

WHITEHALL CITY COUNCIL COMMITTEE MEETINGS

AGENDA

TUESDAY, JUNE 08, 2021

6:30 P.M. – ADMINISTRATION/COUNCIL OF THE WHOLE MATTERS:

THERE ARE SIX PIECES OF DRAFT LEGISLATION APPEARING IN THE APPROPRIATE COMMITTEES BELOW.

COMMITTEE OF THE WHOLE LEGISLATION/ISSUES:

SECOND READING:

**RESOLUTION NO. 014-2021 (*Comm. Of the Whole – 3rd reading – ADOPT 07/06/2021– Elmore/Conison*)
ADOPTING THE TAX BUDGET FOR THE CITY OF WHITEHALL, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2022 AND SUBMITTING SAME TO THE COUNTY AUDITOR.**

STANDING COMMITTEES

**ADMINISTRATION AND FINANCIAL MANAGEMENT - Chairperson Bob Bailey
Members: Rodriguez, Morrison & Conison**

DRAFT # 1

ORDINANCE NO. 054-2021 (*Admin/Fin. Mgmt. – 1st reading – ADOPT 06/15/2021–Bailey/*)

APPROVING AND MAKING A SUPPLEMENTAL APPROPRIATION OF THIRTY-SIX THOUSAND SIX HUNDRED SEVENTEEN AND 05/100 DOLLARS (\$36,617.05) FROM PREVIOUSLY UNAPPROPRIATED MONIES IN THE WMPITIE FUND (279) TO THE AIR SOUTH 1 INCENTIVE ACCOUNT (279.000.50006) AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 29-2019 authorized the City to create the Air South Urban Redevelopment Incentive account to repay a portion of the costs of the redevelopment of property within the City for the creation of jobs at the redeveloped property; and

WHEREAS, there is now a need to make and approve a supplemental appropriation in order to use these funds;
NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: That there be and is hereby made a supplemental appropriation in the amount of thirty-six thousand six hundred seventeen and 05/100 dollars (\$36,617.05) from unappropriated monies in the WMPITIE Fund (279) to the Air South 1 Incentive Account (279-000-50006).

SECTION 2: That the City Auditor is hereby authorized to draw his warrant upon the Treasurer of the City for these funds for the purpose stated in this ordinance.

SECTION 3: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and welfare and for further reason that the City of Whitehall is ready to move forward with this incentive; WHEREFORE, this ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

Requested and prepared by: Dan A. Miller, City Auditor
Approved as to form: Michael T. Bivens, City Attorney MTB 6/7/2021

DRAFT # 2
RESOLUTION NO. 016-2021 (*Admin/Fin. Mgmt. – 1st reading – ADOPT 06/15/2021–Bailey/*)

RESOLVING TO APPROVE “THEN AND NOW” CERTIFICATES AND DECLARING AN EMERGENCY.

WHEREAS, O.R.C. 5705.41(D)(1) states that “then and now” certificates of three thousand dollars and no/100 (\$3,000.00) and more must be approved by resolution or ordinance within thirty days of receipt of the “then and now” certificate, and

WHEREAS, the City has processed the following “then and now” certificate over the sum of three thousand dollars and now this certificate requires approval by City Council; and

WHEREAS, the Auditor of the City of Whitehall, Ohio has determined that, at the time of the making and execution of the certificate, a sufficient sum was appropriated by Council for the purpose of the requisition, and is currently deposited in the treasury and allocated to the appropriate account and free from any previous encumbrances; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: That the City Council does hereby approve the following “then and now” certificate:

<u>Requisition</u>	<u>Vendor</u>	<u>Amount</u>	<u>Order Date</u>	<u>Purchase Purpose</u>
#2021-Service-00201-A	Verizon	\$ 7,467.48	6/1/2021	Wireless Phones

SECTION 2: That the City Council of the City of Whitehall, Ohio, lawfully appropriated this expenditure which the expense originated.

SECTION 3: That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare; and for the further reason that O.R.C. 5705.41(D)(1) requires that “then and now” certificates of three thousand dollars and more be approved by the legislative body by resolution or

ordinance within thirty days of receipt of the “then and now” certificate; WHEREFORE, this Resolution shall go into full force and effect immediately upon its passage by the Council of the City of Whitehall and approval by the Mayor.

Requested and Prepared by: Dan Miller, City Auditor
Approved as to form: Michael T. Bivens, City Attorney MTB 6/7/2021

THIRD READING:

ORDINANCE NO. 043-2021 (Admin/Fin. Mgmt. – 3rd reading – ADOPT 06/15/2021–Bailey/Morrison)

MAKING A FUND TRANSFER IN THE AMOUNT OF FORTY-SIX THOUSAND TWO HUNDRED FORTY-ONE AND 64/100 DOLLARS (\$46,241.64) ~~TWENTY FIVE THOUSAND EIGHT HUNDRED EIGHTY AND 36/100 DOLLARS (\$25,880.36)~~ FROM THE BOND RETIREMENT ACCOUNT (101-950-57500) TO THE DEBT SERVICE FUND (401) AND DECLARING AN EMERGENCY.

COMMUNITY STANDARDS AND ENFORCEMENT – Chairperson Rodriguez
Members: Kantor, Morrison & Elmore

DRAFT # 3

ORDINANCE NO.055-2021 (Comm. Standard & Enf. – 3rd reading – ADOPT 07/20/2021– Rodriguez/)

AN ORDINANCE ESTABLISHING CERTAIN CODE VIOLATIONS AS PAYABLE CITATIONS NOT REQUIRING A PERSONAL APPEARANCE AT COURT.

WHEREAS, the City of Whitehall enforces property maintenance violations; and

WHEREAS, violations of the International Property Maintenance Code and Whitehall Codified Ordinances pertaining to code enforcement require a person to personally appear before the court; and

WHEREAS, Whitehall Codified Ordinances and Ohio Revised Code permit certain minor misdemeanor violations to be payable prior personal court appearance; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: Whitehall Codified Ordinances shall be amended as follows:

501.131 Citations in Code Enforcement Matters

(A) Notwithstanding any other provision of the Codified Ordinances, when an offender is issued a citation and summons for a violation of 505.16, 517.21, 517.38, or 517.41, or for a violation of 505.17 and the offender has no prior convictions of this provision, the offender to whom the summons was issued, in lieu of appearing at the time and place stated in the citation, may, at any time prior to appearing at the time and placed stated, do either of the following:

(1) Appear in person at the office of the clerk of the court stated in the citation, sign a plea of guilty and a waiver of trial provision that is on the citation, and pay the total amount of the fine and costs;

(2) Sign the guilty plea and waiver of trial provision of the citation and mail the citation and a check or money order for the total amount of the fine and costs to the office of the clerk of the court stated in the citation.

Remittance by mail of the fine and costs to the office of the clerk of the court stated in the citation constitutes a guilty plea and waiver of trial whether or not the guilty plea and waiver of trial provision of the citation are signed by the defendant.

* * *

505.01 ANIMALS OR FOWL RUNNING AT LARGE PROHIBITED.

(a) No person, being the owner, keeper, harbinger or having charge of any animal or fowl excepting homing pigeons bearing official bands, shall fail to prevent such animal or fowl from running at large on any property not his own.

(b) No person, being the owner, keeper, harbinger or having charge of any dog shall permit such dog to enter upon any public or private property other than that of such person unless such dog is securely controlled by a leash not to exceed six feet in length. When any dog is found on property not that of its owner, keeper, harbinger or person having charge, or securely leashed, or under direct control, such dog shall be subject to impoundment.

(c) "Direct control" means that the dog shall be securely attached to a leash, is within sight and hearing, and regardless of the demonstrative fact that the animal will respond instantly to the minimum obedience commands of "come" and "sit" or "stay". It shall be prima-facie evidence that a dog is not under the required control if such dog chases, injures or kills any person or domestic animal or damages or commits any nuisance upon property other than its owner, keeper or harbinger.

~~(d) Whoever violates this section is guilty of a misdemeanor of the fourth degree.~~

505.02 CRUELTY OR POISONING.

(a) No person shall overwork, overdrive, overload or drive when overloaded, or torment, cruelly beat, mutilate or underfeed any animal, or permit any such animal to be without proper protection from the elements.

(b) No person shall place or deposit any poisoned or poisonous substance anywhere within the City with intent to poison any domestic animal.

(c) No person shall keep any animal in an enclosure without wholesome exercise and an adequate supply of air.

(d) No person shall keep any animal in unsanitary and overcrowded conditions such that the animal is likely to become sick.

(e) No person shall fail to provide medical attention necessary to maintain any animal's health.

(f) No person shall fail to comply with the humane confinement and treatment specifications as detailed in Section 505.21.

(g) Whoever violates this section is guilty of a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to this section or a similar municipal ordinance or similar Revised Code section, the offense is a misdemeanor of the first degree.

505.03 NOISY ANIMALS OR FOWL.

(a) No person shall keep or harbor any animal or fowl within the Municipality which makes repeated and successive sounds, for a period of more than fifteen minutes, audible off the premises on which such animal is kept. Any person who allows any animal habitually to remain or be lodged or fed within any dwelling, building, yard or enclosure, which he occupies or owns, shall be considered to be harboring such animal.

~~(b) Whoever violates this section is guilty of a minor misdemeanor.~~

505.04 REGISTRATION OF DOGS; TAGS TO BE WORN.

(a) No person shall be the owner, keeper or harbinger or person in charge of any dog over three months of age after January 20 of any year, or brought from outside the State at any time during the year without first registering such dog as required by Ohio R.C. Chapter 955.

(b) Failure to display the tag issued in connection with the registration required by Ohio R. C. Chapter 955, on a dog's collar, harness, leash or similar device shall be prima-facie evidence of lack of registration and shall subject any dog not wearing such tag to impoundment.

(c) No prosecution for a violation of this section shall take place until at least three days after the owner, keeper, harbinger or person having charge of any dog has been notified in writing of an alleged violation and has failed to demonstrate compliance with such sections to the satisfaction of the Franklin County Animal Control Board and/or the City.

~~(d) Whoever violates this section is guilty of a misdemeanor of the fourth degree.~~

505.05 RABIES IMMUNIZATION.

(a) No person shall own, keep, harbor or have charge of any dog or cat over three months of age unless such dog or cat has been immunized against rabies as required by Regulation 709 of the Franklin County District Board of Health. Failure to have such dog or cat immunized for rabies shall subject such dog or cat to impoundment and failure to display a current rabies immunization tag on a dog's or cat's collar, harness, leash or similar device shall be prima-facie evidence of lack of rabies immunization.

(b) No prosecution for a notation of this section shall take place until at least three days after the owner, keeper, harbinger or person having charge of any dog has been notified in writing of an alleged violation and has failed to demonstrate compliance with such sections to the satisfaction of the Franklin County Animal Control Board and/or the City.

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

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505.08 NUISANCE CONDITIONS PROHIBITED.

(a) No person shall keep or harbor any animal or fowl in the Municipality so as to create noxious, or offensive odors or unsanitary conditions which are a menace to the health' comfort or safety of the public.

(b) A separate offense shall be deemed committed each day during or on which the offense occurs or continues.

~~(c) Whoever violates this section is guilty of a minor misdemeanor.~~

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505.10 ANIMAL BITES; REPORTS AND QUARANTINE.

(a) Whenever any person is bitten by a dog or other animal, report of such bite shall be made to the Health Commissioner within twenty-four hours. The dog or other animal inflicting a bite shall immediately be examined by a qualified veterinarian and results of such examination shall be reported to the Health Commissioner within twenty-four hours. At the direction of the Health Commissioner, the dog or other animal shall either be confined by its owner or harborer to his premises away from the public at large, or be placed under supervision of a veterinarian at the owner's or harborer's expense. The isolation or observation period shall not be less than ten days from the date the person was bitten at which time report of the condition of the animal shall be made to the Health Commissioner.

No person shall fail to comply with the requirements of this section or with any order of the Health Commissioner made pursuant thereto, nor fail to immediately report to the Health Commissioner any symptom or behavior suggestive of rabies.

~~(b) Whoever violates this section is guilty of a minor misdemeanor.~~

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505.12 COLORING RABBITS OR BABY POULTRY; SALE OR DISPLAY.

