



Marion City Council
Marion City Hall
233 West Center Street
Marion, Ohio 43302
Phone: 740.387.4935

AGENDA
LEGISLATION AND CODES
COMMITTEE MEETING
09/17/2019 at 6:35 PM
City Hall – Council Chambers, 2nd Floor

- 1. Roll Call**
- 2. Approval of Minutes**
- 3. Old Business**

Item 1. ORDINANCE AMENDING EXISTING MARION CITY CODE SECTION 660.03 IN ORDER TO ADDRESS EXISTING NUISANCES WITHIN THE CITY OF MARION, OHIO

- 4. New Business**

Item 1. DISCUSSION ONLY: CITY CODE PERTAINING TO DRIVEWAYS/CURB CUTS (REQUESTED BY DANIELS)

Item 2. LIQUOR PERMIT: TRANSFER

TO: DREAMA GREGORY DBA KTB S DRIVE THRU
FROM: DEW DROP THRU 2 LLC, 450 JEFFERSON STREET
PERMIT CLASSES: C1, C2, D6

Reports by City Administration, Chief Collins, and Chief Deem

Choice of action includes:

- We request a hearing on the advisability of issuing the permit and request that a hearing be held in our county seat, or
- We do not request a hearing.

Item 3. LIQUOR PERMIT RENEWAL PROCESS: DISTRIBUTION OF LIST OF PERMIT HOLDERS FOR REVIEW BY COUNCIL (ROSE)

- 5. Items not on the Agenda**



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MEMBERS OF LEGISLATION AND CODES COMMITTEE

Robert Landon, Chair

1294 Montego Drive

Marion, OH 43302

740-361-3068

Ward1@marionohio.org

Debbie Blevins

181 Superior Street

Marion, OH 43302

740-383-9894

Ward4@marionohio.org

Rick Huddle

697 Uhler Avenue

Marion, OH 43302

740-225-9812

Ward6@marionohio.org

Council Staff

Tarina R. Rose, Clerk of Council

233 W. Center Street

Marion, OH 43302

740-387-4935

councilclerk@marionohio.org

111.03 establishes a committee on legislation and codes and regulations and stipulates that the following matters shall be referred:

- all ordinances, resolutions and other matters pertaining to County, State or Federal legislation affecting the City;
- rules apportionment;
- redistricting;
- all initiative, referendum and recall petitions;
- all matter relating to courts;
- enforcement ordinances imposing fines, penalties, forfeiture or imprisonment;
- civil rights;
- other matters relating to curfew, liquor permits, obscenity, air pollution, water pollution, building codes, housing codes, plumbing codes, slum clearance, dangerous buildings and excavations, subdivision regulations, weeds, noise, signs, peddlers, solicitors, junk yards, fortune tellers, advertising, coin-operated devices, entertainment, bingo, lotteries; and
- other matters relating to the regulation of lands, buildings, businesses, professions and persons.

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Minutes of Legislation Codes & Regulations Meeting

July 16, 2019

Members present: Mr. Landon, Mr. Huddle; Members absent -- Mrs. Blevins

With a quorum present, Mr. Landon called the meeting to order at 6:40 PM.

MINUTES:

Mr. Huddle made a motion to approve the minutes of 07/01/2019, 08/21/2018, 08/06/2018, and 01/22/2018; Mr. Landon 2nd; Roll Call – Ayes: Mr. Landon, Mr. Huddle
Minutes of 07/01/2019, 08/21/2018, 08/06/2018, and 01/22/2018 approved (3-0)

Old Business:

Item 1. CONTINUED DISCUSSION: ABANDONED TIRES

Law Director Russell stated that there has been a coordinated effort – public health, administration, police department – regarding the issue of abandoned tires. As of their most recent meeting, eleven addresses have been identified with abandoned tires. Six have complied. Three property owners are working with the Ohio EPA and have consented to clean-up efforts. One is on N. State Street and there is a report of compliance on a residential premise. One is an open-active investigation that the EPA is working on. Open dumping on the ground is a Title 37 felony offense. No citations have been issued to date. Tires that are contained in a house do not fit the definition, but the Ohio EPA is working to resolve that legal technicality. It will require another enforcement agency to be involved. Felonies go through the county prosecutor's office. Misdemeanors go through the City Law Directors Office. An attempted open dumping charge is a misdemeanor and may be more efficient and provide quicker results. There is a possible 6 months in jail and \$1,000 fine. Scrap tires may be on the rim or off the rim – specifically the tire is not going to be utilized in the future on a motor vehicle. There is a notification process and they would rather see compliance than take legal action. Compliance would include providing proof that tires are properly disposed of at a licensed facility that can accept tires.

Mr. Daniels stated that there are many alleys with tires in them throughout the city. He cannot understand why residential areas would have this accumulation of tires. Tires stockpiled in a vacant home create fire hazard. Tires accumulated outside provide a welcome place for mosquitos to live and breed. Locally, the city provides mosquito treatment, however tires protect mosquitos from the chemicals. There is no reason to stockpile in a residential area. There is no incentive to get rid of tires, although it can be done at a reasonable cost. State statue defines who has jurisdiction over certain tire facilities, however the city could prohibit the storage of tires outside on a residential premise. They could also make an argument for littering. Some people get tires dumped on them. Also, litter law violations start at an M5 for a first offense (660 section). He would like to see that start at an M4 after talking with the compliance officer. This would encompass all forms of trash and tires. The compliance officer would have several tools to address compliance and be reasonable.

Minutes of Legislation Codes & Regulations Meeting

July 16, 2019

Chairperson Landon requested that City Law Director put together some proposed legislation for discussion at the next committee meeting.

