

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. 2019-02

Passed _____

AN ORDINANCE REQUIRING THE REGISTRATION OF
CONSTRUCTION CONTRACTORS WITH THE CITY OF MARION, AS
AMENDED

WHEREAS: The Mayor and City Council of Marion believe it necessary to create minimum professional standards for construction contractors.

WHEREAS: the city of Marion wishes to improve trust between consumers and construction contractors by creating a registry of contractors that meet the qualifications outlined herein.

WHEREAS: the city of Marion understands this resolution to be an effective balance between the costs of a complete building department and the protection of our community.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

CHAPTER 790 Registration of Contractors

790.01 Registration required; contractor and subcontractor defined.

790.02 License required; exceptions; application.

790.03 Utility employees exempted.

790.04 Homeowners exempted; homeowner defined.

790.05 Limitation on issuance of building permits.

790.06 Suspension, disapproval, or revocation of certificates.

790.07 Issuance of license and registration; fees; terms.

790.08 Prerequisites to issuance of license, indemnification bond & liability insurance

790.09 Appeals.

790.99 Penalty.

790.01 REGISTRATION REQUIRED; CONTRACTOR DEFINED.

(a) Registration shall be required of all contractors performing CONSTRUCTION work or services covered by applicable state and local the Building or Housing Codes.

(b) No person shall undertake, individually or for another, to engage for hire in any of the crafts, trades and businesses within the City, until such person, or at least one natural person duly representing such person, has been duly registered by the City to perform such work.

(c) Applicants for registration to engage in work at the crafts, trades and businesses shall make application at the office of the Zoning Inspection on forms prescribed by the Zoning Inspector.

(d) As used in this chapter, "contractor" means any individual, association, corporation or other entity engaged in the business of construction work or performing construction work in the City.

(e) As used in this chapter, "construction" shall be defined as work that requires a zoning permit, work requiring state permits, work requiring Local Health Department permits pertaining to building plumbing systems, work addressed in the residential code of Ohio, or work performed on a building structure exceeding \$2,000.

790.02 LICENSE REQUIRED; EXCEPTIONS; APPLICATION.

(a) No person shall engage in the business or act in the capacity of a contractor or general contractor performing construction work or services, except pursuant to a license / registration issued in conformity with this chapter by the Zoning Inspector.

(b) An application for a certificate of registration required by Section 790.01 shall be upon a form issued by the Zoning Inspector that contains the following information:

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- (1) Certification that the applicant has not had a contractor or construction license, or registration revoked in any state or municipality;
- (2) Certification that the applicant has not been penalized or debarred from any public contract in the previous five years for providing falsified certified payroll records or other violation of the Fair Labor Standards Act;
- (3) Certification that the applicant has a Bureau of Workers' Compensation policy;
- (4) Certification that the applicant has not had any "serious", "intentional" AND "willful" violations of any Occupational Safety and Health Administration regulations in the previous two years;
(reporting of prior violations of this Building and Housing Codes.
- (5) A certificate of registration shall be granted if the application fully conforms with the requirements of this section and the Zoning Inspector finds that the applicant has met the minimum qualifications.

790.03 UTILITY EMPLOYEES EXEMPTED.

This chapter shall not be interpreted so as to require a registration certificate for any City employee performing work on a City owned property or for any public utility organizations that engage in the installation, alteration, repair, maintenance or utilization of any device, appliance, installation or appurtenance forming part of the equipment for generation, transmission or distribution of any commodity or service which such public utility organization is authorized by law to furnish or provide.

790.04 BUILDING OWNERS EXEMPTED

This chapter shall in no way be interpreted so as to require the owner of a one, two or three-family dwelling to be registered hereunder if such owner is to personally perform work upon the premises. The exempted owner shall assume full responsibility for compliance with all applicable state and local residential building codes, and with the Planning and Zoning Code of the City, as well as all other codes, laws and regulations which cover the construction and use of the referenced job location.

