



CITY COUNCIL REGULAR MEETING PACKET

September 6, 2022 @ 6:30pm Smith Park Shelter House

- | | | | |
|----|---|----|--|
| 1. | Call to Order: Mayor Mike Lowrey | 6. | Communications: |
| 2. | Roll Call: Clerk of Council | 7. | City Manager's Report: Attached |
| 3. | Invocation: | 8. | Committee Reports: TBD |
| 4. | Pledge of Allegiance: | 9. | Comments from Members of the Public: |
| 5. | Action on Minutes: 08/15/2022 Regular Meeting | | *Comments limited to 5 minutes or less |

10. RESOLUTIONS: (1 - Intro; 1 – Action*)

***A. Resolution 2022-14R (Introduction, Public Hearing & Action Tonight)**

A RESOLUTION ACCEPTING THE OFFICIAL CERTIFICATE OF ESTIMATED RESOURCES FOR 2023 ALONG WITH THE TAX YEAR 2023 RATES AND AMOUNTS CERTIFICATION FROM THE CLARK COUNTY BUDGET COMMISSION

11. ORDINANCES: (4 - Intro; 3 – Action*)

***A. Ordinance 2022-35 (Introduced on 8/15/22. Public Hearing & Action Tonight)**

AN ORDINANCE AMENDING SECTION 280.03 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW CARLISLE REGARDING THE CLERK OF MAYOR'S COURT

***B. Ordinance 2022-36 Introduced on 8/15/22. Public Hearing & Action Tonight)**

AN ORDINANCE AMENDING SECTION 1460.09 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW CARLISLE REGARDING ITS EXTERIOR PROPERTY MAINTENANCE CODE ENFORCEMENT

***C. Ordinance 2022-37 (Introduced on 8/15/22. Public Hearing & Action Tonight)**

AN ORDINANCE AMENDING SECTION 1460.99 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW CARLISLE REGARDING ITS EXTERIOR PROPERTY MAINTENANCE CODE PENALTIES

D. Ordinance 2022-38 (Introduction Tonight. Public Hearing & Action on September 19, 2022)

AN ORDINANCE EMPLOYING A DIRECTOR OF LAW AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR LEGAL SERVICES

E. Ordinance 2022-39 (Introduction Tonight. Public Hearing & Action on September 19, 2022)

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS OF OVER TWENTY THOUSAND DOLLARS (\$20,000) FOR THE PURCHASE AND INSTALLATION OF A NATURAL GAS BACKUP GENERATOR AT THE CITY OF NEW CARLISLE MUNICIPAL BUILDING

F. Ordinance 2022-40 (Introduction Tonight. Public Hearing & Action on September 19, 2022)

AN ORDINANCE AMENDING ORDINANCE 2021-36 THAT ESTABLISHED A SCHEDULE OF FINES AND COSTS, AND A BAIL BOND SCHEDULE FOR THE CITY'S MAYOR'S COURT

G. Ordinance 2022-41E (Introduction, Public Hearing & Action Tonight)

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS OF OVER TWENTY THOUSAND DOLLARS (\$20,000) FOR THE PURPOSE OF REPAIRING WELL #4 BY REPLACING ITS PITLESS ADAPTER, AND DECLARING AN EMERGENCY

12. OTHER BUSINESS:

- Additional City Business
 - City Council Special Meeting: Monday, September 26, 2022. 6:00PM, Smith Park Shelter House. To Discuss Charter Amendments, Council Retreat, and Cemetery Operations
 - City Council Special Meeting: Wednesday, September 28, 2022 @ 6:30PM, Smith Park Shelter House to Act on DDC Residential Development Plan and Zoning Change
 - Open Discussion for City Related Matters

13. Executive Session: To Discuss the Employment of a Public Employee

14. Return to Regular Session:

15. Adjournment

Next **Regular Meeting** of Council will be held at the Smith Park Shelter House on Monday, September 19th at 6:30pm

RECORD OF PROCEEDING

MINUTES: CITY OF NEW CARLISLE, OHIO REGULAR SESSION MEETING @ Smith Park Shelter HELD: Monday August 15, 2022 @ 6:30PM

1. **Call to Order:** Mayor Lowrey calls the meeting to order.
2. **Roll Call:** Berner calls the roll- Lowrey, Grimm, Bahun, Cook, Eggleston, Lindsey, Rodewald 7 members present
Staff present: Bridge, Kitko, Harris, Trusty
3. **Invocation:** Chief Trusty
4. **Pledge of Allegiance:** All Welcome to Participate
5. **Action on Minutes:**
8/1/22- 1st Eggleston 2nd Grimm YES:7 Bahun, Cook, Eggleston, Rodewald, Lowrey, Grimm NAY: 0 Abstain 1 Lindsey Absent
6. **Communications:**
7. **City Manager's Report:**

A. DEPARTMENTAL REPORTS- Given at 2nd meeting of the month.

Police Report:

Patrol Division:

The New Carlisle Deputies were dispatched to 151 calls for service during the month of July.

Miles Patrolled: 5328

Calls Taken: 151

Reports: 31

Assists: 25

Criminal Arrest: 12

Felony Arrest: 4

Misdemeanor Arrest: 2

Warrants: 6

Traffic Stops: 49

Traffic Warnings: 32

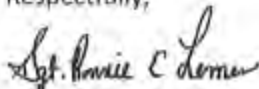
Moving Citations: 17

Business checks: 470

Code Enforcement Follow-ups: 0

Traffic Crashes: 1

Respectfully,



Sgt. Ronnie E. Leman

NEW CARLISLE	CALLS	ASSISTS	REPORTS	TRAFFIC STOPS	CITATIONS	WARNINGS	ARREST	CODE ENFO	BUSINESS CHECKS	CRASH
July										

Dep. Majercak	43	1	3	6	0	6	0	0	88	0
Dep. Forrest	29	5	7	9	5	4	0	0	158	1
Dep. McDuffie	22	5	4	15	5	10	6	0	18	0
Dep. Garman	44	8	12	10	4	6	1	0	41	0
Dep. Harris	13	6	5	9	3	6	5	0	165	0
Total	151	25	31	49	17	32	12	0	470	1

Bahun asks about/why the increase in business checks from Jan to now.

Fire/EMS Report:

City of New Carlisle
 City Council Meeting
 08-15-2022
 Fire-EMS Report

- In the Month of July, the New Carlisle Fire Division responded to 98 EMS call in the city and 10 in Elizabeth Township.
- The Division responded to 4 Fire related calls in the city and 0 in Elizabeth Township.
- We had 3 EMS calls answered by mutual aid, either by Pike Township or Bethel Clark, due to medic 52 being on a response.
- We answered 3 mutual aid EMS calls for Pike Township and 3 for Bethel Clark.

New Carlisle Fire Division

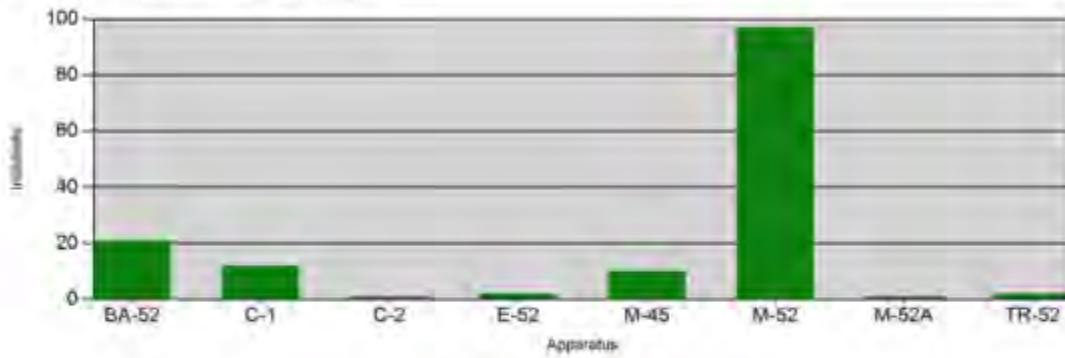
New Carlisle, OH

This report was generated on 8/12/2022 4:41:15 PM



Incident Count per Apparatus for Date Range

Start Date: 07/01/2022 | End Date: 07/31/2022



APPARATUS	# of INCIDENTS
BA-52	21
C-1	12
C-2	1
E-52	2
M-45	10
M-52	97
M-52A	1
TR-52	2

No comments or questions. Lowrey noted the praise the department received on the post after they responded to a call involving a young citizen.

Finance Report:

COUNCIL FINANCIAL REPORT SUMMARY – JULY 2022

Estimated Revenue	\$ 6,814,884.00
Amended Est. Resources	
Amended Est. Resources	\$ -
Amended Est. Resources	\$ -
Amended Est. Resources	\$ -
2022 REVISED TOTAL	
EST. REV.	\$ 6,814,884.00

2022 Original Budget	\$ 7,853,526.00
1st Q. Supplemental	\$ 164,950.00
2nd. Q. Supplemental	\$ 223,500.00
3rd. Q. Supplemental	\$ -
4th Q. Supplemental	\$ -
2022 REVISED TOTAL BUDGET	\$ 8,241,976.00

Month	Revenue Received
January	\$ 567,869.37
February	\$ 835,723.95
March	\$ 1,158,287.72
April	\$ 691,820.94
May	\$ 683,488.33
June	\$ 734,344.99
July	\$ 928,220.16
August	
September	
October	
November	
December	
Received To Date	\$ 5,599,755.46

Month	Expenses Paid
January	\$ 381,705.01
February	\$ 813,030.24
March	\$ 1,036,941.13
April	\$ 388,868.27
May	\$ 516,345.12
June	\$ 690,154.41
July	\$ 559,620.18
August	
September	
October	
November	
December	
Expenses to Date	\$ 4,386,664.36

Statement of Cash from Revenue and Expense

Fund	Description	Beginning Balance	Net Revenue YTD	Net Expense YTD	Unexpended Balance	Encumbrance YTD	Ending Balance
Grand Total:		\$6,014,278.47	\$5,599,755.46	\$4,386,664.36	\$7,227,369.57	\$661,820.32	\$6,365,549.25

BANK RECONCILIATIONS - JULY 2022

Bank Accounts	Bank Balance	Outstanding Vendor	Outstanding Employee	Deposits in Transit	NSF Check (s)	Adjustments	Book Balance	Difference
PNC - General	\$ 2,056,014.83	\$ -	\$ -	\$ 1,942.99	\$ -	\$ -	\$ 2,058,557.82	\$ -
PNC - Payroll	\$ 200,214.84	\$ (214.84)	\$ -	\$ -	\$ -	\$ -	\$ 200,000.00	\$ -
Star Ohio	\$ 2,095,695.67	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,095,695.67	\$ -
Park Nat. General	\$ 2,202,573.84	\$ (144,807.09)	\$ -	\$ 214.57	\$ -	\$ -	\$ 2,057,981.32	\$ -
Park Nat. - MMA	\$ 739,425.29	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 739,425.29	\$ -
Park Nat. - Mayor's	\$ 200.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 200.00	\$ -
NCF	\$ 526.52	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 526.52	\$ -
NCF - CD's	\$ 74,482.95	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 74,482.95	\$ -
Cash on Hand	\$ 500.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500.00	\$ -
Grand Totals	\$ 7,370,233.94	\$ (145,021.93)	\$ -	\$ 2,157.56	\$ -	\$ -	\$ 7,227,369.57	\$ -

Motion to approve financial report 1st Lindsey 2nd Bahun YES: 7 Cook, Eggleston, Lindsey, Rodewald, Lowrey, Grimm, Bahun NAY: 0 Accepted 7-0

Motion to approve the Mayor's Court report 1st Grimm 2nd Eggleston YES: 7 YES: 7 Lindsey, Rodewald, Lowrey, Grimm, Bahun, Cook, Eggleston NAY: 0 Accepted 7-0

Service Report:

To: Randy Bridge, City Manager
 From: Howard K. Rios, Service Director
 Date: August 15, 2022
 Subject: Council Update

Public Works Departments:

- The Street Dept. has begun dura-patching potholes city-wide. Please call in Potholes to the Street Dept. at 937-845-3058.
- Replacement of all Fall Protection snitch around playground equipment has been completed.
- Met with sweeping contractor for the Spring street-sweeping. Followed up with contractor for estimate 7/11/2022.
- Working with contractor for bike path and right-of-way brush clearing. Contractor to start 8/15/2022.