(a) No person shall dye or otherwise color any rabbit or baby poultry, including but not limited to, chicks and ducklings. No person shall sell, offer for sale, expose for sale, raffle or give away any rabbit or baby poultry which has been dyed or otherwise colored. No poultry younger than four weeks of age may be sold, given away or otherwise distributed to any person in lots of less than six. Stores, shops, vendors and others offering young poultry for sale or other distribution shall provide and operate brooders or other heating devices that may be necessary to maintain poultry in good health and shall keep adequate food and water available to the poultry at all times. (ORC 925.62)

~~(b) Whoever violates this section is guilty of a minor misdemeanor.~~

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505.16 DEFECATION AS A NUISANCE.

(a) No person being the owner of or having charge of any animal or fowl which defecates upon the property of another shall fail to immediately remove any and all feces deposited by such animal or fowl from the property, including public parks or other public property. The owner of or person having charge of such animal or fowl shall immediately dispose of such feces in a sanitary manner.

(b) The owner or person in charge of any animal or fowl shall keep the property where he resides in a clean and sanitary condition by regularly removing the defecation of his animal or fowl to prevent accumulations.

~~(c) Whoever violates this section is guilty of a minor misdemeanor.~~

~~(d)~~ (c) Strict liability is intended to be imposed for a violation of this section. This section does not apply to the owner or person in charge of an animal where that animal is assisting a blind or handicapped person and defecates on property, and such person either is unaware of that fact or is unable to comply with this section. This section does not apply to law enforcement personnel in charge of an animal which is assisting such personnel in the performance of official duties. (Ord. 45-90. Passed 5-15-90.)

~~(e)~~(d) The accumulation of defecation of any animal or fowl is hereby declared to be a nuisance condition if it creates an unsanitary or unhealthy condition causing an accumulation of insects and bacteria and is a violation of this section.

505.17 PROHIBITED OR DANGEROUS ANIMALS.

(a) No person, officer, agent or employee of an organization shall keep, maintain or have in his possession or under his control within the Municipality any living prohibited animal as defined by this Code or any living dangerous animal designated by this Code.

~~(b) Any person violating this section shall be guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues~~

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505.21 HUMANE CONFINEMENT AND TREATMENT OF DOGS.

(a) Except as otherwise limited by Section 505.15 , dogs may be considered to be in the reasonable control of their owner, harbinger, or keeper if they are enclosed or tethered on the property of such owner, harbinger or keeper.

(b) Chaining or Tethering as Only Means of Confinement. Dogs may be restrained by means of a trolley system or a tether attached to a pulley on a cable run, if the following conditions are met:

(1) Only one dog may be tethered to each cable run.

(2) The tether must be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which two adult human fingers

may fit. Choke collars, prong collars and pinch collars are prohibited for purposes of tethering a dog to a cable run.

(3) The chain or tether must have swivels on both ends.

(4) The tether or chain and cable run must be of adequate size and strength to effectively restrain the dog. However, the chain or tether shall weigh no more than one-eighth (1/8) of the dog's weight.

(5) The chain or tether must be at least fifteen (15) feet in length and attached to a pulley or trolley mounted on a cable which is also at least fifteen (15) feet in length and mounted no more than seven (7) feet above the ground.

(6) The dog shall be tethered at a sufficient distance for any other objects to prevent tangling of the chain or tether, from extending over an object or an edge that could result in strangulation and a sufficient distance from any fence to prohibit the dog access to the fence.

(7) The dog shall have continuous access to water and shelter.

(8) The dog must be spayed or neutered, if there is no means of securing the dog in an unfenced yard.

(9) No dog shall be chained or tethered for more than twelve (12) consecutive hours in a twenty-four (24) hour period.

(10) No dog shall be tethered while unattended between the hours of 10:00 p.m. and 7:00 a.m.

(11) No dog shall be tethered in the event of a severe cold or heat advisory issued by a local, state or national weather service for the area in which the animal is harbored.

(c) Enclosures. Any dog enclosed in a pen or a fenced yard must have adequate space for exercise based on a dimension of at least sixty-four square feet (64 sq. ft.) per dog. The fence or enclosure shall be of sufficient height to prevent the dog from escaping from the enclosed area. If the enclosed area has a cover, such cover must be at least two (2) feet above the height of the dog standing on its hind legs. Dogs in enclosed areas must have continuous access to water and shelter.

(d) Muzzling. If muzzling a dog, it should be done in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any person or animal.

(e) Nothing in this section shall be construed to prohibit owners or others from walking dogs with a hand held leash.

(f) No person shall surgically silence or de-bark any animal or dog.

~~(g) Any person who violates this section shall be guilty of a fourth degree misdemeanor.~~

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505.23 FEEDING OF WATERFOWL PROHIBITED.

No person shall feed, cause to be fed, or provide for domestic or migratory waterfowl within the City of Whitehall and no person shall create or foster any condition, or allow any condition to exist or continue, which results in a congregation or congestion of domestic or migratory waterfowl in residential areas of the City of Whitehall.

(a) Definitions: For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) DOMESTIC WATERFOWL. Non-native ducks, geese, swans, nor retained in agricultural operations.

(2) FEED OR FEEDING. The act of or furnishing of food or other sustenance.

(3) MIGRATORY WATERFOWL. Migration occurs, and waterfowl is considered to be migratory, when large portions of a bird species make regular annual movements between two or more places. Often this migration occurs due to annual temperature changes which affect food resources and breeding opportunities.

(4) NON-MIGRATORY WATERFOWL. Waterfowl that may fly large distances within a day, but return to a particular area by night. Such species can spend their entire lives in one area.

(5) RESIDENT CANADA GEESE. Canada Geese that nest within the conterminous United States and/or Canada Geese, or domestic waterfowl on any public or private property within the boundaries of the City. Exceptions to this will only be granted through state and/or federal permitting processes.

~~(b) Whoever violates this section shall be guilty of a fourth degree misdemeanor.~~

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505.99 PENALTY

(A)(1) Except as provided in subsection (A)(3) hereof, whoever violates 505.01, 505.03, 505.05, 505.08, 505.10, 505.12, 505.16, 505.17, 505.21, 505.23, or any other provision of this Chapter where a degree of offense is not specified, is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.

(A)(2) A separate offense shall be deemed committed upon each day during or on which the violation occurs or continues.

(A)(3) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of this chapter, the offense is a misdemeanor of the fourth degree. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to five or more violations of this chapter, the offense is a misdemeanor of the first degree.

(B) Notwithstanding any other provision of the Codified Ordinances, when an offender is issued a citation and summons for a violation of the provisions of this chapter, the offender to whom the summons was issued, in lieu of appearing at the time and place stated in the citation, may, at any time prior to appearing at the time and place stated, may do either of the following:

(1) Appear in person at the office of the clerk of the court stated in the citation, sign a plea of guilty and a waiver of trial provision that is on the citation, and pay the total amount of the fine and costs;

(2) Sign the guilty plea and waiver of trial provision of the citation and mail the citation and a check or money order for the total amount of the fine and costs to the office of the clerk of the court stated in the citation.

Remittance by mail of the fine and costs to the office of the clerk of the court stated in the citation constitutes a guilty plea and waiver of trial whether or not the guilty plea and waiver of trial provision of the citation are signed by the defendant.

(C) Any offense with the potential for incarceration requires a mandatory court appearance. Any offense that is an unclassified misdemeanor and where the offender waives court appearance pursuant to section (B), said fine shall be set at Fifty Dollars (\$50.00).

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517.14 UNCLEAN PREMISES PROHIBITED.

(a) No owner, occupant or person in charge of any lot or parcel of ground shall cause or permit water to accumulate thereon and become stagnant, or permit culverts, drains or natural watercourses thereon to become obstructed, or cause or permit any putrid or unsanitary substance to accumulate thereon.

(b) A separate offense shall be deemed committed each day during or on which the offense occurs or continues.

~~(c) Whoever violates this section is guilty of a minor misdemeanor.~~

517.17 PRIVY VAULTS, CESSPOOLS.

(a) No person, being the owner, occupant or person in charge of any premises so situated as to permit connection with any sanitary sewer, shall maintain or permit to be maintained on or in connection with such premises any privy vault, cesspool, septic tank or other repository for human excreta.

(b) A separate offense shall be deemed committed each day during or on which the offense occurs or continues.

~~(c) Whoever violates this section is guilty of a minor misdemeanor.~~

517.18 UNSANITARY VAULTS.

(a) No person, being the owner, lessor, occupant or person in charge of any premises upon which a privy vault, cesspool or septic tank is located, shall permit such vault, pool or tank, or any building, fixture or device appurtenant thereto, to become foul, noisome, filthy or offensive to neighboring property.

(b) A separate offense shall be deemed committed each day during or on which the offense occurs or continues.

~~(c) Whoever violates this section is guilty of a minor misdemeanor.~~

517.19 REMOVAL OF CONTENTS OF VAULT.

(a) Whenever any part of the waste in any privy vault or cesspool extends to a point less than two feet below the surface of the ground adjacent thereto or whenever such use or maintenance is prohibited by ordinance or health order, the owner, lessor, occupant or person in charge of such premises shall cause such vault or cesspool to be emptied of its contents, thoroughly cleaned and disinfected and, if abandoned, filled with clean earth or mineral matter to the level of the adjacent ground.

(b) A separate offense shall be deemed committed each day during or on which the offense occurs or continues.

~~(c) Anyone who fails to comply with these provisions shall be deemed guilty of a minor misdemeanor.~~

517.20 REMOVAL OF WEEDS; DUTY OF SERVICE DIRECTOR.

(a) The Director of Public Service is authorized to determine on what lots and lands in the City noxious weeds and weeds of rank growth are being permitted to grow, spread and mature seeds and declare the same as constituting a nuisance or endangering public health. After determination has been made that such noxious weeds or weeds and rank growth constitute a nuisance or endanger the public health, it shall be the duty of the Director of Public Service to see that such noxious weeds are removed or such nuisance abated.

(b) A separate offense shall be deemed committed each day during or on which the offense occurs or continues.

~~(c) Whoever fails to comply with the orders of the Director of Public Service with respect to these provisions is guilty of a minor misdemeanor.~~

517.21 NOTICE TO OWNER TO CUT WEEDS.

The Director of Public Service shall cause written notice to be served once each growing season (calendar year) upon the owners, lessees, agents or tenants having charge of such lots and lands referred to in Section 517.20, notifying them that noxious weeds, weeds of rank growth, growing eight inches or more tall are growing on such lots and lands and that they must be cut or destroyed within one calendar week after the service of such notice. Such lots and lands shall continue to be maintained during the current growing season (calendar year). If such owner or other person having charge of such lands is a nonresident whose address is known, such notice

shall be sent to his address by First Class mail. If the notice is not returned to the sender within ten days, it shall be taken for granted that same has been delivered. If the address of such owner, whether a resident or nonresident, is unknown, it shall be sufficient to publish such notice once in a newspaper of general circulation in the City. After completion of notice, the Director shall make due return thereon, setting forth the cost of service.

~~Whoever fails to comply with the notice of the Director as set forth in this section shall be guilty of a minor misdemeanor~~

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517.25 WEEDS ON UNOCCUPIED LOTS.

(a) No person shall, as owner or agent of vacant lots, commons or other unoccupied property, permit to grow thereon any thistles, burdocks, jimson weeds, ragweed, milkweed, mullein, poison ivy, poison oak or other weeds or rank growth or grass exceeding eight inches.

(b) A separate offense shall be deemed committed each day during or on which the offense occurs or continues.

~~(c) Whoever violates this section is guilty of a minor misdemeanor.~~

517.26 WEEDS UPON PAVEMENTS OR GUTTERS.

(a) No property owners shall suffer to grow upon the pavements or in the gutters or upon the dedicated portion of the street abutting their property including that portion between sidewalks and gutters, any thistle, burdock, jimson weed, ragweed, milkweed, mulleins, poison ivy, poison oak or other weeds or rank growth or grass exceeding eight inches in height.

(b) A separate offense shall be deemed committed each day during or on which the offense occurs or continues.

~~(c) Whoever violates this section is guilty of a minor misdemeanor.~~

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517.28 MAINTAINING A NUISANCE.

(a) No person shall erect, continue, use or maintain a building, structure or place for the exercise of a trade, employment or business, or for the keeping or feeding of an animal which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort or property of individuals or of the public. No person shall cause or allow offal, filth or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public. No person shall unlawfully obstruct or impede the passage of a navigable river, harbor or collection of water, or corrupt or render unwholesome or impure, a watercourse, stream or water, or unlawfully divert such watercourse from its natural course or state to the injury or prejudice of others.

(b) A separate offense shall be deemed committed each day during or on which the offense occurs or continues.

