administrative set-aside that could be used to pay wages for a grant coordinator.

The City should also pursue grants from the Ohio Department of Transportation (ODOT), in particular its Transportation Alternative Program (TAP). ODOT also has other programs such as the Gateway Enhancement Program that

could assist Antwerp with downtown improvement projects.

The Ohio Department of Natural Resource's (ODNR) Division of Forestry has a grant program for the purchase and planting of trees, which may or may not be funded in any given year. This is a 50% matching program on a reimbursable basis. Grants range from \$2,000 to \$20,000, and the Village can use force account labor as a match.

The Village could request funds from the Ohio Public Works Commission (OPWC) to improve infrastructure in Downtown Antwerp. Projects can include replacement and/or upgrading of waterlines, sanitary sewers, and storm drainage. This is a very competitive program with annual deadlines.

Local Transportation Improvement Program (LTIP) funds, which are also administered through OPWC can be used for street improvements, including replacement of pavement, reconstruction of streets, and associated drainage improvements.

Tax Increment Financing (TIF) Districts, while often geared more toward large scale development, could be used to promote investment in the Downtown. Large scale mixed-use development proposals including office and commercial uses might be approved based on the number of jobs created and/or private investment made. While it would not be a primary development incentive, it should not be left out of the toolbox as a possible resource to call upon. This strategy has been successfully used by other communities to fund downtown infrastructure and decorative streetscape improvements.

For larger projects in Downtown Antwerp, such as new retail stores, businesses, or restaurants, that are going to create new jobs, the Small Business Administration (SBA) may be able to provide low-interest loans through its 504 direct loan program. SBA will finance up to 50% of the total fixed asset cost, but no more than \$35,000 per new job to be created as a result of the project, provided that other SBA requirements are met.

The CDBG-Economic Development (ED) program should be investigated for any specific project in Downtown Antwerp

that will result in 10 or more new jobs being created. The Village can request up to \$500,000 in grant funds for infrastructure or up to \$500,000 to loan to a business. Up to \$25,000/new job can be requested for loans, or \$10,000 per job created for grants; 51% of those jobs must be targeted to persons from low and moderate income households. A major benefit of an ED grant is that repayments or "program income" can be used as seed money to start a local revolving loan fund.

In December 2006, both Ohio's House and Senate passed legislation creating a State Investment Tax Credit that allows a 25% tax credit for the restoration and rehabilitation of Ohio's vacant and underutilized buildings. This tax credit is a dollar-for-dollar reduction in taxes owed. Owners of buildings listed on the National Register, certified as contributing to a registered historic district, or designated by a Certified Local Government, are eligible for this credit. This highly competitive program has already spurred 157 projects in 229 buildings in 34 different communities, and has the potential to generate millions of dollars of additional reinvestment in Ohio's downtowns.



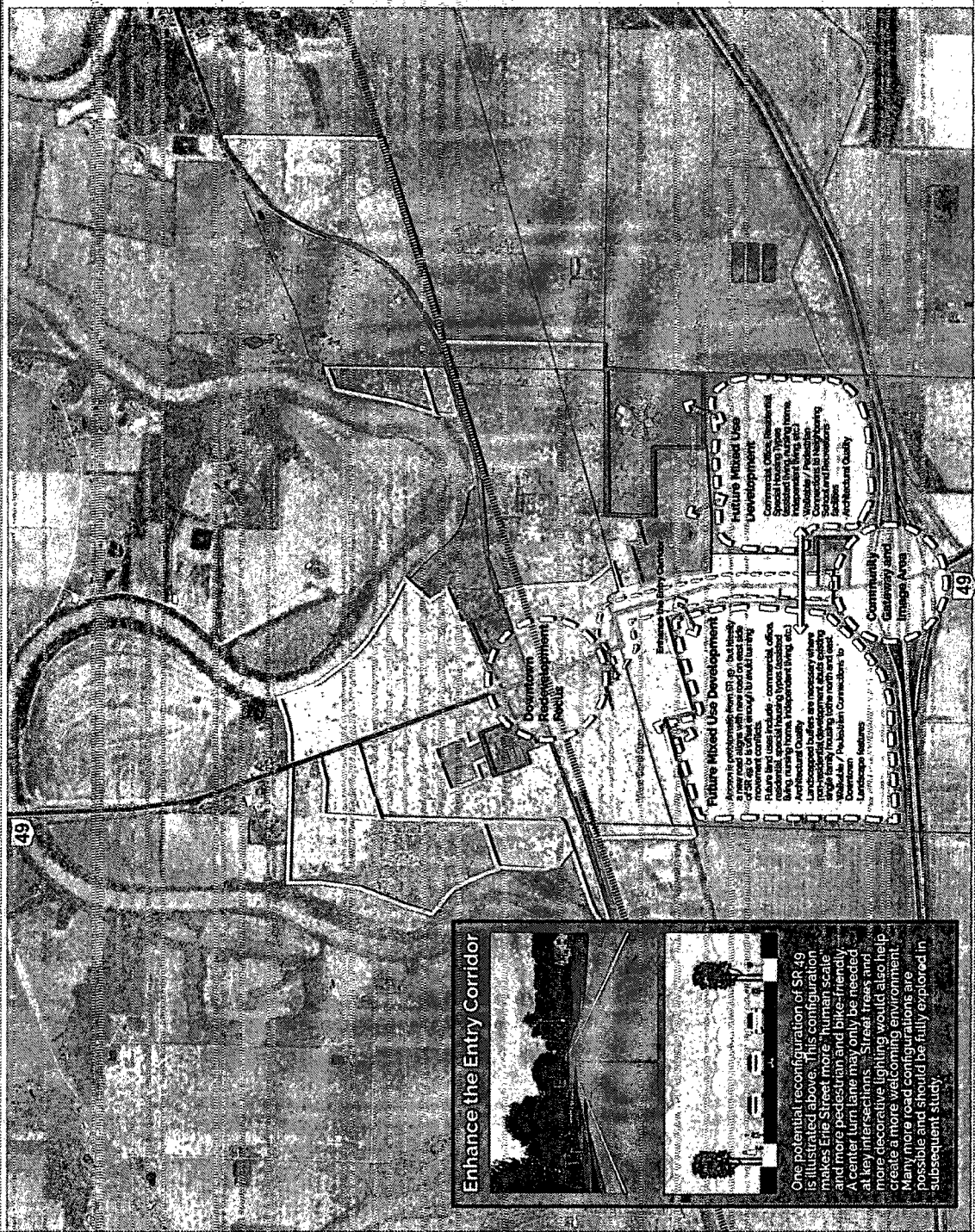
### **Develop the Non-motorized Transportation System:**

The village should address the need to develop an enhanced non-motorized transportation system on two fronts. First, there is a need to fill existing gaps in the sidewalk system as described during the visioning session. Secondly, sidewalks and pedestrian connections should be required when new construction occurs. This is particularly important in the area near US 24 and SR 49 at the south end of the village.

### **Future Land Use/Transportation Map**

Map 2 provides an illustration of future land use and transportation-related improvements and serves as a summary of key community planning principles expressed in this Comprehensive Plan.

# MAP 2 Antwerp Future Land Use



## LEGEND



### Low Density Residential

Areas that are almost exclusively single family detached housing units. Common lot sizes range from 1/4 to 1/2 acre, and density is therefore generally about 4.5 - 4 dwelling units per net acre of land.



### Medium Density Residential

Areas are generally older parts of town with detached single family housing units. In some cases, large older housing units may have been converted to duplexes. Common lot sizes range from 1/8 to 1/3 acre. Density is about 3-8 dwelling units per acre of land.



### High Density Residential

These areas include manufactured home-parks and apartment complexes. Density is generally above 8 dwelling units per acre.



### Downtown Commercial

Downtown commercial uses are often mixed uses with upper floors used as housing/office space. What distinguishes downtown commercial from other commercial uses are buildings close to the street.



### General Commercial

General commercial uses are found near downtown and along major corridors. Typically these uses exhibit an auto-orientation with front parking lots between buildings and the right-of-way.



### Industrial

Industrial areas are found on the east side of Antwerp. These include larger facilities and smaller operations. Existing grain operations downtown are classified as industrial.



### Public / Semi-Public:

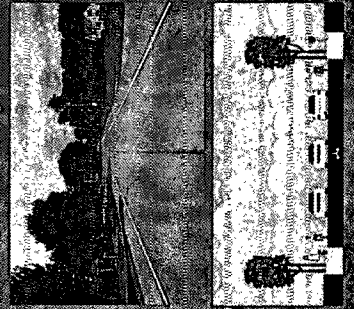
This land use category includes school facilities, centers, large churches, and libraries.



### Parks and Recreation:

This category includes municipal parks and recreation facilities associated with the local school system.

## Enhance the Entry Corridor



One potential reconfiguration of SR 49 is illustrated above. This configuration makes Erie Street more 'human scale' and more pedestrian and bike-friendly. A center turn lane may only be needed at key intersections. Street trees and more decorative lighting would also help create a more welcoming environment. Many more road configurations are possible and should be fully explored in subsequent study.

RECORD OF ORDINANCES

0255

Dayton Legal Blank, Inc.

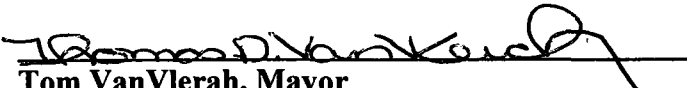
Form No. 30043

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

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

hearing on the proposed amendment, and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

PASSED THIS 16<sup>th</sup> day of June, 2014.

  
Tom VanVlerah, Mayor  
Village of Antwerp, Ohio

Attest:

  
Loretta Baker, Fiscal Officer

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

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

ORDINANCE NO: 2014-14

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE OF ANTWERP, OHIO, TO REZONE CERTAIN PARCELS IN THE VILLAGE OF ANTWERP FROM AGRICULTURAL DISTRICT (A-1) TO MULTIPLE FAMILY DISTRICT (R-2), AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Council of the Village of Antwerp passed a Resolution by emergency measure on December 16, 2013, entitled “A Resolution Initiating Amendments to the Official Zoning Map of the Village of Antwerp, Ohio, to Rezone Certain Lots in the Village of Antwerp from Agricultural to Residential”, and the Council requested the Planning and Zoning Commission to review these certain parcels in the Village for rezoning purposes; and

WHEREAS, the Planning and Zoning Commission of the Village of Antwerp recommended, by the adoption of a motion, to amend the Official Zoning Map of the Village of Antwerp and re-zone or change the classification of certain parcels in the Village of Antwerp, specifically, the parcels identified by property address and on the highlighted Zoning Map of the Village of Antwerp attached hereto as Exhibit A and incorporated herein by reference, from Agricultural District (A-1) to Multiple Family District (R-2), said recommendation made in compliance with Section 703 of the Zoning Ordinance of the Village of Antwerp, Ohio; and

WHEREAS, the Planning and Zoning Commission of the Village of Antwerp transmitted its recommendation on said proposed 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 11<sup>th</sup> day of June, 2014, in compliance with Section 708 of the Zoning Ordinance of the Village of Antwerp, Ohio, after notice of said public hearing was published and any required notice mailed to property owners in compliance with Sections 709 and 710 of the Zoning Ordinance of the Village of Antwerp, Ohio.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Paulding County, Ohio, that the Council adopts the 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 Official Zoning Map be amended and that the real estate located at the property addresses and highlighted Zoning Map of the Village of Antwerp attached hereto as Exhibit A and incorporated herein by reference, be re-zoned or the classification of this real estate changed from Agricultural District (A-1) to Multiple Family District (R-2).

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

Section 3. It is found and determined that all formal actions of the council concerning and {7100/075/00299021-1 MLF}

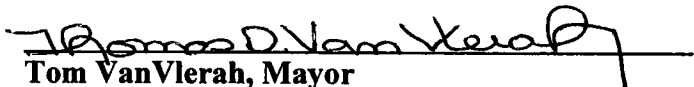
Ordinance No. \_\_\_\_\_

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

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 is deemed an emergency measure necessary for the preservation of the public health, safety and welfare, and for the further reason to comply with Section 711 of the Zoning Ordinance, which requires the Village Council to act within thirty (30) days of the public hearing on the proposed amendment, and this Ordinance 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 JUNE, 2014.

  
Tom Van Vlerah, Mayor  
Village of Antwerp, Ohio

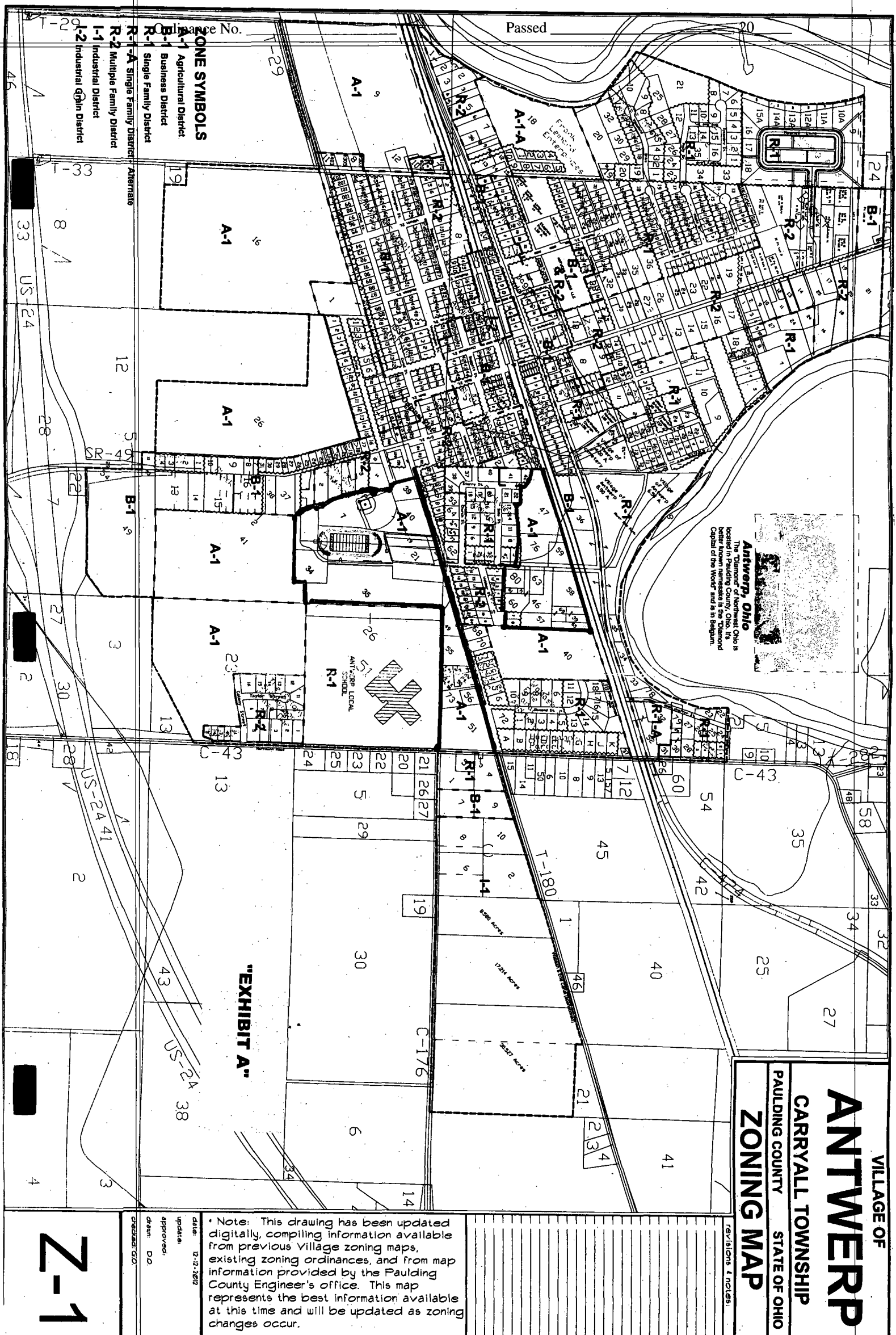
Attest:

  
Loretta Baker, Fiscal Officer

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

**EXHIBIT A**

- 1. 103 E. CANAL STREET
- 2. 303 E. CANAL STREET
- 3. 305 E. CANAL STREET
- 4. 307 E. CANAL STREET
- 5. 401 E. CANAL STREET
- 6. 403 E. CANAL STREET
- 7. 405 E. CANAL STREET
- 8. 409 E. CANAL STREET
- 9. 411 E. CANAL STREET
- 10. 201 HARRMANN ROAD
- 11. 203 HARRMANN ROAD
- 12. 109 WATERPLANT DRIVE
- 13. 110 WATERPLANT DRIVE
- 14. 103 KROOS DRIVE
- 15. 105 KROOS DRIVE
- 16. 107 KROOS DRIVE
- 17. 102 KROOS DRIVE
- 18. 104 KROOS DRIVE
- 19. 108 KROOS DRIVE
- 20. 110 KROOS DRIVE
- 21. 202 KROOS DRIVE
- 22. 204 KROOS DRIVE
- 23. 402 STONE STREET



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

**ORDINANCE NO. 2014-15****AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO  
TRANSFER \$30,000.00 FROM THE GENERAL FUND TO THE POLICE FUND,  
AND DECLARING THE SAME AN EMERGENCY**

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

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

**WHEREAS**, this is a transfer of funds pursuant to Ohio Revised Code Section 5705.14(E), which 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 Dollars and Zero Cents (\$30,000.00) from the General Fund to the Police Fund.

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

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

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

Date 7/17/14

Tom VanVlerah  
Tom VanVlerah,  
Mayor of the Village of Antwerp

Attest:

Loretta Baker  
Loretta Baker, Fiscal Officer



# RECORD OF ORDINANCES

0261

Dayton Legal Blank, Inc.

Form No. 30043

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

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

## RESOLUTION NO. 2014-08

### A RESOLUTION DETERMINING TO PROCEED WITH THE SUBMISSION TO THE ELECTORS OF THE QUESTION OF LEVYING A TAX IN EXCESS OF THE TEN-MILL LIMITATION OHIO REVISED CODE SECTIONS 5705.19, 5705.191, 5705.25, AND 5705.26

THE COUNCIL OF THE VILLAGE OF ANTWERP OF PAULDING COUNTY, OHIO, MET IN REGULAR SESSION  
OF THE COUNCIL ON THE 21st DAY OF July, 2014.

THE COUNCIL MET AT TOWN HALL FOR THE VILLAGE OF ANTWERP LOCATED AT 118 NORTH MAIN  
STREET, ANTWERP, OHIO, WITH THE FOLLOWING MEMBERS PRESENT:

Jan Reeb

Steve Derck

Rudie Reeb

Keith West

Kenneth Reinhart

Larry Ryan

Larry Ryan

MOVED THE ADOPTION OF THE FOLLOWING RESOLUTION:

WHEREAS, ON THE 19<sup>th</sup> DAY OF MAY, 2014, THE COUNCIL OF THE VILLAGE OF ANTWERP ADOPTED A  
RESOLUTION OF NECESSITY DETERMINING IT NECESSARY TO LEVY A TAX OUTSIDE THE TEN-MILL  
LIMITATION AND REQUESTING THE COUNTY AUDITOR TO CERTIFY TO THE VILLAGE OF ANTWERP THE  
TOTAL CURRENT TAX VALUATION AND THE NUMBER OF MILLS REQUIRED TO GENERATE \$50,000.00 OF  
REVENUE FOR PURPOSES PROVIDED UNDER OHIO REVISED CODE SECTION 5705.19(I) INCLUDING BUT  
NOT LIMITED TO PROVIDING AND MAINTAINING FIRE APPARATUS, APPLIANCES, AND EQUIPMENT  
INCLUDING A PUMPER/TANKER FIRE ENGINE AND FIRE GEAR FOR FIREFIGHTING PERSONNEL FOR A FIVE  
(5) YEAR PERIOD COMMENCING IN TAX YEAR 2015, FIRST DUE IN CALENDAR YEAR 2016, IN ORDER TO  
SUBMIT TO THE ELECTORS THE QUESTION OF LEVYING A TAX IN EXCESS OF THE TEN-MILL LIMITATION  
AS DESCRIBED HEREIN, A COPY OF WHICH RESOLUTION WAS CERTIFIED TO THE COUNTY AUDITOR OF  
PAULDING COUNTY; AND

WHEREAS, THE COUNTY AUDITOR HAS CERTIFIED TO THE VILLAGE OF ANTWERP THAT THE TOTAL  
CURRENT TAX VALUATION OF THE VILLAGE OF ANTWERP IS \$19,032,780.00, AND THE TAX MILLAGE  
REQUIRED TO PRODUCE \$50,000.00 OF REVENUE OVER A FIVE (5) YEAR ADDITIONAL LEVY WOULD BE  
TWO AND SIXTY THREE HUNDREDTHS (2.63) MILLS FOR EACH ONE DOLLAR (\$1.00) OF TAX VALUATION,  
WHICH IS TWENTY SIX AND THREE TENTH CENTS (\$.263) FOR EACH ONE HUNDRED DOLLARS (\$100.00)  
OF TAX VALUATION; AND

WHEREAS, THE COUNCIL OF THE VILLAGE OF ANTWERP DECLARES THAT THE AMOUNT OF TAXES WHICH  
MAY BE RAISED WITHIN THE TEN-MILL LIMITATION WILL BE INSUFFICIENT TO PROVIDE FOR THE

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

NECESSARY REQUIREMENTS OF THE VILLAGE AND IT IS NECESSARY TO LEVY A TAX IN EXCESS OF THE LIMITATION.

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

SECTION 1. THE COUNCIL OF THE VILLAGE OF ANTWERP DESIRES AND DETERMINES TO PROCEED WITH THE SUBMISSION TO THE ELECTORS OF THE QUESTION OF LEVYING A TAX IN EXCESS OF THE TEN-MILL LIMITATION FOR THE BENEFIT OF THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO FOR THE PURPOSES PROVIDED UNDER OHIO REVISED CODE SECTION 5705.19(I) INCLUDING BUT NOT LIMITED TO PROVIDING AND MAINTAINING FIRE APPARATUS, APPLIANCES, AND EQUIPMENT INCLUDING A PUMPER/TANKER FIRE ENGINE AND FIRE GEAR FOR FIREFIGHTING PERSONNEL AT A RATE NOT EXCEEDING TWO AND SIXTY THREE HUNDREDTHS (2.63) MILLS FOR EACH ONE DOLLAR (\$1.00) OF VALUATION, WHICH AMOUNTS TO TWENTY SIX AND THREE TENTHS CENTS (\$0.263) FOR EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION FOR FIVE (5) YEARS, AND WHICH LEVY IS AN ADDITIONAL LEVY.

SECTION 2. THE QUESTION OF APPROVING THE LEVY SHALL BE SUBMITTED TO THE ELECTORS OF THE VILLAGE OF ANTWERP AT THE ELECTION TO BE HELD ON THE 4<sup>TH</sup> DAY OF NOVEMBER, 2014. THE ADDITIONAL LEVY WILL BE FOR A FIVE (5) YEAR PERIOD COMMENCING IN YEAR 2015, FIRST DUE IN THE CALENDAR YEAR 2016, IN COMPLIANCE WITH THE PROVISIONS OF OHIO REVISED CODE SECTION 5705.34, IF A MAJORITY OF THE ELECTORS VOTING THEREON VOTE IN FAVOR THEREOF.

SECTION 3. THE FISCAL OFFICER OF THE VILLAGE OF ANTWERP IS DIRECTED TO CERTIFY A COPY OF THIS RESOLUTION TO THE BOARD OF ELECTIONS OF PAULDING COUNTY, OHIO, NOT LESS THAN NINETY (90) DAYS BEFORE THE ELECTION, 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.

SECTION 4. IT IS FOUND AND DETERMINED THAT ALL FORMAL ACTIONS OF THE COUNCIL OF THE VILLAGE OF ANTWERP CONCERNING AND RELATING TO THE ADOPTION OF THIS RESOLUTION WERE ADOPTED IN AN OPEN MEETING OF THE COUNCIL, AND THAT ALL DELIBERATION OF THE COUNCIL AND OF ANY OF ITS COMMITTEES THAT RESULTED IN THOSE FORMAL ACTIONS WERE IN MEETINGS OPEN TO THE PUBLIC, IN COMPLIANCE WITH LAW.

Keith West SECONDED THE RESOLUTION AND THE ROLL BEING CALL UPON ITS ADOPTION, THE VOTE RESULTED AS FOLLOWS:

<u>Larry Ryan</u>	<u>yes</u>
<u>Keith West</u>	<u>yes</u>
<u>Jan Reeb</u>	<u>yes</u>
<u>Rudic Reeb</u>	<u>yes</u>
<u>Steve Derck</u>	<u>yes</u>
<u>Kenneth Reinhart</u>	<u>yes</u>

# RECORD OF ORDINANCES

0263

Dayton Legal Blank, Inc.

Form No. 30043

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

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

ADOPTED THE 21st DAY OF July, 2014.

Loretta Baker  
FISCAL OFFICER

FIRST READING: 6-16-14

SECOND READING: 7-17-14

THIRD READING: 7-21-14

STATE OF OHIO, PAULDING COUNTY:

I, LORETTA BAKER, FISCAL OFFICER OF THE VILLAGE OF ANTWERP, OHIO, DO HEREBY CERTIFY THAT THE FOREGOING IS TAKEN AND COPIED FROM THE RECORD OF PROCEEDINGS OF THE COUNCIL OF THE VILLAGE OF ANTWERP, AND THE SAME HAS BEEN COMPARED BY ME WITH THE RESOLUTION OF SAID RECORD, AND THAT IT IS A TRUE AND CORRECT COPY THEREOF.

WITNESS MY SIGNATURE THIS 21st DAY OF July, 2014.

Loretta Baker  
FISCAL OFFICER

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

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

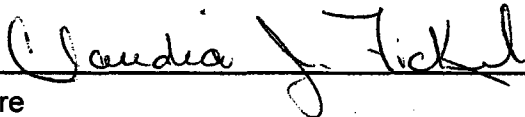
DTE 140M  
Rev. 5/11  
O.R.C. §5705.03(B)**Certificate of Estimated Property Tax Millage Rate**

Use this form when a taxing authority certifies an amount of revenue and requests the millage rate required to produce that revenue. Do not use this form for bond levies. Use form DTE 130 for all bonds.

The county auditor of Paulding County, Ohio, does hereby certify the following:

1. ~~On May 21, 2014 the taxing authority~~ of the Village of Antwerp certified a copy of its resolution or ordinance adopted May 19, 2014 requesting the county auditor to certify the current tax valuation of the subdivision and the number of mills necessary to produce \$ 50,000 of revenue, to levy a tax outside the 10-mill limitation for purposes pursuant to Ohio Revised Code section 5705.19(I) including but not limited to providing and maintaining fire apparatus, appliances, and equipment including a pumper/tanker fire engine and fire gear for firefighting personnel, to be placed on the ballot at the November 4, 2014, election. The levy type is an additional five (5) year levy.
2. The estimated property tax millage required to produce the stated revenue, assuming the tax valuation of the subdivision remains constant throughout the life of the levy, is calculated to be two and sixty three hundredths (2.63) mills for each \$1 of tax valuation, which is twenty six and three tenths cents (\$.263) for each \$100 of tax valuation.
3. The total tax valuation of the subdivision used in calculating the estimated property tax millage rate is \$19,032,780.

Auditor's signature



Date

5-23-14

**\*NOTE:** This is **ONLY** an estimate and is based on gross tax dollars collected.

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

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

**RESOLUTION NO. 2014-09**

**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 PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED FOR WATERLINE REPAIRS AND/OR REPLACEMENT ALONG WEST WOODCOX STREET; AND DECLARING THE SAME AN EMERGENCY.**

**WHEREAS**, the State Capital Improvement Program provides financial assistance to political subdivisions for capital improvements to public infrastructure; and

**WHEREAS**, the Village of Antwerp must make capital improvements to the West Woodcox Street waterlines, hydrants, valves and new services/meters; 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, County of Paulding, State of Ohio:

**Section 1.** The Mayor of the Village of Antwerp, Ohio, is hereby authorized to apply to the OPWC for funds to make capital improvements to the West Woodcox Street Waterline.

**Section 2.** The Mayor of the Village of Antwerp, Ohio, 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 West Woodcox Street, 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.

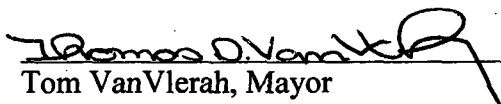
**Section 4.** It is found and determined that all formal actions of the Council of the Village of Antwerp, Ohio, concerning or relating to the passage of this Resolution were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

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

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

**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 and/or replacement on West Woodcox Street 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: 8-28, 2014.

  
Tom VanVlerah, Mayor  
Village of Antwerp

Attest:

  
Loretta Baker, Fiscal Officer

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

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

**ORDINANCE NO. 2014-16**

**AN ORDINANCE REQUIRING A PERMIT FOR THE DEMOLITION OF  
BUILDINGS LOCATED IN THE VILLAGE OF ANTWERP, OHIO;  
AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Village of Antwerp (the "Village") does not currently require any type of permit for the demolition of buildings within the Village corporation limits; and

**WHEREAS**, the demolition of buildings that have not had utilities such as gas, electric, water, and sewer properly disconnected could present a significant risk to public health and safety and failure to restore the site after demolition may lead to the creation of a nuisance.

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

**Section 1. Permit Required; Disconnection of Utilities.**

(a) No person shall demolish any building, within the boundaries of the Village, without securing a permit from the Village Administrator. An application for a demolition permit must be completed and submitted to the Village Administrator to determine if such application meets the requirements of this Ordinance. For purposes of this Ordinance, building shall mean a permanent fabrication or construction, attached or affixed to the land, consisting of foundations, walls, columns, girders, beams, floors, and a roof, or some combination of these elemental parts.

(b) As a condition of receiving a demolition permit, the owner, agent or person in control of a building to be demolished shall notify, in writing, the appropriate public authorities or utility companies serving the building (with a copy to the Village Administrator) regarding the person's intentions to demolish the building. Such notice shall include a written description detailing (1) why the building is unfit and/or unsafe for human habitation or use; (2) how the building will be demolished; (3) the protection that will be provided for all adjoining, adjacent, and abutting properties; and (4) the steps the owner will take to stabilize the property lot and surface after the demolition. Such notice shall also include a request that the utilities be disconnected. The owner, agent or person in control of the building to be demolished, or the utility company, shall provide evidence to the Village that the utilities have been discontinued. The permit will not be issued until all proper verification has been received. Proof of verification that services have been discontinued can be found on the application for a demolition permit.

**Section 2. Bond or Other Surety Required.**

Precedent to the issuance of a demolition permit, the owner, agent or person with control of the property subject to demolition shall post with the Village a performance bond, cash deposit or other surety approved by the Village Administrator to assure the Village that the demolition work will proceed as permitted. The value of the surety shall not exceed the cost associated with the demolition and site restoration. The terms of the surety shall provide that the Village may retain or claim the surety proceeds if the permit holder fails to perform the demolition activities

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

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

in accordance with the permit granted. The value of the surety may be reduced during the course of the demolition work, at the sole discretion of the Village Administrator, if, in the estimation of the Village Administrator, sufficient surety remains to assure completion of the demolition and site restoration activity.

**Section 3. Site Conditions and Disposal Requirements.**

(a) During the course of the demolition activity, the owner, agent or person in control of the property subject to the demolition shall take steps to ensure the safety of the general public. The proposed steps shall be in compliance with generally accepted building industry safety practices as may be reflected in building codes applicable in the Village and State of Ohio.

(b) Following the completion of demolition work, the owner, agent or person in control of the property subject to the demolition activity shall provide for the restoration of the site so as to address safety and nuisance, as that term is defined in Section § 3767.01 of the Ohio Revised Code, concerns, including but not limited to the following:

- (1) All such sites shall be brought to a level or other grade determined to be appropriate by the Village Administrator or designee.
- (2) All surface irregularities, wells, septic tanks, basements, cellars, sidewalks, vaults or coal chutes remaining after demolition shall be filled with compactable materials approved by the Village Administrator or designee.
- (3) The party securing the demolition permit shall provide for the safe and prompt disposal of the debris associated with the demolition and/or rehabilitation work. The debris must be placed in an appropriate container for removal by a private contractor or by the property owner, or another arrangement shall be made for the disposal of the debris on at least a weekly basis and in compliance with the rules and regulations of the Ohio Environmental Protection Agency. No property owner or permit holder shall permit the non-containerized accumulation of demolition debris on any property in the Village for a period in excess of five (5) calendar days. The time limit may be extended upon written request to the Village Administrator and at the discretion of the Village Administrator. The petitioner must provide evidence to show that extenuating circumstances prohibited the ability to place the accumulated demolition debris in an appropriate container in the 5-day time period. All debris and material associated with the demolition work must be removed from the property.
- (4) All sanitary sewer leads that served the subject demolished building must be effectively plugged with concrete at the property line, or as may be required by the Village Administrator or designee.
- (5) As soon as weather permits, the site shall be prepared (including the application of topsoil if necessary to ensure growth), and sod, grass seed or other ground cover material shall be installed to address soil erosion control. The Village Administrator



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

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

or designee may require that straw or mulch material be placed on the site that is seeded to prevent erosion and enhance the likelihood of successful growth.

**Section 3. Permitted Hours of Demolition.** Demolition activity shall be permitted between the hours of 7:00 a.m. and 8:00 p.m. only. Noise generating from demolition activity shall not create a nuisance.

**Section 4. Required Notification of Neighboring Properties.** The party receiving the demolition permit shall give written notification at least forty-eight (48) hours prior to commencement of demolition to all abutting and adjacent property owners.

**Section 5. Time Limit For Permit.** The party receiving the demolition permit must complete the demolition activity, including site restoration, within thirty (30) calendar days from the receipt of the permit. The time limit may be extended upon written request to the Village Administrator and at the discretion of the Village Administrator. The petitioner must provide evidence to show that extenuating circumstances prohibited the completion of the demolition work in the 30-day time period.

**Section 6. Demolition Permit Fee.** The fee for the issuance of a demolition permit shall be Ten Dollars (\$10.00) plus Four Dollars per one thousand square feet (\$4.00/1,000 square feet), with a maximum permit fee of Seventy-Five Dollars (\$75.00).

**Section 7. Penalty.** Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than One Hundred Dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

**Section 8. Prior Ordinances.** Previous Ordinances and Rules of the Village that are not consistent with this Ordinance are hereby set aside, revoked and held for naught.

**Section 9. Open Meetings.** 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 Section 121.22 of the Ohio Revised Code.

**Section 10. Emergency Measure.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public safety, health, peace and welfare, by reason of the fact that regulating the demolition of buildings will prevent possible injury to the citizens of this community, and this Ordinance shall be in full force and effect immediately upon its passage; otherwise, it shall take effect and be in full force after the earliest period allowed by law.

**PASSED** this \_\_\_\_\_ day of September, 2014.

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

ATTEST:

Loretta Baker  
LORETTA BAKER  
Fiscal Officer, Village of Antwerp

Thomas D. Van Vlerah  
TOM VANVLERAH, Mayor  
Village of Antwerp

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

VILLAGE OF ANTWERP  
DEMOLITION PERMIT APPLICATION  
COMMERCIAL/RESIDENTIAL

PROPERTY INFORMATION		OWNER INFORMATION	
Address _____	Lot # _____	Name _____	
Unit # _____		Address _____	
Currently Zoned As: _____		City _____	Zip _____
		Ph: _____	E-Mail _____
No permit to demolish a building shall be granted until notice of the application therefore has been given to the owners of lots adjoining the lot upon which the building is to be demolished; nor until a performance, cash deposit or other surety approved by the Village Administrator to assure the Village that the demolition work will proceed as permitted. The value of the surety shall not exceed the cost associated with the demolition and site restoration and a copy of the same must be filed with the Village Administrator.			
PROJECT INFORMATION			
Project Name/Tenant _____		Description _____	
# of Structures _____	# of Units _____	Acreage _____	Flood Zone? _____
Total Construction Square Feet _____		Ownership: Private _____	Public _____
Heating: Gas _____ Electric _____ Other _____			
Water Supply: Private _____ Public _____			
Sewage: Septic Tank _____ Public _____			
Principal Construction Type: Reinforced Concrete _____ Structural Steel _____ Wood Frame _____			
SUBMISSION CHECKLIST			
Owner's Affidavit <input type="checkbox"/>		Utility Disconnection <input type="checkbox"/>	
CONTRACTOR INFORMATION			
Name _____ dba _____			
Address _____			
Phone _____		Fax _____	e-mail _____
Signature: _____		Owner/Agent (Circle one)	
*All demolition shall proceed only on weekdays, Monday through Friday, between 7:00 a.m. and 8:00 p.m., and such demolition activity must be completed within thirty (30) days of the issuance of the permit unless specifically extended or altered by the Village Administrator.			
*The Administrator may order an inspection at any time during the demolition to assure that all procedures are being followed.			
*Asbestos report required. Asbestos will be handled and removed prior to any demolition in accordance with the Ohio Environmental Protection Agency, Division of Air Pollution Control, (614) 728-3816.			
*The debris from any building shall be thoroughly dampened to prevent circulation of dust, and the debris must be placed in an appropriate container and removed from the property.			
*The owner or demolition contractor shall call for a final inspection upon completion of the demolition.			
*Call 419-506-0205 to schedule final inspection.			
*All terms and conditions contained in Village Ordinance No. 2014-16 must be complied with by the property owner.			
FEES			
The fee for the issuance of a demolition permit shall be Ten Dollars (\$10.00) plus Four Dollars per one thousand square feet (\$4.00/1,000 s.f.) with a maximum permit fee of Seventy-Five Dollars (\$75.00)			

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

**VILLAGE OF ANTWERP**  
**DEMOLITION APPLICATION**  
**OWNER'S STATEMENT**

I (We) \_\_\_\_\_, state that I (we) own the property at \_\_\_\_\_ for which a demolition permit application is being made to the Village of Antwerp.  
(If applicable) Names of Demolition Contractor: \_\_\_\_\_ is acting as my (our) agent and will demolish the structure on the property with my (our) approval and permission after the Village of Antwerp issues a demolition permit. A copy of the notice to appropriate public authorities or utility companies is being provided to the Village Administrator, such notice detailing why the building is unfit/inhabitable, how the building will be demolished, the protection that will be provided to adjoining, adjacent, and abutting properties, and steps to be taken to stabilize the lot and surface after demolition.

**UTILITY DISCONNECTION**

I (we) verify that the utilities at the above described property have been disconnected.  
Gas \_\_\_\_\_ Electric \_\_\_\_\_ Water \_\_\_\_\_  
INITIAL TO INDICATE EACH DISCONNECTION.

**NOTARY**

Date: \_\_\_\_\_  
Signature of Property Owner(s): \_\_\_\_\_;  
Sworn to before me and subscribed in my presence this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_. Notary Public \_\_\_\_\_ My Commission Expires \_\_\_\_\_

Notary Seal Here

Submit original notarized statement.

If you have any questions regarding this form, please call  
419-258-2371  
Incomplete information may result in rejection of this submittal  
Village of Antwerp  
Village Administrator's Office  
502 W. River Street  
Antwerp, OH 45813  
419-258-2371 – Fax 419-258-1564  
antadmin@frontier.com

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

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

**ORDINANCE NO. 2014-17**

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO  
TRANSFER \$55,000.00 FROM THE GENERAL FUND TO THE POLICE FUND,  
AND DECLARING THE SAME AN EMERGENCY**

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

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

**WHEREAS**, this is a transfer of funds pursuant to Ohio Revised Code Section 5705.14(E), which 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:

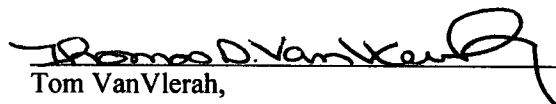
**Section 1.** The Village Fiscal Officer is hereby authorized to transfer the sum of Fifty Five Thousand Dollars and Zero Cents (\$55,000.00) from the General Fund to the Police Fund.

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

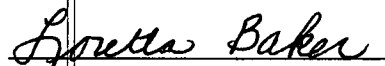
**Section 3.** It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in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

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

Date 10-27-14

  
Tom Van Vlerah,  
Mayor of the Village of Antwerp

Attest:

  
Loretta Baker, Fiscal Officer

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

ORDINANCE NO. 2014-18

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF A NOTE FOR THE PURPOSE OF  
SANITARY SEWERAGE SYSTEM IN THE VILLAGE OF ANTWERP, OHIO,  
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 \$340,770.99 shall be issued by the Antwerp  
Exchange Bank to the Village of Antwerp for the Village’s sanitary sewerage system capital  
improvement 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 2% 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  
the Note on behalf of said Village.

Section 8. It is found and determined that all formal actions of the Council concerning and  
{7100/000/00237877-1 MLF}

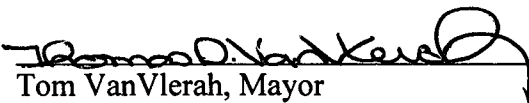
Ordinance No. \_\_\_\_\_

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


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 a sanitary sewerage system 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: 10-27-14

  
Tom VanVlerah, Mayor

Attest:

  
Loretta Baker, Fiscal Officer

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

ORDINANCE NO. 2014-19

AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO  
TRANSFER \$8,000.00 FROM THE GENERAL FUND TO THE STREET  
LIGHTING FUND, AND DECLARING THE SAME AN EMERGENCY

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

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

WHEREAS, this is a transfer of funds pursuant to Ohio Revised Code Section  
5705.14(E), which 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 Lighting 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 Dollars and Zero Cents (\$8,000.00) from the General Fund to the Street Lighting



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

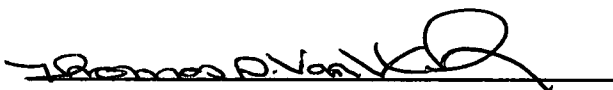
Fund.

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

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

Section 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village and for the further reason that the Village is in immediate need of funds to pay street lighting expenses 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 10-27-14



Tom VanVlerah,  
Mayor of the Village of Antwerp

Attest:

Loretta Baker  
Loretta Baker, Fiscal Officer

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

**ORDINANCE NO. 2014-20**

**AN ORDINANCE ACCEPTING THE FINAL PLAT OF THE MAUMEE LANDING SUBDIVISION - PHASE 3 (LOT 2) TO THE ADDITION TO THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO, PURSUANT TO ORDINANCE NO. 94-17, AND DECLARING THE SAME AN EMERGENCY**

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

**WHEREAS**, Olen McMichael has submitted the final plat of the Maumee Landing Subdivision - Phase 3 (Lot 2) 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 3 (Lot 2) 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 at a later date to accommodate future developments in the Maumee Landing Subdivision with the further requirement that the developer attend a meeting of the Village Council at least once each calendar year to discuss the timing for the application of the final coat of asphalt.

**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 3 (Lot 2) 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 at a later date to accommodate future developments in the Maumee Landing Subdivision, and that the final plat of the Maumee Landing Subdivision - Phase 3 (Lot 2) is hereby accepted, subject to the contingencies provided in Section 1 of Ordinance No. 94-16 and the streets not being accepted and/or dedicated to public use until such time as the final coat of asphalt has been applied. The developer shall attend a meeting of the Village Council at least once each calendar year to discuss the timing for the application of the final coat of asphalt.

**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

{7100/075/00338241-2MLF}

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

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

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, subject to the contingencies contained in Section 1 of this Ordinance.

**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 (including but not limited to a final coat of asphalt being applied), 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 Phase 3 (Lot 2) of the Maumee Landing Subdivision must be approved in order to comply with the Village's Subdivision Ordinance and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Date: 10-27-14

Tom VanVlerah  
Tom VanVlerah, Mayor

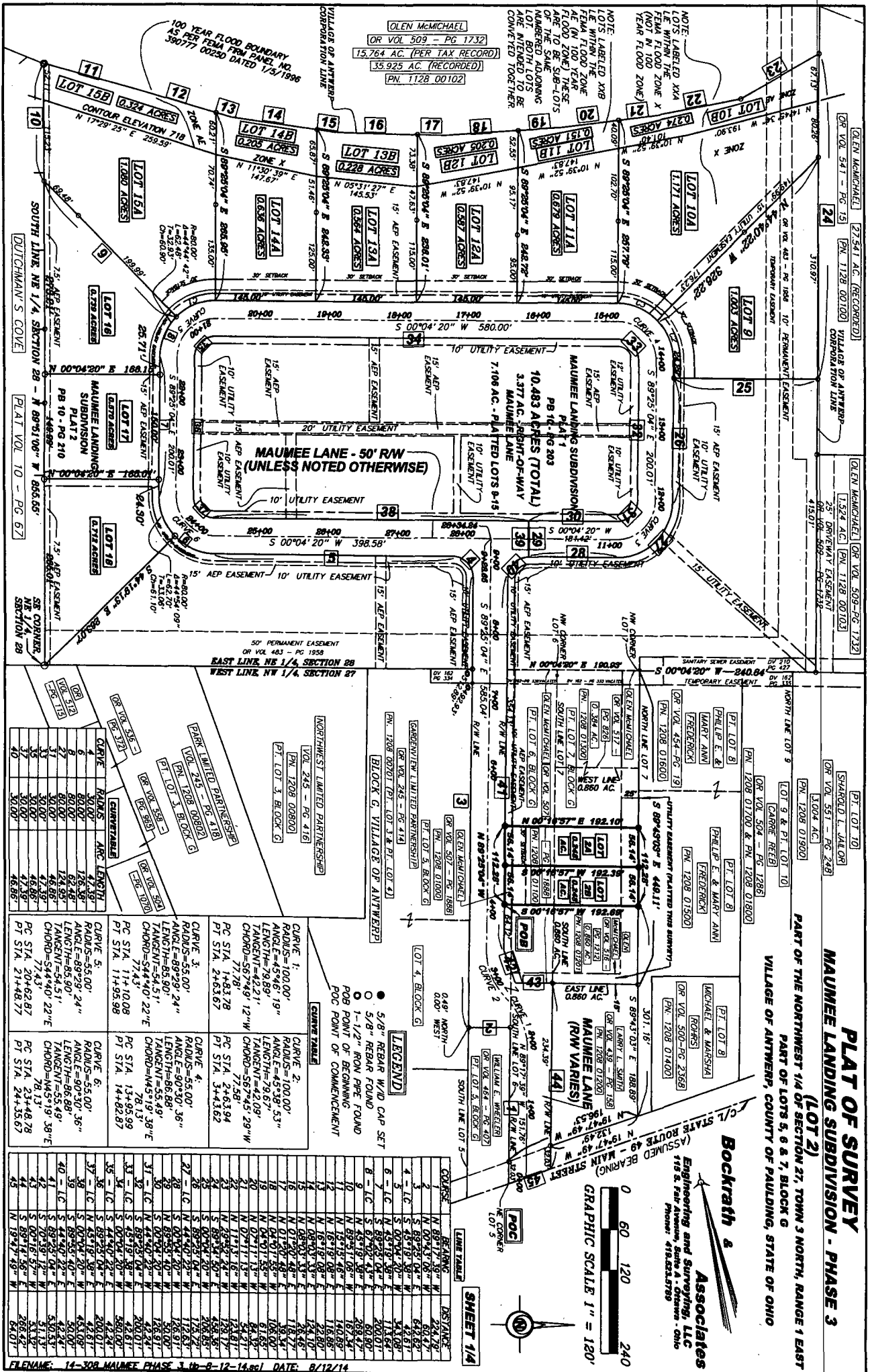
Attest:

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

Loretta Baker  
Loretta Baker, Fiscal Officer

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

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



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

**ACTION**  
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 \_\_\_\_\_ 2014

PAULDING COUNTY AUDITOR

**CERTIFICATION**

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. ON THIS DAY \_\_\_\_\_ 2014, FEE \_\_\_\_\_

PAULDING COUNTY RECORDER

**ACCEPTANCE**  
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.

BY ORDINANCE NO. 2014-20 THIS 27th DAY OF Oct

BY: James D. Van Vleet  
\*The Village of Antiwerp, accepted the final plat with the contingency that the final cost of asphalt for the streets dedicated on this plat will be applied to a later date and such a statement shall be filed with the public use unit. 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.

DATE: 10-28-14

Ed C. McMichael

OLEN MCMICHAEL

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.

SUBSCRIBED IN MY PRESENCE THIS 28th DAY OF Oct 2014



LORETTA S. BANGER  
Notary Public, State of Ohio  
My Commission Expires March 31, 2016

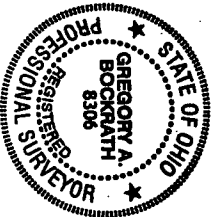
Loretta S. Banger  
NOTARY PUBLIC

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.

[Signature]

Date: 8-22-14

Bockrath & Associates  
Engineering and Surveying, LLC  
Gregory A. Bockrath P.S. No. 8306  
Registered Land Surveyor  
115 S. Fair Avenue, Suite A  
Ottawa, OH 45875  
Phone: (419) 523-5789



**Bockrath & Associates**  
Engineering and Surveying, LLC  
115 S. Fair Avenue, Suite A - Ottawa - Ohio  
Phone: 419.523.5789

**SHEET 2/4**

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

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

MAUMEE LANDING SUBDIVISION PLAT 3 (LOTS 24 & 25)  
Situating as being part of Lots 5, 6 and 7 in Block G and part of the Northwest Quarter of Section 27, 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 516, Page 1212 as recorded in the Paulding County Deed Records, Ohio and more particularly described as follows:

Commencing at a point on the centerline of Main Street (State Route 49) marking the Northeast corner of Lot Number 5 in Block G;

Thence North 19°47'49" West along said centerline a distance of 64.01 feet to a point on the North right-of-way line of Maumee Lane in Maumee Landing Subdivision Plat 1 as recorded in Plat Book 10, Page 203 of the Paulding County Record of Plats;

Thence along the perimeter of said North right-of-way line the following four (4) courses:

North 89°14'56" West a distance of 266.42 feet to a 5/8 inch rebar found and passing a 5/8 inch rebar found at 32.03 feet;

South 00°16'57" West a distance of 53.32 feet to a point;

South 70°39'12" West a distance of 51.13 feet to a point;

North 89°25'04" West a distance of 64.12 feet to a 5/8 inch rebar with ID cap set and the POINT OF BEGINNING;

Thence continuing North 89°25'04" West along said North right-of-way line of Maumee Lane a distance of 112.28 feet to a 5/8 inch rebar with ID cap set and passing a 5/8 inch rebar with ID cap set at 56.14 feet;

Thence North 00°16'57" East along a new division a distance of 192.10 feet to a 5/8 inch rebar with ID cap set on the North line of Lot 7 in Block G;

Thence South 89°43'03" East along said North line a distance of 112.28 feet to a 5/8 inch rebar with ID cap set and passing a 5/8 inch rebar with ID cap set at 56.14 feet;

Thence South 00°16'57" West along a new division a distance of 192.69 feet to the POINT OF BEGINNING, said tract containing 0.496 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 August, 2014, 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  
115 E. Fair Avenue, Suite A - Ottawa, Ohio  
Phone: 419.821.5789

SHEET 3/4

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

RESTRICTIONS FOR ~~IMPROVEMENTS~~ 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 insure 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-divider 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 some 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 this 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 relating 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 allowed to 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 owing 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. Invalidity 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  
118 S. Fair Avenue, Suite A - Ottawa - Ohio  
Phone: 419.523.5789

**SHEET 4/4**



RECORD OF ORDINANCES

0285

Form No. 30043

Dayton Legal Blank, Inc.

R 2014-10

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

Ordinance No.

(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

(Village Council)

Revised Code, Secs. 5705.34, - .35.

The Council of the Village of Antwerp, Paulding County, Ohio, met in Regular session on the 17th day of November 2014, at the office of Village Town Hall with the following members present:

Jan Reeb  
Larry Ryan  
Steve Derck  
Rudic Reeb  
Keith West  
Ken Reinhart

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>, 2015; 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	\$34259.		1.80	
1976 FIRE Levy		13391.		2.00
1984 Police Levy		59551.		5.50
1986 EMS Levy		5415.		.50
2006 Cemetery		14433.		.80
2008 FIRE & EMS Levy		18502.		1.00
2004 POLICE		33984.		2.00
2005 Current Expense		18042.		1.00
Total	\$34259.	\$163318.	1.80	12.80

\$14,759,070. Ag/Res  
3,347,270. Com/In  
926,440. PP  
19,032,780. Total

Schedule B

Levies Outside 10 Mill Limitation, Exclusive of Debt Levies

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

Fund	Date of Vote	Maximum Rate Authorized To Be Levied	County Auditor's Estimate of Yield of Levy (Carry to Schedule A, Column II)
<b>Special Revenue Funds:</b>			
1976 FIRE levy authorized by voters on for not to exceed CONT years.	11-05-85	2.00	\$13391.
1984 POLICE Levy authorized by voters on for not to exceed CONT years.	05-08-84	5.50	\$59551.
1986 EMS Levy authorized by voters on For not to exceed CONT years.	11-04-86	.50	\$5415.
2006 Cemetery Levy authorized by voters on for not to exceed 5 years.	11-08-11	.80	\$14433.
2008 FIRE & EMS Levy authorized by voters on for not to exceed 5 years.	11-06-12	1.00	\$18502.
2004 POLICE Levy authorized by voters on for not to exceed 5 years.	11-03-09	2.00	\$33984.
2005 CURRENT EXPENSE Levy authorized by voters on for not to exceed 5 years.	11-02-10	1.00	\$18042.

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

- Mr./Ms. Jan Reeb yes
- Mr./Ms. Steve Derek yes
- Mr./Ms. Larry Ryan yes
- Mr./Ms. Keith West yes
- Mr./Ms. Ken Reinhart yes
- Mr./Ms. Rudie Reeb yes
- Mr./Ms. \_\_\_\_\_
- Mr./Ms. \_\_\_\_\_

Adopted the 17th day of November, 2014.

Attest:

Loretta Baker Clerk of Council  
Janice A Reeb President of Council

CERTIFICATE OF COPY  
Original On File

The State of Ohio, Paulding County, ss.

I, Loretta Baker Clerk of the Council of the Village of Antwerp

# RECORD OF ORDINANCES

0287

Dayton Legal Blank, Inc.

Form No. 30043

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

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 minutes of the regular Council Meeting

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 17th day of November 2014  
Louetta 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. 2014-10

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 11-17, 2014

Louetta Baker, Clerk of Council

Filed **FILED** 2014

NOV 19 2014 County Auditor.

By PAULDING COUNTY Deputy.

1st Reading 9-15-14  
 2nd Reading 10-27-14  
 3rd Reading 11-17-14

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

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

RESOLUTION NO. 2014-11

A RESOLUTION AUTHORIZING THE VILLAGE OF ANTWERP, OHIO TO PARTICIPATE IN THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM, AND DECLARING THE SAME AN EMERGENCY

WHEREAS, Ohio's Cooperative Purchasing Act. (AM. Sub. H.B. No. 100), was signed into law on December 4, 1985; and

WHEREAS, effective March 6, 1986, Ohio's Cooperative Purchasing Act provides the opportunity for counties, townships, municipal corporations, regional transit authorities, regional airport authorities or port authorities and school districts, conservancy districts, township park districts and park districts and other authorities, to participate in contracts distributed by the State of Ohio, Department of Administrative Services, Office of Cooperative Purchasing for the purchase of supplies, services, equipment and certain materials.

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

**Section 1.** That the Administrator of the Village of Antwerp, Ohio hereby requests authority in the name of the Village of Antwerp, Ohio to participate in state contracts which the Department of Administrative Services, Office of State Purchasing has entered into and the Office of Cooperative Purchasing has distributed for the purchase of supplies, services, equipment and certain other materials pursuant to Ohio Revised Code Section 125.04.

**Section 2.** That the Village Administrator is hereby authorized to agree in the name of the Village of Antwerp, Ohio to be bound by all contract terms and conditions as the Department of Administrative Services, Office of Cooperative Purchasing prescribes. Such terms and conditions may include a reasonable annual membership fee to cover the administrative costs which the Department of Administrative Services incurs as a result of the Village's participation in the contract. Further, that the Village Administrator does hereby agree to be bound by all such terms and conditions and to not cause or assist in any way the misuse of such contracts or make contract disclosures to non-members of the Coop for the purpose of avoiding the requirements established by O.R.C. Section 125.04.

**Section 3.** That the Village Administrator is hereby authorized to agree in the name of the Village of Antwerp, Ohio to directly pay the vendor, under each such state contract in which it participates for items it receives pursuant to the contract, and the Village Administrator does hereby agree to directly pay the vendor.

**Section 4.** That the Fiscal Officer of the Village of Antwerp, Ohio is hereby directed to file a certified copy of this Resolution after passage with the Office of Cooperative Purchasing. The Fiscal Officer is also hereby authorized to pay the

# RECORD OF ORDINANCES

0289

Dayton Legal Blank, Inc.

Form No. 30043

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

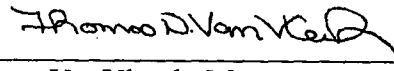
Passed \_\_\_\_\_, 20\_\_\_\_

appropriate annual fee for participation in the State of Ohio Cooperative Purchasing Program.

**Section 5.** 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 O.R.C. Section 121.22.

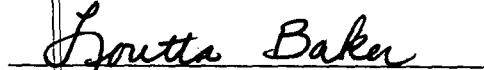
**Section 6.** This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village and for the further reason that it is necessary to pass this Resolution in order for the Village to participate in the State of Ohio Cooperative Purchasing Program, 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 17th day of November, 2014.



Tom VanVlerah, Mayor  
Village of Antwerp

Attest:

  
Loretta Baker, Fiscal Officer

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

ORDINANCE NO. 2014-23

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF A NOTE FOR THE PURPOSE  
OF A WATERWORKS SYSTEM IN THE VILLAGE OF ANTWERP, OHIO,  
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 \$94,406.01 shall be issued by the Antwerp Exchange Bank to the Village of Antwerp for the Village's waterworks system capital improvement 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 2% 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 the Note on behalf of said Village.

# RECORD OF ORDINANCES

0291

Dayton Legal Blank, Inc.

Form No. 30043

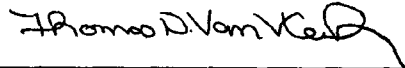
Ordinance No. \_\_\_\_\_

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

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.

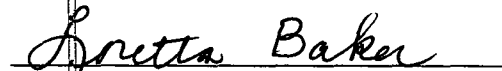
Section 9. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village and for the further reason that the Village is in immediate need of a waterworks system for the well being of the residents and this 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: 11-17-14



Tom Van Vlerah, Mayor

Attest:

  
Loreta Baker, Fiscal Officer

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

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

**ORDINANCE NO. 2014-24****AN ORDINANCE AUTHORIZING THE MAYOR OF THE VILLAGE OF ANTWERP  
TO ENTER INTO AN ADDENDUM OF THE LEASE AGREEMENT WITH  
METALINK TECHNOLOGIES, INC. AND QUALSTAR COMMUNICATIONS, INC.,  
AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Village of Antwerp entered into a Lease Agreement with MetaLINK Technologies, Inc. and QualStar Communications, Inc., said Lease Agreement dated August 15, 2011; and

**WHEREAS**, the Lease Agreement provided for internet access to the Village of Antwerp at certain locations, including the former offices of the Village Administrator and Utility Billing Clerk on Water Plant Drive; and

**WHEREAS**, the Village no longer needs internet access at the former offices located on Water Plant Drive but does need internet access for security cameras located in the Riverside Park; and

**WHEREAS**, the Lease Agreement, by and between the Village of Antwerp, MetaLINK Technologies, Inc. and QualStar Communications, Inc. allows for the Lease Agreement to be modified only by a written instrument signed by all parties; and

**WHEREAS**, in order to modify the Lease Agreement to remove one location and add another for internet access, the parties have agreed to enter into an Addendum to the Lease 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, Ohio, is hereby authorized to enter into the Addendum to the Lease Agreement with MetaLINK Technologies, Inc. and QualStar Communications, Inc., said Addendum allowing the modification to include internet access to be provided to the Village at the Riverside Park and removing internet access capabilities to the former offices of the Village Administrator and Utility Billing Clerk on Water Plant Drive. The Addendum to Lease Agreement is attached hereto and incorporated herein by reference.

**Section 2.** The Council for the Village of Antwerp, Ohio, authorizes the Mayor of the Village of Antwerp to execute the Addendum as allowed by the Lease Agreement dated August 15, 2011.

**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 an Addendum to the Lease Agreement is necessary in order to allow internet access as contemplated therein, 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 17th day of November, 2014.

**ATTEST:**

Loretta Baker  
Loretta Baker, Fiscal Officer

Tom VanVlerah  
Tom VanVlerah, Mayor  
Village of Antwerp



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

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

## ADDENDUM TO LEASE AGREEMENT

**THIS ADDENDUM** is to amend and modify a Lease Agreement between the Village of Antwerp, Ohio, and MetaLINK Technologies, Inc. and QualStar Communications, Inc., which Lease Agreement was entered into as of the 15<sup>th</sup> day of August, 2011.

These amendments are permitted pursuant to Section 12, entitled Entire Agreement and Binding Effect, of our Lease Agreement dated August 15, 2011, which allows for amendments by a written instrument signed by the parties to the Lease Agreement.

1. Section 4, entitled Rent, is amended to read:

In consideration for the lease of the Premises, Tenant shall continue to provide Landlord with internet access suitable to efficient conduct of Landlord's governmental and utility operations without charge, as specified in Tenant's Business Wireless SOHO Plan. Existing service to Landlord's Town Hall at 118 North Main Street and the EMS Building at 204 West Daggett Street shall be upgraded to fiber optic. Tenant agrees to continue to provide internet access in accordance with the terms and conditions of this Lease at the following locations:

Antwerp Village Fiscal Officer & Antwerp Police Department  
Antwerp Mayor's Clerk & Antwerp EMS Billing Clerk  
118 N. Main Street  
Antwerp, OH 45813  
(Tenant agrees to provide fiber optic at this location.)

Antwerp Fire Department  
203 Cleveland Street  
Antwerp, OH 45813

Antwerp EMS  
204 W. Daggett Street  
Antwerp, OH 45813  
(Tenant agrees to provide fiber optic at this location.)

Antwerp Waste Water Plant  
13744 Rd 43  
Antwerp, OH 45813

Riverside Park  
301 E. River  
Antwerp, OH 45813

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

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

Over the term of this Lease and any extensions thereof, Tenant agrees to provide Landlord sufficient access and internet use speeds sufficient to enable Landlord to access and use the internet in a manner that is appropriate to the conduct of municipal operations as judged by customary standards of the industry as they evolve over time. All services shall be provided in accordance with Tenant's customary terms and conditions of service and Landlord shall execute Tenant's standard service agreement even though services are to be provided without charge.

In further consideration, Tenant agrees to allow Landlord to connect the telemetry system at the Structure (water tower located at 302 East Washington Street) to Tenant's generator to be constructed and maintained by Tenant on the Premises. Tenant also agrees to continue to provide a discounted service plan to the residents of the Landlord in consideration for this Lease.

All other terms and conditions of the Lease Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Addendum this 17th day of November, 2014.