Water Department:

- Sanitary Survey: Updating the number of private well locations to complete our backflow program.
- Ongoing work in order to keep within the guidelines of the E.P.A., such as valve exercising, preparing data matrix information, and plant maintenance.

Sewer Department:

- Preparing documents for the bidding process for secondary clarifier #1. The new secondary clarifier #2 has arrived on site and will be installed in September. American Rescue Plan Funds and minimal local Wastewater funds. Estimated \$295,000 ARP Federal and \$10,000 local.
- Primary #2 Clarifier agreement with OPWC has been executed. Funding will be from American Rescue Plan and OPWC Funds \$98,500 & 98,500 ARP Federal Funds.

2022 Road Reconstruction/Resurfacing Projects:

- Clark County Resurface Project: Suspended until 2023
- Curb and ADA ramp work this fall/Spring, prior to resurfacing in 2023. Working with ODOT on number of ramps that will need to be replaced or repaired.
- Submitted CDBG grant application for the Fenwick Dr. Reconstruction Phase II. Construction Cost estimated to be \$452,792, with the city's share to be an estimate \$60,000 (share = Engineering) If approved, funds will be available Spring 2023.

Carlisle Park Phase 1 upgrade Project:

- Community Development Block Grant (CDBG) application submitted to remove existing basketball court and replace with new full-size court. New ADA accessible swing added to the existing Swing-set. Future phases are to add a parking lot and new ADA accessible sidewalk with picnic table connecting the open shelter and playsset. Estimated Cost of \$80,000 with the city's estimated share to be \$20,000

NatureWorks Grant:

- Completed application has been submitted to add 3 open shelters and replace concrete pad at the city pool. More Details to come.

Water & Wastewater Information

Water Fund:

Accounts – 2100
 Average Daily Flow – 550,000 gal. (Plant Capacity 1.2mgd, Design Capacity of 1.5mgd.)
 Rate – \$10.46/1000 Gal.

Current Revenue (Consumer Charges) – \$1,000,000
 Estimated Revenue (Full Build)- 1,880,600, assuming today's rates.

Current Daily flow –	550,000gpd
DDC	65,500gpd
Arbor	78,300gpd
Brubaker	78,300gpd
Twin Creeks	261,000gpd
Total at Full Build 8-10 years	1,033,000gpd

Currently water expenses are near the same amount as revenues. The additional developments will help with the margin between revenues and expenditures, on average. This could be this way until January 2027. The last water plant loan payment (\$217,000) will be paid 12/2026. Also, the last YMCA water extension payment (\$6,879) will be made 7/2025. When the plant loan is completed, this should allow the operating fund to be healthier and the city to start placing additional funds into the reserve account.

Wastewater Fund:

Accounts – 2350
 Average Daily Flow – 650,000 gal. (Plant Capacity 1.0mgd, Design of 3.0mgd.)
 Rate – \$8.15/1000 Gal.

Current Revenue (Consumer Charges) – \$1,025,000
 Estimated Revenue (Full Build) - \$1,837,480, assuming today's rates.

Current Daily Flow	650,000gpd
DDC	65,500gpd
Arbor	78,300gpd
Brubaker	78,300gpd
Twin Creeks	261,000gpd
Total at Full Build 8-10 years	1,133,000gpd

With the current rate increases approved, we have noticed an improvement of funds available to make significant repairs to the current wastewater plant. The margin between the revenues and expenditures will improve further, with some additional developments. Also, the last YMCA water extension payment (\$6,879) will be made 7/2025. 2 other loans will be paid off in 2023, resulting in \$112,000 for additional repairs or savings. The wastewater plant will need to be expanded about halfway through the developments. In 2023, we will be conducting a study for this future growth and how to properly plan for a plant expansion.

Lowrey asks if it would be better to have the streets swept in the spring. Kitko notes yes and was supposed to be completed then. Lowrey asks about the biggest consumption of man hours in the summer and Kitko notes mowing.

Kitko noted upgrades, today's rates, and average usage for home and home that may come into the wastewater plant. Lindsey asks when he thinks possible new well, Kitko notes looking into locations, legislation will be brought to council soon. Not sure when, but the city will be ready for a new tower and well over a million. Kitko notes multiple ways of funding with grants. Lindsey asks if the WW plant will need to be increased in size. Kitko notes the study will take place in 2023 and will tell when increases need to happen. Lowrey asks about the well location, Kitko notes looking at potential locations, the current well field will never shut down. Discussions about water pressure and when working on the wells.

Planning and Zoning Report: see informational items.

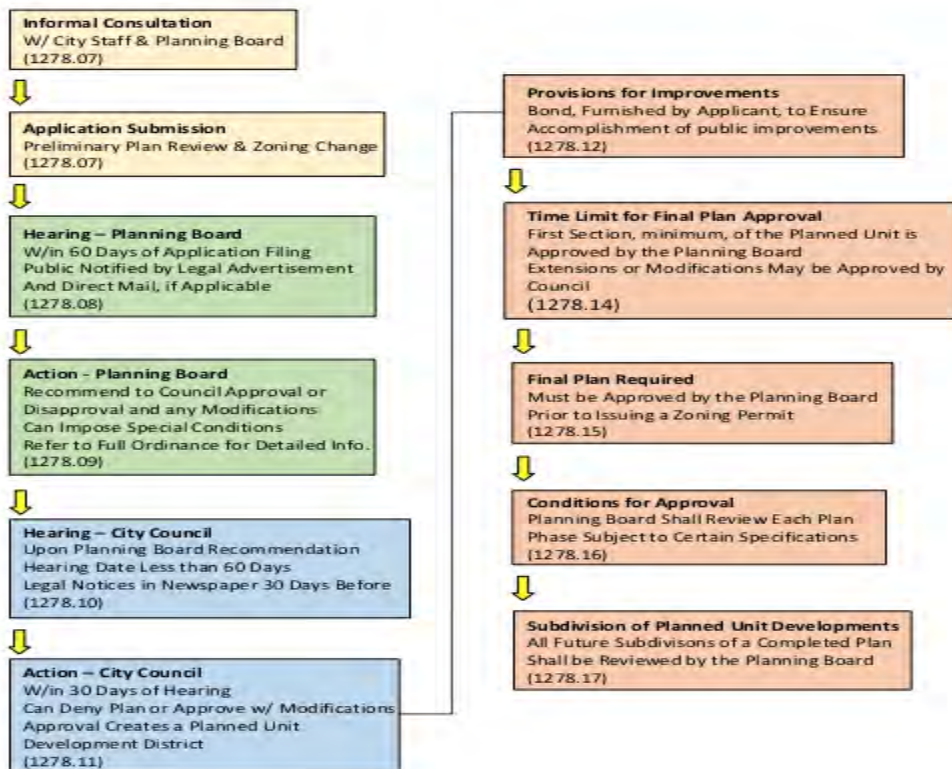
B. INFORMATIONAL ITEMS:

- Discussion Topics
 - Alley Vacation - Cory Street
 - Miami County Annexation, DDC Management
 - Preliminary Plan Hearing August 31, 2022 @ Smith Park Shelter House. 6:30PM
 - Preliminary Plan Action: September 28, 2022 @ Smith Park Shelter House. 6:30PM
 - Pre-Annexation Agreement in legal review
 - Monkeypox Information - Attached
 - Policy Review - Attached
 - Panhandling and Peddler's Codified Ordinances Suggested Amendments
 - ◇ Review Stage
 - ◇ Brings any amendments/suggestions to the 9/6 Regular Meeting
 - ◇ Introduction on 9/19 with Action on 10/3
 - Chapter 1278 - Planned Unit Developments Flow Chart - Attached
 - Any suggestions before finalizing?
 - Upcoming Legislation/Projects for Council Review/Approval
 - Employee Generally Section Code Update, Social Media Policy, Indigent Burials Policy, Golf Carts as Vehicles
 - City Sign Audit



Planned Unit Developments Flow Chart

Please Refer to Chapter 1278 of the Codified Ordinances for Detailed Explanations



Lindsey notes he thinks Bridge is doing a great job. Lowrey likes the flow chart and hopes citizens will benefit.

8. Comments from Members of the Public:

Jeff Morford 4720 Scarff- notes he is against the development. He informed Council the lake was open 12 weeks out of the year to the public, which is a fraction of what is proposed. Mr. Mulford reads a letter from Rick Gardner, Chief Botanist from ODNAP.



Rick Gardner (he,him,his)

Chief Botanist

Division of Natural Areas &
Preserves

Department of Natural Resources

Silver Lake is an unusual lake for its high alkaline waters. I do not know of another natural lake in Ohio that has so much fen (an alkaline groundwater fed wetland) around it. With other natural lakes and ponds around the state being degraded by agriculture and development, Silver Lake's importance has increased for preservation. For decades Silver Lake has been recognized by our Division, universities and other conservation organizations as a state significant natural area worthy of being preserved for its wetland habitats and numerous rare species (attached list).



Janelle Zimmerman- Ms. Zimmerman asks about the video on the City website explaining the strong mayor/strong manager form of government. Discussions on type of government, policies and how Council can pass/fail legislation. This discussion clarified question Ms. Zimmerman had.

9. Committee Reports: None

10. RESOLUTIONS:

B. Resolution 2022-12R A RESOLUTION ADOPTING THE 2023-2027 CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF NEW CARLISLE, OHIO 1st Eggleston 2nd Lindsey Yearly housekeeping for operating budget YES: Rodewald, Lowrey, Grimm, Bahun, Cook, Eggleston Lindsey NAY: 0 Accepted 7-0

11. ORDINANCES:

Ordinance 2022-30 AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CERTAIN PUBLIC STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF NEW CARLISLE, OHIO BY LIGHTING THEM 1st Eggleston 2nd Cook ex: yearly housekeeping YES:7 Eggleston, Lindsey, Rodewald, Lowrey, Grimm, Bahun, Cook NAY: 0 Accepted 7-0

Ordinance 2022-31 AN ORDINANCE LEVYING ASSESSMENTS FOR THE IMPROVEMENT OF CERTAIN PUBLIC STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF NEW CARLISLE, OHIO BY LIGHTING THEM 1st Grimm 2nd Bahun ex: yearly housekeeping Lindsey asks about when they can pay for this at city building. YES: 7 Cook, Eggleston, Lindsey, Rodewald, Lowrey, Grimm, Bahun NAY: 0 Accepted 7-0

Ordinance 2022-32 AN ORDINANCE CERTIFYING TO THE CLARK COUNTY AUDITOR AND AUTHORIZING PLACEMENT ON THE TAX DUPLICATE CERTAIN DELINQUENT UTILITY ACCOUNTS FOR COLLECTION WITH REAL ESTATE TAXES 1st Lindsey 2nd Eggleston ex: yearly housekeeping YES: 7 Lindsey, Rodewald, Lowrey, Grimm, Bahun, Cook, Eggleston NAY: 0 Accepted 7-0

Ordinance 2022-33 AN ORDINANCE CERTIFYING TO THE CLARK COUNTY AUDITOR AND AUTHORIZING PLACEMENT ON THE TAX DUPLICATE CERTAIN UNCOLLECTED WEED AND/OR GRASS CUTTING FEES FOR COLLECTION WITH REAL ESTATE TAXES 1st Eggleston 2nd Lindsey ex: yearly housekeeping YES: 7 Rodewald, Lowrey, Grimm, Bahun, Cook, Eggleston NAY: 0 Accepted 7-0

Ordinance 2022-35 (Introduction Tonight. Public Hearing & Action on September 6, 2022) AN ORDINANCE AMENDING SECTION 280.03 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW CARLISLE REGARDING THE CLERK OF MAYOR'S COURT

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Ordinance 2022-37 (Introduction Tonight. Public Hearing & Action on September 6, 2022) AN ORDINANCE AMENDING SECTION 1460.99 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW CARLISLE REGARDING ITS EXTERIOR PROPERTY MAINTENANCE CODE PENALTIES

12. OTHER BUSINESS:

Additional City Business

Joint Government Meeting: Monday, August 29, 2022. Tecumseh High School. Meal @6:00PM; Meeting Starts @ 6:30PM.

