

City of
Marion
Ohio

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

AGENDA
LEGISLATION AND CODES
COMMITTEE MEETING
02/18/2020 at 6:40 PM
City Hall – Council Chambers, 2nd Floor

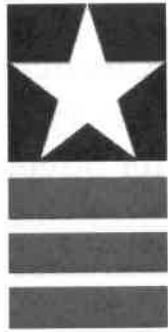
- 1. Roll Call**
- 2. Approval of Minutes**
- 3. Old Business**
- 4. New Business**

Item 1. DISCUSSION OF CITY PLANNING COMMISSION AND BOARD OF ZONING APPEALS

5. Items not on the Agenda

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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MEMBERS OF LEGISLATION AND CODES COMMITTEE

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Council Staff

Tarina R. Rose, Clerk of Council

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Marion, OH 433302

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**MINUTES
COMMITTEE MEETING
LEGISLATION AND CODES
2/3/2020 at 6:56 PM**

City Hall – Council Chambers, 2nd Floor

1. Roll Call

Members present: Daniels (chair), Schaber, Thomas

2. Approval of Minutes

Schaber made a motion to approve; Thomas 2nd. Roll Call: Ayes – Daniels, Schaber, Thomas; Nays -- none

Minutes from 12/16/2019 approved (3-0)

3. Old Business:

4. New Business:

Item 1. LIQUOR PERMIT NEW: 717 JL ENTERPRISES LLC DBA SUNOCO FOODMART, 717 DELAWARE AVE, MARION, OH; C2

Thomas made a motion to take no action, Schaber 2nd. Roll Call: Ayes – Daniels, Schaber, Thomas; Nays – none

No action taken on liquor permit (3-0)

Item 2. RESOLUTION ADOPTING THE MARION COUNTY LOCAL HAZARD MITIGATION PLAN, AUGUST 2019, AND DECLARING AN EMERGENCY

Schaber made a motion to recommend to council, Thomas 2nd. Roll Call: Ayes – Daniels, Schaber, Thomas; Nays – none

Legislation recommended to council (3-0)

Item 3. ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO AN UPDATED REPLACEMENT CONTRACT WITH THE COUNTY COMMISSIONERS, REQUESTED BY THE OHIO PUBLIC DEFENDER'S OFFICE, TO PROVIDE FOR REIMBURSEMENT FROM THE STATE OF OHIO FOR ATTORNEYS APPOINTED FOR INDIGENT PERSONS CHARGED IN THE MARION MUNICIPAL COURT AND DECLARING AN EMERGENCY

Law Director Russell explained that this is a routine ordinance before council to allow for billing/reimbursement for attorneys appointed for indigent representation in Marion Municipal Court.

Thomas made a motion to recommend to council, Schaber 2nd. Roll Call: Ayes – Daniels, Schaber, Thomas; Nays – none

Legislation recommended to council (3-0)

5. Items not on the agenda

There being no further business to come before this committee, the chair adjourned the meeting a 6:39 PM.

Josh Daniels, Chair

Tarina R. Rose, Council Clerk

713.01 Establishment of planning commissions.

The legislative authority of each city having a board of park commissioners may establish a city planning commission of seven members, consisting of the mayor, the director of public service, the president of the board of park commissioners, two citizens of the municipal corporation, and two public members who shall serve without compensation and shall be appointed by the mayor for terms of six years each, except that the term of two of the members of the first commission shall be for three years. The legislative authority may, by resolution, change the number of citizen members to an even number of members, not less than four nor more than twelve. Whenever the size of a commission is expanded, the initial appointees to new positions shall be appointed to terms which permit half the citizen members to be reappointed each third year. No reduction in the size of a commission shall affect the term of any incumbent, and at least two citizen members shall be appointed every third year.

The legislative authority of each city without a board of park commissioners may establish a commission of five members, consisting of the mayor, the director of public service, two citizens of the municipal corporation, and one public member who shall serve without compensation and shall be appointed by the mayor for a term of six years, except that the term of one of the members of the first commission shall be for four years and one for two years.