- (3) Unregistered contractors. Job-site activities of an unregistered contractor shall constitute a violation of Section 790.02. The permit applicant shall be notified in writing.
- (4) Work started prior to contractor registration. Where work for which contractor registration is required is started prior to registration, the fees required for such registration shall be doubled, but the payment of such double fees does not relieve any person from fully complying with the requirements of Section 790.

790.06 SUSPENSION, DISAPPROVAL OR REVOCATION OF CERTIFICATES.

- (a) The Zoning Inspector may suspend, disapprove or revoke any license or renewal thereof issued under this chapter for any of the following reasons:
 - (1) Misrepresentation of a material fact by the applicant in obtaining the license or renewal thereof;
 - (2) Use of a certificate in obtaining permits for another;
 - (3) Criminal convictions concerning fraud, intention and willful disregard in workmanship, or theft
 - (6) A contractor that involves themselves in collusive activities designed to conceal or disguise material defects in a building's construction that result in civil or criminal prosecution of said contractor or owner.

790.07 ISSUANCE OF LICENSE AND REGISTRATION; FEES; TERMS.

Upon receipt of a completed application and the payment of the initial license fee of fifty dollars (\$50.00), the Zoning Inspector shall issue a license to the

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applicant. The initial license shall expire on December 31 of the year of issuance and may be renewed annually thereafter upon the payment of an annual renewal fee of fifty dollars (\$50.00).

790.08 PREREQUISITES TO ISSUANCE OF LICENSE/REGISTRATION

(1) Liability Insurance.

(A) Each applicant for a license under this chapter shall furnish evidence of insurance for bodily injury in the amount of one hundred thousand dollars/three hundred thousand dollars (\$100,000/\$300,000), and for property damage in the amount of at least fifty thousand dollars (\$50,000).

790.09 APPEALS.

A licensee whose license or registration has been suspended or revoked may appeal the order of suspension or revocation to the Board of Building Appeals. The appellant may be represented by counsel at his or her own expense. The Board shall permit the appellant and the Zoning Inspector to call witnesses and introduce competent testimony pertinent to a hearing of appeal. The appeal shall be made in writing and filed with the Clerk of the Board within thirty days after the receipt of the notice or order. The Board may affirm, reverse or modify any action taken by the Zoning Inspector pursuant to the dictates of these Codified Ordinances. Said appellant is granted the right of last appeals to the full body of Marion City Council and Marion Municipal Court.

790.99 PENALTY.

(a) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the fourth degree (M - 4) on a first offense which is punishable by a fine of not more than \$ 250.00 fine and/or a jail sentence of up to thirty (30) days. On a second offense within one year after the first offense, such person is guilty of a misdemeanor of the second degree (M - 2) which is punishable by not more than 90 days in jail and/or \$ 750.00 fine. On each subsequent offense within one year after the first offense, such person is guilty of a misdemeanor of the first degree (M - 1) which is punishable by not more than 180 days in jail and/or a fine of \$ 1,000.00.

(b) The application of the penalty provided for in subsection (a) hereof shall not prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation, including the enforced removal of prohibited conditions.

Todd Schneider
President of Council

APPROVED:

Mayor Scott Schertzer

ATTEST:

Clerk of Council

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<i>Ordinance No.</i> _____	<i>Passed</i> _____, _____	

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Ordinance No.

2019-04

Passed

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING THE WEST HALF OF THE PARCEL AT 111 SUPERIOR STREET/717 DELAWARE AVENUE FROM AN R-1C (SINGLE-FAMILY DISTRICT, HIGH DENSITY) TO C-1B (COMMERCIAL NEIGHBORHOOD SHOPPING DISTRICT) TO MATCH THE EAST HALF (Applicant, Amy and Lakehwind Singh)

WHEREAS, Council finds that the real property described below, should be rezoned, from an R-1C (Single-Family District, High Density) to C-1B (Commercial Neighborhood Shopping District), and

WHEREAS, Marion City Planning has recommended this change by a 7-0 vote at its meeting on January 2, 2019 and

WHEREAS, due notice of the hearing on said rezoning has been given by publication in accordance with law,

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

SECTION 1. That the property known as the west half of the parcel at 111 Superior Street/717 Delaware Avenue, Marion, Ohio and being more particularly described in the attached Exhibit A. Said parcel currently zoned as an R-1C (Single-Family District, High Density) will be changed to an C-1B (Commercial Neighborhood Shopping District), and

SECTION 2. That the Clerk of Council is hereby authorized and directed to make said change on the Zoning District Map of the City of Marion on file in the office of the Clerk of Marion City Council and on the copy thereof on file in the office of the Service Director.