City Council Special Meeting: Wednesday, August 31, 2022 @6:30PM, Smith Park Shelter House to discuss DDC Residential Development Plan and Zoning Change - Hearing Only (No Action) o *City Offices Closed:* Monday, September 5, 2022, for Labor Day

City Council Special Meeting: Monday, September 26, 2022. 6:00PM, Smith Park Shelter House. To Discuss Charter Amendments, Council Retreat, and Cemetery Operations

City Council Special Meeting: Wednesday, September 28, 2022 @ 6:30PM, Smith Park Shelter House to Act on DDC Residential Development Plan and Zoning Change o Open Discussion for City Related Matters

Bridge notes in person light assessment pay takes place 8/22/22-9/7/22 from 7am-4pm at the city building.

Lowrey asks about the new shelter house. Bridge notes all funds and paperwork is good, probably spring.

13. Executive Session: to discuss employment of public employees. 1st Lindsey 2nd Rodewald @7:30 pm YES: 7 Lowrey, Grimm, Bahun, Cook, Eggleston, Lindsey, Rodewald NAY: 0 Accepted 7-0

Motion to move back to regular session 1st Lindsey 2nd Eggleston YES: Lindsey, Rodewald, Lowrey, Grimm, Bahun, Cook, Eggleston Accepted 7-0

14. Adjournment: @7:38pm. 1st Lindsey 2nd Eggleston YES: Lindsey, Rodewald, Lowrey, Grimm, Bahun, Cook, Eggleston Accepted 7-0

Mayor Mike Lowrey

Clerk of Council Emily Berner

City Manager's Report

September 06, 2022

A. DEPARTMENTAL REPORTS

- The Following Departmental Reports will be given at the next City Council meeting that will be held on Monday, September 19, 2022
 - Finance, Public Service, Fire/EMS, and Police

B. INFORMATIONAL ITEMS

- Discussion Topics
 - Joint Meeting w/ Bethel Township, Clark County
 - To Discuss Annexation of Land adjacent to New Carlisle Elementary for residential development
 - Need Multiple Dates/Times – To Give Bethel Options for Meeting Days
 - Miami County Annexation, DDC Management
 - Preliminary Plan Action: September 28, 2022 @ Smith Park Shelter House. 6:30PM
 - Pre-Annexation Agreement in legal review
 - Liability Insurance Renewal Submitted
 - Policy Review - Attached
 - Panhandling and Peddler's Codified Ordinances Suggested Amendments
 - ◇ Review Stage
 - ◇ Amendments/suggestions?
 - ◇ Introduction on 9/19 with Action on 10/3
 - City-Wide Traffic Study Results
 - Posted on www.newcarlisleohio.gov

Motion Summary:

None

Attachment Summary:

Panhandling Ordinance
Peddler's Ordinances

648.12 PANHANDLING.

(a) "Panhandle" or "Panhandling" means to approach or stop another person for the purpose of asking for or soliciting a donation of immediate personal financial assistance from them.

(b) It is unlawful for any person to panhandle in an aggressive manner, including any of the following actions:

(1) Panhandling in a manner that impedes access to or from, or use of, a building, vehicle or establishment;

(2) Panhandling in a manner that would alarm, intimidate, threaten, menace, harass or coerce a reasonable person;

(3) Following behind, ahead or alongside, blocking the path of, or continuing to solicit a person who has walked or driven away or who has given notice or demonstrated verbally or physically that he or she does not want to be solicited;

(4) Using profane or abusive language, or gestures, either during the solicitation or following a refusal, or making any statement, gesture or other communication that would cause a reasonable person to be fearful or feel threatened; and

(5) Making physical contact with the solicited person without that person having given his or her prior consent to the physical contact.

(c) It is unlawful for any person to knowingly make a false or misleading representation in the course of panhandling, including any of the following:

(1) Stating that the donation is needed to meet a need that does not exist;

(2) Untruthfully stating that the person panhandling is from out-of-town and stranded;

(3) Untruthfully stating that the person is homeless;

(4) Stating or representing that the person panhandling is a member of a military service when the person panhandling is neither a present nor a former member of a military service; and

(5) Stating or representing that the person panhandling suffers from a mental or physical disability when the person soliciting does not suffer from the disability.

(d) Whoever violates this section is guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00). If the offender has been previously convicted of an offense under this section within the past twelve (12) months, then the penalty is a fourth-degree misdemeanor and the offender shall be fined not more than two hundred fifty dollars (\$250.00) and/or imprisoned not more than thirty (30) days.

CHAPTER 850
Peddlers

- 850.01 License required; Definition; Purpose
- 850.02 License applications.
- 850.03 Investigation of applicant; license issuance and records
- 850.04 Bond. (Repealed)
- 850.05 Service of process. (Repealed)
- 850.06 Posting and exhibition of license.
- 850.07 License fees.
- 850.08 Transfer of license.
- 850.09 Attracting attention by loud noises and amplified devices.
- 850.10 Enforcement by police.
- 850.11 Additional Records
- 850.12 Revocation of license
- 850.13 Hearings
- 850.14 Expiration of license.
- 850.15 Exceptions
- 850.16 Notice prohibiting entry
- 850.17 Hours
- 850.18 Traffic
- 850.99 Penalty.

CROSS REFERENCES

Home solicitation sales - see Ohio R . C . 1345 .21 et seq.

Charitable solicitations - see Ohio R . C . Ch. 1716

Frozen desserts - see Ohio R.C. 3717.51 et seq.

Sales of goods and services within right-of-way of Interstate and other State highways - see Ohio R.C. 5517.07

Casual sales - see B . R . & T . Ch. 820

850.01 LICENSE REQUIRED; DEFINITION; PURPOSE

(a) No person, without first obtaining a license in accordance with this chapter, may engage in soliciting or peddling.

(b) For the purposes of this chapter, "soliciting or peddling" means:

- (1) To sell, offer for sale, barter or exchange any goods or other articles of value in the streets, alleys or public grounds of the Municipality, or door-to-door or place-to-place on public or private property;
- (2) To offer any services for hire or commission in the streets, alleys or public grounds of the Municipality, or door-to-door or place-to-place on public or private property; or
- (3) To operate a mobile food vending unit.

(c) This chapter is intended to protect against criminal activity, minimize the unwelcomed disturbance of citizens, and to otherwise preserve the public health, safety and welfare of the Municipality. The regulations contained in this chapter are not intended to regulate speech by any person but to regulate the activities of those individuals who engage in soliciting or peddling.

(Ord. 83-21. Passed 7-5-83; Ord. 11-21. Passed 4-4-11.)

850.02 LICENSE APPLICATIONS.

No less than three (3) business days before a license is to be issued, an applicant for the license required by Section 850.01 shall file with the City Manager a written sworn application signed by the applicant, if the applicant is an individual, or an owner or authorized agent, if the applicant is a business entity. The application shall show the following:

(a) The name of the person managing or supervising the applicant's business and of each person who will be engaged in such business in the Municipality during the time it is to be carried on in the Municipality; the local address of each such person while engaged in such business; the permanent address of each such person; the name and address of the person for whose account the business will be carried on, if any; and, if a business entity, the state under whose laws the same is registered;

(b) A photograph or copy of a valid driver's license of each person who will be engaged in such business in the Municipality;

(c) The place in the Municipality where the applicant proposes to carry on the business and the length of time the business will be conducted;

(d) The place, other than the permanent place of business of the applicant, where the applicant, within the six months preceding the date of such application, has conducted any such business;

(e) A statement of the nature, character and quality of the goods, wares, merchandise or services to be sold or offered; and the wholesale value and the quality of any such goods, wares and merchandise;

(f) A brief statement of the nature and character of the advertising to be done in order to attract customers. If required by the City Manager, copies of all such advertising, whether by handbill, circular, newspaper advertising or otherwise, shall be attached to the application as exhibits thereto;

(g) Whether or not the person managing or supervising the applicant's business, or any person who will be engaged in such business in the Municipality, has been convicted of any crime, the violation of any Municipal ordinance, or any health or regulatory violation, and the nature and location of the offense and the punishment assessed therefore;

(h) Credentials, from the person for whom the applicant proposes to do business, authorizing the applicant to act as his or her representative; and

(i) Such other reasonable information as to the identity of the person managing or supervising the applicant's business, or the method or plan of doing such business, as the City Manager may deem proper to fulfill the purposes of this chapter for the protection of the public good.

(j) The Municipality reserves the right to waive any irregularities associated with the submission of any application.

(Ord. 75-8 . Passed 4-7-75; Ord. 11-21. Passed 4-4-11.)

850.03 INVESTIGATION OF APPLICANT; LICENSE ISSUANCE AND RECORD.

(a) Upon receipt of the application provided for in Section 850.02, the City Manager shall investigate the applicant's business reputation as he or she deems necessary for the protection of the public good, which such investigation may take up to three (3) business days.

(1) If, as a result of such investigation, the applicant's business reputation is found to be unsatisfactory, the application shall be denied summarily by the City Manager and the City Manager shall set forth such grounds for such action in writing. Any applicant who has been denied a license under this chapter shall be notified in writing within five (5) business days of the City Manager's determination. The notice of denial shall be delivered in person to the applicant or mailed by first class mail to the applicant's last known address, and shall be effective upon delivery in person or mailing, whichever is applicable.

(2) If, as a result of the investigation, the applicant's business reputation does not appear to be unsatisfactory, the City Manager shall so certify in writing and a license shall be issued by the City Manager or his or her designee.

(b) The City Manager or his or her designee shall keep a full record in his or her office of all licenses issued. Such license shall contain the number of the license, the date the same is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of such license, the place where the business may be carried on under such license and the name of the person authorized to carry on such business.

(Ord. 75-6. Passed 4-7-75; Ord. 11-21. Passed 4-4-11.)

850.04 BOND. (REPEALED)

(EDITOR'S NOTE: Section 850.04 was repealed by Ordinance 11-21, passed April 4, 2011.)

850.05 SERVICE OF PROCESS. (REPEALED)

(EDITOR'S NOTE: Section 850.05 was repealed by Ordinance 11-21, passed April 4, 2011.)

850.06 POSTING AND EXHIBITION OF LICENSE.

Any person who has been issued a license under this chapter shall carry such license with him or her while soliciting or peddling and exhibit the same and proper government-issued photographic identification upon the request of any person. No licensee may change, alter or modify any such license.

(Ord. 75-6. Passed 4-7-75; Ord. 11-21. Passed 4-4-11.)

850.07 LICENSE FEES.

A licensee under this chapter shall pay a fee of five dollars (\$5.00) per day for such license.

(Ord. 11-21. Passed 4-4-11.)

850.08 TRANSFER OF LICENSE.

No license issued under this chapter may be transferred.

(Ord. 75-6. Passed 4-7-75; Ord. 11-21. Passed 4-4-11.)