~~(c) Whoever violates this section is guilty of a minor misdemeanor.~~

517.29 LITTERING.

No person regardless of intent shall place or dispose of in any manner any garbage, waste, rubbish, recyclables, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil or anything else of an unsightly or unsanitary nature on any public property, on private property not owned by him, or in or on any waters of the Federal Government, State, or Municipality unless placed at the appropriate location for collection by City Forces, private contractor or the authorized waste hauler for the City in accordance with Section 933.11 of the Codified Ordinances of the City of Whitehall. ~~Whoever violates this section is guilty of a misdemeanor of the third degree.~~

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517.31 DRAINING SLOPS.

(a) No person shall drain, cause to be drained or allow to drain from any property occupied by him or her, any kitchen slops or other greasy or impure matter into the open gutters or waterways in the City unless such drainage has been drained into a vault and filtered through a lesser vault filled with sand and fine gravel, built under the inspection of the Board of Health.

(b) A separate offense shall be deemed committed each day during or on which the offense occurs or continues

~~(c) Whoever violates this section is guilty of a minor misdemeanor.~~

517.32 OFFENSIVE ODORS CAUSED BY BURNING.

(a) No person shall ignite, burn or cause to be burned any refuse, garbage, trash or any substance which causes or results in the emanation of any obnoxious, offensive or foul odors, within the corporate limits of the City.

(b) A separate offense shall be deemed committed each day during or on which the offense occurs or continues.

~~(c) Whoever violates this section is guilty of a minor misdemeanor.~~

517.33 DEPOSIT OF DEAD ANIMALS, OFFAL UPON LAND OR WATER.

No person shall put the carcass of a dead animal or the offal from a slaughter house, butcher's establishment, packing house or fish house, or spoiled meat, spoiled fish or other putrid substance or the contents of a privy vault, upon or into a lake, river, bay, creek, pond, canal, road, street, alley, lot, field, meadow, public ground, market place or common or, being the owner or occupant of such place, knowingly permit such thing to remain therein to the annoyance of any resident or neglect to remove or abate the nuisance occasioned thereby

within twenty-four hours after knowledge of the existence thereof, after notice thereof in writing from the Board of Health.

~~Whoever violates this section is guilty of a minor misdemeanor.~~

* * *

517.38 SIDEWALK OBSTRUCTIONS; DAMAGE OR INJURY.

(a) No person shall place or knowingly drop upon any part of a sidewalk, playground or other public place any tacks, bottles, wire, glass, nails or other articles which may damage property of another or injury any person or animal traveling along or upon such sidewalk or playground.

(b) No person shall walk on, or allow any animal upon, or injure or deface in any way any soft or newly laid sidewalk pavement.

(c) No person shall place, deposit or maintain any merchandise, goods, material or equipment upon any sidewalk so as to obstruct pedestrian traffic thereon except for such reasonable time as may be actually necessary for the delivery or pickup of such articles. In no case shall the obstruction remain on such sidewalk for more than one hour.

(d) No person shall unload upon, or transport any heavy merchandise, goods, material or equipment over or across any sidewalk or curb without first placing some sufficient protection over the pavement to protect against damage or injury. The affected area shall be rendered safe and free from danger.

(e) No person shall allow any cellar or trap door, coal chute or elevator or lift opening in any sidewalk to remain open without providing suitable safeguards to protect and warn pedestrian traffic of the dangerous condition.

~~(f) Whoever violates this section is guilty of a minor misdemeanor.~~

517.39 NOTICE TO FILL LOTS, REMOVE PUTRID SUBSTANCES.

(a) No person shall fail to comply with the following requirements within the lawful time after service or publication of notice or resolution is made as required by law:

To fill or drain any lot or land or remove all putrid substances therefrom, or remove all obstructions from culverts, covered drains or natural watercourses as provided in Ohio R.C. 715.47.

(b) A separate offense shall be deemed committed each day during which the offense occurs or continues.

~~(c) Whoever violates this section is guilty of a minor misdemeanor.~~

* * *

517.41 LITTERING AND DEPOSIT OF GARBAGE, RUBBISH, JUNK, ETC.

(a) No person shall, without lawful authority, place or dispose of in any manner, upon any public property or upon the premises of another, any paper, trash, garbage, waste, rubbish, refuse, junk or any substance or material which is or may become noxious, offensive, injurious or dangerous to the public health, comfort or safety.

(b) No person shall cause or allow trash, garbage, waste, rubbish, refuse or any other noxious or offensive materials or substances to be collected or remain in any place to the damage or prejudice of others or of the public, or unlawfully obstruct, impede, divert, corrupt or render unwholesome or impure, any natural watercourse.

(c) No person, being the owner or occupant of any premises shall maintain, permit to be maintained, accumulate, or permit to be accumulated, place or dispose of in any manner upon any public or private property any plastic materials, paints, combustible materials, appliances, auto parts, tires, rugs, furniture other than furniture designed for outside use, and used appropriately, building materials, storage containers, wood, glass, leaves, decaying matter, trash, garbage, waste, rubbish, refuse and other items as listed in Section 933.10 of the Streets, Utilities and Public Services Code that is or may become noxious, offensive, injurious or dangerous to the public health, sanitation, welfare or safety.

(d) Exceptions to subsection (c) hereof are as follows:

(1) Trash, waste, garbage, yard waste and rubbish that is properly placed in the appropriate containers pursuant to Chapter 933 of the Streets, Utilities and Public Services Code and regularly removed from the property.

(2) Building materials accumulated in the construction, remodeling, repairing or demolition of buildings on the premises, provided there is a valid building permit for construction, remodeling, repairing or demolition if required by the City and provided that such materials may only be stored or accumulated for a reasonable length of time during the project(s) and if the same does not constitute a health, sanitation, welfare or safety issue.

(3) Wood intended and prepared for the personal use of household residents in a fireplace, wood stove or fire box provided that such wood is cut to appropriate size and stacked neatly not less than twelve inches above the ground for the use in winter months, and provided that such accumulation does not create an offensive, injurious or dangerous issue to the public health, sanitation, welfare or safety or otherwise create a nuisance. Said wood must be stored to the side or the rear of the property.

(4) Compost materials provided that such materials are contained in a compost bin or enclosure located in the rear of the property and are properly turned and properly maintained and provided that such materials do not create an offensive, injurious or dangerous issue to the public health, sanitation, welfare or safety or otherwise present a nuisance to the public.

(5) Leaves raked in piles on the property during the fall season prior to being placed at the street for removal by City Forces or by the yard waste collection franchisee contracted by the City or by private haulers in accordance with the City's leaf pick-up/collection program.

~~(e) Whoever violates this section is guilty of a minor misdemeanor. Each calendar day shall be deemed a separate offense.~~

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517.99 PENALTY

(A)(1) Except as provided in subsection (A)(3) hereof, whoever violates 517.14, 517.17, 517.18, 517.19, 517.20, 517.21, 517.25, 517.26, 517.28, 517.29, 517.31, 517.32, 517.33, 517.38, 517.39, 517.41, or any other provision of this Chapter where a degree of offense is not specified, is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.

(A)(2) A separate offense shall be deemed committed upon each day during or on which the violation occurs or continues.

(A)(3) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of this chapter, the offense is a misdemeanor of the fourth degree. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to five or more violations of this chapter, the offense is a misdemeanor of the first degree.

(B) Notwithstanding any other provision of the Codified Ordinances, when an offender is issued a citation and summons for a violation of the provisions of this chapter, the offender to whom the summons was issued, in lieu of appearing at the time and place stated in the citation, may, at any time prior to appearing at the time and place stated, do either of the following:

(1) Appear in person at the office of the clerk of the court stated in the citation, sign a plea of guilty and a waiver of trial provision that is on the citation, and pay the total amount of the fine and costs;

(2) Sign the guilty plea and waiver of trial provision of the citation and mail the citation and a check or money order for the total amount of the fine and costs to the office of the clerk of the court stated in the citation.

Remittance by mail of the fine and costs to the office of the clerk of the court stated in the citation constitutes a guilty plea and waiver of trial whether or not the guilty plea and waiver of trial provision of the citation are signed by the defendant.

(C) Any offense with the potential for incarceration requires a mandatory court appearance. Any offense that is an unclassified misdemeanor and where the offender waives court appearance pursuant to section (B), said fine shall be set at Fifty Dollars (\$50.00).

..*

903.99 PENALTY

(A) Whoever violates any of the provisions of this chapter shall for each offense be fined not more than fifty dollars (\$50.00) or imprisoned not more than ten days, or both. A separate offense shall be deemed committed upon each day during or on which the violation occurs or continues. (1) Except as provided in subsection (A)(3) hereof, whoever violates any of the provisions of this chapter is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.

(A)(2) A separate offense shall be deemed committed upon each day during or on which the violation occurs or continues.

(A)(3) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of this chapter, the offense is a misdemeanor of the fourth degree. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to five or more violations of this chapter, the offense is a misdemeanor of the first degree.

(B) Notwithstanding any other provision of the Codified Ordinances, when an offender is issued a citation and summons for a violation of the provisions of this chapter, the offender to whom the summons was issued, in lieu of appearing at the time and place stated in the citation, may, at any time prior to appearing at the time and placed stated, do either of the following:

(1) Appear in person at the office of the clerk of the court stated in the citation, sign a plea of guilty and a waiver of trial provision that is on the citation, and pay the total amount of the fine and costs;

(2) Sign the guilty plea and waiver of trial provision of the citation and mail the citation and a check or money order for the total amount of the fine and costs to the office of the clerk of the court stated in the citation.

Remittance by mail of the fine and costs to the office of the clerk of the court stated in the citation constitutes a guilty plea and waiver of trial whether or not the guilty plea and waiver of trial provision of the citation are signed by the defendant.

(C) Any offense with the potential for incarceration requires a mandatory court appearance. Any offense that is an unclassified misdemeanor and where the offender waives court appearance pursuant to section (B), said fine shall be set at Fifty Dollars (\$50.00).

* * *

907.99 PENALTY

(A) Whoever violates any of the provisions of this chapter shall for each offense be fined not more than fifty dollars (\$50.00) or imprisoned not more than ten days, or both. A separate offense shall be deemed committed upon each day during or on which the violation occurs or continues. (1) Except as provided in subsection (A)(3) hereof, whoever violates any of the provisions of this chapter is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.

(A)(2) A separate offense shall be deemed committed upon each day during or on which the violation occurs or continues.

(A)(3) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of this chapter, the offense is a misdemeanor of the fourth degree. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to five or more violations of this chapter, the offense is a misdemeanor of the first degree.

(B) Notwithstanding any other provision of the Codified Ordinances, when an offender is issued a citation and summons for a violation of the provisions of this chapter, the offender to whom the summons was issued, in lieu of appearing at the time and place stated in the citation, may, at any time prior to appearing at the time and placed stated, do either of the following:

(1) Appear in person at the office of the clerk of the court stated in the citation, sign a plea of guilty and a waiver of trial provision that is on the citation, and pay the total amount of the fine and costs;

(2) Sign the guilty plea and waiver of trial provision of the citation and mail the citation and a check or money order for the total amount of the fine and costs to the office of the clerk of the court stated in the citation.

Remittance by mail of the fine and costs to the office of the clerk of the court stated in the citation constitutes a guilty plea and waiver of trial whether or not the guilty plea and waiver of trial provision of the citation are signed by the defendant.

(C) Any offense with the potential for incarceration requires a mandatory court appearance. Any offense that is an unclassified misdemeanor and where the offender waives court appearance pursuant to section (B), said fine shall be set at Fifty Dollars (\$50.00).

* * *

911.99 PENALTY

~~(A) Whoever violates any of the provisions of this chapter shall for each offense be fined not more than fifty dollars (\$50.00) or imprisoned not more than ten days, or both. A separate offense shall be deemed committed upon each day during or on which the violation occurs or continues. (1) Except as provided in subsection (A)(3) hereof, whoever violates any of the provisions of this chapter is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.~~

(A)(2) A separate offense shall be deemed committed upon each day during or on which the violation occurs or continues.

(A)(3) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of this chapter, the offense is a misdemeanor of the fourth degree. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to five or more violations of this chapter, the offense is a misdemeanor of the first degree.

(B) Notwithstanding any other provision of the Codified Ordinances, when an offender is issued a citation and summons for a violation of the provisions of this chapter, the offender to whom the summons was issued, in lieu of appearing at the time and place stated in the citation, may, at any time prior to appearing at the time and placed stated, do either of the following:

(1) Appear in person at the office of the clerk of the court stated in the citation, sign a plea of guilty and a waiver of trial provision that is on the citation, and pay the total amount of the fine and costs;

(2) Sign the guilty plea and waiver of trial provision of the citation and mail the citation and a check or money order for the total amount of the fine and costs to the office of the clerk of the court stated in the citation.