Tom VanVlerah  
Tom VanVlerah, Mayor  
Village of Antwerp

ATTEST:

Loretta Baker  
Loretta Baker, Fiscal Officer

APPROVED AS TO FORM:

Melanie L. Farr  
Melanie L. Farr, Village Solicitor

**MetaLINK Technologies, Inc.**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**QualStar Communications, Inc.**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_ 19\_\_\_\_  
ORDINANCE NO. 2014-21

## AN ORDINANCE AUTHORIZING THE CHANGE OF WATER RATES 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 fund in order to operate this utility 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 to increase water rates effective January 1, 2015, as well as water rates effective January 1, 2016, and January 1, 2017.

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

Section 1. Water rates shall be increased 5% effective January 1, 2015. An increase of 5% shall also be implemented on January 1, 2016, and January 1, 2017, which rate increases will be reviewed annually to determine whether the increases established herein are sufficient.

Section 2. The quarterly water rates for users/consumers within the Village corporation limits effective January 1, 2015 will be as follows: a minimum of \$19.16 for each tap plus \$4.82 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 \$2.85 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 quarterly water rates effective January 1, 2015, January 1, 2016 and January 1, 2017, will be as follows:

January 1, 2015	\$19.16 minimum charge plus \$4.82 for each one thousand (1,000) gallons
January 1, 2016	\$19.16 minimum charge plus \$5.06 for each one thousand (1,000) gallons
January 1, 2017	\$19.16 minimum charge plus \$5.31 for each one thousand (1,000) gallons

Quarterly water rates effective January 1, 2015, January 1, 2016 and January 1, 2017, for those users/consumers qualifying for the homestead tax exemption will be as follows:

January 1, 2015	\$15.24 minimum charge plus \$2.85 for each one thousand (1,000) gallons
January 1, 2016	\$15.24 minimum charge plus \$2.99 for each one

Ordinance No. ....

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

	thousand (1,000) gallons
January 1, 2017	\$15.24 minimum charge plus \$3.14 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 trailers, and any other living community containing more than one residential unit, which will be collectively referred to herein as "Multiple Unit Dwelling".

Section 4. Water may be purchased at the waterworks facility located in the Village of Antwerp. The purchase price of said water effective January 1, 2015, will be as follows: \$4.94 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 facility. Each purchaser shall be billed once each year on the first day (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. The water rates effective January 1, 2015, January 1, 2016, and January 1, 2017, for the purchase of bulk water, will be as follows:

January 1, 2015	\$4.94 for each one thousand (1,000) gallons
January 1, 2016	\$5.19 for each one thousand (1,000) gallons
January 1, 2017	\$5.44 for each one thousand (1,000) gallons

Section 5. User/consumers of water outside of 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 \$33.52 for each tap, plus \$8.43 for each one thousand (1,000) gallons of all water used, effective January 1, 2015. The quarterly water rates effective January 1, 2015, January 1, 2016, and January 1, 2017, for users/consumers of water outside of the Village corporation limits will be as follows:

January 1, 2015	\$33.52 minimum charge plus \$8.43 for each one thousand (1,000) gallons
January 1, 2016	\$33.52 minimum charge plus \$8.85 for each one thousand (1,000) gallons
January 1, 2017	\$33.52 minimum charge plus \$9.30 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

Ordinance No. ....

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

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. Each occupied unit within a Multiple Unit Dwelling shall pay the minimum water charge provided herein. In the event that water 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.

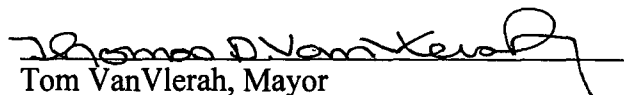
Section 9. The amounts to be charged and paid by industrial users/consumers of water utility services in the Village of Antwerp are established by the contracts in effect for each industrial user/consumer.

Section 10. Previous Ordinances and/or any provisions thereof and rules of the Village of Antwerp that are not consistent with this Ordinance are hereby set aside, revoked, and held for naught.


Section 11. 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 12. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

Enacted this 15th day of December, 2014.

  
Tom VanVlerah, Mayor

Attest:

  
Loretta Baker, Fiscal Officer  
{7100/075/00340491-1 LF}

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_ 19 \_\_\_\_\_

First reading: 10-27-14  
Second reading: 11-17-14  
Third reading: 12-15-14

Ordinance No. ....

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

*CUT OFF  
SEQUENCE*

## ORDINANCE NO. 2014- 22

### AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR TO LET BIDS FOR THE COLLECTION AND REMOVAL OF RESIDENTIAL 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 residential garbage, rubbish, refuse and bulky waste from the Village of Antwerp; and

**WHEREAS**, the Council of the Village of Antwerp deems it acceptable for commercial users/consumers to independently contract for the aforesaid services so that the letting of bids will apply only to the collection of residential solid waste.

**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 residential garbage, rubbish, refuse, and bulky waste from the Village of Antwerp, Ohio. The principal items of the required services include the regular weekly collection of waste generated by residential customers located within the Village of Antwerp, Ohio, and bulky waste collection from residential customers on a monthly basis.

**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.

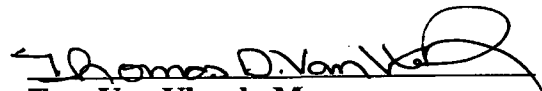
**Section 3.** That the letting of bids by the Village of Antwerp in this respect will not apply to the collection of commercial solid waste. Commercial users/consumers shall include schools, factories, wholesale, retail and service oriented operations, mobile home parks, and multiple family dwellings with three or more residential units in the same structure.

**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.

Ordinance No. ....

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

Enacted this 15th day of December, 2014  
Tom Van Vlerah, Mayor

## ATTEST:

  
Loretta Baker, Fiscal OfficerFirst Reading: 10-27-14Second Reading: 11-17-14Third Reading: 12-15-14



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

## RESOLUTION NO. 2014-12

### A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH PIERCE MANUFACTURING, INC. TO PURCHASE A FREIGHTLINER FXP PUMPER FOR THE VILLAGE FIRE DEPARTMENT; AND DECLARING THE SAME AN EMERGENCY

**WHEREAS**, the residents of the Village of Antwerp passed a levy for the purchase of a fire engine and related equipment; and

**WHEREAS**, the Council for the Village of Antwerp passed Resolution No. 2014-11 for the Village Administrator to purchase supplies, services, equipment and certain other materials from the Department of Administrative Services, Office of State Purchasing, known as the State Cooperative Purchasing Program; and

**WHEREAS**, Pierce Manufacturing, Inc. has presented a Purchase Agreement to the Village of Antwerp for a Freightliner FXP Pumper and the Village Administrator, as the agent of the Village under the State Cooperative Purchasing Program, is the proper person to enter into the Purchase Agreement for the purchase of a fire engine for the Village Fire Department.

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

**Section 1.** The Village Administrator is authorized to enter into the Purchase Agreement with Pierce Manufacturing, Inc. for a Freightliner FXP Pumper, said Purchase Agreement attached hereto and incorporated herein by reference.

**Section 2.** The funds to purchase this fire engine will be obtained in significant part from a loan through the Antwerp Exchange Bank, which loan will be repaid through funds collected from the levy in place for such purpose. Any funds needed in excess of the loan amount for this purchase shall be paid from the fire fund.

**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 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 a new fire engine 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: 11-24, 2014.

  
TOM VanVLERAH, Mayor

ATTEST:

  
LORETTA BAKER, Fiscal Officer

{7100/077/00351220-1 MLF}  
7100/077/00351220-1 MLF

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

ORDINANCE NO. 2014-25

AN ORDINANCE AUTHORIZING THE FISCAL OFFICER OF THE VILLAGE OF ANTWERP, OHIO TO AMEND APPROPRIATIONS AND DECLARING IT AN EMERGENCY

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

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

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

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

FUND	DESCRIPTION	NEW APPROPRIATION	
		AMOUNT	
		Original	New Amount
A1 3B 211	Park Salaries	\$14,700.00	\$17,300.00
A1 3B 212	Park Benefits	\$11,300.00	\$13,700.00
A1 3B 220	Parks Travel and Training	\$100.00	\$107.52
A1 3B 240	Park Oper and Maint	\$9,000.00	\$6,000.00
A1 6A 250	CRA Capital Outlay	\$15,000.00	\$3,386.78
A1 7A 211	General Mayor Salary	\$8,000.00	\$8,004.00
A1 7B 211	Council/Administrator Salary	\$19,600.00	\$19,779.84
A1 7B 2111	Administrator Salary	\$4,161.60	\$5,123.00
A1 7B 2121	Administrator Benefits	\$2,800.00	\$3,750.00
A1 7B 230	Council Contractual	\$17,000.00	\$12,000.00
A1 7C 230	Mayors Court Contractual	\$1,000.00	\$1,200.00
A1 7C 240	Mayors Court Operation	\$2,500.00	\$3,600.00
A1 7D 212	Fiscal Officer Benefits	\$12,750.00	\$14,250.00
A1 7E 250	Lands and Buildings Capital	\$8,000.00	\$11,181.39
A1 7J 230	Workman's Comp	\$16,800.00	\$8,565.07
A1 7K 230	Solicitor Contractual	\$18,000.00	\$18,542.50
A1 7K 270	General Fund Transfer	\$188,000.00	\$194,000.00

Cemetery  
Land

Street  
Fund-  
snow

RECORD OF ORDINANCES

0297

Dayton Legal Blank, Inc.

Form No. 30043

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

B1 6B 212	Street Maint & Repair Benefits	\$9,900.00	\$10,900.00
B1 6B 250	Street Maint Repair Capital	\$7,000.00	\$1,150.00
B1 6C 230	Street Cleaning Snow Removal	\$3,000.00	\$10,996.00
B1 6C 240	Street Cleaning Snow Removal	\$1,500.00	\$3,950.00
B1 6D 2611	Loan CE13P -Cleve-Wash	\$964.71	\$1,929.42
B1 6D 230	Street Contractual (Poggemeyer)	\$5,000.00	\$2,323.32
B2 6A 250	State Highway Capital Improvement	\$5,000.00	\$21,626.66
B6 7A2501	FEMA	\$0.00	\$600.00
B9 1A 220	Fire Travel & Training	\$1,000.00	\$1,668.00
B9 1A 230	Fire Contractual Services	\$10,000.00	\$11,000.00
B9 1A 240	Fire Operattion and Maint	\$9,000.00	\$9,100.00
B111B 220	EMS Travel and Training	\$9,500.00	\$9,830.42
B111B 2501	EMS Vehicle Replacement	\$8,000.00	\$0.00
B153B 240	Vets Memorial Fund	\$600.00	\$1,068.39
E1 5A 212	Water Office Clerk Benefits	\$6,400.00	\$6,900.00
E1 5B 211	Water Billing Clerk Salary	\$5,728.32	\$5,950.00
E1 5B 212	Water Billing Clerk Benefits	\$895.00	\$980.00
E1 5D 211	Water Filtration Salary	\$66,700.00	\$68,000.00
E1 5D 212	Water Filtration Benefits	\$33,500.00	\$38,000.00
E1 5F 230	Water Distribution Contractual	\$6,000.00	\$14,239.50
E1 5G 250	Water Meters Capital Outlay	\$9,000.00	\$0.00
E1 5H 240	Water Automotive Oper	\$5,000.00	\$5,200.00
E1 5J 250	Other Equipment Capital Outlay	\$15,000.00	\$0.00
E25A212	Sewer Clerk Benefits	\$6,400.00	\$6,900.00
E2 5A 230	Sewer Clk Contractual	\$700.00	\$750.00
E2 5B 211	Sewer Billing Clerk Salary	\$2,864.16	\$2,970.00
E2 5B 212	Sewer Billing Clerk Benefits	\$450.00	\$487.00
E2 5C 211	Sewer Pumping Salary	\$57,500.00	\$60,000.00
E2 5C 212	Sewer Pumping Benefits	\$27,600.00	\$31,500.00
E2 5C 240	Sewer Pumping Oper & Maint	\$12,000.00	\$4,500.00
E2 5D 240	Automotive Equipment Oper & Maint	\$5,000.00	\$11,500.00
E2 5F 240	Other Supplies and Equip	\$1,000.00	\$1,100.00
E2 5F 250	Other Cap Outlay	\$1,500.00	\$4,705.00
E146D 211	Storm Sewer Wages	\$2,900.00	\$3,000.00
E146D 212	Storm Sewer Benefits	\$450.00	\$465.00
G5 2A270	Cemetary Trust Transfer	\$14,200.00	\$15,027.32
G8 7X 275	Mayors Ct Payment to State	\$4,000.00	\$8,822.00

Kennedy-  
water  
breaks

Skid  
Loader  
Repair

Buckeye  
Pump

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

G8 7X 2751	Mayors Ct Payment to Village	\$12,000.00	\$28,140.16
H1 1A 211	Police Salary	\$120,500.00	\$132,000.00
H1 1A 230	Police Contractual	\$19,000.00	\$15,000.00
H1 1A 240	Police Operation and Maint	\$14,000.00	\$20,500.00
H3 1A 230	Street Lighting	\$21,000.00	\$22,295.75

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

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

Date 12-15-14

Mayor Thomson D. Van Vleet

Attest:

Loretta Baker  
Fiscal Officer

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

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

**ORDINANCE NO. 2014-26**

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, 2015, and declaring the same an emergency.

Section 1. BE IT ORDAINED by the Council of Village of Antwerp, State of Ohio, that, to provide for the current expenses and other expenditures of the said Village of Antwerp during the fiscal year ending December 31, 2015 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 R.C. 5705.40 , the sum of **\$457,495.71**.

Section 3. That there be appropriated from the **STREET CONSTRUCTION, MAINTENANCE AND REPAIR FUND** in the sum of **\$85,638.12**.

Section 4. That there be appropriated from the **STATE HIGHWAY AND IMPROVEMENT FUND** in the sum of **\$12,000.00**.

Section 5. That there be appropriated from the **STORM SEWER FUND** in the amount of **\$ 37,038.92**.

Section 6. That there be appropriated from the **FED-MAYOR'S COURT FUND** in the sum of **\$ 3,500.00**

Section 7. That there be appropriated from the **LAW ENFORCEMENT TRAINING** in sum of **\$0**.

Section 8. That there be appropriated from the **PERMISSIVE TAX BUDGET** in the sum of **\$ 14,000.00**.

Section 9. That there be appropriated from the **FIRE FUND** in the sum of **\$ 302,597.00**.

Section 10. That there be appropriated from the **EMS FUND** in the sum of **\$ 90,000.00**.

Section 11. That there be appropriated from the **WATER FUND** in the sum of **\$470,190.09**

Section 12. That there be appropriated from the **SEWER FUND** in the sum of **\$ 614,312.17**.

Section 13. That there be appropriated from the **DEPOSIT FUND** in the sum of **\$800.00**.

Section 14. That there be appropriated from the **CEMETERY FUND** in the sum of **\$ 15,500.00**.

Section 15. That there be appropriated from the **INDIGENT DRIVER FUND** in the sum of **\$0**.

Section 16. That there be appropriated from the **FOJ FUND** in the sum of **\$0**.

Section 17. That there be appropriated from the **POLICE FUND** in the sum of **\$ 220,510.00**.

Section 18. That there be appropriated from the **STREET LIGHTING FUND** in the sum of **\$23,000.00**.

Section 19. That there be appropriated from the **EMS VEHICLE REPLACEMENT FUND** in the sum of **\$0**.

Section 20. That there be appropriated from the **VET'S MEMORIAL FUND** in the sum of **\$600.00**.

Section 21. That there be appropriated from the **MAYOR'S COURT ACCOUNT FUND** in the sum of **\$28,900.00**

Section 22. That there be appropriated from **SAFE ROUTES TO SCHOOL FUND** in the sum of **\$36,566.00**.

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

~~Section 23. Total of all appropriations \$2,412,648.01.~~

SECTION 24 .And the Fiscal Officer is hereby authorized to draw warrants on the Village Fiscal Officer for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore approved by the board or officers authorized by law to approve the same, or an ordinance or resolution of council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance. Provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the village, and for purposes other than those covered by other specific appropriations herein made.

SECTION 25. 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 26. 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.

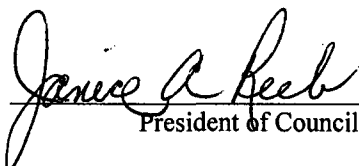
#### CERTIFICATE

**Section O.R.C 5705.39, -**"No appropriation measure shall become effective until the county auditor files with the appropriating authority a certificate that the total appropriations from each fund, taken together with all other outstanding appropriations, do not exceed such official estimate or amended official estimate. When the appropriation does not exceed such official estimate, the county auditor shall give such certificate forthwith upon receiving from the appropriating authority a certified copy of the appropriation measure."

The State of Ohio Paulding County,

I, Loretta Baker, Fiscal Officer of Village of Antwerp in said County, and in whose custody the Files, Journals, and Records of the Village of Antwerp, Ohio 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 and has been compared by me with the said original and that the same is a true and correct copy thereof.

Passed 12-15-14

  
President of Council

Attest: Loretta Baker Fiscal Officer

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

ORDINANCE NO. 2014-27

AN ORDINANCE ESTABLISHING COMPENSATION FOR THE  
VILLAGE OF ANTWERP, OHIO FOR THE CALENDAR YEAR 2015,  
AND DECLARING THE SAME AN EMERGENCY

WHEREAS, it is desirable that the compensation of Village officials, employees, appointees, and volunteers for the Village of Antwerp, Ohio for the year 2015 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 2015, the compensation of Village officials and employees be as follows:

Village Official	2014	2015
Mayor	\$8,000.00	\$8,000.00
Council Members -existing	\$3,000.00	\$3,000.00
Newly elected Council Members	\$3,400.00	\$3,400.00
Fiscal Officer	\$27,050.40	\$27,591.41
Village Administrator	\$41,616.00	\$42,448.32
Chief of Police	\$41,792.42	\$42,628.27
Assistant Chief of Police	\$25,750.00	Same
Police - Full Time - On Probation	\$24,477.51 to \$28,033.96	\$24,967.06 to \$28,594.64

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

Village Official	2014	2015	
Police - Full Time	\$28,033.78 to \$33,157.35	\$28,574.46 to \$33,820.50	
Police - Part Time	\$11.37 to \$17.48	\$11.60 to \$17.83	per hour
Police - Reserves	\$11.66 to \$13.98	\$11.89 to \$14.26	per hour
Fire Chief	\$2,330.60	\$2377.21	Base amount- plus hrly rate as below
Fire Dept. Secretary	\$367.07	\$374.41	Base amount- plus hrly rate as below
Fire Chief Assistant	\$367.07	\$374.41	Base amount- plus hrly rate as below
	\$9.95	\$10.15	per meeting
	\$12.90	\$13.16	first hour
	\$10.06	\$10.26	each add. hour
Fire Captains	\$108.36	\$110.53	Base amount- plus hrly rate as below
Fire Lieutenants	\$75.75	\$77.27	Base amount plus hrly rate as below
Volunteer Fireman	\$9.95	\$10.15	per training hr.



RECORD OF ORDINANCES

0303

Dayton Legal Blank, Inc.

Form No. 30043

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

Village Official	2014	2015
Volunteer Fireman	\$9.95	\$10.15 first hour
Volunteer Fireman	\$9.95	\$10.15 each add. hour
EMS Coordinator	\$2,330.60 to \$3,495.89	\$2,377.21 to \$3,565.81 Base amount-plus hrly rate as below
EMS Maintenance Man	\$658.40	\$671.57 Base rate plus hrly rate below
EMS Assistant	\$306.00	\$312.12 Base rate plus hrly rate below
EMS Secretary	\$306.00	\$312.12 Base rate plus hrly rate below
EMS Drivers	\$8.82	\$9.00 per hour
EMT - A (BLS-Basic Life Support)	\$10.65	\$10.86 per hour
EMT - B (Immediate Life Support)	\$13.77	\$14.05 per hour
All EMS Personnel	\$10.25	\$10.46 per training hour
General Labor/Utilities Billing Clerk	\$8.21 to 12.97	\$8.37 to \$13.23 per hour
Mayor's Court Clerk/EMS Billing Clerk	\$8.21 to \$12.97	\$8.37 to \$13.23 per hour
Tech I Water/Sewer/Assigned Duties	\$11.19 to \$15.49	\$11.41 to \$15.80 per hour
Tech II Water/Sewer/Assigned Duties	\$14.04 to \$18.82	\$14.32 to \$19.20 per hour

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, subject to any and all

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

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

amendments thereto.

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 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, 2014.

Tom VanVlerah  
Tom VanVlerah, Mayor

Attest: Loretta Baker Loretta Baker, Fiscal Officer

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

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

**ORDINANCE NO. 2014-28**

**AN ORDINANCE TO ESTABLISH TIME AND PLACE OF REGULAR MEETINGS OF THE COUNCIL FOR THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO, FOR CALENDAR YEAR 2015, AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council of the Village of Antwerp, Paulding County, Ohio, is desirous of holding monthly regular council meetings in calendar year 2015; and

**WHEREAS**, in accordance with Ohio Revised Code Section 731.46, the Village Council hereby establishes the time and place of regular meetings of the Council for calendar year 2015 as provided herein.

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

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

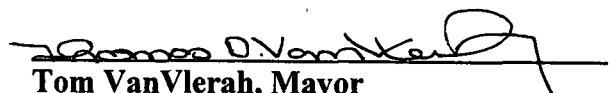
**Section 2.** Regular meetings of the Council shall be held on the third (3<sup>rd</sup>) Monday of each month at 5:30 p.m., except for those third (3<sup>rd</sup>) Mondays that are deemed a holiday under the personnel manual of the Village of Antwerp, then the regular council meeting shall be the fourth (4<sup>th</sup>) Monday of that month at 5:30 p.m., which includes the regular meeting of the Council for January 2015 (which will be conducted on January 26, 2015) and the regular meeting of the Council for February 2015 (which will be conducted on February 23, 2015).

**Section 3.** This Ordinance shall be in effect for regular meetings of the Council starting in January 2015, and be subject to amendment at the request of the Mayor of the Village of Antwerp or at the request of a member of the Council. Notice of any change in the time and/or place of a regular meeting of the Council shall be provided in accordance with Ordinance No. 2012-18.

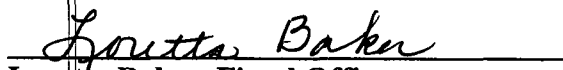
**Section 4.** It is found and determined that all formal action of the Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal action, were in meetings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

**Section 5.** This Ordinance 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 15<sup>th</sup> day of December, 2014.

  
Tom VanVlerah, Mayor  
Village of Antwerp

Attest:

  
Loretta Baker, Fiscal Officer  
{7100/075/00356376-2MLF}

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

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

**RESOLUTION NO. 2014-13**

**A RESOLUTION APPROVING THE SOLID WASTE MANAGEMENT PLAN  
UPDATE FOR THE JOINT SOLID WASTE MANAGEMENT DISTRICT  
OF DEFIANCE, FULTON, PAULDING, AND WILLIAMS COUNTIES, OHIO;  
AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, pursuant to Ohio Revised Code Section 3734.55, the Joint District Policy Committee has updated a Solid Waste Management Plan for the Joint District on October 23, 2014; and

**WHEREAS**, the Joint District requests legislative action supporting the adoption of this plan.

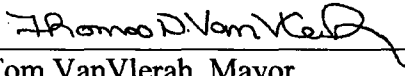
NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO:

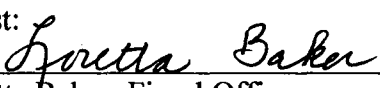
**Section 1.** That the Council of the Village of Antwerp, Ohio hereby supports the adoption of the Solid Waste Management Plan Update for the Joint Solid Waste Management District of Defiance, Fulton, Paulding and Williams Counties, Ohio.

**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 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 O.R.C. Section 121.22.

**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 it is necessary to pass this Resolution in the time frame required to review the plan referenced herein pursuant to Ohio Revised Code Section 3734.55, 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 15th day of December, 2014.

  
Tom VanVlerah, Mayor  
Village of Antwerp

Attest:   
Loretta Baker, Fiscal Officer

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

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

**ORDINANCE NO. 2014-29**

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO AN AMENDMENT TO THE AGREEMENT WITH CARRYALL TOWNSHIP FOR PROVIDING FIRE PROTECTION SERVICES FOR THE YEARS 2012, 2013, AND 2014, AND DECLARING THE SAME AN EMERGENCY**

**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 Carryall Township, which terms and conditions are set forth in the Agreement attached hereto and incorporate herein by reference; and

**WHEREAS**, the Village and Township are continuing to negotiate the terms and conditions for the Village providing fire protection services to Carryall Township, and in order to continue with those negotiations, the parties agreed to extend the terms and conditions set forth in the Agreement for the first six (6) months of 2015 at a semi-annual fixed charge based on the 2014 annual fixed charge.

**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 for the first six (6) months of 2015 to that portion of Carryall Township identified in an Agreement to Provide Fire Protection Services (the “Agreement”) and the Amendment to the Agreement to Provide Fire Protection Services (the “Amendment”), which Agreement and Amendment are attached hereto and incorporated herein by reference, and the Village shall be compensated by the Township paying a fixed semi-annual charge of \$2,644.50.

**Section 2.** The Village shall submit an invoice to the Township for the semi-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 Amendment with Carryall Township to provide fire protection services for the consideration identified herein.

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

**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.

**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 reason that the Village and Township must agree to the terms and conditions for the Village to provide fire protection services to the Township in anticipation of the Agreement expiring, and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Passed: 12-15, 2014.

Tom Van Vlerah  
Tom Van Vlerah, Mayor  
Village of Antwerp

Attest:

Loretta Baker  
Loretta Baker, Fiscal Officer  
Village of Antwerp

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

**ORDINANCE NO. 2015-01**

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A CONTRACT WITH HARRISON TOWNSHIP FOR PROVIDING EMERGENCY MEDICAL SERVICE IN CALENDAR YEAR 2015, 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 services to outlying areas; and

**WHEREAS**, the Village of Antwerp and Harrison Township negotiated the terms and conditions of the Village providing emergency medical service 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 (the "Village") will provide emergency medical service to that portion of Harrison Township (the "Township") as provided 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 for calendar year 2015, with the annual charge to be paid during the 2015 calendar year, 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, 2015.

**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: \$75.00 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 of Antwerp are authorized to enter into the Agreement with Harrison Township to provide emergency medical service for the consideration identified herein, said Agreement to be effective as of January 1, 2015.

**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.



# RECORD OF ORDINANCES

0311

Dayton Legal Blank, Inc.

Form No. 30043

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

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

**Section 10.** This Ordinance shall be retrospective in nature and take effect as of the expiration of the prior ordinance adopted by the Council of the Village of Antwerp and the Agreement for the provision of emergency medical service in Harrison Township, as reflected in Ordinance No. 2014-02.

**Section 11.** 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 it is necessary to have an agreement in place for the provision of emergency medical services in Harrison Township that reflects the compensation to be paid for the Village providing those 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 full force after the earliest period allowed by law.

PASSED THIS 26<sup>th</sup> day of January, 2015.

  
Tom VanVlerah, Mayor  
VILLAGE OF ANTWERP

Attest:

  
Loretta Baker, Fiscal Officer

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

**ORDINANCE NO. 2015-02**

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A CONTRACT WITH CARRYALL TOWNSHIP FOR PROVIDING EMERGENCY MEDICAL SERVICE IN CALENDAR YEAR 2015, 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 services to outlying areas; and

**WHEREAS**, the Village of Antwerp and Carryall Township negotiated the terms and conditions of the Village providing emergency medical service 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 (the “Village”) will provide emergency medical service to Carryall Township (the “Township”) as provided 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 of Antwerp as the Township collects such tax settlement monies from the Paulding 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, 2015.

**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: \$75.00 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 of Antwerp are authorized to enter into the Agreement with Carryall Township to provide emergency medical service for the consideration identified herein, said Agreement to be effective as of January 1, 2015.

**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.

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

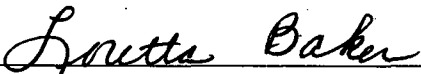
**Section 10.** This Ordinance shall be retrospective in nature and take effect as of the expiration of the prior ordinance adopted by the Council of the Village of Antwerp and the Agreement for the provision of emergency medical service in Carryall Township, as reflected in Ordinance No. 2014-03.

**Section 11.** 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 it is necessary to have an agreement in place for the provision of emergency medical services in Carryall Township that reflects the compensation to be paid for the Village providing those 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 full force after the earliest period allowed by law.

PASSED THIS 26th day of January, 2015.

  
Tom VanVlerah, Mayor  
VILLAGE OF ANTWERP

Attest:

  
Loretta Baker, Fiscal Officer

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

**ORDINANCE NO. 2015-03**

**AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN  
LEGAL PUBLISHING’S OHIO BASIC CODE, 2015 EDITION, AS THE CODE  
OF ORDINANCES FOR THE VILLAGE OF ANTWERP, OHIO, AND  
DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the present general and permanent ordinances of the Village of Antwerp, Ohio (“Village”) 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 Village and for the proper conduct of its affairs; and

**WHEREAS**, the American Legal Publishing Corporation publishes a Code of Ordinances suitable for adoption by municipalities in Ohio; and

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

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

- Section 1.** American Legal Publishing's Ohio Basic Code, 2015 Edition, as reviewed and approved by the Council of the Village, is hereby adopted and enacted. Any prior version of the Ohio Basic Code which may have been previously adopted by the Village is hereby repealed as obsolete and is hereby replaced in its entirety by this Ohio Basic Code, 2015 Edition.
- Section 2.** One copy of American Legal Publishing’s Ohio Basic Code, 2014 Edition, certified as correct by the Mayor and Fiscal Officer of the Village, as required by Ohio Revised Code § 731.23, shall be kept in its initial form on file in the office of the Fiscal Officer of the Village and retained as a permanent ordinance record of the Village. The Fiscal Officer of the Village is authorized and directed to publish a summary of all new matters contained in the Code of Ordinances as required by Ohio Revised Code § 731.23. Such summary is attached hereto and marked as “Exhibit A.”
- Section 3.** All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the Ohio Basic Code, 2015 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, 2015 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

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legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.

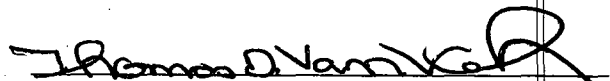
(B) The repeal provided above shall not affect:

- (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 enacted prior to the adoption of this Ordinance and said legislation was enacted to supersede prior ordinances adopted by the Council of the Village, including a provision contained in prior versions of the Ohio Basic Code.

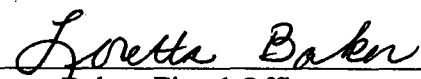
**Section 4.** Whenever reference is made in any documents, publications, or signs of the Village, including but not limited to traffic tickets and traffic-control signs, to a section as it existed in a former edition of the Ohio Basic Code, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered.

**Section 5.** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health safety and general welfare of the people of the Village, and shall take effect at the earliest date provided by law.

Date Passed: 1-26-15

  
Tom Van Vlerah, Mayor

Attest:

  
Loretta Baker, Fiscal Officer

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Exhibit A

OHIO BASIC CODE, 2015 EDITION — SUMMARY OF CONTENTS

Notice is hereby given that on the 26th day of January, 2015, 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, 2015 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.

	<div>TITLE I: GENERAL PROVISIONS</div> <div>Chapter 10: General Provisions</div>
Section	<div>10.01 Short titles</div> <div>10.02 Definitions</div> <div>10.03 Rules of construction</div> <div>10.04 Revivor; effect of amendment or repeal</div> <div>10.05 Construction of section references</div> <div>10.06 Conflicting provisions</div> <div>10.07 Severability</div> <div>10.08 Reference to offices</div> <div>10.09 Errors and omissions</div> <div>10.10 Ordinances repealed</div> <div>10.11 Ordinances unaffected</div> <div>10.12 Ordinances saved</div> <div>10.13 Application to future ordinances</div> <div>10.14 Interpretation</div> <div>10.15 Amendments to code; amendatory language</div> <div>10.16 Statutory references</div> <div>10.17 Preservation of penalties, offenses, rights and liabilities</div> <div>10.18 Determination of legislative intent</div> <div>10.99 General penalty</div>
	<div>TITLE III: ADMINISTRATION</div> <div>Chapter 30: General Provisions</div>
Section	<div>30.01 Application of Title III</div> <div>30.02 Qualifications; oaths</div> <div>30.03 Bonds of officers and employees; amount</div> <div>30.04 Additional bond; where bonds recorded and kept</div> <div>30.05 Approval of bonds</div> <div>30.06 Sufficiency of form of bond</div> <div>30.07 Filling vacancies in offices</div> <div>30.08 Public records available</div> <div>30.09 Records Commission</div> <div>30.10 Meetings of public bodies to be open; exceptions; notice</div> <div>30.11 Municipal officers may attend conference or convention; expenses</div> <div>30.12 Residency requirements prohibited; exceptions</div>
	<div>Chapter 31: Executive Authority</div>
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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:

Thomas D. Van Kester  
Mayor

Loretta Baker  
Clerk of the Legislative Authority

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

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

## CERTIFICATION OF CODIFIED ORDINANCES

We, Tom Van Vlerah, Mayor, and Loretta 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.

Thomas D. Van Vlerah

Mayor

Loretta Baker

Clerk of the Legislative Authority

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

ORDINANCE NO. 2015-04

**AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR OF THE VILLAGE OF ANTWERP, OHIO, TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE COLLECTION, TRANSPORTATION, AND DISPOSAL OF RESIDENTIAL SOLID WASTE WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF ANTWERP, OHIO; AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Village of Antwerp, Ohio (“Village”), by its duly appointed Council, determined it to be in the best interest of the residents of the Village to provide for the collection, transportation and disposal of residential solid waste by one provider; and

**WHEREAS**, the Village Council passed Ordinance No. 2014-22 declaring its official intent that the collection and removal of residential solid waste be let for bid; and

**WHEREAS**, the Village advertised for bids to be submitted for the work required to perform the necessary labor, services, and materials for the collection, transportation, and disposal of residential solid waste; and

**WHEREAS**, the Village Administrator provided the tabulation of bids to the Village and recommended that the Village award the contract to the low bidder; and

**WHEREAS**, Real Waste Disposal, LLC, P.O. Box 8, Oakwood, Ohio 45873, submitted the lowest and most responsive bid in the amount of \$106.20 per residential unit per year, with an estimate of 573 residential units in the Village of Antwerp, equating to \$60,852.60 for one year.

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

Section 1. That the Village hereby awards the contract to Real Waste Disposal, LLC to perform all necessary work for the collection, transportation, and disposal of residential solid waste in the Village of Antwerp, Ohio.

Section 2. That the Village Administrator of the Village of Antwerp is authorized to enter into a contract, along with any and all necessary documents ancillary to this contract, with Real Waste Disposal, LLC, who provided a bid in the amount of \$60,852.60 to provide the services identified herein for one year.

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 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.

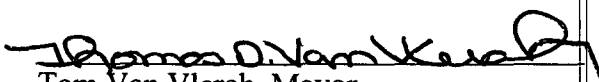
Section 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village and for the further reason that the Village must proceed in providing the Notice

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

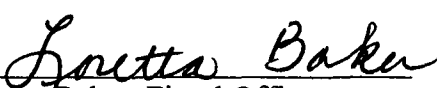
Passed \_\_\_\_\_, 20\_\_\_\_

of Award to the lowest and most responsive bidder in compliance with the bidding instructions, 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: 1-26-15

  
Tom Van Vlerah, Mayor

ATTEST:

  
Loretta Baker, Fiscal Officer

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

## ORDINANCE NO. 2015-05

### AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER \$27,500.00 FROM THE GENERAL FUND TO THE POLICE FUND, AND DECLARING THE SAME AN EMERGENCY

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

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

**WHEREAS**, this is a transfer of funds pursuant to Ohio Revised Code Section 5705.14(E), which 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 and Zero Cents (\$27,500.00) from the General Fund to the Police Fund.

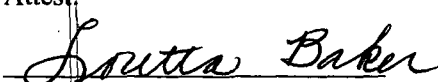
**Section 2.** The transfer of these funds from the General Fund to the Police Fund is necessary for the operation of the police department of the Village of Antwerp.

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

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

Date 2/23/15

  
Tom VanVlerah,  
Mayor of the Village of Antwerp

Attest:  
  
Loretta Baker, Fiscal Officer

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

**ORDINANCE NO. 2015-06**

**AN ORDINANCE ESTABLISHING A CHANGE CASH FUND FOR  
THE UTILITY OFFICE OF THE VILLAGE OF ANTWERP, OHIO,  
AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Utility Office has requested a change cash fund be established for making change to those citizens who pay utility expenses by cash; and

**WHEREAS**, the Council has deemed it necessary to establish such a fund for making change from the receipt of cash payments at the Utility Office.

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

**Section 1.** Council hereby authorizes the establishment of a change cash fund for the Village of Antwerp Utility Office.

**Section 2.** The total amount to be drawn at any one time of the Village’s treasury for this change cash fund shall be Two Hundred Dollars (\$200.00).

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

**Section 4.** This Ordinance is hereby declared to be an emergency measure necessary for the establishment of the change cash fund to allow for the making of change for the receipt of cash payments at the Utility Office, 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

0341

Dayton Legal Blank, Inc.

Form No. 30043

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

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

Passed: 2-23, 2015.

Tom Van Vlerah  
Tom Van Vlerah, Mayor  
Village of Antwerp

Attest:

Loretta Baker  
Loretta Baker, Fiscal Officer  
Village of Antwerp

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

ORDINANCE NO. 2015-07

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO AN AMENDMENT TO THE AGREEMENT WITH HARRISON TOWNSHIP FOR PROVIDING FIRE PROTECTION SERVICES FOR THE YEARS 2012, 2013, AND 2014, AND DECLARING THE SAME AN EMERGENCY**

**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 previously negotiated the terms and conditions of the Village providing fire protection services to Harrison Township for the years 2012, 2013, and 2014; and

**WHEREAS**, the Village and Township are continuing to negotiate the terms and conditions for the Village providing fire protection services to Harrison Township for 2015, and in order to continue with those negotiations, the parties agree to extend the terms and conditions set forth in the Agreement for years 2012, 2013, and 2014 for the first six (6) months of 2015 at a semi-annual fixed charge based on the 2014 annual fixed charge.

**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 for the first six (6) months of 2015 to that portion of Harrison Township identified in an Agreement to Provide Fire Protection Services for the years 2012, 2013, and 2014 (the “Agreement”) and the Amendment to the Agreement to Provide Fire Protection Services (the “Amendment”), which Agreement and Amendment are attached hereto and incorporated herein by reference, and the Village shall be compensated by the Township paying a fixed semi-annual charge of \$1,803.00.

**Section 2.** The Village shall submit an invoice to the Township for the semi-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 Amendment 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 No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

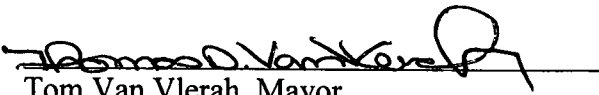
Ordinance is found to be invalid, only that portion shall be held invalid and the remainder shall be in full force and effect.

**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.

**Section 7.** This Ordinance shall be retrospective in nature and take effect as of the expiration of the prior ordinance adopted by the Council of the Village of Antwerp and the Agreement for the provision of fire protection service in Harrison Township, as reflected in Ordinance No. 2011-18.

**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 reason that the Village and Township must agree to the terms and conditions for the Village to provide fire protection 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.

Passed: 2-23, 2015.

  
Tom Van Vlerah, Mayor  
Village of Antwerp

Attest:

  
Loretta Baker, Fiscal Officer  
Village of Antwerp

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

**AMENDMENT TO AGREEMENT TO PROVIDE  
FIRE PROTECTION SERVICES**

**THIS AMENDMENT** to Agreement to Provide Fire Protection Services between the Village of Antwerp, County of Paulding, Ohio (the "Village"), and the Township of Harrison, County of Paulding, Ohio (the "Township"), which Agreement was entered into as of the day of \_\_\_\_\_, 2011, is made effective as of the 31<sup>st</sup> day of December, 2014.

The Agreement was entered into for the Village to provide fire protection services to the Township for the years 2012, 2013, and 2014, as more specifically described in such Agreement. The Village and the Township wish to extend the Agreement to include the first six (6) months of 2015. The parties agree to amend the Agreement as follows:

The Village and the Township hereby agree to extend the Agreement for the Village to provide fire protection services to the Township under the terms and conditions of the Agreement and for the additional period of January 1, 2015, through and including June 30, 2015. In exchange for providing the fire protection services to the territory described in the Agreement, the Township agrees to compensate the Village a fixed semi-annual charge of \$1,803.00.

All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this 23rd day of Feb., 2015.

**"VILLAGE"**

**VILLAGE OF ANTWERP**

By: Thomas Van Vlerah  
Tom Van Vlerah  
Title: Mayor  
Date: 2/23/15

By: Loretta Baker  
Loretta Baker  
Title: Village Fiscal Officer  
Date: 2-23-15

**"TOWNSHIP"**

**TOWNSHIP OF HARRISON**

By: Chad Berdwin  
Trustee  
Title: 3-9-15  
Date:

By: Edw. Stables  
Trustee  
Title: 3-9-15  
Date:

Edw. Stables  
TRUSTEE  
3-9-15

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

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

PID No. 93589

**ORDINANCE NO. 2015-08**

**AN ORDINANCE APPROVING PRELIMINARY PARTICIPATORY LEGISLATION  
FOR THE PROJECT IDENTIFIED AS PAU SRTS ANTWERP PHASE II PID 93589,  
AND 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:

This Safe Routes to School project proposes to:

- Add new sidewalk along the west side of Harrmann Road along the west side of Harrmann Road from the Antwerp School to Canal Street and along the north side of Canal Street from Harrmann Road westerly to Kroos Street.

**WHEREAS**, the project is within the Village corporation limits.

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

**SECTION II – School District Cooperation Statement**

The LPA has entered into a Maintenance and Construction Agreement with the Antwerp Local School Board, which allows the LPA to act as the lead agency on behalf of the Antwerp Local School Board. The Antwerp Local School Board, by virtue of this agreement, grants a right of entry, at no cost by ODOT, the LPA or their contractors in order to construct all applicable project improvements on school property. These project improvements are sidewalks. The LPA and Antwerp Local School Board agreement further states that the improvements are to be maintained by Antwerp Local Schools for a period not less than twenty (20) years from the construction completion date.

**SECTION III – Consent Statement**

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

**SECTION IV – Cooperation Statement**

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

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

PID No. 93589

The LPA hereby agrees to pay for the entire cost of the improvement, including environmental, preliminary engineering, right-of-way and construction costs, less the amount of State Highway funds allocated to this project by the Ohio Department of Transportation (ODOT). In the event that the LPA requests certain features or appurtenances to be included within the project's design and/or construction, and which features and appurtenances are determined by the State to be not necessary for the project, the LPA shall contribute 100% of the cost of those items.

**SECTION V – 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 65 and the ODOT Utilities Manual.

**SECTION VI – Maintenance**

Maintain the right-of-way and keep it free of obstructions, and hold said right-of-way inviolate for public highway purposes.

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.

**SECTION VII – Authority to Sign**

The Mayor of said Village is hereby empowered on behalf of the Village to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the above-described project. Upon the request of ODOT, the Mayor is also empowered to assign all rights, title and interests of the Village to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

**SECTION VIII – Passage in Open Meetings**

It is found and determined that all formal actions of the Legislative Authority of the LPA concerning or relating to the passage of this Ordinance were adopted in open meetings of the LPA, and that all deliberations of the Legislative Authority of the LPA 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.

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

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

PID No. 93589

## SECTION IX - Emergency Measure

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public health, safety and welfare, and for the further reason to expedite the project referenced herein and to promote highway safety. This Ordinance 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.

Passed: 2-23, 2015.

Tom Van Vlerah  
Tom Van Vlerah, Mayor  
Village of Antwerp

Attest:

Loretta Baker  
Loretta Baker, Fiscal Officer  
Village of Antwerp

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

PID No. 93589

CERTIFICATE OF COPY  
STATE OF OHIO

Village of Antwerp of Paulding County, Ohio

I, Loretta Baker, 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 23rd day of February, 2015, 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 \_\_\_\_\_.

(Ordinance/Ordinance Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 23rd day of Feb., 2015.

Loretta Baker  
Loretta Baker, 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

[Signature] Date 2/23/15  
Contractual Officer (Mayor)

Attest: \_\_\_\_\_

\*\*\*\*\*

For the State of Ohio

\_\_\_\_\_, Date \_\_\_\_\_  
Director, Ohio Department of Transportation

Attest: \_\_\_\_\_

RECORD OF ORDINANCES

0349

Dayton Legal Blank, Inc.

Form No. 30043

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

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

2015-09  
# 2 pages

0350

## RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

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



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

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

**ORDINANCE NO. 2015-10**

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE VILLAGE OF ANTWERP TO ENTER INTO THE MAINTENANCE AND CONSTRUCTION AGREEMENT FOR THE PAU SRTS ANTWERP PHASE II, PID #93589 PROJECT FOR SIDEWALKS WITH THE ANTWERP LOCAL SCHOOL DISTRICT, AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Village of Antwerp, Ohio ("Village") and the Antwerp Local School District have jointly participated in and have been awarded funding by the Ohio Department of Transportation ("ODOT") for the Safe Routes to School ("SRTS") Program. The funds allow ODOT under project PAU SRTS Antwerp Phase II, PID #93589 to install sidewalks on school property; and

**WHEREAS**, the Village and the Antwerp Local School District are required to enter into a Maintenance and Construction Agreement in regard to said project as part of the funding being awarded by ODOT, and to provide agreements as to the construction of the improvements, right of entry for the construction of the same, as well as maintaining said improvements.

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

**Section 1.** That the Mayor of the Village of Antwerp is authorized to enter into a Maintenance and Construction Agreement by and between the Village and the Antwerp Local School District for the project known as PAU SRTS Antwerp Phase II, PID #93589 for the installation of sidewalks on school property, a copy of said Maintenance and Construction Agreement is attached hereto and incorporated herein by reference.

**Section 2.** It is found and determined that all formal actions of the Council of the Village of Antwerp, Ohio concerning 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 5.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village, and 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: 2-23, 2015.

Tom Van Vlerah  
Tom Van Vlerah, Mayor  
Village of Antwerp

Attest:  
Loretta Baker  
Loretta Baker, Fiscal Officer  
Village of Antwerp

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

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

MAINTENANCE AND CONSTRUCTION AGREEMENT

By and between

The Village of Antwerp

and

The Antwerp Local School District

The Village of Antwerp and the Antwerp Local School District have jointly participated in and have been awarded funding by the Ohio Department of Transportation (ODOT) Safe Routes to School (SRTS) program. The funds allow ODOT under project PAU SRTS Antwerp Phase II, PID #93589 to install the following improvements on school property:

- Sidewalk.


The School District agrees to allow the Village and ODOT to construct the above listed improvements on School District property, and to allow the Village to act as the lead agency on behalf of the School District on the above-stated project.

The School District by virtue of this agreement grants a right of entry, at no cost by ODOT, the Village or their contractors in order to construct all applicable project improvements on School District property.

The School District agrees to maintain the improvements listed above on School District property for a period not less than twenty (20) years from the construction completion date.

The Village and the School District hold each other harmless from any liability that may arise in the normal course of construction, maintenance, and repairs.

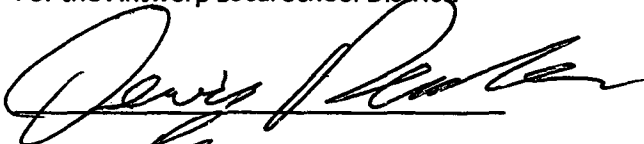
For the Village of Antwerp:



Title: Mayor

Date: 2-23-15

For the Antwerp Local School District:



Title: Pres

Date: 2/19/15

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

**ORDINANCE NO. 2015-11**

**AN 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 of Antwerp, Paulding County, Ohio (the "Village") is authorized by law to retain the services of legal counsel to be known as the Village Solicitor; and

**WHEREAS**, the Council of the Village deems it necessary to retain the services of legal counsel to act as Solicitor for the Village in civil, contract, and criminal matters.

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

**Section 1.** Legal counsel shall be provided to act in civil, contract, and criminal matters for the Village, and the person retained as such counsel shall be known as the Solicitor of the Village of Antwerp.

**Section 2.** The Village will compensate the Solicitor for legal services rendered on behalf of the Village at the rate of One Hundred-Twenty Dollars (\$120.00) 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 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. 2013-17.

**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.

# RECORD OF ORDINANCES

0355

Dayton Legal Blank, Inc.

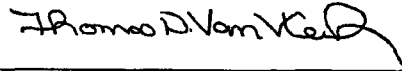
Form No. 30043

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

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


**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.

Passed this 16th day of March, 2015.



**Thomas D. VanVlerah, Mayor  
The Village of Antwerp, Ohio**

**Attest:**

  
**Loretta Baker, Fiscal Officer**

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

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

{7100/086/00391322-1 JB}

Aimee Lichty, Fiscal Officer

Attest:

Thomas D. Van Vliet, Mayor of the Village of Antwerp

Date April 20, 2015

law.

immediate preservation of the public health, safety and welfare of the Village and for the further reason that the Village must make the first quarterly payment on a timely basis for the collection of residential trash in accordance with the Agreement referenced hereinabove 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

**Section 4.** This Ordinance is hereby declared to be an emergency measure necessary for the Section 121.22 of the Ohio Revised Code. in compliance with all legal requirements including all lawful ordinances and any applicable provisions of Council and of any of its committees that resulted in such formal action, were in meetings open to the public, the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the

**Section 3.** It is found and determined that all formal actions of the Council concerning and relating to Ohio ("Agreement"), said Agreement approved by the passage of Ordinance No. 2015-04. quarterly payment due to Real Waste Disposal, LLC, pursuant to the Agreement for the Collection, Transportation and Disposal of Residential Solid Waste within the Corporate Limits of the Village of Antwerp,

**Section 2.** This transfer of funds from the General Fund to the Trash Fund is necessary for the first Dollars and Zero Cents (\$5,000.00) from the General Fund to the Trash Fund.

**Section 1.** The Village Fiscal Officer is hereby authorized to transfer the sum of Five Thousand NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Paulding County, Ohio:

**WHEREAS,** the Village Council elects to approve the transfer of funds from the General Fund to the Trash 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 transfer of funds under Ohio Revised Code Section 5705.14.

**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 must approve certain transfers pursuant to Ohio Revised Code Section 5705.14, and

**WHEREAS,** the Village of Antwerp has determined that it is necessary to transfer certain funds from the General Fund to the Trash Fund, and

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER \$5,000.00 FROM THE GENERAL FUND TO THE TRASH FUND, AND DECLARING THE SAME TO BE AN EMERGENCY**

ORDINANCE NO. 2015-12

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

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

ORDINANCE NO. 2015-13

AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH O.R. COLAN ASSOCIATES FOR THE PURPOSE OF RIGHT-OF-WAY ACQUISITION FOR THE SAFE ROUTES TO SCHOOL PROJECT IDENTIFIED AS PAU SRTS ANTWERP PHASE II PID 93589, AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Council of the Village of Antwerp enacted an ordinance, Ordinance No. 2015-08, approving preliminary participatory legislation for the project identified as PAU SRTS Antwerp Phase II PID 93589 on February 23, 2015, said ordinance providing the Ohio Department of Transportation consent to construct the sidewalks along the west side of Harman Road from the Antwerp School to Canal Street and along the north side of Canal Street from Harman Road westerly to Kroos Street; and

WHEREAS, as part of this project, right-of-way must be acquired on the property along the west side of Harman Road from Canal Street; and

WHEREAS, attempts to acquire right-of-way from the property owner of said property has been unsuccessful and, in order to proceed with the project, the Village of Antwerp must engage the services of an Ohio Department of Transportation approved consultant for right-of-way appraisal and acquisition.

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

**Section 1.** The Ohio Department of Transportation has submitted to the Village of Antwerp a right-of-way appraisal and acquisition cost proposal from O.R. Colan Associates, an Ohio Department of Transportation approved consultant, for the purpose of acquiring the necessary right-of-way along the west side of Harman Road from Canal Street to proceed with the project known as PAU SRTS Antwerp Phase II PID 93589, said cost proposal being for the total amount of \$4,260.00.

**Section 2.** The Council does hereby authorize the Village Administrator to enter into an agreement with the Ohio Department of Transportation approved consultant, O.R. Colan Associates, for the purpose of right-of-way appraisal and acquisitions for the PAU SRTS Antwerp Phase II PID 93589 project.

**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 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 public health, safety and welfare of the Village and for the reason to expedite the project referenced herein and to promote highway safety. This Ordinance shall take effect and be in force immediately after its passage and approval, otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: April 20, 2015

Thomas D. Van Vlerah  
Thomas D. Van Vlerah  
Mayor of the Village of Antwerp

Attest:

Aimee Lacey

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

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

**RESOLUTION NO. 2015-01**

**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 EIGHT-TENTHS OF ONE MILL FOR A RENEWAL LEVY FOR CEMETERY MAINTENANCE AND OPERATING EXPENSES, 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 eight-tenths of one mill for a renewal levy for cemetery maintenance and operating expenses pursuant to Ohio Revised Code Section 5705.19(T).

**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 the County Auditor to certify the current tax valuation and dollar amount of revenue that would be generated by eight-tenths of one mill pursuant to Ohio Revised Code Section 5705.19(T). The Village of Antwerp is requesting this certification in order to place a renewal levy on the ballot for the upcoming general election for expenses associated with maintaining and operating a cemetery.

**Section 2.** This Resolution is in accordance with the Secretary of State's Advisory Opinion No. 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 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 necessary for the Village of Antwerp to continue to operate and maintain the cemetery 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.

Passed this 20 day of April, 2015.

  
Thomas D. VanVlerah, Mayor

Attest:

  
Aimee Lichty, Fiscal Officer

**Fiscal Officer Certification**



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

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

I, Aimee Lichty, of the Village of Antwerp, Paulding County, Ohio, certify this Resolution to be a true and correct copy of Resolution No. 2015- 01, as adopted by the Council of the Village of Antwerp, Paulding County, Ohio, and recorded in the official record of proceedings of the meeting held on April 20, 2015.

Aimee Lichty  
Aimee Lichty, Fiscal Officer

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

**ORDINANCE NO. 2015-14**

**AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF A NOTE TO PAY A PORTION OF THE COST OF INSTALLING THE LIFT STATION IN THE COLONY SUBDIVISION 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 was completed and a contract was awarded to the lowest and best bidder to install the lift station; and

**WHEREAS**, a lift station has been installed in the Colony Subdivision located in the Village of Antwerp, Paulding County, Ohio; and

**WHEREAS**, the Village of Antwerp must continue to pay a portion of the cost incurred in installing the lift station in the Colony Subdivision; 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 \$15,997.93 shall be issued for the purpose set forth herein, which is to pay a portion of the cost of installing the lift station in the Colony Subdivision located in the Village of Antwerp, Paulding County, Ohio, 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 2% annually 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, and 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.

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

**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 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.

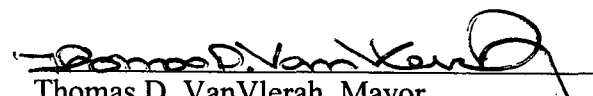
**Section 7.** The Mayor and Fiscal Officer of said Village are hereby authorized to sign and execute the Note on behalf of said Village and the Council approves any action taken by such officials in that regard.

**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 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 must continue to pay a portion of the cost incurred by having the lift station installed in the Colony Subdivision 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.

**Section 10.** This Ordinance shall take effect as of the maturity of the Note referenced in Ordinance No. 2014-12, said Ordinance for the issuance of a Note for the purpose of installing a lift station in the Colony Subdivision located in the Village of Antwerp, County of Paulding, Ohio.

Date: May 18, 2015

  
Thomas D. VanVlerah, Mayor

Attest:

  
Aimee Lichty, Fiscal Officer

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

**ORDINANCE NO. 2015-15****AN ORDINANCE AUTHORIZING SALE OF PERSONAL PROPERTY, CONSISTING OF A 1989 GMC FIRE TRUCK, AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Village of Antwerp (the "Village") has determined that certain personal property as hereinafter described (the "Personal Property") is no longer needed for any municipal purpose; and

**WHEREAS**, the Personal Property is described as a 1989 GMC Fire Truck, Model: CJ 8C042, Vehicle Identification No: 4GDP8C1YXKV801063; and

**WHEREAS**, the Village desires to dispose of said Personal Property as provided by Ohio Revised Code §721.15.

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

**Section 1.** The Personal Property described as a 1989 GMC Fire Truck, Model: CJ 8C042, Vehicle Identification No: 4GDP8C1YXKV801063, be sold by the Mayor and Fire Chief as provided by §721.15 of the Ohio Revised Code, to the highest and best bidder, after advertising for not less than two (2) nor more than four (4) consecutive weeks in The West Bend News, being a newspaper of general circulation within the Village.

**Section 2.** That the following be additional conditions of sale:

(a) Said Personal Property is being sold "AS IS" and without any warranty whatsoever as to the condition thereof and any and all engines, pumps, electrical and/or mechanical systems contained therein shall be accepted by the successful highest and best bidder "AS IS", and without any warranty whatsoever as to the condition thereof.

(b) Ten percent (10%) of the purchase price to be deposited with the bid in cash or by certified check with the Village and the balance to be paid at closing to be held within fifteen (15) days after the acceptance of the bid by the Village.

(c) The Village reserves the right to reject any and all bids.

(d) Successful bidder agrees to defend, indemnify, and save the Village harmless from and against any and all costs, claims, fees, expenses, or liabilities relating to said Personal Property and from and against any and all loss, damage, cost, expense or liability based on personal injury, death, loss, or damage to said Personal Property suffered or incurred by any party and arising out of or attributable to said Personal Property.

**Section 3.** That the Mayor and Fire Chief make a written contract with the highest and best bidder upon such additional terms as is necessary to effectuate the disposition of said

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

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

Personal Property.

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

**Section 5.** 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 has personal property that is no longer needed for any municipal purpose, which must be sold as provided in Ohio Revised Code § 721.15, and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Date: May 12, 2015

Thomas D. VanVlerah  
Thomas D. VanVlerah, Mayor

Attest:

Aimee Lichty  
Aimee Lichty, Fiscal Officer

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

RESOLUTION NO. 2015-03

**A RESOLUTION AUTHORIZING THE MAYOR OF THE VILLAGE OF ANTWERP, OHIO TO ENTER INTO ANY AND ALL NECESSARY AGREEMENTS RELATED TO THE VILLAGE OF ANTWERP CRA #04A AND THE COMMUNITY REINVESTMENT AREA PROGRAM APPLICATION OF MOWERY INVESTMENTS, LLC; AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, Mowery Investments, LLC (“Mowery Investments”), owner of property located in the Community Reinvestment Community Area designated as the Village of Antwerp CRA #04A, has filed an application pursuant to the resolution passed by the Village of Antwerp Council establishing this Community Reinvestment Area;

**WHEREAS**, the Village of Antwerp desires to enter into a Community Reinvestment Area Exemption Agreement with Mowery Investments concerning its Community Reinvestment Area Program Application, said Agreement providing a term of tax exemption of ten (10) years;

**WHEREAS**, the Village of Antwerp desires to enter into a Community Reinvestment Area Compensation/Donation Agreement related to Mowery Investments’ tax exemption provided in the Community Reinvestment Area Exemption Agreement for 2015; and

**WHEREAS**, the Board of Education for the Antwerp Local School received a copy of the Community Reinvestment Area Exemption Agreement for 2015 and have sent the Village a certified copy of its resolution approving the Community Reinvestment Area Exemption Agreement for 2015.

**NOW, THEREFORE, BE IT RESOLVED** 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 Community Reinvestment Area Exemption Agreement for 2015 with Mowery Investments, and the Community Reinvestment Area Compensation/Donation Agreement related to Mowery Investments.

**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 and for the further reason that Mowery Investments intends to commence work on the project identified in the Community Reinvestment Area Exemption Agreement in May 2015, and this Resolution shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force after

RECORD OF ORDINANCES

0365

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_  
the earliest period allowed by law.

Date: May 26, 2015

Thomas D. Van Vlerah  
Thomas D. Van Vlerah, Mayor

Attest:

Aimee Lichty  
Aimee Lichty, Fiscal Officer

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

**ORDINANCE NO. 2015-16**

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO  
TRANSFER \$12,000.00 FROM THE GENERAL FUND TO THE STREET FUND,  
AND DECLARING THE SAME TO BE AN EMERGENCY**

**WHEREAS**, the Village of Antwerp Ohio 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 transfer 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:

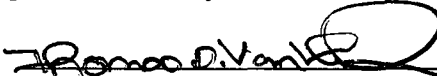
**Section 1.** The Village Fiscal Officer is hereby authorized to transfer the sum of Twelve Thousand Dollars and Zero Cents (\$12,000.00) from the General Fund to the Street Fund.

**Section 2.** This transfer of funds from the General Fund to the Street Fund is necessary for the operation of the street department of the Village of Antwerp.

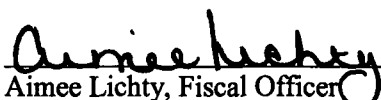
**Section 3.** It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in 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 6-22-15

  
Tom Van Vlerah, Mayor of the Village of Antwerp

Attest:

  
Aimee Lichty, Fiscal Officer



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

## RESOLUTION NO. 2015-02

### A RESOLUTION DETERMINING TO PROCEED WITH THE SUBMISSION TO THE ELECTORS OF THE QUESTION OF LEVYING A TAX IN EXCESS OF THE TEN-MILL LIMITATION OHIO REVISED CODE SECTIONS 5705.19, 5705.191, 5705.25, AND 5705.26

THE COUNCIL OF THE VILLAGE OF ANTWERP OF PAULDING COUNTY, OHIO, MET IN REGULAR SESSION OF THE COUNCIL ON THE 20<sup>th</sup> DAY OF July, 2015.

THE COUNCIL MET AT TOWN HALL FOR THE VILLAGE OF ANTWERP LOCATED AT 118 NORTH MAIN STREET, ANTWERP, OHIO, WITH THE FOLLOWING MEMBERS PRESENT:

*Larry R. Ryan*  
*Herbert B. Bland*  
*Frederic B. Bland*  
*John B. Bland*  
*Jan B. Bland*

Larry Ryan MOVED THE ADOPTION OF THE FOLLOWING RESOLUTION:

WHEREAS, ON THE 20<sup>th</sup> DAY OF APRIL, 2015, THE COUNCIL OF THE VILLAGE OF ANTWERP ADOPTED 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 EIGHT-TENTHS OF ONE MILL FOR A RENEWAL LEVY FOR CEMETERY MAINTENANCE AND OPERATING EXPENSES, IN ORDER TO SUBMIT TO THE ELECTORS THE QUESTION OF LEVYING A TAX IN EXCESS OF THE TEN-MILL LIMITATION AS DESCRIBED HEREIN, A COPY OF WHICH RESOLUTION WAS CERTIFIED TO THE COUNTY AUDITOR OF PAULDING COUNTY; AND

WHEREAS, THE COUNTY AUDITOR HAS CERTIFIED TO THE VILLAGE OF ANTWERP THAT THE TOTAL CURRENT TAX VALUATION OF THE VILLAGE OF ANTWERP IS \$19,124,570.00, AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY EIGHT-TENTHS OF ONE MILL WOULD BE \$14,553.00; AND

WHEREAS, THE COUNCIL OF THE VILLAGE OF ANTWERP DECLARES THAT THE AMOUNT OF TAXES WHICH MAY BE RAISED WITHIN THE TEN-MILL LIMITATION WILL BE INSUFFICIENT TO PROVIDE FOR THE NECESSARY REQUIREMENTS OF THE VILLAGE AND IT IS NECESSARY TO LEVY A TAX IN EXCESS OF THE LIMITATION.