850.09 ATTRACTING ATTENTION BY LOUD NOISES AND AMPLIFIED DEVICES.

No one engaging in soliciting or peddling, or anyone acting on his or her behalf, may shout, make any outcry, blow a horn, ring a bell or use any other sound device, including any loud-speaking radio or amplifying system, in any manner or way so as to be capable of being heard one hundred (100) feet or more of the source of the sound by an ordinary person, and in no event later than 8 o'clock PM.

(Ord. 75-6. Passed 4-7-75; Ord. 11-21. Passed 4-4-11.)

850.10 ENFORCEMENT BY POLICE.

Police officers shall examine all persons subject to this chapter to determine if this chapter has been complied with, and shall enforce this chapter against any person found to be violating the same.

(Ord. 75-6. Passed 4-7-75; Ord. 11-21. Passed 4-4-11.)

850.11 ADDITIONAL RECORDS.

The City Manager or his or her designee shall keep the record of a licensee under this chapter and the license number. The Police Administrator shall receive notice of all licenses issued. The Administrator shall report to the Manager any complaint against a person licensed under this chapter and any conviction for a violation of any of the provisions of this chapter. The City Manager shall keep a record of all such licenses, complaints and violations.

(Ord. 75-6. Passed 4-7-75; Ord. 11-21. Passed 4-4-11.)

850.12 REVOCATION OF LICENSE

(a) A license issued pursuant to this chapter may be revoked by the City Manager summarily upon the receipt by the City Manager of any complaint against a person licensed under this chapter or after notice of any of the following:

- (1) Any fraud, misrepresentation or false statement contained in the application for license;
- (2) Any fraud, misrepresentation or false statement made in connection with the licensee's soliciting or peddling;
- (3) A violation of any of the provisions of this chapter;

(4) A conviction of the licensee of a felony, or a misdemeanor involving moral turpitude; or

(5) The conducting of the business licensed under this chapter in an unlawful manner, in such a manner as to constitute a breach of the peace, or in such a manner as to constitute a menace to the health, safety or general welfare of the public.

(b) The City Manager shall set forth the grounds for such action pursuant to this section and any person whose license has been revoked under this section shall be notified in writing within five (5) business days. The notice of revocation shall be delivered in person or mailed by first class mail to the person's last known address, and shall be effective upon delivery in person or mailing, whichever is applicable.

(c) No person whose license has been revoked and not reinstated through an appeal may receive another license for a period of one year after such revocation.

850.13 HEARINGS.

(a) Any person who has applied for a license in accordance with this chapter and whose application was denied, or any person who was issued a license in accordance with this chapter that was later revoked, may appeal such determination within fifteen (15) days of the effective date of the denial or revocation notice provided by the Municipality. The notice of appeal, setting forth the grounds for appeal, shall be submitted in writing to the City Manager within the foregoing period of time. Any person who fails to submit a written notice of appeal within the 15-day period described herein will be deemed to have waived the right to appeal.

(b) Any person who properly perfects an appeal as provided under this section shall be entitled to a hearing before Council. If the notice of appeal is filed at least five (5) business days before the next regular Council meeting, then the appeal shall be heard at that meeting. If the notice of appeal is filed less than five (5) business days before the next regular Council meeting, then the appeal shall be heard at the following regular Council meeting. The majority decision of Council shall be final.

(Ord. 75-6. Passed 4-7-75; Ord. 11-21. Passed 4-4-11.)

850.14 EXPIRATION OF LICENSE.

A license issued under this chapter shall list its expiration date. No license shall be given for more than 90 days without a renewal.

(Ord. 75-6. Passed 4-7-75; Ord. 11-21. Passed 4-4-11.)

850.15 EXCEPTIONS

Notwithstanding anything contained herein to the contrary, a license shall not be required for any of the following:

- (a) Any person who is soliciting or peddling at the invitation or request of the person or business contacted;
- (b) Any person who is soliciting or peddling newspapers, or anything which such person has personally manufactured, raised or produced;
- (c) Any person who is soliciting or peddling agricultural products or services;
- (d) Any person who is soliciting contributions for, or soliciting or peddling any goods or publications for any religious, charitable, civic, educational or political organization;
- (e) Any person who is soliciting or peddling services for grass cutting, tree removal, leaf raking, snow removal or similar services, where the fee for the service does not exceed seventy-five dollars (\$75.00); or
- (f) Any person younger than the age of 18 years, during daylight hours, who is soliciting or peddling for a charitable or personal purpose (e.g., a lemonade stand).

(Ord. 75-6. Passed 4-7-75; Ord. 11-21. Passed 4-4-11; Ord. 11-43. Passed 8-1-11.)

850.16 NOTICE PROHIBITING ENTRY.

No person, while engaged in soliciting or peddling, may ring the doorbell, rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of any occupant of any residence or place of business, without the prior consent of the owner or occupant thereof, where there is placed or posted in or upon the premises, in a conspicuous position and location at or near the entrance, a sign or other form of notice stating or indicating that the owner or occupant thereof forbids or otherwise does not desire persons engaged in soliciting or peddling, or any similar type of activity, to enter upon the premises.

850.17 HOURS.

All soliciting and peddling under this chapter may be done only from 9 o'clock AM to 8 o'clock PM.

850.18 TRAFFIC.

No person may engage in soliciting or peddling which could cause or actually causes the traffic on the traveled portion of a street or highway to be delayed or impeded.

850.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00). If the offender has been previously convicted of an offense under this section within the past twelve (12) months, then the penalty is a fourth-degree misdemeanor and the offender may be fined not more than two hundred fifty dollars (\$250.00) and/or imprisoned not more than thirty (30) days. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

|

(Ord. 75-6. Passed 4-7-75; Ord. 11-21. Passed 4-4-11.)

DRAFT

RESOLUTION 2022-14R

A RESOLUTION ACCEPTING THE OFFICIAL CERTIFICATE OF ESTIMATED RESOURCES FOR 2023 ALONG WITH THE TAX YEAR 2023 RATES AND AMOUNTS CERTIFICATION FROM THE CLARK COUNTY BUDGET COMMISSION

WHEREAS, the City Manager has heretofore prepared a tentative budget for the City of New Carlisle, Ohio, for the fiscal year beginning January 1, 2023, showing detailed estimates of all balances that will be available at the beginning of 2023, for the purposes of such fiscal year, including all general and special taxes, fees, costs, percentages, penalties, allowances, prerequisites, and all other classes or types of revenues; also estimates of all expenditures or charges in or for the purposes of such fiscal year to be paid or met from said revenues or balances; and otherwise conforming with the requirements of the law; and

WHEREAS, the Clark County Budget Commission has presented the Finance Director of the City of New Carlisle with the Official Certificate of Estimated Resources for 2023 and the Tax Year 2023 Rates and Amounts Certification; and

WHEREAS, the City Council of New Carlisle has been requested to accept the Official Certificate of Estimated Resources for 2023 and the Tax Year 2023 Rates and Amounts Certification from the Clark County Budget Commission.

NOW, THEREFORE, BE IT RESOLVED that the City Council of New Carlisle accepts the Official Certificate of Estimated Resources for 2023 and the Tax Year 2023 Rates and Amounts Certification, attached, from the Clark County Budget Commission.

Passed this _____ day of _____, 2022

Mike Lowrey, Mayor

Emily Berner, Clerk of Council

APPROVED AS TO FORM:

Jake Jeffries, DIRECTOR OF LAW

1st _____

2nd: _____

Eggleston	Y	N
Bahun	Y	N
Lindsey	Y	N
Mayor Lowrey	Y	N
Vice Mayor Grimm	Y	N
Rodewald	Y	N
Cook	Y	N

Totals:

Pass

Fail

Intro: 09/06/2022
Action: 09/06/2022
Effective: 09/21/2022

RESOLUTION 2022-14R
RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY AUDITOR
(CITY COUNCIL)

REVISED CODE, SECTIONS 5705.34 - 35.

The Council of the City of New Carlisle, Clark County, Ohio, met in

_____ session on the _____ day of _____, 2022, at the

office of _____ with the following members

present:

Mr./Mrs./Ms. _____ moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of the law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2023; and

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

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

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

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

FUND	Amount to Be Derived from Levies Outside the 10 Mill Limitation	Amount to Be Derived from Levies Inside the 10 Mill Limitation	County Auditor's Estimate of Tax Rate to Be Levied	
			Inside 10 Mill Limit	Outside 10 Mill Limit
	Column II	Column IV	V	VI
General Fund - Tax Dist #0030		\$189,468	2.400	
General Fund - Tax Dist #0265		\$78	1.150	
General Fund - Tax Dist #0266		\$0	0.000	
Debt Fund - Tax Dist #0030		\$7,895	0.100	
Debt Fund - Tax Dist #0265		\$7	0.100	
Fire/Capital Fund	\$67,278			1.000
AMB Equipment Capital Fund	\$33,639			0.500
Fire Fund	\$252,292			3.750
EMS Fund	\$218,653			3.250
Health Fund	\$64,379			1.000
Street Construction Fund	\$134,556			2.000
Totals	\$770,797	\$197,448	3.750	11.500

SCHEDULE B LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES		
FUND	Maximum Rate Authorized to be Levied	County Auditor's Estimate of Yield of Levy
Fire Capital Levy authorized by voters on May 3, 2005 for not to exceed Continuing years.	1.000	\$67,278
AMB Equipment/Capital Levy authorized by voters on August 3, 2004 for not to exceed Continuing years.	0.500	\$33,639
Fire Operating Levy authorized by voters on August 3, 2004 for not to exceed Continuing years.	0.500	\$33,639
Fire Operating Levy authorized by voters on November 6, 2007 for not to exceed Continuing years.	1.000	\$67,278
AMB Operating Levy authorized by voters on November 6, 2007 for not to exceed Continuing years.	1.000	\$67,278
Fire & EMS Levy authorized by voters on November 6, 2007 for not to exceed Continuing years.	1.500	\$100,917
Health Levy authorized by voters on November 8, 2016 for not to exceed 6 years. (2017-2022)	1.000	\$64,379
Street Levy authorized by voters on March 6, 2012 for not to exceed Continuing years.	2.000	\$134,556
Fire & EMS Levy authorized by voters on May 8, 2018 for not to exceed 5 years. (2018-2022)	3.000	\$201,833
Totals	11.500	\$770,797

and be it further

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

Mr./Mrs./Ms. _____ seconded the Resolution and the roll

being called upon its adoption the vote resulted as follows:

Mr./Mrs./Ms. _____

Mr./Mrs./Ms. _____

Mr./Mrs./Ms. _____

Mr./Mrs./Ms. _____

Mr./Mrs./Ms. _____

Mr./Mrs./Ms. _____

President of Council

APPROVED AS TO FORM:

Clerk of the City of New Carlisle
Clark County, Ohio

Jake Jeffries, DIRECTOR OF LAW

CERTIFICATE OF COPY
ORIGINAL OF FILE

The State of Ohio, Clark County, ss.

I, _____, Clerk of the Council of the City
of New Carlisle, in said County, and in
whose custody the Files and Records of said Council are required by the Laws of
State of Ohio to be kept, do hereby certify that the foregoing is taken and copied
from the original Resolution # _____ dated _____,
2022 now on file with said Council, that the foregoing has been compared by me
with said original document, and that the same is a true and correct copy thereof.

WITNESS my signature, this _____ day of _____, 2022.

Clerk of the Council

City of New Carlisle

Clark County, Ohio

A COPY OF THIS RESOLUTION MUST BE CERTIFIED TO THE COUNTY AUDITOR BEFORE THE FIRST DAY OF
OCTOBER, OR SUCH LATER DATE AS APPROVED BY THE DEPARTMENT OF TAXATION OF OHIO.