Remittance by mail of the fine and costs to the office of the clerk of the court stated in the citation constitutes a guilty plea and waiver of trial whether or not the guilty plea and waiver of trial provision of the citation are signed by the defendant.

(C) Any offense with the potential for incarceration requires a mandatory court appearance. Any offense that is an unclassified misdemeanor and where the offender waives court appearance pursuant to section (B), said fine shall be set at Fifty Dollars (\$50.00).

* * *

916.99 PENALTY

(A) Any person, firm or corporation violating or failing to comply with any of the provisions of this chapter shall be fined not less than twenty five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00) or imprisoned not more than sixty days, or both. (1) Except as provided in subsection (A)(3) hereof, whoever violates any of the provisions of this chapter is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.

(A)(2) A separate offense shall be deemed committed upon each day during or on which the violation occurs or continues.

(A)(3) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of this chapter, the offense is a misdemeanor of the fourth degree. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to five or more violations of this chapter, the offense is a misdemeanor of the first degree.

(B) Notwithstanding any other provision of the Codified Ordinances, when a code enforcement officers or law enforcement officer issues a citation and summons for a violation of the provisions of this chapter, the offender to whom the summons was issued, in lieu of appearing at the time and place stated in the citation, may, at any time prior to appearing at the time and placed stated, do either of the following:

(1) Appear in person at the office of the clerk of the court stated in the citation, sign a plea of guilty and a waiver of trial provision that is on the citation, and pay the total amount of the fine and costs;

(2) Sign the guilty plea and waiver of trial provision of the citation and mail the citation and a check or money order for the total amount of the fine and costs to the office of the clerk of the court stated in the citation.

Remittance by mail of the fine and costs to the office of the clerk of the court stated in the citation constitutes a guilty plea and waiver of trial whether or not the guilty plea and waiver of trial provision of the citation are signed by the defendant.

(C) Any offense with the potential for incarceration requires a mandatory court appearance. Any offense that is an unclassified misdemeanor and where the offender waives court appearance pursuant to section (B), said fine shall be set at Fifty Dollars (\$50.00).

* * *

933.99 PENALTY

(A) Whoever violates any of the provisions of Sections 933.02, 933.07, 933.10, 933.11, 933.12, 933.13, 933.14 or 1125.17 shall be guilty of a minor misdemeanor for a first or second offense and a misdemeanor of the fourth degree for a third or subsequent offense. Each day of operation in violation of Section 933.02 shall be deemed to be a separate offense.

(B) Violation of Section 933.11 (h) and (i) may prompt the pickup and removal of the containers.

(C) Notwithstanding any other provision of the Codified Ordinances, , when an offender is issued a citation and summons for a violation of 933.02, 933.07, 933.10, 933.11, 933.12, 933.13, 933.14 or 1125.17 and the offender has no more than two prior convictions of the same provision, the offender to whom the summons was issued, in lieu of appearing at the time and place stated in the citation, may, at any time prior to appearing at the time and placed stated, do either of the following:

(1) Appear in person at the office of the clerk of the court stated in the citation, sign a plea of guilty and a waiver of trial provision that is on the citation, and pay the total amount of the fine and costs;

(2) Sign the guilty plea and waiver of trial provision of the citation and mail the citation and a check or money order for the total amount of the fine and costs to the office of the clerk of the court stated in the citation.

Remittance by mail of the fine and costs to the office of the clerk of the court stated in the citation constitutes a guilty plea and waiver of trial whether or not the guilty plea and waiver of trial provision of the citation are signed by the defendant.

(C) Any offense with the potential for incarceration requires a mandatory court appearance. Any offense that is an unclassified misdemeanor and where the offender waives court appearance pursuant to section (B), said fine shall be set at Fifty Dollars (\$50.00).

* * *

1126.99 PENALTY

~~(A) Whoever violates any of the provisions of Chapter 1126 shall be fined not more than one hundred (\$100.00) or imprisoned not more than ten days, or both. A separate offense shall be deemed committed upon each day during or on which the violation occurs or continues. (1) Except as provided in subsection (A)(3) hereof, whoever violates any of the provisions of this chapter is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.~~

(A)(2) A separate offense shall be deemed committed upon each day during or on which the violation occurs or continues.

(A)(3) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of this chapter, the offense is a misdemeanor of the fourth degree. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to five or more violations of this chapter, the offense is a misdemeanor of the first degree.

(B) Notwithstanding any other provision of the Codified Ordinances, when an offender is issued a citation and summons for a violation of the provisions of this chapter, the offender to whom the summons was issued, in lieu of appearing at the time and place stated in the citation, may, at any time prior to appearing at the time and place stated, do either of the following:

(1) Appear in person at the office of the clerk of the court stated in the citation, sign a plea of guilty and a waiver of trial provision that is on the citation, and pay the total amount of the fine and costs;

(2) Sign the guilty plea and waiver of trial provision of the citation and mail the citation and a check or money order for the total amount of the fine and costs to the office of the clerk of the court stated in the citation.

Remittance by mail of the fine and costs to the office of the clerk of the court stated in the citation constitutes a guilty plea and waiver of trial whether or not the guilty plea and waiver of trial provision of the citation are signed by the defendant.

(C) Any offense with the potential for incarceration requires a mandatory court appearance. Any offense that is an unclassified misdemeanor and where the offender waives court appearance pursuant to section (B), said fine shall be set at Fifty Dollars (\$50.00).

* * *

1127.99 PENALTY

(A) Whoever violates any of the provisions of this chapter shall for each offense be fined not more than fifty dollars (\$50.00) or imprisoned not more than ten days, or both, with each day being considered a separate violation. (1) Except as provided in subsection (A)(3) hereof, whoever violates any of the provisions of this chapter is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.

(A)(2) A separate offense shall be deemed committed upon each day during or on which the violation occurs or continues.

(A)(3) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of this chapter, the offense is a misdemeanor of the fourth degree. If, within three years of the offense, the offender previously has been convicted

of or pleaded guilty to five or more violations of this chapter, the offense is a misdemeanor of the first degree.

(B) Notwithstanding any other provision of the Codified Ordinances, when an offender is issued a citation and summons for a violation of the provisions of this chapter, the offender to whom the summons was issued, in lieu of appearing at the time and place stated in the citation, may, at any time prior to appearing at the time and place stated, do either of the following:

(1) Appear in person at the office of the clerk of the court stated in the citation, sign a plea of guilty and a waiver of trial provision that is on the citation, and pay the total amount of the fine and costs;

(2) Sign the guilty plea and waiver of trial provision of the citation and mail the citation and a check or money order for the total amount of the fine and costs to the office of the clerk of the court stated in the citation.

Remittance by mail of the fine and costs to the office of the clerk of the court stated in the citation constitutes a guilty plea and waiver of trial whether or not the guilty plea and waiver of trial provision of the citation are signed by the defendant.

(C) Any offense with the potential for incarceration requires a mandatory court appearance. Any offense that is an unclassified misdemeanor and where the offender waives court appearance pursuant to section (B), said fine shall be set at Fifty Dollars (\$50.00).

* * *

1130.99 PENALTY

(A)(1) Except as provided in subsection (A)(3) hereof, whoever violates any of the provisions of this chapter is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.

(A)(2) A separate offense shall be deemed committed upon each day during or on which the violation occurs or continues.

(A)(3) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of this chapter, the offense is a misdemeanor of the fourth degree. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to five or more violations of this chapter, the offense is a misdemeanor of the first degree.

(B) Notwithstanding any other provision of the Codified Ordinances, when an offender is issued a citation and summons for a violation of the provisions of this chapter, the offender to whom

the summons was issued, in lieu of appearing at the time and place stated in the citation, may, at any time prior to appearing at the time and placed stated, do either of the following:

(1) Appear in person at the office of the clerk of the court stated in the citation, sign a plea of guilty and a waiver of trial provision that is on the citation, and pay the total amount of the fine and costs;

(2) Sign the guilty plea and waiver of trial provision of the citation and mail the citation and a check or money order for the total amount of the fine and costs to the office of the clerk of the court stated in the citation.

Remittance by mail of the fine and costs to the office of the clerk of the court stated in the citation constitutes a guilty plea and waiver of trial whether or not the guilty plea and waiver of trial provision of the citation are signed by the defendant.

(C) Any offense with the potential for incarceration requires a mandatory court appearance. Any offense that is an unclassified misdemeanor and where the offender waives court appearance pursuant to section (B), said fine shall be set at Fifty Dollars (\$50.00).

* * *

1337.99 PENALTY

(A) Notwithstanding any other provision of the Codified Ordinances, when an offender is issued a citation and summons for a violation of PM 302.3, 302.4, 302.7, 302.8, or 304.2, and the offender has no prior convictions of the same provision, the offender to whom the summons was issued, in lieu of appearing at the time and place stated in the citation, may, at any time prior to appearing at the time and placed stated, do either of the following:

(1) Appear in person at the office of the clerk of the court stated in the citation, sign a plea of guilty and a waiver of trial provision that is on the citation, and pay the total amount of the fine and costs;

(2) Sign the guilty plea and waiver of trial provision of the citation and mail the citation and a check or money order for the total amount of the fine and costs to the office of the clerk of the court stated in the citation.

Remittance by mail of the fine and costs to the office of the clerk of the court stated in the citation constitutes a guilty plea and waiver of trial whether or not the guilty plea and waiver of trial provision of the citation are signed by the defendant.

(B) Any offense with the potential for incarceration requires a mandatory court appearance. Any offense that is an unclassified misdemeanor and where the offender waives court appearance pursuant to section (A), said fine shall be set at Fifty Dollars (\$50.00).

SECTION 2: That this Ordinance shall go into full force and effect at the earliest date permitted by law.

THIRD READING:

ORDINANCE NO.046-2021 (*Comm. Standard & Enf. – 3rd reading – ADOPT 06/15/2021– Rodriguez/Elmore*)

PUBLIC HEARING 06-15-2021

AMENDING THE ZONING MAP ATTACHED TO CHAPTER 1122 OF THE 1970 CODIFIED ORDINANCES OF THE CITY OF WHITEHALL, OHIO AND AS SUBSEQUENTLY AMENDED, CHANGING THE ZONING ON PROPERTY LOCATED ON 3540 E. MAIN STREET, AND 739 & 721 MAPLEWOOD AVENUE, PARCEL NUMBERS 090-002122, 090-001890, 090-003640, 090-001900, 090-002485, 090-003638, 090-008240 FROM R-3 RESIDENTIAL DISTRICT AND GENERAL COMMERCE DISTRICT (GCD) TO A-2 APARTMENT DISTRICT, PROPERTY OWNED BY MAMA COMPANY INC.

ORDINANCE NO.048-2021 (*Comm. Standard & Enf. – 3rd reading – ADOPT 06/15/2021– Rodriguez/ ?*)

PUBLIC HEARING 06-15-2021

AMENDING THE ZONING MAP ATTACHED TO CHAPTER 1122 OF THE 1970 CODIFIED ORDINANCES OF THE CITY OF WHITEHALL, OHIO AND AS SUBSEQUENTLY AMENDED, ALLOWING A SPECIAL PERMIT UNDER 1123.06(c)(7) TO ALLOW AN APARTMENT DWELLING STRUCTURE CONTAINING MORE THAN TWELVE DWELLING UNITS ON THE PROPERTY LOCATED AT ON 3540 E. MAIN STREET, AND 739 & 721 MAPLEWOOD AVENUE, PARCEL NUMBERS 090-002122, 090-001890, 090-003640, 090-001900, 090-002485, 090-003638, 090-008240, PROPERTY OWNED BY MAMA COMPANY INC.

COMMUNITY AND ELDER ADVOCACY – Chairperson Lori Elmore

Members: Bailey, Rodriguez & Heck

No drafts or pending legislation.

ECONOMIC DEVELOPMENT – Chairperson Larry Morrison

Members: Conison, Rodriguez & Elmore

DRAFT # 4

ORDINANCE NO. 056-2021 (*Economic. Dev. – 3rd reading – ADOPT 07/20/2021–Morrison/)*

AMENDING ORDINANCE NO. 049-2011 TO UPDATE THE TAX EXEMPTIONS AVAILABLE WITHIN THE EAST BROAD STREET DISTRICT COMMUNITY REINVESTMENT AREA.