The legislative authority of each city with a commission plan of government, adopted as provided in sections 705.01 to 705.06, 705.31, 705.32, and 705.41 to 705.48 of the Revised Code, may establish a city planning commission of five members, consisting of the chairperson of the legislative authority, three citizens of the city, and one public member to be appointed by the legislative authority for terms of six years each, except that the term of two of the members of the first planning commission shall be for four years and two for two years. All members of the planning commission shall serve without compensation.

The legislative authority of each city with a city manager plan of government, adopted as provided in sections 705.01 to 705.06 and 705.51 to 705.60 of the Revised Code, may establish a commission of five members, consisting of the chairperson of the legislative authority, the city manager, two citizens of the city, and one public member who shall serve without compensation and shall be appointed by the city manager for terms of six years each, except that the term of one of the members of the first commission shall be for four years and one for two years.

The legislative authority of each village may establish a commission of five members, consisting of the mayor, one member of the legislative authority to be elected thereby for the remainder of the individual's term as such member of the legislative authority, two citizens of the village, and one public member to be appointed by the mayor for terms of six years each, except that the term of one of the members of the first commission shall be for four years and one for two years. All members shall serve without compensation.

The public members appointed under this section need not be residents of the municipal corporation but shall be residents of the county in which the municipal corporation is located or a township that is adjacent to the county. For purposes of this section, all members of a planning commission are subject to section 2921.42 of the Revised Code.

Whenever a planning commission is appointed under this section, it shall have all the powers conferred in section 735.15 of the Revised Code.

Except as otherwise provided in its charter, the commission of a charter municipal corporation created in the manner and by virtue of authority granted by its charter, shall have the powers of and the plans made by it shall have the effect of a planning commission or city plan created under sections 713.01 to 713.15 of the Revised Code.

Any member of a city or village planning commission established under this section or by charter, except as otherwise provided in its charter, may hold any other public office and may serve as a member of a county, and a regional planning commission.

Amended by 132nd General Assembly File No. TBD, HB 49, §101.01, eff. 9/29/2017.

Effective Date: 11-06-1969 .

713.11 Administrative board - powers and duties.

(A) The legislative authority of a municipal corporation may create an administrative board to administer the details of the application of the regulations under sections 713.06 to 713.12 of the Revised Code, and may delegate to such board, in accordance with general rules to be set forth in the districting ordinances and regulations, the power to hear and determine appeals from refusal of building permits by building commissioners or other officers, to permit exceptions to and variations from the district regulations in the classes of cases or situations specified in the regulations, and to administer the regulations as specified therein. Such administrative powers and functions may be delegated by the legislative authority to the planning commission or board.

(B) If the county in which a village is located administers a county zoning resolution, the legislative authority of the village and the board of county commissioners of the county may contract with each other to have the county administer village zoning regulations, with its powers to include hearing and deciding zoning appeals and authorizing variances.

Effective Date: 09-14-1992 .

CHAPTER 153: PLANNING COMMISSION

Section

- 153.01 Establishment, appointment, term and composition
- 153.02 Powers and duties
- 153.03 Meetings; rules and regulations adopted
- 153.04 Regional Planning Commission

§ 153.01 ESTABLISHMENT, APPOINTMENT, TERM AND COMPOSITION.

There is established a Planning Commission for the municipality, which Commission shall be composed of seven members, consisting of the Mayor, Safety/Service Director, President of the Board of Park Commissioners and four citizens of the municipality who shall serve without compensation and shall be appointed by the Mayor for terms of six years each. ('70 Code, § 153.01)

Statutory reference:

*Planning Commission established, see R.C.
§ 713.01*

§ 153.02 POWERS AND DUTIES.

The powers and duties of the Planning Commission shall be those powers and duties provided for in R.C. Ch. 713. ('70 Code, § 153.02)

Statutory reference:

Plat approval required, see R.C. § 711.09

§ 153.03 MEETINGS; RULES AND REGULATIONS ADOPTED.

The Planning Commission shall hold meetings as occasion requires and at the discretion of the Chairperson of the Commission. There shall be a fixed place of meeting and all meetings shall be open to the public. The Commission shall adopt its rules of procedure and a record of the proceedings of such meetings shall be kept, showing the action of the Commission and the vote of each member upon each question considered. ('70 Code, § 153.03)

§ 153.04 REGIONAL PLANNING COMMISSION.