Resolution # _____

|||
COUNCIL OF THE CITY OF
NEW CARLISLE, OHIO
|||

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

|||
ADOPTED _____
2022
|||

CLERK

City of New Carlisle
Prelim Tax Levy Estimates for 2023
Taxing Districts #30, 265, 266

Last Voted N/A Last Voted N/A Last Voted N/A Last Voted N/A Last Voted N/A Last Voted N/A Last Voted 8/3/2004 Last Voted 11/6/2007

Value Type	Fund 101			Fund 301			GRP 3	GRP 3				
	Dist 0030	Dist 0265	Dist 0266	Dist 0030	Dist 0265	Dist 0266	Fund 215 (1)	Fund 215 (1)				
	New Carlisle	New Carlisle	New Carlisle	Total	General Fund Non-Voted Inside Millage 2.40 Mills	General Fund Non-Voted Inside Millage 1.19 Mills	General Fund Non-Voted Inside Millage 1.05 Mills	Debt Service Non-Voted Inside Millage .10 Mills	Debt Service Non-Voted Inside Millage .10 Mills	Debt Service Non-Voted Inside Millage 0.00 Mills	Fire Oper. Voted Millage Con't .50 Mills	Fire Oper. Voted Millage Con't 1.00 Mills
Res/Ag Values	63,612,460	67,820	15,320	63,695,600	152,670	78	0	6,361	7	0	25,988	51,977
Other Class Values	13,504,040	0	0	13,504,040	32,410	0	0	1,350	0	0	6,576	13,153
Public Utility - Real Property Values	0	0	0	0	0	0	0	0	0	0	0	0
Public Utility - Personal Property Values	2,000,670	0	0	2,000,670	4,802	0	0	200	0	0	1,000	2,001
Mobile Home Values	0	0	0	0	0	0	0	0	0	0	0	0
Mobile Home Values - Like Real	0	0	0	0	0	0	0	0	0	0	0	0
Totals	79,117,170	67,820	15,320	79,200,310	189,882	78	0	7,911	7	0	33,564	67,131
Total Real Estate Estimates					189,882	78	0	7,911	7	0	33,564	67,131
Total Mobile Home Estimates					0	0	0	0	0	0	0	0
Totals					189,882	78	0	7,911	7	0	33,564	67,131
Real Estate Taxes					163,302	64	0	6,804	6	0	29,042	58,087
Homestead & Rollbacks					26,580	14	0	1,107	1	0	4,522	9,044
Res/Ag Rate					0.002400000	0.001150000	0.000000000	0.000100000	0.000100000	0.000000000	0.000408009	0.000816019
Other Rate					0.002400000	0.001150000	0.000000000	0.000100000	0.000100000	0.000000000	0.000486984	0.000973969
Full Rate					0.002400000	0.001150000	0.000000000	0.000100000	0.000100000	0.000000000	0.000500000	0.001000000

City of New Carlisle
Prelim Tax Levy Estimates for 2023
Taxing Districts #30, 265, 266

	Last Voted 8/3/2004	Last Voted 11/6/2007	Last Voted 11/6/2007 (A)	Last Voted 11/8/2016	Last Voted 5/3/2005	Last Voted 3/6/2012	Last Voted 5/8/2018 (A)			
	GRP 4 Fund 212	GRP 4 Fund 213	GRP 5 Fund 213 (1)/Fund 215(1) .75 Each	GRP 6 Fund 225	GRP 7 Fund 214	GRP 8 Fund 204	GRP 9 Fund 213 (1)/Fund 215(1) 1.50 Each	Breakdown for (A)		
Value Type	AMB Cap Equip. Voted Millage Con't .50 Mills	AMB Oper. Voted Millage Con't 1.00 Mills	Fire/Amb Oper. Voted Millage Con't 1.50 Mills	Health Voted Millage 2017-2022 1.00 Mills	Fire Capital Voted Millage Con't 1.00 Mills	Street Const Voted Millage Con't 2.00 Mills	Fire/Amb Oper. Voted Millage 2018-2022 3.00 Mills	Ambulance Fund	Fire Fund	
Res/Ag Values	25,988	51,977	77,965	49,729	51,977	103,954	155,930	116,948	116,948	
Other Class Values	6,576	13,153	19,729	12,517	13,153	26,305	39,458	29,594	29,594	
Public Utility - Real Property Values	0	0	0	0	0	0	0	0	0	
Public Utility - Personal Property Values	1,000	2,001	3,001	2,001	2,001	4,001	6,002	4,502	4,502	
Mobile Home Values	0	0	0	0	0	0	0	0	0	
Mobile Home Values - Like Real	0	0	0	0	0	0	0	0	0	
Totals	33,564	67,131	100,695	64,247	67,131	134,260	201,390	966,991	151,043	151,043
Total Real Estate Estimates	33,564	67,131	100,695	64,247	67,131	134,260	201,390	966,991	151,043	151,043
Total Mobile Home Estimates	0	0	0	0	0	0	0	0	0	0
Totals	33,564	67,131	100,695	64,247	67,131	134,260	201,390	966,991	151,043	151,043
Real Estate Taxes	29,042	58,087	87,129	55,594	58,087	116,172	191,395	852,812	139,262	139,262
Homestead & Rollbacks	4,522	9,044	13,566	8,653	9,044	18,088	9,995	114,179	11,781	11,781
Res/Ag Rate	0.000408009	0.000816019	0.001224028	0.000780726	0.000816019	0.001632038	0.002448057	Dist 0030 11.848924	Dist 0265 10.598924	Dist 0266 9.348924
Other Rate	0.000486984	0.000973969	0.001460953	0.000926888	0.000973969	0.001947938	0.002921907	13.653561	12.403561	11.153561
Full Rate	0.000500000	0.001000000	0.001500000	0.001000000	0.001000000	0.002000000	0.003000000	14.000	12.750	11.500

ORDINANCE 2022-35

AN ORDINANCE AMENDING SECTION 280.03 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW CARLISLE REGARDING THE CLERK OF MAYOR'S COURT

WHEREAS, Chapter 280 of the Codified Ordinances of the City of New Carlisle addresses a Mayor's Court; and

WHEREAS, Section 280.03 sets forth the powers and duties of the Clerk of Mayor's Court; and

WHEREAS, it has been determined that Section 280.03 should be amended to clarify the powers and duties of the Clerk of Mayor's Court.

NOW, THEREFORE, THE CITY OF NEW CARLISLE HEREBY ORDAINS that Section 280.03 of the Codified Ordinances of New Carlisle be amended as follows:

280.03 CLERK OF MAYOR'S COURT

(a) The City shall hire a qualified person to serve as the Clerk of Mayor's Court.

(b) The Clerk of Mayor's Court shall be responsible for preparing and maintaining a docket and such other records of the Court as are required, *administering the traffic violations bureau, submitting abstracts of the Court record and other information required by the Ohio Bureau of Motor Vehicles, and shall receive, collect and account for all costs, fines, bail and other monies received by the Court and shall issue receipts therefore.*

(c) *The Clerk of Mayor's Court shall have general powers to administer oaths, take affidavits, and issue executions upon any judgment rendered in the Court, including a judgment for unpaid costs, power to issue and sign all writs, process, subpoenas, and papers issuing out of the Court, and to attach the seal of the Court to them, and power to approve all bonds, sureties, recognizances, and undertakings fixed by the Court or by law.*

(d) *The Clerk of Mayor's Court shall have such other powers and duties as delegated by the Mayor, or as prescribed by rule or order of the Court.*

SIGNATURE PAGE TO FOLLOW

Passed this ____ day of _____, 2022.

Mike Lowrey, MAYOR

Emily Berner, CLERK

APPROVED AS TO FORM:

Jacob M. Jeffries, DIRECTOR OF LAW

1st _____

2nd: _____

Eggleston	Y	N
Bahun	Y	N
Lindsey	Y	N
Mayor Lowrey	Y	N
Vice Mayor Grimm	Y	N
Rodewald	Y	N
Cook	Y	N

Totals:

Pass

Fail

Intro: 08/15/2022

Action: 09/06/2022

Effective: 09/21/2022

ORDINANCE 2022-36

AN ORDINANCE AMENDING SECTION 1460.09 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW CARLISLE REGARDING ITS EXTERIOR PROPERTY MAINTENANCE CODE ENFORCEMENT

WHEREAS, Chapter 1460 of the Codified Ordinances of the City of New Carlisle addresses its Exterior Property Maintenance Code; and

WHEREAS, Section 1460.09 establishes who is responsible for enforcing the Exterior Property Maintenance Code; and

WHEREAS, it has been determined that Section 1460.09 should be amended to specify the authority granted to those responsible for enforcing the Exterior Property Maintenance Code.

NOW, THEREFORE, THE CITY OF NEW CARLISLE HEREBY ORDAINS that Section 1460.09 of the Codified Ordinances of New Carlisle be amended as follows:

1460.09 ENFORCEMENT OFFICIALS.

(a) Enforcement Officers. The City Manager shall assign the duties of administering and enforcing this Code to *any or all of the following*: the Director of Public Service, or his or her designee, ~~or to~~ the Planning Director, or his or her designee, or ~~to~~ the Enforcement Officer, or ~~to~~ his or her designee. ~~They~~ *Any person so assigned* may call upon any department, division or contractor of the City for whatever assistance may be necessary to abate a violation of this Code.

(b) Complaints and Citations. *Any officer of the City, who has been assigned the duties of administering and enforcing this Code, may file any misdemeanor complaints and issue any misdemeanor citations, and to take all such other actions as are necessary, to enforce this Code.*

(~~b~~c) Liability.

(1) The Code Official, officer or employee charged with the enforcement of this Code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

(2) Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Code Official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this Code; and any, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

Passed this ____ day of _____, 2022.

Mike Lowrey, MAYOR

Emily Berner, CLERK

APPROVED AS TO FORM:

Jacob M. Jeffries, DIRECTOR OF LAW

1st _____

2nd: _____

Eggleston	Y	N
Bahun	Y	N
Lindsey	Y	N
Mayor Lowrey	Y	N
Vice Mayor Grimm	Y	N
Rodewald	Y	N
Cook	Y	N

Totals:

Pass

Fail

Intro: 08/15/2022

Action: 09/06/2022

Effective: 09/21/2022

ORDINANCE 2022-37

AN ORDINANCE AMENDING SECTION 1460.99 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW CARLISLE REGARDING ITS EXTERIOR PROPERTY MAINTENANCE CODE PENALTIES

WHEREAS, Chapter 1460 of the Codified Ordinances of the City of New Carlisle addresses its Exterior Property Maintenance Code; and

WHEREAS, Section 1460.99 establishes the penalties for violating the Exterior Property Maintenance Code; and

WHEREAS, it has been determined that Section 1460.99 should be amended to modify the penalties and to clarify when the penalties apply.

NOW, THEREFORE, THE CITY OF NEW CARLISLE HEREBY ORDAINS that Section 1460.99 of the Codified Ordinances of New Carlisle be amended as follows:

1460.99 VIOLATION AND PENALTIES.

(a) No person shall violate any provision or fail to conform to any of the requirements of this Exterior Property Maintenance Code or fail to comply with any order made thereunder.

(b) Whoever violates any section of this Code shall be guilty of a minor misdemeanor and upon conviction thereof, be fined *not less than one hundred dollars (\$100.00) but not more than one hundred fifty dollars (\$150.00)*. Any person convicted of a second offense of this section within two years of the first offense shall be guilty of a misdemeanor of the fourth degree and, upon conviction thereof, shall be fined not less than one hundred fifty dollars (\$150.00) ~~not~~ *but not* more than two hundred fifty dollars (\$250.00), or imprisoned not more than 30 days, or both. Any person convicted of a third offense of this section within three years of the first offense shall be guilty of a misdemeanor of the first degree and, upon conviction thereof, shall be fined not less than two hundred fifty dollars (\$250.00) ~~not~~ *but not* more than one thousand dollars (\$1,000.00), or imprisoned not more than 180 days, or both. *Any violation of any section of this Code is a strict liability offense.*

(c) The application of the penalty provided in division (b) of this section shall not be held to prevent the enforced removal of prohibited conditions.