WHEREAS, this amendment to the East Broad Street District Community Reinvestment Area No. 049-04685-03, which was most recently recertified by the State Department of Development on February 4, 2016, enables the City to revise the requirements for tax incentives in order to update the projects potentially eligible for a tax-exemption under Sections 3735.65 to 3735.70 of the Ohio Revised Code and eliminate the existing tax incentive guidelines; and

WHEREAS, City Council desires to pursue all reasonable and legitimate incentives to assist and encourage economic and community development in specific areas of the City that have not enjoyed sufficient reinvestment from remodeling or new construction; and

WHEREAS, Ordinance No. 19-98, passed April 7, 1998, first authorized the Development Office to carry out a Community Reinvestment Area Program, pursuant to Sections 3735.65 to 3735.70 of the Ohio Revised Code, and

WHEREAS, Ordinance No. 58-98, passed July 7, 1998 first established portions of East Broad Street as a community reinvestment area district and authorized the application submitted to the Director of the Ohio Department of Development; and

WHEREAS, Resolution No. 008-2011, passed June 7, 2011, approved updates to the Development Incentive Policy Guidelines for the program first adopted pursuant to Ordinance No. 19-98, passed April 7, 1998, and subsequently amended by Resolution No. 9-98 passed July 7, 1998 then Resolution No. 56-00 passed November 7, 2000; and

WHEREAS, Ordinance No. 049-2011, passed August 2, 2011, amended and restated Ordinance No. 58-98 to amend the boundaries, tax incentive guidelines and renamed the community reinvestment area the “East Broad Street District Community Reinvestment Area;” and

WERHEAS, Ordinance No. 003-2016, passed on January 5, 2016, expanded the boundaries of the East Broad Street District Community Reinvestment Area; and

WHEREAS, this Council now desires to amend and restate certain sections of Ordinance No. 049-2011 and Exhibit B thereto to “Tax Incentive Guidelines,” attached now as Exhibit A hereto for reference only, and to make all commercial, industrial and residential structures or remodeling eligible for tax exemptions; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: That the area previously designated as the East Broad Street District Community Reinvestment Area continues to constitute an area in which housing facilities or structures of historical significance are located, and in which new construction or repair of existing facilities has been discouraged as evidenced by the housing survey on file with the Clerk of Council, the findings of which are hereby adopted.

SECTION 2: As shown on Exhibit A hereto, the East Broad Street District Community Reinvestment Area Tax Incentive Guidelines attached as Exhibit B to Ordinance No. 049-2011 are hereby rescinded and deleted, and shall be of no further force or effect.

SECTION 3: That Section 3 of Ordinance No. 049-2011 is amended and restated as follows with underlined text used to mark additions and ~~strikethrough~~ text used to mark deletions:

SECTION 3: That within the East Broad Street District Community Reinvestment Area, ~~new infill forms of compact, mixed-use residential, commercial office and pedestrian-oriented retail development; exterior rehabilitation of commercial property, commercial building façade improvements to the property, new construction or existing building expansion, renovations, remodeling, and retrofits and conversions for green building/leadership in energy and environmental design (LEED) certification, for all commercial, industrial and residential structures retail, office, speculative office, office/business services, any medical or multi use facilities, hotel/conference center, corporate headquarters, high technology, computer, other information-based and back office/call center operations properties~~ uses consistent with the applicable zoning regulations, ~~municipal strategic, land use, development or redevelopment~~

~~plans and the East Broad Street Special Overlay District Whitehall Commercial Development Design Standards (WCDDS) will be eligible under this Ordinance to apply for tax exemptions for improvements to real property as described in Section 3735.65 to 3735.70 of the Ohio Revised Code. and sole commercial new retail (outparcel) construction or industrial or residential industrial uses are not eligible to apply for exemptions under this Ordinance.~~

SECTION 4: That Section 4 of Ordinance No. 049-2011 is amended and restated as follows with underlined text used to mark additions:

SECTION 4: Within the East Broad Street District Community Reinvestment Area, ~~only~~ new construction and/or renovation of existing commercial, industrial and residential structures for ~~infill forms of compact, mixed-use residential, commercial office and pedestrian-oriented retail development; exterior rehabilitation of commercial property, commercial building façade improvements to the property, new construction or existing building expansion, renovations, remodeling, retrofits and conversions for green building/leadership in energy and environmental design (LEED) certification, commercial retail, office, speculative office, office/business services, any medical or multi-use facilities, hotel/conference center, corporate headquarters, high technology, computer, other information-based and back office/call center operations~~ uses ~~are~~ is hereby declared to be a public purpose and exempt from real property taxation in accordance with the procedures and requirements of Section 3735.67 of the Ohio Revised Code.

The percentage of the tax exemption on the increase in the assessed valuation resulting from new remodeling or construction improvements ~~to these commercial revitalization projects~~ and the term of those exemptions for commercial or industrial structures shall be negotiated on a case-by-case basis in advance of remodeling or construction according to ~~the guidelines described in Exhibit "B" attached hereto and incorporated herein by reference,~~ and the rules outlined in Section 3735.67 of the Ohio Revised Code. The results of the negotiation of any exemption authorized by this Ordinance for commercial or industrial structures shall be set forth in writing in a Community Reinvestment Area Agreement pursuant to and in accordance with Section 3735.671, with each of which agreements in substantially the form as approved by this Council by subsequent ordinance or resolution.

The percentage of the tax exemption on the increase in the assessed valuation resulting from new remodeling or construction improvements for residential structures shall be 100% and the term of those exemptions shall be the number of years set forth in the application for the tax exemption as approved by this Council by subsequent ordinance or resolution, subject to the maximum period of exemption set forth in Section 3735.67 of the Ohio Revised Code. For the purposes of Sections 3735.65 to 3735.70 of the Ohio Revised Code, a structure or remodeling (or portion thereof) composed of multiple residential apartment units is classified as residential.

SECTION 5: That Section 5 of Ordinance No. 049-2011 is amended and restated as follows with underlined text used to mark additions and ~~strikethrough~~ text used to mark deletions:

SECTION 5: All commercial and retail projects in the East Broad Street District Community Reinvestment Area are required to comply with the State of Ohio application fee requirements of Section 3735.672 (C) of the Ohio Revised Code ~~and the local processing/monitoring fees outlined in attached Exhibit "B" to this Ordinance.~~

SECTION 6: That except as amended hereby or previously by Ordinance No. 003-2016 passed on January 5, 2016, Ordinance No. 049-2011 shall remain in full force and effect.

SECTION 7: That the Clerk of Council, the City's Director of Development and other appropriate officers of the City are hereby authorized to publish all required notices, submit all required petitions, and take all other actions necessary to implement this Ordinance.

SECTION 8: The City Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, that all deliberations of this Council and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 9: That this Ordinance is effective on the earliest date permitted by law.

Requested and prepared by: Zachary Woodruff, Director of Development
 Approved as to form by: Michael T. Bivens, City Attorney MTB 6/7/2021

EXHIBIT A

EXHIBIT B
EAST BROAD STREET DISTRICT
COMMUNITY REINVESTMENT AREA
TAX INCENTIVE GUIDELINES

Tax incentive benefits will be provided to encourage new business development and private investment and reinvestment, particularly in commercial revitalization, development and re/development of vacant, underutilized and underdeveloped land or facilities with infill, new forms of compact, mixed-use residential, commercial office and pedestrian-oriented retail development; exterior rehabilitation of commercial property; commercial building facade improvements to the property, new construction or existing building expansion, renovations, remodeling, retrofits and conversions for green buildings/leadership in energy and environmental design (LEED) certification, commercial retail, office, office/business services, speculative office, any medical or multi-use facilities, hotel/conference center, corporate headquarters, high technology, computer, other information-based and back-office/call center operations uses.

1. The City shall designate the East Broad Street District as a Community Reinvestment Area, providing a maximum of 100% abatement on real property tax improvements for a maximum of 15 years. tax abatement on real property improvements based on capital investment according to the following schedule:

New Capital Investment	Minimum Annual Payroll	Rate or Percentage (%) of Tax Abatement	Maximum Term
\$5,000 to \$1,000,000+	\$4,650 to \$9,000+	Sliding scale, declining per year, term average not to exceed 50%	5 years
\$2,500,000+	\$325,000+	Sliding scale, declining per year, term average not to exceed 55%	7 years
\$5,000,000+	\$3,600,000+	Sliding scale, declining per year, term average not to exceed 60%	10 years
\$7,500,000+	\$7,450,000+	Sliding scale, declining per year, term	12 years

average not to exceed 65%

\$10,000,000+	\$15,160,000+	Sliding scale, declining per year, term average not to exceed 75%	15 years
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~~Front-loading tax abatement incentives on a declining scale decrease upfront costs borne by business and development as they minimize initial costs and risks, while their cumulative value will maximize an immediate impact on a project's bottom line.~~

~~Capital investment defined as the total dollar amount of expected "new" investment at the project site in the following:~~

~~Real Property Improvements—acquisition/assemblage of land and/or buildings, construction of new buildings; expansion, renovations, remodeling, retrofits and conversions of existing buildings.~~

~~Personal Property Improvements—machinery and equipment, furniture and fixtures, and inventory.~~

- ~~2. Minimum project investment is \$1,000,000. The term and percentage of tax abatement is based on minimum capital investment of \$5,000 to \$10,000,000+, and the number of jobs created/retained and annual income tax for the City is based on minimum annual payroll of \$4,650 to \$15,160,000+.~~
- ~~3. Maximum term of the abatement shall be (negotiated — up to 15 years/12 years) for existing commercial facilities remodeling or (negotiated — up to 15 years) for new commercial construction as described in ORC Section 3735.67.~~
- ~~4. Projects considered as eligible for abatement may consist of exterior rehabilitation of commercial property, commercial building facade improvements, demolition of on-site building or structures to clear the way for improvements to the property, new building construction, existing building expansion, renovations, remodeling, retrofits and/or conversions for mixed use residential, commercial and pedestrian-oriented retail development, green buildings/leadership in energy and environmental design (LEED) certification, commercial retail, office, office/business services, speculative office, any medical or multi-use facilities and hotel/conference center, corporate headquarters, high technology, computer, other information-based, and back office/call center operations uses. Speculative (those that have no pre-leasing commitment) or partially speculative (those that exhibit some pre-leasing commitment) building, renovation or expansion is eligible. Consideration will be given to other unique projects including:

 - ~~a) Fill, redevelop and/or re-tenant existing vacant commercial space or developable land with mixing of uses (office, hotel, other services) combining retail with residential, hotel, hospitality, conference center and lodging facilities, and/or office elements include, but are not limited to, business and information technology services, communications firms, finance insurance and real estate services, media companies including printing/publishing, graphic design and marketing, medical services including doctor's office, dental offices, surgical centers, urgent care, eye care, medical labs, centers for integrated health that feature(s) technologically advanced treatments, specialty inpatient or outpatient orthopedic, neurological and musculoskeletal care, state of the art healthy lifestyles, executive/destination health assessment programs, healing hyperbaric, among others. Existing buildings along East Broad Street are envisioned as renovated, retrofitted, or demolished and replaced by new, infill construction with retail and other services at street level, and a mix of offices and housing on the upper floors;~~
 - ~~b) Compact, mixed-use commercial development can provide an attractive, convenient, stylish setting for residents and a captive market for retailers. New building construction, renovation and/or expansion of~~~~

~~existing structures may be build to suit, speculative (those that have no pre-sale or leasing commitment) or partially speculative (those that exhibit some pre-sale or leasing commitment) development projects;~~