Todd Schneider
President of Council

Approved:

Scott Schertzer
Mayor

Attest:

Tarina R. Rose
Clerk of Council

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Form 6220S

ARRETT BROTHERS - DAYTON, OHIO

Ordinance No. _____

Passed _____, _____

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2019-06

Passed _____, 20____

RESOLUTION TO APPROVE THE DELAWARE-KNOX-MARION-MORROW JOINT SOLID WASTE MANAGEMENT DISTRICT’S AMENDED DRAFT SOLID WASTE MANAGEMENT PLAN, AND DECLARING AN EMERGENCY

Summary/Background: The Plan is prepared in accordance with Ohio Revised Code ("ORC") Section 3734, the State of Ohio's Solid Waste Management Plan and the Ohio Environmental Protection Agency's guidelines. The Plan also describes strategies and programs that will be implemented to meet or exceed the minimum state waste reduction goals and objectives. The Delaware-Knox-Marion-Morrow Joint Solid Waste Management District ("District") completed the draft amended Solid Waste Management Plan ("Plan") and submitted it to the Ohio Environmental Protection Agency for review and comment on February 12, 2018 and the Ohio Environmental Protection Agency provided comments in a non-binding advisory opinion on March 29, 2018. The District's Policy Committee has reviewed the non-binding advisory opinion received from the Ohio Environmental Protection Agency and taken these comments into consideration and incorporated changes into the amended Plan as appropriate. The District has conducted a 30-day comment period from August 22, 2018 to September 20, 2018 and two public hearings were held on September 26, 2018 to provide the public an opportunity to comment on the Plan.

Budget Impact: The Plan provides for a fee schedule that generates the required revenue to cover the costs of implementing the strategies and programs designed to meet or exceed the minimum state waste reduction goals and objectives.

WHEREAS, in consideration of the above, NOW, THEREFORE BE IT RESOLVED that the City of Marion, located within the jurisdiction of the Delaware-Knox-Marion-Morrow Joint Solid Waste Management District, that:

Section 1. These Members hereby acknowledge receipt of the amended draft plan.

Section 2. The City of Marion approves the District Solid Waste Management Plan.

Section 3. The Clerk is hereby directed to send the District a copy of this resolution to the attention of Ms. Jenna Hicks, District Director, Delaware-Knox-Marion-Morrow Joint Solid Waste Management District, 117 E. High Street, Suite 257, Mount Vernon, Ohio 43050.

Resolution No. _____ Passed _____, 20____

Section 4. That it is found and determined that all formal actions of this council concerning and relating to the passage of this resolution/ordinance were adopted in an open meeting of this council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including Sections 121.22 of the Ohio Revised Code.

Section 5. That this resolution shall be in full force and effect immediately upon its adoption.

Approved:

Todd Schneider
President of Council

Mayor Scott Schertzer

Attest;

Clerk of Council

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Ordinance No. 2019-08

Passed _____, _____

ORDINANCE RE-DECLARING THE CITY OF MARION'S SUPPORT FOR CAN DO! IN ORDER TO CONTINUE THE ECONOMIC PROSPERITY OF THE GREATER MARION AREA, AND DECLARING AN EMERGENCY

WHEREAS, a request has been made upon the Council for the City of Marion to continue its' support for CAN DO!, and

WHEREAS, the Council finds it in the best interests of the City of Marion to continue its' financial support to the organization commonly known as CAN DO! and the need to ensure its' economic well-being in order to allow it to perform its function within the greater Marion community,