(d) Each day that a violation continues after due notice has been served as provided in this Code shall be deemed a separate offense.

SIGNATURE PAGE TO FOLLOW

Passed this ____ day of _____, 2022.

Mike Lowrey, MAYOR

Emily Berner, CLERK

APPROVED AS TO FORM:

Jacob M. Jeffries, DIRECTOR OF LAW

1st _____

2nd: _____

Eggleston	Y	N
Bahun	Y	N
Lindsey	Y	N
Mayor Lowrey	Y	N
Vice Mayor Grimm	Y	N
Rodewald	Y	N
Cook	Y	N

Totals:

Pass

Fail

Intro: 08/15/2022

Action: 09/06/2022

Effective: 09/21/2022

ORDINANCE 2022-38

AN ORDINANCE EMPLOYING A DIRECTOR OF LAW AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR LEGAL SERVICES

WHEREAS, Jacob M. Jeffries has been the City of New Carlisle Law Director since November 18, 2019; and

WHEREAS, the City has had an outstanding relationship with Mr. Jeffries and is satisfied with the work he has performed on the City's behalf; and

WHEREAS, New Carlisle Charter Section 6.03 requires that the Director of Law be an attorney-at-law and Jacob M. Jeffries has more than 17 years' experience practicing law; and

WHEREAS, it is an appropriate time to enter into another contract with Mr. Jeffries so he can continue acting as the Law Director for the City of New Carlisle.

NOW, THEREFORE, THE CITY OF NEW CARLISLE HEREBY ORDAINS as follows:

Section 1. The City Manager is hereby authorized to enter into a contract for legal services, a copy of which is attached, with Jacob M. Jeffries.

Section 2. The compensation to be paid to Jacob M. Jeffries for his services and for those other attorneys from Jeffries & Hollingsworth Law LLC who perform work on behalf of New Carlisle shall be as indicated on Exhibit A, also attached hereto, and shall remain as such for one year from the date of the contract and any renewals thereof.

Passed this ____ day of _____, 2022.

Mike Lowrey, MAYOR

Emily Berner, CLERK

Approved as to Form:

Jacob M. Jeffries LAW DIRECTOR

1st _____

2nd: _____

Eggleston	Y	N
Bahun	Y	N
Lindsey	Y	N
Mayor Lowrey	Y	N
Vice Mayor Grimm	Y	N
Rodewald	Y	N
Cook	Y	N

Totals:

Pass Fail

Intro: 09/06/2022
Action: 09/19/2022
Effective: 10/4/2022

CONTRACT FOR LEGAL SERVICES

This Contract is entered into this _____ day of _____, 2022, by and between the City of New Carlisle (“New Carlisle”) and Jacob M. Jeffries (“Jeffries”).

Whereas, New Carlisle is governed by its Charter and the Ohio Revised Code;

Whereas, pursuant to New Carlisle Charter Section 6.03 Department of Law, the Department of Law created under the Charter shall be headed by a Director of Law who shall be appointed or terminated by the City Manager with the consent of Council;

Whereas, the Ohio Supreme Court admitted Jeffries to the practice of law on November 8, 2004 and he has held his license to practice law in good standing since that date, and Jeffries is also admitted to practice law before the United States District Court for the Southern District of Ohio;

Whereas, pursuant to the New Carlisle Charter Section 6.03, the Director of Law shall be the advisor, attorney and counsel for New Carlisle, and for all the officers and divisions thereof in all matters relating to their official duties, and shall, when requested by the City Manager, give legal opinions in writing. The Director shall represent the City and its representatives in all suits or cases to which it may be a party; and shall prosecute for all offenses against the ordinances of the City and such offenses against the laws of the State of Ohio as may be required. The Director of Law shall, on the request of the City Manager, or by motion of Council, prepare contracts, legislation, bonds and other instruments in writing and over the Director’s signature, in which the City is concerned. The Director shall perform all such duties as the City Manager may impose that are consistent with the office of the Director of Law;

Whereas, the New Carlisle City Manager, Randy Bridge, desires to reappoint and hereby does reappoint Jeffries of the firm Jeffries & Hollingsworth Law LLC to serve as Director of Law; and

Whereas, Jeffries desires to serve and hereby accepts the reappointment as the Director of Law for New Carlisle.

NOW, THEREFORE, IT IS AGREED by and between the parties as follows:

1. Jeffries will serve as the Director of Law and shall perform the powers and duties of the Director of Law for New Carlisle consistent with the Charter and governing law. Other

attorneys and paralegals from the firm of Jeffries & Hollingsworth Law LLC will, from time-to-time, provide legal services to New Carlisle at the direction of Jeffries.

2. Jeffries and other attorneys from Jeffries & Hollingsworth Law LLC who perform work on behalf of New Carlisle shall be paid the rates set forth on Exhibit A attached hereto. Jeffries will submit invoices once each month in billing increments of 1/10th of an hour which will describe the services provided and any expenses advanced.
3. This contract may be terminated by either party, with or without cause, upon sixty days' written notice. The term of this contract shall be one year and the contract shall automatically renew at the end of each one-year period for an additional one-year period unless terminated by either party.

IN WITNESS WHEREOF, the City of New Carlisle by Randy Bridge, City Manager, and Jacob M. Jeffries have hereunto set their hands this _____ day of _____, 2022.

NEW CARLISLE CITY MANAGER

By: _____

Randy Bridge, City Manager

JACOB M. JEFFRIES & JEFFRIES &
HOLLINGSWORTH LAW LLC

By: _____

Jacob M. Jeffries, Attorney at Law

Approved as to Form:

Jacob M. Jeffries, LAW DIRECTOR

EXHIBIT A

Attorney Hourly Rate – 2023:	\$155.00
Attorney Hourly Rate – 2024:	\$165.00
Attorney Hourly Rate – 2025:	\$175.00
Paralegal Hourly Rate:	\$50.00

ORDINANCE 2022-39

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS OF OVER TWENTY THOUSAND DOLLARS (\$20,000) FOR THE PURCHASE AND INSTALLATION OF A NATURAL GAS BACKUP GENERATOR AT THE CITY OF NEW CARLISLE MUNICIPAL BUILDING

WHEREAS, there is currently no electrical backup generator at the municipal building; and

WHEREAS, without a backup generator, City operations at the municipal building could be interrupted whenever a power outage occurs; and

WHEREAS, a natural gas backup generator would allow the City to continue normal operations with limited to no interruptions even if a power outage occurs; and

WHEREAS, due to the current unstable market and lack of inventory, it would be advantageous for the City Manager to have prior approval to purchase a natural gas backup generator, with installation, for the municipal building for a price not to exceed \$25,000.00; and

WHEREAS, the purchase of a natural gas backup generator for the municipal building was included in the approved 2022-2026 Capital Improvement Program.

NOW, THEREFORE, THE CITY OF NEW CARLISLE HEREBY ORDAINS that:

SECTION 1. The City Manager be, and hereby is, authorized to proceed with acquiring a natural gas backup generator, with installation, by signing any purchase agreement and related documents necessary to accomplish this. The dollar amount for said purchase is not to exceed Twenty-Five Thousand and XX/100 Dollars (\$25,000.00).

Passed this _____ day of _____, 2022.

Mike Lowrey, MAYOR

Emily Berner, Clerk of Council

APPROVED AS TO FORM:

Jacob M. Jeffries, DIRECTOR OF LAW

1st _____

2nd: _____

Eggleston	Y	N
Bahun	Y	N
Lindsey	Y	N
Mayor Lowrey	Y	N
Vice Mayor Grimm	Y	N
Rodewald	Y	N
Cook	Y	N

Totals:

Pass | Fail

Intro: 9/6/22
Action: 9/19/22
Effective: 10/4/22

ORDINANCE 2022-40

AN ORDINANCE AMENDING ORDINANCE 2021-36 THAT ESTABLISHED A SCHEDULE OF FINES AND COSTS, AND A BAIL BOND SCHEDULE FOR THE CITY'S MAYOR'S COURT

WHEREAS, the City's Mayor's Court must have an established schedule of fines and costs pursuant to Crim.R. 4.1(E) and Traf.R. 13(C); and

WHEREAS, the City's Mayor's Court must have an established bail bond schedule pursuant to Crim.R. 46; and

WHEREAS, on September 20, 2021, City Council established the City's Mayor's Court's schedule of fines and costs, and bail bond schedule by passing Ordinance 2021-36 with a 6-0 vote; and

WHEREAS, the City's Law Director has recommended that the only types of misdemeanor criminal offenses that should be prosecuted in the City's Mayor's Court are minor misdemeanors, fourth-degree misdemeanors and unclassified misdemeanors; and

WHEREAS, the Law Director's recommendation is based on a discussion he had with the Police Administrator and other factors such as potential transfers to the Clark County Municipal Court, consistency with other offenses heard in the Mayor's Court, possible appeals, costs and the newness of the Mayor's Court; and

WHEREAS, the Law Director's recommendation does not apply to traffic offenses.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF NEW CARLISLE, OHIO** that:

Section 1: The attached amended schedule of fines and costs, and bail bond schedule is approved.

Section 2: The schedule of fines and costs shall be published by distributing the schedule to all law enforcement agencies operating within the jurisdiction of the Mayor's Court and prominently displaying the schedule where fines are paid.

SIGNATURE PAGE TO FOLLOW

Passed this _____ day of _____, 2022.

Mike Lowrey, MAYOR

Emily Berner, CLERK

APPROVED AS TO FORM:

Jake Jeffries, DIRECTOR OF LAW

1st _____

2nd: _____

Eggleston	Y	N
Bahun	Y	N
Lindsey	Y	N
Mayor Lowrey	Y	N
Vice Mayor Grimm	Y	N
Rodewald	Y	N
Cook	Y	N

Totals:

Pass

Fail

Intro: 09/06/2022
Action: 09/19/2022
Effective: 10/04/2022

Mayor's Court Fine Schedule

Enforcement; Impounding	CITY ORDINANCE	OHIO REVISED CODE	CATEGORY	FINE	COURT COST
Resisting an Enforcing Official	404.02	4513.36	MM	\$100	\$108

Obstruction in Public Ways	CITY ORDINANCE	OHIO REVISED CODE	CATEGORY	FINE	COURT COST
Placing Injurious Material or Obstruction in Street	412.01	4511.74	MM	\$100	\$108

Traffic Control Devices	CITY ORDINANCE	OHIO REVISED CODE	CATEGORY	FINE	COURT COST
Obedience to Traffic Control Devices	414.01	4511.12	MM	\$30	\$118
Removal of Traffic Control Devices	414.08	4511.17	M3	MUST APPEAR	

Pedestrians	CITY ORDINANCE	OHIO REVISED CODE	CATEGORY	FINE	COURT COST
Duty of Pedestrians and Drivers at Crosswalks	416.01	4511.46	MM	\$30	\$118
Right of Way of Blind Person	416.02	4511.47	MM	\$100	\$118
Right of Way; Yielded by Pedestrians at Crosswalks	416.03	4511.48	MM	\$30	\$89
Right of Way; Public Safety Vehicle	416.08	4511.452	MM	\$150	\$118
Pedestrian Intoxicated Upon Highway	416.10	4511.481	MM	\$75	\$89