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

**SECTION 1.** THE COUNCIL OF THE VILLAGE OF ANTWERP DESIRES AND DETERMINES TO PROCEED WITH THE SUBMISSION TO THE ELECTORS OF THE QUESTION OF LEVYING A TAX IN EXCESS OF THE TEN-MILL

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

LIMITATION FOR THE BENEFIT OF THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO FOR THE PURPOSES PROVIDED UNDER OHIO REVISED CODE SECTION 5705.19(T) FOR MAINTAINING AND OPERATING A CEMETERY AT A RATE NOT EXCEEDING EIGHT-TENTHS OF ONE MILL FOR EACH ONE DOLLAR (\$1.00) OF VALUATION, WHICH AMOUNTS TO EIGHT CENTS (\$0.08) FOR EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION FOR FIVE (5) YEARS, AND WHICH LEVY IS A RENEWAL LEVY.

SECTION 2. THE QUESTION OF APPROVING THE LEVY SHALL BE SUBMITTED TO THE ELECTORS OF THE VILLAGE OF ANTWERP AT THE ELECTION TO BE HELD ON THE 3<sup>rd</sup> DAY OF NOVEMBER, 2015. THE RENEWAL LEVY WILL BE FOR A FIVE (5) YEAR PERIOD COMMENCING IN YEAR 2016, FIRST DUE IN THE CALENDAR YEAR 2017, IN COMPLIANCE WITH THE PROVISIONS OF OHIO REVISED CODE SECTION 5705.34, IF A MAJORITY OF THE ELECTORS VOTING THEREON VOTE IN FAVOR THEREOF.

SECTION 3. THE FISCAL OFFICER OF THE VILLAGE OF ANTWERP IS DIRECTED TO CERTIFY A COPY OF THIS RESOLUTION TO THE BOARD OF ELECTIONS OF PAULDING COUNTY, OHIO, NOT LESS THAN NINETY (90) DAYS BEFORE THE ELECTION, 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.

SECTION 4. IT IS FOUND AND DETERMINED THAT ALL FORMAL ACTIONS OF THE COUNCIL OF THE VILLAGE OF ANTWERP CONCERNING AND RELATING TO THE ADOPTION OF THIS RESOLUTION WERE ADOPTED IN AN OPEN MEETING OF THE COUNCIL, AND THAT ALL DELIBERATION OF THE COUNCIL AND OF ANY OF ITS COMMITTEES THAT RESULTED IN THOSE FORMAL ACTIONS WERE IN MEETINGS OPEN TO THE PUBLIC, IN COMPLIANCE WITH LAW.

Jan Reeb SECONDED THE RESOLUTION AND THE ROLL BEING CALL UPON ITS ADOPTION, THE VOTE RESULTED AS FOLLOWS:

<u>Larry R. Ryan</u>	<u>YEA</u>
<u>Kenneth D. Reubens</u>	<u>YEA</u>
<u>Bryden Reel</u>	<u>YEA</u>
<u>Allen H. Reed</u>	<u>YEA</u>
<u>Jan Reeb</u>	<u>YEA</u>
<u>Keith West</u>	<u>Absent</u>

ADOPTED THE 20 DAY OF July, 2015.

Carmee Kichay  
FISCAL OFFICER

FIRST READING: May 18, 2015  
SECOND READING: June 15, 2015  
THIRD READING: July 20, 2015

RECORD OF ORDINANCES

0369

Dayton Legal Blank, Inc.

Form No. 30043

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

STATE OF OHIO, PAULDING COUNTY:

I, AIMEE LICHTY, FISCAL OFFICER OF THE VILLAGE OF ANTWERP, OHIO, DO HEREBY CERTIFY THAT THE FOREGOING IS TAKEN AND COPIED FROM THE RECORD OF PROCEEDINGS OF THE COUNCIL OF THE VILLAGE OF ANTWERP, AND THE SAME HAS BEEN COMPARED BY ME WITH THE RESOLUTION OF SAID RECORD, AND THAT IT IS A TRUE AND CORRECT COPY THEREOF.

WITNESS MY SIGNATURE THIS 20 DAY OF July 2015.

Aimee Lichty  
FISCAL OFFICER

Ordinance No. \_\_\_\_\_, Passed **RESOLUTION NO. 2015-04**, 20\_\_\_\_

**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(S) AND TO EXECUTE CONTRACTS AS REQUIRED TO OBTAIN FINANCIAL ASSISTANCE FOR THE WASTE WATER TREATMENT PLANT IMPROVEMENT PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY**

WHEREAS, the Ohio Public Works Commission State Capital Improvement Program and the Local Transportation Improvement Program (collectively "OPWC programs") both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

WHEREAS, the Village of Antwerp, Ohio is planning to make capital improvements to the Waste Water Treatment Plant, 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 of the Village of Antwerp, Ohio is hereby authorized to apply to the OPWC programs for funds as described above for the Waste Water Treatment Plant Improvement Project.

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. 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 to submit an application prior to the deadline for the financial assistance, 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 20<sup>th</sup> day of July, 2015.

  
Tom VanVlerah, Mayor

Attest:

  
Aimee Lichty, Fiscal Officer

{7100/088/00415579-1 MLF}

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_  
**ORDINANCE NO. 2015-17**

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO  
TRANSFER \$27,500.00 FROM THE GENERAL FUND TO THE POLICE FUND,  
AND DECLARING THE SAME AN EMERGENCY**

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

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

**WHEREAS**, this is a transfer of funds pursuant to Ohio Revised Code Section 5705.14(E), which 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:

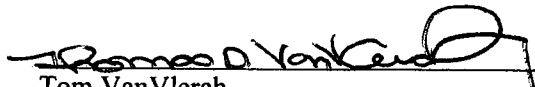
**Section 1.** The Village Fiscal Officer is hereby authorized to transfer the sum of Twenty-Seven Thousand Five Hundred Dollars and Zero Cents (\$27,500.00) from the General Fund to the Police Fund.

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

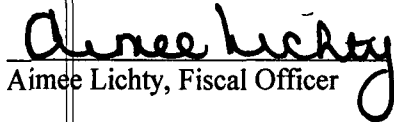
**Section 3.** It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in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

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

Date July 20, 2015

  
Tom VanVlerah,  
Mayor of the Village of Antwerp

Attest:

  
Aimee Lichty, Fiscal Officer

{7100/075/00269584-2AB}

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

## ORDINANCE NO. 2015-18

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS FROM THE GENERAL FUND TO THE WATER FUND IN THE AMOUNT OF \$40,000.00, AND DECLARING THE SAME TO BE AN EMERGENCY**

**WHEREAS**, the Village of Antwerp, Ohio has determined that it is necessary to transfer certain funds from the General Fund to the Water Fund for the operation of the water department, and

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

**WHEREAS**, this is a transfer of funds pursuant to Ohio Revised Code Section 5705.14 (E), which 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 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 transfer of funds under Ohio Revised Code Section 5705.14.

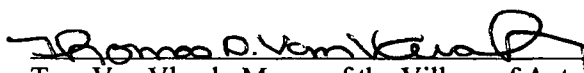
**NOW THEREFORE, BE IT ORDAINED** by the Council of the Village of Antwerp, Paulding County, Ohio:

**Section 1.** The Village Fiscal Officer is hereby authorized to transfer the sum of Forty Thousand Dollars and Zero Cents (\$40,000.00) from the General Fund to the Water Fund.

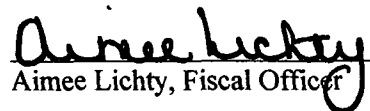
**Section 2.** This transfer of funds from the General Fund to the Water Fund is necessary for the operation of the water department of the Village of Antwerp.

**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 water 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 July 20, 2015  
Tom Van Vlerah, Mayor of the Village of Antwerp

Attest:

  
Aimee Lichty, Fiscal Officer

{7100/086/00415568-1 MLF}

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

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

**ORDINANCE NO. 2015-19**

**AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2000-19 ESTABLISHING A SCHEDULE OF FEES, CHARGES, AND EXPENSES, AND A COLLECTION PROCEDURE FOR ZONING PERMITS, AMENDMENTS, APPEALS, VARIANCES, CONDITIONAL USE PERMITS, AND OTHER MATTERS RELATING TO THE ADMINISTRATION AND ENFORCEMENT OF ZONING IN THE VILLAGE OF ANTWERP, OHIO, AND REGULATING THE FEES PAID TO THE ZONING INSPECTOR FOR SERVICES.**

**WHEREAS**, the Village of Antwerp, previously enacted Ordinance No. 1976-16 providing for zoning regulations within the corporation limits of the Village of Antwerp, Ohio, and

**WHEREAS**, Section 513 of Ordinance No. 1976-16 requires that a separate Ordinance be enacted to establish a schedule of fees, charges and expenses, and a collection procedure for zoning permits, plan approvals, and other matters pertaining to the administration enforcement of Ordinance No. 1976-16, and

**WHEREAS**, the Village of Antwerp, Ohio previously enacted Ordinance No. 2000-19 providing a schedule of fees, charges and expenses, and a collection procedure for zoning permits, plan approvals, and other matters, and due to the need to increase certain fees as a result of the increase in the cost of advertising, this Ordinance hereby amends Section 2 of Ordinance No. 2000-19.

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

**Section 1.** That Section 2 of Ordinance No. 2000-19 read as follows:

Be it further ordained that the fees shall be as follows:

- \*The fee for each Zoning Permit shall be \$25.00 or 5 cents per sq. ft. whichever is greater, except fences which will be \$20.00 or 5 cents per linear ft. whichever is greater.
- \*The fee for each Appeal to the Board of Zoning Appeals shall be \$50.00.
- \*The fee for each Application for Variance shall be \$50.00.
- \*The fee for each Conditional Use Permit shall be \$50.00.
- \*The fee for each sub-division plan approval shall be \$25.00.
- \*The fee for each Re-Zoning Application shall be \$25.00.

**Section 2.** That Section 2 of Ordinance No. 2000-19 is amended to read as follows:

The schedule of fees, charges and expenses shall be as follows:

Zoning Permit Fee	\$25.00 or 5 cents per sq. ft. whichever is greater
Zoning Permit Fee for Fences Only	\$20.00 or 5 cents per lineal sq. ft. whichever is greater
Filing Fee for Appeal to the Board of Zoning Appeals	\$60.00
Application for Variance Fee	\$60.00
Conditional Use Permit Fee	\$50.00
Subdivision Plan Approval Fee	\$25.00
Re-zoning Application Fee	\$250.00

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

**Section 3.** Previous ordinances and/or any portions thereof, including Section 2 of Ordinance No. 2000-19, and rules of the Village of Antwerp that are not consistent with this Ordinance are hereby set aside, revoked and held for naught.

**Section 4.** It is hereby found and determined that all formal actions of the Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

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

Date Nov 16 2015

Thomas D. Van Vlerah  
Thomas D. Van Vlerah, Mayor of the Village of Antwerp

Attest:  
Aimee Lichty  
Aimee Lichty, Fiscal Officer

First Reading: 7-20-15

Second Reading: 10-19-15

Third Reading: 11-16-15



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

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

ORDINANCE NO. 2015-20

AN ORDINANCE AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE SALE OF REAL PROPERTY OWNED BY THE VILLAGE OF ANTWERP, OHIO PURSUANT TO OHIO REVISED CODE § 721.03; AND DECLARING AN EMERGENCY.

WHEREAS, the Village of Antwerp, Ohio, owns real estate consisting of two (2) separate parcels, Parcel I.D. No. 12-01S-010-00 and Parcel I.D. No. 12-01S-0090-00, located at 118 Oswalt Street and 120 Oswalt Street respectively in the Village of Antwerp, Ohio, comprised of Village owned property, which was donated to the Village more than five (5) years ago, said real estate more particularly described in the Exhibit A attached hereto and incorporated herein by reference (collectively, the “Real Estate”); and

WHEREAS, the Real Estate is not needed for any municipal purpose and the Council of the Village of Antwerp, Ohio desires to offer said Real Estate for sale in the manner authorized by law; and

WHEREAS, this Council, pursuant to Ohio Revised Code § 721.03, desires to sell the Real Estate to the highest bidder, after advertisement once a week for five (5) consecutive weeks in a newspaper of general circulation within the Village of Antwerp, Ohio.

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

Section 1. It is hereby found that the Real Estate identified above and more fully described in Exhibit A, attached hereto and incorporated herein by reference, currently owned by the Village of Antwerp, is not needed for any municipal purpose and that it is in the best interest of the Village that said property be sold.

Section 2. The Village Administrator is hereby authorized to advertise for sale bids to sell the Real Estate with a minimum bid of Eleven Thousand Five Hundred Dollars (\$11,500.00) for the property located at 118 Oswalt Street and Nine Thousand Two Hundred Dollars (\$9,200.00) for the property located at 120 Oswalt Street.

Section 3. The Fiscal Officer of the Village of Antwerp is hereby instructed and directed to cause legal notice to bidders to be published for five (5) consecutive weeks in a newspaper of general circulation within the Village of Antwerp, Ohio.

Section 4. At its next regular meeting following the advertisement for bids as provided by law and public bid opening, this Council may authorize the Mayor to execute a contract for sale in Quitclaim Deed(s) conveying the Real Estate to the highest bidder responding fully to the advertisement for bids. This Council may reject any bids found to be nonresponsive or otherwise deficient, or may reject all bids.

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

**Section 5.** It is hereby found and determined that all formal actions of this Council concerning or relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 6.** This Ordinance is hereby declared to be an emergency measure, necessary to expedite the bidding process relating to the sale of the Real Estate, and shall take effect immediately upon its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Date July 20, 2015

Thomas D. Van Vlerah  
Thomas D. Van Vlerah, Mayor of the Village of Antwerp

Attest:

Aimee Lichty  
Aimee Lichty, Fiscal Officer

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

Exhibit A

Parcel I.D. No. 12-01S-010-00 located at 118 Oswalt Street, Antwerp, Ohio, more fully described as follows:

Tract II:

Situated in the County of Paulding, in the State of Ohio, and in the Village of Antwerp, to-wit:

Lot Number Eleven (11) in Banks Addition to the aforesaid Village except fifty (50) feet by parallel lines off the south side thereof.

Parcel I.D. No. 12-01S-0090-00 located at 120 Oswalt Street, Antwerp, Ohio more fully described as follows:

Lot Number Eight (8) in Bank's Addition to the Village of Antwerp, Paulding County, Ohio.

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

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

**ORDINANCE NO. 2015-21**

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO SECOND AMENDMENT TO THE AGREEMENT WITH CARRYALL TOWNSHIP FOR PROVIDING FIRE PROTECTION SERVICES FOR THE YEARS 2012, 2013, AND 2014 TO EXTEND THE TERM OF SAID AGREEMENT FOR 2015, AND DECLARING THE SAME AN EMERGENCY**

**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 Carryall Township for the years 2012, 2013, and 2014, which terms and conditions are set forth in the Agreement attached hereto and incorporated herein by reference; and

**WHEREAS**, the Village and Township agreed to extend the terms and conditions set forth in the Agreement for the first six (6) months of 2015 at a semi-annual fixed charge based on the 2014 annual fixed charge while the parties continued to negotiate terms for 2015, and said Amendment to the Agreement was approved by Ordinance No. 2014-29; and

**WHEREAS**, the Village and Township have negotiated the terms and conditions for the Village to provide fire protection services to Carryall Township for the remainder of 2015 and have agreed to extend the terms and conditions set forth in the Agreement for years 2012, 2013, and 2014 for the second six (6) months of 2015 at the semi-annual fixed charge based on the 2014 annual fixed charge, which will be reflected in a Second Amendment to the Agreement.

**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 for the second six (6) months of 2015 to that portion of Carryall Township identified in an Agreement to Provide Fire Protection Services (the “Agreement”), the Amendment to the Agreement to Provide Fire Protection Services (the “Amendment”), and the Second Amendment to the Agreement to Provide Fire Protection Services (the “Second Amendment”), which Agreement, Amendment, and Second Amendment are attached hereto and incorporated herein by reference, and the Village shall be compensated by the Township paying a fixed semi-annual charge of \$2,644.50.

**Section 2.** The Village shall submit an invoice to the Township for the semi-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.

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

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

**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.

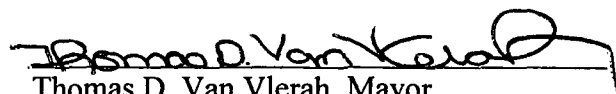
**Section 4.** That the Mayor and the Fiscal Officer of the Village are authorized to enter into the Second Amendment with Carryall Township to provide fire protection services for the consideration identified herein.

**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. This Ordinance shall be retroactive and take effect as to the expiration of the Amendment identified herein and attached hereto.


**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.

**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 reason that the Village and Township must agree to the terms and conditions for the Village to provide fire protection services to the Township in anticipation of the Agreement and Amendment expiring, 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: July 20, 2015.

  
Thomas D. Van Vlerah, Mayor  
Village of Antwerp

Attest:

  
Aimee Lichty, Fiscal Officer  
Village of Antwerp

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

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

**SECOND AMENDMENT TO AGREEMENT TO PROVIDE  
FIRE PROTECTION SERVICES**

**THIS SECOND AMENDMENT** to Agreement to Provide Fire Protection Services between the Village of Antwerp, County of Paulding, Ohio (the "Village"), and the Township of Carryall, County of Paulding, Ohio (the "Township"), which Agreement was entered into as of the 15<sup>th</sup> day of August, 2011, and this Second Amendment to the Agreement is made effective as of the 1<sup>st</sup> day of July, 2015.

The Agreement was entered into for the Village to provide fire protection services to the Township for the years 2012, 2013, and 2014, as more specifically described in such Agreement. The Village and the Township extended the Agreement to include the first six (6) months of 2015 by Amendment to Agreement to Provide Fire Protection Services, said Amendment effective January 1, 2015. The Village and the Township wish to extend the Agreement to include the second six (6) months of 2015. The parties agree to amend the Agreement as follows:

The Village and the Township hereby agree to extend the Agreement for the Village to provide fire protection services to the Township under the terms and conditions of the Agreement and for the additional period of July 1, 2015, through and including December 31, 2015. In exchange for providing the fire protection services to the territory described in the Agreement, the Township agrees to compensate the Village a fixed semi-annual charge of \$2,644.50. The Village shall submit an invoice to the Township for the semi-annual fixed charge, 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.

All other terms and conditions of the Agreement shall remain in full force and effect.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement this 20 day of July, 2015.

**"VILLAGE"**

**"TOWNSHIP"**

**VILLAGE OF ANTWERP**

**TOWNSHIP OF CARRYALL**

By: Thomas D. Van Vlerah  
Thomas D. Van Vlerah

Title: Mayor

Date: July 20, 2015

By: Bug Hughes

Title: Trustee

Date: 9-14-15

By: Aimee Lichty  
Aimee Lichty

Title: Village Fiscal Officer

Date: July 20, 2015

By: Jwila Demongot

Title: Fiscal Officer

Date: 9-14-2015

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

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

**ORDINANCE NO. 2015-22**

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE VILLAGE OF ANTWERP, OHIO TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE WOODCOX STREET WATERLINE REPLACEMENT PROJECT, OPWC PROJECT NO. CE08S/CE09S; AND DECLARING THE SAME AN EMERGENCY**

WHEREAS, the Village of Antwerp, Ohio ("Village") is in need of capital improvements to the Woodcox Street waterline, specifically the replacement of the waterline along West Woodcox Street, which replacement will affect the water services provided to residents on West Woodcox Street and the immediate area surrounding this portion of the street; and

WHEREAS, the Village passed Resolution No. 2014-09 authorizing the Mayor of the Village to prepare and submit an application to participate in the Ohio Public Works Commission ("OPWC") State Capital Improvement and/or Local Transportation Improvement Program(s) and to execute contracts as required for the waterline replacement along West Woodcox Street; and

WHEREAS, the Village advertised for bids to be submitted for the work required to perform the necessary labor, services and materials to make the necessary waterline improvements along West Woodcox Street; and

WHEREAS, Poggemeyer Design Group provided the tabulation of bids to the Village and recommended that the Village award the contract to the low bidder; and

WHEREAS, Hohenbrink Excavating, LLC, 8756 Road N-8, Ottawa, Ohio 45875, submitted the lowest and most responsive bid in the amount of \$142,825.00 to perform all necessary work for waterline improvements along West Woodcox Street.

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

Section 1. That the Village hereby awards the contract to Hohenbrink Excavating, LLC to perform all necessary work for waterline improvements along West Woodcox Street, said project identified as the Woodcox Street Waterline Replacement Project, OPWC Project No. CE08S/CE09S.

Section 2. 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 Hohenbrink Excavating, LLC, who provided a bid in the amount of \$142,825.00 for waterline improvements along West Woodcox Street, the Woodcox Street Waterline Replacement Project, OPWC Project No. CE08S/CE09S. The Mayor is also authorized to execute the OPWC Request to Proceed for Contractor. Upon receiving OPWC's approval, the Village can issue the Notice to Proceed.

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

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

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

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 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 waterline improvements along West Woodcox Street, 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: July 20, 2015

Thomas D. Van Vlerah  
Thomas D. Van Vlerah, Mayor

ATTEST:

Aimee Lichty  
Aimee Lichty, Fiscal Officer



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

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

ORDINANCE NO. 2015-23

**AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER \$5,000.00 FROM THE GENERAL FUND TO THE COUNCIL CONTRACTUAL FUND, AND DECLARING THE SAME TO BE AN EMERGENCY**

**WHEREAS**, the Village of Antwerp has determined that it is necessary to transfer certain funds from the General Fund to the Council Contractual 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 Council Contractual 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 transfer 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:

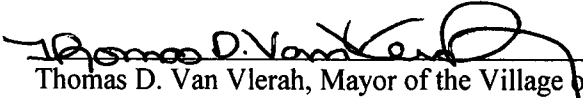
**Section 1.** The Village Fiscal Officer is hereby authorized to transfer the sum of Five Thousand Dollars and Zero Cents (\$5,000.00) from the General Fund to the Council Contractual Fund.

**Section 2.** This transfer of funds from the General Fund to the Council Contractual Fund is necessary for the Village to conduct a Village-wide low to moderate income (LMI) survey to determine eligibility for funding through the Ohio Small Cities Community Development Block Grant (CDBG) program for the Sanitary Sewer Improvements project.

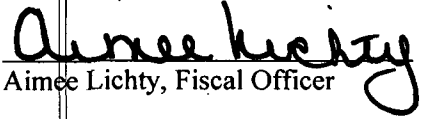
**Section 3.** It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in 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 must expend funds to conduct the LMI survey to determine eligibility for funding for the Sanitary Sewer Improvements 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 8-17-15

  
Thomas D. Van Vlerah, Mayor of the Village of Antwerp

Attest:

  
Aimee Lichty, Fiscal Officer

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

ORDINANCE NO. 2015-24

AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER \$9,000.00 FROM THE GENERAL FUND TO THE STORM SEWER CONTRACTUAL FUND, AND DECLARING THE SAME TO BE AN EMERGENCY

WHEREAS, the Village of Antwerp has determined that it is necessary to transfer certain funds from the General Fund to the Storm Sewer Contractual 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 Storm Sewer Contractual 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 transfer 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:

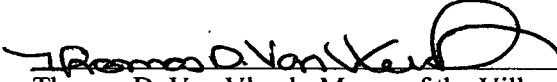
**Section 1.** The Village Fiscal Officer is hereby authorized to transfer the sum of Nine Thousand Dollars and Zero Cents (\$9,000.00) from the General Fund to the Storm Sewer Contractual Fund.

**Section 2.** This transfer of funds from the General Fund to the Storm Sewer Contractual Fund is necessary for the engineering study for Phase 2 of the Storm Water Improvements project.

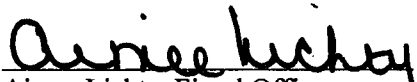
**Section 3.** It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in 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 must expend funds for the engineering study for Phase 2 of the Storm Water Improvements 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 8-17-15

  
Thomas D. Van Vlerah, Mayor of the Village of Antwerp

Attest:

  
Aimee Lichty, Fiscal Officer

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

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

**ORDINANCE NO. 2015-25**

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO AN AMENDMENT TO THE AGREEMENT WITH HARRISON TOWNSHIP FOR PROVIDING FIRE PROTECTION SERVICES FOR THE YEARS 2012, 2013, AND 2014, TO EXTEND THE TERM OF SAID AGREEMENT FOR 2015, AND DECLARING THE SAME AN EMERGENCY**

**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 Harrison Township for the years 2012, 2013, and 2014; and

**WHEREAS**, the Village and Township have agreed to the terms and conditions for the Village providing fire protection services to Harrison Township for 2015, and the parties agree to extend the terms and conditions set forth in the Agreement for years 2012, 2013, and 2014 for the remainder of 2015 at a semi-annual fixed charge based on the 2014 annual fixed charge.

**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 for the period of July 1, 2015, through and including December 31, 2015 to that portion of Harrison Township identified in an Agreement to Provide Fire Protection Services for the years 2012, 2013, and 2014 (the “Agreement”), the Amendment to the Agreement to Provide Fire Protection Services (the “Amendment”), and the Second Amendment to the Agreement to Provide Fire Protection Services (the “Second Amendment”), which Agreement, Amendment, and Second Amendment are attached hereto and incorporated herein by reference, and the Village shall be compensated by the Township paying a fixed semi-annual charge of \$1,803.00, with the total fixed annual charge for such services for 2015 being \$3,606.00.

**Section 2.** The Village shall submit an invoice to the Township for the semi-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.

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

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

**Section 4.** That the Mayor and the Fiscal Officer of the Village are authorized to enter into the Second Amendment with Harrison Township to provide fire protection services for the consideration identified herein.

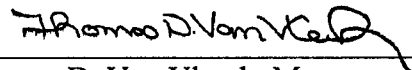
**Section 5.** That if any other prior ordinance or resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid, only that portion shall be held invalid and the remainder shall be in full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

**Section 7.** This Ordinance shall be retrospective in nature and take effect as of the expiration of the prior ordinance adopted by the Council of the Village of Antwerp and the Amendment to the Agreement for the provision of fire protection service in Harrison Township, as reflected in Ordinance No. 2015-07.

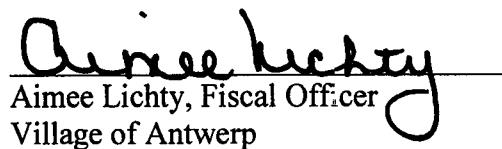
**Section 8.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village and for the reason that the Village and Township have agreed to the terms and conditions for the Village to provide fire protection 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.

Passed: Aug. 17, 2015.



Thomas D. Van Vlerah, Mayor  
Village of Antwerp

Attest:



Aimee Lichty, Fiscal Officer  
Village of Antwerp

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

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

**SECOND AMENDMENT TO AGREEMENT TO PROVIDE  
FIRE PROTECTION SERVICES**

**THIS SECOND AMENDMENT** to Agreement to Provide Fire Protection Services between the Village of Antwerp, County of Paulding, Ohio (the "Village"), and the Township of Harrison, County of Paulding, Ohio (the "Township"), which Agreement was entered into as of the 15<sup>th</sup> day of August, 2011, and this Second Amendment to the Agreement is made effective as of the 1<sup>st</sup> day of July, 2015.

The Agreement was entered into for the Village to provide fire protection services to the Township for the years 2012, 2013, and 2014, as more specifically described in such Agreement. The Village and the Township extended the Agreement to include the first six (6) months of 2015 by Amendment to Agreement to Provide Fire Protection Services, said Amendment effective January 1, 2015. The Village and the Township wish to extend the Agreement to include the second six (6) months of 2015. The parties agree to amend the Agreement as follows:

The Village and the Township hereby agree to extend the Agreement for the Village to provide fire protection services to the Township under the terms and conditions of the Agreement and for the additional period of July 1, 2015, through and including December 31, 2015. In exchange for providing the fire protection services to the territory described in the Agreement, the Township agrees to compensate the Village a fixed semi-annual charge of \$1,803.00, with the total annual fixed charge for such services in 2015 being \$3,606.00.

All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this 17 day of Aug., 2015.

"VILLAGE"

"TOWNSHIP"

**VILLAGE OF ANTWERP**

**TOWNSHIP OF HARRISON**

By: Thomas D. Van Vlerah  
Title: Mayor  
Date: 8-17-15

By: Chad Goodwin  
Title: Trustee  
Date: 9-14-15

By: Aimee Lichty  
Title: Village Fiscal Officer  
Date: 8-17-15

By: Don O'Leary  
Title: TRUSTEE  
Date: 9-14-15

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

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

**ORDINANCE NO. 2015-26**

**AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2015-21  
AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO  
SECOND AMENDMENT TO THE AGREEMENT WITH CARRYALL TOWNSHIP  
FOR PROVIDING FIRE PROTECTION SERVICES FOR THE YEARS 2012, 2013, AND  
2014 TO EXTEND THE TERM OF SAID AGREEMENT FOR 2015, AND DECLARING  
THE SAME AN EMERGENCY**

**WHEREAS**, the Village of Antwerp previously enacted Ordinance No. 2015-21 authorizing the Mayor and the Fiscal Officer to enter into the Second Amendment to the Agreement with Carryall Township for Providing Fire Protection Services for the remainder of 2015; and

**WHEREAS**, the Village and Township agreed to extend the terms and conditions set forth in the Agreement for the first six (6) months of 2015 at a semi-annual fixed charge based on the 2014 annual fixed charge while the parties continued to negotiate terms for 2015, and said Amendment to the Agreement was approved by Ordinance No. 2014-29 and

**WHEREAS**, the Village and Township negotiated the terms and conditions for the Village to provide fire protection services to Carryall Township for 2015 and agreed to have the Village provide fire protection services to the Township for 2015 at the fixed annual charge of \$10,000.00, but Section 1 of Ordinance No. 2015-21 reflected the incorrect fixed annual charge for such services.

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

**Section 1.** That Section 1 of Ordinance No. 2015-21 be amended to read as follows:

That the Village of Antwerp Fire Department, hereinafter referred to as “the Village”, will provide fire protection services for the year 2015 to that portion of Carryall Township identified in an Agreement to Provide Fire Protection Services (the “Agreement”), the Amendment to the Agreement to Provide Fire Protection Services (the “Amendment”), and the Second Amendment to the Agreement to Provide Fire Protection Services (the “Second Amendment”), which Agreement, Amendment, and Second Amendment are attached hereto and incorporated herein by reference, and the Village shall be compensated by the Township paying a fixed annual charge of \$10,000.00 for 2015, with \$2,644.50 already being paid by the Township pursuant to the Amendment, and that the balance of such fixed annual charge, \$7,355.50, to be paid by the Township, for a total of \$10,000.00 for such services pursuant to the Second Amendment. All other terms and conditions of the Agreement will remain in full force and effect.

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

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

**Section 2.** Previous ordinances and/or any portions thereof, including Section 1 of Ordinance No. 2015-21, 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 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 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 reason that the Village and Township agreed to terms and conditions for the Village to provide fire protection services to the Township and this amendment correctly reflects such agreement, 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: Aug. 17, 2015.

Thomas D. Van Vlerah  
Thomas D. Van Vlerah, Mayor  
Village of Antwerp

Attest:

Aimee Lichty  
Aimee Lichty, Fiscal Officer  
Village of Antwerp

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

**ORDINANCE NO. 2015-26**

**AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2015-21  
AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO  
SECOND AMENDMENT TO THE AGREEMENT WITH CARRYALL TOWNSHIP  
FOR PROVIDING FIRE PROTECTION SERVICES FOR THE YEARS 2012, 2013, AND  
2014 TO EXTEND THE TERM OF SAID AGREEMENT FOR 2015, AND DECLARING  
THE SAME AN EMERGENCY**

**WHEREAS**, the Village of Antwerp previously enacted Ordinance No. 2015-21 authorizing the Mayor and the Fiscal Officer to enter into the Second Amendment to the Agreement with Carryall Township for Providing Fire Protection Services for the remainder of 2015; and

**WHEREAS**, the Village and Township agreed to extend the terms and conditions set forth in the Agreement for the first six (6) months of 2015 at a semi-annual fixed charge based on the 2014 annual fixed charge while the parties continued to negotiate terms for 2015, and said Amendment to the Agreement was approved by Ordinance No. 2014-29 and

**WHEREAS**, the Village and Township negotiated the terms and conditions for the Village to provide fire protection services to Carryall Township for 2015 and agreed to have the Village provide fire protection services to the Township for 2015 at the fixed annual charge of \$10,000.00, but Section 1 of Ordinance No. 2015-21 reflected the incorrect fixed annual charge for such services.

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

**Section 1.** That Section 1 of Ordinance No. 2015-21 be amended to read as follows:

That the Village of Antwerp Fire Department, hereinafter referred to as "the Village", will provide fire protection services for the year 2015 to that portion of Carryall Township identified in an Agreement to Provide Fire Protection Services (the "Agreement"), the Amendment to the Agreement to Provide Fire Protection Services (the "Amendment"), and the Second Amendment to the Agreement to Provide Fire Protection Services (the "Second Amendment"), which Agreement, Amendment, and Second Amendment are attached hereto and incorporated herein by reference, and the Village shall be compensated by the Township paying a fixed annual charge of \$10,000.00 for 2015, with \$2,644.50 already being paid by the Township pursuant to the Amendment, and that the balance of such fixed annual charge, \$7,355.50, to be paid by the Township, for a total of \$10,000.00 for such services pursuant to the Second Amendment. All other terms and conditions of the Agreement will remain in full force and effect.



# RECORD OF ORDINANCES

0391

Dayton Legal Blank, Inc.

Form No. 30043

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

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

**Section 2.** Previous ordinances and/or any portions thereof, including Section 1 of Ordinance No. 2015-21, 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 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 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 reason that the Village and Township agreed to terms and conditions for the Village to provide fire protection services to the Township and this amendment correctly reflects such agreement, 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: Aug. 17, 2015.

Thomas D. Van Vlerah  
Thomas D. Van Vlerah, Mayor  
Village of Antwerp

Attest:

Aimee Lichty  
Aimee Lichty, Fiscal Officer  
Village of Antwerp

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

**SECOND AMENDMENT TO AGREEMENT TO PROVIDE  
FIRE PROTECTION SERVICES**

THIS SECOND AMENDMENT to Agreement to Provide Fire Protection Services between the Village of Antwerp, County of Paulding, Ohio (the "Village"), and the Township of Carryall, County of Paulding, Ohio (the "Township"), which Agreement was entered into as of the 15th day of August, 2011, and this Second Amendment to the Agreement is made effective as of the 1<sup>st</sup> day of July, 2015.

The Agreement was entered into for the Village to provide fire protection services to the Township for the years 2012, 2013, and 2014, as more specifically described in such Agreement. The Village and the Township extended the Agreement to include the first six (6) months of 2015 by Amendment to Agreement to Provide Fire Protection Services, said Amendment effective January 1, 2015. The Village and the Township wish to extend the Agreement to include the second six (6) months of 2015. The parties agree to amend the Agreement as follows:

The Village and the Township hereby agree to extend the Agreement for the Village to provide fire protection services to the Township under the terms and conditions of the Agreement and for the additional period of July 1, 2015, through and including December 31, 2015. In exchange for providing the fire protection services to the territory described in the Agreement, the Township agrees to compensate the Village a fixed annual charge of \$10,000.00. By way of the First Amendment to the Agreement, the Township paid \$2,644.50 for fire protection services for the period of January 1, 2015, through and including June 30, 2015. By way of this Second Amendment to the Agreement, the Township agrees to pay the balance of \$7,355.50 for fire protection services for the period of July 1, 2015, through and including December 31, 2015, for a total annual charge for these services of \$10,000.00.

All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this 17 day of Aug., 2015.

"VILLAGE"

"TOWNSHIP"

VILLAGE OF ANTWERP

TOWNSHIP OF CARRYALL

By: Thomas D. Van Vlerah  
Thomas D. Van Vlerah  
Title: Mayor  
Date: Aug 17, 2015

By: Bug Hughes  
Title: Trustee  
Date: 9-14-15

By: Aimee Lichty  
Aimee Lichty  
Title: Village Fiscal Officer  
Date: 8-17-15

By: Jwila Damongot  
Title: Fiscal Officer  
Date: 9/14/2015

# **VILLAGE OF ANTWERP INCOME TAX ORDINANCE**

Effective January 1, 2016

Exhibit A to Ordinance No. 2015-27

## **SECTION 1 AUTHORITY TO LEVY TAX; PURPOSE OF TAX.**

(A) To provide funds for the purposes of general municipal operations, maintenance, new equipment, extension and enlargement of municipal services and facilities and capital improvements, the Village of Antwerp (the "Village") hereby levies an annual municipal income tax on income, qualifying wages, commissions and other compensation, and on net profits as hereinafter provided.

(B)(1) The annual tax is levied at a rate of 1% (one percent). The tax is levied at a uniform rate on all persons residing in or earning or receiving income in the Village. The tax is levied on income, qualifying wages, commissions and other compensation, and on net profits as hereinafter provided in Section 3 of this Ordinance and other sections as they may apply.

(2) Intentionally left blank.

(C) The tax on income and the withholding tax established by Ordinance No. 2015-27 are authorized by Article XVIII, Section 3 of the Ohio Constitution. The tax is levied in accordance with, and is intended to be consistent with, the provisions and limitations of Ohio Revised Code 718 (ORC 718).

## **SECTION 2 DEFINITIONS.**

(A) Any term used in this Ordinance that is not otherwise defined in this Ordinance has the same meaning as when used in a comparable context in laws of the United States relating to federal income taxation or in Title LVII of the ORC, unless a different meaning is clearly required. If a term used in this Ordinance that is not otherwise defined in this Ordinance is used in a comparable context in both the laws of the United States relating to federal income tax and in Title LVII of the ORC and the use is not consistent, then the use of the term in the laws of the United States relating to federal income tax shall control over the use of the term in Title LVII of the ORC.

(B) The singular shall include the plural, and the masculine shall include the feminine and the gender-neutral.

(C) As used in this Ordinance:

(1) **"Adjusted federal taxable income,"** for a person required to file as a C corporation, or for a person that has elected to be taxed as a C corporation under (C)(24)(d) of this division, means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

(a) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.

(b) Add an amount equal to five percent (5%) of intangible income deducted under division (C)(1)(a) of this section, but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in Section 1221 of the Internal Revenue Code;

(c) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in Section 1221 or 1231 of the Internal Revenue Code;

(d)(i) Except as provided in (C)(1)(d)(ii) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in Section 1221 or 1231 of the Internal Revenue Code;

(ii) Division (C)(1)(d)(i) of this section does not apply to the extent the income or gain is income or gain described in Section 1245 or 1250 of the Internal Revenue Code.

(e) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income;

(f) In the case of a real estate investment trust or regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income;

(g) Deduct, to the extent not otherwise deducted or excluded in computing federal taxable income, any income derived from a transfer agreement or from the enterprise transferred under that agreement under Section 4313.02 of the ORC;

(h)(i) Except as limited by divisions (C)(1)(h)(ii), (iii), and (iv) of this section, deduct any net operating loss incurred by the person in a taxable year beginning on or after January 1, 2017.

The amount of such net operating loss shall be deducted from net profit that is reduced by exempt income to the extent necessary to reduce municipal taxable income to zero, with any remaining unused portion of the net operating loss carried forward to not more than five consecutive taxable years following the taxable year in which the loss was incurred, but in no case for more years than necessary for the deduction to be fully utilized.

(ii) No person shall use the deduction allowed by division (C)(1)(h) of this section to offset qualifying wages.

(iii)(a) For taxable years beginning in 2018, 2019, 2020, 2021, or 2022, a person may not deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, more than fifty percent (50%) of the amount of the deduction otherwise allowed by division (C)(1)(h)(i) of this section.

(b) For taxable years beginning in 2023 or thereafter, a person may deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, the full amount allowed by (C)(1)(h)(i) of this section.

(iv) Any pre-2017 net operating loss carryforward deduction that is available must be utilized before a taxpayer may deduct any amount pursuant to (C)(1)(h) of this section.

(v) Nothing in division (C)(1)(h)(iii)(a) of this section precludes a person from carrying forward, use with respect to any return filed for a taxable year beginning after 2018, any amount of net operating loss that was not fully utilized by operation of division (C)(1)(h)(iii)(a) of this section. To the extent that an amount of net operating loss that was not fully utilized in one or more taxable years by operation of division (C)(1)(h)(iii)(a) of this section is carried forward for use with respect to a return filed for a taxable year beginning in 2019, 2020, 2021, or 2022, the limitation described in division (C)(1)(h)(iii)(a) of this section shall apply to the amount carried forward.

(i) Deduct any net profit of a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that net profit in the group's federal taxable income in accordance with division (V)(3)(b) of Section 5.

(j) Add any loss incurred by a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that loss in the group's federal taxable income in accordance with division (V)(3)(b) of Section 5.

If the taxpayer is not a C corporation, is not a disregarded entity that has made an election described in division (C)(48)(b) of this section, is not a publicly traded partnership that has made the election described in division (C)(24)(d) of this section, and is not an individual, the taxpayer shall compute adjusted federal taxable income under this section as if the taxpayer were a C corporation, except guaranteed payments and other similar amounts paid or accrued to a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deductible expense unless such payments are in consideration for the use of capital and treated as payment of interest under Section 469 of the Internal Revenue Code or United States treasury regulations. Amounts paid or accrued to a qualified self-employed retirement plan with respect to a partner, former partner, shareholder, former shareholder, member, or former member of the taxpayer, amounts paid or accrued to or for health insurance for a partner, former partner, shareholder, former shareholder, member, or former member, and amounts paid or accrued to or for life insurance for a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deduction.

Nothing in division (C)(1) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

**(2)(a) "Assessment"** means a written finding by the Tax Administrator that a person has underpaid municipal income tax, or owes penalty and interest, or any combination of tax, penalty, or interest, to the municipal corporation that commences the person's time limitation for making an appeal to the Board of Tax Review pursuant to Section 21, and has "ASSESSMENT" written in all capital letters at the top of such finding.

(b) "Assessment" does not include a notice denying a request for refund issued under division (C)(3) of Section 9, a billing statement notifying a taxpayer of current or past-due balances owed to the municipal corporation, a Tax Administrator's request for additional information, a notification to the taxpayer of mathematical errors, or a Tax Administrator's other written correspondence to a person or taxpayer that does not meet the criteria prescribed by division (C)(2)(a) of this section.

**(3) "Audit"** means the examination of a person or the inspection of the books, records, memoranda, or accounts of a person, ordered to appear before the Tax Administrator, for the purpose of determining liability for a municipal income tax.

(4) **"Board of Tax Review"** or "Board of Review" or "Board of Tax Appeals", or other named local board constituted to hear appeals of municipal income tax matters, means the entity created under Section 21.

(5) **"Calendar quarter"** means the three-month period ending on the last day of March, June, September, or December.

(6) **"Casino operator" and "casino facility"** have the same meanings as in Section 3772.01 of the ORC.

(7) **"Certified mail," "express mail," "United States mail," "postal service,"** and similar terms include any delivery service authorized pursuant to Section 5703.056 of the ORC.

(8) **"Disregarded entity"** means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.

(9) **"Domicile"** means the true, fixed, and permanent home of a taxpayer and to which, whenever absent, the taxpayer intends to return. A taxpayer may have more than one residence but not more than one domicile.

(10) **"Employee"** means an individual who is an employee for federal income tax purposes.

(11) **"Employer"** means a person that is an employer for federal income tax purposes.

(12) **"Exempt income"** means all of the following:

(a) The military pay or allowances of members of the armed forces of the United States or members of their reserve components, including the national guard of any state.

(b) Intangible income. However, a municipal corporation that taxed any type of intangible income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 116th general assembly, may continue to tax that type of income if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of intangible income after 1988 voted in favor thereof at an election held on November 8, 1988.

(c) Social security benefits, railroad retirement benefits, unemployment compensation, pensions, retirement benefit payments, payments from annuities, and similar payments made to an employee or to the beneficiary of an employee under a retirement program or plan, disability payments received from private industry or local, state, or federal governments or from charitable, religious or educational organizations, and the proceeds of sickness, accident, or liability insurance policies. As used in division (C)(12)(c) of this section, "unemployment compensation" does not include supplemental unemployment compensation described in Section 3402(o)(2) of the Internal Revenue Code.

(d) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities.

(e) Compensation paid under Section 3501.28 or 3501.36 of the ORC to a person serving as a precinct election official to the extent that such compensation does not exceed \$1,000 for the taxable year. Such compensation in excess of \$1,000 for the taxable year may be subject to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.

(f) Dues, contributions, and similar payments received by charitable, religious, educational, or literary organizations or labor unions, lodges, and similar organizations;

(g) Alimony and child support received.

(h) Compensation for personal injuries or for damages to property from insurance proceeds or otherwise, excluding compensation paid for lost salaries or wages or compensation from punitive damages.

(i) Income of a public utility when that public utility is subject to the tax levied under Section 5727.24 or 5727.30 of the ORC. Division (C)(12)(i) of this section does not apply for purposes of Chapter 5745. of the ORC.

(j) Gains from involuntary conversions, interest on federal obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business.

(k) Compensation or allowances excluded from federal gross income under Section 107 of the Internal Revenue Code.

(l) Employee compensation that is not qualifying wages as defined in division (C)(35) of this section.

(m) Compensation paid to a person employed within the boundaries of a United States air force base under the jurisdiction of the United States air force that is used for the housing of members of the United States air force and is a center for air force operations, unless the person is subject to taxation because of residence or domicile. If the compensation is subject to taxation because of residence or domicile, tax on such income shall be payable only to the municipal corporation of residence or domicile.

(n) An S corporation shareholder's share of net profits of the S corporation, other than any part of the share of net profits that represents wages as defined in Section 3121(a) of the Internal Revenue Code or net earnings from self-employment as defined in Section 1402(a) of the Internal Revenue Code.

(o) All of the income of individuals under 18 years of age.

(p)(i) Except as provided in divisions (C)(12)(p)(ii), (iii), and (iv) of this section, qualifying wages described in division (C)(2) or (5) of Section 4 to the extent the qualifying wages are not subject to withholding for the Village under either of those divisions.

(ii) The exemption provided in division (C)(12)(p)(i) of this section does not apply with respect to the municipal corporation in which the employee resided at the time the employee earned the qualifying wages.

(iii) The exemption provided in division (C)(12)(p)(i) of this section does not apply to qualifying wages that an employer elects to withhold under division (C)(4)(b) of Section 4.

(iv) The exemption provided in division (C)(12)(p)(i) of this section does not apply to qualifying wages if both of the following conditions apply:

(a) For qualifying wages described in division (C)(2) of Section 4, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employee's principal place of work is situated, or, for qualifying wages described in division (C)(5) of Section 4, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located;

(b) The employee receives a refund of the tax described in division (C)(12)(p)(iv)(a) of this section on the basis of the employee not performing services in that municipal corporation.

(q)(i) Except as provided in division (C)(12)(q)(ii) or (iii) of this section, compensation that is not qualifying wages paid to a nonresident individual for personal services performed in the Village on not more than 20 days in a taxable year.

(ii) The exemption provided in division (C)(12)(q)(ii) of this section does not apply under either of the following circumstances:

(a) The individual's base of operation is located in the municipal corporation.

(b) The individual is a professional athlete, professional entertainer, or public figure, and the compensation is paid for the performance of services in the individual's capacity as a professional athlete, professional entertainer, or public figure. For purposes of division (C)(12)(q)(ii)(b) of this section, "professional athlete," "professional entertainer," and "public figure" have the same meanings as in Section 4 (C).

(iii) Compensation to which division (C)(12)(q) of this section applies shall be treated as earned or received at the individual's base of operation. If the individual does not have a base of operation, the compensation shall be treated as earned or received where the individual is domiciled.

(iv) For purposes of division (C)(12)(q) of this section, "base of operation" means the location where an individual owns or rents an office, storefront, or similar facility to which the individual regularly reports and at which the individual regularly performs personal services for compensation.

(r) Compensation paid to a person for personal services performed for a political subdivision on property owned by the political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another person performing services for the subdivision under a contract with the subdivision, if the property on which services are performed is annexed to a municipal corporation pursuant to Section 709.023 of the ORC on or after March 27, 2013, unless the person is subject to such taxation because of residence. If the compensation is subject to taxation because of residence, municipal income tax shall be payable only to the municipal corporation of residence.

(s) Income the taxation of which is prohibited by the constitution or laws of the United States.



Any item of income that is exempt income of a pass-through entity under division (C) of this section is exempt income of each owner of the pass-through entity to the extent of that owner's distributive or proportionate share of that item of the entity's income.

**(13) "Form 2106"** means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.

**(14) "Generic form"** means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability or for filing a refund claim.

**(15) "Gross receipts"** means the total revenue derived from sales, work done, or service rendered.

**(16) "Income"** means the following:

(a)(i) For residents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the resident, including the resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the resident and any net profit of the resident, except as provided in (C)(24)(d) of this division.

(ii) For the purposes of division (C)(16)(a)(i) of this section:

(a) Any net operating loss of the resident incurred in the taxable year and the resident's distributive share of any net operating loss generated in the same taxable year and attributable to the resident's ownership interest in a pass-through entity shall be allowed as a deduction, for that taxable year and the following five taxable years, against any other net profit of the resident or the resident's distributive share of any net profit attributable to the resident's ownership interest in a pass-through entity until fully utilized, subject to division (C)(16)(a)(iv) of this section;

(b) The resident's distributive share of the net profit of each pass-through entity owned directly or indirectly by the resident shall be calculated without regard to any net operating loss that is carried forward by that entity from a prior taxable year and applied to reduce the entity's net profit for the current taxable year.

(iii) Division (C)(16)(a)(ii) of this section does not apply with respect to any net profit or net operating loss attributable to an ownership interest in an S corporation unless shareholders' shares of net profits from S corporations are subject to tax in the municipal corporation as provided in division (C)(12)(n) or (C)(16)(e) of this section.

(iv) Any amount of a net operating loss used to reduce a taxpayer's net profit for a taxable year shall reduce the amount of net operating loss that may be carried forward to any subsequent year for use by that taxpayer. In no event shall the cumulative deductions for all taxable years with respect to a taxpayer's net operating loss exceed the original amount of that net operating loss available to that taxpayer.

(b) In the case of nonresidents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the nonresident for work done, services performed or rendered, or activities conducted in the municipal corporation, including any net profit of

the nonresident, but excluding the nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the nonresident.

(c) For taxpayers that are not individuals, net profit of the taxpayer;

(d) Lottery, sweepstakes, gambling and sports winnings, winnings from games of chance, and prizes and awards. If the taxpayer is a professional gambler for federal income tax purposes, the taxpayer may deduct related wagering losses and expenses to the extent authorized under the Internal Revenue Code and claimed against such winnings.

(e) Intentionally left blank.

**(17) "Intangible income"** means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Ordinance 5701. of the ORC, and patents, copyrights, trademarks, tradenames, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. "Intangible income" does not include prizes, awards, or other income associated with any lottery winnings, gambling winnings, or other similar games of chance.

**(18) "Internal Revenue Code"** has the same meaning as in Section 5747.01 of the ORC.

**(19) "Limited liability company"** means a limited liability company formed under Ordinance 1705. of the ORC or under the laws of another state.

**(20) "Municipal corporation"** includes a joint economic development district or joint economic development zone that levies an income tax under Section 715.691 , 715.70 , 715.71 , or 715.74 of the ORC.

**(21)(a) "Municipal taxable income"** means the following:

(i) For a person other than an individual, income reduced by exempt income to the extent otherwise included in income and then, as applicable, apportioned or sitused to the Village under Section 3, and further reduced by any pre-2017 net operating loss carryforward available to the person for the Village.

(ii)(a) For an individual who is a resident of the Village, income reduced by exempt income to the extent otherwise included in income, then reduced as provided in division (C)(21)(b) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the municipal corporation.

(b) For an individual who is a nonresident of the Village, income reduced by exempt income to the extent otherwise included in income and then, as applicable, apportioned or sitused to the municipal corporation under Section 3, then reduced as provided in division (C)(21)(b) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the Village.

(b) In computing the municipal taxable income of a taxpayer who is an individual, the taxpayer may subtract, as provided in division (C)(21)(a)(ii)(a) or (C)(21)(b) of this section, the amount of the individual's employee business expenses reported on the individual's form 2106 that the individual

deducted for federal income tax purposes for the taxable year, subject to the limitation imposed by Section 67 of the Internal Revenue Code. For the municipal corporation in which the taxpayer is a resident, the taxpayer may deduct all such expenses allowed for federal income tax purposes, but to the extent the expenses do not relate to exempt income. For a municipal corporation in which the taxpayer is not a resident, the taxpayer may deduct such expenses only to the extent the expenses are related to the taxpayer's performance of personal services in that nonresident municipal corporation and are not related to exempt income.

**(22) "Municipality" or "Village"** means the same as the Village of Antwerp. If the terms are capitalized in the ordinance they are referring to the Village of Antwerp. If not capitalized they refer to a municipal corporation other than the Village of Antwerp.

**(23) "Net operating loss"** means a loss incurred by a person in the operation of a trade or business. "Net operating loss" does not include unutilized losses resulting from basis limitations, at-risk limitations, or passive activity loss limitations.

**(24)(a) "Net profit"** for a person other than an individual means adjusted federal taxable income.

(b) "Net profit" for a person who is an individual means the individual's net profit required to be reported on schedule C, schedule E, or schedule F reduced by any net operating loss carried forward. For the purposes of division (C)(24)(b) of this section, the net operating loss carried forward shall be calculated and deducted in the same manner as provided in division (C)(1)(h) of this section.

(c) For the purposes of this Ordinance, and notwithstanding division (C)(24)(a) of this section, net profit of a disregarded entity shall not be taxable as against that disregarded entity, but shall instead be included in the net profit of the owner of the disregarded entity.

(d) A publicly traded partnership that is treated as a partnership for federal income tax purposes, and that is subject to tax on its net profits by the Village, may elect to be treated as a C corporation for the Village. The election shall be made on the annual return for the Village. The Village will treat the publicly traded partnership as a C corporation if the election is so made.

**(25) "Nonresident"** means an individual that is not a resident.

**(26) "Ohio Business Gateway"** means the online computer network system, created under Section 125.30 of the ORC, that allows persons to electronically file business reply forms with state agencies and includes any successor electronic filing and payment system.

**(27) "Other payer"** means any person, other than an individual's employer or the employer's agent that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.

**(28) "Pass-through entity"** means a partnership not treated as an association taxable as a C corporation for federal income tax purposes, a limited liability company not treated as an association taxable as a C corporation for federal income tax purposes, an S corporation, or any other class of entity from which the income or profits of the entity are given pass-through treatment for federal income tax purposes. "Pass-through entity" does not include a trust, estate, grantor of a grantor trust, or disregarded entity.

**(29) "Pension"** means any amount paid to an employee or former employee that is reported to the recipient on an IRS form 1099-R, or successor form. Pension does not include deferred compensation, or

amounts attributable to nonqualified deferred compensation plans, reported as FICA/Medicare wages on an IRS form W-2, Wage and Tax Statement, or successor form.

**(30) "Person"** includes individuals, firms, companies, joint stock companies, business trusts, estates, trusts, partnerships, limited liability partnerships, limited liability companies, associations, C corporations, S corporations, governmental entities, and any other entity.

**(31) "Postal service"** means the United States postal service.

**(32) "Postmark date," "date of postmark,"** and similar terms include the date recorded and marked in the manner described in division (B)(3) of Section 5703.056 of the ORC.

**(33)(a) "Pre-2017 net operating loss carryforward"** means any net operating loss incurred in a taxable year beginning before January 1, 2017, to the extent such loss was permitted, by a resolution or ordinance of the Village that was adopted by the Village before January 1, 2016, to be carried forward and utilized to offset income or net profit generated in the Village in future taxable years.

(b) For the purpose of calculating municipal taxable income, any pre-2017 net operating loss carryforward may be carried forward to any taxable year, including taxable years beginning in 2017 or thereafter, for the number of taxable years provided in the resolution or ordinance or until fully utilized, whichever is earlier.

**(34) "Publicly traded partnership"** means any partnership, an interest in which is regularly traded on an established securities market. A "publicly traded partnership" may have any number of partners.

**(35) "Qualifying wages"** means wages, as defined in Section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows:

(a) Deduct the following amounts:

(i) Any amount included in wages if the amount constitutes compensation attributable to a plan or program described in Section 125 of the Internal Revenue Code.

(ii) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or other payer.

(iii) Intentionally left blank.

(iv) Intentionally left blank.

(v) Any amount included in wages that is exempt income.

(b) Add the following amounts:

(i) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986.

(c) The Tax Administrator may require a taxpayer to use an alternative apportionment method as described in division (F)(2)(a) of this section, but only by issuing an assessment to the taxpayer within the period prescribed by Section 12 (A).

(d) Nothing in division (F)(2) of this section nullifies or otherwise affects any alternative apportionment arrangement approved by the Tax Administrator or otherwise agreed upon by both the Tax Administrator and taxpayer before January 1, 2016.

(3) As used in division (F)(1)(b) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:

(a) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:

(i) The employer;

(ii) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;

(iii) A vendor, customer, client, or patient of a person described in (F)(3)(a)(ii) of this section, or a related member of such a vendor, customer, client, or patient.

(b) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;

(c) Any other location, if the Tax Administrator determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (F) (3)(a) or (b) of this section solely in order to avoid or reduce the employer's municipal income tax liability. If the Tax Administrator makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the Tax Administrator's determination was unreasonable.

(4) For the purposes of division (F)(1)(c) of this section, receipts from sales and rentals made and services performed shall be situated to a municipal corporation as follows:

(a) Gross receipts from the sale of tangible personal property shall be situated to the municipal corporation in which the sale originated. For the purposes of this division, a sale of property originates in the Village if, regardless of where title passes, the property meets any of the following criteria:

(i) The property is shipped to or delivered within the Village from a stock of goods located within the Village.

(ii) The property is delivered within the Village from a location outside the Village, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the Village and the sales result from such solicitation or promotion.

(iii) The property is shipped from a place within the Village to purchasers outside the municipal corporation, provided that the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.

(b) Gross receipts from the sale of services shall be situated to the Village to the extent that such services are performed in the Village.

(c) To the extent included in income, gross receipts from the sale of real property located in the Village shall be situated to the Village.

(d) To the extent included in income, gross receipts from rents and royalties from real property located in the Village shall be situated to the Village.

(e) Gross receipts from rents and royalties from tangible personal property shall be situated to the Village based upon the extent to which the tangible personal property is used in the Village.

(5) The net profit received by an individual taxpayer from the rental of real estate owned directly by the individual, or by a disregarded entity owned by the individual, shall be subject to the Village's tax only if the property generating the net profit is located in the Village or if the individual taxpayer that receives the net profit is a resident of the Village. The Village shall allow such taxpayers to elect to use separate accounting for the purpose of calculating net profit situated under this division to the municipal corporation in which the property is located.

(6)(a) Commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be situated to the municipal corporation in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to the Village, if applicable, based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the Village to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.

(b) An individual who is a resident of the Village shall report the individual's net profit from all real estate activity on the individual's annual tax return for the Village. The individual may claim a credit for taxes the individual paid on such net profit to another municipal corporation to the extent that such a credit is allowed under the Village's income tax ordinance. (7) When calculating the ratios described in division (F)(1) of this section for the purposes of that division or division (F)(2) of this section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.

(7) Intentionally left blank.

(8) Intentionally left blank.

#### **SECTION 4 COLLECTION AT SOURCE.**

##### **Withholding provisions.**

(A) Each employer, agent of an employer, or other payer located or doing business in the Village shall withhold an income tax from the qualifying wages earned and/or received by each employee in the Village. Except for qualifying wages for which withholding is not required under Section 3 or division

(B)(4) or (6) of this section, the tax shall be withheld at the rate, specified in Section 3 of this Ordinance, of 1%. An employer, agent of an employer, or other payer shall deduct and withhold the tax from qualifying wages on the date that the employer, agent, or other payer directly, indirectly, or constructively pays the qualifying wages to, or credits the qualifying wages to the benefit of, the employee.

(B)(1) Except as provided in division (B)(2) of this section, an employer, agent of an employer, or other payer shall remit to the Tax Administrator of the Village the greater of the income taxes deducted and withheld or the income taxes required to be deducted and withheld by the employer, agent, or other payer according to the following schedule:

(a) Taxes required to be deducted and withheld shall be remitted monthly to the Tax Administrator if the total taxes deducted and withheld or required to be deducted and withheld by the employer, agent, or other payer on behalf of the Village in the preceding calendar year exceeded \$2,399, or if the total amount of taxes deducted and withheld or required to be deducted and withheld on behalf of the Village in any month of the preceding calendar quarter exceeded \$200.

Payment under division (B)(1)(a) of this section shall be made so that the payment is received by the Tax Administrator not later than 15 days after the last day of each month for which the tax was withheld.

(b) Any employer, agent of an employer, or other payer not required to make payments under division (B)(1)(a) of this section of taxes required to be deducted and withheld shall make quarterly payments to the Tax Administrator not later than the 15th day of the month following the end of each calendar quarter.

(c) Intentionally left blank.

(2) If the employer, agent of an employer, or other payer is required to make payments electronically for the purpose of paying federal taxes withheld on payments to employees under Section 6302 of the Internal Revenue Code, 26 C.F.R. 31.6302-1, or any other federal statute or regulation, the payment shall be made by electronic funds transfer to the Tax Administrator of all taxes deducted and withheld on behalf of the Village. The payment of tax by electronic funds transfer under this division does not affect an employer's, agent's, or other payer's obligation to file any return as required under this section.

(3) An employer, agent of an employer, or other payer shall make and file a return showing the amount of tax withheld by the employer, agent, or other payer from the qualifying wages of each employee and remitted to the Tax Administrator. A return filed by an employer, agent, or other payer under this division shall be accepted by Tax Administrator and the Village as the return required of a non-resident employee whose sole income subject to the tax under this Ordinance is the qualifying wages reported by the employee's employer, agent of an employer, or other payer.

(4) An employer, agent of an employer, or other payer is not required to withhold the Village's income tax with respect to an individual's disqualifying disposition of an incentive stock option if, at the time of the disqualifying disposition, the individual is not an employee of either the corporation with respect to whose stock the option has been issued or of such corporation's successor entity.

(5)(a) An employee is not relieved from liability for a tax by the failure of the employer, agent of an employer, or other payer to withhold the tax as required under this Ordinance or by the employer's, agent's, or other payer's exemption from the requirement to withhold the tax.

(b) The failure of an employer, agent of an employer, or other payer to remit to the Village the tax withheld relieves the employee from liability for that tax unless the employee colluded with the employer, agent, or other payer in connection with the failure to remit the tax withheld.

(6) Compensation deferred before June 26, 2003, is not subject to the Village's income tax or income tax withholding requirement to the extent the deferred compensation does not constitute qualifying wages at the time the deferred compensation is paid or distributed.

(7) Each employer, agent of an employer, or other payer required to withhold taxes is liable for the payment of that amount required to be withheld, whether or not such taxes have been withheld, and such amount shall be deemed to be held in trust for the Village until such time as the withheld amount is remitted to the Tax Administrator.