- ~~e) Intersections provide opportunities for higher density, mixed-use development that is integrated vertically within buildings and/or horizontally with the incorporation of adjacent properties. A comprehensive package of retail, entertainment, overnight accommodations, culture, transportation, and other pedestrian friendly amenities will add tremendous value to the community core market and housing;~~
 - ~~d) Multiple types of commercial buildings and uses of various sizes and configurations organized horizontally and vertically;~~
 - ~~e) A mix of uses integrated in a single structure, in structures side by side, or on block by block basis characterized by one to two-story commercial structures, up to three to five-story mixed-use buildings;~~
 - ~~f) Mixing uses (office, hotel, retail, entertainment, other services) that create a sense of place for this major commercial corridor area, destination to attract a variety of people for many different purposes and encourage them to visit often or improve Whitehall's chances of standing out — of getting its share of new business and development investment;~~
 - ~~g) Advance hotel development that fills out the various market segment, particularly full service overnight accommodations and encouraging related facilities/uses including but not limited to banquet, meeting, conference, training, restaurant and entertainment facilities; and~~
 - ~~h) For re/development in area with big box availability consideration will be given to think outside the box including a mix of uses — like office, hotel/hospitality, call center, community medical services/health care, other business and professional services, etc. — for combining with, encouraging and strengthening retail opportunities.~~
- ~~5. There shall be no abatement for sole commercial new retail (outparcel) construction, industrial or residential uses.~~
 - ~~6. To be eligible, Projects must conform to the applicable zoning regulations, municipal strategic, land use, development or redevelopment plans and the East Broad Street Special Overlay District—Whitehall Commercial Development Design Standards (WCDDS). New building construction and expansion projects must achieve a minimum standard for commercial property tax revenue generation of \$6,500 per acre = \$0.15 per square foot of land developed or redeveloped. New forms of compact, mixed use residential, commercial office and pedestrian-oriented retail development projects must also achieve a minimum standard for mixing uses of 50% (office) and 50% (retail/residential). In other words, the minimum office space component of the project must equal the retail/residential other space components. For speculative projects (i.e., those development projects that have no pre-leasing commitments), tenants must exhibit some modest level of job growth (not just a relocation). For partially speculative projects (i.e., those development projects that exhibit some pre-leasing commitment), tenant must also agree to a third-party agreement complying with typical City CRA agreements.~~
 - ~~7. Existing land values and existing building values, as appraised prior to completion of the project (private improvements), are not eligible for abatement.~~
 - ~~8. The Project must not have already started at the proposed site. In other words, no requests for retroactive abatement can or will be considered.~~

9. ~~The Project must physically be located within the boundaries of the East Broad Street District Community Reinvestment Area.~~
10. ~~Businesses moving from another location within Whitehall are eligible if it can be shown that the current business location cannot accommodate growth.~~
11. ~~Companies shall agree to stay in the City for a period 1.5 times the term of the abatement. Failure to comply with this provision requires repayment of the full amount of abated taxes.~~
12. ~~Applicants shall maintain the total new capital investment at the project site for 1.5 times the term of the abatement and/or overlapping TIF granted, whichever is greater. Failure to comply with this provision requires repayment of the full amount of abated taxes. Such amount may be certified and placed on the tax duplicate of Franklin County and be deemed to have the full force and effect of a tax lien upon the real and personal property of the Applicants under the laws of the State of Ohio.~~
13. ~~Companies shall maintain a membership in the Whitehall Area Chamber of Commerce.~~
14. ~~Priority will be given to projects that strive to create job opportunities, whose wage level is 150% of State of Ohio's minimum wage. Companies shall agree to the fullest extent possible to hire residents of Whitehall.~~
15. ~~The City will accept applications until December 31, 2013, at which time the CRA designation will be reevaluated. In other words, abatements will be granted only for projects completed in the next two years.~~
16. ~~Agreements will be executed prior to the project going forward, describing the commitments/obligations of each party, except for residential projects. Be advised, value on the building permit filed with the City which gets filed with the Franklin County Auditor's office for tax purposes, is to match the CRA Agreement commitment for new construction or existing building expansion, renovations, remodeling, retrofits and conversions. In other words, the CRA Agreement is to reflect anticipated building cost i.e., hard costs. The project cost assigned on the building permit is the value used for tax valuation and abatement purposes.~~
17. ~~Applications will be submitted to the Whitehall Development Office. A non-refundable processing/monitoring fee of \$750 will be charged and shall be due with this application submission. In addition, applicants shall be responsible for direct payment of any required newspaper publication costs of public notice.~~
18. ~~A separate one-time fee of \$750 will be charged by the State and collected by the City with each CRA application. Any application submitted without the required fees will be returned to the applicant.~~
19. ~~The City has the sole discretion to accept or reject any application submitted hereunder.~~

DRAFT # 5

ORDINANCE NO. 057-2021 (*Economic. Dev. – 3rd reading – ADOPT 07/20/2021–Morrison/*)

AMENDING ORDINANCE NO. 051-2011 TO UPDATE THE TAX EXEMPTIONS AVAILABLE WITHIN THE MAIN STREET EAST COMMUNITY REINVESTMENT AREA.

WHEREAS, this amendment to the Main Street East District Community Reinvestment Area No. 049-04685-04, which was most recently recertified by the State Department of Development on February 4, 2016, enables the City to revise the requirements for tax incentives in order to update the projects potentially eligible for a tax-exemption under Sections 3735.65 to 3735.70 of the Ohio Revised Code and eliminate the existing tax incentive guidelines; and

WHEREAS, City Council desires to pursue all reasonable and legitimate incentives to assist and encourage economic and community development in specific areas of the City that have not enjoyed sufficient reinvestment from remodeling or new construction; and

WHEREAS, Ordinance No. 20-98, passed April 7, 1998, first authorized the Development Office to carry out a Community Reinvestment Area Program, pursuant to Sections 3735.65 to 3735.70 of the Ohio Revised Code, and

WHEREAS, Ordinance No. 65-99, passed August 17, 1999 first established portions of East Main Street as a community reinvestment area district and authorized the application submitted to the Director of the Ohio Department of Development; and

WHEREAS, Ordinance No. 54-05, passed on November 16, 2005 made certain revisions to the Main Street East Community Reinvestment Area and authorized the recertification by the Director of Development of the State of Ohio under Chapter 3735 of the Ohio Revised Code;

WHEREAS, Resolution No. 008-2011, passed June 7, 2011, approved updates to the Development Incentive Policy Guidelines for the program first adopted pursuant to Ordinance No. 19-98, passed April 7, 1998, and subsequently amended by Resolution No. 9-98 passed July 7, 1998 then Resolution No. 56-00 passed November 7, 2000; and

WHEREAS, Ordinance No. 051-2011, passed August 16, 2011, amended and restated Ordinance No. 65-99 to amend the boundaries and tax incentive guidelines; and

WERHEAS, Ordinance No. 004-2016, passed on January 5, 2016, expanded the boundaries of the Main Street East District Community Reinvestment Area; and

WHEREAS, this Council now desires to amend and restate certain sections of Ordinance No. 051-2011 and Exhibit B thereto to Tax Incentive Guidelines, attached now as Exhibit A hereto for reference only, and to make all commercial, industrial and residential structures or remodeling eligible for tax exemptions; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: That the area previously designated as the Main Street East District Community Reinvestment Area continues to constitute an area in which housing facilities or structures of historical significance are located, and in which new construction or repair of existing facilities has been discouraged as evidenced by the housing survey on file with the Clerk of Council, the findings of which are hereby adopted.

SECTION 2: As shown on Exhibit A hereto, the Main Street East District Community Reinvestment Area Tax Incentive Guidelines attached as Exhibit B to Ordinance No. 051-2011 are hereby rescinded and deleted, and shall be of no further force or effect.

SECTION 3: That Section 3 of Ordinance No. 051-2011 is amended and restated as follows with underlined text used to mark additions and ~~strikethrough~~ text used to mark deletions:

SECTION 3: That within the Main Street East District Community Reinvestment Area, ~~new infill forms of compact, mixed-use residential, commercial office and pedestrian-oriented retail development; exterior rehabilitation of commercial property, commercial building façade improvements to the property, new construction or existing building expansion, renovations, remodeling, and retrofits and conversions for green building/leadership in energy and environmental design (LEED) certification, for all commercial, industrial and residential structures buildings retail, office, speculative office, office/business services, any medical or multi-use facilities, hotel/conference center, corporate headquarters, high technology, computer, other information-based and back office/call center operations properties used, consistent with the applicable zoning regulations, municipal strategic, land use, development or redevelopment plans and the East Main Street Special Overlay District – Whitehall Commercial Development Design Standards (WCDDS)~~ will be eligible under this Ordinance to apply for tax exemptions for improvements to real property as described in Section 3735.65 to 3735.70 of the Ohio Revised Code, ~~and sole commercial new retail (outparcel) construction, industrial or residential uses are not eligible to apply for exemptions under this Ordinance.~~

SECTION 4: That Section 4 of Ordinance No. 051-2011 is amended and restated as follows with underlined text used to mark additions and ~~strikethrough~~ text used to mark deletions:

SECTION 4: That within the Main Street East District Community Reinvestment Area, new construction and/or renovation of existing commercial, industrial and residential structures ~~for infill forms of compact, mixed-use residential, commercial office and pedestrian-oriented retail development; exterior rehabilitation of commercial property, commercial building façade improvements to the property, new construction or existing building expansion, renovations, remodeling, retrofits and conversions for green building/leadership in energy and environmental design (LEED) certification, commercial retail, office, and/or speculative office, office/business services, any medical or multi-use facilities, hotel/conference center, corporate headquarters, high technology, computer, other information-based and back office/call center operations uses~~ is hereby declared to be a public purpose and exempt from real property taxation in accordance with the procedures and requirements of Section 3735.67 of the Ohio Revised Code and the Development Incentive Policy Guidelines as described in Exhibit “B” attached hereto and incorporated herein by reference.

~~The results in the negotiation of any exemption authorized by this Ordinance shall be set forth in writing in a Community Reinvestment Area Agreement pursuant to and in accordance with Section 3735.671, each of which agreements shall be approved by this Council.~~

The percentage of the tax exemption on the increase in the assessed valuation resulting from new remodeling or construction improvements and the term of those exemptions for commercial or industrial structures shall be negotiated on a case-by-case basis in advance of remodeling or construction, all in accordance with Section 3735.67 of the Ohio Revised Code. The results of the negotiation of any exemption authorized by this Ordinance for commercial or industrial structures shall be set forth in writing in a Community Reinvestment Area Agreement pursuant to and in accordance with Section 3735.671, with each of which agreements in substantially the form as approved by this Council by subsequent ordinance or resolution.

The percentage of the tax exemption on the increase in the assessed valuation resulting from new remodeling or construction improvements for residential structures shall be 100% and the term of those exemptions shall be the

number of years set forth in the application for the tax exemption as approved by this Council by subsequent ordinance or resolution, subject to the maximum period of exemption set forth in Section 3735.67 of the Ohio Revised Code. For the purposes of Sections 3735.65 to 3735.70 of the Ohio Revised Code, a structure or remodeling (or portion thereof) composed of multiple residential apartment units is classified as residential.

SECTION 5: That Section 5 of Ordinance No. 051-2011 is amended and restated as follows with underlined text used to mark additions and ~~strikethrough~~ text used to mark deletions:

SECTION 5: All commercial and retail projects in the Main Street East District Community Reinvestment Area No. 049-4685-04 are required to comply with the State of Ohio application fee requirements of Section 3735.672 (C) of the Ohio Revised Code ~~and the local processing fees outlined in attached Exhibit “B” to this Ordinance.~~

SECTION 6: That except as amended hereby or previously by Ordinance No. 004-2016, passed on January 5, 2016, Ordinance No. 051-2011 shall remain in full force and effect.

SECTION 7: That the Clerk of Council, the City’s Director of Development and other appropriate officers of the City are hereby authorized to publish all required notices, submit all required petitions, and take all other actions necessary to implement this Ordinance.

SECTION 8: The City Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, that all deliberations of this Council and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 9: That this Ordinance is effective on the earliest date permitted by law.