New Business:

Item 1. LIQUOR PERMIT: FAMILY DOLLAR STORES OF OHIO INC DBA FAMILY DOLLAR STORES #21777, 520 N MAIN STREET; NEW; CLASS B

Chief Collins explained that this establishment has had concerns regarding the maintenance of this property. There has been official correspondence on three noncompliance issues. There is concern that property may have problems complying with liquor permit based on their failure to address these other nuisance issues. Mayor Schertzer requested that the committee request a public hearing.

Mr. Landon made a motion to request a hearing on the advisability of issuing the permit and to request that a hearing be held in the county seat; Mr. Huddle 2nd; Roll Call – Ayes: Mr. Landon, Mr. Huddle

Committee requested hearing on the advisability of issuing permit (3-0)

Items not on the agenda:

None

There being no further business, Mr. Landon adjourned the meeting at 7:15 PM.

Chairman Landon

Clerk of Council

ORDINANCE AMENDING EXISTING MARION CITY CODE
SECTION 660.03 IN ORDER TO ADDRESS EXISTING NUISANCES
WITHIN THE CITY OF MARION, OHIO

WHEREAS, Council finds it advantageous to amend existing Marion City Code Section 6603.03 as it had determined that nuisances exist within the City for which it finds it necessary to enact certain enhancements and revisions to the current existing City Code,

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARION, STATE OF OHIO

Section 1. § 660.03 LITTERING AND DEPOSIT OF GARBAGE AND WASTE MATERIAL now reading as:

(A) As used in this section, *LITTER* means garbage, trash, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass or anything else of an unsightly or unsanitary nature, thrown, dropped, discarded or placed as mentioned herein.

(C) No person shall place or allow to be placed or deposited upon any lots or land in the municipality any waste, debris or material resulting from the demolition, repair or alteration of any building, or trees or limbs resulting from the removal of trees, or any other waste material including but not limited to old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber junked, dismantled or wrecked automobiles or parts thereof, iron, steel, or other old or scrapped ferrous or nonferrous material without written permission of the City Safety/Service Director or designated representative.

(H) Whoever violates divisions (B),(C) or (D) is guilty of a minor misdemeanor for the first offense. Any person convicted of a similar offense within one year is guilty of a misdemeanor of the fourth degree.

SHALL BE AMENDED TO READ AS:

Section 2 § 660.03 LITTERING AND DEPOSIT OF GARBAGE AND WASTE MATERIAL:

(A) As used in this section, *LITTER* means garbage, trash, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, TIRES or anything else of an unsightly or unsanitary nature, thrown, dropped, discarded or placed as mentioned herein.

(C) No person shall place or allow to be placed or deposited upon any lots or land in the municipality any waste, debris or material resulting from the demolition, repair or alteration of any building, or trees or limbs resulting from the removal of trees, or any other waste material including but not limited to old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, TIRES, junked, dismantled or wrecked automobiles or parts thereof, iron, steel, or other old or scrapped ferrous or nonferrous material without written permission of the City Safety/Service Director or designated representative.

In addition, no person shall store, place or allow to remain any tire or tires not mounted on a motor vehicle, bicycle, or trailer outside of a permitted structure located within a residential zone district.

(H) Whoever violates divisions (B),(C) or (D) is guilty of a 4th Degree misdemeanor for the first offense. Any person convicted of a similar offense within one year is guilty of a 3rd misdemeanor.

All sections not modified or amended within Section 2 above shall remain in force.

Section 3. That this Ordinance shall be in force from and after the earliest period allowed by law.

Approved:

President of Council

Mayor Scott Schertzer

Attest:

Clerk of Council

§ 903.07 CUTTING CURBS AND CONSTRUCTING DRIVEWAYS.

Any curbing cut out, taken up or otherwise disturbed, or any driveway or curb constructed, as herein provided, shall be done in accordance with plans and specifications approved by the City Engineer and on file in the City Engineer's office. However, **any driveway constructed, whether the street has a curb and gutter or not, shall be constructed of at least an eight-inch stone base and a two-inch blacktop surface or shall be constructed of concrete with a minimum slab thickness of six inches.** Unless specifically ordered otherwise by the City Engineer, any person causing a driveway entrance to be installed from a pavement having no curb and gutter shall install a culvert with a minimum diameter of ten inches under the drive in such a manner as to allow for the free flow of water along the edge of the street. ('70 Code, § 903.07) (Ord. 65-122, passed 12-13-65)

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

7560754		TRFO	DREAMA GREGORY
PERMIT NUMBER		TYPE	DBA KTB S DRIVE THRU
02 01	2019		450 JEFFERSON ST EXCL S/E COR
ISSUE DATE			MARION OH 43302
08 13	2019		
FILING DATE			
C1 C2 D6	PERMIT CLASSES		
51	044	B	F22873
TAX DISTRICT			RECEIPT NO.

FROM **08/15/2019**

2111575			DEW DROP THRU 2 LLC
PERMIT NUMBER		TYPE	DBA DEW DROP THRU 2
02 01	2019		450 JEFFERSON ST EXCLUDING S/E COR
ISSUE DATE			MARION OHIO 43302
08 13	2019		
FILING DATE			
C1 C2 D6	PERMIT CLASSES		
51	044		
TAX DISTRICT			RECEIPT NO.



MAILED **08/15/2019**

RESPONSES MUST BE POSTMARKED NO LATER THAN. **09/16/2019**

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES **B TRFO 7560754**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF MARION CITY COUNCIL
233 W CENTER ST
MARION OHIO 43302