(8) On or before the last day of February of each year, an employer shall file a withholding reconciliation return with the Tax Administrator listing:

(a) The names, addresses, and social security numbers of all employees from whose qualifying wages tax was withheld or should have been withheld for the Village during the preceding calendar year;

(b) The amount of tax withheld, if any, from each such employee, the total amount of qualifying wages paid to such employee during the preceding calendar year;

(c) The name of every other municipal corporation for which tax was withheld or should have been withheld from such employee during the preceding calendar year;

(d) Any other information required for federal income tax reporting purposes on Internal Revenue Service form W-2 or its equivalent form with respect to such employee;

(e) Other information as may be required by the Tax Administrator.

(9) The officer or the employee of the employer, agent of an employer, or other payer with control or direct supervision of or charged with the responsibility for withholding the tax or filing the reports and making payments as required by this section, shall be personally liable for a failure to file a report or pay the tax due as required by this section. The dissolution of an employer, agent of an employer, or other payer does not discharge the officer's or employee's liability for a failure of the employer, agent of an employer, or other payer to file returns or pay any tax due.

(10) An employer is required to deduct and withhold the Village's income tax on tips and gratuities received by the employer's employees and constituting qualifying wages, but only to the extent that the tips and gratuities are under the employer's control. For the purposes of this division, a tip or gratuity is under the employer's control if the tip or gratuity is paid by the customer to the employer for subsequent remittance to the employee, or if the customer pays the tip or gratuity by credit card, debit card, or other electronic means.

(11) The Tax Administrator shall consider any tax withheld by an employer at the request of an employee, when such tax is not otherwise required to be withheld by this Ordinance, to be tax required to be withheld and remitted for the purposes of this section

**Occasional Entrant - Withholding.**



(4) The credit allowed under this division is allowed only to the extent the taxpayer's qualifying loss is attributable to:

(a) The insolvency or bankruptcy of the employer who had established the nonqualified deferred compensation plan; or

(b) The employee's failure or inability to satisfy all of the employer's terms and conditions necessary to receive the nonqualified deferred compensation.

**Domicile.**

(E)(1)(a) An individual is presumed to be domiciled in the Village for all or part of a taxable year if the individual was domiciled in the Village on the last day of the immediately preceding taxable year or if the Tax Administrator reasonably concludes that the individual is domiciled in the Village for all or part of the taxable year.

(b) An individual may rebut the presumption of domicile described in division (E)(1)(a) of this section if the individual establishes by a preponderance of the evidence that the individual was not domiciled in the Village for all or part of the taxable year.

(2) For the purpose of determining whether an individual is domiciled in the Village for all or part of a taxable year, factors that may be considered include, but are not limited to, the following:

(a) The individual's domicile in other taxable years;

(b) The location at which the individual is registered to vote;

(c) The address on the individual's driver's license;

(d) The location of real estate for which the individual claimed a property tax exemption or reduction allowed on the basis of the individual's residence or domicile;

(e) The location and value of abodes owned or leased by the individual;

(f) Declarations, written or oral, made by the individual regarding the individual's residency;

(g) The primary location at which the individual is employed.

(h) The location of educational institutions attended by the individual's dependents as defined in Section 152 of the Internal Revenue Code, to the extent that tuition paid to such educational institution is based on the residency of the individual or the individual's spouse in the municipal corporation where the educational institution is located;

(i) The number of contact periods the individual has with the Village. For the purposes of this division, an individual has one "contact period" with the Village if the individual is away overnight from the individual's abode located outside of the Village and while away overnight from that abode spends at least some portion, however minimal, of each of two consecutive days in the Village.

(3) All additional applicable factors are provided in the Rules and Regulations.

## **Businesses.**

(F) This division applies to any taxpayer engaged in a business or profession in the Village, unless the taxpayer is an individual who resides in the Village or the taxpayer is an electric company, combined company, or telephone company that is subject to and required to file reports under Chapter 5745. of the ORC.

(1) Except as otherwise provided in division (F)(2) of this section, net profit from a business or profession conducted both within and without the boundaries of the Village shall be considered as having a taxable situs in the Village for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(a) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the Village during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated.

As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;

(b) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the Village to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under Section 4 (C);

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

(2)(a) If the apportionment factors described in division (F)(1) of this section do not fairly represent the extent of a taxpayer's business activity in the Village, the taxpayer may request, or the Tax Administrator of the Village may require, that the taxpayer use, with respect to all or any portion of the income of the taxpayer, an alternative apportionment method involving one or more of the following:

(i) Separate accounting;

(ii) The exclusion of one or more of the factors;

(iii) The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the municipal corporation;

(iv) A modification of one or more of the factors.

(b) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the Tax Administrator denies the request in an assessment issued within the period prescribed by Section 12 (A).

(ii) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option. Division (C)(35)(b)(ii) of this section applies only to those amounts constituting ordinary income.

(iii) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Division (C)(35)(b)(ii) of this section applies only to employee contributions and employee deferrals.

(iv) Any amount that is supplemental unemployment compensation benefits described in Section 3402(o)(2) of the Internal Revenue Code and not included in wages.

(v) Any amount received that is treated as self-employment income for federal tax purposes in accordance with Section 1402(a)(8) of the Internal Revenue Code.

(vi) Any amount not included in wages if all of the following apply:

(a) For the taxable year the amount is employee compensation that is earned outside the United States and that either is included in the taxpayer's gross income for federal income tax purposes or would have been included in the taxpayer's gross income for such purposes if the taxpayer did not elect to exclude the income under Section 911 of the Internal Revenue Code;

(b) For no preceding taxable year did the amount constitute wages as defined in Section 3121(a) of the Internal Revenue Code;

(c) For no succeeding taxable year will the amount constitute wages; and

(d) For any taxable year the amount has not otherwise been added to wages pursuant to either division (C)(35)(b) of this section or Section 4, as that section existed before the effective date of H.B. 5 of the 130th General Assembly, March 23, 2015.

**(36) "Related entity"** means any of the following:

(a) An individual stockholder, or a member of the stockholder's family enumerated in Section 318 of the Internal Revenue Code, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty percent (50%) of the value of the taxpayer's outstanding stock;

(b) A stockholder, or a stockholder's partnership, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, estates, trusts, or corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty percent (50%) of the value of the taxpayer's outstanding stock;

(c) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under division (C)(36)(d) of this section, provided the taxpayer owns directly, indirectly, beneficially, or constructively, at least fifty percent of the value of the corporation's outstanding stock;

(d) The attribution rules described in Section 318 of the Internal Revenue Code apply for the purpose of determining whether the ownership requirements in divisions (C)(36)(a) to (c) of this section have been met.

(37) **"Related member"** means a person that, with respect to the taxpayer during all or any portion of the taxable year, is either a related entity, a component member as defined in Section 1563(b) of the Internal Revenue Code, or a person to or from whom there is attribution of stock ownership in accordance with Section 1563(e) of the Internal Revenue Code except, for purposes of determining whether a person is a related member under this division, " twenty percent (20%)" shall be substituted for "five percent (5%)" wherever "five percent (5%)" appears in Section 1563(e) of the Internal Revenue Code.

(38) **"Resident"** means an individual who is domiciled in the municipal corporation as determined under Section 3(E).

(39) **"S corporation"** means a person that has made an election under subchapter/ordinance S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.

(40) **"Schedule C"** means internal revenue service schedule C (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(41) **"Schedule E"** means internal revenue service schedule E (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(42) **"Schedule F"** means internal revenue service schedule F (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(43) **"Single member limited liability company"** means a limited liability company that has one direct member.

(44) **"Small employer"** means any employer that had total revenue of less than \$500,000 during the preceding taxable year. For purposes of this division, "total revenue" means receipts of any type or kind, including, but not limited to, sales receipts; payments; rents; profits; gains, dividends, and other investment income; compensation; commissions; premiums; money; property; grants; contributions; donations; gifts; program service revenue; patient service revenue; premiums; fees, including premium fees and service fees; tuition payments; unrelated business revenue; reimbursements; any type of payment from a governmental unit, including grants and other allocations; and any other similar receipts reported for federal income tax purposes or under generally accepted accounting principles. "Small employer" does not include the federal government; any state government, including any state agency or instrumentality; any political subdivision; or any entity treated as a government for financial accounting and reporting purposes.

(45) **"Tax Administrator"** means the individual charged with direct responsibility for administration of an income tax levied by the Village in accordance with this Ordinance.

(46) **"Tax return preparer"** means any individual described in Section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15.

(47) **"Taxable year"** means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.

**(48)(a) "Taxpayer"** means a person subject to a tax levied on income by a municipal corporation in accordance with this Ordinance. "Taxpayer" does not include a grantor trust or, except as provided in division (C)(48)(b)(i) of this section, a disregarded entity.

(b)(i) A single member limited liability company that is a disregarded entity for federal tax purposes may be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:

(a) The limited liability company's single member is also a limited liability company.

(b) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004.

(c) Not later than December 31, 2004, the limited liability company and its single member each made an election to be treated as a separate taxpayer under division (L) of ORC 718.01 as that section existed on December 31, 2004.

(d) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member.

(e) The Ohio municipal corporation that was the primary place of business of the sole member of the limited liability company consented to the election.

(ii) For purposes of division (C)(48)(b)(ii) of this section, a municipal corporation was the primary place of business of a limited liability company if, for the limited liability company's taxable year ending in 2003, its income tax liability was greater in that municipal corporation than in any other municipal corporation in Ohio, and that tax liability to that municipal corporation for its taxable year ending in 2003 was at least \$400,000.

**(49) "Taxpayers' rights and responsibilities"** means the rights provided to taxpayers in Sections 9, 12, 13, 19(B), 20, 21, and Sections 5717.011 and 5717.03 of the ORC, and the responsibilities of taxpayers to file, report, withhold, remit, and pay municipal income tax and otherwise comply with Ordinance 718. of the ORC and resolutions, ordinances, and rules and regulations adopted by the Village for the imposition and administration of a municipal income tax.

**(50) "Video lottery terminal"** has the same meaning as in Section 3770.21 of the ORC.

**(51) "Video lottery terminal sales agent"** means a lottery sales agent licensed under Chapter 3770. of the ORC to conduct video lottery terminals on behalf of the state pursuant to Section 3770.21 of the ORC.

### **SECTION 3 IMPOSITION OF TAX.**

The income tax levied by the Village at a rate of one percent (1%) is levied on the Municipal Taxable Income of every person residing in and/or earning and/or receiving income in the Village.

#### **Individuals.**

(A) For residents of the Village, the income tax levied herein shall be on all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the resident, including the resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the resident and any net profit of the resident. This is further detailed in the definition of income (Section 2 (C)(16)).

(B) For nonresidents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the nonresident for work done, services performed or rendered, or activities conducted in the municipal corporation, including any net profit of the nonresident, but excluding the nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the nonresident.

(C) For residents and nonresidents, income can be reduced to "Municipal Taxable Income" as defined in Section 2 (C)(21). Exemptions which may apply are specified in Section 2 (C)(12).

**Refundable credit for Nonqualified Deferred Compensation Plan.**

(D)(1) As used in this division:

(a) "Nonqualified deferred compensation plan" means a compensation plan described in Section 3121(v)(2)(C) of the Internal Revenue Code.

(b) "Qualifying loss" means the amount of compensation attributable to a taxpayer's nonqualified deferred compensation plan, less the receipt of money and property attributable to distributions from the nonqualified deferred compensation plan. Full loss is sustained if no distribution of money and property is made by the nonqualified deferred compensation plan. The taxpayer sustains a qualifying loss only in the taxable year in which the taxpayer receives the final distribution of money and property pursuant to that nonqualified deferred compensation plan.

(c)(i) "Qualifying tax rate" means the applicable tax rate for the taxable year for the which the taxpayer paid income tax to the Village with respect to any portion of the total amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan.

(ii) If different tax rates applied for different taxable years, then the "qualifying tax rate" is a weighted average of those different tax rates. The weighted average shall be based upon the tax paid to the Village each year with respect to the nonqualified deferred compensation plan.

(d) "Refundable credit" means the amount of the Village's income tax that was paid on the non-distributed portion, if any, of a nonqualified deferred compensation plan.

(2) If, in addition to the Village, a taxpayer has paid tax to other municipal corporations with respect to the nonqualified deferred compensation plan, the amount of the credit that a taxpayer may claim from each municipal corporation shall be calculated on the basis of each municipal corporation's proportionate share of the total municipal corporation income tax paid by the taxpayer to all municipal corporations with respect to the nonqualified deferred compensation plan.

(3) In no case shall the amount of the credit allowed under this section exceed the cumulative income tax that a taxpayer has paid to the Village for all taxable years with respect to the nonqualified deferred compensation plan.

(C)(1) As used in this division:

(a) "Employer" includes a person that is a related member to or of an employer.

(b) "Fixed location" means a permanent place of doing business in this state, such as an office, warehouse, storefront, or similar location owned or controlled by an employer.

(c) "Principal place of work" means the fixed location to which an employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location, "principal place of work" means the worksite location in this state to which the employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location or worksite location, "principal place of work" means the location in this state at which the employee spends the greatest number of days in a calendar year performing services for or on behalf of the employee's employer.

If there is not a single municipal corporation in which the employee spent the "greatest number of days in a calendar year" performing services for or on behalf of the employer, but instead there are two or more municipal corporations in which the employee spent an identical number of days that is greater than the number of days the employee spent in any other municipal corporation, the employer shall allocate any of the employee's qualifying wages subject to division (C)(2)(a)(i) of this section among those two or more municipal corporations. The allocation shall be made using any fair and reasonable method, including, but not limited to, an equal allocation among such municipal corporations or an allocation based upon the time spent or sales made by the employee in each such municipal corporation. A municipal corporation to which qualifying wages are allocated under this division shall be the employee's "principal place of work" with respect to those qualifying wages for the purposes of this section.

For the purposes of this division, the location at which an employee spends a particular day shall be determined in accordance with division (C)(2)(b) of this section, except that "location" shall be substituted for "municipal corporation" wherever "municipal corporation" appears in that division.

(d) "Professional athlete" means an athlete who performs services in a professional athletic event for wages or other remuneration.

(e) "Professional entertainer" means a person who performs services in the professional performing arts for wages or other remuneration on a per-event basis.

(f) "Public figure" means a person of prominence who performs services at discrete events, such as speeches, public appearances, or similar events, for wages or other remuneration on a per-event basis.

(g) "Worksite location" means a construction site or other temporary worksite in this state at which the employer provides services for more than 20 days during the calendar year. "Worksite location" does not include the home of an employee.

(2)(a) Subject to divisions (C)(3), (5), (6), and (7) of this section, an employer is not required to withhold the Village's income tax on qualifying wages paid to an employee for the performance of personal services in the Village if the employee performed such services in the Village on 20 or fewer days in a calendar year, unless one of the following conditions applies:

(i) The employee's principal place of work is located in the Village.

(ii) The employee performed services at one or more presumed worksite locations in the Village. For the purposes of this division, "presumed worksite location" means a construction site or other temporary worksite in the Village at which the employer provides or provided services that can reasonably be, or would have been, expected by the employer to last more than 20 days in a calendar year. Services can "reasonably be expected by the employer to last more than 20 days" if either of the following applies at the time the services commence:

(a) The nature of the services are such that it will require more than 20 days of the services to complete the services;

(b) The agreement between the employer and its customer to perform services at a location requires the employer to perform the services at the location for more than 20 days.

(iii) The employee is a resident of the Village and has requested that the employer withhold tax from the employee's qualifying wages as provided in Section 4.

(iv) The employee is a professional athlete, professional entertainer, or public figure, and the qualifying wages are paid for the performance of services in the employee's capacity as a professional athlete, professional entertainer, or public figure.

(b) For the purposes of division (C)(2)(a) of this section, an employee shall be considered to have spent a day performing services in the Village only if the employee spent more time performing services for or on behalf of the employer in the Village than in any other municipal corporation on that day. For the purposes of determining the amount of time an employee spent in a particular location, the time spent performing one or more of the following activities shall be considered to have been spent at the employee's principal place of work:

(i) Traveling to the location at which the employee will first perform services for the employer for the day;

(ii) Traveling from a location at which the employee was performing services for the employer to any other location;

(iii) Traveling from any location to another location in order to pick up or load, for the purpose of transportation or delivery, property that has been purchased, sold, assembled, fabricated, repaired, refurbished, processed, remanufactured, or improved by the employee's employer;

(iv) Transporting or delivering property described in division (C)(2)(b)(iii) of this section, provided that, upon delivery of the property, the employee does not temporarily or permanently affix the property to real estate owned, used, or controlled by a person other than the employee's employer;

(v) Traveling from the location at which the employee makes the employee's final delivery or pick-up for the day to either the employee's principal place of work or a location at which the employee will not perform services for the employer.

(3) If the principal place of work of an employee is located in another Ohio municipal corporation that imposes an income tax, the exception from withholding requirements described in division (C)(2)(a) of this section shall apply only if, with respect to the employee's qualifying wages described in that division, the employer withholds and remits tax on such qualifying wages to that municipal corporation.



(4)(a) Except as provided in division (C)(4)(b) of this section, if, during a calendar year, the number of days an employee spends performing personal services in the Village exceeds the 20-day threshold, the employer shall withhold and remit tax to the Village for any subsequent days in that calendar year on which the employer pays qualifying wages to the employee for personal services performed in the Village.

(b) An employer required to begin withholding tax for the Village under division (C)(4)(a) of this section may elect to withhold tax for the Village for the first 20 days on which the employer paid qualifying wages to the employee for personal services performed in the Village.

(5) If an employer's fixed location is the Village and the employer qualifies as a small employer as defined in Section 2, the employer shall withhold municipal income tax on all of the employee's qualifying wages for a taxable year and remit that tax only to the Village, regardless of the number of days which the employee worked outside the corporate boundaries of the Village.

To determine whether an employer qualifies as a small employer for a taxable year, the employer will be required to provide the Tax Administrator with the employer's federal income tax return for the preceding taxable year.

(6) Divisions (C)(2)(a) and (4) of this section shall not apply to the extent that a Tax Administrator and an employer enter into an agreement regarding the manner in which the employer shall comply with the requirements of Section 4.

## **SECTION 5 ANNUAL RETURN; FILING.**

(A) An annual Village income tax return shall be completed and filed by every individual taxpayer eighteen (18) years of age or older and any taxpayer that is not an individual for each taxable year for which the taxpayer is subject to the tax, whether or not a tax is due thereon.

(1) The Tax Administrator may accept on behalf of all nonresident individual taxpayers a return filed by an employer, agent of an employer, or other payer under Section 5 of this Ordinance when the nonresident individual taxpayer's sole income subject to the tax is the qualifying wages reported by the employer, agent of an employer, or other payer, and no additional tax is due the Village.

(2) Retirees having no Municipal Taxable Income for the Village income tax purposes may file with the Tax Administrator a written exemption from these filing requirements on a form prescribed by the Tax Administrator. The written exemption shall indicate the date of retirement and the entity from which retired. The exemption shall be in effect until such time as the retiree receives Municipal Taxable Income taxable to the Village, at which time the retiree shall be required to comply with all applicable provisions of this Ordinance.

(B) If an individual is deceased, any return or notice required of that individual shall be completed and filed by that decedent's executor, administrator, or other person charged with the property of that decedent.

(C) If an individual is unable to complete and file a return or notice required by the Village, the return or notice required of that individual shall be completed and filed by the individual's duly authorized agent,

guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual.

(D) Returns or notices required of an estate or a trust shall be completed and filed by the fiduciary of the estate or trust.

(E) The Village shall permit spouses to file a joint return.

(F)(1) Each return required to be filed under this division shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer. The return shall include the taxpayer's social security number or taxpayer identification number. Each return shall be verified by a declaration under penalty of perjury.

(2) The Tax Administrator shall require a taxpayer who is an individual to include, with each annual return; and amended return, copies of the following documents: all of the taxpayer's Internal Revenue Service form W-2, "Wage and Tax Statements," including all information reported on the taxpayer's federal W-2, as well as taxable wages reported or withheld for any municipal corporation; the taxpayer's Internal Revenue Service form 1040; and, with respect to an amended tax return, any other documentation necessary to support the adjustments made in the amended return. An individual taxpayer who files the annual return required by this section electronically is not required to provide paper copies of any of the foregoing to the Tax Administrator unless the Tax Administrator requests such copies after the return has been filed.

(3) The Tax Administrator may require a taxpayer that is not an individual to include, with each annual net profit return, amended net profit return, or request for refund required under this section, copies of only the following documents: the taxpayer's Internal Revenue Service form 1041, form 1065, form 1120, form 1120-REIT, form 1120F, or form 1120S, and, with respect to an amended tax return or refund request, any other documentation necessary to support the refund request or the adjustments made in the amended return.

A taxpayer that is not an individual and that files an annual net profit return electronically through the Ohio Business Gateway or in some other manner shall either mail the documents required under this division to the Tax Administrator at the time of filing or, if electronic submission is available, submit the documents electronically through the Ohio Business Gateway.

(4) After a taxpayer files a tax return, the Tax Administrator may request, and the taxpayer shall provide, any information, statements, or documents required by the Village to determine and verify the taxpayer's municipal income tax liability. The requirements imposed under division (F) of this section apply regardless of whether the taxpayer files on a generic form or on a form prescribed by the Tax Administrator.

(G)(1)(a) Except as otherwise provided in this Ordinance, each individual income tax return required to be filed under this section shall be completed and filed as required by the Tax Administrator on or before the date prescribed for the filing of state individual income tax returns under division (G) of Section 5747.08 of the ORC. The taxpayer shall complete and file the return or notice on forms prescribed by the Tax Administrator or on generic forms, together with remittance made payable to the Village. No remittance is required if the net amount due is ten dollars or less.

(b) Except as otherwise provided in this Ordinance, each annual net profit return required to be filed under this section by a taxpayer that is not an individual shall be completed and filed as required by the

Tax Administrator on or before the fifteenth day of the fourth month following the end of the taxpayer's taxable year. The taxpayer shall complete and file the return or notice on forms prescribed by the Tax Administrator or on generic forms, together with remittance made payable to the Village. No remittance is required if the net amount due is ten dollars or less.

(2) Any taxpayer that has duly requested an automatic six-month extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of the Village's income tax return. The extended due date of the Village's income tax return shall be the 15th day of the tenth month after the last day of the taxable year to which the return relates. An extension of time to file under this division is not an extension of the time to pay any tax due unless the Tax Administrator grants an extension of that date.

(a) A copy of the federal extension request shall be included with the filing of the Village's income tax return.

(b) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may request that the Tax Administrator grant the taxpayer a six-month extension of the date for filing the taxpayer's the Village's income tax return. If the request is received by the Tax Administrator on or before the date the Village income tax return is due, the Tax Administrator shall grant the taxpayer's requested extension.

(3) If the tax commissioner extends for all taxpayers the date for filing state income tax returns under division (G) of Section 5747.08 of the ORC, a taxpayer shall automatically receive an extension for the filing of a the Village's income tax return. The extended due date of the Village's income tax return shall be the same as the extended due date of the state income tax return.

(4) If the Tax Administrator considers it necessary in order to ensure the payment of the tax imposed by the Village, the Tax Administrator may require taxpayers to file returns and make payments otherwise than as provided in this division, including taxpayers not otherwise required to file annual returns.

(5) To the extent that any provision in this division (G) of this section conflicts with any provision in divisions (N), (O), (P), or (Q) of this section, the provisions in divisions (N), (O), (P), or (Q) prevail.

(H)(1) For taxable years beginning after 2015, the Village shall not require a taxpayer to remit tax with respect to net profits if the net amount due is ten dollars or less.

(2) Any taxpayer not required to remit tax to the Village for a taxable year pursuant to division (H)(1) of this section shall file with the Village an annual net profit return under division (F)(3) of this section.

(I) If a payment is required to be made by electronic funds transfer, the payment is considered to be made when the payment is credited to an account designated by the Tax Administrator for the receipt of tax payments, except that, when a payment made by electronic funds transfer is delayed due to circumstances not under the control of the taxpayer, the payment is considered to be made when the taxpayer submitted the payment. This division shall not apply to payments required to be made under division (B)(1)(a) of Section 4 or provisions for semi-monthly withholding.

(J) Taxes withheld for the Village by an employer, the agent of an employer, or other payer as described in Section 4 shall be allowed to the taxpayer as credits against payment of the tax imposed on the taxpayer by the Village, unless the amounts withheld were not remitted to the Village and the recipient

colluded with the employer, agent, or other payer in connection with the failure to remit the amounts withheld.

(K) Each return required by the Village to be filed in accordance with this division shall include a box that the taxpayer may check to authorize another person, including a tax return preparer who prepared the return, to communicate with the Tax Administrator about matters pertaining to the return.

(L) The Tax Administrator shall accept for filing a generic form of any income tax return, report, or document required by the Village, provided that the generic form, once completed and filed, contains all of the information required by ordinance, resolution, or rules and regulations adopted by the Village or the Tax Administrator, and provided that the taxpayer or tax return preparer filing the generic form otherwise complies with the provisions of this Ordinance and of the Village's ordinance, resolution, or rules and regulations governing the filing of returns, reports, or documents.

#### **Filing via Ohio Business Gateway.**

(M)(1) Any taxpayer subject to municipal income taxation with respect to the taxpayer's net profit from a business or profession may file the Village's income tax return, estimated municipal income tax return, or extension for filing a municipal income tax return, and may make payment of amounts shown to be due on such returns, by using the Ohio Business Gateway.

(2) Any employer, agent of an employer, or other payer may report the amount of municipal income tax withheld from qualifying wages, and may make remittance of such amounts, by using the Ohio Business Gateway.

(3) Nothing in this section affects the due dates for filing employer withholding tax returns.

#### **Extension for service in or for the armed forces.**

(N) Each member of the national guard of any state and each member of a reserve component of the armed forces of the United States called to active duty pursuant to an executive order issued by the president of the United States or an act of the congress of the United States, and each civilian serving as support personnel in a combat zone or contingency operation in support of the armed forces, may apply to the Tax Administrator of the Village for both an extension of time for filing of the return and an extension of time for payment of taxes required by the Village during the period of the member's or civilian's duty service, and for 180 days thereafter. The application shall be filed on or before the one hundred eightieth day after the member's or civilian's duty terminates. An applicant shall provide such evidence as the Tax Administrator considers necessary to demonstrate eligibility for the extension.

(O)(1) If the Tax Administrator ascertains that an applicant is qualified for an extension under this section, the Tax Administrator shall enter into a contract with the applicant for the payment of the tax in installments that begin on the 181st day after the applicant's active duty or service terminates. The Tax Administrator may prescribe such contract terms as the Tax Administrator considers appropriate. However, taxes pursuant to a contract entered into under this division are not delinquent, and the Tax Administrator shall not require any payments of penalties or interest in connection with those taxes for the extension period.

(2) If the Tax Administrator determines that an applicant is qualified for an extension under this section, the applicant shall neither be required to file any return, report, or other tax document nor be

required to pay any tax otherwise due to the municipal corporation before the 181st day after the applicant's active duty or service terminates.

(3) Taxes paid pursuant to a contract entered into under (O)(1) of this division are not delinquent. The Tax Administrator shall not require any payments of penalties or interest in connection with those taxes for the extension period.

(P)(1) Nothing in this division denies to any person described in this division the application of divisions (N) and (O) of this section.

(2)(a) A qualifying taxpayer who is eligible for an extension under the Internal Revenue Code shall receive both an extension of time in which to file any return, report, or other tax document and an extension of time in which to make any payment of taxes required by a municipal corporation in accordance with this Ordinance. The length of any extension granted under division (P)(2)(a) of this section shall be equal to the length of the corresponding extension that the taxpayer receives under the Internal Revenue Code. As used in this division, "qualifying taxpayer" means a member of the national guard or a member of a reserve component of the armed forces of the United States called to active duty pursuant to either an executive order issued by the president of the United States or an act of the congress of the United States, or a civilian serving as support personnel in a combat zone or contingency operation in support of the armed forces.

(b) Taxes whose payment is extended in accordance with division (P)(2)(a) of this section are not delinquent during the extension period. Such taxes become delinquent on the first day after the expiration of the extension period if the taxes are not paid prior to that date. The Tax Administrator shall not require any payment of penalties or interest in connection with those taxes for the extension period. The Tax Administrator shall not include any period of extension granted under division (C)(2)(a) of this section in calculating the penalty or interest due on any unpaid tax.

(Q) For each taxable year to which division (N), (O), or (P) of this section applies to a taxpayer, the provisions of divisions (O)(2) and (3) of this section, as applicable, apply to the spouse of that taxpayer if the filing status of the spouse and the taxpayer is married filing jointly for that year.

#### **Consolidated municipal income tax return.**

(R) As used in this section:

(1) "Affiliated group of corporations" means an affiliated group as defined in Section 1504 of the Internal Revenue Code, except that, if such a group includes at least one incumbent local exchange carrier that is primarily engaged in the business of providing local exchange telephone service in this state, the affiliated group shall not include any incumbent local exchange carrier that would otherwise be included in the group.

(2) "Consolidated federal income tax return" means a consolidated return filed for federal income tax purposes pursuant to Section 1501 of the Internal Revenue Code.

(3) "Consolidated federal taxable income" means the consolidated taxable income of an affiliated group of corporations, as computed for the purposes of filing a consolidated federal income tax return, before consideration of net operating losses or special deductions. "Consolidated federal taxable income" does not include income or loss of an incumbent local exchange carrier that is excluded from the affiliated group under division (R)(1) of this section.

(4) "Incumbent local exchange carrier" has the same meaning as in Section 4927.01 of the ORC.

(5) "Local exchange telephone service" has the same meaning as in Section 5727.01 of the ORC.

(S)(1) For taxable years beginning on or after January 1, 2016, a taxpayer that is a member of an affiliated group of corporations may elect to file a consolidated municipal income tax return for a taxable year if at least one member of the affiliated group of corporations is subject to the Village's income tax in that taxable year, and if the affiliated group of corporations filed a consolidated federal income tax return with respect to that taxable year. The election is binding for a five-year period beginning with the first taxable year of the initial election unless a change in the reporting method is required under federal law. The election continues to be binding for each subsequent five-year period unless the taxpayer elects to discontinue filing consolidated municipal income tax returns under division (S)(2) of this section or a taxpayer receives permission from the Tax Administrator. The Tax Administrator shall approve such a request for good cause shown.

(2) An election to discontinue filing consolidated municipal income tax returns under this section must be made in the first year following the last year of a five-year consolidated municipal income tax return election period in effect under division (S)(1) of this section. The election to discontinue filing a consolidated municipal income tax return is binding for a five-year period beginning with the first taxable year of the election.

(3) An election made under division (S)(1) or (2) of this section is binding on all members of the affiliated group of corporations subject to a municipal income tax.

(T) A taxpayer that is a member of an affiliated group of corporations that filed a consolidated federal income tax return for a taxable year shall file a consolidated the Village income tax return for that taxable year if the Tax Administrator determines, by a preponderance of the evidence, that intercompany transactions have not been conducted at arm's length and that there has been a distortive shifting of income or expenses with regard to allocation of net profits to the Village. A taxpayer that is required to file a consolidated the Village income tax return for a taxable year shall file a consolidated the Village income tax return for all subsequent taxable years, unless the taxpayer requests and receives written permission from the Tax Administrator to file a separate return or a taxpayer has experienced a change in circumstances.

(U) A taxpayer shall prepare a consolidated the Village income tax return in the same manner as is required under the United States department of treasury regulations that prescribe procedures for the preparation of the consolidated federal income tax return required to be filed by the common parent of the affiliated group of which the taxpayer is a member.

(V)(1) Except as otherwise provided in divisions (V)(2), (3), and (4) of this section, corporations that file a consolidated municipal income tax return shall compute adjusted federal taxable income, as defined in Section 2, by substituting "consolidated federal taxable income" for "federal taxable income" wherever "federal taxable income" appears in that division and by substituting "an affiliated group of corporation's" for "a C corporation's" wherever "a C corporation's" appears in that division.

(2) No corporation filing a consolidated the Village's income tax return shall make any adjustment otherwise required under Section (2)(C)(1) to the extent that the item of income or deduction otherwise subject to the adjustment has been eliminated or consolidated in the computation of consolidated federal taxable income.

(3) If the net profit or loss of a pass-through entity having at least eighty percent (80%) of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, the corporation filing a consolidated the Village's income tax return shall do one of the following with respect to that pass-through entity's net profit or loss for that taxable year:

(a) Exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in divisions (R) through (Y) of Section 5, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to the Village. If the entity's net profit or loss is so excluded, the entity shall be subject to taxation as a separate taxpayer on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group.

(b) Include the pass-through entity's net profit or loss in the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in divisions (R) through (Y) of Section 5, include the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to the Village. If the entity's net profit or loss is so included, the entity shall not be subject to taxation as a separate taxpayer on the basis of the entity's net profits that are included in the consolidated federal taxable income of the affiliated group.

(4) If the net profit or loss of a pass-through entity having less than eighty percent of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, all of the following shall apply:

(a) The corporation filing the consolidated municipal income tax return shall exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purposes of making the computations required in divisions (R) through (Y) of Section 5, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to the Village;

(b) The pass-through entity shall be subject to the Village income taxation as a separate taxpayer in accordance with this Ordinance on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group.

(W) Corporations filing a consolidated the Village income tax return shall make the computations required under divisions (R) through (Y) of Section 5 by substituting "consolidated federal taxable income attributable to" for "net profit from" wherever "net profit from" appears in that section and by substituting "affiliated group of corporations" for "taxpayer" wherever "taxpayer" appears in that section.

(X) Each corporation filing a consolidated the Village income tax return is jointly and severally liable for any tax, interest, penalties, fines, charges, or other amounts imposed by the Village in accordance with this Ordinance on the corporation, an affiliated group of which the corporation is a member for any portion of the taxable year, or any one or more members of such an affiliated group.

(Y) Corporations and their affiliates that made an election or entered into an agreement with the Village before January 1, 2016, to file a consolidated or combined tax return with the Village may continue to file consolidated or combined tax returns in accordance with such election or agreement for taxable years beginning on and after January 1, 2016.

## **SECTION 6 CREDIT FOR TAX PAID TO OTHER MUNICIPALITIES AND/OR INDIANA COUNTIES.**

(A) Every individual taxpayer domiciled in the Village who is required to and does pay, or has acknowledged liability for, a municipal tax to another municipality and/or county tax of a county located in the State of Indiana on or measured by the same income, qualifying wages, commissions, net profits or other compensation taxable under this Ordinance, may claim a nonrefundable credit against the tax imposed by this Ordinance upon satisfactory evidence that tax has been paid to another municipality and/or county located in the State of Indiana. Subject to division (C) of this section, the credit shall not exceed 50% of the amount obtained by multiplying the income, qualifying wages, commissions, net profits or other compensation subject to tax in the other municipality or Indiana county by the LOWER of the tax rate in such other municipality / Indiana county OR the tax rate imposed under this Ordinance.

(B) The Village shall grant a credit against its tax on income to a resident of the Village who works in a joint economic development zone created under Section 715.691 or a joint economic development district created under Section 715.70, 715.71, or 715.72 of the ORC to the same extent that it grants a credit against its tax on income to its residents who are employed in another municipal corporation.

(C) If the amount of tax withheld or paid to the other municipality is less than the amount of tax required to be withheld or paid to the other municipality, then for purposes of division (A) of this section, "the income, qualifying wages, commissions, net profits or other compensation" subject to tax in the other municipality shall be limited to the amount computed by dividing the tax withheld or paid to the other municipality by the tax rate for that municipality.

(D) The Village shall grant a credit against its tax on income to a resident of the Village, who works in a county in the State of Indiana that imposes an income tax, to the same extent that it grants a credit against its tax on income to its residents who are employed in a municipal corporation.

## **SECTION 7 ESTIMATED TAXES.**

(A) As used in this section:

(1) "Estimated taxes" means the amount that the taxpayer reasonably estimates to be the taxpayer's tax liability for the Village's income tax for the current taxable year.

(2) "Tax liability" means the total taxes due to the Village for the taxable year, after allowing any credit to which the taxpayer is entitled, and after applying any estimated tax payment, withholding payment, or credit from another taxable year.

(B)(1) Every taxpayer shall make a declaration of estimated taxes for the current taxable year, on the form prescribed by the Tax Administrator, if the amount payable as estimated taxes is at least \$200. For the purposes of this section:

(a) Taxes withheld for the Village from qualifying wages shall be considered as paid to the Village in equal amounts on each payment date unless the taxpayer establishes the dates on which all amounts were actually withheld, in which case they shall be considered as paid on the dates on which the amounts were actually withheld.



(b) An overpayment of tax applied as a credit to a subsequent taxable year is deemed to be paid on the date of the postmark stamped on the cover in which the payment is mailed or, if the payment is made by electronic funds transfer, the date the payment is submitted. As used in this division, "date of the postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the postal service.

(2) Taxpayers filing joint returns shall file joint declarations of estimated taxes. A taxpayer may amend a declaration under rules prescribed by the Tax Administrator. A taxpayer having a taxable year of less than twelve months shall make a declaration under rules prescribed by the Tax Administrator.

(3) The declaration of estimated taxes shall be filed on or before the date prescribed for the filing of municipal income tax returns under division (G) of Section 5 or on or before the fifteenth (15<sup>th</sup>) day of the fourth month after the taxpayer becomes subject to tax for the first time.

(4) Taxpayers reporting on a fiscal year basis shall file a declaration on or before the fifteenth (15<sup>th</sup>) day of the fourth month after the beginning of each fiscal year or period.

(5) The original declaration or any subsequent amendment may be increased or decreased on or before any subsequent quarterly payment day as provided in this section.

(C)(1) The required portion of the tax liability for the taxable year that shall be paid through estimated taxes made payable to the Village, including the application of tax refunds to estimated taxes and withholding on or before the applicable payment date, shall be as follows:

(a) On or before the fifteenth (15<sup>th</sup>) day of the fourth month after the beginning of the taxable year, twenty-two and one-half (22.5) percent of the tax liability for the taxable year;

(b) On or before the fifteenth (15<sup>th</sup>) day of the sixth month after the beginning of the taxable year, forty-five (45) percent of the tax liability for the taxable year;

(c) On or before the fifteenth (15<sup>th</sup>) day of the ninth month after the beginning of the taxable year, sixty-seven and one-half (67.5) percent of the tax liability for the taxable year;

(d) On or before the fifteenth (15<sup>th</sup>) day of the twelfth month of the taxable year, ninety percent (90%) of the tax liability for the taxable year.

(2) When an amended declaration has been filed, the unpaid balance shown due on the amended declaration shall be paid in equal installments on or before the remaining payment dates.

(3) On or before the fifteenth (15<sup>th</sup>) day of the fourth month of the year following that for which the declaration or amended declaration was filed, an annual return shall be filed and any balance which may be due shall be paid with the return in accordance with Section 718.05.

(D)(1) In the case of any underpayment of any portion of a tax liability, penalty and interest may be imposed pursuant to Section 18 upon the amount of underpayment for the period of underpayment, unless the underpayment is due to reasonable cause as described in division (E) of this section. The amount of the underpayment shall be determined as follows:

(a) For the first payment of estimated taxes each year, twenty-two and one-half percent (22.5%) of the tax liability, less the amount of taxes paid by the date prescribed for that payment;

(b) For the second payment of estimated taxes each year, forty-five percent (45%) of the tax liability, less the amount of taxes paid by the date prescribed for that payment;

(c) For the third payment of estimated taxes each year, sixty-seven and one-half percent (67.5%) of the tax liability, less the amount of taxes paid by the date prescribed for that payment;

(d) For the fourth payment of estimated taxes each year, ninety percent (90%) of the tax liability, less the amount of taxes paid by the date prescribed for that payment.

(2) The period of the underpayment shall run from the day the estimated payment was required to be made to the date on which the payment is made. For purposes of this section, a payment of estimated taxes on or before any payment date shall be considered a payment of any previous underpayment only to the extent the payment of estimated taxes exceeds the amount of the payment presently required to be paid to avoid any penalty.

(E) An underpayment of any portion of tax liability determined under division (D) of this section shall be due to reasonable cause and the penalty imposed by this section shall not be added to the taxes for the taxable year if any of the following apply:

(1) The amount of estimated taxes that were paid equals at least ninety percent (90%) of the tax liability for the current taxable year, determined by annualizing the income received during the year up to the end of the month immediately preceding the month in which the payment is due.

(2) The amount of estimated taxes that were paid equals at least one hundred percent of the tax liability shown on the return of the taxpayer for the preceding taxable year, provided that the immediately preceding taxable year reflected a period of twelve months and the taxpayer filed a return with the Village under Section 5 for that year.

(3) The taxpayer is an individual who resides in the Village but was not domiciled there on the first day of January of the calendar year that includes the first day of the taxable year.

## **SECTION 8    ROUNDING OF AMOUNTS.**

A person may round to the nearest whole dollar all amounts the person is required to enter on any return, report, voucher, or other document required under this Ordinance. Any fractional part of a dollar that equals or exceeds fifty cents shall be rounded to the next whole dollar, and any fractional part of a dollar that is less than fifty cents shall be dropped. If a person chooses to round amounts entered on a document, the person shall round all amounts entered on the document.

## **SECTION 9    REQUESTS FOR REFUNDS.**

(A) As used in this section, "withholding tax" has the same meaning as in Section 18.

(B) Upon receipt of a request for a refund, the Tax Administrator, in accordance with this section, shall refund to employers, agents of employers, other payers, or taxpayers, with respect to any income or withholding tax levied by the municipal corporation:

(1) Overpayments of more than ten dollars or more;

(2) Amounts paid erroneously if the refund requested exceeds ten dollars or more.

(C)(1) Except as otherwise provided in this Ordinance, requests for refund shall be filed with the Tax Administrator, on the form prescribed by the Tax Administrator within three years after the tax was due or paid, whichever is later. The Tax Administrator may require the requestor to file with the request any documentation that substantiates the requestor's claim for a refund.

(2) On filing of the refund request, the Tax Administrator shall determine the amount of refund due and certify such amount to the appropriate municipal corporation official for payment. Except as provided in division (C)(3) of this section, the administrator shall issue an assessment to any taxpayer whose request for refund is fully or partially denied. The assessment shall state the amount of the refund that was denied, the reasons for the denial, and instructions for appealing the assessment.

(3) If a Tax Administrator denies in whole or in part a refund request included within the taxpayer's originally filed annual income tax return, the Tax Administrator shall notify the taxpayer, in writing, of the amount of the refund that was denied, the reasons for the denial, and instructions for requesting an assessment that may be appealed under Section 21.

(D) A request for a refund that is received after the last day for filing specified in division (C) of this section shall be considered to have been filed in a timely manner if any of the following situations exist:

(1) The request is delivered by the postal service, and the earliest postal service postmark on the cover in which the request is enclosed is not later than the last day for filing the request.

(2) The request is delivered by the postal service, the only postmark on the cover in which the request is enclosed was affixed by a private postal meter, the date of that postmark is not later than the last day for filing the request, and the request is received within seven days of such last day.

(3) The request is delivered by the postal service, no postmark date was affixed to the cover in which the request is enclosed or the date of the postmark so affixed is not legible, and the request is received within seven days of the last day for making the request.

(E) Interest shall be allowed and paid on any overpayment by a taxpayer of any municipal income tax obligation from the date of the overpayment until the date of the refund of the overpayment, except that if any overpayment is refunded within 90 days after the final filing date of the annual return or 90 days after the completed return is filed, whichever is later, no interest shall be allowed on the refund. For the purpose of computing the payment of interest on amounts overpaid, no amount of tax for any taxable year shall be considered to have been paid before the date on which the return on which the tax is reported is due, without regard to any extension of time for filing that return. Interest shall be paid at the interest rate described in Section 18 (A)(4).

## **SECTION 10 SECOND MUNICIPALITY IMPOSING TAX AFTER TIME PERIOD ALLOWED FOR REFUND.**

(A) Income tax that has been deposited with the Village, but should have been deposited with another municipality, is allowable by the Village as a refund but is subject to the three-year limitation on refunds.

(B) Income tax that was deposited with another municipality but should have been deposited with the Village is subject to recovery by the Village. If the Village's tax on that income is imposed after the time period allowed for a refund of the tax or withholding paid to the other municipality, the Village shall allow a nonrefundable credit against the tax or withholding the Village claims is due with respect to such income or wages, equal to the tax or withholding paid to the first municipality with respect to such income or wages.

(C) If the Village's tax rate is less than the tax rate in the other municipality, then the nonrefundable credit shall be calculated using the Village's tax rate. However, if the Village's tax rate is greater than the tax rate in the other municipality, the tax due in excess of the nonrefundable credit is to be paid to the Village, along with any penalty and interest that accrued during the period of nonpayment.

(D) Nothing in this section permits any credit carryforward.

## **SECTION 11 AMENDED RETURNS.**

(A)(1) If a taxpayer's tax liability shown on the annual tax return for the Village changes as a result of an adjustment to the taxpayer's federal or state income tax return, the taxpayer shall file an amended return with the Village. The amended return shall be filed on a form required by the Tax Administrator.

(2) If a taxpayer intends to file an amended consolidated municipal income tax return, or to amend its type of return from a separate return to a consolidated return, based on the taxpayer's consolidated federal income tax return, the taxpayer shall notify the Tax Administrator before filing the amended return.

(B)(1) In the case of an underpayment, the amended return shall be accompanied by payment of any combined additional tax due, together with any penalty and interest thereon. If the combined tax shown to be due is ten dollars or less, no payment need be made. The amended return shall reopen those facts, figures, computations, or attachments from a previously filed return that are not affected, either directly or indirectly, by the adjustment to the taxpayer's federal or state income tax return only:

(i) to determine the amount of tax that would be due if all facts, figures, computations, and attachments were reopened; or,

(ii) if the applicable statute of limitations for civil actions or prosecutions under Section 12 has not expired for a previously filed return.

(2) The additional tax to be paid shall not exceed the amount of tax that would be due if all facts, figures, computations, and attachments were reopened; i.e., the payment shall be the lesser of the two amounts.

(C)(1) In the case of an overpayment, a request for refund may be filed under this division within the period prescribed by division (E) of Section 12 for filing the amended return, even if it is filed beyond the period prescribed in that division if it otherwise conforms to the requirements of that division. If the

amount of the refund is less than ten dollars, no refund need be paid by the Village. A request filed under this division shall claim refund of overpayments resulting from alterations only to those facts, figures, computations, or attachments required in the taxpayer's annual return that are affected, either directly or indirectly, by the adjustment to the taxpayer's federal or state income tax return, unless it is also filed within the time prescribed in Section 9.

(2) The amount to be refunded shall not exceed the amount of refund that would be due if all facts, figures, computations, and attachments were reopened. All facts, figures, computations, and attachments may be reopened to determine the refund amount due by inclusion of all facts, figures, computations, and attachments.

(D) Within 60 days after the final determination of any federal or state tax liability affecting the taxpayer's the Village's tax liability, that taxpayer shall make and file an amended the Village return showing income subject to the Village income tax based upon such final determination of federal or state tax liability. The taxpayer shall pay any additional the Village income tax shown due thereon or make a claim for refund of any overpayment, unless the tax or overpayment is less than ten dollars.

## **SECTION 12 LIMITATIONS.**

(A)(1)(a) Civil actions to recover municipal income taxes and penalties and interest on municipal income taxes shall be brought within the later of:

(i) Three years after the tax was due or the return was filed, whichever is later; or

(ii) One year after the conclusion of the qualifying deferral period, if any.

(b) The time limit described in division (A)(1)(a) of this section may be extended at any time if both the Tax Administrator and the employer, agent of the employer, other payer, or taxpayer consent in writing to the extension. Any extension shall also extend for the same period of time the time limit described in division (C) of this section.

(2) As used in this section, "qualifying deferral period" means a period of time beginning and ending as follows:

(a) Beginning on the date a person who is aggrieved by an assessment files with the Board of Tax Review the request described in Section 21. That date shall not be affected by any subsequent decision, finding, or holding by any administrative body or court that the Board of Tax Review did not have jurisdiction to affirm, reverse, or modify the assessment or any part of that assessment.

(b) Ending the later of the sixtieth day after the date on which the final determination of the Board of Tax Review becomes final or, if any party appeals from the determination of the ~~local~~ board of Tax Review, the sixtieth day after the date on which the final determination of the Board of Tax Review is either ultimately affirmed in whole or in part or ultimately reversed and no further appeal of either that affirmation, in whole or in part, or that reversal is available or taken.

(B) Prosecutions for an offense made punishable under a resolution or ordinance imposing an income tax shall be commenced within three years after the commission of the offense, provided that in the case of

fraud, failure to file a return, or the omission of twenty-five percent (25%) or more of income required to be reported, prosecutions may be commenced within six years after the commission of the offense.

(C) A claim for a refund of municipal income taxes shall be brought within the time limitation provided in Section 9.

(D)(1) Notwithstanding the fact that an appeal is pending, the petitioner may pay all or a portion of the assessment that is the subject of the appeal. The acceptance of a payment by the Village does not prejudice any claim for refund upon final determination of the appeal.

(2) If upon final determination of the appeal an error in the assessment is corrected by the Tax Administrator, upon an appeal so filed or pursuant to a final determination of the Board of Tax Review, of the Ohio board of tax appeals, or any court to which the decision of the Ohio board of tax appeals has been appealed, so that the resultant amount due is less than the amount paid, a refund will be paid in the amount of the overpayment as provided by Section 9, with interest on that amount as provided by division (E) of Section 9.

(E) No civil action to recover the Village income tax or related penalties or interest shall be brought during either of the following time periods:

(1) The period during which a taxpayer has a right to appeal the imposition of that tax or interest or those penalties;

(2) The period during which an appeal related to the imposition of that tax or interest or those penalties is pending.

## **SECTION 13 AUDITS.**

(A) At or before the commencement of an audit, the Tax Administrator shall provide to the taxpayer a written description of the roles of the Tax Administrator and of the taxpayer during the audit and a statement of the taxpayer's rights, including any right to obtain a refund of an overpayment of a tax. At or before the commencement of an audit, the Tax Administrator shall inform the taxpayer when the audit is considered to have commenced.

(B) Except in cases involving suspected criminal activity, the Tax Administrator shall conduct an audit of a taxpayer during regular business hours and after providing reasonable notice to the taxpayer. A taxpayer who is unable to comply with a proposed time for an audit on the grounds that the proposed time would cause inconvenience or hardship must offer reasonable alternative dates for the audit.

(C) At all stages of an audit by the Tax Administrator, a taxpayer is entitled to be assisted or represented by an attorney, accountant, bookkeeper, or other tax practitioner. The Tax Administrator shall prescribe a form by which a taxpayer may designate such a person to assist or represent the taxpayer in the conduct of any proceedings resulting from actions by the Tax Administrator. If a taxpayer has not submitted such a form, the Tax Administrator may accept other evidence, as the Tax Administrator considers appropriate, that a person is the authorized representative of a taxpayer.

A taxpayer may refuse to answer any questions asked by the person conducting an audit until the taxpayer has an opportunity to consult with the taxpayer's attorney, accountant, bookkeeper, or other tax practitioner.

This division does not authorize the practice of law by a person who is not an attorney.

(D) A taxpayer may record, electronically or otherwise, the audit examination.

(E) The failure of the Tax Administrator to comply with a provision of this section shall neither excuse a taxpayer from payment of any taxes owed by the taxpayer nor cure any procedural defect in a taxpayer's case.

(F) If the Tax Administrator fails to substantially comply with the provisions of this section, the Tax Administrator, upon application by the taxpayer, shall excuse the taxpayer from penalties and interest

#### **SECTION 14 SERVICE OF ASSESSMENT.**

(A) As used in this section:

(1) "Last known address" means the address the Tax Administrator has at the time a document is originally sent by certified mail, or any address the Tax Administrator can ascertain using reasonable means such as the use of a change of address service offered by the postal service or an authorized delivery service under Section 5703.056 of the ORC.

(2) "Undeliverable address" means an address to which the postal service or an authorized delivery service under Section 5703.056 of the ORC is not able to deliver an assessment of the Tax Administrator, except when the reason for non-delivery is because the addressee fails to acknowledge or accept the assessment.

(B) Subject to division (C) of this section, a copy of each assessment shall be served upon the person affected thereby either by personal service, by certified mail, or by a delivery service authorized under Section 5703.056 of the ORC. With the permission of the person affected by an assessment, the Tax Administrator may deliver the assessment through alternative means as provided in this section, including, but not limited to, delivery by secure electronic mail.

(C)(1)(a) If certified mail is returned because of an undeliverable address, a Tax Administrator shall utilize reasonable means to ascertain a new last known address, including the use of a change of address service offered by the postal service or an authorized delivery service under Section 5703.056 of the ORC. If the Tax Administrator is unable to ascertain a new last known address, the assessment shall be sent by ordinary mail and considered served. If the ordinary mail is subsequently returned because of an undeliverable address, the assessment remains appealable within 60 days after the assessment's postmark.

(b) Once the Tax Administrator or other the Village official, or the designee of either, serves an assessment on the person to whom the assessment is directed, the person may protest the ruling of that assessment by filing an appeal with the local board of tax review within 60 days after the receipt of service. The delivery of an assessment of the Tax Administrator under division (C)(1)(a) of this section is prima facie evidence that delivery is complete and that the assessment is served.

(2) If mailing of an assessment by a Tax Administrator by certified mail is returned for some cause other than an undeliverable address, the Tax Administrator shall resend the assessment by ordinary mail. The assessment shall show the date the Tax Administrator sends the assessment and include the following statement:

"This assessment is deemed to be served on the addressee under applicable law ten days from the date this assessment was mailed by the Tax Administrator as shown on the assessment, and all periods within which an appeal may be filed apply from and after that date."

Unless the mailing is returned because of an undeliverable address, the mailing of that information is prima facie evidence that delivery of the assessment was completed ten days after the Tax Administrator sent the assessment by ordinary mail and that the assessment was served.

If the ordinary mail is subsequently returned because of an undeliverable address, the Tax Administrator shall proceed under division (C)(1)(a) of this section. A person may challenge the presumption of delivery and service under this division in accordance with division (D) of this section.

(D)(1) A person disputing the presumption of delivery and service under division (C) of this section bears the burden of proving by a preponderance of the evidence that the address to which the assessment was sent by certified mail was not an address with which the person was associated at the time the Tax Administrator originally mailed the assessment. For the purposes of this section, a person is associated with an address at the time the Tax Administrator originally mailed the assessment if, at that time, the person was residing, receiving legal documents, or conducting business at the address; or if, before that time, the person had conducted business at the address and, when the assessment was mailed, the person's agent or the person's affiliate was conducting business at the address. For the purposes of this section, a person's affiliate is any other person that, at the time the assessment was mailed, owned or controlled at least 20 percent, as determined by voting rights, of the addressee's business.

(2) If a person elects to appeal an assessment on the basis described in division (D)(1) of this section, and if that assessment is subject to collection and is not otherwise appealable, the person must do so within 60 days after the initial contact by the Tax Administrator or other the Village official, or the designee of either, with the person. Nothing in this division prevents the Tax Administrator or other official from entering into a compromise with the person if the person does not actually file such an appeal with the local board of tax review.

(E) Nothing in this section prohibits the Tax Administrator or the Tax Administrator's designee from delivering an assessment by a Tax Administrator by personal service.

(F) Collection actions taken upon any assessment being appealed under division (C)(1)(b) of this section, including those on which a claim has been delivered for collection, shall be stayed upon the pendency of an appeal under this section.

(G) Additional regulations as detailed in the Rules and Regulations shall apply.

## **SECTION 15 ADMINISTRATION OF CLAIMS.**

(A) As used in this section, "claim" means a claim for an amount payable to the Village that arises pursuant to the Village's income tax imposed in accordance with this Ordinance.



(B) Nothing in this Ordinance prohibits a Tax Administrator from doing either of the following if such action is in the best interests of the municipal corporation:

(1) Compromise a claim;

(2) Extend for a reasonable period the time for payment of a claim by agreeing to accept monthly or other periodic payments.

(C) The Tax Administrator's rejection of a compromise or payment-over-time agreement proposed by a person with respect to a claim shall not be appealable.

(D) A compromise or payment-over-time agreement with respect to a claim shall be binding upon and shall be to the benefit of only the parties to the compromise or agreement, and shall not eliminate or otherwise affect the liability of any other person.

(E) A compromise or payment-over-time agreement with respect to a claim shall be void if the taxpayer defaults under the compromise or agreement or if the compromise or agreement was obtained by fraud or by misrepresentation of a material fact. Any amount that was due before the compromise or agreement and that is unpaid shall remain due, and any penalties or interest that would have accrued in the absence of the compromise or agreement shall continue to accrue and be due.

## **SECTION 16 TAX INFORMATION CONFIDENTIAL.**

(A) Any information gained as a result of returns, investigations, hearings, or verifications required or authorized by this Ordinance is confidential, and no person shall access or disclose such information except in accordance with a proper judicial order or in connection with the performance of that person's official duties or the official business of the Village as authorized by this Ordinance. The Tax Administrator or a designee thereof may furnish copies of returns filed or otherwise received under this Ordinance and other related tax information to the internal revenue service, the tax commissioner, and tax administrators of other municipal corporations.

(B) This section does not prohibit the Village from publishing or disclosing statistics in a form that does not disclose information with respect to particular taxpayers.

## **SECTION 17 FRAUD.**

No person shall knowingly make, present, aid, or assist in the preparation or presentation of a false or fraudulent report, return, schedule, statement, claim, or document authorized or required by the Village ordinance or state law to be filed with a the Tax Administrator, or knowingly procure, counsel, or advise the preparation or presentation of such report, return, schedule, statement, claim, or document, or knowingly change, alter, or amend, or knowingly procure, counsel or advise such change, alteration, or amendment of the records upon which such report, return, schedule, statement, claim, or document is based with intent to defraud the Village or the Tax Administrator.

## **SECTION 18 INTEREST AND PENALTIES.**

(A) As used in this section:

(1) "Applicable law" means this Ordinance, the resolutions, ordinances, codes, directives, instructions, and rules adopted by the Village provided they impose or directly or indirectly address the levy, payment, remittance, or filing requirements of the Village.

(2) "Federal short-term rate" means the rate of the average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of three years or less, as determined under Section 1274 of the Internal Revenue Code, for July of the current year.

(3) "Income tax," "estimated income tax," and "withholding tax" means any income tax, estimated income tax, and withholding tax imposed by the Village pursuant to applicable law, including at any time before January 1, 2016.

(4) "Interest rate as described in division (A) of this section" means the federal short-term rate, rounded to the nearest whole number percent, plus five percent. The rate shall apply for the calendar year next following the July of the year in which the federal short-term rate is determined in accordance with division (A)(2) of this section.

(5) "Return" includes any tax return, report, reconciliation, schedule, and other document required to be filed with a the Tax Administrator or the Village by a taxpayer, employer, any agent of the employer, or any other payer pursuant to applicable law, including at any time before January 1, 2016.

(6) "Unpaid estimated income tax" means estimated income tax due but not paid by the date the tax is required to be paid under applicable law.

(7) "Unpaid income tax" means income tax due but not paid by the date the income tax is required to be paid under applicable law.

(8) "Unpaid withholding tax" means withholding tax due but not paid by the date the withholding tax is required to be paid under applicable law.

(9) "Withholding tax" includes amounts an employer, any agent of an employer, or any other payer did not withhold in whole or in part from an employee's qualifying wages, but that, under applicable law, the employer, agent, or other payer is required to withhold from an employee's qualifying wages.

(B)(1) This section applies to the following:

(a) Any return required to be filed under applicable law for taxable years beginning on or after January 1, 2016;

(b) Income tax, estimated income tax, and withholding tax required to be paid or remitted to the Village on or after January 1, 2016.

(2) This section does not apply to returns required to be filed or payments required to be made before January 1, 2016, regardless of the filing or payment date. Returns required to be filed or payments required to be made before January 1, 2016, but filed or paid after that date shall be subject to the

ordinances or rules and regulations, as adopted before January 1, 2016, of the Village to which the return is to be filed or the payment is to be made.

(C) Should any taxpayer, employer, agent of the employer, or other payer for any reason fails, in whole or in part, to make timely and full payment or remittance of income tax, estimated income tax, or withholding tax or to file timely with the Village any return required to be filed, the following penalties and interest shall apply:

(1) Interest shall be imposed at the rate described in division (A) of this section, per annum, on all unpaid income tax, unpaid estimated income tax, and unpaid withholding tax.

(2)(a) With respect to unpaid income tax and unpaid estimated income tax, the Village may impose a penalty equal to fifteen percent (15%) of the amount not timely paid.

(b) With respect to any unpaid withholding tax, the Village may impose a penalty equal to fifty percent (50%) of the amount not timely paid.

(3) With respect to returns other than estimated income tax returns, the Village may impose a penalty of \$25 for each failure to timely file each return, regardless of the liability shown thereon for each month, or any fraction thereof, during which the return remains unfiled regardless of the liability shown thereon. The penalty shall not exceed \$150 for each failure.

(D) Nothing in this section requires the Village to refund or credit any penalty, amount of interest, charges, or additional fees that the Village has properly imposed or collected before January 1, 2016.

(E) Nothing in this section limits the authority of the Village to abate or partially abate penalties or interest imposed under this section when the Tax Administrator determines, in the Tax Administrator's sole discretion, that such abatement is appropriate.

(F) By the 31<sup>st</sup> day of October of each year the Village shall publish the rate described in division (A) of this section applicable to the next succeeding calendar year.

(G) The Village may impose on the taxpayer, employer, any agent of the employer, or any other payer the Village's post-judgment collection costs and fees, including attorney's fees.

## **SECTION 19 AUTHORITY OF TAX ADMINISTRATOR; VERIFICATION OF INFORMATION.**

### **Authority.**

(A) Nothing in this Ordinance shall limit the authority of the Tax Administrator to perform any of the following duties or functions, unless the performance of such duties or functions is expressly limited by a provision of the ORC:

(1)(a) Exercise all powers whatsoever of an query nature as provided by law, including, the right to inspect books, accounts, records, memorandums, and federal and state income tax returns, to examine persons under oath, to issue orders or subpoenas for the production of books, accounts, papers, records,

documents, and testimony, to take depositions, to apply to a court for attachment proceedings as for contempt, to approve vouchers for the fees of officers and witnesses, and to administer oaths.

(b) The powers referred to in this division of this section shall be exercised by the Tax Administrator only in connection with the performance of the duties respectively assigned to the Tax Administrator under the Village's income tax ordinance;

(2) Appoint agents and prescribe their powers and duties;

(3) Confer and meet with officers of other municipal corporations and states and officers of the United States on any matters pertaining to their respective official duties as provided by law;

(4) Exercise the authority provided by law, including orders from bankruptcy courts, relative to remitting or refunding taxes, including penalties and interest thereon, for any reason overpaid. In addition, the Tax Administrator may investigate any claim of overpayment and, if the Tax Administrator finds that there has been an overpayment, make a written statement of the Tax Administrator's findings, and approve and issue a refund payable to the taxpayer, the taxpayer's assigns, or legal representative as provided in this Ordinance;

(5) Exercise the authority provided by law relative to consenting to the compromise and settlement of tax claims;

(6) Exercise the authority provided by law relative to the use of alternative apportionment methods by taxpayers in accordance with Section 3;

(7)(a) Make all tax findings, determinations, computations, and orders the Tax Administrator is by law authorized and required to make and, pursuant to time limitations provided by law, on the Tax Administrator's own motion, review, re-determine, or correct any tax findings, determinations, computations, or orders the Tax Administrator has made.