Requested and prepared by: Zachary Woodruff, Director of Development
Approved as to form by: Michael T. Bivens, City Attorney MTB 6/7/2021

EXHIBIT A

EXHIBIT B

**MAIN STREET EAST DISTRICT
COMMUNITY REINVESTMENT AREA
TAX INCENTIVE GUIDELINES**

~~Tax incentive benefits will be provided to encourage new business development and private investment and reinvestment, particularly in commercial revitalization, development and re/development of vacant, underutilized and underdeveloped land or facilities with infill, new forms of compact, mixed-use residential, commercial office and pedestrian-oriented retail development; exterior rehabilitation of commercial property; commercial building facade improvements to the property, new construction or existing building expansion, renovations, remodeling, retrofits and conversions for green buildings/leadership in energy and environmental design (LEED) certification, commercial retail, office, office/business services, speculative office, any medical or multi-use facilities, hotel/conference center, corporate headquarters, high technology, computer, other information based and back-office/call-center operations uses.~~

1. ~~The City shall designate the Main Street East District as a Community Reinvestment Area, providing a maximum of 100% abatement on real property tax improvements for a maximum of 15 years. tax abatement on real property improvements based on capital investment according to the following schedule:~~

New Capital Investment	Minimum Annual Payroll	Rate or Percentage (%) of Tax Abatement	Maximum Term
\$5,000 to \$1,000,000+	\$4,650 to \$9,000+	Sliding scale, declining per year, term average not to exceed 50%	5 years
\$2,500,000+	\$325,000+	Sliding scale, declining per year, term average not to exceed 55%	7 years
\$5,000,000+	\$3,600,000+	Sliding scale, declining per year, term average not to exceed 60%	10 years
\$7,500,000+	\$7,450,000+	Sliding scale, declining per year, term average not to exceed 65%	12 years
\$10,000,000+	\$15,160,000+	Sliding scale, declining per year, term average not to exceed 75%	15 years

~~Front-loading tax abatement incentives on a declining scale decrease upfront costs borne by business and development as they minimize initial costs and risks, while their cumulative value will maximize an immediate impact on a project's bottom line.~~

~~Capital investment defined as the total dollar amount of expected "new" investment at the project site in the following:~~

~~Real Property Improvements—acquisition/assemblage of land and/or buildings, construction of new buildings; expansion, renovations, remodeling, retrofits and conversions of existing buildings.~~

~~Personal Property Improvements—machinery and equipment, furniture and fixtures, and inventory.~~

2. ~~Minimum project investment is \$1,000,000. The term and percentage of tax abatement is based on minimum capital investment of \$5,000 to \$10,000,000+, and the number of jobs created/retained and annual income tax for the City is based on minimum annual payroll of \$4,650 to \$15,160,000+.~~
3. ~~Maximum term of the abatement shall be (negotiated — up to 15 years12 years) for existing commercial facilities remodeling or (negotiated — up to 15 years) for new commercial construction as described in ORC Section 3735.67.~~
4. ~~Projects considered as eligible for abatement may consist of exterior rehabilitation of commercial property, commercial building facade improvements, demolition of on-site building or structures to clear the way for improvements to the property, new building construction, existing building expansion, renovations, remodeling, retrofits and/or conversions for mixed-use residential, commercial and pedestrian-oriented retail development, green buildings/leadership in energy and environmental design (LEED) certification, commercial~~

~~retail, office, office/business services, speculative office, any medical or multi use facilities and hotel/conference center, corporate headquarters, high technology, computer, other information-based, and back-office/call center operations uses. Speculative (those that have no pre-leasing commitment) or partially speculative (those that exhibit some pre-leasing commitment) building, renovation or expansion is eligible. Consideration will be given to other unique projects including:~~

- ~~a. Fill, redevelop and/or re-tenant existing vacant commercial space or developable land with mixing of uses (office, hotel, other services) combining retail with residential, hotel, hospitality, conference center and lodging facilities, and/or office elements include, but are not limited to, business and information technology services, communications firms, finance insurance and real estate services, media companies including printing/publishing, graphic design and marketing, medical services including doctor's office, dental offices, surgical centers, urgent care, eye care, medical labs, centers for integrated health that feature(s) technologically advanced treatments, specialty inpatient or outpatient orthopedic, neurological and musculoskeletal care, state of the art healthy lifestyles, executive/destination health assessment programs, healing hyperbaric, among others. Existing buildings along Main Street East are envisioned as renovated, retrofitted, or demolished and replaced by new, infill construction with retail and other services at street level, and a mix of offices and housing on the upper floors;~~
- ~~b. Compact, mixed-use commercial development can provide an attractive, convenient, stylish setting for residents and a captive market for retailers. New building construction, renovation and/or expansion of existing structures may be build-to-suit, speculative (those that have no pre-sale or leasing commitment) or partially speculative (those that exhibit some pre-sale or leasing commitment) development projects;~~
- ~~c. Intersections provide opportunities for higher density, mixed-use development that is integrated vertically within buildings and/or horizontally with the incorporation of adjacent properties. A comprehensive package of retail, entertainment, overnight accommodations, culture, transportation, and other pedestrian friendly amenities will add tremendous value to the community core market and housing;~~
- ~~d. Multiple types of commercial buildings and uses of various sizes and configurations organized horizontally and vertically;~~
- ~~e. A mix of uses integrated in a single structure, in structures side by side, or on block by block basis characterized by one to two story commercial structures, up to three to five story mixed-use buildings;~~
- ~~f. Mixing uses (office, hotel, retail, entertainment, other services) that create a sense of place for this major commercial corridor area, destination to attract a variety of people for many different purposes and encourage them to visit often or improve Whitehall's chances of standing out — of getting its share of new business and development investment;~~
- ~~g. Advance hotel development that fills out the various market segment, particularly full-service overnight accommodations and encouraging related facilities/uses including but not limited to banquet, meeting, conference, training, restaurant and entertainment facilities; and~~
- ~~h. For re/development in area with big box availability consideration will be given to think outside the box including a mix of uses — like office, hotel/hospitality, call-center, community medical services/health~~

~~care, other business and professional services, etc. — for combining with, encouraging and strengthening retail opportunities.~~

- ~~5. There shall be no abatement for sole commercial new retail (outparcel) construction, industrial or residential uses.~~
- ~~6. To be eligible, Projects must conform to the applicable zoning regulations, municipal strategic, land use, development or redevelopment plans and the Main Street East Special Overlay District Whitehall Commercial Development Design Standards (WCDDS). New building construction and expansion projects must achieve a minimum standard for commercial property tax revenue generation of \$6,500 per acre = \$0.15 per square foot of land developed or redeveloped. New forms of compact, mixed use residential, commercial office and pedestrian oriented retail development projects must also achieve a minimum standard for mixing uses of 50% (office) and 50% (retail/residential). In other words, the minimum office space component of the project must equal the retail/residential other space components. For speculative projects (i.e., those development projects that have no pre-leasing commitments), tenants must exhibit some modest level of job growth (not just a relocation). For partially speculative projects (i.e., those development projects that exhibit some pre-leasing commitment), tenant must also agree to a third party agreement complying with typical City CRA agreements.~~
- ~~7. Existing land values and existing building values, as appraised prior to completion of the project (private improvements), are not eligible for abatement.~~
- ~~8. The Project must not have already started at the proposed site. In other words, no requests for retroactive abatement can or will be considered.~~
- ~~9. The Project must physically be located within the boundaries of the Main Street East District Community Reinvestment Area.~~
- ~~10. Businesses moving from another location within Whitehall are eligible if it can be shown that the current business location cannot accommodate growth.~~
- ~~11. Companies shall agree to stay in the City for a period 1.5 times the term of the abatement. Failure to comply with this provision requires repayment of the full amount of abated taxes.~~
- ~~12. Applicants shall maintain the total new capital investment at the project site for 1.5 times the term of the abatement and/or overlapping TIF granted, whichever is greater. Failure to comply with this provision requires repayment of the full amount of abated taxes. Such amount may be certified and placed on the tax duplicate of Franklin County and be deemed to have the full force and effect of a tax lien upon the real and personal property of the Applicants under the laws of the State of Ohio.~~
- ~~13. Companies shall maintain a membership in the Whitehall Area Chamber of Commerce.~~
- ~~14. Priority will be given to projects that strive to create job opportunities, whose wage level is 150% of State of Ohio's minimum wage. Companies shall agree to the fullest extent possible to hire residents of Whitehall.~~
- ~~15. The City will accept applications until December 31, 2013, at which time the CRA designation will be reevaluated. In other words, abatements will be granted only for projects completed in the next two years.~~
- ~~16. Agreements will be executed prior to the project going forward, describing the commitments/obligations of each party, except for residential projects. Be advised, value on the building permit filed with the City which~~

~~gets filed with the Franklin County Auditor's office for tax purposes, is to match the CRA Agreement commitment for new construction or existing building expansion, renovations, remodeling, retrofits and conversions. In other words, the CRA Agreement is to reflect anticipated building cost i.e., hard costs. The project cost assigned on the building permit is the value used for tax valuation and abatement purposes.~~

- ~~17. Applications will be submitted to the Whitehall Development Office. A non-refundable processing/monitoring fee of \$750 will be charged and shall be due with this application submission. In addition, applicants shall be responsible for direct payment of any required newspaper publication costs of public notice.~~
- ~~18. A separate one-time fee of \$750 will be charged by the State and collected by the City with each CRA application. Any application submitted without the required fees will be returned to the applicant.~~
- ~~19. The City has the sole discretion to accept or reject any application submitted hereunder.~~

DRAFT # 6

ORDINANCE NO. 058-2021 (*Economic. Dev. – 3rd reading – ADOPT 07/20/2021–Morrison/*)

AMENDING ORDINANCE NO. 048-2011 TO UPDATE THE TAX EXEMPTIONS AVAILABLE WITHIN THE TOWNE SQUARE DISTRICT COMMUNITY REINVESTMENT AREA.

WHEREAS, this amendment to the Towne Square District Community Reinvestment Area No. 049-04685-02, which was most recently recertified by the State Department of Development on February 4, 2016, enables the City to revise the requirements for tax incentives in order to update the projects potentially eligible for a tax-exemption under Sections 3735.65 to 3735.70 of the Ohio Revised Code and eliminate the existing tax incentive guidelines; and

WHEREAS, City Council desires to pursue all reasonable and legitimate incentives to assist and encourage economic and community development in specific areas of the City that have not enjoyed sufficient reinvestment from remodeling or new construction; and

WHEREAS, Ordinance No. 20-98, passed April 7, 1998, first authorized the Development Office to carry out a Community Reinvestment Area Program, pursuant to Sections 3735.65 to 3735.70 of the Ohio Revised Code, and

WHEREAS, Ordinance No. 57-98, passed July 7, 1998 first established portions of Towne Square as a community reinvestment area district and authorized the application submitted to the Director of the Ohio Department of Development; and

WHEREAS, Resolution No. 008-2011, passed June 7, 2011, approved updates to the Development Incentive Policy Guidelines for the program first adopted pursuant to Ordinance No. 19-98, passed April 7, 1998, and subsequently amended by Resolution No. 9-98 passed July 7, 1998 then Resolution No. 56-00 passed November 7, 2000; and

WHEREAS, Ordinance No. 048-2011, passed August 2, 2011, amended and restated Ordinance No. 57-98 to amend the boundaries, tax incentive guidelines and renamed the community reinvestment area the “Towne Square District Community Reinvestment Area;” and

WERHEAS, Ordinance No. 002-2016, passed on January 5, 2016, expanded the boundaries of the Towne Square District Community Reinvestment Area; and

WHEREAS, this Council now desires to amend and restate certain sections of Ordinance No. 048-2011 and Exhibit B thereto to Tax Incentive Guidelines, attached now as Exhibit A hereto for reference only, and to make all commercial, industrial and residential structures or remodeling eligible for tax exemptions; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1. That the area previously designated as the Towne Square District Community Reinvestment Area continues to constitute an area in which housing facilities or structures of historical significance are located, and in which new construction or repair of existing facilities has been discouraged as evidenced by the housing survey on file with the Clerk of Council, the findings of which are hereby adopted.

SECTION 2: As shown on Exhibit A hereto, the Towne Square District Community Reinvestment Area Tax Incentive Guidelines attached as Exhibit B to Ordinance No. 048-2011 are hereby rescinded and deleted, and shall be of no further force or effect.

SECTION 3: That Section 3 of Ordinance No. 048-2011 is amended and restated as follows with underlined text used to mark additions and ~~strikethrough~~ text used to mark deletions:

SECTION 3: That within the Towne Square District Community Reinvestment Area, ~~new infill forms of compact, mixed-use residential, commercial office and pedestrian-oriented retail development; exterior rehabilitation of commercial property, commercial building façade improvements to the property,~~ new construction or existing building expansion, renovations, remodeling, and retrofits and conversions for green building/leadership in energy and environmental design (LEED) certification, for all commercial, industrial and residential structures, ~~retail, office, speculative office, office/business services, any medical or multi-use facilities,~~ consistent with the applicable zoning regulations, municipal strategic, land use, development or redevelopment plans and the Yearling Road Special Overlay District ~~Whitchall Commercial Development Design Standards (WCDDS)~~ will be eligible under this Ordinance to apply for tax exemptions for improvements to real property as described in Section 3735.65 to 3735.70 of the Ohio Revised Code. ~~For purposes of clarification, industrial and/or sole residential uses are not eligible to apply for exemptions under this Ordinance.~~

SECTION 4: That Section 4 of Ordinance No. 048-2011 is amended and restated as follows with underlined text used to mark additions and ~~strikethrough~~ text used to mark deletions:

SECTION 4: Within the Towne Square District Community Reinvestment Area, ~~only~~ new construction and/or renovation of existing commercial, industrial and residential structures ~~for infill forms of compact, mixed-use residential, commercial office and pedestrian-oriented retail development; exterior rehabilitation of commercial property, commercial building façade improvements to the property, new construction or existing building expansion, renovations, remodeling, retrofits and conversions for green building/leadership in energy and environmental design (LEED) certification, commercial retail, office, speculative office, office/business services, any medical or multi-use facilities,~~ is hereby declared to be a public purpose and exempt from real property taxation in accordance with the procedures and requirements of Section 3735.67 of the Ohio Revised Code.