Vehicle Operation	CITY ORDINANCE	OHIO REVISED CODE	CATEGORY	FINE	COURT COST
Passing to the Left	432.03	4511.27	MM	\$30	\$118
Passing to the Left of the Center Line	432.05	4511.29	MM	\$30	\$118
Driving upon the Left Side of the Roadway	432.06	4511.30	MM	\$30	\$118
No Passing Zone; Hazardous Passing	432.07	4511.31	MM	\$30	\$118
Driving within Continuous Lanes of Traffic	432.08	4511.33	MM	\$30	\$118
Following Too Close	432.09	4511.34	MM	\$100	\$118
Turning at Intersections	432.10	4511.36	MM	\$30	\$118
U-Turns Prohibited	432.11	4511.37	MM	\$30	\$118
Starting and Backing Vehicles	432.12	4511.38	MM	\$30	\$118
Signal Before Turns; Stopping	432.13	4511.39	MM	\$30	\$118
Hand Signals	432.14	4511.40	MM	\$30	\$118
Right of Way; Intersection	432.15	4511.41	MM	\$30	\$118
Right of Way; Turning Left	432.16	4511.42	MM	\$30	\$118
Stop Sign	432.17	4511.43	MM	\$30	\$118
Driving upon Sidewalks, Trees, Lawns, or Curbs	432.22	4511.711	MM	\$100	\$118
Driver's View and Control to be Unobstructed by Load or by Persons	432.23	4511.70	MM	\$100	\$118
Driving on Closed Street	432.24	4511.71 & 4511.714	MM	\$100	\$118
Following & Parking Near Emergency or Safety Vehicles	432.25	4511.72	MM	\$150	\$118
Driving Through Safety Zone	432.27	4511.6	MM	\$150	\$118
Stopping for School Bus; Loading/Unloading	432.30	4511.75	UM	MUST APPEAR	
Unsafe Start; Peeling Cracking Tires	432.35		MM	\$30	\$118
Short Cutting Across Private Property	432.36		MM	\$75	\$118
Operation on Paths Set Aside for Bicycles	432.39	4511.713	MM	\$150	\$118
Littering from a Motor Vehicle	432.40	4511.82	MM	\$75	\$108
Use of Earphones While Driving	432.41	4511.84	MM	\$75	\$118

O.V.I.	CITY ORDINANCE	OHIO REVISED CODE	CATEGORY	FINE	COURT COST
OVI	434.01(a)	4511.19(A)	M1	MUST APPEAR	
Physical Control	434.01(o)	4511.191	M1	MUST APPEAR	
OVI - Underage Consumption	434.01 (b)	4511.19(B)	M4	MUST APPEAR	
Immobilizing or Disabling Device Violation	434.011	4510.44	M1	MUST APPEAR	

Reckless Operation	CITY ORDINANCE	OHIO REVISED CODE	CATEGORY	FINE	COURT COST
Reckless Operation	434.02	4511.20	MM	\$150	\$118
Reasonable Control	434.025	4511.202	MM	\$50	\$118

Speed	CITY ORDINANCE	OHIO REVISED CODE	CATEGORY	FINE	COURT COST
Assured Clear Distance Ahead	434.03(a)	4511.21(A)	MM	\$100	\$118
Speeding 1-10 MPH Over	434.03(c)	4511.21(C)	MM	\$110	\$118
Speeding 11-15 MPH Over	434.03(c)	4511.21(C)	MM	\$115	\$118
Speeding 16-20 MPH Over	434.03(c)	4511.21(C)	MM	\$125	\$118
Speeding 21-25 MPH Over	434.03(c)	4511.21(C)	MM	\$135	\$118
Speeding 26-30 MPH Over	434.03(c)	4511.21(C)	MM	\$150	\$118
Speeding 31+ MPH Over	434.03(c)	4511.21(C)	MM	MUST APPEAR	
Third Speeding Offense within 12 Months	434.03(j)(1)(B)	4511.21(P)(1)(b)	M4	MUST APPEAR	
Slow Speed; Posted Minimum Speeds	434.04	4511.22	MM	\$50	\$118

Racing	CITY ORDINANCE	OHIO REVISED CODE	CATEGORY	FINE	COURT COST
Street Racing Prohibited	434.07	4511.251	M1	MUST APPEAR	

Commercial & Heavy Vehicles	CITY ORDINANCE	OHIO REVISED CODE	CATEGORY	FINE	COURT COST
Load Limits	440.01	4513.34	MM	\$100	\$108
Maximum Width, Height and Length	440.02	5577.06	MM	\$100	\$108
Vehicles Transporting Explosives	440.04	4513.29	MM	\$100	\$108
Towing Requirements; Exceptions to Size & Weight Restrictions	440.05	4513.32	MM	\$100	\$108
Loads Dropping or Leaking; Tracking Mud; Removal Required	440.06	4513.31	MM	\$100	\$108
Vehicles with Spikes, Lugs and Chains	440.07	5589.081	MM	\$100	\$108
Occupying Travel Trailer or Manufactured Home While in Motion	440.08	4511.701	M3	\$225	\$108
Chauffeured Limousines	440.11	4511.85	M1	\$500	\$108
Permitting or Driving While Fatigued or Ill Prohibited	442.09	4511.79	MM	\$75	\$108
Parking On Street	452.13 (c)	Various City Ordinances	MM	\$75	\$79
Parking on Private Property	452.13 (d)	Various City Ordinances	MM	\$75	\$79

Bicycles & Motorcycles	CITY ORDINANCE	OHIO REVISED CODE	CATEGORY	FINE	COURT COST
Riding Upon Seats; Carrying Packages, Motorcycle Bars; Helmets and Glasses	474.02	4511.53	MM	\$40	\$108
Attaching Bicycles, Motorcycles to Other Vehicles	474.03	4511.54	MM	\$40	\$108
Riding on Right Side of Roadway; Riding Abreast	474.04	4511.55	MM	\$40	\$108
Lights, Signal Devices, Brakes on Bicycles	474.05	4511.56	MM	\$40	\$108
Electric Bicycles	474.08	4511.522	MM	\$40	\$108

Licensing & Accidents	CITY ORDINANCE	OHIO REVISED CODE	CATEGORY	FINE	COURT COST
Driver's or Commercial License Required	436.01	4507.02(A)(1)	UM	MUST APPEAR	
Driver's or Commercial License Required >2	436.01	4507.02(A)(1)	M1	MUST	APPEAR
Possession of More Than One Driver's License	436.02	4507.02(A)(2)	M1	MUST APPEAR	
Driving with Temporary Instruction Permit	436.03	4507.05	MM	\$150	\$118
Driving with Probationary License	436.035	4507.071	MM	\$150	\$118
Owner or Operator Allowing Another to Drive - No DL/Suspension/Financial	436.05(a)(1)-(3)	4511.203(A)(1)-(3)	UM	MUST APPEAR	
Owner or Operator Allowing Another to Drive – No DL/Suspension/Financial >2	436.05(a)(1)-(3)	4511.203(A)(1)-(3)	M1	MUST	APPEAR
Owner or Operator Allowing Another to Drive – OVI/Immobilization	436.05(a)(4)-(5)	4511.203(A)(4)-(5)	M1	MUST	APPEAR
Display of License - Drivers License	436.06	4507.35	UM	MUST APPEAR	
Display of License – Drivers License >2	436.06	4507.35	M1	MUST	APPEAR
Driving Under Suspension or in Violation of License Restriction	436.071(A)	4510.11(A)	M1	MUST APPEAR	
DUS - Violation of Other Provisions	436.071(B)	4510.111(A)	UM	MUST	APPEAR
DUS - Violation of Other Provisions >2	436.071(B)	4510.111(A)	M4	MUST	APPEAR
DUS - 12 Point	436.071(C)	4510.037(J)	M1	MUST	APPEAR
Operating Motor Vehicle Without Valid License - No License/Endorsement	436.072(c)(1)	4510.12(C)(1)	UM	MUST APPEAR	
Operating Motor Vehicle Without Valid License - No License/Endorsement >1	436.072(c)(1)	4510.12(C)(1)	M1	MUST	APPEAR
Operating Motor Vehicle Without Valid License - Expired	436.072(c)(2)	4510.12(C)(2)	MM	\$100	\$118
Operating Motor Vehicle Without Valid License - Expired >2	436.072(c)(2)	4510.12(C)(2)	M1	MUST	APPEAR
Driving Under O.V.I. Suspension	436.073	4510.14	M1	MUST APPEAR	
DUS - Financial	436.074	4510.16	UM	MUST	APPEAR
DUS - Financial >2	436.074	4510.16	M1	MUST	APPEAR
DUS - Failure to Reinstate	436.075	4510.21	UM	MUST	APPEAR
DUS - Failure to Reinstate >2	436.075	4510.21	M1	MUST	APPEAR
Operation or Sale Without Certificate or Title	436.08	4505.18	UM	\$100	\$108
Display of License Plates, Registration, Obstruction - Registration	436.09(b)	4503.11(A)	MM	\$100	\$108
Display of License Plates, Registration, Obstruction - Expired Tags	436.09(a)	4503.21(A)	MM	\$100	\$108
Display of License Plates, Registration, Obstruction - Resident	436.09(c)	4503.111(A),(C)	MM	\$100	\$108
Display of License Plates, Registration, Obstruction - Other State	436.09(f)	4549.12(A)	MM	\$100	\$108
Display of License Plates, Registration, Obstruction - Former Owner	436.09(e)	4549.11(A)	MM	\$100	\$108
Display of License Plates, Registration, Obstruction - Former Owner >1	436.09(e)	4549.11(A)	M4	\$250	\$108
Display of License Plates, Registration, Obstruction - 30 days	436.09(d)	4503.12	M4	\$250	\$108
Use of Illegal Plates	436.10	4549.08	M4	\$250	\$108
Failure to Stop After Accident	436.11	4549.02	M1	MUST APPEAR	
Stopping after an Accident on Other than Public Roads and Highways	436.12	4549.021	M1	MUST	APPEAR
Vehicle Accident Resulting in Damage to Realty	436.13	4549.03	M1	MUST APPEAR	

Parking	CITY ORDINANCE	OHIO REVISED CODE	CATEGORY	FINE	COURT COST
On Streets or Highways	452.01	4511.66	MM	\$40	\$79
Prohibited Standing or Parking Places	452.03	4511.68	MM	\$40	\$79
Improper/Handicap	452.04(f)	4511.69(F)	UM	\$250	\$79
Abandoned or Junk Vehicles	452.05(g)	4513.64	MM	\$40	\$79
Private Property; Private Tow-Away Zones	452.055	4513.60	MM	\$40	\$79
Unattended Vehicle, Remove Key, Set Brake	452.06	4511.661	MM	\$40	\$79
Opening Vehicle Door on Traffic Side	452.07	4511.70	MM	\$40	\$79
Parking: Snow Emergency Routes	452.14	Various City Ordinances	MM	\$75	\$79

Equipment & Safety	CITY ORDINANCE	OHIO REVISED CODE	CATEGORY	FINE	COURT COST
Driving an Unsafe Vehicle	438.01	4513.02(A)	MM	\$40	\$108
Lighted Lights	438.02	4513.03	MM	\$40	\$108
Headlights on Motor Vehicle and Motorcycles	438.03	4513.04	MM	\$40	\$108
Tail Light; Illumination of Rear License Plate	438.04	4513.05	MM	\$40	\$108
Rear Red Reflectors	438.05	4513.06	MM	\$30	\$108
Red Light or Red Flag on Extended Loads	438.08	4513.09	MM	\$40	\$108
Lights on Slow-Moving Vehicles; Lights & Reflectors on Multi-Wheel Agricultural Tractors & Farm Machinery	438.10	4513.111	MM	\$40	\$108
Spotlight and Auxiliary Lights	438.11	4513.12	MM	\$40	\$108
Back-up lights, cowl, fender and back-up	438.12	4513.13	MM	\$40	\$108
Headlights; Two Required Two Lights Displayed	438.13	4513.14	MM	\$40	\$108
Vehicles Transporting Preschool Children	438.17	4513.182	MM	\$75	\$108
Brakes, Motor Vehicle	438.19	4513.20	MM	\$40	\$108
Horn, Siren and Theft Alarm Signal	438.20	4513.21	MM	\$40	\$108
Mufflers; Loud, Cutout, Excessive Gas and Smoke	438.21	4513.22	MM	\$40	\$108
Mirrors	438.22	4513.23	MM	\$40	\$108
Windshield Required; Sign or Poster Upon Windshield, Windshield Wiper	438.23	4513.24	MM	\$40	\$108
Tinted Glass; Materials on Glass	438.235	4513.241	MM	\$40	\$108
Limited Load Extension on Left Side of Passenger Vehicle	438.24	4513.30	MM	\$40	\$108
Use of Child Restraints - First Offense	438.28	4511.81	MM	\$75	\$108
Seatbelt - Driver	438.29(b)(1)	4513.263(b)(1)	MM	\$30	\$108
Seatbelt - Driver Responsible for Passenger Wearing Seatbelt	438.29(b)(2)	4513.263(b)(2)	MM	\$30	\$108
Seatbelt - Passenger	438.29(b)(3)	4513.263(b)(3)	MM	\$20	\$108