(b) If an appeal has been filed with the Board of Tax Review or other appropriate tribunal, the Tax Administrator shall not review, re-determine, or correct any tax finding, determination, computation, or order which the Tax Administrator has made, unless such appeal or application is withdrawn by the appellant or applicant, is dismissed, or is otherwise final;

(8) Destroy any or all returns or other tax documents in the manner authorized by law;

(9) Enter into an agreement with a taxpayer to simplify the withholding obligations described in Section 4.

#### **Verification of accuracy of returns and determination of liability.**

(B)(1) A Tax Administrator, or any authorized agent or employee thereof may examine the books, papers, records, and federal and state income tax returns of any employer, taxpayer, or other person that is subject to, or that the Tax Administrator believes is subject to, the provisions of this Ordinance for the purpose of verifying the accuracy of any return made or, if no return was filed, to ascertain the tax due under this Ordinance. Upon written request by the Tax Administrator or a duly authorized agent or employee thereof, every employer, taxpayer, or other person subject to this section is required to furnish the opportunity for the Tax Administrator, authorized agent, or employee to investigate and examine such

books, papers, records, and federal and state income tax returns at a reasonable time and place designated in the request.

(2) The records and other documents of any taxpayer, employer, or other person that is subject to, or that a Tax Administrator believes is subject to, the provisions of this Ordinance shall be open to the Tax Administrator's inspection during business hours and shall be preserved for a period of six years following the end of the taxable year to which the records or documents relate, unless the Tax Administrator, in writing, consents to their destruction within that period, or by order requires that they be kept longer. The Tax Administrator may require any person, by notice served on that person, to keep such records as the Tax Administrator determines necessary to show whether or not that person is liable, and the extent of such liability, for the income tax levied by the Village or for the withholding of such tax.

(3) The Tax Administrator may examine under oath any person that the Tax Administrator reasonably believes has knowledge concerning any income that was or would have been returned for taxation or any transaction tending to affect such income. The Tax Administrator may, for this purpose, compel any such person to attend a hearing or examination and to produce any books, papers, records, and federal and state income tax returns in such person's possession or control. The person may be assisted or represented by an attorney, accountant, bookkeeper, or other tax practitioner at any such hearing or examination. This division does not authorize the practice of law by a person who is not an attorney.

(4) No person issued written notice by the Tax Administrator compelling attendance at a hearing or examination or the production of books, papers, records, or federal or state income tax returns under this section shall fail to comply.

#### **Identification information.**

(C)(1) Nothing in this Ordinance prohibits the Tax Administrator from requiring any person filing a tax document with the Tax Administrator to provide identifying information, which may include the person's social security number, federal employer identification number, or other identification number requested by the Tax Administrator. A person required by the Tax Administrator to provide identifying information that has experienced any change with respect to that information shall notify the Tax Administrator of the change before, or upon, filing the next tax document requiring the identifying information.

(2)(a) If the Tax Administrator makes a request for identifying information and the Tax Administrator does not receive valid identifying information within 30 days of making the request, nothing in this Ordinance prohibits the Tax Administrator from imposing a penalty upon the person to whom the request was directed pursuant to Section 18, in addition to any applicable penalty described in Section 99.

(b) If a person required by the Tax Administrator to provide identifying information does not notify the Tax Administrator of a change with respect to that information as required under division (C) of Section 19 within 30 days after filing the next tax document requiring such identifying information, nothing in this Ordinance prohibits the Tax Administrator from imposing a penalty pursuant to Section 18.

(c) The penalties provided for under divisions (C)(2)(a) and (b) of this section may be billed and imposed in the same manner as the tax or fee with respect to which the identifying information is sought and are in addition to any applicable criminal penalties described in Section 99 for a violation of Section 17 and any other penalties that may be imposed by the Tax Administrator by law.

## **SECTION 20 REQUEST FOR OPINION OF THE TAX ADMINISTRATOR.**

(A) An "opinion of the Tax Administrator" means an opinion issued under this section with respect to prospective municipal income tax liability. It does not include ordinary correspondence of the Tax Administrator.

(B) A taxpayer may submit a written request for an opinion of the Tax Administrator in accordance with the Rules and Regulations.

(C) A taxpayer is not relieved of tax liability for any activity or transaction related to a request for an opinion that contained any misrepresentation or omission of one or more material facts.

(D) A Tax Administrator may refuse to offer an opinion on any request received under this section. Such refusal is not subject to appeal.

(E) An opinion of the Tax Administrator binds the Tax Administrator only with respect to the taxpayer for whom the opinion was prepared and does not bind the Tax Administrator of any other municipal corporation.

(F) An opinion of the Tax Administrator issued under this section is not subject to appeal.

## **SECTION 21 BOARD OF TAX REVIEW.**

(A)(1) The Board of Tax Review shall consist of three members. Two members shall be appointed by the legislative authority of the Village, but such appointees may not be employees, elected officials, or contractors with the Village at any time during their term or in the five years immediately preceding the date of appointment. One member shall be appointed by the Mayor of the Village. This member may be an employee of the Village, but may not be the director of finance or equivalent officer, or the Tax Administrator or other similar official or an employee directly involved in municipal tax matters, or any direct subordinate thereof.

(2) The term for members of the Board of Tax Review the Village shall be two years. There is no limit on the number of terms that a member may serve if the member is reappointed by the legislative authority. The board member appointed by the Mayor of the Village shall serve at the discretion of the administrative official.

(3) Members of the Board of Tax Review appointed by the legislative authority may be removed by the legislative authority by majority vote for malfeasance, misfeasance, or nonfeasance in office. To remove such a member, the legislative authority must give the member a copy of the charges against the member and afford the member an opportunity to be publicly heard in person or by counsel in the member's own defense upon not less than ten days' notice. The decision by the legislative authority on the charges is final and not appealable.

(4) A member of the Board of Tax Review who, for any reason, ceases to meet the qualifications for the position prescribed by this section shall resign immediately by operation of law.

(5) A vacancy in an unexpired term shall be filled in the same manner as the original appointment within 60 days of when the vacancy was created. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. No vacancy on the Board of Tax Review shall impair the power and authority of the remaining members to exercise all the powers of the Board of Tax Review.

(6) If a member is temporarily unable to serve on the Board of Tax Review due to a conflict of interest, illness, absence, or similar reason, the legislative authority or top administrative official that appointed the member shall appoint another individual to temporarily serve on the Board of Tax Review in the member's place. The appointment of such an individual shall be subject to the same requirements and limitations as are applicable to the appointment of the member temporarily unable to serve.

(B) Whenever a Tax Administrator issues an assessment, the Tax Administrator shall notify the taxpayer in writing at the same time of the taxpayer's right to appeal the assessment, the manner in which the taxpayer may appeal the assessment, and the address to which the appeal should be directed.

(C) Any person who has been issued an assessment may appeal the assessment to the Board of Tax Review by filing a request with the Board of Tax Review. The request shall be in writing, shall specify the reason or reasons why the assessment should be deemed incorrect or unlawful, and shall be filed within 60 days after the taxpayer receives the assessment.

(D) The Board of Tax Review shall schedule a hearing to be held within 60 days after receiving an appeal of an assessment under division (C) of this section, unless the taxpayer requests additional time to prepare or waives a hearing. If the taxpayer does not waive the hearing, the taxpayer may appear before the Board of Tax Review and may be represented by an attorney at law, certified public accountant, or other representative. The Board of Tax Review may allow a hearing to be continued as jointly agreed to by the parties. In such a case, the hearing must be completed within 120 days after the first day of the hearing unless the parties agree otherwise.

(E) The Board of Tax Review may affirm, reverse, or modify the Tax Administrator's assessment or any part of that assessment. The Board of Tax Review shall issue a final determination on the appeal within 90 days after the Board of Tax Review's final hearing on the appeal, and send a copy of its final determination by ordinary mail to all of the parties to the appeal within 15 days after issuing the final determination. The taxpayer or the Tax Administrator may appeal the Board of Tax Review's final determination as provided in Section 5717.011 of the ORC.

(F) The Board of Tax Review created pursuant to this section shall adopt rules governing its procedures and shall keep a record of its transactions. Such records are not public records available for inspection under Section 149.43 of the ORC. Hearings requested by a taxpayer before a Board of Tax Review created pursuant to this section are not meetings of a public body subject to Section 121.22 of the ORC.

## **SECTION 22 AUTHORITY TO CREATE RULES AND REGULATIONS.**

Nothing in this Ordinance prohibits the legislative authority of the Village, or a Tax Administrator pursuant to authority granted to the administrator by resolution or ordinance, to adopt rules to administer an income tax imposed by the Village in accordance with this Ordinance. Such rules shall not conflict with or be inconsistent with any provision of this Ordinance. Taxpayers are hereby required to comply not only with the requirements of this chapter, but also to comply with the Rules and Regulations.

All rules adopted under this section shall be published and posted on the internet.

## **SECTION 23 RENTAL AND LEASED PROPERTY.**

(A) All property owners of real property located in the Village, who rent or otherwise lease the same, or any part thereof, to any person for residential dwelling purposes, including apartments, rooms and other rental accommodations, during any calendar year, or part thereof, commencing with the effective date of this section, shall file with the Tax Administrator on or before the January 31 first following such calendar year a written report disclosing the name, address and also telephone number, if available, of each tenant known to have occupied on December 31 during such calendar year such apartment, room or other residential dwelling rental property.

(B) The Tax Administrator may order the appearance before him, or his duly authorized agent, of any person whom he believes to have any knowledge of the name, address and telephone number of any tenant of residential rental real property in the Village. The Tax Administrator, or his duly authorized agent, is authorized to examine any person, under oath, concerning the name, address and telephone number of any tenant of residential real property located in the Village. The Tax Administrator, or his duly authorized agent, may compel the production of papers and records and the attendance of all personal before him, whether as parties or witnesses, whenever he believes such person has knowledge of the name, address and telephone number of any tenant of residential real property in the Village.

(C) Any property owner or person that violates one or more of the following shall be subject to Section 99 of this Ordinance:

- (1) Fails, refuses or neglects to timely file a written report required by subsection (a) hereof; or
- (2) Makes an incomplete or intentionally false written report required by subsection (a) hereof; or
- (3) Fails to appear before the Tax Administrator or any duly authorized agent and to produce and disclose any tenant information pursuant to any order or subpoena of the Tax Administrator as authorized in this section; or
- (4) Fails to comply with the provisions of this section or any order or subpoena of the Tax Administrator.

## **SECTION 24 SAVINGS CLAUSE.**

This Ordinance shall not apply to any person, firm or corporation, or to any property as to whom or which it is beyond the power of Council to impose the tax herein provided for. Any sentence, clause, section or part of this Ordinance or any tax against or exception granted any individual or any of the several groups of persons, or forms of income specified herein if found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall affect only such clause, sentence, section or part of this Ordinance and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this Ordinance. It is hereby declared to be the intention of Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, or part hereof, not been included therein.



## **SECTION 25 COLLECTION OF TAX AFTER TERMINATION OF ORDINANCE.**

(A) This chapter shall continue effective insofar as the levy of taxes is concerned until repealed, and insofar as the collection of taxes levied hereunder and actions or proceedings for collecting any tax so levied or enforcing any provisions of this chapter are concerned, it shall continue effective until all of said taxes levied hereunder in the aforesaid periods are fully paid and any and all suits and prosecutions for the collection of said taxes or for the punishment of violations of this chapter shall have been fully terminated, subject to the limitations contained in Section 12 and Section 99 hereof.

(B) Annual returns due for all or any part of the last effective year of this ordinance shall be due on the date provided in Sections 5 and Section 4 of this ordinance as though the same were continuing.

## **SECTION 26 ADOPTION OF RITA RULES AND REGULATIONS.**

The Village hereby adopts the Regional Income Tax Agency (RITA) Rules & Regulations, including amendments that may be made from time to time, for use as the Village's Income Tax Rules and Regulations. In the event of a conflict with any provision(s) of the Village Income Tax Ordinance and the RITA Rules & Regulations, the Ordinance will supersede. Until and if the contractual relationship between the Village and RITA ceases, Section 26 will supersede all other provisions within Ordinance No. 2015-27 regarding promulgation of rules and regulations by the Tax Administrator.

## **SECTION 99 VIOLATIONS; PENALTIES.**

(A) Whoever violates Section 17, division (A) of Section 16, or Section 4 by failing to remit the Village income taxes deducted and withheld from an employee, shall be guilty of a misdemeanor of the first degree and shall be subject to a fine of not more than \$1,000 or imprisonment for a term of up to six months, or both. If the individual that commits the violation is an employee, or official, of the Village, the individual is subject to discharge from employment or dismissal from office.

(B) Any person who discloses information received from the Internal Revenue Service in violation of division (A) of Section 16 shall be guilty of a felony of the fifth degree and shall be subject to a fine of not more than \$5,000 plus the costs of prosecution, or imprisonment for a term not exceeding five years, or both. If the individual that commits the violation is an employee, or official, of the Village, the individual is subject to discharge from employment or dismissal from office.

(C) Each instance of access or disclosure in violation of division (A) of Section 16 constitutes a separate offense.

(D) If not otherwise specified herein, no person shall:

- (1) Fail, neglect or refuse to make any return or declaration required by this ordinance;
- (2) File any incomplete or false return;

- (3) Fail, neglect or refuse to pay the tax, penalties or interest imposed by this Ordinance;
  - (4) Refuse to permit the Tax Administrator or any duly authorized agent or employee to examine his books, records, papers and federal and state income tax returns relating to the income or net profits of a taxpayer;
  - (5) Fail to appear before the Tax Administrator and to produce his books, records, papers or federal and state income tax returns relating to the income or net profits of a taxpayer upon order or subpoena of the Tax Administrator;
  - (6) Refuse to disclose to the Tax Administrator any information with respect to the income or net profits of a taxpayer;
  - (7) Fail to comply with the provisions of this ordinance or any order or subpoena of the Tax Administrator authorized hereby;
  - (8) Give to an employer false information as to his true name, correct social security number, and residence address, or fail to promptly notify an employer of any change in residence address and date thereof;
  - (9) Attempt to do anything whatsoever to avoid the payment of the whole or any part of the tax, penalties or interest imposed by this Ordinance.
- (E) Any person who violates any of the provisions in Section 99 (D) shall be subject to the penalties provided for in Section 99 (A) of this Ordinance.

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

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

**ORDINANCE NO. 2015-27**

**AN ORDINANCE TO AMEND ORDINANCE NO. 2006-26 AND  
ANY AMENDMENTS THERETO IMPOSING A MUNICIPAL INCOME TAX  
IN THE VILLAGE OF ANTWERP, OHIO**

WHEREAS, the Council of the Village of Antwerp adopted Ordinance No. 2006-26 on September 11, 2006, imposing a municipal income tax in the Village of Antwerp, Ohio; and

WHEREAS, the Home Rule Amendment of the Ohio Constitution, Article XVII, Section 3, provides that "Municipalities shall have authority to exercise all powers of local self-government," and the municipal taxing power is one of such powers of local self-government delegated by the people of the State to the people of municipalities; and

WHEREAS, Article XIII, Section 6 of the Ohio Constitution provides that the General Assembly may restrict a municipalities power of taxation to the extent necessary to prevent abuse of such power, and Article XVIII, Section 13 of the Ohio Constitution states that "laws may be passed to limit the powers of municipalities to levy taxes and incur debts for local purposes;" and

WHEREAS, the General Assembly has determined that it is necessary and appropriate to comprehensively review and amend Chapter 718 of the Ohio Revised Code, setting forth statutory requirements for municipal income tax codes in Ohio; and

WHEREAS, more specifically, the General Assembly enacted H. B. 5 in December 2014, and mandated that municipal income tax codes be amended by January 1, 2016 such that any income or withholding tax is "levied in accordance with the provisions and limitations specified in [Chapter 718];" and

WHEREAS, upon a detailed review of H. B. 5 and the Codified Ordinances of the Village of Antwerp, this Ordinance is found and determined by this Council to enact the amendments required prior to the January 1, 2016 deadline to be in accord with the provisions and limitations specified in Chapter 718 of the Revised Code; and

WHEREAS, Council also finds and determines that the constitutionality of certain provisions of the state-mandated code may have been put in question by recent decisions of the Ohio Supreme Court regarding, among other things, taxation of professional athletes, but these provisions must be included if the municipal income tax code is to be "levied in accordance with the provisions and limitations specified in [Chapter 718]" and thus reluctantly are adopted by this Council but are disclaimed to the extent they are unlawful or unconstitutional.

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

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

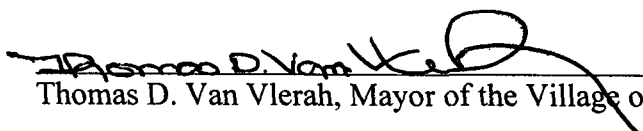
**Section 1.** That Ordinance No. 2006-26 be amended to read as follows: A copy of the Village of Antwerp Income Tax Ordinance Effective January 1, 2016, is attached hereto as Exhibit A and incorporated herein by reference.

**Section 2.** Previous ordinances and/or any portions thereof, including Ordinance No. 2006-06 and any amendments thereto made prior to the passage of this Ordinance, and rules of the Village of Antwerp that are not consistent with this Ordinance are hereby set aside, revoked and held for naught as of January 1, 2016 as it pertains to the levying and withholding of a municipal income tax in the Village of Antwerp.

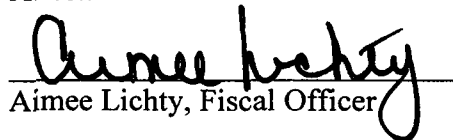
**Section 3.** It is hereby found and determined that all formal actions of the Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action, were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

**Section 4.** This Ordinance shall take effect and be in force from and after January 1, 2016.

Date Nov. 16, 2015

  
Thomas D. Van Vlerah, Mayor of the Village of Antwerp

Attest:

  
Aimee Lichty, Fiscal Officer

First Reading: 9-21-15Second Reading: 10-19-15Third Reading: 11-16-15

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

**ORDINANCE NO. 2015-28**

**AN ORDINANCE ESTABLISHING A POLICY ON THE REIMBURSEMENT  
TO THE VILLAGE FOR EMERGENCY MEDICAL TECHNICIAN  
TRAINING COSTS IN CERTAIN CIRCUMTANCES, AND ADOPTING  
AN AGREEMENT FOR THIS SAME PURPOSE**

**WHEREAS**, the Village of Antwerp has an emergency medical service department for which individuals volunteer to serve on such department; however, the Village incurs the expense to train an individual to become certified as an emergency medical technician ("EMT"), including the course tuition, books, and mileage to attend the course for such training; and

**WHEREAS**, the Village of Antwerp is desirous of establishing a policy requiring any individual desirous of serving on the Village's emergency medical service department and becoming certified as an EMT at the expense of the Village to enter into an agreement with the Village to reimburse those training costs to the Village if the individual discontinues making emergency medical runs on behalf of the Village within one (1) year of receiving the EMT certification or fails to complete the requisite training to become certified as an EMT, and to reimburse one-half (1/2) of those training costs to the Village if the individual commences making emergency medical runs for another emergency medical / ambulance service in the same one (1) year period; and

**WHEREAS**, the individual desirous of seeking the EMT training at the expense of the Village must sign an agreement to reimburse the Village for those training costs in the certain circumstances identified herein and before the Village will agree to incur the training costs for that individual.

**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 requiring any individual desirous of serving on the Village's emergency medical service department and becoming certified as an EMT at the expense of the Village to enter into an agreement with the Village to reimburse those training costs to the Village if the individual discontinues making emergency medical runs on behalf of the Village within one (1) year of receiving the EMT certification or fails to complete the requisite training to become certified as an EMT, and to reimburse one-half (1/2) of those training costs to the Village if the individual commences making emergency medical runs for another emergency medical / ambulance service in the same one (1) year period. The individual seeking the EMT training at the expense of the Village must sign an agreement to reimburse the Village for those training costs in the certain circumstances identified herein and before the Village will agree to incur the training costs for that individual. A copy of the Agreement is attached hereto as Exhibit A and incorporated herein by reference.

**Section 2.** The Village of Antwerp authorizes the Village Mayor to sign the Agreement as accepting the same on behalf of the Village as reflected on Exhibit A.

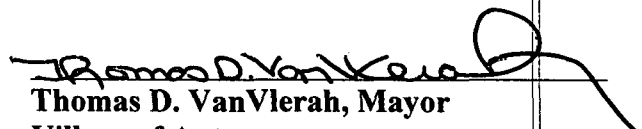
**Section 3.** It is hereby found and determined that all formal actions of the Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of this Council, and  
(7100/086/00430233-1 MLF)

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

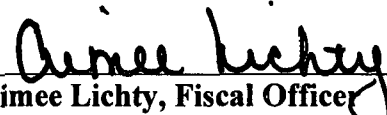
that all deliberations of the Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

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

Passed: Nov. 16, 2015.

  
Thomas D. VanVlerah, Mayor  
Village of Antwerp

Attest:

  
Aimee Lichty, Fiscal Officer

First Reading: 9-21-15

Second Reading: 10-19-15

Third Reading: 11-16-15

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

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

**AGREEMENT**

I, \_\_\_\_\_, do hereby understand that the Village of Antwerp (the "Village") is paying for my training to be certified as an emergency medical technician ("EMT"), including the course tuition, books, and reimbursement for mileage, which costs may exceed \$5,000.00 (the "training costs"). For adequate consideration of the Village advancing payment of these training costs, I agree to make emergency medical runs as an EMT for the emergency medical service department of the Village, for which I will be compensated, for a period of at least one (1) year after my successful completion of the EMT course and the issuance of any and all certifications associated therewith.

In the event that I should discontinue making emergency medical runs on behalf of the Village prior to the passage of one (1) year from obtaining my certification as an EMT, I will reimburse the Village the full amount of the training costs.

I also agree that if I commence making emergency medical runs for another emergency medical / ambulance service prior to the passage of one (1) year from obtaining my certification as an EMT, I will reimburse the Village one-half (1/2) the full amount of the training costs.

It is further agreed that if I should fail to complete the training or fail to successfully obtain my certification as an EMT, I will reimburse the Village for the full amount of training costs. I have one (1) year from the commencement of the training program to complete the course and obtain my certification as an EMT in order to avoid my obligation to reimburse the training costs to the Village.

I also agree to pay any costs incurred by the Village in attempting to obtain any reimbursement of the training costs from me, which costs include reasonable attorney's fees and interest. This Agreement is governed by the laws of the State of Ohio and I consent to jurisdiction in a county or state court in Paulding, Ohio, if an action is filed to seek reimbursement of the training costs from me.

I understand that nothing in this Agreement provides me with contractual rights to volunteer in the emergency medical service department of the Village and that the Village retains the right whether to allow me to volunteer as part of the emergency medical service department.

Date: \_\_\_\_\_

\_\_\_\_\_  
[Signature]

\_\_\_\_\_  
[Printed Name]

**ACCEPTED BY THE VILLAGE OF  
ANTWERP**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
[Signature]

Its: \_\_\_\_\_

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

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

ORDINANCE NO. 2015-29

AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO  
TRANSFER \$8,000.00 FROM THE GENERAL FUND TO THE STREET  
LIGHTING FUND, AND DECLARING THE SAME AN EMERGENCY

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

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

WHEREAS, this is a transfer of funds pursuant to Ohio Revised Code Section 5705.14(E), which 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 Lighting 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 Dollars and Zero Cents (\$8,000.00) from the General Fund to the Street Lighting



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

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

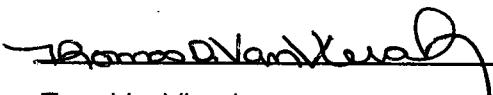
Fund \_\_\_\_\_

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

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

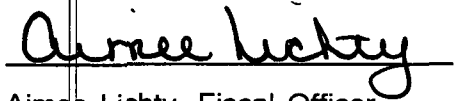
Section 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village and for the further reason that the Village is in immediate need of funds to pay street lighting expenses necessary for the well being 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 10-19-15



Tom VanVlerah,  
Mayor of the Village of Antwerp

Attest:



Aimee Lichty, Fiscal Officer

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

ORDINANCE NO. 2015-30

AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER \$55,000.00 FROM THE GENERAL FUND TO THE POLICE FUND, AND DECLARING THE SAME AN EMERGENCY

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

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

WHEREAS, this is a transfer of funds pursuant to Ohio Revised Code Section 5705.14(E), which 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 Fifty-Five Thousand Dollars and Zero Cents (\$55,000.00) from the General Fund to the Police Fund.

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

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

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

Date 10-19-15

Tom VanVlerah, Mayor of the Village of Antwerp

Attest: Aimee Lichty, Fiscal Officer

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

**ORDINANCE NO. 2015-31**

**AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2007-21  
AUTHORIZING THE VILLAGE OF ANTWERP TO UTILIZE A CONTRACT  
FOR UTILITY SERVICES PROVIDED TO PROPERTY OWNERS THAT RENT  
SAID PROPERTY TO TENANTS IN THE VILLAGE OF ANTWERP, OHIO**

**WHEREAS**, the Council of the Village of Antwerp previously enacted Ordinance No. 2007-21 authorizing the Village of Antwerp to utilize a contract for utility services provided to property owners that rent property to tenants in the Village of Antwerp, Ohio; and

**WHEREAS**, due to the cost increase for utility services in the Village of Antwerp, Ohio, there is a need to increase the security deposit required for rental properties from \$100.00 to \$150.00 and to revise the Contract for Utility Services to reflect this increase.

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

**Section 1.** That Section 2 of Ordinance No. 2007-21 currently reads as follows:

This Contract will provide a security deposit to the Village of Antwerp of \$100.00 to be paid by tenants renting property in order to protect the Village of Antwerp in providing utility services to these rental properties. In addition, the Contract makes the property owner ultimately responsible for any past-due utility service charges not paid by tenants of said rental properties.

**Section 2.** That Section 2 of Ordinance No. 2007-21 is amended to read as follows:

This Contract will provide a security deposit to the Village of Antwerp of \$150.00 to be paid by tenants renting property in order to protect the Village of Antwerp in providing utility services to these rental properties. In addition, the Contract makes the property owner ultimately responsible for any past-due utility service charges not paid by tenants of said rental properties.

**Section 3.** Previous ordinances and/or any portions thereof, including Section 2 of Ordinance No. 2007-21, and rules of the Village of Antwerp that are not consistent with this Ordinance are hereby set aside, revoked and held for naught.

**Section 4.** It is hereby found and determined that all formal actions of the Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that result 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 enforced after the earliest period allowed by law.

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

Date: Dec 21, 2015

Thomas D. Van Vlerah  
Thomas D. Van Vlerah  
Mayor of the Village of Antwerp

Attest:

Aimee Lichty  
Aimee Lichty, Fiscal Officer

First Reading: Oct 19, 2015

Second Reading: Nov. 16, 2015

Third Reading: Dec. 21, 2015

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

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

ORDINANCE NO. 2015-32

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF A NOTE FOR THE PURPOSE  
OF A WATERWORKS SYSTEM IN THE VILLAGE OF ANTWERP, OHIO,  
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 \$73,294.13 shall be issued by the Antwerp Exchange Bank to the Village of Antwerp for the Village's waterworks system capital improvement 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 2% 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 the Note on behalf of said Village.

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

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 a waterworks system 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: 10-19-15

Tom Van Vlerah  
Tom Van Vlerah, Mayor

Attest:

Aimee Lichty  
Aimee Lichty, Fiscal Officer

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

ORDINANCE NO. 2015-33

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF A NOTE FOR THE PURPOSE OF SANITARY SEWERAGE SYSTEM IN THE VILLAGE OF ANTWERP, OHIO, 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 \$285,836.40 shall be issued by the Antwerp Exchange Bank to the Village of Antwerp for the Village's sanitary sewerage system capital improvement 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 2% 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 the Note on behalf of said Village.

Section 8. It is found and determined that all formal actions of the Council concerning and {7100/000/00237877-1 MLF}

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

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

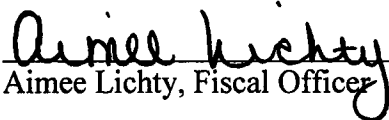
relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including all lawful ordinances 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 a sanitary sewerage system 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: 10-19-15

  
Tom VanVlerah, Mayor

Attest:

  
Aimee Lichty, Fiscal Officer



(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

Dayton Legal Blank, Inc.

(Village Council)

Form No. 30043

Revised Code, Secs. 5705.34, - .35.

The Council of the Village of Antwerp, Paulding County, Ohio, met in regular session on the 19<sup>th</sup> day of Oct., 2015, at the office of Antwerp Town Hall with the following members present:

Keith West  
Steve Derck  
Rudy Reeb  
Kenneth Reinhart  
Jan Reeb

Larry Ryan

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>, 2016; 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	\$34424.		1.80	
1976 FIRE Levy		13535.		2.00
1984 Police Levy		60127.		5.50
1986 EMS Levy		5467.		.50
2006 Cemetery		14553.		.80
2008 FIRE & EMS Levy		18652.		1.00
2004 POLICE		34276.		2.00
2005 Current Expense		18191.		1.00
<b>Total</b>	<b>\$34424.</b>	<b>\$164801.</b>	<b>1.80</b>	<b>12.80</b>

\$14,815,660. Ag/Res  
 3,367,820. Com/In  
 941,090. PP  
 19,124,570. Total

#### Schedule B Levies Outside 10 Mill Limitation, Exclusive of Debt Levies

Dayton Legal Blank, Inc.		Maximum Rate	County Auditor's
Fund		Authorized	Estimate of
Date of Vote		To Be Levied	Yield of Levy
Ordinance No. _____ Passed _____, 20____			(Carry to Schedule A, Column II)
<b>Special Revenue Funds:</b>			
1976 FIRE levy authorized by voters on for not to exceed CONT years.		11-05-85	2.00
1984 POLICE Levy authorized by voters on for not to exceed CONT. years.		05-08-84	5.50
1986 EMS Levy authorized by voters on For not to exceed CONT. years		11-04-86	.50
2006 Cemetery Levy authorized by voters on for not to exceed 5 years.		11-08-11	.80
2008 FIRE & EMS Levy authorized by voters on for not to exceed 5 years.		11-06-12	1.00
2004 POLICE Levy authorized by voters on for not to exceed 5 years.		11-05-13	2.00
2005 CURRENT EXPENSE Levy authorized by voters on for not to exceed 5 years.		11-02-10	1.00

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

Mr./Ms.	<u>Larry Ryan</u>	<u>Yea</u>
Mr./Ms.	<u>Jan Reeb</u>	<u>Yea</u>
Mr./Ms.	<u>Kenneth Reinhart</u>	<u>Yea</u>
Mr./Ms.	<u>Keith West</u>	<u>Yea</u>
Mr./Ms.	<u>Rudie Reeb</u>	<u>Yea</u>
Mr./Ms.	<u>Steve Derck</u>	<u>Yea</u>
Mr./Ms.	_____	_____
Mr./Ms.	_____	_____

Adopted the 19th day of Oct, 2015.

Attest:

Aimee Kichay  
Clerk of Council

Janice A Reeb  
President of Council

CERTIFICATE OF COPY  
Original On File

The State of Ohio, Paulding County, ss.

I, Aimee Kichay, Clerk of the Council of the Village of Antwerp

RECORD OF ORDINANCES

0409

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

Davton Legal Blank, Inc.

Form No. 30043

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.

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_  
Witness my signature, this 20<sup>th</sup> day of October 2015  
Aimee Lichty  
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. R2015-05

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 Oct 19, 2015  
Aimee Lichty, Clerk of Council

Filed FILED, 2015  
OCT 20 2015 County Auditor.  
By AUDITOR  
PAULDING COUNTY Deputy.

Ordinance No. _____	Passed _____, 20____

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

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

**RESOLUTION NO. 2015-06**

**A RESOLUTION OF INTENTION TO APPROPRIATE CERTAIN LAND  
LOCATED ALONG HARRMANN ROAD FROM THE INTERSECTION  
OF CANAL STREET SOUTH TO THE INTERSECTION OF VICTORY  
LANE/HARRMANN ROAD FOR PUBLIC RIGHT-OF-WAY PURPOSES;  
AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council of the Village of Antwerp enacted an Ordinance, Ordinance No. 2015-08, approving preliminary participatory legislation for the project identified as PAU SRTS Antwerp Phase II PID 93589 on February 23, 2015, said Ordinance providing the Ohio Department of Transportation consent to construct the sidewalks along the west side of Harrmann Road from the Antwerp School to Canal Street and along the north side of Canal Street from Harrmann Road westerly to Kroos Street; and

**WHEREAS**, as part of this project, right-of-way must be acquired on the property along the west side of Harrmann Road from Canal Street; and

**WHEREAS**, the Council of the Village of Antwerp enacted an Ordinance, Ordinance No. 2015-13, authorizing the Village Administrator to enter into an agreement with O.R. Colan Associates for the purpose of right-of-way acquisition for the Safe Routes to School Program identified herein; and

**WHEREAS**, O.R. Colan Associates provided notice to the owner of the Village's intent to acquire the property. O.R. Colan Associates also provided a value analysis and good faith offer to purchase the property to the property owner. O.R. Colan Associates' efforts to acquire a right-of-way from the property owner of said property has been unsuccessful and, in order to proceed with the project, the Village of Antwerp must declare its intent to appropriate such right-of-way to allow the Ohio Department of Transportation to construct the sidewalks along the west side of Harrmann Road from the Antwerp School to Canal Street; and

**WHEREAS**, Ohio Revised Code Section 719.04 prescribes that the legislative authority of a municipal corporation, whenever it is deemed necessary to appropriate property, must pass a resolution declaring such intent, defining the purpose of the appropriation, and setting forth the pertinent description of the land and the estate or interest therein described to be appropriated.

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

**Section 1.** It is the intent of the Village of Antwerp to appropriate a right-of-way along the west side of Harrmann Road from Canal Street to the intersection of Victory Lane with Harrmann Road owned by Troy N. Russell, which is more particularly described in the legal description attached to this Resolution which is incorporated herein by this reference, said right-of-way part of a larger tract commonly known as 201 South Harrmann Road, Antwerp, Ohio 45813.

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

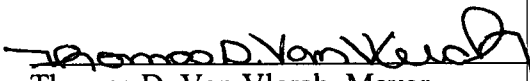
Passed \_\_\_\_\_, 20\_\_\_\_

**Section 2.** The purpose of the acquisition is to acquire the right-of-way necessary for the construction of the public sidewalks by the Ohio Department of Transportation as part of the Safe Routes to School Program.

**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 of 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.

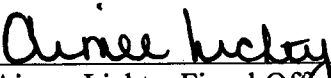
**Section 4.** This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village and for the reason to expedite the project referenced herein and to promote highway safety. This Resolution shall take effect and be in force immediately after its passage and approval, otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed this 19 day of October, 2015.



Thomas D. Van Vlerah, Mayor

Attest:



Aimee Lichty, Fiscal Officer

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

**EXHIBIT A**

Page 1 of 2  
Rev. 06/09

LPA RX 871 SH

Ver. Date April 8, 2015

PID 93589

**PARCEL 20-SH  
PAU-SRTS-ANTWERP  
PERPETUAL EASEMENT FOR HIGHWAY PURPOSES  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS  
IN THE NAME AND FOR THE USE OF THE  
VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the Village Of Antwerp, Paulding County, Ohio, its successors and assigns forever.

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (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 Village of Antwerp, in Paulding County, Ohio, in the southeast quarter of Section 27, Township 3 North, Range 1 East, and being part of a 2.886 acres parcel of land described in Official Record Volume 561, Page 723, and a 0.757 acre parcel of land described in Official record Volume 561, Page 733, and further described as follows:

Commencing at a railroad spike found marking the southeast corner of said southeast quarter of Section 27, at Harrmann Road centerline of right of way Station 112+53.13;

thence on and along the south line of said southeast quarter of Section 27, North 88 degrees 57 minutes 33 seconds West a distance of 20.00 feet to an iron pin set on the existing westerly right of way line of Harrmann Road, and being 20.03 feet left of centerline of Harrmann Road Station 112+53.18;

thence on and along said existing westerly right of way line of Harrmann Road, North 1 degree 00 minutes 13 seconds East a distance of 209.98 feet to a point on the north line of a 1.114 acres parcel of land described in Volume 512, Page 2328, and Volume 534, page 2572, in the name of Deborah Stevenson, said point being 20.00 feet left of centerline of Harrmann Road Station 114+63.13 and the TRUE POINT OF BEGINNING FOR THE PARCEL HEREIN DESCRIBED;

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

**EXHIBIT A**

Page 2 of 2  
Rev. 06/09

LPA RX 871 SH

- 1) thence on and along said north line of said 1.114 acres parcel of land, North 89 degrees 00 minutes 12 seconds West, a distance of 12.00 feet to an iron pin set, at 32.00 feet left of centerline of Harrmann Road Station 114+63.13;
- 2) thence on and along the new westerly right of way line of Harrmann Road, North 01 degrees 00 minutes 13 seconds East, a distance of 221.87 feet to an iron pin set, at 32.00 left of centerline of Harrmann Road Station 116+85.00;
- 3) thence continuing on and along the new westerly right of way line of Harrmann Road, North 16 degrees 39 minutes 07 seconds West, a distance of 85.73 feet to an iron pin set on the existing southerly right of way line of Canal Street, at 33.00 right of Canal Street centerline of right of way Station 67+61.60;
- 4) thence on and along the existing southerly right of way line of Canal Street, North 73 degrees 14 minutes 11 seconds East, a distance of 39.90 feet to the existing westerly right of way line of Harrmann road;
- 5) thence on and along the existing westerly right of way line of Harrmann Road, South 01 degrees 00 minutes 13 seconds West, a distance of 315.74 feet returning to the TRUE POINT OF BEGINNING.

Containing in all 0.113 acres, of which 0.000 acres in existing road right of way, leaving a net take of 0.113 acres. The above described parcel is currently part of Paulding County Auditor's Parcel 12-17S-001-01.

Bearings are based on the State Plane Coordinate System, Ohio North Zone, NAD 83 (2011 Adj.), and derived from GPS and the O.D.O.T. V.R.S. network. All iron pins set are 5/8" x 30" steel rods with a plastic yellow cap stamped "Poggermeyer Design Group Survey Marker".

This description is based on a field survey and right of way plans done by Poggermeyer Design Group and was prepared April 8, 2015 by Kevin Canavan P.S., surveyor number S-7448.

*Kevin Canavan*





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

ORDINANCE NO. 2015-34

AN ORDINANCE TO REPEAL ORDINANCE NO. 2015-23 AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER \$5,000.00 FROM THE GENERAL FUND TO THE COUNCIL CONTRACTUAL FUND, AND DECLARING THE SAME TO BE AN EMERGENCY

WHEREAS, the Village Council approved the passage of Ordinance No. 2015-23 authorizing the Village Fiscal Officer to transfer Five Thousand Dollars and Zero Cents (\$5,000.00) from the General Fund to the Council Contractual Fund, said Ordinance passed by emergency measure on August 17, 2015.

WHEREAS, prior to transferring said funds from the General Fund to the Council Contractual Fund, the Village Fiscal Officer determined that such transfer was not necessary and, as a result, there was no transfer of funds as authorized by Ordinance No. 2015-23.

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

Section 1. Ordinance No. 2015-23 is repealed in its entirety, and the Village Fiscal Officer is not authorized to transfer Five Thousand Dollars and Zero Cents (\$5,000.00) from the General Fund to the Council Contractual Fund, as such transfer of funds is not necessary.

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

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village and for the further reason that it is necessary to assure that the proper authorization is in place and in accordance with the laws 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.

Date 11-16-15

Thomas D. Van Vlerah  
Thomas D. Van Vlerah, Mayor of the Village of Antwerp

Attest:

Aimee Lichty  
Aimee Lichty, Fiscal Officer

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

ORDINANCE NO. 2015-35

**AN ORDINANCE TO REPEAL ORDINANCE NO. 2015-24 AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER \$9,000.00 FROM THE GENERAL FUND TO THE STORM SEWER CONTRACTUAL FUND, AND DECLARING THE SAME TO BE AN EMERGENCY**

WHEREAS, the Village Council approved the passage of Ordinance No. 2015-24 authorizing the Village Fiscal Officer to transfer Nine Thousand Dollars and Zero Cents (\$9,000.00) from the General Fund to the Storm Sewer Contractual Fund, said Ordinance passed by emergency measure on August 17, 2015.

WHEREAS, prior to transferring said funds from the General Fund to the Storm Sewer Contractual Fund, the Village Fiscal Officer determined that such transfer was not necessary and, as a result, there was no transfer of funds as authorized by Ordinance No. 2015-24.

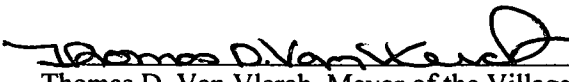
NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Paulding County, Ohio:

**Section 1.** Ordinance No. 2015-24 is repealed in its entirety, and the Village Fiscal Officer is not authorized to transfer Nine Thousand Dollars and Zero Cents (\$9,000.00) from the General Fund to the Council Contractual Fund, as such transfer of funds is not necessary.

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

**Section 3.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village and for the further reason that it is necessary to assure that the proper authorization is in place and in accordance with the laws 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.

Date 11-16-15

  
Thomas D. Van Vlerah, Mayor of the Village of Antwerp

Attest:

  
Aimee Lichty, Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_  
 From Nov. 18, 2015 10:49AM Paragon Tempered Glass 11/18/2015 11:18 AM No. 7624 P. 2 P.002

ORDINANCE NO. 2015- 36

**AN ORDINANCE AUTHORIZING AN AGREEMENT BY AND BETWEEN THE VILLAGE OF ANTWERP, OHIO, AND PARAGON TEMPERED GLASS, LLC FOR THE SUPPLY AND PURCHASE OF WATER AND PROVISION OF SEWER SERVICE, AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Village of Antwerp, Ohio, has previously supplied water to Paragon Tempered Glass, LLC and treated sewage discharge from its facility; and

**WHEREAS**, it is desirable for the Village to have an agreement with Paragon Tempered Glass, LLC for the sale and purchase of water and treatment of sewage discharge from its facility by the Village of Antwerp, Ohio.

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

**Section 1.** The Village of Antwerp, Ohio (the "Village"), is hereby authorized to enter into an agreement for furnishing water and receiving sewage for treatment with Paragon Tempered Glass, LLC pursuant to the following rates and terms:

**FOR CALENDAR YEARS 2016:**

**A.** Paragon Tempered Glass, LLC shall pay the Village a monthly charge for the transportation and treatment of water delivered from the Village to Paragon Tempered Glass, LLC. The monthly charge for water so delivered to Paragon Tempered Glass, LLC shall be \$2.98 for each 1,000 gallons of water, plus a flat rate of \$16.74 per quarter, which shall be paid at the rate of \$5.58 per month.

**B.** Paragon Tempered Glass, LLC shall pay the Village the sum of \$1.62 per 1,000 gallons of sewage collected into the Village's sewer treatment system from Paragon Tempered Glass, LLC's facility for treatment per month, plus a flat rate of \$38.13 per quarter, which shall be billed at the rate of \$12.71 per month.

**Section 2.** That Paragon Tempered Glass, LLC shall install, operate and maintain in accordance with the Village's regulations all required meters.

**Section 3.** As additional consideration for the Village supplying water and/or sewer service to Paragon Tempered Glass, LLC, Paragon Tempered Glass, LLC, its subsidiaries, successors and assigns (collectively "Paragon Tempered Glass, LLC") agree that upon demand by the Village and within ten (10) days of said demand that it will execute the necessary petition to have the property to which the water and/or sewer service is supplied to be annexed into the Village of Antwerp, Ohio, and further shall cooperate with the Village in having said property annexed and further will not resist annexation proceedings to have said property annexed into the corporation limits of the Village of Antwerp, Ohio. Should Paragon Tempered Glass, LLC fail or refuse to execute said annexation petition and/or other documents and things necessary for annexation within the aforesaid ten (10) day period or fail to cooperate with the Village to have said property annexed or resist said annexation, the Village then shall have the right to increase the water and/or sewer rates set forth herein. In this event, the Village may increase the water and/or sewer rates provided herein to the outside corporation limits rates established by the Village Council, which may be determined to be the same rates provided in this Ordinance plus an additional seventy-five percent (75%) of those rates. If the Village increases the water or sewer rate, it must give two (2) months' advance written notice to Paragon Tempered Glass, LLC to that effect.

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

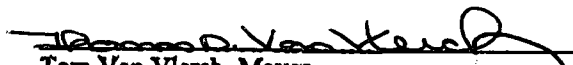
FrcNov. 18. 2015 10:49AM Paragon Tempered Glass 11/18/2015 1cNo. 7624 #P. 3 P.003

**Section 4.** The agreement by and between the Village of Antwerp, Ohio, and Paragon Tempered Glass, LLC for the supply and purchase of water and provision of sewer service shall be in effect from January 1, 2016, to and including December 31, 2016.


**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 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 welfare, convenience and prosperity of the Village and necessary to allow the supply and purchase of water and provision of sewer services to Paragon Tempered Glass, LLC, 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.

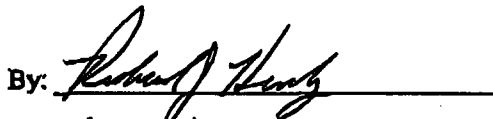
Passed: Dec. 21, 2015

  
Tom Van Vlerah, Mayor  
Village of Antwerp

Attest:

  
Aimee Lichty, Fiscal Officer

Accepted by Paragon Tempered Glass, LLC;

By: 

Its: Accounting Clerk

Date signed: 11-18-2015

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

**ORDINANCE NO. 2015-38**

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, 2016, and declaring the same an emergency.

Section 1. BE IT ORDAINED by the Council of Village of Antwerp, State of Ohio, that, to provide for the current expenses and other expenditures of the said Village of Antwerp during the fiscal year ending December 31, 2016 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 R.C. 5705.40 , the sum of **\$431,605.00.**

Section 3. That there be appropriated from the **STREET CONSTRUCTION, MAINTENANCE AND REPAIR FUND** in the sum of **\$81,638.12.**

Section 4. That there be appropriated from the **STATE HIGHWAY AND IMPROVEMENT FUND** in the sum of **\$12,000.00.**

Section 5. That there be appropriated from the **LAW ENFORCEMENT TRAINING** in sum of **\$1,000.00.**

Section 6. That there be appropriated from the **FED-MAYOR'S COURT FUND** in the sum of **\$4,500.00**

Section 7. That there be appropriated from the **PERMISSIVE TAX BUDGET** in the sum of **\$17,850.00.**

Section 8. That there be appropriated from the **FIRE FUND** in the sum of **\$43,466.28.**

Section 9. That there be appropriated from the **FIRE TRUCK FUND** in the sum of **\$50,000.00.**

Section 10. That there be appropriated from the **EMS FUND** in the sum of **\$127,000.00.**

Section 11. That there be appropriated from the **EMS VEHICLE REPLACEMENT FUND** in the sum of **\$0.**

Section 12. That there be appropriated from the **VET'S MEMORIAL FUND** in the sum of **\$600.00.**

Section 13. That there be appropriated from **SAFE ROUTES TO SCHOOL FUND** in the sum of **\$170,000.00.**

Section 14. That there be appropriated from the **WATER FUND** in the sum of **\$390,399.85**

Section 15. That there be appropriated from the **SEWER FUND** in the sum of **\$511,050.98.**

Section 16. That there be appropriated from the **TRASH FUND** in the sum of **\$60,000.00.**

Section 17. That there be appropriated from the **DEPOSIT FUND** in the sum of **\$1,100.00.**

Section 18. That there be appropriated from the **STORM SEWER FUND** in the amount of **\$51,938.19.**

Section 19. That there be appropriated from the **CEMETERY FUND** in the sum of **\$14,900.00.**

Section 20. That there be appropriated from the **INDIGENT DRIVER FUND** in the sum of **\$0.**

Section 21. That there be appropriated from the **FOJ FUND** in the sum of **\$0.**

Section 22. That there be appropriated from the **MAYOR'S COURT ACCOUNT FUND** in the sum of **\$31,400.00**

Section 23. That there be appropriated from the **POLICE FUND** in the sum of **\$227,150.00.**

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

Section 24. That there be appropriated from the **STREET LIGHTING FUND** in the sum of **\$23,000.00**.

Section 25. That there be appropriated from the **WOODCOX WATERLINE REPL** in the sum of **\$65354.72**.

Section 26. **Total of all appropriations \$2,315,953.14.**

Section 27. And the Fiscal Officer is hereby authorized to draw warrants on the Village Fiscal Officer for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore approved by the board or officers authorized by law to approve the same, or an ordinance or resolution of council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance. Provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the village, and for purposes other than those covered by other specific appropriations herein made.

Section 28. 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 29. 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.

#### CERTIFICATE

Section O.R.C 5705.39, -"No appropriation measure shall become effective until the county auditor files with the appropriating authority a certificate that the total appropriations from each fund, taken together with all other outstanding appropriations, do not exceed such official estimate or amended official estimate. When the appropriation does not exceed such official estimate, the county auditor shall give such certificate forthwith upon receiving from the appropriating authority a certified copy of the appropriation measure."

The State of Ohio Paulding County,

I, Aimee Lichty, Fiscal Officer of Village of Antwerp in said County, and in whose custody the Files, Journals, and Records of the Village of Antwerp, Ohio 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 and has been compared by me with the said original and that the same is a true and correct copy thereof.

Passed

Dec. 21, 2015

Attest:

Aimee Lichty

Fiscal Officer

Jan Feeb  
President of Council

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

ORDINANCE NO. 2015-39

AN ORDINANCE ESTABLISHING COMPENSATION FOR THE  
VILLAGE OF ANTWERP, OHIO FOR THE CALENDAR YEAR 2016,  
AND DECLARING THE SAME AN EMERGENCY

WHEREAS, it is desirable that the compensation of Village officials, employees, appointees, and volunteers for the Village of Antwerp, Ohio for the year 2016 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 2016, the compensation of Village officials and employees be as follows:

Village Official	2015	2016
Mayor	\$8,000.00	\$8,800.00
Council Members –existing	\$3,000.00	\$3,400.00
Newly elected Council Members	\$3,400.00	\$3,400.00
Fiscal Officer	\$23,690.00	\$24,282.44
Village Administrator	\$42,448.32	\$43,509.70
Chief of Police	\$42,628.27	\$43,694.04
Assistant Chief of Police	\$25,750.00	Same
Police - Full Time - On Probation	\$24,967.06 to \$28,594.64	\$25,591.24 to \$29,309.51
Police - Full Time	\$28,574.46 to \$33,820.50	\$29,288.82 to \$34,666.01
Police - Part Time	\$11.60 to \$17.83	\$11.89 to \$18.28 per hour
Police - Reserves	\$11.89 to \$14.26	\$12.19 to \$14.62 per hour
Fire Chief	\$2377.21	\$2436.72 Base amount- plus hrly rate as below
Fire Dept. Secretary	\$374.41	\$383.77 Base amount- plus hrly rate

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

Village Official	2015	2016	
			as below
Fire Chief Assistant	\$374.41	\$383.77	Base amount- plus hrly rate as below
	\$10.15	\$10.40	per meeting
	\$13.16	\$13.49	first hour
	\$10.26	\$10.52	each add. hour
Fire Captains	\$110.53	\$113.29	Base amount- plus hrly rate as below
Fire Lieutenants	\$77.27	\$79.20	Base amount plus hrly rate as below
Volunteer Fireman	\$10.15	\$10.40	per training hr.
Volunteer Fireman	\$10.15	\$10.40	first hour
Volunteer Fireman	\$10.15	\$10.40	each add. hour
EMS Coordinator	\$2,377.21 to \$3,565.81	\$2,436.64 to \$3,654.96	Base amount- plus hrly rate as below
EMS Maintenance Man	\$671.57	\$688.36	Base rate plus hrly rate
EMS Assistant	\$312.12	\$319.92	below
EMS Secretary	\$312.12	\$319.92	Base rate plus hrly rate below
			Base rate plus hrly rate below
EMS Drivers	\$9.00	\$9.23	per hour
EMT - A (BLS-Basic Life Support)	\$10.86	\$11.13	per hour
EMT - B (Immediate Life Support)	\$14.05	\$14.40	per hour
All EMS Personnel	\$10.46	\$10.72	per training



# RECORD OF ORDINANCES

0423

Dayton Legal Blank, Inc.

Form No. 30043

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

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

Village Official	2015	2016	
			hour
General Labor/Utilities Billing Clerk	\$8.37 to \$13.23	\$8.58 to \$13.56	per hour
Mayor's Court Clerk/EMS Billing Clerk	\$8.37 to \$13.23	\$8.58 to \$13.56	per hour
Tech I Water/Sewer/Assigned Duties	\$11.41 to \$15.80	\$11.70 to \$16.20	per hour
Tech II Water/Sewer/Assigned Duties	\$14.32 to \$19.20	\$14.68 to \$19.68	per hour

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, subject to any and all amendments thereto.

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 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: Dec. 21, 2015.

Attest: Aimee Lichty  
Aimee Lichty, Fiscal Officer

Tom VanVlerah  
Tom VanVlerah, Mayor

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

**ORDINANCE NO. 2015-40****AN ORDINANCE TO ESTABLISH TIME AND PLACE OF REGULAR MEETINGS OF THE COUNCIL FOR THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO, FOR CALENDAR YEAR 2016, AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council of the Village of Antwerp, Paulding County, Ohio, is desirous of holding monthly regular council meetings in calendar year 2016; and

**WHEREAS**, in accordance with Ohio Revised Code Section 731.46, the Village Council hereby establishes the time and place of regular meetings of the Council for calendar year 2016 as provided herein.

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

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


**Section 2.** Regular meetings of the Council shall be held on the third (3<sup>rd</sup>) Monday of each month at 5:30 p.m., except for those third (3<sup>rd</sup>) Mondays that are deemed a holiday under the personnel manual of the Village of Antwerp, then the regular council meeting shall be the fourth (4<sup>th</sup>) Monday of that month at 5:30 p.m., which includes the regular meeting of the Council for February 2016 (which will be conducted on February 22, 2016). However, the regular meeting of the Council for January 2016 will be conducted on January 14, 2016 at 9:00 a.m.

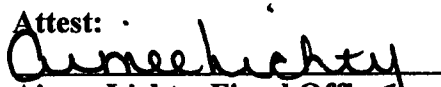
**Section 3.** This Ordinance shall be in effect for regular meetings of the Council starting in January 2016, and be subject to amendment at the request of the Mayor of the Village of Antwerp or at the request of a member of the Council. Notice of any change in the time and/or place of a regular meeting of the Council shall be provided in accordance with Ordinance No. 2012-18.

**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 action, were in meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of section 121.22 of the Ohio Revised Code.

**Section 5.** This Ordinance 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 21 day of December, 2015.

  
Thomas D. VanVlerah, Mayor  
Village of Antwerp

Attest:   
Aimee Lichty, Fiscal Officer

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

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

**ORDINANCE NO. 2015-41**

**AN ORDINANCE ESTABLISHING A SPECIAL FUND FOR THE REVENUE GENERATED BY THE SPECIAL LEVY OF THE VILLAGE OF ANTWERP, OHIO, SUCH LEVY PASSED BY THE ELECTORS FOR THE PURPOSES PROVIDED UNDER O.R.C. § 5705.19(I), INCLUDING BUT NOT LIMITED TO PROVIDING AND MAINTAINING FIRE APPARATUS, APPLIANCES, AND EQUIPMENT INCLUDING A PUMPER/TANKER FIRE ENGINE AND FIRE GEAR FOR FIREFIGHTING PERSONNEL, AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council for the Village of Antwerp finds it necessary to establish a special fund as required under O.R.C. § 5705.09(D) for the revenue generated by the special levy of the Village of Antwerp, Ohio, such levy passed by the electors at the general election conducted on November 4, 2014, for the purposes provided under O.R.C. § 5705.19(I), including but not limited to providing and maintaining fire apparatus, appliances, and equipment including a pumper/tanker fire engine and fire gear for firefighting personnel. This is an additional levy for a five (5) year period commencing in year 2015, first due in calendar year 2016.

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

**Section 1.** The Council of the Village of Antwerp authorizes the Fiscal Officer of the Village of Antwerp to establish a special fund as required under O.R.C. § 5705.09(D) for the revenue generated by the special levy of the Village of Antwerp, Ohio, such levy passed by the electors for the purposes provided under O.R.C. § 5705.19(I), including but not limited to providing and maintaining fire apparatus, appliances, and equipment including a pumper/tanker fire engine and fire gear for firefighting personnel.

**Section 2.** The revenue authorized to be placed in this fund shall be from the special levy passed by the electors of the Village of Antwerp at the general election conducted on November 4, 2014, for the purposes provided under O.R.C. § 5705.19(I), including but not limited to providing and maintaining fire apparatus, appliances, and equipment including a pumper/tanker fire engine and fire gear for firefighting personnel. This is an additional levy for a five (5) year period commencing in year 2015, first due in calendar year 2016.

**Section 3.** All revenue derived from this special levy shall be credited to this special fund for the purposes for which the levy was made in accordance with O.R.C. § 5705.10(C).

**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 Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

**Section 5.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village, and necessary for the Village of Antwerp to establish the special fund for the revenue generated by the special levy

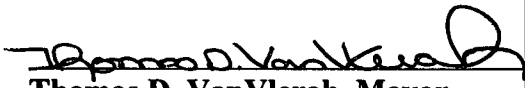
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Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

for the purposes provided under O.R.C. § 5705.19(I), including but not limited to providing and maintaining fire apparatus, appliances, and equipment including a pumper/tanker fire engine and fire gear for firefighting personnel. This Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Passed this 21 day of December, 2015.

Attest:

  
Thomas D. Van Vlerah, Mayor  
Village of Antwerp

  
Aimee Lichty, Fiscal Officer

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

ORDINANCE NO. 2015-42

AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS FROM THE GENERAL FUND TO THE WATER FUND IN THE AMOUNT OF \$15,000.00, AND DECLARING THE SAME TO BE AN EMERGENCY

WHEREAS, the Village of Antwerp, Ohio has determined that it is necessary to transfer certain funds from the General Fund to the Water Fund for the operation of the water department, and

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

WHEREAS, this is a transfer of funds pursuant to Ohio Revised Code Section 5705.14 (E), which 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 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 transfer 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 Thousand Dollars and Zero Cents (\$15,000.00) from the General Fund to the Water Fund.

Section 2. This transfer of funds from the General Fund to the Water Fund is necessary for the operation of 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 water 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 Dec. 21, 2015

Tom Van Vlerah  
Tom Van Vlerah, Mayor of the Village of Antwerp

Attest:

Aimee Lichty  
Aimee Lichty, Fiscal Officer

{7100/086/00415568-1 MLF}

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

**ORDINANCE NO. 2016-01**

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A CONTRACT WITH CARRYALL TOWNSHIP FOR PROVIDING EMERGENCY MEDICAL SERVICE IN CALENDAR YEARS 2016, 2017, AND 2018, 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 services to outlying areas; and

**WHEREAS**, the Village of Antwerp and Carryall Township negotiated the terms and conditions of the Village providing emergency medical service 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 (the "Village") will provide emergency medical service to Carryall Township (the "Township") as provided 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 of Antwerp as the Township collects such tax settlement monies from the Paulding 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, 2016.

**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: \$75.00 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 of Antwerp are authorized to enter into the Agreement with Carryall Township to provide emergency medical service for the consideration identified herein, said Agreement to be effective as of January 1, 2016.

**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.

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


**Section 10.** This Ordinance shall be retrospective in nature and take effect as of the expiration of the prior ordinance adopted by the Council of the Village of Antwerp and the Agreement for the provision of emergency medical service in Carryall Township, as reflected in Ordinance No. 2015-02.

**Section 11.** 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 it is necessary to have an agreement in place for the provision of emergency medical services in Carryall Township that reflects the compensation to be paid for the Village providing those 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 full force after the earliest period allowed by law.

PASSED THIS 14 day of January, 2016.

  
Ray DeLong, Mayor  
VILLAGE OF ANTWERP

Attest:

  
Aimee Lichty, Fiscal Officer



## **AGREEMENT TO PROVIDE EMERGENCY MEDICAL SERVICES**

Pursuant to Ohio Revised Code Sections 505.84 and 9.60, this **AGREEMENT** is made and entered into this 8<sup>th</sup> day of February, 2016, by and between the Village of Antwerp, County of Paulding, State of Ohio (hereinafter referred to as the "Village") and the Township of Carryall, Paulding County, State of Ohio (hereinafter referred to as the "Township") for the Village to provide emergency medical services to the Township in calendar years 2016, 2017, and 2018 as more specifically described herein.

**WHEREAS**, the Mayor and Fiscal Officer of the Village were authorized to enter into this Agreement on January 14, 2016, by an ordinance passed on said date, Ordinance No. 2016-01.

**WHEREAS**, the Board of Trustees of the Township were authorized to enter into this Agreement on February 8, 2016, by a resolution adopted on said date, Resolution No. 2016-02

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

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

The entire area that consists of Carryall Township.

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

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

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

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

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

5. The Township authorizes the Village to bill patients / users of the emergency medical services and collect any monies due for the services provided by the Village for emergency medical services. The Village is also authorized to use a third-party billing and collection agency to perform these services. The Village hereby agrees to submit bills to the patients / users for the fees established in Section 4(b) above, which are the same fees the Village charges its residents for the provision of emergency medical services. Any and all monies collected on behalf of the patients / users shall be sent to the Township on a monthly basis. Any and all payments made by Village between the effective date and the execution date of this Agreement shall be made to conform to the provisions of this Agreement.
6. The Village shall submit monthly invoices to the Township for the emergency medical services provided, billed, collected and paid to the Township and for any charges due and owing by the Township to the Village as provided in paragraph 4 above. Any and all charges provided for on the invoice shall be paid by the Township to the Village within thirty (30) days from the date the invoice is received by the Township. Failure to remit payment of said invoice could result in termination of this Agreement.
7. The volunteers, employees, agents, and/or officers of the Village that will provide the services to the Township as provided in this Agreement are deemed to be acting within the scope of their employment in providing said services. The

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

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

inspection, review, audit, or other legitimate purpose by an authorized representative of the other party, the State of Ohio, the Federal Government, or representative of any, for a minimum of five (5) years after payment has been made pursuant to the terms of this Agreement or until after a State Audit, whichever occurs earlier.

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

**The Village of Antwerp**

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

**The Township of Carryall**

Attn: Twila Demongot  
Fiscal Officer  
P.O. Box 652  
Antwerp, OH - 45813  
PH: 419-258-2092

and

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

16. This Agreement shall be effective as of January 1, 2016, and shall continue in full force and effect thereafter for the calendar years of 2016, 2017, and 2018. This Agreement supercedes any and all prior agreements between the Village and the


Township pertaining to the provision of emergency medical services for prior years.