BE IT ORDAINED, by the Council of the City of Marion, Marion County, Ohio:

SECTION 1. The Council directs and authorizes the Mayor to ensure that the economic development organization commonly referred to as CAN DO! continues to receive support. CAN DO! shall provide the Council with an annual report in the last quarter of each year and at such other times as the Council requests or CAN DO! believes it to be appropriate. This support shall be renewable upon the commencement of each new term of Council. The current Council has seen the real need to continue to foster economic growth and opportunities. The support in the future conditioned upon subsequent Councils adopting similar appropriation legislation to provide for funding, if they believe it to be appropriate.

SECTION 2. The Council determines the best course in regard to annual amount of support to be that which is afforded and as administered by the Administration in the 2019 annual budget for the City of Marion, Ohio in the respective established line item.

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

Todd Schneider
President of Council

APPROVED:

Mayor Scott Schertzer

ATTEST:

Tarina R. Rose
Clerk of Council

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Passed _____

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Ordinance No. 2019-09

Passed _____, _____

ORDINANCE RE-DECLARING THE CITY OF MARION'S SUPPORT FOR DOWNTOWN MARION, INC., INCLUDING BUT NOT LIMITED TO FINANCIAL SUPPORT IN ORDER TO CONTINUE THE COMMUNITY'S EFFORTS TO REVITALIZE THE DOWNTOWN AREA, AND DECLARING AN EMERGENCY

WHEREAS, previous Ordinances have declared the Council's support for Downtown Marion, Inc. and its continued efforts to enhance and revitalize the community's downtown and this Council has determined the benefits arising from the City's relationship with Downtown Marion, Inc. could be substantial, and

WHEREAS, the current Council finds it in the best interests of the City of Marion to continue the previous support of the downtown and the aforementioned Committee,

BE IT ORDAINED, by the Council of the City of Marion, Marion County, Ohio:

SECTION 1. The Council directs and authorizes the Mayor to enter into agreement, for a twelve (12) month period beginning with January 1, 2019 and ending December 31, 2019. Downtown Marion, Inc. shall provide Council with an annual report in the last quarter of each year and at such other times as the Council requests or the Committee believes it to be appropriate. In addition, the Council mandates that it is a requirement that said support is contingent upon the Chairperson or his/her designee from the Jobs and Economic Development Committee of Council and the Mayor's designee being entitled to serve as a voting member of the Board governing Downtown Marion, Inc.

SECTION 2. The Council determines the best course in regard to annual amount of support to be that which is afforded and as administered by the Administration in the 2019 annual budget for the City of Marion, Ohio in the respective established line item.

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

APPROVED:

Todd Schneider
President of Council

Mayor Scott Schertzer

ATTEST:

Tarina R. Rose
Clerk of Council

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Passed _____, _____

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Ordinance No. 2019-10

Passed _____, _____

ORDINANCE AUTHORIZING THE AUDITOR TO APPROPRIATE MONIES TO THE ADAMH FUND RECEIVED BY THE ADDICTION TREATMENT PROGRAM, MARION COMMUNITY FOUNDATION, AND NATIONAL DEVELOPMENT RESEARCH OHIO FOR THE YEAR ENDING DECEMBER 31, 2019.

WHEREAS, the Court is requesting Council to authorize the Auditor to appropriate \$18,433.04 to various departments under the ADAMH grant fund.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio

Section 1. That there be an additional appropriation made in the ADAMH Fund in the amount of \$18,433.04 for the year ending December 31, 2019 as follows:

ADAMH Grant

Supplies	271.2034.5502	\$3,074.01
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ADAMH/ATP

Supplies	271.2080.5502	\$12,859.03
Professional Services	271.2080.5402	\$2,500.00

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Todd Schneider
President of Council

Approved:

Mayor Scott Schertzer

Attest:

Clerk of Council

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Ordinance No. _____

Passed _____, _____

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BARRETT BROTHERS - DAYTON, OHIO

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Ordinance No. 2019-11

Passed _____, _____

ORDINANCE MAKING AN APPROPRIATION WITHIN THE AIRPORT
IMPROVEMENT FUND PROFESSIONAL SERVICE FOR GRANT
ADMINISTRATION AT THE AIRPORT FOR THE YEAR ENDING
DECEMBER 31, 2019

WHEREAS, The Council has been notified of the necessity to
appropriate money in the Airport Improvement fund for professional services
done by GA Consultants for project #25, terminal building.