General Offenses - Criminal	CITY ORDINANCE	OHIO REVISED CODE	CATEGORY	FINE	COURT COST
Falsification	606.10	2921.13	M1	MUST APPEAR	
Obstructing Official Business	606.14	2921.31	M2	MUST APPEAR	
Obstructing Justice	606.15	2921.32	Varies	MUST APPEAR	
Resisting Arrest	606.16	2921.33	M2	MUST APPEAR	
Fleeing a Police Officer	606.165	2921.331	M1	MUST APPEAR	

General Offenses - Alcoholic Beverages	CITY ORDINANCE	OHIO REVISED CODE	CATEGORY	FINE	COURT COST
Underage Possession	612.02(e)(1)	4301.69	M1	MUST APPEAR	
Open Container (Public/Driving)	612.07(b)	4301.7	MM	40	\$108

General Offenses - Animals	CITY ORDINANCE	OHIO REVISED CODE	CATEGORY	FINE	COURT COST
Animals at Large (1st Offense)	618.01(a)	City Ordinances 04-19 & 11-51	M4	\$75	\$108
Animals at Large (2nd Offense)	618.01(a)	City Ordinances 04-19 & 11-51	M4	\$150	\$108
Noisy Animals	618.07	City Ordinance 04-19	MM	\$40	\$108
Animal Enclosures	618.15	City Ordinances 91-39 & 04-19	MM	\$60	\$108
Prohibited Animals	618.19	City Ordinance 06-03	MM	\$60	\$108

General Offenses - Drugs	CITY ORDINANCE	OHIO REVISED CODE	CATEGORY	FINE	COURT COST
Drug Possession - Marijuana	624.03(c)(3)(A)	2925.11(C)(3)(a)	MM	MUST APPEAR	

General Offenses - Related to Persons	CITY ORDINANCE	OHIO REVISED CODE	CATEGORY	FINE	COURT COST
Assault	636.02	2903.13	M1	MUST APPEAR	
Aggravated Menacing	636.04	2903.21	M1	MUST APPEAR	
Menacing by Stalking	636.045	2903.211	M1	MUST APPEAR	
Menacing	636.05	2903.22	M4	MUST APPEAR	
Endangering Children	636.11	2919.22	M1	MUST APPEAR	
Minors Curfew	636.20	City Ordinances 77-38 & 03-30	MM	\$50	\$108

General Offenses - Related to Property	CITY ORDINANCE	OHIO REVISED CODE	CATEGORY	FINE	COURT COST
Criminal Mischief	642.11	2909.07	M3 or M1	MUST APPEAR	
Criminal Trespass	642.12	2911.21	M4	MUST APPEAR	

General Offenses - Peace Disturbances	CITY ORDINANCE	OHIO REVISED CODE	CATEGORY	FINE	COURT COST
Disorderly Conduct	648.04(e)(1)	2917.11(E)(2)	MM	\$50	\$108
Disorderly Conduct - Persistent	648.04(e)(2)	2917.11(E)(3)	M4	\$100	\$108
Noise from Light Motor Vehicles	648.09	City Ordinances 80-32 & 02-22	MM	\$40	\$108
Loud, Disturbing & Unnecessary Noises Prohibited (Disturbing the Peace)	648.10	Various City Ordinances	MM	\$40	\$108

General Offenses - Safety, Sanitation & Health	CITY ORDINANCE	OHIO REVISED CODE	CATEGORY	FINE	COURT COST
Storage of Junk Vehicles	660.07	City Ordinance 88-11	M4	\$40	\$108

Tax Code	CITY ORDINANCE	OHIO REVISED CODE	CATEGORY	FINE	COURT COST
Return & Payment of Tax: Failure to File	881.06(a)	City Ordinances 15-54E & 16-50	M1	MUST APPEAR	
Return & Payment of Tax: Failure to Pay (Withholding - Wages)	881.06(b)	City Ordinances 15-54E & 16-50	M1	MUST APPEAR	

Supplemental District Regulations	CITY ORDINANCE	OHIO REVISED CODE	CATEGORY	FINE	COURT COST
Zoning Permit Required	1244.10	City Ordinance 85-11	MM	\$10	\$108
Expiration of Permit	1244.14	City Ordinance 82-38	MM	\$40	\$108
Limitation of Construction and Use By Application	1244.15	City Ordinance 82-38	MM	\$40	\$108
Private Swimming Pools	1280.03	City Ordinances 82-38 & 04-58	MM	\$40	\$108

Exterior Property Maintenance Code	CITY ORDINANCE	OHIO REVISED CODE	CATEGORY	FINE	COURT COST
Transfer of Ownership	1460.17	City Ordinance 07-30	MM	\$40	\$108
Abandonment of Construction Project	1460.18	City Ordinance 07-30	MM	\$100	\$108
Unsafe Structures	1460.19	City Ordinance 07-30	MM	\$100	\$108
Demolition - Failure to Comply	1460.21	City Ordinance 07-30	MM	\$100	\$108
Structural Soundness and Maintenance of Dwellings; Residential	1460.23	City Ordinance 07-30	MM	\$25	\$108
Paint and Coating Materials; Residentials	1460.24	City Ordinance 07-30	MM	\$25	\$108
Exterior Property & Structural Exteriors; Residential	1460.25	City Ordinance 07-30	MM	\$25	\$108
Vegetation; Residential	1460.26	City Ordinance 07-30	MM	\$25	\$108
Stairwells; Residential	1460.27	City Ordinance 07-30	MM	\$25	\$108
Accessory Structural; Residential	1460.28	City Ordinance 07-30	MM	\$25	\$108
Structural Soundness and Maintenance of Dwellings; Commercial	1460.30	City Ordinance 07-30	MM	\$40	\$108
Paint and Coating Materials; Commercial	1460.31	City Ordinance 07-30	MM	\$40	\$108
Exterior Property & Structural Exteriors; Commercial	1460.32	City Ordinance 07-30	MM	\$40	\$108
Vegetation; Commercial	1460.33	City Ordinance 07-30	MM	\$40	\$108
Stairwells; Commercial	1460.34	City Ordinance 07-30	MM	\$40	\$108
Accessory Structural; Commercial	1460.35	City Ordinance 07-30	MM	\$40	\$108
Structural Soundness and Maintenance of Dwellings; Industrial	1460.37	City Ordinance 07-30	MM	\$40	\$108
Paint and Coating Materials; Industrial	1460.38	City Ordinance 07-30	MM	\$40	\$108
Exterior Property & Structural Exteriors; Industrial	1460.39	City Ordinance 07-30	MM	\$40	\$108
Vegetation; Industrial	1460.40	City Ordinance 07-30	MM	\$40	\$108
Stairwells; Industrial	1460.41	City Ordinance 07-30	MM	\$40	\$108
Accessory Structural; Industrial	1460.42	City Ordinance 07-30	MM	\$40	\$108

Misdemeanor Classification	Max Bond
First Degree	\$1,000
Second Degree	\$750
Third Degree	\$500
Fourth Degree	\$250
Minor	\$150

Court Cost - Traffic Cases

City of New Carlisle General Fund	\$51
Clerk of Court Computer Services Fund	\$10
Court Computer Fund	\$3
Victims of Crime - State Reparations Fund	\$9
State Treasury Indigent Defense Support Fund	\$20
Court Security Fund	\$10
Court Facility Fee	\$5
State Reparations Account for Indigent Alcohol Driver's Treatment Fund	\$1.50
Treasurer of State of Ohio - State Reparations Account for Indigent Defense Support Fund	\$5
Treasurer of State of Ohio for deposit in the Ohio Criminal Justice Services (OCJS) Indigent Alcohol Treatment Fund	\$3.50
	\$118

Court Cost - Criminal Cases

City of New Carlisle General Fund	\$51
Clerk of Court Computer Services Fund	\$10
Court Computer Fund	\$3
Victims of Crime - State Reparations Fund	\$9
State Treasury Indigent Defense Support Fund	\$20
Court Security Fund	\$10
Court Facility Fee	\$5
	\$108

Miscellaneous Court Fees

1 day - Jail Cost for Clark County	\$60	Area
Inmate Classification Fee - Clark County Jail	\$45	Area
Warrants	\$50	Local
Warrant Block Fee	\$25	Local
Capital Recovery Collections Fee	\$30	Area
Continuance Fee	\$10	Local
Credit Card Processing Fee	3%	Local
Drug Analysis	\$150	Local
Drug Test	\$100	Local
Enforcement Fee	\$55	Local
Expungement - State	\$30	State
Expungement - Local	\$20	Local
Failure to Appear	\$20	Local
Late Fee	\$25	Local
NSF	\$25	Local
Transfer to Clark County Municipal Court	\$10	Local
License Forfeiture - State	\$30	State
License Forfeiture - City	\$15	Local
Payment Plan Fee Request	\$20	Local
Notices (subpoenas, certified mail)	\$10	Local
Summons	\$10	Local

ORDINANCE 2022-41E

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS OF OVER TWENTY THOUSAND DOLLARS (\$20,000) FOR THE PURPOSE OF REPAIRING WELL #4 BY REPLACING ITS PITLESS ADAPTER, AND DECLARING AN EMERGENCY

WHEREAS, the Well #4 pitless adapter is cracked and needs to be replaced; and

WHEREAS, Well #4 will be inoperable until it is repaired; and

WHEREAS, Well #4 is critical for the operation of the City's water system and it must be repaired in order to maintain the health and welfare of the water system and its customers; and

WHEREAS, due to the current unstable market and lack of inventory, it would be advantageous for the City Manager to have prior approval for the purchase of a pitless adapter and related parts, with installation, for Well #4 for a price not to exceed \$35,000.00.

NOW, THEREFORE, THE CITY OF NEW CARLISLE HEREBY ORDAINS that:

SECTION 1. The City Manager be, and hereby is, authorized to proceed with acquiring a pitless adapter and related parts, with installation, for Well #4 by signing any purchase agreement and related documents necessary to accomplish this. The dollar amount for said purchase is not to exceed Thirty-Five Thousand and XX/100 Dollars (\$35,000.00).

SECTION 2. This ordinance is declared an emergency measure necessary to preserve the financial welfare of the City and to preserve the safety and health of the City, and this ordinance shall be deemed effective immediately upon passage of six (6) City Council members.

Passed this _____ day of _____, 2022.

Mike Lowrey, MAYOR

Emily Berner, Clerk of Council

APPROVED AS TO FORM:

Jacob M. Jeffries, DIRECTOR OF LAW

1st _____

2nd: _____

Eggleston	Y	N
Bahun	Y	N
Lindsey	Y	N
Mayor Lowrey	Y	N
Vice Mayor Grimm	Y	N
Rodewald	Y	N
Cook	Y	N

Totals:

Pass

Fail

Intro: 09/06/22
Action: 09/06/22
Effective: 09/06/22