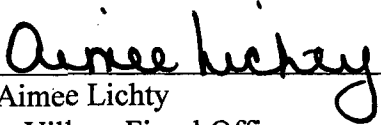
17. It is understood and agreed by the parties hereto that the signatories to the Agreement have been duly authorized to execute this Agreement on behalf of the respective parties, and that the parties hereby waive any challenge or defense to the validity of this Agreement based on lack of capacity,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

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

**"VILLAGE"**


**VILLAGE OF ANTWERP**

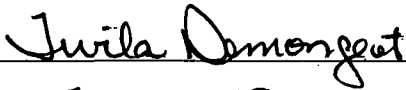
By:   
Ray DeLong  
Title: Mayor  
Date: 1-14-2016

By:   
Aimee Lichty  
Title: Village Fiscal Officer  
Date: 1-14-16

**"TOWNSHIP"**

**TOWNSHIP OF CARRYALL**

By:   
Title: Trustee  
Date: 2/8/2016

By:   
Title: Fiscal Officer  
Date: 2/8/2016

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

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

**ORDINANCE NO. 2016-02**

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A CONTRACT WITH HARRISON TOWNSHIP FOR PROVIDING EMERGENCY MEDICAL SERVICE IN CALENDAR YEARS 2016, 2017, AND 2018, 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 services to outlying areas; and

**WHEREAS**, the Village of Antwerp and Harrison Township negotiated the terms and conditions of the Village providing emergency medical service 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 (the "Village") will provide emergency medical service to that portion of Harrison Township (the "Township") as provided 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 each calendar year 2016, 2017, and 2018, with the annual charge to be paid on a quarterly basis during each of these calendar years, 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, 2016.

**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: \$75.00 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 of Antwerp are authorized to enter into the Agreement with Harrison Township to provide emergency medical service for the consideration identified herein, said Agreement to be effective as of January 1, 2016.

**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.

## **AGREEMENT TO PROVIDE EMERGENCY MEDICAL SERVICES**

Pursuant to Ohio Revised Code Sections 505.84 and 9.60, this **AGREEMENT** is made and entered into this 8 day of February, 2016, by and between the Village of Antwerp, County of Paulding, State of Ohio (hereinafter referred to as the "Village"), and the Township of Harrison, Paulding County, State of Ohio (hereinafter referred to as the "Township"), for the Village to provide emergency medical services to the Township for calendar years 2016, 2017, and 2018 as more specifically described herein.

**WHEREAS**, the Mayor and Fiscal Officer of the Village were authorized to enter into this Agreement on January 14, 2016, by an ordinance passed on said date, Ordinance No. 2016-02.

**WHEREAS**, the Board of Trustees of the Township were authorized to enter into this Agreement on February 8, 2016, by a resolution adopted on said date, Resolution No. \_\_\_\_\_.

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

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

Sections 1 through 12 of Harrison Township.

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



(a) An annual charge of \$1,319.00 for each calendar year. The annual charge is to be paid on a quarterly basis by the Township to the Village in four (4) equal quarterly payments each payable to the Village the first business day of January, April, July and October in each calendar year; plus

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

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

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

5. The Township authorizes the Village to bill patients / users of the emergency medical services and collect any monies due for the services provided by the Village for emergency medical services. The Village is also authorized to use a third-party billing and collection agency to perform these services. The Village hereby agrees to submit bills to the patients / users for the fees established in Section 4(b) above, which are the same fees the Village charges its residents for the provision of emergency medical services. Any and all monies collected on behalf of the patients / users shall be sent to the Township on a monthly basis. Any and all payments made by Village between the effective date and the execution date of this Agreement shall be made to conform to the provisions of this Agreement.
6. The Village shall submit monthly invoices to the Township for the emergency medical services provided, billed, collected and paid to the Township and for any charges due and owing by the Township to the Village as provided in paragraph 4 above. Any and all charges provided for on the invoice shall be paid by the Township to the Village within thirty (30) days from the date the invoice is received by the Township. Failure to remit payment of said invoice could result in termination of this Agreement.
7. The volunteers, employees, agents and/or officers of the Village that will provide the services to the Township as provided in this Agreement are deemed to be

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

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

inspection, review, audit, or other legitimate purpose by an authorized representative of the other party, the State of Ohio, the Federal Government, or representative of any, for a minimum of five (5) years after payment has been made pursuant to the terms of this Agreement or until after a State Audit, whichever occurs earlier.

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

**The Village of Antwerp**

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

**The Township of Harrison**

Attn: Edward Stabler  
Dan Olwin  
Chad Bensneider  
\_\_\_\_\_  
\_\_\_\_\_

and

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

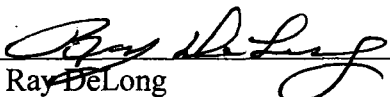
16. This Agreement shall be effective as of January 1, 2016, and shall continue in full force and effect thereafter for the calendar years of 2016, 2017, and 2018. This Agreement supersedes any and all prior agreements between the Village and the Township pertaining to the provision of emergency medical services for prior years.

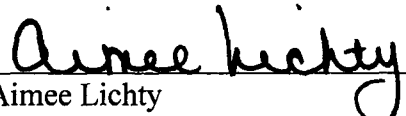
17. It is understood and agreed by the parties hereto that the signatories to the Agreement have been duly authorized to execute this Agreement on behalf of the respective parties, and that the parties hereby waive any challenge or defense to the validity of this Agreement based on lack of capacity,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

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

**"VILLAGE"**


**VILLAGE OF ANTWERP**

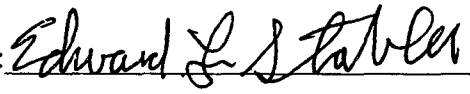
By:   
Ray DeLong  
Title: Mayor  
Date: 1-14-2016


By:   
Aimee Lichty  
Title: Village Fiscal Officer  
Date: 1-14-16

**"TOWNSHIP"**

**TOWNSHIP OF HARRISON**

By:   
Title: Trustee  
Date: 2-8-16

By:   
Title: Trustee  
Date: 2-8-16

  
Trustee  
2-8-16

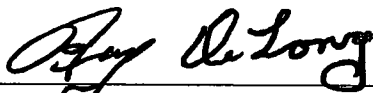
Ordinance No. \_\_\_\_\_

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

**Section 10.** This Ordinance shall be retrospective in nature and take effect as of the expiration of the prior ordinance adopted by the Council of the Village of Antwerp and the Agreement for the provision of emergency medical service in Harrison Township, as reflected in Ordinance No. 2015-01.

**Section 11.** 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 it is necessary to have an agreement in place for the provision of emergency medical services in Harrison Township, 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 THIS 14 day of January, 2016.



Ray DeLong, Mayor  
VILLAGE OF ANTWERP

Attest:



Aimee Lichty, Fiscal Officer

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

**ORDINANCE NO. 2016-03**

**AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN  
LEGAL PUBLISHING’S OHIO BASIC CODE, 2016 EDITION, AS THE CODE  
OF ORDINANCES FOR THE VILLAGE OF ANTWERP, OHIO, AND  
DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the present general and permanent ordinances of the Village of Antwerp, Ohio (“Village”) 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 Village and for the proper conduct of its affairs; and

**WHEREAS**, the American Legal Publishing Corporation publishes a Code of Ordinances suitable for adoption by municipalities in Ohio; and

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

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

- Section 1.** American Legal Publishing's Ohio Basic Code, 2016 Edition, as reviewed and approved by the Council of the Village, is hereby adopted and enacted. Any prior version of the Ohio Basic Code which may have been previously adopted by the Village is hereby repealed as obsolete and is hereby replaced in its entirety by this Ohio Basic Code, 2016 Edition.
- Section 2.** One copy of American Legal Publishing’s Ohio Basic Code, 2016 Edition, certified as correct by the Mayor and Fiscal Officer of the Village, as required by Ohio Revised Code § 731.23, shall be kept in its initial form on file in the office of the Fiscal Officer of the Village and retained as a permanent ordinance record of the Village. The Fiscal Officer of the Village is authorized and directed to publish a summary of all new matters contained in the Code of Ordinances as required by Ohio Revised Code § 731.23. Such summary is attached hereto and marked as “Exhibit A.”
- Section 3.** All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the Ohio Basic Code, 2016 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, 2016 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

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

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

legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.


(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 enacted prior to the adoption of this Ordinance and said legislation was enacted to supersede prior ordinances adopted by the Council of the Village, including a provision contained in prior versions of the Ohio Basic Code.

**Section 4.** Whenever reference is made in any documents, publications, or signs of the Village, including but not limited to traffic tickets and traffic-control signs, to a section as it existed in a former edition of the Ohio Basic Code, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered.

**Section 5.** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health safety and general welfare of the people of the Village, and shall take effect at the earliest date provided by law.

Date Passed: Jan 14, 2016

  
Ray DeLong Mayor

Attest:

  
Aimee Lichty, Fiscal Officer

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

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

**ORDINANCE NO. 2016-04**

**AN ORDINANCE ADOPTING THE PERSONNEL MANUAL  
FOR THE VILLAGE OF ANTWERP, OHIO, INCLUDING ANY AND ALL  
AMENDMENTS THERETO AND ALL APPLICABLE STATEMENTS  
ATTACHED THERETO, FOR CALENDAR YEAR 2016, AND  
DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council of the Village of Antwerp desires to adopt the Personnel Manual, including any and all amendments thereto and all applicable statements attached thereto, for the Village of Antwerp, Ohio, to be in effect for calendar year 2016.

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

**Section 1.** The Village of Antwerp, Ohio, adopts the Personnel Manual, including any and all amendments thereto and all applicable statements attached thereto, for calendar year 2016. A copy of the Personnel Manual is attached hereto and made a part hereof as **Exhibit A**.

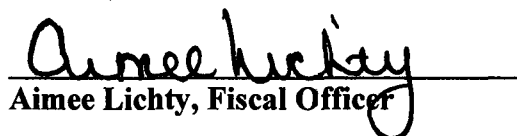
**Section 2.** It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in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

**Section 3.** This Ordinance is deemed an emergency measure necessary for the preservation of the public health, safety and welfare and for the further reason to adopt the Personnel Manual for calendar year 2016, and this Ordinance shall take effect and be in force immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Passed: Jan 14, 2016.

  
Ray DeLong, Mayor

Attest:

  
Aimee Lichty, Fiscal Officer

{7100/093/00468758-1 MLF}

*Personnel  
manual  
already in  
here from  
2015  
same*



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

ORDINANCE NO. 2016-05

AN ORDINANCE ACCEPTING THE FINAL PLAT OF THE  
MAUMEE LANDING SUBDIVISION - PHASE 4 (LOT 7) TO THE ADDITION  
TO THE VILLAGE OF ANTWERP, PAULDING COUNTY, OHIO, PURSUANT TO  
ORDINANCE NO. 94-17, AND DECLARING THE SAME AN EMERGENCY

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

WHEREAS, Olen McMichael has submitted the final plat of the Maumee Landing Subdivision - Phase 4 (Lot 7) 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 4 (Lot 7) 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 at a later date to accommodate future developments in the Maumee Landing Subdivision with the further requirement that the developer attend a meeting of the Village Council at least once each calendar year to discuss the timing for the application of the final coat of asphalt.

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 4 (Lot 7) 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 at a later date to accommodate future developments in the Maumee Landing Subdivision, and that the final plat of the Maumee Landing Subdivision - Phase 4 (Lot 7) is hereby accepted, subject to the contingencies provided in Section 1 of Ordinance No. 94-16 and the streets not being accepted and/or dedicated to public use until such time as the final coat of asphalt has been applied. The developer shall attend a meeting of the Village Council at least once each calendar year to discuss the timing for the application of the final coat of asphalt.

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, subject to the contingencies contained in Section 1 of this Ordinance.

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 (including but not limited to a final coat of asphalt being applied), 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.

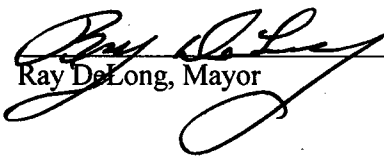
**SECTION 5.** That all requirements for the final plat have been provided as set forth in Ordinance No. 94-17, including, but not limited to, a notarized certification of the owners of the adoption of the plat, the dedication of the streets and other public areas, the approval and the signature of Village 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 Phase 4 (Lot 7) of the Maumee Landing Subdivision must be approved in order to comply with the Village's Subdivision Ordinance and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Date: 1-14-16

  
Ray DeLong, Mayor

Attest:

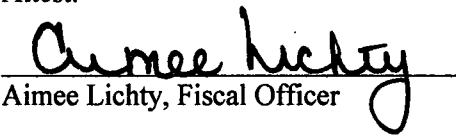
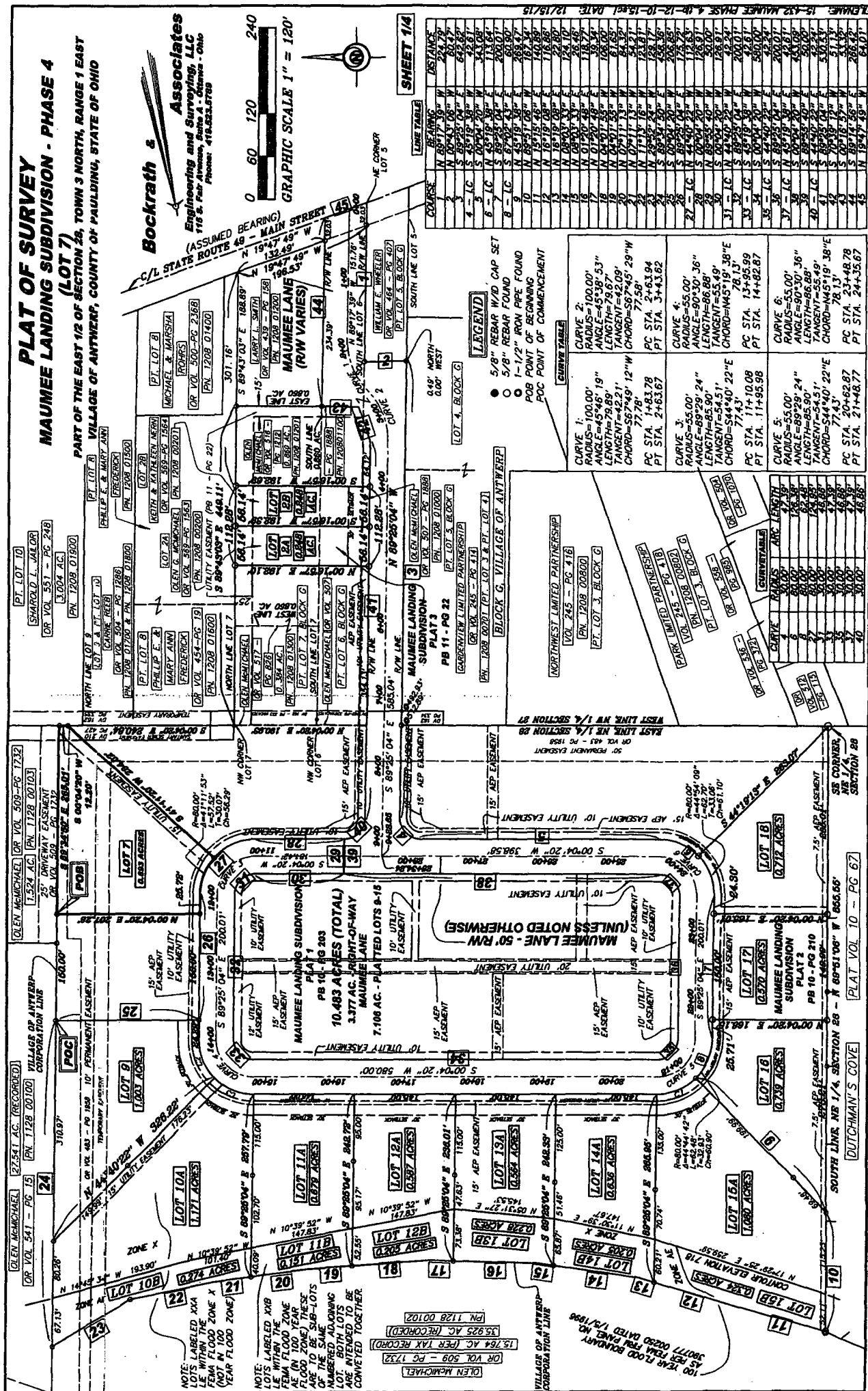
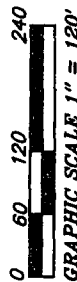
  
Aimee Lichty, Fiscal Officer

Exhibit A

**PLAT OF SURVEY  
MAUMEE LANDING SUBDIVISION - PHASE 4  
(LOT 7)**

PART OF THE EAST 1/2 OF SECTION 26, TOWN 3 NORTH, RANGE 1 EAST  
VILLAGE OF ANTWERP, COUNTY OF PAULDING, STATE OF OHIO

**Bockrath & Associates**  
Engineering and Surveying, LLC  
110 S. Fair Avenue, Suite A - Ottawa, Ohio  
Phone: 419.233.5789



SHEET 1/4

**LEGEND**

- 5/8" REBAR W/D CAP SET
- 5/8" REBAR FOUND
- 1-1/2" IRON PIPE FOUND
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT

**CURVE TABLE**

CURVE TABLE									
CURVE 1:		CURVE 2:		CURVE 3:		CURVE 4:		CURVE 5:	
RADIUS=100.00'	RADIUS=100.00'	RADIUS=100.00'	RADIUS=100.00'	RADIUS=55.00'	RADIUS=55.00'	RADIUS=55.00'	RADIUS=55.00'	RADIUS=55.00'	RADIUS=55.00'
ANGLE=45°46' 19"	ANGLE=45°46' 19"	ANGLE=45°38' 53"	ANGLE=45°38' 53"	ANGLE=90°30' 36"	ANGLE=90°30' 36"	ANGLE=90°30' 36"	ANGLE=90°30' 36"	ANGLE=90°30' 36"	ANGLE=90°30' 36"
LENGTH=79.89'	LENGTH=79.89'	LENGTH=79.67'	LENGTH=79.67'	TANGENT=86.88"	TANGENT=86.88"	TANGENT=86.88"	TANGENT=86.88"	TANGENT=86.88"	TANGENT=86.88"
TANGENT=42.21'	TANGENT=42.21'	TANGENT=42.09'	TANGENT=42.09'	TANGENT=54.51'	TANGENT=54.51'	TANGENT=54.51'	TANGENT=54.51'	TANGENT=54.49'	TANGENT=54.49'
CHORD=58°49' 12"W	CHORD=58°49' 12"W	CHORD=58°49' 12"W	CHORD=58°49' 12"W	CHORD=54°40' 22"E	CHORD=54°40' 22"E	CHORD=54°40' 22"E	CHORD=54°40' 22"E	CHORD=54°40' 22"E	CHORD=54°40' 22"E
77.78'	77.78'	77.58'	77.58'	77.43'	77.43'	77.43'	77.43'	78.13'	78.13'
PC STA. 1+83.78	PC STA. 1+83.78	PC STA. 1+83.94	PC STA. 1+83.94	PC STA. 1+10.08	PC STA. 1+10.08	PC STA. 1+10.08	PC STA. 1+10.08	PC STA. 2+48.78	PC STA. 2+48.78
PT STA. 2+63.67	PT STA. 2+63.67	PT STA. 2+63.82	PT STA. 2+63.82	PT STA. 1+95.98	PT STA. 1+95.98	PT STA. 1+95.98	PT STA. 1+95.98	PT STA. 2+48.78	PT STA. 2+48.78

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

**ORDINANCE NO. 2016-06**

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE FISCAL OFFICER  
TO ENTER INTO A CONTRACT WITH CARRYALL TOWNSHIP FOR  
PROVIDING FIRE PROTECTION SERVICES FOR THE YEAR 2016,  
AND DECLARING THE SAME AN EMERGENCY**

**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 \$10,000.00 for the year 2016.

**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\_\_\_\_

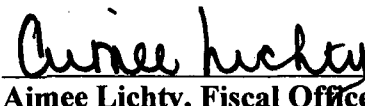
**Section 7.** This Ordinance shall be retrospective in nature and take effect as of the expiration of the prior ordinances adopted by the Council of the Village of Antwerp and the Agreement and all amendments thereto for the provision of fire protection service in Carryall Township, as reflected in Ordinance Nos. 2011-19, 2014-29, 2015-21, and 2015-26.

**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 reason that the Village and Township must agree to the terms and conditions for the Village to provide fire protection services to the Township in anticipation of the current agreement expiring, 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 14 day of January, 2016.

  
Ray DeLong, Mayor  
Village of Antwerp

Attest:

  
Aimee Lichty, Fiscal Officer  
Village of Antwerp

## **AGREEMENT TO PROVIDE FIRE PROTECTION SERVICES**

Pursuant to Ohio Revised Code Sections 505.37 and 9.60, this **AGREEMENT** is made and entered into this 8<sup>th</sup> day of February 2016, by and between the Village of Antwerp, County of Paulding, State of Ohio ("hereinafter referred to as the "Village") and the Township of Carryall, Paulding County, State of Ohio (hereinafter referred to as the "Township") for the Village to provide fire protection services to the Township for the year 2016, and as more specifically described herein.

**WHEREAS**, the Mayor and Fiscal Officer of the Village were authorized to enter into this Agreement on January 14, 2016, by an ordinance passed on said date, Ordinance No. 2016-06.

**WHEREAS**, the Board of Trustees of the Township were authorized to enter into this Agreement on February 8<sup>th</sup>, 2016, by a resolution adopted on said date, Resolution No. 2016-01.

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

1. The Village agrees to provide fire protection services for certain portions of the Township, said territory described as follows:  
  
The entire area that consists of Carryall Township.
2. The scope of the fire protection services provided by the Village to the Township shall be the same as is regularly provided to residents of the Village of Antwerp.
3. Notwithstanding this Agreement to provide fire protection services in the territory described above, the Village's primary obligation to provide fire protection services is to the territory comprised within the Village's corporation limits and it shall not be a violation of any of the terms and/or conditions of this Agreement if for any reason the officer in charge of the fire department determines that the department is unable and/or will be delayed in performing the services agreed to herein. The Village shall not be responsible for any loss and/or damages incurred as a result of failure to respond or respond timely to any call for fire protection services in the Township and territory described above.
4. In exchange for providing the fire protection services to the territory described herein, the Township agrees to compensate the Village at a fixed annual charge of \$10,000.00 for the year 2016.
5. The Village shall submit an annual invoice to the Township for the fire protection services provided to the Township and for any charges due and owing by the Township to the Village as provided in paragraph 4 above. Any and all charges provided for on the invoice shall be paid by the Township to the Village within

thirty (30) days from the date the invoice is received by the Township. Failure to remit payment of said invoice could result in termination of this Agreement.

6. The volunteers, employees, agents, and/or officers of the Village that will provide the services to the Township as provided in this Agreement are deemed to be acting within the scope of their employment in providing said services. The Village assumes the cost and/or expenses associated with any injury to those providing the services on behalf of the Village and/or any damage to equipment used in the performance of this Agreement. To the extent permitted under Ohio law, the Township agrees to fully indemnify and hold harmless the Village, its elected officials, its officers, agents, employees and volunteers from any and all obligations, liabilities or claims which may arise as a direct or indirect consequence of the Village's performance of this Agreement and the services agreed to be performed by the Village herein or the actions of the Village, its officials, agents, employees and any subcontractors employed by the Village. The Township will name the Village of Antwerp as an additional insured on its insurance policy. The Township's insurance coverage shall be primary insurance as it respects the Village, its elected officials, officers, agents, employees or volunteers and that any insurance maintained by the Village, its elected officials, officers, agents, employees or volunteers shall be excess to the Township's insurance and shall not contribute to it.
7. The Village hereby represents that the individuals that will provide the fire protection services are volunteers, employees, agents, and/or other officials acting on behalf of the Village. No principal-agent or employer-employee relationship is created by this Agreement. As such, the Township and any of its officials, employees, agents, and/or volunteers are not eligible to receive any benefits from the Village, including but not limited to, OPERS, vacation, sick leave, health insurance, life insurance, worker's compensation insurance, unemployment compensation, any form of retirement benefits (including social security eligibility), or other benefits based upon the status of the Village providing the fire protection services as independent contractors of the Township. The Township is responsible for payment of all applicable taxes, including federal, state, and local taxes.
8. The Village and the Township each reserve the right to unilaterally terminate this Agreement, with or without cause, upon sixty (60) days written notice to the other party. Any such termination will not alter the obligation of the Township to pay any amounts due and owing to the Village by way of this Agreement for services rendered prior to the termination of said Agreement. It is the responsibility of the Township to notify the users of these services within the territory described herein of the termination of this Agreement.
9. Each party shall maintain accurate records, reports and other documents to sufficiently and properly account for all costs and expenses incurred by each party

in the performance of its obligations under this Agreement. These records shall be available in accordance with the public entity's public records policy for inspection, review, audit, or other legitimate purpose by an authorized representative of the other party, the State of Ohio, the Federal Government, or representative of any, for a minimum of five (5) years after payment has been made pursuant to the terms of this Agreement or until after a State Audit, whichever occurs earlier.

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

The Village of Antwerp

The Township of Carryall

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

Attn:

and

Attn: Ray Friend, Fire Chief  
P.O. Box 1046  
Antwerp, Ohio 45813  
Telephone: (419) 258-8081  
Fax: (419) 258-8081

15. This Agreement shall be effective as of January 1, 2016, and shall continue in full force and effect thereafter for the calendar year of 2016 subject to the terms and conditions set forth herein. This Agreement supercedes any and all prior




agreements between the Village and the Township pertaining to the provision of fire protection services.

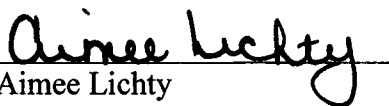
16. It is understood and agreed by the parties hereto that the signatories to the Agreement have been duly authorized to execute this Agreement on behalf of the respective parties, and that the parties hereby waive any challenge or defense to the validity of this Agreement based on lack of capacity,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

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

**"VILLAGE"**


**VILLAGE OF ANTWERP**

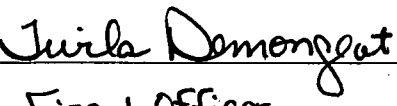
By:   
Ray Delong  
Title: Mayor  
Date: 1-14-2016

By:   
Aimee Lichty  
Title: Village Fiscal Officer  
Date: 1-14-16

**"TOWNSHIP"**

**TOWNSHIP OF CARRYALL**

By:   
Title: Trustee  
Date: 2/8/2016

By:   
Title: Fiscal Officer  
Date: 2/8/2016

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

ORDINANCE NO. 2016-07

AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO  
TRANSFER \$27,500.00 FROM THE GENERAL FUND TO THE POLICE FUND,  
AND DECLARING THE SAME AN EMERGENCY

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

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

WHEREAS, this is a transfer of funds pursuant to Ohio Revised Code Section 5705.14(E), which 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 and Zero Cents (\$27,500.00) from the General Fund to the Police Fund.

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

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

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

Date 1-14-16

Ray DeLong,  
Mayor of the Village of Antwerp

Attest:  
Aimee Lichty  
Aimee Lichty, Fiscal Officer

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

ORDINANCE NO. 2016-08

AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER FUNDS FROM THE GENERAL FUND TO THE WATER FUND IN THE AMOUNT OF \$40,000.00, AND DECLARING THE SAME TO BE AN EMERGENCY

WHEREAS, the Village of Antwerp, Ohio has determined that it is necessary to transfer certain funds from the General Fund to the Water Fund for the operation of the water department, and

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

WHEREAS, this is a transfer of funds pursuant to Ohio Revised Code Section 5705.14 (E), which 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 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 transfer 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 Forty Thousand Dollars and Zero Cents (\$40,000.00) from the General Fund to the Water Fund.

Section 2. This transfer of funds from the General Fund to the Water Fund is necessary for the operation of 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 water 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 1-14-16

Ray DeLong, Mayor of the Village of Antwerp

Attest:

Aimee Lichty, Fiscal Officer

## Exhibit A

### OHIO BASIC CODE, 2016 EDITION — SUMMARY OF CONTENTS

Notice is hereby given that on the 14 day of Jan, 2016, 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, 2016 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.

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#### 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

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#### TITLE III: ADMINISTRATION

##### Chapter 30: General Provisions

###### Section

- 30.01 Application of Title III
- 30.02 Qualifications; oaths
- 30.03 Bonds of officers and employees; amount
- 30.04 Additional bond; where bonds recorded and kept
- 30.05 Approval of bonds
- 30.06 Sufficiency of form of bond
- 30.07 Filling vacancies in offices
- 30.08 Public records available
- 30.09 Records Commission
- 30.10 Meetings of public bodies to be open; exceptions; notice
- 30.11 Municipal officers may attend conference or convention; expenses
- 30.12 Residency requirements prohibited; exceptions

##### Chapter 31: Executive Authority

###### Section

###### *General Provisions*

- 31.001 Executive power; where vested

***Mayor***

- 31.015 Term of Mayor; power and duties
- 31.016 General duties of the Mayor
- 31.017 Communications to the Legislative Authority
- 31.018 Protest against excess of expenditures
- 31.019 Supervision of conduct of officers
- 31.020 Annual report to the Legislative Authority
- 31.021 Mayor to file charges against delinquent officers
- 31.022 Vacancies in office of Mayor
- 31.023 Disposition of fines and other moneys

***Clerk***

- 31.040 Election, term, qualifications of the Clerk
- 31.041 Powers and duties of Clerk
- 31.042 Books and accounts; merger of offices
- 31.043 Seal of Clerk
- 31.044 Combined offices of Clerk and Treasurer; Fiscal Officer

***Treasurer***

- 31.060 Election, term, qualifications of the Treasurer
- 31.061 Accounts of Treasurer
- 31.062 Powers and duties
- 31.063 Quarterly account; annual report
- 31.064 Receipt and disbursement of funds
- 31.065 Duty of delivering money and property

***Street Commissioner***

- 31.080 Qualifications
- 31.081 General duties
- 31.082 Assistants

***Other Officials***

- 31.100 Legal counsel
- 31.101 Administrator
- 31.102 Board of Trustees of Public Affairs
- 31.103 Fire Engineer, Engineer and Superintendent of Markets

**Chapter 32: Legislative Authority**

**Section**

***General Provisions***

- 32.001 Members of the Legislative Authority; election; terms of office
- 32.002 President Pro Tempore; employees
- 32.003 Vacancy when President Pro Tempore becomes Mayor
- 32.004 Qualifications of members of the Legislative Authority
- 32.005 Compensation and bonds of municipal officers and employees
- 32.006 Vacancy
- 32.007 Judge of election and qualification of members; quorum and special meetings
- 32.008 Rules; journal; expulsion of members
- 32.009 Meetings
- 32.010 General powers
- 32.011 Failure to take oath or give bond
- 32.012 Notice when new bond required
- 32.013 Care, supervision and management of public institutions

### ***Contracts, Bids and Proceedings***

- 32.025 Contracts by the Legislative Authority or Administrator
- 32.026 Bids and proceedings
- 32.027 Alterations or modifications of contract
- 32.028 Contract restrictions
- 32.029 Award to lowest responsive and responsible bidder

### ***Ordinances and Resolutions***

- 32.040 Ordinances and resolutions as evidence
- 32.041 Passage procedure
- 32.042 Style of ordinances
- 32.043 Subject and amendment of ordinances and resolutions
- 32.044 Authentication and recording of ordinances and resolutions
- 32.045 Publication of ordinances and resolutions; proof of publication and circulation
- 32.046 Notice for proposed amendments to the municipal Charter
- 32.047 Times of publication required
- 32.048 Publication and certification of ordinances in book form
- 32.049 Adoption of technical ordinances and codes
- 32.050 Certificate of Clerk as to publication
- 32.051 Publication when no newspaper published in municipality
- 32.052 Effect of not making publication
- 32.053 Ordinances providing for appropriations or street improvements; emergency ordinances

### ***Initiative and Referendum***

- 32.070 Initiative petitions
- 32.071 Referendum petitions
- 32.072 More than one ordinance required; application of subchapter
- 32.073 Presentation of petitions
- 32.074 Copy of proposed ordinance or measure to be filed with Clerk
- 32.075 Words to be printed in red
- 32.076 Designation of committee filing petition; public inspection of petitions; ordinances passed or repealed prior to election
- 32.077 Itemized statement by petition circulator
- 32.078 Prohibited practices relative to petitions
- 32.079 Accepting premiums for signing
- 32.080 Threats in securing signatures
- 32.081 Application of subchapter if Charter adopted

## **Chapter 33: Judicial Authority**

### **Section**

#### ***General Provisions***

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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:

  
Mayor

  
Clerk of the Legislative Authority

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

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

## RESOLUTION NO. 2016 -01

**A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF THE VILLAGE FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WASTEWATER FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN; AND DECLARING THE SAME TO BE AN EMERGENCY**

WHEREAS, the Village of Antwerp seeks to upgrade its existing wastewater facilities; and

WHEREAS, the Village of Antwerp intends to apply for Water Pollution Control Loan Funds (WPCLF) for the planning, design and/or construction of wastewater facilities; and

WHEREAS, the Ohio Water Pollution Control Loan Fund requires the government authority to pass legislation for application of a loan and the execution of an agreement as well as designating a dedicated repayment source.

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

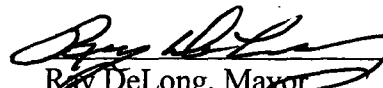
SECTION 1. That the Mayor be and is hereby authorized to apply for a WPCLF loan, sign all documents for and enter into a WPCLF Agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for planning, design and/or construction of wastewater facilities on behalf of the Village of Antwerp, Ohio.

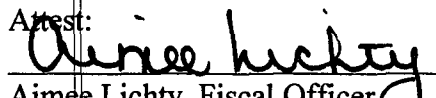
SECTION 2. That the dedicated source of repayment will be the sanitary sewer revenue account.

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 to submit an application for a loan prior to the deadline, 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 14 day of January, 2016.

  
Ray DeLong, Mayor

Attest:  
  
Aimee Lichty, Fiscal Officer

{7100/083/00468323-1 LF}

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

**ORDINANCE NO. 2016-09**

**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 2016, 2017, AND 2018,  
AND DECLARING THE SAME AN EMERGENCY**

**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 \$3,714.00 for the year 2016, \$3,788.00 for the year 2017, and \$3,864.00 for the year 2018.

**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.



## **AGREEMENT TO PROVIDE FIRE PROTECTION SERVICES**

Pursuant to Ohio Revised Code Sections 505.37 and 9.60, this **AGREEMENT** is made and entered into this 14 day of March, 2016, by and between the Village of Antwerp, County of Paulding, State of Ohio ("hereinafter referred to as the "Village") and the Township of Harrison, Paulding County, State of Ohio (hereinafter referred to as the "Township") for the Village to provide fire protection services to the Township for the years 2016, 2017, and 2018, and as more specifically described herein.

**WHEREAS**, the Mayor and Fiscal Officer of the Village were authorized to enter into this Agreement on February 22, 2016, by an ordinance passed on said date, Ordinance No. 2016-09.

**WHEREAS**, the Board of Trustees of the Township were authorized to enter into this Agreement on March 14, 2016, by a resolution adopted on said date, Resolution No. - \_\_\_\_\_.

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

1. The Village agrees to provide fire protection services for certain portions of the Township, said territory described as follows:  
  
Sections 1 through 12 of Harrison Township.
2. The scope of the fire protection services provided by the Village to the Township shall be the same as is regularly provided to residents of the Village of Antwerp.
3. Notwithstanding this Agreement to provide fire protection services in the territory described above, the Village's primary obligation to provide fire protection services is to the territory comprised within the Village's corporation limits and it shall not be a violation of any of the terms and/or conditions of this Agreement if for any reason the officer in charge of the fire department determines that the department is unable and/or will be delayed in performing the services agreed to herein. The Village shall not be responsible for any loss and/or damages incurred as a result of failure to respond or respond timely to any call for fire protection services in the Township and territory described above.
4. In exchange for providing the fire protection services to the territory described herein, the Township agrees to compensate the Village as follows:
  - a. A fixed annual charge of \$3,714.00 for the year 2016;
  - b. A fixed annual charge of \$3,788.00 for the year 2017; and

- c. A fixed annual charge of \$3,864.00 for the year 2018.
5. The Village shall submit an annual invoice to the Township for the fire protection services provided to the Township and for any charges due and owing by the Township to the Village as provided in paragraph 4 above. Any and all charges provided for on the invoice shall be paid by the Township to the Village within thirty (30) days from the date the invoice is received by the Township. Failure to remit payment of said invoice could result in termination of this Agreement.
  6. The volunteers, employees, agents, and/or officers of the Village that will provide the services to the Township as provided in this Agreement are deemed to be acting within the scope of their employment in providing said services. The Village assumes the cost and/or expenses associated with any injury to those providing the services on behalf of the Village and/or any damage to equipment used in the performance of this Agreement. To the extent permitted under Ohio law, the Township agrees to fully indemnify and hold harmless the Village, its elected officials, its officers, agents, employees and volunteers from any and all obligations, liabilities or claims which may arise as a direct or indirect consequence of the Village's performance of this Agreement and the services agreed to be performed by the Village herein or the actions of the Village, its officials, agents, employees and any subcontractors employed by the Village. The Township will name the Village of Antwerp as an additional insured on its insurance policy. The Township's insurance coverage shall be primary insurance as it respects the Village, its elected officials, officers, agents, employees or volunteers and that any insurance maintained by the Village, its elected officials, officers, agents, employees or volunteers shall be excess to the Township's insurance and shall not contribute to it.
  7. The Village hereby represents that the individuals that will provide the fire protection services are volunteers, employees, agents, and/or other officials acting on behalf of the Village. No principal-agent or employer-employee relationship is created by this Agreement. As such, the Township and any of its officials, employees, agents, and/or volunteers are not eligible to receive any benefits from the Village, including but not limited to, OPERS, vacation, sick leave, health insurance, life insurance, worker's compensation insurance, unemployment compensation, any form of retirement benefits (including social security eligibility), or other benefits based upon the status of the Village providing the fire protection services as independent contractors of the Township. The Township is responsible for payment of all applicable taxes, including federal, state, and local taxes.
  8. The Village and the Township each reserve the right to unilaterally terminate this Agreement, with or without cause, upon sixty (60) days written notice to the other party. Any such termination will not alter the obligation of the Township to pay any amounts due and owing to the Village by way of this Agreement for services

rendered prior to the termination of said Agreement. It is the responsibility of the Township to notify the users of these services within the territory described herein of the termination of this Agreement.

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

The Village of Antwerp

The Township of Harrison

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

Attn:

and

Attn: Ray Friend, Fire Chief  
P.O. Box 1046  
Antwerp, Ohio 45813

Telephone: (419) 258-8081

Fax: (419) 258-8081

15. This Agreement shall be effective as of January 1, 2016, and shall continue in full force and effect thereafter for the calendar years of 2016, 2017, and 2018 subject to the terms and conditions set forth herein. This Agreement supercedes any and all prior agreements between the Village and the Township pertaining to the provision of fire protection services.
16. It is understood and agreed by the parties hereto that the signatories to the Agreement have been duly authorized to execute this Agreement on behalf of the respective parties, and that the parties hereby waive any challenge or defense to the validity of this Agreement based on lack of capacity, or irregularity in the procedures surrounding the execution of this Agreement.

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

**"VILLAGE"**

**VILLAGE OF ANTWERP**

By: Ray DeLong  
Ray DeLong  
Title: Mayor  
Date: 2-22-2016

By: Aimee Lichty  
Aimee Lichty  
Title: Village Fiscal Officer  
Date: 2-22-16

**"TOWNSHIP"**

**TOWNSHIP OF HARRISON**

By: [Signature]  
Title: Trustee  
Date: 3-14-16

By: Edward L. Stablon  
Title: Trustee  
Date: 3-14-16

Chad Benachuk  
Trustee  
3-14-16

# RECORD OF ORDINANCES

0445

Dayton Legal Blank, Inc.

Form No. 30043


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

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

**Section 7.** This Ordinance shall be retrospective in nature and take effect as of the expiration of the prior ordinances adopted by the Council of the Village of Antwerp and the Agreement and all amendments thereto for the provision of fire protection service in Harrison Township, as reflected in Ordinance Nos. 2011-18, 2015-07, and 2015-25.

**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 reason that the Village and Township must agree to the terms and conditions for the Village to provide fire protection 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.

PASSED THIS 22 day of February, 2016.

  
Ray DeLong, Mayor  
Village of Antwerp

Attest:

  
Aimee Lichty, Fiscal Officer  
Village of Antwerp

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

**ORDINANCE NO. 2016-10****AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO  
TRANSFER \$12,000.00 FROM THE GENERAL FUND TO THE STREET FUND,  
AND DECLARING THE SAME TO BE AN EMERGENCY**

**WHEREAS**, the Village of Antwerp Ohio 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 transfer 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 Twelve Thousand Dollars and Zero Cents (\$12,000.00) from the General Fund to the Street Fund.

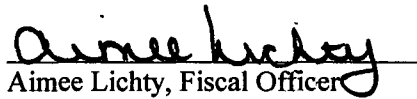
**Section 2.** This transfer of funds from the General Fund to the Street Fund is necessary for the operation of the street department of the Village of Antwerp.

**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.

Dated 2-22-2016  
Ray DeLong, Mayor of the Village of Antwerp

Attest:

  
Aimee Lichty, Fiscal Officer

{7100/075/00269597-1 AB}

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

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

**ORDINANCE NO. 2016-11**

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE VILLAGE OF ANTWERP TO ENTER INTO AN AGREEMENT WITH POGGEMEYER DESIGN GROUP FOR PROFESSIONAL SERVICES ON THE PUMP STATION AND WASTE WATER TREATMENT PLANT IMPROVEMENTS; AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Council of the Village of Antwerp, Ohio ("Village") passed Resolution No. 2015-04 on July 20, 2015, 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 to obtain financial assistance for the waste water treatment plant improvement project; and

**WHEREAS**, the Council of the Village passed Resolution No. 2016-01 on January 14, 2016, authorizing the Mayor to apply for, accept, and enter into a water pollution control loan fund agreement on behalf of the Village for planning, design and /or construction of wastewater facilities; and

**WHEREAS**, the Village has obtained and/or is in the process of obtaining the necessary financial assistance for the waste water treatment plant improvement project and will need to retain the services of an engineer to provide professional services in regard to said project; and

**WHEREAS**, the Village desires to retain the services of Poggemeyer Design Group, Inc. ("Poggemeyer") for professional design services for replacement of two (2) pump stations within the Village's sanitary sewer collection system with two (2) submersible type pump stations plus replace a comminutor and add a chemical feed system for phosphorous removal at the wastewater treatment plant utilizing OPWC and CDBG funds; and

**WHEREAS**, Poggemeyer has provided a proposed Agreement for the Village to enter into with Poggemeyer for the professional design services referenced above on the pump station and wastewater treatment plant.

**NOW, THEREFORE**, be it ordained by the Council of the Village of Antwerp, County of Paulding, State of Ohio:

Section 1. The Mayor of the Village of Antwerp, Ohio, is hereby authorized to enter into the Agreement by and between the Village and Poggemeyer Design Group, Inc. for Poggemeyer to provide professional design services for replacement of two (2) pump stations within the Village's sanitary sewer collection system with two (2) submersible type pump stations plus replace a comminutor and add a chemical feed system for phosphorous removal at the wastewater treatment plant utilizing OPWC and CDBG funds. A true and accurate copy of said Agreement is attached hereto and incorporated herein by reference.

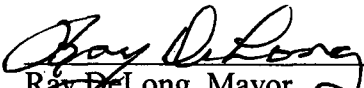
Section 2. It is found and determined that all formal actions of the Council of the Village

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

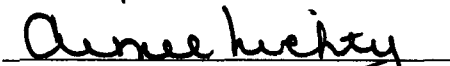
of Antwerp, Ohio, concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal action, were in meetings open to the public, and in compliance with all legal requirements.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of the Village and to expedite the project referenced herein. This Ordinance shall take effect and be in force immediately after its passage and approval; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: 2 - 22 \_\_\_\_\_, 2016.

  
Ray DeLong, Mayor  
Village of Antwerp

Attest:

  
Aimee Lichty, Fiscal Officer



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

RESOLUTION NO. 2016-02

A RESOLUTION APPROVING PARTICIPATION IN THE LOCAL GOVERNMENT SAFETY CAPITAL GRANT PROGRAM AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF ANTWERP AND THE TOWNSHIPS OF CARRYALL AND HARRISON FOR THE IMPLEMENTATION OF THE GRANT PROGRAM, AND DECLARING AN EMERGENCY

WHEREAS, grant funds are being made available to political subdivisions through the Local Government Safety Capital Grant Program (the “Program”) to be used for the purchase of vehicles, equipment, facilities, or systems needed to enhance public safety; and

WHEREAS, the Village of Antwerp currently provides fire protection services to Carryall Township and a portion of Harrison Township pursuant to agreements for the provision of those services; and

WHEREAS, Carryall Township supplies the Village of Antwerp with a tanker truck to be used in the provision of fire protection services in the Village as well as the Townships, but said tanker truck is in need of being replaced; and

WHEREAS, this Council now wishes to approve participation in the Program and authorize the execution of any necessary documents, including a Memorandum of Understanding (“MOU”) with Carryall and Harrison Townships in order to clarify the roles of the various parties in relation to the administration of the Program and the purchase of a new tanker truck to be used for the provision of fire protection services.

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

Section 1. This Council formally approves participation with Carryall and Harrison Townships in the Program.


Section 2. This Council further authorizes and directs the Mayor of the Village to execute any documents necessary to effect the participation of the Village in this Program, including a Memorandum of Understanding with Carryall and Harrison Townships, in substantially the same form as set forth in Exhibit A, attached hereto and incorporated herein by reference.

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

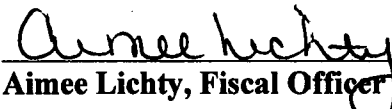
Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**Section 4.** This Resolution is hereby declared to be an emergency measure, in order that the Memorandum of Understanding and related documents may be executed prior to the deadline set for the submission of the Program application, and for the reason that this Resolution shall take effect immediately upon passage by the Council.

Passed this 15<sup>th</sup> day of March, 2016.

  
Ray DeLong, Mayor

Attest:

  
Aimee Lichty, Fiscal Officer

" Exhibit A "

## **MEMORANDUM OF UNDERSTANDING**

**by and between  
Village of Antwerp, Ohio,  
Township of Carryall, Ohio, and  
Township of Harrison, Ohio**

1. Purpose. To establish a Memorandum of Understanding ("MOU") by and between the Village of Antwerp (the "Village") and the Township of Carryall, Ohio ("Carryall Twp.") and the Township of Harrison ("Harrison Twp.") (collectively, the "Townships"), to provide a vehicle, specifically a tanker truck, to aid in the provision of fire protection services by the Village to Carryall Twp. and Harrison Twp., said vehicle to be purchased with any grant funds made available through the Local Government Safety Capital Grant Program (the "Program"). The Program is administered by the Local Government Innovation Council (the "Council") and facilitated by the Ohio Development Services Program (the "Agency").

Carryall Twp. currently furnishes a tanker truck for the Village to use in providing fire protection services. However, the tanker truck is in dire need of being replaced and the purpose of applying for the grant funds is to purchase a new tanker truck to be owned by the Village and to be used by the Village in providing fire protection services. The tanker truck is essential in providing fire protection services in order to provide a sufficient water supply and enhance the safety of the Village and Township residents. The tanker truck will be purchased from Fouts Bros. Tanker and the purchase price is \$200,359.00. The application to be submitted on behalf of the parties to this MOU will request \$100,000.00 to be used toward the purchase price for the tanker truck.

The Village, Carryall Twp. and Harrison Twp. accept and agree to abide by the terms and conditions of the Program application and any grant award, which such application is incorporated herein by reference.

2. Background to the Program. The purpose of the Program is to enhance, through financial assistance, the safety of the public through the purchase of vehicles, equipment, facilities or systems. Grants awarded for the Program are made from the Local Government Safety Capital Fund. The focus of the grants will be police, fire, and EMS-related purchases.

3. Agreements for Fire Protection Services. The Village and Townships currently have in place agreements for the Village to provide fire protection services. The agreement by and between the Village and Carryall Twp. provides that the Village shall provide fire protection services for all of Carryall Twp. in exchange for an annual payment of \$10,000.00 for calendar year 2016. Carryall Twp. will be receiving monies from a levy starting in 2017. Carryall Twp. agrees to submit \$17,000.00 to the Village as annual payment for the provision of fire protection services starting in calendar year 2017 and to provide this annual payment for the provision of fire protection services for a ten (10) year period starting with calendar year 2017. The agreement by and between the Village and Harrison Twp. provides that the Village shall provide fire protection services for a portion of Harrison Twp. in exchange for an annual payment of \$3,714.00 for calendar year 2016, \$3,788.00 for calendar year 2017, and \$3,864.00 for calendar

year 2018. The monies paid under these agreements will provide sufficient financial resources for service and maintenance of the proposed new tanker truck along with the funds of the Village in its fire and general budgets.

4. Responsibilities of the Village. The Village shall be responsible for submitting an application to participate in the Program and if grant funds are awarded, the Village will:

- (a) Oversee the grant implementation and coordinate the use of such funds with the Council;
- (b) Act as the fiscal agent for the grant funds including, (i) invoice Carryall Twp. for the cost share of the tanker truck; (ii) arrange payment to the vendor/manufacture of the tanker truck; (iii) prepare and submit any fiscal and program reports as required by the Council and/or the Agency; (vi) audit and track grant funds and deliverables; and (v) obtain and repay any financing required for initial purchase of the tanker truck and request reimbursement of same from Council after providing proof of payment;
- (c) Manage grant activities including, but not limited to, submitting grant closeout report as determined by the Agency;
- (d) Coordinate with Carryall Twp. and Harrison Twp. throughout the grant term;
- (e) After receiving input from Carryall Twp. and Harrison Twp., make the final determination of the tanker truck to be purchased with the grant funds;
- (f) Coordinate procurement of the tanker truck;
- (g) Procure the tanker truck in compliance with any procurement policies and requirements and have the tanker truck titled in the name of the Village; and
- (h) House, maintain, and provide insurance for the tanker truck.

5. Responsibilities of Carryall Twp. and Harrison Twp. The townships shall:

- (a) Carryall Twp. will provide funding for fifty percent (50%) of the cost of the tanker truck to be purchased;
- (b) Coordinate with the Village throughout the grant term; and
- (c) Promptly provide any additional documentation to Village as requested that may be necessary in connection with the application and/or the Program.

6. Duration of the MOU. This MOU shall terminate in accordance with the terms of the Program.

7. Entire Agreement; Amendments. This MOU and the grant application and award, contain the entire agreement between the parties regarding the purchase of a new tanker truck and the application for grant funds for that purpose and supersedes whatever oral or written understanding they may have had prior to the execution of this MOU regarding the purchase of a new tanker truck and the application for grant funds for that purpose. This MOU may only be amended by written agreement if approved in advance by all parties according to the grant terms and conditions.

8. Budget and Equipment Allocation. The budget for the tanker truck relative to the Village and the Townships shall be based upon vendor quotation at the time of the grant.

9. No Joint Venture. This MOU shall not create a joint venture, partnership or any other relationship of association between the Village and the Townships.

10. Irrevocable Consent; No Other Grant of Agency. The Townships jointly and severally hereby irrevocably consent to the grant and authorize the Village to provide all documents and requirements necessary to accept the grant funds for the purpose set forth herein. Except as expressly set forth in the preceding sentence, no party to this MOU shall have authority, expressed or implied, to act on behalf of the other parties in any capacity whatsoever as an agent. No party shall have any authority, express or implied, pursuant to this MOU, to bind the other party to any obligation whatsoever.

11. Independent Contractor. In any performance under this MOU, each of the parties' employees shall act as independent contractors in relation to the other parties and their employees. Nothing herein shall be construed as, or deemed to create, the relationship of employer/employee or principal/agent between the parties. Each party shall assume responsibility for all personnel costs for its respective employees, including salaries, fringe benefits, overtime, workers' compensation insurance coverage and federal and state income tax withholdings and any other deductions from income that such party is required to make.

12. INDEMNITY. EACH PARTY HERETO (HEREINAFTER "INDEMNIFYING PARTY") SHALL INDEMNIFY, DEFEND AND HOLD HARMLESS THE OTHER PARTIES AND THEIR RESPECTIVE OFFICERS, AGENTS AND EMPLOYEES, FROM AND AGAINST ANY AND ALL LOSSES, COSTS, DAMAGES, EXPENSES, CLAIMS, SUITS, DEMANDS, OR LIABILITY OF ANY KIND OR CHARACTER INCLUDING, BUT NOT LIMITED TO, REASONABLE ATTORNEYS FEES TO THE EXTENT ARISING FROM ANY BREACH OF THIS MOU, OR THE GRANT, PROXIMATELY CAUSED BY THE INDEMNIFYING PARTY, ITS OFFICERS, AGENTS OR EMPLOYEES, WHICH OCCURS IN THE PERFORMANCE OF, OR OTHERWISE IN CONNECTION WITH, THIS MOU OR THE GRANT.

IT IS THE INTENTION OF THE PARTIES THAT WHERE FAULT IS DETERMINED TO HAVE BEEN CONTRIBUTORY, PRINCIPLES OF COMPARATIVE

FAULT WILL BE FOLLOWED AND EACH PARTY SHALL BEAR THE PROPORTIONATE COST OF ANY DAMAGE ATTRIBUTABLE TO THE FAULT OF THAT PARTY, ITS OFFICERS, DIRECTORS, AGENTS, EMPLOYEES, SUBCONTRACTORS AND VOLUNTEERS.


THE INDEMNITY PROVISIONS OF THIS MOU SHALL SURVIVE THE TERMINATION OF THIS MOU.

13. Authority to enter into MOU. The persons executing this MOU on behalf of their respective entities hereby represent and warrant that they have the right, power, legal capacity, and appropriate authority to enter into this MOU on behalf of the entity for which they sign.

APPROVED AS TO FORM:

VILLAGE OF ANTWERP, OHIO


  
Melanie L. Farr, Village Solicitor

By:   
Ray DeLong, Mayor of the Village  
of Antwerp

APPROVED AS TO FORM:


TOWNSHIP OF CARRYALL, OHIO

  
Matthew A. Miller  
Assistant Prosecutor

By: 

APPROVED AS TO FORM:

TOWNSHIP OF HARRISON, OHIO

  
Matthew A. Miller  
Assistant Prosecutor

By: 

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

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

(Ordinance No. 2015-08)

PID No. 93589

ODOT Project No. \_\_\_\_\_ (2016)

**RESOLUTION NO. 2016-03**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION, FOR PROJECT IDENTIFIED AS PAU SRTS ANTWERP PHASE II PID 93589, 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 23<sup>rd</sup> day of February, 2015, the LPA enacted legislation (Ordinance No. 2015-08) proposing cooperation with the Director of Transportation for the described project:

**The project consists of add new sidewalk along the west side of Harrmann Road from The Antwerp School to Canal Street and along the north side of Canal Street from Harrmann Road westerly to Kroos Drive, lying within the Village of Antwerp.**

**WHEREAS**, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

**The Village agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid Safe Routes To School funds, set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation, and further, the Villages agrees to assume and bear one hundred percent (100%) of the cost of Preliminary Engineering and Right-of-Way, excluding in-house preliminary engineering and Right-of-Way charges incurred by the State.**

In view of the fact that the LPA's share of the project is now estimated in the amount of **Zero and --- 00/100 Dollars (\$0.00)**, therefore, the Village will not be required to deposit any funds at this time. The LPA's ultimate share of the cost will be determined when final actual costs and allocations 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.

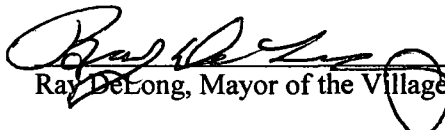
**NOW, THEREFORE**, be it resolved by the Council of the Village of Antwerp, Paulding County, Ohio:

Section 1. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

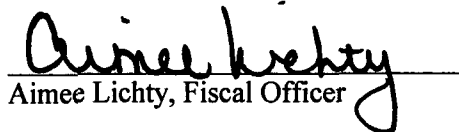
{7100/093/00486426-1 MLF}

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

- Section 2. That the LPA enter into a contract with the State, and that the Mayor be, and is hereby authorized to execute said contract, for improving the described project.
- Section 3. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.
- 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 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 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 this Resolution and the required contract(s) shall be returned to the Ohio Department of Transportation, Office of Estimating to allow final processing and a sale (bid) date by April 1, 2016, and 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 in force after the earliest period allowed by law.
- Section 7. This is to certify that the LPA has compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the 21<sup>st</sup> day of March, 2016, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.
- Section 8. The LPA further certifies that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume \_\_\_\_\_, at Page \_\_\_\_\_, and under date of March 21, 2016.

Passed: 3-21-16, 2016  
Ray DeLong, Mayor of the Village of Antwerp

ATTEST:

  
Aimee Lichty, Fiscal Officer





## OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 1 • 1885 NORTH MCCULLOUGH ST. • LIMA, OHIO 45801 • (419) 222-9055

JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR • KIRK SLUSHER, P.E., DISTRICT DEPUTY DIRECTOR

February 25, 2016

Ms. Sara Keeran  
Antwerp Village Administrator  
118 N. Main Street  
P.O. Box 1046  
Antwerp, Ohio 45813

Re: PAU SRTS Antwerp Phase II PID 93589; **Final Legislation**  
Reference preliminary legislation completed 2-33-2015 (Ordinance #2015-08)

Dear Ms. Keeran:

Enclosed is the final legislation package for the above mentioned project. Attached to the material is an Inter-Office Communication from the Office of Estimating explaining the procedure for completing the final legislation package. Please follow these instructions carefully. It is important that each item be completed in the order as called for in Section 5705.41 and Chapter 5521 of the Ohio Revised Code.

You will note that the village's share of the project cost is shown as zero. The State's official project estimate is currently less than the portion of the federal funds cap remaining for this project for construction and construction engineering. The village would be responsible for any costs above the cap for federal funds for this project, which is \$187,000. It should be noted that a portion of this \$187,000 cap was used in the Preliminary Engineering Phase for consulting costs.

**Please return the following completed documentation to this office:**

- (a) - **one** original signed Final Resolution;
- (b) - **two** original signed Contracts

An extra copy of each of the documents has been included in your packet for your own use. After the package of originals has been completed, please return it to this office and I will see that it is delivered to the Office of Estimating for final processing. In order to keep a February 10, 2015 letting date, please return the completed final legislation package to this office **by April 1, 2016**. Should you have any questions, you can contact me by email at [Charles.Schreck@dot.state.oh.us](mailto:Charles.Schreck@dot.state.oh.us) or by phone at (419) 999-6856.

Respectfully,

Kirk M. Slusher, P.E.  
District One Deputy Director

ODOT Project No. \_\_\_\_\_ PID No. **93589**  
(2016)

**C O N T R A C T**  
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the Village of **Antwerp**, (hereinafter referred to as the Legislative Authority or Local Public Agency (LPA)).

**WITNESSTH:**

**WHEREAS**, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

**WHEREAS**, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

**WHEREAS**, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment (if applicable) of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

**NOW, THEREFORE**, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

**SECTION I:**        **RECITALS**

The foregoing recitals are hereby incorporated as a material part of this contract.

**SECTION II:**        **PURPOSE**

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

**SECTION III:**        **LEGAL REFERENCES**

PID No. 93589 - Contract

**SECTION IV: SCOPE OF WORK**

The work to be performed under this contract shall consist of the following:

The project consists of add new sidewalk along the west side of Harmann Road from The Antwerp School to Canal Street and along the north side of Canal Street from Harmann Road westerly to Kroos Street, lying within the Village of Antwerp; and

**SECTION V: FINANCIAL PARTICIPATION**

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed (if applicable) by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.
4. In view of the fact that the LPA's share of the project is now estimated in the amount of Zero and - - - - 00/100 Dollars (\$0.00), therefore, the Village will not be required to deposit any funds at this time. The LPA's ultimate share of the cost will be determined when final actual costs and allocations are determined.
5. The Village agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid Safe Routes To School funds, set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation, and further, the Village agrees to assume and bear one hundred percent (100%) of the cost of Preliminary Engineering and Right of Way, excluding in-house preliminary engineering and right of way charges incurred by the State.
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal

**SECTION VI: RIGHT-OF-WAY AND UTILITIES**

1. The LPA agrees that all right-of-way required 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.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
  - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
  - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
  - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

**SECTION VII: ADDITIONAL PROJECT OBLIGATIONS**

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
  - A. To keep said highway open to traffic at all times;

PID No. 93589 – Contract

- E. To place and maintain all traffic control devices conforming to the Ohio Manual on Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

**SECTION VIII: DISPUTES**

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

**SECTION IX: NOTICE**

Notice under this contract shall be directed as follows

Village of Antwerp  
503 West River  
Antwerp, Ohio  
45813

Ohio Department of Transportation  
Office of Estimating  
1980 West Broad Street, 1st Floor  
Columbus, Ohio 43223

**SECTION X: FEDERAL REQUIREMENTS**

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin, disability, or age. Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation, and Selection for Training including Apprenticeship.
2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin, disability, or age. If applicable the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw material) and will require all of its

**SECTION XI: GENERAL PROVISIONS**

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.
6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

**SECTION XI: SIGNATURES**

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such

PID No. 93589 – Contract

**OHIO DEPARTMENT OF  
TRANSPORTATION**

**LOCAL PUBLIC AGENCY  
Village of Antwerp**

\_\_\_\_\_  
Director of Transportation

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Approved:  
Mike DeWine  
Attorney General

By: \_\_\_\_\_  
Stephen H. Johnson  
Chief, Transportation Section

Date: \_\_\_\_\_

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

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

**ORDINANCE NO. 2016-15**

**AN ORDINANCE AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE SALE OF REAL PROPERTY OWNED BY THE VILLAGE OF ANTWERP, OHIO PURSUANT TO OHIO REVISED CODE § 721.03; AND DECLARING AN EMERGENCY**

**WHEREAS**, the Village of Antwerp, Ohio, owns real estate consisting of two (2) separate parcels, Parcel I.D. No. 12-01S-010-00 and Parcel I.D. No. 12-01S-0090-00, located at 118 Oswalt Street and 120 Oswalt Street respectively in the Village of Antwerp, Ohio, comprised of Village owned property, which was donated to the Village more than five (5) years ago, said real estate more particularly described in the Exhibit A attached hereto and incorporated herein by reference (collectively, the "Real Estate"); and

**WHEREAS**, the Real Estate is not needed for any municipal purpose and the Council of the Village of Antwerp, Ohio desires to offer said Real Estate for sale in the manner authorized by law; and

**WHEREAS**, this Council, pursuant to Ohio Revised Code § 721.03, desires to sell the Real Estate to the highest bidder, after advertisement once a week for five (5) consecutive weeks in a newspaper of general circulation within the Village of Antwerp, Ohio.

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

**Section 1.** It is hereby found that the Real Estate identified above and more fully described in Exhibit A, attached hereto and incorporated herein by reference, currently owned by the Village of Antwerp, is not needed for any municipal purpose and that it is in the best interest of the Village that said property be sold.

**Section 2.** The Village Administrator is hereby authorized to advertise for sale bids to sell the Real Estate.

**Section 3.** The Fiscal Officer of the Village of Antwerp is hereby instructed and directed to cause legal notice to bidders to be published once a week for five (5) consecutive weeks in a newspaper of general circulation within the Village of Antwerp, Ohio.

**Section 4.** At its next regular meeting following the advertisement for bids as provided by law and public bid opening, this Council may authorize the Mayor to execute a contract for sale in Quitclaim Deed(s) conveying the Real Estate to the highest bidder responding fully to the advertisement for bids. This Council may reject any bids and readvertise until the Real Estate is sold.