BE IT ORDAINED by the Council of the City of Marion, Marion,
County, Ohio:

Section 1. The City Auditor is hereby authorized and directed to
appropriate funds in the amount of \$15,000 for this capital project

Airport Improvement Fund

408.4007.5402 Professional Services \$15,000

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

Todd Schneider
President of Council

Approved:

Mayor Scott Schertzer

Attest:

Clerk of Council

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Ordinance No. 2019-12

Passed _____, _____

PID Number 103346
MAR-S. Greenwood St.

ORDINANCE ENACTED BY THE CITY OF MARION, MARION COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), IN THE MATTER OF STABILIZING THE SOUTH GREENWOOD STREET BRIDGE AND DECLARING AN EMERGENCY

Section I – Project Description

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

This project proposes to stabilize and close up an existing stone arch which carries South Greenwood Street within the City of Marion.

NOW THEREFORE, be it ordained by the City of Marion, Ohio;

Section II – Consent Statement

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

Section III – Cooperation Statement

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

The City hereby agrees to cooperate with the Director of Transportation of the State of Ohio in the planning, design and construction of the identified highway improvement project and grants consent to the Ohio Department of Transportation for its development and construction of the project in accordance with plans, specifications and estimates as approved by the Director;

The Ohio Department of Transportation shall assume and bear one hundred percent of the necessary costs of the State’s highway improvement project; the City’s share of the cost for project is estimated to be \$14,963.18.

The City agrees to assume and bear one hundred percent (100%) of the total cost of those features requested by the City which are not necessary for the improvement as determined by the State and Federal Highway Administration.

Section IV – Utilities and Right-of-Way Statement

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

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Ordinance No. _____

Passed _____, _____

Section V – Maintenance

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

Section VI – Authority to Sign

The Mayor is hereby empowered on behalf of the City to enter into contracts with Director of Transportation necessary to complete the above described project.

Section VII – Emergency

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

Approved:

Todd Schneider
President of Council

Mayor Scott Schertzer

Attest:

Clerk of Council

Resolution No. 2019-09 Passed _____, 20__

PID No. 106085
Project No. MAR 739-3.6 (2019)

FINAL RESOLUTION ENACTED BY THE CITY OF MARION, OHIO, HEREINAFTER REFERRED TO AS THE LEGISLATIVE AUTHORITY/LOCAL PUBLIC AGENCY OR "LPA", IN THE MATTER OF THE STATED DESCRIBED PROJECT AND DECLARING AN EMERGENCY

WHEREAS, on the 13th day of November, 2018, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of resurfacing SR 739, lying within the City of Marion; and

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

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid and State funds, including Toll Revenue Credit, set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, US Department of Transportation.

The Share of the cost of the LPA is now estimated in the amount of **Zero and ---- 00/100 dollars, (\$0.00)**, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, the Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to the legislative authority; and

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

NOW THEREFORE BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio:

- I. That the estimated sum of **Zero and ---- 00/100 dollars, (\$0.00)** is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense and said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.
- II. That the LPA hereby request the Director of Transportation to proceed with the aforesaid highway improvement.

Resolution No. _____ Passed _____, 20____

III. That the LPA enter into a contract with the State, and the **Mayor** be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above the improving the described project.

IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

V. This Resolution is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety and furthermore, that this Resolution needs to returned to the Director of Transportation by February 19, 2019. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the _____ day of _____, 2019, and that the same is true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume _____, at Page _____, and under the date of _____, 2019.

Approved:

Todd Schneider
President of Council

Mayor Scott Schertzer

Attest:

Clerk of Council