By Ordinance 6649, passed May 9, 1960, the Marion City Council determines to cooperate with Marion County Commissioners and all municipalities within Marion County as may from time to time similarly cooperate in the creation and maintenance of a Regional Planning Commission. ('70 Code, § 153.04) (Ord. 7085, passed 10-8-62)

CHAPTER 155: TRAFFIC COMMISSION

Section

- 155.01 Composition
- 155.02 Powers and duties
- 155.03 Organization; procedures

§ 155.01 COMPOSITION.

There is created a Traffic Commission, consisting of the members of Council's Committee on street, alley, sidewalk and traffic, together with the Safety/Service Director, City Engineer, Chief of Police, and Law Director, as its members. ('70 Code, § 155.01) (Ord. 1969-73, passed 4-14-69; Am. Ord. 1989-125, passed 12-11-89)

§ 155.02 POWERS AND DUTIES.

It shall be the duty of the Traffic Commission to establish and maintain a master traffic control plan for the municipality concerning recommended width of streets, designation and location of through streets, stop streets, one-way streets, no-parking areas, the location and erection of traffic control signals, stop signs, no-parking signs, one-way street signs, fire lane signs and similar appropriate controls and other matters related to traffic flow and control, to coordinate traffic activities, to carry on educational activities in traffic matters, to supervise the preparation and publication of traffic reports, to receive complaints having to do with traffic matters and to recommend to Council and to the Safety/Service Director and other city official ways and means for improving traffic conditions and the administration and enforcement of traffic regulations. ('70 Code, § 155.02) (Ord. 1969-73, passed 4-14-69)

§ 155.03 ORGANIZATION; PROCEDURES.

(A) The Traffic Commission shall elect its own Chairman, who shall conduct the meetings, and a Secretary, who shall keep minutes and appropriate records. The Traffic Commission shall establish its own rules of procedure for the conduct of its business.

(B) The Traffic Commission is authorized to require attendance at its meetings of the Mayor, the Law Director or any other city official, and to obtain the advice of such officials relative to any matter before the Commission. ('70 Code, § 155.03) (Ord. 1969-73, passed 4-14-69)

Cross-reference:

Traffic control, see Ch. 305

Traffic control map and file, see Ch. 307

TITLE TEN - BOARD OF ZONING APPEALS

Chapter 1165 Establishment

Chapter 1167 General Procedure and Regulations

Chapter 1169 Applications and Appeals: Procedures

Chapter 1171 Powers of the Board

Chapter 1173 Expiration of Permits for Exceptions, Conditional Uses and Variances

CHAPTER 1165: ESTABLISHMENT

Section

1165.01 Board of Zoning Appeals

1165.02 Secretary of Board

§ 1165.02 SECRETARY OF BOARD.

The Clerk of the Marion City Council shall be the Secretary of the Board, and shall prepare and distribute notices of meetings, keep minutes of meetings and prepare resolutions and other documents relating to the decisions of the Board. The Safety/Service Director or his/her designated representative shall attend all Board meetings but non-compliance herewith shall not invalidate any action taken at such meeting.

(Ord. 1969-182, passed 1-12-70)

§ 1165.01 BOARD OF ZONING APPEALS.

(A) A Board of Zoning Appeals is hereby created and established. Such Board shall consist of seven persons, all of whom shall be residents of the municipality. Six of such members shall be appointed by wards and the seventh member, designated a member at large, shall be appointed from the municipality at large. The members of such Board shall be appointed by the Mayor and shall serve for terms of three years, except that of the members first appointed, two of the ward members shall be appointed for a term of one year, and two of the ward members shall be appointed for a term of two years. Members of the Board shall serve without pay.

(B) Vacancies in the Board, occurring otherwise than by expiration of term, shall be for the unexpired term and shall be filled in the same manner as original appointments. Such Board shall have the duties and powers provided for by law for zoning boards of appeal and such additional powers as are set forth in this ordinance and any amendments thereto.

(Ord. 1969-182, passed 1-12-70)