**Section 5.** It is hereby found and determined that all formal actions of this Council concerning or relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 6.** This Ordinance is hereby declared to be an emergency measure, necessary to expedite the bidding process relating to the sale of the Real Estate, and shall take effect immediately upon its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Date 4-18-16

Attest:

Aimee Lichty  
Aimee Lichty, Fiscal Officer

Ray DeLong  
Ray DeLong, Mayor of the Village of Antwerp



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

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

**Exhibit A**

Parcel I.D. No. 12-01S-010-00 located at 118 Oswalt Street, Antwerp, Ohio, more fully described as follows:

Tract II:

Situated in the County of Paulding, in the State of Ohio, and in the Village of Antwerp, to-wit:

Lot Number Eleven (11) in Banks Addition to the aforesaid Village except fifty (50) feet by parallel lines off the south side thereof.

Parcel I.D. No. 12-01S-0090-00 located at 120 Oswalt Street, Antwerp, Ohio more fully described as follows:

Lot Number Eight (8) in Bank's Addition to the Village of Antwerp, Paulding County, Ohio.

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

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

## ORDINANCE NO. 2016-16

### AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO ADDENDUM TO AGREEMENT FOR COLLECTION, TRANSPORTATION AND DISPOSAL OF RESIDENTIAL SOLID WASTE WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF ANTWERP, OHIO, AND DECLARING THE SAME AN EMERGENCY

**WHEREAS**, the Village of Antwerp entered into an Agreement with Real Waste Disposal, LLC for the collection, transportation and disposal of residential solid waste within the corporate limits of the Village of Antwerp, Ohio (the "Agreement"), for a one (1) year period beginning April 1, 2015, and ending on March 31, 2016; and

**WHEREAS**, the Agreement provides that in its sole discretion, the Village of Antwerp may extend the term of the Agreement for four (4) successive one (1) year periods; and

**WHEREAS**, the Village desires to extend the Agreement for a one (1) year period beginning April 1, 2016, and ending on March 31, 2017; and

**WHEREAS**, the Council of the Village of Antwerp authorizes the Mayor to enter into an Addendum to the Agreement for the one (1) year period extension.

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

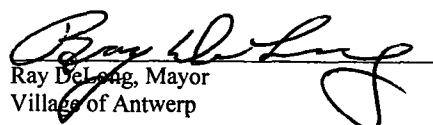
**Section 1.** That the Village of Antwerp elects to extend the one (1) year period of the Agreement with Real Waste Disposal, LLC for the collection, transportation and disposal of residential solid waste within the corporate limits of the Village of Antwerp, Ohio, for a one (1) year period beginning on April 1, 2016, and ending on March 31, 2017, and the Mayor is authorized to enter into an Addendum to the Agreement for this extension, which Addendum is attached hereto and incorporated herein by reference.

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

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

**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 continuation of residential solid waste collection, transportation and disposal services within the corporate limits 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: 4-18, 2016.

  
Ray DeLong, Mayor  
Village of Antwerp

Attest:   
Aimee Lichty, Fiscal Officer  
Village of Antwerp

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

ORDINANCE NO. 2016-12

AN ORDINANCE REPEALING ORDINANCE NO. 2008-63 AND ORDINANCE NO. 2011-25  
AUTHORIZING THE CHANGE OF WATER AND SEWER RATES, TAP FEES FOR THE VILLAGE OF  
ANTWERP, COUNTY OF PAULDING, OHIO

WHEREAS, the Council of the Village of Antwerp, Ohio approved the passage of Ordinance No. 2008-63 and Ordinance No. 2011-25 authorizing the change of water and sewer rates, tap fees and re-connect fees for the Village of Antwerp, Paulding County, Ohio; and

WHEREAS, the Council of the Village of Antwerp, Ohio, has set forth the rates for water, including tap fees and re-connect fees in Ordinance No. 2014-21, which said Ordinance shall remain in full force and effect, including any and all amendments thereto; and

WHEREAS, the Council is repealing Ordinance No. 2011-25 and Ordinance No. 2008-63, in order to set forth the rates for sewer, including tap fees and re-connect fees in a separate Ordinance, including the increase in tap fees to connect to the sewer lines of the Village.

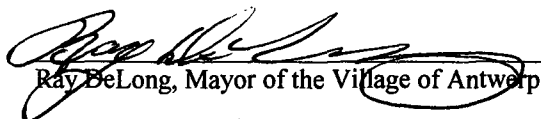
NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, County of Paulding, State of Ohio:

**Section 1.** Ordinance No. 2008-63 and Ordinance No. 2011-25 are repealed, and the Council of the Village of Antwerp will set forth the rates for sewer, including tap fees and re-connect fees in a separate Ordinance to take effect upon the repeal of these Ordinances.

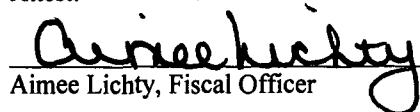
**Section 2.** It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in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

**Section 3.** This Ordinance shall be in full force and effect from and after the earliest period allowed by law, and such repeal will take effect upon the effective date of the new Ordinance passed by the Council of the Village as to the sewer rates to be charges for such services.

Enacted this 16 day of May, 2016.

  
Ray DeLong, Mayor of the Village of Antwerp

Attest:

  
Aimee Lichty, Fiscal Officer

First reading: 3-21-16

Second reading: 4-18-16

Third reading: 5-16-16

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

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

**ORDINANCE NO. 2016-13**

**AN ORDINANCE AMENDING SECTION 7 OF ORDINANCE NO. 2014-21  
AUTHORIZING THE CHANGE OF WATER RATES FOR THE  
VILLAGE OF ANTWERP, COUNTY OF PAULDING, OHIO**

**WHEREAS**, the Council of the Village of Antwerp previously enacted Ordinance No. 2014-21 authorizing the change of water rates for the Village of Antwerp; and

**WHEREAS**, due to the need to address additional costs required to tap into the Village of Antwerp's waterlines by a user / consumer and related connection fees and to clarify the connection process to the Village's existing waterline by a user / consumer, Section 7 of Ordinance No. 2014-21 needs amended to address these costs.

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

**Section 1.** That Section 7 of Ordinance No. 2014-21 currently reads as follows:

The tapping fee for a ¾ 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 2.** That Section 7 of Ordinance No. 2014-21 is amended to read as follows:

The tapping fee for a ¾ inch waterline will be \$750.00 per tap, which includes a ¾ inch meter and meter setter. If the waterline requirements are greater than ¾ inch, any additional costs for the installation and/or connection of the same will be at the sole expense of the user / consumer. In the event a boring is required to connect to the Village's waterline, the tap fee will be \$1,350.00 per tap. The user / consumer will be solely responsible for any and all additional expenses related to the connection to the Village's waterline, including but not limited to tapping saddle, piping to connect to the Village's waterline, backfill, and road repairs caused by any digging and/or boring activities.

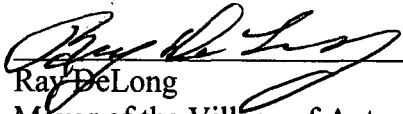
**Section 3.** Previous ordinances and/or any portions thereof, including Section 7 of Ordinance No. 2014-21, and rules of the Village of Antwerp that are not consistent with this Ordinance are hereby set aside, revoked and held for naught.

**Section 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 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.

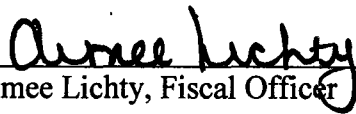
**Section 5.** This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

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

Enacted this 16 day of May, 2016.

  
Ray DeLong  
Mayor of the Village of Antwerp

Attest:

  
Aimee Lichty, Fiscal Officer

First Reading: 3-21-16

Second Reading: 4-18-16

Third Reading: 5-16-16

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

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

**ORDINANCE NO. 2016-14**

**AN ORDINANCE AUTHORIZING THE CHANGE OF SEWER RATES, TAP FEES AND RE-CONNECT FEES FOR THE VILLAGE OF ANTWERP, COUNTY OF PAULDING, OHIO**

**WHEREAS**, the Council of the Village of Antwerp, Ohio charges users / consumers for the use of the Village's sewer utility services, said revenue from such placed in the sewer fund in order to operate this utility adequately, expand facilities, and provide better and more efficient service in the future; and

**WHEREAS**, the Council of the Village of Antwerp, Ohio, has set forth the rates of such sewer services in Ordinance No. 2011-25 and Ordinance No. 2008-63, which those Ordinances are repealed by a separate Ordinance and this Ordinance will replace those Ordinances and set forth the rates sewer, including tap fees and re-connect fees and the additional costs required to tap into the Village of Antwerp's sewer lines in certain circumstances.

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

**Section 1.** The quarterly sewer rates for users/consumers within the Village corporation limits are a minimum charge of \$45.03 (including first six thousand (6,000) gallons) plus \$1.90 for each one thousand (1,000) gallons over the first six thousand (6,000) gallons. These rates will be reviewed annually to determine whether the rates established herein are sufficient.

**Section 2.** The minimum sewer 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 3.** The quarterly sewer rates of users/consumers outside the Village corporation limits shall pay the same rate as users/consumers identified in Section 1 above plus an additional fifty percent (50%) of that rate, which results in the following quarterly sewer rates: minimum charge of \$90.51 (including first six thousand (6,000) gallons) plus \$4.77 for each one thousand (1,000) gallons over the first six thousand (6,000) gallons.

**Section 4.** 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 5.** The fee to connect into the Village sewer line is \$150.00 per application. In the event a connection must be pushed under a street, alley or highway, the fee to connect into the Village sewer line is \$750.00 per application. The user / consumer will be solely responsible for any and all additional expenses related to the connection to the Village's sewer line, including but not limited to tapping saddle, piping to connect to Village's sewer line, required clean outs, backfill, and road repair caused by any digging and/or boring activities.

**Section 6.** Each occupied unit within a Multiple Unit Dwelling shall pay the minimum

{7100/093/00491807-1 MLF}

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

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

Industrial user/consumer,

**Section 8.** Previous ordinances and/or any portions thereof, including Ordinance Nos. 81-32, 82-24, 94-05, 2002-14, 2005-07, 2008-15, 2008-16, 2008-63, 2011-25, and rules of the Village of Antwerp that are not consistent with this Ordinance are hereby set aside, revoked and held for naught.

**Section 9.** 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 131-32 of the Ohio Revised Code.

**Section 10.** This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

Enacted this 16 day of May, 2016

Attest:

Aimee Lichty  
Aimee Lichty, Fiscal Officer

First reading: 3-21-16Second reading: 4-18-16Third reading: 5-16-16

# RECORD OF ORDINANCES

0461

Dayton Legal Blank, Inc.

Form No. 30043

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

sewer charges provided herein. In the event that 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 coverage 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.

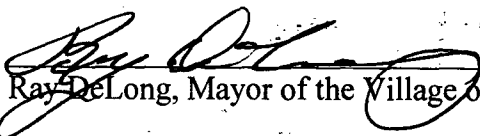
**Section 7.** The amounts to be charged and paid by the industrial users/consumers of the sewer utility services of the Village of Antwerp are established by the contracts in effect for each industrial user/consumer.

**Section 8.** Previous ordinances and/or any portions thereof, including Ordinance Nos. 81-32, 82-24, 94-05, 2002-14, 2005-07, 2008-15, 2008-16, 2008-63, 2011-25, and rules of the Village of Antwerp that are not consistent with this Ordinance are hereby set aside, revoked and held for naught.

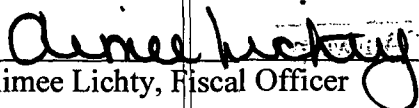
**Section 9.** It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in 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 10.** This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

Enacted this 16 day of May, 2016.

  
Ray DeLong, Mayor of the Village of Antwerp

Attest:

  
Aimee Lichty, Fiscal Officer

First reading: 3-21-16

Second reading: 4-18-16

Third reading: 5-16-16



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

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

**ORDINANCE NO. 2016-18****AN ORDINANCE AUTHORIZING THE VILLAGE FISCAL OFFICER TO  
TRANSFER \$27,500.00 FROM THE GENERAL FUND TO THE POLICE FUND,  
AND DECLARING THE SAME AN EMERGENCY**

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

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

**WHEREAS**, this is a transfer of funds pursuant to Ohio Revised Code Section 5705.14(E), which 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:

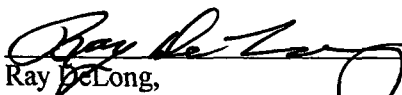
**Section 1.** The Village Fiscal Officer is hereby authorized to transfer the sum of Twenty-Seven Thousand Five Hundred Dollars and Zero Cents (\$27,500.00) from the General Fund to the Police Fund.

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

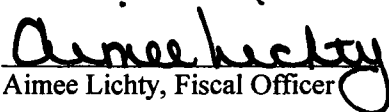
**Section 3.** It is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in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

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

Date 5-16-16

  
Ray DeLong,  
Mayor of the Village of Antwerp

Attest:

  
Aimee Lichty, Fiscal Officer

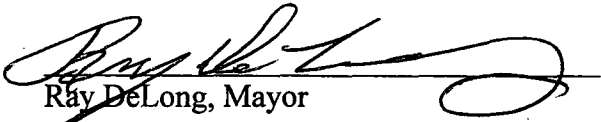
**ADDENDUM TO AGREEMENT FOR THE COLLECTION,  
TRANSPORTATION AND DISPOSAL OF RESIDENTIAL SOLID WASTE  
WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF ANTWERP,  
OHIO**

**THIS ADDENDUM** is to amend an Agreement for the Collection, Transportation and Disposal of Residential Solid Waste within the Corporate Limits of the Village of Antwerp, Ohio between the Village of Antwerp, Ohio, and Real Waste Disposal, LLC ("Agreement"), which Agreement was entered into as of the 6<sup>th</sup> day of February, 2015.

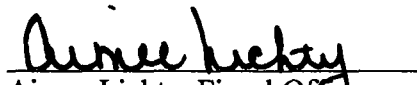
The term of this Agreement was for a one (1) year period beginning on April 1, 2015, and ending on March 31, 2016. The Village elects to extend the Agreement for a one (1) year period as provided in Section 1.1 of the Agreement and the Agreement is amended to reflect the term of the Agreement is for a one (1) year period beginning on April 1, 2016, and ending on March 31, 2017.

All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Addendum this 18  
day of April, 2016.

  
Ray DeLong, Mayor  
Village of Antwerp

**ATTEST:**

  
Aimee Lichty, Fiscal Officer

**APPROVED AS TO FORM:**

  
Melanie L. Farr, Village Solicitor

**Real Waste Disposal, LLC**

By: Ryan Cassiter

Name: RR

Title: member

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

**ORDINANCE NO: 2016-19**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE VILLAGE OF ANTWERP, OHIO TO AMEND ARTICLE 300 – ESTABLISHMENT AND PURPOSE OF DISTRICTS, AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Planning and Zoning Commission of the Village of Antwerp recommended, by the adoption of a motion, to amend the Zoning Ordinance of the Village of Antwerp, specifically to amend Article 300 – Establishment and Purpose of Districts to provide tables for permitted, conditional and accessory uses in Agricultural District, Single Family District, Single Family District – Alternate, Multiple Family District, Downtown Business District, General Commercial District, and Industrial District as well as off-street parking requirements in new section 311, and to add section 307 for a new designated district entitled B-2 Gateway Commercial District, said recommendation made in compliance with Section 703 of the Zoning Ordinance of the Village of Antwerp, Ohio; and

**WHEREAS**, the Planning and Zoning Commission of the Village of Antwerp transmitted its recommendation on said proposed 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 12<sup>th</sup> day of May, 2016, in compliance with Section 708 of the Zoning Ordinance of the Village of Antwerp, Ohio, after notice of said public hearing was published and any required notice mailed to property owners in compliance with Sections 709 and 710 of the Zoning Ordinance of the Village of Antwerp, Ohio.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Antwerp, Paulding County, Ohio, that the Council adopts the 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, specifically amend Article 300 – Establishment and Purpose of Districts to provide tables for permitted, conditional and accessory uses in Agricultural District, Single Family District, Single Family District – Alternate, Multiple Family District, Downtown Business District, General Commercial District, and Industrial District as well as off-street parking requirements in new section 311, and to add section 307 for a new designated district entitled B-2 Gateway Commercial District, a copy of the amended Article 300 is attached hereto and incorporated herein by reference.

**Section 2.** The amendments to Article 300 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

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

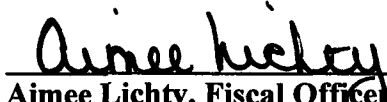
all deliberations of the council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including all lawful Ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

**Section 4.** This Ordinance is deemed an emergency measure necessary for the preservation of the public health, safety and welfare, and for the further reason to comply with Section 711 of the Zoning Ordinance, which requires the Village Council to act within thirty (30) days of the public hearing on the proposed amendment, and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

PASSED THIS 16 day of May, 2016.

  
Ray DeLong, Mayor  
Village of Antwerp, Ohio

Attest:

  
Aimee Lichty, Fiscal Officer

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 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 12<sup>th</sup> day of May, 2016, in compliance with Section 708 of the Zoning Ordinance of the Village of Antwerp, Ohio, after notice of said public hearing was published and any required notice mailed to property owners in compliance with Sections 709 and 710 of the Zoning Ordinance of the Village of Antwerp, Ohio.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, Paulding County, Ohio, that the Council adopts the 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 Official Zoning Map be amended and that the real estate located at the property addresses and highlighted on the Zoning Map of the Village of Antwerp attached hereto as Exhibit A and incorporated herein by reference, be re-zoned or the classification of this real estate changed from Business Downtown District (B-1) to Single Family District (R-1) or Gateway Commercial District (B-2) as reflected on such Zoning Map.

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

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

{7100/093/00498846-1 MLF}

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

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Attest:

Aimee Lichty  
Aimee Lichty, Fiscal Officer

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

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

**ORDINANCE NO: 2016-20**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE OF ANTWERP, OHIO, TO REZONE CERTAIN PARCELS IN THE VILLAGE OF ANTWERP FROM BUSINESS DOWNTOWN DISTRICT (B-1) TO SINGLE FAMILY DISTRICT (R-1) OR GATEWAY COMMERCIAL DISTRICT (B-2), AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, the Planning and Zoning Commission of the Village of Antwerp recommended, by the adoption of a motion, to amend the Official Zoning Map of the Village of Antwerp and re-zone or change the classification of certain parcels in the Village of Antwerp, specifically, the parcels identified by property address and on the highlighted Zoning Map of the Village of Antwerp attached hereto as **Exhibit A** and incorporated herein by reference, from Business Downtown District (B-1) to Single Family District (R-1) or Gateway Commercial District (B-2), said recommendation made in compliance with Section 703 of the Zoning Ordinance of the Village of Antwerp, Ohio; and

**WHEREAS**, the Planning and Zoning Commission of the Village of Antwerp transmitted its recommendation on said proposed 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 12<sup>th</sup> day of May, 2016, in compliance with Section 708 of the Zoning Ordinance of the Village of Antwerp, Ohio, after notice of said public hearing was published and any required notice mailed to property owners in compliance with Sections 709 and 710 of the Zoning Ordinance of the Village of Antwerp, Ohio.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Antwerp, Paulding County, Ohio, that the Council adopts the 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 Official Zoning Map be amended and that the real estate located at the property addresses and highlighted on the Zoning Map of the Village of Antwerp attached hereto as **Exhibit A** and incorporated herein by reference, be re-zoned or the classification of this real estate changed from Business Downtown District (B-1) to Single Family District (R-1) or Gateway Commercial District (B-2) as reflected on such Zoning Map.


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

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

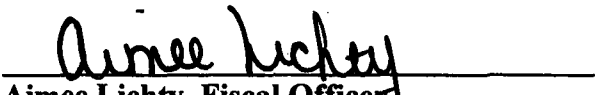
Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**Section 4.** This Ordinance is deemed an emergency measure necessary for the preservation of the public health, safety and welfare, and for the further reason to comply with Section 711 of the Zoning Ordinance, which requires the Village Council to act within thirty (30) days of the public hearing on the proposed amendment, and this Ordinance shall be in full force and effect immediately after its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

PASSED THIS 16 day of May, 2016.

  
Ray DeLong, Mayor  
Village of Antwerp, Ohio

Attest:

  
Aimee Lichty, Fiscal Officer



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## **ARTICLE 100 - TITLE, INTERPRETATION, AND ENACTMENT**

### **101 TITLE**

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

### **102 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS.**

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

### **103 SEPARABILITY CLAUSE.**

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

### **104 REPEAL OF CONFLICTING ORDINANCE, EFFECTIVE DATE.**

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

## **ARTICLE 200 - PROVISIONS FOR OFFICIAL ZONING MAP**

### **201 OFFICIAL ZONING MAP**

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

### **202 IDENTIFICATION OF THE OFFICIAL ZONING MAP.**

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

### **203 INTERPRETATION OF DISTRICT BOUNDARIES.**

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

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

## ARTICLE 300 - ESTABLISHMENT AND PURPOSE OF DISTRICTS

### 301 INTENT

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

A-1 Agricultural District  
R-1 Single Family District  
R-1-A Single Family District - Alternate  
R-2 Multiple Family District  
B-1 Downtown Business District  
B-2 Gateway Business District  
B-3 General Business District  
I-1 Industrial District

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

### 302 A-1 AGRICULTURAL DISTRICT

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

**302.01 Permitted, Conditional and Accessory Uses** – See Table in Section 310.

#### 302.02 Yard Requirements

No yard setbacks shall be required

#### 302.03 Height

The height of structures shall not be regulated.

#### 302.04 Off-Street Parking Requirements

See Section 311

### 303 R-1 SINGLE FAMILY DISTRICT

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

**303.01 Permitted, Conditional and Accessory Uses** – See Table in Section 310.

### **303.02 Yard Requirements**

- (a) Front Yard: The minimum front yard setback shall be 55 ft. from the centerline of the street.
- (b) Side Yards: A minimum of 20% of the lot width shall be devoted to side yard setbacks. The minimum dimension of each side yard shall be 5 ft.
- (c) Rear Yard: The minimum rear yard setback shall be 20% of the lot depth or 25 ft. whichever is greater.
- (d) Height: No building shall be constructed in excess of 2-1/2 stories or 35 ft. in height.
- (e) Parking/Garages/Vehicles
  - A minimum of two off street parking spaces shall be provided.
  - Garages shall meet all buildings set back requirements.
  - Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. However, one boat and one travel trailer may be stored in the rear yard if they have a current license.
- (f) Density: The maximum density permitted shall be 4 dwelling units /acre.

### **303.03 Off-Street Parking Requirements**

See Section 311

### **303.04 Garbage and refuse storage.**

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

## **304 R-1-A SINGLE FAMILY DISTRICT - ALTERNATE**

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

### **304.01 Permitted, Conditional and Accessory Uses – See Table in Section 310.**

### **304.02 Approval Procedures.**

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

### **304.03 General Standards for Mobile Home Parks.**

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

1. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the



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

#### **304.04 Contents of Application.**

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

- 1. Name, address, and phone number of applicant;
- 2. Legal description of property;
- 3. Present use;
- 4. Present zoning district;
- 5. Proposed zoning district;
- 6. A vicinity map at a scale approved by the Commission, showing property lines, streets, existing and proposed zoning, and such other items as the Commission may require to show the relationship of the development to the comprehensive plan;
- 7. A plan at a scale approved by the Commission showing the location and dimensions of streets, and other roadways; lots; typical lot improvements; areas for recreation, storage, and off or on street parking; buffering, screening, or fencing; provisions for garbage and trash removal; location of utilities including street lighting, pedestrian walkways, and such other things the Commission deems necessary; and
- 8. The fees as established by the Village or Village Council.

#### **304.05 Mobile Home Park Requirements**

Mobile home parks shall meet the requirements of Section 304, inclusive.

**304.06 Park Size.**

A mobile home park shall contain a minimum of five (5) acres.

**304.07 Density.**

The maximum density shall not exceed six (6) mobile homes per gross acre.

**304.08 Width and Depth.**

The minimum width of the mobile home development shall not be less than two hundred fifty (250) feet. The ratio of width to depth shall not exceed one to five (1:5).

**304.09 Yards.**

All mobile homes or accessory buildings shall be located no closer than thirty-five (35) feet from the front property lines, nor closer than twenty (20) feet from the side or rear property line. However, if the side or rear property line abuts an arterial street as shown on the Major Thoroughfare Plan, the minimum side or rear yard shall be thirty-five (35) feet.

**304.10 Access.**

All mobile home parks should have access to adequate collector streets with a right-of-way not less than fifty (50) feet in width. Marginal access roads may be required if deemed necessary for mobile home parks that would have direct access onto an arterial street.

**304.11 Streets.**

The design and construction of the interior street system shall be sufficient to adequately serve the size and density of the development. All streets shall be paved and curbs and gutters shall be installed. The pavement width of all streets shall not be less than thirty (30) feet. The design and construction of the interior street system shall conform to the requirements of the Village engineer. Parking on interior streets shall not be permitted unless the pavement width is thirty-five (35) feet at a minimum. Street width shall be measured from back of curb to back of curb.

**304.12 Walkways.**

All mobile home parks shall have paved pedestrian walkways at least four (4) feet in width. The location of necessary walkways shall be decided by the Commission and Board and may vary relative to location, intensity of use, and location of recreational areas and service buildings.

**304.13 Recreation and open Space.**

At least ten (10) percent of the gross land area of the mobile home park shall be reserved for recreational and open space uses. This figure is in addition to any other open areas required by yard requirements or other sections of this ordinance. A clustering of units is encouraged.

**304.14 Buffering and Screening.**

The outer boundaries of a mobile home park shall contain a buffer zone. This buffer zone shall be composed of a green strip, not less than twenty (20) feet in width, located along all park boundaries. The type of plantings shall be approved by the Commission and Board. This green strip may be in a yard adjacent to a street or road, provided all other provisions of the ordinance are met.

**304.15 Mobile Home Lot Requirements.**

Individual mobile home lots within mobile home parks shall conform to the requirements of Sections 304.16 to 304.28, inclusive of this ordinance.

**304.16 Lot Size.**

Each mobile home lot shall contain a minimum area of four thousand (4,000) square feet.

**304.17 Lot Width and Depth.**

The minimum width of each mobile home lot shall be forty (40) feet and the minimum depth of each lot shall be one hundred (100) feet. The minimum width of corner lots, however, shall be fifty (50) feet.

**304.18 Clearance.**

There shall be a minimum clearance of twenty (20) feet between individual mobile homes.

**304.19 Driveway and Parking.**

Each mobile home lot shall be provided with a paved driveway to accommodate off street parking for two (2) vehicles. The size of the driveway shall not be less than four hundred (400) square feet.

**304.20 Walkway.**

Each mobile home lot shall be provided with a three (3) foot walkway leading from the main entrance to the main walkway or adjacent street.

**304.21 Mobile Home Stand.**

Each mobile home lot shall be provided with a stable base upon which to place the mobile home. This base shall be approved by the Commission and Board.

**304.22 Patio.**

Each mobile home lot shall be provided with a paved patio area at least one hundred (100) square feet in area. The patio should be located on the entrance side of the mobile home.

**304.23 Anchors**

Each mobile home lot shall be provided with anchors and tie downs such as cast-in-place concrete "dead men" eyelets imbedded in the concrete runways, screw augers, arrowhead anchors, or other devices for securing the stability of the mobile home.

**304.24 Corner Markers.**

The four (4) corners of each mobile home lot shall be marked in a manner acceptable to the Commission and Board.

**304.25 Skirting.**

Each mobile home shall be skirted, entirely enclosing the bottom section, within ninety (90) days after its placement.

**304.26 Landscaping.**

On each mobile home lot at least one (1) deciduous hardwood tree a minimum of one and a half (1 ½"), caliper shall be planted in the front yard.

**304.27 Floor Area.**

Each mobile home placed within the mobile home park shall have a minimum area of four hundred (400) square feet.

**304.28 Height.**

The maximum height of mobile homes and accessory buildings shall not exceed twenty (20) feet.

**304.29 Mobile Home Utilities and Other Services.**

Mobile home park utility and other services shall conform to the requirements of Sections 304-30 to 304.37, inclusive of this ordinance.

**304.30 Storm Drainage.**

Within each mobile home park storm drainage shall be provided in accordance with the following requirements:

1. All areas of a mobile home park shall be graded in a manner so that there will be no poorly drained areas. Grading shall not obstruct the natural drainage of surrounding properties.
2. Open drainage ditches are prohibited. All drainage systems shall be designed in accordance with the Village engineer.

**304.31 Water.**

Within each mobile home park there shall be installed a water supply and distribution system in conformance with the requirements of the Ohio Department of Health. Each mobile home lot shall be connected to this system.

**304.32 Sewage Disposal.**

Within each mobile home park there shall be installed a sanitary waste distribution system which shall be connected with the municipal sewer system where available. Where a municipal sewer system is not available, a central treatment plant shall be located, constructed, and maintained in accordance with the regulations of the Ohio Department of Health. Each mobile home lot shall be connected to this system.

**304.33 Electrical System.**

Each mobile home shall be provided with suitable electrical equipment in accordance with the National Electrical Code and local codes to provide not less than sixty (60) amperes of power capability. All equipment shall be grounded and weatherproofed.

**304.34 Lighting.**

All interior streets and walkways shall be lighted by not less than three-tenths (3/10) foot candle of artificial light.

**304.35 Underground Utilities.**

Within each mobile home park, all utility lines, including those for electricity and telephone service shall be located underground.

**304.36 Garbage and Refuse Storage.**

The storage and collection of garbage and refuse within each mobile home park shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards, or air pollution. All garbage shall be stored in fly-tight, rodent-proof containers. The containers shall be located no more than one hundred fifty (150) feet from any mobile home lot, and shall be collected at least once weekly.

**304.37 Fire Protection.**

Within each mobile home park there shall be provided a fire protection system approved by the Ohio Department of Health and the local fire authority. Standard fire hydrants should be located within four hundred (400) feet of all mobile homes. If standard fire hydrants are not feasible, there shall be installed within three hundred (300) feet of each mobile home lot a two (2) inch frost protected riser with a two and one half (2-1/2) inch hose connection. Portable fire extinguishers should be provided at convenient and accessible locations.

**304.38 Service Building.**

Service buildings may be provided by the management for offices, repair and storage, laundry facilities, and indoor recreation areas. No such building shall be located closer than fifty (50) feet from any mobile home.

**304.39 Supplementary Conditions and Safeguards.**

In approving any mobile home park, the Commission may recommend and the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of this ordinance and punishable under Section 512 of this ordinance.

Mobile home parks shall also meet the requirements of Chapter HE-27 of the Ohio Sanitary Code adopted by the Public Health Council under the authority of the Ohio Revised Code Section 3733-02.

**305 R-2 MULTIPLE FAMILY DISTRICT**

INTENT: To provide alternatives to single family dwelling units which can meet the housing needs of those persons who do not elect single family home ownership.

**305.01 Permitted, Conditional and Accessory Uses – See Table in Section 310.**

**305.02 Yard Requirements**

- (a) Front Yard: The minimum front yard setback measured from the centerline of the street, shall be:
  - 55 ft. for Single family detached
  - 55 ft. for two-family D. U.
  - 65 ft. for Apartment buildings
- (b) Side Yards:

- Single family D.U. or Two-family D. U. A minimum of 20% of the lot width shall be devoted to side yard setbacks. The minimum dimension of each side yard shall be 5 ft.
  - Apartment Buildings - A minimum of 20% of the lot width shall be devoted to side yard setbacks. The minimum dimensions of each side yard shall be 10 ft. Side yards between two or more structures on the same parcel shall maintain a distance not less than the height of the tallest building. Whenever an apartment building is constructed adjacent to an R-1 District, the required side yard between such building and R-1 District shall be no less than one-half the height of the apartment building.
- (c) Rear Yards
- Single family D. U. or two-family D. U. The minimum rear yard setback shall be 20% of the lot depth or 25 ft. whichever is greater.
  - Apartment Building - The minimum rear yard requirement shall be 1-1/2 times the height of the tallest apartment building.
- (d) Height - No structure shall be erected in excess of 3 stories or 40 ft.

### **305.03 Off-Street Parking Requirements**

See Section 311

**306**

## **B-1 DOWNTOWN BUSINESS DISTRICT**

INTENT: To provide for downtown retail activity, along with housing options and professional and service uses in a downtown environment.

### **306.01 Permitted, Conditional and Accessory Uses – See Table in Section 310.**

### **306.02 Yard Requirements**

- (a) Front Yard - No front yard setback required
- (b) Side Yard - No side yard setback requirement if fire resistant construction materials are utilized.
- (c) Rear Yard - A minimum rear yard setback of 30 ft. shall be required.
- (d) Height - The maximum permissible height shall be 3 stories or 40 ft.

### **306.03 Off-Street Parking Requirements**

No off-street parking is required in the B-1 Zoning District.

**307**

## **B-2 GATEWAY COMMERCIAL DISTRICT**

INTENT: To provide for a high quality mixed-use development area located near US 24. This area is identified as being important to the Village of Antwerp in its Comprehensive Plan. It offers considerable development potential with easy highway access and the opportunity to express quality community character and image with development standards.

### **307.01 Permitted, Conditional and Accessory Uses – See Table in Section 310.**

**307.02 Yard Requirements**

- (a) Front Yard – 40 foot front yard setback required
- (b) Side Yard – 20 foot side yard setback required
- (c) Rear Yard - A minimum rear yard setback of 25 ft. shall be required.
- (d) Height - The maximum permissible height shall be 3 stories or 40 ft.

**307.03 Lot Coverage and Impervious Area Coverage**

No more than 60 percent of a lot may be covered by principal or accessory buildings. Further, no more than 80 percent of a lot may be covered by impervious surfaces. Impervious surfaces include rooftops, parking areas, driveways, walkways, and similar surfaces that are paved, or otherwise improved to provide a hard and impervious surface.

**307.04 Residential Density**

Multi-family residential development (condominiums, apartments, townhomes, etc.) may not exceed a density of 12 housing units per acre (net- exclusive of road right-of-way)

**307.04 Parking and Loading**

Off-Street Parking Requirements are listed in Section 311. Further, parking lots should be designed to avoid large expanses of asphalt. Where possible, parking lots should wrap around two or more sides of a building. Wherever a parking area must abut a public street, a landscaped strip 10 feet wide is required to help separate the pedestrian from surfaces designed for vehicles. This landscaped strip should include a combination of man-made materials (such as fences or masonry columns) along with plant material that screens at least 50% of that parking area to a height of 3 feet.

**307.05 Sidewalks**

Public sidewalks are required along the full frontage of the lot to be developed. Further, private sidewalks, or walkways are required to connect the public sidewalk to the building entrance. In instances where there is a parking lot between the building entrance and the public sidewalk, a defined pedestrian space shall be created using contrasting materials to define spaces for pedestrian movement.

**307.06 Large Building Facades**

Whenever a building or more than a 50,000 sq. ft. is proposed as a result of new construction, building consolidation, or renovation, steps to design the building to appear to be several smaller buildings should be taken where possible.

**307.07 Windows**

Whenever a building faces a public street, at least 30 percent of the façade shall be windows.

**307.08 Wall Planes**

No wall plane that is visible from any public street shall extend more than 50 feet without some type of significant break to add visual interest. Breaks may include off-sets to the wall plane or the use of multiple materials to add contrast and variation.

### **307.09 Roof lines**

Pitched roofs are generally preferred, but in cases where that is not possible, variations in the façade at the roof line are necessary to add visual interest. All roof-top mechanical equipment should be hidden from view.

### **307.09 Exterior Building Materials**

To provide an atmosphere of endurance and quality, building materials shall be primarily clay brick masonry with accents of natural stone, simulated stone, EIFS or metal finishes. Use of multiple exterior materials makes a building more complex and visually interesting. New construction should incorporate variations in exterior materials and renovation activity should seek to maintain (or add to) the visual complexity of the building. While brick materials are generally preferred, the use of multiple colors and materials is a key consideration to help make the building more complex and visually interesting.

### **307.10 Signage**

Only ground mounted (monument-style) signs shall be permitted and designed to represent an extension of the building – displaying the same timelessness and quality as the primary structure. Materials shall be predominantly clay brick masonry, natural stone, or simulated stone. Signs may not be neon, LCD screen, animated or internally illuminated. Freestanding monument signs must also incorporate landscaping element to help frame the sign itself. The landscaped area around the sign shall be equal to an area that is two times the size of the monument sign itself (if it were lying flat on the ground). Building mounted signs shall only be mounted to an exterior wall of the building and may not be mounted on the roof or extend above the roof.

### **307.11 Lighting**

Building illumination is encouraged to accentuate the building façade or signage. The lighting source should generally be separate from the building with light washing onto the structure itself to highlight signage or architectural elements of the building. Only low intensity light should be used to accent signage or building elements without light “spillover” on to adjacent property. The light source affixed to a building should not direct light outward toward the street or any public space.

### **307.12 Screening**

Above ground utilities structures such as transformers, meters, manifolds, generators, switches, junctions, etc., shall be screened from view by masonry walls, wood fences, wood/plastic composite fences, decorative ornamental metal fences, or landscape trees or shrubs. Vinyl or chain link fencing shall not be allowed.

## **308 B-3 GENERAL COMMERCIAL DISTRICT**

INTENT: To provide for areas where general suburban-scale commercial development is desired to serve the needs of local residents and visitors.

### **308.01 Permitted, Conditional and Accessory Uses – See Table in Section 310.**

### **308.02 Yard Requirements**

- (a) Front Yard – 40 foot front yard setback required



- (b) Side Yard – 20 foot side yard setback required
- (c) Rear Yard - A minimum rear yard setback of 25 ft. shall be required.
- (d) Height - The maximum permissible height shall be 3 stories or 40 ft.

#### **308.02 Parking Requirements**

See Section 311

### **309 I-1 INDUSTRIAL DISTRICT**

INTENT: To provide employment opportunities through orderly industrial development consistent with the objective of restricting noxious aspects of industrial uses from adversely affecting less intensive development.

#### **309.01 Permitted, Conditional and Accessory Uses – See Table in Section 310.**

#### **309.02 Yard Requirements**

- (a) Front Yard: There shall be a minimum front yard setback of 10 ft. from the property line.
- (b) Side Yard: There shall be a minimum side yard setback of 10 ft. from the property line. If the property abuts a residential district, please see Section 308.08 for landscape, screening and barrier requirements.
- (c) Rear Yard: There shall be a minimum rear yard setback of 10 ft. from the property line. If the property abuts a residential district, please see Section 308.08 for landscape, screening and barrier requirements.

#### **309.06 Height**

The maximum permissible height for any structure shall be 150 feet.

#### **309.07 Parking Requirements**

See Section 311

#### **309.08 Parking Area Landscape, Screening and Barriers Requirements**

- (a) Where the property line abuts the right-of-way of a street: A continuous landscaping strip minimum of no less than two (2) feet and no more than four (4) feet in width shall be located between the right-of-way and the property, except where driveways or other openings may necessitate other treatment.
- (b) Where the property line abuts a residential property line: A landscape strip of no less than two (2) feet in width shall be located between property lines.
- (c) Landscaping strip requirements: Acceptable natural landscaping and screening material include evergreens, trees at a height of between 6 and 8 foot in height. Acceptable man-made structural barriers and screening include fencing and walls between 6 and 8 foot in height.

# 310 PERMITTED, CONDITIONAL, ACCESSORY USE TABLE

Land Uses P= Permitted, C= Conditional, A=Accessory	Zoning Districts							
	A-1	R-1	R-1-A	R-2	B-1	B-2	B-3	I-1
<b>Agricultural Uses</b>								
Dairy farming	P							
Crop cultivation	P							
Livestock farming	P							
Road side produce or farm product stands	P							
Specialized animal raising and care	C							
Commercial billboards	C							
Semi-public uses	C							
Farm homestead	A							
Quarters for seasonal employees	A							
Barns, silos, windmills, and similar structures or facilities customary and incidental to farming operations.	A							
<b>Residential &amp; Related Uses</b>								
Single family detached dwelling units		P	P	P				
Two Family dwelling units			P	P				
Three family or more dwellings				P		P		
Upper floor dwelling units					P	P		
Schools, libraries, governmental buildings, treatment plants and governmental facilities of a similar nature.		P	P	P	P	P	P	
Churches		P	P	P	P	P	P	
Hospitals & clinics		C	C	C	P	P	P	
Nursing homes, assisted living, extended care fac.		C	C	C	C	P	P	
Funeral homes		C	C	C	P	P	P	
Public utility substations & transmission facilities		C	C	C	C	C	C	
Home Occupations		C	C	C				
Resident Office Space		C	C	C				
Residential Garages & Outbuildings		A	A	A				
Greenhouse (residential scale)		A	A	A				
Residential Accessory Buildings		A	A	A				
Mobile Home Parks			P					
Resident Parking Areas				A				

### Business and Related Uses

Personal service businesses including barber shops, beauty parlors, shoe repair shops, laundry and dry cleaning pick-up stations, photography studios and similar businesses (not including a drive in or drive through facility).

General merchandising including, but not limited to, hardware, clothing, dry goods, groceries, dairy products, catalogue sales, office supplies, drug stores

Production and sales of art and art-related products such as pottery, paintings, graphic design, sculpture, jewelry, etc.

Financial Institutions and Restaurants (including a drive in or drive through facility).

Financial Institutions and Restaurants (not including a drive in or drive through facility).

Any retail or service business that involves a drive in or drive through

Professional Offices

Youth Activity Center

Lodges, fraternal organizations, private clubs

Physical fitness center

Major automobile engine and body repair

Gas Station (with or without convenience retail)

Truck Stop / Travel Center

Theaters (indoor)

Motels and hotels.

Greenhouse (commercial scale)

Vehicle Sales and Service

Pharmacy

Coffee Shops

Animal hospitals and veterinary offices (no outside runs or kennels).

Kennels, animal hospitals and veterinary offices with outside runs and kennels.

Carpenter or cabinet shop if conducted wholly within an enclosed building.

Sexually-Oriented Businesses

Industrial and Related Uses

Distributors' warehouses and wholesale outlets with no outdoor storage, and no processing or fabrication.

P	P	P	
P	P	P	
P	P	P	
C	P	P	
P	P	P	
C	P	P	
P	P	P	
P	P	P	
C	P	P	
	C	P	P
	P	P	
		P	P
	P	P	
	P	P	
	C	P	
		P	P
	P	P	
	P	P	
	P	P	P
		C	P
		P	P
C			C
		P	P

Grain Elevators, grain storage, feed sales and seed sales		P
Fertilizer sales & application services; and		P
Contractors' offices if when all equipment and construction materials area located within an enclosed building.	C	P
Contractors' offices with outside storage of equipment and construction materials		P
Industrial plants manufacturing or assembling the following: boats; small metal products such as bolts, nuts, screws, washers, rivets, nails, etc.; clothing; drugs and medicines; electrical equipment; glass products from previously manufactured glass; furniture and wood products; and plastic products for production of finished equipment.		P
Life science technology and medical laboratories, including but not limited to biomedical engineering; materials engineering, biotechnology, genomics, proteomics, molecular and chemical ecology.	C	P
Limited light manufacturing of prototypes and related research & development, where all processing, fabricating, assembly, or disassembly of items takes places wholly within an enclosed building and no outside storage of raw material or finished products are involved.		P
Electronic computing facilities.	C	P
Bulk storage of petroleum products.		C
Warehouses.		P
Research laboratories.	C	P
Asphalt mixing plant.		C
Cement product or cinder block manufacture.		C
Iron, steel, brass or copper foundry.		C
Metal stamping.		C

### 311 PARKING REQUIREMENTS

#### Use

*Agricultural sales and service use*

*Animal hospital / Veterinary Clinic*

*Antique shop*

*Appliance and equipment repair establishment*

*Auction house*

#### Parking Required

1 for each 1 employee, plus 1 for each 100 square feet of both temporary and permanent area devoted primarily to retail sales

1 space for every 2 on-duty employees, plus 1 space per doctor, plus 1 space per examination room

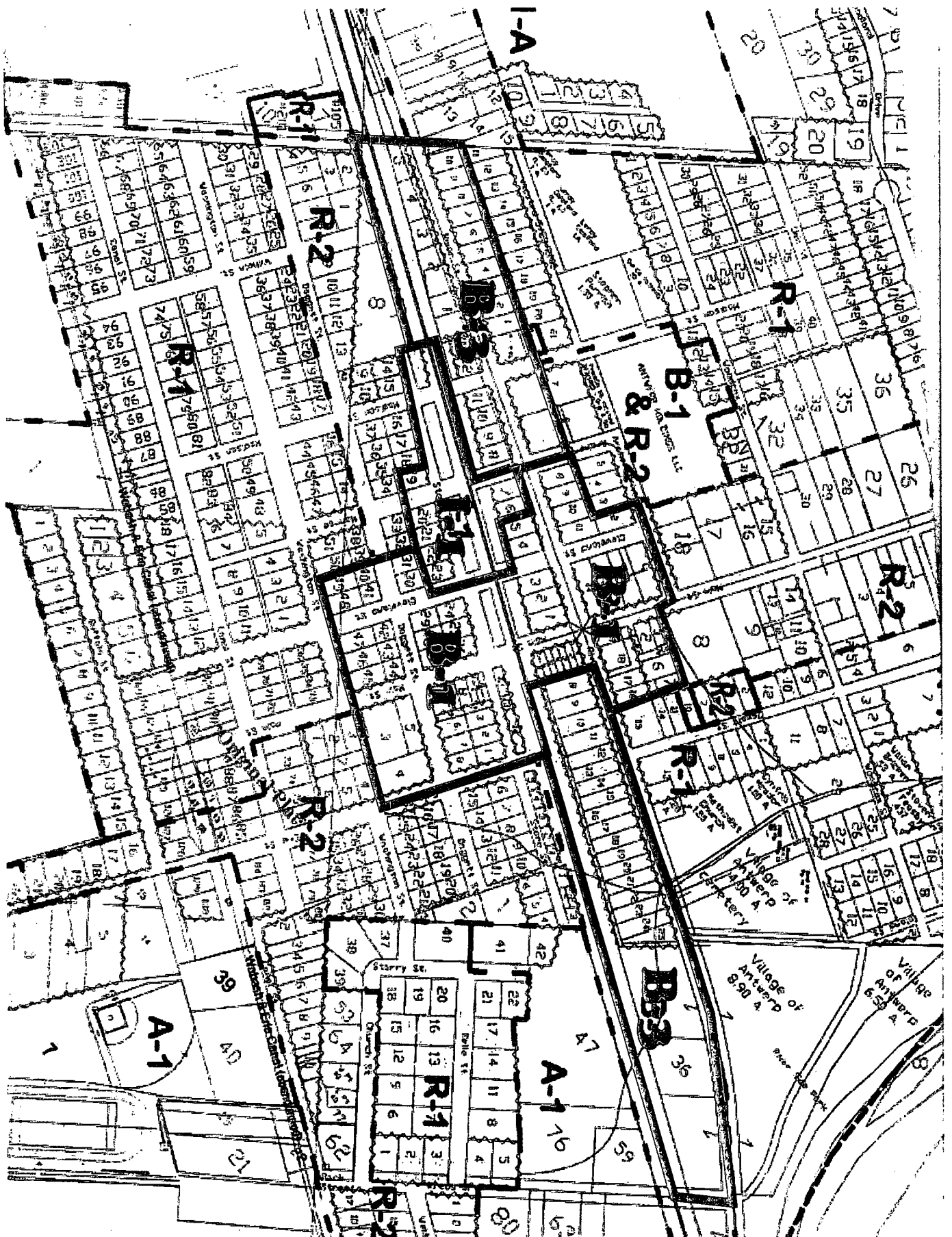
1 off-street parking space for each 600 square feet of floor area

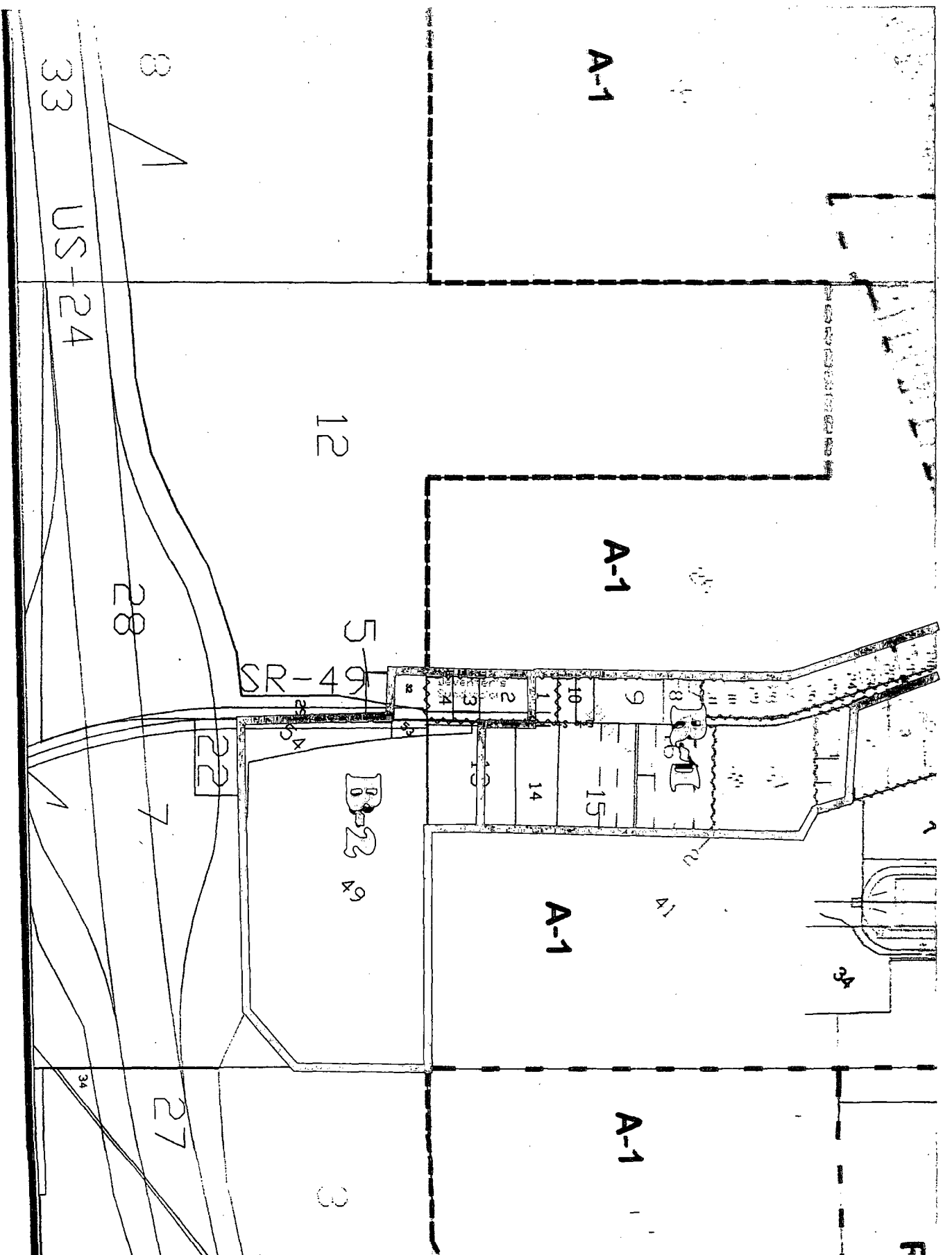
1 per each 800 square feet of usable floor area, plus 1 per each employee

1 space per 4 seats in designed capacity

<b>Use</b>	<b>Parking Required</b>
Automobile dealership	1 per each 200 square feet of usable floor area
Automobile parts store	1 space per 350 square feet of gross floor area
Automobile service station	1 space for each gas pump island, plus 2 spaces for each working bay, plus 1 parking space for each employee on largest shift
Bakery	1 per 300 square feet of gross floor area
Bank, drive-thru	1 for each employee per largest work shift, plus a minimum of 3 additional parking spaces
Bank, without drive-thru	1 for each 150 square feet of usable floor space
Barber/beauty shop	1 per chair and 1 per employee
Bed and breakfast inn	1 for every facility, plus 1 for every guest room
Book store	4.5 spaces for every 1,000 square feet of gross floor area
Bowling alley	2 spaces for each alley, plus 1 additional space for each 2 employees
Café	1 per 100 square feet of gross building area
Car wash	1 space per each employee, plus reserve spaces equal to 3 times the wash lane capacity
Church	1 per 10 seating spaces
Clinic	1 space for each 300 square feet of floor area
Condominium	2 spaces per dwelling unit
Construction sales and service establishment	1 space per 250 square feet, plus 1 space per 1,000 square feet of outdoor storage and display area
Day care center	1 space per 375 square feet of gross floor area
Dental office	1 space per 250 square feet of gross floor area
Drug store	1 space per 200 square feet
Dry cleaning establishment	1 space per 100 square feet of gross floor area
Dwelling	2 spaces per dwelling unit
Elderly housing (assisted living)	0.75 spaces per dwelling unit
Farm supply store	4 per 1,000 square feet
Flea market	1 per 600 square feet of site area
Florist	1 off-street parking space for each 400 square feet of floor area
Funeral home	1 per 3 persons capacity
Gas station and mini-mart	1 for each employee, plus 1; 1 for each 150 square feet of floor area used for retail sales
Golf course	1 per 3 golf holes, plus 1 per each 2 employees
Golf course, miniature	1 space per hole, plus 1 space per employee on the largest work shift
Greenhouse	1 space per 400 square feet of sales area
Gun shop	4 per 1,000 square feet
Hardware store	1 per each 660 square feet of floor area
Hotel	1 space for each guest room without kitchen facilities and 1.5 spaces for each guest room with kitchen facilities, plus 1 space per each 100 square feet of banquet, assembly, meeting, or restaurant seating area.
Industrial use, unless otherwise specified	1 space for every 2 employees during shift of maximum employment and 1 space for every truck to be stored or stopped simultaneously
Laundromat	1 space per 250 square feet
Martial arts studio	1 space per 150 square feet of floor area
Mini-warehouse	1 per 25 storage units, plus 1 per employee
Office use (unless otherwise specified)	1 space per 250 square feet of primary floor area
Personal services establishment	1 per 200 square feet of floor area
Photography studio	1 off-street parking space for each 600 square feet of floor area

<b>Use</b>	<b>Parking Required</b>
<i>Recreation facility, indoor</i>	1 space for each 4 persons in designed capacity
<i>Repair service establishment</i>	1 space per 300 square feet of gross floor area plus repair services
<i>Retail use, unless otherwise specified</i>	Retail sales establishment under 150,000 square feet: 1 space per 200 square feet. Retail sales establishment 150,000 square feet or greater: 1 space per 300 square feet
<i>Shopping center, regional (a center with at least 500,000 square feet of gross floor Area)</i>	1 per 250 square feet of gross leasable area
<i>Tanning salon</i>	1 per 250 square feet of gross floor area
<i>Tattoo parlor/body-piercing studio</i>	2 spaces per tattoo or body piercing artist
<i>Truck stop</i>	1 truck parking space for each 10,000 square feet of site area, plus 1 vehicle parking space per 200 square feet of building area
<i>Warehouse</i>	1 parking space for each 1.5 employees, plus 1 space for every vehicle used in connection with the business
<i>Wholesale establishment</i>	1 space per 500 square feet







## **PREAMBLE**

An Ordinance of the Village of Antwerp, Ohio, enacted in accordance with a Comprehensive Plan and the Provisions of Chapter 713, Ohio Revised Code, dividing the Village into zones and districts, encouraging, regulating, and restricting therein the location, construction, reconstruction, alteration and use of structures and land; promoting the orderly development of residential, business, industrial, recreational, and public areas; providing for adequate light, air, and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public right-of-ways; providing the compatibility of different land uses and the most appropriate use of land; providing for the administration of this Ordinance, defining the powers and duties of the administrative officers as provided hereafter, and prescribing penalties for the violation of the provisions in this Ordinance or any amendment thereto, all for the purpose of protecting the public health, safety, comfort and general welfare; and for the repeal thereof,

Therefore be it ordained by the Council of the Village of Antwerp, State of Ohio:

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

## ORDINANCE NO. 2016-21

### AN ORDINANCE AUTHORIZING THE MAYOR OF THE VILLAGE OF ANTWERP TO ENTER INTO A COMMERCIAL ENERGY SALES AGREEMENT WITH CHAMPION ENERGY SALES, LLC FOR THE PURCHASE OF ELECTRICITY FOR A TERM OF TWENTY-FOUR (24) MONTHS COMMENCING ON MAY 23, 2017; AND DECLARING THE SAME AN EMERGENCY

WHEREAS, the Village of Antwerp, Ohio (the "Village") and Champion Energy Sales, LLC currently are parties to an agreement for the purpose of the Village buying electricity delivered and used at the various buildings and wells owned by the Village and the same being supplied by Champion Energy Sales, LLC at a rate of \$0.05796 per kilowatt hour, which agreement will expire in May 2017; and

WHEREAS, the Village desires to enter into a Commercial Energy Sales Agreement with Champion Energy Sales, LLC for the purpose of the Village buying electricity to be delivered and used at the various buildings and wells owned by the Village and the same supplied by Champion Energy Sales, LLC for a twenty-four (24) month period commencing May 23, 2017, at the rate of \$0.0505 per kilowatt hour; and

WHEREAS, in order to lock in this lower rate for the purchase and supply of electricity for the twenty-four (24) month period commencing May 23, 2017, the Village and Champion Energy Sales, LLC must enter into an agreement for the same on or before May 27, 2016.

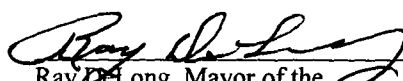
NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Antwerp, County of Paulding, State of Ohio:

Section 1. The Mayor of the Village of Antwerp, Ohio, is hereby authorized to enter into the Commercial Energy Sales Agreement by and between the Village and Champion Energy Services, LLC for the purpose of the Village buying electricity to be delivered to and used at the various buildings and wells owned by the Village and the electricity being supplied by Champion Energy Services, LLC at the rate of \$0.0505 per kilowatt hour for a twenty-four (24) month period commencing May 23, 2017. A true and accurate copy of said Agreement is attached hereto and incorporated herein by reference.

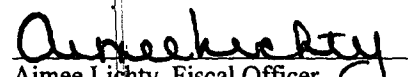
Section 2. It is found and determined that all formal actions of the Council of the Village of Antwerp, Ohio, concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal action, were in meetings open to the public, and in compliance with all legal requirements.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village and to allow the Village to lock in the lower rate for the delivery and use of electricity at the buildings and wells owned by the Village. This Ordinance shall take effect and be in force immediately after its passage and approval; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: May 26, 2016.

  
Ray DeLong, Mayor of the  
Village of Antwerp, Ohio

Attest:

  
Aimee Lichty, Fiscal Officer

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2016-23**

**AN ORDINANCE AUTHORIZING ADVERTISEMENT TO SOLICIT BIDS FOR THE VILLAGE OF ANTWERP, OHIO TO PURCHASE A TANKER TRUCK TO AID IN THE PROVISION OF FIRE PROTECTION SERVICES PURSUANT TO OHIO REVISED CODE § 737.24; AND DECLARING AN EMERGENCY**

**WHEREAS**, the Village of Antwerp, Ohio (“Village”) is in need of a new tanker truck to aid in the provision of fire protection services, specifically a 2017 Kenworth T-370 Tandem Axle Chassis with a 3,000 gallon Tanker plus all appurtenances and warranties as outlined in the specifications and bid documents (referred to herein as the “tanker truck”); and

**WHEREAS**, the Village, Carryall Township and Harrison Township applied for a grant that will partially fund the purchase of the tanker truck that will be used in the provision of fire protection services; and

**WHEREAS**, the grant has been awarded to partially fund the purchase of the tanker truck and the Council of the Village seeks to solicit bids for the purchase of the tanker truck, which will be owned by the Village; and

**WHEREAS**, this Council authorizes the advertisement of bids for the purchase of the tanker truck by the Village from the lowest and best bidder, after advertisement once a week for two (2) consecutive weeks in a newspaper of general circulation within the Village.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Village of Antwerp, Paulding County, Ohio:

**Section 1.** It is hereby found that the Village is in need of a new tanker truck and has received partial funding through a grant for such purchase and that the Council of the Village has authority under Ohio Revised Code § 737.24 to purchase the tanker truck.

**Section 2.** The Village Administrator is hereby authorized to advertise for bids for the Village to purchase the tanker truck, such advertisement to notify potential bidders that the specifications and bid documents for the tanker truck will be available for bidders to review and submit bids in response thereto.

**Section 3.** The Fiscal Officer of the Village is hereby instructed and directed to cause legal notice to bidders to be published once a week for two (2) consecutive weeks in a newspaper of general circulation within the Village for the Village to solicit bids for the purchase of the tanker truck.

**Section 4.** At its next regular meeting following the advertisement for bids as provided by law and public bid opening, this Council may authorize the Village to enter into a contract for the purchase of the tanker truck to the lowest and best bidder responding fully to the advertisement for

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_ bids and tanker truck specifications and bid documents made available to potential bidders. This Council may reject any and all bids.

**Section 5.** It is hereby found and determined that all formal actions of this Council concerning or relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 6.** This Ordinance is hereby declared to be an emergency measure, necessary to expedite the bidding process relating to the purchase of the tanker truck to aid in the provision of fire protection services, and shall take effect immediately upon its passage; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Date 6.10.16

Attest:

Aimee Lichty  
Aimee Lichty, Fiscal Officer

Jan Reeb  
~~Ray DeLong, Mayor~~ of the Village of Antwerp  
Jan Reeb, President Pro Tempore

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE NO. 2016-17**

**AN ORDINANCE ADOPTING MINIMUM BUILDING STANDARDS FOR  
RESIDENTIAL PROPERTIES IN THE VILLAGE OF ANTWERP, OHIO**

**WHEREAS**, the Village of Antwerp (the "Village") believes it is in the best interest of the residents of the Village and the public health, safety and general welfare of the Village that minimum housing standards for residential properties be established and enforced.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ANTWERP, COUNTY OF PAULDING, OHIO:**

**Section 1. LEGISLATIVE FINDING.**

It is hereby found that there exists and may in the future exist within the Village premises, dwellings, dwelling units, accessory buildings, or parts thereof, which by reason of their structure, equipment, sanitation, maintenance, use or occupancy affect or are likely to affect adversely the public health, safety, and general welfare. To correct and prevent the existence of such adverse conditions, and to achieve and maintain such levels of residential environmental quality as will protect and promote public health, safety, and general welfare, it is further found that the establishment and enforcement of minimum housing standards are required.

**Section 2. PURPOSE.**

It is hereby declared that the purpose of this Ordinance is to protect, prevent, and control the incidence of communicable diseases, to reduce environmental hazards to health, to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health, and to protect the safety of the people and to promote the general welfare by legislation which shall be applicable to all dwellings now in existence or hereafter constructed. It is hereby further declared that the purpose of this Ordinance is to insure that the quality of housing is adequate for protection of public health, safety, and general welfare including:

- (a) Establishment of minimum standards for basic equipment and facilities for light, ventilation, and thermal conditions, for safety from fire and accidents, and for an adequate level of maintenance;
- (b) Determination of the responsibilities of owners, operators, and occupants of dwellings; and
- (c) Provision for the administration and enforcement thereof.