The percentage of the tax exemption on the increase in the assessed valuation resulting from new remodeling or construction improvements ~~to these commercial revitalization projects~~ and the term of those exemptions for commercial or industrial structures shall be negotiated on a case-by-case basis in advance of remodeling or construction according to ~~the guidelines described in Exhibit "B" attached hereto and incorporated herein by reference,~~ and the rules outlined in Section 3735.67 of the Ohio Revised Code. The results of the negotiation of any exemption authorized by this Ordinance for commercial or industrial structures shall be set forth in writing in a Community Reinvestment Area Agreement pursuant to and in accordance with Section 3735.671, with each of which agreements in substantially the form as approved by this Council by subsequent ordinance or resolution.

The percentage of the tax exemption on the increase in the assessed valuation resulting from new remodeling or construction improvements for residential structures shall be 100% and the term of those exemptions shall be the number of years set forth in the application for the tax exemption as approved by this Council by subsequent ordinance or resolution, subject to the maximum period of exemption set forth in Section 3735.67 of the Ohio Revised Code. For the purposes of Sections 3735.65 to 3735.70 of the Ohio Revised Code, a structure or remodeling (or portion thereof) composed of multiple residential apartment units is classified as residential.

SECTION 5: That Section 5 of Ordinance No. 048-2011 is amended and restated as follows with underlined text used to mark additions and ~~strikethrough~~ text used to mark deletions:

SECTION 5: All commercial and retail projects in the Towne Square District Community Reinvestment Area are required to comply with the State of Ohio application fee requirements of Section 3735.672 (C) of the Ohio Revised Code ~~and the local processing/monitoring fees outlined in attached Exhibit "B" to this Ordinance.~~

SECTION 6: That except as amended hereby or previously by Ordinance No. 002-2016 passed on January 5, 2016, Ordinance No. 048-2011 shall remain in full force and effect.

SECTION 7: That the Clerk of Council, the City’s Director of Development and other appropriate officers of the City are hereby authorized to publish all required notices, submit all required petitions, and take all other actions necessary to implement this Ordinance.

SECTION 8: The City Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, that all deliberations of this Council and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 9: That this Ordinance is effective on the earliest date permitted by law.

Requested and prepared by: Zachary Woodruff, Director of Development
 Approved as to form by: Michael T. Bivens, City Attorney MTB 6/7/2021

EXHIBIT A

EXHIBIT B
EAST BROAD STREET DISTRICT
COMMUNITY REINVESTMENT AREA
TAX INCENTIVE GUIDELINES

~~Tax incentive benefits will be provided to encourage new business development and private investment and reinvestment, particularly in commercial revitalization, development and re/development of vacant, underutilized and underdeveloped land or facilities with infill, new forms of compact, mixed-use residential, commercial office and pedestrian-oriented retail development; exterior rehabilitation of commercial property; commercial building facade improvements to the property, new construction or existing building expansion, renovations, remodeling, retrofits and conversions for green buildings/leadership in energy and environmental design (LEED) certification, commercial retail, office, office/business services, speculative office, any medical or multi-use facilities, hotel/conference center, corporate headquarters, high technology, computer, other information-based and back-office/call center operations uses.~~

- ~~The City shall designate the East Broad Street District as a Community Reinvestment Area, providing a maximum of 100% abatement on real property tax improvements for a maximum of 15 years. tax abatement on real property improvements based on capital investment according to the following schedule:~~

New Capital Investment	Minimum Annual Payroll	Rate or Percentage (%) of Tax Abatement	Maximum Term
\$5,000 to \$1,000,000+	\$4,650 to \$9,000+	Sliding scale, declining per year, term average not to exceed 50%	5 years 7 years

\$2,500,000+	\$325,000+	Sliding scale, declining per year, term average not to exceed 55%	
\$5,000,000+	\$3,600,000+	Sliding scale, declining per year, term average not to exceed 60%	10 years
\$7,500,000+	\$7,450,000+	Sliding scale, declining per year, term average not to exceed 65%	12 years
\$10,000,000+	\$15,160,000+	Sliding scale, declining per year, term average not to exceed 75%	15 years

~~Front-loading tax abatement incentives on a declining scale decrease upfront costs borne by business and development as they minimize initial costs and risks, while their cumulative value will maximize an immediate impact on a project's bottom line.~~

~~Capital investment defined as the total dollar amount of expected "new" investment at the project site in the following:~~

~~Real Property Improvements—acquisition/assemblage of land and/or buildings, construction of new buildings; expansion, renovations, remodeling, retrofits and conversions of existing buildings.~~

~~Personal Property Improvements—machinery and equipment, furniture and fixtures, and inventory.~~

- ~~2. Minimum project investment is \$1,000,000. The term and percentage of tax abatement is based on minimum capital investment of \$5,000 to \$10,000,000+, and the number of jobs created/retained and annual income tax for the City is based on minimum annual payroll of \$4,650 to \$15,160,000+.~~
- ~~3. Maximum term of the abatement shall be (negotiated — up to 15 years12 years) for existing commercial facilities remodeling or (negotiated — up to 15 years) for new commercial construction as described in ORC Section 3735.67.~~
- ~~4. Projects considered as eligible for abatement may consist of exterior rehabilitation of commercial property, commercial building facade improvements, demolition of on-site building or structures to clear the way for improvements to the property, new building construction, existing building expansion, renovations, remodeling, retrofits and/or conversions for mixed-use residential, commercial and pedestrian-oriented retail development, green buildings/leadership in energy and environmental design (LEED) certification, commercial retail, office, office/business services, speculative office, any medical or multi-use facilities and hotel/conference center, corporate headquarters, high technology, computer, other information based, and back-office/call center operations uses. Speculative (those that have no pre-leasing commitment) or partially speculative (those that exhibit some pre-leasing commitment) building, renovation or expansion is eligible. Consideration will be given to other unique projects including:

 - ~~a. Fill, redevelop and/or re-tenant existing vacant commercial space or developable land with mixing of uses (office, hotel, other services) combining retail with residential, hotel, hospitality, conference center and lodging facilities, and/or office elements include, but are not limited to, business and information technology services, communications firms, finance insurance and real estate services, media companies including printing/publishing, graphic design and marketing, medical services~~~~

~~including doctor's office, dental offices, surgical centers, urgent care, eye care, medical labs, centers for integrated health that feature(s) technologically advanced treatments, specialty inpatient or outpatient orthopedic, neurological and musculoskeletal care, state of the art healthy lifestyles, executive/destination health assessment programs, healing hyperbaric, among others. Existing buildings along East Broad Street are envisioned as renovated, retrofitted, or demolished and replaced by new, infill construction with retail and other services at street level, and a mix of offices and housing on the upper floors;~~

- ~~b. Compact, mixed-use commercial development can provide an attractive, convenient, stylish setting for residents and a captive market for retailers. New building construction, renovation and/or expansion of existing structures may be build to suit, speculative (those that have no pre-sale or leasing commitment) or partially speculative (those that exhibit some pre-sale or leasing commitment) development projects;~~
- ~~c. Intersections provide opportunities for higher-density, mixed-use development that is integrated vertically within buildings and/or horizontally with the incorporation of adjacent properties. A comprehensive package of retail, entertainment, overnight accommodations, culture, transportation, and other pedestrian friendly amenities will add tremendous value to the community core market and housing;~~
- ~~d. Multiple types of commercial buildings and uses of various sizes and configurations organized horizontally and vertically;~~
- ~~e. A mix of uses integrated in a single structure, in structures side-by-side, or on block-by-block basis characterized by one to two-story commercial structures, up to three to five-story mixed-use buildings;~~
- ~~f. Mixing uses (office, hotel, retail, entertainment, other services) that create a sense of place for this major commercial corridor area, destination to attract a variety of people for many different purposes and encourage them to visit often or improve Whitehall's chances of standing out — of getting its share of new business and development investment;~~
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- ~~h. For re/development in area with big box availability consideration will be given to think outside the box including a mix of uses — like office, hotel/hospitality, call center, community medical services/health care, other business and professional services, etc. — for combining with, encouraging and strengthening retail opportunities.~~

5. ~~There shall be no abatement for sole commercial new retail (outparcel) construction, industrial or residential uses.~~

6. ~~To be eligible, Projects must conform to the applicable zoning regulations, municipal strategic, land use, development or redevelopment plans and the East Broad Street Special Overlay District — Whitehall Commercial Development Design Standards (WCDDS). New building construction and expansion projects must achieve a minimum standard for commercial property tax revenue generation of \$6,500 per acre = \$0.15 per square foot of land developed or redeveloped. New forms of compact, mixed-use residential, commercial office and~~

~~pedestrian-oriented retail development projects must also achieve a minimum standard for mixing uses of 50% (office) and 50% (retail/residential). In other words, the minimum office space component of the project must equal the retail/residential other space components. For speculative projects (i.e., those development projects that have no pre-leasing commitments), tenants must exhibit some modest level of job growth (not just a relocation). For partially speculative projects (i.e., those development projects that exhibit some pre-leasing commitment), tenant must also agree to a third-party agreement complying with typical City CRA agreements.~~

- ~~7. Existing land values and existing building values, as appraised prior to completion of the project (private improvements), are not eligible for abatement.~~
- ~~8. The Project must not have already started at the proposed site. In other words, no requests for retroactive abatement can or will be considered.~~
- ~~9. The Project must physically be located within the boundaries of the East Broad Street District Community Reinvestment Area.~~
- ~~10. Businesses moving from another location within Whitehall are eligible if it can be shown that the current business location cannot accommodate growth.~~
- ~~11. Companies shall agree to stay in the City for a period 1.5 times the term of the abatement. Failure to comply with this provision requires repayment of the full amount of abated taxes.~~
- ~~12. Applicants shall maintain the total new capital investment at the project site for 1.5 times the term of the abatement and/or overlapping TIF granted, whichever is greater. Failure to comply with this provision requires repayment of the full amount of abated taxes. Such amount may be certified and placed on the tax duplicate of Franklin County and be deemed to have the full force and effect of a tax lien upon the real and personal property of the Applicants under the laws of the State of Ohio.~~
- ~~13. Companies shall maintain a membership in the Whitehall Area Chamber of Commerce.~~
- ~~14. Priority will be given to projects that strive to create job opportunities, whose wage level is 150% of State of Ohio's minimum wage. Companies shall agree to the fullest extent possible to hire residents of Whitehall.~~
- ~~15. The City will accept applications until December 31, 2013, at which time the CRA designation will be reevaluated. In other words, abatements will be granted only for projects completed in the next two years.~~
- ~~16. Agreements will be executed prior to the project going forward, describing the commitments/obligations of each party, except for residential projects. Be advised, value on the building permit filed with the City which gets filed with the Franklin County Auditor's office for tax purposes, is to match the CRA Agreement commitment for new construction or existing building expansion, renovations, remodeling, retrofits and conversions. In other words, the CRA Agreement is to reflect anticipated building cost i.e., hard costs. The project cost assigned on the building permit is the value used for tax valuation and abatement purposes.~~
- ~~17. Applications will be submitted to the Whitehall Development Office. A non-refundable processing/monitoring fee of \$750 will be charged and shall be due with this application submission. In addition, applicants shall be responsible for direct payment of any required newspaper publication costs of public notice.~~
- ~~18. A separate one-time fee of \$750 will be charged by the State and collected by the City with each CRA application. Any application submitted without the required fees will be returned to the applicant.~~

19. ~~The City has the sole discretion to accept or reject any application submitted hereunder.~~

**INFRASTRUCTURE, MAINTENANCE AND SERVICES – Chairperson Jo Anna Heck
Members: **Bailey, Morrison & Kantor****

No drafts or pending legislation.

**PUBLIC SAFETY – Chairperson Karen Conison
Members: **Kantor, Bailey & Heck****

No drafts or pending legislation.

**PARKS AND RECREATION – Chairperson Wes Kantor
Members: **Conison, Elmore & Heck****

No drafts or pending legislation.