**Section 3. SCOPE.**

The provisions of this Ordinance shall apply uniformly to the construction, maintenance, use, and occupancy of all residential buildings and structures where applicable, and shall apply uniformly to the alteration, repair, equipment, use, occupancy and maintenance of all existing residential buildings and structures, within the jurisdiction of the Village irrespective of when or under what code or codes such buildings or structures were originally constructed or rehabilitated.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**Section 4. TITLE.**

This Ordinance shall be known and may be cited as "The Housing Maintenance and Occupancy Regulation of the Village of Antwerp," hereinafter referred to as "this ordinance."

**Section 5. RESIDENTIAL ENVIRONMENT; FINDINGS.**

Council finds that a residential environment should include the following:

- (a) Sanitation and Maintenance.
  - (1) Materials and equipment to facilitate clean, orderly, and sanitary maintenance of the dwelling.
  - (2) Water piping of adequate size and approved, safe materials, supplying fixtures within each living unit in a manner which avoids introducing contamination.
  - (3) Adequate, private, sanitary, water-flushed toilet facilities within family units.
  - (4) Plumbing and drainage system designed, installed, and maintained so as to protect against leakage, stoppage, overflow and escape of odors.
  - (5) Sanitary disposal of food, waste, storage of refuse and sanitary maintenance of premises to reduce the hazard of vermin and nuisances is the responsibility of the occupant.
  - (6) Arrangements for proper drainage of roofs, yards, and premises, and for conducting such drainage from the buildings and premises.
  - (7) Maintenance to exclude and facilities control of rodents and insects.
  - (8) Program to assure maintenance of structure, facilities, and premises in good repair and in a safe and sanitary condition.
- (b) Safety and Injury Prevention.
  - (1) Construction, installation, materials, facilities, and maintenance to minimize danger of explosions and fire and their spread.
  - (2) Maintenance to facilitate ready escape in case of fire or other emergency.
  - (3) Protection against all electrical hazards including shocks and burns.
  - (4) Installation and maintenance of fuel-burning and heating equipment to minimize exposure to hazardous undesirable products of combustion, prevent fires or explosions, and protect persons against related hazards.

**Section 6. DEFINITIONS.**

The following definitions shall apply in the interpretation and enforcement of this ordinance.

- (a) "Dwelling" means any enclosed space wholly or partly used or intended to be used for living, sleeping, cooking and eating.
- (b) "Dwelling unit" means a room or group of rooms located within a dwelling forming a single habitual unit with facilities used or intended to be used by a single family for living, sleeping, cooking and eating purposes.
- (c) "Infestation" means the presence within or around a dwelling of any insects, rodents, or other pests.
- (d) "Multiple dwelling" means any dwelling containing more than two dwelling units.
- (e) "Occupant" means any individual over one year of age living, sleeping, cooking, or eating in or having possession of a dwelling unit, except that a guest shall not be considered an occupant.

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

(f) "Operator" means any person who has charge, care, control or management of a residential building, or part thereof, in which dwelling units are let.

(g) "Premises" means a platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure, and includes any such building, accessory structure or other structure thereon.

**Section 7. MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES.**

No person shall occupy as owner or occupant, or let to another for occupancy any dwelling or dwelling unit for the purposes of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

(a) Kitchen Area. Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked, which shall have adequate circulation area, and which shall be equipped with the following:

(1) Kitchen sink. A kitchen sink in good working condition and property connected to the Village's water supply system which provide at all times an adequate amount of heated and unheated running water under pressure, and which is connected to the Village's sewer system.

(b) Bathroom. Within every dwelling unit, there shall be a room which affords privacy to a person within said room, and which is equipped with a toilet in good working condition. Said toilet shall be equipped with easily cleanable surfaces, be properly connected to the Village's water system that at all times provides an adequate amount of running water under pressure to cause the toilet to be operated properly, and shall be properly connected to the Village's sewer system.

(c) Bathroom Sink. Within every dwelling or dwelling unit there shall be a lavatory sink. The lavatory sink shall be in good working condition and properly connected to the Village's water supply system which provides at all times an adequate amount of heated and unheated water under pressure, and which is properly connected to the Village's sewer system. Water inlets for lavatory sinks shall be located above the overflow rim of these fixtures.

(d) Bathtub; Shower. Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said bathtub or shower may be in the same room as the toilet or in another room, and shall be properly connected to the Village's water supply system which provides at all times an adequate amount of heated and unheated water under pressure, and which is connected to the Village's sewer system. Water inlets for bathtubs shall be located above the overflow rim of these fixtures.

(e) Exits. All exits including exit stairways are to be kept in a good state of repair. Floors, treads and risers must be sound and furnish a reasonably smooth surface. Risers of unequal height, broken tread noses, structurally unsafe surfaces, excessive warping, holes and cracks all constitute serious safety hazards. Doors must be readily openable from the inside as well as the outside.

(f) Private Entrance. Access to or egress from each dwelling unit shall be provided without passing through any other dwelling unit.

(g) Door Lock. All exterior doors of the dwelling or dwelling unit are to be equipped with functioning locking devices.

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**Section 8. MINIMUM STANDARDS FOR LIGHT.**

No person shall occupy as owner, occupant or let another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements of this section:

- (a) Electrical Outlets and Fixtures. Every dwelling unit and all public and common areas shall be supplied with electrical service, outlets, and fixtures which shall be properly installed, shall be maintained in good and safe working condition.
- (b) Temporary wiring and extension cords. Temporary wiring or extension cords shall not be used as permanent wiring.
- (c) Hallways and stairs. Every public hall and stairway in every multiple dwelling shall be adequately lighted by natural or artificial light at all times. Every public hall and stairway in structures containing not more than two dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed instead of full-time lighting.

**Section 9. MINIMUM THERMAL STANDARDS.**

No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- (a) Furnace. Every dwelling shall have primary heating devices supplied by the owner or operator. If such primary heating devices operate by a combustion process and which by design require venting as required by the manufacturer, such primary heating devices shall be vented to a properly installed chimney which is in good working order. The heating system shall be maintained in a good working condition and shall be capable of heating all habitable rooms within the dwelling to a temperature of at least 68 degrees Fahrenheit. Space heaters which operate by a combustion process and which by design require venting, must be properly vented to a chimney or duct leading to the outdoors. Space heaters with smoke pipes shall be equipped with guards made of nonflammable materials at the point where the pipe goes through a wall, ceiling, or partition.

**Section 10. SAFE AND SANITARY MAINTENANCE OF PARTS OF DWELLINGS AND DWELLING UNITS.**

No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling units for the purpose of living therein, which does not comply with the following requirements:

- (a) Structurally Sound. Every foundation, roof, floor, exterior, and interior wall, ceiling, inside and outside stair, every porch, and every appurtenance thereto, shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.



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(b) Doors and Windows. Every dwelling and dwelling unit shall have functioning exterior doors and windows kept in sound condition and good repair. All mobile dwellings must have adequate exterior skirting.

(c) Infestation. Every dwelling, multiple dwelling, or accessory structure and the premises on which it is located shall be kept free of sources of breeding, harborage and infestation by insects, vermin or rodents.

**Section 11. HOUSING INSPECTOR.**

The Housing Inspector may develop additional rules to fully implement this ordinance. Such rules shall be in full force and effect at such time as they are approved by Council and the Mayor. A violation of any rules established by the Housing Inspector shall constitute a minor misdemeanor subjecting the violator to a fine of up to one hundred dollars (\$100.00). Each day of violation shall constitute a separate offense.

**Section 12. INSPECTIONS.**

(a) Enforcement. The Housing Inspector and such persons as he may designate shall enforce the provisions of this ordinance.

(b) Inspection. The Housing Inspector shall inspect dwellings or dwelling units in order to determine whether there is compliance with this ordinance. Such inspection(s) shall be between the hours of 8:00 a.m. and 5:00 p.m. unless otherwise requested by the owner or occupant. The focus of any inspection as allowed by this ordinance is in regard to any complaint made and request to inspect as set forth in subsection (c) below. However, the inspection may reveal other areas of non-compliance with this ordinance and the minimum housing standards set forth herein. The inspection is not designed to determine whether there are any violations of any building codes and/or any regulations promulgated by any other agency in regard to the construction and/or remodeling of any structure. The Village denies any responsibility for any damages that may occur to any person and/or property as a result of any violation of this ordinance and minimum housing standards set forth herein (including as revealed by any inspection contemplated by this ordinance), and/or any violations of any building codes and/or any regulations promulgated by any other agency in regard to the construction and/or remodeling of any structure.

(c) Basis for Inspections. Inspections as set forth above shall be conducted as follows:

(1) Request to inspect. The Housing Inspector shall inspect any dwelling or dwelling unit when requested to do so by a person having probable cause to believe that this ordinance is being violated. Prior to any inspection by the Housing Inspector, the complaining party shall give notice, in writing, to the Village Administrator of the problems complained of. This written notice must be mailed to the Village Administrator, 503 W. River Street, P.O. Box 1046, Antwerp, Ohio 45813. The Village Administrator will then notify the owner, tenant / occupant, and the Housing Inspector of such complaint. If the complaining party does not receive a response to the complaint as contemplated in subsection (c)(2) below, the complaining party must contact the Village Administrator by phone, electronic transmission, fax, and/or in person to verify the written notice of such complaint was received by the Village Administrator.

(2) Duty of inspector. Not sooner than ten days after receiving a copy of the letter alleging violations of this ordinance, the Housing Inspector shall make inquiry of the parties

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involved and, if satisfied that the problems have been resolved, shall take no further action. If the problems have not been resolved and the Housing Inspector, after consultation with the Village Administrator, believes probable cause exists that a violation of this ordinance has and/or is occurring, upon notice to the owner and occupant, shall make an inspection of the premises.

(3) Access Refused; Court Order. If any owner, occupant, or operator of a dwelling or dwelling unit fails or refuses to allow free access and entry to the structure or premises under his control, or any part thereof, with respect to which an inspection authorized by this ordinance is sought to be made, the Village may secure an order of a court of competent jurisdiction directing compliance with the inspection requirements of this section.

### **Section 13. NOTICE OF VIOLATION.**

(a) Notice. Whenever the Housing Inspector determines that any dwelling or dwelling unit, or the premises surrounding any of them, fails to meet the requirements set forth in this ordinance, the Housing Inspector shall issue a notice setting forth the alleged failures and advise the owner, occupant, operator, or agent that such failures must be corrected. This notice shall:

- (1) Be in writing.
- (2) Set forth the alleged violations of this ordinance.
- (3) Describe the dwelling or dwelling unit wherein the violations are alleged to exist or to have been committed. Such notice shall specify an appropriate or acceptable method of correction.

(4) Specify a specific date by which the violation or violations are to be corrected.

(5) Be served upon the owner, occupant, operator, or agent of the dwelling or dwelling unit personally, or by certified mail with return receipt requested, addressed to the owner, operator or agent. If one or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such persons by posting the notice in or about the dwelling or dwelling unit described in the notice, or by causing such notice to be published in a newspaper of general circulation once a week for two consecutive weeks.

(b) Re-inspection. At the end of the period of time allowed for the correction of any violation alleged, which shall be no later than thirty (30) days from the service of the notice of violation, the Housing Inspector shall re-inspect the dwelling or dwelling unit described in the notice. The Housing Inspector may allow additional time for the correction of violations if reasonable efforts are being made to correct those violations.

### **Section 14. SANCTIONS.**

(a) Uncorrected Violation. If upon re-inspection one or more of the alleged violations are determined by the Housing Inspector not to have been corrected, the Housing Inspector shall enforce this regulation by initiating one or more of the following penalties and/or corrective actions.

(b) Minor Misdemeanor. Any person who continues in violation of any provision of this ordinance after the time allowed to him for the correction of an alleged violation or violations in the notice provided in Section 13 shall be deemed in violation of this ordinance which shall constitute a minor misdemeanor subjecting the violator to a fine of up to one hundred dollars (\$100.00). Each day of violation shall constitute a separate offense.

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(c) Repairs and Corrective Action; Certification as a Lien.

(1) Village may make repairs. Whenever an owner or agent of a dwelling or dwelling unit fails, neglects or refuses to make the repairs or other corrective action called for by the notice of violation issued pursuant to Section 13, the Housing Inspector may undertake such repairs or other corrective action when in his judgment a failure to make them will endanger the public health, safety or welfare, and the cost of such repairs or other action will not exceed fifty percent (50%) of the fair market value of the structure to be repaired.

(2) Notice of intent. Notice of the intention to make such repairs or to take other corrective action shall be served upon the owner or agent pursuant in the manner provided in Section 13(a)(5).

(3) Access: obstruction. Every owner or agent of a dwelling or dwelling unit who has received notice of the intention of the Housing Inspector to order repairs or take other corrective action shall give entry and free access to the Housing Inspector and his designated repair persons for the purpose of making such repairs. Any owner or agent of a dwelling or dwelling unit who refuses, impedes, interferes with or hinders, or obstructs entry by such Housing Inspector and/or his designated repair persons shall constitute a minor misdemeanor subject to the penalties as set forth in subsection (b) hereof for each failure to comply with this section.

(4) Certify cost to real estate taxes. When repairs are made or other corrective action taken at the direction of the Housing Inspector, the cost of such repairs and corrective action shall constitute a debt in favor of the Village against the owner of the repaired dwelling or dwelling unit. In the event such owner fails, neglects, or refuses to pay the Village the amount of this debt within thirty days, the Housing Inspector shall certify the cost and expense of repairs or other corrective action to the Fiscal Officer who shall then certify the costs and expenses to the County Auditor and the same shall become a lien upon the real estate which is the subject of the repair and/or corrective action.

(d) Designation of Unfit Dwelling or Dwelling Units.

(1) Unfit dwelling. Any dwelling or dwelling unit may be designated as unfit for human habitation when any of the following defects or conditions are found, and when, in the judgment of the Housing Inspector, such defects or conditions create a hazard to the health, safety, or welfare of the occupants or of the public:

(A) Is damaged, decayed, dilapidated, unsanitary, unsafe, and/or vermin-infested.

(B) Lacks illumination, ventilation, and/or requires toilets.

(C) The general condition of location is unsanitary, unsafe, and/or unhealthful.

(2) Placard and order to vacate. Whenever any dwelling or dwelling unit has been designated as unfit for human habitation, the Housing Inspector shall placard the dwelling or dwelling unit indicating it is unfit for human habitation, and, if occupied, shall order the dwelling or dwelling unit vacated within a reasonable time, such time to be not less than fifteen nor more than sixty days.

(A) Terminate utilities. Whenever any dwelling or dwelling unit has been placarded and vacated, the Housing Inspector shall order services and utilities to be turned off or disconnected.

(B) Violation. Any person who occupies a placarded dwelling or dwelling unit after the period for vacating has expired or who removes a placard without permission of the

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Housing Inspector shall be guilty of a minor misdemeanor and subject to a fine of up to one hundred dollars (\$100.00). Each day of violation shall constitute a separate offense.

(e) Injunction. The Housing Inspector shall have the authority to institute injunctive legal proceedings in the appropriate court to require the compliance with this ordinance and any orders issued thereunder.

## **Section 15. APPEALS.**

(a) Appeal. Any owner of record, purchaser under recorded land contract, or person occupying, but not the owner, of a dwelling or dwelling unit shall have the right to appeal any order or decision of the Housing Inspector to the Housing Board of Appeals.

(b) Time for Appeal. Such an appeal shall be made in writing and shall be filed with the Village Administrator. Such appeal must be filed within ten days after the notice or order has been personally served upon the appellant or ten days after appellant has received the notice by certified mail or ten days after the notice or order has been posted or ten days after the second week's newspaper publication.

(c) Appeals Board. The Housing Board of Appeals shall consist of the President of the Council, a member of Council that sits on the public safety committee, and a resident of the Village appointed by the Mayor.

(d) Hearing. The Housing Board of Appeals shall set a time and place for the hearing and shall advise the appellant in writing of such time and place.

(e) Right to be Heard. At such hearing, the appellant shall be given an opportunity to be heard and to show cause why such notice or order should be modified, extended, or withdrawn.

(f) Authority of Housing Board of Appeals. The Housing Board of Appeals may sustain, modify, extend, or withdraw the notice or order. The Housing Board of Appeals shall be guided by the following principles:

(1) That there may be practical difficulties or unnecessary hardships in carrying out the strict letter of any notice or order;

(2) That the action taken by the Housing Board of Appeals is in harmony with the general purpose and intent of this regulation in securing the public health, safety, and general welfare.

## **Section 16. EMERGENCIES.**

(a) Emergency Action. Whenever, in the judgment of the Housing Inspector, an emergency exists which requires immediate action to protect the public health, safety, or welfare, an order may be issued, without a hearing or appeal, directing the owner, occupant, operator, or agent to take such action as appropriate to correct or abate the emergency. If circumstances warrant, the Housing Inspector may act to correct or abate the emergency.

(b) May Request Hearing. The owner, occupant, operator, or agent shall be granted a hearing before the Housing Board of Appeals on the matter upon his request, as soon as practicable, but such appeal shall not stay the abatement or correction of the emergency.

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**Section 17. CONFLICT; PARTIAL INVALIDITY.**

(a) Higher Standard Prevails. In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health regulation or code of this Village existing on the effective date of this ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this regulation is found to be in conflict with a provision of any other regulation or code of this Village existing on the effective date of this ordinance which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this ordinance shall be deemed to prevail, and such other regulations or codes are hereby declared to be repealed to the extent that they may be found in conflict with this ordinance.

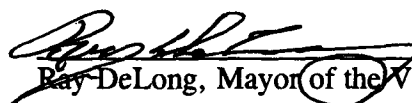
(b) Partial Invalidity. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect; and to this end the provisions of this ordinance are hereby declared to be severable.

**Section 18. OPEN MEETINGS.**

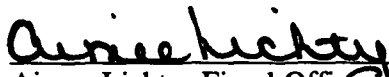
It is hereby found and determined that all formal actions of the Council concerning or relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

**Section 19. EFFECTIVE DATE.**

This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Date 6-20-16  
Ray DeLong, Mayor of the Village of Antwerp

Attest:

  
Aimee Lichty, Fiscal Officer

First Reading: April 18, 2016

Second Reading: May 16, 2016

Third Reading: June 20, 2016



# Commercial Energy Sales Agreement—Exhibits Ohio—Variable

Quote Number: 353498-1

## Exhibits to Commercial Energy Sales Agreement

Buyer: VILLAGE OF ANTWERP

Contract Date: 5/25/2016

### Exhibit A

Start Date: 5/23/2017

Contract Price: \$0.0505 per kWh

Term: 24 months

### Contract Quantity (The monthly kWh quantity per EDC shown below)

	AEF OH OP	Network SVC PLG (kW)	Capacity PLG (kW)
5/2017	14,491	113.08	87.01
6/2017	46,665	113.08	87.01
7/2017	47,392	113.08	87.01
8/2017	45,639	113.08	87.01
9/2017	41,038	113.08	87.01
10/2017	42,520	113.08	87.01
11/2017	52,936	113.08	87.01
12/2017	58,721	113.08	87.01
1/2018	66,545	113.08	87.01
2/2018	68,854	113.08	87.01
3/2018	68,219	113.08	87.01
4/2018	59,086	113.08	87.01
5/2018	52,283	113.08	87.01
6/2018	49,583	113.08	87.01
7/2018	49,390	113.08	87.01
8/2018	48,547	113.08	87.01
9/2018	41,161	113.08	87.01
10/2018	41,128	113.08	87.01
11/2018	49,935	113.08	87.01
12/2018	64,175	113.08	87.01
1/2019	67,834	113.08	87.01
2/2019	69,416	113.08	87.01
3/2019	72,506	113.08	87.01
4/2019	59,553	113.08	87.01
5/2019	38,047	113.08	87.01
Total	1,315,661		

### Exhibit B

#### Costs (including, but not limited to the following)

- Transmission and Distribution Line Losses
- Ancillary Services
- Renewable Portfolio Standard
- ARR
- Capacity
- Network Integrated Transmission Service and Transmission Enhancement (if applicable)
- Deration Losses (if applicable)
- UFE Losses (if applicable)

## Exhibit C

### Pass-through Charges (passed through at cost)

- Applicable EDC (Electric Distribution Company) tariff charges imposed and invoiced by the EDC(s)
- All applicable taxes and fees

## Exhibit D

### Delivery Points

No.	EDC	Account Number	Service Address	City, State, Zip	Anticipated Start Date
1	AEP_OH_OP	00140060702209263			05/23/2017
2	AEP_OH_OP	00140060703009201			05/23/2017
3	AEP_OH_OP	00140060708736721			05/23/2017
4	AEP_OH_OP	00140060709450181			05/23/2017
5	AEP_OH_OP	00140060714053984			05/23/2017
6	AEP_OH_OP	00140060715388235			05/24/2017
7	AEP_OH_OP	00140060716908652			05/23/2017
8	AEP_OH_OP	00140060717934880			05/23/2017
9	AEP_OH_OP	00140060723141610			05/23/2017
10	AEP_OH_OP	00140060725648133			05/23/2017
11	AEP_OH_OP	00140060725864285			05/23/2017
12	AEP_OH_OP	00140060729689563			05/23/2017
13	AEP_OH_OP	00140060734977365			05/23/2017
14	AEP_OH_OP	00140060737118340			05/23/2017
15	AEP_OH_OP	00140060739098104			05/23/2017
16	AEP_OH_OP	00140060742337871			05/23/2017
17	AEP_OH_OP	00140060754202361			05/23/2017
18	AEP_OH_OP	00140060755562971			05/23/2017
19	AEP_OH_OP	00140060762067082			05/23/2017
20	AEP_OH_OP	00140060762295150			05/23/2017
21	AEP_OH_OP	00140060765717581			05/23/2017

22	AEP_OH_OP	00140060770157513			05/23/2017
23	AEP_OH_OP	00140060778043314			05/23/2017
24	AEP_OH_OP	00140060778117232			05/23/2017
25	AEP_OH_OP	00140060784499492			05/31/2017
26	AEP_OH_OP	00140060791494375			05/23/2017
27	AEP_OH_OP	00140060792827043			05/23/2017
28	AEP_OH_OP	00140060794807175			05/24/2017
29	AEP_OH_OP	00140060796039340			05/23/2017
30	AEP_OH_OP	00140060796713130			05/23/2017

IN WITNESS WHEREOF, the Parties, by their respective duly authorized representatives, have executed this Exhibit as of the dated specified herein.

**Buyer: VILLAGE OF ANTWERP**

*Ray DeLong*  
(Signature)

5-26-2016  
(Date)

Ray DeLong  
(Name)

Mayer  
(Title)

**Seller: Champion Energy Services, LLC (or its affiliate,  
Champion Energy, LLC)**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
Authorized Signatory  
(Title)



# Commercial Energy Sales Agreement

This Commercial Energy Sales Agreement, together with all exhibits, addenda and/or schedules attached hereto or incorporated by reference (collectively, the "Agreement") is entered into and made by and between Champion Energy Services, LLC, (or its affiliate, Champion Energy, LLC), identified herein as "Seller" and the buyer of retail electricity, identified herein as "Buyer" and specified on the signature page below. Seller and Buyer may hereinafter be referred to individually as "Party" or collectively as "Parties". Regional requirements and terms, if applicable and capitalized herein will have the meaning ascribed to them herein or in any addendum or exhibit attached hereto.

## THE PARTIES HEREBY AGREE AS FOLLOWS:

1. **Purchase, Sale and Delivery of Electricity:** Subject to the terms and conditions set forth herein, Seller, a licensed retail electricity supplier ("RES"), shall sell and Buyer shall purchase, receive and use electricity for Buyer's Accounts and Meters as specified in Exhibit "D" ("Buyer's Delivery Point(s)") at the price(s) per kilowatt hour (kWh) specified on Exhibit "A" ("Contract Price"). The electricity will be delivered by Seller's supplier to the specific zone on the transmission system ("Point of Delivery") as identified by the electric distribution company ("EDC" as further defined in Addendum "A") operated by the independent system operator ("ISO" as further defined in Addendum "A"). Delivery of the electricity from the Point of Delivery within the zone for the appropriate Accounts and Meters corresponding to each Buyer Delivery Point will be made by the EDC.
2. **Metering:** All electricity delivered hereunder ("Usage") shall be and can only be, measured by the EDC at the meters located at each Buyer Delivery Point. Actual Usage shall be the primary method of calculating the monthly charges for Buyer. However, Seller may use estimated Usage if measurements of actual Usage are not received timely from the EDC, in which case Seller will make appropriate adjustments upon receipt of actual Usage. Seller may adjust invoices for any Usage measurement errors in accordance with EDC rules. Seller cannot guarantee that the switch of Buyer's account(s) to Seller will occur by a specific date and Seller shall not be liable for delays in this process caused by the ISO, EDC or the Buyer. The Service Start Date shall be the date upon which a particular Account and Meter is switched to Seller. The Service Start Date is typically the first scheduled read date that occurs on or after the Start Date specified in Exhibit "A," unless an alternate date has been requested by Buyer and agreed to by Seller. If the EDC requires Buyer to install additional metering and/or related equipment at any service address, Buyer will be solely responsible for all charges and arrangements required by the EDC.
3. **Term:** This Agreement shall be effective as of signing of this Agreement by Buyer ("Effective Date") and shall continue in effect thereafter as to each Buyer Delivery Point for the total number of months (the "Term") specified in Exhibit "A" unless sooner terminated as otherwise provided in this Agreement. Seller is obligated to begin flowing power on the first scheduled meter read date on or after the Start Date in Exhibit "A".
4. **Pricing:** Buyer will pay the Contract Price times the actual Usage. The Contract Price per kWh includes electricity commodity charges and the costs identified on Exhibit "B". The costs and all applicable taxes described in Exhibit "C" will be passed-through to Buyer without markup and Buyer shall pay Seller for such costs and taxes. If applicable, any change in Peak Load Contribution ("PLC") Values, as determined by the EDC and specified in Exhibit "A", resulting in an increase in transmission and capacity charges to Seller during the Term of this Agreement may be passed through to Buyer at cost, without markup. For Buyer's actual Usage that is for a time period outside of the Term, Buyer will pay Seller in accordance with the Hold Over Rate terms of Paragraph 7 below. If a broker or consultant was involved in this transaction, the fee or commission associated with such broker or consultant may be included in the Contract Price charged to Buyer.
5. **Billing & Payment:** Buyer will make payment in accordance with the Billing and Payment terms specified in Addendum "A". Where dual billing is applicable, Buyer will receive a separate invoice from Buyer's EDC, and Buyer shall be solely responsible for payment of such invoice.
6. **Blend and Extend Rate Adjustment and Term Modification Request:** At any time during the Term of this Agreement, Buyer may request that the Term be extended or shortened and the Contract Price then in effect be modified to support this request. Upon receipt, if Buyer's request is approved by Seller, Seller will use commercially reasonable efforts to present a blend and extend offer to Buyer reflecting a revised new Term and Contract Price ("Blend & Extend Offer"). Buyer will be under no obligation to accept the Blend & Extend Offer presented by Seller. If Buyer rejects the Blend & Extend Offer, all terms, conditions and pricing as originally agreed upon under this Agreement will remain in effect for the remainder of the Term. If Buyer and Seller mutually agree on the Blend & Extend Offer made, an amendment detailing the new Term and Contract Price will be drafted and executed by authorized representatives of the parties prior to becoming effective.
7. **Hold Over Rate:** For periods in which Usage occurs outside of the Term Seller may charge Buyer the cost or value of providing electricity to Buyer, based on the Applicable Market Rate (as defined in Addendum "A") plus retail adder, the costs identified on Exhibit "B", if applicable, and any other similar charges incurred by Seller. The Applicable Market Rate excludes Exhibit "C" items, which will be invoiced to Buyer at cost. Appropriate adjustments to the foregoing amounts will be made for partial months. In the event services extend beyond the Term, Buyer's Accounts and Meters will continue to be served under this Agreement except for any rate differential per the above Hold Over Rate terms.
8. **Material Change:** Buyer acknowledges that the Contract Price offered under this Agreement is based upon Buyer's historical or forecasted Usage data as specified on Exhibit "A" ("Contract Quantities") for its Accounts and Meters. If Buyer's Contract Quantities as specified on Exhibit "A" exceed 25,000,000 kilowatt hours (kWhs) annually, Buyer agrees to provide Seller with

advance written notice of any anticipated material change (as defined herein) in Buyer's Usage during the Term. "Material Change" is defined as either (i) a variance in Buyer's monthly aggregated Usage (either positive or negative) by more than twenty-five percent (25%) from the Contract Quantities specified in Exhibit "A" with such variance occurring any three (3) consecutive months during the Term.. If advance written notice is provided by Buyer and received by Seller, the Parties may mutually agree on an alternative Contract Price to account for such a Material Change which will be evidenced by a written amendment to this Agreement and the applicable Exhibits. If a Material Change occurs and Seller is either not provided advance written notice or the Parties cannot agree on an amended Contract Price, Seller may invoice Buyer in any subsequent month (and if invoked, then for every month thereafter), a settlement of such Usage outside the 25% threshold, through (a) a charge to Buyer for Actual Usage in excess of 25% above the corresponding monthly Contract Quantity at an amount equal to the product of the excess electricity Usage and the positive difference, if any, between the Contract Price and the Applicable Market Rate (as defined in Addendum "A"); or (b) a charge to Buyer for Actual Usage less than 25% below the corresponding monthly Contract Quantity at an amount equal to the product of the electricity Usage shortage and the positive difference, if any, between the Actual Usage and the Contract Quantity, multiplied by the difference between the Contract Price and the Applicable Market Rate. Buyer will also compensate Seller the sum of any and all fees, costs and charges assessed by the ISO or EDC as a result of the excess or shortage in electricity Usage outside the 25% threshold. If Buyer's Contract Quantities as specified on Exhibit "A" are below 25,000,000 kilowatt hours (kWhs) annually, the Material Change provision of this Paragraph 8 is not applicable.

9. **Disputed Amounts:** If there is a good faith dispute regarding any invoice, Buyer will pay the lesser of either the undisputed amount of any invoice or the prior month's invoice in accordance with the Billing and Payment terms and along with its payment, provide Seller with documentation to support the amount disputed. The Parties will attempt to expeditiously resolve the dispute and upon determination of the correct amount, any amount owed by Buyer to Seller shall be paid within ten (10) business days of resolution of the dispute with interest at the Interest Rate (as defined in Addendum A). All invoices are presumed final and accurate unless such invoices are objected to by Buyer with written notice, including an adequate explanation and supporting documentation of such dispute, being provided to Seller within six (6) months from the date that such invoice was delivered to Buyer. In no event shall the disputed portion include a dispute for any items set forth in Exhibit "C", including Taxes.
10. **Performance Assurance:** At Seller's request Buyer agrees to provide Seller with required information, including pertinent financial information necessary for Seller to assess Buyer's financial position. If, at any time during the Term of this Agreement, Seller determines in its reasonable discretion that Buyer's creditworthiness or ability to perform under this Agreement has become unsatisfactory (including, but not limited to, Buyer's late payment of any amounts due under this Agreement two or more times in any six month period), Seller may

require that Buyer provide collateral for its obligations in the form of cash, letter(s) of credit, deposit, corporate or personal guarantees or other security in a form and an amount reasonably acceptable to Seller ("Performance Assurance"). If Buyer fails to provide Performance Assurance within three (3) business days of receipt of such notice by Seller, an Event of Default shall be deemed to have occurred and Seller shall be entitled to any and all remedies set forth in this Agreement.

11. **Assignment and Binding Effect:** Neither Party may assign this Agreement or any of its rights or obligations under this Agreement without the express written consent of the other Party, which consent shall not be unreasonably withheld. Notwithstanding the above, Seller may, without the consent of Buyer, (a) assign this Agreement to any affiliate or to any party succeeding to a substantial portion of the assets of Seller, or (b) assign, pledge or otherwise collaterally assign its rights under this Agreement to Seller's supplier of certain physical and/or financial commodities. Any successor or assignee of the rights of either Party shall be subject to all the provisions and conditions of this Agreement to the same extent as though such successor or assignee were the original Party under this Agreement. Any purported assignment in violation of this Paragraph 11 shall be void and of no effect.
12. **Regulatory Events:** If there is a change in law, administrative regulation, tariff, rule, ISO design or structure or other event, including but not limited to an order, judicial decision, statute, or a change in an interpretation or application of any of the foregoing (collectively, a "Regulatory Event") and such Regulatory Event causes Seller to incur any capital, operating, commodity or other costs, including, but not limited to increased Taxes, relating to the provision of services contemplated herein, Seller shall be permitted to pass through the economic effects of such Regulatory Event to Buyer at cost and without markup. For the avoidance of doubt, an increase in the rate for Network Integration Transmission Service by the EDC or ISO, as applicable and as approved by the FERC, shall be considered a Regulatory Event.
13. **Event of Default:** The occurrence of any of the following shall be deemed an "Event of Default" under this Agreement: a) a representation or warranty made by a Party to this Agreement proves to have been false or misleading in any material respect when made or ceases to remain true during the Term (b) the failure of a Party to perform any covenant set forth in this Agreement which is not excused by Force Majeure or cured within five (5) business days after written notice of such is provided; (c) Buyer is late in the payment of two (2) or more invoices in any six (6) month period; (d) the failure of Buyer to provide Performance Assurance in accordance with Paragraph 10; (e) the failure of Buyer to utilize Seller as its sole supplier of electricity for the Accounts and Meters specified on Exhibit "D" at any time during the Term (including but not limited to a switch of Buyer's electric service to another retail electric provider resulting in an early termination of this Agreement); (f) a Party makes an assignment or any general arrangement for the benefit of creditors or otherwise becomes bankrupt or insolvent; or (g) the EDC disconnects service to one or more of Buyer's Accounts and Meters as a result of Buyer's non-performance. Upon the occurrence of an Event of Default, the Party not committing the

Event of Default ("Non-Defaulting Party") shall have the right to terminate this Agreement in accordance with the terms of Paragraph 14, Termination and Remedies in the Event of Default, in addition to all other rights and remedies available hereunder.

**14. Termination and Remedies in the Event of Default:** Where there exists an Event of Default, the Non-Defaulting Party shall have the right to terminate this Agreement upon written notice being provided to the Defaulting Party (a "Termination"). In the event of such Termination, the Non-Defaulting Party shall be entitled to receive an amount (the "Settlement Amount") equal to the Replacement Value (as defined below) of this Agreement. For purposes hereof, (a) "Replacement Value" for Seller (as Non-Defaulting Party) shall mean [Contract Value plus Costs] minus Market Value, so long as the Contract Value plus Costs is greater than Market Value and "Replacement Value" for Buyer (as Non-Defaulting Party) shall mean the positive amount, if any, by which the Market Value plus Costs exceeds the Contract Value; (b) "Contract Value" means the price for the Remaining Volume as set forth in the applicable Exhibit; (c) "Market Value" means the amount, as determined by the Non-Defaulting Party as of the effective date of the termination in accordance with this Paragraph 15 that a bona fide third party would pay for the Remaining Volume at current market prices; (d) "Remaining Volume" shall mean the remaining unpurchased quantity of electricity through the end of the applicable Term for Buyer's Accounts and Meters corresponding to Buyer's Delivery Point(s) serviced under this Agreement and specified on Exhibit "D"; and (e) "Costs" mean transaction costs and expenses reasonably incurred by, or on behalf of, the Non-Defaulting Party in terminating, liquidating, or obtaining any arrangement pursuant to which it has hedged its obligations, or, in which it must secure alternative electricity supply, including attorneys' fees, reasonable expenses and costs, if any, incurred in connection with enforcing its rights under this Agreement. In determining "Market Value", the Non-Defaulting Party may consider, among other things, quotations from leading dealers in the wholesale energy industry, the Non-Defaulting Party's internally developed forward price valuations, and other bona fide offers from either third parties or Affiliates of the Non-Defaulting Party, all as commercially available to the Non-Defaulting Party and adjusted for the length of the remaining Term and differences in transmissions costs, volume, and other factors, as the Non-Defaulting Party reasonably determines. Payment shall be due from the Defaulting Party within five (5) days of receipt of invoice from the Non-Defaulting Party. The Parties hereby agree that they shall discharge mutual debts and payment obligations due and owing to each other arising from this Agreement through netting, in which case all amounts owed by each Party to the other Party shall be netted so that only the excess amount remaining due shall be paid by the owing Party. The Parties expressly acknowledge that upon an Event of Default, damages would be difficult to ascertain and quantify and agree that this provision for calculating damages is reasonable in light of the anticipated or actual harm and is not a penalty.

**15. Force Majeure:** Except with regard to a party's obligation to make payment due hereunder, if either Party is rendered unable, wholly or in part, to perform its physical obligations under this

Agreement (including but not limited to the delivery or receipt of electricity hereunder) due to Force Majeure, the obligations of each Party will be suspended for the duration of any inability to perform for up to twenty (20) consecutive days. A Party claiming Force Majeure (the "Claiming Party") will notify the other Party ("Non-Claiming Party") by written confirmation as soon as practicable, describing the nature, and estimated duration of such inability to perform. The cause of such inability to perform will be remedied with all reasonable dispatch. "Force Majeure" means any event or occurrence (including, but not limited to "Acts of God") that is beyond the control of a Party and that: (a) is not the result of the negligence of the Claiming Party; and (b) which, by the exercise of due diligence, the Claiming Party is unable to avoid or cause to be avoided. Force Majeure shall include, a condition resulting in the curtailment or disruption of firm electricity supply or the transmission on the electric transmission and/or distribution system, including a Force Majeure event experienced by any utility, EDC, ISO or governmental agency. A claim of Force Majeure may not be based on: (a) Buyer's inability to economically use electricity purchased under this Agreement; (b) Buyer's election to close, sell, abandon or materially curtail or discontinue operation of Buyer's facilities due to any economic circumstance; (c) a Party's inability to acquire electricity at a particular price; or (d) Seller's ability to sell electricity at a price above the Contract Price. Force Majeure shall not excuse Buyer's failure to make payments in a timely manner for electricity supplied by Seller before a Force Majeure event or during a Force Majeure event provided the electricity is delivered and received pursuant to the terms of this Agreement and any effective Exhibit.

**16. Forward Contract:** The Parties acknowledge and agree that this Agreement and the transaction(s) contemplated under this Agreement constitute a "forward contract" within the meaning of the United States Bankruptcy Code, and the Parties further acknowledge and agree that each Party is a "forward contract merchant" within the meaning of the United States Bankruptcy Code.

**17. Indemnification:** As between the Parties, Buyer assumes full responsibility for the electricity on the Buyer's side (downstream) of the Point of Delivery and agrees to and shall indemnify, defend and hold harmless Seller, its officers, agents and employees from and against all claims, damages and actions of any kind (hereinafter collectively referred to as "Claims"), including Claims for personal injury, death, tangible property damage or loss occurring on Buyer's side of the Point of Delivery, arising from or out of any event, circumstance, act or incident occurring or existing with respect to the electricity and/or Buyer's performance under this Agreement. Seller assumes full responsibility for the electricity on the Seller's side (upstream) of the Point of Delivery and agrees to and shall indemnify, defend and hold harmless Buyer, its officers, agents, and employees from and against all Claims, including Claims for personal injury, death, tangible property damage or loss occurring on Seller's side of the Point of Delivery, arising from or out of any event, circumstance, act or incident occurring or existing with respect to the electricity and/or Seller's performance under this Agreement. It is understood that Seller is not responsible for the physical infrastructure necessary for the physical delivery of the electricity and as such Seller will

not be responsible or liable for any damages associated with the failure to deliver the electricity or for any damages alleged to have arisen from the electricity while it is between the Point of Delivery and Buyer's Delivery Points. Buyer acknowledges that Seller does not own or control any of the transmission or distribution facilities used to deliver the electricity, which is solely the responsibility of the ISO and/or EDC. Seller, therefore, shall not be liable on account of the acts or omissions of such entities for any interruption, failure or delay in the delivery of electricity arising therefrom. Buyer should contact its EDC in the event of an emergency or outage. These provisions survive the termination or expiration of this Agreement.

**18. Limitation of Remedies, Liability, Damages & Disclaimer of Warranties:** FOR BREACH OF ANY PROVISION FOR WHICH AN EXPRESS REMEDY IS PROVIDED, SUCH EXPRESS REMEDY WILL BE THE SOLE AND EXCLUSIVE REMEDY. IF NO EXPRESS REMEDY IS PROVIDED, A PARTY'S LIABILITY WILL BE LIMITED TO DIRECT ACTUAL DAMAGES ONLY. NEITHER PARTY WILL BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, PUNITIVE, EXEMPLARY OR INDIRECT DAMAGES, LOST PROFITS OR OTHER BUSINESS INTERRUPTION DAMAGES, BY STATUTE, IN TORT OR CONTRACT, UNDER ANY INDEMNITY PROVISION OR OTHERWISE. THE PARTIES INTEND THAT THE LIMITATIONS HEREIN IMPOSED ON REMEDIES AND THE MEASURE OF DAMAGES BE WITHOUT REGARD TO THE CAUSES RELATED THERETO INCLUDING THE NEGLIGENCE OF ANY PARTY, WHETHER SUCH NEGLIGENCE BE SOLE, JOINT OR CONCURRENT, OR ACTIVE OR PASSIVE. TO THE EXTENT ANY DAMAGES REQUIRED TO BE PAID HEREUNDER ARE CHARACTERIZED OR DEEMED TO BE LIQUIDATED DAMAGES, THE PARTIES ACKNOWLEDGE THAT THE DAMAGES ARE DIFFICULT OR IMPOSSIBLE TO DETERMINE, OBTAINING AN ADEQUATE REMEDY IS INCONVENIENT AND THE LIQUIDATED DAMAGES CONSTITUTE A REASONABLE APPROXIMATION OF THE HARM OR LOSS. EXCEPT FOR THE REPRESENTATIONS AND WARRANTIES SET FORTH IN PARAGRAPH 23, SELLER EXPRESSLY DISCLAIMS AND MAKES NO WARRANTIES, WHETHER WRITTEN OR ORAL, WITH RESPECT TO THE ELECTRICITY SUPPLIED UNDER THIS AGREEMENT, INCLUDING EXPRESS, IMPLIED OR STATUTORY WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED IN THIS AGREEMENT, THE LIMITATIONS SET FORTH IN THIS PARAGRAPH SHALL SURVIVE THE EXPIRATION OR EARLY TERMINATION OF THIS AGREEMENT. FURTHER, IT IS UNDERSTOOD THAT SELLER SHALL NOT BE LIABLE FOR MATTERS WITHIN THE CONTROL OF THE EDC OR THE ISO, WHICH MAY RESULT FROM THE MAINTENANCE OR OPERATION OF ELECTRIC LINES AND SYSTEMS.

**19. No Third Party Beneficiaries; Relationship of the Parties:** There are no third party beneficiaries to this Agreement. Seller and Buyer agree that nothing in this Agreement shall be construed to constitute or imply a joint venture, partnership or association or the creation or existence of any fiduciary duty, or similar obligation or liability between Seller and the Buyer. Seller will not provide, and nothing herein will be construed as the provision of, advice regarding the value or the advisability of trading in "commodity interests" which would cause Seller or an

affiliate to be considered a commodity trading advisor under the Commodity Exchange Act, 7 U.S.C. § 51-25, et seq., as amended.

**20. Taxes:** Buyer will be responsible for, pay, and indemnify Seller for all Taxes, whether imposed on Buyer or Seller with respect to the sale, delivery and purchase of electricity. Seller may collect such Taxes from Buyer by invoicing Buyer for the amount of such Taxes. If applicable, Buyer will provide all requested sales and use exemption certificates and information and until provided, Seller will not recognize any exemption. "Taxes" shall mean without limitation, all ad valorem, property, occupation, utility, gross receipts, sales, use, franchise, assessment fees, excise and other taxes, governmental charges, emission allowance costs, licenses, permits and assessments, and any such similar taxes other than taxes levied on net income, net worth or Seller's real or personal property.

**21. UCC:** Except as otherwise provided in the Agreement, the Uniform Commercial Code ("UCC") or such similar collection of statutory provisions as may have been adopted and are in effect in the Delivery State (as defined in Addendum "A") shall apply to this Agreement and electricity shall be a "good" for purposes of the UCC.

**22. Representations and Warranties:** As of the Effective Date hereof, each Party represents and warrants to the other that: (a) it is duly organized, validly existing and in good standing both in the jurisdiction of its formation and in the jurisdiction where the Accounts and Meters receiving electricity under this Agreement are located; (b) it has all regulatory authorizations, permits and licenses necessary for it to legally perform its obligations under this Agreement and such performance shall not violate any of the terms or conditions in its governing documents, any contract to which it is a party or any law, rule or regulation applicable to it; (c) there are no bankruptcy, insolvency, receivership, reorganization or similar proceedings pending or being contemplated by it or to its knowledge, threatened against it; (d) it has reviewed and understands this Agreement and the execution, delivery and performance of this Agreement has been duly authorized and is a valid and enforceable obligation; and (e) it is not a party to or subject to any commitment that may restrict or interfere with the delivery or receipt of electricity under this Agreement. Buyer further represents and warrants to Seller during the Term that: (a) it intends to operate its business in substantially the same manner as it has in the previous 12 months and that the Contract Quantities and, if applicable, its current PLC Values or peak load reasonably reflect Buyer's anticipated Usage; (b) it understands Seller is relying on this representation to purchase electricity supply in Contract Quantities that are consistent with Buyer's historical or forecasted Usage to serve Buyer's electricity requirements; (c) the information provided concerning its Accounts and Meters is true and correct; (d) any transactions entered into by Buyer related to this Agreement are understood by Buyer and made at Buyer's sole election in the exercise of independent judgment and Buyer assumes any risk associated with them; and (e) it is purchasing commercial energy strictly for its own use and throughout the Term of this Agreement that no Accounts and Meters at Buyer's Delivery Point(s) listed on Exhibit "D" are or will be classified by the applicable Public Utility Commission as a residential or small business account.

## COMMERCIAL ENERGY

Sales Agreement



- 23. Governing Law; Counterparts:** This Agreement will be interpreted in accordance with the substantive and procedural laws of the State of Ohio without giving effect to laws and rules governing conflicts of laws. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. This Agreement may be executed and be deemed binding through the use of facsimile signatures.
- 24. Severability:** If any provision of this Agreement is held to be invalid, its invalidity shall not affect the validity of any other provision of the Agreement.
- 25. Survival of Obligations:** All confidentiality, indemnity, liability limitation, disclaimer provisions and the rights and obligations that, by their nature, would continue beyond the termination, cancellation, or expiration of this Agreement, shall survive such termination, cancellation or expiration.
- 26. Entirety of Agreement; Modification:** It is the intention of the Parties that this Agreement, together with all exhibits, addenda and/or schedules attached hereto or incorporated by reference (collectively, the "Agreement") shall contain all terms, conditions and protections in any way related to or arising out of, the sale and purchase of the electricity, and supersedes, for the Term, all


prior agreements between the Parties, whether written or oral, as to the terms specified herein. This Agreement may not be modified or amended except in a written form that is subsequently duly executed by the Parties hereto. No amendment or modification shall be made to this Agreement by course of performance, course of dealing or consumption of trade, or by the failure of a Party to object to a deviation from the terms of this Agreement.

- 27. Notices:** All notices required or permitted to be given under this Agreement shall be in writing and may be sent by facsimile or mutually acceptable electronic means, overnight courier, first class mail or hand delivered. The addresses of the Parties for such notices are set forth in Addendum "A".
- 28. Authorization of Data:** Buyer shall, if necessary and as appropriate, designate Seller to the ISO and/or EDC as an authorized recipient of Buyer's current and historical electricity billing and usage data. Buyer understands that by executing this Agreement, Seller will be provided certain basic information about Buyer by the EDC, including, but not limited to, account number, data about meter readings, rate class and electric usage, Buyer's address(es) and telephone number and whether or not Buyer is on a budget billing plan or payment arrangement.

Each party to this Agreement represents and warrants that it has full and complete authority to enter into and perform this Agreement and that such party will be bound thereby. This Agreement, including all Exhibits and Addenda attached hereto and referenced herein, sets forth all understandings between the parties with respect to the purchase and sale of electricity and any prior agreements, contracts, understandings and representations, whether oral or written, relating to the purchase and sale of electricity are superseded by this Agreement. This Agreement may be amended only by a written document executed by authorized representatives of both parties to this Agreement.

IN WITNESS WHEREOF, the Parties, by their respective duly authorized representatives, have executed this Agreement effective as of the Effective Date. This Agreement will not become effective as to either Party unless and until executed by both Parties.

Buyer:

 5-26-2016  
(Signature) (Date)  
Ray DeLong  
(Name)  
Mayor  
(Title)

Seller:

Champion Energy Services, LLC (or its affiliate,  
Champion Energy, LLC)

\_\_\_\_\_  
(Signature) (Date)  
\_\_\_\_\_  
(Name)  
Authorized Signatory  
(Title)

## ADDENDUM A

TO THE COMMERCIAL ENERGY SALES AGREEMENT DATED AS OF 5/24/16 BETWEEN CHAMPION ENERGY SERVICES, LLC ("SELLER"), AND \_\_\_\_\_ ("BUYER").

Village of Antwerp, OH

### PART 1. DEFINITIONS:

THE FOLLOWING TERMS SHALL HAVE THE MEANINGS SET FORTH BELOW WHEN USED IN THE AGREEMENT OR IN THIS ADDENDUM.

- (a) **"Accounts and Meters"** means Buyer's electrical service account(s) and meter(s) that make up Buyer's Delivery Point(s).
- (b) **"Applicable Market Rate"** means the real time locational marginal price ("LMP") for the applicable location and time period.
- (c) **"Delivery Point Change Criteria"** means Buyer's Contract Quantity or the supply group designation for Buyer's account determined by the EDC that served as the basis for Seller's determination of the initial Contract Price.
- (d) **"Delivery State"** means the State of Ohio.
- (e) **"EDC"** means the applicable electric distribution utility.
- (f) **"ISO"** means the Independent System Operator/regional transmission entity (Midwest Independent System Operator/MISO or PJM).
- (g) **"PLC"** means Peak Load Contribution as determined by EDC.
- (h) **"Profile"** means load profile.
- (i) **"PUC"** means the Public Utilities Commission of Ohio ("PUCO").
- (j) **"RES"** means a competitive retail electric service provider ("CRES").
- (k) **"Small Commercial Buyer"** means a person, sole proprietorship, partnership, corporation, association, or other business entity that receives electric service under a small commercial, small industrial, or small business rate classification, and whose annual usage is less than 700,000 kWh.

### PART 2. ADDITIONAL TERMS:

- (a) **Billing:** Seller or the EDC will invoice Buyer the total amount due for electricity delivered to Buyer during each month according to the EDC's billing cycle and meter read. Such invoice shall also include all applicable Taxes, EDC and ISO Charges and other charges allowed pursuant to this Agreement and the appropriate EDC tariff. Under Consolidated billing, Buyer shall be billed and agrees to pay for electric energy in accordance with the EDC's tariff, which includes, without limitation, when payment is due and late payment charges. Under Dual Billing, Seller will separately bill Buyer for electric energy as provided by the EDC, subject to any EDC estimates of corrected readings. Seller reserves the right to convert Buyer from Consolidated billing to Dual Billing, or from Dual Billing to Consolidated Billing if such a conversion will facilitate more timely billing, collections and/or payment.

Buyer further understands that the EDC may charge switching fees to Buyer upon the transfer of service to the Seller (RES). Buyer has the right to request from the RES, twice within a twelve month period, up to twenty-four months of the Buyer's payment history, to the extent it is available, without charge.

- (b) **Payment:** Payment shall be due within twenty-one (21) days after the applicable invoice date. For all amounts billed directly by Seller, past due amounts will incur a late payment charge of 1.5% per month or the maximum amount allowable by law (the "Interest Rate"). Seller charges \$25.00 for each returned check or each ACH. Buyer shall be responsible for any and all costs, attorney and legal fees incurred by Seller for the collection of any outstanding balance owed by Buyer.
- (c) **Adding and Deleting Buyer Delivery Points:** Buyer may during the Term of this Agreement add or delete Buyer's Delivery Points at the Contract Price provided that (i) there is no Event of Default by Buyer; (ii) any such Buyer Delivery Point to be added is within the applicable EDC and ISO zone currently served by Seller under the terms of this Agreement; (iii) the addition or deletion of Buyer's Delivery Point(s) does not materially change the Delivery Point Change Criteria (as defined in Addendum "A"); and (iv) the aggregate of add and deletes amount to no more than three percent (3%) of the Contract Quantity specified in the original Exhibit "A".
- (d) **No On-Site Buyer Generation:** The Contract Price for the Term specified herein is conditioned on Buyer's warranty that, as to the Buyer's Delivery Point(s) at the Service Address(es) listed on Exhibit D, (i) Buyer does not own any on-site generation (except for emergency back-up generation used when the EDC is not capable of delivering energy) or thermal storage capabilities ("On-Site Energy Generation") and (ii) if Buyer, at any time during the Term of this Agreement, intends to purchase On-Site Energy Generation equipment or commence operations in furtherance of On-



Site Energy Generation and related services, Buyer will provide Champion with a minimum of sixty (60) days prior written notice. Buyer acknowledges and understands that the use of On-Site Energy Generation during the Term of this Agreement will materially impact both the consumption data relied upon by Seller in entering into this Agreement and Buyer's Usage for the remainder of the Term and therefore, use of such On-Site Energy Generation without Seller's written consent is a material breach of this Agreement.

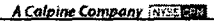
- (e) **Small Commercial Buyer's Contract Price:** If you qualify as a Small Commercial Buyer, your Contract Price is classified as Variable. Variable is defined as an all inclusive per kWh price that can change, by, including but not limited to, hour, day, or month.
- (f) **Small Commercial Buyer's Expiration of Agreement:** If you qualify as a Small Commercial Buyer and your Agreement is approaching the end date, Seller will send you a written notice at least forty-five (45) calendar days but not more than ninety (90) calendar days in advance of the Agreement expiration date. The notice will include any changes to the Agreement's terms and conditions, the specified rate for the extension or renewal term and instructions on how to accept such terms and conditions. If you do not affirmatively consent to a renewal prior to the expiration of the Term specified in Exhibit A, this Agreement will automatically continue pursuant to the Hold Over Rate section of this Agreement, which is a month-to-month rate with no cancellation penalty. While your electricity price under the Hold Over rate will not change more than once a month, it may vary on a month-to-month basis as determined by an hourly market price set by the applicable ISO. Your actual rate will be shown on each monthly statement and will be used to calculate your monthly bill amount based on your actual electricity usage.
- (g) **Small Commercial Buyer's Right to Rescind:** If you qualify as a Small Commercial Buyer, you may rescind this Agreement without fee or penalty of any kind within seven (7) calendar days of the postmark date of the confirmation letter you receive from the EDC if you qualify for such a right to rescind due to your annual usage being less than or equal to 700,000 kWh. To exercise your Right of Rescission, please contact your EDC per the instructions included in the EDC confirmation letter. This Right of Rescission only applies when you switch to a CRES. You are not afforded the Right of Rescission option on a renewal or extension of a previously existing Agreement. In addition to your Right of Rescission, you may terminate this Agreement without penalty if you (i) move outside of the area serviced by Seller; (ii) move to an area serviced by Seller but where Seller's electricity prices are different from your current rate; or (iii) a change in governing or regulatory law physically prevents or legally prohibits Seller from performing the terms of this Agreement. If you switch back to the EDC you may or may not be served under the same rates, terms, and conditions that apply to other Small Commercial Buyer(s) served by the EDC.
- (h) **Ohio Prompt Payment Requirement:** In accordance with Ohio's Prompt Payment Requirements (Chapter 126-3 of the Ohio Administrative Code), if a Buyer qualifies as a state agency, payment is due to Seller thirty (30) days after receipt of a proper invoice. If Buyer, in good faith, disputes a payment, Buyer must notify Seller of the error within fifteen (15) days of the defective/improper invoice. The notice shall describe the defect or impropriety and shall provide any other information necessary for Seller to correct the defect or impropriety.

The unpaid balance accrues an interest charge and shall be paid at the interest rate for the calendar year, i.e., rate per annum, which is established by the tax commissioner of the Ohio Department of Taxation pursuant to section 5703.47 of the Revised Code. The state agency shall apply the interest rate for the calendar year which includes the month for which the interest charge accrued.

### PART 3. NOTICES

	Buyer's Notice — Addendum		Champion Energy Notices
	Contract Issues	Invoicing	
Attention:	Aimee Lichty	Same	Contract Manager
Address:	PO Box 1046	Same	1500 Rankin Road, Suite 200
City, State, Zip:	Antwerp OH 45813	Same	Houston, Texas 77073
Telephone:	419 258 2241	Same	281.653.5090
Facsimile:	419 258 1337		281.653.1810
E-mail:	antelktra@mchsi.com	Same	Please e-mail your Champion Energy Sales Representative
Federal Tax ID:	34-6400055	Same	20-1466960
Invoice Type:	<input type="checkbox"/> <b>Dual Billing Option</b> — One invoice from Seller and one invoice from the EDC		

## Sales Agreement – Addendum A

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Location \_\_\_\_\_

Date \_\_\_\_\_

## **The Housing Maintenance and Occupancy Regulation of The Village of Antwerp Inspection Sheet**

### **Minimum Standards for Basic Equipment and Facilities**

No person shall occupy as owner or occupant, or let to another for occupancy, any dwelling or dwelling unit for the purposes of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

**Kitchen Area:** Room or portion of a room in which food may be prepared and/or cooked, which shall have adequate circulation area.

- ☐ Adequate circulation

#### **Kitchen Sink**

- ☐ a. Good working condition.
- ☐ b. Properly connected to the Village's water supply system.
- ☐ c. Adequate amount of heated running water under pressure.
- ☐ d. Adequate amount of unheated running water under pressure.
- ☐ e. Connected to the Village's sewer system.

Comments:

**Bathroom:** Room which affords privacy to a person within said room, and is equipped with a toilet in good working condition.

#### **Toilet**

- ☐ a. Equipped with easily cleanable surfaces.
- ☐ b. Properly connected to the Village's water system that at all times provides an adequate amount of running water under pressure to cause the toilet to be operated properly.
- ☐ c. Properly connected to the Village's sewer system.

Comments:

**Bathroom Sink:** There shall be a lavatory sink.

**Lavatory sink**

- ☐ a. In good working condition.
- ☐ b. Properly connected to the Village's water supply system which provides at all times an adequate amount of heated water under pressure.
- ☐ c. Properly connected to the Village's water supply system which provides at all times an adequate amount of unheated water under pressure.
- ☐ d. Properly connected to the Village's sewer system.
- ☐ e. Water inlets for lavatory sinks shall be located above the overflow rim of these fixtures.

Comments:

**Bathtub; Shower:** Room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition.

**Bathtub; Shower**

- ☐ a. May be in same room as the toilet.
- ☐ b. In another room.
- ☐ c. Properly connected to the Village's water supply which provides at all times an adequate amount of heated water under pressure.
- ☐ d. Properly connected to the Village's water supply which provides at all times an adequate amount of unheated water under pressure.
- ☐ e. Connected to the Village's sewer system.
- ☐ f. Water inlets for bathtubs shall be located above the overflow rim of these fixtures.

Comments:

**Exits:** All exits including exit stairways are to be kept in a good state of repair.

**Floors:**

- ☐ a. Must be sound and furnish a reasonably smooth surface.

**Treads:**

- ☐ b. Must be sound and furnish a reasonably smooth surface.

**Risers:**

- ☐ c. Must be sound and furnish a reasonably smooth surface.
- ☐ d. Equal height.
- ☐ e. Unbroken tread noses.
- ☐ f. Structurally safe surfaces.
- ☐ g. No excessive warping.
- ☐ h. No holes.
- ☐ i. No cracks.

**Doors:**

- ☐ j. Readily openable from inside.
- ☐ k. Readily openable from the outside.

Comments:

**Private Entrance:** Access to or egress from each dwelling unit shall be provided without passing through any other dwelling unit.

- ☐ a. Access separated from other dwelling units.
- ☐ b. Egress separated from other dwelling units.

**Door Lock:** All exterior doors of the dwelling or dwelling unit are to be equipped with functioning locking devices.

- ☐ a. Exterior door lock in functioning condition.

Comments:

### **Minimum Standards for Light**

No person shall occupy as owner, occupant or let another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements of this section:

#### **Electrical Outlets and Fixtures:**

##### **Electrical service**

- ☐ a. Electrical service properly installed and maintained in good and safe working condition.
- ☐ b. Outlets properly installed and maintained in good and safe working condition.
- ☐ c. Fixtures properly installed and maintained in good and safe working condition.
- ☐ d. Temporary wiring or extension cords shall not be used as permanent wiring.

Comments:

#### **Hallways and Stairs:**

##### **Multiple Dwelling -- More Than Two (2) Units**

- ☐ a. Public Hall adequately lighted at all times.
  - ☐ (1) Natural Light
  - ☐ (2) Artificial Light
- ☐ b. Public Stairway adequately lighted at all times at the tread or floor level.
  - ☐ (1) Natural Light
  - ☐ (2) Artificial Light

##### **Multiple Dwelling – Not More Than Two (2) Units**

- ☐ a. Public Hall adequately lighted
  - ☐ (1) Natural Light
  - ☐ (2) Artificial Light controlled by a conveniently located light switch, which may be turned on when needed instead of full-time lighting.
- ☐ b. Public Stairway adequately lighted
  - ☐ (1) Natural Light
  - ☐ (2) Artificial Light controlled by a conveniently located light switch, which may be turned on when needed instead of full-time lighting.

Comments:

### **Minimum Thermal Standards**

No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

**Furnace:** Primary heating devices supplied by the owner or operator. If such primary heating devices operate by a combustion process and which by design require venting as required by the manufacturer, such as primary heating devices shall be vented to a properly installed chimney which is in good working order.

- ☐ a. Heating system maintained in good working condition.
- ☐ b. Heating system capable of heating all habitable rooms within the dwelling to a temperature of at least 68 degrees Fahrenheit.

#### **Space Heaters Which Operate by Combustion and Which by Design Require Venting:**

- ☐ a. Properly vented to a chimney or duct leading to the outdoors.
- ☐ b. Smoke Pipes shall be equipped with guards made of non-flammable materials at the point where the pipe goes through a wall, ceiling, or partition.

Comments:

### **Safe and Sanitary Maintenance of Parts of Dwellings and Dwelling Units**

No person shall occupy as owner, occupant or let another for occupancy any dwelling or dwelling units for the purpose of living therein, which does not comply with the following requirements:

**Structurally Sound:** Shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

#### **Foundation**

- ☐ a. Structurally sound

#### **Roof**

- ☐ a. Structurally sound

#### **Floor**

- ☐ a. Structurally sound

#### **Exterior Walls**

- ☐ a. Structurally sound

#### **Interior Walls**

- ☐ a. Structurally sound

#### **Ceiling**

- ☐ a. Structurally sound

#### **Inside Stairs**

- ☐ a. Structurally sound

#### **Outside Stairs**

- ☐ a. Structurally sound

#### **Porch**

- ☐ a. Structurally sound

#### **Other Areas**

- ☐ a. Structurally sound

Comments:

**Doors and Windows:** Shall have functioning exterior doors and windows kept in sound condition and good repair.

- ☐ a. Functioning exterior doors.
- ☐ b. Functioning exterior windows.
- ☐ c. Mobile home: adequate exterior skirting.

Comments:

**Infestation:** Shall be kept free of sources of breeding, harborage and infestation by insects, vermin or rodents.

- ☐ a. Free of infestation.

Comments: